

116TH CONGRESS
2D SESSION

H. R. 8406

Making emergency supplemental appropriations for the fiscal year ending
September 30, 2021, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 29, 2020

Mrs. LOWEY (for herself, Mr. SCOTT of Virginia, Mr. PALLONE, Ms. WATERS, Mr. GRIJALVA, Mrs. CAROLYN B. MALONEY of New York, Ms. VELÁZQUEZ, Mr. TAKANO, Mr. NEAL, Ms. LOFGREN, and Mr. DEFazio) introduced the following bill; which was referred to the Committee on Appropriations, and in addition to the Committees on the Budget, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

Making emergency supplemental appropriations for the fiscal
year ending September 30, 2021, 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 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as “The Heroes Act”.

5 **SEC. 2. TABLE OF CONTENTS.**

6 The table of contents for this Act is as follows:

- Sec. 1. Short Title.
- Sec. 2. Table of Contents.
- Sec. 3. References.

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Title I—Presumption of Service Connection for Coronavirus Disease 2019

Title II—Coronavirus Relief Fund Amendments

Title III—Energy and Environment Provisions

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1 **SEC. 3. REFERENCES.**

2 Except as expressly provided otherwise, any reference

3 to “this Act” contained in any division of this Act shall

1 be treated as referring only to the provisions of that divi-
2 sion.

1 **DIVISION A—CORONAVIRUS RECOVERY**
2 **SUPPLEMENTAL APPROPRIATIONS**
3 **ACT, 2021**

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, 2021, and for
7 other purposes, namely:

8 TITLE I

9 AGRICULTURE, RURAL DEVELOPMENT, FOOD
10 AND DRUG ADMINISTRATION, AND RE-
11 LATED AGENCIES

12 DEPARTMENT OF AGRICULTURE

13 AGRICULTURAL PROGRAMS

14 OFFICE OF INSPECTOR GENERAL

15 For an additional amount for “Office of Inspector
16 General”, \$2,500,000, to remain available until expended,
17 to prevent, prepare for, and respond to coronavirus, do-
18 mestically or internationally: *Provided*, That the funding
19 made available under this heading in this Act shall be used
20 for conducting audits and investigations of projects and
21 activities carried out with funds made available to the De-
22 partment of Agriculture to prevent, prepare for, and re-
23 spond to coronavirus, domestically or internationally: *Pro-*
24 *vided further*, That such amounts shall be in addition to
25 any other amounts available for such purposes: *Provided*

1 *further*, 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 RURAL DEVELOPMENT PROGRAMS

6 RURAL HOUSING SERVICE

7 SALARIES AND EXPENSES

8 For an additional amount for “Salaries and Ex-
9 penses”, \$10,000,000, to prevent, prepare for, and re-
10 spond to coronavirus, domestically or internationally, in-
11 cluding administrative expenses: *Provided*, That such
12 amounts shall be in addition to any other amounts avail-
13 able for such purposes: *Provided further*, That such
14 amount is designated by the Congress as being for an
15 emergency requirement pursuant to section
16 251(b)(2)(A)(i) of the Balanced Budget and Emergency
17 Deficit Control Act of 1985.

18 RENTAL ASSISTANCE PROGRAM

19 For an additional amount for “Rental Assistance
20 Program”, \$309,000,000, to prevent, prepare for, and re-
21 spond to coronavirus, including for temporary adjustment
22 of wage income losses for residents of housing financed
23 or assisted under section 514, 515, or 516 of the Housing
24 Act of 1949, without regard to any existing eligibility re-
25 quirements based on income: *Provided*, That such amount

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

5 DOMESTIC FOOD PROGRAMS

6 FOOD AND NUTRITION SERVICE

7 SPECIAL SUPPLEMENTAL NUTRITION PROGRAM FOR

8 WOMEN, INFANTS, AND CHILDREN (WIC)

9 For an additional amount for the “Special Supple-
10 mental Nutrition Program for Women, Infants, and Chil-
11 dren”, \$400,000,000: *Provided*, That such amount is des-
12 ignated by the Congress as being for an emergency re-
13 quirement pursuant to section 251(b)(2)(A)(i) of the Bal-
14 anced Budget and Emergency Deficit Control Act of 1985.

15 SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM

16 For an additional amount for “Supplemental Nutri-
17 tion Assistance Program”, \$10,000,000,000, to prevent,
18 prepare for, and respond to coronavirus: *Provided*, That
19 such amounts shall be in addition to any other amounts
20 available for such purposes: *Provided further*, 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 COMMODITY ASSISTANCE PROGRAM

2 For an additional amount for “Commodity Assistance
3 Program”, \$450,000,000, for the emergency food assist-
4 ance program as authorized by section 27(a) of the Food
5 and Nutrition Act of 2008 (7 U.S.C. 2036(a)) and section
6 204(a)(1) of the Emergency Food Assistance Act of 1983
7 (7 U.S.C. 7508(a)(1)): *Provided*, That such amount is
8 designated 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 DEPARTMENT OF HEALTH AND HUMAN

12 SERVICES

13 FOOD AND DRUG ADMINISTRATION

14 SALARIES AND EXPENSES

15 For an additional amount for “Salaries and Ex-
16 penses”, \$1,500,000, to remain available until expended,
17 to prevent, prepare for, and respond to coronavirus, do-
18 mesticallly or internationally, for the purposes of holding
19 one or more advisory committee meetings to discuss re-
20 quests for authorization or applications for approval of
21 vaccines for coronavirus: *Provided*, 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 SEC. 101. For an additional amount for grants to
3 Rural Utilities Service borrowers, as authorized in section
4 701 of division N of this Act, to prevent, prepare for, and
5 respond to coronavirus, \$2,600,000,000, to remain avail-
6 able until September 30, 2022: *Provided*, That such
7 amount is designated by Congress as being for an emer-
8 gency requirement pursuant to section 251(b)(2)(A)(i) of
9 the Balanced Budget and Emergency Deficit Control Act
10 of 1985.

11 SEC. 102. For an additional amount for the Common-
12 wealth of the Northern Mariana Islands, \$14,000,000, for
13 nutrition assistance to prevent, prepare for, and respond
14 to coronavirus: *Provided*, That such amounts shall be in
15 addition to any other amounts available for such purposes:
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 SEC. 103. For an additional amount for the Common-
21 wealth of Puerto Rico, \$1,236,000,000, for nutrition as-
22 sistance to prevent, prepare for, and respond to
23 coronavirus: *Provided*, That such amounts shall be in ad-
24 dition to any other amounts available for such purposes:
25 *Provided further*, That such amount is designated by the

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

4 SEC. 104. For an additional amount for American
5 Samoa, \$9,117,000, for nutrition assistance to prevent,
6 prepare for, and respond to coronavirus: *Provided*, That
7 such amounts shall be in addition to any other amounts
8 available for such purposes: *Provided further*, That such
9 amount is designated by the Congress as being for an
10 emergency requirement pursuant to section
11 251(b)(2)(A)(i) of the Balanced Budget and Emergency
12 Deficit Control Act of 1985.

13 SEC. 105. The matter preceding the first proviso
14 under the heading “Commodity Assistance Program” in
15 title I of division B of the Coronavirus Aid, Relief, and
16 Economic Security Act (Public Law 116–136), is amended
17 by striking “to prevent, prepare for, and respond to
18 coronavirus, domestically or internationally,”: *Provided*,
19 That the amounts repurposed pursuant to the amendment
20 made by this section that were previously designated by
21 the Congress as an emergency requirement pursuant to
22 the Balanced Budget and Emergency Deficit Control Act
23 of 1985 are designated by the Congress as an emergency
24 requirement pursuant to section 251(b)(2)(A)(i) of the

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

3 SEC. 106. For an additional amount for the program
4 established under section 7522 of the Food, Conservation,
5 and Energy Act of 2008 (7 U.S.C. 5936), to prevent, pre-
6 pare for, and respond to coronavirus, \$20,000,000: *Pro-*
7 *vided*, That such amount is designated by the Congress
8 as being for an emergency requirement pursuant to sec-
9 tion 251(b)(2)(A)(i) of the Balanced Budget and Emer-
10 gency Deficit Control Act of 1985.

11 SEC. 107. Section 11004 in title I of division B of
12 the Coronavirus Aid, Relief, and Economic Security Act
13 (Public Law 116–136) is amended by inserting after the
14 fourth proviso the following: “*Provided further*, That the
15 condition set forth in section 9003(f) of the Farm Security
16 and Rural Investment Act of 2002 shall apply with respect
17 to all construction, alteration, or repair work carried out,
18 in whole or in part, with funds made available by this sec-
19 tion.”: *Provided*, That amounts repurposed pursuant to
20 the amendments made pursuant to this section are des-
21 ignated by the Congress as being for an emergency re-
22 quirement pursuant to section 251(b)(2)(A)(i) of the Bal-
23 anced Budget and Emergency Deficit Control Act of 1985.

24 SEC. 108. For necessary expenses for salary and re-
25 lated costs associated with Agriculture Quarantine and In-

1 spection Services activities pursuant to 21 U.S.C. 136a(6),
2 and in addition to any other funds made available for this
3 purpose, there is appropriated, out of any money in the
4 Treasury not otherwise appropriated, \$350,000,000, to re-
5 main available until September 30, 2022, to offset the loss
6 resulting from the coronavirus pandemic of quarantine
7 and inspection fees collected pursuant to sections 2508
8 and 2509 of the Food, Agriculture, Conservation, and
9 Trade Act of 1990 (21 U.S.C. 136, 136a): *Provided*, That
10 amounts made available in this section and under the
11 heading “Animal and Plant Health Inspection Service—
12 Salaries and Expenses” in the Coronavirus Aid, Relief,
13 and Economic Security Act (Public Law 116–136) shall
14 be treated as funds collected by fees authorized under sec-
15 tions 2508 and 2509 of the Food, Agriculture, Conserva-
16 tion, and Trade Act of 1990 (21 U.S.C. 136, 136a) for
17 purposes of section 421(f) of the Homeland Security Act
18 of 2002 (6 U.S.C. 231(f)): *Provided further*, That, the
19 amounts repurposed in this section that were previously
20 designated by the Congress as an emergency requirement
21 pursuant to the Balanced Budget and Emergency Deficit
22 Control Act of 1985 are designated by the Congress as
23 an emergency requirement pursuant to section
24 251(b)(2)(A)(i) of the Balanced Budget and Emergency
25 Deficit Control Act of 1985: *Provided further*, That such

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

1 TITLE II
2 COMMERCE, JUSTICE, SCIENCE, AND RELATED
3 AGENCIES
4 DEPARTMENT OF COMMERCE
5 INTERNATIONAL TRADE ADMINISTRATION
6 OPERATIONS AND ADMINISTRATION

7 For an additional amount for “Operations and Ad-
8 ministration”, \$20,000,000, to prevent, prepare for, and
9 respond to coronavirus: *Provided*, That such amount is
10 designated by the Congress as being for an emergency re-
11 quirement pursuant to section 251(b)(2)(A)(i) of the Bal-
12 anced Budget and Emergency Deficit Control Act of 1985.

13 MINORITY BUSINESS DEVELOPMENT AGENCY
14 MINORITY BUSINESS DEVELOPMENT

15 For an additional amount for “Minority Business De-
16 velopment”, \$25,000,000, for necessary expenses for the
17 Business Centers and Specialty Centers, including any
18 cost sharing requirements that may exist, for assisting mi-
19 nority business enterprises to prevent, prepare for, and re-
20 spond to coronavirus, including identifying and accessing
21 local, State, and Federal government assistance related to
22 such virus: *Provided*, That such amount is designated by
23 the Congress as being for an emergency requirement pur-
24 suant to section 251(b)(2)(A)(i) of the Balanced Budget
25 and Emergency Deficit Control Act of 1985.

1 BUREAU OF THE CENSUS
2 CURRENT SURVEYS AND PROGRAMS
3 (INCLUDING TRANSFER OF FUNDS)

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

18 PERIODIC CENSUSES AND PROGRAMS

19 For an additional amount for “Periodic Censuses and
20 Programs”, \$400,000,000, to remain available until Sep-
21 tember 30, 2022, to prevent, prepare for, and respond to
22 coronavirus: *Provided*, That such amount is designated by
23 the Congress as being for an emergency requirement pur-
24 suant to section 251(b)(2)(A)(i) of the Balanced Budget
25 and Emergency Deficit Control Act of 1985.

1 UNITED STATES PATENT AND TRADEMARK OFFICE
2 SALARIES AND EXPENSES

3 For an additional amount for “United States Patent
4 and Trademark Office, Salaries and Expenses”,
5 \$95,000,000, to prevent, prepare for, and respond to
6 coronavirus: *Provided*, That such amount is designated by
7 the Congress as being for an emergency requirement pur-
8 suant to section 251(b)(2)(A)(i) of the Balanced Budget
9 and Emergency Deficit Control Act of 1985.

10 NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY
11 INDUSTRIAL TECHNOLOGY SERVICES

12 For an additional amount for “Industrial Technology
13 Services”, \$70,000,000, of which \$50,000,000 shall be for
14 the Hollings Manufacturing Extension Partnership to as-
15 sist manufacturers to prevent, prepare for, and respond
16 to coronavirus, and \$20,000,000 shall be for the National
17 Network for Manufacturing Innovation (also known as
18 “Manufacturing USA”) to prevent, prepare for, and re-
19 spond to coronavirus, including to support development
20 and manufacturing of medical countermeasures and bio-
21 medical equipment and supplies: *Provided*, That none of
22 the funds provided under this heading in this Act shall
23 be subject to cost share requirements under section
24 34(e)(7)(A) of the National Institute of Standards and
25 Technology Act (15 U.S.C. 278s(e)(7)(A)): *Provided fur-*

1 *ther*, That such amount is designated by the Congress as
2 being 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 NATIONAL OCEANIC AND ATMOSPHERIC
6 ADMINISTRATION

7 PROCUREMENT, ACQUISITION AND CONSTRUCTION

8 For an additional amount for “Procurement, Acquisi-
9 tion and Construction”, \$42,000,000, to prevent, prepare
10 for, and respond to coronavirus, by supporting continuity
11 of National Weather Service life and property related op-
12 erations: *Provided*, That such amount is designated by the
13 Congress as being for an emergency requirement pursuant
14 to section 251(b)(2)(A)(i) of the Balanced Budget and
15 Emergency Deficit Control Act of 1985.

16 FISHERIES PROMOTION FUND

17 For an additional amount for “Fisheries Promotion
18 Fund”, \$100,000,000, to remain available until Sep-
19 tember 30, 2022, to prevent, prepare for, and respond to
20 coronavirus, for grants authorized by the Saltonstall-Ken-
21 nedy Act of 1954 (15 U.S.C. 713c): *Provided*, That within
22 the amount appropriated under this heading in this Act,
23 up to 2 percent of funds may be transferred to the “Oper-
24 ations, Research, and Facilities” account for management,
25 administration, and oversight of funds provided under this

1 heading in this Act: *Provided further*, That such transfer
2 authority is in addition to any other transfer authority
3 provided by law: *Provided further*, That such amount is
4 designated by the Congress as being for an emergency re-
5 quirement pursuant to section 251(b)(2)(A)(i) of the Bal-
6 anced Budget and Emergency Deficit Control Act of 1985.

7 FISHERIES DISASTER ASSISTANCE

8 For an additional amount for “Fisheries Disaster As-
9 sistance”, \$250,000,000, for activities authorized under
10 section 12005 of the Coronavirus Aid, Relief, and Eco-
11 nomic Security Act of 2020 (Public Law 116–136), in-
12 cluding for necessary expenses to provide assistance to
13 Tribal, subsistence, commercial, and charter fishery par-
14 ticipants affected by the novel coronavirus (COVID–19),
15 which may include direct relief payments: *Provided*, That
16 of the funds provided under this heading in this Act,
17 \$25,000,000 shall be for Tribal fishery participants who
18 belong to Federally recognized Tribes in any of the Na-
19 tion’s States and territories: *Provided further*, That such
20 amount is designated by the Congress as being for an
21 emergency requirement pursuant to section
22 251(b)(2)(A)(i) of the Balanced Budget and Emergency
23 Deficit Control Act of 1985.

1 DEPARTMENTAL MANAGEMENT
2 OFFICE OF INSPECTOR GENERAL

3 For an additional amount for “Office of Inspector
4 General”, \$2,000,000, to remain available until expended
5 to prevent, prepare for, and respond to coronavirus, in-
6 cluding the impact of coronavirus on the work of the De-
7 partment of Commerce and to carry out investigations and
8 audits related to the funding made available for the De-
9 partment of Commerce in this Act and in title II of divi-
10 sion B of Public Law 116–136: *Provided*, That such
11 amount is designated by the Congress as being for an
12 emergency requirement pursuant to section
13 251(b)(2)(A)(i) of the Balanced Budget and Emergency
14 Deficit Control Act of 1985.

15 ADMINISTRATIVE PROVISIONS—DEPARTMENT OF
16 COMMERCE

17 SEC. 201. Notwithstanding any other provision of
18 law, the Federal share for grants provided by the Eco-
19 nomic Development Administration under Public Law
20 116–93 and Public Law 116–136 shall be 100 percent:
21 *Provided*, That the amounts repurposed in this section
22 that were previously designated by the Congress as an
23 emergency requirement pursuant to the Balanced Budget
24 and Emergency Deficit Control Act of 1985 are des-
25 ignated by the Congress as 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 SEC. 202. The Secretary of Commerce may waive, in
4 whole or in part, the matching requirements under section
5 306 and 306A, and the cost sharing requirements under
6 section 315, of the Coastal Zone Management Act of 1972
7 (16 U.S.C. 1455, 1455a, and 1461 respectively) as nec-
8 essary for fiscal years 2020, 2021, and 2022 upon written
9 request by a coastal State.

10 SEC. 203. Amounts provided by this Act, or any other
11 Act making appropriations for fiscal year 2021, for the
12 Hollings Manufacturing Extension Partnership under the
13 heading “National Institute of Standards and Tech-
14 nology—Industrial Technology Services” shall not be sub-
15 ject to cost share requirements under section 25(e)(2) of
16 the National Institute of Standards and Technology Act
17 (15 U.S.C. 278k(e)(2)): *Provided*, That the authority
18 made available pursuant to this section shall be elective
19 for any Manufacturing Extension Partnership Center that
20 also receives funding from a State that is conditioned upon
21 the application of a Federal cost sharing requirement.

1 DEPARTMENT OF JUSTICE
2 FEDERAL PRISON SYSTEM
3 SALARIES AND EXPENSES

4 For an additional amount for “Salaries and Ex-
5 penses”, \$620,000,000, to prevent, prepare for, and re-
6 spond to coronavirus, including the impact of coronavirus
7 on the work of the Department of Justice, to include fund-
8 ing for medical testing and services, personal protective
9 equipment, hygiene supplies and services, and sanitation
10 services: *Provided*, That such amount is designated by the
11 Congress as being for an emergency requirement pursuant
12 to section 251(b)(2)(A)(i) of the Balanced Budget and
13 Emergency Deficit Control Act of 1985.

14 OFFICE OF INSPECTOR GENERAL

15 For an additional amount for “Office of Inspector
16 General”, \$3,000,000, to remain available until expended
17 to prevent, prepare for, and respond to coronavirus, in-
18 cluding the impact of coronavirus on the work of the De-
19 partment of Justice and to carry out investigations and
20 audits related to the funding made available for the De-
21 partment of Justice in this Act and in title II of division
22 B of Public Law 116–136: *Provided*, That such amount
23 is designated by the Congress as being for an emergency
24 requirement pursuant to section 251(b)(2)(A)(i) of the

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

3 STATE AND LOCAL LAW ENFORCEMENT ACTIVITIES

4 OFFICE ON VIOLENCE AGAINST WOMEN

5 VIOLENCE AGAINST WOMEN PREVENTION AND

6 PROSECUTION PROGRAMS

7 For an additional amount for “Violence Against
8 Women Prevention and Prosecution Programs”,
9 \$375,000,000, to remain available until expended, of
10 which—

11 (1) \$100,000,000 is for formula grants to
12 States and territories to combat violence against
13 women, as authorized by part T of title I of the Om-
14 nibus Crime Control and Safe Streets Acts of 1968;

15 (2) \$40,000,000 is for transitional housing as-
16 sistance grants for victims of domestic violence, dat-
17 ing violence, stalking, or sexual assault, as author-
18 ized by section 40299 of the Violent Crime Control
19 and Law Enforcement Act of 1994 (Public Law
20 103–322; “1994 Act”);

21 (3) \$100,000,000 is for formula grants to
22 States and territories for sexual assault victims as-
23 sistance, as authorized by section 41601 of the 1994
24 Act;

1 (4) \$20,000,000 is for rural domestic violence
2 and child abuse enforcement assistance grants, as
3 authorized by section 40295 of the 1994 Act;

4 (5) \$15,000,000 is for grants to support fami-
5 lies in the justice system, as authorized by section
6 1301 of the Victims of Trafficking and Violence Pro-
7 tection Act of 2000 (Public Law 106–386);

8 (6) \$50,000,000 is for grants to Tribal govern-
9 ments, Tribal coalitions, Tribal non-profit organiza-
10 tions and Tribal organizations that serve Native vic-
11 tims for purposes authorized under 34 U.S.C.
12 10441(d), 34 U.S.C. 12511(d), 34 U.S.C. 10452
13 and 34 U.S.C. 12511(e);

14 (7) \$25,000,000 is for grants to enhance cul-
15 turally specific services for victims of domestic vio-
16 lence, dating violence, sexual assault, and stalking,
17 as authorized under 34 U.S.C. 20124 (commonly re-
18 ferred to as the “Culturally Specific Services Pro-
19 gram”); and

20 (8) \$25,000,000 is for grants for outreach and
21 services to underserved populations as authorized
22 under 34 U.S.C. 20123 (commonly referred to as
23 the “Underserved Program”);

24 *Provided*, That a recipient of such funds shall not be sub-
25 ject, as a condition for receiving the funds, to any other-

1 wise-applicable requirement to provide or obtain other
2 Federal or non-Federal funds: *Provided further*, 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 OFFICE OF JUSTICE PROGRAMS

8 STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE

9 For an additional amount for “State and Local Law
10 Enforcement Assistance”, \$250,000,000, to remain avail-
11 able until expended, for offender reentry programs and re-
12 search, as authorized by the Second Chance Act of 2007
13 (Public Law 110–199) and by the Second Chance Reau-
14 thorization Act of 2018 (Public Law 115–391), without
15 regard to the time limitations specified at section 6(1) of
16 such Act, to prevent, prepare for, and respond to
17 coronavirus: *Provided*, That a recipient of funds made
18 available under this heading in this Act shall not be sub-
19 ject, as a condition for receiving the funds, to any other-
20 wise-applicable requirement to provide or obtain other
21 Federal or non-Federal funds: *Provided further*, That such
22 amount is designated by the Congress as being for an
23 emergency requirement pursuant to section
24 251(b)(2)(A)(i) of the Balanced Budget and Emergency
25 Deficit Control Act of 1985.

1 For an additional amount for “State and Local Law
2 Enforcement Assistance”, \$600,000,000, to remain avail-
3 able until expended, for grants, contracts, cooperative
4 agreements, and other assistance as authorized by the
5 Pandemic Justice Response Act (title II of division T of
6 this Act, referred to in this paragraph as “the Act”): *Pro-*
7 *vided*, That \$500,000,000 is to establish and implement
8 policies and procedures to prevent, detect, and stop the
9 presence and spread of COVID–19 among arrestees, de-
10 tainees, inmates, correctional facility staff, and visitors to
11 the facilities; and for pretrial citation and release grants,
12 as authorized by the Act: *Provided further*, That
13 \$25,000,000 is for Rapid COVID–19 Testing, as author-
14 ized by the Act: *Provided further*, That \$75,000,000 is for
15 grants for Juvenile Specific Services, as authorized by the
16 Act: *Provided further*, That a recipient of funds made
17 available under this heading in this Act shall not be sub-
18 ject, as a condition for receiving the funds, to any other-
19 wise-applicable requirement to provide or obtain other
20 Federal or non-Federal funds: *Provided further*, 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 JUVENILE JUSTICE PROGRAMS

2 For an additional amount for “Juvenile Justice Pro-
3 grams”, \$100,000,000, to remain available until ex-
4 pended, to prevent, prepare for, and respond to
5 coronavirus, of which \$50,000,000 shall be for juvenile
6 justice programs authorized by section 221 of the Juvenile
7 Justice and Delinquency Prevention Act of 1974, and
8 \$50,000,000 shall be for programs authorized by the Vic-
9 tims of Child Abuse Act of 1990: *Provided*, That funds
10 made available under this heading in this Act shall be
11 made available without any otherwise applicable require-
12 ment that a recipient of such funds provide any other Fed-
13 eral funds, or any non-Federal funds, as a condition for
14 receiving the funds made available under such heading:
15 *Provided further*, That such amount is designated by the
16 Congress as being for an emergency requirement pursuant
17 to section 251(b)(2)(A)(i) of the Balanced Budget and
18 Emergency Deficit Control Act of 1985.

19 SCIENCE

20 NATIONAL SCIENCE FOUNDATION

21 RESEARCH AND RELATED ACTIVITIES

22 (INCLUDING TRANSFER OF FUNDS)

23 For an additional amount for “Research and Related
24 Activities”, \$2,587,000,000, to remain available until Sep-
25 tember 30, 2022, to prevent, prepare for, and respond to

1 coronavirus, including to fund research grants: *Provided*,
2 That up to \$2,537,000,000 shall be for necessary ex-
3 penses, including extensions of existing research grants,
4 cooperative agreements, scholarships, fellowships, and ap-
5 prenticeships: *Provided further*, That \$1,000,000 shall be
6 for a study on the spread of COVID–19 related
7 disinformation, as described in section 204 of this Act:
8 *Provided further*, That, of the amount appropriated under
9 this heading in this Act, up to 2 percent of funds may
10 be transferred to the “Agency Operations and Award
11 Management” account for management, administration,
12 and oversight of funds provided under this heading in this
13 Act: *Provided further*, That such transfer authority is in
14 addition to any other transfer authority provided by law:
15 *Provided further*, That such amount is designated by the
16 Congress as being for an emergency requirement pursuant
17 to section 251(b)(2)(A)(i) of the Balanced Budget and
18 Emergency Deficit Control Act of 1985.

19 EDUCATION AND HUMAN RESOURCES

20 For an additional amount for “Education and
21 Human Resources”, \$300,000,000, to remain available
22 until September 30, 2022, to prevent, prepare for, and re-
23 spond to coronavirus, including extensions of existing re-
24 search grants, cooperative agreements, scholarships, fel-
25 lowships, and apprenticeships: *Provided*, That, of the

1 amount appropriated under this heading in this Act, up
2 to 2 percent of funds may be transferred to the “Agency
3 Operations and Award Management” account for manage-
4 ment, administration, and oversight of funds provided
5 under this heading in this Act: *Provided further*, That such
6 transfer authority is in addition to any other transfer au-
7 thority provided by law: *Provided further*, 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 ADMINISTRATIVE PROVISION—SCIENCE

13 STUDY ON COVID–19 DISINFORMATION

14 SEC. 204. (a) STUDY.—No later than 30 days after
15 the date of enactment of this Act, the Director of the Na-
16 tional Science Foundation shall enter into an arrangement
17 with the National Academies of Science, Engineering, and
18 Medicine (National Academies) to conduct a study on the
19 current understanding of the spread of COVID–19-related
20 disinformation on the internet and social media platforms.
21 The study shall address the following:

- 22 (1) the role disinformation and misinformation
23 has played in the public response to COVID–19;
- 24 (2) the sources of COVID–19-related
25 disinformation—both foreign and domestic—and the

1 mechanisms by which that disinformation influences
2 the public debate;

3 (3) the role social media plays in the dissemina-
4 tion and promotion of COVID–19 disinformation
5 and misinformation content and the role social
6 media platforms play in the organization of groups
7 seeking to spread COVID–19 disinformation;

8 (4) the potential financial returns for creators
9 or distributors of COVID–19 disinformation, and
10 the role such financial incentives play in the propa-
11 gation of COVID–19 disinformation;

12 (5) potential strategies to mitigate the dissemi-
13 nation and negative impacts of COVID–19
14 disinformation, including specifically, the dissemi-
15 nation of disinformation on social media, including
16 through improved disclosures; and

17 (6) an analysis of the limitations of these miti-
18 gation strategies, and an analysis of how these strat-
19 egies can be implemented without infringing on
20 Americans’ Constitutional rights and civil liberties.

21 (b) REPORT.—In entering into an arrangement under
22 this section, the Director shall request that the National
23 Academies transmit to Congress a report on the results
24 of the study not later than 12 months after the date of
25 enactment of this Act.

1 TITLE III
2 DEPARTMENT OF DEFENSE
3 OPERATION AND MAINTENANCE
4 OPERATION AND MAINTENANCE, ARMY

5 For an additional amount for “Operation and Main-
6 tenance, Army”, \$100,000,000, to prevent, prepare for,
7 and respond to coronavirus, domestically or internation-
8 ally: *Provided*, That such amount is designated by the
9 Congress as being for an emergency requirement pursuant
10 to section 251(b)(2)(A)(i) of the Balanced Budget and
11 Emergency Deficit Control Act of 1985.

12 OPERATION AND MAINTENANCE, NAVY

13 For an additional amount for “Operation and Main-
14 tenance, Navy”, \$100,000,000, to prevent, prepare for,
15 and respond to coronavirus, domestically or internation-
16 ally: *Provided*, 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 OPERATION AND MAINTENANCE, MARINE CORPS

21 For an additional amount for “Operation and Main-
22 tenance, Marine Corps”, \$10,000,000, to prevent, prepare
23 for, and respond to coronavirus, domestically or inter-
24 nationally: *Provided*, That such amount is designated by
25 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 OPERATION AND MAINTENANCE, AIR FORCE

4 For an additional amount for “Operation and Main-
5 tenance, Air Force”, \$100,000,000, to prevent, prepare
6 for, and respond to coronavirus, domestically or inter-
7 nationally: *Provided*, That such amount is designated by
8 the Congress as being for an emergency requirement pur-
9 suant to section 251(b)(2)(A)(i) of the Balanced Budget
10 and Emergency Deficit Control Act of 1985.

11 OPERATION AND MAINTENANCE, DEFENSE-WIDE

12 For an additional amount for “Operation and Main-
13 tenance, Defense-Wide”, \$10,000,000, to prevent, prepare
14 for, and respond to coronavirus, domestically or inter-
15 nationally: *Provided*, That such amount is designated 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.

19 OTHER DEPARTMENT OF DEFENSE PROGRAMS

20 DEFENSE HEALTH PROGRAM

21 For an additional amount for “Defense Health Pro-
22 gram”, \$705,000,000, of which \$175,000,000 shall be for
23 operation and maintenance, and \$530,000,000 shall be for
24 research, development, test and evaluation, to prevent,
25 prepare for, and respond to coronavirus, domestically or

1 internationally: *Provided*, That prior to the obligation of
2 such funds the Assistant Secretary of Defense (Health Af-
3 fairs) shall submit to the Committees on Appropriations
4 of the House of Representatives and the Senate a spend
5 plan on the use of funds made available under this heading
6 in this Act: *Provided further*, 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. 301. For an additional amount for “Operation
12 and Maintenance, Army”, \$400,000,000, to prevent, pre-
13 pare for, and respond to coronavirus, domestically or
14 internationally: *Provided*, That such amount shall be used
15 for necessary expenses, including salaries, cleaning, utili-
16 ties and personal protective equipment, for recreational
17 entities, childcare development centers and other entities
18 affected by the coronavirus that derive funding from non-
19 appropriated accounts: *Provided*, That prior to the obliga-
20 tion of such funds the Secretary of the Army shall submit
21 to the Committees on Appropriations of the House of Rep-
22 resentatives and the Senate a spend plan on the use of
23 funds made available by this section: *Provided further*,
24 That such amount is designated by the Congress as being
25 for 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 SEC. 302. For an additional amount for “Operation
4 and Maintenance, Navy”, \$400,000,000, to prevent, pre-
5 pare for, and respond to coronavirus, domestically or
6 internationally: *Provided*, That such amount shall be used
7 for necessary expenses, including salaries, cleaning, utili-
8 ties and personal protective equipment, for recreational
9 entities, childcare development centers and other entities
10 affected by the coronavirus that derive funding from non-
11 appropriated accounts: *Provided*, That prior to the obliga-
12 tion of such funds the Secretary of the Navy shall submit
13 to the Committees on Appropriations of the House of Rep-
14 resentatives and the Senate a spend plan on the use of
15 funds made available by this section: *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 SEC. 303. For an additional amount for “Operation
21 and Maintenance, Air Force”, \$500,000,000, to prevent,
22 prepare for, and respond to coronavirus, domestically or
23 internationally: *Provided*, That such amount shall be used
24 for necessary expenses, including salaries, cleaning, utili-
25 ties and personal protective equipment, for recreational

1 entities, childcare development centers and other entities
2 affected by the coronavirus that derive funding from non-
3 appropriated accounts: *Provided*, That prior to the obliga-
4 tion of such funds the Secretary of the Air Force shall
5 submit to the Committees on Appropriations of the House
6 of Representatives and the Senate a spend plan on the
7 use of funds made available by this section: *Provided fur-*
8 *ther*, That such amount is designated by the Congress as
9 being 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 SEC. 304. For an additional amount for “Operation
13 and Maintenance, Marine Corps”, \$100,000,000, to pre-
14 vent, prepare for, and respond to coronavirus, domestically
15 or internationally: *Provided*, That such amount shall be
16 used for necessary expenses, including salaries, cleaning,
17 utilities and personal protective equipment, for rec-
18 reational entities, childcare development centers and other
19 entities affected by the coronavirus that derive funding
20 from non-appropriated accounts: *Provided*, That prior to
21 the obligation of such funds the Secretary of the Navy
22 shall submit to the Committees on Appropriations of the
23 House of Representatives and the Senate a spend plan on
24 the use of funds made available by this section: *Provided*
25 *further*, That such amount is designated by the Congress

1 as being for an emergency requirement pursuant to sec-
2 tion 251(b)(2)(A)(i) of the Balanced Budget and Emer-
3 gency Deficit Control Act of 1985.

4 TITLE IV

5 ENERGY AND WATER

6 DEPARTMENT OF THE INTERIOR

7 BUREAU OF RECLAMATION

8 WATER AND RELATED RESOURCES

9 For an additional amount for “Water and Related
10 Resources”, \$7,000,000, to prevent, prepare for, and re-
11 spond to coronavirus, domestically or internationally: *Pro-*
12 *vided*, That such amount is designated by the Congress
13 as being for an emergency requirement pursuant to sec-
14 tion 251(b)(2)(A)(i) of the Balanced Budget and Emer-
15 gency Deficit Control Act of 1985.

16 DEPARTMENT OF ENERGY

17 ENERGY PROGRAMS

18 SCIENCE

19 For an additional amount for “Science”,
20 \$143,000,000, for necessary expenses to offset the costs
21 of impacts due to the coronavirus pandemic or public
22 health measures related to the coronavirus pandemic for
23 the following projects:

24 (1) Core Facility Revitalization,

25 (2) Large Synoptic Survey Telescope Camera,

- 1 (3) Linac Coherent Light Source II,
2 (4) Muon to Electron Conversion Experiment,
3 and
4 (5) Super Cryogenic Dark Matter Search:
5 *Provided*, That such amount is designated by the Congress
6 as being for an emergency requirement pursuant to sec-
7 tion 251(b)(2)(A)(i) of the Balanced Budget and Emer-
8 gency Deficit Control Act of 1985.

9 DEPARTMENTAL ADMINISTRATION

10 For an additional amount for “Departmental Admin-
11 istration”, \$1,300,000, to prevent, prepare for, and re-
12 spond to coronavirus, domestically or internationally, in-
13 cluding for necessary expenses related to personal protec-
14 tive equipment: *Provided*, 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 GENERAL PROVISIONS—THIS TITLE

19 SEC. 401. Funds appropriated in this title may be
20 made available to restore amounts, either directly or
21 through reimbursement, for obligations incurred for the
22 same purposes to prevent, prepare for, and respond to
23 coronavirus prior to the date of enactment of this Act.

24 SEC. 402. (a) Requirements relating to non-Federal
25 cost-share grants and cooperative agreements for the

1 Delta Regional Authority under section 382D of the Agri-
2 cultural Act of 1961 and Consolidated Farm and Rural
3 Development Act (7 U.S.C. 2009aa—3) are waived for
4 grants awarded in fiscal year 2020 and in subsequent
5 years in response to economic distress directly related to
6 the impacts of the Coronavirus Disease (COVID-19).

7 (b) Requirements relating to non-Federal cost-share
8 grants and cooperative agreements for the Northern Bor-
9 der Regional Commission under section 15501(d) of title
10 40, United States Code, are waived for grants awarded
11 in fiscal year 2020 and in subsequent years in response
12 to economic distress directly related to the impacts of the
13 Coronavirus Disease (COVID-19).

14 (c) Requirements relating to non-Federal cost-share
15 grants and cooperative agreements for the Denali Com-
16 mission are waived for grants awarded in fiscal year 2020
17 and in subsequent years in response to economic distress
18 directly related to the impacts of the Coronavirus Disease
19 (COVID-19).

20 (d) Amounts repurposed pursuant to this section that
21 were previously designated by the Congress as an emer-
22 gency requirement pursuant to the Balanced Budget and
23 Emergency Deficit Control Act of 1985 are designated by
24 the Congress as an emergency requirement pursuant to

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

3 TITLE V
4 FINANCIAL SERVICES AND GENERAL
5 GOVERNMENT
6 DEPARTMENT OF THE TREASURY
7 DEPARTMENTAL OFFICES
8 OFFICE OF INSPECTOR GENERAL
9 SALARIES AND EXPENSES

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

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

4 TREASURY INSPECTOR GENERAL FOR TAX

5 ADMINISTRATION

6 SALARIES AND EXPENSES

7 For an additional amount for “Salaries and Ex-
8 penses”, \$2,500,000, to remain available until expended,
9 to prevent, prepare for, and respond to coronavirus, do-
10 mestically or internationally: *Provided*, That such amount
11 is designated by the Congress as being for an emergency
12 requirement pursuant to section 251(b)(2)(A)(i) of the
13 Balanced Budget and Emergency Deficit Control Act of
14 1985.

15 HOMEOWNER ASSISTANCE FUND

16 For activities and assistance authorized in section
17 202 of division O of this Act, \$21,000,000,000, to remain
18 available until expended: *Provided*, That such amount is
19 designated by the Congress as being for an emergency re-
20 quirement pursuant to section 251(b)(2)(A)(i) of the Bal-
21 anced Budget and Emergency Deficit Control Act of 1985.

22 CORONAVIRUS STATE FISCAL RELIEF FUND

23 For making payments to States, territories, and Trib-
24 al governments to mitigate the fiscal effects stemming
25 from the public health emergency with respect to the

1 Coronavirus Disease (COVID–19), \$257,000,000,000 to
2 remain available until expended, which shall be in addition
3 to any other amounts available for making payments to
4 States, territories, and Tribal governments for any pur-
5 pose (including payments made under section 601 of the
6 Social Security Act), of which:

7 (1) \$9,500,000,000 shall be for making
8 payments to the Commonwealth of Puerto Rico,
9 United States Virgin Islands, Guam, Common-
10 wealth of the Northern Mariana Islands, and
11 American Samoa: *Provided*, That of the amount
12 made available in this paragraph, half shall be
13 allocated equally among each entity specified in
14 this paragraph, and half shall be allocated as
15 an additional amount to each such entity in an
16 amount which bears the same proportion to half
17 of the total amount provided under this para-
18 graph as the relative population of each such
19 entity bears to the total population of all such
20 entities;

21 (2) \$9,500,000,000 shall be for making
22 payments to Tribal governments, of which—

23 (A) \$1,000,000,000 shall be allocated
24 equally between each Tribal government;
25 and

1 (B) \$8,500,000,000 shall be allocated
2 as an additional amount to each Tribal
3 government in an amount determined by
4 the Secretary of the Treasury, in consulta-
5 tion with the Secretary of the Interior and
6 Tribal governments, that is based on in-
7 creased aggregate expenditures of each
8 such Tribal government (or a tribally-
9 owned entity of such Tribal government) in
10 fiscal year 2020 relative to aggregate ex-
11 penditures in fiscal year 2019 by the Trib-
12 al government (or tribally-owned entity)
13 and determined in such manner as the
14 Secretary determines appropriate to ensure
15 that all amounts available pursuant to this
16 subparagraph are distributed to Tribal
17 governments:

18 *Provided*, That not later than 24 hours before
19 any payments for Tribal governments are dis-
20 tributed by the Secretary of the Treasury pur-
21 suant to this paragraph, the Secretary of the
22 Treasury shall publish on the website of the De-
23 partment of the Treasury a detailed description
24 of the funding allocation formulas used pursu-
25 ant to this paragraph, and a detailed descrip-

1 tion of the procedure and methodology used to
2 determine such funding allocation formula: *Pro-*
3 *vided Further*, That not later than 7 days after
4 any payments for Tribal governments are so
5 distributed, the Secretary shall publish on the
6 website of the Department of the Treasury the
7 date and amount of all fund disbursements,
8 broken down by individual Tribal government
9 recipient; and

10 (3) \$238,000,000,000 shall be for making pay-
11 ments to each of the 50 States and the District of
12 Columbia, of which—

13 (A) an amount equal to \$1,250,000,000
14 less the amount allocated for the District of Co-
15 lumbia pursuant to section 601(c)(6) of the So-
16 cial Security Act, shall only be for payment to
17 the District of Columbia, in addition to any
18 other funding available for such purpose (in-
19 cluding payments under subparagraph (B) of
20 this paragraph): *Provided*, That the Secretary
21 of the Treasury shall pay all amounts provided
22 by this section directly to the District of Colum-
23 bia not less than 5 days after the date of enact-
24 ment of this Act; and

1 (B) the remainder shall be allocated be-
2 tween each such entity in an amount which
3 bears the same proportion to the total amount
4 provided under this paragraph as the average
5 estimated number of seasonally-adjusted unem-
6 ployed individuals (as measured by the Bureau
7 of Labor Statistics Local Area Unemployment
8 Statistics program) in each such entity in Au-
9 gust 2020 bears to the average estimated num-
10 ber of seasonally-adjusted unemployed individ-
11 uals in all such entities: *Provided*, That the Sec-
12 retary of the Treasury shall adjust, on a pro
13 rata basis, the amount allocated to each such
14 entity pursuant to the matter preceding this
15 proviso in this paragraph to the extent nec-
16 essary to ensure a minimum payment of
17 \$500,000,000 to each such entity:

18 *Provided*, That any entity receiving a payment from funds
19 made available under this heading in this Act shall only
20 use such amounts to respond to, mitigate, cover costs or
21 replace foregone revenues not projected on January 31,
22 2020 stemming from the public health emergency, or its
23 negative economic impacts, with respect to the
24 Coronavirus Disease (COVID-19): *Provided further*, That
25 if the Inspector General of the Department of the Treas-

1 ury determines that an entity receiving a payment from
2 amounts provided under this heading has failed to comply
3 with the preceding proviso, the amount equal to the
4 amount of funds used in violation of such proviso shall
5 be booked as a debt of such entity owed to the Federal
6 Government, and any amounts recovered shall be depos-
7 ited into the general fund of the Treasury as discretionary
8 offsetting receipts: *Provided further*, That for purposes of
9 the preceding provisos under this heading in this Act, the
10 population of each entity described in any such proviso
11 shall be determined based on the most recent year for
12 which data are available from the Bureau of the Census,
13 or in the case of an Indian tribe, shall be determined based
14 on data certified by the Tribal government: *Provided fur-*
15 *ther*, That an entity receiving a payment from amounts
16 provided under this heading may transfer funds to a pri-
17 vate nonprofit organization (as that term is defined in
18 paragraph (17) of section 401 of the McKinney-Vento
19 Homeless Assistance Act (42 U.S.C. 11360(17)), or to a
20 special-purpose unit of local government or a multi-state
21 entity involved in the transportation of passengers or
22 cargo: *Provided further*, That as used under this heading
23 in this Act, the term “Tribal government” has the same
24 meaning as specified in section 601(g) of the Social Secu-
25 rity Act (42 U.S.C. 601(g)), as added by section 5001 of

1 the CARES Act (Public Law 116–136) and amended by
2 section 201 of division U of this Act, and the term “State”
3 means one of the 50 States: *Provided further*, That the
4 Secretary of Treasury shall make all payments prescribed
5 under this heading in this Act not later than 30 days after
6 the date of enactment of this Act: *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 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), \$179,000,000,000, 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) \$89,500,000,000 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) \$62,650,000,000 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 and

13 (B) \$26,850,000,000 shall be distributed
14 to each State (as that term is defined in section
15 102 of the Housing and Community Develop-
16 ment Act of 1974 (42 U.S.C. 5302)) for use by
17 units of general local government, other than
18 counties or parishes, in nonentitlement areas
19 (as defined in such section 102) of such States
20 in an amount which bears the same proportion
21 to the total amount provided under this sub-
22 paragraph as the total population of such units
23 of general local government within the State
24 bears to the total population of all such units
25 of general local government in all such States:

1 *Provided*, That a State shall pass-through the
2 amounts received under this subparagraph,
3 within 30 days of receipt, to each such unit of
4 general local government in an amount that
5 bears the same proportion to the amount dis-
6 tributed to each such State as the population of
7 such unit of general local government bears to
8 the total population of all such units of general
9 local government within each such State: *Pro-*
10 *vided further*, That if a State has not elected to
11 distribute amounts allocated under this para-
12 graph, the Secretary of the Treasury shall pay
13 the applicable amounts under this subpara-
14 graph to such units of general local government
15 in the State not later than 30 days after the
16 date on which the State would otherwise have
17 received the amounts from the Secretary; and

18 (2) \$89,500,000,000 shall be paid directly to
19 counties within the 50 States, the District of Colum-
20 bia, the Commonwealth of Puerto Rico, the United
21 States Virgin Islands, Guam, the Commonwealth of
22 the Northern Mariana Islands, and American Samoa
23 in an amount which bears the same proportion to
24 the total amount provided under this paragraph as
25 the relative population of each such county bears to

1 the total population of all such entities: *Provided*,
2 That no county that is an “urban county” (as de-
3 fined in section 102 of the Housing and Community
4 Development Act of 1974 (42 U.S.C. 5302)) shall
5 receive less than the amount the county would other-
6 wise receive if the amount distributed under this
7 paragraph were allocated to metropolitan cities and
8 urban counties under section 106(b) of the Housing
9 and Community Development Act of 1974 (42
10 U.S.C. 5306(b)): *Provided further*, That in the case
11 of an amount to be paid to a county that is not a
12 unit of general local government, the amount shall
13 instead be paid to the State in which such county is
14 located, and such State shall distribute such amount
15 to units of general local government within such
16 county in an amounts that bear the same proportion
17 as the population of such units of general local gov-
18 ernment bear to the total population of such county:
19 *Provided further*, That for purposes of this para-
20 graph, the District of Columbia shall be considered
21 to consist of a single county that is a unit of general
22 local government:
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 proviso shall
10 be booked as a debt of such entity owed to the Federal
11 Government, and any amounts recovered shall be depos-
12 ited into the general fund of the Treasury as discretionary
13 offsetting receipts: *Provided further*, That for purposes of
14 the preceding provisos under this heading in this Act, the
15 population of each entity described in any such proviso
16 shall be determined based on the most recent year for
17 which data are available from the Bureau of the Census,
18 or in the case of an Indian tribe, shall be determined based
19 on data certified by the Tribal government: *Provided fur-*
20 *ther*, That an entity receiving a payment from amounts
21 provided under this heading may transfer funds to a pri-
22 vate nonprofit organization (as that term is defined in
23 paragraph (17) of section 401 of the McKinney-Vento
24 Homeless Assistance Act (42 U.S.C. 11360(17)), or to a
25 special-purpose unit of local government or a multi-state

1 entity involved in the transportation of passengers or
2 cargo: *Provided further*, That nothing in paragraph (1) or
3 (2) shall be construed as prohibiting a unit of general local
4 government that has formed a consolidated government,
5 or that is geographically contained (in full or in part)
6 within the boundaries of another unit of general local gov-
7 ernment from receiving a distribution under each of sub-
8 paragraphs (A) and (B) under paragraph (1) or under
9 paragraph (2), as applicable, based on the respective for-
10 mulas specified contained therein: *Provided further*, That
11 the amounts otherwise determined for distribution to units
12 of local government under each of subparagraphs (A) and
13 (B) under paragraph (1) and under paragraph (2) shall
14 each be adjusted by the Secretary of the Treasury on a
15 pro rata basis to the extent necessary to comply with the
16 amount appropriated and the requirements specified in
17 each paragraph and subparagraph, as applicable: *Provided*
18 *further*, That as used under this heading in this Act, the
19 term “county” means a county, parish, or other equivalent
20 county division (as defined by the Bureau of the Census):
21 *Provided further*, That for purposes of the preceding pro-
22 visos under this heading in this Act, the population of an
23 entity shall be determined based on the most recent year
24 for which data are available from the Bureau of the Cen-
25 sus: *Provided further*, That such amount is designated by

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

4 COVID-19 MULTI-STATE AGENCY FISCAL RELIEF FUND

5 For making payments to multi-State entities that are
6 involved in the transportation of passengers or cargo and
7 are suffering revenue losses due to the Coronavirus Dis-
8 ease 2019 (COVID–19) pandemic, \$100,000,000, to re-
9 main available until expended, which shall be in addition
10 to any other amounts available for making payments to
11 States, metropolitan cities, counties, and other units of
12 state and general local government (including payments
13 made under section 601 of the Social Security Act), and
14 which shall be paid directly to multi-State entities (as that
15 term is used in 15 U.S.C. 9041(10)(D)) for use by multi-
16 State entities: *Provided*, That the funds provided under
17 this paragraph shall be allocated to a multi-State entity
18 that is an eligible issuer and multi-State entity under the
19 terms set forth by the Federal Reserve on June 3, 2020
20 for the Municipal Liquidity Facility established by the
21 Board of Governors of the Federal Reserve System: *Pro-*
22 *vided further*, That such amounts shall be allocated by the
23 Secretary of the Treasury proportionally to each multi-
24 State entity covered under this paragraph based on an
25 amount equal to the product obtained by multiplying the

1 total amount appropriated to the Secretary under this
2 paragraph and the quotient obtained by dividing—

3 (1) the total gross operating revenue of the
4 multi-State entity receiving funds for fiscal year
5 2018; by

6 (2) the total gross operating revenue for fiscal
7 year 2018 of all multi-State entities that are eligible
8 to receive funds under this paragraph:

9 *Provided further*, That neither a State nor local govern-
10 ment may serve as a pass-through for any amounts re-
11 ceived by a multi-State entity: *Provided further*, That such
12 sums shall be distributed directly by the Secretary to each
13 multi-State entity not later than December 31, 2020: *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 COMMUNITY DEVELOPMENT FINANCIAL INSTITUTIONS

19 FUND PROGRAM ACCOUNT

20 For an additional amount for the “Community Devel-
21 opment Financial Institutions Fund Program Account”,
22 \$1,000,000,000, to prevent, prepare for, and respond to
23 coronavirus, domestically or internationally: *Provided*,
24 That the Community Development Financial Institutions
25 Fund (CDFI) shall provide grants using a formula that

1 takes into account criteria such as certification status, fi-
2 nancial and compliance performance, portfolio and balance
3 sheet strength, and program capacity: *Provided further*,
4 That not less than \$25,000,000 shall be for financial as-
5 sistance, technical assistance, and training and outreach
6 programs designed to benefit Native American, Native
7 Hawaiian, and Alaska Native communities: *Provided fur-*
8 *ther*, That the CDFI Fund shall make funds provided
9 under this heading in this Act available to grantees not
10 later than 60 days after the date of enactment of this Act:
11 *Provided further*, That funds made available under this
12 heading may be used for administrative expenses, includ-
13 ing administration of CDFI Fund programs and the New
14 Markets Tax Credit Program: *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 ADMINISTRATIVE PROVISION—INTERNAL REVENUE

20 SERVICE

21 (INCLUDING TRANSFER OF FUNDS)

22 SEC. 501. For an additional amount for fiscal year
23 2021, and in addition to the amounts otherwise available
24 to the Internal Revenue Service for the purposes specified
25 in this section, \$359,000,000, to prevent, prepare for, and

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

1 THE JUDICIARY
2 COURT OF APPEALS, DISTRICT COURTS, AND OTHER
3 JUDICIAL SERVICES
4 SALARIES AND EXPENSES

5 For an additional amount for “Salaries and Ex-
6 penses”, \$25,000,000, to prevent, prepare for, and re-
7 spond to coronavirus, domestically or internationally: *Pro-*
8 *vided*, That such amount is designated by the Congress
9 as being for an emergency requirement pursuant to sec-
10 tion 251(b)(2)(A)(i) of the Balanced Budget and Emer-
11 gency Deficit Control Act of 1985.

12 INDEPENDENT AGENCIES
13 ELECTION ASSISTANCE COMMISSION
14 ELECTION RESILIENCE GRANTS
15 (INCLUDING TRANSFER OF FUNDS)

16 For an additional amount for payments by the Elec-
17 tion Assistance Commission to States for contingency
18 planning, preparation, and resilience of elections for Fed-
19 eral office, \$3,600,000,000: *Provided*, That of the amount
20 provided under this heading, up to \$5,000,000 may be
21 transferred to and merged with “Election Assistance Com-
22 mission—Salaries and Expenses”: *Provided further*, That
23 such transfer authority is in addition to any other transfer
24 authority provided by law: *Provided further*, That under
25 this heading the term “State” means each of the 50

1 States, the District of Columbia, the Commonwealth of
2 Puerto Rico, Guam, American Samoa, the United States
3 Virgin Islands, and the Commonwealth of the Northern
4 Mariana Islands: *Provided further*, That the amount of the
5 payments made to a State under this heading shall be con-
6 sistent with sections 101(d) and 103 of the Help America
7 Vote Act of 2002 (52 U.S.C. 20903): *Provided further*,
8 That not later than 30 days after the date of enactment
9 of this Act, the Election Assistance Commission shall obli-
10 gate the funds to States under this heading in this Act:
11 *Provided further*, That not less than 50 percent of the
12 amount of the payment made to a State under this head-
13 ing in this Act shall be allocated in cash or in kind to
14 the units of local government which are responsible for
15 the administration of elections for Federal office in the
16 State: *Provided further*, 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 ADMINISTRATIVE PROVISION—ELECTION ASSISTANCE

21 COMMISSION

22 SEC. 502. (a) The last proviso under the heading
23 “Election Assistance Commission—Election Security
24 Grants” in the Financial Services and General Govern-
25 ment Appropriations Act, 2020 (division C of Public Law

1 116–93; 133 Stat. 2461) shall not apply with respect to
2 any payment made to a State using funds appropriated
3 or otherwise made available to the Election Assistance
4 Commission under the Coronavirus Aid, Relief, and Eco-
5 nomic Security Act (Public Law 116–136).

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

12 (c) The fourth proviso under the heading “Election
13 Assistance Commission—Election Security Grants” in the
14 Coronavirus Aid, Relief, and Economic Security Act (Pub-
15 lic Law 116–136) is amended by striking “December 31,
16 2020” and inserting “September 30, 2021”.

17 (d) A State may elect to reallocate funds allocated
18 under the heading “Election Assistance Commission—
19 Election Security Grants” in the Coronavirus Aid, Relief,
20 and Economic Security Act (Public Law 116–136) or
21 under this heading in this Act as funds allocated under
22 the heading “Election Assistance Commission—Election
23 Security Grants” in the Financial Services and General
24 Government Appropriations Act, 2020 (division C of Pub-
25 lic Law 116–93; 133 Stat. 2461) that were spent to pre-

1 vent, prepare for, and respond to coronavirus, domestically
2 or internationally, for the 2020 Federal election cycle; or
3 funds allocated under the heading “Election Assistance
4 Commission—Election Reform Program” in the Financial
5 Services and Government Appropriations Act, 2018 (divi-
6 sion E of Public Law 115–141) that were spent to pre-
7 vent, prepare for, and respond to coronavirus, domestically
8 or internationally, for the 2020 Federal election cycle.

9 (e) This section shall take effect as if included in the
10 enactment of the Coronavirus Aid, Relief, and Economic
11 Security Act (Public Law 116–136).

12 (f) The amounts repurposed pursuant to this section
13 that were previously designated by the Congress as an
14 emergency requirement pursuant to the Balanced Budget
15 and Emergency Deficit Control Act of 1985 are des-
16 ignated by the Congress as 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 FEDERAL COMMUNICATIONS COMMISSION

20 SALARIES AND EXPENSES

21 For an additional amount for “Salaries and Ex-
22 penses”, \$24,000,000, for implementing title VIII of the
23 Communications Act of 1934 (47 U.S.C. 641 et seq.), as
24 added by the Broadband DATA Act (Public Law 116–
25 130): *Provided*, That such amount is designated by the

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

4 For an additional amount for “Salaries and Ex-
5 penses”, \$200,000,000, to remain available until ex-
6 pended, to prevent, prepare for, and respond to
7 coronavirus, domestically or internationally, including to
8 support efforts of health care providers to address
9 coronavirus by providing telecommunications services, in-
10 formation services, and devices necessary to enable the
11 provision of telehealth services during an emergency pe-
12 riod, as defined in section 1135(g)(1) of the Social Secu-
13 rity Act (42 U.S.C. 1320b-5(g)(1)): *Provided*, That the
14 Federal Communications Commission may rely on the
15 rules of the Commission under part 54 of title 47, Code
16 of Federal Regulations, in administering the amount pro-
17 vided under the heading in this Act if the Commission de-
18 termines that such administration is in the public interest:
19 *Provided further*, That up to \$4,000,000 shall be used by
20 the Office of Inspector General to audit and conduct inves-
21 tigations of funds made available in this Act or in the
22 Coronavirus Aid, Relief, and Economic Security Act (Pub-
23 lic Law 116–136) to the Federal Communications Com-
24 mission for the provision of telehealth services during an
25 emergency period, and that the Office of Inspector Gen-

1 tion 251(b)(2)(A)(i) of the Balanced Budget and Emer-
2 gency Deficit Control Act of 1985.

3 EMERGENCY BROADBAND CONNECTIVITY FUND

4 For an additional amount for the “Emergency
5 Broadband Connectivity Fund”, \$3,000,000,000, to pre-
6 vent, prepare for, and respond to coronavirus, domestically
7 or internationally, through the provision of an emergency
8 benefit for broadband service as authorized in section 301
9 of division M of this Act: *Provided*, That such amount is
10 designated by the Congress as being for an emergency re-
11 quirement pursuant to section 251(b)(2)(A)(i) of the Bal-
12 anced Budget and Emergency Deficit Control Act of 1985.

13 GENERAL SERVICES ADMINISTRATION

14 TECHNOLOGY MODERNIZATION FUND

15 For an additional amount for the “Technology Mod-
16 ernization Fund”, \$1,000,000,000, to remain available
17 until September 30, 2022, for technology-related mod-
18 ernization activities to prevent, prepare for, and respond
19 to coronavirus, domestically or internationally: *Provided*,
20 That such amount is designated by the Congress as being
21 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 ARCHIVES AND RECORDS ADMINISTRATION
2 RECORDS CENTER REVOLVING FUND

3 For an additional amount for the “Records Center
4 Revolving Fund” for the Federal Record Centers Pro-
5 gram, \$92,000,000, to prevent, prepare for, and respond
6 to coronavirus, domestically or internationally, which shall
7 be for offsetting the loss resulting from the coronavirus
8 pandemic of the user charges collected by such Fund pur-
9 suant to subsection (c) under the heading “Records Center
10 Revolving Fund” in Public Law 106–58, as amended (44
11 U.S.C. 2901 note): *Provided*, That the amount provided
12 under this heading in this Act may be used to reimburse
13 the Fund for obligations incurred for this purpose prior
14 to the date of the enactment of this Act: *Provided further*,
15 That such amount is provided without regard to the limi-
16 tation in subsection (d) under the heading “Records Cen-
17 ter Revolving Fund” in Public Law 106–58, as amended
18 (44 U.S.C. 2901 note): *Provided further*, 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 OFFICE OF PERSONNEL MANAGEMENT

2 OFFICE OF INSPECTOR GENERAL

3 SALARIES AND EXPENSES

4 For an additional amount for “Salaries and Ex-
5 penses”, \$1,000,000, 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 SMALL BUSINESS ADMINISTRATION

13 EMERGENCY EIDL GRANTS

14 For an additional amount for “Emergency EIDL
15 Grants” for the cost of emergency EIDL grants author-
16 ized by section 1110 of division A of the CARES Act
17 (Public Law 116–136), \$50,000,000,000, to remain avail-
18 able until expended, to prevent, prepare for, and respond
19 to coronavirus, domestically or internationally: *Provided*,
20 That of the amount provided under this heading in this
21 Act, \$40,000,000,000 shall be for carrying out subsection
22 (i) of such section 1110: *Provided further*, That such
23 amount is designated by the Congress as being for an
24 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—SMALL BUSINESS

4 ADMINISTRATION

5 SEC. 503. For fiscal year 2021, commitments for
6 general business loans authorized under paragraphs (1)
7 through (35) of section 7(a) of the Small Business Act
8 (15 U.S.C. 636(a)) shall not exceed \$75,000,000,000 for
9 a combination of amortizing term loans and the aggre-
10 gated maximum line of credit provided by revolving loans.

11 UNITED STATES POSTAL SERVICE

12 PAYMENT TO POSTAL SERVICE FUND

13 For an additional payment to the “Postal Service
14 Fund”, for revenue forgone due to coronavirus,
15 \$15,000,000,000, to remain available until September 30,
16 2022: *Provided*, That the Postal Service, during the
17 coronavirus emergency, shall prioritize the purchase of,
18 and make available to all Postal Service employees and
19 facilities, personal protective equipment, including gloves,
20 masks, and sanitizers, and shall conduct additional clean-
21 ing and sanitizing of Postal Service facilities and delivery
22 vehicles: *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 OFFICE OF INSPECTOR GENERAL
2 SALARIES AND EXPENSES

3 For an additional amount for “Salaries and Ex-
4 penses”, \$15,000,000, to remain available until expended,
5 to prevent, prepare for, and respond to coronavirus, do-
6 mestically or internationally: *Provided*, That such amount
7 is designated by the Congress as being for an emergency
8 requirement pursuant to section 251(b)(2)(A)(i) of the
9 Balanced Budget and Emergency Deficit Control Act of
10 1985.

11 GENERAL PROVISIONS—THIS TITLE

12 SEC. 504. (a) OVERSIGHT OF COVERED FUNDS.—
13 The matter preceding the first proviso under the heading
14 “Independent Agencies—Pandemic Response Account-
15 ability Committee” in title V of division B of the CARES
16 Act (Public Law 116–136) is amended by striking “funds
17 provided in this Act to prevent, prepare for, and respond
18 to coronavirus, domestically or internationally” and insert-
19 ing “‘covered funds’, as that term is defined in section
20 15010 of this Act”.

21 (b) DEFINITION OF COVERED FUNDS.—Section
22 15010(a)(6) of division B of the Coronavirus, Aid, Relief,
23 and Economic Security Act (Public Law 116–136) is
24 amended—

1 (1) in subparagraph (A), by striking “this Act”
2 and inserting “the Coronavirus Aid, Relief, and Eco-
3 nomic Security Act (divisions A and B) (Public Law
4 116–136)”; and

5 (2) by striking subparagraph (D) and inserting:

6 “(D) the Paycheck Protection Program
7 and Health Care Enhancement Act (Public Law
8 116–139);

9 “(E) all divisions of this Act; or

10 “(F) The Heroes Act; and”.

11 (c) APPOINTMENT OF CHAIRPERSON.—Section
12 15010(c) of division B of the Coronavirus Aid, Relief, and
13 Economic Security Act (Public Law 116–136) is amend-
14 ed—

15 (1) in paragraph (1), by striking “and (D)”
16 and inserting “(D), and (E)”; and

17 (2) in paragraph (2)(E), by inserting “of the
18 Council” after “Chairperson”.

19 (d) RETROACTIVE REPORTING ON LARGE COVERED
20 FUNDS.—

21 (1) DEFINITIONS.—In this subsection, the
22 terms “agency” and “large covered funds” have the
23 meanings given those terms in section 15011 of divi-
24 sion B of the Coronavirus, Aid, Relief, and Eco-
25 nomic Security Act (Public Law 116–136).

1 (2) GUIDANCE.—

2 (A) IN GENERAL.—Not later than 14 days
3 after the date of enactment of this Act, the Di-
4 rector of the Office of Management and Budget
5 shall issue guidance for agencies to ensure the
6 collection and timely reporting for the obliga-
7 tion and expenditure of large covered funds
8 under division A of the CARES Act (Public
9 Law 116–136) on and after the date of enact-
10 ment of that Act.

11 (B) REQUIREMENT.—The guidance issued
12 under subparagraph (A) shall require that, not
13 later than 120 days after the date of enactment
14 of this Act, agencies shall make all reports re-
15 quired under section 15011 of division B of the
16 CARES Act (Public Law 116–136) relating to
17 large covered funds under division A of such
18 Act that have been expended or obligated dur-
19 ing the period beginning on the date of enact-
20 ment of the CARES Act (Public Law 116–136)
21 and ending on the day before the date of enact-
22 ment of this Act.

23 (C) RULE OF CONSTRUCTION.—Nothing in
24 this subsection shall be construed to affect the
25 deadlines for reporting under section 15011 of

1 division B of the CARES Act (Public Law 116–
2 136) relating to large covered funds that have
3 been expended or obligated under divisions A or
4 B of such Act, on or after the date of enact-
5 ment of this Act.

6 (c) DESIGNATION.—Amounts repurposed under this
7 section that were previously designated by the Congress,
8 respectively, as an emergency requirement or as being for
9 disaster relief pursuant to the Balanced Budget and
10 Emergency Deficit Control Act are designated by the Con-
11 gress as being for an emergency requirement pursuant to
12 section 251(b)(2)(A)(i) of the Balanced Budget and
13 Emergency Deficit Control Act of 1985 or as being for
14 disaster relief pursuant to section 251(b)(2)(D) of the
15 Balanced Budget and Emergency Deficit Control Act of
16 1985.

17 SEC. 505. Title V of division B of the CARES Act
18 (Public Law 116–136) is amended by striking the fifth
19 proviso under the heading “General Services Administra-
20 tion—Real Property Activities—Federal Buildings
21 Fund”: *Provided*, That the amounts repurposed pursuant
22 to 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 TITLE VI

4 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, for oversight of activities supported by
9 funds provided under “Federal Emergency Management
10 Agency—Disaster Relief Fund” in title VI of division B
11 of Public Law 116–136, in addition to amounts otherwise
12 available for such purposes: *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 prevent, prepare for, and respond to
21 coronavirus, of which \$500,000,000 shall be for Assist-
22 ance to Firefighter Grants for the purchase of personal
23 protective equipment and related supplies, mental health
24 evaluations, training, and temporary infectious disease de-
25 contamination or sanitizing facilities and equipment; of

1 which \$500,000,000 shall be for Staffing for Adequate
2 Fire and Emergency Response Grants; of which
3 \$100,000,000 shall be for Emergency Management Per-
4 formance Grants; and of which \$200,000,000 shall be for
5 the Emergency Food and Shelter Program: *Provided*,
6 That such amount is designated by the Congress as being
7 for an emergency requirement pursuant to section
8 251(b)(2)(A)(i) of the Balanced Budget and Emergency
9 Deficit Control Act of 1985.

10 GENERAL PROVISIONS—THIS TITLE

11 SEC. 601. Notwithstanding any other provision of
12 law, funds made available in this Act for “Federal Emer-
13 gency Management Agency—Federal Assistance” in this
14 Act shall only be used for the purposes specifically de-
15 scribed under that heading.

16 SEC. 602. (a) Subsections (c)(2) and (k) of section
17 33 of the Federal Fire Prevention and Control Act of 1974
18 (15 U.S.C. 2229) shall not apply to amounts appropriated
19 for “Federal Emergency Management Agency—Federal
20 Assistance” for Assistance to Firefighter Grants in this
21 Act.

22 (b) Subsection (k) of section 33 of the Federal Fire
23 Prevention and Control Act of 1974 (15 U.S.C. 2229)
24 shall not apply to amounts provided for “Federal Emer-
25 gency Management Agency—Federal Assistance” for As-

1 sistance to Firefighter Grants in title III of division D
2 of Public Law 116–93 and in title VI of division B of Pub-
3 lic Law 116–136.

4 (c) Amounts repurposed under this section that were
5 previously designated by the Congress as an emergency
6 requirement or as being for disaster relief pursuant to the
7 Balanced Budget and Emergency Deficit Control Act are
8 designated 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 or as being for disaster relief pursuant to section
12 251(b)(2)(D) of the Balanced Budget and Emergency
13 Deficit Control Act of 1985.

14 SEC. 603. Subsections (a)(1)(A), (a)(1)(B),
15 (a)(1)(E), (c)(1), (c)(2), and (c)(4) of section 34 of the
16 Federal Fire Prevention and Control Act of 1974 (15
17 U.S.C. 2229a) shall not apply to amounts appropriated
18 for “Federal Emergency Management Agency—Federal
19 Assistance” for Staffing for Adequate Fire and Emer-
20 gency Response Grants in this Act and in division D, title
21 III of the Consolidated Appropriations Act, 2020 (Public
22 Law 116–93).

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

7 For an additional amount for “Resource Manage-
8 ment”, \$45,000,000, of which \$15,000,000 shall be for
9 wildlife inspections, interdictions, and investigations and
10 for domestic and international efforts to address wildlife
11 trafficking; and of which \$30,000,000 shall be for the care
12 of captive species listed under the Endangered Species
13 Act, rescued and confiscated wildlife, and other Federally-
14 owned animals in facilities experiencing lost revenues due
15 to the coronavirus: *Provided*, That such amount is des-
16 ignated by the Congress as being for an emergency re-
17 quirement pursuant to section 251(b)(2)(A)(i) of the Bal-
18 anced Budget and Emergency Deficit Control Act of 1985.

19 NATIONAL PARK SERVICE
20 NATIONAL RECREATION AND PRESERVATION

21 For an additional amount for “National Recreation
22 and Preservation”, \$20,000,000 for grants as authorized
23 by the 9/11 Memorial Act (Public Law 115–413), to pre-
24 vent, prepare for, and respond to coronavirus. *Provided*,
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 BUREAU OF INDIAN AFFAIRS

5 OPERATION OF INDIAN PROGRAMS

6 For an additional amount for “Operation of Indian
7 Programs”, \$900,000,000, to prevent, prepare for, and re-
8 spond to coronavirus, of which—

9 (1) \$100,000,000 shall be for housing improve-
10 ment;

11 (2) \$780,000,000 shall be for providing Tribal
12 government services, for Tribal government em-
13 ployee salaries to maintain operations, and cleaning
14 and sanitization of Tribally owned and operated fa-
15 cilities; and

16 (3) \$20,000,000 shall be used to provide and
17 deliver potable water:

18 *Provided*, That none of the funds appropriated herein shall
19 be obligated until 3 days after the Bureau of Indian Af-
20 fairs provides a detailed spend plan, which includes dis-
21 tribution and use of funds by Tribe, to the Committees
22 on Appropriations of the House of Representatives and the
23 Senate: *Provided further*, That such amounts shall be in
24 addition to any other amounts available for such purposes:
25 *Provided further*, That the Bureau shall notify the Com-

1 mittees on Appropriations of the House of Representatives
2 and the Senate quarterly on the obligations and expendi-
3 tures of the funds provided by this Act: *Provided further*,
4 That assistance received herein shall not be included in
5 the calculation of funds received by those Tribal govern-
6 ments who participate in the “Small and Needy” program:
7 *Provided further*, That such amounts, if transferred to In-
8 dian Tribes and Tribal organizations under the Indian
9 Self-Determination and Education Assistance Act (1) will
10 be transferred on a one-time basis, (2) are non-recurring
11 funds that are not part of the amount required by 25
12 U.S.C. 5325, and (3) may only be used for the purposes
13 identified under this heading in this Act, notwithstanding
14 any other provision of law: *Provided further*, That section
15 1308 of this Act shall not apply to tribal contracts entered
16 into by the Bureau of Indian Affairs with this appropria-
17 tion: *Provided further*, That such amount is designated by
18 the Congress as being for an emergency requirement pur-
19 suant to section 251(b)(2)(A)(i) of the Balanced Budget
20 and Emergency Deficit Control Act of 1985.

21 DEPARTMENTAL OFFICES

22 INSULAR AFFAIRS

23 ASSISTANCE TO TERRITORIES

24 For an additional amount for “Assistance to Terri-
25 tories”, \$1,000,000,000, to remain available until ex-

1 pending, to prevent, prepare for, respond to, and recover
2 from coronavirus, of which (1) \$993,000,000 is for Capital
3 Improvement Project grants for hospitals and other crit-
4 ical infrastructure; and (2) \$7,000,000 is for territorial
5 assistance, including general technical assistance: *Pro-*
6 *vided*, That any appropriation for disaster assistance
7 under this heading in this Act or previous appropriations
8 Acts may be used as non-Federal matching funds for the
9 purpose of hazard mitigation grants provided pursuant to
10 section 404 of the Robert T. Stafford Disaster Relief and
11 Emergency Assistance Act (42 U.S.C. 5170c): *Provided*
12 *further*, That amounts repurposed pursuant to this section
13 that were previously designated by the Congress as an
14 emergency requirement pursuant to the Balanced Budget
15 and Emergency Deficit Control Act of 1985 are des-
16 igned by the Congress as 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: *Provided*
19 *further*, That such amount is designated by the Congress
20 as being for an emergency requirement pursuant to sec-
21 tion 251(b)(2)(A)(i) of the Balanced Budget and Emer-
22 gency Deficit Control Act of 1985.

1 OFFICE OF INSPECTOR GENERAL

2 SALARIES AND EXPENSES

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

9 ENVIRONMENTAL PROTECTION AGENCY

10 ENVIRONMENTAL PROGRAMS AND MANAGEMENT

11 For an additional amount for “Environmental Pro-
12 grams and Management”, \$50,000,000, for environmental
13 justice grants as described in section 302 of division U
14 of this Act: *Provided*, That such amounts shall be in addi-
15 tion to any other amounts available for such purposes:
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 DEPARTMENT OF HEALTH AND HUMAN

21 SERVICES

22 INDIAN HEALTH SERVICE

23 INDIAN HEALTH SERVICES

24 For an additional amount for “Indian Health Serv-
25 ices”, \$1,734,000,000, to remain available until expended,

1 to prevent, prepare for, respond to, and provide health
2 services related to coronavirus, of which—

3 (1) \$1,000,000,000 shall be used to supplement
4 reduced third party revenue collections;

5 (2) \$500,000,000 shall be used for direct health
6 and telehealth services, including to purchase sup-
7 plies and personal protective equipment;

8 (3) \$140,000,000 shall be used to expand
9 broadband infrastructure and information tech-
10 nology for telehealth and electronic health record
11 system purposes;

12 (4) \$20,000,000 shall be used to address the
13 needs of domestic violence victims and homeless indi-
14 viduals and families;

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

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

19 *Provided*, That such funds shall be allocated at the discre-
20 tion of the Director of the Indian Health Service, and shall
21 be in addition to any other amounts available for such pur-
22 poses: *Provided further*, That such amounts, if transferred
23 to Tribes and Tribal organizations under the Indian Self-
24 Determination and Education Assistance Act, will be
25 transferred on a one-time basis and that these non-recur-

1 ring funds are not part of the amount required by section
2 106 of the Indian Self-Determination and Education As-
3 sistance Act (25 U.S.C. 5325), and that such amounts
4 may only be used for the purposes identified under this
5 heading notwithstanding any other provision of law: *Pro-*
6 *vided further*, That none of the funds appropriated under
7 this heading in this Act for telehealth broadband activities
8 shall be available for obligation until 3 days after the In-
9 dian Health Service provides to the Committees on Appro-
10 priations of the House of Representatives and the Senate,
11 a detailed spend plan that includes the cost, location, and
12 expected completion date of each activity: *Provided fur-*
13 *ther*, That the Indian Health Service shall notify the Com-
14 mittees on Appropriations of the House of Representatives
15 and the Senate quarterly on the obligations and expendi-
16 tures of the funds provided by this Act: *Provided further*,
17 That section 1308 of this Act shall not apply to tribal con-
18 tracts entered into by the Bureau of Indian Affairs with
19 this appropriation: *Provided further*, That such amount is
20 designated by the Congress as being for an emergency re-
21 quirement pursuant to section 251(b)(2)(A)(i) of the Bal-
22 anced Budget and Emergency Deficit Control Act of 1985.

23 INDIAN HEALTH FACILITIES

24 For an additional amount for “Indian Health Facili-
25 ties”, \$600,000,000, to prevent, prepare for, and respond

1 to coronavirus, to modify existing health facilities to pro-
2 vide isolation or quarantine space, to purchase and install
3 updated equipment necessary, and for maintenance and
4 improvement projects necessary to the purposes specified
5 in this Act: *Provided*, That such amounts may be used
6 to supplement amounts otherwise available for such pur-
7 poses under “Indian Health Facilities”: *Provided further*,
8 That such amounts shall be in addition to any other
9 amounts available for such purposes: *Provided further*,
10 That such amounts, if transferred to Tribes and Tribal
11 organizations under the Indian Self-Determination and
12 Education Assistance Act, will be transferred on a one-
13 time basis and that these non-recurring funds are not part
14 of the amount required by section 106 of the Indian Self-
15 Determination and Education Assistance Act (25 U.S.C.
16 5325), and that such amounts may only be used for the
17 purposes identified under this heading notwithstanding
18 any other provision of law: *Provided further*, That the In-
19 dian Health Service shall notify the Committees on Appro-
20 priations of the House of Representatives and the Senate
21 quarterly on the obligations and expenditures of the funds
22 provided by this Act: *Provided further*, That section 1308
23 of this Act shall not apply to tribal contracts entered into
24 by the Bureau of Indian Affairs with this appropriation:
25 *Provided further*, That such amount is designated by the

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

4 NATIONAL FOUNDATION ON THE ARTS AND HUMANITIES
5 NATIONAL ENDOWMENT FOR THE ARTS
6 GRANTS AND ADMINISTRATION

7 For an additional amount for “Grants and Adminis-
8 tration”, \$135,000,000, for grants to respond to the im-
9 pacts of coronavirus: *Provided*, That such funds are avail-
10 able under the same terms and conditions as grant fund-
11 ing appropriated to this heading in Public Law 116–94:
12 *Provided further*, That 40 percent of the funds made avail-
13 able under this heading in this Act shall be distributed
14 to State arts agencies and regional arts organizations and
15 60 percent of such funds shall be for direct grants: *Pro-*
16 *vided further*, That notwithstanding any other provision
17 of law, such funds may also be used by the recipients of
18 such grants for purposes of the general operations of such
19 recipients: *Provided further*, That the matching require-
20 ments under subsections (e), (g)(4)(A), and (p)(3) of sec-
21 tion 5 of the National Foundation on the Arts and Hu-
22 manities Act of 1965 (20 U.S.C. 954) may be waived with
23 respect to such grants: *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 NATIONAL ENDOWMENT FOR THE HUMANITIES

4 GRANTS AND ADMINISTRATION

5 For an additional amount for “Grants and Adminis-
6 tration”, \$135,000,000, for grants to respond to the im-
7 pacts of coronavirus: *Provided*, That such funds are avail-
8 able under the same terms and conditions as grant fund-
9 ing appropriated to this heading in Public Law 116–94:
10 *Provided further*, That 40 percent of the funds made avail-
11 able under this heading in this Act shall be distributed
12 to state humanities councils and 60 percent of such funds
13 shall be for direct grants: *Provided further*, That notwith-
14 standing any other provision of law, such funds may also
15 be used by the recipients of such grants for purposes of
16 the general operations of such recipients: *Provided further*,
17 That the matching requirements under subsection
18 (h)(2)(A) of section 7 of the National Foundation on the
19 Arts and Humanities Act of 1965 may be waived with re-
20 spect to such grants: *Provided further*, That such amount
21 is designated by the Congress as being for an emergency
22 requirement pursuant to section 251(b)(2)(A)(i) of the
23 Balanced Budget and Emergency Deficit Control Act of
24 1985.

1 TITLE VIII
2 DEPARTMENTS OF LABOR, HEALTH AND
3 HUMAN SERVICES, AND EDUCATION, AND
4 RELATED AGENCIES

5 DEPARTMENT OF LABOR
6 EMPLOYMENT AND TRAINING ADMINISTRATION
7 TRAINING AND EMPLOYMENT SERVICES
8 (INCLUDING TRANSFER OF FUNDS)

9 For an additional amount for “Training and Employ-
10 ment Services”, \$2,140,000,000, to prevent, prepare for,
11 and respond to coronavirus, of which \$15,000,000 shall
12 be transferred to “Program Administration” to carry out
13 activities in this Act, Public Law 116–127 and Public Law
14 116–136 for full-time equivalent employees, information
15 technology upgrades needed to expedite payments and
16 support implementation, including to expedite policy guid-
17 ance and disbursement of funds, technical assistance and
18 other assistance to States and territories to speed payment
19 of Federal and State unemployment benefits, and of which
20 the remaining amounts shall be used to carry out activities
21 under the Workforce Innovation and Opportunity Act (re-
22 ferred to in this Act as “WIOA”) as follows:

- 23 (1) \$485,000,000 for grants to the States for
24 adult employment and training activities, including
25 incumbent worker trainings, transitional jobs, on-

1 the-job training, individualized career services, sup-
2 portive services, needs-related payments, and to fa-
3 cilitate remote access to training services provided
4 through a one-stop delivery system through the use
5 of technology: *Provided*, That an adult shall not be
6 required to meet the requirements of section
7 134(c)(3)(B) of the WIOA: *Provided further*, That
8 an adult who meets the requirements described in
9 section 2102(a)(3)(A) of Public Law 116–136 may
10 be eligible for participation: *Provided further*, That
11 priority may be given to individuals who are ad-
12 versely impacted by economic changes due to the
13 coronavirus, including individuals seeking employ-
14 ment, dislocated workers, individuals with barriers to
15 employment, individuals who are unemployed, or in-
16 dividuals who are underemployed;

17 (2) \$518,000,000 for grants to the States for
18 youth activities, including supportive services, sum-
19 mer employment for youth, and to facilitate remote
20 access to training services provided through a one-
21 stop delivery system through the use of technology:
22 *Provided*, That individuals described in section
23 2102(a)(3)(A) of Public Law 116–136 may be eligi-
24 ble for participation as an out-of-school youth if they
25 meet the requirements of clauses (i) and (ii) of sec-

1 tion 129(a)(1)(B) or as in-school youth if they meet
2 the requirements of clauses (i) and (iii) of section
3 129(a)(1)(C) of the WIOA; *Provided further*, That
4 priority shall be given for out-of-school youth and
5 youth with multiple barriers to employment: *Pro-*
6 *vided further*, That funds shall support employer
7 partnerships for youth employment and subsidized
8 employment, and partnerships with community-
9 based organizations to support such employment;

10 (3) \$597,000,000 for grants to States for dis-
11 located worker employment and training activities,
12 including incumbent worker trainings, transitional
13 jobs, on-the-job training, individualized career serv-
14 ices, supportive services, needs-related payments,
15 and to facilitate remote access to training services
16 provided through a one-stop delivery system through
17 the use of technology: *Provided*, That a dislocated
18 worker shall not be required to meet the require-
19 ments of section 134(c)(3)(B) of the WIOA: *Pro-*
20 *vided further*, That a dislocated worker who meets
21 the requirements described in section 2102(a)(3)(A)
22 of Public Law 116–136 may be eligible for participa-
23 tion;

24 (4) \$500,000,000 for the dislocated workers as-
25 sistance national reserve; and

1 (5) \$25,000,000 for migrant and seasonal
2 farmworker programs under section 167 of the
3 WIOA, including emergency supportive services of
4 which no less than \$500,000 shall be for the collec-
5 tion and dissemination of electronic and printed ma-
6 terials related to coronavirus to the migrant and sea-
7 sonal farmworker population nationwide, including
8 Puerto Rico, through a cooperative agreement, and
9 of which \$1,000,000 shall be for migrant and sea-
10 sonal farmworker housing:

11 *Provided*, That such amount is designated by the 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 STATE UNEMPLOYMENT INSURANCE AND EMPLOYMENT
16 SERVICE OPERATIONS

17 For an additional amount for “State Unemployment
18 Insurance and Employment Service Operations”,
19 \$538,500,000, to prevent, prepare for, and respond to
20 coronavirus, which may be expended from the Employ-
21 ment Security Administration Account in the Unemploy-
22 ment Trust Fund (“The Trust Fund”), of which:

23 (1) \$38,500,000 from the Trust Fund is for na-
24 tional activities necessary to support the administra-

1 tion of the Federal-State unemployment insurance
2 system; and

3 (2) \$500,000,000 from the Trust Fund is for
4 grants to States in accordance with section 6 of the
5 Wagner-Peyser Act:

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

10 WAGE AND HOUR DIVISION

11 SALARIES AND EXPENSES

12 For an additional amount for “Wage and Hour Divi-
13 sion”, \$6,500,000 to prevent, prepare for, and respond to
14 coronavirus, including for the administration, oversight,
15 and coordination of worker protection activities related
16 thereto: *Provided*, That the Secretary of Labor shall use
17 funds provided under this heading to support enforcement
18 activities and outreach efforts to make individuals, par-
19 ticularly low-wage workers, aware of their rights under di-
20 vision C and division E of Public Law 116–127 and this
21 Act: *Provided further*, That such amount is designated by
22 the Congress as being for an emergency requirement pur-
23 suant to section 251(b)(2)(A)(i) of the Balanced Budget
24 and Emergency Deficit Control Act of 1985.

1 OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION
2 SALARIES AND EXPENSES

3 For an additional amount for “Occupational Safety
4 and Health Administration”, \$100,000,000 for implemen-
5 tation of section 202 of division B this Act, and for worker
6 protection and enforcement activities to prevent, prepare
7 for, and respond to coronavirus, of which \$25,000,000
8 shall be for Susan Harwood training grants and at least
9 \$70,000,000 shall be to hire additional compliance safety
10 and health officers, and for state plan enforcement, to pro-
11 tect workers from coronavirus by enforcing all applicable
12 standards and directives, including 29 CFR 1910.132, 29
13 CFR 1910.134, section 5(a)(1) of the Occupational Safety
14 and Health Act of 1970, and 29 CFR 1910.1030: *Pro-*
15 *vided*, That activities to protect workers from coronavirus
16 supported by funds provided under this heading includes
17 additional enforcement of standards and directives ref-
18 erenced in the preceding proviso at slaughterhouses, poul-
19 try processing plants, and agricultural workplaces: *Pro-*
20 *vided further*, That within 15 days of the date of enact-
21 ment of this Act, the Secretary of Labor shall submit a
22 spending and hiring plan for the funds made available
23 under this heading, and a monthly staffing report until
24 all funds are expended, to the Committees on Appropria-
25 tions of the House of Representatives and the Senate: *Pro-*

1 *vided further*, That within 15 days of the date of enact-
2 ment of this Act, the Secretary of Labor shall submit a
3 plan for the additional enforcement activities described in
4 the third proviso to the Committees on Appropriations of
5 the House of Representatives and the Senate: *Provided*
6 *further*, That such amount is designated by the Congress
7 as being for an emergency requirement pursuant to sec-
8 tion 251(b)(2)(A)(i) of the Balanced Budget and Emer-
9 gency Deficit Control Act of 1985.

10 OFFICE OF INSPECTOR GENERAL

11 For an additional amount for “Office of Inspector
12 General”, \$5,000,000, to remain available until expended,
13 to prevent, prepare for, and respond to coronavirus. *Pro-*
14 *vided*, That such amount is designated by the Congress
15 as being for an emergency requirement pursuant to sec-
16 tion 251(b)(2)(A)(i) of the Balanced Budget and Emer-
17 gency Deficit Control Act of 1985.

18 ADMINISTRATIVE PROVISIONS—DEPARTMENT OF LABOR

19 SEC. 801. (a) There is hereby appropriated for an
20 additional amount for fiscal year 2021 for “Department
21 of Labor—Employment Training Administration—State
22 Unemployment Insurance and Employment Service Oper-
23 ations”, \$28,600,000, to be expended from the Employ-
24 ment Security Administration Account in the Unemploy-
25 ment Trust Fund (“the Trust Fund”) to carry out title

1 III of the Social Security Act: *Provided*, That such amount
2 shall only become available for obligation if the Average
3 Weekly Insured Unemployment (“AWIU”) for fiscal year
4 2021 is projected, by the Department of Labor during fis-
5 cal year 2021 to exceed 1,728,000: *Provided further*, That
6 to the extent that the AWIU for fiscal year 2021 is pro-
7 jected by the Department of Labor to exceed 1,728,000,
8 an additional \$28,600,000 from the Trust Fund shall be
9 made available for obligation during fiscal year 2021 for
10 every 100,000 increase in the AWIU level (including a pro-
11 rata amount for any increment less than 100,000): *Pro-*
12 *vided further*, That, except as specified in this section,
13 amounts provided herein shall be available under the same
14 authority and conditions applicable to funds provided to
15 carry out title III of the Social Security Act under the
16 heading “Department of Labor—Employment Training
17 Administration—State Unemployment Insurance and Em-
18 ployment Service Operations” in division A of Public Law
19 116–94: *Provided further*, That such amounts shall be in
20 addition to any other funds made available in any fiscal
21 year for such purposes: *Provided further*, That such
22 amount is designated by the Congress as being for an
23 emergency requirement pursuant to section
24 251(b)(2)(A)(i) of the Balanced Budget and Emergency
25 Deficit Control Act of 1985.

1 (b)(1) Section 101(8) of the Continuing Appropria-
2 tions Act, 2021 (division A of H.R. 8337 of the 116th
3 Congress), is amended by inserting “except the first pro-
4 viso following paragraph (6) under the heading ‘Depart-
5 ment of Labor—State Unemployment Insurance and Em-
6 ployment Service Operations’” before the period.

7 (2) Any obligations and expenditures made for
8 projects or activities described in this section before
9 the date of enactment of this Act pursuant to the
10 first proviso following paragraph (6) under the head-
11 ing “Department of Labor—State Unemployment
12 Insurance and Employment Service Operations” as
13 provided by section 101 of the Continuing Appropria-
14 tions Act, 2021 shall be charged to the appro-
15 priation provided by this section, consistent with sec-
16 tion 107 of the Continuing Appropriations Act,
17 2021.

18 SEC. 802. (a) Any funds made available under this
19 Act to support or fund apprenticeship programs shall only
20 be used for, or provided to, apprenticeship programs as
21 defined in subsection (b) of this section, including any
22 funds awarded for the purposes of grants, contracts, or
23 cooperative agreements, or the development, implementa-
24 tion, or administration, of an apprenticeship program.

1 (b) The term “apprenticeship” means an apprentice-
2 ship program registered under the Act of August 16, 1937
3 (commonly known as the “National Apprenticeship Act”)
4 (50 Stat. 664, chapter 663; 29 U.S.C. 50 et seq.) and
5 that complies with the requirements of subpart A of part
6 29, Code of Federal Regulations, and part 30 of such title
7 (as in effect on September 30, 2020).

8 DEPARTMENT OF HEALTH AND HUMAN
9 SERVICES

10 HEALTH RESOURCES AND SERVICES ADMINISTRATION

11 PRIMARY HEALTH CARE

12 For an additional amount for “Primary Health
13 Care”, \$7,600,000,000, for necessary expenses to prevent,
14 prepare for, and respond to coronavirus, for grants and
15 cooperative agreements under the Health Centers Pro-
16 gram, as defined by section 330 of the Public Health Serv-
17 ice Act, and for grants to Federally qualified health cen-
18 ters, as defined in section 1861(aa)(4)(B) of the Social
19 Security Act, and for eligible entities under the Native Ha-
20 waiian Health Care Improvement Act, including mainte-
21 nance or expansion of health center and system capacity
22 and staffing levels: *Provided*, That sections 330(r)(2)(B),
23 330(e)(6)(A)(iii), and 330(e)(6)(B)(iii) shall not apply to
24 funds provided under this heading in this Act: *Provided*
25 *further*, That funds provided under this heading in this

1 Act may be used to (1) purchase equipment and supplies
2 to conduct mobile testing for SARS-CoV-2 or COVID-
3 19; (2) purchase and maintain mobile vehicles and equip-
4 ment to conduct such testing; and (3) hire and train lab-
5 oratory personnel and other staff to conduct such mobile
6 testing: *Provided further*, That such amount is designated
7 by the Congress as being for 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.

10 HEALTH WORKFORCE

11 For an additional amount for “Health Workforce”,
12 \$1,000,000,000, to remain available until September 30,
13 2022, to prevent, prepare for, and respond to coronavirus,
14 of which \$800,000,000 shall be for carrying out title III
15 of the Public Health Service Act with respect to the health
16 workforce and \$200,000,000 shall be for carrying out sec-
17 tion 846 of such Act: *Provided*, That of the amount made
18 available under this heading in this Act for carrying out
19 title III of the Public Health Service Act with respect to
20 the health workforce, \$100,000,000 shall be made avail-
21 able for purposes of providing public health services
22 through a supplemental grant or grants to states currently
23 participating in the NHSC State Loan Repayment Pro-
24 gram notwithstanding section 338I(b) of the PHS Act, to
25 make awards as authorized under section 338I(j) of the

1 Public Health Service (PHS) Act, and notwithstanding
2 the health professional shortage area requirements under
3 338I, the Secretary may develop rules needed to imple-
4 ment this proviso: *Provided further*, That for purposes of
5 the previous proviso, notwithstanding section 338I(d)(2)
6 of the PHS Act, no more than 10 percent of funds made
7 available in such supplemental grants may be used by the
8 state for administration of the State Loan Repayment
9 Program in that state: *Provided further*, That for the pur-
10 poses of these funds, the term “primary health services”
11 and “primary health care services” as referenced in sec-
12 tion 338I of the PHS Act, includes public health services,
13 as defined by the Secretary: *Provided further*, That such
14 amount is designated by the Congress as being for an
15 emergency requirement pursuant to section
16 251(b)(2)(A)(i) of the Balanced Budget and Emergency
17 Deficit Control Act of 1985.

18 MATERNAL AND CHILD HEALTH

19 For an additional amount for “Maternal and Child
20 Health”, \$500,000,000, to prevent, prepare for, and re-
21 spond to coronavirus, for carrying out title V of the Social
22 Security Act with respect to maternal and child health:
23 *Provided*, That notwithstanding sections 502(a)(1) and
24 502(b)(1) of the Social Security Act, such funds shall be
25 available for awards to states and territories to carry out

1 special projects of regional and national significance pur-
2 suant to section 501(a)(2) of such Act: *Provided further*,
3 That such amount is designated by the Congress as being
4 for an emergency requirement pursuant to section
5 251(b)(2)(A)(i) of the Balanced Budget and Emergency
6 Deficit Control Act of 1985.

7 RYAN WHITE HIV/AIDS PROGRAM

8 For an additional amount for “Ryan White HIV/
9 AIDS Program”, \$100,000,000, to prevent, prepare for,
10 and respond to coronavirus: *Provided*, That awards from
11 funds provided under this heading in this Act shall be
12 through modifications to existing contracts and supple-
13 ments to existing grants and cooperative agreements
14 under parts A, B, C, D, and F, or section 2692(a) of title
15 XXVI of the Public Health Service Act: *Provided further*,
16 That such supplements shall be awarded using a data-
17 driven methodology determined by the Secretary of Health
18 and Human Services: *Provided further*, That sections
19 2604(c), 2612(b), and 2651(c) of the Public Health Serv-
20 ice Act shall not apply to funds provided under this head-
21 ing in this Act: *Provided further*, That the Secretary may
22 waive any penalties and administrative requirements as
23 may attach to these funds or to funds awarded under title
24 XXVI with respect to the Ryan White HIV/AIDS program
25 as necessary to ensure that the funds may be used effi-

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

5 CENTERS FOR DISEASE CONTROL AND PREVENTION

6 CDC–WIDE ACTIVITIES AND PROGRAM SUPPORT

7 For an additional amount for “CDC–Wide Activities
8 and Program Support”, \$13,700,000,000, to prevent, pre-
9 pare for, and respond to coronavirus, domestically or
10 internationally: *Provided*, That of the amount provided
11 under this heading in this Act, \$1,000,000,000 shall be
12 for Public Health Emergency Preparedness cooperative
13 agreements under section 319C–1 of the Public Health
14 Service Act: *Provided further*, That, of the amount pro-
15 vided under this heading in this Act, \$1,000,000,000 shall
16 be for necessary expenses for grants for core public health
17 infrastructure for State, local, Territorial, or Tribal health
18 departments as described in section 550 of division K of
19 this Act: *Provided further*, That of the amount made avail-
20 able under this heading in this Act for specified programs,
21 not less than \$100,000,000 shall be allocated to tribes,
22 tribal organizations, urban Indian health organizations, or
23 health service providers to tribes: *Provided further*, That
24 of the amount made available under this heading in this
25 Act, not less than \$1,000,000,000 shall be for global dis-

1 ease detection and emergency response: *Provided further,*
2 That of the amount provided under this heading in this
3 Act, not less than \$200,000,000 shall be for public health
4 data surveillance and analytics infrastructure moderniza-
5 tion: *Provided further,* That of the amount made available
6 under this heading in this Act, \$7,000,000,000 shall be
7 for activities to plan, prepare for, promote, distribute, ad-
8 minister, monitor, and track coronavirus vaccines, as de-
9 scribed in section 703 of division K of this Act, to ensure
10 broad-based distribution, access, and vaccine coverage:
11 *Provided further,* That of the amount made available
12 under this heading in this Act, \$1,000,000,000 shall be
13 for necessary expenses for grants for an evidence-based
14 public awareness campaign on the importance of vaccina-
15 tions, as described in section 704 of division K of this Act:
16 *Provided further,* That of the amount made available
17 under this heading in this Act, \$2,000,000,000 shall be
18 for necessary expenses for grants to State, local, Tribal,
19 or territorial health departments to purchase or procure
20 personal protective equipment and other workplace safety
21 measures for use in containment and mitigation of
22 COVID-19 transmission among essential workers, as well
23 as provide funding to employers of essential workers for
24 containment and mitigation of COVID-19 transmission
25 among essential workers in their workplaces, as described

1 in section 651 of division K of this Act: *Provided further*,
2 That of the amount made available under this heading in
3 this Act, up to \$500,000,000 shall be for activities to plan,
4 prepare for, promote, distribute, administer, monitor, and
5 track seasonal influenza vaccines to ensure broad-based
6 distribution, access, and vaccine coverage: *Provided fur-*
7 *ther*, That funds made available under this heading in this
8 Act may reimburse CDC obligations incurred for vaccine
9 planning, preparation, promotion, and distribution prior
10 to the enactment of this Act: *Provided further*, That the
11 Director of CDC shall report to the Committees on Appro-
12 priations of the House of Representatives and the Senate
13 within 60 days of enactment of this Act on an enhanced
14 seasonal influenza vaccination strategy to include nation-
15 wide vaccination goals and specific actions that CDC will
16 take to achieve such goals: *Provided further*, That funds
17 appropriated under this heading in this Act for grants
18 may be used 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 all con-
22 struction, alteration, or renovation work, carried out, in
23 whole or in part, with funds appropriated under this head-
24 ing in this Act, or under this heading in the CARES Act
25 (Public Law 116–136), shall be subject to the require-

1 ments of section 1621(b)(1)(I) of the Public Health Serv-
2 ice Act (42 U.S.C. 300s–1(b)(1)(I)): *Provided further*,
3 That such amount is designated by the Congress as being
4 for an emergency requirement pursuant to section
5 251(b)(2)(A)(i) of the Balanced Budget and Emergency
6 Deficit Control Act of 1985.

7 NATIONAL INSTITUTES OF HEALTH

8 NATIONAL INSTITUTE OF ALLERGY AND INFECTIOUS
9 DISEASES

10 For an additional amount for “National Institute of
11 Allergy and Infectious Diseases”, \$500,000,000, to re-
12 main available until September 30, 2024, to prevent, pre-
13 pare for, and respond to coronavirus: *Provided*, That such
14 amount is designated by the Congress as being for an
15 emergency requirement pursuant to section
16 251(b)(2)(A)(i) of the Balanced Budget and Emergency
17 Deficit Control Act of 1985.

18 NATIONAL INSTITUTE OF MENTAL HEALTH

19 For an additional amount for “National Institute of
20 Mental Health”, \$200,000,000, to remain available until
21 September 30, 2024, to prevent, prepare for, and respond
22 to coronavirus: *Provided*, 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.

OFFICE OF THE DIRECTOR

(INCLUDING TRANSFER OF FUNDS)

1
2
3 For an additional amount for “Office of the Direc-
4 tor”, \$4,021,000,000, to remain available until September
5 30, 2024, to prevent, prepare for, and respond to
6 coronavirus, domestically or internationally: *Provided*,
7 That not less than \$3,000,000,000 of the amount provided
8 under this heading in this Act shall be for offsetting the
9 costs related to reductions in lab productivity resulting
10 from the coronavirus pandemic or public health measures
11 related to the coronavirus pandemic: *Provided further*,
12 That up to \$1,021,000,000 of the amount provided under
13 this heading in this Act shall be to support additional sci-
14 entific research or the programs and platforms that sup-
15 port research: *Provided further*, That funds made available
16 under this heading in this Act may be transferred to the
17 accounts of the Institutes and Centers of the National In-
18 stitutes of Health (“NIH”): *Provided further*, That this
19 transfer authority is in addition to any other transfer au-
20 thority available to the NIH: *Provided further*, 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 SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES

2 ADMINISTRATION

3 HEALTH SURVEILLANCE AND PROGRAM SUPPORT

4 For an additional amount for “Health Surveillance
5 and Program Support”, \$8,500,000,000, to prevent, pre-
6 pare for, and respond to coronavirus: *Provided*, That of
7 the funds made available under this heading in this Act,
8 \$3,500,000,000 shall be for grants for the substance
9 abuse prevention and treatment block grant program
10 under subpart II of part B of title XIX of the Public
11 Health Service Act (“PHS Act”): *Provided further*, That
12 of the funds made available under this heading in this Act,
13 \$4,000,000,000 shall be for grants for the community
14 mental health services block grant program under subpart
15 I of part B of title XIX of the PHS Act: *Provided further*,
16 That of the amount made available in the previous proviso,
17 the Assistant Secretary is directed to provide no less than
18 50 percent of funds directly to facilities defined in section
19 1913(c) of the PHS Act: *Provided further*, That of the
20 amount made available under this heading in this Act, not
21 less than \$600,000,000 is available for Certified Commu-
22 nity Behavioral Health Clinic Expansion Grant program:
23 *Provided further*, That of the amount made available
24 under this heading in this Act, not less than \$50,000,000
25 shall be available for suicide prevention programs: *Pro-*

1 *vided further*, That of the funds made available under this
2 heading in this Act, \$100,000,000 shall be for activities
3 and services under Project AWARE: *Provided further*,
4 That of the funds made available under this heading in
5 this Act, \$10,000,000 shall be for the National Child
6 Traumatic Stress Network: *Provided further*, That of the
7 amount made available under this heading in this Act,
8 \$240,000,000 is available for activities authorized under
9 section 501(o) of the PHS Act: *Provided further*, That of
10 the amount made available under this heading in this Act
11 for specified programs, not less than \$150,000,000 shall
12 be allocated to tribes, tribal organizations, urban Indian
13 health organizations, or health or behavioral health service
14 providers to tribes: *Provided further*, That with respect to
15 the amount appropriated under this heading in this Act
16 the Substance Abuse and Mental Health Services Admin-
17 istration may waive requirements with respect to allowable
18 activities, timelines, or reporting requirements for the
19 Substance Abuse Prevention and Treatment Block Grant
20 and the Community Mental Health Services Block Grant
21 as deemed necessary to facilitate a grantee's response to
22 coronavirus: *Provided further*, 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 under this heading in this Act: *Provided further*, That such
2 amount is designated by the Congress as being for an
3 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 prevent, prepare for, and respond to
11 coronavirus, including for Federal administrative ex-
12 penses, which shall be used to supplement, not supplant
13 State, Territory, and Tribal general revenue funds for
14 child care assistance for low-income families within the
15 United States (including territories) without regard to re-
16 quirements in sections 658E(e)(3)(D)–(E) or section
17 658G of the Child Care and Development Block Grant
18 Act: *Provided*, That funds provided under this heading in
19 this Act may be used for costs of providing relief from
20 copayments and tuition payments for families and for pay-
21 ing that portion of the child care provider’s cost ordinarily
22 paid through family copayments, to provide continued pay-
23 ments and assistance to child care providers in the case
24 of decreased enrollment or closures related to coronavirus,
25 and to ensure child care providers are able to remain open

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

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

1 tories, and Tribes, the Secretary shall submit to the Com-
2 mittees on Appropriations of the House of Representatives
3 and the Senate, the Committee on Education and Labor
4 of the House of Representatives, and the Committee on
5 Health, Education, Labor, and Pensions of the Senate a
6 report summarizing such reports from the States, Terri-
7 tories, and Tribes: *Provided further*, That payments made
8 under this heading in this Act may be obligated in this
9 fiscal year or the succeeding two fiscal years: *Provided fur-*
10 *ther*, That funds appropriated under this heading in this
11 Act may be made available to restore amounts, either di-
12 rectly or through reimbursement, for obligations incurred
13 to prevent, prepare for, and respond to coronavirus, prior
14 to the date of enactment of this Act: *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 For an additional amount for “Payments to States
20 for the Child Care and Development Block Grant”,
21 \$50,000,000,000, for necessary expenses to carry out the
22 Child Care Stabilization Fund program, as authorized by
23 section 803 of this Act: *Provided*, That such funds shall
24 be available without regard to the requirements in sub-
25 paragraphs (C) through (E) of section 658E(c)(3) or sec-

1 tion 658G of the Child Care and Development Block
2 Grant Act: *Provided further*, That funds made available
3 under this heading in this Act may be made available to
4 restore amounts, either directly or through reimburse-
5 ment, for obligations incurred prior to the date of enact-
6 ment of this Act for the purposes provided herein: *Pro-*
7 *vided further*, That such amount is designated by the Con-
8 gress as being for an emergency requirement pursuant to
9 section 251(b)(2)(A)(i) of the Balanced Budget and
10 Emergency Deficit Control Act of 1985.

11 CHILD CARE STABILIZATION FUND

12 SEC. 803. (a) DEFINITIONS.—In this section:

13 (1) CCDBG TERMS.—The terms “eligible child
14 care provider”, “Indian tribe”, “lead agency”, “trib-
15 al organization”, “Secretary”, and “State” have the
16 meanings given the terms in section 658P of the
17 Child Care and Development Block Grant Act of
18 1990 (42 U.S.C. 9858n) except as otherwise pro-
19 vided in this section.

20 (2) COVID–19 PUBLIC HEALTH EMERGENCY.—
21 The term “COVID–19 public health emergency”
22 means the public health emergency declared by the
23 Secretary of Health and Human Services under sec-
24 tion 319 of the Public Health Service Act (42
25 U.S.C. 247d) on January 31, 2020, with respect to

1 COVID–19, including any renewal of the declara-
2 tion.

3 (b) GRANTS.—From the amounts appropriated to
4 carry out this section and under the authority of section
5 6580 of the Child Care and Development Block Grant Act
6 of 1990 (42 U.S.C. 9858m) and this section, the Secretary
7 shall award child care stabilization grants to the lead
8 agency of each State (as defined in that section 6580),
9 territory described in subsection (a)(1) of such section, In-
10 dian tribe, and tribal organization from allotments and
11 payments made under subsection (c)(2), not later than 30
12 days after the date of enactment of this Act.

13 (c) SECRETARIAL RESERVATION AND ALLOT-
14 MENTS.—

15 (1) RESERVATION.—The Secretary shall reserve
16 not more than 1 percent of the funds appropriated
17 to carry out this section for the Federal administra-
18 tion of grants described in subsection (b). Amounts
19 reserved by the Secretary for administrative ex-
20 penses shall remain available until fiscal year 2024.

21 (2) ALLOTMENTS.—The Secretary shall use the
22 remainder of the funds appropriated to carry out
23 this section to award allotments to States, as defined
24 in section 6580 of the Child Care Development
25 Block Grant Act of 1990 (42 U.S.C. 9858m), and

1 payments to territories, Indian tribes, and tribal or-
2 ganizations in accordance with paragraphs (1) and
3 (2) of subsection (a), and subsection (b), of section
4 6580 of the Child Care and Development Block
5 Grant Act of 1990 (42 U.S.C. 9858m).

6 (d) STATE RESERVATIONS AND SUBGRANTS.—

7 (1) RESERVATION.—A lead agency for a State
8 that receives a child care stabilization grant pursu-
9 ant to subsection (b) shall reserve not more than 10
10 percent of such grant funds—

11 (A) to administer subgrants made to quali-
12 fied child care providers under paragraph (2),
13 including to carry out data systems building
14 and other activities that enable the disburse-
15 ment of payments of such subgrants;

16 (B) to provide technical assistance and
17 support in applying for and accessing the
18 subgrant opportunity under paragraph (2), to
19 eligible child care providers (including to family
20 child care providers, group home child care pro-
21 viders, and other non-center-based child care
22 providers, providers in rural areas, and pro-
23 viders with limited administrative capacity), ei-
24 ther directly or through resource and referral
25 agencies or staffed family child care networks;

1 (C) to publicize the availability of sub-
2 grants under this section and conduct wide-
3 spread outreach to eligible child care providers
4 (including family child care providers, group
5 home child care providers, and other non-cen-
6 ter-based child care providers, providers in rural
7 areas, and providers with limited administrative
8 capacity), either directly or through resource
9 and referral agencies or staffed family child
10 care networks, to ensure eligible child care pro-
11 viders are aware of the subgrants available
12 under this section;

13 (D) to carry out the reporting require-
14 ments described in subsection (f); and

15 (E) to carry out activities to improve the
16 supply and quality of child care during and
17 after the COVID–19 public health emergency,
18 such as conducting community needs assess-
19 ments, carrying out child care cost modeling,
20 making improvements to child care facilities, in-
21 creasing access to licensure or participation in
22 the State’s tiered quality rating system, and
23 carrying out other activities described in section
24 658G(b) of the Child Care and Development
25 Block Grant Act of 1990 (42 U.S.C. 9858e(b)),

1 to the extent that the lead agency can carry out
2 activities described in this subparagraph with-
3 out preventing the lead agency from fully con-
4 ducting the activities described in subpara-
5 graphs (A) through (D).

6 (2) SUBGRANTS TO QUALIFIED CHILD CARE
7 PROVIDERS.—

8 (A) IN GENERAL.—The lead agency shall
9 use the remainder of the grant funds awarded
10 pursuant to subsection (b) to make subgrants
11 to qualified child care providers described in
12 subparagraph (B), to support the stability of
13 the child care sector during and after the
14 COVID–19 public health emergency and to en-
15 sure the maintenance of a delivery system of
16 child care services throughout the State that
17 provides for child care in a variety of settings,
18 including the settings of family child care pro-
19 viders, and for a variety of ages, including care
20 for infants and toddlers. The lead agency shall
21 provide the subgrant funds in advance of pro-
22 vider expenditures for costs described in sub-
23 section (e), except as provided in subsection
24 (e)(2).

1 (B) QUALIFIED CHILD CARE PROVIDER.—

2 To be qualified to receive a subgrant under this
3 paragraph, a provider shall be an eligible child
4 care provider that—

5 (i) was providing child care services
6 on or before March 1, 2020; and

7 (ii) on the date of submission of an
8 application for the subgrant, was either—

9 (I) open and available to provide
10 child care services; or

11 (II) closed due to the COVID–19
12 public health emergency.

13 (C) SUBGRANT AMOUNT.—The lead agency
14 shall make subgrants, from amounts awarded
15 pursuant to subsection (b), to qualified child
16 care providers, and the amount of such a
17 subgrant to such a provider shall—

18 (i) be based on the provider’s stated
19 average operating expenses during the pe-
20 riod (of not longer than 6 months) before
21 March 1, 2020, or before the provider’s
22 last day of operation for a provider that
23 operates seasonally, and at minimum cover
24 such operating expenses for the intended
25 length of the subgrant;

1 (ii) account for increased costs of pro-
2 viding or preparing to provide child care as
3 a result of the COVID–19 public health
4 emergency, such as provider and employee
5 compensation and existing benefits (exist-
6 ing as of March 1, 2020) and the imple-
7 mentation of new practices related to sani-
8 tization, group size limits, and social
9 distancing;

10 (iii) be adjusted for payments or reim-
11 bursements made to an eligible child care
12 provider to carry out the Child Care and
13 Development Block Grant Act of 1990 (42
14 U.S.C. 9857 et seq.) or the Head Start
15 Act (42 U.S.C. 9831 et seq.) if the period
16 of such payments or reimbursements over-
17 laps with the period of the subgrant award;
18 and

19 (iv) be adjusted for payments or reim-
20 bursements made to an eligible child care
21 provider through the Paycheck Protection
22 Program set forth in section 7(a)(36) of
23 the Small Business Act (15 U.S.C.
24 636(a)(36)), as added by section 1102 of
25 the Coronavirus Aid, Relief, and Economic

1 Security Act (Public Law 116–136) if the
2 period of such payments or reimburse-
3 ments overlaps with the period of the
4 subgrant award.

5 (D) APPLICATION.—

6 (i) ELIGIBILITY.—To be eligible to re-
7 ceive a subgrant under this paragraph, a
8 child care provider shall submit an applica-
9 tion to a lead agency at such time and in
10 such manner as the lead agency may re-
11 quire. Such application shall include—

12 (I) a good-faith certification that
13 the ongoing operations of the child
14 care provider have been impacted as a
15 result of the COVID–19 public health
16 emergency;

17 (II) for a provider described in
18 subparagraph (B)(ii)(I), an assurance
19 that, for the duration of the
20 subgrant—

21 (aa) the provider will give
22 priority for available slots (in-
23 cluding slots that are only tempo-
24 rarily available) to—

1 (AA) children of essen-
2 tial workers (such as health
3 care sector employees, emer-
4 gency responders, sanitation
5 workers, farmworkers, child
6 care employees, and other
7 workers determined to be es-
8 sential during the response
9 to coronavirus by public offi-
10 cials), children of workers
11 whose places of employment
12 require their attendance,
13 children experiencing home-
14 lessness, children with dis-
15 abilities, children at risk of
16 child abuse or neglect, and
17 children in foster care, in
18 States, tribal communities,
19 or localities where stay-at-
20 home or related orders are
21 in effect; or

22 (BB) children of work-
23 ers whose places of employ-
24 ment require their attend-
25 ance, children experiencing

1 homelessness, children with
2 disabilities, children at risk
3 of child abuse or neglect,
4 children in foster care, and
5 children whose parents are
6 in school or a training pro-
7 gram, in States, tribal com-
8 munities, or localities where
9 stay-at-home or related or-
10 ders are not in effect;

11 (bb) the provider will imple-
12 ment policies in line with guid-
13 ance from the Centers for Dis-
14 ease Control and Prevention and
15 the corresponding State, tribal,
16 and local authorities, and in ac-
17 cordance with State, tribal, and
18 local orders, for child care pro-
19 viders that remain open, includ-
20 ing guidance on sanitization
21 practices, group size limits, and
22 social distancing;

23 (cc) for each employee, the
24 provider will pay the full com-
25 pensation described in subsection

1 (e)(1)(C), including any benefits,
2 that was provided to the em-
3 ployee as of March 1, 2020 (re-
4 ferred to in this clause as “full
5 compensation”), and will not take
6 any action that reduces the week-
7 ly amount of the employee’s com-
8 pensation below the weekly
9 amount of full compensation, or
10 that reduces the employee’s rate
11 of compensation below the rate of
12 full compensation; and

13 (dd) the provider will pro-
14 vide relief from copayments and
15 tuition payments for the families
16 enrolled in the provider’s pro-
17 gram and prioritize such relief
18 for families struggling to make
19 either type of payments;

20 (III) for a provider described in
21 subparagraph (B)(ii)(II), an assur-
22 ance that—

23 (aa) for the duration of the
24 provider’s closure due to the
25 COVID–19 public health emer-

1 agency, for each employee, the
2 provider will pay full compensa-
3 tion, and will not take any action
4 that reduces the weekly amount
5 of the employee's compensation
6 below the weekly amount of full
7 compensation, or that reduces
8 the employee's rate of compensa-
9 tion below the rate of full com-
10 pensation;

11 (bb) children enrolled as of
12 March 1, 2020, will maintain
13 their slots, unless their families
14 choose to disenroll the children;

15 (cc) for the duration of the
16 provider's closure due to the
17 COVID-19 public health emer-
18 gency, the provider will provide
19 relief from copayments and tui-
20 tion payments for the families
21 enrolled in the provider's pro-
22 gram and prioritize such relief
23 for families struggling to make
24 either type of payments; and

1 (dd) the provider will re-
2 sume operations when the pro-
3 vider is able to safely implement
4 policies in line with guidance
5 from the Centers for Disease
6 Control and Prevention and the
7 corresponding State, tribal, and
8 local authorities, and in accord-
9 ance with State, tribal, and local
10 orders;

11 (IV) information about the child
12 care provider's—

13 (aa) program characteristics
14 sufficient to allow the lead agen-
15 cy to establish the child care pro-
16 vider's priority status, as de-
17 scribed in subparagraph (F);

18 (bb) program operational
19 status on the date of submission
20 of the application;

21 (cc) type of program, includ-
22 ing whether the program is a
23 center-based child care, family
24 child care, group home child care,

1 or other non-center-based child
2 care type program;

3 (dd) total enrollment on the
4 date of submission of the applica-
5 tion and total capacity as allowed
6 by the State and tribal authori-
7 ties; and

8 (ee) receipt of assistance,
9 and amount of assistance,
10 through a payment or reimburse-
11 ment described in subparagraph
12 (C)(iv), and the time period for
13 which the assistance was made;

14 (V) information necessary to de-
15 termine the amount of the subgrant,
16 such as information about the pro-
17 vider's stated average operating ex-
18 penses over the appropriate period,
19 described in subparagraph (C)(i); and

20 (VI) such other limited informa-
21 tion as the lead agency shall deter-
22 mine to be necessary to make sub-
23 grants to qualified child care pro-
24 viders.

1 (ii) FREQUENCY.—The lead agency
2 shall accept and process applications sub-
3 mitted under this subparagraph on a roll-
4 ing basis.

5 (iii) UPDATES.—The lead agency
6 shall—

7 (I) at least once a month, verify
8 by obtaining a self-attestation from
9 each qualified child care provider that
10 received such a subgrant from the
11 agency, whether the provider is open
12 and available to provide child care
13 services or is closed due to the
14 COVID–19 public health emergency;

15 (II) allow the qualified child care
16 provider to update the information
17 provided in a prior application; and

18 (III) adjust the qualified child
19 care provider’s subgrant award as
20 necessary, based on changes to the
21 application information, including
22 changes to the provider’s operational
23 status.

24 (iv) EXISTING APPLICATIONS.—If a
25 lead agency has established and imple-

1 mented a grant program for child care pro-
2 viders that is in effect on the date of en-
3 actment of this Act, and an eligible child
4 care provider has already submitted an ap-
5 plication for such a grant to the lead agen-
6 cy containing the information specified in
7 clause (i), the lead agency shall treat that
8 application as an application submitted
9 under this subparagraph. If an eligible
10 child care provider has already submitted
11 such an application containing part of the
12 information specified in clause (i), the pro-
13 vider may submit to the lead agency an ab-
14 breviated application that contains the re-
15 maining information, and the lead agency
16 shall treat the 2 applications as an applica-
17 tion submitted under this subparagraph.

18 (E) MATERIALS.—

19 (i) IN GENERAL.—The lead agency
20 shall provide the materials and other re-
21 sources related to such subgrants, includ-
22 ing a notification of subgrant opportunities
23 and application materials, to qualified child
24 care providers in the most commonly spo-
25 ken languages in the State.

1 (ii) APPLICATION.—The application
2 shall be accessible on the website of the
3 lead agency within 30 days after the lead
4 agency receives grant funds awarded pur-
5 suant to subsection (b) and shall be acces-
6 sible to all eligible child care providers, in-
7 cluding family child care providers, group
8 home child care providers, and other non-
9 center-based child care providers, providers
10 in rural areas, and providers with limited
11 administrative capacity.

12 (F) PRIORITY.—In making subgrants
13 under this section, the lead agency shall give
14 priority to qualified child care providers that,
15 prior to or on March 1, 2020—

16 (i) provided child care during non-
17 traditional hours;

18 (ii) served dual language learners,
19 children with disabilities, children experi-
20 encing homelessness, children in foster
21 care, children from low-income families, or
22 infants and toddlers;

23 (iii) served a high proportion of chil-
24 dren whose families received subsidies
25 under the Child Care and Development

1 Block Grant Act of 1990 (42 U.S.C. 9857
2 et seq.) for the child care; or

3 (iv) operated in communities, includ-
4 ing rural communities, with a low supply
5 of child care.

6 (G) PROVIDERS RECEIVING OTHER ASSIST-
7 ANCE.—The lead agency, in determining wheth-
8 er a provider is a qualified child care provider,
9 shall not take into consideration receipt of a
10 payment or reimbursement described in sub-
11 paragraph (C)(iii) or subparagraph (C)(iv).

12 (H) AWARDS.—The lead agency shall equi-
13 tably make subgrants under this paragraph to
14 center-based child care providers, family child
15 care providers, group home child care providers,
16 and other non-center-based child care providers,
17 such that qualified child care providers are able
18 to access the subgrant opportunity under this
19 paragraph regardless of the providers' setting,
20 size, or administrative capacity.

21 (I) OBLIGATION.—The lead agency shall
22 obligate at least 50 percent of funds available
23 to carry out this section for subgrants described
24 in this paragraph, within 6 months of the date
25 of the enactment of this Act.

1 (e) USES OF FUNDS.—

2 (1) IN GENERAL.—A qualified child care pro-
3 vider that receives funds through such a subgrant
4 may use the funds for the costs of—

5 (A) payroll;

6 (B) employee benefits, including group
7 health plan benefits during periods of paid sick,
8 medical, or family leave, and insurance pre-
9 miums;

10 (C) employee salaries or similar compensa-
11 tion, including any income or other compensa-
12 tion to a sole proprietor or independent con-
13 tractor that is a wage, commission, income, net
14 earnings from self-employment, or similar com-
15 pensation;

16 (D) employee recruitment and retention;

17 (E) payment on any mortgage obligation;

18 (F) rent (including rent under a lease
19 agreement);

20 (G) utilities and facility maintenance;

21 (H) insurance;

22 (I) providing premium pay for child care
23 providers and other employees who provide
24 services during the COVID–19 public health
25 emergency;

1 (J) sanitization and other costs associated
2 with cleaning;

3 (K) personal protective equipment and
4 other equipment necessary to carry out the
5 functions of the child care provider;

6 (L) training and professional development
7 related to health and safety practices, including
8 the proper implementation of policies in line
9 with guidance from the Centers for Disease
10 Control and Prevention and the corresponding
11 State, tribal, and local authorities, and in ac-
12 cordance with State, tribal, and local orders;

13 (M) purchasing or updating equipment and
14 supplies to serve children during nontraditional
15 hours

16 (N) modifications to child care services as
17 a result of the COVID–19 public health emer-
18 gency, such as limiting group sizes, adjusting
19 staff-to-child ratios, and implementing other
20 heightened health and safety measures;

21 (O) mental health supports for children
22 and employees; and

23 (P) other goods and services necessary to
24 maintain or resume operation of the child care
25 program, or to maintain the viability of the

1 child care provider as a going concern during
2 and after the COVID–19 public health emer-
3 gency.

4 (2) REIMBURSEMENT.—The qualified child care
5 provider may use the subgrant funds to reimburse
6 the provider for sums obligated or expended before
7 the date of enactment of this Act for the cost of a
8 good or service described in paragraph (1) to re-
9 spond to the COVID–19 public health emergency.

10 (f) REPORTING.—

11 (1) INITIAL REPORT.—A lead agency receiving
12 a grant under this section shall, within 60 days after
13 making the agency’s first subgrant under subsection
14 (d)(2) to a qualified child care provider, submit a re-
15 port to the Secretary that includes—

16 (A) data on qualified child care providers
17 that applied for subgrants and qualified child
18 care providers that received such subgrants, in-
19 cluding—

20 (i) the number of such applicants and
21 the number of such recipients;

22 (ii) the number and proportion of
23 such applicants and recipients that re-
24 ceived priority and the characteristic or

- 1 characteristics of such applicants and re-
2 cipients associated with the priority;
- 3 (iii) the number and proportion of
4 such applicants and recipients that are—
- 5 (I) center-based child care pro-
6 viders;
- 7 (II) family child care providers;
- 8 (III) group home child care pro-
9 viders; or
- 10 (IV) other non-center-based child
11 care providers; and
- 12 (iv) within each of the groups listed in
13 clause (iii), the number of such applicants
14 and recipients that are, on the date of sub-
15 mission of the application—
- 16 (I) open and available to provide
17 child care services; or
- 18 (II) closed due to the COVID-19
19 public health emergency;
- 20 (B) the total capacity of child care pro-
21 viders that are licensed, regulated, or registered
22 in the State on the date of the submission of
23 the report;
- 24 (C) a description of—

1 (i) the efforts of the lead agency to
2 publicize the availability of subgrants
3 under this section and conduct widespread
4 outreach to eligible child care providers
5 about such subgrants, including efforts to
6 make materials available in languages
7 other than English;

8 (ii) the lead agency's methodology for
9 determining amounts of subgrants under
10 subsection (d)(2);

11 (iii) the lead agency's timeline for dis-
12 bursing the subgrant funds; and

13 (iv) the lead agency's plan for ensur-
14 ing that qualified child care providers that
15 receive funding through such a subgrant
16 comply with assurances described in sub-
17 section (d)(2)(D) and use funds in compli-
18 ance with subsection (e); and

19 (D) such other limited information as the
20 Secretary may require.

21 (2) QUARTERLY REPORT.—The lead agency
22 shall, following the submission of such initial report,
23 submit to the Secretary a report that contains the
24 information described in subparagraphs (A), (B),
25 and (D) of paragraph (1) once a quarter until all

1 funds allotted for activities authorized under this
2 section are expended.

3 (3) FINAL REPORT.—Not later than 60 days
4 after a lead agency receiving a grant under this sec-
5 tion has obligated all of the grant funds (including
6 funds received under subsection (h)), the lead agen-
7 cy shall submit a report to the Secretary, in such
8 manner as the Secretary may require, that in-
9 cludes—

10 (A) the total number of eligible child care
11 providers who were providing child care services
12 on or before March 1, 2020, in the State and
13 the number of such providers that submitted an
14 application under subsection (d)(2)(D);

15 (B) the number of qualified child care pro-
16 viders in the State that received funds through
17 the grant;

18 (C) the lead agency’s methodology for de-
19 termining amounts of subgrants under sub-
20 section (d)(2);

21 (D) the average and range of the subgrant
22 amounts by provider type (center-based child
23 care, family child care, group home child care,
24 or other non-center-based child care provider);

1 (E) the percentages of the child care pro-
2 viders that received such a subgrant, that, on or
3 before March 1, 2020—

4 (i) provided child care during non-
5 traditional hours;

6 (ii) served dual language learners,
7 children with disabilities, children experi-
8 encing homelessness, children in foster
9 care, children from low-income families, or
10 infants and toddlers;

11 (iii) served a high proportion of chil-
12 dren whose families received subsidies
13 under the Child Care and Development
14 Block Grant Act of 1990 (42 U.S.C. 9857
15 et seq.) for the child care; and

16 (iv) operated in communities, includ-
17 ing rural communities, with a low supply
18 of child care;

19 (F) the number of children served by the
20 child care providers that received such a
21 subgrant, for the duration of the subgrant;

22 (G) the percentages, of the child care pro-
23 viders that received such a subgrant, that are—

24 (i) center-based child care providers;

25 (ii) family child care providers;

1 (iii) group home child care providers;

2 or

3 (iv) other non-center-based child care
4 providers;

5 (H) the percentages, of the child care pro-
6 viders listed in subparagraph (G) that are, on
7 the date of submission of the application—

8 (i) open and available to provide child
9 care services; or

10 (ii) closed due to the COVID–19 pub-
11 lic health emergency;

12 (I) information about how child care pro-
13 viders used the funds received under such a
14 subgrant;

15 (J) information about how the lead agency
16 used funds reserved under subsection (d)(1);
17 and

18 (K) information about how the subgrants
19 helped to stabilize the child care sector.

20 (4) REPORTS TO CONGRESS.—

21 (A) FINDINGS FROM INITIAL REPORTS.—

22 Not later than 60 days after receiving all re-
23 ports required to be submitted under paragraph
24 (1), the Secretary shall provide a report to the
25 Committee on Education and Labor of the

1 House of Representatives, to the Committee on
2 Health, Education, Labor and Pensions of the
3 Senate, and to the Committees on Appropria-
4 tions of the House of Representatives and the
5 Senate, summarizing the findings from the re-
6 ports received under paragraph (1).

7 (B) FINDINGS FROM FINAL REPORTS.—
8 Not later than 36 months after the date of en-
9 actment of this Act, the Secretary shall provide
10 a report to the Committee on Education and
11 Labor of the House of Representatives, to the
12 Committee on Health, Education, Labor and
13 Pensions of the Senate, and to the Committees
14 on Appropriations of the House of Representa-
15 tives and the Senate, summarizing the findings
16 from the reports received under paragraph (3).

17 (g) SUPPLEMENT NOT SUPPLANT.—Amounts made
18 available to carry out this section shall be used to supple-
19 ment and not supplant other Federal, State, and local
20 public funds expended to provide child care services for
21 eligible individuals, including funds provided under the
22 Child Care and Development Block Grant Act of 1990 (42
23 U.S.C. 9857 et seq.) and State child care programs.

24 (h) REALLOTMENT OF UNOBLIGATED FUNDS.—

1 (1) UNOBLIGATED FUNDS.— A State, Indian
2 tribe, or tribal organization that anticipates being
3 unable to obligate all grant funds received under this
4 section by September 30, 2022 shall notify the Sec-
5 retary, at least 60 days prior to such date, of the
6 amount of funds it anticipates being unable to obli-
7 gate by such date. A State, Indian tribe, or tribal or-
8 ganization shall return to the Secretary any grant
9 funds received under this section that the State, In-
10 dian tribe, or tribal organization does not obligate by
11 September 30, 2022.

12 (2) REALLOTMENT.—The Secretary shall award
13 new allotments and payments, in accordance with
14 subsection (c)(2), to covered States, Indian tribes, or
15 tribal organizations from funds that are returned
16 under paragraph (1) within 60 days of receiving
17 such funds. Funds made available through the new
18 allotments and payments shall remain available to
19 each covered State, Indian tribe, or tribal organiza-
20 tion until September 30, 2023.

21 (3) COVERED STATE, INDIAN TRIBE, OR TRIBAL
22 ORGANIZATION.—For purposes of paragraph (2), a
23 covered State, Indian tribe, or tribal organization is
24 a State, Indian tribe, or tribal organization that re-
25 ceived an allotment or payment under this section

1 and was not required to return grant funds under
2 paragraph (1).

3 (i) EXCEPTIONS.—The Child Care and Development
4 Block Grant Act of 1990 (42 U.S.C. 9857 et seq.), exclud-
5 ing requirements in subparagraphs (C) through (E) of sec-
6 tion 658E(c)(3), section 658G, and section 658J(c) of
7 such Act (42 U.S.C. 9858c(c)(3), 9858e, 9858h(c)), shall
8 apply to child care services provided under this section to
9 the extent the application of such Act does not conflict
10 with the provisions of this section. Nothing in this Act
11 shall be construed to require a State, Indian tribe, or trib-
12 al organization to submit an application, other than the
13 application described in section 658E or 658O(c) of the
14 Child Care and Development Block Grant Act of 1990 (42
15 U.S.C. 9858c, 9858m(c)), to receive a grant under this
16 Act.

17 (j) APPLICATION.—In carrying out the Child Care
18 and Development Block Grant Act of 1990 with funds
19 other than the funds made available under this heading
20 in this Act, the Secretary shall calculate the amounts of
21 appropriated funds described in subsections (a) and (b)
22 of section 658O of such Act (42 U.S.C. 9858m) by exclud-
23 ing funds made available under this heading in this Act.

1 CHILDREN AND FAMILIES SERVICES PROGRAMS

2 For an additional amount for “Children and Families
3 Services Programs”, \$3,700,000,000, to prevent, prepare
4 for, and respond to coronavirus, which shall be used as
5 follows:

6 (1) \$1,700,000,000 for making payments under
7 the Head Start Act, including for Federal adminis-
8 trative expenses, and allocated in an amount that
9 bears the same ratio to such portion as the number
10 of enrolled children served by the agency involved
11 bears to the number of enrolled children by all Head
12 Start agencies: *Provided*, That none of the funds
13 made available in this paragraph shall be included in
14 the calculation of the “base grant” in subsequent
15 fiscal years, as such term is defined in sections
16 640(a)(7)(A), 641A(h)(1)(B), or 645(d)(3) of the
17 Head Start Act: *Provided further*, That funds made
18 available in this paragraph are not subject to the al-
19 location requirements of section 640(a) of the Head
20 Start Act;

21 (2) \$100,000,000 for Family Violence Preven-
22 tion and Services grants as authorized by section
23 303(a) and 303(b) of the Family Violence Preven-
24 tion and Services Act with such funds available to
25 grantees without regard to matching requirements

1 under section 306(c)(4) of such Act, of which
2 \$2,000,000 shall be for the National Domestic Vio-
3 lence Hotline: *Provided*, That the Secretary of
4 Health and Human Services may make such funds
5 available for providing temporary housing and as-
6 sistance to victims of family, domestic, and dating
7 violence;

8 (3) \$75,000,000 for child welfare services as
9 authorized by subpart 1 of part B of title IV of the
10 Social Security Act (other than sections 426, 427,
11 and 429 of such subpart), with such funds available
12 to grantees without regard to matching requirements
13 under section 424(a) of that Act or any applicable
14 reductions in Federal financial participation under
15 section 424(f) of that Act;

16 (4) \$225,000,000 for necessary expenses for
17 community-based grants for the prevention of child
18 abuse and neglect under section 209 of the Child
19 Abuse Prevention and Treatment Act, which the
20 Secretary shall make without regard to sections
21 203(b)(1) and 204(4) of such Act;

22 (5) \$100,000,000 for necessary expenses for the
23 Child Abuse Prevention and Treatment Act State
24 Grant program as authorized by Section 112 of such
25 Act; and

1 (6) \$1,500,000,000 for necessary expenses for
2 grants to carry out the Low-Income Household
3 Drinking Water and Wastewater Assistance pro-
4 gram, as described in section 303 of division U of
5 this Act:

6 *Provided*, That funds made available under this heading
7 in this Act may be used for the purposes provided herein
8 to reimburse costs incurred between January 20, 2020,
9 and the date of award: *Provided further*, 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 ADMINISTRATION FOR COMMUNITY LIVING

15 AGING AND DISABILITY SERVICES PROGRAMS

16 For an additional amount for “Aging and Disability
17 Services Programs”, \$1,000,000,000, to prevent, prepare
18 for, and respond to the coronavirus: *Provided*, That of the
19 amount made available under this heading in this Act,
20 \$925,000,000 shall be for activities authorized under the
21 Older Americans Act of 1965 (“OAA”), including
22 \$200,000,000 for supportive services under part B of title
23 III; \$480,000,000 for nutrition services under subparts 1
24 and 2 of part C of title III; \$20,000,000 for nutrition serv-
25 ices under title VI; \$150,000,000 for supportive services

1 for family caregivers under part E of title III;
2 \$44,000,000 for evidence-based health promotion and dis-
3 ease prevention services under part D of title III;
4 \$6,000,000 for aging network support activities to develop
5 targeted outreach strategies to reach particularly at-risk
6 populations, including populations targeted under section
7 306(a)(4)(A)(i)(l) of such Act; \$20,000,000 for elder
8 rights protection activities, including the long-term om-
9 budsman program under title VII; and \$5,000,000 shall
10 be for grants to States to support the network of statewide
11 senior legal services, including existing senior legal hot-
12 lines, efforts to expand such hotlines to all interested
13 States, and legal assistance to providers, in order to en-
14 sure seniors have access to legal assistance, with such fund
15 allotted to States consistent with paragraphs (1) through
16 (3) of section 304(a) of the OAA: *Provided further*, That
17 State matching requirements under sections 304(d)(1)(D)
18 and 373(g)(2) of the OAA shall not apply to funds made
19 available under this heading: *Provided further*, That of the
20 amount made available under this heading in this Act,
21 \$50,000,000 shall be for activities authorized in the Devel-
22 opmental Disabilities Assistance and Bill of Rights Act of
23 2000: *Provided further*, That of the amount made avail-
24 able under this heading in this Act, \$25,000,000 shall be
25 for activities authorized in the Assistive Technology Act

1 of 2004: *Provided further*, That of the amount made avail-
2 able in the preceding proviso, \$5,000,000 shall be for the
3 purchase of equipment to allow interpreters to provide ap-
4 propriate and essential services to the hearing-impaired
5 community: *Provided further*, That for the purposes of the
6 funding provided in the preceding proviso, during the
7 emergency period described in section 1135(g)(1)(B) of
8 the Social Security Act, for purposes of section 4(e)(2)(A)
9 of the Assistive Technology Act of 2004, the term “tar-
10 geted individuals and entities” (as that term is defined
11 in section 3(16) of the Assistive Technology Act of 2004)
12 shall be deemed to include American Sign Language cer-
13 tified interpreters who are providing interpretation serv-
14 ices remotely for individuals with disabilities: *Provided fur-*
15 *ther*, That during such emergency period, for the purposes
16 of the previous two provisos, to facilitate the ability of in-
17 dividuals with disabilities to remain in their homes and
18 practice social distancing, the Secretary shall waive the
19 prohibitions on the use of grant funds for direct payment
20 for an assistive technology device for an individual with
21 a disability under sections 4(e)(2)(A) and 4(e)(5) of such
22 Act: *Provided further*, That such amount is designated by
23 the Congress as being for an emergency requirement pur-
24 suant to section 251(b)(2)(A)(i) of the Balanced Budget
25 and Emergency Deficit Control Act of 1985.

1 For an additional amount for “Aging and Disability
2 Services Programs”, \$175,000,000, to prevent, prepare
3 for, and respond to the coronavirus, which shall be used
4 as follows:

5 (1) \$5,000,000 for elder abuse, neglect, and ex-
6 ploitation forensic centers, as authorized by section
7 2031(f) of the Social Security Act (42 U.S.C.
8 1397l(f));

9 (2) \$14,000,000 for grants for long-term care
10 staffing and technology, as authorized by section
11 2041(d) of the Social Security Act (42 U.S.C.
12 1397m(d));

13 (3) \$123,000,000 for adult protective services
14 functions and grants, as authorized by sections
15 2042(a)(2), 2042(b)(5), and 2042(c)(6) of the Social
16 Security Act (42 U.S.C. 1397m—1);

17 (4) \$18,000,000 for long-term care ombudsman
18 program grants and training, as authorized by sec-
19 tions 2043(a)(2) and 2043(b)(2) of the Social Secu-
20 rity Act (42 U.S.C. 1397m—2);

21 (5) \$14,000,000 for investigation systems and
22 training, as authorized by sections 6703(b)(1)(C)
23 and 6703(b)(2)(C) of the Patient Protection and Af-
24 fordable Care Act (42 U.S.C. 1395i—3a(b)); and

1 (6) \$1,000,000 for assessment reports, as au-
2 thorized by section 207 of division J of this Act:

3 *Provided*, 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 OFFICE OF THE SECRETARY

8 PUBLIC HEALTH AND SOCIAL SERVICES EMERGENCY

9 FUND

10 For an additional amount for “Public Health and So-
11 cial Services Emergency Fund”, \$21,025,000,000, to pre-
12 vent, prepare for, and respond to coronavirus, domestically
13 or internationally, including the development of necessary
14 countermeasures and vaccines, prioritizing platform-based
15 technologies with U.S.-based manufacturing capabilities,
16 the purchase of vaccines, therapeutics, diagnostics, nec-
17 essary medical supplies, as well as medical surge capacity,
18 addressing blood supply chain, workforce modernization,
19 telehealth access and infrastructure, initial advanced man-
20 ufacturing, novel dispensing, enhancements to the U.S.
21 Commissioned Corps, and other preparedness and re-
22 sponse activities: *Provided*, That funds appropriated under
23 this paragraph in this Act may be used to develop and
24 demonstrate innovations and enhancements to manufac-
25 turing platforms to support such capabilities: *Provided*

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

1 Countermeasure Process Fund, of the Public Health Serv-
2 ice Act: *Provided further*, That of the amount made avail-
3 able under this paragraph in this Act, \$20,000,000,000
4 shall be available to the Biomedical Advanced Research
5 and Development Authority for necessary expenses of ad-
6 vanced research, development, manufacturing, production,
7 and purchase of vaccines, therapeutics, and ancillary med-
8 ical products to prevent the spread of SARS-CoV-2 and
9 COVID-19, as described in section 702 of division K of
10 this Act: *Provided further*, That of the amount made avail-
11 able under this paragraph in this Act, \$500,000,000 shall
12 be available to the Biomedical Advanced Research and De-
13 velopment Authority for the construction, renovation, or
14 equipping of U.S.-based next generation manufacturing
15 facilities, other than facilities owned by the United States
16 Government: *Provided further*, That of the amount made
17 available under this paragraph in this Act, \$500,000,000
18 shall be available to the Biomedical Advanced Research
19 and Development Authority to promote innovation in anti-
20 bacterial research and development: *Provided further*,
21 That funds made available under this paragraph in this
22 Act may be used for grants for the rent, lease, purchase,
23 acquisition, construction, alteration, or renovation of non-
24 Federally owned facilities to improve preparedness and re-
25 sponse capability at the State and local level: *Provided fur-*

1 *ther*, That funds appropriated under this paragraph in this
2 Act may be used for the construction, alteration, renova-
3 tion or equipping of non-Federally owned facilities for the
4 production of vaccines, therapeutics, diagnostics, and
5 medicines and other items purchased under section 319F-
6 2(a) of the Public Health Service Act where the Secretary
7 determines that such a contract is necessary to assure suf-
8 ficient domestic production of such supplies: *Provided fur-*
9 *ther*, That all construction, alteration, or renovation work,
10 carried out, in whole or in part, with fund appropriated
11 under this heading in this Act, the CARES Act (P.L. 116-
12 136), or the Paycheck Protection Program and Health
13 Care Enhancement Act (P.L. 116-139), shall be subject
14 to the requirements of 42 U.S.C. 300s-1(b)(1)(I): *Pro-*
15 *vided further*, That not later than seven days after the date
16 of enactment of this Act, and weekly thereafter until the
17 public health emergency related to coronavirus is no longer
18 in effect, the Secretary shall report to the Committees on
19 Appropriations of the House of Representatives and the
20 Senate on the current inventory of ventilators and per-
21 sonal protective equipment in the Strategic National
22 Stockpile, including the numbers of face shields, gloves,
23 goggles and glasses, gowns, head covers, masks, and res-
24 pirators, as well as deployment of ventilators and personal
25 protective equipment during the previous week, reported

1 by state and other jurisdiction: *Provided further*, That not
2 later than the first Monday in February of fiscal year
3 2021 and each fiscal year thereafter, the Secretary shall
4 include in the annual budget submission for the Depart-
5 ment, and submit to the Congress, the Secretary’s request
6 with respect to expenditures necessary to maintain the
7 minimum level of relevant supplies in the Strategic Na-
8 tional Stockpile, including in case of a significant pan-
9 demic, in consultation with the working group under sec-
10 tion 319F(a) of the Public Health Service Act and the
11 Public Health Emergency Medical Countermeasures En-
12 terprise established under section 2811–1 of such Act:
13 *Provided further*, That such amount is designated by the
14 Congress as being for an emergency requirement pursuant
15 to section 251(b)(2)(A)(i) of the Balanced Budget and
16 Emergency Deficit Control Act of 1985.

17 For an additional amount for “Public Health and So-
18 cial Services Emergency Fund”, \$50,000,000,000, to re-
19 main available until expended, to prevent, prepare for, and
20 respond to coronavirus, for necessary expenses to make
21 payments under the Health Care Provider Relief Fund as
22 described in section 611 of division K of this Act: *Pro-*
23 *vided*, That such amount is designated by the Congress
24 as being for an emergency requirement pursuant to sec-

1 tion 251(b)(2)(A)(i) of the Balanced Budget and Emer-
2 gency Deficit Control Act of 1985.

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

13 DEPARTMENT OF EDUCATION

14 STATE FISCAL STABILIZATION FUND

15 For an additional amount for “State Fiscal Stabiliza-
16 tion Fund”, \$208,058,000,000, to prevent, prepare for,
17 and respond to coronavirus: *Provided*, That the Secretary
18 of Education (referred to under this heading as “Sec-
19 retary”) shall make grants to the Governor of each State
20 for support of elementary, secondary, and postsecondary
21 education and, as applicable, early childhood education
22 programs and services: *Provided further*, That of the
23 amount made available, the Secretary shall first allocate
24 up to one-half of 1 percent to the outlying areas and one-
25 half of 1 percent to the Bureau of Indian Education

1 (“BIE”) for BIE-funded schools and Tribal Colleges or
2 Universities for activities consistent with this heading
3 under such terms and conditions as the Secretary may de-
4 termine and in consultation with the Secretary of the Inte-
5 rior: *Provided further*, That the Secretary may reserve up
6 to \$30,000,000 for administration and oversight of the ac-
7 tivities under this heading: *Provided further*, That the Sec-
8 retary shall allocate 61 percent of the remaining funds
9 made available to carry out this heading to the States on
10 the basis of their relative population of individuals aged
11 5 through 24 and allocate 39 percent on the basis of their
12 relative number of children counted under section 1124(c)
13 of the Elementary and Secondary Education Act of 1965
14 (referred to under this heading as “ESEA”) as State
15 grants: *Provided further*, That State grants shall support
16 statewide elementary, secondary, and postsecondary activi-
17 ties; subgrants to local educational agencies; and, sub-
18 grants to public institutions of higher education: *Provided*
19 *further*, That States shall allocate 85 percent of the funds
20 received under the fourth proviso as subgrants to local
21 educational agencies in proportion to the amount of funds
22 such local educational agencies received under part A of
23 title I of the ESEA in the most recent fiscal year: *Provided*
24 *further*, That subgrants provided under the preceding pro-
25 viso shall be administered by State educational agencies:

1 *Provided further*, That States shall allocate 13 percent of
2 the funds received under the fourth proviso as subgrants
3 to public institutions of higher education, of which 75 per-
4 cent shall be apportioned according to the relative share
5 in the State of students who received Pell Grants who are
6 not exclusively enrolled in distance education courses prior
7 to the coronavirus emergency at the institution in the pre-
8 vious award year and 25 percent shall be apportioned ac-
9 cording to the relative share in the State of the total en-
10 rollment of students at the institution who are not exclu-
11 sively enrolled in distance education courses prior to the
12 coronavirus emergency at the institution in the previous
13 award year: *Provided further*, That the Governor may use
14 any funds received under the fourth proviso that are not
15 specifically reserved under this heading for additional sup-
16 port to elementary, secondary, and postsecondary edu-
17 cation, including supports for under-resourced institu-
18 tions, institutions with high burden due to the
19 coronavirus, and institutions who did not possess distance
20 education capabilities prior to the coronavirus emergency:
21 *Provided further*, That the Governor shall return to the
22 Secretary any funds received that the Governor does not
23 award to local educational agencies and public institutions
24 of higher education or otherwise commit within two years
25 of receiving such funds, and the Secretary shall reallocate

1 such funds to the remaining States in accordance with the
2 fourth proviso: *Provided further*, That Governors shall use
3 State grants and subgrants to maintain or restore State
4 and local fiscal support for elementary, secondary and
5 postsecondary education: *Provided further*, That funds for
6 local educational agencies may be used for any activity au-
7 thorized by the ESEA, including the Native Hawaiian
8 Education Act and the Alaska Native Educational Equity,
9 Support, and Assistance Act, the Individuals with Disabil-
10 ities Education Act (“IDEA”), subtitle B of title VII of
11 the McKinney-Vento Homeless Assistance Act, the Adult
12 Education and Family Literacy Act or the Carl D. Perkins
13 Career and Technical Education Act of 2006 (“the Per-
14 kins Act”): *Provided further*, That a State or local edu-
15 cational agency receiving funds under this heading may
16 use the funds for activities coordinated with State, local,
17 tribal, and territorial public health departments to detect,
18 prevent, or mitigate the spread of infectious disease or
19 otherwise respond to coronavirus; support online learning
20 by purchasing educational technology and internet access
21 for students, which may include assistive technology or
22 adaptive equipment, that aids in regular and substantive
23 educational interactions between students and their class-
24 room instructor; provide ongoing professional development
25 to staff in how to effectively provide quality online aca-

1 demic instruction; provide assistance for children and fam-
2 ilies to promote equitable participation in quality online
3 learning; plan and implement activities related to supple-
4 mental afterschool programs and summer learning, includ-
5 ing providing classroom instruction or quality online learn-
6 ing during the summer months; plan for and coordinate
7 during long-term closures, provide technology for quality
8 online learning to all students, and how to support the
9 needs of low-income students, racial and ethnic minorities,
10 students with disabilities, English learners (including
11 through such activities as are authorized under Title III
12 of the ESEA, such as ensuring the access of English
13 learners to online learning, supporting professional devel-
14 opment on digital instruction for English learners, engage-
15 ment with the parents of English learners, expanded sum-
16 mer and after-school programs, and mental health sup-
17 ports), students experiencing homelessness, and children
18 in foster care, including how to address learning gaps that
19 are created or exacerbated due to long-term closures; sup-
20 port the continuity of student engagement through social
21 and emotional learning; and other activities that are nec-
22 essary to maintain the operation of and continuity of serv-
23 ices in local educational agencies, including maintaining
24 employment of existing personnel, and reimbursement for
25 eligible costs incurred during the national emergency: *Pro-*

1 *vided further*, That a public institution of higher education
2 that receives funds under this heading shall use funds for
3 education and general expenditures (including defraying
4 expenses due to lost revenue, reimbursement for expenses
5 already incurred, and payroll) and grants to students for
6 expenses directly related to coronavirus and the disruption
7 of campus operations (which may include emergency fi-
8 nancial aid to students for tuition, food, housing, tech-
9 nology, health care, and child care costs that shall not be
10 required to be repaid by such students) or for the acquisi-
11 tion of technology and services directly related to the need
12 for distance education and the training of faculty and staff
13 to use such technology and services (which shall not in-
14 clude payment to contractors for the provision of pre-en-
15 rollment recruitment activities): *Provided further*, That an
16 institution of higher education may not use funds received
17 under this heading to increase its endowment or provide
18 funding for capital outlays associated with facilities re-
19 lated to athletics, sectarian instruction, or religious wor-
20 ship: *Provided further*, That funds may be used to support
21 hourly workers, such as education support professionals,
22 classified school employees, and adjunct and contingent
23 faculty: *Provided further*, That a Governor of a State de-
24 siring to receive an allocation under this heading shall sub-
25 mit an application at such time, in such manner, and con-

1 taining such information as the Secretary may reasonably
2 require: *Provided further*, That the Secretary shall issue
3 a notice inviting applications not later than 15 days after
4 the date of enactment of this Act: *Provided further*, That
5 any State receiving funding under this heading shall main-
6 tain its percent of total spending on elementary, sec-
7 ondary, and postsecondary education in fiscal year 2019
8 for fiscal years 2020, 2021, and 2022: *Provided further*,
9 That a State's application shall include assurances that
10 the State will maintain support for elementary and sec-
11 ondary education in fiscal year 2020, fiscal year 2021, and
12 fiscal year 2022 at least at the level of such support that
13 is the average of such State's support for elementary and
14 secondary education in the 3 fiscal years preceding the fis-
15 cal year for which State support for elementary and sec-
16 ondary education is provided: *Provided further*, That any
17 State receiving funding under this heading shall maintain
18 or exceed its per pupil spending on elementary and sec-
19 ondary education in fiscal year 2019 or the proportion of
20 such State's spending on elementary and secondary edu-
21 cation in fiscal year 2019 for fiscal years 2020, 2021, and
22 2022: *Provided further*, That a State educational agency
23 shall only be eligible to receive funds under this Act if
24 the State in which such agency is located, in either of fis-
25 cal years 2021 and 2022, does not reduce State funding

1 for a high-need local educational agency (defined as a local
2 educational agency that has a higher percentage of eco-
3 nomically disadvantaged students than the median local
4 educational agency in the state) such that the per-pupil
5 reduction in State funds in each such high-need local edu-
6 cational agency is more than the overall per-pupil reduc-
7 tion in State funds, as calculated by the total reduction
8 in State funds provided to all local educational agencies
9 in the State divided by the total student enrollment across
10 all local educational agencies in the State: *Provided fur-*
11 *ther*, That a State's application shall include assurances
12 that the State will maintain State support for higher edu-
13 cation (not including support for capital projects or for
14 research and development or tuition and fees paid by stu-
15 dents) in fiscal year 2020, fiscal year 2021, and fiscal year
16 2022 at least at the level of such support that is the aver-
17 age of such State's support for higher education (which
18 shall include State and local government funding to insti-
19 tutions of higher education and state financial aid) in the
20 3 fiscal years preceding the fiscal year for which State
21 support for higher education is provided, and that any
22 such State's support for higher education funding, as cal-
23 culated as spending for public higher education per full-
24 time equivalent student, shall be at least the same in fiscal
25 year 2022 as it was in fiscal year 2019: *Provided further*,

1 That in such application, the Governor shall provide base-
2 line data that demonstrates the State's current status in
3 each of the areas described in such assurances in the pre-
4 ceding provisos: *Provided further*, That a State's applica-
5 tion shall include assurances that the State will not con-
6 strue any provisions under this heading as displacing any
7 otherwise applicable provision of any collective-bargaining
8 agreement between an eligible entity and a labor organiza-
9 tion as defined by section 2(5) of the National Labor Rela-
10 tions Act (29 U.S.C. 152(5)) or analogous State law: *Pro-*
11 *vided further*, That a State's application shall include as-
12 surances that the State shall maintain the wages, benefits,
13 and other terms and conditions of employment set forth
14 in any collective-bargaining agreement between the eligible
15 entity and a labor organization, as defined in the pre-
16 ceding proviso: *Provided further*, That a State's applica-
17 tion shall include assurances that all students with disabil-
18 ities (as defined by section 602 of IDEA) are afforded
19 their full rights under IDEA, including all rights and serv-
20 ices outlined in individualized education programs
21 ("IEPs") (as defined in section 614(d) of IDEA), individ-
22 ualized family services plans (as defined by section 636
23 of IDEA), and in section 504 of the Rehabilitation Act
24 of 1973: *Provided further*, That a State receiving funds
25 under this heading shall submit a report to the Secretary,

1 at such time and in such manner as the Secretary may
2 require, that describes the use of funds provided under
3 this heading: *Provided further*, That no recipient of funds
4 under this heading shall use funds to provide financial as-
5 sistance to students to attend private elementary or sec-
6 ondary schools, unless such funds are used to provide spe-
7 cial education and related services to children with disabil-
8 ities whose IEPs require such placement, and where the
9 school district maintains responsibility for providing such
10 children a free appropriate public education, as authorized
11 by IDEA: *Provided further*, That a local educational agen-
12 cy, State, institution of higher education, or other entity
13 that receives funds under “State Fiscal Stabilization
14 Fund”, shall to the greatest extent practicable, continue
15 to pay its employees and contractors during the period of
16 any disruptions or closures related to coronavirus: *Pro-*
17 *vided further*, That the terms “elementary education” and
18 “secondary education” have the meaning given such terms
19 under State law: *Provided further*, That the term “institu-
20 tion of higher education” has the meaning given such term
21 in section 101 of the Higher Education Act of 1965: *Pro-*
22 *vided further*, That the term “fiscal year” shall have the
23 meaning given such term under State law: *Provided fur-*
24 *ther*, That the term “State” means each of the 50 States,
25 the District of Columbia, and the Commonwealth of Puer-

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

5 ELEMENTARY AND SECONDARY SCHOOL EMERGENCY
6 FACILITIES AID

7 For an additional amount for “Elementary and Sec-
8 ondary School Emergency Facilities Aid”, \$5,000,000,000
9 to prevent, prepare for, and respond to coronavirus: *Pro-*
10 *vided*, 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 ADMINISTRATIVE PROVISION—ELEMENTARY AND
15 SECONDARY SCHOOL EMERGENCY FACILITIES AID

16 SEC. 804. (a)(1) GRANTS.—From the amount made
17 available under this heading in this Act, the Secretary
18 shall make elementary and secondary school emergency fa-
19 cilities grants to each State educational agency with an
20 approved application. The Secretary shall issue a notice
21 inviting applications not later than 30 days of enactment
22 of this Act and approve or deny applications not later than
23 30 days after receipt.

24 (2) For purposes of this section, a State des-
25 igned agency shall mean the State educational

1 agency, unless the Governor of a State designates a
2 State agency other than the educational agency as
3 responsible for school facilities improvement under
4 this section and informs the Secretary of such des-
5 ignation and the term “State” means each of the 50
6 States, the District of Columbia, and the Common-
7 wealth of Puerto Rico .

8 (b)(1) ALLOCATIONS TO STATES.—The amount of
9 each grant under subsection (a) shall be allocated by the
10 Secretary to each State in the same proportion as each
11 State received under part A of title I of the ESEA of 1965
12 in the most recent fiscal year.

13 (2) STATE RESERVATION.—A State may reserve
14 not more than $\frac{1}{2}$ of 1 percent for administration
15 costs.

16 (3) RESERVATION FOR OUTLYING AREAS AND
17 BUREAU OF INDIAN EDUCATION-FUNDED
18 SCHOOLS.—The Secretary shall reserve from the
19 amount made available under this heading in this
20 Act—

21 (A) one-half of 1 percent, to provide assist-
22 ance to the outlying areas; and

23 (B) one-half of 1 percent, for payments to
24 the Secretary of the Interior to provide assist-

1 ance to Bureau of Indian Education-funded
2 schools.

3 (c) SUBGRANTS TO LOCAL EDUCATIONAL AGEN-
4 CIES.—Within 60 days of the State’s approved application
5 under paragraph (a), each State shall allocate the remain-
6 ing grant funds awarded to the State under this section
7 as subgrants to local educational agencies in the State,
8 with the grant funds allocated to the local educational
9 agencies with the highest percentages of students eligible
10 for a free or reduced price lunch under the Richard B.
11 Russell National School Lunch Act (42. U.S.C. 1751 et.
12 seq.) with the public school facilities with the highest
13 needs related to the coronavirus as determined by the
14 State.

15 (1) PUBLIC NOTICE.—The State educational
16 agency shall make subgrant information available to
17 the public on the State educational agency website,
18 including the local educational agencies that received
19 subgrant awards and the amounts provided to each
20 local educational agency.

21 (2) SUBGRANT APPLICATIONS.—To be consid-
22 ered for a subgrant under this section, a qualified
23 local educational agency shall submit an application
24 to the State educational agency that shall include at
25 minimum—

1 (A) a description of the coronavirus-related
2 school facility needs within the local educational
3 agency; and

4 (B) an estimate of how much addressing
5 the coronavirus-related facility needs will cost.

6 (d) USES OF FUNDS.—A local educational agency
7 that receives funds under this section may use the funds
8 for any of the following:

9 (1) School facility repairs and improvements to
10 enable operation of schools to reduce risk of virus
11 transmission and exposure to environmental health
12 hazards, and to support student health needs.

13 (2) Inspection, testing, maintenance, repair, re-
14 placement, and upgrade projects to improve the in-
15 door air quality in school facilities, including me-
16 chanical and non-mechanical heating, ventilation,
17 and air conditioning systems, filtering, purification
18 and other air cleaning, fans, control systems, and
19 window and door repair and replacement.

20 (3) School facility repairs and improvements to
21 support improved personal hygiene, such as repair,
22 replacement, and installation of sinks for hand
23 washing and touchless water dispensers for drinking,
24 and health isolation areas.

1 (4) Inspection, testing, maintenance, repair,
2 and replacement of school facility potable water sys-
3 tems to provide safe drinking water after prolonged
4 shutoffs.

5 (5) Improvements to finishes, such as painting
6 and other surface repair, needed to enable effective
7 sanitizing.

8 (6) Improvements to school grounds needed to
9 enable outdoor instruction and other physically
10 distanced school activities.

11 (7) Training of school facility staff in associa-
12 tion with the above uses of funds.

13 (8) Planning, assessment, management, design,
14 renovation, repair and construction activities in asso-
15 ciation with the above uses of funds.

16 (9) Inspection, testing, maintenance, repair, re-
17 placement, and upgrade projects to electrical sys-
18 tems to allow or improve information technology to
19 provide virtual education.

20 (e) PRIORITY.—A local educational agency that re-
21 ceives funds under this section shall prioritize funds for
22 its school facilities that have the most significant facility
23 improvement needs with respect to responding to covid-
24 19, including those identified by the Centers for Disease
25 Control and Prevention.

1 (f) REPORTING.—(1) The local educational agency
2 shall include the following information in a report to the
3 State educational agency within 60 days of receipt of
4 grant funds—

5 (A) which schools benefitted from the funds in
6 this section;

7 (B) how much funding each selected school re-
8 ceived; and

9 (C) a description of how the grant funds were
10 used.

11 (2) The State educational agency shall include the
12 following information in a report to the Secretary within
13 6 months of receipt of grant funds—

14 (A) which local educational agencies received
15 funding;

16 (B) how much funding was awarded to each re-
17 ceiving local educational agency; and

18 (C) a summary on the uses of funds for
19 projects receiving funds under this section, including
20 the amount of local or state funds, if any, applied
21 to projects.

22 (3) The Secretary shall prepare and submit a report
23 to the Committees on Appropriations of the House of Rep-
24 resentatives and the Senate, the Committee on Education
25 and Labor of the House of Representatives, and the Com-

1 mittee on Health, Education, Labor and Pensions of the
2 Senate within 10 months of the date of enactment of this
3 Act, that includes a summary of the types of projects that
4 were funded with the grants.

5 HIGHER EDUCATION

6 For an additional amount for “Higher Education”,
7 \$11,942,000,000 to prevent, prepare for, and respond to
8 coronavirus, of which \$11,000,000 shall be transferred to
9 “National Technical Institute for the Deaf” to help defray
10 expenses (which may include lost revenue, reimbursement
11 for expenses already incurred, technology costs associated
12 with a transition to distance education, sign language and
13 captioning costs associated with a transition to distance
14 education, faculty and staff trainings, and payroll) directly
15 caused by coronavirus and to enable emergency financial
16 aid to students for expenses directly related to coronavirus
17 and the disruption of university operations (which may in-
18 clude food, housing, transportation, technology, health
19 care, and child care), of which \$20,000,000 shall be trans-
20 ferred to “Howard University” to help defray expenses
21 (which may include lost revenue, reimbursement for ex-
22 penses already incurred, technology costs associated with
23 a transition to distance education, technology costs associ-
24 ated with a transition to distance education, faculty and
25 staff trainings, and payroll) directly related to coronavirus

1 and to enable grants to students for expenses directly re-
2 lated to coronavirus and the disruption of university oper-
3 ations (which may include food, housing, transportation,
4 technology, health care, and child care), of which
5 \$11,000,000 shall be transferred to “Gallaudet Univer-
6 sity” to help defray expenses (which may include lost rev-
7 enue, reimbursement for expenses already incurred, tech-
8 nology costs associated with a transition to distance edu-
9 cation, sign language and captioning costs associated with
10 a transition to distance education, faculty and staff
11 trainings, and payroll) directly related to coronavirus and
12 to enable grants to students for expenses directly related
13 to coronavirus and the disruption of university operations
14 (which may include food, housing, transportation, tech-
15 nology, health care, and child care), and of which the re-
16 maining amounts shall be used to carry out parts A and
17 B of title III, parts A and B of title V, subpart 4 of part
18 A of title VII, and part B of title VII of the Higher Edu-
19 cation Act of 1965 (“HEA”) as follows:

20 (1) \$3,500,000,000 for parts A and B of title
21 III, parts A and B of title V, and subpart 4 of part
22 A of title VII of the HEA to address needs directly
23 related to coronavirus: *Provided*, That such amount
24 shall be allocated by the Secretary proportionally to
25 such programs covered under this paragraph and

1 based on the relative share of funding appropriated
2 to such programs in the Further Consolidated Ap-
3 propriations Act, 2020 (Public Law 116–94) and
4 distributed to institutions of higher education as fol-
5 lows:

6 (A) Except as otherwise provided in sub-
7 paragraph (B), for eligible institutions under
8 part B of title III and subpart 4 of part A of
9 title VII of the Higher Education Act, the Sec-
10 retary shall allot to each eligible institution an
11 amount using the following formula:

12 (i) 70 percent according to a ratio
13 equivalent to the number of Pell Grant re-
14 cipients in attendance at such institution
15 at the end of the school year preceding the
16 beginning of that fiscal year and the total
17 number of Pell Grant recipients at all such
18 institutions;

19 (ii) 20 percent according to a ratio
20 equivalent to the total number of students
21 enrolled at such institution at the end of
22 the school year preceding the beginning of
23 that fiscal year and the number of stu-
24 dents enrolled at all such institutions; and

1 (iii) 10 percent according to a ratio
2 equivalent to the total endowment size at
3 all eligible institutions at the end of the
4 school year preceding the beginning of that
5 fiscal year and the total endowment size at
6 such institutions;

7 (B) For eligible institutions under section
8 326 of the Higher Education Act, the Secretary
9 shall allot to each eligible institution an amount
10 in proportion to the award received from fund-
11 ing for such institutions in the Further Consoli-
12 dated Appropriations Act, 2020 (Public Law
13 116–94);

14 (C) For eligible institutions under section
15 316 of the Higher Education Act, the Secretary
16 shall allot funding according to the formula in
17 section 316(d)(3) of the Higher Education Act;

18 (D) Notwithstanding section 318(f) of the
19 Higher Education Act, for eligible institutions
20 under section 318 of the Higher Education Act,
21 the Secretary shall allot funding according to
22 the formula in section 318(e) of the Higher
23 Education Act;

24 (E) Except as provided in subparagraphs
25 (C) and (D), for eligible institutions under part

1 A of title III of the Higher Education Act and
2 parts A and B of title V, the Secretary shall
3 issue an application for eligible institutions to
4 demonstrate unmet need, and the Secretary
5 shall allow eligible institutions to apply for
6 funds under one of the programs for which they
7 are eligible.

8 (2) \$8,400,000,000 for part B of title VII of
9 the HEA for institutions of higher education (as de-
10 fined in section 101 or 102(c) of the HEA) to ad-
11 dress needs directly related to coronavirus as follows:

12 (A) \$7,000,000,000 shall be provided to
13 private, nonprofit institutions of higher edu-
14 cation, by apportioning—

15 (i) 75 percent according to the rel-
16 ative share of enrollment of Federal Pell
17 Grant recipients who are not exclusively
18 enrolled in distance education courses prior
19 to the coronavirus emergency; and

20 (ii) 25 percent according to the rel-
21 ative share of the total enrollment of stu-
22 dents who were not Federal Pell Grant re-
23 cipients who are not exclusively enrolled in
24 distance education courses prior to the
25 coronavirus emergency.

1 (B) \$1,400,000,000 shall be for institu-
2 tions of higher education with unmet need re-
3 lated to the coronavirus, including institutions
4 of higher education that offer their courses and
5 programs exclusively through distance edu-
6 cation:

7 *Provided*, That funds shall be used to make payments to
8 such institutions to provide emergency grants to students
9 who attended such institutions at any point during the
10 coronavirus emergency and for any component of the stu-
11 dent's cost of attendance (as defined under section 472
12 of the HEA), including tuition, food, housing, course ma-
13 terials, technology, health care, and child care): *Provided*
14 *further*, That institutions of higher education may use
15 such funds to defray expenses (including lost revenue, re-
16 imbursement for expenses already incurred, technology
17 costs associated with a transition to distance education,
18 faculty and staff trainings, and payroll) incurred by insti-
19 tutions of higher education: *Provided further*, That such
20 payments shall not be used to increase endowments, to
21 pay contractors for the provision of pre-enrollment recruit-
22 ment activities, or provide funding for capital outlays asso-
23 ciated with facilities related to athletics, sectarian instruc-
24 tion, or religious worship: *Provided further*, That any pri-
25 vate, nonprofit institution of higher education that is not

1 otherwise eligible for a grant of at least \$1,000,000 under
2 paragraph (2)(A)(ii) of this heading and has a total enroll-
3 ment of at least 500 students shall be eligible to receive,
4 from amounts reserved under paragraph (2)(A)(i), an
5 amount equal to whichever is the lesser of the total loss
6 of revenue and increased costs associated with the
7 coronavirus or \$1,000,000: *Provided further*, That of the
8 funds provided under paragraph 2(B), the Secretary shall
9 make an application available for institutions of higher
10 education to demonstrate unmet need, which shall include
11 for this purpose a dramatic decline in revenue as a result
12 of campus closure, exceptional costs or challenges imple-
13 menting distance education platforms due to lack of a
14 technological infrastructure, serving a large percentage of
15 students who lack access to adequate technology to move
16 to distance education, serving a region or community that
17 has been especially impacted by increased unemployment
18 and displaced workers, serving communities or regions
19 where the number of coronavirus cases has imposed excep-
20 tional costs on the institution, and other criteria that the
21 Secretary shall identify after consultation with institutions
22 of higher education or their representatives: *Provided fur-*
23 *ther*, That no institution may receive an award under the
24 preceding proviso unless it has submitted an application
25 that describes the impact of the coronavirus on the institu-

1 tion and the ways that the institution will use the funds
2 to ameliorate such impact: *Provided further*, That the Sec-
3 retary shall reallocate any funds received from an institu-
4 tion to remaining institutions in accordance with para-
5 graph 2(A): *Provided further*, That the Secretary shall
6 brief the Committees on Appropriations fifteen days in ad-
7 vance of making any application available for funds under
8 paragraph (2)(B): *Provided further*, That such amount is
9 designated 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 INSTITUTE OF EDUCATION SCIENCES

13 For an additional amount for “Institute of Education
14 Sciences”, \$32,000,000 to prevent, prepare for, and re-
15 spond to coronavirus for carrying out the National Assess-
16 ment of Educational Progress Authorization Act (title III
17 of Public Law 107–279): *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 DEPARTMENTAL MANAGEMENT

22 OFFICE OF INSPECTOR GENERAL

23 For an additional amount for “Office of Inspector
24 General”, \$7,000,000, to remain available until expended,
25 to prevent, prepare for, and respond to coronavirus, in-

1 cluding for salaries and expenses necessary for oversight,
2 investigations and audits of programs, grants, and
3 projects funded in this Act to respond to coronavirus: *Pro-*
4 *vided*, That such amount is designated by the Congress
5 as being for 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 GENERAL PROVISIONS—DEPARTMENT OF EDUCATION

9 SEC. 805. The remaining unobligated balances of
10 funds made available to “Department of Education—Of-
11 fice of Inspector General” in title VIII of division B of
12 the CARES Act (Public Law 116–136) are hereby re-
13 scinded, and an amount of additional new budget author-
14 ity equivalent to the amount rescinded is hereby appro-
15 priated, for an additional amount for fiscal year 2021, to
16 remain available until expended, for the same purposes
17 and under the same authorities as they were originally ap-
18 propriated, and shall be in addition to any other funds
19 available for such purposes: *Provided*, That the amounts
20 appropriated by this section may also be used for inves-
21 tigation and are available until expended: *Provided fur-*
22 *ther*, That amounts rescinded pursuant to this section that
23 were previously designated by the Congress as an emer-
24 gency requirement pursuant to the Balanced Budget and
25 Emergency Deficit Control Act of 1985 are designated by

1 the Congress as being for an emergency requirement pur-
2 suant to section 251(b)(2)(A)(i) of the Balanced Budget
3 and Emergency Deficit Control Act of 1985: *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 SEC. 806. Section 18004(c) of the Coronavirus Aid,
9 Relief, and Economic Security Act (P.L. 116–136) is
10 amended by striking “to cover any costs associated with
11 significant changes to the delivery of instruction due to
12 the coronavirus” and inserting “to defray expenses (in-
13 cluding lost revenue, reimbursement for expenses already
14 incurred, technology costs associated with a transition to
15 distance education, faculty and staff trainings, payroll) in-
16 curred by institutions of higher education.”: *Provided*,
17 That amounts repurposed pursuant to the amendment
18 made by this section that were previously designated by
19 the Congress as an emergency requirement pursuant to
20 the Balanced Budget and Emergency Deficit Control Act
21 of 1985 are designated by the Congress as an emergency
22 requirement pursuant to section 251(b)(2)(A)(i) of the
23 Balanced Budget and Emergency Deficit Control Act of
24 1985.

1 SEC. 807. With respect to the allocation and award
2 of funds under this title, the Secretary of Education is
3 prohibited from—

4 (a) establishing a priority or preference not specified
5 in this title; and

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

8 SEC. 808. (a) LOCAL ACTIVITIES AND IN-PERSON
9 CARE.—Notwithstanding each provision in part B of title
10 IV of the Elementary and Secondary Education Act of
11 1965 (20 U.S.C. 7171 et seq.) that requires activities
12 under such part to be carried out during nonschool hours
13 or periods when school is not in session, for school year
14 2020–2021, an eligible entity that is awarded a subgrant
15 under section 4204 of such Act (20 U.S.C. 7174) for com-
16 munity learning centers may use such subgrant funds—

17 (1) to carry out activities described in section
18 4205 of such Act (20 U.S.C. 7175), regardless of
19 whether such activities are conducted in-person or
20 virtually, or during school hours or when school is
21 in session; and

22 (2) to provide in-person care during—

23 (A) the regular school day for students eli-
24 gible to receive services under part B of title IV
25 of such Act (20 U.S.C. 7171 et seq.); and

1 (B) a period in which full-time in-person
2 instruction is not available for all such students
3 served by such eligible entity.

4 (b) REQUIREMENTS.—An eligible entity may carry
5 out the activities described in subsection (a)(1) and the
6 in-person care described in subsection (a)(2) if—

7 (1) such activities and in-person care supple-
8 ment but do not supplant regular school day require-
9 ments;

10 (2) such eligible entity complies with section
11 4204(b)(2)(D) of the Elementary and Secondary
12 Education Act of 1965 (20 U.S.C. 7174(b)(2)(D))
13 with respect to the activities carried out pursuant to
14 this Act; and

15 (3) such eligible entity specifies in an applica-
16 tion for a subgrant under section 4204(b) of such
17 Act (20 U.S.C. 7174(b)) with respect to such school
18 year (or in an addendum to such application) how
19 the subgrant funds will be used to carry out such ac-
20 tivities or to provide such in-person care, or both.

21 (c) EMERGENCY DESIGNATION.—The amounts pro-
22 vided by this section are designated by the Congress as
23 being for an emergency requirement pursuant to section
24 251(b)(2)(A)(i) of the Balanced Budget and Emergency
25 Deficit Control Act of 1985.

1 2521.70 of title 45 of the Code of Federal Regulations:
2 *Provided further*, That of the amount provided in this
3 paragraph, \$26,000,000 shall be for programs under title
4 I, part A of the 1973 Act: *Provided further*, That of the
5 amount provided in this paragraph, \$35,000,000 shall be
6 for programs under title II of the 1973 Act, and not less
7 than \$23,000,000 of these funds shall be available for the
8 program under title II, part C of the 1973 Act: *Provided*
9 *further*, That of the amounts provided under this para-
10 graph: (1) up to 1 percent of the funds in this paragraph
11 may be used to defray the costs of conducting grant appli-
12 cation reviews, including the use of outside peer reviewers
13 and electronic management of the grants cycle; (2)
14 \$9,000,000 shall be available to provide assistance to
15 State commissions on national and community service,
16 under section 126(a) of the 1990 Act; (3) \$5,000,000
17 shall be available to carry out subtitle E of the 1990 Act;
18 and (4) \$12,000,000 shall be available for expenses au-
19 thorized under section 501(a)(4)(F) of the 1990 Act,
20 which shall be awarded by CNCS on a competitive basis:
21 *Provided further*, That for the purposes of carrying out
22 the 1990 Act, satisfying the requirements in section
23 122(c)(1)(D) of such Act may include a determination of
24 need by the local community: *Provided further*, That up
25 to \$21,000,000 may be transferred for necessary expenses

1 of administration as provided under section 501(a)(5) of
2 the 1990 Act and under section 504(a) of the 1973 Act:
3 *Provided further*, That such amount is designated by the
4 Congress as being for an emergency requirement pursuant
5 to section 251(b)(2)(A)(i) of the Balanced Budget and
6 Emergency Deficit Control Act of 1985.

7 PAYMENT TO THE NATIONAL SERVICE TRUST

8 (INCLUDING TRANSFER OF FUNDS)

9 For an additional amount for “National Service
10 Trust”, \$14,000,000, to remain available until expended:
11 *Provided*, That CNCS may transfer additional funds from
12 the amount provided under the heading “Corporation for
13 National and Community Service” in this Act for grants
14 made under subtitle C of title I of the 1990 Act to this
15 appropriation upon determination that such transfer is
16 necessary to support the activities of national service par-
17 ticipants and after notice is transmitted to the Committees
18 on Appropriations of the House of Representatives and the
19 Senate: *Provided further*, That the amount appropriated
20 for or transferred to the National Service Trust may be
21 invested under section 145(b) of the 1990 Act without re-
22 gard to the requirement to apportion funds under 31
23 U.S.C. 1513(b): *Provided further*, That such amount is
24 designated 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 CORPORATION FOR PUBLIC BROADCASTING

4 For an additional amount for fiscal year 2021 for
5 “Corporation for Public Broadcasting,” \$175,000,000 to
6 prevent, prepare for, and respond to coronavirus, includ-
7 ing for fiscal stabilization grants to public telecommuni-
8 cations entities, as defined by 47 U.S.C. 397(12), with no
9 deduction for administrative or other costs of the Corpora-
10 tion, to maintain programming and services and preserve
11 small and rural stations threatened by declines in non-
12 Federal revenues: *Provided*, That such amount is des-
13 ignated by the Congress as being for an emergency re-
14 quirement pursuant to section 251(b)(2)(A)(i) of the Bal-
15 anced Budget and Emergency Deficit Control Act of 1985.

16 INSTITUTE OF MUSEUM AND LIBRARY SERVICES

17 OFFICE OF MUSEUM AND LIBRARY SERVICES: GRANTS

18 AND ADMINISTRATION

19 For an additional amount for “Institute of Museum
20 and Library Services”, \$135,000,000 to prevent, prepare
21 for, and respond to coronavirus, including grants to
22 States, territories, tribes, museums, and libraries, to ex-
23 pand digital network access, purchase internet accessible
24 devices, provide technical support services, and for oper-
25 ational expenses: *Provided*, That any matching funds re-

1 requirements for States, tribes, libraries, and museums are
2 waived for grants provided with funds made available
3 under this heading in this Act: *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 RAILROAD RETIREMENT BOARD

9 LIMITATION ON ADMINISTRATION

10 For an additional amount for “Limitation on Admin-
11 istration”, \$4,500,000 to prevent, prepare for, and re-
12 spond to coronavirus, including the expeditious dispensa-
13 tion of railroad unemployment insurance benefits, and to
14 support full-time equivalents and overtime hours as need-
15 ed to administer the Railroad Unemployment Insurance
16 Act, and of which \$8,300 shall be for administrative costs
17 related to implementing rebate payments: *Provided*, 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 LIMITATION ON THE OFFICE OF INSPECTOR GENERAL

23 For an additional amount for “Office of the Inspector
24 General”, \$500,000, to remain available until expended,
25 to prevent, prepare for, and respond to coronavirus, in-

1 cluding salaries and expenses necessary for oversight, in-
2 vestigations and audits of the Railroad Retirement Board
3 and railroad unemployment insurance benefits funded in
4 this Act and 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 SOCIAL SECURITY ADMINISTRATION

10 LIMITATION ON ADMINISTRATIVE EXPENSES

11 For an additional amount for “Limitation on Admin-
12 istrative Expenses”, \$40,500,000, to prevent, prepare for,
13 and respond to coronavirus, domestically or internation-
14 ally, for necessary expenses to carry out additional recov-
15 ery rebates to individuals, as described in section 101 of
16 division F of this Act: *Provided*, That of the amount made
17 available under this heading in this Act, \$2,500,000, to
18 remain available until September 30, 2025, shall be trans-
19 ferred to “Social Security Administration—Office of In-
20 spector General” for necessary expenses in carrying out
21 the provisions of the Inspector General Act of 1978: *Pro-*
22 *vided further*, That such amount is designated by the Con-
23 gress as being for an emergency requirement pursuant to
24 section 251(b)(2)(A)(i) of the Balanced Budget and
25 Emergency Deficit Control Act of 1985.

1 GENERAL PROVISIONS—THIS TITLE

2 SEC. 810. Notwithstanding any other provision of
3 law, funds made available under each heading in this title
4 shall only be used for the purposes specifically described
5 under that heading.

6 SEC. 811. Funds appropriated by this title may be
7 used by the Secretary of the Department of Health and
8 Human Services to appoint, without regard to the provi-
9 sions of sections 3309 through 3319 of title 5 of the
10 United States Code, candidates needed for positions to
11 perform critical work relating to coronavirus for which—

12 (1) public notice has been given; and

13 (2) the Secretary has determined that such a
14 public health threat exists.

15 SEC. 812. Funds made available by this title may be
16 used to enter into contracts with individuals for the provi-
17 sion of personal services (as described in section 104 of
18 part 37 of title 48, Code of Federal Regulations (48 CFR
19 37.104)) to support the prevention of, preparation for, or
20 response to coronavirus, domestically and internationally,
21 subject to prior notification to the Committees on Appro-
22 priations of the House of Representatives and the Senate:
23 *Provided*, That such individuals may not be deemed em-
24 ployees of the United States for the purpose of any law
25 administered by the Office of Personnel Management: *Pro-*

1 *vided further*, That the authority made available pursuant
2 to this section shall expire on September 30, 2024.

3 SEC. 813. Not later than 30 days after the date of
4 enactment of this Act, the Secretary of Health and
5 Human Services shall provide a detailed spend plan of an-
6 ticipated uses of funds made available to the Department
7 of Health and Human Services in this Act, including esti-
8 mated personnel and administrative costs, to the Commit-
9 tees on Appropriations of the House of Representatives
10 and the Senate: *Provided*, That such plans shall be up-
11 dated and submitted to such Committees every 60 days
12 until September 30, 2024: *Provided further*, That the
13 spend plans shall be accompanied by a listing of each con-
14 tract obligation incurred that exceeds \$5,000,000 which
15 has not previously been reported, including the amount of
16 each such obligation.

17 SEC. 814. Of the funds appropriated by this title
18 under the heading “Public Health and Social Services
19 Emergency Fund”, \$25,000,000 shall be transferred to,
20 and merged with, funds made available under the heading
21 “Office of the Secretary, Office of Inspector General”, and
22 shall remain available until expended, for oversight of ac-
23 tivities supported with funds appropriated to the Depart-
24 ment of Health and Human Services in this Act: *Provided*,
25 That the Inspector General of the Department of Health

1 and Human Services shall consult with the Committees
2 on Appropriations of the House of Representatives and the
3 Senate prior to obligating such funds: *Provided further,*
4 That the transfer authority provided by this section is in
5 addition to any other transfer authority provided by law.

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TITLE IX

LEGISLATIVE BRANCH

SENATE

CONTINGENT EXPENSES OF THE SENATE

SERGEANT AT ARMS AND DOORKEEPER OF THE SENATE

For an additional amount for “Sergeant at Arms and Doorkeeper of the Senate”, \$6,345,000, to remain available until expended, to prevent, prepare for, and respond to coronavirus, which shall be allocated in accordance with a spend plan submitted to the Committee on Appropriations of the Senate: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

HOUSE OF REPRESENTATIVES

ALLOWANCES AND EXPENSES

For an additional amount for “Allowances and Expenses”, \$37,000,000, to remain available until expended, for necessary expenses for Business Continuity and Disaster Recovery, to prevent, prepare for, and respond to coronavirus, to be allocated in accordance with a spend plan submitted to the Committee on Appropriations of the House of Representatives by the Chief Administrative Officer and approved by such Committee: *Provided*, That 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 JOINT ITEMS

5 OFFICE OF THE ATTENDING PHYSICIAN

6 For an additional amount for “Office of the Attend-
7 ing Physician”, \$600,000, to remain available until ex-
8 pended, to prevent, prepare for, and respond to
9 coronavirus: *Provided*, That such amount is designated by
10 the Congress as being for an emergency requirement pur-
11 suant to section 251(b)(2)(A)(i) of the Balanced Budget
12 and Emergency Deficit Control Act of 1985.

13 CAPITOL POLICE

14 SALARIES

15 (INCLUDING TRANSFER OF FUNDS)

16 For an additional amount for “Salaries”,
17 \$12,000,000, to prevent, prepare for, and respond to
18 coronavirus: *Provided*, That amounts provided under this
19 heading in this Act may be transferred between Capitol
20 Police “Salaries” and “General Expenses” for the pur-
21 poses provided herein without the approval requirement of
22 section 1001 of the Legislative Branch Appropriations
23 Act, 2014 (2 U.S.C. 1907a); *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 CONGRESSIONAL BUDGET OFFICE

4 SALARIES AND EXPENSES

5 For an additional amount for “Salaries and Ex-
6 penses”, \$1,200,000, to prevent, prepare for, and respond
7 to coronavirus: *Provided*, That such amount is designated
8 by the Congress as being for an emergency requirement
9 pursuant to section 251(b)(2)(A)(i) of the Balanced Budg-
10 et and Emergency Deficit Control Act of 1985.

11 ARCHITECT OF THE CAPITOL

12 CAPITAL CONSTRUCTION AND OPERATIONS

13 For an additional amount for “Capital Construction
14 and Operations”, \$150,000,000, to remain available until
15 expended, to supplement the funding made available to the
16 Architect for the purposes described in title IX of division
17 B of the CARES Act (Public Law 116–136): *Provided*,
18 That this additional amount also may be used for the pur-
19 chase and distribution of supplies to respond to
20 coronavirus including, but not limited to, cleaning and
21 sanitation supplies, masks and/or face coverings to Con-
22 gressional offices, committees, and visitors, including pro-
23 visions for travel and other necessary work carried out by
24 staff in their Congressional Districts and State Offices,
25 wherever located: *Provided further*, That such amount is

1 designated by the Congress as being for an emergency re-
2 quirement pursuant to section 251(b)(2)(A)(i) of the Bal-
3 anced Budget and Emergency Deficit Control Act of 1985.

4 LIBRARY OF CONGRESS

5 SALARIES AND EXPENSES

6 (INCLUDING TRANSFER OF FUNDS)

7 For an additional amount for “Salaries and Ex-
8 penses”, \$12,000,000, to prevent, prepare for, and re-
9 spond to coronavirus, including to offset losses resulting
10 from the coronavirus pandemic of amounts collected pur-
11 suant to the Act of June 28, 1902 (chapter 1301; 32 Stat.
12 480; 2 U.S.C. 150), for revolving fund activities pursuant
13 to sections 182 and 182a through 182e of title 2, United
14 States Code, sections 708(d) and 1316 of title 17, United
15 States Code, and sections 111(d)(2), 119(b)(3), 803(e),
16 and 1005 of such title, and for reimbursement of the Little
17 Scholars Child Development Center for salaries for em-
18 ployees, as authorized by this title: *Provided*, That the Li-
19 brary of Congress may transfer amounts appropriated
20 under this heading in this Act to other applicable appro-
21 priations of the Library of Congress to prevent, prepare
22 for, and respond to coronavirus: *Provided further*, That
23 such amount is designated by the Congress as being for
24 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 GOVERNMENT PUBLISHING OFFICE

4 GOVERNMENT PUBLISHING OFFICE BUSINESS

5 OPERATIONS REVOLVING FUND

6 For an additional amount for “Government Pub-
7 lishing Office Business Operations Revolving Fund”,
8 \$7,000,000, to prevent, prepare for, and respond to
9 coronavirus, which shall be for offsetting losses resulting
10 from the coronavirus pandemic of amounts collected pur-
11 suant to section 309 of title 44, United States Code: *Pro-*
12 *vided*, That funds appropriated under this heading in this
13 Act may be made available to restore amounts, either di-
14 rectly or through reimbursement, for obligations incurred
15 to prevent, prepare for, and respond to coronavirus, do-
16 mestically or internationally, prior to the date of enact-
17 ment of this Act: *Provided further*, 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 GOVERNMENT ACCOUNTABILITY OFFICE

22 SALARIES AND EXPENSES

23 For an additional amount for “Salaries and Ex-
24 penses”, \$88,500,000, to remain available until expended,
25 to prevent, prepare for, and respond to coronavirus, which

1 shall be for audits and investigations and for reimburse-
2 ment of the Tiny Findings Child Development Center for
3 salaries for employees, as authorized by this title: *Pro-*
4 *vided*, That not later than 90 days after the date of enact-
5 ment of this Act, the Government Accountability Office
6 shall submit to the Committees on Appropriations of the
7 House of Representatives and the Senate a spend plan
8 specifying funding estimates and a timeline for such au-
9 dits and investigations: *Provided further*, 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 GENERAL PROVISIONS—THIS TITLE

15 SOURCE OF FUNDS USED FOR PAYMENT OF SALARIES
16 AND EXPENSES OF SENATE EMPLOYEE CHILD CARE
17 CENTER

18 SEC. 901. The Secretary of the Senate shall reim-
19 burse the Senate Employee Child Care Center for per-
20 sonnel costs incurred until September 30, 2021, for em-
21 ployees of such Center who have been ordered to cease
22 working due to measures taken in the Capitol complex to
23 combat coronavirus, from amounts in the appropriations
24 account “Miscellaneous Items” within the contingent fund
25 of the Senate.

1 SEC. 902. Funds appropriated to the Architect of the
2 Capitol in this Act also may be used to restore amounts,
3 either directly or through reimbursement, for obligations
4 incurred by the Architect to prevent, prepare for, and re-
5 spond to Coronavirus Disease 2019 (COVID–19) prior to
6 the date of enactment of this Act. Funds used to restore
7 amounts to other Architect of the Capitol accounts shall
8 assume the original period of availability of such accounts.

9 AUTHORITY OF ARCHITECT OF THE CAPITOL TO MAKE
10 EXPENDITURES IN RESPONSE TO EMERGENCIES

11 SEC. 903. (a) COVERAGE OF COMMUTING EX-
12 PENSES.—Section 1305(a)(2) of the Legislative Branch
13 Appropriations Act, 2010 (2 U.S.C. 1827(a)(2)) is amend-
14 ed by inserting after “refreshments”, the following:
15 “transportation and other related expenses incurred by
16 employees in commuting between their residence and their
17 place of employment”.

18 (b) AUTHORITY TO PROVIDE SUPPLIES AND
19 SERVICES THROUGHOUT FACILITIES AND
20 GROUNDS UNDER THE ARCHITECT OF THE CAP-
21 ITOL’S CARE.—Section 1305 of the Legislative Branch
22 Appropriations Act, 2010 (2 U.S.C. 1827) is further
23 amended by inserting after subsection (a)(2), the fol-
24 lowing: “(3) May accept contributions of, and incur obliga-
25 tions and make expenditures for, supplies, products, serv-
26 ices, and operational costs necessary to respond to the

1 emergency, which may be provided throughout all facilities
 2 and grounds under the care of the Architect of the Capitol
 3 wherever located, on a reimbursable or non-reimbursable
 4 basis subject to the availability of funds.”.

5 (c) EFFECTIVE DATE.—The amendment made by
 6 subsections (a) and (b) shall apply with respect to fiscal
 7 year 2020 and each succeeding fiscal year.

8 SEC. 904. Notwithstanding the provisions of section
 9 6304(c) of title 5, United States Code, any annual leave
 10 accumulated by an employee of the Government Pub-
 11 lishing Office in excess of the limits prescribed in section
 12 6304(a) of title 5, United States Code, remains to the
 13 credit of the employee until December 31, 2021.

14 TITLE X

15 MILITARY CONSTRUCTION, VETERANS AFFAIRS,

16 AND RELATED AGENCIES

17 DEPARTMENT OF VETERANS AFFAIRS

18 VETERANS BENEFITS ADMINISTRATION

19 GENERAL OPERATING EXPENSES, VETERANS BENEFITS

20 ADMINISTRATION

21 For an additional amount for “General Operating
 22 Expenses, Veterans Benefits Administration”,
 23 \$338,000,000, to prevent, prepare for, and respond to
 24 coronavirus, including the elimination of backlogs that
 25 may have occurred: *Provided*, That amounts provided

1 under this heading in this Act made available for the elimi-
2 nation of backlogs may not be used to increase the number
3 of permanent positions: *Provided further*, That of the
4 amounts provided under this heading, up to \$198,000,000
5 shall be to improve the Veteran Benefits Administration’s
6 education systems, including implementation of changes to
7 chapters 30 through 36 of part III of title 38, United
8 States Code in the Harry W. Colmery Veterans Edu-
9 cational Assistance Act of 2017 (Public Law 115–48), in
10 a bill to authorize the Secretary of Veterans Affairs to
11 treat certain programs of education converted to distance
12 learning by reason of emergencies and health-related situ-
13 ations in the same manner as programs of education pur-
14 sued at educational institutions, and for other purposes
15 (Public Law 116–128), and in the Student Veteran
16 Coronavirus Response Act of 2020 (Public Law 116–140):
17 *Provided further*, That such amount is designated by the
18 Congress as being for an emergency requirement pursuant
19 to section 251(b)(2)(A)(i) of the Balanced Budget and
20 Emergency Deficit Control Act of 1985.

21 VETERANS HEALTH ADMINISTRATION

22 MEDICAL COMMUNITY CARE

23 For an additional amount for “Medical Community
24 Care”, \$100,000,000, for a one-time emergency payment
25 to existing State Extended Care Facilities for Veterans,

1 to prevent, prepare for, and respond to coronavirus: *Pro-*
2 *vided*, That such payments shall be in proportion to each
3 State’s share of the total resident capacity in such facili-
4 ties as of January 4, 2020 where such capacity includes
5 only veterans on whose behalf the Department pays a per
6 diem amount pursuant to 38 United States Code 1741
7 or 1745: *Provided further*, That amounts made available
8 to “Veterans Health Administration—Medical Services”
9 in division B of Public Law 116–136, may be transferred
10 to and merged with the Medical Community Care account
11 to be used for the purposes provided under this heading
12 in this Act, and shall be in addition to any other
13 amounts available for such purposes: *Provided further*,
14 That amounts transferred pursuant to the preceding pro-
15 viso that were previously designated by the Congress as
16 an emergency requirement pursuant to the Balanced
17 Budget and Emergency Deficit Control Act of 1985 are
18 designated by the Congress as 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: *Provided*
21 *further*, That such amount is designated by the Congress
22 as being for an emergency requirement pursuant to sec-
23 tion 251(b)(2)(A)(i) of the Balanced Budget and Emer-
24 gency Deficit Control Act of 1985.

1 NATIONAL CEMETERY ADMINISTRATION

2 For an additional amount for “National Cemetery
3 Administration”, \$26,000,000, to prevent, prepare for,
4 and respond to coronavirus: *Provided*, That such amount
5 is designated by the Congress as being for an emergency
6 requirement pursuant to section 251(b)(2)(A)(i) of the
7 Balanced Budget and Emergency Deficit Control Act of
8 1985.

9 DEPARTMENTAL ADMINISTRATION

10 BOARD OF VETERANS APPEALS

11 For an additional amount for “Board of Veterans Ap-
12 peals”, \$4,000,000, to prevent, prepare for, and respond
13 to coronavirus: *Provided*, That such amount is designated
14 by the Congress as being for an emergency requirement
15 pursuant to section 251(b)(2)(A)(i) of the Balanced Budg-
16 et and Emergency Deficit Control Act of 1985.

17 INFORMATION TECHNOLOGY SYSTEMS

18 For an additional amount for “Information Tech-
19 nology Systems”, \$45,000,000, to remain available until
20 September 30, 2021, to prevent, prepare for, and respond
21 to coronavirus: *Provided*, That amounts provided under
22 this heading shall be to improve the Veteran Benefits Ad-
23 ministration’s education systems, including implementa-
24 tion of changes to chapters 30 through 36 of part III of
25 title 38, United States Code in the Harry W. Colmery Vet-

1 erans Educational Assistance Act of 2017 (Public Law
2 115–48), in a bill to authorize the Secretary of Veterans
3 Affairs to treat certain programs of education converted
4 to distance learning by reason of emergencies and health-
5 related situations in the same manner as programs of edu-
6 cation pursued at educational institutions, and for other
7 purposes (Public Law 116–128), and in the Student Vet-
8 eran Coronavirus Response Act of 2020 (Public Law 116–
9 140): *Provided further*, That such amount is designated
10 by the Congress as being for an emergency requirement
11 pursuant to section 251(b)(2)(A)(i) of the Balanced Budg-
12 et and Emergency Deficit Control Act of 1985.

13 RELATED AGENCIES

14 DEPARTMENT OF DEFENSE—CIVIL

15 CEMETERIAL EXPENSES, ARMY

16 SALARIES AND EXPENSES

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

1 AMERICAN BATTLE MONUMENTS COMMISSION
2 SALARIES AND EXPENSES

3 For an additional amount for the “Salaries and Ex-
4 penses”, \$2,000,000, to prevent, prepare for, and respond
5 to coronavirus: *Provided*, 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 GENERAL PROVISIONS—THIS TITLE
10 (INCLUDING TRANSFER OF FUNDS)

11 SEC. 1001. Title X of division B of the Coronavirus
12 Aid, Relief, and Economic Security Act (Public Law 116–
13 136) is amended under the heading “Department of Vet-
14 erans Affairs—Departmental Administration—Grants for
15 Construction of State Extended Care Facilities” by strik-
16 ing “including to modify or alter existing hospital, nursing
17 home, and domiciliary facilities in State homes: *Provided*,”
18 and inserting in lieu thereof the following: “which shall
19 be for modifying or altering existing hospital, nursing
20 home, and domiciliary facilities in State homes: *Provided*,
21 That the Secretary shall conduct a new competition or
22 competitions to award grants to States using funds pro-
23 vided under this heading in this Act: *Provided further*,
24 That such grants may be made to reimburse States for
25 the costs of modifications or alterations that have been

1 initiated or completed before an application for a grant
2 under this section is approved by the Secretary: *Provided*
3 *further*, That the use of funds provided under this heading
4 in this Act shall not be subject to state matching fund
5 requirement, application requirements, cost thresholds,
6 the priority list, deadlines, award dates under sections
7 8134 and 8135 of title 38, United States Code, and part
8 59 of chapter I of title 38, Code of Federal Regulations,
9 and shall not be subject to requirements of section 501(d)
10 of title 38, United States Code: *Provided further*, That the
11 Secretary may establish and adjust rolling deadlines for
12 applications for such grants and may issue multiple
13 rounds of application periods for the award of such grants
14 under this section: *Provided further*,”: *Provided*, That
15 amounts repurposed pursuant to this section that were
16 previously designated by the Congress as an emergency
17 requirement pursuant to the Balanced Budget and Emer-
18 gency Deficit Control Act of 1985 are designated by the
19 Congress as 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 SEC. 1002. Of the unobligated balances available to
23 the Department of Veterans Affairs from title X of divi-
24 sion B of the Coronavirus Aid, Relief, and Economic Secu-
25 rity Act (Public Law 116–136) for “Veterans Health Ad-

1 ministration, Medical Services”, up to \$100,000,000 may
2 be transferred to “Departmental Administration, Informa-
3 tion Technology Systems” to prevent, prepare for, and re-
4 spond to coronavirus, domestically or internationally, for
5 improvements to supply chain systems including the De-
6 fense Medical Logistics Standard Support system: *Pro-*
7 *vided*, That not more than \$50,000,000 may be trans-
8 ferred to development subaccount for the Supply Chain
9 Management project: *Provided further*, That the trans-
10 ferred funds shall be in addition to any other funds made
11 available for this purpose: *Provided further*, That the
12 amounts transferred in this section that were previously
13 designated by the Congress as an emergency requirement
14 pursuant to the Balanced Budget and Emergency Deficit
15 Control Act of 1985 are designated by the Congress as
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.

1 TITLE XI
2 DEPARTMENT OF STATE, FOREIGN
3 OPERATIONS, AND RELATED PROGRAMS
4 DEPARTMENT OF STATE
5 ADMINISTRATION OF FOREIGN AFFAIRS
6 DIPLOMATIC PROGRAMS

7 For an additional amount for “Diplomatic Pro-
8 grams”, \$500,000,000, for necessary expenses to prevent,
9 prepare for, and respond to coronavirus, including for
10 evacuation expenses, emergency preparedness, maintain-
11 ing consular operations, and other operations and mainte-
12 nance requirements related to the consequences of
13 coronavirus, domestically or internationally, of which
14 \$425,000,000 shall be for Consular and Border Security
15 Programs, to remain available until expended, for offset-
16 ting losses resulting from the coronavirus pandemic of fees
17 collected and deposited into such account pursuant to sec-
18 tion 7081 of Public Law 115–31: *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.

23 OFFICE OF INSPECTOR GENERAL

24 For an additional amount for “Office of Inspector
25 General”, \$4,400,000, for oversight of activities conducted

1 by the Department of State and made available to prevent,
2 prepare for, and respond to coronavirus by this title and
3 by prior acts: *Provided*, That such amount is designated
4 by the Congress as being for an emergency requirement
5 pursuant to section 251(b)(2)(A)(i) of the Balanced Budg-
6 et and Emergency Deficit Control Act of 1985.

7 UNITED STATES AGENCY FOR INTERNATIONAL
8 DEVELOPMENT

9 FUNDS APPROPRIATED TO THE PRESIDENT

10 OPERATING EXPENSES

11 For an additional amount for “Operating Expenses”,
12 \$50,000,000, to prevent, prepare for, and respond to
13 coronavirus and for other operations and maintenance re-
14 quirements related to the consequences of coronavirus:
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 OFFICE OF INSPECTOR GENERAL

20 For an additional amount for “Office of Inspector
21 General”, \$3,500,000, for oversight of activities conducted
22 by the United States Agency for International Develop-
23 ment and made available to prevent, prepare for, and re-
24 spond to coronavirus by this title and by prior acts: *Pro-*
25 *vided*, That such amount is designated by the Congress

1 as being for an emergency requirement pursuant to sec-
2 tion 251(b)(2)(A)(i) of the Balanced Budget and Emer-
3 gency Deficit Control Act of 1985

4 BILATERAL ECONOMIC ASSISTANCE
5 FUNDS APPROPRIATED TO THE PRESIDENT
6 GLOBAL HEALTH PROGRAMS

7 For an additional amount for “Global Health Pro-
8 grams”, \$3,690,925,000, for necessary expenses to pre-
9 vent, prepare for, and respond to coronavirus: *Provided*,
10 That such funds shall be administered by the Adminis-
11 trator of the United States Agency for International De-
12 velopment: *Provided further*, That of the funds appro-
13 priated under this heading in this title, not less than
14 \$150,000,000 shall be transferred to, and merged with,
15 funds made available for the Emergency Reserve Fund es-
16 tablished pursuant to section 7058(c)(1) of the Depart-
17 ment of State, Foreign Operations, and Related Programs
18 Appropriations Act, 2017 (division J of Public Law 115–
19 31): *Provided further*, That funds made available pursuant
20 to the preceding proviso shall be made available under the
21 terms and conditions of such section, as amended: *Pro-*
22 *vided further*, That funds appropriated by this paragraph
23 in this title shall be made available for a contribution to
24 a multilateral vaccine development partnership to support
25 epidemic preparedness: *Provided further*, That of the

1 funds appropriated by this paragraph in this title, not less
2 than \$3,500,000,000 shall be made available for a United
3 States Contribution to The GAVI Alliance: *Provided fur-*
4 *ther*, That funds appropriated by this paragraph in this
5 title shall be allocated and allotted within 60 days of the
6 date of enactment of 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 For an additional amount for “Global Health Pro-
12 grams”, \$4,535,925,000, for necessary expenses to pre-
13 vent, prepare for, and respond to coronavirus: *Provided*,
14 That such funds shall be administered by the United
15 States Global AIDS Coordinator: *Provided further*, That
16 not less than \$3,500,000,000 shall be made available as
17 a United States contribution to the Global Fund to Fight
18 AIDS, Tuberculosis and Malaria (Global Fund): *Provided*
19 *further*, That funds made available to the Global Fund
20 pursuant to the previous proviso shall be made available
21 notwithstanding section 202(d)(4)(A)(i) of the United
22 States Leadership Against HIV/AIDS, Tuberculosis, and
23 Malaria Act of 2003 (22 U.S.C. 7622(d)(4)(A)(i)): *Pro-*
24 *vided further*, That funds appropriated under this heading
25 for fiscal years 2020 and 2021 which are designated as

1 being 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 and made available as a
4 United States contribution to the Global Fund shall not
5 be considered a contribution for the purpose of applying
6 section 202(d)(4)(A)(i): *Provided further*, That funds ap-
7 propriated by this paragraph in this title shall be allocated
8 and allotted within 60 days of the date of enactment of
9 this Act: *Provided further*, That such amount is designated
10 by the Congress as being for an emergency requirement
11 pursuant to section 251(b)(2)(A)(i) of the Balanced Budg-
12 et and Emergency Deficit Control Act of 1985.

13 DEVELOPMENT ASSISTANCE

14 For an additional amount for “Development Assist-
15 ance”, \$250,000,000, for necessary expenses to prevent,
16 prepare for, and respond to coronavirus, including to ad-
17 dress related economic, and stabilization requirements, of
18 which not less than \$150,000,000 shall be made available
19 to maintain access to basic education and not less than
20 \$45,000,000 shall be to maintain access to not-for-profit
21 institutions of higher education for costs related to the
22 consequences of coronavirus: *Provided*, That such institu-
23 tions of higher education shall meet standards equivalent
24 to those required for United States institutional accredita-
25 tion by a regional accreditation agency recognized by the

1 United States Department of Education: *Provided further*,
2 That funds made available under this heading in this title
3 shall be allocated and allotted within 60 days of the date
4 of enactment of this Act: *Provided further*, 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 INDEPENDENT AGENCIES

10 INTER-AMERICAN FOUNDATION

11 For an additional amount for “Inter-American Foun-
12 dation”, \$15,000,000, for necessary expenses to prevent,
13 prepare for, and respond to coronavirus, including to ad-
14 dress related economic and stabilization requirements:
15 *Provided*, That funds made available under this heading
16 in this title shall be allocated and allotted within 60 days
17 of the enactment of this Act: *Provided further*, 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.

22 UNITED STATES AFRICAN DEVELOPMENT FOUNDATION

23 For an additional amount for “United States African
24 Development Foundation”, \$15,000,000, for necessary ex-
25 penses to prevent, prepare for, and respond to

1 coronavirus, including to address related economic and
2 stabilization requirements: *Provided*, That funds made
3 available under this heading in this title shall be allocated
4 and allotted within 60 days of the enactment of this Act:
5 *Provided further*, That such amount is designated by the
6 Congress as being for an emergency requirement pursuant
7 to section 251(b)(2)(A)(i) of the Balanced Budget and
8 Emergency Deficit Control Act of 1985.

9 MULTILATERAL ASSISTANCE

10 FUNDS APPROPRIATED TO THE PRESIDENT

11 INTERNATIONAL ORGANIZATIONS AND PROGRAMS

12 For an additional amount for “International Organi-
13 zations and Programs”, \$935,250,000, to remain available
14 until September 30, 2022, for necessary expenses to pre-
15 vent, prepare for, and respond to coronavirus and to sup-
16 port the United Nations Global Humanitarian Response
17 Plan COVID–19, of which not less than \$750,000,000
18 shall be for the World Food Programme, and not less than
19 \$185,250,000 shall be for the United Nations Children’s
20 Fund: *Provided*, That funds made available under this
21 heading in this title shall be allocated and allotted within
22 60 days of the date of enactment of this Act: *Provided*
23 *further*, That such amount is designated by the Congress
24 as being for an emergency requirement pursuant to sec-

1 tion 251(b)(2)(A)(i) of the Balanced Budget and Emer-
2 gency Deficit Control Act of 1985.

3 GENERAL PROVISIONS—THIS TITLE

4 (INCLUDING TRANSFER OF FUNDS)

5 SEC. 1101. The authorities and limitations of section
6 402 of the Coronavirus Preparedness and Response Sup-
7 plemental Appropriations Act (division A of Public Law
8 116–123) shall apply to funds appropriated by this title
9 as follows:

10 (1) Subsections (a), (d), (e), and (f) shall apply
11 to funds under the heading “Diplomatic Programs”;
12 and

13 (2) Subsections (c), (d), (e), and (f) shall apply
14 to funds under the heading “Global Health Pro-
15 grams”, and “Development Assistance”.

16 SEC. 1102. Funds appropriated by this title under
17 the headings “Diplomatic Programs”, “Operating Ex-
18 penses”, “Global Health Programs”, and “Development
19 Assistance” may be used to reimburse such accounts ad-
20 ministered by the Department of State and the United
21 States Agency for International Development, for obliga-
22 tions incurred to prevent, prepare for, and respond to
23 coronavirus prior to the date of enactment of this Act.

24 SEC. 1103. The reporting requirements of section
25 406(b) of the Coronavirus Preparedness and Response

1 Supplemental Appropriations Act, 2020 (division A of
2 Public Law 116–123) shall apply to funds appropriated
3 by this title.

4 SEC. 1104. Section 404 of the Coronavirus Prepared-
5 ness and Response Supplemental Appropriations Act (divi-
6 sion A of Public Law 116–123) shall apply to funds appro-
7 priated by this title under the same headings as specified
8 by such section.

9 SEC. 1105. Notwithstanding the limitations in sec-
10 tions 609(i) and 609(j) of the Millennium Challenge Act
11 of 2003 (2211 U.S.C. 7708(j), 7715), the Millennium
12 Challenge Corporation may, subject to the availability of
13 funds, extend any compact in effect as of January 29,
14 2020, for up to one additional year, to account for delays
15 related to coronavirus: *Provided*, That the Corporation
16 shall notify the Committees on Appropriations and For-
17 eign Relations of the Senate and the Committees on Ap-
18 propriations and Foreign Affairs of the House of Rep-
19 resentatives prior to providing any such extension.

20 SEC. 1106. The Secretary of State and the heads of
21 other Federal agencies may rely upon the authority of sec-
22 tion 5924 of title 5, United States Code, without regard
23 to the foreign area limitations referenced therein, to make
24 payments for education allowances to employees who are
25 in the United States on ordered or authorized departure,

1 or for whom travel to a post in a foreign area has been
2 delayed, to prevent, prepare for, or respond to coronavirus:
3 *Provided*, That the authority under this section shall ex-
4 pire on December 31, 2024.

5 SEC. 1107. The Secretary of State and the heads of
6 other Federal agencies whose employees are authorized to
7 receive payments of monetary amounts and other allow-
8 ances under section 5523 of title 5, United States Code,
9 may rely upon the authority of that section, without re-
10 gard to the time limitations referenced therein, to continue
11 such payments in connection with authorized or ordered
12 departures from foreign areas, to prevent, prepare for, and
13 respond to coronavirus: *Provided*, That the authority
14 under this section shall be available to continue such pay-
15 ments for the period beginning on July 21, 2020, through
16 September 30, 2022, when such authority shall expire.

1 TITLE XII
2 TRANSPORTATION, HOUSING AND URBAN
3 DEVELOPMENT, AND RELATED AGENCIES
4 DEPARTMENT OF TRANSPORTATION
5 OFFICE OF THE SECRETARY
6 SALARIES AND EXPENSES

7 For an additional amount for “Salaries and Ex-
8 penses”, \$20,000,000, to remain available until expended,
9 to prevent, prepare for, and respond to coronavirus, in-
10 cluding necessary expenses for operating costs and capital
11 outlays: *Provided*, That such amounts are in addition to
12 any other amounts made available for this purpose: *Pro-*
13 *vided further*, That obligations of amounts under this
14 heading in this Act shall not be subject to the limitation
15 on obligations under the heading “Office of the Sec-
16 retary—Working Capital Fund” in division H of the Fur-
17 ther Consolidated Appropriations Act, 2020 (Public Law
18 116–94): *Provided further*, That such amount is des-
19 ignated by the Congress as being for an emergency re-
20 quirement pursuant to section 251(b)(2)(A)(i) of the Bal-
21 anced Budget and Emergency Deficit Control Act of 1985.

22 ESSENTIAL AIR SERVICE

23 In addition to funds provided to the “Payments to
24 Air Carriers” program in Public Law 116–94 to carry out
25 the essential air service program under section 41731

1 through 41742 of title 49, United States Code,
2 \$75,000,000, to be derived from the general fund of the
3 Treasury, and to be made available to the Essential Air
4 Service and Rural Improvement Fund, 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 FEDERAL AVIATION ADMINISTRATION

11 OPERATIONS

12 For an additional amount for “Operations”,
13 \$50,000,000, to be derived from the general fund, for nec-
14 essary expenses to provide Federal Aviation Administra-
15 tion (FAA) employees with masks or protective face cov-
16 erings, gloves, and sanitizer and wipes with sufficient alco-
17 hol content and to ensure FAA facilities are cleaned, dis-
18 infected, and sanitized in accordance with Centers for Dis-
19 ease Control and Prevention guidance: *Provided further*,
20 That such amount is designated by the Congress as being
21 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 GRANTS-IN-AID FOR AIRPORTS

2 For an additional amount for “Grants-In-Aid for Air-
3 ports”, \$13,500,000,000, to prevent, prepare for, and re-
4 spond to coronavirus, to remain available until September
5 30, 2026: *Provided*, That amounts made available under
6 this heading in this Act shall be derived from the general
7 fund of the Treasury: *Provided further*, That funds pro-
8 vided under this heading in this Act shall only be available
9 to sponsors of airports in categories defined in section
10 47102 of title 49, United States Code: *Provided further*,
11 That the requirements of chapter 471 of such title, except
12 for project eligibility, shall apply to funds provided for any
13 contract awarded (after the date of enactment of this Act)
14 for airport development and funded under this heading:
15 *Provided further*, That funds provided under this heading
16 in this Act may not be used for any purpose not directly
17 related to the airport: *Provided further*, That of the
18 amounts appropriated under this heading in this Act—

19 (1) Not less than \$500,000,000 shall be to pay
20 the local share of eligible costs for which a grant is
21 made under this heading under the Department of
22 Transportation Appropriations Act, 2021: *Provided*,
23 That any remaining funds after the apportionment
24 under this paragraph (1) shall be distributed as de-

1 scribed in paragraph (2) under this heading in this
2 Act:

3 (2) Not less than \$12,500,000,000 shall be
4 available for any purpose for which airport revenues
5 may lawfully be used: *Provided*, That such funds
6 shall be allocated among eligible primary airports
7 (as defined in section 47102(16) of title 49 United
8 States Code) based on each airport's calendar year
9 2019 enplanements as a percentage of total 2019
10 enplanements for all eligible primary service air-
11 ports: *Provided further*, That sponsors provide relief
12 equaling at least 25 percent of the amount allocated
13 to an airport under this paragraph to on-airport car
14 rental, on-airport parking, and in-terminal airport
15 concessions (as defined in part 23 of title 49, Code
16 of Federal Regulations) in the form of waiving rent,
17 minimum annual guarantees, lease obligations, fees,
18 or penalties, or, at the request of the owner of an
19 in-terminal concession, to provide for a buyout of
20 such concession: *Provided further*, That the sponsor
21 shall give the highest priority to an owner who quali-
22 fies as an small businesses with maximum gross re-
23 ceipts less than \$56 million: *Provided further*, That
24 the Federal share payable of the costs for which a

1 grant is made under this paragraph shall be 100
2 percent; and

3 (3) Up to \$200,000,000 shall be available for
4 general aviation airports and commercial service air-
5 ports that are not primary airports for any purpose
6 for which airport revenues may lawfully be used,
7 and, which the Secretary shall apportion directly to
8 each eligible airport, as defined in paragraphs (7),
9 (8), and (16) of section 47102 of title 49, United
10 States Code, based on the categories published in
11 the most current National Plan of Integrated Air-
12 port Systems, reflecting the percentage of the aggre-
13 gate published eligible development costs for each
14 such category, and then dividing the allocated funds
15 evenly among the eligible airports in each category,
16 rounding up to the nearest thousand dollars: *Pro-*
17 *vided*, That the Federal share payable of the costs
18 for which a grant is made under this paragraph
19 shall be 100 percent: *Provided further*, That any re-
20 maining funds after the apportionment under this
21 paragraph (3) shall be distributed as described in
22 paragraph (2) under this heading in this Act:
23 *Provided further*, That the matter preceding the first pro-
24 viso under this heading in title XII of division B of the
25 CARES Act (Public Law 116-136) is amended by striking

1 “to remain available until expended” and inserting “to re-
2 main available until September 30, 2025”: *Provided fur-*
3 *ther*, That amounts made available under this heading in
4 title XII of division B of the CARES Act (Public Law
5 116-136) shall not be subject to the limitation on obliga-
6 tions in any act making appropriations: *Provided further*,
7 That any funds under the previous proviso designated as
8 airport grants that are unobligated, recovered by or re-
9 turned to the Federal Aviation Administration (FAA)
10 within 5 years from the date of enactment of the CARES
11 Act (Public Law 116-36) shall be pooled and redistributed
12 as described in paragraph (2) under this heading in this
13 Act: *Provided further*, That the FAA may redistribute
14 funds under the previous proviso on more than one occa-
15 sion: *Provided further*, That any airport that had been al-
16 located more than four times annual operating expenses
17 under this heading in title XII of division B of the CARES
18 Act (Public Law 116-136) shall not be eligible for funds
19 allocated or redistributed under this Act: *Provided further*,
20 That the Administrator of the FAA may retain up to 0.1
21 percent of the funds provided under this heading in this
22 Act to fund the award and oversight by the Administrator
23 of grants made under this heading in this Act: *Provided*
24 *further*, That obligations of funds under this heading in
25 this Act shall not be subject to any limitations on obliga-

1 tions provided in any Act making appropriations: *Provided*
2 *further*, That all airport sponsors receiving funds under
3 this heading in this Act shall continue to employ, through
4 September 30, 2021, at least 90 percent of the number
5 of individuals employed (after making adjustments for re-
6 tirements or voluntary employee separations) by each air-
7 port as of March 27, 2020: *Provided further*, That the Sec-
8 retary may waive the workforce retention requirement in
9 the previous proviso, if the Secretary determines the air-
10 port is experiencing economic hardship as a direct result
11 of the requirement, or the requirement reduces aviation
12 safety or security: *Provided further*, That the workforce
13 retention requirement shall not apply to nonhub airports
14 or nonprimary airports receiving funds under this heading
15 in this Act: *Provided further*, That amounts repurposed
16 by the provisions under this heading in this Act that were
17 previously designated by the Congress as an emergency
18 requirement pursuant to the Balanced Budget and Emer-
19 gency Deficit Control Act of 1985 are designated by the
20 Congress as an emergency requirement pursuant to sec-
21 tion 251(b)(2)(A)(i) of the Balanced Budget and Emer-
22 gency Deficit Control Act of 1985: *Provided further*, That
23 such amount is designated by the Congress as being for
24 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 FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION

4 MOTOR CARRIER SAFETY OPERATIONS AND PROGRAMS

5 Of prior year unobligated contract authority and liq-
6 uidating cash provided for Motor Carrier Safety in the
7 Transportation Equity Act for the 21st Century (Public
8 Law 105–178), SAFETEA–LU (Public Law 109–59), or
9 other appropriations or authorization acts, in addition to
10 amounts already appropriated in fiscal year 2020 for
11 “Motor Carrier Safety Operations and Programs”,
12 \$238,500 in additional obligation limitation is provided
13 and repurposed for obligations incurred to support activi-
14 ties to prevent, prepare for, and respond to coronavirus:
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 FEDERAL RAILROAD ADMINISTRATION

20 NORTHEAST CORRIDOR GRANTS TO THE NATIONAL

21 RAILROAD PASSENGER CORPORATION

22 (INCLUDING TRANSFER OF FUNDS)

23 For an additional amount for “Northeast Corridor
24 Grants to the National Railroad Passenger Corporation”,
25 \$1,392,085,000, to remain available until expended, to

1 prevent, prepare for, and respond to coronavirus, includ-
2 ing to enable the Secretary of Transportation to make or
3 amend existing grants to the National Railroad Passenger
4 Corporation for activities associated with the Northeast
5 Corridor, as authorized by section 11101(a) of the Fixing
6 America’s Surface Transportation Act (division A of Pub-
7 lic Law 114–94): *Provided*, That not less than
8 \$219,610,000 of the amounts made available under this
9 heading in this Act and the “National Network Grants
10 to the National Railroad Passenger Corporation” heading
11 in this Act shall be made available for use by the National
12 Railroad Passenger Corporation in lieu of capital pay-
13 ments from States and commuter rail passenger transpor-
14 tation providers subject to the cost allocation policy devel-
15 oped pursuant to section 24905(c) of title 49, United
16 States Code: *Provided further*, That, notwithstanding sec-
17 tions 24319(g) and 24905(c)(1)(A)(i) of title 49, United
18 States Code, such use of funds does not constitute cross-
19 subsidization of commuter rail passenger transportation:
20 *Provided further*, That not more than \$91,800,000 of the
21 amounts made available under this heading in this Act
22 shall be made available for use by the National Railroad
23 Passenger Corporation to repay or prepay debt incurred
24 by the National Railroad Passenger Corporation under fi-
25 nancing arrangements entered into prior to the enactment

1 of this Act and to pay required reserves, costs, and fees
2 related to such debt, including for loans from the Depart-
3 ment of Transportation and loans that would otherwise
4 have been paid from National Railroad Passenger Cor-
5 poration revenues: *Provided further*, That the Secretary
6 may retain up to \$4,890,000 of the amounts made avail-
7 able under both this heading in this Act and the “National
8 Network Grants to the National Railroad Passenger Cor-
9 poration” heading in this Act to fund the costs of project
10 management and oversight of activities authorized by sec-
11 tion 11101(c) of the Fixing America’s Surface Transpor-
12 tation Act (division A of Public Law 114–94): *Provided*
13 *further*, That \$1,000,000 of the amounts made available
14 under both this heading in this Act and the “National
15 Network Grants to the National Railroad Passenger Cor-
16 poration” heading in this Act shall be transferred to “Na-
17 tional Railroad Passenger Corporation—Office of Inspec-
18 tor General—Salaries and Expenses” for conducting au-
19 dits and investigations of projects and activities carried
20 out with amounts made available in this Act and in title
21 XII of division B of the Coronavirus Aid, Relief, and Eco-
22 nomic Security Act (Public Law 116–136) under the head-
23 ings “Northeast Corridor Grants to the National Railroad
24 Passenger Corporation” and “National Network Grants to
25 the National Railroad Passenger Corporation”: *Provided*

1 *further*, That amounts made available under this heading
2 in this Act may be transferred to and merged with “Na-
3 tional Network Grants to the National Railroad Passenger
4 Corporation” to prevent, prepare for, and respond to
5 coronavirus: *Provided further*, That such amount is des-
6 ignated by the Congress as being for an emergency re-
7 quirement pursuant to section 251(b)(2)(A)(i) of the Bal-
8 anced Budget and Emergency Deficit Control Act of 1985.

9 NATIONAL NETWORK GRANTS TO THE NATIONAL
10 RAILROAD PASSENGER CORPORATION
11 (INCLUDING TRANSFER OF FUNDS)

12 For an additional amount for “National Network
13 Grants to the National Railroad Passenger Corporation”,
14 \$1,007,915,000, to remain available until expended, to
15 prevent, prepare for, and respond to coronavirus, includ-
16 ing to enable the Secretary of Transportation to make or
17 amend existing grants to the National Railroad Passenger
18 Corporation for activities associated with the National
19 Network as authorized by section 11101(b) of the Fixing
20 America’s Surface Transportation Act (division A of Pub-
21 lic Law 114–94): *Provided*, That not less than
22 \$349,700,000 of the amounts made available under this
23 heading in this Act shall be made available for use by the
24 National Railroad Passenger Corporation to be appor-
25 tioned toward State payments required by the cost meth-

1 odology policy adopted pursuant to section 209 of the Pas-
2 senger Rail Investment and Improvement Act of 2008
3 (Public Law 110–432): *Provided further*, That a State-
4 supported route’s share of such funding under the pre-
5 ceding proviso shall consist of (1) 7 percent of the costs
6 allocated to the route in fiscal year 2019 under the cost
7 methodology policy adopted pursuant to section 209 of the
8 Passenger Rail Investment and Improvement Act of 2008
9 (Public Law 110–432), and (2) any remaining amounts
10 under the preceding proviso shall be apportioned to a
11 route in proportion to its passenger revenue and other rev-
12 enue allocated to a State-supported route in fiscal year
13 2019 divided by the total passenger revenue and other rev-
14 enue allocated to all State-supported routes in fiscal year
15 2019: *Provided further*, That State-supported routes which
16 terminated service on or before February 1, 2020, shall
17 not be included in the cost and revenue calculations made
18 pursuant to the preceding proviso: *Provided further*, That
19 amounts made available under this heading in this Act
20 may be transferred to and merged with “Northeast Cor-
21 ridor Grants to the National Railroad Passenger Corpora-
22 tion” to prevent, prepare for, and respond to coronavirus:
23 *Provided further*, That such amount is designated by the
24 Congress as being for an emergency requirement pursuant

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

3 FEDERAL TRANSIT ADMINISTRATION

4 TRANSIT INFRASTRUCTURE GRANTS

5 For an additional amount for “Transit Infrastructure
6 Grants”, \$32,000,000,000, to remain available until ex-
7 pended, to prevent, prepare for, and respond to
8 coronavirus: *Provided*, That of the amounts appropriated
9 under this heading in this Act—

10 (1) \$18,500,000,000 shall be for grants to re-
11 cipients eligible under chapter 53 of title 49, United
12 States Code, and administered as if such funds were
13 provided under section 5307 of title 49, United
14 States Code (apportioned in accordance with section
15 5336 of such title (other than subsections (h)(1) and
16 (h)(4))), and section 5337 of title 49, United States
17 Code (apportioned in accordance with such section),
18 except that funds apportioned under section 5337
19 shall be added to funds apportioned under 5307 for
20 administration under 5307: *Provided*, That the Sec-
21 retary shall allocate the amounts provided in the
22 preceding proviso under sections 5307 and 5337 of
23 title 49, United States Code, in the same ratio as
24 funds were provided under Public Law 116–94 and
25 shall allocate such amounts not later than 14 days

1 after enactment of this Act: *Provided further*, That
2 the amounts allocated to any urbanized area from
3 amounts made available under this heading in this
4 Act when combined with the amounts allocated to
5 each such urbanized area from funds appropriated
6 under this heading in title XIII of division B of the
7 CARES Act (Public Law 116–136) may not exceed
8 more than 100 percent of any recipient’s 2018 oper-
9 ating costs based on data contained in the National
10 Transit Database: *Provided further*, That for any ur-
11 banized area for which the calculation in the pre-
12 vious proviso exceeds 100 percent of the urbanized
13 area’s 2018 operating costs, the Secretary shall dis-
14 tribute funds in excess of such percent to urbanized
15 areas for which the calculation in the previous pro-
16 viso does not exceed 100 percent in the same propor-
17 tion as amounts allocated under the first proviso of
18 this paragraph;

19 (2) \$2,500,000,000 shall be for grants under
20 section 5309 of title 49, United States Code: *Pro-*
21 *vided*, That of the amounts provided under this
22 paragraph—

23 (A) \$1,950,000,000 shall be for grants to
24 recipients that received an allocation under sec-
25 tion 5309 of title 49, United States Code, for

1 fiscal year 2019 or fiscal year 2020 as of the
2 date of enactment of this Act: *Provided*, That
3 the Secretary shall calculate each recipient's
4 non-Capital Investment Grant financial commit-
5 ment for fiscal years 2019 and 2020 as a per-
6 centage of the non-Capital Investment Grant fi-
7 nancial commitments of all projects for such
8 fiscal years and shall proportionally allocate
9 such funds within 14 days of enactment of this
10 Act: *Provided further*, That any recipient with a
11 project open for revenue service for which they
12 received a construction grant agreement are not
13 eligible for funds provided under this para-
14 graph; and

15 (B) \$400,000,000 shall be for grants to re-
16 cipients that receive an allocation of fiscal year
17 2019 or fiscal year 2020 funds after the date
18 of enactment of this Act under section 5309 of
19 title 49, United States Code: *Provided*, That
20 such grants shall be allocated to such recipients
21 in proportion to the allocation of fiscal year
22 2019 or fiscal 2020 funds provided to all
23 projects allocated funding after the date of en-
24 actment of this Act; and

1 (C) no more than \$150,000,000 for any
2 recipient of a grant under section 5309(h) of
3 title 49, United States Code, that may need ad-
4 ditional assistance in completing a project that
5 has received a grant agreement and shall issue
6 a Notice of Funding Opportunity for amounts
7 made available for projects eligible under sec-
8 tion 5309(h) of title 49, United States Code,
9 not later than 120 days after the date of enact-
10 ment of this Act:

11 *Provided further*, That if amounts remain available
12 after distributing funds under this paragraph, such
13 amounts shall be added to the amounts made avail-
14 able under paragraph (5) under this heading: *Pro-*
15 *vided further*, That amounts made available under
16 this paragraph shall not be included in any calcula-
17 tion of the maximum amount of Federal financial
18 assistance for the project under section
19 5309(k)(2)(C)(ii) or 5309(h)(7) of title 49, United
20 States Code nor should they be subject to provisions
21 in sections 5309(a)(7)(A) or 5309(l)(1)(B)(ii) of
22 such title;

23 (3) \$250,000,000 shall be for grants to recipi-
24 ents or subrecipients eligible under section 5310 of
25 title 49, United States Code, and the Secretary of

1 Transportation shall apportion such funds in accord-
2 ance with such section: *Provided*, That the Secretary
3 shall allocate such funds in the same ratio as funds
4 were provided in Public Law 116–94 and shall allo-
5 cate such funds not later than 14 days after the
6 date of enactment of this Act;

7 (4) \$750,000,000 shall be for grants to recipi-
8 ents or subrecipients eligible under section 5311 of
9 title 49, United States Code (other than subsection
10 (b)(3) and (c)(1)(A)), and the Secretary of Trans-
11 portation shall apportion such funds in accordance
12 with such section: *Provided*, That the Secretary shall
13 allocate these amounts in the same ratio as funds
14 were provided in Public Law 116–94 and shall allo-
15 cate funds within 14 days of enactment of this Act;
16 and

17 (5) \$10,000,000,000 shall be for grants to eligi-
18 ble recipients or subrecipients of funds under chap-
19 ter 53 of title 49, United States Code, that, as a re-
20 sult of coronavirus, require additional assistance to
21 maintain operations: *Provided*, That such funds shall
22 be administered as if they were provided under sec-
23 tion 5324 of title 49, United States Code: *Provided*
24 *further*, 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, since Oc-
2 tober 1, 2018, partnered with a recipient or sub-
3 recipient in order to meet the requirements of sec-
4 tion 5311(f) of such title shall be eligible to directly
5 apply for funds under this paragraph: *Provided fur-*
6 *ther*, That entities that have partnered with a recipi-
7 ent or subrecipient in order to meet the require-
8 ments of section 5311(f) of such title shall be eligi-
9 ble to receive not more than 7.5 percent of the total
10 funds provided under this paragraph and shall use
11 assistance provided under this paragraph only for
12 workforce retention or the recall or rehire of any laid
13 off, furloughed, or terminated employee associated
14 with the provision of intercity bus service including,
15 but not limited to, service eligible for funding under
16 section 5311(f) of title 49, United States Code: *Pro-*
17 *vided further*, That when evaluating applications of
18 intercity bus service assistance, the Secretary shall
19 give priority to preserving national and regional
20 intercity bus networks and the rural services that
21 make meaningful connections to those networks:
22 *Provided further*, That the Secretary shall issue a
23 Notice of Funding Opportunity not later than 120
24 days after the date of enactment of this Act that re-
25 quires applications to be submitted not later than

1 180 days after the date of enactment of this Act:
2 *Provided further*, That the Secretary shall make
3 awards not later than 60 days after the application
4 deadline: *Provided further*, That the Secretary shall
5 require grantees to provide estimates of financial
6 need, data on reduced ridership, and a spending
7 plan for funds: *Provided further*, That when evalu-
8 ating applications for assistance to transit agencies,
9 the Secretary shall give priority to agencies in ur-
10 banized areas that received less than 100 percent of
11 their 2018 operating expenses from the funds appro-
12 priated in paragraph (1) combined with the funds
13 appropriated under this heading in title XII of divi-
14 sion B of the CARES Act (Public Law 116–136),
15 and transit agencies with the largest revenue loss as
16 a percentage of the agency’s 2018 operating ex-
17 penses: *Provided further*, That States may apply on
18 behalf of a recipient, a subrecipient, or a group of
19 recipients or subrecipients: *Provided further*, That if
20 applications for assistance do not exceed available
21 funds, the Secretary shall reserve the remaining
22 amounts for grantees to prevent, prepare for, and
23 respond to coronavirus and shall accept applications
24 on a rolling basis: *Provided further*, That if amounts
25 made available under this paragraph remain unobli-

1 gated on December 31, 2021, such amounts shall be
2 available for any purpose eligible under section 5324
3 of title 49, United States Code:

4 *Provided further*, That the Secretary shall not waive the
5 requirements of section 5333 of title 49, United States
6 Code, for funds appropriated under this heading in this
7 Act or for funds previously made available under section
8 5307 of title 49, United States Code, or sections 5310,
9 5311, 5337, or 5340 of such title as a result of the
10 coronavirus: *Provided further*, That the provision of funds
11 under this heading in this Act shall not affect the ability
12 of any other agency of the Government, including the Fed-
13 eral Emergency Management Agency, a State agency, or
14 a local governmental entity, organization, or person, to
15 provide any other funds otherwise authorized by law: *Pro-*
16 *vided further*, That notwithstanding subsection (a)(1) or
17 (b) of section 5307 of title 49, United States Code, sub-
18 section (a)(1) of section 5324 of such title, or any provi-
19 sion of chapter 53 of title 49, funds provided under this
20 heading in this Act are available for the operating ex-
21 penses of transit agencies related to the response to a
22 coronavirus public health emergency, including, beginning
23 on January 20, 2020, reimbursement for operating costs
24 to maintain service and lost revenue due to the
25 coronavirus public health emergency, including the pur-

1 chase of personal protective equipment, and paying the ad-
2 ministrative leave of operations or contractor personnel
3 due to reductions in service: *Provided further*, That to the
4 maximum extent possible, funds made available under this
5 heading in this Act and in title XII of division B of the
6 CARES Act (Public Law 116–136) shall be directed to
7 payroll and public transit, unless the recipient certifies to
8 the Secretary that the recipient has not furloughed any
9 employees: *Provided further*, That such operating expenses
10 are not required to be included in a transportation im-
11 provement program, long-range transportation plan, state-
12 wide transportation plan, or a statewide transportation
13 improvement program: *Provided further*, That grants
14 made under this heading in this Act and in title XII of
15 division B of the CARES Act (Public Law 116–136) to
16 recipients or subrecipients may be used to make payments
17 to contractors providing transit operations service or
18 maintenance of rolling stock, right of way and/or stations
19 at pre-COVID-19 service billing levels in such amounts as
20 existed on February 3, 2020, even if such service was re-
21 duced due to the COVID-19 public health emergency: *Pro-*
22 *vided further*, That the preceding proviso may only apply
23 if a contractor continuously retains its full and part-time
24 workforce at their previous full or part-time status, and/
25 or, where applicable, beginning on the date that employees

1 of the contractor are able to return to work at their pre-
2 vious full or part-time status that it laid off, furloughed
3 or terminated as a result of the COVID-19 public health
4 emergency, or its effects, under the terms of any applica-
5 ble collective bargaining agreement: *Provided further*, That
6 private providers of public transportation may be consid-
7 ered eligible sub-recipients of funding provided under this
8 heading: *Provided further*, That unless otherwise specified,
9 applicable requirements under chapter 53 of title 49,
10 United States Code, shall apply to funding made available
11 under this heading in this Act, except that the Federal
12 share of the costs for which any grant is made under this
13 heading in this Act shall be, at the option of the recipient,
14 up to 100 percent: *Provided further*, That the amount
15 made available under this heading in this Act shall be de-
16 rived from the general fund and shall not be subject to
17 any limitation on obligations for transit programs set forth
18 in any Act: *Provided further*, That not more than one-half
19 of one percent of the funds for transit infrastructure
20 grants, but not to exceed \$125,000,000, provided under
21 this heading in this Act shall be available for administra-
22 tive expenses and ongoing program management oversight
23 as authorized under sections 5334 and 5338(f)(2) of title
24 49, United States Code, and shall be in addition to any
25 other appropriations for such purpose: *Provided further*,

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 SAINT LAWRENCE SEAWAY DEVELOPMENT
6 CORPORATION
7 OPERATIONS AND MAINTENANCE
8 (HARBOR MAINTENANCE TRUST FUND)

9 For necessary expenses to conduct the operations,
10 maintenance, and capital infrastructure activities of the
11 Seaway International Bridge, \$1,500,000, to be derived
12 from the Harbor Maintenance Trust Fund pursuant to
13 section 210 of the Water Resources Development Act of
14 1986 (33 U.S.C. 2238), to prevent, prepare for, and re-
15 spond to coronavirus: *Provided*, That such amount is des-
16 ignated by the Congress as being for an emergency re-
17 quirement pursuant to section 251(b)(2)(A)(i) of the Bal-
18 anced Budget and Emergency Deficit Control Act of 1985.

19 OFFICE OF INSPECTOR GENERAL
20 SALARIES AND EXPENSES

21 For an additional amount for “Office of Inspector
22 General”, \$5,000,000, to remain available until expended,
23 to prevent, prepare for, and respond to coronavirus: *Pro-*
24 *vided*, That the funding made available under this heading
25 in this Act shall be used for conducting audits and inves-

1 tigungen of projects and activities carried out by the De-
2 partment of Transportation to prevent, prepare for, and
3 respond to coronavirus: *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 DEPARTMENT OF HOUSING AND URBAN
9 DEVELOPMENT

10 PUBLIC AND INDIAN HOUSING

11 TENANT-BASED RENTAL ASSISTANCE

12 (INCLUDING TRANSFER OF FUNDS)

13 For an additional amount for “Tenant-Based Rental
14 Assistance”, \$4,000,000,000, to remain available until ex-
15 pended, and to be used under the same authority and con-
16 ditions as the additional appropriations for fiscal year
17 2020 under this heading in title XII of division B of the
18 CARES Act (Public Law 116–136), except that any
19 amounts provided for administrative expenses and other
20 expenses of public housing agencies for their section 8 pro-
21 grams, including Mainstream vouchers, under this heading
22 in the CARES Act (Public Law 116–136) and under this
23 heading in this Act shall also be available for Housing As-
24 sistance Payments under section 8(o) of the United States
25 Housing Act of 1937 (42 U.S.C. 1437f(o)): *Provided*,

1 That amounts made available under this heading in this
2 Act and under the same heading in title XII of division
3 B of the CARES Act may be used to cover or reimburse
4 allowable costs incurred to prevent, prepare for, and re-
5 spond to coronavirus regardless of the date on which such
6 costs were incurred: *Provided further*, That of the amounts
7 made available under this heading in this Act,
8 \$500,000,000 shall be available for administrative ex-
9 penses and other expenses of public housing agencies for
10 their section 8 programs, including Mainstream vouchers:
11 *Provided further*, That of the amounts made available
12 under this heading in this Act, \$2,500,000,000 shall be
13 available for adjustments in the calendar year 2020 or
14 2021 section 8 renewal funding allocations, including
15 Mainstream vouchers, for public housing agencies that ex-
16 perience a significant increase in voucher per-unit costs
17 due to extraordinary circumstances or that, despite taking
18 reasonable cost savings measures, as determined by the
19 Secretary, would otherwise be required to terminate rental
20 assistance for families as a result of insufficient funding:
21 *Provided further*, That of the amounts made available
22 under this heading in this Act, \$1,000,000,000 shall be
23 used for incremental rental voucher assistance under sec-
24 tion 8(o) of the United States Housing Act of 1937 for
25 use by individuals and families who are—homeless, as de-

1 fined under section 103(a) of the McKinney-Vento Home-
2 less Assistance Act (42 U.S.C. 11302(a)); at risk of home-
3 lessness, as defined under section 401(1) of the McKin-
4 ney-Vento Homeless Assistance Act (42 U.S.C. 11360(1));
5 or fleeing, or attempting to flee, domestic violence, dating
6 violence, sexual assault, or stalking: *Provided further*, That
7 the Secretary shall allocate amounts made available in the
8 preceding proviso to public housing agencies not later than
9 60 days after the date of enactment of this Act, according
10 to a formula that considers the ability of the public hous-
11 ing agency to use vouchers promptly and the need of geo-
12 graphical areas based on factors to be determined by the
13 Secretary, such as risk of transmission of coronavirus,
14 high numbers or rates of sheltered and unsheltered home-
15 lessness, and economic and housing market conditions:
16 *Provided further*, That if a public housing authority elects
17 not to administer or does not promptly issue all of its au-
18 thorized vouchers within a reasonable period of time, the
19 Secretary shall reallocate any unissued vouchers and asso-
20 ciated funds to other public housing agencies according
21 to the criteria in the preceding proviso: *Provided further*,
22 That a public housing agency shall not reissue any vouch-
23 ers under this heading in this Act for incremental rental
24 voucher assistance when assistance for the family initially
25 assisted is terminated: *Provided further*, That upon termi-

1 nation of incremental rental voucher assistance under this
2 heading in this Act for one or more families assisted by
3 a public housing agency, the Secretary shall reallocate
4 amounts that are no longer needed by such public housing
5 agency for assistance under this heading in this Act to
6 another public housing agency for the renewal of vouchers
7 previously authorized under this heading in this Act: *Pro-*
8 *vided further*, That amounts made available in this para-
9 graph are in addition to any other amounts made available
10 for such purposes: *Provided further*, That up to 0.5 per-
11 cent of the amounts made available under this heading
12 in this Act may be transferred, in aggregate, to “Depart-
13 ment of Housing and Urban Development, Program Of-
14 fices—Public and Indian Housing” to supplement existing
15 resources for the necessary costs of administering and
16 overseeing the obligation and expenditure of these
17 amounts, to remain available until September 30, 2024:
18 *Provided further*, That such amount is designated by the
19 Congress as being for an emergency requirement pursuant
20 to section 251(b)(2)(A)(i) of the Balanced Budget and
21 Emergency Deficit Control Act of 1985.

22 PUBLIC HOUSING OPERATING FUND

23 (INCLUDING TRANSFER OF FUNDS)

24 For an additional amount for “Public Housing Oper-
25 ating Fund”, as authorized by section 9(e) of the United

1 States Housing Act of 1937 (42 U.S.C. 1437g(e)),
2 \$2,000,000,000, to be used under the same authority and
3 conditions as the additional appropriations for fiscal year
4 2020 under this heading in title XII of division B of the
5 CARES Act (Public Law 116–136): *Provided*, That
6 amounts made available under this heading in this Act and
7 under the same heading in title XII of division B of the
8 CARES Act may be used to cover or reimburse allowable
9 costs incurred to prevent, prepare for, and respond to
10 coronavirus regardless of the date on which such costs
11 were incurred: *Provided further*, That up to 0.5 percent
12 of the amounts made available under this heading in this
13 Act may be transferred, in aggregate, to “Department of
14 Housing and Urban Development, Program Offices—Pub-
15 lic and Indian Housing” to supplement existing resources
16 for the necessary costs of administering and overseeing the
17 obligation and expenditure of these amounts, to remain
18 available until September 30, 2024: *Provided further*, That
19 such amount is designated by the Congress as being for
20 an emergency requirement pursuant to section
21 251(b)(2)(A)(i) of the Balanced Budget and Emergency
22 Deficit Control Act of 1985.

1 NATIVE AMERICAN PROGRAMS
2 (INCLUDING TRANSFER OF FUNDS)

3 For an additional amount for “Native American Pro-
4 grams”, \$400,000,000, to remain available until Sep-
5 tember 30, 2024, and to be used under the same authority
6 and conditions as the additional appropriations for fiscal
7 year 2020 under this heading in title XII of division B
8 of the Coronavirus Aid, Relief, and Economic Security Act
9 (Public Law 116–136): *Provided*, That the amounts made
10 available under this heading in this Act are as follows:

11 (1) Up to \$150,000,000 shall be available for
12 the Native American Housing Block Grants pro-
13 gram, as authorized under title I of the Native
14 American Housing Assistance and Self-Determina-
15 tion Act of 1996 (25 U.S.C. 4111 et seq.); and

16 (2) Not less than \$250,000,000 shall be avail-
17 able for grants to Indian tribes under the Indian
18 Community Development Block Grant program
19 under title I of the Housing and Community Devel-
20 opment Act of 1974 (42 U.S.C. 5306(a)(1)), not-
21 withstanding section 106(a)(1) of such Act, for
22 emergencies that constitute imminent threats to
23 health and safety:

24 *Provided further*, That amounts made available under
25 paragraph (1) under this heading in title XII of division

1 B of the Coronavirus Aid, Relief, and Economic Security
2 Act (Public Law 116–136) which are allocated to Indian
3 tribes or tribally designated housing entities, and which
4 are not accepted, are voluntarily returned, or otherwise re-
5 captured for any reason, may be used by the Secretary
6 to make awards under paragraph (2) under this heading
7 in title XII of division B of the Coronavirus Aid, Relief,
8 and Economic Security Act (Public Law 116–136), in ad-
9 dition to amounts otherwise available for such purposes:
10 *Provided further*, That up to one-half of 1 percent of the
11 amounts made available under this heading in this Act
12 may be transferred, in aggregate, to “Department of
13 Housing and Urban Development, Program Offices—Pub-
14 lic and Indian Housing” for necessary costs of admin-
15 istering and overseeing the obligation and expenditure of
16 such amounts and of amounts made available under this
17 heading in title XII of division B of the Coronavirus Aid,
18 Relief, and Economic Security Act (Public Law 116–136),
19 to remain available until September 30, 2029, in addition
20 to any other amounts made available for such purposes:
21 *Provided further*, 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 COMMUNITY PLANNING AND DEVELOPMENT
2 HOUSING OPPORTUNITIES FOR PERSONS WITH AIDS
3 (INCLUDING TRANSFER OF FUNDS)

4 For an additional amount for “Housing Opportuni-
5 ties for Persons with AIDS”, \$65,000,000, to be used
6 under the same authority and conditions as the additional
7 appropriations for fiscal year 2020 under this heading in
8 title XII of division B of the CARES Act (Public Law
9 116–136): *Provided*, That amounts provided under this
10 heading in this Act that are allocated pursuant to section
11 854(c)(5) of the AIDS Housing Opportunity Act (42
12 U.S.C. 12901 et seq.) shall remain available until Sep-
13 tember 30, 2022: *Provided further*, That not less than
14 \$15,000,000 of the amount provided under this heading
15 in this Act shall be allocated pursuant to the formula in
16 section 854 of such Act using the same data elements as
17 utilized pursuant to that same formula in fiscal year 2020:
18 *Provided further*, That up to 0.5 percent of the amounts
19 made available under this heading in this Act may be
20 transferred to “Department of Housing and Urban Devel-
21 opment—Program Offices—Community Planning and
22 Development” for necessary costs of administering and
23 overseeing the obligation and expenditure of amounts
24 under this heading in this Act, to remain available until
25 September 30, 2030: *Provided further*, That such amount

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

5 COMMUNITY DEVELOPMENT FUND
6 (INCLUDING TRANSFER OF FUNDS)

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

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

13 HOMELESS ASSISTANCE GRANTS

14 (INCLUDING TRANSFER OF FUNDS)

15 For an additional amount for “Homeless Assistance
16 Grants”, \$5,000,000,000, to remain available until Sep-
17 tember 30, 2025, for the Emergency Solutions Grants pro-
18 gram as authorized under subtitle B of title IV of the
19 McKinney-Vento Homeless Assistance Act (42 U.S.C.
20 11371 et seq.), as amended, and to be used under the
21 same authority and conditions as the additional appropria-
22 tions for fiscal year 2020 under this heading in title XII
23 of division B of the CARES Act (Public Law 116–136):
24 *Provided*, That \$3,000,000,000 of the amount made avail-
25 able under this heading in this Act shall be distributed

1 pursuant to 24 CFR 576.3 to grantees that received allo-
2 cations pursuant to that same formula in fiscal year 2020,
3 and that such allocations shall be made within 30 days
4 of enactment of this Act: *Provided further*, That, in addi-
5 tion to amounts allocated in the preceding proviso, remain-
6 ing amounts shall be allocated directly to a State or unit
7 of general local government by the formula specified in
8 the third proviso under this heading in title XII of division
9 B of the CARES Act (Public Law 116–136): *Provided fur-*
10 *ther*, That not later than 90 days after the date of enact-
11 ment of this Act and every 60 days thereafter, the Sec-
12 retary shall allocate a minimum of an additional
13 \$500,000,000, pursuant to the formula referred to in the
14 preceding proviso, based on the best available data: *Pro-*
15 *vided further*, That up to 0.5 percent of the amounts made
16 available under this heading in this Act may be trans-
17 ferred to “Department of Housing and Urban Develop-
18 ment—Program Offices—Community Planning and De-
19 velopment” for necessary costs of administering and over-
20 seeing the obligation and expenditure of amounts under
21 this heading in this Act, to remain available until Sep-
22 tember 30, 2030: *Provided further*, That funds made avail-
23 able under this heading in this Act and under this heading
24 in title XII of division B of the CARES Act (Public Law
25 116–136) may be used for eligible activities the Secretary

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

4 HOUSING PROGRAMS

5 PROJECT-BASED RENTAL ASSISTANCE

6 (INCLUDING TRANSFER OF FUNDS)

7 For an additional amount for “Project-Based Rental
8 Assistance”, \$750,000,000, to remain available until ex-
9 pended, and to be used under the same authority and con-
10 ditions as the additional appropriations for fiscal year
11 2020 under this heading in title XII of division B of the
12 CARES Act (Public Law 116–136): *Provided*, That up to
13 0.5 percent of the amounts made available under this
14 heading in this Act may be transferred to “Department
15 of Housing and Urban Development—Program Offices—
16 Office of Housing” for necessary costs of administering
17 and overseeing the obligation and expenditure of amounts
18 under this heading in this Act, to remain available until
19 September 30, 2030: *Provided further*, That such amount
20 is designated by the Congress as being for an emergency
21 requirement pursuant to section 251(b)(2)(A)(i) of the
22 Balanced Budget and Emergency Deficit Control Act of
23 1985.

1 HOUSING FOR THE ELDERLY

2 (INCLUDING TRANSFER OF FUNDS)

3 For an additional amount for “Housing for the El-
4 derly”, \$500,000,000, to remain available until September
5 30, 2023, and to be used under the same authority and
6 conditions as the additional appropriations for fiscal year
7 2020 under this heading in title XII of division B of the
8 CARES Act (Public Law 116–136): *Provided*, That not-
9 withstanding the first proviso under this heading in the
10 CARES Act, \$300,000,000 of the amount made available
11 under this heading in this Act shall be for one-time grants
12 for service coordinators, as authorized under section 676
13 of the Housing and Community Development Act of 1992
14 (42 U.S.C. 13632), and the continuation of existing con-
15 gregate service grants for residents of assisted housing
16 projects: *Provided further*, That up to 0.5 percent of the
17 amounts made available under this heading in this Act
18 may be transferred to “Department of Housing and
19 Urban Development—Program Offices—Office of Hous-
20 ing” for necessary costs of administering and overseeing
21 the obligation and expenditure of amounts under this
22 heading in this Act, to remain available until September
23 30, 2030: *Provided further*, That such amount is des-
24 ignated 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 HOUSING FOR PERSONS WITH DISABILITIES

4 (INCLUDING TRANSFER OF FUNDS)

5 For an additional amount for “Housing for Persons
6 with Disabilities”, \$45,000,000, to remain available until
7 September 30, 2023, and to be used under the same au-
8 thority and conditions as the additional appropriations for
9 fiscal year 2020 under this heading in title XII of division
10 B of the CARES Act (Public Law 116–136): *Provided*,
11 That up to 0.5 percent of the amounts made available
12 under this heading in this Act may be transferred to “De-
13 partment of Housing and Urban Development—Program
14 Offices—Office of Housing” for necessary costs of admin-
15 istering and overseeing the obligation and expenditure of
16 amounts under this heading in this Act, to remain avail-
17 able until September 30, 2030: *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.

1 FAIR HOUSING AND EQUAL OPPORTUNITY

2 FAIR HOUSING ACTIVITIES

3 (INCLUDING TRANSFER OF FUNDS)

4 For an additional amount for “Fair Housing Activi-
5 ties”, \$14,000,000, to remain available until September
6 30, 2022, and to be used under the same authority and
7 conditions as the additional appropriations for fiscal year
8 2020 under this heading in title XII of division B of the
9 CARES Act (Public Law 116–136): *Provided*, That of the
10 funds made available under this heading in this Act,
11 \$4,000,000 shall be for Fair Housing Organization Initia-
12 tive grants through the Fair Housing Initiatives Program
13 (FHIP), made available to existing grantees, which may
14 be used for fair housing activities and for technology and
15 equipment needs to deliver services through use of the
16 Internet or other electronic or virtual means in response
17 to the public health emergency related to the Coronavirus
18 Disease 2019 (COVID–19) pandemic: *Provided further*,
19 That of the funds made available under this heading in
20 this Act, \$10,000,000 shall be for FHIP Education and
21 Outreach grants made available to previously-funded na-
22 tional media grantees and State and local education and
23 outreach grantees, to educate the public and the housing
24 industry about fair housing rights and responsibilities dur-
25 ing the COVID–19 pandemic: *Provided further*, That such

1 grants in the preceding proviso shall be divided evenly be-
2 tween the national media campaign and education and
3 outreach activities: *Provided further*, That up to 0.5 per-
4 cent of the amounts made available under this heading
5 in this Act may be transferred to “Department of Housing
6 and Urban Development—Program Offices—Fair Hous-
7 ing and Equal Opportunity” for necessary costs of admin-
8 istering and overseeing the obligation and expenditure of
9 amounts under this heading in this Act, to remain avail-
10 able until September 30, 2030: *Provided further*, That
11 such amount is designated by the Congress as being for
12 an emergency requirement pursuant to section
13 251(b)(2)(A)(i) of the Balanced Budget and Emergency
14 Deficit Control Act of 1985.

15 OFFICE OF INSPECTOR GENERAL

16 For an additional amount for “Office of Inspector
17 General”, \$5,000,000, to remain available until expended,
18 to prevent, prepare for, and respond to coronavirus: *Pro-*
19 *vided*, That the funding made available under this heading
20 in this Act shall be used for conducting audits and inves-
21 tigations of projects and activities carried by the Depart-
22 ment of Housing and Urban Development to prevent, pre-
23 pare for, and respond to coronavirus: *Provided further*,
24 That such amount is designated by the Congress as being
25 for 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 RELATED AGENCY

4 NEIGHBORHOOD REINVESTMENT CORPORATION

5 PAYMENT TO THE NEIGHBORHOOD REINVESTMENT

6 CORPORATION

7 For an additional amount for “Payment to the
8 Neighborhood Reinvestment Corporation”, \$100,000,000,
9 to remain available until expended, to the Neighborhood
10 Reinvestment Corporation (“NRC”) for housing coun-
11 seling for households threatened with housing instability
12 due to the economic circumstances caused by the COVID-
13 19 pandemic, under the following terms and conditions:

14 (1) The NRC shall make grants to counseling
15 intermediaries approved by the Department of Hous-
16 ing and Urban Development (“HUD”) to provide
17 housing counseling assistance to help prevent and
18 respond to the displacement of residents due to evic-
19 tion, default of mortgages, or foreclosure of mort-
20 gages (“Housing Counseling Assistance”). State
21 Housing Finance Agencies may also be eligible to re-
22 ceive grants where they meet all the requirements
23 under this heading. NRC may target grants may to
24 HUD-approved counseling intermediaries and State
25 Housing Finance Agencies based on their ability to

1 serve the most vulnerable communities, based on an
2 analysis by the NRC of which areas are most im-
3 pacted by the economic circumstances caused by the
4 COVID-19 pandemic.

5 (2) Housing Counseling Assistance shall be
6 made available to consumers facing housing insta-
7 bility (“Housing Counseling Clients”). Housing
8 Counseling Clients will be provided such assistance
9 that shall consist of activities that are likely to pre-
10 vent evictions or foreclosures, and result in the long-
11 term affordability of the housing unit retained pur-
12 suant to such activity or another positive outcome
13 for the Housing Counseling Client. No funds made
14 available under this heading may be provided di-
15 rectly to lenders, to landlords, or to Housing Coun-
16 seling Clients to discharge outstanding rent or mort-
17 gage balances or for any other direct debt reduction
18 payments.

19 (3) Not less than 40 percent of grant funds
20 made available under this heading shall be provided
21 to counseling organizations that target Housing
22 Counseling Assistance to minority and low-income
23 homeowners, renters, individuals experiencing home-
24 lessness, and individuals at risk of homelessness or
25 provide such services in neighborhoods with high

1 concentrations of minority and low-income home-
2 owners, renters, individuals experiencing homeless-
3 ness, and individuals at risk of homelessness.

4 (4) The delivery of Housing Counseling Assist-
5 ance as provided under this heading shall involve a
6 reasonable analysis of the Housing Counseling Cli-
7 ent's financial situation, resources available to the
8 Housing Counseling Client, and advice on applicable
9 laws or rules regarding eviction protections, mort-
10 gage forbearance, or foreclosure protection.

11 (5) NRC may provide up to 15 percent of the
12 Housing Counseling Assistance grant funds under
13 this heading to its own charter members with exper-
14 tise in housing counseling, subject to a certification
15 by the NRC that the procedures for selection do not
16 consist of any procedures or activities that could be
17 construed as an unacceptable conflict of interest or
18 have the appearance of impropriety.

19 (6) The HUD-approved counseling inter-
20 mediaries and State Housing Finance Agencies re-
21 ceiving funds under this heading shall have dem-
22 onstrated experience in housing counseling (includ-
23 ing foreclosure counseling, rental counseling, home-
24 lessness, and/or financial counseling) and outreach.

1 NRC may use other criteria to demonstrate capacity,
2 particularly in underserved areas.

3 (7) Of the total amount made available under
4 this heading, up to 4 percent of the amounts made
5 available under this heading in this Act may be
6 made available to support non-grant costs associated
7 with the Housing Counseling Assistance grants pro-
8 gram, including training, administrative costs, grant
9 compliance, and evaluation.

10 (8) The NRC shall build the relevant capacities
11 of HUD-approved counseling intermediaries and
12 State Housing Finance Agencies through a com-
13 prehensive training program of NRC training
14 courses, except that private financial institutions
15 that participate in NRC training shall pay market
16 rates for such training.

17 (9) Housing Counseling Assistance grants may
18 include a budget for outreach, advertising, tech-
19 nology, reporting, training, sub-grantee oversight,
20 and other program-related support as determined by
21 the NRC.

22 (10) The NRC shall report annually to the
23 Committees on Appropriations of the House of Rep-
24 resentatives and the Senate as well as the Senate
25 Banking Committee and House Financial Services

1 Committee on its efforts to mitigate housing insta-
2 bility caused by the COVID-19 pandemic.

3 *Provided*, 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 GENERAL PROVISIONS—THIS TITLE

8 SEC. 1201. The provision under the heading “Office
9 of the Inspector General—Salaries and Expenses” in title
10 XII of division B of the Coronavirus Aid, Relief, and Eco-
11 nomic Security Act (Public Law 116–136) is amended by
12 striking “with funds made available in this Act to” and
13 inserting “by”: *Provided*, That the amounts repurposed in
14 this section that were previously designated by the Con-
15 gress as an emergency requirement pursuant to the Bal-
16 anced Budget and Emergency Deficit Control Act of 1985
17 are designated by the Congress as an emergency require-
18 ment pursuant to section 251(b)(2)(A)(i) of the Balanced
19 Budget and Emergency Deficit Control Act of 1985.

20 SEC. 1202. Amounts made available under the head-
21 ings “Project-Based Rental Assistance”, “Housing for the
22 Elderly” and “Housing for Persons With Disabilities” in
23 title XII of division B of the CARES Act (Public Law
24 116–136) and under such headings in this title of this Act
25 may be used, notwithstanding any other provision of law,

1 to provide additional funds to maintain operations for
2 such housing, for providing supportive services, and for
3 taking other necessary actions to prevent, prepare for, and
4 respond to coronavirus, including to actions to self-isolate,
5 quarantine, or to provide other coronavirus infection con-
6 trol services as recommended by the Centers for Disease
7 Control and Prevention, including providing relocation
8 services for residents of such housing to provide lodging
9 at hotels, motels, or other locations: *Provided*, That the
10 amounts repurposed pursuant to this section that were
11 previously designated by the Congress as an emergency
12 requirement pursuant to the Balanced Budget and Emer-
13 gency Deficit Control Act of 1985 are designated by the
14 Congress as 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 SEC. 1203. Amounts made available in this Act under
18 the headings “Northeast Corridor Grants to the National
19 Railroad Passenger Corporation” and “National Network
20 Grants to the National Railroad Passenger Corporation”
21 shall be used under the same conditions as section 22002
22 of title XII of division B of the Coronavirus Aid, Relief,
23 and Economic Security Act (Public Law 116–136): *Pro-*
24 *vided*, That the amounts made available in this Act under
25 such headings shall be used by the National Railroad Pas-

1 senger Corporation to prevent employee furloughs as a re-
2 sult of efforts to prevent, prepare for, and respond to
3 coronavirus: *Provided further*, That none of the funds
4 made available in this Act under such headings may be
5 used by the National Railroad Passenger Corporation to
6 reduce the frequency of rail service on any long-distance
7 route (as defined in section 24102 of title 49, United
8 States Code) below frequencies for such routes in fiscal
9 year 2019, except in an emergency or during maintenance
10 or construction outages impacting such routes: *Provided*
11 *further*, That the coronavirus shall not qualify as an emer-
12 gency in the preceding proviso.

13 SEC. 1204. For fiscal year 2021, in addition to pay-
14 ments made pursuant to 53106 of title 46, United States
15 Code, the Secretary of Transportation shall pay to the
16 contractor for an operating agreement entered into pursu-
17 ant to chapter 531 of title 46, United States Code, for
18 each vessel that is covered by such operating agreement
19 as of the date of enactment of this Act, an amount equal
20 to \$500,000: *Provided*, That payments authorized by this
21 section shall be paid not later than 60 days after the date
22 of enactment of this Act: *Provided further*, That any unob-
23 ligated balances remaining from the amounts made avail-
24 able for payments under the heading “Maritime Adminis-

1 tration—Maritime Security Program” in any prior Act
2 may be used for such payments.

3 SEC. 1205. During the duration of the national emer-
4 gency declared by the President concerning the novel
5 coronavirus disease (COVID–19), the Secretary may ex-
6 tend the time period referenced in 23 U.S.C. 120(e)(1)
7 to account for delays in access, construction, repair or
8 other similar issues.

TITLE XIII

GENERAL PROVISIONS—THIS DIVISION

1
2 SEC. 1301. Not later than 30 days after the date of
3 enactment of this Act, the head of each executive agency
4 that receives funding in any division of this Act, or that
5 received funding in the Coronavirus Preparedness and Re-
6 sponse Supplemental Appropriations Act, 2020 (division
7 A of Public Law 116–123), the Second Coronavirus Pre-
8 paredness and Response Supplemental Appropriations
9 Act, 2020 (division A of Public Law 116–127), the
10 CARES Act (Public Law 116–136), or the Paycheck Pro-
11 tection Program and Health Care Enhancement Act (Pub-
12 lic Law 116–139) shall provide a report detailing the an-
13 ticipated uses of all such funding to the Committees on
14 Appropriations of the House of Representatives and the
15 Senate: *Provided*, That each report shall include estimated
16 personnel and administrative costs, as well as the total
17 amount of funding apportioned, allotted, obligated, and
18 expended, to date: *Provided further*, That each such report
19 shall be updated and submitted to such Committees every
20 60 days until all funds are expended or expire: *Provided*
21 *further*, That reports submitted pursuant to this section
22 shall satisfy the requirements of section 1701 of division
23 A of Public Law 116–127.
24

1 SEC. 1302. Each amount appropriated or made avail-
2 able by this Act is in addition to amounts otherwise appro-
3 priated for the fiscal year involved.

4 SEC. 1303. No part of any appropriation contained
5 in this Act shall remain available for obligation beyond
6 the current fiscal year unless expressly so provided herein.

7 SEC. 1304. Unless otherwise provided for by this Act,
8 the additional amounts appropriated by this Act to appro-
9 priations accounts shall be available under the authorities
10 and conditions applicable to such appropriations accounts
11 for fiscal year 2021.

12 SEC. 1305. Each amount designated in this Act by
13 the Congress as being for an emergency requirement pur-
14 suant to section 251(b)(2)(A)(i) of the Balanced Budget
15 and Emergency Deficit Control Act of 1985 shall be avail-
16 able (or rescinded or transferred, if applicable) only if the
17 President subsequently so designates all such amounts
18 and transmits such designations to the Congress.

19 SEC. 1306. (a) STATUTORY PAYGO EMERGENCY
20 DESIGNATION.—The amounts provided under division B
21 and each succeeding division are designated as an emer-
22 gency requirement pursuant to section 4(g) of the Statu-
23 tory Pay-As-You-Go Act of 2010 (2 U.S.C. 933(g)), and
24 the budgetary effects shall not be entered on either

1 PAYGO scorecard maintained pursuant to section 4(d) of
2 such Act.

3 (b) SENATE PAYGO EMERGENCY DESIGNATION.—

4 In the Senate, division B and each succeeding division are
5 designated as an emergency requirement pursuant to sec-
6 tion 4112(a) of H. Con. Res. 71 (115th Congress), the
7 concurrent resolution on the budget for fiscal year 2018.

8 (c) CLASSIFICATION OF BUDGETARY EFFECTS.—

9 Notwithstanding Rule 3 of the Budget Scorekeeping
10 Guidelines set forth in the joint explanatory statement of
11 the committee of conference accompanying Conference Re-
12 port 105–217 and section 250(c)(8) of the Balanced
13 Budget and Emergency Deficit Control Act of 1985, the
14 budgetary effects of division B and each succeeding divi-
15 sion—

16 (1) shall not be estimated for purposes of sec-
17 tion 251 of such Act;

18 (2) shall not be estimated for purposes of para-
19 graph (4)(C) of section 3 of the Statutory Pay As-
20 You-Go Act of 2010 as being included in an appro-
21 priation Act; and

22 (3) shall be treated as if they were contained in
23 a PAYGO Act, as defined by section 3(7) of the
24 Statutory Pay-As-You-Go Act of 2010 (2 U.S.C.
25 932(7)).

1 SEC. 1307. (a) Any contract or agreement entered
2 into by an agency with a State or local government or any
3 other non-Federal entity for the purposes of providing cov-
4 ered assistance, including any information and documents
5 related to the performance of and compliance with such
6 contract or agreement, shall be—

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

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

12 (b) In this section—

13 (1) the term “agency” has the meaning given
14 the term in section 551 of title 5, United States
15 Code; and

16 (2) the term “covered assistance”—

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

23 (B) includes any such assistance made
24 available by an agency under—

25 (i) any division of this Act;

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

5 (iii) the CARES Act (Public Law
6 116–136), or an amendment made by that
7 Act;

8 (iv) the Families First Coronavirus
9 Response Act (Public Law 116–127), or an
10 amendment made by that Act; or

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

15 SEC. 1308. (a) Notwithstanding any other provision
16 of law and in a manner consistent with other provisions
17 in any division of this Act, all laborers and mechanics em-
18 ployed by contractors and subcontractors on projects fund-
19 ed directly by or assisted in whole or in part by and
20 through the Federal Government pursuant to any division
21 of this Act shall be paid wages at rates not less than those
22 prevailing on projects of a character similar in the locality
23 as determined by the Secretary of Labor in accordance
24 with subchapter IV of chapter 31 of title 40, United States
25 Code. With respect to the labor standards specified in this

1 section, the Secretary of Labor shall have the authority
2 and functions set forth in Reorganization Plan Numbered
3 14 of 1950 (64 Stat. 1267; 5 U.S.C. App.) and section
4 3145 of title 40, United States Code.

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

9 This division may be cited as the “Coronavirus Re-
10 covery Supplemental Appropriations Act, 2021”.

1 **DIVISION B—PROVIDING RELIEF**
2 **TO STUDENTS, INSTITUTIONS**
3 **OF HIGHER EDUCATION,**
4 **LOCAL EDUCATIONAL AGEN-**
5 **CIES, AND STATE VOCA-**
6 **TIONAL REHABILITATION**
7 **AGENCIES**

8 **SEC. 100. SHORT TITLE.**

9 This division may be cited as the “Pandemic Edu-
10 cation Response Act”.

11 **TITLE I—HIGHER EDUCATION**
12 **PROVISIONS**

13 **SEC. 101. DEFINITIONS.**

14 In this title:

15 (1) **AWARD YEAR.**—The term “award year” has
16 the meaning given the term in section 481(a) of the
17 Higher Education Act of 1965 (20 U.S.C. 1088(a)).

18 (2) **AUTHORIZING COMMITTEES.**—The term
19 “authorizing committees” has the meaning given the
20 term in section 103 of the Higher Education Act of
21 1965 (20 U.S.C. 1003).

22 (3) **FAFSA.**—The term “FAFSA” means an
23 application under section 483 of the Higher Edu-
24 cation Act of 1965 (20 U.S.C. 1090) for Federal
25 student financial aid.

1 (4) INSTITUTION OF HIGHER EDUCATION.—The
2 term “institution of higher education” has the
3 meaning given the term in section 102 of the Higher
4 Education Act of 1965 (20 U.S.C. 1002).

5 (5) QUALIFYING EMERGENCY.—The term
6 “qualifying emergency” has the meaning given the
7 term in section 3502 of the CARES Act (Public
8 Law 116–136), as amended by this Act.

9 (6) QUALIFYING EMERGENCY PERIOD.—The
10 term “qualifying emergency period” means the pe-
11 riod—

12 (A) beginning on the first day of a quali-
13 fying emergency; and

14 (B) ending on the later of the date on
15 which the qualifying emergency expires or June
16 30, 2021.

17 (7) SECRETARY.—The term “Secretary” means
18 the Secretary of Education.

19 **Subtitle A—Cares Act Amendments**

20 **SEC. 111. APPLICATION OF CAMPUS-BASED AID WAIVERS.**

21 (a) APPLICATION.—Section 3503 of the CARES Act
22 is amended—

23 (1) in subsection (a)—

1 (A) by inserting “or for any other award
2 year that includes any portion of a qualifying
3 emergency period,” after “2020–2021,”; and

4 (B) by inserting “and a nonprofit organi-
5 zation providing employment under section
6 443(b)(5) of such Act” after “waive the re-
7 quirement that a participating institution of
8 higher education”; and

9 (2) in subsection (b), by striking “during a pe-
10 riod of a qualifying emergency” and inserting “dur-
11 ing any award year that includes any portion of a
12 qualifying emergency period”.

13 (b) EFFECTIVE DATE.—The amendments made by
14 subsection (a) shall take effect as if included in the enact-
15 ment of the CARES Act (Public Law 116–136).

16 **SEC. 112. SUPPLEMENTAL EDUCATIONAL OPPORTUNITY**
17 **GRANTS FOR EMERGENCY AID.**

18 (a) USE AND TREATMENT.—Section 3504 of the
19 CARES Act (Public Law 116–136) is amended—

20 (1) in subsection (a), by inserting “that in-
21 cludes any portion of a qualifying emergency period”
22 after “for a fiscal year”; and

23 (2) by striking subsection (c).

1 (b) EFFECTIVE DATE.—The amendments made by
2 subsection (a) shall take effect as if included in the enact-
3 ment of the CARES Act (Public Law 116–136).

4 **SEC. 113. EXTENSION OF FEDERAL WORK-STUDY DURING A**
5 **QUALIFYING EMERGENCY.**

6 (a) FEDERAL WORK-STUDY DURING A QUALIFYING
7 EMERGENCY.—Section 3505 of the CARES Act (Public
8 Law 116–136) is amended—

9 (1) in subsection (a)—

10 (A) in the matter preceding paragraph

11 (1)—

12 (i) by striking “In the event of a
13 qualifying emergency” and inserting “Dur-
14 ing a qualifying emergency period”; and

15 (ii) by striking “(not to” and all that
16 follows through the semicolon and insert-
17 ing “in which affected students are unable
18 to fulfill the students’ work-study obliga-
19 tion due to such qualifying emergency, as
20 follows.”;

21 (B) in paragraph (1), by striking “as a one
22 time grant” and inserting “as a one-time grant
23 in each payment period the student is awarded
24 work-study”; and

1 (C) in paragraph (2), by striking “or was
2 not completing the work obligation necessary to
3 receive work study funds under such part prior
4 to the occurrence of the qualifying emergency”;
5 and

6 (2) in subsection (b)—

7 (A) in paragraph (1)—

8 (i) by striking “for the academic year
9 during which a qualifying emergency oc-
10 curred;” and inserting “for an academic
11 year that includes any portion of a quali-
12 fying emergency period; and”; and

13 (B) by striking paragraph (2) and redesign-
14 ating paragraph (3) as paragraph (2).”.

15 (b) EFFECTIVE DATE.—The amendments made by
16 subsection (a) shall take effect as if included in the enact-
17 ment of the CARES Act (Public Law 116–136).

18 **SEC. 114. SERVICE OBLIGATIONS FOR TEACHERS AND**
19 **OTHER PROFESSIONALS.**

20 (a) AMENDMENT.—Section 3519 of the CARES Act
21 (Public Law 116–136) is amended—

22 (1) in the section heading, by inserting “**AND**
23 **OTHER PROFESSIONALS**” after “**TEACHERS**”;
24 and

25 (2) by adding at the end the following:

1 “(c) FEDERAL PERKINS LOANS.—Notwithstanding
2 section 465 of the Higher Education Act of 1965 (20
3 U.S.C. 1087ee), the Secretary shall waive the require-
4 ments of such section in regard to full-time service and
5 shall consider an incomplete year of service of a borrower
6 as fulfilling the requirement for a complete year of service
7 under such section, if the service was interrupted due to
8 a qualifying emergency.”.

9 (b) EFFECTIVE DATE.—The amendments made by
10 subsection (a) shall take effect as if included in the enact-
11 ment of the CARES Act (Public Law 116–136).

12 **SEC. 115. CONTINUING EDUCATION AT AFFECTED FOREIGN**
13 **INSTITUTIONS.**

14 (a) IN GENERAL.—Section 3510 of the CARES Act
15 (20 U.S.C. 1001 note) is amended—

16 (1) in subsection (a), by striking “for the dura-
17 tion of such emergency” and all that follows through
18 the period at the end and inserting “for purposes of
19 title IV of the Higher Education Act of 1965 (20
20 U.S.C. 1070 et seq.) until the end of the covered pe-
21 riod applicable to the institution.”;

22 (2) in subsection (b), by striking “for the dura-
23 tion of the qualifying emergency and the following
24 payment period for purposes of title IV of the High-
25 er Education Act of 1965 (20 U.S.C. 1070 et seq.).”

1 and inserting “until the end of the covered period
2 applicable to the institution.”;

3 (3) in subsection (c), by striking “for the dura-
4 tion of the qualifying emergency and the following
5 payment period,” and inserting “until all covered pe-
6 riods for foreign institutions carrying out a distance
7 education program authorized under this section
8 have ended,”;

9 (4) in subsection (d)—

10 (A) in paragraph (1)—

11 (i) by striking “for the duration of a
12 qualifying emergency and the following
13 payment period,” and inserting “until the
14 end of the covered period applicable to a
15 foreign institution,”; and

16 (ii) by striking “allow a foreign insti-
17 tution” and inserting “allow the foreign in-
18 stitution”;

19 (B) in each of subparagraphs (A) and (B)
20 of paragraph (2), by striking “subsection (a)”
21 and inserting “paragraph (1)”;

22 (C) in paragraph (3)(B), by striking “30
23 days” and inserting “10 days”; and

24 (D) in paragraph (4)—

1 (i) by striking “for the duration of the
2 qualifying emergency and the following
3 payment period,” and inserting “until all
4 covered periods for foreign institutions that
5 entered into written arrangements under
6 paragraph (1) have ended,”; and

7 (ii) by striking “identifies each foreign
8 institution that entered into a written ar-
9 rangement under subsection (a).” and in-
10 sserting the following: “identifies, for each
11 such foreign institution—

12 “(A) the name of the foreign institution;

13 “(B) the name of the institution of higher
14 education located in the United States that has
15 entered into a written arrangement with such
16 foreign institution; and

17 “(C) information regarding the nature of
18 such written arrangement, including which
19 coursework or program requirements are ac-
20 complished at each respective institution.”; and

21 (5) by adding at the end the following:

22 “(e) DEFINITION OF COVERED PERIOD.—

23 “(1) IN GENERAL.—In this section, the term
24 ‘covered period’, when used with respect to a foreign
25 institution of higher education, means the period—

1 “(A) beginning on the first day of—
2 “(i) a qualifying emergency; or
3 “(ii) a public health emergency, major
4 disaster or emergency, or national emer-
5 gency declared by the applicable govern-
6 ment authorities in the country in which
7 the foreign institution is located; and

8 “(B) ending on the later of—
9 “(i) subject to paragraph (2), the last
10 day of the payment period, for purposes of
11 title IV of the Higher Education Act of
12 1965 (20 U.S.C. 1070 et seq.), following
13 the end of any qualifying emergency or any
14 emergency or disaster described in sub-
15 paragraph (A)(ii) applicable to the foreign
16 institution; or

17 “(ii) June 30, 2022.

18 “(2) SPECIAL RULE FOR CERTAIN PAYMENT
19 PERIODS.—For purposes of subparagraph (B)(i), if
20 the following payment period for an award year ends
21 before June 30 of such award year, the covered pe-
22 riod shall be extended until June 30 of such award
23 year.”.

1 (b) EFFECTIVE DATE.—The amendments made by
2 subsection (a) shall take effect as if included in the enact-
3 ment of the CARES Act (Public Law 116–136).

4 **SEC. 116. FUNDING FOR HBCU CAPITAL FINANCING; EN-**
5 **DOWMENT CHALLENGE GRANTS.**

6 (a) FUNDING FOR HBCU CAPITAL FINANCING.—

7 (1) AMENDMENTS.—Section 3512 of division A
8 of the Coronavirus Aid, Relief, and Economic Secu-
9 rity Act (20 U.S.C. 1001 note) is amended—

10 (A) in subsection (a)—

11 (i) in paragraph (1), by striking
12 “may” and inserting “shall”; and

13 (ii) in paragraph (2)—

14 (I) in subparagraph (A), by strik-
15 ing “or interest” and inserting “or in-
16 terest, or any applicable fees or re-
17 quired funds,”; and

18 (II) in subparagraph (B)—

19 (aa) by striking “payments”
20 and inserting “payments, and
21 any payments of applicable fees
22 and required funds,”; and

23 (bb) by striking the period
24 and inserting “; and”; and

1 (III) by adding at the end the
2 following:

3 “(C) the institution may pay, without pen-
4 alty, any periodic installment of principal or in-
5 terest required under the loan agreement for
6 such loan.”; and

7 (B) in subsection (d), by striking
8 “\$62,000,000” and inserting “such sums as
9 may be necessary”.

10 (2) EFFECTIVE DATE.—The amendments made
11 by this subsection shall take effect as if enacted as
12 part of the Coronavirus Aid, Relief, and Economic
13 Security Act (Public Law 116–136).

14 (b) ENDOWMENT CHALLENGE GRANTS.—For the du-
15 ration of a qualifying emergency (as defined in section
16 3502 of the Coronavirus Aid, Relief, and Economic Secu-
17 rity Act (20 U.S.C. 1001 note)), notwithstanding the pro-
18 visions of subsections (b)(3), (c)(3)(B), and (d) of section
19 331 of the Higher Education Act of 1965 (20 U.S.C.
20 1065) applicable during the grant period for an endow-
21 ment challenge grant awarded to an institution under such
22 section 331 (20 U.S.C. 1065), the institution may use the
23 endowment fund corpus plus any endowment fund in-
24 come—

25 (1) for any educational purpose; or

1 (2) to defray any expenses necessary to the op-
2 eration of the institution, including expenses of oper-
3 ations and maintenance, administration, academic
4 and support personnel, construction and renovation,
5 community and student services programs, and tech-
6 nical assistance.

7 **SEC. 117. WAIVER AUTHORITY FOR INSTITUTIONAL AID.**

8 (a) IN GENERAL.—Section 3517(a)(1)(D) of the
9 CARES Act (Public Law 116–136) is amended by striking
10 “(b), (c), and (g)” and inserting “(b) and (c)”.

11 (b) EFFECTIVE DATE.—The amendment made by
12 subsection (a) shall take effect as if included in the enact-
13 ment of the CARES Act (Public Law 116–136).

14 **SEC. 118. SCOPE OF MODIFICATIONS TO REQUIRED AND**
15 **ALLOWABLE USES.**

16 (a) AMENDMENT TO INCLUDE MINORITY SCIENCE
17 AND ENGINEERING IMPROVEMENT PROGRAM.—Sub-
18 section (a) of section 3518 of the CARES Act (Public Law
19 116–136) is amended—

20 (1) by striking “part A or B of title III,” and
21 inserting “part A, part B, or subpart 1 of part E
22 of title III,”; and

23 (2) by inserting “1067 et seq.,” after “1060 et
24 seq.,”.

1 (b) AMENDMENT TO MATCHING REQUIREMENT
2 MODIFICATIONS.—Subsection (b) of section 3518 of the
3 CARES Act (Public Law 116–136) is amended—

4 (1) by striking “Notwithstanding” and insert-
5 ing the following:

6 “(1) IN GENERAL.—Notwithstanding”;

7 (2) in paragraph (1), as so designated by this
8 subsection—

9 (A) by striking “is authorized to” and in-
10 sserting “shall”; and

11 (B) by striking “share” and inserting
12 “share, non-Federal share,”; and

13 (3) by adding at the end the following new
14 paragraph:

15 “(2) WAIVER OF GEAR UP MATCHING REQUIRE-
16 MENT.—

17 “(A) IN GENERAL.—Notwithstanding sec-
18 tion 404C(b) of the Higher Education Act of
19 1965 (20 U.S.C. 1070a–23(b)), the Secretary
20 shall waive, for the duration of the period de-
21 scribed in subparagraph (B), any requirement
22 for an eligible entity (as defined in section
23 404A(c) (20 U.S.C. 1070a–21(c))) to provide a
24 percentage of the cost of the program author-
25 ized under chapter 2 of subpart 2 of part A of

1 title IV of the Higher Education Act of 1965
2 (20 U.S.C. 1070a–21 et seq.) from State, local,
3 institutional, or private funds.

4 “(B) DESCRIPTION OF PERIOD.—The pe-
5 riod described in this subparagraph is the pe-
6 riod beginning on the first day of a qualifying
7 emergency and ending on September 30 of the
8 fiscal year following the end of the qualifying
9 emergency.”.

10 (c) AMENDMENT TO CLARIFY SCOPE OF AUTHOR-
11 ITY.—Section 3518 of the CARES Act (Public Law 116–
12 136) is further amended by adding at the end the fol-
13 lowing new subsection:

14 “(d) SCOPE OF AUTHORITY.—Notwithstanding sub-
15 section (a), the Secretary may not modify the required or
16 allowable uses of funds for grants awarded under chapter
17 I or II of subpart 2 of part A of title IV of the Higher
18 Education Act of 1965 (20 U.S.C. 1070a–11 et seq.;
19 1070a–21 et seq.), in a manner that deviates from the
20 overall purpose of the grant program, as provided in the
21 general authorization, findings, or purpose of the grant
22 program under the applicable statutory provision cited in
23 such chapter.”.

1 (d) EFFECTIVE DATE.—The amendments made by
2 this section shall take effect as if included in the enact-
3 ment of the CARES Act (Public Law 116–136).

4 **Subtitle B—Financial Aid Access**

5 **SEC. 121. EMERGENCY FINANCIAL AID GRANTS EXCLUDED** 6 **FROM NEED ANALYSIS.**

7 (a) TREATMENT OF EMERGENCY FINANCIAL AID
8 GRANTS FOR NEED ANALYSIS.—Notwithstanding any
9 provision of the Higher Education Act of 1965 (20 U.S.C.
10 1001 et seq.), emergency financial aid grants—

11 (1) shall not be included as income or assets
12 (including untaxed income and benefits under sec-
13 tion 480(b) of the Higher Education Act of 1965
14 (20 U.S.C. 1807vv(b))) in the computation of ex-
15 pected family contribution for any program funded
16 in whole or in part under the Higher Education Act
17 of 1965 (20 U.S.C. 1001 et seq.); and

18 (2) shall not be treated as estimated financial
19 assistance for the purposes of section 471 or section
20 480(j) of the Higher Education Act of 1965 (20
21 U.S.C. 1087kk; 1087vv(j)).

22 (b) DEFINITION.—In this section, the term “emer-
23 gency financial aid grant” means—

1 ered award year shall be treated as a dislocated
2 worker for purposes of the need analysis under part
3 F of title IV such Act (20 U.S.C. 1087kk et seq.)
4 applicable to such award year.

5 (2) INFORMATION TO APPLICANTS AND INSTI-
6 TUTIONS.—The Secretary—

7 (A) for each covered award year, shall en-
8 sure that—

9 (i) any question on the FAFSA used
10 to determine whether an applicant (or, as
11 applicable, a spouse or parent of an appli-
12 cant) is a dislocated worker includes an ex-
13 press reference to individuals who have
14 been laid off;

15 (ii) any help text associated with a
16 question described in clause (i) includes a
17 description of an applicant's treatment as
18 a dislocated worker under paragraph (1);
19 and

20 (iii) the FAFSA includes a prominent
21 notification, appearing immediately before
22 questions related to tax returns or income
23 that, if the applicant (or, as applicable, a
24 spouse or parent of an applicant) has lost
25 significant income earned from work due

1 to a qualifying emergency, the applicant
2 should contact the financial aid adminis-
3 trator at the institution where the appli-
4 cant plans to enroll to provide current in-
5 come information;

6 (B) in consultation with institutions of
7 higher education, shall carry out activities to in-
8 form applicants for Federal student financial
9 aid under the Higher Education Act of 1965
10 (20 U.S.C. 1001 et seq.)—

11 (i) of the treatment of individuals who
12 have applied for, or who are receiving, un-
13 employment benefits as dislocated workers
14 under paragraph (1);

15 (ii) of the availability of means-tested
16 Federal benefits for which such applicants
17 may be eligible; and

18 (iii) of the ability of a financial aid
19 administrator of an institution of higher
20 education to use professional judgment as
21 authorized under section 479A of the
22 Higher Education Act of 1965 (20 U.S.C.
23 1087tt) and in accordance with subsection
24 (b), to determine, where appropriate, that
25 income earned from work is zero and con-

1 sider unemployment benefits to be zero, if
2 the applicant (or, as applicable, a spouse
3 or parent of an applicant) has applied for
4 or is receiving unemployment benefits;

5 (C) shall carry out activities to inform in-
6 stitutions of higher education of the authority
7 of such institutions, with explicit written con-
8 sent of an applicant for Federal student finan-
9 cial aid under the Higher Education Act of
10 1965 (20 U.S.C. 1001 et seq.), to provide infor-
11 mation collected from such applicant's FAFSA
12 to an organization assisting the applicant in ap-
13 plying for and receiving Federal, State, local, or
14 tribal assistance in accordance with section 312
15 of the Department of Defense and Labor,
16 Health and Human Services, and Education
17 Appropriations Act, 2019 and Continuing Ap-
18 propriations Act, 2019 (Public Law 115– 245);
19 and

20 (D) in consultation with the Secretary of
21 Labor, shall carry out activities to inform appli-
22 cants for, and recipients of, unemployment ben-
23 efits of the availability of Federal student finan-
24 cial aid under the Higher Education Act of
25 1965 (20 U.S.C. 1001 et seq.) and the treat-

1 ment of such applicants and recipients as dis-
2 located workers under paragraph (1).

3 (3) IMPLEMENTATION.—The Secretary shall
4 implement this subsection not later than 30 days
5 after the date of enactment of this Act.

6 (4) APPLICABILITY.—Paragraph (1) shall apply
7 with respect to a FAFSA submitted on or after the
8 earlier of—

9 (A) the date on which the Secretary imple-
10 ments this subsection under paragraph (3); or

11 (B) the date that is 30 days after the date
12 of enactment of this Act.

13 (b) PROFESSIONAL JUDGMENT OF FINANCIAL AID
14 ADMINISTRATORS.—For the purposes of making a profes-
15 sional judgment as authorized under section 479A of the
16 Higher Education Act of 1965 (20 U.S.C. 1087tt), a fi-
17 nancial aid administrator may, during a covered award
18 year—

19 (1) determine that the income earned from
20 work for a student, or a parent or spouse of a stu-
21 dent, as applicable, is zero, if the student, parent, or
22 spouse provides paper or electronic documentation of
23 receipt of unemployment benefits or confirmation
24 that an application for unemployment benefits was
25 submitted;

1 (2) consider the value of unemployment benefits
2 for such student, parent, or spouse to be zero; and

3 (3) make appropriate adjustments to the data
4 items on the FAFSA for a student, parent, or
5 spouse, as applicable, based on the totality of the
6 family's situation.

7 (c) UNEMPLOYMENT DOCUMENTATION.—For the
8 purposes of documenting unemployment benefits or appli-
9 cation for such benefits under subsection (b), such docu-
10 mentation shall be accepted if such documentation is sub-
11 mitted not more than 90 days from the date on which such
12 documentation was issued, unless a financial aid adminis-
13 trator knows that the student, parent, or spouse, as appli-
14 cable, has already obtained other employment.

15 (d) ADJUSTMENTS TO PROGRAM REVIEW MODEL.—
16 The Secretary shall make adjustments to the model used
17 to select institutions of higher education participating in
18 title IV of the Higher Education Act of 1965 (20 U.S.C.
19 1070 et seq.) for program reviews, in order to—

20 (1) account for any rise in the use of profes-
21 sional judgment as authorized under section 479A of
22 such Act (20 U.S.C. 1087tt) during the 2020–2021
23 and 2021–2022 award years; and

1 (2) ensure that institutions are not penalized
2 for an increase in the use of professional judgment
3 during such award years.

4 (e) DEFINITIONS.—In this section:

5 (1) COVERED AWARD YEAR.—The term “cov-
6 ered award year” means—

7 (A) an award year during which there is a
8 qualifying emergency; and

9 (B) the first award year beginning after
10 the end of such qualifying emergency.

11 (2) MEANS-TESTED FEDERAL BENEFIT.—The
12 term “means-tested Federal benefit” includes the
13 following:

14 (A) The supplemental security income pro-
15 gram under title XVI of the Social Security Act
16 (42 U.S.C. 1381 et seq.).

17 (B) The supplemental nutrition assistance
18 program under the Food and Nutrition Act of
19 2008 (7 U.S.C. 2011 et seq.).

20 (C) The free and reduced price school
21 lunch program established under the Richard
22 B. Russell National School Lunch Act (42
23 U.S.C. 1751 et seq.).

24 (D) The program of block grants for
25 States for temporary assistance for needy fami-

1 lies established under part A of title IV of the
2 Social Security Act (42 U.S.C. 601 et seq.).

3 (E) The special supplemental nutrition
4 program for women, infants, and children es-
5 tablished by section 17 of the Child Nutrition
6 Act of 1966 (42 U.S.C. 1786).

7 (F) The Medicaid program under title XIX
8 of the Social Security Act (42 U.S.C. 1396 et
9 seq.).

10 (G) The tax credits provided under the fol-
11 lowing sections of the Internal Revenue Code of
12 1986 (title 26, United States Code):

13 (i) Section 25A (relating to American
14 Opportunity and Lifetime Learning cred-
15 its).

16 (ii) Section 32 (relating to earned in-
17 come).

18 (iii) Section 36B (relating to refund-
19 able credit for coverage under a qualified
20 health plan).

21 (iv) Section 6428 (relating to 2020 re-
22 covery rebates for individuals).

23 (H) Federal housing assistance programs,
24 including tenant-based assistance under section
25 8(o) of the United States Housing Act of 1937

1 (42 U.S.C. 1437f(o)), and public housing, as
2 defined in section 3(b)(1) of such Act (42
3 U.S.C. 1437a(b)(1)).

4 (I) Such other Federal means-tested bene-
5 fits as may be identified by the Secretary.

6 **SEC. 123. STUDENT ELIGIBILITY FOR HIGHER EDUCATION**
7 **EMERGENCY RELIEF FUND AND OTHER**
8 **HIGHER EDUCATION FUNDS.**

9 (a) IN GENERAL.—With respect to student eligibility
10 for receipt of funds provided under section 18004 of the
11 CARES Act (Public Law 116–136) and under title VIII
12 of division A of this Act—

13 (1) the Secretary is prohibited from imposing
14 any restriction on, or defining, the populations of
15 students who may receive such funds other than a
16 restriction based solely on the student’s enrollment
17 at the institution of higher education; and

18 (2) section 401(a) the Personal Responsibility
19 and Work Opportunity Reconciliation Act of 1996 (8
20 U.S.C. 1611(a)) shall not apply.

21 (b) EFFECTIVE DATE.—Subsection (a) shall take ef-
22 fect as if included in the enactment of the CARES Act
23 (Public Law 116–136), and an institution of higher edu-
24 cation that provided funds to a student before the date
25 of enactment of this Act shall not be penalized if such

1 provision is consistent with such subsection and section
2 18004 of the CARES Act (Public Law 116–136).

3 **SEC. 124. DISTANCE EDUCATION.**

4 (a) DEFINITION OF DISTANCE EDUCATION.—

5 (1) IN GENERAL.—Notwithstanding section
6 103(7) of the Higher Education Act of 1965 (20
7 U.S.C. 1003(7)) and except as otherwise specified in
8 section 486 of the Higher Education Act of 1965
9 (20 U.S.C. 1093), the term “distance education” as
10 used in title IV of the Higher Education Act of 1965
11 (20 U.S.C. 1070 et seq.) shall have the meaning
12 given that term in section 600.2 of title 34, Code of
13 Federal Regulations, as amended by the final regula-
14 tions entitled “Distance Education and Innovation”
15 published by the Department of Education in the
16 Federal Register on September 2, 2020 (85 Fed.
17 Reg. 54809), or any succeeding regulations.

18 (2) INFORMATION TO ACCREDITING AGENCY.—

19 Not later than 90 days after the date of enactment
20 of this Act, each institution of higher education that
21 participates in a program under title IV of the High-
22 er Education Act of 1965 (20 U.S.C. 1070 et seq.)
23 and that provides one or more educational programs
24 through distance education shall submit to the insti-
25 tution’s accrediting agency or association, a descrip-

1 tion of how the institution plans to meet the require-
2 ments of this subsection.

3 (3) EFFECTIVE DATE.—This subsection shall
4 take effect with respect to any semester (or the
5 equivalent) that begins on or after December 1,
6 2020.

7 (b) APPROVAL FOR EXPANDED DISTANCE EDU-
8 CATION.—

9 (1) IN GENERAL.—

10 (A) IN GENERAL.—Notwithstanding sec-
11 tion 481(b)(3) of the Higher Education Act of
12 1965 (20 U.S.C. 1088(b)(3)), an institution of
13 higher education described in subparagraph (B)
14 may deliver distance education by offering pro-
15 grams in whole or in part through telecommuni-
16 cations and be eligible to participate in a pro-
17 gram under title IV if such institution meets
18 the requirements of paragraphs (2) through
19 (4).

20 (B) INSTITUTION OF HIGHER EDU-
21 CATION.—An institution of higher education de-
22 scribed in this subparagraph is an institution of
23 higher education that uses or expands distance
24 education—

1 (i) in accordance with the flexibilities
2 and waivers provided under the guidance
3 of the Secretary on distance education; and

4 (ii) without following—

5 (I) the standard approval process
6 for distance education (as in effect be-
7 fore March 5, 2020) of the Secretary;
8 or

9 (II) the evaluation process of in-
10 stitution’s accrediting agency or asso-
11 ciation described in paragraph (2)(A).

12 (2) COMMENCEMENT OF EVALUATION PROCESS
13 WITH THE INSTITUTION’S ACCREDITING AGENCY.—

14 (A) IN GENERAL.—Not later than Decem-
15 ber 31, 2020, each institution described in
16 paragraph (1)(B) shall demonstrate to the Sec-
17 retary that such institution has commenced the
18 evaluation process with its accrediting agency
19 or association for the purpose of evaluating dis-
20 tance education to determine whether such in-
21 stitution has the capability to—

22 (i) effectively deliver distance edu-
23 cation programs; and

24 (ii) meet the applicable policies and
25 procedures of the accrediting agency or as-

1 society (as such policies and procedures
2 were in effect before March 5, 2020).

3 (B) ACCREDITING AGENCY OR ASSOCIA-
4 TION.—In a case in which an accrediting agen-
5 cy or association does not have distance edu-
6 cation in the scope of its recognition at the time
7 an institution commences the evaluation process
8 described in this paragraph, and such agency
9 expands its scope of accreditation to include
10 distance education, not later than 30 days after
11 such change in scope, such agency shall notify
12 the Secretary, in writing, of the change in scope
13 to include distance education, in accordance
14 with section 496(a)(4)(B)(i)(II) of the Higher
15 Education Act of 1965 (20 U.S.C.
16 1099b(a)(4)(B)(i)(II)).

17 (3) COMMENCEMENT OF APPROVAL PROCESS
18 WITH THE SECRETARY.—Not later than December
19 31, 2020, each institution described in paragraph
20 (1)(B) shall commence, with the Secretary, the
21 standard approval process for distance education of
22 the Secretary referred to in paragraph (1)(B)(ii)(I).

23 (4) COMPLETION OF EVALUATION AND AP-
24 PROVAL PROCESS.—

1 (A) IN GENERAL.—Not later than July 1,
2 2021, an institution of higher education de-
3 scribed in paragraph (1)(B) shall demonstrate
4 to the Secretary that—

5 (i) the institution has completed the
6 evaluation process and standard approval
7 process for distance education under para-
8 graphs (2) and (3), respectively, for each
9 of its applicable programs; and

10 (ii) each such program meets the ap-
11 plicable policies and procedures to offer
12 distance education that are required by the
13 Secretary and the institution’s accrediting
14 agency or association under such para-
15 graphs.

16 (B) LOSS OF ELIGIBILITY.—An institution
17 of higher education that does not meet the re-
18 quirements of subparagraph (A) shall cease of-
19 fering distance education programs until such
20 time that such institution demonstrates to the
21 Secretary that the institution and each of its
22 applicable programs meet the requirements of
23 subparagraph (A).

24 (c) REQUIREMENTS FOR CERTAIN COVERED AR-
25 RANGEMENTS.—

1 (1) ACCREDITOR REVIEW FOR COVERED AR-
2 RANGEMENTS WITH FOREIGN INSTITUTIONS.—An
3 institution of higher education with a covered ar-
4 rangement with a foreign institution shall dem-
5 onstrate to the Secretary that the institution has
6 commenced the evaluation process with the institu-
7 tion’s accrediting agency or association to determine,
8 in a case in which the accrediting agency or associa-
9 tion has standards for the provision of educational
10 services to another institution, whether such covered
11 arrangement meets the standards.

12 (2) REPORTING TO THE SECRETARY.—Begin-
13 ning not later than 30 days after the date of enact-
14 ment of this Act, the Secretary shall require the fol-
15 lowing:

16 (A) INSTITUTIONS WITH COVERED AR-
17 RANGEMENTS WITH NON-TITLE-IV INSTITU-
18 TIONS OR ORGANIZATIONS.—An institution of
19 higher education with a covered arrangement
20 with a non-title-IV institution or organization
21 shall report to the Secretary not later than 10
22 days after the institution of higher education
23 establishes or modifies such covered arrange-
24 ment—

1 (i) the name of the institution or or-
2 ganization that is not eligible to participate
3 in a program under title IV;

4 (ii) a summary of such arrangement,
5 including the percentages and components
6 of the educational program to be offered
7 by the institution of higher education and
8 such institution or organization; and

9 (iii) an attestation that the institution
10 of higher education and such institution or
11 organization meet the requirements of sec-
12 tion 668.5(c) of title 34, Code of Federal
13 Regulations (as such section is in effect on
14 the date of enactment of this Act), includ-
15 ing the specific determination from the in-
16 stitution of higher education's accrediting
17 agency or association that the institution's
18 arrangement meets the agency or associa-
19 tion's standards for the contracting out of
20 educational services.

21 (B) INSTITUTIONS WITH COVERED AR-
22 RANGEMENTS WITH FOREIGN INSTITUTIONS.—
23 An institution of higher education with a cov-
24 ered arrangement with a foreign institution
25 shall report to the Secretary—

1 (i) not later than 10 days after such
2 institution establishes such covered ar-
3 rangement—

4 (I) the name of the foreign insti-
5 tution; and

6 (II) a summary of such arrange-
7 ment, including the percentages and
8 components of the educational pro-
9 gram to be offered by the institution
10 of higher education and the foreign
11 institution; and

12 (ii) if applicable, not later than 10
13 days after the date on which the institu-
14 tion's accrediting agency or association
15 provides its determination to the institu-
16 tion in accordance with paragraph (1), the
17 determination made by the institution's ac-
18 crediting agency or association.

19 (3) INFORMATION MADE AVAILABLE TO STU-
20 DENTS.—

21 (A) INSTITUTIONS WITH COVERED AR-
22 RANGEMENTS WITH NON-TITLE-IV INSTITU-
23 TIONS OR ORGANIZATIONS.—An institution of
24 higher education with a covered arrangement
25 with a non-title-IV institution or organization

1 shall provide directly to enrolled and prospective
2 students, and make available on a publicly ac-
3 cessible website of the institution, a description
4 of each covered arrangement with a non-title-IV
5 institution or organization, including informa-
6 tion on—

7 (i) the portion of the educational pro-
8 gram that the institution of higher edu-
9 cation is not providing;

10 (ii) the name and location of the non-
11 title-IV institution or organization that is
12 providing such portion of the educational
13 program;

14 (iii) the method of delivery of such
15 portion of the educational program; and

16 (iv) the estimated additional costs stu-
17 dents may incur as the result of enrolling
18 in an educational program that is provided
19 under the covered arrangement.

20 (B) INSTITUTIONS WITH COVERED AR-
21 RANGEMENTS WITH FOREIGN INSTITUTIONS.—

22 In the case of an institution of higher education
23 with a covered arrangement with a foreign in-
24 stitution, the foreign institution in such ar-
25 rangement shall provide the information de-

1 scribed in subparagraph (A) regarding the cov-
2 ered arrangement in the same manner as ap-
3 plies to an institution of higher education with
4 a covered arrangement with a non-title-IV insti-
5 tution or organization subject to such subpara-
6 graph.

7 (4) ENFORCEMENT.—The Secretary shall take
8 such enforcement actions under section 487(c) of the
9 Higher Education Act of 1965 (20 U.S.C. 1094(c))
10 as necessary until such time as an institution of
11 higher education with a covered arrangement subject
12 to this subsection can demonstrate that the institu-
13 tion meets—

14 (A) the standards of the institution’s ac-
15 crediting agency or association for the con-
16 tracting out of educational services; and

17 (B) in the case of an institution with a
18 covered arrangement with a foreign institution,
19 the standards, if applicable, of the accrediting
20 agency or association for the provision of edu-
21 cational services to another institution.

22 (d) REQUIRED REPORTS.—

23 (1) REPORTS BY ACCREDITING AGENCY OR AS-
24 SOCIATION.—

1 (A) IN GENERAL.—Not later than 15 busi-
2 ness days after an accrediting agency or asso-
3 ciation completes the review of an institution of
4 higher education subject to the requirements of
5 subsection (b) or (c), the accrediting agency or
6 association shall publish a report regarding the
7 review.

8 (B) REQUIREMENTS.—The report under
9 subparagraph (A) shall—

10 (i) be published on the website of the
11 accrediting agency or association; and

12 (ii) include a summary of the conclu-
13 sion and the relevant findings that such
14 agency or association provided such insti-
15 tution of higher education in granting, as
16 applicable—

17 (I) the approval or denial for an
18 institution of higher education to de-
19 liver distance education under sub-
20 section (b); or

21 (II) the approval or denial of an
22 institution of higher education to
23 enter into or modify a written ar-
24 rangement in accordance with sub-
25 section (c).

1 (2) REPORTS BY SECRETARY.—By March 31,
2 2021, and quarterly thereafter, the Secretary shall
3 provide the Committee on Health, Education, Labor,
4 and Pensions of the Senate and the Committee on
5 Education and Labor of the House of Representa-
6 tives, and publish on a publicly available website, a
7 report of the information collected under paragraph
8 (1) and subsection (c)(2).

9 (e) OTHER DEFINITIONS.—In this section:

10 (1) ACCREDITING AGENCY OR ASSOCIATION.—
11 The term “accrediting agency or association”
12 means—

13 (A) an accrediting agency or association
14 that is recognized by the Secretary under sub-
15 part 2 of part H of title IV of the Higher Edu-
16 cation Act of 1965 (20 U.S.C. 1099b); or

17 (B) in the case of a public postsecondary
18 vocational institution whose eligibility for Fed-
19 eral student assistance programs is being deter-
20 mined by a State agency listed under section
21 487(c)(4) of the Higher Education Act of 1965
22 (20 U.S.C. 1094(c)(4)), such a State agency.

23 (2) COVERED ARRANGEMENT WITH A FOREIGN
24 INSTITUTION.—The term “covered arrangement with
25 a foreign institution” means a written arrangement

1 entered into between an institution of higher edu-
2 cation and a foreign institution, on or after March
3 13, 2020, to provide an educational program.

4 (3) COVERED ARRANGEMENT WITH A NON-
5 TITLE-IV INSTITUTION OR ORGANIZATION.—The
6 term “covered arrangement with a non-title-IV insti-
7 tution or organization” means a written arrange-
8 ment—

9 (A) to provide an educational program that
10 satisfies the requirements of section 668.8 of
11 title 34, Code of Federal Regulations (as such
12 section is in effect on the date of enactment of
13 this Act) between an institution of higher edu-
14 cation and an institution or organization that is
15 not eligible to participate in a program under
16 title IV;

17 (B) entered into, or modified, on or after
18 March 13, 2020; and

19 (C) through which the institution or orga-
20 nization that is not eligible to participate in a
21 program under title IV will provide more than
22 25 percent, but less than 50 percent of the edu-
23 cational program subject to the arrangement.

24 (4) FOREIGN INSTITUTION.—The term “foreign
25 institution” means an institution located outside the

1 United States that is described in paragraphs (1)(C)
2 and (2) of section 102(a) of the Higher Education
3 Act of 1965 (20 U.S.C. 1002(a)).

4 (5) GUIDANCE OF THE SECRETARY ON DIS-
5 TANCE EDUCATION.—The term “guidance of the
6 Secretary on distance education” means the guid-
7 ance of the Secretary entitled “UPDATED Guid-
8 ance for interruptions of study related to
9 Coronavirus (COVID–19)” dated June 16, 2020 (or
10 prior or succeeding guidance).

11 (6) INSTITUTION OF HIGHER EDUCATION.—The
12 term “institution of higher education” has the
13 meaning given that term in section 102 of the High-
14 er Education Act of 1965 (20 U.S.C. 1002).

15 (7) PROGRAM UNDER TITLE IV.—The term
16 “program under title IV” means the following pro-
17 grams under title IV of the Higher Education Act
18 of 1965 (20 U.S.C. 1070 et seq.):

19 (A) The Federal Pell Grant program under
20 section 401 of such Act (20 U.S.C. 1070a).

21 (B) The Federal Supplemental Edu-
22 cational Opportunity Grant program under sub-
23 part 3 of part A of such title IV (20 U.S.C.
24 1070b).

1 (C) The Federal work-study program
2 under part C of such title IV (20 U.S.C. 1087–
3 51 et seq.).

4 (D) The Federal Direct Loan program
5 under part D of such title IV (20 U.S.C. 1087a
6 et seq.).

7 **SEC. 125. REQUIREMENTS FOR TEACH-OUT PLANS AND**
8 **TEACH-OUT AGREEMENTS.**

9 (a) REQUIREMENTS.—

10 (1) IN GENERAL.—Notwithstanding section
11 487(f)(2) of the Higher Education Act of 1965 (20
12 U.S.C. 1094(f)(2)), in the event an institution of
13 higher education, during the period described in sub-
14 section (d), is required to submit to its accrediting
15 agency or association a teach-out plan (in accord-
16 ance with section 487(f) and section 496(c)(3) of
17 such Act (20 U.S.C. 1094(f); 1099b(c)(3))), or to
18 submit a teach-out agreement among institutions (in
19 accordance with section 496(c)(6) of such Act (20
20 U.S.C. 1099b(c)(6))), the following shall apply to
21 such plans and agreements:

22 (A) The definitions and requirements de-
23 scribed in this subsection.

24 (B) Any other applicable standards of the
25 institution’s accrediting agency or association.

1 (C) Any other provisions the Secretary of
2 Education determines are necessary to protect
3 the interests of the United States and to pro-
4 mote the purposes of this section.

5 (2) CLOSING INSTITUTION DEFINED.—The
6 term “closing institution” means an institution of
7 higher education—

8 (A) that ceases to operate or plans to cease
9 operations before all enrolled students have
10 completed their program of study; or

11 (B) that has an institutional location
12 that—

13 (i) provides 100 percent of at least 1
14 program offered by the institution of high-
15 er education; and

16 (ii) ceases to operate or plans to cease
17 operations before all enrolled students have
18 completed their program of study.

19 (3) TEACH-OUT PLANS.—

20 (A) TEACH-OUT PLAN DEFINED.—The
21 term “teach-out plan” means a written plan de-
22 veloped by a closing institution that provides for
23 the equitable treatment of students.

1 (B) CONTENTS OF TEACH-OUT PLANS.—A
2 teach-out plan shall include a record-retention
3 plan that includes—

4 (i) a plan for the custody (including
5 by any applicable State authorizing agen-
6 cies), and the disposition, of teach-out
7 records that meets the requirements of
8 paragraph (5)(B)(iii);

9 (ii) an assurance that in the event of
10 the closure of the institution or an institu-
11 tional location of the institution, such in-
12 stitution—

13 (I) will meet the requirements of
14 paragraph (5)(B)(iv); and

15 (II) will refund students the
16 amount of any unearned tuition, ac-
17 count balances, and student fees, and
18 refunds due; and

19 (iii) an estimate of the costs necessary
20 to carry out such record-retention plan.

21 (4) TEACH-OUT AGREEMENT DEFINED.—The
22 term “teach-out agreement” means a written agree-
23 ment between a closing institution and one or more
24 other institutions of higher education (in this section
25 referred to as a “teach-out institution)” that—

1 (A) provides for the equitable treatment of
2 students and a reasonable opportunity for stu-
3 dents to complete their program of study; and

4 (B) meets the requirements in section
5 496(c)(6) of the Higher Education Act of 1965
6 (20 U.S.C. 1099b(c)(6)).

7 (5) APPROVAL OF TEACH-OUT AGREEMENTS.—

8 In approving a teach-out agreement, the accrediting
9 agency or association shall determine a timeline for
10 an interim teach-out agreement and a final teach-out
11 agreement that provides for the equitable treatment
12 of students and ensures—

13 (A) that the teach-out institution—

14 (i) to the extent practicable, is an in-
15 stitution of higher education that meets
16 the requirements of section 101 or section
17 102(c) of the Higher Education Act of
18 1965 (20 U.S.C. 1001; 1002(c));

19 (ii) has the necessary experience, re-
20 sources, and support services to provide an
21 educational program that is of acceptable
22 quality and reasonably similar in content,
23 delivery modality, and scheduling to that
24 provided by the closing institution with

1 which the teach-out institution has entered
2 into the teach-out agreement;

3 (iii) has not been subject to a sanction
4 of probation or equivalent or show cause
5 by its accrediting agency or association or
6 any applicable State authorizing or licens-
7 ing agency in the past 5 years; and

8 (iv) shows no evidence of significant
9 problems (including financial stability or
10 administrative capability) that affect the
11 institution's capacity to carry out its mis-
12 sion and meet all obligations to enrolled
13 students, which shall include a showing
14 that there is no evidence of the conditions
15 described in section 602.24(c)(8) of title
16 34, Code of Federal Regulations, as in ef-
17 fect on the date of enactment of this Act;
18 and

19 (B) that the closing institution—

20 (i) provides the accrediting agency or
21 association and the Secretary a complete
22 list of all students who are enrolled in each
23 program at the institution or who have
24 withdrawn from the institution within the
25 last 180 days, including each student's

1 name, contact information, program of
2 study, the program requirements each stu-
3 dent has completed, and the estimated
4 date of completion in the absence of the
5 closure of such institution or institutional
6 location;

7 (ii) provides to the accrediting agency
8 or association and the Secretary, for each
9 program of study at the closing institution,
10 records of any agreements pertaining to
11 the acceptance of students, transfer of
12 credits, articulation agreements, or waiver
13 of program requirements between the clos-
14 ing institution and any other institutions
15 of higher education;

16 (iii) provides a record-retention plan
17 to all enrolled students that delineates the
18 final disposition of teach-out records,
19 digitally where practicable, including stu-
20 dent transcripts, billing, financial aid
21 records, and the amount of any unearned
22 tuition, account balances, student fees, and
23 refunds due to each such student;

24 (iv) releases all financial holds placed
25 on student records and, for the 3-year pe-

1 riod beginning on the date of the closure of
2 such institution or institutional location,
3 provides each student (including each stu-
4 dent who withdrew from such institution
5 during the 180-day period prior to the date
6 of such closure) with the student’s official
7 transcripts and complete academic records
8 at no cost to the student;

9 (v) provides students with informa-
10 tion, using standard language developed by
11 the Secretary under subsection (b), regard-
12 ing—

13 (I) the benefits and consequences
14 of choosing to—

15 (aa) continue the student’s
16 studies by transferring to a
17 teach-out institution; and

18 (bb) receive a closed school
19 discharge under section 437(c)(1)
20 and section 464(g)(1) of the
21 Higher Education Act of 1965
22 (20 U.S.C. 1087(c)(1);
23 1087dd(g)(1)); and

24 (II) if applicable, information on
25 institutional and State refund policies;

1 (vi) provides students with informa-
2 tion about additional tuition and fee
3 charges, if any, at the teach-out institu-
4 tion; and

5 (vii) provides students with accurate
6 information on the number and types of
7 credits the teach-out institution is willing
8 to accept prior to the student's enrollment
9 in that institution or any other institution
10 of higher education with which the closing
11 institution has an articulation agreement.

12 (6) SUBMISSION OF TEACH-OUT PLANS AND
13 TEACH-OUT AGREEMENTS.—

14 (A) SUBMISSION OF NOTICE.—Not later
15 than 10 days after being required to submit a
16 teach-out plan or teach-out agreement to its ac-
17 crediting agency or association, the institution
18 of higher education shall submit a notice of
19 such plan or agreement to the Secretary of
20 Education and to any applicable State author-
21 izing agencies of such institution.

22 (B) SUBMISSION OF PLAN OR AGREE-
23 MENT.—Not later than 5 days after receiving
24 approval from its accrediting agency or associa-
25 tion of a teach-out plan or teach-out agreement,

1 as applicable, the institution of higher edu-
2 cation shall submit the approved plan or agree-
3 ment to the Secretary of Education and to any
4 applicable State authorizing agencies of such
5 institution.

6 (b) STANDARD LANGUAGE.—Not later than 60 days
7 after the date of the enactment of this section, the Sec-
8 retary of Education shall publish standard language relat-
9 ing to closed school discharges for purposes of subsection
10 (a)(5)(B)(v).

11 (c) PROHIBITION ON MISREPRESENTATIONS.—

12 (1) IN GENERAL.—An institution of higher edu-
13 cation is prohibited from engaging in misrepresenta-
14 tion about the nature of teach-out plans, teach-out
15 agreements, and transfer of credit.

16 (2) SANCTIONS.— Upon determination, after
17 reasonable notice and opportunity for a hearing, that
18 an institution of higher education is in violation of
19 this subsection, the Secretary of Education—

20 (A) shall impose a civil penalty not to ex-
21 ceed \$25,000 for each misrepresentation; and

22 (B) may impose an additional sanction de-
23 scribed in section 497(c)(3) of the Higher Edu-
24 cation Act of 1965 (20 U.S.C. 1094(c)(3)).

1 (d) COVERED PERIOD.—The provisions of this sec-
2 tion shall be in effect during the period beginning on the
3 date of enactment of this Act and ending on the date on
4 which on which sections 487(f) of the Higher Education
5 Act of 1965 (20 U.S.C. 1094(f)) or paragraphs (3) and
6 (6) of section 493(c) of such Act (20 U.S.C. 1098b(c))
7 are amended or repealed.

8 **Subtitle C—Federal Student Loan** 9 **Relief**

10 **PART 1—TEMPORARY RELIEF FOR FEDERAL** 11 **STUDENT BORROWERS**

12 **SEC. 131. EXPANDING LOAN RELIEF TO ALL FEDERAL STU-** 13 **DENT LOAN BORROWERS.**

14 Section 3502(a) of division A of the Coronavirus Aid,
15 Relief, and Economic Security Act (Public Law 116–136)
16 is amended—

17 (1) by redesignating paragraphs (2) through
18 (5) as paragraphs (3) through (6), respectively; and

19 (2) by inserting after paragraph (1) the fol-
20 lowing:

21 “(2) FEDERAL STUDENT LOAN.—The term
22 ‘Federal student loan’ means a loan—

23 “(A) made under part B, part D, or part
24 E of title IV of the Higher Education Act of
25 1965 (20 U.S.C. 1071 et seq., 1087a et seq.,

1 1087aa et seq.), and held by the Department of
2 Education;

3 “(B) made, insured, or guaranteed under
4 part B of such title, or made under part E of
5 such title, and not held by the Department of
6 Education; or

7 “(C) made under—

8 “(i) subpart II of part A of title VII
9 of the Public Health Service Act (42
10 U.S.C. 292q et seq.); or

11 “(ii) part E of title VIII of the Public
12 Health Service Act (42 U.S.C. 297a et
13 seq.).”.

14 **SEC. 132. EXTENDING THE LENGTH OF BORROWER RELIEF**
15 **DUE TO THE CORONAVIRUS EMERGENCY.**

16 Section 3513 of division A of the Coronavirus Aid,
17 Relief, and Economic Security Act (Public Law 116–136)
18 is amended—

19 (1) by amending subsection (a) to read as fol-
20 lows:

21 “(a) **SUSPENSION OF PAYMENTS.**—

22 “(1) **IN GENERAL.**—During the period begin-
23 ning on March 13, 2020, and ending on September
24 30, 2021, the Secretary or, as applicable, the Sec-

1 retary of Health and Human Services, shall suspend
2 all payments due on Federal student loans.

3 “(2) TRANSITION PERIOD.—For one additional
4 30-day period beginning on the day after the last
5 day of the suspension period described in subsection
6 (a), the Secretary or, as applicable, the Secretary of
7 Health and Human Services, shall ensure that any
8 missed payments on a Federal student loan by a
9 borrower during such additional 30-day period—

10 “(A) do not result in collection fees or pen-
11 alties associated with late payments; and

12 “(B) are not reported to any consumer re-
13 porting agency or otherwise impact the bor-
14 rower’s credit history.

15 “(3) DETERMINATION OF COMPENSATION.—
16 The Secretary or, as applicable, the Secretary of
17 Health and Human Services shall—

18 “(A) with respect to a holder of a Federal
19 student loan defined in subparagraph (B) or
20 (C) of section 3502(a)(2)—

21 “(i) determine any losses for such
22 holder due to the suspension of payments
23 on such loan under paragraph (1); and

24 “(ii) establish reasonable compensa-
25 tion for such losses; and

1 “(B) not later than 60 days after the date
2 of enactment of the Pandemic Education Re-
3 sponse Act, with respect to a borrower who
4 made a payment on a Federal student loan de-
5 fined in subparagraph (B) or (C) of section
6 3502(a)(2) during the period beginning on
7 March 13, 2020, and ending on such date of
8 enactment, the Secretary shall pay to the bor-
9 rower, an amount equal to the lower of—

10 “(i) the amount paid by the borrower
11 on such loan during such period; or

12 “(ii) the amount that was due on such
13 loan during such period.

14 “(4) RECERTIFICATION.—A borrower who is re-
15 paying a Federal student loan pursuant to an in-
16 come-contingent repayment plan under section
17 455(d)(1)(D) of the Higher Education Act of 1965
18 (20 U.S.C. 1087e(d)(1)(D)) or an income-based re-
19 payment plan under section 493C of such Act (20
20 U.S.C. 1098e) shall not be required to recertify the
21 income or family size of the borrower under such
22 plan prior to December 31, 2021.”;

23 (2) in subsection (c), by striking “part D or B
24 of title IV of the Higher Education Act of 1965 (20
25 U.S.C. 1087a et seq.; 1071 et seq.)” and inserting

1 “part B, D, or E of title IV of the Higher Education
2 Act of 1965 (20 U.S.C. 1087a et seq.; 1071 et seq.;
3 1087aa et seq.)”;

4 (3) in subsection (d), by striking “During the
5 period in which the Secretary suspends payments on
6 a loan under subsection (a), the Secretary” and in-
7 serting “During the period in which payments on a
8 Federal student loan are suspended under subsection
9 (a), the Secretary or, as applicable, the Secretary of
10 Health and Human Services”;

11 (4) in subsection (e), by striking “During the
12 period in which the Secretary suspends payments on
13 a loan under subsection (a), the Secretary” and in-
14 serting “During the period in which payments on a
15 Federal student loan are suspended under subsection
16 (a), the Secretary or, as applicable, the Secretary of
17 Health and Human Services”; and

18 (5) in subsection (f), by striking “the Sec-
19 retary” and inserting “the Secretary or, as applica-
20 ble, the Secretary of Health and Human Services.”.

21 **SEC. 133. NO INTEREST ACCRUAL.**

22 Section 3513(b) of division A of the Coronavirus Aid,
23 Relief, and Economic Security Act (Public Law 116–136)
24 is amended to read as follows:

25 “(b) PROVIDING INTEREST RELIEF.—

1 “(1) NO ACCRUAL OF INTEREST.—

2 “(A) IN GENERAL.—During the period de-
3 scribed in subparagraph (D), interest on a Fed-
4 eral student loan shall not accrue or shall be
5 paid by the Secretary (or the Secretary of
6 Health and Human Services) during—

7 “(i) the repayment period of such
8 loan;

9 “(ii) any period excluded from the re-
10 payment period of such loan (including any
11 period of deferment or forbearance);

12 “(iii) any period in which the bor-
13 rower of such loan is in a grace period; or

14 “(iv) any period in which the borrower
15 of such loan is in default on such loan.

16 “(B) DIRECT LOANS AND DEPARTMENT OF
17 EDUCATION HELD FFEL AND PERKINS
18 LOANS.—For purposes of subparagraph (A), in-
19 terest shall not accrue on a Federal student
20 loan defined in section 3502(a)(2)(A).

21 “(C) FFEL AND PERKINS LOANS NOT
22 HELD BY THE DEPARTMENT OF EDUCATION
23 AND HHS LOANS.—For purposes of subpara-
24 graph (A)—

1 “(i) in the case of a Federal student
2 loan defined in section 3502(a)(2)(B), the
3 Secretary shall pay, on a monthly basis,
4 the amount of interest due on the unpaid
5 principal of such loan to the holder of such
6 loan, except that any payments made
7 under this clause shall not affect payment
8 calculations under section 438 of the High-
9 er Education Act of 1965 (20 U.S.C.
10 1087–1); and

11 “(ii) in the case of a Federal student
12 loan defined in section 3502(a)(2)(C), the
13 Secretary of Health and Human Services
14 shall pay, on a monthly basis, the amount
15 of interest due on the unpaid principal of
16 such loan to the holder of such loan.

17 “(D) PERIOD DESCRIBED.—

18 “(i) IN GENERAL.—The period de-
19 scribed in this clause is the period begin-
20 ning on March 13, 2020, and ending on
21 the later of—

22 “(I) September 30, 2021; or

23 “(II) the day following the date
24 of enactment of the Pandemic Edu-
25 cation Response Act that is 2 months

1 after the national U–5 measure of
2 labor underutilization shows initial
3 signs of recovery.

4 “(ii) DEFINITIONS.—In this subpara-
5 graph:

6 “(I) NATIONAL U–5 MEASURE OF
7 LABOR UNDERUTILIZATION.—The
8 term ‘national U–5 measure of labor
9 underutilization’ means the season-
10 ally-adjusted, monthly U–5 measure
11 of labor underutilization published by
12 the Bureau of Labor Statistics.

13 “(II) INITIAL SIGNS OF RECOV-
14 ERY.—The term ‘initial signs of recov-
15 ery’ means that the average national
16 U–5 measure of labor underutilization
17 for months in the most recent 3-con-
18 secutive-month period for which data
19 are available—

20 “(aa) is lower than the high-
21 est value of the average national
22 U–5 measure of labor under-
23 tilization for a 3-consecutive-
24 month period during the period
25 beginning in March 2020 and the

1 most recent month for which
2 data from the Bureau of Labor
3 Statistics are available by an
4 amount that is equal to or great-
5 er than one-third of the dif-
6 ference between—

7 “(AA) the highest value
8 of the average national U–5
9 measure of labor under-
10 utilization for a 3-consecu-
11 tive-month period during
12 such period; and

13 “(BB) the value of the
14 average national U–5 meas-
15 ure of labor underutilization
16 for the 3-consecutive-month
17 period ending in February
18 2020; and

19 “(bb) has decreased for each
20 month during the most recent 2
21 consecutive months for which
22 data from the Bureau of Labor
23 Statistics are available.

24 “(E) OTHER DEFINITIONS.—In this para-
25 graph:

1 “(i) DEFAULT.—The term ‘default’—

2 “(I) in the case of a Federal stu-
3 dent loan made, insured, or guaran-
4 teed under part B or D of the Higher
5 Education Act of 1965, has the mean-
6 ing given such term in section 435(l)
7 of the Higher Education Act of 1965
8 (20 U.S.C. 1085);

9 “(II) in the case of a Federal
10 student loan made under part E of
11 the Higher Education Act of 1965,
12 has the meaning given such term in
13 section 674.2 of title 34, Code of Fed-
14 eral Regulations (or successor regula-
15 tions); or

16 “(III) in the case of a Federal
17 student loan defined in section
18 3502(a)(2)(C), has the meaning given
19 such term in section 721 or 835 of
20 the Public Health Service Act (42
21 U.S.C. 292q, 297a), as applicable.

22 “(ii) GRACE PERIOD.—The term
23 ‘grace period’ means—

24 “(I) in the case of a Federal stu-
25 dent loan made, insured, or guaran-

1 teed under part B or D of the Higher
2 Education Act of 1965, the 6-month
3 period after the date the student
4 ceases to carry at least one-half the
5 normal full-time academic workload,
6 as described in section 428(b)(7) of
7 the Higher Education Act of 1965 (20
8 U.S.C. 1078(b)(7));

9 “(II) in the case of a Federal
10 student loan made under part E of
11 the Higher Education Act of 1965,
12 the 9-month period after the date on
13 which a student ceases to carry at
14 least one-half the normal full-time
15 academic workload, as described in
16 section 464(c)(1)(A) of the Higher
17 Education Act of 1965 (20 U.S.C.
18 1087dd(c)(1)(A)); and

19 “(III) in the case of a Federal
20 student loan defined in section
21 3502(a)(2)(C), the 1-year period de-
22 scribed in section 722(c) of the Public
23 Health Service Act (42 U.S.C.
24 292r(c)) or the 9-month period de-
25 scribed in section 836(b)(2) of such

1 Act (42 U.S.C. 297b(b)(2)), as appli-
2 cable.

3 “(iii) REPAYMENT PERIOD.—The
4 term ‘repayment period’ means—

5 “(I) in the case of a Federal stu-
6 dent loan made, insured, or guaran-
7 teed under part B or D of the Higher
8 Education Act of 1965, the repayment
9 period described in section 428(b)(7)
10 of the Higher Education Act of 1965
11 (20 U.S.C. 1078(b)(7));

12 “(II) in the case of a Federal
13 student loan made under part E of
14 the Higher Education Act of 1965,
15 the repayment period described in sec-
16 tion 464(c)(4) of the Higher Edu-
17 cation Act of 1965 (20 U.S.C.
18 1087dd(c)(4)); or

19 “(III) in the case of a Federal
20 student loan defined in section
21 3502(a)(2)(C), the repayment period
22 described in section 722(e) or
23 836(b)(2) of the Public Health Serv-
24 ice Act (42 U.S.C. 292r(e),
25 297b(b)(2)), as applicable.

1 “(2) INTEREST REFUND IN LIEU OF RETRO-
2 ACTIVE APPLICABILITY.—By not later than 60 days
3 after the date of enactment of the Pandemic Edu-
4 cation Response Act, the Secretary or, as applicable,
5 the Secretary of Health and Human Services, shall,
6 for each Federal student loan defined in subpara-
7 graph (B) or (C) of section 3502(a)(2) for which in-
8 terest was not paid by such Secretary pursuant to
9 paragraph (1) during the period beginning on March
10 13, 2020 and ending on such date of enactment—

11 “(A) determine the amount of interest due
12 (or that would have been due in the absence of
13 being voluntarily paid by the holder of such
14 loan) on such loan during the period beginning
15 March 13, 2020, and ending on such date of
16 enactment; and

17 “(B) refund the amount of interest cal-
18 culated under subparagraph (A), by—

19 “(i) paying the holder of the loan the
20 amount of the interest calculated under
21 subparagraph (A), to be applied to the
22 loan balance for the borrower of such loan;
23 or

24 “(ii) if there is no outstanding balance
25 or payment due on the loan as of the date

1 on which the refund is to be provided, pro-
2 viding a payment in the amount of the in-
3 terest calculated under subparagraph (A)
4 directly to the borrower.

5 “(3) SUSPENSION OF INTEREST CAPITALIZA-
6 TION.—

7 “(A) IN GENERAL.—With respect to any
8 Federal student loan, interest that accrued but
9 had not been paid prior to March 13, 2020, and
10 had not been capitalized as of such date, shall
11 not be capitalized.

12 “(B) TRANSITION.—The Secretary or, as
13 applicable, the Secretary of Health and Human
14 Services, shall ensure that any interest on a
15 Federal student loan that had been capitalized
16 in violation of subparagraph (A) is corrected
17 and the balance of principal and interest due
18 for the Federal student loan is adjusted accord-
19 ingly.”.

20 **SEC. 134. NOTICE TO BORROWERS.**

21 Section 3513(g) of division A of the Coronavirus Aid,
22 Relief, and Economic Security Act (Public Law 116–136)
23 is amended—

24 (1) in the matter preceding paragraph (1), by
25 striking “the Secretary” and inserting “the Sec-

1 retary or, as applicable, the Secretary of Health and
2 Human Services,”;

3 (2) in paragraph (1)(D), by striking the period
4 and inserting a semicolon;

5 (3) in paragraph (2)—

6 (A) in the matter preceding subparagraph
7 (A), by striking “August 1, 2020” and insert-
8 ing “August 1, 2021”; and

9 (B) by amending subparagraph (B) to read
10 as follows:

11 “(B) that—

12 “(i) a borrower of a Federal student
13 loan made, insured, or guaranteed under
14 part B or D of title IV of the Higher Edu-
15 cation Act of 1965 may be eligible to enroll
16 in an income-contingent repayment plan
17 under section 455(d)(1)(D) of the Higher
18 Education Act of 1965 (20 U.S.C.
19 1087e(d)(1)(D)) or an income-based repay-
20 ment plan under section 493C of such Act
21 (20 U.S.C. 1098e), including a brief de-
22 scription of such repayment plans; and

23 “(ii) in the case of a borrower of a
24 Federal student loan defined in section
25 3502(a)(2)(C) or made under part E of

1 title IV of the Higher Education of 1965,
2 the borrower may be eligible to enroll in
3 such a repayment plan if the borrower con-
4 solidates such loan with a loan described in
5 clause (i) of this subparagraph, and re-
6 ceives a Federal Direct Consolidation Loan
7 under part D of the Higher Education of
8 1965 (20 U.S.C. 1087a et seq.); and”;
9 (C) by adding at the end the following:

10 “(3) in a case in which the accrual of interest
11 on Federal student loans is suspended under sub-
12 section (b)(1) beyond September 30, 2021, during
13 the 2-month period beginning on the date on which
14 the national U–5 measure of labor underutilization
15 shows initial signs of recovery (as such terms are de-
16 fined in subsection (b)(1)(D)) carry out a program
17 to provide not less than 6 notices by postal mail,
18 telephone, or electronic communication to bor-
19 rowers—

20 “(A) indicating when the interest on Fed-
21 eral student loans of the borrower will resume
22 accrual and capitalization; and

23 “(B) the information described in para-
24 graph (2)(B).”.

1 **SEC. 135. IMPLEMENTATION.**

2 Section 3513 of division A of the Coronavirus Aid,
3 Relief, and Economic Security Act (Public Law 116–136),
4 as amended by this part, is further amended by adding
5 at the end the following:

6 “(i) IMPLEMENTATION.—

7 “(1) INFORMATION VERIFICATION.—

8 “(A) IN GENERAL.—To facilitate imple-
9 mentation of this section, information for the
10 purposes described in subparagraph (B), shall
11 be reported—

12 “(i) by the holders of Federal student
13 loans defined in section 3502(a)(2)(B) to
14 the satisfaction of the Secretary; and

15 “(ii) by the holders of Federal student
16 loans defined in section 3502(a)(2)(C) to
17 the satisfaction of the Secretary of Health
18 and Human Services.

19 “(B) PURPOSES.—The purposes of the in-
20 formation reported under subparagraph (A) are
21 to—

22 “(i) verify, at the borrower level, the
23 payments that are provided or suspended
24 under this section; and

1 “(ii) calculate the amount of any in-
2 terest due to the holder for reimbursement
3 of interest under subsection (b).

4 “(2) COORDINATION.—The Secretary shall co-
5 ordinate with the Secretary of Health and Human
6 Services to carry out the provisions of this section
7 with respect to Federal student loans defined in sec-
8 tion 3502(a)(2)(C).”.

9 **SEC. 136. EFFECTIVE DATE.**

10 Except as otherwise provided, this part, and the
11 amendments made by this part, shall take effect as if en-
12 acted as part of the Coronavirus Aid, Relief, and Eco-
13 nomic Security Act (Public Law 116–136).

14 **PART 2—CONSOLIDATION LOANS AND PUBLIC**
15 **SERVICE LOAN FORGIVENESS**

16 **SEC. 137. SPECIAL RULES RELATING TO FEDERAL DIRECT**
17 **CONSOLIDATION LOANS.**

18 (a) SPECIAL RULES RELATING TO FEDERAL DIRECT
19 CONSOLIDATION LOANS AND PSLF.—

20 (1) PUBLIC SERVICE LOAN FORGIVENESS OP-
21 TION ON CONSOLIDATION APPLICATION.—

22 (A) IN GENERAL.—During the period de-
23 scribed in subsection (e), the Secretary shall—

24 (i) include, in any application for a
25 Federal Direct Consolidation Loan under

1 part D of title IV of the Higher Education
2 Act of 1965 (20 U.S.C. 1087a et seq.), an
3 option for the borrower to indicate that the
4 borrower intends to participate in the pub-
5 lic service loan forgiveness program under
6 section 455(m) of such Act (20 U.S.C.
7 1087e(m)); and

8 (ii) for each borrower who submits an
9 application for a Federal Direct Consolida-
10 tion Loan, without regard to whether the
11 borrower indicates the intention described
12 in clause (i)—

13 (I) request that the borrower
14 submit a certification of employment;
15 and

16 (II) after receiving a complete
17 certification of employment—

18 (aa) carry out the require-
19 ments of paragraph (2); and

20 (bb) inform the borrower of
21 the number of qualifying monthly
22 payments made on the compo-
23 nent loans before consolidation
24 that shall be deemed, in accord-
25 ance with paragraph (2)(D), to

1 be qualifying monthly payments
2 made on the Federal Direct Con-
3 solidation Loan.

4 (B) HOLD HARMLESS.—The Secretary
5 may not change or otherwise rescind a calcula-
6 tion made under paragraph (2)(D) after in-
7 forming the borrower of the results of such cal-
8 culation under subparagraph (A)(ii)(II)(bb).

9 (2) PROCESS TO DETERMINE QUALIFYING PAY-
10 MENTS FOR PURPOSES OF PSLF.—Upon receipt of a
11 complete certification of employment under para-
12 graph (1)(A)(ii)(II) of a borrower who receives a
13 Federal Direct Consolidation Loan described in
14 paragraph (1)(A), the Secretary shall—

15 (A) review the borrower’s payment history
16 to identify each component loan of such Federal
17 Direct Consolidation Loan;

18 (B) for each such component loan—
19 (i) calculate the weighted factor of the
20 component loan, which shall be the factor
21 that represents the portion of such Federal
22 Direct Consolidation Loan that is attrib-
23 utable to such component loan; and

1 (ii) determine the number of quali-
2 fying monthly payments made on such
3 component loan before consolidation;

4 (C) calculate the number of qualifying
5 monthly payments determined under subpara-
6 graph (B)(ii) with respect to a component loan
7 that shall be deemed as qualifying monthly pay-
8 ments made on the Federal Direct Consolida-
9 tion Loan by multiplying—

10 (i) the weighted factor of such compo-
11 nent loan as determined under subpara-
12 graph (B)(i), by

13 (ii) the number of qualifying monthly
14 payments made on such component loan as
15 determined under subparagraph (B)(ii);

16 and

17 (D) calculate the total number of quali-
18 fying monthly payments with respect to the
19 component loans of the Federal Direct Consoli-
20 dation Loan that shall be deemed as qualifying
21 monthly payments made on such Federal Direct
22 Consolidation Loan by—

23 (i) adding together the result of each
24 calculation made under subparagraph (C)

1 with respect to each such component loan;
2 and

3 (ii) rounding the number determined
4 under clause (i) to the nearest whole num-
5 ber.

6 (3) DEFINITIONS.—For purposes of this sub-
7 section:

8 (A) CERTIFICATION OF EMPLOYMENT.—
9 The term “certification of employment”, used
10 with respect to a borrower, means a certifi-
11 cation of the employment of the borrower in a
12 public service job (as defined in section
13 455(m)(3)(B) of the Higher Education Act of
14 1965) on or after October 1, 2007.

15 (B) COMPONENT LOAN.—The term “com-
16 ponent loan”, used with respect to a Federal
17 Direct Consolidation Loan, means each loan for
18 which the liability has been discharged by the
19 proceeds of the Federal Direct Consolidation
20 Loan, which—

21 (i) may include a loan that is not an
22 eligible Federal Direct Loan (as defined in
23 section 455(m)(3)(A) of the Higher Edu-
24 cation Act of 1965); and

1 (ii) in the case of a subsequent con-
2 solidation loan, only includes loans for
3 which the liability has been directly dis-
4 charged by such subsequent consolidation
5 loan.

6 (C) FEDERAL DIRECT CONSOLIDATION
7 LOAN.—The term “Federal Direct Consolida-
8 tion Loan” means a Federal Direct Consolida-
9 tion Loan made under part D of title IV of the
10 Higher Education Act of 1965 (20 U.S.C.
11 1087a et seq.).

12 (D) QUALIFYING MONTHLY PAYMENT.—

13 (i) COMPONENT LOAN.—The term
14 “qualifying monthly payment”, used with
15 respect to a component loan, means a
16 monthly payment on such loan made by a
17 borrower, during a period of employment
18 in a public service job (as defined in sec-
19 tion 455(m)(3)(B) of the Higher Edu-
20 cation Act of 1965 (20 U.S.C.
21 1087e(m)(3)(B)) on or after October 1,
22 2007, pursuant to—

23 (I) a repayment plan under part
24 B, D, or E of title IV of the Higher
25 Education Act of 1965 (20 U.S.C.

1 1071 et seq.; 1087a et seq.; 1087aa et
2 seq.); or

3 (II) in the case of a loan made
4 under subpart II of part A of title VII
5 of the Public Health Service Act or
6 under part E of title VIII of the Pub-
7 lic Health Service Act, a repayment
8 plan under title VII or VIII of such
9 Act.

10 (ii) FEDERAL DIRECT CONSOLIDATION
11 LOAN.—The term “qualifying monthly pay-
12 ment”, used with respect to a Federal Di-
13 rect Consolidation Loan, means a monthly
14 payment on such loan that counts as 1 of
15 the 120 monthly payments described in
16 section 455(m)(1)(A) of the Higher Edu-
17 cation Act of 1965 (20 U.S.C.
18 1087e(m)(3)(B)).

19 (b) SPECIAL RULES RELATING TO FEDERAL DIRECT
20 CONSOLIDATION LOANS AND ICR AND IBR.—

21 (1) IN GENERAL.—During the period described
22 in subsection (e), with respect to a borrower who re-
23 ceives a Federal Direct Consolidation Loan and who
24 intends to repay such loan under an income-conti-
25 gent repayment plan under section 455(d)(1)(D) of

1 the Higher Education Act of 1965 (20 U.S.C.
2 1087e(d)(1)(D)) or an income-based repayment plan
3 under section 493C of such Act (20 U.S.C. 1098e),
4 the Secretary shall—

5 (A) review the borrower’s payment history
6 to identify each component loan of such Federal
7 Direct Consolidation Loan;

8 (B) for each such component loan—

9 (i) calculate the weighted factor of the
10 component loan, which shall be the factor
11 that represents the portion of such Federal
12 Direct Consolidation Loan that is attrib-
13 utable to such component loan; and

14 (ii) determine the number of quali-
15 fying monthly payments made on such
16 component loan before consolidation;

17 (C) calculate the number of qualifying
18 monthly payments determined under subpara-
19 graph (B)(ii) with respect to a component loan
20 that shall be deemed as qualifying monthly pay-
21 ments made on the Federal Direct Consolida-
22 tion Loan by multiplying—

23 (i) the weighted factor of such compo-
24 nent loan as determined under subpara-
25 graph (B)(i), by

1 (ii) the number of qualifying monthly
2 payments made on such component loan as
3 determined under subparagraph (B)(ii);
4 and

5 (D) calculate and inform the borrower of
6 the total number of qualifying monthly pay-
7 ments with respect to the component loans of
8 the Federal Direct Consolidation Loan that
9 shall be deemed as qualifying monthly payments
10 made on such Federal Direct Consolidation
11 Loan by—

12 (i) adding together the result of each
13 calculation made under subparagraph (C)
14 with respect to each such component loan;
15 and

16 (ii) rounding the number determined
17 under clause (i) to the nearest whole num-
18 ber.

19 (2) HOLD HARMLESS.—The Secretary may not
20 change or otherwise rescind a calculation made
21 under paragraph (1)(D) after informing the bor-
22 rower of the results of such calculation under such
23 paragraph.

24 (3) DEFINITIONS.—In this subsection:

1 (A) COMPONENT LOAN; FEDERAL DIRECT
2 CONSOLIDATION LOAN.—The terms “component
3 loan” and “Federal Direct Consolidation Loan”
4 have the meanings given the terms in sub-
5 section (a).

6 (B) QUALIFYING PAYMENT.—

7 (i) COMPONENT LOANS.—Subject to
8 clause (ii), the term “qualifying monthly
9 payment”, used with respect to a compo-
10 nent loan, means a monthly payment on
11 such loan made by a borrower pursuant
12 to—

13 (I) a repayment plan under part
14 B, D, or E of title IV of the Higher
15 Education Act of 1965 (20 U.S.C.
16 1071 et seq., 1087a et seq., 1087aa et
17 seq.); or

18 (II) in the case of a loan made
19 under subpart II of part A of title VII
20 of the Public Health Service Act (42
21 U.S.C. 292q et seq.) or under part E
22 of title VIII of the Public Health
23 Service Act (42 U.S.C. 297a et seq.),
24 a repayment plan under title VII or
25 VIII of such Act.

1 (ii) CLARIFICATION.—

2 (I) ICR.—For purposes of deter-
3 mining the number of qualifying
4 monthly payments made on a compo-
5 nent loan pursuant to an income-con-
6 tingent repayment plan under section
7 455(d)(1)(D) of the Higher Education
8 Act of 1965 (20 U.S.C.
9 1087e(d)(1)(D)), each month a bor-
10 rower is determined to meet the re-
11 quirements of section 455(e)(7)(B)(i)
12 of such Act with respect to such loan
13 shall be treated as such a qualifying
14 monthly payment.

15 (II) IBR.—For purposes of de-
16 termining the number of qualifying
17 monthly payments made on a compo-
18 nent loan pursuant to an income-
19 based repayment plan under section
20 493C of such Act (20 U.S.C. 1098e),
21 each month a borrower was deter-
22 mined to meet the requirements of
23 subsection (b)(7)(B) of such section
24 493C with respect to such loan shall

1 be treated as such a qualifying month-
2 ly payment.

3 (iii) FEDERAL DIRECT CONSOLIDA-
4 TION LOANS.—The term “qualifying
5 monthly payment”, used with respect to a
6 Federal Direct Consolidation Loan, means
7 a monthly payment on such loan that
8 counts as a monthly payment under an in-
9 come-contingent repayment plan under sec-
10 tion 455(d)(1)(D) of the Higher Education
11 Act of 1965 (20 U.S.C. 1087e(d)(1)(D)),
12 or an income-based repayment plan under
13 section 493C of the Higher Education Act
14 of 1965 (20 U.S.C. 1098e).

15 (c) NOTIFICATION TO BORROWERS.—

16 (1) IN GENERAL.—During the period described
17 in subsection (e), the Secretary and the Secretary of
18 Health and Human Services shall undertake a cam-
19 paign to alert borrowers of a loan described in para-
20 graph (2)—

21 (A) on the benefits of consolidating such
22 loans into a Federal Direct Consolidation Loan,
23 including the benefits of the special rules under
24 subsections (a) and (b) of this section; and

1 (B) under which servicers and holders of
2 Federal student loans shall provide to bor-
3 rowers such consumer information, and in such
4 manner, as determined appropriate by the Sec-
5 retaries, based on conducting consumer testing
6 to determine how to make the information as
7 meaningful to borrowers as possible.

8 (2) FEDERAL STUDENT LOANS.—A loan de-
9 scribed in this paragraph is—

10 (A) a loan made under subpart II of part
11 A of title VII of the Public Health Service Act
12 or under part E of title VIII of such Act; or

13 (B) a loan made under part E of the High-
14 er Education Act of 1965.

15 (d) SPECIAL RULE FOR INTEREST ON FEDERAL DI-
16 RECT CONSOLIDATION LOANS.—Any Federal Direct Con-
17 solidation Loan for which the application is received dur-
18 ing the period described in subsection (e), shall bear inter-
19 est at an annual rate as calculated under section
20 455(b)(8)(D) of the Higher Education Act of 1965 (20
21 U.S.C. 1087e(b)(8)(D)), without regard to the require-
22 ment to round the weighted average of the interest rate
23 to the nearest higher one-eighth of one percent.

1 (e) PERIOD.—The period described in this clause is
2 the period beginning on the date of enactment of this Act,
3 and ending on the later of—

4 (1) September 30, 2021; or

5 (2) the day following the date of enactment of
6 this Act that is 2 months after the national U–5
7 measure of labor underutilization shows initial signs
8 of recovery (as such terms are defined in section
9 3513(b) of the Coronavirus Aid, Relief, and Eco-
10 nomic Security Act (Public Law 116–136), as
11 amended by this Act)).

12 (f) GAO STUDY ON IMPLEMENTATION OF SPECIAL
13 RULES ON CONSOLIDATION.—Not later than 6 months
14 after the date of enactment of this Act, the Comptroller
15 General of the United States shall submit a report to the
16 authorizing committees (defined in section 103 of the
17 Higher Education Act of 1965 (20 U.S.C. 1003) on the
18 implementation of this section, which shall include—

19 (1) information on borrowers who apply for or
20 receive a Federal Direct Consolidation Loan under
21 part D of the Higher Education Act of 1965 during
22 the period described in subsection (e),
23 disaggregated—

24 (A) by borrowers who intend to participate
25 in the public service loan forgiveness program

1 under section 455(m) of such Act (20 U.S.C.
2 1087e(m)); and

3 (B) by borrowers who intend to repay such
4 loans on an income-contingent repayment plan
5 under section 455(d)(1)(D) of the Higher Edu-
6 cation Act of 1965 (20 U.S.C. 1087e(d)(1)(D))
7 or an income-based repayment plan under sec-
8 tion 493C of such Act (20 U.S.C. 1098e);

9 (2) the extent to which the Secretary has estab-
10 lished procedures for carrying out subsections (a)
11 and (b);

12 (3) the extent to which the Secretary and the
13 Secretary of Health and Human Services have car-
14 ried out the notification to borrowers required under
15 subsection (c); and

16 (4) recommendations on improving the imple-
17 mentation of this section to ensure increased bor-
18 rower participation.

19 **SEC. 138. TREATMENT OF PSLF.**

20 (a) EXCEPTION FOR PURPOSES OF PSLF LOAN
21 FORGIVENESS.—Section 455(m)(1)(B) of the Higher
22 Education Act of 1965 (20 U.S.C. 1087e(m)(1)(B)) shall
23 apply as if clause (i) were struck.

24 (b) HEALTH CARE PRACTITIONER.—In section
25 455(m)(3)(B)(i) of the Higher Education Act of 1965 (20

1 U.S.C. 1087e(m)(3)(B)(i)), the term “full-time profes-
2 sionals engaged in health care practitioner occupations”
3 includes an individual who—

4 (1) has a full-time job as a health care practi-
5 tioner;

6 (2) provides medical services in such full-time
7 job at a nonprofit hospital or public hospital or other
8 nonprofit or public health care facility; and

9 (3) is prohibited by State law from being em-
10 ployed directly by such hospital or other health care
11 facility.

12 **Subtitle D—Protecting Students**

13 **SEC. 141. NOTIFICATIONS AND REPORTING RELATING TO** 14 **HIGHER EDUCATION.**

15 (a) NOTIFICATION OF NON-CARES ACT FLEXIBILI-
16 TIES.—

17 (1) NOTICE TO CONGRESS.—

18 (A) IN GENERAL.—Not later than two
19 days before the date on which the Secretary
20 grants a flexibility described in paragraph (4),
21 the Secretary shall—

22 (i) submit to the authorizing commit-
23 tees a written notification of the Sec-
24 retary’s intent to grant such flexibility; and

1 (ii) publish the notification on a pub-
2 licly accessible website of the Department
3 of Education.

4 (B) ELEMENTS.—Each notification under
5 subparagraph (A) shall—

6 (i) identify the provision of law, regu-
7 lation, or subregulatory guidance to which
8 the flexibility will apply;

9 (ii) identify any limitations on the
10 flexibility, including any time limits;

11 (iii) identify the statutory authority
12 under which the flexibility is provided;

13 (iv) identify the class of covered enti-
14 ties to which the flexibility will apply;

15 (v) identify whether a covered entity
16 will need to request the flexibility or
17 whether the flexibility will be applied with-
18 out request;

19 (vi) in the case of a flexibility that re-
20 quires a covered entity to request the flexi-
21 bility, identify the factors the Secretary
22 will consider in approving or denying the
23 flexibility;

1 (vii) explain how the flexibility is ex-
2 pected to benefit the covered entity or class
3 of covered entities to which it applies; and

4 (viii) explain the reasons the flexibility
5 is necessary and appropriate due to
6 COVID-19.

7 (2) QUARTERLY REPORTS.—Not later than 10
8 days after the end of each fiscal quarter for the du-
9 ration of the qualifying emergency through the end
10 of the first fiscal year beginning after the conclusion
11 of such qualifying emergency, the Secretary shall
12 submit to the authorizing committees a report that
13 includes, with respect to flexibilities described in
14 paragraph (4) that have been issued by the Sec-
15 retary in the most recently ended fiscal quarter, the
16 following:

17 (A) In the case of a flexibility that was
18 issued by the Secretary without request from a
19 covered entity, an explanation of all require-
20 ments, including reporting requirements, that
21 the Secretary imposed on the covered entity as
22 a condition of the flexibility.

23 (B) In the case of a flexibility for which a
24 covered entity requested and received specific
25 approval from the Secretary—

1 (i) identification of the covered entity
2 that received the flexibility;

3 (ii) an explanation of the specific rea-
4 sons for approval of the request;

5 (iii) a detailed description of the
6 terms of the flexibility, including—

7 (I) a description of any limita-
8 tions on the flexibility; and

9 (II) identification of each provi-
10 sion of law (including regulation and
11 subregulatory guidance) that is waived
12 or modified and, for each such provi-
13 sion, the statutory authority under
14 which the flexibility was provided; and

15 (iv) a copy of the final document
16 granting the flexibility.

17 (C) In the case of any request for a flexi-
18 bility that was denied by the Secretary—

19 (i) identification of the covered entity
20 or entities that were denied a flexibility;

21 (ii) a detailed description of the terms
22 of the request for the flexibility; and

23 (iii) an explanation of the specific rea-
24 sons for denial of the request.

1 (3) REPORT ON FLEXIBILITIES GRANTED BE-
2 FORE ENACTMENT.—Not later than 30 days after
3 the date of enactment of this Act, the Secretary
4 shall submit to the authorizing committees a report
5 that—

6 (A) identifies each flexibility described in
7 paragraph (4) that was granted by the Sec-
8 retary between March 13, 2020, and the date
9 of enactment of this Act; and

10 (B) with respect to each such flexibility,
11 provides the information specified in paragraph
12 (1)(B).

13 (4) FLEXIBILITY DESCRIBED.—A flexibility de-
14 scribed in this paragraph is modification or waiver
15 of any provision of the Higher Education Act of
16 1965 (20 U.S.C. 1001 et seq.) (including any regu-
17 lation or subregulatory guidance issued under such
18 a provision) that the Secretary determines to be nec-
19 essary and appropriate to modify or waive due to
20 COVID–19, other than a provision of the Higher
21 Education Act of 1965 that the Secretary is specifi-
22 cally authorized to modify or waive pursuant to the
23 CARES Act (Public Law 116–136).

24 (5) PRIVACY.—The Secretary shall ensure that
25 any report or notification submitted under this sub-

1 section does not reveal personally identifiable infor-
2 mation about an individual student.

3 (6) RULE OF CONSTRUCTION.—Nothing in this
4 subsection shall be construed to authorize the Sec-
5 retary to waive or modify any provision of law.

6 (b) REPORTS ON EXERCISE OF CARES ACT WAIV-
7 ERS BY INSTITUTIONS OF HIGHER EDUCATION.—Not
8 later than 30 days after the date of enactment of this Act,
9 each institution of higher education that exercises an au-
10 thority provided under section 3503(b), section 3504, sec-
11 tion 3505, section 3508(d), section 3509, or section
12 3517(b) of the CARES Act (Public Law 116–136) shall
13 submit to the Secretary a report that describes the nature
14 and extent of the institution’s exercise of such authorities,
15 including the number of students and amounts of aid pro-
16 vided under title IV of the Higher Education Act of 1965
17 (20 U.S.C. 1070 et seq.) affected by the exercise of such
18 authorities, as applicable.

19 (c) REPORTS ON CHANGES TO CONTRACTS AND
20 AGREEMENTS.—Not later than 10 days after the end of
21 each fiscal quarter for the duration of the qualifying emer-
22 gency through the end of the first fiscal year beginning
23 after the conclusion of such qualifying emergency, the Sec-
24 retary shall submit to the authorizing committees a report
25 that includes, for the most recently ended fiscal quarter—

1 (1) a summary of all modifications to any con-
2 tracts with Department of Education contractors re-
3 lating to Federal student loans, including—

4 (A) the contractual provisions that were
5 modified;

6 (B) the names of all contractors affected
7 by the modifications; and

8 (C) estimates of any costs or savings re-
9 sulting from the modifications;

10 (2) a summary of all amendments, addendums,
11 or other modifications to program participation
12 agreements with institutions of higher education
13 under section 487 of the Higher Education Act of
14 1965 (20 U.S.C. 1094), any provisional program
15 participation agreements entered into under such
16 section, including—

17 (A) any provisions of such agreements that
18 were modified by the Department of Education;
19 and

20 (B) the number of institutions of higher
21 education that received such modifications or
22 entered into such provisional agreements,
23 disaggregated by—

24 (i) status as a four-year, two-year, or
25 less-than-two-year public institution, pri-

1 vate nonprofit institution, or proprietary
2 institution; and

3 (ii) each category of minority-serving
4 institution described in section 371(a) of
5 the Higher Education Act (20 U.S.C.
6 1067q); and

7 (3) sample copies of program participation
8 agreements (including provisional agreements), se-
9 lected at random from among the agreements de-
10 scribed in paragraph (2), including at least one
11 agreement from each type of institution (whether a
12 public institution, private nonprofit institution, or
13 proprietary institution) that received a modified or
14 provisional agreement.

15 (d) REPORT TO CONGRESS.—

16 (1) IN GENERAL.—Not later than 90 days after
17 the date of enactment of this Act, the Secretary
18 shall submit to the authorizing committees a report
19 that includes the following:

20 (A) A summary of the reports received by
21 the Secretary under subsection (b).

22 (B) A description of—

23 (i) the Secretary's use of the authority
24 under section 3506 of the CARES Act
25 (Public Law 116–136) to adjust subsidized

1 loan usage limits, including the total num-
2 ber of students and the total amount of
3 subsidized loans under title IV of the
4 Higher Education Act of 1965 (20 U.S.C.
5 1070 et seq.) affected by the Secretary's
6 use of such authority;

7 (ii) the Secretary's use of the author-
8 ity under section 3507 of the CARES Act
9 (Public Law 116–136) to exclude certain
10 periods from the Federal Pell Grant dura-
11 tion limit, including the total number of
12 students and the total amount of Federal
13 Pell Grants under section 401 of the High-
14 er Education Act of 1965 (20 U.S.C.
15 1070a) affected by the Secretary's use of
16 such authority; and

17 (iii) the Secretary's use of the author-
18 ity under section 3508 of the CARES Act
19 (Public Law 116–136) to waive certain re-
20 quirements for the return of Federal
21 funds, including—

22 (I) in the case of waivers issued
23 to students under such section, the
24 total number of students and the total
25 amount of aid under title IV of the

1 Higher Education Act of 1965 (20
2 U.S.C. 1070 et seq.) affected by the
3 Secretary's use of such authority; and
4 (II) in the case of waivers issued
5 to institutions of higher education
6 under such section, the total number
7 of students and the total amount of
8 aid under title IV of the Higher Edu-
9 cation Act of 1965 (20 U.S.C. 1070
10 et seq.) affected by the Secretary's
11 use of such authority.

12 (C) A summary of the information re-
13 quired to be reported to the authorizing com-
14 mittees under sections 3510 and 3512 of the
15 CARES Act (Public Law 116–136), as amend-
16 ed by this Act, regardless of whether such infor-
17 mation has previously been reported to such
18 committees as of the date of the report under
19 this subsection.

20 (D) Information relating to the temporary
21 relief for Federal student loan borrowers pro-
22 vided under section 3513 of the CARES Act
23 (Public Law 116–136), including—

1 (i) with respect to the notifications re-
2 quired under subsection (g)(1) of such sec-
3 tion—

4 (I) the total number of individual
5 notifications sent to borrowers in ac-
6 cordance with such subsection,
7 disaggregated by electronic, postal,
8 and telephonic notifications;

9 (II) the total number of notifica-
10 tions described in clause (i) that were
11 sent within the 15-day period speci-
12 fied in such subsection; and

13 (III) the actual costs to the De-
14 partment of Education of making the
15 notifications under such subsection;

16 (ii) the projected costs to the Depart-
17 ment of Education of making the notifica-
18 tions required under subsection (g)(2) of
19 such section;

20 (iii) the number of Federal student
21 loan borrowers who have affirmatively
22 opted-out of payment suspension under
23 subsection (a) of such section;

24 (iv) the number of individual notifica-
25 tions sent to employers directing the em-

1 ployers to halt wage garnishment pursuant
2 to subsection (e) of such section,
3 disaggregated by electronic, postal, and tel-
4 ephonic notifications;

5 (v) the number of Federal student
6 loan borrowers who have had their wages
7 garnished pursuant to section 488A of the
8 Higher Education Act of 1965 (20 U.S.C.
9 1095a) or section 3720D of title 31,
10 United States Code, between March 13,
11 2020, and the date of the date of enact-
12 ment of this Act;

13 (vi) the number of Federal student
14 loan borrowers subject to interest capital-
15 ization as a result of consolidating Federal
16 student loans since March 13, 2020, and
17 the total amount of such interest capital-
18 ization;

19 (vii) the average daily call wait times
20 and call drop rates, disaggregated by stu-
21 dent loan servicer, for the period between
22 March 13, 2020, and the date of enact-
23 ment of this Act; and

24 (viii) the estimated or projected sav-
25 ings to the Department of Education for

1 student loan servicing activities for the pe-
2 riod beginning on March 13, 2020, and
3 ending on September 30, 2020, due to
4 lower reimbursement or contract costs per
5 account for student loan servicers and pri-
6 vate collection agencies resulting from the
7 suspension of Federal student loan pay-
8 ments and halt to collection activities
9 under the CARES Act (Public Law 116–
10 136).

11 (E) Information relating to the special
12 rules relating to Federal Direct Consolidation
13 Loans under section 137 of this Act, includ-
14 ing—

15 (i) the number of borrowers who sub-
16 mitted an application for a Federal Direct
17 Consolidation Loan;

18 (ii) the number of borrowers who re-
19 ceived a Federal Direct Consolidation
20 Loan; and

21 (iii) the wait time between submitting
22 an application and receiving a Federal Di-
23 rect Consolidation Loan.

24 (F) A summary of the information re-
25 quired to be reported to the authorizing com-

1 mittees under section 3517(c) and section
2 3518(c) of the CARES Act (Public Law 116–
3 136), as amended by this Act, regardless of
4 whether such information has previously been
5 reported to such committees as of the date of
6 the report under this subsection.

7 (G) A copy of any communication from the
8 Department of Education to grantees and Fed-
9 eral student loan borrowers eligible for rights
10 and benefits under section 3519 of the CARES
11 Act (Public Law 116–136) to inform such
12 grantees and borrowers of their eligibility for
13 such rights and benefits.

14 (2) DUTY OF HHS.—The Secretary of Health
15 and Human Services shall provide to the Secretary
16 of Education the information necessary for the Sec-
17 retary of Education to comply with paragraph
18 (1)(D).

19 (e) AMENDMENTS TO CARES ACT REPORTING RE-
20 QUIREMENTS.—

21 (1) REPORTING REQUIREMENT FOR HBCU CAP-
22 ITAL FINANCING LOAN DEFERMENT.—Section
23 3512(e) of the CARES Act (Public Law 116–136)
24 is amended by striking the period at the end and in-
25 serting “, the terms of the loans deferred, and the

1 schedule for repayment of the deferred loan
2 amount.”.

3 (2) REPORTING REQUIREMENT FOR INSTITU-
4 TIONAL AID MODIFICATIONS.—Section 3517(c) of
5 the CARES Act (Public Law 116–136) is amended
6 by striking the period at the end and inserting “,
7 identifies the statutory provision waived or modified,
8 and describes the terms of the waiver or modifica-
9 tion received by the institution.”.

10 (3) REPORTING REQUIREMENT FOR GRANT
11 MODIFICATIONS.—Section 3518(c) of the CARES
12 Act (Public Law 116–136) is amended by striking
13 the period at the end and inserting “and describes
14 the terms of the modification received by the institu-
15 tion or other grant recipient.”.

16 (f) DEFINITIONS.—In this section:

17 (1) The term “covered entity” means an insti-
18 tution of higher education, a Federal contractor, a
19 student, or any other entity that is subject to the
20 Higher Education Act of 1965 (20 U.S.C. 1001 et
21 seq.).

22 (2) The term “Federal student loan” means a
23 loan described in section 3502(a)(2) of the CARES
24 Act (Public Law 116–136), as amended by this Act.

1 **SEC. 142. PROTECTING STUDENTS FROM PREDATORY RE-**
2 **CRUITMENT.**

3 (a) UNDERCOVER AND AUDIT-BASED INVESTIGA-
4 TIONS.—During the covered period, in carrying out the
5 provisions of subpart 3 of part H of title IV of such Act
6 (20 U.S.C. 1099c et seq.), including paragraphs (1) and
7 (2) of section 498A(a) of the Higher Education Act of
8 1965 (20 U.S.C. 1099c–1(a)), the Secretary of Education
9 shall—

10 (1) conduct regular undercover and audit-based
11 investigations for the purpose of encouraging the
12 ethical treatment of students and prospective stu-
13 dents and detecting fraud and abuse in the Federal
14 student aid programs, including—

15 (A) violations described in section
16 487(c)(3) of the Higher Education Act of 1965
17 (20 U.S.C. 1094(c)(3));

18 (B) violations of section 487(a)(20) of
19 such Act (20 U.S.C. 1094(a)(20));

20 (C) violations described in subparagraphs
21 (A) and (B) by any entity with which the insti-
22 tution has contracted for student recruitment
23 or admission activities; and

24 (D) violations of subsection (b) of this sec-
25 tion;

1 (2) develop written guidelines for the investiga-
2 tions described in paragraph (1)—

3 (A) in accordance with commonly-accepted
4 practices for undercover operations by Office of
5 Inspector General of the Department of Edu-
6 cation; and

7 (B) in consultation with other relevant
8 agencies, including the Department of Justice,
9 Federal Trade Commission, Consumer Finan-
10 cial Protection Bureau, and the Office of In-
11 spector General of the Department of Edu-
12 cation;

13 (3) ensure that institutions found in violation of
14 the provisions under paragraph (1) shall be subject
15 to a sanction determined by the Secretary of Edu-
16 cation under section 487(c) of the Higher Education
17 Act of 1965 (20 U.S.C. 1094(c)); and

18 (4) provide to the authorizing committees (as
19 defined in section 103 of the Higher Education Act
20 of 1965 (20 U.S.C. 1003)), and make available to
21 the public, an annual report on—

22 (A) the findings of investigations described
23 in paragraph (1); and

1 (B) the applicable sanctions imposed on in-
2 stitutions found in violation of the provisions
3 described in paragraph (1).

4 (b) NOTICE OF INCENTIVE PAYMENT BAN.—During
5 the covered period, each institution of higher education
6 participating in a program under title IV of the Higher
7 Education Act of 1965 (20 U.S.C. 1070 et seq.) shall—

8 (1) provide notice of the ban on prohibited in-
9 centive payment (including commissions and bo-
10 nuses) under section 487(a)(20) of such Act (20
11 U.S.C. 1094(a)(20)) (and accompanying regulations)
12 upon hiring an employee or entering into a contract
13 with a third party contractor, and at least once per
14 calendar year to employees and third-party contrac-
15 tors of the institution; and

16 (2) publish a clear statement in all internal re-
17 cruitment materials, including guides or manuals,
18 acknowledging such ban.

19 (c) SUNSET.—For purposes of this section, the term
20 “covered period” means the period beginning on the date
21 of enactment of this Act and ending on the date on which
22 subpart 3 of part H of title IV of the Higher Education
23 (20 U.S.C. 1099c) is amended or repealed.

1 **TITLE II—IMPACT AID AND MI-**
2 **GRANT EDUCATION**
3 **CORONAVIRUS RELIEF**

4 **SEC. 201. IMPACT AID.**

5 Due to the national emergency declared by the Presi-
6 dent under the National Emergencies Act (50 U.S.C.
7 1601 et seq.) on March 13, 2020, with respect to the
8 coronavirus, and notwithstanding sections 7002(j) and
9 7003(c) of the Elementary and Secondary Education Act
10 of 1965 (20 U.S.C. 7702(j), 7703(c)), a local educational
11 agency desiring to receive a payment under section 7002
12 or 7003 of such Act (20 U.S.C. 7702, 7703) for fiscal
13 year 2022 that also submitted an application for such pay-
14 ment for fiscal year 2021 shall, in the application sub-
15 mitted under section 7005 of such Act (20 U.S.C. 7705)
16 for fiscal year 2022—

17 (1) with respect to a requested payment under
18 section 7002 of such Act (20 U.S.C. 7702)—

19 (A) use the data described in subsection (j)
20 of such section 7002 relating to calculating
21 such payment that was submitted by the local
22 educational agency in the application for fiscal
23 year 2021; or

1 (B) use the data relating to calculating
2 such payment for the fiscal year required under
3 such subsection (j); and

4 (2) with respect to a requested payment under
5 section 7003 of such Act (20 U.S.C. 7703)—

6 (A) use the student count data relating to
7 calculating such payment that was submitted by
8 the local educational agency in the application
9 for fiscal year 2021, except that payments for
10 fiscal year 2022 shall be calculated by the Sec-
11 retary using the expenditures and rates de-
12 scribed in clauses (i), (ii), (iii), and (iv) of sub-
13 section (b)(1)(C) of such section 7003 that
14 would otherwise apply for fiscal year 2022; or

15 (B) use the student count data relating to
16 calculating such payment for the fiscal year re-
17 quired under subsection (c) of such section
18 7003.

19 **SEC. 202. EDUCATION OF MIGRATORY CHILDREN.**

20 Due to the national emergency declared by the Presi-
21 dent under the National Emergencies Act (50 U.S.C.
22 1601 et seq.) on March 13, 2020, with respect to the
23 coronavirus, and notwithstanding subsections (a)(1) and
24 (f)(1) of section 1303 of the Elementary and Secondary
25 Education Act of 1965 (20 U.S.C. 6393), for the purposes

1 of making determinations under subsections (a)(1) and (f)
2 of such section 1303 for fiscal year 2021 and all subse-
3 quent fiscal years for which school year 2019–2020 data
4 would be used in the calculations under section 1303(a)(1)
5 of such Act (20 U.S.C. 6393(a)(1)) , the Secretary of
6 Education shall use school year 2018–2019 or school year
7 2019–2020 data, whichever data are greater, wherever
8 school year 2019–2020 data otherwise would be required.

9 **TITLE III—CAREER, TECHNICAL,**
10 **AND ADULT EDUCATION**

11 **SEC. 301. DEFINITIONS.**

12 In this subtitle:

13 (1) **CORONAVIRUS.**—The term “coronavirus”
14 means coronavirus as defined in section 506 of the
15 Coronavirus Preparedness and Response Supple-
16 mental Appropriations Act, 2020 (Public Law 116–
17 123).

18 (2) **COVID–19 NATIONAL EMERGENCY.**—The
19 term “COVID–19 national emergency” means the
20 national emergency declared by the President under
21 the National Emergencies Act (50 U.S.C. 1601 et
22 seq.) on March 13, 2020, with respect to the
23 coronavirus.

1 **SEC. 302. COVID-19 CAREER AND TECHNICAL EDUCATION**
2 **RESPONSE FLEXIBILITY.**

3 (a) **POOLING OF FUNDS.**—An eligible recipient may,
4 in accordance with section 135(c) of the Carl D. Perkins
5 Career and Technical Education Act of 2006 (20 U.S.C.
6 2355(c)), pool a portion of funds received under such Act
7 with a portion of funds received under such Act available
8 to one or more eligible recipients to support the transition
9 from secondary education to postsecondary education or
10 employment for CTE participants whose academic year
11 was interrupted by the COVID-19 national emergency.

12 (b) **PROFESSIONAL DEVELOPMENT.**—During the
13 COVID-19 national emergency, section 3(40)(B) of the
14 Carl D. Perkins Career and Technical Education Act of
15 2006 (20 U.S.C. 2302(40)(B)) shall apply as if “sustained
16 (not stand-alone, 1-day, or short-term workshops), inten-
17 sive, collaborative, job-embedded, data-driven, and class-
18 room-focused,” were struck.

19 (c) **DEFINITIONS.**—Except as otherwise provided, the
20 terms in this section have the meanings given the terms
21 in section 3 of the Carl D. Perkins Career and Technical
22 Education Act of 2006 (20 U.S.C. 2302).

23 **SEC. 303. ADULT EDUCATION AND LITERACY RESPONSE AC-**
24 **TIVITIES.**

25 (a) **ONLINE SERVICE DELIVERY OF ADULT EDU-**
26 **CATION AND LITERACY ACTIVITIES.**—During the

1 COVID–19 national emergency, an eligible agency may
2 use funds available to such agency under paragraphs (2)
3 and (3) of section 222(a) of the Workforce Innovation and
4 Opportunity Act (20 U.S.C. 3302(a)) for the administra-
5 tive expenses of the eligible agency related to transitions
6 to online service delivery of adult education and literacy
7 activities.

8 (b) DEFINITIONS.—Except as otherwise provided, the
9 terms in this section have the meanings given the terms
10 in section 203 of the Workforce Innovation and Oppor-
11 tunity Act (29 U.S.C. 3272).

12 **TITLE IV—DISABILITY**

13 **EMPLOYMENT**

14 **SEC. 401. REHABILITATION ACT WAIVERS.**

15 (a) PROVISIONS ELIGIBLE FOR WAIVER.—The fol-
16 lowing provisions of the Rehabilitation Act of 1973 (29
17 U.S.C. 701 et seq.) are eligible for waivers due to the na-
18 tional emergency declared by the President under the Na-
19 tional Emergencies Act (50 U.S.C. 1601 et seq.) on March
20 13, 2020, with respect to the coronavirus:

21 (1) The Secretary of Education may provide a
22 waiver of section 103(b)(1) to allow the replacement
23 of expired or spoiled food products at vending facili-
24 ties.

1 (2) The Secretary of Education may provide a
2 waiver of the service obligation requirement under
3 section 302(b) due to interrupted service obligations.

4 (b) DURATION.—A waiver approved by the Secretary
5 under subsection (a) shall expire on the earlier of the fol-
6 lowing dates:

7 (1) The date that is 1 year after the date of the
8 enactment of this Act.

9 (2) The last day of the national emergency re-
10 ferred to in subsection (a).

11 (c) STREAMLINED PROCESS.—The Secretary of Edu-
12 cation shall create a streamlined application process to re-
13 quest a waiver under this section, and the Secretary may
14 grant such waiver if the Secretary determines that the
15 waiver is necessary and appropriate.

16 (d) LIMITATION.—Nothing in this section shall be
17 construed to allow the Secretary to waive any statutory
18 or regulatory requirements under applicable civil rights
19 laws.

20 (e) REPORTING AND PUBLICATION.—

21 (1) PUBLIC NOTICE.—A State requesting a
22 waiver under this section shall provide the public no-
23 tice of, and the opportunity to comment on, the re-
24 quest by posting on the State website information

1 regarding the waiver request and the process for
2 commenting.

3 (2) NOTIFYING CONGRESS.—Not later than 7
4 days after—

5 (A) receiving a waiver request from a State
6 under this section, the Secretary of Education
7 shall notify the Committee on Health, Edu-
8 cation, Labor, and Pensions of the Senate, the
9 Committee on Appropriations of the Senate, the
10 Committee on Education and Labor of the
11 House of Representatives, and the Committee
12 on Appropriations of the House of Representa-
13 tives of such waiver request; and

14 (B) granting a waiver under this section,
15 the Secretary of Education shall notify the
16 Committee on Health, Education, Labor, and
17 Pensions of the Senate, the Committee on Ap-
18 propriations of the Senate, the Committee on
19 Education and Labor of the House of Rep-
20 resentatives, and the Committee on Appropria-
21 tions of the House of Representatives of such
22 waiver.

23 (3) PUBLICATION.—Not later than 30 days
24 after granting a waiver under this section, the Sec-
25 retary of Education shall publish a notice of the Sec-

1 retary's decision (including which waiver was grant-
2 ed and the reason for granting the waiver) in the
3 Federal Register and on the website of the Depart-
4 ment of Education.

1 **DIVISION C—PROTECTION FOR**
2 **FAMILIES AND WORKERS**
3 **TITLE I—AMENDMENTS TO**
4 **EMERGENCY FAMILY AND**
5 **MEDICAL LEAVE EXPANSION**
6 **ACT AND EMERGENCY PAID**
7 **SICK LEAVE ACT**
8 **Subtitle A—Emergency Family and**
9 **Medical Leave Expansion Act**
10 **Amendments**

11 **SEC. 101. REFERENCES.**

12 Except as otherwise expressly provided, whenever in
13 this subtitle an amendment or repeal is expressed in terms
14 of an amendment to, or repeal of, a section or other provi-
15 sion, the reference shall be considered to be made to a
16 section or other provision of the Family and Medical Leave
17 Act of 1993 (29 U.S.C. 2601 et seq.), as amended by the
18 Emergency Family and Medical Leave Expansion Act
19 (Public Law 116–127).

20 **SEC. 102. EMPLOYEE ELIGIBILITY AND EMPLOYER CLARI-**
21 **FICATION.**

22 (a) **EMPLOYEE ELIGIBILITY.**—Section 101(2) is
23 amended by adding at the end the following:

24 “(F) **ALTERNATIVE ELIGIBILITY FOR**
25 **COVID–19 PUBLIC HEALTH EMERGENCY .—For**

1 the period beginning on the date of the enact-
2 ment of The Heroes Act and ending on Decem-
3 ber 31, 2022—

4 “(i) subparagraph (A)(i) shall be ap-
5 plied by substituting ‘90 days’ for ‘12
6 months’; and

7 “(ii) subparagraph (A)(ii) shall not
8 apply.”.

9 (b) EMPLOYER CLARIFICATION.—Section 101(4) is
10 amended by adding at the end the following:

11 “(C) CLARIFICATION.—Subparagraph
12 (A)(i) shall not apply with respect to a public
13 agency described in subparagraph (A)(iii).”.

14 **SEC. 103. EMERGENCY LEAVE EXTENSION.**

15 Section 102(a)(1)(F) is amended by striking “De-
16 cember 31, 2020” and inserting “February 28, 2021”.

17 **SEC. 104. EMERGENCY LEAVE DEFINITIONS.**

18 (a) ELIGIBLE EMPLOYEE.—Section 110(a)(1) is
19 amended in subparagraph (A), by striking “sections
20 101(2)(A) and 101(2)(B)(ii)” and inserting “section
21 101(2)”.

22 (b) EMPLOYER THRESHOLD.—Section 110(a)(1)(B)
23 is amended by striking “fewer than 500 employees” and
24 inserting “1 or more employees”.

1 (c) PARENT.—Section 110(a)(1) is amended by add-
2 ing at the end the following:

3 “(C) PARENT.—In lieu of the definition in
4 section 101(7), the term ‘parent’, with respect
5 to an employee, means any of the following:

6 “(i) A biological, foster, or adoptive
7 parent of the employee.

8 “(ii) A stepparent of the employee.

9 “(iii) A parent-in-law of the employee.

10 “(iv) A parent of a domestic partner
11 of the employee.

12 “(v) A legal guardian or other person
13 who stood in loco parentis to an employee
14 when the employee was a child.”.

15 (d) QUALIFYING NEED RELATED TO A PUBLIC
16 HEALTH EMERGENCY.—Section 110(a)(2)(A) is amended
17 to read as follows:

18 “(A) QUALIFYING NEED RELATED TO A
19 PUBLIC HEALTH EMERGENCY.—The term
20 ‘qualifying need related to a public health emer-
21 gency’, with respect to leave, means that the
22 employee is unable to perform the functions of
23 the position of such employee due to a need for
24 leave for any of the following:

1 “(i) To self-isolate because the em-
2 ployee is diagnosed with COVID–19.

3 “(ii) To obtain a medical diagnosis or
4 care if such employee is experiencing the
5 symptoms of COVID–19.

6 “(iii) To comply with a recommenda-
7 tion or order by a public official with juris-
8 diction or a health care provider to self iso-
9 late, without regard to whether such rec-
10 ommendation or order is specific to the
11 employee, on the basis that the physical
12 presence of the employee on the job would
13 jeopardize the employee’s health, the
14 health of other employees, or the health of
15 an individual in the household of the em-
16 ployee because of—

17 “(I) the possible exposure of the
18 employee to COVID–19; or

19 “(II) exhibition of symptoms of
20 COVID–19 by the employee.

21 “(iv) To care for or assist a family
22 member of the employee, without regard to
23 whether another individual other than the
24 employee is available to care for or assist
25 such family member, because—

1 “(I) such family member—

2 “(aa) is self-isolating be-
3 cause such family member has
4 been diagnosed with COVID–19;
5 or

6 “(bb) is experiencing symp-
7 toms of COVID–19 and needs to
8 obtain medical diagnosis or care;
9 or

10 “(II) a public official with juris-
11 diction or a health care provider
12 makes a recommendation or order
13 with respect to such family member,
14 without regard to whether such deter-
15 mination is specific to such family
16 member, that the presence of the fam-
17 ily member in the community would
18 jeopardize the health of other individ-
19 uals in the community because of—

20 “(aa) the possible exposure
21 of such family member to
22 COVID–19; or

23 “(bb) exhibition of symp-
24 toms of COVID–19 by such fam-
25 ily member.

1 “(v) To care for the son or daughter
2 of such employee if, due to COVID–19—

3 “(I) the child care provider of
4 such son or daughter is unavailable;

5 “(II) the school or place of care
6 of such son or daughter is closed; or

7 “(III) the school of such son or
8 daughter—

9 “(aa) requires or makes op-
10 tional a virtual learning instruc-
11 tion model; or

12 “(bb) requires or makes op-
13 tional a hybrid of in-person and
14 virtual learning instruction mod-
15 els.

16 “(vi) To care for a family member
17 who is incapable of self-care because of a
18 mental or physical disability or is a senior
19 citizen, without regard to whether another
20 individual other than the employee is avail-
21 able to care for such family member, if the
22 place of care for such family member is
23 closed or the direct care provider is un-
24 available due to COVID–19.”.

1 (e) FAMILY MEMBER.—Section 110(a)(2) is amended
2 by adding at the end the following:

3 “(E) FAMILY MEMBER.—The term ‘family
4 member’, with respect to an employee, means
5 any of the following:

6 “(i) A parent of the employee.

7 “(ii) A spouse of the employee.

8 “(iii) A sibling of the employee.

9 “(iv) Next of kin of the employee or
10 a person for whom the employee is next of
11 kin.

12 “(v) A son or daughter of the em-
13 ployee.

14 “(vi) A grandparent or grandchild of
15 the employee.

16 “(vii) A domestic partner of the em-
17 ployee.

18 “(viii) Any other individual related by
19 blood or affinity whose close association
20 with the employee is the equivalent of a
21 family relationship.

22 “(F) DOMESTIC PARTNER.—

23 “(i) IN GENERAL.—The term ‘domes-
24 tic partner’, with respect to an individual,

1 means another individual with whom the
2 individual is in a committed relationship.

3 “(ii) COMMITTED RELATIONSHIP DE-
4 FINED.—The term ‘committed relationship’
5 means a relationship between 2 individuals,
6 each at least 18 years of age, in which
7 each individual is the other individual’s
8 sole domestic partner and both individuals
9 share responsibility for a significant meas-
10 ure of each other’s common welfare. The
11 term includes any such relationship be-
12 tween 2 individuals that is granted legal
13 recognition by a State or political subdivi-
14 sion of a State as a marriage or analogous
15 relationship, including a civil union or do-
16 mestic partnership.”.

17 **SEC. 105. REGULATORY AUTHORITIES.**

18 (a) IN GENERAL.—Section 110(a) is amended by
19 striking paragraph (3).

20 (b) FORCE OR EFFECT OF REGULATIONS.—Any reg-
21 ulation issued under section 110(a)(3), as in effect on the
22 day before the date of the enactment of this Act, shall
23 have no force or effect.

1 **SEC. 106. PAID LEAVE.**

2 Section 110(b) of the Family and Medical Leave Act
3 of 1993 is amended—

4 (1) in the heading, by striking “Relationship
5 to”;

6 (2) by amending paragraph (1) to read as fol-
7 lows:

8 “(1) EMPLOYEE ELECTION.—

9 “(A) IN GENERAL.—An employee may
10 elect to substitute any vacation leave, personal
11 leave, or medical or sick leave for paid leave
12 under section 102(a)(1)(F) in accordance with
13 section 102(d)(2)(B).

14 “(B) EMPLOYER REQUIREMENT.—An em-
15 ployer may not require an employee to sub-
16 stitute any leave described in subparagraph (A)
17 for leave under section 102(a)(1)(F).

18 “(C) RELATIONSHIP TO OTHER FAMILY
19 AND MEDICAL LEAVE.—Leave taken under sub-
20 paragraph (F) of section 102(a)(1) shall not
21 count towards the 12 weeks of leave to which
22 an employee is entitled under subparagraphs
23 (A) through (E) of such section.

24 “(D) RELATIONSHIP TO LIMITATION.—
25 PRESUMPTION OF ELIGIBILITY FOR for
26 any vacation leave, personal leave, or medical or

1 sick leave that is substituted for leave under
2 section 102(a)(1)(F) shall not count toward the
3 limitation under paragraph (2)(B)(ii).”; and
4 (3) in paragraph (2)(A), by striking “that an
5 employee takes” and all that follows through “10
6 days”.

7 **SEC. 107. WAGE RATE.**

8 Section 110(b)(2)(B) is amended—

9 (1) by amending clause (i)(I) to read as follows:

10 “(I) an amount that is not less
11 than the greater of—

12 “(aa) the minimum wage
13 rate in effect under section
14 6(a)(1) of the Fair Labor Stand-
15 ards Act of 1938 (29 U.S.C.
16 206(a)(1));

17 “(bb) the minimum wage
18 rate in effect for such employee
19 in the applicable State or locality,
20 whichever is greater, in which the
21 employee is employed; or

22 “(cc) two thirds of an em-
23 ployee’s regular rate of pay (as
24 determined under section 7(e) of
25 the Fair Labor Standards Act of

1 1938 (29 U.S.C. 207(e)); and”;

2 and

3 (2) in clause (ii), by striking “\$10,000” and in-
4 serting “\$12,000”.

5 **SEC. 108. NOTICE.**

6 Section 110(c) is amended by striking “for the pur-
7 pose described in subsection (a)(2)(A)”.

8 **SEC. 109. INTERMITTENT LEAVE.**

9 Section 110 is amended by adding at the end the fol-
10 lowing:

11 “(e) LEAVE TAKEN INTERMITTENTLY OR ON A RE-
12 DUCED WORK SCHEDULE.—Leave under section
13 102(a)(1)(F) may be taken by an employee intermittently
14 or on a reduced work schedule, without regard to whether
15 the employee and the employer of the employee have an
16 agreement with respect to whether such leave may be
17 taken intermittently or on a reduced work schedule.”.

18 **SEC. 110. CERTIFICATION.**

19 Section 110 is further amended by adding at the end
20 the following:

21 “(f) CERTIFICATION.—

22 “(1) IN GENERAL.—If an employer requires
23 that a request for leave under section 102(a)(1)(F)
24 be certified, the employer may require documenta-

1 tion for certification not earlier than 5 weeks after
2 the date on which the employee takes such leave.

3 “(2) SUFFICIENT CERTIFICATION.—The fol-
4 lowing documentation shall be sufficient for certifi-
5 cation:

6 “(A) With respect to leave taken for the
7 purposes described in clauses (i) through (iv) of
8 subsection (a)(2)(A)—

9 “(i) a recommendation or order from
10 a public official having jurisdiction or a
11 health care provider that the employee or
12 relevant family member has symptoms of
13 COVID–19 or should self-isolate; or

14 “(ii) documentation or evidence, in-
15 cluding an oral or written statement from
16 an employee, that the employee or relevant
17 family member has been exposed to
18 COVID–19.

19 “(B) With respect to leave taken for the
20 purposes described in clause (v) or (vi) of sub-
21 section (a)(2)(A), notice—

22 “(i) from the school, place of care, or
23 child care or direct care provider of the son
24 or daughter or other family member of the
25 employee of closure or unavailability; or

1 “(ii) from the school of the son or
2 daughter of the requirement or option of a
3 virtual learning instruction model or a hy-
4 brid of in-person and virtual learning in-
5 struction models.”.

6 **SEC. 111. AUTHORITY OF THE DIRECTOR OF THE OFFICE**
7 **OF MANAGEMENT AND BUDGET TO EXCLUDE**
8 **CERTAIN EMPLOYEES.**

9 Section 110(a) is amended by striking paragraph (4).

10 **SEC. 112. TECHNICAL AMENDMENTS.**

11 (a) Section 110(a)(1)(A) is amended by striking
12 “(ii)” before “SPECIAL RULE” and inserting “(iii)”.

13 (b) Section 19008 of the CARES Act is amended—

14 (1) by striking “—” after “amended”;

15 (2) by striking paragraph (1); and

16 (3) by striking “(2)” before “by adding at the
17 end”.

18 **SEC. 113. AMENDMENTS TO THE EMERGENCY FAMILY AND**
19 **MEDICAL LEAVE EXPANSION ACT.**

20 The Emergency Family and Medical Leave Expan-
21 sion Act (Public Law 116–127) is amended—

22 (1) in section 3103(b), by striking “Employees”
23 and inserting, “Notwithstanding section
24 102(a)(1)(A) of the Family and Medical Leave Act
25 of 1993 (29 U.S.C. 2612(a)(1)(A)), employees”; and

1 (2) by striking sections 3104 and 3105.

2 **Subtitle B—Emergency Paid Sick**
3 **Leave Act Amendments**

4 **SEC. 121. REFERENCES.**

5 Except as otherwise expressly provided, whenever in
6 this subtitle an amendment or repeal is expressed in terms
7 of an amendment to, or repeal of, a section or other provi-
8 sion, the reference shall be considered to be made to a
9 section or other provision of division E of the Families
10 First Coronavirus Response Act (Public Law 116–127).

11 **SEC. 122. PAID SICK TIME REQUIREMENT.**

12 (a) USES.—Section 5102(a) is amended to read as
13 follows:

14 “(a) IN GENERAL.—An employer shall provide to
15 each employee employed by the employer paid sick time
16 for any qualifying need related to a public health emer-
17 gency (as defined in section 110(a)(2)(A) of the Family
18 and Medical Leave Act of 1993 (29 U.S.C.
19 2620(a)(2)(A)).”.

20 (b) RECURRENCE.—Section 5102(b) is amended by
21 striking “An” and inserting “During any 12-month pe-
22 riod, an”.

23 (c) EMPLOYERS WITH EXISTING POLICIES.—Section
24 5102 is amended by striking subsection (f) and inserting
25 the following:

1 “(f) EMPLOYERS WITH EXISTING POLICIES.—With
2 respect to an employer that provides paid leave on the day
3 before the date of the enactment of this Act—

4 “(1) the paid sick time under this Act shall be
5 made available to employees of the employer in addi-
6 tion to such paid leave; and

7 “(2) the employer may not change such paid
8 leave on or after such date of enactment to avoid
9 being subject to paragraph (1).”.

10 (d) INTERMITTENT LEAVE.—Section 5102 is further
11 amended by adding at the end the following:

12 “(g) LEAVE TAKEN INTERMITTENTLY OR ON A RE-
13 DUCED WORK SCHEDULE.—Leave under section 5102
14 may be taken by an employee intermittently or on a re-
15 duced work schedule, without regard to whether the em-
16 ployee and the employer of the employee have an agree-
17 ment with respect to whether such leave may be taken
18 intermittently or on a reduced work schedule.”.

19 (e) CERTIFICATION.—Section 5102 is further amend-
20 ed by adding at the end the following:

21 “(h) CERTIFICATION.—If an employer requires that
22 a request for paid sick time under this section be cer-
23 tified—

24 “(1) the documentation described in paragraph
25 (2) of section 110(f) of the Family and Medical

1 Leave Act of 1993 (29 U.S.C. 2620(f)) shall be suf-
2 ficient for certification; and

3 “(2) an employer may not require such certifi-
4 cation unless—

5 “(A) the employee takes not less than 3
6 consecutive days of paid sick time; and

7 “(B) the employer requires documents for
8 such certification not earlier than 7 workdays
9 after the employee returns to work after such
10 paid sick time.”.

11 (f) NOTICE.—Section 5102 is further amended by
12 adding at the end the following:

13 “(i) NOTICE.—In any case where the necessity for
14 leave under this section is foreseeable, an employee shall
15 provide the employer with such notice of leave as is prac-
16 ticable.”.

17 (g) LEAVE TRANSFER TO NEW EMPLOYER.—Section
18 5102 is further amended by adding at the end the fol-
19 lowing:

20 “(j) LEAVE TRANSFER TO NEW EMPLOYER.—A cov-
21 ered employee who begins employment with a new covered
22 employer shall be entitled to the full amount of leave under
23 section 5102 with respect to such employer.”.

24 (h) RESTORATION TO POSITION.—

1 (1) IN GENERAL.—Section 5102 is further
2 amended by adding at the end the following:

3 “(k) RESTORATION TO POSITION.—Any covered em-
4 ployee who takes paid sick time under this section, on re-
5 turn from such paid sick time, shall be entitled—

6 “(1) to be restored by the employer to the posi-
7 tion of employment held by the employee when the
8 leave commenced; or

9 “(2) if such position is not available, to be re-
10 stored to an equivalent position with equivalent em-
11 ployment benefits, pay, and other terms and condi-
12 tions of employment.”.

13 (2) ENFORCEMENT.—Section 5105 is amend-
14 ed—

15 (A) by amending subsection (a) to read as
16 follows:

17 “(a) UNPAID SICK LEAVE.—Subject to subsection
18 (b), a violation of section 5102 shall be deemed a violation
19 of section 7 of the Fair Labor Standards Act of 1938 (29
20 U.S.C. 207) and unpaid amounts shall be treated as un-
21 paid overtime compensation under such section for the
22 purposes of sections 15 and 16 of such Act (29 U.S.C.
23 215 and 216).”; and

24 (B) in subsection (b), by inserting “section
25 5102(k) or” before “section 5104”.

1 **SEC. 123. SUNSET.**

2 Section 5109 is amended by striking “December 31,
3 2020” and inserting “February 28, 2021”.

4 **SEC. 124. DEFINITIONS.**

5 (a) EMPLOYER.—Section 5110(2)(B) is amended—

6 (1) by striking “terms” and inserting “term”;

7 (2) by amending subclause (I) of clause (i) to
8 read as follows:

9 “(I) means any person engaged
10 in commerce or in any industry or ac-
11 tivity affecting commerce that employs
12 1 or more employees;” and

13 (3) by amending clause (ii) to read as follows:

14 “(ii) PUBLIC AGENCY AND NON-PROF-
15 IT ORGANIZATIONS.—For purposes of
16 clause (i)(III) and (i)(I), a public agency
17 and a nonprofit organization shall be con-
18 sidered to be a person engaged in com-
19 merce or in an industry or activity affect-
20 ing commerce.”.

21 (b) FMLA TERMS.—Section 5110(4) is amended to
22 read as follows:

23 “(4) FMLA TERMS.—

24 “(A) SECTION 101.—The terms ‘health
25 care provider’, ‘next of kin’, ‘son or daughter’,
26 and ‘spouse’ have the meanings given such

1 terms in section 101 of the Family and Medical
2 Leave Act of 1993 (29 U.S.C. 2611).

3 “(B) SECTION 110.—The terms ‘child care
4 provider’, ‘domestic partner’, ‘family member’,
5 ‘parent’, and ‘school’ have the meanings given
6 such terms in section 110(a)(2) of the Family
7 and Medical and Leave Act of 1993.”.

8 (c) PAID SICK TIME.—Section 5110(5) is amended—

9 (1) in subparagraph (A)—

10 (A) in clause (i), by striking “reason de-
11 scribed in any paragraph of section 2(a)” and
12 inserting “qualifying need related to a public
13 health emergency”; and

14 (B) in clause (ii), by striking “exceed” and
15 all that follows and inserting “exceed \$511 per
16 day and \$5,110 in the aggregate.”;

17 (2) in subparagraph (B)—

18 (A) by striking the following:

19 “(B) REQUIRED COMPENSATION.—

20 “(i) IN GENERAL.—Subject to sub-
21 paragraph (A)(ii),”; and inserting the fol-
22 lowing:

23 “(B) REQUIRED COMPENSATION.—Subject
24 to subparagraph (A)(ii),”; and

25 (B) by striking clause (ii); and

1 (3) in subparagraph (C), by striking “ section
2 2(a)” and inserting “section 5102(a)”.

3 (d) **QUALIFYING NEED RELATED TO A PUBLIC**
4 **HEALTH EMERGENCY.**—Section 5110 is amended by add-
5 ing at the end the following:

6 “(1) **QUALIFYING NEED RELATED TO A PUBLIC**
7 **HEALTH EMERGENCY.**—The term ‘qualifying need
8 related to a public health emergency’ has the mean-
9 ing given such term in section 110(a)(2)(A) of the
10 Family and Medical Leave Act of 1993 (29 U.S.C.
11 2620(a)(2)(A)).”.

12 **SEC. 125. EMERGENCY PAID SICK LEAVE FOR EMPLOYEES**
13 **OF THE DEPARTMENT OF VETERANS AF-**
14 **FAIRS AND THE TRANSPORTATION SECURITY**
15 **ADMINISTRATION FOR PURPOSES RELATING**
16 **TO COVID-19.**

17 Section 5110(1) is further amended—

18 (1) in subparagraph (E) by striking “or” after
19 “Code;”;

20 (2) by redesignating subparagraph (F) as sub-
21 paragraph (H); and

22 (3) by inserting after subparagraph (E) the fol-
23 lowing:

24 “(F) notwithstanding sections 7421(a) or
25 7425(b) of title 38, United States Code, or any

1 other provision of law, an employee of the De-
2 partment of Veterans Affairs (including employ-
3 ees under chapter 74 of such title);

4 “(G) any employee of the Transportation
5 Security Administration, including an employee
6 under 111(d) of the Aviation and Transpor-
7 tation Security Act (49 U.S.C. 44935 note);
8 or”.

9 **SEC. 126. AUTHORITY OF THE DIRECTOR OF THE OFFICE**
10 **OF MANAGEMENT AND BUDGET TO EXCLUDE**
11 **CERTAIN EMPLOYEES.**

12 Division E is amended by striking section 5112.

13 **SEC. 127. REGULATORY AUTHORITIES.**

14 (a) **IN GENERAL.**—Division E is amended by striking
15 section 5111.

16 (b) **FORCE OR EFFECT OF REGULATIONS.**—Any reg-
17 ulation issued under section 5111 of division E of the
18 Families First Coronavirus Response Act (Public Law
19 116–127), as in effect on the day before the date of the
20 enactment of this Act, shall have no force or effect.

1 **TITLE II—COVID-19 EVERY**
2 **WORKER PROTECTION ACT**
3 **OF 2020**

4 **SEC. 201. SHORT TITLE.**

5 This title may be cited as the “COVID-19 Every
6 Worker Protection Act of 2020”.

7 **SEC. 202. EMERGENCY TEMPORARY AND PERMANENT**
8 **STANDARDS.**

9 (a) EMERGENCY TEMPORARY STANDARD.—

10 (1) IN GENERAL.—In consideration of the grave
11 danger presented by COVID-19 and the need to
12 strengthen protections for employees, not later than
13 7 days after the date of the enactment of this Act,
14 the Secretary of Labor shall promulgate an emer-
15 gency temporary standard to protect from occupa-
16 tional exposure to SARS-CoV-2—

17 (A) employees of health care sector em-
18 ployers;

19 (B) employees of employers in paramedic
20 and emergency medical services, including such
21 services provided by firefighters and other
22 emergency responders; and

23 (C) employees of employers in other sec-
24 tors or occupations, including mortuary serv-
25 ices, food processing (including poultry, meat,

1 and seafood), agriculture and crop harvesting,
2 manufacturing, indoor and outdoor construc-
3 tion, correctional centers, jails, and detention
4 centers, transportation (including airports, train
5 stations, and bus stations), retail and wholesale
6 grocery, warehousing and package and mail
7 processing and delivery services, call centers,
8 education, social service and daycare, homeless
9 shelters, hotels, restaurants and bars, drug
10 stores and pharmacies, and retail establish-
11 ments.

12 (2) CONSULTATION.—In developing the stand-
13 ard under this subsection, the Secretary of Labor—

14 (A) shall consult with—

15 (i) the Director of the Centers for
16 Disease Control and Prevention; and

17 (ii) the Director of the National Insti-
18 tute for Occupational Safety and Health;

19 and

20 (B) may consult with the professional asso-
21 ciations and representatives of the employees
22 described in paragraph (1).

23 (3) ENFORCEMENT DISCRETION.—If the Sec-
24 retary of Labor determines it is not feasible for an
25 employer to comply with a requirement of the stand-

1 ard promulgated under this subsection (such as a
2 shortage of the necessary personal protective equip-
3 ment), the Secretary may exercise discretion in the
4 enforcement of such requirement if the employer
5 demonstrates that the employer—

6 (A) is exercising due diligence to come into
7 compliance with such requirement; and

8 (B) is implementing alternative methods
9 and measures to protect employees.

10 (4) EXTENSION OF STANDARD.—Notwith-
11 standing paragraphs (2) and (3) of section 6(c) of
12 the Occupational Safety and Health Act of 1970 (29
13 U.S.C. 655(c)), the emergency temporary standard
14 promulgated under this subsection shall be in effect
15 until the date on which the final standard promul-
16 gated under subsection (b) is in effect.

17 (5) STATE PLAN ADOPTION.—With respect to a
18 State with a State plan that has been approved by
19 the Secretary of Labor under section 18 of the Oc-
20 cupational Safety and Health Act of 1970 (29
21 U.S.C. 667), not later than 14 days after the date
22 of the enactment of this Act, such State shall pro-
23 mulgate an emergency temporary standard that is at
24 least as effective in protecting from occupational ex-
25 posure to SARS-CoV-2 the employees described in

1 paragraph (1) as the emergency temporary standard
2 promulgated under this subsection.

3 (6) EMPLOYER DEFINED.—For purposes of the
4 standard promulgated under this subsection, the
5 term “employer” (as defined in section 3 of the Oc-
6 cupational Safety and Health Act of 1970 (29
7 U.S.C. 652)) includes any State or political subdivi-
8 sion of a State, except for a State or political sub-
9 division of a State already subject to the jurisdiction
10 of a State plan approved under section 18(b) of the
11 Occupational Safety and Health Act of 1970 (29
12 U.S.C. 667(b)).

13 (7) REQUIREMENTS.—The standard promul-
14 gated under this subsection shall include—

15 (A) a requirement that any employer of an
16 employee in an occupation or sector described
17 in paragraph (1)—

18 (i) conduct a hazard assessment to as-
19 sess risks of occupational exposure to
20 SARS-CoV-2;

21 (ii) develop and implement an expo-
22 sure control plan, based on the hazard as-
23 sessment mandated in clause (i), with the
24 input and involvement of employees or the
25 representatives of employees, as appro-

1 appropriate, to address the risk of occupational
2 exposure in such sectors and occupations;

3 (iii) provide job specific training and
4 education to such employees on such
5 standard, the plan under clause (ii), and
6 prevention of the transmission of SARS-
7 CoV-2;

8 (iv) implement, as appropriate, engi-
9 neering controls, including ventilation;
10 work practice controls (including physical
11 distancing of not less than 6 feet while on
12 the job and during paid breaks); and ap-
13 propriate respiratory protection and other
14 personal protective equipment;

15 (v) develop and implement procedures
16 for—

17 (I) sanitation of the work envi-
18 ronment;

19 (II) screening of employees for
20 signs and symptoms of COVID-19;

21 (III) the return to work for em-
22 ployees who previously tested positive
23 for COVID-19 or who showed signs
24 or symptoms of COVID-19; and

1 (IV) ensuring that subcontractors
2 comply with the procedures under
3 subclauses (I) through (III); and

4 (vi) record and report each work-re-
5 lated COVID–19 infection and death, as
6 set forth in part 1904 of title 29, Code of
7 Federal Regulations (as in effect on the
8 date of the enactment of this Act);

9 (B) no less protection for novel pathogens
10 than precautions mandated by standards adopt-
11 ed by a State plan that has been approved by
12 the Secretary of Labor under section 18 of the
13 Occupational Safety and Health Act of 1970
14 (29 U.S.C. 667);

15 (C) the incorporation, as appropriate, of—

16 (i) guidelines issued by the Centers
17 for Disease Control and Prevention, the
18 National Institute for Occupational Safety
19 and Health, and the Occupational Safety
20 and Health Administration which are de-
21 signed to prevent the transmission of infec-
22 tious agents in health care or other occu-
23 pational settings; and

24 (ii) relevant scientific research on
25 novel pathogens; and

- 1 (D) a requirement for each employer to—
- 2 (i) maintain a COVID–19 employee
- 3 infection log, notify its own employees and
- 4 report to the appropriate health depart-
- 5 ment of each confirmed positive COVID–
- 6 19 diagnosis of an employee within 24
- 7 hours of the employer learning of such
- 8 confirmed positive diagnosis, whether or
- 9 not the infection is work-related, consistent
- 10 with the confidentiality requirements of the
- 11 Americans with Disabilities Act of 1990
- 12 (42 U.S.C. 12101 et seq.), the HIPAA pri-
- 13 vacy regulations (defined in section
- 14 1180(b)(3) of the Social Security Act (42
- 15 U.S.C. 1320d–9(b)) and other applicable
- 16 Federal regulations; and
- 17 (ii) report to the Occupational Safety
- 18 and Health Administration any outbreak
- 19 of three or more confirmed positive
- 20 COVID–19 diagnoses that have occurred
- 21 among employees present at the place of
- 22 employment within a 14-day period, not
- 23 later than 24 hours after the employer is
- 24 made aware of such an outbreak.

1 (8) INAPPLICABLE PROVISIONS OF LAW AND
2 EXECUTIVE ORDER.—The following provisions of law
3 and Executive orders shall not be applicable with re-
4 spect to the standard promulgated under this sub-
5 section:

6 (A) The requirements of chapter 6 of title
7 5, United States Code (commonly referred to as
8 the “Regulatory Flexibility Act”).

9 (B) Subchapter I of chapter 35 of title 44,
10 United States Code (commonly referred to as
11 the “Paperwork Reduction Act”).

12 (C) The Unfunded Mandates Reform Act
13 of 1995 (2 U.S.C. 1501 et seq.).

14 (D) Executive Order 12866 (58 Fed. Reg.
15 190; relating to regulatory planning and re-
16 view), as amended.

17 (E) Executive Order 13771 (82 Fed. Reg.
18 9339, relating to reducing regulation and con-
19 trolling regulatory costs).

20 (b) PERMANENT STANDARD.—Not later than 24
21 months after the date of the enactment of this Act, the
22 Secretary of Labor shall, pursuant to section 6 of the Oc-
23 cupational Safety and Health Act (29 U.S.C. 655), pro-
24 mulgate a final standard—

1 (1) to protect employees described in subsection
2 (a)(1) from occupational exposure to infectious
3 pathogens, including novel pathogens; and

4 (2) that shall be effective and enforceable in the
5 same manner and to the same extent as a standard
6 promulgated under section 6(b) of the Occupational
7 Safety and Health Act of 1970 (29 U.S.C. 655(b)).

8 (c) ANTI-RETALIATION.—

9 (1) POLICY.—Each standard promulgated
10 under this section shall require employers to adopt
11 a policy prohibiting the discrimination and retalia-
12 tion described in paragraph (2) by any person (in-
13 cluding an agent of the employer).

14 (2) PROHIBITION.—No employer (including an
15 agent of the employer) shall discriminate or retaliate
16 against an employee for—

17 (A) reporting to the employer, to a local,
18 State, or Federal government agency, or to the
19 media or on a social media platform—

20 (i) a violation of a standard promul-
21 gated pursuant to this Act;

22 (ii) a violation of an infectious disease
23 exposure control plan described in sub-
24 section (c)(1); or

1 (iii) a good faith concern about a
2 workplace infectious disease hazard;

3 (B) seeking assistance or intervention from
4 the employer or a local, State, or Federal gov-
5 ernment agency with respect to such a report;

6 (C) voluntary use of personal protective
7 equipment with a higher level of protection than
8 is provided by the employer; or

9 (D) exercising any other right under the
10 Occupational Safety and Health Act of 1970
11 (29 U.S.C. 651 et seq.).

12 (3) ENFORCEMENT.—This subsection shall be
13 enforced in the same manner and to the same extent
14 as any standard promulgated under section 6(b) of
15 the Occupational Safety and Health Act of 1970 (29
16 U.S.C. 655(b)).

17 (d) EFFECT ON OTHER LAWS, REGULATIONS, OR
18 ORDERS.—

19 (1) IN GENERAL.—Nothing in this Act shall be
20 construed to—

21 (A) curtail or limit authority of the Sec-
22 retary under any other provision of law; or

23 (B) preempt the application of any other
24 statute, regulation, or order of any State or
25 local government related to SARS-CoV-2 in

1 the workplace except to the extent that such
2 provisions are inconsistent with this Act, or a
3 standard promulgated pursuant to this Act, and
4 in such case only to the extent of the inconsis-
5 tency.

6 (2) **EQUAL OR GREATER PROTECTION.**—A pro-
7 vision of law, regulation, or order of a State or local
8 government shall not be considered inconsistent with
9 this Act or standard promulgated under this Act
10 under paragraph (1)(B) if such provision provides
11 equal or greater health or safety protection to an
12 employee than the protection provided under this
13 Act, an Emergency Temporary Standard, or a final
14 standard promulgated under this Act.

15 **SEC. 203. REPORTING, TRACKING, INVESTIGATION AND**
16 **SURVEILLANCE OF COVID-19 INFECTIONS**
17 **AND OUTBREAKS.**

18 The Director of the Centers for Disease Control and
19 Prevention, in conjunction with the Director of the Na-
20 tional Institute for Occupational Safety and Health, in co-
21 operation with State and territorial health departments,
22 shall—

23 (1) collect and analyze case reports, including
24 information on the work status, occupation, and in-
25 dustry classification of an individual, and other data

1 on COVID–19, to identify and evaluate the extent,
2 nature, and source of COVID–19 among employees
3 described in section (a)(1);

4 (2) compile data and statistics on COVID–19
5 among such employees and provide to the public
6 periodic reports on such data and statistics; and

7 (3) based on such reports, make recommenda-
8 tions on needed actions or guidance to protect such
9 employees.

10 **TITLE III—COVID–19 PROTEC-**
11 **TIONS UNDER LONGSHORE**
12 **AND HARBOR WORKERS’**
13 **COMPENSATION ACT**

14 **SEC. 301. COMPENSATION PURSUANT TO THE LONGSHORE**
15 **AND HARBOR WORKERS’ COMPENSATION**
16 **ACT.**

17 (a) ENTITLEMENT TO COMPENSATION.—

18 (1) IN GENERAL.—A covered employee who re-
19 ceives a diagnosis or is subject to an order described
20 in paragraph (2)(B) and who provides notice of or
21 files a claim relating to such diagnosis or order
22 under section 12 or 13 of the Longshore and Harbor
23 Workers’ Compensation Act (33 U.S.C. 912, 913),
24 respectively, shall—

1 (A) be deemed to have an injury arising
2 out of or in the course of employment for which
3 compensation is payable under the Longshore
4 and Harbor Workers' Compensation Act (33
5 U.S.C. 901 et seq.); and

6 (B) be paid the compensation to which the
7 employee is entitled under such Act (33 U.S.C.
8 901 et seq.).

9 (2) COVERED EMPLOYEE.—In this section, the
10 term “covered employee” means an employee who—

11 (A) at any time during the period begin-
12 ning on January 27, 2020, and ending on Jan-
13 uary 27, 2022, was engaged in maritime em-
14 ployment; and

15 (B) was—

16 (i) at any time during the period be-
17 ginning on January 27, 2020, and ending
18 on February 27, 2022, diagnosed with
19 COVID-19; or

20 (ii) at any time during the period de-
21 scribed in subparagraph (A), ordered not
22 to return to work by the employee's em-
23 ployer or by a local, State, or Federal
24 agency because of exposure, or the risk of

1 exposure, to 1 or more individuals diag-
2 nosed with COVID–19 in the workplace.

3 (b) REIMBURSEMENT.—

4 (1) IN GENERAL.—

5 (A) ENTITLEMENT.—Subject to subpara-
6 graph (B), an employer of a covered employee
7 or the employer’s carrier shall be entitled to re-
8 imbursement for any compensation paid with
9 respect to a notice or claim described in sub-
10 section (a), including disability benefits, funeral
11 and burial expenses, medical or other related
12 costs for treatment and care, and reasonable
13 and necessary allocated claims expenses.

14 (B) SAFETY AND HEALTH REQUIRE-
15 MENTS.—To be entitled to reimbursement
16 under subparagraph (A)—

17 (i) an employer shall be in compliance
18 with all applicable safety and health guide-
19 lines and standards that are related to the
20 prevention of occupational exposure to the
21 novel coronavirus that causes COVID–19,
22 including such guidelines and standards
23 issued by the Occupational Safety and
24 Health Administration, State plans ap-
25 proved under section 18 of the Occupa-

1 tional Safety and Health Act of 1970 (29
2 U.S.C. 667), the Coast Guard, and Fed-
3 eral, State or local public health authori-
4 ties; and

5 (ii) a carrier—

6 (I) shall be a carrier for an em-
7 ployer that is in compliance with
8 clause (i); and

9 (II) shall not adjust the experi-
10 ence rating or the annual premium of
11 the employer based upon the com-
12 pensation paid by the carrier with re-
13 spect to a notice or claim described in
14 subparagraph (A).

15 (2) REIMBURSEMENT PROCEDURES.—To re-
16 ceive reimbursement under paragraph (1)—

17 (A) a claim for such reimbursement shall
18 be submitted to the Secretary of Labor—

19 (i) not later than one year after the
20 final payment of compensation to a covered
21 employee pursuant to this section; and

22 (ii) in the same manner as a claim for
23 reimbursement is submitted in accordance
24 with part 61 of title 20, Code of Federal

1 Regulations (as in effect on the date of the
2 enactment of this Act); and

3 (B) an employer and the employer's carrier
4 shall make, keep, and preserve such records,
5 make such reports, and provide such informa-
6 tion, as the Secretary of Labor determines nec-
7 essary or appropriate to carry out this section.

8 (c) SPECIAL FUND.—

9 (1) IN GENERAL.—A reimbursement under
10 paragraph (1) shall be paid out of the special fund
11 established in section 44 of Longshore and Harbor
12 Workers' Compensation Act (33 U.S.C. 944).

13 (2) FUNDING.—There are authorized to be ap-
14 propriated, and there are appropriated, such funds
15 as may be necessary to reimburse the special fund
16 described in paragraph (1) for each reimbursement
17 paid out of such fund under paragraph (1).

18 (d) REPORT.—Not later than 60 days after the end
19 of fiscal year 2020, 2021, and 2022, the Secretary of
20 Labor shall submit to the Committee on Education and
21 Labor of the House of Representatives and the Committee
22 on Health, Education, Labor and Pensions of the Senate,
23 an annual report enumerating—

24 (1) the number of claims filed pursuant to sec-
25 tion (a)(1);

1 (2) of such filed claims—

2 (A) the number and types of claims ap-
3 proved under section 13 of the Longshore and
4 Harbor Workers' Compensation Act (33 U.S.C.
5 913);

6 (B) the number and types of claims denied
7 under such section;

8 (C) the number and types of claims pend-
9 ing under such section; and

10 (3) the amounts and the number of claims for
11 reimbursement paid out of the special fund under
12 subsection (c)(1) for the fiscal year for which the re-
13 port is being submitted.

14 (e) REGULATIONS.—The Secretary of Labor may
15 promulgate such regulations as may be necessary to carry
16 out this section.

17 (f) DEFINITIONS.—In this section:

18 (1) LHWCA TERMS.—The terms “carrier”,
19 “compensation”, “employee”, and “employer” have
20 the meanings given the terms in section 2 of the
21 Longshore and Harbor Workers' Compensation Act
22 (33 U.S.C. 902).

23 (2) NOVEL CORONAVIRUS.—The term “novel
24 coronavirus” means SARS-CoV-2.

1 **TITLE IV—WORKER’S COM-**
2 **PENSATION FOR FEDERAL**
3 **AND POSTAL EMPLOYEES DI-**
4 **AGNOSED WITH COVID–19**

5 **SEC. 401. PRESUMPTION OF ELIGIBILITY FOR WORKERS’**
6 **COMPENSATION BENEFITS FOR FEDERAL**
7 **EMPLOYEES DIAGNOSED WITH COVID–19.**

8 (a) IN GENERAL.—An employee who is diagnosed
9 with COVID–19 during the period described in subsection
10 (b)(2)(A) shall, with respect to any claim made by or on
11 behalf of the employee for benefits under subchapter I of
12 chapter 81 of title 5, United States Code, be deemed to
13 have an injury proximately caused by exposure to
14 coronavirus arising out of the nature of the employee’s em-
15 ployment and be presumptively entitled to such benefits,
16 including disability compensation, medical services, and
17 survivor benefits.

18 (b) DEFINITIONS.—In this section—

19 (1) the term “coronavirus” means SARS–
20 CoV–2 or another coronavirus with pandemic poten-
21 tial; and

22 (2) the term “employee”—

23 (A) means an employee as that term is de-
24 fined in section 8101(1) of title 5, United
25 States Code, (including an employee of the

1 United States Postal Service, the Transpor-
2 tation Security Administration, or the Depart-
3 ment of Veterans Affairs, including any indi-
4 vidual appointed under chapter 73 or 74 of title
5 38, United States Code) employed in the Fed-
6 eral service at anytime during the period begin-
7 ning on January 27, 2020, and ending on Jan-
8 uary 30, 2022—

9 (i) who carried out duties requiring
10 contact with patients, members of the pub-
11 lic, or co-workers; or

12 (ii) whose duties include a risk of ex-
13 posure to the coronavirus; and

14 (B) does not include any employee other-
15 wise covered by subparagraph (A) who is tele-
16 working on a full-time basis in the period de-
17 scribed in such subparagraph prior to a diag-
18 nosis with COVID-19.

19 **TITLE V—COVID-19 WORKFORCE**
20 **DEVELOPMENT RESPONSE**
21 **ACTIVITIES**

22 **SEC. 501. DEFINITIONS.**

23 (a) IN GENERAL.—Except as otherwise provided, the
24 terms in this title have the meanings given the terms in

1 section 3 of the Workforce Innovation and Opportunity
2 Act (29 U.S.C. 3102).

3 (b) CORONAVIRUS.—The term “coronavirus” means
4 coronavirus as defined in section 506 of the Coronavirus
5 Preparedness and Response Supplemental Appropriations
6 Act, 2020 (Public Law 116–123).

7 (c) COVID–19 NATIONAL EMERGENCY.—The term
8 “COVID–19 national emergency” means the national
9 emergency declared by the President under the National
10 Emergencies Act (50 U.S.C. 1601 et seq.) on March 13,
11 2020, with respect to the coronavirus.

12 (d) SECRETARY.—The term “Secretary” means the
13 Secretary of Labor.

14 **SEC. 502. JOB CORPS RESPONSE TO THE COVID–19 NA-**
15 **TIONAL EMERGENCY.**

16 In order to provide for the successful continuity of
17 services and enrollment periods during the COVID–19 na-
18 tional emergency, additional flexibility shall be provided
19 for Job Corps operators, providers of eligible activities,
20 and practitioners, including the following:

21 (1) ELIGIBILITY.—Notwithstanding the age re-
22 quirements for enrollment under section 144(a)(1)
23 of the Workforce Innovation and Opportunity Act
24 (29 U.S.C. 3194(a)(1)), an individual seeking to en-
25 roll in Job Corps and who turns 25 during the

1 COVID–19 national emergency is eligible for such
2 enrollment during or up to one year after the end
3 of the qualifying emergency.

4 (2) ENROLLMENT LENGTH.—Notwithstanding
5 section 146(b) of the Workforce Innovation and Op-
6 portunity Act (29 U.S.C. 3196(b)), an individual en-
7 rolled in Job Corps during the COVID–19 national
8 emergency may extend their period of enrollment for
9 more than 2 years as long as such extension does
10 not exceed a 2-year, continuous period of enrollment
11 after the COVID–19 national emergency.

12 (3) ADVANCED CAREER TRAINING PROGRAMS.—
13 Notwithstanding paragraph (2), with respect to ad-
14 vanced career training programs under section
15 148(c) of the Workforce Innovation and Opportunity
16 Act (29 U.S.C. 3198(c)) in which the enrollees may
17 continue to participate for a period not to exceed 1
18 year in addition to the period of participation to
19 which the enrollees would otherwise be limited, the
20 COVID–19 national emergency shall not be consid-
21 ered as any portion of such additional 1-year partici-
22 pation period.

23 (4) COUNSELING, JOB PLACEMENT, AND AS-
24 SESSMENT.—The counseling, job placement, and as-
25 sessment services described in section 149 of the

1 Workforce Innovation and Opportunity Act (29
2 U.S.C. 3199) shall be available to former enrollees—

3 (A) whose enrollment was interrupted due
4 to the COVID–19 national emergency;

5 (B) who graduated from Job Corps on or
6 after January 1, 2020; or

7 (C) who graduated from Job Corps not
8 later than 3 months after the COVID–19 na-
9 tional emergency.

10 (5) SUPPORT.—The Secretary shall provide ad-
11 ditional support for the transition periods described
12 in section 150 of the Workforce Innovation and Op-
13 portunity Act (29 U.S.C. 3200), including the fol-
14 lowing:

15 (A) TRANSITION ALLOWANCES.—The Sec-
16 retary shall provide, subject to the availability
17 of appropriations, for the provision of additional
18 transition allowances as described in subsection
19 (b) of such section for Job Corps students who
20 graduate during the periods described in sub-
21 paragraph (B) or (C) of paragraph (4).

22 (B) TRANSITION SUPPORT.—The Secretary
23 shall consider the period during the COVID–19
24 national emergency and the three month period
25 following the conclusion of the COVID–19 na-

1 tional emergency as the period in which the
2 provision of employment services as described in
3 subsection (c) of such section shall be provided
4 to graduates who have graduated in 2020.

5 (6) ENROLLMENT ELIGIBILITY.—The require-
6 ments described in sections 145(a)(2)(A) and
7 152(b)(2)(B) of the Workforce Innovation and Op-
8 portunity Act (29 U.S.C. 3195(a)(2)(A) and 29
9 U.S.C. 3202(b)(2)(B)) shall be applicable only for
10 students participating onsite or once returning to
11 onsite after participating in distance learning.

12 (7) EFFECTIVELY SUPPORTING DISTANCE
13 LEARNING.—The Secretary shall take such steps
14 necessary to modify the agreements required by Sec.
15 147(a) of the Workforce Innovation and Opportunity
16 Act (29 U.S.C. 3197(a)(1)) to enable operators and
17 service providers to purchase, within the limitations
18 of the contract values or established annual budgets
19 for Job Corps Centers, any equipment, supplies, and
20 services that the operators or service providers deter-
21 mine are necessary to facilitate effective virtual
22 learning and to protect the health of students and
23 staff on-center during the COVID–19 national emer-
24 gency, including distance learning technology for
25 students and COVID–19 testing, and shall allow

1 students to retain permanent possession of such
2 equipment and technology without financial penalty
3 regardless of their enrollment status.

4 **SEC. 503. MIGRANT AND SEASONAL FARMWORKER PRO-**
5 **GRAM RESPONSE.**

6 During the COVID–19 national emergency, for the
7 purposes of section 167(i)(3)(A) of the Workforce Innova-
8 tion and Opportunity Act (29 U.S.C. 3222(i)(3)(A)), the
9 term “low income individual” shall include an individual
10 with a total family income equal to or less than 150 per-
11 cent of the poverty line.

12 **SEC. 504. YOUTHBUILD ACTIVITIES RESPONDING TO THE**
13 **COVID–19 NATIONAL EMERGENCY.**

14 During the COVID–19 national emergency, the Sec-
15 retary shall provide for flexibility for YouthBuild partici-
16 pants and entities carrying out YouthBuild programs, in-
17 cluding the following:

18 (1) **ELIGIBILITY.**—Notwithstanding the age re-
19 quirements for enrollment under section
20 171(e)(1)(A)(i) of the Workforce Innovation and Op-
21 portunity Act (29 U.S.C. 3226(e)(1)(A)(i)), an indi-
22 vidual seeking to participate in a YouthBuild pro-
23 gram and who turns 25 during the COVID–19 na-
24 tional emergency is eligible for such participation.

1 (2) PARTICIPATION LENGTH.—Notwithstanding
2 section 171(e)(2) of the Workforce Innovation and
3 Opportunity Act (29 U.S.C. 3226(e)(2)), the period
4 of participation in a YouthBuild program may ex-
5 tend beyond 24 months for an individual partici-
6 pating in such program during the COVID–19 na-
7 tional emergency, as long as such extension does not
8 exceed a 24 month, continuous period of enrollment
9 after the COVID–19 national emergency.

10 **SEC. 505. APPRENTICESHIP SUPPORT DURING THE COVID–**
11 **19 NATIONAL EMERGENCY.**

12 Not later than 30 days after the date of the enact-
13 ment of this Act, the Secretary shall identify and dissemi-
14 nate strategies and tools to support virtual and online
15 learning and training in apprenticeship programs.

1 **DIVISION D—HUMAN SERVICES**
2 **AND COMMUNITY SUPPORTS**

3 **SEC. 100. SHORT TITLE.**

4 This division may be cited as the “Human Services
5 and Community Supports Act”.

6 **TITLE I—STRONGER CHILD**
7 **ABUSE PREVENTION AND**
8 **TREATMENT**

9 **Subtitle A—General Program**

10 **SEC. 101. REPEAL OF FINDINGS.**

11 Section 2 of the Child Abuse Prevention and Treat-
12 ment Act (42 U.S.C. 5101 note) is repealed.

13 **SEC. 102. REPEAL OF ADVISORY BOARD ON CHILD ABUSE**
14 **AND NEGLECT.**

15 Section 102 of the Child Abuse Prevention and
16 Treatment Act (42 U.S.C. 5102) is repealed.

17 **SEC. 103. NATIONAL CLEARINGHOUSE FOR INFORMATION**
18 **RELATING TO CHILD ABUSE.**

19 Section 103 of the Child Abuse Prevention and
20 Treatment Act (42 U.S.C. 5104) is amended—

21 (1) in subsection (b)(1), by inserting “early
22 learning programs and” after “including”;

23 (2) in subsection (c)(1)(C)—

24 (A) in clause (iii), by striking “and” at the
25 end;

1 (B) in clause (iv), by adding “and” at the
2 end; and

3 (C) by adding at the end the following:

4 “(v) the number of child fatalities and
5 near fatalities due to maltreatment, as re-
6 ported by States in accordance with the
7 uniform standards established pursuant to
8 subsection (d), and any other relevant in-
9 formation related to such fatalities;” and

10 (3) by adding at the end the following:

11 “(d) UNIFORM STANDARDS FOR TRACKING AND RE-
12 PORTING OF CHILD FATALITIES RESULTING FROM MAL-
13 TREATMENT.—

14 “(1) REGULATIONS REQUIRED.—Not later than
15 24 months after the date of the enactment of the
16 Human Services and Community Supports Act, the
17 Secretary shall develop and issue final regulations
18 establishing uniform standards for the tracking and
19 reporting of child fatalities and near-fatalities result-
20 ing from maltreatment. As a condition on eligibility
21 for receipt of funds under section 106, the standards
22 established under this paragraph shall be used by
23 States for the tracking and reporting of such fatali-
24 ties under subsection (d) of such section.

1 “(2) MAINTENANCE OF STATE LAW.—Notwith-
2 standing the uniform standards developed under
3 paragraph (1), a State that defines or describes such
4 fatalities for any purpose other than tracking and
5 reporting under this subsection may continue to use
6 that definition or description for such purpose.

7 “(3) NEGOTIATED RULEMAKING.—In devel-
8 oping regulations under paragraph (1), the Sec-
9 retary shall submit such regulations to a negotiated
10 rulemaking process, which shall include the partici-
11 pants described in paragraph (4).

12 “(4) PARTICIPANTS DESCRIBED.—The partici-
13 pants described in this paragraph are—

14 “(A) State and county officials responsible
15 for administering the State plans under this
16 Act and parts B and E of title IV of the Social
17 Security Act (42 U.S.C. 621 et seq., 670 et
18 seq.);

19 “(B) child welfare professionals with field
20 experience;

21 “(C) child welfare researchers;

22 “(D) domestic violence researchers;

23 “(E) domestic violence professionals;

24 “(F) child development professionals;

25 “(G) mental health professionals;

1 “(H) pediatric emergency medicine physi-
2 cians;

3 “(I) child abuse pediatricians, as certified
4 by the American Board of Pediatrics, who spe-
5 cialize in treating victims of child abuse;

6 “(J) forensic pathologists;

7 “(K) public health administrators;

8 “(L) public health researchers;

9 “(M) law enforcement;

10 “(N) family court judges;

11 “(O) prosecutors;

12 “(P) medical examiners and coroners;

13 “(Q) a representative from the National
14 Center for Fatality Review and Prevention; and

15 “(R) such other individuals and entities as
16 the Secretary determines to be appropriate.”.

17 **SEC. 104. RESEARCH AND ASSISTANCE ACTIVITIES.**

18 Section 104 of the Child Abuse Prevention and
19 Treatment Act (42 U.S.C. 5105) is amended—

20 (1) in subsection (a)—

21 (A) by amending paragraph (1) to read as
22 follows:

23 “(1) TOPICS.—The Secretary shall, in consulta-
24 tion with other Federal agencies and recognized ex-
25 perts in the field, carry out a continuing inter-

1 disciplinary program of research, including longitu-
2 dinal research, that is designed to provide informa-
3 tion needed to improve primary prevention of child
4 abuse and neglect, better protect children from child
5 abuse or neglect, and improve the well-being of vic-
6 tims of child abuse or neglect, with at least a portion
7 of such research being field initiated. Such research
8 program may focus on—

9 “(A) disseminating evidence-based treat-
10 ment directed to individuals and families experi-
11 encing trauma due to child abuse and neglect,
12 including efforts to improve the scalability of
13 the treatments and programs being researched;

14 “(B) developing a set of evidence-based ap-
15 proaches to support child and family well-being
16 and developing ways to identify, relieve, and
17 mitigate stressors affecting families in rural,
18 urban, and suburban communities;

19 “(C) establishing methods to promote ra-
20 cial equity in the child welfare system, including
21 a focus on how neglect is defined, how services
22 are provided, and the unique impact on Native
23 American, Alaska Native, and Native Hawaiian
24 communities;

1 “(D) improving service delivery or out-
2 comes for child welfare service agencies engaged
3 with families experiencing domestic violence,
4 substance use disorder, or other complex needs;

5 “(E) the extent to which the number of
6 unsubstantiated, unfounded, and false reported
7 cases of child abuse or neglect have contributed
8 to the inability of a State to respond effectively
9 to serious cases of child abuse or neglect;

10 “(F) the extent to which the lack of ade-
11 quate resources and the lack of adequate pro-
12 fessional development of individuals required by
13 law to report suspected cases of child abuse and
14 neglect have contributed to the inability of a
15 State to respond effectively to serious cases of
16 child abuse and neglect;

17 “(G) the extent to which unsubstantiated
18 reports return as more serious cases of child
19 abuse or neglect;

20 “(H) the incidence and outcomes of child
21 abuse and neglect allegations reported within
22 the context of divorce, custody, or other family
23 court proceedings, and the interaction between
24 family courts and the child protective services
25 system;

1 “(I) the information on the national inci-
2 dence of child abuse and neglect specified in
3 clauses (i) through (xi) of subparagraph (J);
4 and

5 “(J) the national incidence of child abuse
6 and neglect, including—

7 “(i) the extent to which incidents of
8 child abuse and neglect are increasing or
9 decreasing in number and severity;

10 “(ii) the incidence of substantiated
11 and unsubstantiated reported child abuse
12 and neglect cases;

13 “(iii) the number of substantiated
14 cases that result in a judicial finding of
15 child abuse or neglect or related criminal
16 court convictions;

17 “(iv) the extent to which the number
18 of unsubstantiated, unfounded and false
19 reported cases of child abuse or neglect
20 have contributed to the inability of a State
21 to respond effectively to serious cases of
22 child abuse or neglect;

23 “(v) the extent to which the lack of
24 adequate resources and the lack of ade-
25 quate education of individuals required by

1 law to report suspected cases of child
2 abuse and neglect have contributed to the
3 inability of a State to respond effectively to
4 serious cases of child abuse and neglect;

5 “(vi) the number of unsubstantiated,
6 false, or unfounded reports that have re-
7 sulted in a child being placed in substitute
8 care, and the duration of such placement;

9 “(vii) the extent to which unsubstan-
10 tiated reports return as more serious cases
11 of child abuse or neglect;

12 “(viii) the incidence and prevalence of
13 physical, sexual, and emotional abuse and
14 physical and emotional neglect in sub-
15 stitute care;

16 “(ix) the incidence and prevalence of
17 child maltreatment by a wide array of de-
18 mographic characteristics such as age, sex,
19 race, family structure, household relation-
20 ship (including the living arrangement of
21 the resident parent and family size), school
22 enrollment and education attainment, dis-
23 ability, grandparents as caregivers, labor
24 force status, work status in previous year,
25 and income in previous year;

1 “(x) the extent to which reports of
2 suspected or known instances of child
3 abuse or neglect involving a potential com-
4 bination of jurisdictions, such as intra-
5 state, interstate, Federal-State, and State-
6 Tribal, are being screened out solely on the
7 basis of the cross-jurisdictional complica-
8 tions; and

9 “(xi) the incidence and outcomes of
10 child abuse and neglect allegations re-
11 ported within the context of divorce, cus-
12 tody, or other family court proceedings,
13 and the interaction between family courts
14 and the child protective services system.”;

15 (B) in paragraph (2), by striking “para-
16 graph (1)(O)” and inserting “paragraph
17 (1)(J)”;

18 (C) by amending paragraph (3) to read as
19 follows:

20 “(3) REPORTING REQUIREMENTS.—

21 “(A) IN GENERAL.—Not later than 4 years
22 after the date of the enactment of the Human
23 Services and Community Supports Act, the Sec-
24 retary shall prepare and submit to the Com-
25 mittee on Education and Labor of the House of

1 Representatives and the Committee on Health,
2 Education, Labor and Pensions of the Senate a
3 report that contains the results of the research
4 conducted under paragraph (2).

5 “(B) NATIONAL INCIDENCE.—The Sec-
6 retary shall ensure that research conducted,
7 and data collected, under paragraph (1)(J) are
8 reported in a way that will allow longitudinal
9 comparisons as well as comparisons to the na-
10 tional incidence studies conducted under this
11 title.”; and

12 (D) by striking the second paragraph (4);
13 (2) in subsection (b), by amending paragraph
14 (2) to read as follows:

15 “(2) AREAS OF EMPHASIS.—Such technical as-
16 sistance—

17 “(A) shall focus on—

18 “(i) implementing strategies that can
19 leverage existing community-based and
20 State funded resources to prevent child
21 abuse and neglect and providing education
22 for individuals involved in prevention ac-
23 tivities;

24 “(ii) reducing racial bias in child wel-
25 fare systems, including how such systems

1 interact with health, law enforcement, and
2 education systems;

3 “(iii) promoting best practices for
4 families experiencing domestic violence,
5 substance use disorder, or other complex
6 needs; and

7 “(iv) providing professional develop-
8 ment and other technical assistance to
9 child welfare agencies to improve the un-
10 derstanding of and to help address the ef-
11 fects of trauma and adverse childhood ex-
12 periences in parents and children in con-
13 tact with the child welfare system; and

14 “(B) may include the identification of—

15 “(i) various methods and procedures
16 for the investigation, assessment, and pros-
17 ecution of child physical and sexual abuse
18 cases;

19 “(ii) ways to mitigate psychological
20 trauma to the child victim;

21 “(iii) effective programs carried out
22 by the States under titles I and II; and

23 “(iv) effective approaches being uti-
24 lized to link child protective service agen-
25 cies with health care, mental health care,

1 and developmental services and early inter-
2 vention to improve forensic diagnosis and
3 health evaluations, and barriers and short-
4 ages to such linkages.”;

5 (3) in subsection (c), by striking paragraph (3);

6 and

7 (4) by striking subsection (e).

8 **SEC. 105. GRANTS TO STATES, INDIAN TRIBES OR TRIBAL**
9 **ORGANIZATIONS, AND PUBLIC OR PRIVATE**
10 **AGENCIES AND ORGANIZATIONS.**

11 Section 105 of the Child Abuse Prevention and
12 Treatment Act (42 U.S.C. 5106) is amended—

13 (1) in subsection (a)—

14 (A) by redesignating paragraph (7) as
15 paragraph (11);

16 (B) by striking paragraphs (1) through (6)
17 and inserting the following:

18 “(1) **PREVENTION SERVICES.**—The Secretary
19 may award grants under this subsection to entities
20 to establish or expand prevention services that re-
21 duce incidences of child maltreatment and strength-
22 en families.

23 “(2) **TRAUMATIC STRESS.**—The Secretary may
24 award grants under this subsection to entities to ad-
25 dress instances of traumatic stress in families due to

1 child abuse and neglect, especially for families with
2 complex needs or families that exhibit high levels of
3 adverse childhood experiences.

4 “(3) PROMOTING A HIGH-QUALITY WORK-
5 FORCE.—The Secretary may award grants under
6 this subsection to entities to carry out programs or
7 strategies that promote a high-quality workforce in
8 the child welfare system through—

9 “(A) improvements to recruitment, sup-
10 port, or retention efforts; or

11 “(B) education for professionals and para-
12 professionals in the prevention, identification,
13 and treatment of child abuse and neglect.

14 “(4) IMPROVING COORDINATION.—The Sec-
15 retary may award grants under this subsection to
16 entities to carry out activities to improve intrastate
17 coordination within the child welfare system. Such
18 activities may include—

19 “(A) aligning information technology sys-
20 tems;

21 “(B) improving information sharing re-
22 garding child and family referrals; or

23 “(C) creating collaborative voluntary part-
24 nerships among public and private agencies, the
25 State’s child protective services, local social

1 service agencies, community-based family sup-
2 port programs, State and local legal agencies,
3 developmental disability agencies, substance use
4 disorder treatment providers, health care pro-
5 viders and agencies, domestic violence preven-
6 tion programs, mental health services, schools
7 and early learning providers, religious entities,
8 and other community-based programs.

9 “(5) PRIMARY PREVENTION.—The Secretary
10 may award grants under this subsection to entities
11 to carry out or expand primary prevention programs
12 or strategies that address family or community pro-
13 tective factors.

14 “(6) NEGLECT DUE TO ECONOMIC INSECU-
15 RITY.—The Secretary may award grants under this
16 subsection to entities to carry out programs or strat-
17 egies that reduce findings of child neglect due in full
18 or in part to family economic insecurity.

19 “(7) EDUCATION OF MANDATORY REPORT-
20 ERS.—The Secretary may award grants under this
21 subsection to entities for projects that involve re-
22 search-based strategies for innovative education of
23 mandated child abuse and neglect reporters, and for
24 victims to understand mandatory reporting.

1 “(8) SENTINEL INJURIES.—The Secretary may
2 award grants under this subsection to entities to
3 identify and test effective practices to improve early
4 detection and management of injuries indicative of
5 potential abuse in infants to prevent future cases of
6 child abuse and related fatalities.

7 “(9) INNOVATIVE PARTNERSHIPS.—The Sec-
8 retary may award grants under this subsection to
9 entities to carry out innovative programs or strate-
10 gies to coordinate the delivery of services to help re-
11 duce child abuse and neglect via partnerships among
12 health, mental health, education (including early
13 learning and care programs as appropriate), and
14 child welfare agencies and providers.

15 “(10) REDUCING CHILD ABUSE AND NEGLECT
16 DUE TO THE SUBSTANCE USE DISORDER OF A PAR-
17 ENT OR CAREGIVER.—The Secretary may award
18 grants under this subsection to entities to carry out
19 activities to reduce child abuse and neglect due to
20 the substance use disorder of a parent or care-
21 giver.”; and

22 (C) by adding at the end the following:

23 “(12) NATIONAL CHILD ABUSE HOTLINE.—

24 “(A) IN GENERAL.—The Secretary may
25 award a grant under this subsection to a non-

1 profit entity to provide for the ongoing oper-
2 ation of a 24-hour, national, toll-free telephone
3 hotline to provide information and assistance to
4 youth victims of child abuse or neglect, parents,
5 caregivers, mandated reporters, and other con-
6 cerned community members, including through
7 alternative modalities for communications (such
8 as texting or chat services) with such victims
9 and other information seekers.

10 “(B) PRIORITY.—In awarding grants de-
11 scribed in this paragraph, the Secretary shall
12 give priority to applicants with experience in
13 operating a hotline that provides assistance to
14 victims of child abuse, parents, caregivers, and
15 mandated reporters.

16 “(C) APPLICATION.—To be eligible to re-
17 ceive a grant described in this paragraph, a
18 nonprofit entity shall submit an application to
19 the Secretary that shall—

20 “(i) contain such assurances and in-
21 formation, be in such form, and be sub-
22 mitted in such manner, as the Secretary
23 shall prescribe;

24 “(ii) include a complete description of
25 the entity’s plan for the operation of a na-

1 tional child abuse hotline, including de-
2 scriptions of—

3 “(I) the professional development
4 program for hotline personnel, includ-
5 ing technology professional develop-
6 ment to ensure that all persons affili-
7 ated with the hotline are able to effec-
8 tively operate any technological sys-
9 tems used by the hotline;

10 “(II) the qualifications for hot-
11 line personnel;

12 “(III) the methods for the cre-
13 ation, maintenance, and updating of a
14 comprehensive list of prevention and
15 treatment service providers;

16 “(IV) a plan for publicizing the
17 availability of the hotline throughout
18 the United States;

19 “(V) a plan for providing service
20 to non-English speaking callers, in-
21 cluding service through hotline per-
22 sonnel who have non-English language
23 capability;

24 “(VI) a plan for facilitating ac-
25 cess to the hotline and alternative mo-

1 dality services by persons with hearing
2 impairments and disabilities;

3 “(VII) a plan for providing crisis
4 counseling, general assistance, and re-
5 ferrals to youth victims of child abuse;
6 and

7 “(VIII) a plan to offer alternative
8 services to calling, such as texting or
9 live chat;

10 “(iii) demonstrate that the entity has
11 the capacity and the expertise to maintain
12 a child abuse hotline and a comprehensive
13 list of service providers;

14 “(iv) demonstrate the ability to pro-
15 vide information and referrals for contacts,
16 directly connect contacts to service pro-
17 viders, and employ crisis interventions;

18 “(v) demonstrate that the entity has a
19 commitment to providing services to indi-
20 viduals in need; and

21 “(vi) demonstrate that the entity com-
22 plies with State privacy laws and has es-
23 tablished quality assurance practices.”; and

24 (2) by striking subsections (b) and (c) and in-
25 serting the following:

1 “(b) GOALS AND PERFORMANCE.—The Secretary
2 shall ensure that each entity receiving a grant under this
3 section—

4 “(1) establishes quantifiable goals for the out-
5 come of the project funded with the grant; and

6 “(2) adequately measures the performance of
7 the project relative to such goals.

8 “(c) PERFORMANCE REPORT REQUIRED.—

9 “(1) IN GENERAL.—Each entity that receives a
10 grant under this section shall submit to the Sec-
11 retary a performance report that includes—

12 “(A) an evaluation of the effectiveness of
13 the project funded with the grant relative to the
14 goals established for such project under sub-
15 section (b)(1); and

16 “(B) data supporting such evaluation.

17 “(2) SUBMISSION.—The report under para-
18 graph (1) shall be submitted to the Secretary at
19 such time, in such manner, and containing such in-
20 formation as the Secretary may require.

21 “(d) CONTINUING GRANTS.—The Secretary may only
22 award a continuing grant to an entity under this section
23 if such entity submits a performance report required
24 under subsection (c) that demonstrates effectiveness of the
25 project funded.”.

1 **SEC. 106. GRANTS TO STATES FOR CHILD ABUSE OR NE-**
2 **GLECT PREVENTION AND TREATMENT PRO-**
3 **GRAMS.**

4 (a) DEVELOPMENT AND OPERATION GRANTS.—Sub-
5 section (a) of section 106 of the Child Abuse Prevention
6 and Treatment Act (42 U.S.C. 5106a) is amended to read
7 as follows:

8 “(a) DEVELOPMENT AND OPERATION GRANTS.—The
9 Secretary shall make grants to the States, from allotments
10 under subsection (f) for each State that applies for a grant
11 under this section, for purposes of assisting the States in
12 improving and implementing a child protective services
13 system that is family-centered, integrates community serv-
14 ices, and is capable of providing rapid response to high-
15 risk cases, by carrying out the following:

16 “(1) Conducting the intake, assessment, screen-
17 ing, and investigation of reports of child abuse or
18 neglect.

19 “(2) Ensuring that reports concerning a child’s
20 living arrangements or subsistence needs are ad-
21 dressed through services or benefits and that no
22 child is separated from such child’s parent for rea-
23 sons of poverty.

24 “(3) Creating and improving the use of multi-
25 disciplinary teams and interagency, intra-agency,
26 interstate, and intrastate protocols to enhance fair

1 investigations; and improving legal preparation and
2 representation.

3 “(4) Complying with the assurances in section
4 106(b)(2).

5 “(5) Establishing State and local networks of
6 child and family service providers that support child
7 and family well-being, which shall—

8 “(A) include child protective services, as
9 well as agencies and service providers, that ad-
10 dress family-strengthening, parenting skills,
11 child development, early childhood care and
12 learning, child advocacy, public health, mental
13 health, substance use disorder treatment, do-
14 mestic violence, developmental disabilities, hous-
15 ing, juvenile justice, elementary and secondary
16 education, and child placement; and

17 “(B) address instances of child abuse and
18 neglect by incorporating evaluations that assess
19 the development of a child, including language
20 and communication, cognitive, physical, and so-
21 cial and emotional development, the need for
22 mental health services, including trauma-related
23 services, trauma-informed care, and parental
24 needs.

1 “(6) Ensuring child protective services is ad-
2 dressing the safety of children and responding to
3 parent and family needs, which shall include—

4 “(A) family-oriented efforts that emphasize
5 case assessment and follow up casework focused
6 on child safety and child and parent well-being,
7 which may include—

8 “(i) ensuring parents and children un-
9 dergo physical and mental health assess-
10 ments, as appropriate, and ongoing devel-
11 opmental monitoring;

12 “(ii) multidisciplinary approaches to
13 assessing family needs and connecting the
14 family with services, including prevention
15 services under section 471 of the Social Se-
16 curity Act (42 U.S.C. 671);

17 “(iii) organizing a treatment team
18 with the goal of preventing child abuse and
19 neglect, and improving parent and child
20 well-being;

21 “(iv) case monitoring that supports
22 child well-being; and

23 “(v) differential response efforts; and

24 “(B) establishing and maintaining a rapid
25 response system that responds promptly to all

1 reports of child abuse or neglect, with special
2 attention to cases involving children under 3
3 years of age.

4 “(7) Educating caseworkers, community service
5 providers, attorneys, health care professionals, par-
6 ents, and others engaged in the prevention, interven-
7 tion, and treatment of child abuse and neglect,
8 which shall include education on—

9 “(A) practices that help ensure child safety
10 and well-being;

11 “(B) approaches to family-oriented preven-
12 tion, intervention, and treatment of child abuse
13 and neglect;

14 “(C) early childhood, child, and adolescent
15 development, and the impact of adverse child-
16 hood experiences on such development;

17 “(D) the relationship between child abuse
18 and domestic violence, and support for non-
19 abusing parents;

20 “(E) strategies to work with families im-
21 pacted by substance use disorder and mental
22 health issues (and, when appropriate, be coordi-
23 nated with prevention efforts funded under sec-
24 tion 471 of the Social Security Act (42 U.S.C.
25 671));

1 “(F) effective use of multiple services to
2 address family and child needs, including needs
3 resulting from trauma;

4 “(G) efforts to improve family and child
5 well-being;

6 “(H) support for child welfare workers af-
7 fected by secondary trauma; and

8 “(I) supporting families and caregivers to
9 combat and prevent unsubstantiated, un-
10 founded, or false reports, including through
11 education on the rights of families and care-
12 givers.

13 “(8) Creating or improving data systems that
14 allow for—

15 “(A) the identification of cases requiring
16 prompt responses;

17 “(B) real-time case monitoring that tracks
18 assessments, service referrals, follow-up, case
19 reviews, and progress toward parent and child
20 goals; and

21 “(C) sharing basic identifying data with
22 law enforcement, as necessary.

23 “(9) Improving the general child protective sys-
24 tem by developing, improving, and implementing
25 safety assessment tools, providing that such tools,

1 protocols, and systems shall not authorize the sepa-
2 ration of any child from the legal parent or guardian
3 of such child solely on the basis of poverty, or with-
4 out a judicial order, except in the case of imminent
5 harm.”.

6 (b) ELIGIBILITY REQUIREMENTS.—

7 (1) STATE PLAN.—Paragraph (1) of section
8 106(b) of the Child Abuse Prevention and Treat-
9 ment Act (42 U.S.C. 5106a(b)) is amended to read
10 as follows:

11 “(1) STATE PLAN.—

12 “(A) IN GENERAL.—To be eligible to re-
13 ceive a grant under this section, a State shall
14 submit to the Secretary a State plan that—

15 “(i) specifies how the grant will be
16 used, and the State’s strategic plan, to
17 treat child abuse and neglect and enhance
18 community-based, prevention-centered ap-
19 proaches that attempt to prevent child
20 abuse and neglect while strengthening and
21 supporting families whenever possible; and

22 “(ii) meets the requirements of this
23 subsection.

24 “(B) COORDINATION AND CONSULTA-
25 TION.—

1 “(i) COORDINATION.—Each State, to
2 the maximum extent practicable, shall co-
3 ordinate its State plan under this sub-
4 section with its State plan under part B of
5 title IV of the Social Security Act (42
6 U.S.C. 621 et seq.) relating to child and
7 family services and, in States electing to
8 provide services under part E of title IV of
9 the Social Security Act (42 U.S.C. 670 et
10 seq.) relating to foster care prevention
11 services, its State plan under such part E.

12 “(ii) CONSULTATION.—In developing
13 a State plan under this subsection, a State
14 shall consult with community-based pre-
15 vention and service agencies, parents and
16 families affected by child abuse or neglect
17 in the State, law enforcement, family court
18 judges, prosecutors who handle criminal
19 child abuse cases, and medical profes-
20 sionals engaged in the treatment of child
21 abuse and neglect.

22 “(C) DURATION AND SUBMISSION OF
23 PLAN.—Each State plan shall—

24 “(i) be submitted not less than every
25 5 years; and

1 “(ii) if necessary, revised by the State
2 to inform the Secretary of any substantive
3 changes, including—

4 “(I) any changes to State law or
5 regulations, relating to the prevention
6 of child abuse and neglect that may
7 affect the eligibility of the State under
8 this section; or

9 “(II) any changes in the State’s
10 activities, strategies, or programs
11 under this section.”.

12 (2) CONTENTS.—Paragraph (2) of section
13 106(b) of the Child Abuse Prevention and Treat-
14 ment Act (42 U.S.C. 5106a(b)) is amended to read
15 as follows:

16 “(2) CONTENTS.—A State plan submitted
17 under paragraph (1) shall contain a description of
18 the activities that the State will carry out using
19 amounts received under the grant to achieve the ob-
20 jectives of this title, including—

21 “(A) an assurance in the form of a certifi-
22 cation by the Governor of the State that the
23 State has in effect and is enforcing a State law,
24 or has in effect and is operating a statewide

1 program, relating to child abuse and neglect
2 that includes—

3 “(i) provisions or procedures for an
4 individual to report known and suspected
5 instances of child abuse and neglect, in-
6 cluding a State law for mandatory report-
7 ing by individuals required to report such
8 instances;

9 “(ii) procedures for the immediate
10 screening, risk and safety assessment, and
11 prompt investigation of such reports of al-
12 leged abuse and neglect in order to ensure
13 the well-being and safety of children;

14 “(iii) procedures for immediate steps
15 to be taken to ensure and protect the safe-
16 ty of a victim of child abuse or neglect and
17 of any other child under the same care who
18 may also be in danger of child abuse or ne-
19 glect and ensuring their placement in a
20 safe environment;

21 “(iv) methods to preserve the con-
22 fidentiality of all records in order to pro-
23 tect the rights of the child and of the
24 child’s parents or guardians, including re-
25 quirements ensuring that reports and

1 records made and maintained pursuant to
2 the purposes of this Act shall only be made
3 available to—

4 “(I) individuals who are the sub-
5 ject of the report;

6 “(II) Federal, State, or local gov-
7 ernment entities, or any agent of such
8 entities, as described in clause (xi) of
9 this subparagraph;

10 “(III) child abuse citizen review
11 panels;

12 “(IV) child fatality review panels;

13 “(V) a grand jury or court, upon
14 a finding that information in the
15 record is necessary for the determina-
16 tion of an issue before the court or
17 grand jury; and

18 “(VI) other entities or classes of
19 individuals statutorily authorized by
20 the State to receive such information
21 pursuant to a legitimate State pur-
22 pose;

23 “(v) provisions and procedures requir-
24 ing that in every case involving a victim of
25 child abuse or neglect which results in a

1 judicial proceeding, a guardian ad litem,
2 who has received education appropriate to
3 the role, including education in early child-
4 hood, child, and adolescent development,
5 and domestic violence, and who may be an
6 attorney or a court appointed special advo-
7 cate who has received education appro-
8 priate to that role (or both), shall be ap-
9 pointed to represent the child (who, for
10 purposes of this section, shall have any age
11 limit elected by the State pursuant to sec-
12 tion 475(8)(B)(iii) of the Social Security
13 Act (42 U.S.C. 675(8)(B)(iii)) in such pro-
14 ceedings—

15 “(I) to obtain first-hand, a clear
16 understanding of the situation and
17 needs of such child; and

18 “(II) to make recommendations
19 to the court concerning the best inter-
20 ests of such child;

21 “(vi) the establishment of citizen re-
22 view panels in accordance with subsection
23 (c);

24 “(vii) provisions and procedures to re-
25 quire that a representative of the child pro-

1 tective services agency shall, at the initial
2 time of contact with the individual subject
3 to a child abuse or neglect investigation,
4 advise the individual of the complaints or
5 allegations made against the individual, in
6 a manner that is consistent with laws pro-
7 tecting the rights of the informant;

8 “(viii) provisions, procedures, and
9 mechanisms—

10 “(I) for the expedited termi-
11 nation of parental rights in the case
12 of any infant determined to be aban-
13 doned under State law; and

14 “(II) by which individuals who
15 disagree with an official finding of
16 child abuse or neglect can appeal such
17 finding;

18 “(ix) provisions addressing the profes-
19 sional development of representatives of
20 the child protective services system regard-
21 ing the legal duties of the representatives,
22 which may consist of various methods of
23 informing such representatives of such du-
24 ties (including providing such education in
25 different languages if necessary), in order

1 to protect the legal rights and safety of
2 children and their parents and caregivers
3 from the initial time of contact during in-
4 vestigation through treatment;

5 “(x) provisions for immunity from
6 civil or criminal liability under State and
7 local laws and regulations for individuals
8 making good faith reports of suspected or
9 known instances of child abuse or neglect,
10 or who otherwise provide information or
11 assistance, including medical evaluations or
12 consultations, in connection with a report,
13 investigation, or legal intervention pursu-
14 ant to a good faith report of child abuse or
15 neglect;

16 “(xi) provisions to require the State to
17 disclose confidential information to any
18 Federal, State, or local government entity,
19 or any agent of such entity, that has a
20 need for such information in order to carry
21 out its responsibilities under law to protect
22 children from child abuse and neglect;

23 “(xii) provisions requiring, and proce-
24 dures in place that facilitate the prompt
25 expungement of any records that are ac-

1 cessible to the general public or are used
2 for purposes of employment or other back-
3 ground checks in cases determined to be
4 unsubstantiated or false, except that noth-
5 ing in this section shall prevent State child
6 protective services agencies from keeping
7 information on unsubstantiated reports in
8 their casework files to assist in future risk
9 and safety assessment;

10 “(xiii) provisions and procedures for
11 requiring criminal background record
12 checks that meet the requirements of sec-
13 tion 471(a)(20) of the Social Security Act
14 (42 U.S.C. 671(a)(20)) for prospective fos-
15 ter and adoptive parents and other adult
16 relatives and non-relatives residing in the
17 household;

18 “(xiv) provisions for systems of tech-
19 nology that support the State child protec-
20 tive services system and track reports of
21 child abuse and neglect from intake
22 through final disposition;

23 “(xv) provisions and procedures re-
24 quiring identification and assessment of all
25 reports involving children known or sus-

1 pected to be victims of sex trafficking (as
2 defined in section 103(12) of the Traf-
3 ficking Victims Protection Act of 2000 (22
4 U.S.C. 7102 (12));

5 “(xvi) provisions, procedures, and
6 mechanisms that assure that the State
7 does not require reunification of a sur-
8 viving child with a parent who has been
9 found by a court of competent jurisdic-
10 tion—

11 “(I) to have committed murder
12 (which would have been an offense
13 under section 1111(a) of title 18,
14 United States Code, if the offense had
15 occurred in the special maritime or
16 territorial jurisdiction of the United
17 States) of another child of such par-
18 ent;

19 “(II) to have committed vol-
20 untary manslaughter (which would
21 have been an offense under section
22 1112(a) of title 18, United States
23 Code, if the offense had occurred in
24 the special maritime or territorial ju-

1 jurisdiction of the United States) of an-
2 other child of such parent;

3 “(III) to have aided or abetted,
4 attempted, conspired, or solicited to
5 commit such murder or voluntary
6 manslaughter;

7 “(IV) to have committed a felony
8 assault that results in the serious bod-
9 ily injury to the surviving child or an-
10 other child of such parent;

11 “(V) to have committed sexual
12 abuse against the surviving child or
13 another child of such parent; or

14 “(VI) to be required to register
15 with a sex offender registry under sec-
16 tion 113(a) of the Adam Walsh Child
17 Protection and Safety Act of 2006
18 (42 U.S.C. 16913(a)); and

19 “(xvii) an assurance that, upon the
20 implementation by the State of the provi-
21 sions, procedures, and mechanisms under
22 clause (xvi), conviction of any one of the
23 felonies listed in clause (xvi) constitute
24 grounds under State law for the termi-
25 nation of parental rights of the convicted

1 parent as to the surviving children (al-
2 though case-by-case determinations of
3 whether or not to seek termination of pa-
4 rental rights shall be within the sole discre-
5 tion of the State);

6 “(B) an assurance that the State has in
7 place procedures for responding to the reporting
8 of medical neglect (including instances of with-
9 holding of medically indicated treatment from
10 infants with disabilities who have life-threat-
11 ening conditions), procedures or programs, or
12 both (within the State child protective services
13 system), to provide for—

14 “(i) coordination and consultation
15 with individuals designated by and within
16 appropriate health-care facilities;

17 “(ii) prompt notification by individ-
18 uals designated by and within appropriate
19 health-care facilities of cases of suspected
20 medical neglect (including instances of
21 withholding of medically indicated treat-
22 ment from infants with disabilities who
23 have life-threatening conditions); and

24 “(iii) authority, under State law, for
25 the State child protective services system

1 to pursue any legal remedies, including the
2 authority to initiate legal proceedings in a
3 court of competent jurisdiction, as may be
4 necessary to prevent the withholding of
5 medically indicated treatment from infants
6 with disabilities who have life-threatening
7 conditions;

8 “(C) an assurance or certification that pro-
9 grams and education conducted under this title
10 address the unique needs of unaccompanied
11 homeless youth, including access to enrollment
12 and support services and that such youth are
13 eligible for under parts B and E of title IV of
14 the Social Security Act (42 U.S.C. 621 et seq.,
15 670 et seq.) and meet the requirements of the
16 McKinney-Vento Homeless Assistance Act (42
17 U.S.C. 11301 et seq.); and

18 “(D) a description of—

19 “(i) policies and procedures (including
20 appropriate referrals to child welfare serv-
21 ice systems and for other appropriate serv-
22 ices (including home visiting services and
23 mutual support and parent partner pro-
24 grams) determined by a family assessment)
25 to address the needs of infants born with

1 and identified as being affected by sub-
2 stance use or withdrawal symptoms result-
3 ing from prenatal drug exposure, or a
4 Fetal Alcohol Spectrum Disorder, includ-
5 ing a requirement that health care pro-
6 viders involved in the delivery or care of
7 such infants notify the child protective wel-
8 fare service system of the occurrence of
9 such condition in such infants, except
10 that—

11 “(I) child protective services shall
12 undertake an investigation only when
13 the findings of a family assessment
14 warrant such investigation; and

15 “(II) such notification shall not
16 be construed to—

17 “(aa) establish a definition
18 under Federal law of what con-
19 stitutes child abuse or neglect; or

20 “(bb) require prosecution for
21 any illegal action;

22 “(ii) the development of a multi-dis-
23 ciplinary plan of safe care for the infant
24 born and identified as being affected by
25 substance use or withdrawal symptoms or

1 a Fetal Alcohol Spectrum Disorder to en-
2 sure the safety and well-being of such in-
3 fant following release from the care of
4 health care providers, including through—

5 “(I) using a risk-based approach
6 to develop each plan of safe care;

7 “(II) addressing, through coordi-
8 nated service delivery, the health and
9 substance use disorder treatment
10 needs of the infant and affected fam-
11 ily or caregiver as determined by a
12 family assessment; and

13 “(III) the development and im-
14 plementation by the State of moni-
15 toring systems regarding the imple-
16 mentation of such plans of safe care
17 to determine whether and in what
18 manner local entities are providing, in
19 accordance with State requirements,
20 referrals to and delivery of appro-
21 priate services for the infant and af-
22 fected family or caregiver;

23 “(iii) policies and procedures to make
24 available to the public on the State website
25 the data, findings, and information about

1 all cases of child abuse or neglect resulting
2 in a child fatality or near fatality, includ-
3 ing a description of—

4 “(I) how the State will not create
5 an exception to such public disclosure,
6 except in a case in which—

7 “(aa) the State would like to
8 delay public release of case-spe-
9 cific findings or information (in-
10 cluding any previous reports of
11 domestic violence and subsequent
12 actions taken to assess and ad-
13 dress such reports) while a crimi-
14 nal investigation or prosecution
15 of such a fatality or near fatality
16 is pending;

17 “(bb) the State is protecting
18 the identity of a reporter of child
19 abuse or neglect; or

20 “(cc) the State is with-
21 holding identifying information of
22 members of the victim’s family
23 who are not perpetrators of the
24 fatality or near fatality; and

1 “(II) how the State will ensure
2 that in providing the public disclosure
3 required under this clause, the State
4 will include—

5 “(aa) the cause and cir-
6 cumstances of the fatality or near
7 fatality;

8 “(bb) the age and gender of
9 the child; and

10 “(cc) any previous reports of
11 child abuse or neglect investiga-
12 tions that are relevant to the
13 child abuse or neglect that led to
14 the fatality or near fatality;

15 “(iv) how the State will use data col-
16 lected on child abuse or neglect to prevent
17 child fatalities and near fatalities;

18 “(v) how the State will implement ef-
19 forts to prevent child fatalities and near
20 fatalities;

21 “(vi) the cooperation of State law en-
22 forcement officials, court of competent ju-
23 risdiction, and appropriate State agencies
24 providing human services in the investiga-

1 tion, assessment, prosecution, and treat-
2 ment of child abuse and neglect;

3 “(vii) the steps the State will take to
4 improve the professional development, re-
5 tention, and supervision of caseworkers
6 and how the State will measure the effec-
7 tiveness of such efforts;

8 “(viii) the State’s plan to ensure each
9 child under the age of 3 who is involved in
10 a substantiated case of child abuse or ne-
11 glect will be referred to the State’s child
12 find system under section 635(a)(5) of the
13 Individuals with Disabilities Education Act
14 (20 U.S.C. 1435(a)(5)) in order to deter-
15 mine if the child is an infant or toddler
16 with a disability (as defined in section
17 632(5) of such Act (20 U.S.C. 1432(5)));

18 “(ix) the State’s plan to improve, as
19 part of a comprehensive State strategy led
20 by law enforcement, professional develop-
21 ment for child protective services workers
22 and their appropriate role in identifying,
23 assessing, and providing comprehensive
24 services for children who are sex traf-
25 ficking victims, in coordination with law

1 enforcement, juvenile justice agencies, run-
2 away and homeless youth shelters, and
3 health, mental health, and other social
4 service agencies and providers;

5 “(x) the services to be provided under
6 the grant to individuals, families, or com-
7 munities, either directly or through refer-
8 rals, aimed at preventing the occurrence of
9 child abuse and neglect;

10 “(xi) the State’s efforts to ensure pro-
11 fessionals who are required to report sus-
12 pected cases of child abuse and neglect are
13 aware of their responsibilities under sub-
14 paragraph (A)(i) and receive professional
15 development relating to performing such
16 responsibilities that is specific to their pro-
17 fession and workplace;

18 “(xii) policies and procedures encour-
19 aging the appropriate involvement of fami-
20 lies in decisionmaking pertaining to chil-
21 dren who experienced child abuse or ne-
22 glect;

23 “(xiii) the State’s efforts to improve
24 appropriate collaboration among child pro-
25 tective services agencies, domestic violence

1 services agencies, substance use disorder
2 treatment agencies, and other agencies in
3 investigations, interventions, and the deliv-
4 ery of services and treatment provided to
5 children and families affected by child
6 abuse or neglect, including children ex-
7 posed to domestic violence, where appro-
8 priate;

9 “(xiv) policies and procedures regard-
10 ing the use of differential response, as ap-
11 plicable, to improve outcomes for children;
12 and

13 “(xv) the State’s efforts to reduce ra-
14 cial bias in its child protective services sys-
15 tem.”.

16 (3) LIMITATIONS.—Paragraph (3) of section
17 106(b) of the Child Abuse Prevention and Treat-
18 ment Act (42 U.S.C. 5106a(b)) is amended—

19 (A) in the paragraph heading, by striking
20 “LIMITATION” and inserting “LIMITATIONS”;

21 (B) by striking “With regard to clauses
22 (vi) and (vii) of paragraph (2)(B),” and insert-
23 ing the following:

1 “(A) DISCLOSURE OF CERTAIN IDENTIFYING INFORMATION.—With regard to subparagraphs (A)(iv) and (D)(iii) of paragraph (2),”;

2
3
4 (C) by striking the period at the end and inserting “; and”; and

5
6 (D) by adding at the end the following:

7 “(B) PUBLIC ACCESS TO COURT PROCEEDINGS.—Nothing in paragraph (2) shall be construed to limit the State’s flexibility to determine State policies relating to public access to court proceedings to determine child abuse and neglect, except that such policies shall, at a minimum, ensure the safety and well-being of the child, parents, and families.”.

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14 (4) DEFINITIONS.—Paragraph (4) of section 106(b) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5106a(b)) is amended—

15
16
17
18 (A) in the paragraph heading, by striking “DEFINITIONS” and inserting “DEFINITION”;

19
20 (B) by striking “this subsection” and all that follows through “means an act” and inserting the following: “this subsection, the term ‘near fatality’ means an act”;

21
22
23
24 (C) by striking “; and” and inserting a period; and

1 (D) by striking subparagraph (B).

2 (c) CITIZEN REVIEW PANELS.—Section 106(c) of the
3 Child Abuse Prevention and Treatment Act (42 U.S.C.
4 5106a(c)) is amended—

5 (1) in paragraph (1)(B), by striking “EXCEP-
6 TIONS.” and all that follows through “A State may”
7 and inserting “EXCEPTION.—A State may”;

8 (2) in paragraph (4)(A)—

9 (A) in the matter preceding clause (i), by
10 striking “and where appropriate, specific
11 cases,”; and

12 (B) in clause (iii)(I), by striking “foster
13 care and adoption programs” and inserting
14 “foster care, prevention, and permanency pro-
15 grams”; and

16 (3) by amending the first sentence of paragraph
17 (6) to read as follows: “Each panel established
18 under paragraph (1) shall prepare and make avail-
19 able to the State and the public, on an annual basis,
20 a report containing a summary of the activities of
21 the panel, the criteria used for determining which
22 activities the panel engaged in, and recommenda-
23 tions or observations to improve the child protective
24 services system at the State and local levels, and the

1 data upon which these recommendations or observa-
2 tions are based.”.

3 (d) ANNUAL STATE DATA REPORTS.—Section
4 106(d) of the Child Abuse Prevention and Treatment Act
5 (42 U.S.C. 5106a(d)) is amended—

6 (1) by amending paragraph (13) to read as fol-
7 lows:

8 “(13) The annual report containing the sum-
9 mary of the activities and recommendations of the
10 citizen review panels of the State required by sub-
11 section (c)(6), and the actions taken by the State as
12 a result of such recommendations.”;

13 (2) in paragraph (15), by striking “subsection
14 (b)(2)(B)(ii)” and inserting “subsection
15 (b)(2)(D)(i)”;

16 (3) in paragraph (16), by striking “subsection
17 (b)(2)(B)(xxi)” and inserting “subsection
18 (b)(2)(D)(viii)”;

19 (4) in paragraph (17), by striking “subsection
20 (b)(2)(B)(xxiv)” and inserting “subsection
21 (b)(2)(A)(xv)”;

22 (5) in paragraph (18)—

23 (A) in subparagraph (A), by striking “sub-
24 section (b)(2)(B)(ii)” and inserting “subsection
25 (b)(2)(D)(i)”;

1 (B) in subparagraph (B), by striking “sub-
2 section (b)(2)(B)(iii)” and inserting “subsection
3 (b)(2)(D)(ii)”;

4 (C) in subparagraph (C), by striking “sub-
5 section (b)(2)(B)(iii)” and inserting “subsection
6 (b)(2)(D)(ii)”;

7 (6) by adding at the end the following:

8 “(19) The number of child fatalities and near
9 fatalities from maltreatment and related information
10 in accordance with the uniform standards estab-
11 lished under section 103(d).”.

12 (e) ALLOTMENTS.—Section 106(f) of the Child Abuse
13 Prevention and Treatment Act (42 U.S.C. 5106a(f)) is
14 amended by adding at the end the following:

15 “(6) LIMITATION.—For any fiscal year for
16 which the amount allotted to a State or territory
17 under this subsection exceeds the amount allotted to
18 the State or territory under such subsection for fis-
19 cal year 2019, the State or territory may use not
20 more than 2 percent of such excess amount for ad-
21 ministrative expenses.”.

22 **SEC. 107. MISCELLANEOUS REQUIREMENTS.**

23 Section 108 of the Child Abuse Prevention and
24 Treatment Act (42 U.S.C. 5106d) is amended—

1 (1) in subsection (b), by inserting “Indian
2 tribes, and tribal organizations,” after “States,”;

3 (2) by redesignating subsections (c) through (e)
4 as subsections (d) through (f), respectively; and

5 (3) by inserting after subsection (b) the fol-
6 lowing:

7 “(c) PROTECTING AGAINST SYSTEMIC CHILD SEX-
8 UAL ABUSE.—

9 “(1) REPORTING AND TASK FORCE.—Not later
10 than 24 months after the date of the enactment of
11 the Human Services and Community Supports Act,
12 each State task force established under section
13 107(c) and expanded as described in paragraph (2)
14 shall study and make recommendations on the fol-
15 lowing, with a focus on preventing systemic child
16 sexual abuse:

17 “(A) How to detect systemic child sexual
18 abuse that occurs in an organization.

19 “(B) How to prevent child sexual abuse
20 and systemic child sexual abuse from occurring
21 in organizations, which shall include rec-
22 ommendations to improve—

23 “(i) practices and policies for the edu-
24 cation of parents, caregivers, and victims,
25 and age appropriate education of children,

1 about risk factors or signs of potential
2 child sexual abuse; and

3 “(ii) the efficacy of applicable State
4 laws and the role such laws play in deter-
5 ring or preventing incidences of child sex-
6 ual abuse.

7 “(C) The feasibility of making available
8 the disposition of a perpetrator within an orga-
9 nization to—

10 “(i) the child alleging sexual abuse or
11 the child’s family; or

12 “(ii) an adult who was a child at the
13 time of the sexual abuse claim in question
14 or the adult’s family.

15 “(2) TASK FORCE COMPOSITION.—For purposes
16 of this subsection, a State task force shall include—

17 “(A) the members of the State task force
18 described in section 107(c) for the State; and

19 “(B) the following:

20 “(i) Family court judges.

21 “(ii) Individuals from religious organi-
22 zations.

23 “(iii) Individuals from youth-serving
24 organizations, including youth athletics or-
25 ganizations.

1 “(3) REPORTING ON RECOMMENDATIONS.—Not
2 later than 6 months after a State task force makes
3 recommendations under paragraph (1), the State
4 maintaining such State task force shall—

5 “(A) make public the recommendations of
6 such report;

7 “(B) report to the Secretary on the status
8 of adopting such recommendations; and

9 “(C) in a case in which the State declines
10 to adopt a particular recommendation, make
11 public the explanation for such declination.

12 “(4) DEFINITIONS.—For purposes of this sub-
13 section—

14 “(A) the terms ‘child sexual abuse’ and
15 ‘sexual abuse’ shall not be limited to an act or
16 a failure to act on the part of a parent or care-
17 taker;

18 “(B) the term ‘organization’ means any
19 entity that serves children; and

20 “(C) the term ‘systemic child sexual abuse’
21 means—

22 “(i) a pattern of informal or formal
23 policy or de facto policy to not follow State
24 and local requirements to report instances
25 of child sexual abuse in violation of State

1 and local mandatory reporting laws or pol-
2 icy; or

3 “(ii) a pattern of assisting individual
4 perpetrators in maintaining their careers
5 despite substantiated evidence of child sex-
6 ual abuse.”.

7 **SEC. 108. REPORTS.**

8 (a) SCALING EVIDENCE-BASED TREATMENT OF
9 CHILD ABUSE AND NEGLECT.—Section 110 of the Child
10 Abuse Prevention and Treatment Act (42 U.S.C. 5106f)
11 is amended to read as follows:

12 **“SEC. 110. STUDY AND REPORT RELATING TO SCALING EVI-
13 DENCE-BASED TREATMENT OF CHILD ABUSE
14 AND NEGLECT; STUDY AND REPORT ON MAR-
15 ITAL AGE OF CONSENT; STUDY AND REPORT
16 ON STATE MANDATORY REPORTING LAWS.**

17 “(a) IN GENERAL.—The Secretary shall conduct a
18 study that examines challenges to, and best practices for,
19 the scalability of treatments that reduce the trauma re-
20 sulting from child abuse and neglect and reduce the risk
21 of revictimization, such as those allowable under sections
22 105 and 106.

23 “(b) CONTENT OF STUDY.—The study described in
24 subsection (a) shall be completed in a manner that con-
25 siders the variability among treatment programs and

1 among populations vulnerable to child abuse and neglect.

2 The study shall include, at minimum:

3 “(1) A detailed synthesis of the existing re-
4 search literature examining barriers and challenges
5 to, and best practices for the scalability of child wel-
6 fare programs and services as well as programs and
7 services for vulnerable children and families in re-
8 lated fields, including healthcare and education.

9 “(2) Data describing state and local providers’
10 experiences with scaling treatments that reduce the
11 trauma resulting from child abuse and neglect and
12 reduce the risk of revictimization.

13 “(3) Consultation with experts in child welfare,
14 healthcare, and education.

15 “(c) REPORT.—Not later than 3 years after the date
16 of the enactment of the Human Services and Community
17 Supports Act, the Secretary shall submit to the Committee
18 on Health, Education, Labor, and Pensions of the Senate
19 and the Committee on Education and Labor of the House
20 of Representatives a report that contains the results of
21 the study conducted under subsection (a), including rec-
22 ommendations for best practices for scaling treatments
23 that reduce the trauma resulting from child abuse and ne-
24 glect and reduce the risk of revictimization.

1 “(d) STUDY AND REPORT ON MARITAL AGE OF CON-
2 SENT.—

3 “(1) STUDY.—The Secretary shall study, with
4 respect to each State—

5 “(A) the State law regarding the minimum
6 marriage age; and

7 “(B) the prevalence of marriage involving
8 a child who is under the age of such minimum
9 marriage age.

10 “(2) FACTORS.—The study required under
11 paragraph (1) shall include an examination of—

12 “(A) the extent to which any statutory ex-
13 ceptions to the minimum marriage age in such
14 laws contribute to the prevalence of marriage
15 involving a child described in paragraph (1)(B);

16 “(B) whether such exceptions allow such a
17 child to be married without the consent of such
18 child; and

19 “(C) the impact of such exceptions on the
20 safety of such children.

21 “(3) REPORT.—Not later than 1 year after the
22 date of enactment of the Human Services and Com-
23 munity Supports Act, the Secretary shall submit to
24 the Committee on Health, Education, Labor, and
25 Pensions of the Senate and the Committee on Edu-

1 cation and Labor of the House of Representatives a
2 report containing the findings of the study required
3 by this subsection, including any best practices.

4 “(e) STUDY AND REPORT ON STATE MANDATORY
5 REPORTING LAWS.—

6 “(1) STUDY.—The Secretary shall collect infor-
7 mation on and otherwise study State laws for man-
8 datory reporting of incidents of child abuse or ne-
9 glect. Such study shall examine trends in referrals
10 and investigations of child abuse and neglect due to
11 differences in such State laws with respect to the in-
12 clusion, as mandatory reporters, of the following in-
13 dividuals:

14 “(A) Individuals licensed or certified to
15 practice in any health-related field licensed by
16 the State, employees of health care facilities or
17 providers licensed by the State, who are en-
18 gaged in the admission, examination, care or
19 treatment of individuals, including mental
20 health and emergency medical service providers.

21 “(B) Individuals employed by a school who
22 have direct contact with children, including
23 teachers, administrators, and independent con-
24 tractors.

1 “(C) Peace officers and law enforcement
2 personnel.

3 “(D) Clergy, including Christian Science
4 practitioners, except where prohibited on ac-
5 count of clergy-penitent privilege.

6 “(E) Day care and child care operators
7 and employees.

8 “(F) Employees of social services agencies
9 who have direct contact with children in the
10 course of employment.

11 “(G) Foster parents.

12 “(H) Court appointed special advocates
13 (employees and volunteers).

14 “(I) Camp and after-school employees.

15 “(J) An individual, paid or unpaid, who,
16 on the basis of the individual’s role as an inte-
17 gral part of a regularly scheduled program, ac-
18 tivity, or service, accepts responsibility for a
19 child.

20 “(2) REPORT.—Not later than 4 years after the
21 date of enactment of the Human Services and Com-
22 munity Supports Act, the Secretary shall submit to
23 the Committee on Health, Education, Labor, and
24 Pensions of the Senate and the Committee on Edu-
25 cation and Labor of the House of Representatives a

1 report containing the findings of the study required
2 by this subsection, including any best practices re-
3 lated to the inclusion, as mandatory reporters, of in-
4 dividuals described in paragraph (1).”.

5 (b) REPORT ON CHILD ABUSE AND NEGLECT IN IN-
6 DIAN TRIBAL COMMUNITIES.—

7 (1) IN GENERAL.—Not later than 2 years after
8 the date of the enactment of this Act, the Comp-
9 troller General, in consultation with the Indian
10 tribes from each of the 12 regions of the Bureau of
11 Indian Affairs, shall study child abuse and neglect in
12 Indian Tribal communities for the purpose of identi-
13 fying vital information and making recommendations
14 concerning issues relating to child abuse and neglect
15 in such communities, and submit to the Committee
16 on Health, Education, Labor, and Pensions and the
17 Committee on Indian Affairs of the Senate and the
18 Committee on Education and Labor and the Com-
19 mittee on Natural Resources of the House of Rep-
20 resentatives a report on such study, which shall in-
21 clude—

22 (A) the number of Indian tribes providing
23 primary child abuse and neglect prevention ac-
24 tivities;

1 (B) the number of Indian tribes providing
2 secondary child abuse and neglect prevention
3 activities;

4 (C) promising practices of Indian tribes
5 with respect to child abuse and neglect preven-
6 tion that are culturally-based or culturally-
7 adapted;

8 (D) information and recommendations on
9 how such culturally-based or culturally-adapted
10 child abuse and neglect prevention activities
11 could become evidence-based;

12 (E) the number of Indian tribes that have
13 accessed Federal child abuse and neglect pre-
14 vention programs;

15 (F) child abuse and neglect prevention ac-
16 tivities that Indian tribes provide using State
17 funds;

18 (G) child abuse and neglect prevention ac-
19 tivities that Indian tribes provide using Tribal
20 funds;

21 (H) Tribal access to State children's trust
22 fund resources, as described in section 202 of
23 the Child Abuse Prevention and Treatment Act
24 (42 U.S.C. 5116a);

1 (I) how a children’s trust fund model could
2 be used to support prevention efforts regarding
3 child abuse and neglect of American Indian and
4 Alaska Native children;

5 (J) Federal agency technical assistance ef-
6 forts to address child abuse and neglect preven-
7 tion and treatment of American Indian and
8 Alaska Native children;

9 (K) Federal agency cross-system collabora-
10 tion to address child abuse and neglect preven-
11 tion and treatment of American Indian and
12 Alaska Native children;

13 (L) Tribal access to child abuse and ne-
14 glect prevention research and demonstration
15 grants under the Child Abuse Prevention and
16 Treatment Act (42 U.S.C. 5101 et seq.); and

17 (M) an examination of child abuse and ne-
18 glect data systems to identify what Tribal data
19 is being submitted, barriers to submitting data,
20 and recommendations on improving the collec-
21 tion of data from Indian Tribes.

22 (2) DEFINITIONS.—In this subsection—

23 (A) the term “Alaska Native” has the
24 meaning given the term in section 111 of the

1 Child Abuse Prevention and Treatment Act (42
2 U.S.C. 5106g); and

3 (B) the terms “child abuse and neglect”
4 and “Indian tribe” have the meaning given the
5 terms in section 3 of the Child Abuse Preven-
6 tion and Treatment Act (42 U.S.C. 5101 note).

7 **SEC. 109. AUTHORIZATION OF APPROPRIATIONS.**

8 Section 112(a) of the Child Abuse Prevention and
9 Treatment Act (42 U.S.C. 5106h(a)) is amended—

10 (1) in paragraph (1)—

11 (A) by striking “to carry out” through
12 “fiscal year 2010” and inserting “to carry out
13 this title \$270,000,000 for fiscal year 2021”;
14 and

15 (B) by striking “2011 through 2015” and
16 inserting “2022 through 2026”; and

17 (2) by striking paragraph (2)(A) and inserting
18 the following:

19 “(A) IN GENERAL.—Of the amounts ap-
20 propriated for a fiscal year under paragraph
21 (1), the Secretary shall make available 30 per-
22 cent of such amounts, or \$100,000,000, which-
23 ever is less, to fund discretionary activities
24 under this title.”.

1 **SEC. 110. MONITORING AND OVERSIGHT.**

2 Section 114(1) of the Child Abuse Prevention and
3 Treatment Act (42 U.S.C. 5108(1)) is amended—

4 (1) in each of subparagraphs (A) and (B), by
5 striking “and” at the end; and

6 (2) by adding at the end the following:

7 “(C) include written guidance and tech-
8 nical assistance to support States, which shall
9 include guidance on the requirements of this
10 Act with respect to infants born with and iden-
11 tified as being affected by substance use or
12 withdrawal symptoms, Neonatal Abstinence
13 Syndrome, or Fetal Alcohol Spectrum Disorder,
14 as described in clauses (i) and (ii) of section
15 106(b)(2)(D), including by—

16 “(i) enhancing States’ understanding
17 of requirements and flexibilities under the
18 law, including by clarifying key terms;

19 “(ii) addressing State-identified chal-
20 lenges with developing, implementing, and
21 monitoring plans of safe care; and

22 “(iii) disseminating best practices on
23 implementation of plans of safe care, on
24 such topics as differential response, col-
25 laboration and coordination, and identifica-
26 tion and delivery of services for different

1 lows State entities responsible under State law for
2 maintaining child abuse and neglect registries to
3 communicate information across State lines.

4 “(2) STANDARDS.—In developing the electronic
5 interstate data exchange system under paragraph
6 (1), the Secretary shall—

7 “(A) use interoperable standards developed
8 and maintained by intergovernmental partner-
9 ships, such as the National Information Ex-
10 change Model;

11 “(B) develop policies and governance
12 standards that—

13 “(i) ensure consistency in types of in-
14 formation shared and not shared; and

15 “(ii) specify circumstances under
16 which data should be shared through the
17 interstate data exchange system; and

18 “(C) ensure that all standards and policies
19 adhere to the privacy, security, and civil rights
20 laws of each State and Federal law.

21 “(3) LIMITATION ON USE OF ELECTRONIC
22 INTERSTATE DATA EXCHANGE SYSTEM.—The elec-
23 tronic interstate data exchange system may only be
24 used for purposes relating to child safety.

25 “(4) PILOT PROGRAM.—

1 “(A) IMPLEMENTATION.—Not later than 6
2 months after the date of the enactment of this
3 section, the Secretary of Health and Human
4 Services shall begin implementation of a pilot
5 program to generate recommendations for the
6 full integration of the electronic interstate data
7 exchange system. Such pilot program shall in-
8 clude not less than 10 States and not more
9 than 15 States.

10 “(B) COMPLETION.—Not later than 30
11 months after the date of the enactment of this
12 section, the Secretary of Health and Human
13 Services shall complete the pilot program de-
14 scribed in subparagraph (A).

15 “(5) INTEGRATION.—The Secretary of Health
16 and Human Services may assist States in the inte-
17 gration of this system into the infrastructure of each
18 State using funds appropriated under this sub-
19 section.

20 “(6) PARTICIPATION.—As a condition on eligi-
21 bility for receipt of funds under section 106, each
22 State shall—

23 “(A) participate in the electronic interstate
24 data exchange system to the fullest extent pos-
25 sible in accordance with State law (as deter-

1 mined by the Secretary of Health and Human
2 Services) not later than December 31, 2027;
3 and

4 “(B) prior to the participation described in
5 subparagraph (A), provide to the Secretary of
6 Health and Human Services an assurance that
7 the child abuse and neglect registry of such
8 State provides procedural due process protec-
9 tions with respect to including individuals on
10 such registry.

11 “(7) PROHIBITION.—The Secretary of Health
12 and Human Services may not access or store data
13 from the electronic interstate data exchange system,
14 unless the State to which such data pertains volun-
15 tarily shares such data with the Secretary of Health
16 and Human Services.

17 “(8) REPORTS.—The Secretary of Health and
18 Human Services shall prepare and submit to Con-
19 gress—

20 “(A) not later than 3 years after the date
21 of the enactment of this section, a report on the
22 recommendations from the pilot program de-
23 scribed in paragraph (4); and

1 “(B) not later than January 31, 2025, a
2 report on the progress made in implementing
3 this subsection.

4 “(9) AUTHORIZATION OF APPROPRIATIONS.—Of
5 the funds appropriated under section 112 for a fiscal
6 year—

7 “(A) for each of fiscal years 2021 and
8 2022, \$2,000,000 shall be reserved to carry out
9 this section; and

10 “(B) for each of fiscal years 2023 through
11 2026, \$1,000,000 shall be reserved to carry out
12 this section.

13 “(b) WORKING GROUP.—

14 “(1) IN GENERAL.— Not later than 60 days
15 after the date of the enactment of this section, the
16 Secretary of Health and Human Services shall con-
17 vene a working group to study and make rec-
18 ommendations on the following:

19 “(A) The feasibility of making publicly
20 available on the website of each State defini-
21 tions and standards of substantiated child
22 abuse and neglect for the State.

23 “(B) Whether background check require-
24 ments under this Act, the Child Care and De-
25 velopment Block Grant Act of 1990 (42 U.S.C.

1 9858 et seq.), and part E of title IV of the So-
2 cial Security Act (42 U.S.C. 670 et seq.) are
3 complementary or if there are discrepancies
4 that need to be addressed.

5 “(C) How to improve communication be-
6 tween and across States, including through the
7 use of technology and the use of the electronic
8 interstate data exchange system established
9 under subsection (a), to allow for more accurate
10 and efficient exchange of child abuse and ne-
11 glect records.

12 “(D) How to reduce barriers and establish
13 best practices for the State to provide timely re-
14 sponses to requests from other States for infor-
15 mation contained in the State’s child abuse and
16 neglect registry through the electronic inter-
17 state data exchange system established under
18 subsection (a).

19 “(E) How to ensure due process for any
20 individual included in a State’s child abuse and
21 neglect registry, including the following:

22 “(i) The level of evidence necessary
23 for inclusion in the State’s child abuse and
24 neglect registry.

1 “(ii) The process for notifying such
2 individual of inclusion in the State’s child
3 abuse and neglect registry and the implica-
4 tions of such inclusion.

5 “(iii) The process for providing such
6 individual the opportunity to challenge
7 such inclusion, and the procedures for re-
8 solving such challenge.

9 “(iv) The length of time an individ-
10 ual’s record is to remain in the State’s
11 child abuse and neglect registry, and the
12 process for removing such individual’s
13 record.

14 “(v) The criteria for when such indi-
15 vidual’s child abuse and neglect registry
16 record may be—

17 “(I) made accessible to the gen-
18 eral public;

19 “(II) made available for purposes
20 of an employment check; and

21 “(III) be shared for the purposes
22 of participation in the electronic inter-
23 state data exchange system described
24 in subsection (a).

1 “(2) REPORT.—Not later than 18 months after
2 the date of the enactment of this section, the work-
3 ing group convened under paragraph (1) shall sub-
4 mit a report containing its recommendations to the
5 Secretary of Health and Human Services, the Com-
6 mittee on Health, Education, Labor, and Pensions
7 of the Senate, and the Committee on Education and
8 Labor of the House of Representatives.

9 “(3) CONSTRUCTION.—There shall be no re-
10 quirement for any State to adopt the recommenda-
11 tions of the working group, nor shall the Secretary
12 of Health and Human Services incentivize or coerce
13 any State to adopt any such recommendation.”.

14 **SEC. 112. TECHNICAL AND CONFORMING AMENDMENTS.**

15 (a) TECHNICAL AMENDMENTS.— The Child Abuse
16 Prevention and Treatment Act (42 U.S.C. 5101 et seq.),
17 as amended by the preceding provisions of this title, is
18 further amended—

19 (1) by striking “Committee on Education and
20 the Workforce” each place it appears and inserting
21 “Committee on Education and Labor”;

22 (2) in section 103(c)(1)(F), by striking “abused
23 and neglected children” and inserting “victims of
24 child abuse or neglect”; and

1 (3) in section 107(f), by striking “(42 U.S.C.
2 10603a)” and inserting “(34 U.S.C. 20104)”.

3 (b) CONFORMING AMENDMENTS.—

4 (1) SECTION 103.—Section 103(b)(5) (42
5 U.S.C. 5104(b)(5)) is amended by striking “section
6 106(b)(2)(B)(iii)” and inserting “section
7 106(b)(2)(D)(ii)”.

8 (2) SECTION 105.—Section 105(a)(11) (42
9 U.S.C. 5106(a)(11) (as redesignated by section
10 105(1)(A) of this title) is amended—

11 (A) in subparagraph (A), by striking “sec-
12 tion 106(b)(2)(B)(iii)” and inserting “section
13 106(b)(2)(D)(ii)”;

14 (B) in subparagraph (C)—

15 (i) in clause (i)(II), by striking “sec-
16 tion 106(b)(2)(B)(iii)” and inserting “sec-
17 tion 106(b)(2)(D)(ii)”;

18 (ii) in clause (i)(IV), by striking “sec-
19 tion 106(b)(2)(B)(iii)(II)” and inserting
20 “section 106(b)(2)(D)(ii)(II)”; and

21 (iii) in clause (ii), by striking “clauses
22 (ii) and (iii) of section 106(b)(2)(B)” and
23 inserting “clauses (i) and (ii) of section
24 106(b)(2)(D)”;

25 (C) in subparagraph (D)—

- 1 (i) in clause (i)(I), by striking “sec-
2 tion 106(b)(2)(B)(iii)(I)” and inserting
3 “section 106(b)(2)(D)(ii)(I)”;
- 4 (ii) in clause (ii)(I), by striking “sec-
5 tion 106(b)(2)(B)(ii)” and inserting “sec-
6 tion 106(b)(2)(D)(i)”;
- 7 (iii) in clause (ii)(II), by striking “sec-
8 tion 106(b)(2)(B)(iii)” and inserting “sec-
9 tion 106(b)(2)(D)(ii)(I)”;
- 10 (iv) in clause (iii)(I), by striking “sec-
11 tion 106(b)(2)(B)(i)” and inserting “sec-
12 tion 106(b)(2)(A)(i)”;
- 13 (v) in clause (iii)(IV), by striking
14 “section 106(b)(2)(B)(iii)” and inserting
15 “section 106(b)(2)(D)(ii)”;
- 16 (vi) in clause (v), by striking “section
17 106(b)(2)(B)(iii)” and inserting “section
18 106(b)(2)(D)(ii)”;
- 19 (D) in subparagraph (E), by striking “sec-
20 tion 106(b)(2)(B)(ii)” and inserting “section
21 106(b)(2)(D)(i)”;
- 22 (E) in subparagraph (G)(ii), by striking
23 “clauses (ii) and (iii) of section 106(b)(2)(B)”
24 and inserting “clauses (i) and (ii) of section
25 106(b)(2)(D)”.

1 (3) SECTION 114.—Section 114(1)(B) (42
2 U.S.C. 5108(1)(B)) is amended by striking “clauses
3 (ii) and (iii) of section 106(b)(2)(B)” and inserting
4 “clauses (i) and (ii) of section 106(b)(2)(D)”.

5 (4) TABLE OF CONTENTS.—The table of con-
6 tents in section 1(b) of the Child Abuse Prevention
7 and Treatment Act is amended—

8 (A) by striking the items relating to sec-
9 tions 2 and 102;

10 (B) by inserting after the item relating to
11 section 114 the following:

“Sec. 115. Electronic interstate data exchange system.”; and

12 (C) by striking the item relating to section
13 110, and inserting the following:

“Sec. 110. Study and report relating to scaling evidence-based treatment of
child abuse and neglect; study and report on marital age of
consent; study and report on State mandatory reporting laws.”.

14 **Subtitle B—Community-based**
15 **Grants for the Prevention of Child**
16 **Abuse and Neglect**

17 **SEC. 121. PURPOSE AND AUTHORITY.**

18 Section 201 of the Child Abuse Prevention and
19 Treatment Act (42 U.S.C. 5116) is amended to read as
20 follows:

21 **“SEC. 201. PURPOSE AND AUTHORITY.**

22 “(a) PURPOSE.—It is the purpose of this title—

1 “(1) to support community-based efforts to de-
2 velop, operate, expand, enhance, evaluate, and co-
3 ordinate initiatives, programs, and activities to
4 strengthen families and prevent child abuse and ne-
5 glect;

6 “(2) to support the development of a State
7 strategy to address unmet need and the coordination
8 of State, regional, and local resources and activities
9 to better strengthen and support families to reduce
10 the likelihood of child abuse and neglect; and

11 “(3) to support local programs in increasing the
12 ability of diverse populations with demonstrated
13 need, including low-income families, racial and eth-
14 nic minorities, families with children or caregivers
15 with disabilities, underserved communities, and rural
16 communities, to access a continuum of preventive
17 services that strengthen families in order to more ef-
18 fectively prevent child abuse and neglect.

19 “(b) **AUTHORITY.**—The Secretary shall make grants
20 under this title on a formula basis to the entity designated
21 by the State as the lead entity (referred to in this title
22 as the ‘lead entity’) under section 202(1) for the following
23 purposes—

24 “(1) supporting local programs in providing
25 community-based family strengthening services de-

1 signed to prevent child abuse and neglect that help
2 families build protective factors linked to the preven-
3 tion of child abuse and neglect, such as knowledge
4 of parenting and child development, parental resil-
5 ience, social connections, time-limited and need-
6 based concrete support, and social and emotional de-
7 velopment of children, that—

8 “(A) are effective, culturally appropriate,
9 and accessible to diverse populations with dem-
10 onstrated need;

11 “(B) build upon existing strengths;

12 “(C) offer assistance to families;

13 “(D) provide early, comprehensive support
14 for parents;

15 “(E) promote the development of healthy
16 familial relationships and parenting skills, espe-
17 cially in young parents and parents with very
18 young children;

19 “(F) increase family stability;

20 “(G) improve family access to other formal
21 and informal community-based resources, such
22 as providing referrals to early health and devel-
23 opmental services, mental health services, and
24 time-limited and need-based concrete supports,

1 including for homeless families and those at-
2 risk of homelessness;

3 “(H) support the additional needs of fami-
4 lies with children or caregivers with disabilities
5 through respite care and other services; and

6 “(I) demonstrate a commitment to the con-
7 tinued leadership of parents in the planning,
8 program implementation, and evaluation of the
9 lead entity and local programs funded under
10 this title, including involvement of parents of
11 children with disabilities, parents who are indi-
12 viduals with disabilities, racial and ethnic mi-
13 norities, and members of other underrep-
14 resented or underserved groups;

15 “(2) promoting the development of a continuum
16 of preventive services that strengthen families and
17 promote child, parent, family, and community well-
18 being, through the development of State and local
19 networks, including collaboration and coordination
20 between local programs and public agencies and pri-
21 vate entities that utilize culturally responsive pro-
22 viders;

23 “(3) financing the start-up, maintenance, ex-
24 pansion, or redesign of core services described in
25 section 205(b)(3) where communities have identified

1 and decided to address unmet need identified in the
2 inventory described in section 204(3), to the extent
3 practicable given funding levels and community pri-
4 orities;

5 “(4) maximizing funding through leveraging
6 Federal, State, local, and private funds to carry out
7 the purposes of the title;

8 “(5) financing public information activities,
9 which may include activities to increase public
10 awareness and education, and developing com-
11 prehensive outreach strategies to engage diverse pop-
12 ulations with demonstrated need, that focus on the
13 healthy and positive development of parents and
14 children; and

15 “(6) to the extent practicable—

16 “(A) promoting the development, enhance-
17 ment, expansion, and implementation of a state-
18 wide strategy to address the unmet need identi-
19 fied in the inventory described in section
20 204(3), with input from relevant stakeholders,
21 to scale evidence-based and evidence-informed
22 community-based family strengthening services
23 designed to prevent child abuse and neglect;
24 and

1 “(B) addressing and supporting the capac-
2 ity of local programs to strengthen families and
3 prevent child abuse and neglect through tech-
4 nical assistance, professional development, and
5 collaboration between local programs.”.

6 **SEC. 122. ELIGIBILITY.**

7 Section 202 of the Child Abuse Prevention and
8 Treatment Act (42 U.S.C. 5116a) is amended—

9 (1) in paragraph (1)—

10 (A) in subparagraph (A), by inserting “,
11 taking into consideration the capacity and ex-
12 pertise of eligible entities,” after “State”;

13 (B) in subparagraph (B), by striking “par-
14 ents who are” and all that follows and inserting
15 “parents who are or who have been consumers
16 of preventive supports and who can provide
17 leadership in the planning, implementation, and
18 evaluation of programs and policy decisions of
19 the lead entity in accomplishing the desired out-
20 comes of such efforts; and”;

21 (C) in subparagraph (C)—

22 (i) by inserting “local,” after
23 “State,”; and

24 (ii) by striking “and” at the end; and

25 (D) by striking subparagraph (D);

1 (2) in paragraph (2)—

2 (A) in subparagraph (A), by striking
3 “composed of” and all that follows through the
4 semicolon at the end and inserting “carried out
5 by local, collaborative, public-private partner-
6 ships;”; and

7 (B) in subparagraph (C)—

8 (i) by inserting “local,” after
9 “State;”; and

10 (ii) by striking “and” at the end;

11 (3) in paragraph (3)—

12 (A) by striking subparagraph (A) and in-
13 serting the following:

14 “(A) has demonstrated commitment to the
15 continued leadership of parents in the develop-
16 ment, operation, evaluation, and oversight of
17 State and local efforts to support community-
18 based family strengthening services designed to
19 prevent child abuse and neglect;”;

20 (B) in subparagraph (B), by striking
21 “community-based and prevention-focused pro-
22 grams and activities designed to strengthen and
23 support families” and inserting “community-
24 based family strengthening services designed”;

25 (C) in subparagraph (C)—

1 (i) by striking “community-based and
2 prevention-focused programs and activities
3 designed to strengthen and support fami-
4 lies to prevent child abuse and neglect”
5 and inserting “local programs”; and

6 (ii) by striking “and” at the end; and

7 (D) by striking subparagraph (D) and in-
8 serting the following:

9 “(D) will integrate efforts with individuals
10 and organizations experienced in working in
11 partnership with families with children with dis-
12 abilities or parents with disabilities, diverse
13 populations with demonstrated need, sexual and
14 gender minority youth, victims of domestic vio-
15 lence, and with the child abuse and neglect pre-
16 vention activities in the State, and demonstrate
17 a financial commitment to those activities; and

18 “(E) will take into consideration access for
19 diverse populations and unmet need when dis-
20 tributing funds to local programs under section
21 205; and”; and

22 (4) by adding at the end the following:

23 “(4) the Governor of the State provides an as-
24 surance that, in issuing regulations in consultation
25 with the lead entity to improve the delivery of com-

1 munity-based family strengthening services designed
2 to promote child, family, and community well-being,
3 and to prevent child abuse and neglect, the State
4 will—

5 “(A) take into account how such regula-
6 tions will impact activities funded under this
7 Act; and

8 “(B) where appropriate, attempt to avoid
9 duplication of efforts, minimize costs of compli-
10 ance with such regulations, and maximize local
11 flexibility with respect to such regulations.”.

12 **SEC. 123. AMOUNT OF GRANT.**

13 Section 203 of the Child Abuse Prevention and
14 Treatment Act (42 U.S.C. 5116b) is amended—

15 (1) by adding at the end of subsection (a) the
16 following: “For any fiscal year for which the amount
17 appropriated under section 210(a) exceeds the
18 amount appropriated under such section for fiscal
19 year 2019 by more than \$2,000,000, the Secretary
20 shall increase the reservation described in this sub-
21 section to 5 percent of the amount appropriated
22 under section 210(a) for the fiscal year for the pur-
23 pose described in the preceding sentence.”;

24 (2) in subsection (b)(1)(A), by striking
25 “\$175,000” and inserting “\$200,000”; and

1 (3) by adding at the end the following:

2 “(d) LIMITATION.—For any fiscal year for which the
3 amount allotted to a State under subsection (b) exceeds
4 the amount allotted to the State under such subsection
5 for fiscal year 2019, the State’s lead entity may use not
6 more than 10 percent of such excess amount for adminis-
7 trative expenses.”.

8 **SEC. 124. APPLICATION.**

9 Section 204 of the Child Abuse Prevention and
10 Treatment Act (42 U.S.C. 5116d) is amended to read as
11 follows:

12 **“SEC. 204. APPLICATION.**

13 “A grant may not be made to a State under this title
14 unless an application therefore is submitted by the lead
15 entity to the Secretary and such application contains the
16 types of information specified by the Secretary as essential
17 to carrying out the provisions of section 202, including—

18 “(1) a description of the lead entity that will be
19 responsible for the administration of funds provided
20 under this title and the oversight of community-
21 based family strengthening services designed to pre-
22 vent child abuse and neglect that receive assistance
23 from the lead entity in accordance with section 205;

24 “(2) a description of how community-based
25 family strengthening services designed to prevent

1 child abuse and neglect supported by the lead entity
2 will operate, including how local programs that re-
3 ceive assistance from the lead entity and public
4 agencies and private entities that promote child, par-
5 ent, family, and community well-being will be inte-
6 grated into a developing continuum of family cen-
7 tered, holistic, preventive services for children and
8 families;

9 “(3) a description of the inventory of current
10 unmet need and current community-based family
11 strengthening services designed to prevent child
12 abuse and neglect, and other family resource services
13 operating in the State, including a description of
14 how the lead entity plans to address unmet need in
15 underserved areas;

16 “(4) a budget for the development, operation,
17 and expansion of the community-based family
18 strengthening services designed to prevent child
19 abuse and neglect that verifies that the State will ex-
20 pend in non-Federal funds an amount equal to not
21 less than 20 percent of the amount received under
22 this title (in cash, not in-kind) for activities under
23 this title;

24 “(5) an assurance that funds received under
25 this title will supplement, not supplant, other State

1 and local public funds designated for the start-up,
2 maintenance, expansion, and redesign of community-
3 based family strengthening services designed to pre-
4 vent child abuse and neglect;

5 “(6) a description of the lead entity’s capacity
6 and commitment to ensure the continued leadership
7 of parents who are or have been consumers of pre-
8 ventive supports, including parents of diverse popu-
9 lations with demonstrated need, family advocates,
10 and adult former victims of child abuse or neglect,
11 in the planning, implementation, and evaluation of
12 the programs and policy decisions of the lead entity
13 in accomplishing the desired outcomes for such ef-
14 forts;

15 “(7) a description of the criteria that the lead
16 entity will use to identify communities in which to
17 provide services, and select and fund local programs
18 in accordance with section 205, including how the
19 lead entity will take into consideration the local pro-
20 gram’s ability to—

21 “(A) collaborate with other community-
22 based organizations and service providers and
23 engage in long-term and strategic planning to
24 support the development of a continuum of pre-
25 ventive services that strengthen families;

1 “(B) meaningfully partner with parents in
2 the development, implementation, and evalua-
3 tion of services;

4 “(C) reduce barriers to access to commu-
5 nity-based family strengthening services de-
6 signed to prevent child abuse and neglect, in-
7 cluding for diverse populations with dem-
8 onstrated need; and

9 “(D) incorporate evidence-based or evi-
10 dence-informed practices, to the extent prac-
11 ticable;

12 “(8) a description of outreach activities that the
13 lead entity and local programs will undertake to
14 maximize the participation of low-income families,
15 racial and ethnic minorities, children and adults with
16 disabilities, sexual and gender minority youth, vic-
17 tims of domestic violence, homeless families and
18 those at risk of homelessness, families experiencing
19 complex needs, and members of other underserved or
20 underrepresented groups;

21 “(9) a plan for providing operational support,
22 training, and technical assistance to local programs,
23 which may include coordination with public agencies
24 and private entities that promote child, parent, and
25 family well-being to support increased access to a

1 continuum of preventive services that strengthen and
2 support families to prevent child abuse and neglect;

3 “(10) a description of how the performance of
4 the lead entity and local programs will be measured
5 in accordance with section 206;

6 “(11) a description of the actions that the lead
7 entity will take to inform systemic changes in State
8 policies, practices, procedures, and regulations to im-
9 prove the delivery of community-based family
10 strengthening services designed to prevent child
11 abuse and neglect, including improved access for di-
12 verse populations with demonstrated need; and

13 “(12) an assurance that the lead entity will pro-
14 vide the Secretary with reports at such time and
15 containing such information as the Secretary may
16 require.”.

17 **SEC. 125. LOCAL PROGRAM REQUIREMENTS.**

18 Section 205 of the Child Abuse Prevention and
19 Treatment Act (42 U.S.C. 5116e) is amended to read as
20 follows:

21 **“SEC. 205. LOCAL PROGRAM REQUIREMENTS.**

22 “(a) IN GENERAL.—Grants or contracts made by the
23 lead entity under this title shall be used to develop, imple-
24 ment, operate, expand, and enhance community-based
25 family strengthening services through a continuum of pre-

1 ventive services to strengthen families and prevent child
2 abuse and neglect in a manner that—

3 “(1) helps families build protective factors that
4 are linked to the prevention of child abuse and ne-
5 glect to support child and family well-being, includ-
6 ing knowledge of parenting and child development,
7 parental resilience, social connections, time-limited
8 and need-based concrete support, and social and
9 emotional development of children;

10 “(2) takes into consideration the assets and
11 needs of communities in which they are located; and

12 “(3) promotes coordination between local pro-
13 grams and public agencies and private entities that
14 promote child, parent, and family well-being.

15 “(b) LOCAL USES OF FUNDS.—Grant funds from the
16 lead entity shall be used to develop, implement, operate,
17 expand, and enhance community-based family strength-
18 ening services designed to prevent child abuse and neglect,
19 which may include the following:

20 “(1) assessing community assets and needs
21 through a planning process that—

22 “(A) involves other community-based orga-
23 nizations or agencies that have already per-
24 formed a needs-assessment, where possible;

1 “(B) includes the meaningful involvement
2 of parents; and

3 “(C) uses information and expertise from
4 local public agencies, local nonprofit organiza-
5 tions, and private sector representatives in
6 meaningful roles;

7 “(2) developing a comprehensive strategy to
8 provide a continuum of preventive, family-centered
9 services to children and families that strengthen and
10 support families to prevent child abuse and neglect,
11 especially to young parents, to parents with young
12 children, to families in hard-to-reach areas, and to
13 parents who are adult former victims of domestic vi-
14 olence or child abuse or neglect, through public-pri-
15 vate partnerships;

16 “(3)(A) providing for core child abuse and ne-
17 glect prevention services, which may be provided di-
18 rectly by the local recipient of the grant funds or
19 through grants or agreements with other local agen-
20 cies, such as—

21 “(i) parenting support and education
22 programs, including services that help par-
23 ents and other caregivers support chil-
24 dren’s development;

1 “(ii) mutual support and self help
2 programs for parents and children;

3 “(iii) parent leadership skills develop-
4 ment programs that support parents as
5 leaders in their families and communities;

6 “(ii) respite care services;

7 “(iii) outreach and follow-up services,
8 which may include voluntary home visiting
9 services; and

10 “(iv) community and social service re-
11 ferrals; and

12 “(B) connecting individuals and families to
13 additional services, including—

14 “(i) referral to and counseling for
15 adoption services for individuals interested
16 in adopting a child or relinquishing their
17 child for adoption;

18 “(ii) child care, early childhood care
19 and education, such as Head Start and
20 Early Head Start under the Head Start
21 Act (42 U.S.C. 9831 et seq.), and early
22 intervention services, including early inter-
23 vention services for infants and toddlers
24 with disabilities eligible for such services as
25 defined in section 632 of the Individuals

1 with Disabilities Education Act (20 U.S.C.
2 1432);

3 “(iii) referral to services and supports
4 to meet the additional needs of families
5 with children with disabilities and parents
6 who are individuals with disabilities;

7 “(iv) nutrition programs, which may
8 include the special supplemental nutrition
9 programs for women, infants, and children
10 established by section 17 of the Child Nu-
11 trition Act of 1966 (42 U.S.C. 1786) and
12 the supplemental nutrition assistance pro-
13 gram under the Food and Nutrition Act of
14 2008 (7 U.S.C. 2011 et seq.);

15 “(v) referral to educational services
16 and workforce development activities, such
17 as activities described in section 134 of the
18 Workforce Innovation and Opportunity Act
19 (29 U.S.C. 3174), adult education, includ-
20 ing literacy and academic tutoring, and ac-
21 tivities as described in section 203 of the
22 Workforce Innovation and Opportunity Act
23 (29 U.S.C. 3272);

24 “(vi) self-sufficiency and life manage-
25 ment skills training;

1 “(vii) community referral services, in-
2 cluding early developmental screening of
3 children and mental health services;

4 “(viii) peer counseling; and

5 “(ix) domestic violence service pro-
6 grams that provide services and treatment
7 to children and their non-abusing care-
8 givers;

9 “(4) developing and maintaining leadership
10 roles for the meaningful involvement of parents in
11 the development, operation, evaluation, and over-
12 sight of the programs and services, including to pro-
13 mote access to such programs and services in spaces
14 familiar to families;

15 “(5) providing leadership in mobilizing local
16 public and private resources to support the provision
17 of needed child abuse and neglect prevention pro-
18 gram services; and

19 “(6) coordinating with public agencies and pri-
20 vate entities that promote child, parent, and family
21 well-being, including through the development of
22 State and local networks of programs and activities
23 to develop a continuum of preventive services to
24 strengthen families and to prevent child abuse and
25 neglect, where appropriate.

1 “(b) PRIORITY.—In awarding local grants under this
2 title, a lead entity shall give priority to effective local pro-
3 grams serving low-income communities and those serving
4 young parents or parents with young children, including
5 community-based child abuse and neglect prevention pro-
6 grams.”.

7 **SEC. 126. PERFORMANCE MEASURES.**

8 Section 206 of the Child Abuse Prevention and
9 Treatment Act (42 U.S.C. 5116f) is amended to read as
10 follows:

11 **“SEC. 206. PERFORMANCE MEASURES.**

12 “A State receiving a grant under this title, through
13 reports provided to the Secretary—

14 “(1) shall demonstrate the effective develop-
15 ment, operation, and expansion of community-based
16 family strengthening services designed to prevent
17 child abuse and neglect that meets the requirements
18 of this title;

19 “(2) shall supply an inventory and description
20 of the services provided to families by local programs
21 that meet identified community needs, including core
22 and additional services as described in section 205,
23 which description shall specify whether those services
24 are evidence-based or evidence-informed, and which
25 may include a description of barriers and challenges,

1 if any, to implementing evidence-based or evidence-
2 informed services;

3 “(3) shall demonstrate that the lead entity ad-
4 dressed unmet need identified by the inventory and
5 description of current services required under section
6 204(3) including, to the extent practicable, how the
7 lead entity utilized a statewide strategy to address
8 such unmet need;

9 “(4) shall describe the number of families
10 served, including families with children with disabil-
11 ities, and parents with disabilities, and demonstrate
12 the involvement of a diverse representation of fami-
13 lies in the design, operation, and evaluation of com-
14 munity-based family strengthening services designed
15 to prevent child abuse and neglect, and in the de-
16 sign, operation and evaluation of the networks of
17 such community-based and prevention-focused pro-
18 grams;

19 “(5) shall demonstrate a high level of satisfac-
20 tion among families who have participated in the
21 community-based family strengthening services de-
22 signed to prevent child abuse and neglect;

23 “(6) shall demonstrate the establishment or
24 maintenance of innovative funding mechanisms, at
25 the State or local level, that blend Federal, State,

1 local, and private funds, and innovative, interdiscipli-
2 nary service delivery mechanisms, for the develop-
3 ment, operation, expansion, and enhancement of the
4 community-based family strengthening services de-
5 signed to prevent child abuse and neglect;

6 “(7) shall describe the results of evaluation, or
7 the outcomes of monitoring, conducted under the
8 State program to demonstrate the effectiveness of
9 activities conducted under this title in meeting the
10 purposes of the program, including the number of
11 local programs funded and the number of such pro-
12 grams that collaborate with outside entities; and

13 “(8) shall demonstrate an implementation plan
14 to ensure the continued leadership of parents in the
15 on-going planning, implementation, and evaluation
16 of such community-based family strengthening serv-
17 ices designed to prevent child abuse and neglect.”.

18 **SEC. 127. NATIONAL NETWORK FOR COMMUNITY-BASED**

19 **FAMILY RESOURCE PROGRAMS.**

20 Section 207 of the Child Abuse Prevention and
21 Treatment Act (42 U.S.C. 5116g) is amended—

22 (1) in the matter preceding paragraph (1), by
23 striking “such sums as may be necessary” and in-
24 serting “not more than 5 percent”; and

1 (2) in paragraph (3), by striking “community-
2 based and prevention-focused programs and activi-
3 ties designed to strengthen and support families”
4 and inserting “community-based family strength-
5 ening services designed”.

6 **SEC. 128. DEFINITIONS.**

7 Section 208 of the Child Abuse Prevention and
8 Treatment Act (42 U.S.C. 5116h) is amended—

9 (1) by redesignating paragraphs (1) and (2) as
10 paragraphs (2) and (1), respectively, and transfer-
11 ring paragraph (1) as redesignated to appear before
12 paragraph (2) as redesignated; and

13 (2) by striking paragraph (1) (as so redesign-
14 ated) and inserting the following:

15 “(1) **COMMUNITY-BASED FAMILY STRENGTH-**
16 **ENING SERVICES.**—The term ‘community-based fam-
17 ily strengthening services’ includes family resource
18 programs, family support programs, voluntary home
19 visiting programs, respite care services, parenting
20 education, mutual support programs for parents and
21 children, parent partner programs, and other com-
22 munity programs or networks of such programs that
23 provide activities that are designed to prevent child
24 abuse and neglect.”.

1 **SEC. 129. RULE OF CONSTRUCTION.**

2 (a) IN GENERAL.—Title II of the Child Abuse Pre-
3 vention and Treatment Act (42 U.S.C. 5116 et seq.) is
4 amended—

5 (1) by redesignating section 209 as section 210;

6 and

7 (2) by inserting after section 208 the following:

8 **“SEC. 209. RULE OF CONSTRUCTION.**

9 “Nothing in this title shall be construed to prohibit
10 grandparents, kinship care providers, foster parents, or
11 adoptive parents from receiving or participating in services
12 and programs under this title.”.

13 (b) CONFORMING AMENDMENT.—The table of con-
14 tents in section 1(b) of the Child Abuse Prevention and
15 Treatment Act is amended by striking the item relating
16 to section 209 and inserting the following:

“Sec. 209. Rule of construction.

“Sec. 210. Authorization of appropriations.”.

17 **SEC. 130. AUTHORIZATION OF APPROPRIATIONS.**

18 Section 210 of the Child Abuse Prevention and
19 Treatment Act, as redesignated by section 129 of this
20 title, is amended—

21 (1) by striking “There are” and inserting the
22 following:

23 “(a) IN GENERAL.—There are”;

1 (2) by striking “to carry out” through “fiscal
2 year 2010” and inserting “to carry out this title
3 \$270,000,000 for fiscal year 2021”;

4 (3) by striking “2011 through 2015” and in-
5 serting “2022 through 2026”; and

6 (4) by adding at the end the following:

7 “(b) TREATMENT OF NON-FEDERAL FUNDS IN CER-
8 TAIN FISCAL YEARS.—For any fiscal year for which the
9 amount appropriated under subsection (a) exceeds the
10 amount appropriated under such subsection for fiscal year
11 2019, the Secretary shall consider non-Federal funds and
12 in-kind contributions as part of the State contribution for
13 the activities specified in section 204(4).”.

14 **SEC. 131. STUDY AND REPORT.**

15 (a) STUDY RELATING TO NEW PREVENTION PRO-
16 GRAMS.—

17 (1) IN GENERAL.—The Comptroller General of
18 the United States shall complete a study, using data
19 reported by States to the Secretary of Health and
20 Human Services under section 206 of the Child
21 Abuse Prevention and Treatment Act (42 U.S.C.
22 5116f), as amended by this title—

23 (A) to determine how many families and
24 children in the first 3 years after the date of
25 the enactment of this Act are served annually

1 through programs funded under title II of the
2 Child Abuse Prevention and Treatment Act (42
3 U.S.C. 5116 et seq.); and

4 (B) to compare the number of such fami-
5 lies and children served annually in the first 3
6 years after the date of the enactment of this
7 Act to the number of such families and children
8 served in fiscal year 2020.

9 (2) CONTENTS.—The study required under
10 paragraph (1) shall include the following for each of
11 the first 3 years after the date of the enactment of
12 this Act:

13 (A) An examination of how many families
14 received evidence-based programming under
15 title II of the Child Abuse Prevention and
16 Treatment Act (42 U.S.C. 5116 et seq.).

17 (B) An examination of the extent to which
18 local programs conduct evaluations using funds
19 provided under such title and the findings of
20 such evaluations.

21 (C) An examination of whether findings of
22 effectiveness in evaluation studies vary by
23 urban, suburban, or rural community type.

24 (D) An examination of whether programs
25 partnering with other entities are more effective

1 than those that do not partner with other enti-
2 ties.

3 (E) An examination of barriers to imple-
4 ment evidence-based programming or to con-
5 duct evaluations in instances where such activi-
6 ties do not occur.

7 (b) REPORT.—Not later than 4 years after the date
8 of the enactment of this Act, the Comptroller General of
9 the United States shall submit to the Committee on
10 Health, Education, Labor, and Pensions of the Senate and
11 the Committee on Education and Labor of the House of
12 Representatives a report that contains the results of the
13 study conducted under paragraph (1).

14 **Subtitle C—Adoption**
15 **Opportunities**

16 **SEC. 141. PURPOSE.**

17 Section 201 of the Child Abuse Prevention and
18 Treatment and Adoption Reform Act of 1978 (42 U.S.C.
19 5111) is amended—

20 (1) in the section heading, by striking “**CON-**
21 **GRESSIONAL FINDINGS AND DECLARATION OF**
22 **PURPOSE**” and inserting “**PURPOSE**”;

23 (2) by striking subsection (a); and

24 (3) in subsection (b)—

25 (A) by striking “(b) PURPOSE.—”;

1 (B) in the matter preceding paragraph (1),
2 by inserting “sexual and gender minority
3 youth” after “particularly older children, minor-
4 ity children,”; and

5 (C) in paragraph (1), by inserting “serv-
6 ices and,” after “post-legal adoption”.

7 **SEC. 142. REPORT AND GUIDANCE ON UNREGULATED CUS-**
8 **TODY TRANSFERS.**

9 The Child Abuse Prevention and Treatment and
10 Adoption Reform Act of 1978 (42 U.S.C. 5111 et seq.)
11 is amended by inserting after section 201 the following:

12 **“SEC. 202. REPORT AND GUIDANCE ON UNREGULATED CUS-**
13 **TODY TRANSFERS.**

14 “(a) SENSE OF CONGRESS.—It is the sense of Con-
15 gress that:

16 “(1) Some adopted children may be at risk of
17 experiencing an unregulated custody transfer be-
18 cause the challenges associated with adoptions (in-
19 cluding the child’s mental health needs and the dif-
20 ficulties many families face in acquiring support
21 services) may lead families to seek out unregulated
22 custody transfers.

23 “(2) Some adopted children experience trauma,
24 and the disruption and placement in another home

1 by unregulated custody transfer creates additional
2 trauma and instability for children.

3 “(3) Children who experience an unregulated
4 custody transfer may be placed with families who
5 have not completed required child welfare or crimi-
6 nal background checks or clearances.

7 “(4) Social services agencies and courts are
8 often unaware of the placement of children through
9 unregulated custody transfer and therefore do not
10 conduct assessments on the child’s safety and well-
11 being in such placements.

12 “(5) Such lack of placement oversight places a
13 child at risk for future abuse and increases the
14 chance that the child may experience—

15 “(A) abuse or neglect;

16 “(B) contact with unsafe adults or youth;

17 and

18 “(C) exposure to unsafe or isolated envi-
19 ronments.

20 “(6) The caregivers with whom a child is placed
21 through unregulated custody transfer often have no
22 legal responsibility with respect to such child, plac-
23 ing the child at risk for additional unregulated cus-
24 tody transfers.

1 “(7) Such caregivers also may not have com-
2 plete records with respect to such child, including
3 the child’s birth, medical, or immigration records.

4 “(8) A child adopted through intercountry
5 adoption may be at risk of not acquiring United
6 States citizenship if an unregulated custody transfer
7 occurs before the adoptive parents complete all nec-
8 essary steps to finalize the adoption of such child.

9 “(9) Engaging in, or offering to engage in, un-
10 regulated custody transfer places children at risk of
11 harm.

12 “(b) REPORT TO CONGRESS.—

13 “(1) IN GENERAL.—Not later than 1 year after
14 the date of the enactment of this section, the Sec-
15 retary of Health and Human Services shall provide
16 to the Committee on Education and Labor of the
17 House of Representatives, the Committee on Ways
18 and Means of the House of Representatives, the
19 Committee on Finance of the Senate, and the Com-
20 mittee on Health, Education, Labor and Pensions of
21 the Senate a report on unregulated custody transfers
22 of children, including of adopted children.

23 “(2) ELEMENTS.—The report required under
24 paragraph (1) shall include—

1 “(A) the causes, methods, and characteris-
2 tics of unregulated custody transfers, including
3 the use of social media and the internet;

4 “(B) the effects of unregulated custody
5 transfers on children, including the lack of as-
6 sessment of a child’s safety and well-being by
7 social services agencies and courts due to such
8 unregulated custody transfer;

9 “(C) the prevalence of unregulated custody
10 transfers within each State and across all
11 States; and

12 “(D) recommended policies for preventing,
13 identifying, and responding to unregulated cus-
14 tody transfers, including of adopted children,
15 that include—

16 “(i) amendments to Federal and State
17 law to address unregulated custody trans-
18 fers;

19 “(ii) amendments to child protection
20 practices to address unregulated custody
21 transfers; and

22 “(iii) methods of providing the public
23 information regarding adoption and child
24 protection.

25 “(c) GUIDANCE TO STATES.—

1 “(1) IN GENERAL.—Not later than 180 days
2 after the date specified in subsection (b)(1), the Sec-
3 retary shall issue guidance and technical assistance
4 to States related to preventing, identifying, and re-
5 sponding to unregulated custody transfers, including
6 of adopted children.

7 “(2) ELEMENTS.—The guidance required under
8 paragraph (1) shall include—

9 “(A) education materials related to pre-
10 venting, identifying, and responding to unregu-
11 lated custody transfers for employees of State,
12 local, and Tribal agencies that provide child
13 welfare services;

14 “(B) guidance on appropriate pre-adoption
15 education and post-adoption services for domes-
16 tic and international adoptive families to pro-
17 mote child permanency; and

18 “(C) the assistance available through the
19 National Resource Center for Special Needs
20 Adoption under section 203(b)(9).

21 “(d) DEFINITIONS.—In this section:

22 “(1) STATE.—The term ‘State’ means each of
23 the several States, the District of Columbia, and any
24 commonwealth, territory, or possession of the United
25 States.

1 “(2) UNREGULATED CUSTODY TRANSFER.—

2 The term ‘unregulated custody transfer’ means the
3 abandonment of a child, by the child’s parent, legal
4 guardian, or a person or entity acting on behalf, and
5 with the consent, of such parent or guardian—

6 “(A) by placing a child with a person who
7 is not—

8 “(i) the child’s parent, step-parent,
9 grandparent, adult sibling, legal guardian,
10 or other adult relative;

11 “(ii) a friend of the family who is an
12 adult and with whom the child is familiar;
13 or

14 “(iii) a member of the Federally rec-
15 ognized Indian tribe of which the child is
16 also a member;

17 “(B) with the intent of severing the rela-
18 tionship between the child and the parent or
19 guardian of such child; and

20 “(C) without—

21 “(i) reasonably ensuring the safety of
22 the child and permanency of the placement
23 of the child, including by conducting an of-
24 ficial home study, background check, and
25 supervision; and

1 “(ii) transferring the legal rights and
2 responsibilities of parenthood or guardian-
3 ship under applicable Federal and State
4 law to a person described in subparagraph
5 (A).”.

6 **SEC. 143. INFORMATION AND SERVICES.**

7 (a) NATIONAL RESOURCE CENTER FOR SPECIAL
8 NEEDS ADOPTION.—Section 203(b)(9) of the Child Abuse
9 Prevention and Treatment and Adoption Reform Act of
10 1978 (42 U.S.C. 5113(b)(9)) is amended by inserting “not
11 later than 2 years after the date of the enactment of the
12 Human Services and Community Supports Act, establish
13 and” before “maintain”.

14 (b) PLACEMENT WITH ADOPTIVE FAMILIES.—Sec-
15 tion 203(b)(11)(C) of the Child Abuse Prevention and
16 Treatment and Adoption Reform Act of 1978 (42 U.S.C.
17 5113(b)(11)(C)) is amended by striking “such children”
18 and inserting “the children and youth described in the
19 matter preceding paragraph (1) of section 201”.

20 (c) PRE-ADOPTION SERVICES.—Section 203(c)(1) of
21 the Child Abuse Prevention and Treatment and Adoption
22 Reform Act of 1978 (42 U.S.C. 5113(c)(1)) is amended
23 by striking “post” and inserting “pre- and post-”.

24 (d) SERVICES.—Section 203(c)(2) of the Child Abuse
25 Prevention and Treatment and Adoption Reform Act of

1 1978 (42 U.S.C. 5113(e)(2)) is amended by inserting
2 “and the development of such services,” after “not sup-
3 plant, services”.

4 (e) ELIMINATION OF BARRIERS TO ADOPTION
5 ACROSS JURISDICTIONAL BOUNDARIES.—Section
6 203(e)(1) of the Child Abuse Prevention and Treatment
7 and Adoption Reform Act of 1978 (42 U.S.C. 5113(e)(1))
8 is amended—

9 (1) by striking “with, States,” and inserting
10 “with States, Indian Tribes,”; and

11 (2) by inserting “, including through the use of
12 web-based tools such as the electronic interstate
13 case-processing system referred to in section 437(g)
14 of the Social Security Act (42 U.S.C. 629g(g))” be-
15 fore the period at the end.

16 **SEC. 144. STUDY AND REPORT ON SUCCESSFUL ADOP-**
17 **TIONS.**

18 Section 204 of the Child Abuse Prevention and
19 Treatment and Adoption Reform Act of 1978 (42 U.S.C.
20 5114) is amended to read as follows:

21 **“SEC. 204. STUDY AND REPORT ON SUCCESSFUL ADOP-**
22 **TIONS.**

23 “(a) STUDY.—The Secretary shall conduct a study
24 (directly or by grant to, or contract with, public or private
25 nonprofit research agencies or organizations) on adoption

1 outcomes and the factors (including parental substance
2 use disorder) affecting those outcomes.

3 “(b) REPORT.—Not later than the date that is 36
4 months after the date of the enactment of the Human
5 Services and Community Supports Act the Secretary shall
6 submit a report to Congress that includes the results of
7 the study required under subsection (a).”.

8 **SEC. 145. AUTHORIZATION OF APPROPRIATIONS.**

9 Section 205(a) of the Child Abuse Prevention and
10 Treatment and Adoption Reform Act of 1978 (42 U.S.C.
11 5115(a)) is amended—

12 (1) by striking “fiscal year 2010” and inserting
13 “fiscal year 2021”; and

14 (2) by striking “fiscal years 2011 through
15 2015” and inserting “fiscal years 2022 through
16 2026”.

17 **Subtitle D—Amendments to Other**
18 **Laws**

19 **SEC. 151. TECHNICAL AND CONFORMING AMENDMENTS TO**
20 **OTHER LAWS.**

21 (a) HEAD START ACT.—Section 658E(c)(2)(L) of
22 the Head Start Act (42 U.S.C. 9858c(c)(2)(L)) is amend-
23 ed by striking “will comply with the child abuse reporting
24 requirements of section 106(b)(2)(B)(i) of the Child
25 Abuse Prevention and Treatment Act (42 U.S.C.

1 5106a(b)(2)(B)(i))” and inserting “will comply with the
2 child abuse reporting requirements of section
3 106(b)(2)(A)(i) of the Child Abuse Prevention and Treat-
4 ment Act (42 U.S.C. 5106a(b)(2)(A)(i))”.

5 (b) VICTIMS OF CRIME ACT OF 1984.—Section
6 1404A of the Victims of Crime Act of 1984 (34 U.S.C.
7 20104) is amended by striking “section 109” and insert-
8 ing “section 107”.

9 **TITLE II—CHILD NUTRITION**
10 **AND THE SPECIAL SUPPLE-**
11 **MENTAL NUTRITION PRO-**
12 **GRAM FOR WOMEN, INFANTS,**
13 **AND CHILDREN**

14 **SEC. 201. EMERGENCY COSTS FOR CHILD NUTRITION PRO-**
15 **GRAMS DURING COVID-19 PANDEMIC.**

16 (a) USE OF CERTAIN APPROPRIATIONS TO COVER
17 EMERGENCY OPERATIONAL COSTS UNDER SCHOOL MEAL
18 PROGRAMS.—

19 (1) IN GENERAL.—

20 (A) REQUIRED ALLOTMENTS.—Notwith-
21 standing any other provision of law, the Sec-
22 retary shall allocate to each State that partici-
23 pates in the reimbursement program under
24 paragraph (3) such amounts as may be nec-
25 essary to carry out reimbursements under such

1 paragraph for each reimbursement month, in-
2 cluding, subject to paragraph (4)(B), adminis-
3 trative expenses necessary to make such reim-
4 bursements.

5 (B) GUIDANCE WITH RESPECT TO PRO-
6 GRAM.—Not later than 10 days after the date
7 of the enactment of this section, the Secretary
8 shall issue guidance with respect to the reim-
9 bursement program under paragraph (3).

10 (2) REIMBURSEMENT PROGRAM APPLICA-
11 TION.—To participate in the reimbursement pro-
12 gram under paragraph (3), not later than 30 days
13 after the date described in paragraph (1), a State
14 shall submit an application to the Secretary that in-
15 cludes a plan to calculate and disburse reimburse-
16 ments under the reimbursement program under
17 paragraph (3).

18 (3) REIMBURSEMENT PROGRAM.—Using the
19 amounts allocated under paragraph (1)(A), a State
20 participating in the reimbursement program under
21 this paragraph shall make reimbursements for emer-
22 gency operational costs for each reimbursement
23 month as follows:

24 (A) For each new school food authority in
25 the State for the reimbursement month, an

1 amount equal to 55 percent of the amount
2 equal to—

3 (i) the average monthly amount such
4 new school food authority was reimbursed
5 under the reimbursement sections for
6 meals and supplements served by such new
7 school food authority during the alternate
8 period; minus

9 (ii) the amount such new school food
10 authority was reimbursed under the reim-
11 bursement sections for meals and supple-
12 ments served by such new school food au-
13 thority during such reimbursement month.

14 (B) For each school food authority not de-
15 scribed in subparagraph (A) in the State for
16 the reimbursement month, an amount equal to
17 55 percent of—

18 (i) 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 for the month beginning one year before
23 such reimbursement month; minus

24 (ii) the amount such school food au-
25 thority was reimbursed under the reim-

1 bursement sections for meals and supple-
2 ments served by such school food authority
3 during such reimbursement month.

4 (4) TREATMENT OF FUNDS.—

5 (A) AVAILABILITY.—Funds allocated to a
6 State under paragraph (1)(A) shall remain
7 available until June 30, 2021.

8 (B) ADMINISTRATIVE EXPENSES.—A State
9 may reserve not more than 1 percent of the
10 funds allocated under paragraph (1)(A) for ad-
11 ministrative expenses to carry out this sub-
12 section.

13 (C) UNEXPENDED BALANCE.—On Decem-
14 ber 31, 2021, any amounts allocated to a State
15 under paragraph (1)(A) or reimbursed to a
16 school food authority or new school food author-
17 ity under paragraph (3) that are unexpended by
18 such State, school food authority, or new school
19 food authority shall revert to the Secretary.

20 (5) REPORTS.—Each State that carries out a
21 reimbursement program under paragraph (3) shall,
22 not later than December 31, 2021, submit a report
23 to the Secretary that includes a summary of the use
24 of such funds by the State and each school food au-
25 thority and new school food authority in such State.

1 (b) USE OF CERTAIN APPROPRIATIONS TO COVER
2 CHILD AND ADULT CARE FOOD PROGRAM CHILD CARE
3 OPERATIONAL EMERGENCY COSTS DURING COVID-19
4 PANDEMIC.—

5 (1) IN GENERAL.—

6 (A) REQUIRED ALLOTMENTS.—Notwith-
7 standing any other provision of law, the Sec-
8 retary shall allocate to each State that partici-
9 pates in the reimbursement program under
10 paragraph (3) such amounts as may be nec-
11 essary to carry out reimbursements under such
12 paragraph for each reimbursement month, in-
13 cluding, subject to paragraph (4)(C), adminis-
14 trative expenses necessary to make such reim-
15 bursements.

16 (B) GUIDANCE WITH RESPECT TO PRO-
17 GRAM.—Not later than 10 days after the date
18 of the enactment of this section, the Secretary
19 shall issue guidance with respect to the reim-
20 bursement program under paragraph (3).

21 (2) REIMBURSEMENT PROGRAM APPLICA-
22 TION.—To participate in the reimbursement pro-
23 gram under paragraph (3), not later than 30 days
24 after the date described in paragraph (1), a State
25 shall submit an application to the Secretary that in-

1 includes a plan to calculate and disburse reimburse-
2 ments under the reimbursement program under
3 paragraph (3).

4 (3) REIMBURSEMENT AMOUNT.—Using the
5 amounts allocated under paragraph (1)(A), a State
6 participating in the reimbursement program under
7 this paragraph shall make reimbursements for child
8 care operational emergency costs for each reimburse-
9 ment month as follows:

10 (A) For each new covered institution in the
11 State for the reimbursement month, an amount
12 equal to 55 percent of—

13 (i) the average monthly amount such
14 covered institution was reimbursed under
15 subsection (c) and subsection (f) of section
16 of the Richard B. Russell National
17 School Lunch Act (42 U.S.C. 1766) for
18 meals and supplements served by such new
19 covered institution during the alternate pe-
20 riod; minus

21 (ii) the amount such covered institu-
22 tion was reimbursed under such section for
23 meals and supplements served by such new
24 covered institution during such reimburse-
25 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 June 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 Decem-
24 ber 31, 2021, any amounts allocated to a State
25 under paragraph (1)(A) or reimbursed to a new

1 covered institution, covered institution, new
2 sponsoring organization of a family or group
3 day care home, or sponsoring organization of a
4 family or group day care home that are unex-
5 pended by such State, new covered institution,
6 covered institution, new sponsoring organization
7 of a family or group day care home, or spon-
8 soring organization of a family or group day
9 care home, shall revert to the Secretary.

10 (5) REPORTS.—Each State that carries out a
11 reimbursement program under paragraph (3) shall,
12 not later than December 31, 2021, submit a report
13 to the Secretary that includes a summary of the use
14 of such funds by the State and each new covered in-
15 stitution, covered institution, new sponsoring organi-
16 zation of a family or group day care home, or spon-
17 soring organization of a family or group day care
18 home.

19 (c) FUNDING.—There are hereby appropriated to the
20 Secretary, out of any funds in the Treasury not otherwise
21 appropriated, such sum as may be necessary to carry out
22 this section.

23 (d) DEFINITIONS.—In this section:

1 (1) ALTERNATE PERIOD.—The term “alternate
2 period” means the period beginning January 1,
3 2020 and ending February 29, 2020.

4 (2) EMERGENCY OPERATIONAL COSTS.—The
5 term “emergency operational costs” means the costs
6 incurred by a school food authority or new school
7 food authority—

8 (A) during a public health emergency;

9 (B) that are related to the ongoing oper-
10 ation, modified operation, or temporary suspen-
11 sion of operation (including administrative
12 costs) of such school food authority or new
13 school food authority; and

14 (C) except as provided under subsection
15 (a), that are not reimbursed under a Federal
16 grant.

17 (3) CHILD CARE OPERATIONAL EMERGENCY
18 COSTS.—The term “child care operational emergency
19 costs” means the costs under the child and adult
20 care food program under section 17 of the Richard
21 B. Russell National School Lunch Act (42 U.S.C.
22 1766) incurred by a new covered institution, covered
23 institution, new sponsoring organization of a family
24 or group day care home, or sponsoring organization
25 of a family or group day care home—

1 (A) during a public health emergency;

2 (B) that are related to the ongoing oper-
3 ation, modified operation, or temporary suspen-
4 sion of operation (including administrative
5 costs) of such new covered institution, covered
6 institution, new sponsoring organization of a
7 family or group day care home, sponsoring or-
8 ganization of a family or group day care home,
9 or sponsoring organization of an unaffiliated
10 center; and

11 (C) except as provided under subsection
12 (b), that are not reimbursed under a Federal
13 grant.

14 (4) COVERED INSTITUTION.—The term “cov-
15 ered institution” means—

16 (A) an institution (as defined in section
17 17(a)(2) of the Richard B. Russell National
18 School Lunch Act (42 U.S.C. 1766(a)(2))); and

19 (B) a family or group day care home.

20 (5) NEW COVERED INSTITUTION.—The term
21 “new covered institution” means a covered institu-
22 tion for which no reimbursements were made for
23 meals and supplements under section 17(e) or (f) of
24 the Richard B. Russell National School Lunch Act

1 (42 U.S.C. 1766) with respect to the previous reim-
2 bursement period.

3 (6) NEW SCHOOL FOOD AUTHORITY.—The term
4 “new school food authority” means a school food au-
5 thority for which no reimbursements were made
6 under the reimbursement sections with respect to
7 the previous reimbursement period.

8 (7) NEW SPONSORING ORGANIZATION OF A
9 FAMILY OR GROUP DAY CARE.—The term “new
10 sponsoring organization of a family or group day
11 care” means a sponsoring organization of a family
12 or group day care home for which no reimburse-
13 ments for administrative funds were made under
14 section 17(f)(3)(B) of the Richard B. Russell Na-
15 tional School Lunch Act (42 U.S.C. 1766(f)(3)(B))
16 for the previous reimbursement period.

17 (8) PREVIOUS REIMBURSEMENT PERIOD.—The
18 term “previous reimbursement period” means the
19 period beginning March 1, 2019 and ending June
20 30, 2019.

21 (9) PUBLIC HEALTH EMERGENCY.—The term
22 “public health emergency” means a public health
23 emergency declared pursuant to section 319 of the
24 Public Health Service Act (42 U.S.C. 247d) result-
25 ing from the COVID–19 pandemic.

1 (10) REIMBURSEMENT MONTH.—The term “re-
2 imbursement month” means March 2020, April
3 2020, May 2020, and June 2020.

4 (11) REIMBURSEMENT SECTIONS.—The term
5 “reimbursement sections” means—

6 (A) section 4(b), section 11(a)(2), section
7 13, and section 17A(c) of the Richard B. Rus-
8 sell National School Lunch Act (42 U.S.C.
9 1753(b); 42 U.S.C. 1759a(a)(2); 42 U.S.C.
10 1761; 42 U.S.C. 1766a(c)); and

11 (B) section 4 of the Child Nutrition Act
12 (42 U.S.C. 1773).

13 (12) SECRETARY.—The term “Secretary”
14 means the Secretary of Agriculture.

15 (13) STATE.— The term “State” has the mean-
16 ing given such term in section 12(d)(8) of the Rich-
17 ard B. Russell National School Lunch Act (42
18 U.S.C. 1760(d)(8)).

19 **SEC. 202. FRESH PRODUCE FOR KIDS IN NEED.**

20 Section 2202(f)(1) of the Families First Coronavirus
21 Response Act (42 U.S.C. 1760 note) is amended by add-
22 ing at the end the following:

23 “(E) The fresh fruit and vegetable pro-
24 gram under section 19 of the Richard B. Rus-

1 sell National School Lunch Act (42 U.S.C.
2 1769a).”.

3 **SEC. 203. WIC BENEFIT FLEXIBILITY DURING COVID-19.**

4 (a) IN GENERAL.—

5 (1) AUTHORITY TO INCREASE AMOUNT OF
6 CASH-VALUE VOUCHER.—During the COVID-19
7 public health emergency declared under section 319
8 of the Public Health Service Act (42 U.S.C. 247d)
9 and in response to challenges related to such public
10 health emergency, the Secretary may increase the
11 amount of a cash-value voucher under a qualified
12 food package to an amount less than or equal to
13 \$35.

14 (2) APPLICATION OF INCREASED AMOUNT OF
15 CASH-VALUE VOUCHER TO STATE AGENCIES.—

16 (A) NOTIFICATION.—An increase to the
17 amount of a cash-value voucher under para-
18 graph (1) shall apply to any State agency that
19 notifies the Secretary of the intent to use such
20 an increased amount, without further applica-
21 tion.

22 (B) USE OF INCREASED AMOUNT.—A
23 State agency that notifies the Secretary under
24 subparagraph (A) may use or not use the in-
25 creased amount described in such subparagraph

1 during the period beginning on the date of the
2 notification by the State agency under such
3 subparagraph and ending on the date that is
4 120 days after the date of the enactment of this
5 section.

6 (3) APPLICATION PERIOD.—An increase to the
7 amount of a cash-value voucher under paragraph (1)
8 may only apply during the period beginning on the
9 date of the enactment of this section and ending on
10 January 31, 2021.

11 (4) SUNSET.—The authority to make an in-
12 crease to the amount of a cash-value voucher under
13 paragraph (1) or to use such an increased amount
14 under paragraph (2)(B) shall terminate on the date
15 that is 120 days after the date of the enactment of
16 this section.

17 (b) DEFINITIONS.—

18 (1) CASH-VALUE VOUCHER.—The term “cash-
19 value voucher” has the meaning given the term in
20 section 246.2 of title 7, Code of Federal Regula-
21 tions.

22 (2) QUALIFIED FOOD PACKAGE.—The term
23 “qualified food package” means the following food
24 packages under section 246.10(e) of title 7, Code of
25 Federal Regulations:

1 (A) Food Package IV—Children 1 through
2 4 years.

3 (B) Food Package V—Pregnant and par-
4 tially (mostly) breastfeeding women.

5 (C) Food Package VI—Postpartum women.

6 (D) Food Package VII—Fully
7 breastfeeding.

8 (3) SECRETARY.—The term “Secretary” means
9 the Secretary of Agriculture.

10 (4) STATE AGENCY.—The term “State agency”
11 has the meaning given the term in section 17(b) of
12 the Child Nutrition Act of 1966 (42 U.S.C.
13 1786(b)).

14 **SEC. 204. COVID-19 WIC SAFETY AND MODERNIZATION.**

15 (a) ESTABLISHMENT OF TASK FORCE.—Not later
16 than 90 days after the date of the enactment of this sec-
17 tion, the Secretary shall establish a task force on supple-
18 mental foods delivery in the special supplemental nutrition
19 program (in this section referred to as the “Task Force”).

20 (b) MEMBERSHIP.—

21 (1) COMPOSITION.—The Task Force shall be
22 composed of at least 1 member but not more than
23 3 members appointed by the Secretary from each of
24 the following:

25 (A) Retailers of supplemental foods.

1 (B) Representatives of State agencies.

2 (C) Representatives of Indian State agen-
3 cies.

4 (D) Representatives of local agencies.

5 (E) Technology companies with experience
6 maintaining the special supplemental nutrition
7 program information systems and technology,
8 including management information systems or
9 electronic benefit transfer services.

10 (F) Manufacturers of supplemental foods.

11 (G) Participants in the special supple-
12 mental nutrition program from diverse loca-
13 tions.

14 (H) Other organizations that have experi-
15 ence with and knowledge of the special supple-
16 mental nutrition program.

17 (2) LIMITATION ON MEMBERSHIP.—The Task
18 Force shall be composed of not more than 20 mem-
19 bers.

20 (c) DUTIES.—

21 (1) STUDY.—The Task Force shall study meas-
22 ures to streamline the redemption of supplemental
23 foods benefits that promote convenience, safety, and
24 equitable access to supplemental foods, including in-

1 fant formula, for participants in the special supple-
2 mental nutrition program, including—

3 (A) online and telephonic ordering and
4 curbside pickup of, and payment for, supple-
5 mental foods;

6 (B) online and telephonic purchasing of
7 supplemental foods;

8 (C) home delivery of supplemental foods;

9 (D) self checkout for purchases of supple-
10 mental foods; and

11 (E) other measures that limit or eliminate
12 consumer presence in a physical store.

13 (2) REPORT BY TASK FORCE.—Not later than
14 September 30, 2021, the Task Force shall submit to
15 the Secretary a report that includes—

16 (A) the results of the study required under
17 paragraph (1); and

18 (B) recommendations with respect to such
19 results.

20 (3) REPORT BY SECRETARY.—Not later than
21 45 days after receiving the report required under
22 paragraph (2), the Secretary shall—

23 (A) submit to Congress a report that in-
24 cludes—

1 (i) a plan with respect to carrying out
2 the recommendations received by the Sec-
3 retary in such report under paragraph (2);
4 and

5 (ii) an assessment of whether legisla-
6 tive changes are necessary to carry out
7 such plan; and

8 (B) notify the Task Force of the submis-
9 sion of the report required under subparagraph
10 (A).

11 (4) PUBLICATION.—The Secretary shall make
12 publicly available on the website of the Department
13 of Agriculture—

14 (A) the report received by the Secretary
15 under paragraph (2); and

16 (B) the report submitted by the Secretary
17 under paragraph (3)(A).

18 (d) TERMINATION.—The Task Force shall terminate
19 on the date the Secretary submits the report required
20 under paragraph (3)(A).

21 (e) NONAPPLICABILITY OF FACCA.—The Federal Ad-
22 visory Committee Act (5 U.S.C. App.) shall not apply to
23 the Task Force.

24 (f) DEFINITIONS.—In this section:

1 (1) LOCAL AGENCY.—The term “local agency”
2 has the meaning given the term in section 17(b) of
3 the Child Nutrition Act of 1966 (42 U.S.C.
4 1786(b)).

5 (2) SECRETARY.—The term “Secretary” means
6 the Secretary of Agriculture.

7 (3) SPECIAL SUPPLEMENTAL NUTRITION PRO-
8 GRAM.—The term “special supplemental nutrition
9 program” means the special supplemental nutrition
10 program under section 17 of the Child Nutrition Act
11 of 1966 (42 U.S.C. 1786).

12 (4) STATE AGENCY.—The term “State agency”
13 has the meaning given the term in section 17(b) of
14 the Child Nutrition Act of 1966 (42 U.S.C.
15 1786(b)).

16 (5) SUPPLEMENTAL FOODS.—The term “sup-
17 plemental foods” has the meaning given the term in
18 section 17(b) of the Child Nutrition Act of 1966 (42
19 U.S.C. 1786(b)).

20 **SEC. 205. SERVING YOUTH IN THE CHILD AND ADULT CARE**
21 **FOOD PROGRAM AT EMERGENCY SHELTERS.**

22 (a) PROGRAM FOR AT-RISK SCHOOL CHILDREN.—
23 Beginning on the date of the enactment of this section,
24 notwithstanding paragraph (1)(A) of section 17(r) of the
25 Richard B. Russell National School Lunch Act (42 U.S.C.

1 1766(r)), during the COVID–19 public health emergency
2 declared under section 319 of the Public Health Service
3 Act (42 U.S.C. 247d), the Secretary shall reimburse insti-
4 tutions that are emergency shelters under such section
5 17(r) (42 U.S.C. 1766(r)) for meals and supplements
6 served to individuals who at the time of such service have
7 not attained the age of 25.

8 (b) PARTICIPATION BY EMERGENCY SHELTERS.—
9 Beginning on the date of the enactment of this section,
10 notwithstanding paragraph (5)(A) section 17(t) of the
11 Richard B. Russell National School Lunch Act (42 U.S.C.
12 1766(t)), during the COVID–19 public health emergency
13 declared under section 319 of the Public Health Service
14 Act (42 U.S.C. 247d), the Secretary shall reimburse emer-
15 gency shelters under such section 17(t) (42 U.S.C.
16 1766(t)) for meals and supplements served to individuals
17 who at the time of such service have not attained the age
18 of 25.

19 (c) FUNDING.—There are hereby appropriated to the
20 Secretary, out of any funds in the Treasury not otherwise
21 appropriated, such sum as may be necessary to carry out
22 this section.

23 (d) DEFINITIONS.—In this section:

24 (1) EMERGENCY SHELTER.—The term “emer-
25 gency shelter” has the meaning given the term

1 under section 17(t)(1) of the Richard B. Russell Na-
2 tional School Lunch Act (42 U.S.C. 1766(t)(1)).

3 (2) SECRETARY.—The term “Secretary” means
4 the Secretary of Agriculture.

5 **SEC. 206. CALCULATION OF PAYMENTS AND REIMBURSE-**
6 **MENTS FOR CERTAIN CHILD NUTRITION PRO-**
7 **GRAMS.**

8 (a) RICHARD B. RUSSELL NATIONAL SCHOOL
9 LUNCH ACT.—

10 (1) COMMODITY ASSISTANCE.—Notwithstanding
11 any other provision of law, for purposes of providing
12 commodity assistance to a State under section
13 6(c)(1)(C) of the Richard B. Russell National School
14 Lunch Act (42 U.S.C. 1755(c)(1)(C)) or cash assist-
15 ance in lieu of such commodity assistance under sec-
16 tion 16 of such Act (42 U.S.C. 1765) the Secretary
17 shall deem the number of lunches served by school
18 food authorities in such State during the 2020 pe-
19 riod to be equal to the greater of the following:

20 (A) The number of lunches served by such
21 school food authorities in such State during the
22 2019 period.

23 (B) The number of lunches served by such
24 school food authorities in such State during the
25 2020 period.

1 (2) SPECIAL ASSISTANCE PAYMENTS.—Notwith-
2 standing any other provision of law, in determining
3 the number of meals served by a school for purposes
4 of making special assistance payments to a State
5 with respect to a school under subparagraph (B),
6 clause (ii) or (iii) of subparagraph (C), or subpara-
7 graph (E)(i)(II) of section 11(a)(1) of the Richard
8 B. Russell National School Lunch Act (42 U.S.C.
9 1759a(a)(1)), the Secretary shall deem the number
10 of meals served by such school during the 2020 pe-
11 riod to be equal to the greater of the following:

12 (A) The number of meals served by such
13 school during the 2019 period.

14 (B) The number of meals served by such
15 school during the 2020 period.

16 (b) CHILD NUTRITION ACT OF 1966.—

17 (1) STATE ADMINISTRATIVE EXPENSES.—Not-
18 withstanding any other provision of law, for pur-
19 poses of making payments to a State under section
20 7(a) of the Child Nutrition Act of 1966 (42 U.S.C.
21 1776(a)), the Secretary shall deem the number of
22 meals and supplements served by such school food
23 authorities in such State during the 2020 period to
24 be equal to the greater of the following:

1 (A) The number of meals and supplements
2 served by such school food authorities in such
3 State during the 2019 period.

4 (B) The number of meals and supplements
5 served by such school food authorities in such
6 State during the 2020 period.

7 (2) TEAM NUTRITION NETWORK.—Notwith-
8 standing any other provision of law, for purposes of
9 making allocations to a State under section 19(d) of
10 the Child Nutrition Act of 1966 (42 U.S.C.
11 1788(d)), the Secretary shall deem the number of
12 lunches served by school food authorities in such
13 State during the 2020 period to be equal to the
14 greater of the following:

15 (A) The number of lunches served by such
16 school food authorities in such State during the
17 2019 period.

18 (B) The number of lunches served by such
19 school food authorities in such State during the
20 2020 period.

21 (c) DEFINITIONS.—In this section:

22 (1) SECRETARY.—The term “Secretary” means
23 the Secretary of Agriculture.

1 (2) 2019 PERIOD.—The term “2019 period”
2 means the period beginning March 1, 2019 and end-
3 ing June 30, 2019.

4 (3) 2020 PERIOD.—The term “2020 period”
5 means the period beginning March 1, 2020 and end-
6 ing June 30, 2020.

7 **SEC. 207. REPORTING ON WAIVER AUTHORITY.**

8 (a) APPLICATION TO DOCUMENTS RECEIVED OR
9 ISSUED ON OR AFTER DATE OF ENACTMENT.—Beginning
10 on the date of the enactment of this section, not later than
11 10 days after the date of the receipt or issuance of each
12 document specified in paragraph (1), (2), or (3) of this
13 subsection, the Secretary of Agriculture shall make pub-
14 licly available on the website of the Department of Agri-
15 culture the following documents:

16 (1) Any request submitted by State agencies for
17 a qualified waiver.

18 (2) The Secretary’s approval or denial of each
19 such request.

20 (3) Any guidance issued by the Secretary with
21 respect to a qualified waiver.

22 (b) INCLUSION OF DATE WITH GUIDANCE.—With re-
23 spect to the guidance described in subsection (a)(3), the
24 Secretary of Agriculture shall include the date on which

1 such guidance was issued on the publicly available website
2 of the Department of Agriculture on such guidance.

3 (c) APPLICATION RECEIVED OR ISSUED BEFORE
4 DATE OF ENACTMENT.—In the case of a document speci-
5 fied in paragraph (1), (2), or (3) of subsection (a) received
6 or issued by the Secretary of Agriculture before the date
7 of the enactment of this section, the Secretary of Agri-
8 culture shall, not later than 30 days after the date of the
9 enactment of this section, make publicly available on the
10 website of the Department of Agriculture—

11 (1) the documents described in paragraphs (1)
12 through (3) of subsection (a) with respect to each
13 received or issued document; and

14 (2) if the Secretary issued guidance with re-
15 spect to a qualified waiver issued before the date of
16 the enactment of this section, the date on which
17 such guidance was issued.

18 (d) QUALIFIED WAIVER DEFINED.—In this section,
19 the term “qualified waiver” means a waiver under section
20 2102, 2202, 2203, or 2204 of the Families First
21 Coronavirus Response Act (Public Law 116–127).

1 TITLE III—RELATED PROGRAMS**2 SEC. 301. COMMUNITY SERVICES BLOCK GRANT ENHANCE-
3 MENT ACT OF 2020.**

4 (a) DISTRIBUTION OF CARES ACT FUNDS TO
5 STATES.—Section 675B(b)(3) of the Community Services
6 Block Grant Act (42 U.S.C. 9906(b)(3)) shall not apply
7 with respect to funds appropriated by the CARES Act
8 (Public Law 116–136) to carry out the Community Serv-
9 ices Block Grant Act (42 U.S.C. 9901 et seq.).

10 (b) INCREASED POVERTY LINE.—For purposes of
11 carrying out the Community Services Block Grant Act (42
12 U.S.C. 9901 et seq.) with any funds appropriated for fis-
13 cal year 2021 for such Act, the term “poverty line” as
14 defined in section 673(2) of such Act (42 U.S.C. 9902(2))
15 means 200 percent of the poverty line otherwise applicable
16 under such section (excluding the last sentence of such
17 section) without regard to this subsection.

18 (c) DISTRIBUTION OF CARES ACT FUNDS BY
19 STATES TO ELIGIBLE ENTITIES.—Funds appropriated by
20 the CARES Act (Public Law 116–136) to carry out the
21 Community Services Block Grant Act (42 U.S.C. 9901 et
22 seq.) and received by a State shall be made available to
23 eligible entities (as defined in section 673(1)(A) of such
24 Act (42 U.S.C. 9902(1)(A))) not later than either 30 days

1 after such State receives such funds or 30 days after the
2 date of the enactment of this Act, whichever occurs later.

3 **SEC. 302. FLEXIBILITY FOR THE RUNAWAY AND HOMELESS**
4 **YOUTH PROGRAM.**

5 During the public health emergency declared by the
6 Secretary of Health and Human Services under section
7 319 of the Public Health Service Act (42 U.S.C. 247d)
8 on January 31, 2020, with respect to COVID–19, and any
9 renewal of such declaration, the Secretary may waive with
10 respect to a current or future grantee of funds provided
11 to carry out the Runaway and Homeless Youth Act (42
12 U.S.C. 11201 et seq.)—

13 (1) the 21-day maximum period for which shel-
14 ter may be provided applicable under section
15 311(a)(2)(B)(i) of such Act (34 U.S.C.
16 11211(a)(2)(B)(i));

17 (2) the 20-youth maximum capacity of a center
18 or facility applicable under section 312(b)(2)(A) of
19 such Act (34 U.S.C. 11212(b)(2)(A)) if such grantee
20 provides an assurance that waiving such requirement
21 would not compromise the health and safety of
22 youth or staff and would not compromise such
23 grantee’s ability to implement the applicable guid-
24 ance issued by the Centers for Disease Control and
25 Prevention to mitigate the spread of COVID–19, in-

1 including the implementation of appropriate social
2 distancing measures;

3 (3) the 540-day and 635-day maximum contin-
4 uous periods for which shelter and services may be
5 provided applicable under section 322(a)(2) of such
6 Act (34 U.S.C. 11222(a)(2));

7 (4) the 20-individual maximum capacity of a
8 shelter or facility applicable under section 322(a)(4)
9 of such Act (34 U.S.C. 11222(a)(4)) if such grantee
10 provides an assurance that waiving such requirement
11 would not compromise the health and safety of
12 youth or staff and would not compromise such
13 grantee's ability to implement the applicable guid-
14 ance issued by the Centers for Disease Control and
15 Prevention to mitigate the spread of COVID-19, in-
16 cluding the implementation of appropriate social
17 distancing measures; and

18 (5) the 90-percent limitation on the Federal
19 cost share applicable under section 383(a) of such
20 Act (34 U.S.C. 11274(a)).

21 **SEC. 303. EXTENSION OF CERTAIN NUTRITION FLEXIBILI-**
22 **TIES FOR OLDER AMERICANS ACT PRO-**
23 **GRAMS NUTRITION SERVICES.**

24 (a) **TRANSFER AUTHORITY.**—Notwithstanding any
25 other provision of the Older Americans Act of 1965 (42

1 U.S.C. 3001 et seq.), with respect to funds received by
2 a State for fiscal year 2021 and attributable to funds ap-
3 propriated under paragraph (1) or (2) of section 303(b)
4 of such Act, the State may elect in its plan under section
5 307(a)(13) of such Act regarding part C of title III of
6 such Act, to transfer between subpart 1 and subpart 2
7 of part C any amount of the funds so received notwith-
8 standing the limitation on transfer authority provided in
9 subparagraph (A) of section 308(b)(4) of such Act and
10 without regard to subparagraph (B) of such section. The
11 preceding sentence shall apply to such funds until ex-
12 pended by the State.

13 (b) HOME-DELIVERED NUTRITION SERVICES WAIV-
14 ER.—For purposes determining eligibility for the delivery
15 of nutrition services under section 337 of the Older Ameri-
16 cans Act of 1965 (42 U.S.C. 3030g) with funds received
17 by a State under the Older Americans Act of 1965 (42
18 U.S.C. 2001 et seq.) for fiscal 2021, the State shall treat
19 an older individual who is unable to obtain nutrition be-
20 cause such individual is practicing social distancing due
21 to the emergency in the same manner as the State treats
22 an older individual who is homebound by reason of illness.
23 The preceding sentence shall apply to such funds until ex-
24 pended by the State.

1 (c) DIETARY GUIDELINES WAIVER.—To facilitate
2 implementation of subparts 1 and 2 of part C of title III
3 of the Older Americans Act of 1965 (42 U.S.C. 3030d–
4 2 et seq.) with funds received by a State for fiscal year
5 2021, the Assistant Secretary on Aging may waive, but
6 make every effort practicable to continue to encourage the
7 restoration of, the applicable requirements that meals pro-
8 vided under such subparts comply with the requirements
9 of clauses (I) and (ii) of section 339(2)(A) of such Act
10 (42 U.S.C. 3030g–21(2)(A)). The preceding sentence shall
11 apply to such funds until expended by the State.

12 **SEC. 304. USE OF LIHEAP SUPPLEMENTAL APPROPRIA-**
13 **TIONS.**

14 Notwithstanding the Low-Income Home Energy As-
15 sistance Act of 1981, with respect to amounts appro-
16 priated under title VIII of division A of this Act to carry
17 out the Low-Income Home Energy Assistance Act of
18 1981, each State, the Commonwealth of Puerto Rico,
19 Guam, American Samoa, the Virgin Islands of the United
20 States, the Commonwealth of the Northern Mariana Is-
21 lands, and each Indian Tribe, as applicable, that receives
22 an allotment of funds from such amounts shall, in using
23 such funds, for purposes of income eligibility, accept proof
24 of job loss or severe income loss dated after February 29,
25 2020, such as a layoff or furlough notice or verification

1 of application for unemployment benefits, as sufficient to
2 demonstrate lack of income for an individual or household.

3 **SEC. 305. CORPORATION FOR NATIONAL AND COMMUNITY**
4 **SERVICE.**

5 (a) CNCS LEGISLATIVE FLEXIBILITIES.—

6 (1) MATCH WAIVER.—During the period begin-
7 ning on the date of the enactment of this Act and
8 ending on September 30, 2022, notwithstanding any
9 other provision of law, if a grantee of the Corpora-
10 tion for National and Community Service is unable
11 to meet a requirement to provide matching funds
12 due to funding constraints resulting from the
13 COVID–19 national emergency, the Chief Executive
14 Officer of the Corporation for National and Commu-
15 nity Service may—

16 (A) waive any requirement that such
17 grantee provide matching funds for a program;
18 and

19 (B) increase the Federal share of the grant
20 for such program up to 100 percent.

21 (2) END-OF-SERVICE CASH STIPEND.—Section
22 3514(a)(2)(B) of the CARES Act is amended by in-
23 serting “, or the full value of the stipend under sec-
24 tion 105(a) of title I of the Domestic Volunteer

1 Service Act of 1973 (42 U.S.C. 4955)” after “such
2 subtitle”.

3 (3) SENIOR CORPS VOLUNTEER RECRUIT-
4 MENT.—During the period beginning on the date of
5 the enactment and ending on September 30, 2022,
6 notwithstanding sections 201(a), 211(d), 211(e), and
7 213(a) of title II of the Domestic Volunteer Service
8 Act of 1973 (42 U.S.C. 5000 et seq.)—

9 (A) an individual age 45 years or older
10 may enroll as a volunteer to provide services
11 under parts A, B or C of such title to address
12 the critical needs of local communities across
13 the country during the COVID–19 national
14 emergency; and

15 (B) for the purposes of parts B and C of
16 such title II, “low-income person” and “person
17 of low income” mean any person whose income
18 is not more than 400 percent of the poverty line
19 for a single individual.

20 (b) NATIONAL SERVICE EXPANSION FEASIBILITY
21 STUDY.—

22 (1) STUDY REQUIRED.—The Corporation for
23 National and Community Service shall conduct a
24 study on the feasibility of increasing the capacity of
25 national service programs to respond to the eco-

1 nomic and social impact on communities across the
2 country resulting from the COVID–19 national
3 emergency and public health crisis.

4 (2) SCOPE OF STUDY.—In conducting the study
5 required under paragraph (1), the Corporation for
6 National and Community Service shall examine new
7 and existing programs, partnerships, organizations,
8 and grantees that could be utilized to respond to the
9 COVID–19 national emergency as described in sub-
10 section (a), including—

11 (A) service opportunities related to food se-
12 curity, education, economic opportunity, and
13 disaster or emergency response;

14 (B) partnerships with the Department of
15 Health and Human Services, the Centers for
16 Disease Control and Prevention, and public
17 health departments in all 50 States and terri-
18 tories to respond to public health needs related
19 to COVID–19 such as testing, contact tracing,
20 or related activities; and

21 (C) the capacity and ability of the State
22 Commissions on National and Community Serv-
23 ice to respond to the needs of State and local
24 governments in each State or territory in which
25 such State Commission is in operation.

1 (3) REQUIRED FACTORS OF THE STUDY.—In
2 examining new and existing programs, partnerships,
3 organizations, and grantees as required under para-
4 graph (2), the Corporation for National and Com-
5 munity Service shall examine—

6 (A) the cost and resources necessary re-
7 lated to increased capacity;

8 (B) the timeline for implementation of any
9 expanded partnerships or increased capacity;

10 (C) options to use existing corps programs
11 overseen by the Corporation for National and
12 Community Service for increasing such capac-
13 ity, and the role of programs, such as
14 AmeriCorps, AmeriCorps VISTA, AmeriCorps
15 National Civilian Community Corps, or Senior
16 Corps, for increasing capacity;

17 (D) the ability to increase diversity, includ-
18 ing economic, racial, ethnic, and gender diver-
19 sity, among national service volunteers and pro-
20 grams;

21 (E) the geographic distribution of demand
22 by State due to the economic or health related
23 impacts of COVID–19 for national service vol-
24 unteer opportunities across the country and the
25 additional volunteer capacity needed to meet

1 such demand, comparing existing demand for
2 volunteer opportunities to expected or realized
3 increases as a result of COVID–19; and

4 (F) whether any additional administrative
5 capacity at the Corporation for National and
6 Community Service, such as grantee organiza-
7 tional capacity, is needed to respond to the in-
8 creased capacity of such new or existing pro-
9 grams, partnerships, organizations, and grant-
10 ees.

11 (4) REPORTS TO CONGRESSIONAL COMMIT-
12 TEES.—

13 (A) IN GENERAL.—Not later than 60 days
14 after the date of the enactment of this Act, the
15 Chief Executive Officer of the Corporation for
16 National and Community Service shall submit
17 to the congressional committees under subpara-
18 graph (B) a report on the results of the study
19 under paragraph (1) with recommendations on
20 the role for the Corporation for National and
21 Community Service in responding to the
22 COVID–19 national emergency, including any
23 recommendations for legislative, regulatory, and
24 administrative changes based on findings re-

1 lated to the topics identified under subsection
2 (b).

3 (B) CONGRESSIONAL COMMITTEES.—The
4 congressional committees under this subpara-
5 graph are—

6 (i) the Committee on Education and
7 Labor and the Committee on Appropria-
8 tions of the House of Representatives; and

9 (ii) the Committee on Health, Edu-
10 cation, Labor, and Pensions and the Com-
11 mittee on Appropriations of the Senate.

12 (c) DEFINITIONS.—In this section, the following defi-
13 nitions apply:

14 (1) COVID–19 NATIONAL EMERGENCY.—The
15 term “COVID–19 national emergency” means the
16 national emergency declared by the President under
17 the National Emergencies Act (50 U.S.C. 1601 et
18 seq.) on March 13, 2020, with respect to COVID–
19 19.

20 (2) GRANTEE.—The term “grantee” means a
21 recipient of a grant under the Domestic Volunteer
22 Service Act of 1973 (42 U.S.C. 4950 et seq.) or the
23 National and Community Service Act of 1990 (42
24 U.S.C. 12501 et seq.) to run a program.

1 (3) POVERTY LINE FOR A SINGLE INDI-
2 VIDUAL.—The term “poverty line for a single indi-
3 vidual” has the meaning given such term in section
4 421 of the Domestic Volunteer Service Act of 1973
5 (42 U.S.C. 5061).

6 (4) PROGRAM.—The term “program” means a
7 program funded under the Domestic Volunteer Serv-
8 ice Act of 1973 (42 U.S.C. 4950 et seq.) or the Na-
9 tional and Community Service Act of 1990 (42
10 U.S.C. 12501 et seq.).

11 (5) STATE COMMISSION.—The term “State
12 Commission” has the meaning given such term in
13 section 101 of the National and Community Service
14 Act (42 U.S.C. 12511).

15 **SEC. 306. MATCHING FUNDS WAIVER FOR FORMULA**
16 **GRANTS AND SUBGRANTS UNDER THE FAM-**
17 **ILY VIOLENCE PREVENTION AND SERVICES**
18 **ACT.**

19 (a) WAIVER OF MATCHING FUNDS FOR AWARDED
20 GRANTS AND SUBGRANTS.—The Secretary of Health and
21 Human Services shall waive—

22 (1) the non-Federal contributions requirement
23 under subsection (c)(4) of section 306 of the Family
24 Violence Prevention and Services Act (42 U.S.C.
25 10406) with respect to the grants and subgrants

1 awarded in fiscal years 2019, 2020, and 2021 to
2 each State (as defined in section 302 of such Act
3 (42 U.S.C. 10402)) and the eligible entities within
4 such State under section 306 or 308 of such Act (42
5 U.S.C. 10406; 10408); and

6 (2) the reporting requirements required under
7 such grants and subgrants that relate to such non-
8 Federal contributions requirement.

9 (b) WAIVER OF MATCHING FUNDS FOR GRANTS
10 AWARDED AFTER DATE OF ENACTMENT.—

11 (1) IN GENERAL.—Subsection (c)(4) of section
12 306 of the Family Violence Prevention and Services
13 Act (42 U.S.C. 10406) shall not apply to a qualified
14 grant during the period of a public health emergency
15 declared pursuant to section 319 of the Public
16 Health Service Act (42 U.S.C. 247d) resulting from
17 the COVID–19 pandemic.

18 (2) QUALIFIED GRANT DEFINED.—In this sub-
19 section, the term “qualified grant” means a grant or
20 subgrant awarded—

21 (A) after the date of the enactment of this
22 section; and

23 (B) under section 306, 308, or 309 of the
24 Family Violence Prevention and Services Act
25 (42 U.S.C. 10406; 10408; 10409).

1 **DIVISION E—SMALL BUSINESS**
 2 **PROVISIONS**

3 **SEC. 100. SHORT TITLE, ETC.**

4 (a) **SHORT TITLE.**—This division may be cited as the
 5 “PPP and EIDL Enhancement Act of 2020”.

6 (b) **TABLE OF CONTENTS.**—The table of contents for
 7 this division is as follows:

Sec. 100. Short Title, etc.

TITLE I—FUNDING PROVISIONS

Sec. 101. Amount authorized for commitments.

Sec. 102. Funding for the paycheck protection program.

Sec. 103. Direct appropriations.

**TITLE II—MODIFICATIONS TO THE PAYCHECK PROTECTION
PROGRAM**

Sec. 201. Periods for loan forgiveness and application submission.

Sec. 202. Supplemental covered loans for certain business concerns.

Sec. 203. Certifications and documentation for forgiveness of covered loans.

Sec. 204. Eligibility of certain organizations for loans under the paycheck pro-
tection program.

Sec. 205. Limit on aggregate loan amount for eligible recipients with more than
one physical location.

Sec. 206. Allowable uses of covered loans; forgiveness.

Sec. 207. Documentation required for certain eligible recipients.

Sec. 208. Exclusion of certain publicly traded and foreign entities.

Sec. 209. Election of 12-week period by seasonal employers.

Sec. 210. Inclusion of certain refinancing in nonrecourse requirements.

Sec. 211. Credit elsewhere requirements.

Sec. 212. Prohibition on receiving duplicative amounts for payroll costs.

Sec. 213. Application of certain terms through life of covered loan.

Sec. 214. Interest calculation on covered loans.

Sec. 215. Reimbursement for processing.

Sec. 216. Duplication requirements for economic injury disaster loan recipients.

Sec. 217. Reapplication for and modification to paycheck protection program.

Sec. 218. Treatment of certain criminal violations.

TITLE III—TAX PROVISIONS

Sec. 301. Improved coordination between paycheck protection program and em-
ployee retention tax credit.

**TITLE IV—COVID-19 ECONOMIC INJURY DISASTER LOAN
PROGRAM REFORM**

Sec. 401. Sense of Congress.

- Sec. 402. Notices to applicants for economic injury disaster loans or advances.
- Sec. 403. Modifications to emergency EIDL advances.
- Sec. 404. Data transparency, verification, and notices for economic injury disaster loans.
- Sec. 405. Lifeline funding for small business continuity, adaptation, and resiliency.
- Sec. 406. Modifications to economic injury disaster loans.
- Sec. 407. Principal and interest payments for certain disaster loans.
- Sec. 408. Training.
- Sec. 409. Outreach plan.
- Sec. 410. Report on best practices.
- Sec. 411. Extension of period of availability for administrative funds.

TITLE V—MICRO-SBIC AND EQUITY INVESTMENT ENHANCEMENT

- Sec. 501. Micro-SBIC Program.

TITLE VI—MISCELLANEOUS

- Sec. 601. Repeal of unemployment grants.
- Sec. 602. Subsidy for certain loan payments.
- Sec. 603. Modifications to 7(a) loan programs.
- Sec. 604. Flexibility in deferral of payments of 7(a) loans.
- Sec. 605. Recovery assistance under the microloan program.
- Sec. 606. Maximum loan amount for 504 loans.
- Sec. 607. Temporary fee reductions.
- Sec. 608. Extension of participation in 8(a) program.
- Sec. 609. Report on minority, women, and rural lending.
- Sec. 610. Comprehensive program guidance.
- Sec. 611. Reports on paycheck protection program.
- Sec. 612. Prohibiting conflicts of interest for small business programs under the CARES Act.
- Sec. 613. Inclusion of SCORE and Veteran Business Outreach Centers in entrepreneurial development programs.
- Sec. 614. Clarification of use of CARES Act funds for small business development centers.
- Sec. 615. Funding for the Office of Inspector General of the Small Business Administration.
- Sec. 616. Extension of waiver of matching funds requirement under the Women’s Business Center program.
- Sec. 617. Access to Small Business Administration information and databases.
- Sec. 618. Small business local relief program.
- Sec. 619. Grants for independent live venue operators.

1 (c) DEFINITIONS.—In this division:

2 (1) ADMINISTRATION.—The term “Administra-
3 tion” means the Small Business Administration.

4 (2) ADMINISTRATOR.—The term “Adminis-
5 trator” means the Administrator of the Small Busi-
6 ness Administration.

1 (d) EFFECTIVE DATE; APPLICABILITY.—Except as
2 otherwise provided in this division, this division and the
3 amendments made by this division shall take effect on the
4 date of the enactment of this Act and shall apply to loans
5 made, or other assistance provided, on or after the date
6 of the enactment of this Act.

1 **TITLE I—FUNDING PROVISIONS**

2 **SEC. 101. AMOUNT AUTHORIZED FOR COMMITMENTS.**

3 Section 1102(b)(1) of the CARES Act (Public Law
4 116–136) is amended to read as follows:

5 “(1) PPP LOANS.—During the period begin-
6 ning on the date of enactment of this subsection and
7 ending on December 31, 2020, subject to the avail-
8 ability of appropriations, the Administrator may
9 make commitments under paragraph (36) of section
10 7(a) of the Small Business Act (15 U.S.C.
11 636(a)).”.

12 **SEC. 102. FUNDING FOR THE PAYCHECK PROTECTION PRO-** 13 **GRAM.**

14 (a) IN GENERAL.—Section 7(a)(36)(S) of the Small
15 Business Act (15 U.S.C. 636(a)(36)(S)) is amended to
16 read as follows:

17 “(S) SET ASIDE FOR CERTAIN ENTITIES.—
18 The Administrator shall provide for the cost to
19 guarantee covered loans made under this para-
20 graph—

21 “(i) a set aside of not less than 10
22 percent of each such amount for covered
23 loans—

24 “(I) made to eligible recipients
25 with 10 or fewer employees, including

1 individuals who operate under a sole
2 proprietorship or as an independent
3 contractor and eligible self-employed
4 individuals; or

5 “(II) less than or equal to
6 \$250,000 made to an eligible recipient
7 that is located in a low- or moderate-
8 income neighborhoods (as defined
9 under the Community Reinvestment
10 Act of 1977).

11 “(ii) a set aside of not more than 30
12 percent of each such amount for covered
13 loan made to nonprofit organizations, orga-
14 nizations described in subparagraph
15 (D)(viii), or housing cooperatives; and

16 “(iii) a set aside of not more than 50
17 percent of each such amount for supple-
18 mental covered loans made under subpara-
19 graph (B)(ii).”.

20 (b) SET ASIDE FOR COMMUNITY FINANCIAL INSTI-
21 TUTIONS.—Of amounts appropriated by the Paycheck
22 Protection Program and Health Care Enhancement Act
23 (Public Law 116–139) under the heading “Small Business
24 Administration—Business Loans Program Account,
25 CARES Act” that have not been obligated or expended,

1 the lesser of 25 percent of such amounts or
2 \$15,000,000,000 shall be set aside for the cost to guar-
3 antee covered loans made under section 7(a)(36) of the
4 Small Business Act (15 U.S.C. 636(a)(36)) by community
5 financial institutions (as such term is defined in subpara-
6 graph (A)(xi) of such section).

7 (c) AMOUNTS RETURNED.—Section 7(a)(36) of the
8 Small Business Act (15 U.S.C. 636(a)(36)) is amended
9 by adding at the end the following new subparagraph:

10 “(T) AMOUNTS RETURNED.—Any amounts
11 returned to the Secretary of the Treasury due
12 to the cancellation of a covered loan shall be
13 solely used for the cost to guarantee covered
14 loans made to eligible recipients with 10 or
15 fewer employees or covered loans of less than or
16 equal to \$250,000 made to an eligible recipient
17 that is located in a low- or moderate-income
18 neighborhoods (as defined under the Commu-
19 nity Reinvestment Act of 1977).”.

20 **SEC. 103. DIRECT APPROPRIATIONS.**

21 There is appropriated, out of amounts in the Treas-
22 ury not otherwise appropriated, for additional amounts—

23 (1) for the cost of carrying out section 407 of
24 this division, \$8,000,000,000;

1 (2) for the cost of carrying out title V of this
2 division, \$1,000,000,000;

3 (3) for the cost of carrying out section 603 and
4 607 of this division, \$1,000,000,000;

5 (4) for the cost of carrying out section 605 of
6 this division, \$57,000,000;

7 (5) for the cost of carrying out section 618 of
8 this division, \$15,000,000,000; and

9 (6) for the cost of carrying out section 619 of
10 this division, \$10,000,000,000.

11 **TITLE II—MODIFICATIONS TO**
12 **THE PAYCHECK PROTECTION**
13 **PROGRAM**

14 **SEC. 201. PERIODS FOR LOAN FORGIVENESS AND APPLICA-**
15 **TION SUBMISSION.**

16 (a) PERIOD FOR COSTS THAT ARE ELIGIBLE FOR
17 FORGIVENESS AND APPLICATION SUBMISSION.—Section
18 1106 of the CARES Act (15 U.S.C. 9005) is amended—

19 (1) in subsection (a), by striking paragraph (3)
20 and inserting the following:

21 “(3) the term ‘covered period’ means the period
22 beginning on the date of the origination of a covered
23 loan and ending on a date selected by the eligible re-
24 cipient of the covered loan that—

1 “(A) is not earlier than the date that is 8
2 weeks after such date of origination; and

3 “(B) is not later than the date that is 24
4 weeks after such date of origination;”;

5 (2) in subsection (d), by striking “December
6 31, 2020” each place it appears and inserting “Sep-
7 tember 30, 2021”; and

8 (3) by striking subsection (l) and inserting the
9 following new subsection:

10 “(l) APPLICATION DEADLINE.—An eligible recipient
11 may apply for forgiveness under this section any time after
12 covered period if proceeds from a covered loan have been
13 spent and the eligible recipient is in compliance with sub-
14 sections (e) and (f).”.

15 (b) APPLICABILITY OF AMENDMENTS.—The amend-
16 ments made by subsection (b) shall be effective as if in-
17 cluded in the CARES Act (Public Law 116–136) and shall
18 apply to any loan made pursuant to section 7(a)(36) of
19 the Small Business Act (15 U.S.C. 636(a)(36)) or section
20 1109 of the CARES Act (15 U.S.C. 9008).

21 **SEC. 202. SUPPLEMENTAL COVERED LOANS FOR CERTAIN**
22 **BUSINESS CONCERNS.**

23 Section 7(a)(36)(B) of the Small Business Act (15
24 U.S.C. 636(a)(36)(B)) is amended—

1 (1) by striking “Except” and inserting the fol-
2 lowing:

3 “(i) IN GENERAL.—Except”; and

4 (2) by adding at the end the following new
5 clause:

6 “(ii) SUPPLEMENTAL COVERED
7 LOANS.—

8 “(I) DEFINITIONS.—In this
9 clause—

10 “(aa) the terms ‘exchange’,
11 ‘issuer’, and ‘security’ have the
12 meanings given such terms in
13 section 3(a) of the Securities Ex-
14 change Act of 1934 (15 U.S.C.
15 78c(a));

16 “(bb) the term ‘gross re-
17 ceipts’ means gross receipts with-
18 in the meaning of section 448(c)
19 of the Internal Revenue Code of
20 1986;

21 “(cc) the term ‘national se-
22 curities exchange’ means an ex-
23 change registered as a national
24 securities exchange under section

1 6 of the Securities Exchange Act
2 of 1934 (15 U.S.C. 78f);

3 “(dd) the term ‘publicly
4 traded entity’ means an issuer,
5 the securities of which are listed
6 on a national securities exchange;

7 “(ee) the term ‘smaller con-
8 cern’ means an eligible recipient
9 that—

10 “(AA) has not more
11 than 200 employees;

12 “(BB) operates under a
13 sole proprietorship or as an
14 independent contractor; or

15 “(CC) is an eligible
16 self-employed individual; and

17 “(ff) the term ‘significant
18 loss in revenue’ means that, due
19 to the impact of COVID-19—

20 “(AA) the gross re-
21 ceipts of the eligible recipi-
22 ent during the first, second,
23 or third calendar quarter of
24 2020 are less than 75 per-
25 cent of the gross receipts of

1 the eligible recipient during
2 the same calendar quarter in
3 2019;

4 “(BB) if the eligible re-
5 cipient was not in business
6 on April 1, 2019, the gross
7 receipts of the eligible recipi-
8 ent during any 2-month pe-
9 riod during the first 3 cal-
10 endar quarters of 2020 are
11 less than 75 percent of the
12 amount of the gross receipts
13 of the eligible recipient dur-
14 ing any prior 2-month pe-
15 riod during the first 3 cal-
16 endar quarters of 2020; or

17 “(CC) if the eligible re-
18 cipient is seasonal employer,
19 as determined by the Ad-
20 ministrator, the gross re-
21 cepts of the eligible recipi-
22 ent during any 2-month pe-
23 riod during the first 3 cal-
24 endar quarters of 2020 are
25 less than 75 percent of the

1 amount of the gross receipts
2 of the eligible recipient dur-
3 ing the same 2-month period
4 in 2019.

5 “(II) AUTHORITY.—Except as
6 otherwise provided in this clause, for
7 an eligible recipient that has received
8 a covered loan under clause (i), the
9 Administrator may guarantee a single
10 supplemental covered loan to the eligi-
11 ble recipient under the same terms,
12 conditions, and processes as a covered
13 loan made under clause (i).

14 “(III) CHOICE OF LENDER.—An
15 eligible recipient may apply for a sup-
16 plemental covered loan under this
17 clause with the lender that made the
18 covered loan under clause (i) to the el-
19 igible recipient or another lender.

20 “(IV) ELIGIBILITY.—

21 “(aa) IN GENERAL.—A sup-
22 plemental covered loan under this
23 clause—

24 “(AA) may only be
25 made to an eligible recipient

1 that is a smaller concern
2 that has had a significant
3 loss in revenue and has
4 used, or is expending funds
5 at a rate that the eligible re-
6 cipient will use on or before
7 the expected date of the dis-
8 bursement of the supple-
9 mental covered loan under
10 this clause, the full amount
11 of the covered loan received
12 under clause (i); and

13 “(BB) may not be
14 made to a publicly traded
15 entity.

16 “(bb) BUSINESS CONCERNS
17 WITH MORE THAN 1 PHYSICAL
18 LOCATION.—

19 “(AA) IN GENERAL.—
20 For purposes of a supple-
21 mental covered loan under
22 this clause, subparagraph
23 (D)(iii) shall be applied by
24 substituting ‘not more than
25 200 employees per physical

1 location' for 'not more than
2 500 employees per physical
3 location'.

4 “(BB) LIMIT FOR MUL-
5 TIPLE LOCATIONS.—For an
6 eligible recipient with more
7 than 1 physical location, the
8 total amount of all supple-
9 mental covered loans made
10 under this clause to the eli-
11 gible recipient shall not be
12 more than \$2,000,000.

13 “(V) MAXIMUM AMOUNT.—The
14 maximum amount of a supplemental
15 covered loan under this clause is the
16 lesser of—

17 “(aa) the product obtained
18 by multiplying—

19 “(AA) the average total
20 monthly payments for pay-
21 roll costs by the eligible re-
22 cipient used to determine
23 the maximum amount of the
24 covered loan under clause (i)

1 made to the eligible recipient
2 under this paragraph, by
3 “(BB) 2.5; or
4 “(bb) \$2,000,000.

5 “(VI) EXCEPTION FROM CERTAIN
6 CERTIFICATION REQUIREMENTS.—An
7 eligible recipient applying for a sup-
8 plemental covered loan under this
9 clause shall not be required to make
10 the certification described in clauses
11 (iii) or (iv) of subparagraph (G).

12 “(VII) REIMBURSEMENT FOR
13 PROCESSING SUPPLEMENTAL PPP.—
14 For a supplemental covered loan
15 under this clause of less than or equal
16 to \$50,000, the reimbursement under
17 subparagraph (P)(I) by the Adminis-
18 trator shall not be less than \$2,500.”.

19 **SEC. 203. CERTIFICATIONS AND DOCUMENTATION FOR**
20 **FORGIVENESS OF COVERED LOANS.**

21 Section 1106 of the CARES Act (15 U.S.C. 9005)
22 is amended—

23 (1) in subsection (e), in the matter preceding
24 paragraph (1), by striking “An eligible recipient”
25 and all that follows through “an application,” and

1 inserting “Subject to subsection (f), an eligible re-
2 cipient applying for loan forgiveness under this sec-
3 tion shall provide proof of the use of covered loan
4 proceeds,”;

5 (2) by amending subsection (f) to read as fol-
6 lows:

7 “(f) DOCUMENTATION REQUIREMENTS.—To receive
8 loan forgiveness under this section, an eligible recipient
9 shall comply with the following requirements:

10 “(1) With respect to a covered loan in an
11 amount less than or equal to \$50,000, the eligible
12 recipient—

13 “(A) shall certify to the Administrator that
14 the eligible recipient has used proceeds from the
15 covered loan in compliance with the require-
16 ments of section 7(a)(36) of the Small Business
17 Act (15 U.S.C. 636(a)(36)), including a de-
18 scription of the amount of proceeds used for
19 payroll costs (as defined in such section) and
20 the number of employees the eligible recipient
21 was able to retain because of such covered loan;

22 “(B) is not required to submit any docu-
23 mentation or application to receive forgiveness
24 under this section;

1 “(C) shall certify to the Administrator that
2 the eligible recipient can make the documenta-
3 tion described under subsection (e) available,
4 upon request, for a period of time determined
5 by the Administrator, which period shall be not
6 less than 3 years; and

7 “(D) may submit to the Administrator de-
8 mographic information of the owner of the eligi-
9 ble recipient, including the sex, race, ethnicity,
10 and veteran status of the owner, through a
11 process established by the Administrator.

12 “(2) With respect to a covered loan in an
13 amount greater than \$50,000 but less than or equal
14 to \$150,000, the eligible recipient—

15 “(A) shall submit to the lender that is
16 servicing the covered loan the certification de-
17 scribed in paragraph (1)(A) and a simplified
18 one-page application form that does not require
19 the submission of any documentation described
20 under subsection (e);

21 “(B) shall make the certification described
22 in paragraph (1)(C); and

23 “(C) may submit to the Administrator de-
24 mographic information of the owner of the eligi-
25 ble recipient, including the sex, race, ethnicity,

1 and veteran status of the owner, as established
2 by the Administrator on the application form
3 described in subparagraph (A).

4 “(3) With respect to a covered loan in an
5 amount greater than \$150,000, the eligible recipient
6 shall submit to the lender that is servicing the cov-
7 ered loan the documentation described under sub-
8 section (e).”; and

9 (3) by amending subsection (g) to read as fol-
10 lows:

11 “(g) LENDER SUBMISSION.—Not later than 60 days
12 after the date on which a lender receives an application
13 for loan forgiveness under this section from an eligible re-
14 cipient, the lender shall only be required to review the ap-
15 plication to ensure completion, including that required at-
16 testations have been made, before submitting such applica-
17 tion to the Administrator.”.

18 **SEC. 204. ELIGIBILITY OF CERTAIN ORGANIZATIONS FOR**
19 **LOANS UNDER THE PAYCHECK PROTECTION**
20 **PROGRAM.**

21 Section 7(a)(36) of the Small Business Act (15
22 U.S.C. 636(a)(36))—

23 (1) in subparagraph (A)—

24 (A) in clause (vii), by inserting “covered”
25 before “nonprofit”;

1 (B) in clause (viii)(II)—

2 (i) in item (dd), by striking “or” at
3 the end;

4 (ii) in item (ee), by inserting “or” at
5 the end; and

6 (iii) by adding at the end the fol-
7 lowing new item:

8 “(ff) any compensation of
9 an employee who is a registered
10 lobbyist under the Lobbying Dis-
11 closure Act of 1995;”;

12 (C) by amending clause (ix) to read as fol-
13 lows:

14 “(ix) the term ‘covered organization’
15 means—

16 “(I) an organization described in
17 section 501(c) of the Internal Revenue
18 Code of 1986 and exempt from tax
19 under section 501(a) of such Code
20 that is not a covered nonprofit organi-
21 zation;

22 “(II) an entity created by a State
23 or local government that derives the
24 majority of its operating budget from
25 the production of live events; or

1 “(III) a destination marketing
2 organization;”;

3 (D) in clause (xi)(IV), by striking “and” at
4 the end;

5 (E) in clause (xii), by striking the period
6 at the end and inserting a semicolon; and

7 (F) by adding at the end the following new
8 clauses:

9 “(xiii) the term ‘housing cooperative’
10 means a cooperative housing corporation
11 (as defined in section 216(b) of the Inter-
12 nal Revenue Code of 1986); and

13 “(xiv) the term ‘destination marketing
14 organization’ means a nonprofit entity that
15 is not an organization described in section
16 501(c)(6) of the Internal Revenue Code of
17 1986 and exempt from tax under section
18 501(a) of such Code, a State, or a political
19 subdivision of a State (including any in-
20 strumentality of such entities) engaged in
21 marketing and promoting communities and
22 facilities to businesses and leisure travelers
23 through a range of activities, including—

24 “(I) assisting with the location of
25 meeting and convention sites;

1 “(II) providing travel information
2 on area attractions, lodging accom-
3 modations, and restaurants;

4 “(III) providing maps; and

5 “(IV) organizing group tours of
6 local historical, recreational, and cul-
7 tural attractions.”; and

8 (2) in subparagraph (D)—

9 (A) in clause (i)—

10 (i) by inserting “covered” before
11 “nonprofit organization” each place it ap-
12 pears; and

13 (ii) by striking “veterans organiza-
14 tion” each place it appears and inserting
15 “housing cooperative”;

16 (B) in clause (iii)—

17 (i) by amending the clause heading to
18 read as follows: “REQUIREMENTS FOR
19 RESTAURANTS AND CERTAIN NEWS ORGA-
20 NIZATIONS”;

21 (ii) by striking “During the covered
22 period, any business concern that employs”
23 and inserting the following: “Any business
24 concern that—

1 “(I) during the covered period,
2 employs”;

3 (iii) in subclause (I), as so designated,
4 by striking the period at the end and in-
5 serting a semicolon; and

6 (iv) by adding at the end the following
7 new subclauses:

8 “(II) was not eligible to receive a
9 covered loan the day before the date
10 of the enactment of this subclause, is
11 assigned a North American Industry
12 Classification System code beginning
13 with 511110, 515112, or 515120, and
14 an individual physical location of the
15 business concern at the time of dis-
16 bursal does not exceed the size stand-
17 ard established by the Administrator
18 for the applicable code shall be eligible
19 to receive a covered loan for expenses
20 associated with an individual physical
21 location of that business concern to
22 support the continued provision of
23 local news, information, content, or
24 emergency information, and, at the

1 time of disbursement, the individual phys-
2 ical location; or

3 “(III) was not eligible to receive
4 a covered loan the day before the date
5 of the enactment of this subclause, is
6 assigned a North American Industry
7 Classification System code of 519130,
8 is identified as a Internet-only news
9 publisher or Internet-only periodical
10 publisher, and is engaged in the col-
11 lection and distribution of local or re-
12 gional and national news and informa-
13 tion shall be eligible to receive a cov-
14 ered loan for expenses to support the
15 continued provision of news, informa-
16 tion, content, or emergency informa-
17 tion.”;

18 (C) in clause (iv)—

19 (i) in subclause (II), by striking
20 “and” at the end;

21 (ii) in subclause (III), by striking the
22 period at the end and inserting “; and”;
23 and

24 (iii) by adding at the end the fol-
25 lowing new subclause:

1 “(IV) an individual physical loca-
2 tion of a business concern described in
3 clause (iii)(II), if such concern does
4 not pay, distribute, or otherwise pro-
5 vide any portion of the covered loan to
6 any other entity other than the indi-
7 vidual physical location that is the in-
8 tended recipient of the covered loan.”;

9 (D) in clause (v), by striking “nonprofit
10 organization, veterans organization,” and in-
11 serting “covered organization, covered nonprofit
12 organization, housing cooperative,”;

13 (E) in clause (vi), by striking “nonprofit
14 organization and a veterans organization” and
15 inserting “covered organization, a covered non-
16 profit organization, and a housing cooperative”;
17 and

18 (F) by adding at the end the following new
19 clauses:

20 “(vii) ADDITIONAL REQUIREMENTS
21 FOR COVERED ORGANIZATIONS AND COV-
22 ERED NONPROFIT ORGANIZATIONS.—

23 “(I) LOBBYING RESTRICTION.—
24 During the covered period, a covered
25 organization that employs less than

1 500 employees shall be eligible to re-
2 ceive a covered loan if—

3 “(aa) the covered organiza-
4 tion does not receive more than
5 10 percent of its receipts from
6 lobbying activities; and

7 “(bb) the lobbying activities
8 of the covered organization do
9 not comprise more than 10 per-
10 cent of the total activities of the
11 covered organization.

12 “(II) LARGER ORGANIZATIONS.—

13 During the covered period, a covered
14 nonprofit organization that employs
15 500 employees or more, or a covered
16 organization that meets the require-
17 ments of items (aa) and (bb) of sub-
18 clause (I) and employs 500 employees
19 or more, shall be eligible to receive a
20 covered loan if such covered nonprofit
21 organization or covered organization
22 has had a significant loss in revenue
23 (as defined in subparagraph
24 (B)(ii)(I)(ff)).

1 “(viii) INCLUSION OF CRITICAL AC-
2 CESS HOSPITALS.—During the covered pe-
3 riod, any covered organization that is a
4 critical access hospital (as defined in sec-
5 tion 1861(mm) of the Social Security Act
6 (42 U.S.C. 1395x(mm))) shall be eligible
7 to receive a covered loan, regardless of the
8 status of such a hospital as a debtor in a
9 case under chapter 11 of title 11, Unites
10 States Code, or the status of any debts
11 owed by such a hospital to the Federal
12 Government.

13 “(ix) ADDITIONAL REQUIREMENTS
14 FOR NEWS BROADCAST ENTITIES.—

15 “(I) IN GENERAL.—With respect
16 to an individual physical location of a
17 business concern described in clause
18 (iii)(II), each such location shall be
19 treated as an independent, non-
20 affiliated entity for purposes of this
21 paragraph. A parent company, invest-
22 ment company, or management com-
23 pany of one or more physical locations
24 of a business concern described in

1 clause (iii)(II) shall not be eligible for
2 a covered loan.

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 disbursement,
14 the individual physical location.”.

15 **SEC. 205. LIMIT ON AGGREGATE LOAN AMOUNT FOR ELIGI-**
16 **BLE RECIPIENTS WITH MORE THAN ONE**
17 **PHYSICAL LOCATION.**

18 Section 7(a)(36)(E) of the Small Business Act (15
19 U.S.C. 636(a)(36)(E)) is amended by adding at the end
20 the following flush matter:

21 “With respect to an eligible recipient with more
22 than 1 physical location, the total amount of all
23 covered loans made under this clause to the eli-
24 gible recipient shall not be more than
25 \$10,000,000.”.

1 **SEC. 206. ALLOWABLE USES OF COVERED LOANS; FORGIVE-**
2 **NESS.**

3 (a) PAYCHECK PROTECTION PROGRAM.—Section
4 7(a)(36) of the Small Business Act (15 U.S.C.
5 636(a)(36)) is amended—

6 (1) in subparagraph (G)—

7 (A) in the subparagraph heading, by strik-
8 ing “BORROWER REQUIREMENTS” and all that
9 follows through “eligible recipient applying”
10 and inserting “BORROWER CERTIFICATION RE-
11 QUIREMENTS.—An eligible recipient applying”;

12 (B) by redesignating subclauses (I)
13 through (IV) as clauses (i) through (iv), respec-
14 tively; and

15 (C) in clause (ii), as so redesignated, by
16 striking “to retain workers” and all that follows
17 through “utility payments” and inserting “for
18 an allowable use described in subparagraph
19 (F)”;

20 (2) in subparagraph (F)(i)—

21 (A) in subclause (VI), by striking “and” at
22 the end;

23 (B) in subclause (VII), by striking the pe-
24 riod at the end and inserting a semicolon; and

25 (C) by adding at the end the following new
26 subclauses:

1 “(VIII) costs related to the provi-
2 sion of personal protective equipment
3 for employees or other equipment or
4 supplies determined by the employer
5 to be necessary to protect the health
6 and safety of employees and the gen-
7 eral public;

8 “(IX) payments for inventory,
9 raw materials, or supplies; and

10 “(X) costs related to property
11 damage, vandalism, or looting due to
12 public disturbances that occurred dur-
13 ing 2020 that was not covered by in-
14 surance or other compensation.”.

15 (b) FORGIVENESS.—

16 (1) DEFINITION OF EXPECTED FORGIVENESS
17 AMOUNT.—Section 1106(a)(7) of the CARES Act
18 (15 U.S.C. 9005(a)(7)) is amended—

19 (A) in subparagraph (C), by striking
20 “and” at the end;

21 (B) in subparagraph (D), by striking
22 “and” at the end; and

23 (C) by adding at the end the following new
24 subparagraphs:

1 “(E) interest on any other debt obligations
2 that were incurred before the covered period;

3 “(F) any amount that was a loan made
4 under subsection (b)(2) that was refinanced as
5 part of a covered loan and authorized by section
6 7(a)(36)(F)(iv) of the Small Business Act;

7 “(G) payments made for the provision of
8 personal protective equipment for employees or
9 other equipment or supplies determined by the
10 employer to be necessary to protect the health
11 and safety of employees and the general public;

12 “(H) payments made for inventory, raw
13 materials, or supplies; and

14 “(I) payments related to property damage,
15 vandalism, or looting due to public disturbances
16 that occurred during 2020 that was not covered
17 by insurance or other compensation; and”.

18 (2) FORGIVENESS.—Section 1106(b) of the
19 CARES Act (15 U.S.C. 9005(b)), is amended by
20 adding at the end the following new paragraphs:

21 “(5) Any payment of interest on any other debt
22 obligations that were incurred before the covered pe-
23 riod.

24 “(6) Any amount that was a loan made under
25 section 7(b)(2) of the Small Business Act that was

1 refinanced as part of a covered loan and authorized
2 by section 7(a)(36)(F)(iv) of such Act.

3 “(7) Any payment made for the provision of
4 personal protective equipment for employees or other
5 equipment or supplies determined by the employer to
6 be necessary to protect the health and safety of em-
7 ployees.

8 “(8) Any payment made for inventory, raw ma-
9 terials, or supplies.

10 “(9) Any payments related to property damage,
11 vandalism, or looting due to public disturbances that
12 occurred during 2020 that was not covered by insur-
13 ance or other compensation.”.

14 (3) CONFORMING AMENDMENTS.—Section 1106
15 of the CARES Act (15 U.S.C. 9005) is amended—

16 (A) in subsection (e), as amended by sec-
17 tion 203—

18 (i) in paragraph (2), by striking “pay-
19 ments on covered mortgage obligations,
20 payments on covered lease obligations, and
21 covered utility payments” and inserting
22 “payments or amounts refinanced de-
23 scribed under subsection (b) (other than
24 payroll costs)”; and

1 (ii) in paragraph (3)(B), by striking
2 “, make interest payments” and all that
3 follows through “or make covered utility
4 payments” and inserting “, make pay-
5 ments described under subsection (b), or
6 that was refinanced as part of a covered
7 loan and authorized by section
8 7(a)(36)(F)(iv) of the Small Business
9 Act”; and

10 (B) in subsection (h), by striking “pay-
11 ments for payroll costs, payments on covered
12 mortgage obligations, payments on covered
13 lease obligations, or covered utility payments”
14 each place it appears and inserting “payments
15 or amounts refinanced described under sub-
16 section (b)”.

17 **SEC. 207. DOCUMENTATION REQUIRED FOR CERTAIN ELI-**
18 **GIBLE RECIPIENTS.**

19 Section 7(a)(36)(D)(ii)(II) of the Small Business Act
20 (15 U.S.C. 636(a)(36)(D)(ii)(II)) is amended by striking
21 “as is necessary” and all that follows through the period
22 at the end and inserting “as determined necessary by the
23 Administrator and the Secretary, to establish such indi-
24 vidual as eligible.”.

1 **SEC. 208. EXCLUSION OF CERTAIN PUBLICLY TRADED AND**
2 **FOREIGN ENTITIES.**

3 Section 7(a)(36)(D) of the Small Business Act (15
4 U.S.C. 636(a)(36)(D)), as amended by section 204 is fur-
5 ther amended by adding at the end the following new
6 clause:

7 “(x) EXCLUSION OF CERTAIN PUB-
8 LICLY TRADED AND FOREIGN ENTITIES.—

9 Effective on the date of the enactment of
10 this clause—

11 “(I) an issuer, the securities of
12 which are traded on a national securi-
13 ties exchange, is not eligible to receive
14 a covered loan under this section; and

15 “(II) an entity that is 51 percent
16 or more owned by a foreign person, or
17 the management and daily business
18 operations of which are controlled by
19 a foreign person (excluding an entity
20 owned and controlled by a person
21 domiciled in a territory or possession
22 of the United States), is not eligible to
23 receive a covered loan under this sec-
24 tion.”.

1 **SEC. 209. ELECTION OF 12-WEEK PERIOD BY SEASONAL EM-**
2 **PLOYERS.**

3 Section 7(a)(36)(E)(i)(I)(aa)(AA) of the Small Busi-
4 ness Act (15 U.S.C. 636(a)(36)(E)(i)(I)(aa)(AA)) is
5 amended by striking “an applicant” and all that follows
6 through “June 30, 2019” and inserting the following: “an
7 applicant that is a seasonal employer, as determined by
8 the Administrator, shall use the average total monthly
9 payments for payroll for any 12-week period selected by
10 the seasonal employer between February 15, 2019, and
11 December 31, 2019”.

12 **SEC. 210. INCLUSION OF CERTAIN REFINANCING IN NON-**
13 **RECOURSE REQUIREMENTS.**

14 Section 7(a)(36)(F)(v) of the Small Business Act (15
15 U.S.C. 636(a)(36)(F)(v)) is amended by striking “clause
16 (i)” and inserting “clauses (i) and (iv)”.

17 **SEC. 211. CREDIT ELSEWHERE REQUIREMENTS.**

18 Section 7(a)(36)(I) of the Small Business Act (15
19 U.S.C. 636(a)(36)(I)) is amended to read as follows:

20 “(I) CREDIT ELSEWHERE.—The require-
21 ment that a small business concern is unable to
22 obtain credit elsewhere (as defined in section
23 3(h))—

24 “(i) shall not apply to a covered loan
25 approved by the Administrator before the

1 date of enactment of this subparagraph;
2 and

3 “(ii) shall only apply to covered loans
4 in an amount greater than \$350,000 ap-
5 proved by the Administrator on or after
6 the date of the enactment of this subpara-
7 graph.”.

8 **SEC. 212. PROHIBITION ON RECEIVING DUPLICATIVE**
9 **AMOUNTS FOR PAYROLL COSTS.**

10 (a) PAYCHECK PROTECTION PROGRAM.—Clause (iv)
11 of section 7(a)(36)(G) of the Small Business Act (15
12 U.S.C. 636(a)(36)(G)), as redesignated by section 206, is
13 amended—

14 (1) by striking “December 31, 2020” and in-
15 serting “June 30, 2020”; and

16 (2) by striking “the same purpose and” and in-
17 serting “payments for payroll costs incurred during
18 such period”.

19 (b) TREASURY PROGRAM.—Section 1109(f) of the
20 CARES Act (15 U.S.C. 9008(f)) is amended—

21 (1) in paragraph (1), by striking “for the same
22 purpose” and inserting “for payments for payroll
23 costs (as defined in section 7(a)(36)(A)(viii) of the
24 Small Business Act (15 U.S.C.
25 636(a)(36)(A)(viii))”; and

1 (2) in paragraph (2), by striking “December
2 31, 2020” and inserting “June 30, 2020”.

3 **SEC. 213. APPLICATION OF CERTAIN TERMS THROUGH**
4 **LIFE OF COVERED LOAN.**

5 Section 7(a)(36) of the Small Business Act (15
6 U.S.C. 636(a)(36)) is amended—

7 (1) in subparagraph (H), by striking “During
8 the covered period, with” and inserting “With”;

9 (2) in subparagraph (J), by striking “During
10 the covered period, with” and inserting “With”;

11 (3) in subparagraph (M)—

12 (A) in clause (ii), by striking “During the
13 covered period, the” and inserting “The”; and

14 (B) in clause (iii), by striking “During the
15 covered period, with” and inserting “With”.

16 **SEC. 214. INTEREST CALCULATION ON COVERED LOANS.**

17 Section 7(a)(36)(L) of the Small Business Act (15
18 U.S.C. 636(a)(36)(L)) is amended by inserting “, cal-
19 culated on a non-compounding, non-adjustable basis”
20 after “4 percent”.

21 **SEC. 215. REIMBURSEMENT FOR PROCESSING.**

22 Section 7(a)(36)(P) of the Small Business Act (15
23 U.S.C. 636(a)(36)(P)) is amended—

24 (1) in clause (ii), by inserting at the end the
25 following: “Such fees shall be paid by the eligible re-

1 ipient and may not be paid out of the proceeds of
2 a covered loan. A lender shall only be responsible for
3 paying fees to an agent for services for which such
4 lender directly contracts with such agent.”; and

5 (2) by amending clause (iii) to read as follows:

6 “(iii) **TIMING.**—A reimbursement de-
7 scribed in clause (i) shall be made not later
8 than 5 days after the reported disburse-
9 ment of the covered loan and may not be
10 required to be repaid by a lender unless
11 the lender is found guilty of an act of
12 fraud in connection with the covered
13 loan.”.

14 **SEC. 216. DUPLICATION REQUIREMENTS FOR ECONOMIC**
15 **INJURY DISASTER LOAN RECIPIENTS.**

16 Section 7(a)(36)(Q) of the Small Business Act (15
17 U.S.C. 636(a)(36)(Q)) is amended by striking “during the
18 period beginning on January 31, 2020, and ending on the
19 date on which covered loans are made available”.

20 **SEC. 217. REAPPLICATION FOR AND MODIFICATION TO**
21 **PAYCHECK PROTECTION PROGRAM.**

22 Not later than 7 days after the date of the enactment
23 of this Act, the Administrator shall issue rules or guidance
24 to ensure that an eligible recipient of a covered loan made
25 under section 7(a)(36) of the Small Business Act (15

1 U.S.C. 636(a)(36)) that returns amounts disbursed under
2 such covered loan or does not accept the full amount of
3 such covered loan for which such eligible recipient was ap-
4 proved—

5 (1) in the case of an eligible recipient that re-
6 turned all or part of a covered loan, such eligible re-
7 cipient may reapply for a covered loan for an
8 amount equal to the difference between the amount
9 retained and the maximum amount applicable; and

10 (2) in the case of an eligible recipient that did
11 not accept the full amount of a covered loan, such
12 eligible recipient may request a modification to in-
13 crease the amount of the covered loan to the max-
14 imum amount applicable, subject to the require-
15 ments of such section 7(a)(36).

16 **SEC. 218. TREATMENT OF CERTAIN CRIMINAL VIOLATIONS.**

17 (a) IN GENERAL.—Section 7(a)(36) of the Small
18 Business Act (15 U.S.C. 636(a)(36)), as amended by sec-
19 tion 101, is further amended by adding at the end the
20 following new subparagraph:

21 “(U) TREATMENT OF CERTAIN CRIMINAL
22 VIOLATIONS.—

23 “(i) FINANCIAL FRAUD OR DECEP-
24 TION.—A entity that is a business, organi-
25 zation, cooperative, or enterprise may not

1 receive a covered loan if an owner of 20
2 percent or more of the equity of such enti-
3 ty, during the 5-year period preceding the
4 date on which such entity applies for a cov-
5 ered loan, has been convicted of a felony of
6 financial fraud or deception under Federal,
7 State, or Tribal law.

8 “(ii) ARRESTS OR CONVICTIONS.—An
9 entity that is a business, organization, co-
10 operative, or enterprise shall be an eligible
11 recipient notwithstanding a prior arrest or
12 conviction under Federal, State, or Tribal
13 law of an owner of 20 percent or more of
14 the equity of such entity, unless such
15 owner is currently incarcerated.

16 “(iii) WAIVER.—The Administrator
17 may waive the requirements of clause (i).”.

18 (b) RULEMAKING.—Not later than 15 days after the
19 date of enactment of this Act, the Administrator shall
20 make necessary revisions to any rules to carry out the
21 amendment made by this section.

TITLE III—TAX PROVISIONS**SEC. 301. IMPROVED COORDINATION BETWEEN PAYCHECK PROTECTION PROGRAM AND EMPLOYEE RETENTION TAX CREDIT.**

(a) AMENDMENT TO PAYCHECK PROTECTION PROGRAM.—Section 1106(a)(8) of the CARES Act (15 U.S.C. 9005(a)(8)) is amended by inserting “, except that such costs shall not include qualified wages taken into account in determining the credit allowed under section 2301 of this Act” before the period at the end.

(b) AMENDMENTS TO EMPLOYEE RETENTION TAX CREDIT.—

(1) IN GENERAL.—Section 2301(g) of the CARES Act (Public Law 116–136; 26 U.S.C. 3111 note) is amended to read as follows:

“(g) ELECTION TO NOT TAKE CERTAIN WAGES INTO ACCOUNT.—

“(1) IN GENERAL.—This section shall not apply to so much of the qualified wages paid by an eligible employer as such employer elects (at such time and in such manner as the Secretary may prescribe) to not take into account for purposes of this section.

“(2) COORDINATION WITH PAYCHECK PROTECTION PROGRAM.—The Secretary, in consultation with the Administrator of the Small Business Ad-

1 ministration, shall issue guidance providing that
2 payroll costs paid or incurred during the covered pe-
3 riod shall not fail to be treated as qualified wages
4 under this section by reason of an election under
5 paragraph (1) to the extent that a covered loan of
6 the eligible employer is not forgiven by reason of a
7 decision under section 1106(g). Terms used in the
8 preceding sentence which are also used in section
9 1106 shall have the same meaning as when used in
10 such section.”.

11 (2) CONFORMING AMENDMENTS.—

12 (A) Section 2301 of the CARES Act (Pub-
13 lic Law 116–136; 26 U.S.C. 3111 note) is
14 amended by striking subsection (j).

15 (B) Section 2301(l) of the CARES Act
16 (Public Law 116–136; 26 U.S.C. 3111 note) is
17 amended by striking paragraph (3) and by re-
18 designating paragraphs (4) and (5) as para-
19 graphs (3) and (4), respectively.

20 (c) EFFECTIVE DATE.—The amendments made by
21 this section shall take effect as if included in the provisions
22 of the CARES Act (Public Law 116–136) to which they
23 relate.

1 **TITLE IV—COVID-19 ECONOMIC**
2 **INJURY DISASTER LOAN PRO-**
3 **GRAM REFORM**

4 **SEC. 401. SENSE OF CONGRESS.**

5 It is the sense of Congress that—

6 (1) many businesses that have received eco-
7 nomic injury disaster loans under section 7(b)(2) of
8 the Small Business Act (15 U.S.C. 636(b)) continue
9 to suffer from the effects of the COVID-19 pan-
10 demic and may not be in a position to make pay-
11 ments in the near term;

12 (2) the Administrator of the Small Business
13 Administration has the authority under the Small
14 Business Act (15 U.S.C. 631 et seq.) to reduce the
15 interest charged on loans and to offer borrowers up
16 to 4 years of deferment on the payment of interest
17 and principal; and

18 (3) the Congress encourages the Administrator
19 of the Small Business Administration to use this dis-
20 cretion to provide relief to the hardest hit small
21 businesses that have received or will receive direct
22 loans from the Administration under section 7(b)(2)
23 of the Small Business Act (15 U.S.C. 636(b)(2)).

1 **SEC. 402. NOTICES TO APPLICANTS FOR ECONOMIC INJURY**
2 **DISASTER LOANS OR ADVANCES.**

3 Section 7(b)(11) of the Small Business Act (15
4 U.S.C. 636(b)(11) is amended—

5 (1) by striking “The Administrator” and insert-
6 ing the following:

7 “(A) IN GENERAL.—The Administrator”;

8 and

9 (2) by adding at the end the following new sub-
10 paragraphs:

11 “(B) ACCEPTANCE CRITERIA AND QUALI-
12 FICATIONS.—In carrying out subparagraph (A),
13 the Administrator shall—

14 “(i) publish on the website of the Ad-
15 ministration a description of the rules
16 issued with respect to a loan made under
17 this subsection, which shall be clear and
18 easy to understand; and

19 “(ii) upon receiving an application for
20 a loan under this subsection, provide to the
21 loan applicant the description described in
22 clause (i).

23 “(C) RIGHT TO EXPLANATION OF DE-
24 CLINED LOAN OR ADVANCE.—

25 “(i) IN GENERAL.—The Administrator
26 shall—

1 “(I) provide all applicants for a
2 loan under this subsection or an ad-
3 vance under section 1110(e) of the
4 CARES Act for which the loan or ad-
5 vance application was fully or partially
6 denied with a complete written appli-
7 cation of the reason for the denial at
8 the time the decision is made;

9 “(II) establish a dedicated tele-
10 phonic information line and e-mail ad-
11 dress to respond to further inquiries
12 about denied applications described in
13 subclause (I); and

14 “(III) before fully or partially de-
15 nying an application for a loan under
16 this subsection or an advance under
17 such section 1110(e) because the ap-
18 plicant submitted incomplete informa-
19 tion—

20 “(aa) contact the applicant
21 and give the applicant the oppor-
22 tunity to provide that informa-
23 tion; and

1 “(bb) reconsider the applica-
2 tion with any additional informa-
3 tion provided.

4 “(ii) SUBMISSION OF ADDITIONAL IN-
5 FORMATION.—An applicant for a loan
6 under this subsection or an advance under
7 section 1110(e) of the CARES Act that
8 can remedy the grounds for denial of the
9 application by submitting additional infor-
10 mation under clause (i)(III)—

11 “(I) shall have the opportunity to
12 do so directly with a loan officer; and

13 “(II) shall not be required to
14 seek a remedy through the appeals
15 process of the Administration.”.

16 **SEC. 403. MODIFICATIONS TO EMERGENCY EIDL AD-**
17 **VANCES.**

18 Section 1110(e)(1) of division A of the CARES Act
19 (15 U.S.C. 90009(e)) is amended to read as follows:

20 “(1) IN GENERAL.—During the covered period,
21 an entity included for eligibility in subsection (b), in-
22 cluding small business concerns, private nonprofit
23 organizations, and small agricultural cooperatives,
24 that applies for a loan under section 7(b)(2) of the
25 Small Business Act (15 U.S.C. 636(b)(2)) in re-

1 website of the Administration a report that contains
2 the following information:

3 “(A) For the week covered by the report,
4 the number of covered applications that the Ad-
5 ministrator—

6 “(i) received;

7 “(ii) processed; and

8 “(iii) approved and rejected, including
9 the percentage of covered applications that
10 the Administrator approved.

11 “(B) With respect to the covered applica-
12 tions that the Administrator approved during
13 that week, the number and dollar amount of the
14 loans made with respect to such applications as
15 part of a response to COVID–19.

16 “(C) The identification number, or other
17 indicator showing the order in which any appli-
18 cation was received and intended to be proc-
19 essed, for the most recent covered application
20 processed by the Administrator.

21 “(D) Demographic data with respect to ap-
22 plicants submitting covered applications during
23 the week covered by the report and loans made
24 pursuant to covered applications during the

1 week covered by the report, which shall in-
2 clude—

3 “(i) with respect to each such appli-
4 cant or loan recipient, as applicable, infor-
5 mation regarding—

6 “(I) the geographic area in which
7 the applicant or loan recipient oper-
8 ates;

9 “(II) if applicable, the sex, race,
10 and ethnicity of each owner of the ap-
11 plicant or loan recipient, which the in-
12 dividual may decline to provide;

13 “(III) the annual revenue of the
14 applicant or loan recipient;

15 “(IV) the number of employees
16 employed by the applicant or loan re-
17 cipient;

18 “(V) whether the applicant or
19 loan recipient is a for-profit or non-
20 profit entity; and

21 “(VI) the industry in which the
22 applicant or loan recipient operates;

23 “(ii) the number of such loans made
24 to agricultural enterprises; and

1 “(iii) the average economic injury suf-
2 fered by—

3 “(I) applicants, the covered appli-
4 cations of which the Administrator
5 approved; and

6 “(II) applicants, the covered ap-
7 plications of which the Administrator
8 rejected.

9 “(g) VERIFICATION OF BUSINESS ELIGIBILITY.—

10 “(1) IN GENERAL.—With respect to an applica-
11 tion submitted to the Administrator during the cov-
12 ered period for a loan under section 7(b)(2) of the
13 Small Business Act (15 U.S.C. 636(b)(2)) in re-
14 sponse to COVID–19, the Administrator shall verify
15 that each such applicant was in operation on Janu-
16 ary 31, 2020.

17 “(2) REPORT.—Not later than 30 days after
18 the date of enactment of this subsection, the Admin-
19 istrator shall submit to Congress a report that de-
20 scribes the steps taken by the Administrator to per-
21 form the verification required under paragraph (1).

22 “(3) SENSE OF CONGRESS.—It is the sense of
23 Congress that the verification required under para-
24 graph (1) constitutes oversight that the Adminis-
25 trator is required to perform under paragraph (15)

1 of section 7(b) of the Small Business Act (15 U.S.C.
2 636(b)) with respect to entities receiving loans under
3 paragraph (2) of such section 7(b).

4 “(h) NOTIFICATIONS TO CONGRESS.—

5 “(1) DEFINITIONS.—In this subsection—

6 “(A) the term ‘appropriate committees of
7 Congress’ means—

8 “(i) the Committee on Small Business
9 and Entrepreneurship and the Sub-
10 committee on Financial Services and Gen-
11 eral Government of the Committee on Ap-
12 propriations of the Senate; and

13 “(ii) the Committee on Small Busi-
14 ness and the Subcommittee on Financial
15 Services and General Government of the
16 Committee on Appropriations of the House
17 of Representatives; and

18 “(B) the term ‘covered program, project,
19 or activity’ means—

20 “(i) the program under this section;

21 “(ii) the loan program under section
22 7(b)(2) of the Small Business Act (15
23 U.S.C. 636(b)(2));

24 “(iii) the authorized activities for
25 amounts were appropriated in response to

1 the COVID–19 pandemic under the head-
2 ing ‘Small Business Administration—Sala-
3 ries and Expenses’; or

4 “(iv) any other program, project, or
5 activity for which funds are made available
6 to the Administration to respond to the
7 COVID–19 pandemic.

8 “(2) NOTICE OF APPROACHING FUNDING
9 LAPSE.—The Administrator shall submit to the ap-
10 propriate committees of Congress a notification not
11 later than 2 days after the date on which unobli-
12 gated balances of amounts appropriated for a fiscal
13 year for any covered program, project, or activity
14 are less than 25 percent of the total amount appro-
15 priated for the covered program, project, or activity
16 for such fiscal year.

17 “(3) MONTHLY REPORT.—The Administrator
18 shall submit to the appropriate committees of Con-
19 gress a monthly report detailing the current and fu-
20 ture planned uses of amounts appropriated in re-
21 sponse to the COVID–19 pandemic under the head-
22 ing ‘Small Business Administration—Salaries and
23 Expenses’, which shall include—

24 “(A) the number of employees hired and
25 contractors retained using such amounts;

1 “(B) the number of contracts with a total
2 cost of more than \$5,000,000 entered into
3 using such amounts;

4 “(C) a list of all sole source contracts en-
5 tered into using such amounts; and

6 “(D) any program changes, regulatory ac-
7 tions, guidance issuances, or other initiatives
8 relating to the response to the COVID–19 pan-
9 demic.”.

10 (b) **RETROACTIVE COLLECTION.**—As soon as is prac-
11 ticable after the date of enactment of this Act, the Admin-
12 istrator shall collect the information required under sec-
13 tion 1110(f) of the CARES Act (15 U.S.C. 9009(f)), as
14 amended by subsection (a), from applicants that sub-
15 mitted covered applications (as defined in such section
16 1110(f)) during the period beginning on the date of enact-
17 ment of the CARES Act (Public Law 116–136) and end-
18 ing on the date of enactment of this Act.

19 **SEC. 405. LIFELINE FUNDING FOR SMALL BUSINESS CON-**
20 **TINUITY, ADAPTATION, AND RESILIENCY.**

21 Section 1110 of the CARES Act (15 U.S.C. 9009),
22 as amended by section 404, is further amended by insert-
23 ing after subsection (i) (as added by such section) the fol-
24 lowing new subsection:

1 “(i) LIFELINE FUNDING FOR SMALL BUSINESS CON-
2 TINUITY, ADAPTATION, AND RESILIENCY.—

3 “(1) DEFINITIONS.—In this subsection:

4 “(A) AGRICULTURAL ENTERPRISE.—The
5 term ‘agricultural enterprise’ has the meaning
6 given the term in section 18(b) of the Small
7 Business Act (15 U.S.C. 647(b)).

8 “(B) COVERED ENTITY.—The term ‘cov-
9 ered entity’—

10 “(i) means an eligible entity described
11 in subsection (b) of this section, if such eli-
12 gible entity—

13 “(I) has not more than 50 em-
14 ployees; and

15 “(II) has suffered an economic
16 loss of not less than 30 percent; and

17 “(ii) except with respect to an entity
18 included under section 123.300(c) of title
19 13, Code of Federal Regulations, or any
20 successor regulation, does not include an
21 agricultural enterprise.

22 “(C) ECONOMIC LOSS.—The term ‘eco-
23 nomic loss’ means, with respect to a covered en-
24 tity, the amount by which the gross receipts of
25 the covered entity declined during an 8-week

1 period between March 2, 2020, and December
2 31, 2020 (as determined by the covered entity),
3 relative to a comparable 8-week period imme-
4 diately preceding March 2, 2020, or during
5 2019 (as determined by the covered entity).

6 “(D) ECONOMICALLY DISADVANTAGED IN-
7 DIVIDUAL.—The term ‘economically disadvan-
8 tagged individual’ means an economically dis-
9 advantaged individual under section 124.104 of
10 title 13, Code of Federal Regulations, or any
11 successor regulation.

12 “(E) LOW-INCOME COMMUNITY.—The
13 term ‘low-income community’ has the meaning
14 given the term in section 45D(e) of the Internal
15 Revenue Code of 1986.

16 “(F) REMOTE RECREATIONS ENTER-
17 PRISE.—The term ‘remote recreational enter-
18 prise’ means a covered entity that was in oper-
19 ation on or before March 1, 2020, that can doc-
20 ument an economic loss caused by the closure
21 of the United States and Canadian border that
22 restricted the ability of American customers to
23 access the location of the covered entity.

24 “(G) SMALL BUSINESS CONCERN.—The
25 term ‘small business concern’ has the meaning

1 given the term under section 3(a) of the Small
2 Business Act (15 U.S.C. 632(a)).

3 “(H) SOCIALLY DISADVANTAGED INDI-
4 VIDUAL.—The term ‘socially disadvantaged in-
5 dividual’ means a socially disadvantaged indi-
6 vidual under section 124.103 of title 13, Code
7 of Federal Regulations, or any successor regula-
8 tion.

9 “(2) PROCEDURE.—During the covered period,
10 a covered entity that applies for a loan under section
11 7(b)(2) of the Small Business Act (15 U.S.C.
12 636(b)(2)) may request that the Administrator pro-
13 vide funding for the purposes described in paragraph
14 (6).

15 “(3) VERIFICATION.—With respect to each re-
16 quest submitted by an entity under paragraph (2),
17 the Administrator shall—

18 “(A) not later than 14 days after the date
19 on which the Administrator receives the re-
20 quest, verify whether the entity is a covered en-
21 tity; and

22 “(B) if the Administrator verifies that the
23 entity is a covered entity under clause (i), and
24 subject to paragraph (8), disburse the funding
25 requested by the covered entity not later than

1 7 days after the date on which the Adminis-
2 trator completes the verification.

3 “(4) ORDER OF PROCESSING.—Subject to para-
4 graph (8), the Administrator shall process and ap-
5 prove requests submitted under paragraph (2) in the
6 order the Administrator receives the requests.

7 “(5) AMOUNT OF FUNDING.—

8 “(A) IN GENERAL.—The amount of fund-
9 ing provided to a covered entity that submits a
10 request under paragraph (2) shall be in an
11 amount that is the lesser of—

12 “(i) the amount of working capital
13 needed by the covered entity for the 180-
14 day period beginning on the date on which
15 the covered entity would receive the fund-
16 ing, as determined by the Administrator
17 using a methodology that is identical to the
18 methodology used by the Administrator to
19 determine working capital needs with re-
20 spect to an application for a loan sub-
21 mitted under section 7(b)(2) of the Small
22 Business Act (15 U.S.C. 636(b)(2)); or

23 “(ii) \$50,000.

24 “(B) ENTITLEMENT TO FULL AMOUNT.—

25 A covered entity that receives funding pursuant

1 to a request submitted under paragraph (2)
2 shall be entitled to receive the full amount of
3 that funding, as determined under subpara-
4 graph (A), without regard to—

5 “(i) if the applicable loan for which
6 the covered entity has applied under sec-
7 tion 7(b)(2) of the Small Business Act (15
8 U.S.C. 636(b)(2)) is approved, the amount
9 of the loan;

10 “(ii) whether the covered entity ac-
11 cepts the offer of the Administrator with
12 respect to an approved loan described in
13 clause (i); or

14 “(iii) whether the covered entity has
15 previously received any amounts under
16 subsection (e).

17 “(6) USE OF FUNDS.—A covered entity that re-
18 ceives funding under this subsection—

19 “(A) may use the funding—

20 “(i) for any purpose for which a loan
21 received under section 7(b)(2) of the Small
22 Business Act (15 U.S.C. 636(b)(2)) may
23 be used;

24 “(ii) for working capital needs, includ-
25 ing investments to implement adaptive

1 changes or resiliency strategies to help the
2 eligible entity maintain business continuity
3 during the COVID–19 pandemic; or

4 “(iii) to repay any unpaid amount
5 of—

6 “(I) a loan received under sub-
7 section (a)(36) or (b)(2) of section 7
8 of the Small Business Act (15 U.S.C.
9 636); or

10 “(II) mortgage interest; and

11 “(B) may not use the funding to pay any
12 loan debt, except as provided in subparagraph
13 (A)(iii).

14 “(7) APPLICABILITY.—In addition to any other
15 restriction imposed under this subsection, any eligi-
16 bility restriction applicable to a loan made under
17 section 7(b)(2) of the Small Business Act (15 U.S.C.
18 636(b)(2)), including any restriction under section
19 123.300 or 123.301 of title 13, Code of Federal
20 Regulations, or any successor regulation, shall apply
21 with respect to funding provided under this sub-
22 section.

23 “(8) PRIORITY.—During the 56-day period be-
24 ginning on the date of enactment of this subsection,
25 the Administrator may approve a request for fund-

1 ing under this subsection only if the request is sub-
2 mitted by—

3 “(A) a covered entity located in a low-in-
4 come community;

5 “(B) a covered entity owned or controlled
6 by a veteran or a member of the Armed Forces;

7 “(C) a covered entity owned or controlled
8 by an economically disadvantaged individual or
9 a socially disadvantaged individual; or

10 “(D) a remote recreational enterprise.

11 “(9) ADMINISTRATION.—In carrying out this
12 subsection, the Administrator may rely on loan offi-
13 cers and other personnel of the Office of Disaster
14 Assistance of the Administration and other resources
15 of the Administration, including contractors of the
16 Administration.

17 “(10) RETROACTIVE EFFECT.—Any covered en-
18 tity that, during the period beginning on January 1,
19 2020, and ending on the day before the date of en-
20 actment of this subsection, applied for a loan under
21 section 7(b)(2) of the Small Business Act (15 U.S.C.
22 636(b)(2)) may submit to the Administrator a re-
23 quest under paragraph (2) with respect to that loan.

24 “(11) AUTHORIZATION OF APPROPRIATIONS.—
25 There are authorized to be appropriated to the Ad-

1 administrator \$40,000,000,000 to carry out this sub-
2 section, which shall remain available through De-
3 cember 31, 2020, of which—

4 “(A) \$20,00,000,000 is authorized to be
5 appropriated to provide funding to covered enti-
6 ties described in paragraph (8); and

7 “(B) \$20,000,000 is authorized to be ap-
8 propriated to the Inspector General of the Ad-
9 ministration to prevent waste, fraud, and abuse
10 with respect to funding provided under this
11 subsection.”.

12 **SEC. 406. MODIFICATIONS TO ECONOMIC INJURY DISASTER**
13 **LOANS.**

14 (a) LOANS FOR NEW BORROWERS.—With respect to
15 a loan made under section 7(b)(2) of the Small Business
16 Act (15 U.S.C. 636(b)(2)) to a borrower adversely im-
17 pacted by COVID–19 during the period beginning on the
18 date of enactment of this Act and ending on December
19 31, 2020—

20 (1) the borrower shall be eligible for a loan in
21 an amount equal to 6 months of working capital if
22 the borrower otherwise meets the underwriting
23 standards established by the Administration; and

24 (2) the Administrator—

1 (A) shall not impose a maximum loan
2 amount limit that is lower than \$2,000,000;
3 and

4 (B) shall not disqualify any applicant for
5 such a loan due to the criminal history or arrest
6 record of the applicant, except in the case of an
7 applicant that, during the 5-year period pre-
8 ceeding the date on which the applicant submits
9 an application, has been convicted—

10 (i) of a felony offense involving fraud,
11 bribery, or embezzlement in any State or
12 Federal court; or

13 (ii) in connection with a false state-
14 ment made in—

15 (I) a loan application; or

16 (II) an application for Federal fi-
17 nancial assistance.

18 (b) ADDITIONAL LOAN FOR EXISTING BOR-
19 ROWERS.—

20 (1) IN GENERAL.—A recipient of a loan made
21 under section 7(b)(2) of the Small Business Act (15
22 U.S.C. 636(b)(2)) to a borrower adversely impacted
23 by COVID–19 during the period beginning on Janu-
24 ary 31, 2020, and ending on the date of enactment
25 of this Act may submit to the Administrator a re-

1 quest for an additional amount to increase in the
2 amount of that loan, provided that the aggregate
3 amount received under such section by the recipient
4 during that period shall be not more than the lesser
5 of—

6 (A) an amount equal to 6 months of work-
7 ing capital for the recipient; and

8 (B) \$2,000,000; and

9 (2) CONSIDERATION.—In considering a request
10 submitted under paragraph (1), the Administrator—

11 (A) may not recalculate the economic in-
12 jury or creditworthiness of the borrower; and

13 (B) shall issue a determination based on
14 the documentation submitted by the borrower
15 for the initial loan under such section 7(b)(2),
16 any other new information voluntarily provided
17 by the borrower, and any information obtained
18 to prevent fraud or abuse.

19 (3) ADDITIONAL DOCUMENTATION.—If the Ad-
20 ministrator of the Small Business Administration re-
21 quires a borrower making a request under para-
22 graph (1) to provide additional documentation, the
23 Administrator shall—

24 (A) publish those documentation require-
25 ments on the website of the Administration not

1 later than 7 days after the date of enactment
2 of this Act; and

3 (B) proactively provide those requirements
4 to any such borrower that received a loan de-
5 scribed in paragraph (1).

6 **SEC. 407. PRINCIPAL AND INTEREST PAYMENTS FOR CER-**
7 **TAIN DISASTER LOANS.**

8 (a) IN GENERAL.—The Administrator shall pay the
9 principal, interest, and any associated fees that are owed
10 on a physical disaster loan or a covered EIDL loan as
11 follows:

12 (1) With respect to a physical disaster loan—

13 (A) not in deferment, for the 12-month pe-
14 riod beginning with the next payment due on
15 such loan;

16 (B) in deferment, for the 12-month period
17 beginning with the next payment due on such
18 loan after the deferment period; and

19 (C) made on or after the date of enact-
20 ment of this Act, for the 12-month period be-
21 ginning with the first payment due on such
22 loan.

23 (2) With respect to a covered EIDL loan—

1 (A) not in deferment, for the 12-month pe-
2 riod beginning with the next payment due on
3 such loan; and

4 (B) in deferment, for the 12-month period
5 beginning with the next payment due on such
6 loan after the deferment period.

7 (b) TIMING OF PAYMENT.—The Administrator shall
8 begin making payments under subsection (a) not later
9 than 30 days after the date on which the first such pay-
10 ment is due.

11 (c) APPLICATION OF PAYMENT.—Any payment made
12 by the Administrator under subsection (a) shall be applied
13 to the physical disaster loan or a covered EIDL loan (as
14 applicable) such that the borrower is relieved of the obliga-
15 tion to pay that amount.

16 (d) DEFINITIONS.—In this section:

17 (1) PHYSICAL DISASTER LOAN.—The term
18 “physical disaster loan” means a loan made under
19 section 7(b)(1) of the Small Business Act (15 U.S.C.
20 636(b)(1)) in a regular servicing status.

21 (2) COVERED EIDL LOAN.—The term “covered
22 EIDL loan” means a loan made under section
23 7(b)(2) of the Small Business Act (15 U.S.C.
24 636(b)(2)) that—

1 (A) was approved by the Administrator be-
2 fore February 15, 2020; and

3 (B) is in a regular servicing status.

4 **SEC. 408. TRAINING.**

5 The Administrator shall develop and implement a
6 plan to train any staff responsible for implementing or ad-
7 ministering the loan program established under section
8 7(b)(2) of the Small Business Act (15 U.S.C. 636(b)(2))
9 on specific responsibilities with respect to such program.
10 Such plan shall be submitted to the Committee on Small
11 Business of the House of Representatives and the Com-
12 mittee on Small Business and Entrepreneurship of the
13 Senate.

14 **SEC. 409. OUTREACH PLAN.**

15 Not later than 30 days after the date of the enact-
16 ment of this Act, the Administrator shall submit to the
17 Committee on Small Business of the House of Representa-
18 tives and the Committee on Small Business and Entrepre-
19 neurship of the Senate an outreach plan to clearly commu-
20 nicate program and policy changes to all offices of the Ad-
21 ministration, small business development centers (as de-
22 fined in section 3 of the Small Business Act (15 U.S.C.
23 632)), women's business centers (described under section
24 29 of such Act (15 U.S.C. 656)), chapters of the Service
25 Corps of Retired Executives (established under section

1 8(b)(1)(B) of such Act (15 U.S.C. 637(b)(1)(B))), Vet-
2 eran Business Outreach Centers (described under section
3 32 of such Act (15 U.S.C. 657b)), Members of Congress,
4 congressional committees, small business concerns (as de-
5 fined in section 3 of such Act (15 U.S.C. 632)), and the
6 public.

7 **SEC. 410. REPORT ON BEST PRACTICES.**

8 Not later than 60 days after the date of the enact-
9 ment of this Act, the Administrator shall submit to the
10 Committee on Small Business of the House of Representa-
11 tives and the Committee on Small Business and Entrepre-
12 neurship of the Senate a report on outlining the best prac-
13 tices to administer the loan program established under
14 section 7(b)(2) of the Small Business Act (15 U.S.C.
15 636(b)(2)) during a pandemic.

16 **SEC. 411. EXTENSION OF PERIOD OF AVAILABILITY FOR AD-**
17 **MINISTRATIVE FUNDS.**

18 Section 1107(a) of the CARES Act (15 U.S.C.
19 9006(a)) is amended in the matter preceding paragraph
20 (1) by striking “until September 30, 2021” and inserting
21 “until December 31, 2021, for amounts appropriated
22 under paragraph (2), and until September 30, 2021, for
23 all other amounts appropriated under this subsection”.

1 **TITLE V—MICRO-SBIC AND EQ-**
2 **UITY INVESTMENT ENHANCE-**
3 **MENT**

4 **SEC. 501. MICRO-SBIC PROGRAM.**

5 Title III of the Small Business Investment Act of
6 1958 (15 U.S.C. 681 et seq.) is amended by adding at
7 the end the following:

8 **“PART D—MICRO-SBIC PROGRAM**

9 **“SEC. 399A. MICRO-SBIC PROGRAM.**

10 “(a) **ESTABLISHMENT.**—There is established in the
11 Administration a program to be known as the ‘Micro-
12 SBIC Program’ under which the Administrator shall issue
13 a license to an applicant for the purpose of making loans
14 to and investments in small business concerns. An appli-
15 cant licensed under this section shall have the same bene-
16 fits as an applicant licensed under section 301.

17 “(b) **ELIGIBILITY.**—An applicant desiring to receive
18 a license to operate as a micro-SBIC shall submit an appli-
19 cation to the Administrator at such time, in such manner,
20 and containing such information as the Administrator may
21 require, including—

22 “(1) evidence that the applicant holds private
23 capital of not less than \$5,000,000;

1 “(2) evidence that the management of the ap-
2 plicant is qualified and has significant business ex-
3 pertise relevant to the applicant’s strategy; and

4 “(3) an election to receive a seed investment
5 under section 399C or leverage from the Adminis-
6 trator.

7 “(c) ISSUANCE OF LICENSE.—

8 “(1) PROCEDURES.—

9 “(A) STATUS.—Not later than 90 days
10 after the initial receipt by the Administrator of
11 an application under this subsection, the Ad-
12 ministrator shall provide the applicant with a
13 written report detailing the status of the appli-
14 cation and any requirements remaining for
15 completion of the application.

16 “(B) APPROVAL OR DISAPPROVAL.—Ex-
17 cept as provided in subparagraph (C) and with-
18 in a reasonable time after providing the report
19 under subparagraph (A) and in accordance with
20 such requirements as the Administrator may
21 prescribe by regulation, the Administrator
22 shall—

23 “(i) approve the application and issue
24 to the applicant a license to operate as a
25 micro-SBIC; or

1 “(ii) disapprove the application and
2 notify the applicant in writing of the dis-
3 approval.

4 “(C) PROVISIONAL APPROVAL.—The Ad-
5 ministrator may provide provisional approval
6 for an applicant for a period of not more than
7 12 months before making a final determination
8 of approval or disapproval under subparagraph
9 (B).

10 “(D) EXPLANATION OF DISAPPROVAL.—
11 An applicant may submit to the Administrator
12 a request for a written explanation regarding
13 the disapproval of an application under sub-
14 paragraph (B)(ii).

15 “(2) APPEALS.—

16 “(A) DISAPPROVED APPLICATIONS.—With
17 respect to an application that is disapproved
18 under paragraph (1)(B)(iii)—

19 “(i) not later than 30 days after the
20 date on which the application is dis-
21 approved, the applicant may submit an ap-
22 peal to the Chair of the Investment Divi-
23 sion Licensing Committee of the Adminis-
24 tration (referred to in this subparagraph
25 as the ‘Chair’); and

1 “(ii) not later than 30 days after the
2 date on which the applicant submits an ap-
3 peal under clause (i), the Chair shall issue
4 a ruling with respect to the appeal and no-
5 tify the applicant regarding such ruling.

6 “(B) DENIAL OF APPEAL.—With respect
7 to an application that the Chair denies in an
8 appeal submitted under subparagraph (A)—

9 “(i) not later than 30 days after the
10 date on which the Chair submits the notifi-
11 cation required under subparagraph
12 (A)(ii), the applicant may submit to the
13 Administrator an appeal of the ruling
14 made by the Chair; and

15 “(ii) not later than 30 days after the
16 date on which the applicant submits an ap-
17 peal under clause (i), the Administrator
18 shall issue a final ruling with respect to
19 the appeal and notify the applicant regard-
20 ing such ruling.

21 “(3) PRIORITY.—In reviewing applications and
22 issuing licenses under this section, the Administrator
23 shall give priority to an applicant the management
24 of which consists of at least two socially disadvan-
25 tagged individuals or economically disadvantaged indi-

1 viduals and at least one track record investment
2 committee member.

3 “(4) EXPEDITED PROCEDURES.—The Adminis-
4 trator shall establish expedited procedures for the
5 consideration of an application submitted under sub-
6 section (b), including a written report under para-
7 graph (1)(A) not later than 45 days after the initial
8 receipt of an application, for—

9 “(A) a small business investment compa-
10 nies licensed under section 301;

11 “(B) a rural business investment company;

12 or

13 “(C) a bank-owned applicant.

14 “(d) MAXIMUM LEVERAGE.—

15 “(1) IN GENERAL.—For a micro-SBIC that
16 elects to receive leverage under subsection (b)(3),
17 the maximum amount of outstanding leverage made
18 available to any one micro-SBIC may not exceed—

19 “(A) 50 percent of the private capital of
20 such micro-SBIC, not to exceed \$25,000,000;

21 or

22 “(B) in the case of a micro-SBIC owned
23 by persons who also own a small business in-
24 vestment company licensed under section 301,

1 100 percent of the private capital of such
2 micro-SBIC, not to exceed \$50,000,000.

3 “(2) INVESTMENTS IN CERTAIN BUSINESSES.—

4 In calculating the outstanding leverage of a micro-
5 SBIC for purposes of paragraph (1), the Adminis-
6 trator shall exclude the amount of the cost basis of
7 any investments made in an early-stage small busi-
8 ness, growth-stage small business, scale-up small
9 business, or covered small business in an amount not
10 to exceed—

11 “(A) \$25,000,000; or

12 “(B) in the case of a micro-SBIC owned
13 by persons who also own a small business in-
14 vestment company licensed under section 301,
15 \$50,000,000.

16 **“SEC. 399B. MICRO-SBIC PROGRAM REQUIREMENTS.**

17 “(a) SURRENDER OF LICENSE.—A micro-SBIC that
18 voluntarily surrenders a license issued under this section
19 shall enter into an agreement with Administrator for the
20 repayment of leverage received. Such agreement may not
21 require the micro-SBIC to immediately repay all leverage
22 received.

23 “(b) ADMINISTRATION.—To the extent practicable,
24 for a micro-SBIC that elects to receive leverage under sec-
25 tion 399A(b)(3), the Administrator shall administer the

1 Micro-SBIC Program in a similar manner to the program
2 under section 301.

3 **“SEC. 399C. SEED INVESTMENT PROGRAM.**

4 “(a) ESTABLISHMENT.—The Administrator shall es-
5 tablish and carry out an equity investment program (in
6 this part referred to as the ‘Seed Investment Program’)
7 to provide seed investments to a micro-SBIC to invest in
8 small business concerns.

9 “(b) APPLICATION.—A micro-SBIC that elects to re-
10 ceive a seed investment under section 399A(b)(3) shall
11 submit to the Administrator an application that includes
12 the following:

13 “(1) A business plan describing how the appli-
14 cant intends to make successful investments in
15 early-stage small businesses, growth-stage small
16 businesses, scale-up small businesses, or covered
17 small businesses, as applicable.

18 “(2) A description of the extent to which the
19 applicant meets the selection criteria under sub-
20 section (c).

21 “(c) SELECTION.—

22 “(1) IN GENERAL.—Not later than 90 days
23 after the date of receipt of an application under sub-
24 section (b), the Administrator shall make a final de-
25 termination to approve or disapprove the applicant

1 as a participant in the Seed Investment Program
2 and shall submit such determination to the applicant
3 in writing.

4 “(2) CRITERIA.—In making a determination
5 under paragraph (1), the Administrator shall con-
6 sider each of the following criteria:

7 “(A) The likelihood that the applicant will
8 meet the goals specified in the business plan of
9 the applicant.

10 “(B) The likelihood that the investments of
11 the applicant will directly and indirectly create
12 or preserve jobs.

13 “(C) The character and fitness of the man-
14 agement of the applicant.

15 “(D) The experience and background of
16 the management of the applicant.

17 “(E) The extent to which the applicant will
18 concentrate investment activities on early-stage
19 small businesses, growth-stage small businesses,
20 scale-up small businesses, or covered small busi-
21 nesses, as applicable.

22 “(F) The likelihood that the applicant will
23 achieve profitability.

1 “(G) The experience of the management of
2 the applicant with respect to establishing a
3 profitable investment track record.

4 **“SEC. 399D. REQUIREMENTS FOR SEED INVESTMENTS.**

5 “(a) IN GENERAL.—The Administrator may make
6 one seed investment to a Program participant, which shall
7 be held in an account from which the Program participant
8 may make withdrawals.

9 “(b) AMOUNTS.—

10 “(1) NON-FEDERAL CAPITAL.—A seed invest-
11 ment made to a Program participant may not exceed
12 the amount of capital of such Program participant
13 that—

14 “(A) is not from a Federal source; and

15 “(B) that is available for investment, in-
16 cluding through legally binding commitments,
17 on or before the date on which the seed invest-
18 ment is approved.

19 “(2) LIMITATION ON AMOUNT.—The amount of
20 a seed investment made to a Program participant
21 may not exceed the lesser of—

22 “(A) \$25,000,000; or

23 “(B) 100 percent of the private capital
24 committed to the Program participant.

25 “(c) PROCESS.—

1 “(1) IN GENERAL.—Amounts held in an ac-
2 count under this section shall remain available to a
3 Program participant—

4 “(A) for initial seed investments, during
5 the 5-year period beginning on the date on
6 which the Program participant first accesses
7 amounts from the account; and

8 “(B) for follow-on investments and man-
9 agement fees, during the 10-year period begin-
10 ning on the date on which the Program partici-
11 pant first accesses amounts from the account.

12 “(2) EXTENSION.—Upon request by a Program
13 participant, the Administrator may grant a 1-year
14 extension of the period described in paragraph
15 (1)(B) not more than 2 times.

16 “(3) USE OF AMOUNTS.—A Program partici-
17 pant shall invest all amounts in the account during
18 the 10-year period beginning on the date on which
19 the Program participant first accesses amounts from
20 the account.

21 “(d) PRIORITY.—The Administrator shall prioritize
22 making seed investments under this section to Program
23 participants in underlicensed States.

24 “(e) INVESTMENTS IN CERTAIN BUSINESSES.—

1 “(1) IN GENERAL.—A Program participant that
2 receives a seed investment under this part shall
3 make all of the investments of such Program partici-
4 pant in small business concerns, of which at least 50
5 percent shall be in covered small businesses.

6 “(2) MINORITY POSITIONS.—On the date on
7 which a Program participant first accesses amounts
8 from such seed investment, the Program participant
9 may not own or control not more than 50 percent
10 of the shares of any small business concern in which
11 such Program participant invests. A Program partici-
12 pant shall not pursue a buyout strategy as a pri-
13 mary purpose of an investment in such a small busi-
14 ness concern, but may take control in follow-on in-
15 vestments if necessary for the success of any such
16 small business concern.

17 “(3) EVALUATION OF COMPLIANCE.—The Ad-
18 ministrator shall evaluate the compliance of a Pro-
19 gram participant with the requirements under this
20 section once such Program participant has expended
21 75 percent of the amount of a seed investment made
22 under this part.

23 “(f) SEED INVESTMENT INTEREST.—

24 “(1) IN GENERAL.—

1 “(A) IN GENERAL.—Subject to paragraph
2 (4), a Program participant that receives a seed
3 investment under the Program shall convey a
4 seed investment interest to the Administrator in
5 accordance with subparagraph (B).

6 “(B) EFFECT OF CONVEYANCE.—The seed
7 investment interest conveyed under paragraph
8 (1) shall have all the rights and attributes of
9 other investors with respect to the Program
10 participant, but shall not assign control or vot-
11 ing rights to the Administrator. The seed in-
12 vestment interest shall entitle the Administrator
13 to a pro rata portion of any distributions made
14 by the Program participant equal to the per-
15 centage of capital in the Program participant
16 that the seed investment comprises. The Ad-
17 ministrator shall receive distributions from the
18 Program participant at the same times and in
19 the same amounts as any other investor in the
20 Program participant with a similar interest.
21 The Program participant shall make allocations
22 of income, gain, loss, deduction, and credit to
23 the Administrator with respect to the seed in-
24 vestment interest as if the Administrator were
25 an investor.

1 “(2) MANAGER PROFITS.—The manager profits
2 interest payable to the managers of a Program par-
3 ticipant shall not exceed 20 percent of profits, exclu-
4 sive of any profits that may accrue as a result of the
5 capital contributions of any such managers with re-
6 spect to such Program participant. Any excess of
7 this amount, less taxes payable thereon, shall be re-
8 turned by the managers and paid to the investors
9 and the Administrator in proportion to the capital
10 contributions and seed investments paid in. No man-
11 ager profits interest (other than a tax distribution)
12 shall be paid prior to the repayment to the investors
13 and the Administrator of all contributed capital and
14 seed investments made. A manager of a Program
15 participant may charge reasonable and customary
16 management and organizational fees.

17 “(3) DISTRIBUTION REQUIREMENTS.—A Pro-
18 gram participant that receives a seed investment
19 under the Program shall make all distributions to all
20 investors in cash and shall make distributions within
21 a reasonable time after exiting investments, includ-
22 ing following a public offering or market sale of un-
23 derlying investments.

24 “(4) LIMITATION ON GRANT PROFITS.—Once
25 the Administrator has received an amount equal to

1 110 percent of the amount of the seed investment
2 made to a Program participant, the requirement to
3 convey seed investment interest under this sub-
4 section shall be terminated and no further distribu-
5 tions of profits shall be made to the Administrator.

6 **“SEC. 399E. ADMINISTRATION.**

7 “(a) ELECTRONIC SUBMISSIONS.—The Adminis-
8 trator shall permit the electronic submission of any docu-
9 ment submitted under this part or pursuant to a regula-
10 tion carrying out this part, including by permitting an
11 electronic signature for any signature that is required on
12 such a document.

13 “(b) APPLICATION OF PENALTIES.—To the extent
14 not inconsistent with requirements under this part, the
15 Administrator may take such action as set forth in sec-
16 tions 309, 311, 312, 313, and 314 to activities under this
17 part and an officer, director, employee, agent, or other
18 participant in a micro-SBIC shall be subject to the re-
19 quirements under such sections.

20 **“SEC. 399F. REPORT.**

21 “The Administrator shall include in the annual report
22 required under section 10(a) of the Small Business Act
23 a description of—

24 “(1) the number of applications received under
25 this part, including the number of applications re-

1 received from applicants for which the management
2 consists of at least two socially disadvantaged indi-
3 viduals or economically disadvantaged individuals;
4 and

5 “(2) the number of licenses issued under sec-
6 tion 399A, including the number of such licenses
7 issued to applicants for which the management con-
8 sists of at least two socially disadvantaged individ-
9 uals or economically disadvantaged individuals.

10 **“SEC. 399G. DEFINITIONS.**

11 “In this part:

12 “(1) APPLICANT.—The term ‘applicant’
13 means—

14 “(A) an incorporated body, a limited liabil-
15 ity corporation, or a limited partnership orga-
16 nized and chartered or otherwise existing under
17 State law solely for the purpose of performing
18 the functions and conducting the activities con-
19 templated under this section; or

20 “(B) a bank-owned applicant, rural busi-
21 ness investment company, or small business in-
22 vestment company licensed under section 301
23 that submits an application to operate as a
24 micro-SBIC under section 399A.

1 “(2) BANK-OWNED APPLICANT.—the term
2 ‘bank-owned applicant’ means an applicant for a li-
3 cense to operate as a small business investment com-
4 pany under this part that—

5 “(A) is a national bank or any member
6 bank of the Federal Reserve System or non-
7 member insured bank that bears the same
8 name as the small business investment company
9 that is the subject of the application;

10 “(B) is domestically domiciled within the
11 United States; and

12 “(C) has not had a license issued under
13 this Act revoked or involuntarily surrendered
14 during the 10-year period preceding the date on
15 which the application is submitted;

16 “(3) COVERED SMALL BUSINESS.—The term
17 ‘covered small business’ means a small business con-
18 cern that—

19 “(A) is a small business concern owned
20 and controlled by women (as defined in section
21 3(n) of the Small Business Act), small business
22 concern owned and controlled by socially and
23 economically disadvantaged individuals (as de-
24 fined in section 8(d)(3)(C) of such Act), a small
25 business concern owned and controlled by vet-

1 erans (as defined in section 3(q) of such Act)
2 or a Tribal business concern (as described in
3 section 31(b)(2)(C) of such Act);

4 “(B) has its principal place of business lo-
5 cated in a rural census tract (as determined
6 under the most recent rural urban commuting
7 area code as set forth by the Office of Manage-
8 ment and Budget);

9 “(C) is a domestic manufacturing business
10 that is assigned a North American Industry
11 Classification System code beginning with 31,
12 32, or 33 at the time at which the small busi-
13 ness concern receives an investment from a
14 micro-SBIC under this section; or

15 “(D) either—

16 “(i) had gross receipts during the first
17 or second quarter in 2020 that are not less
18 than 50 percent less than the gross re-
19 ceipts of the concern during the same
20 quarter in 2019;

21 “(ii) if the concern was not in busi-
22 ness during the first or second quarter of
23 2019, but was in business during the third
24 and fourth quarter of 2019, had gross re-
25 ceipts during the first or second quarter of

1 2020 that are less than 50 percent of the
2 amount of the gross receipts of the concern
3 during the third or fourth quarter of 2019;

4 “(iii) if the concern was not in busi-
5 ness during the first, second, or third
6 quarter of 2019, but was in business dur-
7 ing the fourth quarter of 2019, had gross
8 receipts during the first or second quarter
9 of 2020 that are less than 50 percent of
10 the amount of the gross receipts of the
11 concern during the fourth quarter of 2019;
12 or

13 “(iv) if the concern was not in busi-
14 ness during 2019, but was in operation on
15 February 15, 2020, had gross receipts dur-
16 ing the second quarter of 2020 that are
17 less than 50 percent of the amount of the
18 gross receipts of the concern during the
19 first quarter of 2020.

20 “(4) EARLY-STAGE SMALL BUSINESS.—The
21 term ‘early-stage small business’ means a small busi-
22 ness concern that—

23 “(A) is domestically domiciled within the
24 United States;

1 “(B) during the 3-year period preceding
2 the date of application, has not generated gross
3 annual sales revenues exceeding \$15,000,000;

4 “(C) produces a majority of its goods or
5 provides a majority of its services in the United
6 States; and

7 “(D) does not move production or employ-
8 ment outside the United States.

9 “(5) ECONOMICALLY DISADVANTAGED INDI-
10 VIDUAL; SOCIALLY DISADVANTAGED INDIVIDUAL.—
11 The terms ‘economically disadvantaged individual’
12 and ‘socially disadvantaged individual’ have the
13 meanings given, respectively, in section 8(a) of the
14 Small Business Act.

15 “(6) GROWTH-STAGE SMALL BUSINESS.—The
16 term ‘growth-stage small business’ means a small
17 business concern that—

18 “(A) is domestically domiciled within the
19 United States;

20 “(B) during the 3-year period preceding
21 the date of application, has not generated gross
22 annual sales revenues exceeding \$30,000,000;

23 “(C) produces a majority of its good or
24 provides a majority of its services in the United
25 States; and

1 “(D) does not move production or employ-
2 ment outside the United States.

3 “(7) MANAGEMENT.—The term ‘management’
4 means a general partner of an applicant or member
5 of the investment committee of an applicant.

6 “(8) MICRO-SBIC.—The term ‘micro-SBIC’
7 means an applicant licensed under section 399A.

8 “(9) PROGRAM PARTICIPANT.—The term ‘Pro-
9 gram participant’ means a micro-SBIC that received
10 a seed investment under the Seed Investment Pro-
11 gram established by section 399C.

12 “(10) SCALE-UP SMALL BUSINESS.—The term
13 ‘scale-up small business’ means a small business
14 concern that—

15 “(A) is domestically domiciled within the
16 United States;

17 “(B) during the 3-year period preceding
18 the date of application, has not generated earn-
19 ings before interest, tax, depreciation, and am-
20 ortization in excess of \$3,000,000;

21 “(C) produces a majority of its goods or
22 provides a majority of its services in the United
23 States; and

24 “(D) does not move production or employ-
25 ment outside the United States.

1 “(11) SMALL BUSINESS CONCERN.—The term
2 ‘small business concern’ has the meaning given
3 under section 3(a) of the Small Business Act (15
4 U.S.C. 632(a)).

5 “(12) TRACK RECORD INVESTMENT COMMITTEE
6 MEMBER.—The term ‘track record investment com-
7 mittee member’ means a current or former small
8 business investment company licensed under section
9 301, a private small- and lower-middle-market ven-
10 ture capital firm, or a private equity fund manager
11 with the knowledge, experience, and capability nec-
12 essary to serve as management for an applicant.

13 “(13) UNITED STATES.—The term ‘United
14 States’ means each of the several States, the Dis-
15 trict of Columbia, each territory or possession of the
16 United States, and each federally recognized Indian
17 Tribe.

18 **“SEC. 399H. FUNDING.**

19 “(a) AUTHORIZATION OF APPROPRIATIONS.—There
20 is authorized to be appropriated to the revolving fund es-
21 tablished under subsection (b) \$1,000,000,000 for the
22 first full fiscal year beginning after the date of the enact-
23 ment of this part to carry out the requirements of this
24 part.

1 “(b) REVOLVING FUND.—There is created within the
2 Administration a separate revolving fund for the Seed In-
3 vestment Program established under section 399C, which
4 shall be available to the Administrator subject to annual
5 appropriations. All amounts received by the Adminis-
6 trator, including any money, property, or assets derived
7 by the Administrator from operations in connection with
8 the Seed Investment Program, including repayments of
9 seed investments, shall be deposited in the revolving fund.
10 All expenses and payments, excluding administrative ex-
11 penses, pursuant to the operations of the Administrator
12 under the Seed Investment Program shall be paid from
13 the revolving fund.”.

14 **TITLE VI—MISCELLANEOUS**

15 **SEC. 601. REPEAL OF UNEMPLOYMENT GRANTS.**

16 Section 1110(e)(6) of the CARES Act (15 U.S.C.
17 9009) is repealed.

18 **SEC. 602. SUBSIDY FOR CERTAIN LOAN PAYMENTS.**

19 (a) IN GENERAL.—Section 1112 of the CARES Act
20 (15 U.S.C. 9011) is amended—

21 (1) in subsection (c)—

22 (A) in paragraph (1)—

23 (i) in the matter preceding subpara-
24 graph (A), by inserting “, without regard
25 to the date on which the covered loan is

1 fully disbursed and subject to availability
2 of funds” after “status”; and

3 (ii) by amending subparagraphs (A),
4 (B), and (C) to read as follows:

5 “(A) with respect to a covered loan ap-
6 proved by the Administration before the date of
7 enactment of this Act and not on deferment—

8 “(i) except as provided in clauses (ii)
9 and (iii), for the 6-month period beginning
10 with the next payment due on the covered
11 loan after the covered loan is fully dis-
12 bursed;

13 “(ii) for the 11-month period begin-
14 ning with the next payment due on the
15 covered loan after the covered loan is fully
16 disbursed, with respect to a covered loan
17 that—

18 “(I) is described in subsection
19 (a)(1)(B) or is a loan guaranteed by
20 the Administration under section 7(a)
21 of the Small Business Act (15 U.S.C.
22 636(a)) other than a loan described in
23 clause (i) or (ii) of subsection
24 (a)(1)(A); and

1 “(II) is made to a borrower oper-
2 ating primarily in an industry that is
3 assigned a North American Industry
4 Classification System code beginning
5 with 21, 31, 32, 33, 44, 45, 48, 49,
6 51, 53, 54, 56, 62, or 81; and

7 “(iii) for the 18-month period begin-
8 ning with the next payment due on the
9 covered loan after the covered loan is fully
10 disbursed, with respect to—

11 “(I) a covered loan described in
12 paragraph (1)(A)(i) or paragraph (2)
13 of subsection (a); or

14 “(II) any covered loan made to a
15 borrower operating primarily in an in-
16 dustry that is assigned a North Amer-
17 ican Industry Classification System
18 code of 485510 or that begins with
19 61, 71, or 72;

20 “(B) with respect to a covered loan ap-
21 proved by the Administration before the date of
22 enactment of this Act and on deferment—

23 “(i) except as provided in clauses (ii)
24 and (iii), for the 6-month period beginning
25 with the next payment due on the covered

1 loan after the deferment period and after
2 the covered loan is fully disbursed;

3 “(ii) for the 11-month period begin-
4 ning with the next payment due on the
5 covered loan after the deferment period
6 and after the covered loan is fully dis-
7 bursed, with respect to a covered loan de-
8 scribed in subclause (I) or (II) of subpara-
9 graph (A)(ii); and

10 “(iii) for the 18-month period begin-
11 ning with the next payment due on the
12 covered loan after the deferment period
13 and after the covered loan is fully dis-
14 bursed, with respect to a covered loan de-
15 scribed in subclause (I) or (II) of subpara-
16 graph (A)(iii); and

17 “(C) with respect to a covered loan made
18 during the period beginning on the date of en-
19 actment of this Act and ending on the date that
20 is 30 months after such date of enactment—

21 “(i) except as provided in clause (ii),
22 for the 6-month period beginning with the
23 first payment due after the loan is fully
24 disbursed; and

1 “(ii) for a covered loan described in
2 paragraph (1)(A)(i) or (2) of subsection
3 (a) that is approved by the Administrator,
4 for the 18-month period beginning with the
5 first payment due after the loan is fully
6 disbursed.”; and

7 (B) by adding at the end the following:

8 “(4) ADDITIONAL PROVISIONS FOR NEW
9 LOANS.—With respect to a loan described in para-
10 graph (1)(C)—

11 “(A) the Administrator may further extend
12 the 30-month period described in paragraph
13 (1)(C) if there are sufficient funds to continue
14 those payments; and

15 “(B) during the underwriting process, a
16 lender of such a loan may consider the pay-
17 ments under this section as part of a com-
18 prehensive review to determine the ability to
19 repay.

20 “(5) ELIGIBILITY.—Eligibility for a covered
21 loan to receive such payments of principal, interest,
22 and any associated fees under this subsection shall
23 be based on the date on which the covered loan is
24 approved by the Administration.

25 “(6) AUTHORITY TO REVISE EXTENSIONS.—

1 “(A) IN GENERAL.—As part of preparing
2 the reports under subsection (i)(5) that are re-
3 quired to be submitted not later than January
4 15, 2021, and not later than June 15, 2021,
5 the Administrator shall conduct an evaluation
6 of whether amounts made available to make
7 payments under this subsection are sufficient to
8 make the payments for the period described in
9 paragraph (1).

10 “(B) PLAN.—If the Administrator deter-
11 mines under subparagraph (A) that the
12 amounts made available to make payments
13 under this subsection are insufficient, the Ad-
14 ministrator shall—

15 “(i) develop a plan to proportionally
16 reduce the number of months provided for
17 each period described in paragraph (1),
18 which shall include the goal of using all
19 available amounts made available to make
20 payments under this subsection; and

21 “(ii) before taking action under the
22 plan developed under clause (i), include in
23 the applicable report under subsection
24 (i)(5) the plan and the data that informs
25 the plan.

1 “(7) RULE OF CONSTRUCTION.—Nothing in
2 this subsection shall preclude a borrower from re-
3 ceiving full payments of principal, interest, and any
4 associated fees as authorized by subsection, regard-
5 less of the application of a plan implemented under
6 paragraph (6)(B).”;

7 (2) by redesignating subsection (f) as sub-
8 section (j); and

9 (3) by inserting after subsection (e) the fol-
10 lowing:

11 “(f) ELIGIBILITY FOR NEW LOANS.—

12 “(1) IN GENERAL.—With respect to a covered
13 loan made on or after the date of enactment of the
14 PPP and EIDL Enhancement Act of 2020, the cov-
15 ered loan shall have a maturity of not less than 48
16 months in order to be eligible for payments made
17 under this section.

18 “(2) LENDING PROGRAMS.—The minimum ma-
19 turity requirements of paragraph (1) shall not pro-
20 hibit the Administrators from establishing a min-
21 imum maturity of longer than 48 months for a loan
22 described under subsection (a), taking into consider-
23 ation the normal underwriting requirements for each
24 such program.

1 “(g) LIMITATION ON ASSISTANCE.—A borrower may
2 not receive assistance under subsection (c) for more than
3 1 covered loan of the borrower described in paragraph
4 (1)(C) of that subsection.

5 “(h) REPORTING AND OUTREACH.—

6 “(1) UPDATE TO WEBSITE.—Not later than 7
7 days after the date of enactment of the PPP and
8 EIDL Enhancement Act of 2020, the Administrator
9 shall update the website of the Administration to de-
10 scribe the requirements relating to payments made
11 under this section.

12 “(2) PUBLICATION OF LIST.—Not later than 14
13 days after the date of enactment of the PPP and
14 EIDL Enhancement Act of 2020, the Administrator
15 shall transmit to each lender of a covered loan a list
16 of each borrower of a covered loan that includes the
17 North American Industry Classification System code
18 assigned to the borrower, to assist the lenders in
19 identifying which borrowers qualify for an extension
20 of payments under subsection (c).

21 “(3) EDUCATION AND OUTREACH.—

22 “(A) IN GENERAL.—The Administrator
23 shall provide education and outreach to lenders,
24 borrowers, district offices, and resource part-
25 ners of the Administration in order to ensure

1 full and proper compliance with this section, en-
2 courage broad participation with respect to cov-
3 ered loans that have not yet been approved by
4 the Administrator, and help lenders transition
5 borrowers from subsidy payments under this
6 section directly to a deferral when suitable for
7 the borrower.

8 “(B) RESOURCE PARTNERS DEFINED.—In
9 this paragraph, the term ‘resource partners ’
10 means small business development centers (as
11 defined in section 3 of the Small Business Act
12 (15 U.S.C. 632)), women’s business centers
13 (described under section 29 of such Act (15
14 U.S.C. 656)), chapters of the Service Corps of
15 Retired Executives (established under section
16 8(b)(1)(B) of such Act (15 U.S.C.
17 637(b)(1)(B))), and Veteran Business Outreach
18 Centers (described under section 32 of such Act
19 (15 U.S.C. 657b)).

20 “(4) NOTIFICATION.—Not later than 30 days
21 after the date of enactment of the PPP and EIDL
22 Enhancement Act of 2020, the Administrator shall
23 mail a letter to each borrower of a covered loan that
24 includes—

1 “(A) an overview of payments made under
2 this section;

3 “(B) the rights of the borrower to receive
4 such payments;

5 “(C) how to seek recourse with the Admin-
6 istrator or the lender of the covered loan if the
7 borrower has not received such payments; and

8 “(D) the rights of the borrower to request
9 a loan deferral from a lender, and guidance on
10 how to do successfully transition directly to a
11 loan deferral once subsidy payments under this
12 section are concluded.

13 “(5) MONTHLY REPORTING.—Not later than
14 the 15th of each month beginning after the date of
15 enactment of the PPP and EIDL Enhancement Act
16 of 2020, the Administrator shall submit to Congress
17 a report on payments made under this section, which
18 shall include—

19 “(A) monthly and cumulative data on pay-
20 ments made under this section as of the date of
21 the report, including a breakdown by—

22 “(i) the number of participating bor-
23 rowers;

24 “(ii) the volume of payments made for
25 each type of covered loan; and

1 “(iii) the volume of payments made
2 for covered loans made before the date of
3 enactment of this Act and loans made
4 after such date of enactment;

5 “(B) the names of any lenders of covered
6 loans that have not submitted information on
7 the covered loans to the Administrator during
8 the preceding month; and

9 “(C) an update on the education and out-
10 reach activities of the Administration carried
11 out under paragraph (3).

12 “(i) REGULATIONS.—Not later than 30 days after the
13 date of enactment of the PPP and EIDL Enhancement
14 Act of 2020, the Administrator shall issue rules to guard
15 against abuse or excessive and unintended use by lenders
16 or borrowers of the payments provided under this sec-
17 tion.”.

18 (b) EFFECTIVE DATE.—The amendments made by
19 this section shall apply as if included in the enactment
20 of section 1112 of the CARES Act (15 U.S.C. 9011).

21 **SEC. 603. MODIFICATIONS TO 7(a) LOAN PROGRAMS.**

22 (a) 7(a) LOAN GUARANTEES.—

23 (1) IN GENERAL.—Section 7(a)(2)(A) of the
24 Small Business Act (15 U.S.C. 636(a)(2)(A)) is
25 amended by striking “), such participation by the

1 Administration shall be equal to” and all that fol-
2 lows through the period at the end and inserting “or
3 the Community Advantage Pilot Program of the Ad-
4 ministration), such participation by the Administra-
5 tion shall be equal to 90 percent of the balance of
6 the financing outstanding at the time of disburse-
7 ment of the loan.”.

8 (2) PROSPECTIVE REPEAL.—Effective October
9 1, 2021, section 7(a)(2)(A) of the Small Business
10 Act (15 U.S.C. 636(a)(2)(A)), as amended by para-
11 graph (1), is amended to read as follows:

12 “(A) IN GENERAL.—Except as provided in
13 subparagraphs (B), (D), (E), and (F), in an
14 agreement to participate in a loan on a deferred
15 basis under this subsection (including a loan
16 made under the Preferred Lenders Program),
17 such participation by the Administration shall
18 be equal to—

19 “(i) 75 percent of the balance of the
20 financing outstanding at the time of dis-
21 bursement of the loan, if such balance ex-
22 ceeds \$150,000; or

23 “(ii) 85 percent of the balance of the
24 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 LOANS.—

4 (1) LOAN AMOUNT.—Section 1102(c)(2) of the
5 CARES Act (Public Law 116–36; 15 U.S.C. 636
6 note) is amended to read as follows:

7 “(2) PROSPECTIVE REPEAL.—Section
8 7(a)(31)(D) of the Small Business Act (15 U.S.C.

9 “(A) by striking ‘\$1,000,000’ and inserting
10 ‘\$500,000’, effective during the period begin-
11 ning on January 1, 2021, and ending on Sep-
12 tember 30, 2021; and

13 “(B) (B) by striking ‘\$500,000’ and in-
14 serting ‘\$350,000’, effective October 1, 2021.”.

15 (2) GUARANTEE RATES.—

16 (A) TEMPORARY MODIFICATION.—Section
17 7(a)(31)(A)(iv) of the Small Business Act (15
18 U.S.C. 636(a)(31)(A)(iv)) is amended by strik-
19 ing “with a guaranty rate of not more than 50
20 percent.” and inserting the following: “with a
21 guarantee rate—

22 “(I) for a loan in an amount less
23 than or equal to \$350,000, of not
24 more than 75 percent; and

1 “(II) for a loan in an amount
2 greater than \$350,000, of not more
3 than 50 percent.”.

4 (B) PROSPECTIVE REPEAL.—Effective Oc-
5 tober 1, 2021, section 7(a)(31)(A)(iv) of the
6 Small Business Act (15 U.S.C. 636(a)(31)), as
7 amended by subparagraph (A), is amended by
8 striking “guarantee rate” and all that follows
9 through the period at the end and inserting
10 “guarantee rate of not more than 50 percent.”.

11 **SEC. 604. FLEXIBILITY IN DEFERRAL OF PAYMENTS OF 7(A)**
12 **LOANS.**

13 Section 7(a)(7) of the Small Business Act (15 U.S.C.
14 636(a)(7)) is amended—

15 (1) by striking “The Administration” and in-
16 serting “(A) IN GENERAL.—The Administrator”;

17 (2) by inserting “and interest” after “prin-
18 cipal”; and

19 (3) by adding at the end the following new sub-
20 paragraphs:

21 “(B) DEFERRAL REQUIREMENTS.—With re-
22 spect to a deferral provided under this paragraph,
23 the Administrator may allow lenders under this sub-
24 section—

1 “(i) to provide full payment deferment re-
2 lief (including payment of principal and inter-
3 est) for a period of not more than 1 year; and

4 “(ii) to provide an additional deferment pe-
5 riod if the borrower provides documentation
6 justifying such additional deferment.

7 “(C) SECONDARY MARKET.—If an investor de-
8 clines to approve a deferral or additional deferment
9 requested by a lender under subparagraph (B), the
10 Administrator shall exercise the authority to pur-
11 chase the loan so that the borrower may receive full
12 payment deferment relief (including payment of
13 principal and interest) or an additional deferment as
14 described under subparagraph (B).”.

15 **SEC. 605. RECOVERY ASSISTANCE UNDER THE MICROLOAN**
16 **PROGRAM.**

17 (a) LOANS TO INTERMEDIARIES.—

18 (1) IN GENERAL.—Section 7(m) of the Small
19 Business Act (15 U.S.C. 636(m)) is amended—

20 (A) in paragraph (3)(C)—

21 (i) by striking “and \$6,000,000” and
22 inserting “\$10,000,000 (in the aggre-
23 gate)”; and

1 (ii) by inserting before the period at
2 the end the following: “, and \$4,500,000 in
3 any of those remaining years”;

4 (B) in paragraph (4)—

5 (i) in subparagraph (A), by striking
6 “subparagraph (C)” each place that term
7 appears and inserting “subparagraphs (C)
8 and (G)”;

9 (ii) in subparagraph (C), by amending
10 clause (i) to read as follows:

11 “(i) IN GENERAL.—In addition to
12 grants made under subparagraph (A) or
13 (G), each intermediary shall be eligible to
14 receive a grant equal to 5 percent of the
15 total outstanding balance of loans made to
16 the intermediary under this subsection if—

17 “(I) the intermediary provides
18 not less than 25 percent of its loans
19 to small business concerns located in
20 or owned by one or more residents of
21 an economically distressed area; or

22 “(II) the intermediary has a
23 portfolio of loans made under this
24 subsection—

1 “(aa) that averages not
2 more than \$10,000 during the
3 period of the intermediary’s par-
4 ticipation in the program; or

5 “(bb) of which not less than
6 25 percent is serving rural areas
7 during the period of the
8 intermediary’s participation in
9 the program.”; and

10 (iii) by adding at the end the fol-
11 lowing new subparagraph:

12 “(G) GRANT AMOUNTS BASED ON APPRO-
13 PRIATIONS.—In any fiscal year in which the
14 amount appropriated to make grants under
15 subparagraph (A) is sufficient to provide to
16 each intermediary that receives a loan under
17 paragraph (1)(B)(i) a grant of not less than 25
18 percent of the total outstanding balance of
19 loans made to the intermediary under this sub-
20 section, the Administration shall make a grant
21 under subparagraph (A) to each intermediary
22 of not less than 25 percent and not more than
23 30 percent of that total outstanding balance for
24 the intermediary.”;

1 (C) by striking paragraph (7) and insert-
2 ing the following:

3 “(7) PROGRAM FUNDING FOR MICROLOANS.—
4 Under the program authorized by this subsection,
5 the Administration may fund, on a competitive basis,
6 not more than 300 intermediaries.”; and

7 (D) in paragraph (11)—

8 (i) in subparagraph (C)(ii), by strik-
9 ing all after the semicolon and inserting
10 “and”; and

11 (ii) by striking all after subparagraph
12 (C), and inserting the following:

13 “(D) the term ‘economically distressed
14 area’, as used in paragraph (4), means a county
15 or equivalent division of local government of a
16 State in which the small business concern is lo-
17 cated, in which, according to the most recent
18 data available from the Bureau of the Census,
19 Department of Commerce, not less than 40 per-
20 cent of residents have an annual income that is
21 at or below the poverty level.”.

22 (2) PROSPECTIVE AMENDMENT.—Effective on
23 October 1, 2021, section 7(m)(3)(C) of the Small
24 Business Act (15 U.S.C. 636(m)(3)(C)), as amended
25 by paragraph (1)(A), is further amended—

1 (A) by striking “\$10,000,000” and by in-
2 serting “\$7,000,000”; and

3 (B) by striking “\$4,500,000” and insert-
4 ing “\$3,000,000”.

5 (b) TEMPORARY WAIVER OF TECHNICAL ASSIST-
6 ANCE GRANTS MATCHING REQUIREMENTS AND FLEXI-
7 BILITY ON PRE- AND POST-LOAN ASSISTANCE.—During
8 the period beginning on the date of enactment of this sec-
9 tion and ending on September 30, 2021, the Administra-
10 tion shall waive—

11 (1) the requirement to contribute non-Federal
12 funds under section 7(m)(4)(B) of the Small Busi-
13 ness Act (15 U.S.C. 636(m)(4)(B)); and

14 (2) the limitation on amounts allowed to be ex-
15 pended to provide information and technical assist-
16 ance under clause (i) of section 7(m)(4)(E) of the
17 Small Business Act (15 U.S.C. 636(m)(4)(E)) and
18 enter into third-party contracts to provide technical
19 assistance under clause (ii) of such section
20 7(m)(4)(E).

21 (c) TEMPORARY DURATION OF LOANS TO BOR-
22 ROWERS.—

23 (1) IN GENERAL.—During the period beginning
24 on the date of enactment of this section and ending
25 on September 30, 2021, the duration of a loan made

1 by an eligible intermediary under section 7(m) of the
2 Small Business Act (15 U.S.C. 636(m))—

3 (A) to an existing borrower may be ex-
4 tended to not more than 8 years; and

5 (B) to a new borrower may be not more
6 than 8 years.

7 (2) REVERSION.—On and after October 1,
8 2021, the duration of a loan made by an eligible
9 intermediary to a borrower under section 7(m) of
10 the Small Business Act (15 U.S.C. 636(m)) shall be
11 7 years or such other amount established by the Ad-
12 ministrator.

13 (d) FUNDING.—Section 20 of the Small Business Act
14 (15 U.S.C. 631 note) is amended by adding at the end
15 the following new subsection:

16 “(h) MICROLOAN PROGRAM.—For each of fiscal
17 years 2021 through 2025, the Administration is author-
18 ized to make—

19 “(1) \$80,000,000 in technical assistance grants,
20 as provided in section 7(m); and

21 “(2) \$110,000,000 in direct loans, as provided
22 in section 7(m).”.

23 (e) AUTHORIZATION OF APPROPRIATIONS.—In addi-
24 tion to amounts provided under the Consolidated Appro-
25 priations Act, 2020 (Public Law 116–93) for the program

1 established under section 7(m) of the Small Business Act
2 (15 U.S.C. 636(m)), there is authorized to be appro-
3 priated for fiscal year 2020, to remain available until ex-
4 pended—

5 (1) \$50,000,000 to provide technical assistance
6 grants under such section 7(m); and

7 (2) \$7,000,000 to provide direct loans under
8 such section 7(m).

9 **SEC. 606. MAXIMUM LOAN AMOUNT FOR 504 LOANS.**

10 (a) PERMANENT INCREASE FOR SMALL MANUFAC-
11 TURERS.—Section 502(2)(A)(iii) of the Small Business
12 Investment Act of 1958 (15 U.S.C. 696(2)(A)(iii)) is
13 amended by striking “\$5,500,000” and inserting
14 “\$6,500,000”.

15 (b) LOW-INTEREST REFINANCING UNDER THE
16 LOCAL DEVELOPMENT BUSINESS LOAN PROGRAM.—

17 (1) REPEAL.—Section 521(a) of title V of divi-
18 sion E of the Consolidated Appropriations Act, 2016
19 (Public Law 114–113; 129 Stat. 2463; 15 U.S.C.
20 696 note) is repealed.

21 (2) REFINANCING.—Section 502(7) of the
22 Small Business Investment Act of 1958 (15 U.S.C.
23 696(7)) is amended by adding at the end the fol-
24 lowing new subparagraph:

1 “(C) REFINANCING NOT INVOLVING EX-
2 PANSIONS.—

3 “(i) DEFINITIONS.—In this subpara-
4 graph—

5 “(I) the term ‘borrower’ means a
6 small business concern that submits
7 an application to a development com-
8 pany for financing under this sub-
9 paragraph;

10 “(II) the term ‘eligible fixed
11 asset’ means tangible property relat-
12 ing to which the Administrator may
13 provide financing under this section;
14 and

15 “(III) the term ‘qualified debt’
16 means indebtedness that—

17 “(aa) was incurred not less
18 than 6 months before the date of
19 the application for assistance
20 under this subparagraph;

21 “(bb) is a commercial loan;

22 “(cc) the proceeds of which
23 were used to acquire an eligible
24 fixed asset;

1 “(dd) was incurred for the
2 benefit of the small business con-
3 cern; and

4 “(ee) is collateralized by eli-
5 gible fixed assets; and

6 “(ii) AUTHORITY.—A project that
7 does not involve the expansion of a small
8 business concern may include the refi-
9 nancing of qualified debt if—

10 “(I) the amount of the financing
11 is not more than 90 percent of the
12 value of the collateral for the financ-
13 ing, except that, if the appraised value
14 of the eligible fixed assets serving as
15 collateral for the financing is less than
16 the amount equal to 125 percent of
17 the amount of the financing, the bor-
18 rower may provide additional cash or
19 other collateral to eliminate any defi-
20 ciency;

21 “(II) the borrower has been in
22 operation for all of the 2-year period
23 ending on the date the loan applica-
24 tion is submitted; and

1 “(III) for a financing for which
2 the Administrator determines there
3 will be an additional cost attributable
4 to the refinancing of the qualified
5 debt, the borrower agrees to pay a fee
6 in an amount equal to the anticipated
7 additional cost.

8 “(iii) FINANCING FOR BUSINESS EX-
9 PENSES.—

10 “(I) FINANCING FOR BUSINESS
11 EXPENSES.—The Administrator may
12 provide financing to a borrower that
13 receives financing that includes a refi-
14 nancing of qualified debt under clause
15 (ii), in addition to the refinancing
16 under clause (ii), to be used solely for
17 the payment of business expenses.

18 “(II) APPLICATION FOR FINANC-
19 ING.—An application for financing
20 under subclause (I) shall include—

21 “(aa) a specific description
22 of the expenses for which the ad-
23 ditional financing is requested;
24 and

1 “(bb) an itemization of the
2 amount of each expense.

3 “(III) CONDITION ON ADDI-
4 TIONAL FINANCING.—A borrower may
5 not use any part of the financing
6 under this clause for non-business
7 purposes.

8 “(iv) LOANS BASED ON JOBS.—

9 “(I) JOB CREATION AND RETEN-
10 TION GOALS.—

11 “(aa) IN GENERAL.—The
12 Administrator may provide fi-
13 nancing under this subparagraph
14 for a borrower that meets the job
15 creation goals under subsection
16 (d) or (e) of section 501.

17 “(bb) ALTERNATE JOB RE-
18 TENTION GOAL.—The Adminis-
19 trator may provide financing
20 under this subparagraph to a
21 borrower that does not meet the
22 goals described in item (aa) in an
23 amount that is not more than the
24 product obtained by multiplying

1 the number of employees of the
2 borrower by \$75,000.

3 “(II) NUMBER OF EMPLOYEES.—
4 For purposes of subclause (I), the
5 number of employees of a borrower is
6 equal to the sum of—

7 “(aa) the number of full-
8 time employees of the borrower
9 on the date on which the bor-
10 rower applies for a loan under
11 this subparagraph; and

12 “(bb) the product obtained
13 by multiplying—

14 “(AA) the number of
15 part-time employees of the
16 borrower on the date on
17 which the borrower applies
18 for a loan under this sub-
19 paragraph, by

20 “(BB) the quotient ob-
21 tained by dividing the aver-
22 age number of hours each
23 part time employee of the
24 borrower works each week
25 by 40.

1 “(vi) TOTAL AMOUNT OF LOANS.—
2 The Administrator may provide not more
3 than a total of \$7,500,000,000 of financ-
4 ing under this subparagraph for each fiscal
5 year.”.

6 (c) REFINANCING SENIOR PROJECT DEBT.—During
7 the 1-year period beginning on the date of the enactment
8 of this Act, a development company described under title
9 V of the Small Business Investment Act of 1958 (15
10 U.S.C. 695 et seq.) is authorized to allow the refinancing
11 of a senior loan on an existing project in an amount that,
12 when combined with the outstanding balance on the devel-
13 opment company loan, is not more than 90 percent of the
14 total value of the senior loan. Proceeds of such refinancing
15 can be used to support business operating expenses of
16 such development company.

17 **SEC. 607. TEMPORARY FEE REDUCTIONS.**

18 (a) ADMINISTRATIVE FEE WAIVER.—

19 (1) IN GENERAL.—During the period beginning
20 on the date of enactment of this Act and ending on
21 September 30, 2021, and to the extent that the cost
22 of such elimination or reduction of fees is offset by
23 appropriations, with respect to each loan guaranteed
24 under section 7(a) of the Small Business Act (15
25 U.S.C. 636(a)) (including a recipient of assistance

1 under the Community Advantage Pilot Program of
2 the Administration) for which an application is ap-
3 proved or pending approval on or after the date of
4 enactment of this Act, the Administrator shall—

5 (A) in lieu of the fee otherwise applicable
6 under section 7(a)(23)(A) of the Small Busi-
7 ness Act (15 U.S.C. 636(a)(23)(A)), collect no
8 fee or reduce fees to the maximum extent pos-
9 sible; and

10 (B) in lieu of the fee otherwise applicable
11 under section 7(a)(18)(A) of the Small Busi-
12 ness Act (15 U.S.C. 636(a)(18)(A)), collect no
13 fee or reduce fees to the maximum extent pos-
14 sible.

15 (2) APPLICATION OF FEE ELIMINATIONS OR RE-
16 Ductions.—To the extent that amounts are made
17 available to the Administrator for the purpose of fee
18 eliminations or reductions under paragraph (1), the
19 Administrator shall—

20 (A) first use any amounts provided to
21 eliminate or reduce fees paid by small business
22 borrowers under clauses (i) through (iii) of sec-
23 tion 7(a)(18)(A) of the Small Business Act (15
24 U.S.C. 636(a)(18)(A)), to the maximum extent
25 possible; and

1 (B) then use any amounts provided to
2 eliminate or reduce fees under 7(a)(23)(A) of
3 the Small Business Act (15 U.S.C.
4 636(a)(23)(A)).

5 (c) TEMPORARY FEE ELIMINATION FOR THE 504
6 LOAN PROGRAM.—

7 (1) IN GENERAL.—During the period beginning
8 on the date of enactment of this section and ending
9 on September 30, 2021, and to the extent the cost
10 of such elimination in fees is offset by appropria-
11 tions, with respect to each project or loan guaran-
12 teed by the Administrator pursuant to title V of the
13 Small Business Investment Act of 1958 (15 U.S.C.
14 695 et seq.) for which an application is approved or
15 pending approval on or after the date of enactment
16 of this section—

17 (A) the Administrator shall, in lieu of the
18 fee otherwise applicable under section 503(d)(2)
19 of the Small Business Investment Act of 1958
20 (15 U.S.C. 697(d)(2)), collect no fee; and

21 (B) a development company shall, in lieu
22 of the processing fee under section
23 120.971(a)(1) of title 13, Code of Federal Reg-
24 ulations (relating to fees paid by borrowers), or
25 any successor thereto, collect no fee.

1 (2) REIMBURSEMENT FOR WAIVED FEES.—

2 (A) IN GENERAL.—To the extent that the
3 cost of such payments is offset by appropria-
4 tions, the Administrator shall reimburse each
5 development company that does not collect a
6 processing fee pursuant to paragraph (1)(B).

7 (B) AMOUNT.—The payment to a develop-
8 ment company under subparagraph (A) shall be
9 in an amount equal to 1.5 percent of the net
10 debenture proceeds for which the development
11 company does not collect a processing fee pur-
12 suant to paragraph (1)(B).

13 **SEC. 608. EXTENSION OF PARTICIPATION IN 8(A) PROGRAM.**

14 (a) IN GENERAL.—The Administrator shall ensure
15 that a small business concern participating in the program
16 established under section 8(a) of the Small Business Act
17 on or before March 13, 2020, may elect to extend such
18 participation by a period of 1 year, regardless of whether
19 such concern previously elected to suspend participation
20 in such program pursuant to guidance of the Adminis-
21 trator.

22 (b) EMERGENCY RULEMAKING AUTHORITY.—Not
23 later than 15 days after the date of enactment of this sec-
24 tion, the Administrator shall issue regulations to carry out

1 this section without regard to the notice requirements
2 under section 553(b) of title 5, United States Code.

3 **SEC. 609. REPORT ON MINORITY, WOMEN, AND RURAL**
4 **LENDING.**

5 Not later than 90 days after the date of the enact-
6 ment of this Act, the Administrator shall submit to the
7 Committee on Small Business of the House of Representa-
8 tives and the Committee on Small Business and Entrepre-
9 neurship of the Senate a report to determine and quantify
10 the extent to which the programs established under sub-
11 sections (a) and (m) of section 7 of the Small Business
12 Act, titles III and V of the Small Business Investment
13 Act of 1958, and the Community Advantage Pilot Pro-
14 gram of the Small Business Administration have assisted
15 in the establishment, development, and performance of
16 small business concerns owned and controlled by socially
17 and economically disadvantaged individuals (as defined in
18 section 8(d)(3)(C) of the Small Business Act), small busi-
19 ness concerns owned and controlled by women (as defined
20 in section 3 of such Act), and rural small businesses, in-
21 cluding recommendations to improve such access to capital
22 programs.

23 **SEC. 610. COMPREHENSIVE PROGRAM GUIDANCE.**

24 Not later than 7 days after the date of the enactment
25 of this Act, the Administrator shall—

1 (1) establish a process for accepting applica-
2 tions for loan forgiveness under section 1106 of the
3 CARES Act (15 U.S.C. 9005);

4 (2) issue a comprehensive compilation of rules
5 and guidance issued related to covered loans made
6 under section 7(a)(36) of the Small Business Act
7 (15 U.S.C. 636(a)(36)); and

8 (3) before accepting applications for supple-
9 mental covered loans under clause (ii) of section
10 7(a)(36)(B) of the Small Business Act (15 U.S.C.
11 636(a)(36)(B)), as added by section 202 of this divi-
12 sion, the Administrator shall issue comprehensive
13 rules and guidance to ensure that borrowers and
14 lenders are aware of eligibility and terms of receiv-
15 ing a supplemental covered loan and the process for
16 forgiveness of a supplemental covered loan.

17 **SEC. 611. REPORTS ON PAYCHECK PROTECTION PROGRAM.**

18 (a) REPORT TO CONGRESS.—Within 30 days after
19 the date of the enactment of this Act, and every 30 days
20 thereafter until the end of the covered period described
21 under section 7(a)(36) of the Small Business Act (15
22 U.S.C. 636(a)(36)), the Secretary of the Treasury and the
23 Administrator shall submit to the Committee on Small
24 Business of the House of Representatives and the Com-
25 mittee on Small Business and Entrepreneurship of the

1 Senate a report, in a searchable digital format, that in-
2 cludes, with respect to each covered loan made under such
3 section 7(a)(36)—

4 (1) the business name, address, and ZIP Code
5 of each recipient of the covered loan;

6 (2) the North American Industry Classification
7 System code and the type of entity of each such re-
8 cipient;

9 (3) demographic data of each such recipient;

10 (4) the number of jobs supported by the cov-
11 ered loan;

12 (5) loan forgiveness data; and

13 (6) the amount and origination date of the cov-
14 ered loan.

15 (b) PUBLICLY AVAILABLE REPORT.—

16 (1) LARGER COVERED LOANS.—Within 30 days
17 after the date of the enactment of this Act, and
18 every 30 days thereafter until the end of the covered
19 period described under section 7(a)(36) of the Small
20 Business Act (15 U.S.C. 636(a)(36)), for covered
21 loans made under such section 7(a)(36) in an
22 amount greater than or equal to \$150,000, the Sec-
23 retary of the Treasury and the Administrator shall
24 make publicly available—

1 (A) the information described under para-
2 graphs (1) through (4) of subsection (a); and

3 (B) the loan size range, of those listed
4 below, that the covered loan belongs—

5 (i) greater than or equal to \$150,000
6 and less than \$350,000;

7 (ii) greater than or equal to \$350,000
8 and less than \$1,000,000;

9 (iii) greater than or equal to
10 \$1,000,000 and less than \$2,000,000;

11 (iv) greater than or equal to
12 \$2,000,000 and less than \$5,000,000; and

13 (v) greater than or equal to
14 \$5,000,000 and less than \$10,000,000.

15 (2) SMALLER COVERED LOANS.—Within 30
16 days after the date of the enactment of this Act, and
17 every 30 days thereafter until the end of the covered
18 period described under section 7(a)(36) of the Small
19 Business Act (15 U.S.C. 636(a)(36)), for covered
20 loans made under such section 7(a)(36) in an
21 amount less than \$150,000, the Secretary of the
22 Treasury and the Administrator shall make publicly
23 available the total number of covered loans made
24 and the amount of each covered loan, disaggregated
25 by ZIP Code of each recipient, industry of each re-

1 recipient, business type of each recipient, and demo-
2 graphic categories of each recipient.

3 (3) PUBLICATION.—Information provided under
4 paragraphs (1) and (2) shall be made publicly avail-
5 able in a searchable digital format on websites of the
6 Department of the Treasury and the Small Business
7 Administration.

8 **SEC. 612. PROHIBITING CONFLICTS OF INTEREST FOR**
9 **SMALL BUSINESS PROGRAMS UNDER THE**
10 **CARES ACT.**

11 Section 4019 of the CARES Act (15 U.S.C. 9054)
12 is amended—

13 (1) in subsection (a), by adding at the end the
14 following:

15 “(7) SMALL BUSINESS ASSISTANCE.—The term
16 ‘small business assistance’ means assistance pro-
17 vided under—

18 “(A) section 7(a)(36) of the Small Busi-
19 ness Act (15 U.S.C. 636(a)(36));

20 “(B) subsection (b) or (c) of section 1103
21 of this Act;

22 “(C) section 1110 of this Act; or

23 “(D) section 1112 of this Act.”;

24 (2) in subsection (b)—

1 (A) by inserting “or provisions relating to
2 small business assistance” after “this subtitle”;
3 and

4 (B) by inserting “or for any small business
5 assistance” before the period at the end; and

6 (3) in subsection (c)—

7 (A) by inserting “or seeking any small
8 business assistance” after “section 4003”;

9 (B) by inserting “or small business assist-
10 ance” after “that transaction”;

11 (C) by inserting “or the Administrator of
12 the Small Business Administration, as applica-
13 ble,” after “Federal Reserve System”; and

14 (D) by inserting “or to receive the small
15 business assistance” after “in that trans-
16 action”.

17 **SEC. 613. INCLUSION OF SCORE AND VETERAN BUSINESS**

18 **OUTREACH CENTERS IN ENTREPRENEURIAL**

19 **DEVELOPMENT PROGRAMS.**

20 (a) IN GENERAL.—Section 1103(a)(2) of the CARES
21 Act (15 U.S.C. 9002(a)(2)) is amended—

22 (1) in subparagraph (A), by striking “and” at
23 the end; and

24 (2) by adding at the end the following new sub-
25 paragraphs:

1 “(C) a Veteran Business Outreach Center
2 (as described under section 32(d) of the Small
3 Business Act); and

4 “(D) the Service Corps of Retired Execu-
5 tives Association, or any successor or other or-
6 ganization, that receives a grant from the Ad-
7 ministrator to operate the SCORE program es-
8 tablished under section 8(b)(2)(A) of the Small
9 Business Act;”.

10 (b) FUNDING.—Section 1107(a)(4) of the CARES
11 Act (15 U.S.C. 9006(a)(4)) is amended—

12 (1) in subparagraph (A)—

13 (A) by striking “\$240,000,000” and in-
14 serting “\$220,000,000”;

15 (B) by striking “and” at the end; and

16 (2) by adding at the end the following new sub-
17 paragraphs:

18 “(C) \$10,000,000 shall be for a Veteran
19 Business Outreach Center described in section
20 1103(a)(2)(C) of this Act to carry out activities
21 under such section; and

22 “(D) \$10,000,000 shall be for the Service
23 Corps of Retired Executives Association de-
24 scribed in section 1103(a)(2)(D) of this Act to
25 carry out activities under such section;”.

1 **SEC. 614. CLARIFICATION OF USE OF CARES ACT FUNDS**
2 **FOR SMALL BUSINESS DEVELOPMENT CEN-**
3 **TERS.**

4 Section 1103(b)(3)(A) of the CARES Act (15 U.S.C.
5 9002(b)(3)(A)) is amended by adding at the end the fol-
6 lowing new sentence: “Funds awarded under this para-
7 graph shall be in addition to any amounts appropriated
8 for grants under section 21(a) of the Small Business Act,
9 and may be used to complement and support those appro-
10 priated program grants to assist small business concerns,
11 with prioritization of such concerns affected directly or in-
12 directly by COVID–19 as described in paragraph (2).”.

13 **SEC. 615. FUNDING FOR THE OFFICE OF INSPECTOR GEN-**
14 **ERAL OF THE SMALL BUSINESS ADMINISTRA-**
15 **TION.**

16 Section 1107(a)(3) of the CARES Act (15 U.S.C.
17 9006(a)(3)) is amended by striking “September 30, 2024”
18 and inserting “expended”.

19 **SEC. 616. EXTENSION OF WAIVER OF MATCHING FUNDS RE-**
20 **QUIREMENT UNDER THE WOMEN’S BUSINESS**
21 **CENTER PROGRAM.**

22 Section 1105 of the CARES Act (15 U.S.C. 9004)
23 is amended by striking “During the 3-month period begin-
24 ning on the date of enactment of this Act,” and inserting
25 “Until December 31, 2020,”.

1 **SEC. 617. ACCESS TO SMALL BUSINESS ADMINISTRATION**
2 **INFORMATION AND DATABASES.**

3 Section 19010 of Division B of the CARES Act (Pub-
4 lic Law 116–136) is amended by—

5 (1) redesignating subsection (e) as subsection
6 (f); and

7 (2) by inserting after subsection (d) the fol-
8 lowing new subsection:

9 “(e) SMALL BUSINESS ADMINISTRATION DATA-
10 BASES.—

11 “(1) IN GENERAL.—In conducting monitoring
12 and oversight under this section, the Comptroller
13 General, upon notice to the Administrator of the
14 Small Business Administration, shall have direct ac-
15 cess to all information collected or produced in con-
16 nection with the administration of programs or pro-
17 vision of assistance carried out by the Administrator,
18 including direct access to any information technology
19 systems maintained or utilized by the Administrator
20 to collect, process, or analyze documents or informa-
21 tion submitted by borrowers, lenders, or others in
22 connection with any such program or provision of
23 assistance. In this subsection, the term ‘direct ac-
24 cess’ means secured access to the information tech-
25 nology systems maintained by the Administrator
26 that would enable the Comptroller General to inde-

1 pendently access, view, download, and retrieve data
2 from such systems.

3 “(2) INFORMATION TECHNOLOGY SYSTEMS.—
4 The Administrator of the Small Business Adminis-
5 tration shall appropriately identify and classify any
6 sensitive information contained in an information
7 technology system accessed by the Comptroller Gen-
8 eral.”.

9 **SEC. 618. SMALL BUSINESS LOCAL RELIEF PROGRAM.**

10 (a) ESTABLISHMENT.—There is established in the
11 Department of the Treasury a Small Business Local Relief
12 Program to allocate resources to States, units of general
13 local government, and Indian Tribes to provide assistance
14 to eligible entities and organizations that assist eligible en-
15 tities.

16 (b) FUNDING.—

17 (1) FUNDING TO STATES, LOCALITIES, AND IN-
18 DIAN TRIBES.—

19 (A) IN GENERAL.—The Secretary of the
20 Treasury shall allocate—

21 (i) \$10,250,000,000 to States and
22 units of general local government in ac-
23 cordance with subparagraph (B)(i);

24 (ii) \$4,250,000,000 to States in ac-
25 cordance with subparagraph (B)(ii); and

1 (iii) \$500,000,000 to the Secretary of
2 Housing and Urban Development for allo-
3 cations to Indian Tribes in accordance with
4 subparagraph (B)(iii).

5 (B) ALLOCATIONS.—

6 (i) FORMULA FOR STATES AND UNITS
7 OF GENERAL LOCAL GOVERNMENT.—Of
8 the amount described under subparagraph
9 (A)(i)—

10 (I) 70 percent shall be allocated
11 to entitlement communities in accord-
12 ance with the formula under section
13 106(b) of the Housing and Commu-
14 nity Development Act of 1974 (42
15 U.S.C. 5306(b)); and

16 (II) 30 percent shall be allocated
17 to States, for use in nonentitlement
18 areas, in accordance with the formula
19 under section 106(d)(1) of such Act
20 (42 U.S.C. 5306(d)(1)).

21 (ii) RURAL BONUS FORMULA FOR
22 STATES.—The Secretary shall allocate the
23 amount described under subparagraph
24 (A)(ii) to States, for use in nonentitlement
25 areas, in accordance with the formula

1 under section 106(d)(1) of such Act (42
2 U.S.C. 5306(d)(1)).

3 (iii) COMPETITIVE AWARDS TO INDIAN
4 TRIBES.—

5 (I) IN GENERAL.—The Secretary
6 of Housing and Urban Development
7 shall allocate to Indian Tribes on a
8 competitive basis the amount de-
9 scribed under subparagraph (A)(iii).

10 (II) REQUIREMENTS.—In making
11 allocations under subclause (I), the
12 Secretary of Housing and Urban De-
13 velopment shall, to the greatest extent
14 practicable, ensure that each Indian
15 Tribe that satisfies requirements es-
16 tablished by the Secretary of Housing
17 and Urban Development receives such
18 an allocation.

19 (C) STATE ALLOCATIONS FOR NON-
20 ENTITLEMENT AREAS.—

21 (i) EQUITABLE ALLOCATION.—To the
22 greatest extent practicable, a State shall
23 allocate amounts for nonentitlement areas
24 under clauses (i)(II) and (ii) of subpara-
25 graph (B) on an equitable basis.

1 (ii) DISTRIBUTION OF AMOUNTS.—

2 (I) DISCRETION.—Not later than
3 14 days after the date on which a
4 State receives amounts for use in a
5 nonentitlement area under clause
6 (i)(II) or (ii) of subparagraph (B), the
7 State shall—

8 (aa) distribute the amounts,
9 or a portion thereof, to a unit of
10 general local government located
11 in the nonentitlement area or an
12 entity designated thereby, that
13 has established or will establish a
14 small business emergency fund,
15 for use under paragraph (2); or

16 (bb) elect to reserve the
17 amounts, or a portion thereof, for
18 use by the State under paragraph
19 (2) for the benefit of eligible enti-
20 ties located in the nonentitlement
21 area.

22 (II) SENSE OF CONGRESS.—It is
23 the sense of Congress that, in distrib-
24 uting amounts under subclause (I), in
25 the case of amounts allocated for a

1 nonentitlement area in which a unit of
2 general local government or an entity
3 designated thereby has established a
4 small business emergency fund, a
5 State should, as quickly as is prac-
6 ticable, distribute amounts to that
7 unit of general local government or
8 entity, respectively, as described in
9 item (aa) of such subclause.

10 (iii) TREATMENT OF STATES NOT
11 ACTING AS PASS-THROUGH AGENTS UNDER
12 CDBG.—The Secretary shall allocate
13 amounts to a State under this paragraph
14 without regard to whether the State has
15 elected to distribute amounts allocated
16 under section 106(d)(1) of the Housing
17 and Community Development Act of 1974
18 (42 U.S.C. 5306(d)(1)).

19 (2) USE OF FUNDS.—

20 (A) IN GENERAL.—A State, unit of general
21 local government, or Indian Tribe that receives
22 an allocation under paragraph (1), or an entity
23 designated by a unit of general local govern-
24 ment under paragraph (1)(C)(ii)(I)(aa), wheth-
25 er directly or indirectly, may use such alloca-

1 tion, not later than 60 days after receipt of
2 such allocation—

3 (i) to provide funding to a small busi-
4 ness emergency fund established by that
5 State (or entity designated thereby), that
6 unit of general local government (or entity
7 designated thereby), that entity designated
8 by a unit of general local government, or
9 that Indian Tribe (or entity designated
10 thereby), respectively;

11 (ii) to provide funding to support or-
12 ganizations that provide technical assist-
13 ance to eligible entities; or

14 (iii) subject to subparagraph (B), to
15 pay for administrative costs incurred by
16 that State (or entity designated thereby),
17 that unit of general local government (or
18 entity designated thereby), that entity des-
19 ignated by a unit of general local govern-
20 ment, or that Indian Tribe (or entity des-
21 ignated thereby), respectively, in estab-
22 lishing and administering a small business
23 emergency fund.

24 (B) LIMITATION.—A State, unit of general
25 local government, or Indian Tribe, or an entity

1 designated by a unit of general local govern-
2 ment under paragraph (1)(C)(ii)(I)(aa), may
3 not use more than 3 percent of an allocation re-
4 ceived under paragraph (1) for a purpose de-
5 scribed in subparagraph (A)(iii) of this para-
6 graph.

7 (C) OBLIGATION DEADLINES.—

8 (i) STATES.—Of the amounts that a
9 State elects under paragraph
10 (1)(C)(ii)(I)(bb) to reserve for use by the
11 State under this paragraph—

12 (I) any amounts that the State
13 provides to a small business emer-
14 gency fund under subparagraph (A)(i)
15 of this paragraph shall be obligated by
16 the small business emergency fund for
17 expenditure not later than 74 days
18 after the date on which the State re-
19 ceived the amounts from the Sec-
20 retary under clause (i) or (ii) of para-
21 graph (1)(A); and

22 (II) any amounts that the State
23 chooses to provide to an organization
24 under subparagraph (A)(ii) of this
25 paragraph, or to use to pay for ad-

1 ministrative costs under subparagraph
2 (A)(iii) of this paragraph, shall be ob-
3 ligated by the State for expenditure
4 not later than 74 days after the date
5 on which the State received the
6 amounts from the Secretary under
7 clause (i) or (ii) of paragraph (1)(A).

8 (ii) ENTITLEMENT COMMUNITIES.—

9 Of the amounts that an entitlement com-
10 munity receives from the Secretary under
11 paragraph (1)(B)(i)(I)—

12 (I) any amounts that the entitle-
13 ment community provides to a small
14 business emergency fund under sub-
15 paragraph (A)(i) of this paragraph
16 shall be obligated by the small busi-
17 ness emergency fund for expenditure
18 not later than 74 days after the date
19 on which the entitlement community
20 received the amounts; and

21 (II) any amounts that the entitle-
22 ment community chooses to provide to
23 an organization under subparagraph
24 (A)(ii) of this paragraph, or to use to
25 pay for administrative costs under

1 subparagraph (A)(iii) of this para-
2 graph, shall be obligated by the enti-
3 tlement community for expenditure
4 not later than 74 days after the date
5 on which the entitlement community
6 received the amounts.

7 (iii) NONENTITLEMENT COMMU-
8 NITIES.—Of the amounts that a unit of
9 general local government, or an entity des-
10 ignated thereby, located in a nonentitle-
11 ment area receives from a State under
12 paragraph (1)(C)(ii)(I)(aa)—

13 (I) any amounts that the unit of
14 general local government or entity
15 provides to a small business emer-
16 gency fund under subparagraph (A)(i)
17 of this paragraph shall be obligated by
18 the small business emergency fund for
19 expenditure not later than 60 days
20 after the date on which the unit of
21 general local government or entity re-
22 ceived the amounts; and

23 (II) any amounts that the unit of
24 general local government or entity
25 chooses to provide to a support orga-

1 nization under subparagraph (A)(ii) of
2 this paragraph or to use to pay for
3 administrative costs under subpara-
4 graph (A)(iii) of this paragraph shall
5 be obligated by the unit of general
6 local government or entity for expend-
7 iture not later than 60 days after the
8 date on which the unit of general local
9 government or entity received the
10 amounts.

11 (D) RECOVERY OF UNOBLIGATED
12 FUNDS.—If a State, entitlement community,
13 other unit of general local government, entity
14 designated by a unit of general local govern-
15 ment under paragraph (1)(C)(ii)(I)(aa), or
16 small business emergency fund fails to obligate
17 amounts by the applicable deadline under sub-
18 paragraph (C), the Secretary shall recover the
19 amount of those amounts that remain unobli-
20 gated, as of that deadline.

21 (E) COLLABORATION.—It is the sense of
22 Congress that—

23 (i) an entitlement community that re-
24 ceives amounts allocated under paragraph
25 (1)(B)(i)(I) should collaborate with the ap-

1 plicable local entity responsible for eco-
2 nomic development and small business de-
3 velopment in establishing and admin-
4 istering a small business emergency fund;
5 and

6 (ii) States, units of general local gov-
7 ernment, and Indian Tribes that receive
8 amounts under paragraph (1) and are lo-
9 cated in the same region should collaborate
10 in establishing and administering one or
11 more small business emergency funds.

12 (c) SMALL BUSINESS EMERGENCY FUNDS.—With
13 respect to a small business emergency fund that receives
14 funds from an allocation made under subsection (b)—

15 (1) if the small business emergency fund makes
16 a loan to an eligible entity with those funds, the
17 small business emergency fund may use amounts re-
18 turned to the small business emergency fund from
19 the repayment of the loan to provide further assist-
20 ance to eligible entities without regard to the termi-
21 nation date described in subsection (g); and

22 (2) the small business emergency fund shall
23 conduct outreach to eligible entities that are less
24 likely to participate in programs established under
25 the CARES Act (Public Law 116–136; 134 Stat.

1 281) and the amendments made by that Act, includ-
2 ing minority-owned entities, businesses in low-in-
3 come communities, businesses in rural and Tribal
4 areas, and other businesses that are underserved by
5 the traditional banking system.

6 (d) INFORMATION GATHERING.—

7 (1) IN GENERAL.—When providing assistance
8 to an eligible entity with funds received from an allo-
9 cation made under subsection (b), the State, unit of
10 general local government, or Indian Tribe, or the en-
11 tity designated by a State, unit of general local gov-
12 ernment, or Indian Tribe, that provides assistance
13 through a small business emergency fund shall—

14 (A) inquire whether the eligible entity is—

15 (i) in the case of an eligible entity
16 that is a business entity or a nonprofit or-
17 ganization, a women-owned entity or a mi-
18 nority-owned entity; and

19 (ii) in the case of an eligible entity
20 who is an individual, a woman or a minor-
21 ity; and

22 (B) maintain a record of the responses to
23 each inquiry conducted under subparagraph
24 (A), which the entity shall promptly submit to

1 the applicable State, unit of general local gov-
2 ernment, or Indian Tribe.

3 (2) RIGHT TO REFUSE.—An eligible entity may
4 refuse to provide any information requested under
5 paragraph (1)(A).

6 (e) REPORTING.—

7 (1) IN GENERAL.—Not later than 30 days after
8 the date on which a State, unit of general local gov-
9 ernment, or Indian Tribe initially receives an alloca-
10 tion made under subsection (b), and not later than
11 14 days after the date on which that State, unit of
12 local government, or Indian Tribe completes the full
13 expenditure of that allocation, that State, unit of
14 general local government, or Indian Tribe shall sub-
15 mit to the Secretary a report that includes—

16 (A) the number of recipients of assistance
17 made available from the allocation;

18 (B) the total amount, and type, of assist-
19 ance made available from the allocation;

20 (C) to the extent applicable, with respect
21 to each recipient described in subparagraph
22 (A), information regarding the industry of the
23 recipient, the amount of assistance received by
24 the recipient, the annual sales of the recipient,
25 and the number of employees of the recipient;

1 (D) to the extent available from informa-
2 tion collected under subsection (d), information
3 regarding the number of recipients described in
4 subparagraph (A) that are minority-owned enti-
5 ties, minorities, women, and women-owned enti-
6 ties;

7 (E) the ZIP Code of each recipient de-
8 scribed in subparagraph (A); and

9 (F) any other information that the Sec-
10 retary, in the sole discretion of the Secretary,
11 determines to be necessary to carry out the
12 Program.

13 (2) PUBLIC AVAILABILITY.—As soon as is prac-
14 ticable after receiving each report submitted under
15 paragraph (1), the Secretary shall make all informa-
16 tion contained in the report publicly available.

17 (f) RULES AND GUIDANCE.—The Secretary, in con-
18 sultation with the Administrator, shall issue any rules and
19 guidance that are necessary to carry out the Program, in-
20 cluding by establishing appropriate compliance and report-
21 ing requirements in addition to the reporting requirements
22 under subsection (e).

23 (g) TERMINATION.—The Program, and any rules and
24 guidance issued under subsection (f) with respect to the

1 Program, shall terminate on the date that is 1 year after
2 the date of enactment of this Act.

3 (h) DEFINITIONS.—In this section:

4 (1) ADMINISTRATOR.—The term “Adminis-
5 trator” means the Administrator of the Small Busi-
6 ness Administration.

7 (2) ELIGIBLE ENTITY.—The term “eligible enti-
8 ty”—

9 (A) means a business concern or a non-
10 profit organization (as defined in section
11 7(a)(36)(A)(vii) that—

12 (i) employs—

13 (I) not more than 20 full-time
14 equivalent employees; or

15 (II) if the entity or organization
16 is located in a low-income community,
17 not more than 50 full-time equivalent
18 employees;

19 (ii) has experienced a loss of revenue
20 as a result of the COVID–19 pandemic,
21 according to criteria established by the
22 Secretary; and

23 (iii) with respect to such an entity or
24 organization that receives assistance from
25 a small business emergency fund, satisfies

1 additional requirements, as determined by
2 the State, unit of general local government,
3 Indian Tribe, or other entity that has es-
4 tablished the small business emergency
5 fund; and

6 (B) includes an individual who operates
7 under a sole proprietorship, an individual who
8 operates as an independent contractor, and an
9 eligible self-employed individual if such an indi-
10 vidual has experienced a loss of revenue as a re-
11 sult of the COVID–19 pandemic, according to
12 criteria established by the Secretary.

13 (3) ELIGIBLE SELF-EMPLOYED INDIVIDUAL.—
14 The term “eligible self-employed individual” has the
15 meaning given the term in section 7(a)(36)(A) of the
16 Small Business Act (15 U.S.C. 636(a)(36)(A)).

17 (4) ENTITLEMENT COMMUNITY.—The term
18 “entitlement community” means a metropolitan city
19 or urban county, as those terms are defined in sec-
20 tion 102 of the Housing and Community Develop-
21 ment Act of 1974 (42 U.S.C. 5302).

22 (5) FULL-TIME EQUIVALENT EMPLOYEES.—

23 (A) IN GENERAL.—The term “full-time
24 equivalent employees” means a number of em-

1 employees equal to the number determined by di-
2 viding—

3 (i) the total number of hours of serv-
4 ice for which wages were paid by the em-
5 ployer to employees during the taxable
6 year, by

7 (ii) 2,080.

8 (B) ROUNDING.—The number determined
9 under subparagraph (A) shall be rounded to the
10 next lowest whole number if not otherwise a
11 whole number.

12 (C) EXCESS HOURS NOT COUNTED.—If an
13 employee works in excess of 2,080 hours of
14 service during any taxable year, such excess
15 shall not be taken into account under subpara-
16 graph (A).

17 (D) HOURS OF SERVICE.—The Secretary,
18 in consultation with the Secretary of Labor,
19 shall prescribe such regulations, rules, and
20 guidance as may be necessary to determine the
21 hours of service of an employee, including rules
22 for the application of this paragraph to employ-
23 ees who are not compensated on an hourly
24 basis.

1 (6) INDIAN TRIBE.—The term “Indian Tribe”
2 has the meaning given the term “Indian tribe” in
3 section 102 of the Housing and Community Devel-
4 opment Act of 1974 (42 U.S.C. 5302).

5 (7) LOW-INCOME COMMUNITY.—The term “low-
6 income community” has the meaning given the term
7 in section 45D(e) of the Internal Revenue Code of
8 1986.

9 (8) MINORITY.—The term “minority” has the
10 meaning given the term in section 1204(c)(3) of the
11 Financial Institutions Reform, Recovery, and En-
12 forcement Act of 1989 (12 U.S.C. 1811 note).

13 (9) MINORITY-OWNED ENTITY.—The term “mi-
14 nority-owned entity” means an entity—

15 (A) more than 50 percent of the ownership
16 or control of which is held by not less than 1
17 minority; and

18 (B) more than 50 percent of the net profit
19 or loss of which accrues to not less than 1 mi-
20 nority.

21 (10) NONENTITLEMENT AREA; STATE; UNIT OF
22 GENERAL LOCAL GOVERNMENT.—

23 (A) IN GENERAL.—Except as provided in
24 subparagraph (B), the terms “nonentitlement
25 area”, “State”, and “unit of general local gov-

1 ernment” have the meanings given those terms
2 in section 102 of the Housing and Community
3 Development Act of 1974 (42 U.S.C. 5302).

4 (B) STATE.—For purposes of subpara-
5 graphs (A)(ii) and (B)(ii) of subsection (b)(1),
6 the term “State” means any State of the
7 United States.

8 (11) PROGRAM.—The term “Program” means
9 the Small Business Local Relief Program established
10 under this section.

11 (12) SECRETARY.—The term “Secretary”
12 means the Secretary of the Treasury.

13 (13) SMALL BUSINESS EMERGENCY FUND.—
14 The term “small business emergency fund” means a
15 fund or program—

16 (A) established by a State, a unit of gen-
17 eral local government, an Indian Tribe, or an
18 entity designated by a State, unit of general
19 local government, or Indian Tribe; and

20 (B) that provides or administers financing
21 to eligible entities in the form of grants, loans,
22 or other means in accordance with the needs of
23 eligible entities and the capacity of the fund or
24 program.

1 (14) WOMEN-OWNED ENTITY.—The term
2 “women-owned entity” means an entity—

3 (A) more than 50 percent of the ownership
4 or control of which is held by not less than 1
5 woman; and

6 (B) more than 50 percent of the net profit
7 or loss of which accrues to not less than 1
8 woman.

9 **SEC. 619. GRANTS FOR INDEPENDENT LIVE VENUE OPERA-**
10 **TORS.**

11 (a) DEFINITIONS.—In this section:

12 (1) ADMINISTRATOR.—The term “Adminis-
13 trator” means the Administrator of the Small Busi-
14 ness Administration.

15 (2) ELIGIBLE OPERATOR, PROMOTER, PRO-
16 DUCER, OR TALENT REPRESENTATIVE.—

17 (A) IN GENERAL.—The term “eligible op-
18 erator, promoter, producer, or talent represent-
19 ative” means a live venue operator or producer
20 or promoter or a talent representative that
21 meets the following requirements:

22 (i) The live venue operator or pro-
23 ducer or promoter or the talent representa-
24 tive was fully operational as a live venue

1 operator or producer or promoter or talent
2 representative on February 29, 2020.

3 (ii) As of the date of the grant under
4 this section—

5 (I) the live venue operator or
6 producer or promoter is organizing,
7 promoting, producing, managing, or
8 hosting future events described in
9 paragraph (4)(A)(i); or

10 (II) the talent representative is
11 representing or managing artists and
12 entertainers.

13 (iii) The venues at which the live
14 venue operator or producer or promoter
15 promotes, produces, manages, or hosts
16 events described in paragraph (4)(A)(i) or
17 the artists and entertainers represented or
18 managed by the talent representative per-
19 form have the following characteristics:

20 (I) A defined performance and
21 audience space.

22 (II) Mixing equipment, a public
23 address system, and a lighting rig.

1 (III) Engages 1 or more individ-
2 uals to carry out not less than 2 of
3 the following roles:

4 (aa) A sound engineer.

5 (bb) A booker.

6 (cc) A promoter.

7 (dd) A stage manager.

8 (ee) Security personnel.

9 (ff) A box office manager.

10 (IV) There is a paid ticket or
11 cover charge to attend most perform-
12 ances and artists are paid fairly and
13 do not play for free or solely for tips,
14 except for legitimate fundraisers or
15 similar charitable events.

16 (V) For a venue owned or oper-
17 ated by a nonprofit entity that pro-
18 duces free events, the events are pro-
19 duced and managed by paid employ-
20 ees, not by volunteers.

21 (VI) Performances are marketed
22 through listings in printed or elec-
23 tronic publications, on websites, by
24 mass email, or on social media.

1 (iv) The live venue operator or pro-
2 ducer or promoter or the talent representa-
3 tive does not have, or is not majority
4 owned or controlled by an entity with,
5 more than 1 of the following characteris-
6 tics:

7 (I) Being an issuer, the securities
8 of which are listed on a national secu-
9 rities exchange.

10 (II) Owning or operating venues
11 or talent agencies or talent manage-
12 ment companies with offices in more
13 than 1 country.

14 (III) Owning or operating venues
15 in more than 10 States.

16 (IV) Employing more than 500
17 employees, determined on a full-time
18 equivalent basis in accordance with
19 subparagraph (B).

20 (V) Receiving more than 10 per-
21 cent of gross revenue from Federal
22 funding.

23 (B) CALCULATION OF FULL-TIME EMPLOY-
24 EES.—For purposes of determining the number

1 of full-time equivalent employees under sub-
2 paragraph (A)(iv)(IV)—

3 (i) any employee working not fewer
4 than 30 hours per week shall be considered
5 a full-time employee; and

6 (ii) any employee working not fewer
7 than 10 hours and fewer than 30 hours
8 per week shall be counted as one-half of a
9 full-time employee.

10 (3) EXCHANGE; ISSUER; SECURITY.—The terms
11 “exchange”, “issuer”, and “security” have the
12 meanings given such terms in section 3(a) of the Se-
13 curities Exchange Act of 1934 (15 U.S.C. 78c(a)).

14 (4) LIVE VENUE OPERATOR OR PRODUCER OR
15 PROMOTER.—The term “live venue operator or pro-
16 ducer or promoter”—

17 (A) means—

18 (i) an individual or entity—

19 (I) that organizes, promotes, sells
20 tickets, produces, manages, or hosts
21 live concerts, comedy shows, theatrical
22 productions, or other events by per-
23 forming artists and applies cover
24 charge through ticketing or front door
25 entrance fee; and

- 1 (II) not less than 70 percent of
2 the revenue of which is generated
3 through cover charges or ticket sales
4 and the sale of beverages, food, or
5 merchandise during such live events;
6 or
- 7 (ii) as a principle business activity,
8 makes tickets to events described in clause
9 (i)(I) available for purchase by the public
10 an average of not less than 60 days before
11 the date of the event and pays performers
12 in an event described in clause (i)(I) in an
13 amount that is based on a percentage of
14 sales, guarantee (in writing or standard
15 contract), or another mutually beneficial
16 formal agreement; and
- 17 (B) includes an individual or entity de-
18 scribed in subparagraph (A) that—
- 19 (i) operates for profit or as a non-
20 profit;
- 21 (ii) is government-owned; or
- 22 (iii) is a corporation, limited liability
23 company, or partnership or operated as a
24 sole proprietorship.

1 (5) NATIONAL SECURITIES EXCHANGE.—The
2 term “national securities exchange” means an ex-
3 change registered as a national securities exchange
4 under section 6 of the Securities Exchange Act of
5 1934 (15 U.S.C. 78f).

6 (6) STATE.—The term “State” means—

7 (A) a State;

8 (B) the District of Columbia;

9 (C) the Commonwealth of Puerto Rico;

10 and

11 (D) any other territory or possession of the
12 United States.

13 (7) TALENT REPRESENTATIVE.—The term “tal-
14 ent representative”—

15 (A) means an agent or manager that—

16 (i) as not less than 70 percent of the
17 operations of the agent or manager, is en-
18 gaged in representing or managing artists
19 and entertainers;

20 (ii) books musicians, comedians, ac-
21 tors, or similar performing artists pri-
22 marily in independent venues or at fes-
23 tivals; and

24 (iii) represents performers described
25 in clause (ii) that are paid in an amount

1 that is based on the number of tickets sold,
2 or a similar basis; and

3 (B) includes an agent or manager de-
4 scribed in subparagraph (A) that—

5 (i) operates for profit or as a non-
6 profit;

7 (ii) is government-owned; or

8 (iii) is a corporation, limited liability
9 company, or partnership or operated as a
10 sole proprietorship.

11 (b) AUTHORITY.—

12 (1) INITIAL GRANTS.—The Administrator may
13 make initial grants to eligible operators, promoters,
14 and talent representatives in accordance with this
15 section.

16 (2) SUPPLEMENTAL GRANTS.—The Adminis-
17 trator may make a supplemental grant in accordance
18 with this section to an eligible operator, promoter,
19 producer, or talent representative that receives a
20 grant under paragraph (1) if, as of December 1,
21 2020, the revenues of the eligible operator, pro-
22 moter, producer, or talent representative for the
23 most recent calendar quarter are not more than 20
24 percent of the revenues of the eligible operator, pro-
25 moter, producer, or talent representative for the cor-

1 responding calendar quarter during 2019 due to the
2 COVID–19 pandemic.

3 (3) CERTIFICATION.—An eligible operator, pro-
4 moter, producer, or talent representative applying
5 for a grant under this section that is an eligible
6 business described in the matter preceding subclause
7 (I) of section 4003(c)(3)(D)(i) of the CARES Act
8 (15 U.S.C. 9042(c)(3)(D)(i)), shall make a good-
9 faith certification described in subclauses (IX) and
10 (X) of such section.

11 (c) AMOUNT.—

12 (1) INITIAL GRANTS.—A grant under sub-
13 section (b)(1) shall be in the amount equal to the
14 lesser of—

15 (A) the amount equal to 45 percent of the
16 gross revenue of the eligible operator, promoter,
17 producer, or talent representative during 2019;

18 (B) for an eligible operator, promoter, pro-
19 ducer, or talent representative that began oper-
20 ations after January 1, 2019, the amount equal
21 to the product obtained by multiplying—

22 (i) the average monthly gross revenue
23 for each full month during which the entity
24 was in operation during 2019, by

25 (ii) 6; or

1 (C) \$12,000,000.

2 (2) SUPPLEMENTAL GRANTS.—A grant under
3 subsection (b)(2) shall be in the amount equal to 50
4 percent of the grant received by the eligible operator,
5 promoter, producer, or talent representative under
6 subsection (b)(1).

7 (d) USE OF FUNDS.—

8 (1) TIMING.—

9 (A) EXPENSES INCURRED.—

10 (i) IN GENERAL.—Except as provided
11 in clause (ii), amounts received under a
12 grant under this section may be used for
13 costs incurred during the period beginning
14 on March 1, 2020, and ending on Decem-
15 ber 31, 2021.

16 (ii) EXTENSION FOR SUPPLEMENTAL
17 GRANTS.—If an eligible operator, pro-
18 moter, producer, or talent representative
19 receives a grant under subsection (b)(2),
20 amounts received under either grant under
21 this section may be used for costs incurred
22 during the period beginning on March 1,
23 2020, and ending on June 30, 2022.

24 (B) EXPENDITURE.—

1 (i) IN GENERAL.—Except as provided
2 in clause (ii), an eligible operator, pro-
3 moter, producer, or talent representative
4 shall return to the Administrator any
5 amounts received under a grant under this
6 section that are not expended on or before
7 the date that is 1 year after the date of
8 disbursement of the grant.

9 (ii) EXTENSION FOR SUPPLEMENTAL
10 GRANTS.—If an eligible operator, pro-
11 moter, producer, or talent representative
12 receives a grant under subsection (b)(2),
13 the eligible operator, promoter, producer,
14 or talent representative shall return to the
15 Administrator any amounts received under
16 either grant under this section that are not
17 expended on or before the date that is 18
18 months after the date of disbursement to
19 the eligible operator, promoter, producer,
20 or talent representative of the grant under
21 subsection (b)(1).

22 (2) ALLOWABLE EXPENSES.—An eligible oper-
23 ator, promoter, producer, or talent representative
24 may use amounts received under a grant under this
25 section for—

- 1 (A) payroll costs for employees and fur-
2 loughed employees, including—
- 3 (i) costs for continuation coverage
4 provided pursuant to part 6 of subtitle B
5 of title I of the Employee Retirement In-
6 come Security Act of 1974 (other than
7 under section 609 of such Act), title XXII
8 of the Public Health Service Act, section
9 4980B of the Internal Revenue Code of
10 1986 (other than subsection (f)(1) of such
11 section insofar as it relates to pediatric
12 vaccines), or section 8905a of title 5,
13 United States Code, or under a State pro-
14 gram that provides comparable continu-
15 ation coverage, other than coverage under
16 a health flexible spending arrangement
17 under a cafeteria plan within the meaning
18 of section 125 of the Internal Revenue
19 Code of 1986; or
- 20 (ii) any other non-cash benefit;
- 21 (B) rent;
- 22 (C) utilities;
- 23 (D) mortgage interest payments on exist-
24 ing mortgages as of February 15, 2020;

1 (E) scheduled interest payments on other
2 scheduled debt as of February 15, 2020;

3 (F) costs related to personal protective
4 equipment;

5 (G) payments of principal on outstanding
6 loans;

7 (H) payments made to independent con-
8 tractors, as reported on Form-1099 MISC; and

9 (I) other ordinary and necessary business
10 expenses, including—

11 (i) settling existing debts owed to ven-
12 dors;

13 (ii) maintenance expenses;

14 (iii) administrative costs;

15 (iv) taxes;

16 (v) operating leases;

17 (vi) insurance;

18 (vii) advertising, production transpor-
19 tation, and capital expenditures related to
20 producing a theatrical production, concert,
21 or comedy show; and

22 (viii) any other capital expenditure or
23 expense required under any State, local, or
24 Federal law or guideline related to social
25 distancing.

1 (3) PROHIBITED EXPENSES.—An eligible oper-
2 ator, promoter, producer, or talent representative
3 may not use amounts received under a grant under
4 this section—

5 (A) to purchase real estate;

6 (B) for payments of interest or principal
7 on loans originated after February 15, 2020;

8 (C) to invest or re-lend funds;

9 (D) for contributions or expenditures to, or
10 on behalf of, any political party, party com-
11 mittee, or candidate for elective office; or

12 (E) for any other use as may be prohibited
13 by the Administrator.

1 **DIVISION F—REVENUE**
 2 **PROVISIONS**

3 **SEC. 100. SHORT TITLE, ETC.**

4 (a) **SHORT TITLE.**—This division may be cited as the
 5 “COVID–19 Tax Relief Act of 2020”.

6 (b) **TABLE OF CONTENTS.**—The table of contents for
 7 this division is as follows:

Sec. 100. Short title, etc.

TITLE I—ECONOMIC STIMULUS

Subtitle A—Additional Recovery Rebates to Individuals

Sec. 101. Additional recovery rebates to individuals.

Subtitle B—Earned Income Tax Credit

Sec. 111. Strengthening the earned income tax credit for individuals with no
 qualifying children.

Sec. 112. Taxpayer eligible for childless earned income credit in case of quali-
 fying children who fail to meet certain identification require-
 ments.

Sec. 113. Credit allowed in case of certain separated spouses.

Sec. 114. Elimination of disqualified investment income test.

Sec. 115. Application of earned income tax credit in possessions of the United
 States.

Sec. 116. Temporary special rule for determining earned income for purposes
 of earned income tax credit.

Subtitle C—Child Tax Credit

Sec. 121. Child tax credit improvements for 2020.

Sec. 122. Application of child tax credit in possessions.

Subtitle D—Dependent Care Assistance

Sec. 131. Refundability and enhancement of child and dependent care tax cred-
 it.

Sec. 132. Increase in exclusion for employer-provided dependent care assist-
 ance.

Subtitle E—Credits for Paid Sick and Family Leave

Sec. 141. Extension of credits.

Sec. 142. Repeal of reduced rate of credit for certain leave.

Sec. 143. Increase in limitations on credits for paid family leave.

Sec. 144. Election to use prior year net earnings from self-employment in de-
 termining average daily self-employment income.

- Sec. 145. Federal, State, and local governments allowed tax credits for paid sick and paid family and medical leave.
 Sec. 146. Certain technical improvements.
 Sec. 147. Credits not allowed to certain large employers.

Subtitle F—Deduction of State and Local Taxes

- Sec. 151. Elimination for 2020 limitation on deduction of State and local taxes.

TITLE II—PROVISIONS TO PREVENT BUSINESS INTERRUPTION

- Sec. 201. Improvements to employee retention and rehiring credit.
 Sec. 202. Certain loan forgiveness and other business financial assistance under CARES Act not includible in gross income.
 Sec. 203. Clarification of treatment of expenses paid or incurred with proceeds from certain grants and loans.

TITLE III—NET OPERATING LOSSES

- Sec. 301. Limitation on excess business losses of non-corporate taxpayers restored and made permanent.
 Sec. 302. Certain taxpayers allowed carryback of net operating losses arising in 2019 and 2020.

1 **TITLE I—ECONOMIC STIMULUS**

2 **Subtitle A—Additional Recovery**

3 **Rebates to Individuals**

4 **SEC. 101. ADDITIONAL RECOVERY REBATES TO INDIVID-**
 5 **UALS.**

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

9 **“SEC. 6428A. ADDITIONAL RECOVERY REBATES TO INDIVID-**
 10 **UALS.**

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

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

5 “(1) \$1,200 (\$2,400 in the case of a joint re-
6 turn), plus

7 “(2) \$500 multiplied by the number of depend-
8 ents of the taxpayer for such taxable year.

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

12 “(1) any nonresident alien individual,

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

18 “(3) an estate or trust.

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

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

3 “(2) \$112,500 in the case of a head of house-
4 hold (as defined in section 2(b)), and

5 “(3) \$75,000 in any other case.

6 “(e) DEFINITIONS AND SPECIAL RULES.—

7 “(1) MODIFIED ADJUSTED GROSS INCOME.—

8 For purposes of this subsection (other than this
9 paragraph), the term ‘modified adjusted gross in-
10 come’ means adjusted gross income determined with-
11 out regard to sections 911, 931, and 933.

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

15 “(3) CREDIT TREATED AS REFUNDABLE.—The
16 credit allowed by subsection (a) shall be treated as
17 allowed by subpart C of part IV of subchapter A of
18 chapter 1.

19 “(4) IDENTIFICATION NUMBER REQUIRE-
20 MENT.—

21 “(A) IN GENERAL.—The \$1,200 amount in
22 subsection (b)(1) shall be treated as being zero
23 unless the taxpayer includes the TIN of the
24 taxpayer on the return of tax for the taxable
25 year.

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

4 “(i) zero if the TIN of neither spouse
5 is included on the return of tax for the
6 taxable year, and

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

9 “(C) DEPENDENTS.—A dependent shall
10 not be taken into account under subsection
11 (b)(2) unless the TIN of such dependent is in-
12 cluded on the return of tax for the taxable year.

13 “(D) COORDINATION WITH CERTAIN AD-
14 VANCE PAYMENTS.—In the case of any payment
15 made pursuant to subsection (g)(5)(A)(ii), a
16 TIN shall be treated for purposes of this para-
17 graph as included on the taxpayer’s return of
18 tax if such TIN is provided pursuant to such
19 subsection.

20 “(f) COORDINATION WITH ADVANCE REFUNDS OF
21 CREDIT.—

22 “(1) REDUCTION OF REFUNDABLE CREDIT.—
23 The amount of the credit which would (but for this
24 paragraph) be allowable under subsection (a) shall
25 be reduced (but not below zero) by the aggregate re-

1 funds and credits made or allowed to the taxpayer
2 (or any dependent of the taxpayer) under subsection
3 (g). Any failure to so reduce the credit shall be
4 treated as arising out of a mathematical or clerical
5 error and assessed according to section 6213(b)(1).

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

11 “(g) ADVANCE REFUNDS AND CREDITS.—

12 “(1) IN GENERAL.—Subject to paragraph (5),
13 each individual who was an eligible individual for
14 such individual’s first taxable year beginning in
15 2019 shall be treated as having made a payment
16 against the tax imposed by chapter 1 for such tax-
17 able year in an amount equal to the advance refund
18 amount for such taxable year.

19 “(2) ADVANCE REFUND AMOUNT.—For pur-
20 poses of paragraph (1), the advance refund amount
21 is the amount that would have been allowed as a
22 credit under this section for such taxable year if this
23 section (other than subsection (f) and this sub-
24 section) had applied to such taxable year.

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

1 “(A) TIMING.—The Secretary shall, sub-
2 ject to the provisions of this title, refund or
3 credit any overpayment attributable to this sec-
4 tion as rapidly as possible. No refund or credit
5 shall be made or allowed under this subsection
6 after December 31, 2020.

7 “(B) DELIVERY OF PAYMENTS.—Notwith-
8 standing any other provision of law, the Sec-
9 retary may certify and disburse refunds payable
10 under this subsection electronically to any ac-
11 count to which the payee authorized, on or after
12 January 1, 2018, the delivery of a refund of
13 taxes under this title or of a Federal payment
14 (as defined in section 3332 of title 31, United
15 States Code).

16 “(C) WAIVER OF CERTAIN RULES.—Not-
17 withstanding section 3325 of title 31, United
18 States Code, or any other provision of law, with
19 respect to any payment of a refund under this
20 subsection, a disbursing official in the executive
21 branch of the United States Government may
22 modify payment information received from an
23 officer or employee described in section
24 3325(a)(1)(B) of such title for the purpose of
25 facilitating the accurate and efficient delivery of

1 such payment. Except in cases of fraud or reck-
2 less neglect, no liability under sections 3325,
3 3527, 3528, or 3529 of title 31, United States
4 Code, shall be imposed with respect to pay-
5 ments made under this subparagraph.

6 “(4) NO INTEREST.—No interest shall be al-
7 lowed on any overpayment attributable to this sec-
8 tion.

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

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

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

18 “(ii) in the case of a specified indi-
19 vidual who has not filed a tax return for
20 such individual’s first taxable year begin-
21 ning in 2018, determine the advance re-
22 fund amount with respect to such indi-
23 vidual without regard to subsections (d)
24 and on the basis of information with re-

1 spect to such individual which is provided
2 by—

3 “(I) in the case of a specified so-
4 cial security beneficiary or a specified
5 supplemental security income recipi-
6 ent, the Commissioner of Social Secu-
7 rity,

8 “(II) in the case of a specified
9 railroad retirement beneficiary, the
10 Railroad Retirement Board, and

11 “(III) in the case of a specified
12 veterans beneficiary, the Secretary of
13 Veterans Affairs (in coordination
14 with, and with the assistance of, the
15 Commissioner of Social Security if ap-
16 propriate).

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

20 “(i) a specified social security bene-
21 ficiary,

22 “(ii) a specified supplemental security
23 income recipient,

24 “(iii) a specified railroad retirement
25 beneficiary, or

1 “(iv) a specified veterans beneficiary.

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

4 “(i) IN GENERAL.—The term ‘speci-
5 fied social security beneficiary’ means any
6 individual who, for the last month that
7 ends prior to the date of enactment of this
8 section, is entitled to any monthly insur-
9 ance benefit payable under title II of the
10 Social Security Act (42 U.S.C. 401 et
11 seq.), including payments made pursuant
12 to sections 202(d), 223(g), and 223(i)(7)
13 of such Act.

14 “(ii) EXCEPTION.—Such term shall
15 not include any individual if such benefit is
16 not payable for such month by reason of
17 section 202(x) of the Social Security Act
18 (42 U.S.C. 402(x)) or section 1129A of
19 such Act (42 U.S.C. 1320a–8a).

20 “(D) SPECIFIED SUPPLEMENTAL SECU-
21 RITY INCOME RECIPIENT.—For purposes of this
22 paragraph—

23 “(i) IN GENERAL.—The term ‘speci-
24 fied supplemental security income recipi-
25 ent’ means any individual who, for the last

1 month that ends prior to the date of enact-
2 ment of this section, is eligible for a
3 monthly benefit payable under title XVI of
4 the Social Security Act (42 U.S.C. 1381 et
5 seq.) (other than a benefit to an individual
6 described in section 1611(e)(1)(B) of such
7 Act (42 U.S.C. 1382(e)(1)(B)), includ-
8 ing—

9 “(I) payments made pursuant to
10 section 1614(a)(3)(C) of such Act (42
11 U.S.C. 1382c(a)(3)(C)),

12 “(II) payments made pursuant to
13 section 1619(a) (42 U.S.C. 1382h) or
14 subsections (a)(4), (a)(7), or (p)(7) of
15 section 1631 (42 U.S.C. 1383) of
16 such Act, and

17 “(III) State supplementary pay-
18 ments of the type referred to in sec-
19 tion 1616(a) of such Act (42 U.S.C.
20 1382e(a)) (or payments of the type
21 described in section 212(a) of Public
22 Law 93–66) which are paid by the
23 Commissioner under an agreement re-
24 ferred to in such section 1616(a) (or
25 section 212(a) of Public Law 93–66).

1 “(ii) EXCEPTION.—Such term shall
2 not include any individual if such monthly
3 benefit is not payable for such month by
4 reason of subsection (e)(1)(A) or (e)(4) of
5 section 1611 (42 U.S.C. 1382) or section
6 1129A of such Act (42 U.S.C. 1320a–8a).

7 “(E) SPECIFIED RAILROAD RETIREMENT
8 BENEFICIARY.—For purposes of this para-
9 graph, the term ‘specified railroad retirement
10 beneficiary’ means any individual who, for the
11 last month that ends prior to the date of enact-
12 ment of this section, is entitled to a monthly
13 annuity or pension payment payable (without
14 regard to section 5(a)(ii) of the Railroad Retire-
15 ment Act of 1974 (45 U.S.C. 231d(a)(ii)))
16 under—

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

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

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

23 “(iv) section 7(b)(2) of such Act (45
24 U.S.C. 231f(b)(2)) with respect to any of

1 the benefit payments described in subpara-
2 graph (C)(i).

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

5 “(i) IN GENERAL.—The term ‘speci-
6 fied veterans beneficiary’ means any indi-
7 vidual who, for the last month that ends
8 prior to the date of enactment of this sec-
9 tion, is entitled to a compensation or pen-
10 sion payment payable under—

11 “(I) section 1110, 1117, 1121,
12 1131, 1141, or 1151 of title 38,
13 United States Code,

14 “(II) section 1310, 1312, 1313,
15 1315, 1316, or 1318 of title 38,
16 United States Code,

17 “(III) section 1513, 1521, 1533,
18 1536, 1537, 1541, 1542, or 1562 of
19 title 38, United States Code, or

20 “(IV) section 1805, 1815, or
21 1821 of title 38, United States Code,
22 to a veteran, surviving spouse, child, or
23 parent as described in paragraph (2), (3),
24 (4)(A)(ii), or (5) of section 101, title 38,
25 United States Code.

1 “(ii) EXCEPTION.—Such term shall
2 not include any individual if such com-
3 pensation or pension payment is not pay-
4 able, or was reduced, for such month by
5 reason of section 1505, 5313, or 5313B of
6 title 38, United States Code.

7 “(G) SUBSEQUENT DETERMINATIONS AND
8 REDETERMINATIONS NOT TAKEN INTO AC-
9 COUNT.—For purposes of this section, any indi-
10 vidual’s status as a specified social security ben-
11 eficiary, a specified supplemental security in-
12 come recipient, a specified railroad retirement
13 beneficiary, or a specified veterans beneficiary
14 shall be unaffected by any determination or re-
15 determination of any entitlement to, or eligi-
16 bility for, any benefit, payment, or compensa-
17 tion, if such determination or redetermination
18 occurs after the last month that ends prior to
19 the date of enactment of this section.

20 “(H) PAYMENT TO REPRESENTATIVE PAY-
21 EES AND FIDUCIARIES.—

22 “(i) IN GENERAL.—If the benefit,
23 payment, or compensation referred to in
24 subparagraph (C)(i), (D)(i), (E), or (F)(i)
25 with respect to any specified individual is

1 paid to a representative payee or fiduciary,
2 payment by the Secretary under paragraph
3 (3) with respect to such specified indi-
4 vidual shall be made to such individual's
5 representative payee or fiduciary and the
6 entire payment shall be used only for the
7 benefit of the individual who is entitled to
8 the payment.

9 “(ii) APPLICATION OF ENFORCEMENT
10 PROVISIONS.—

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

22 “(II) In the case of a payment
23 described in clause (i) which is made
24 with respect to a specified railroad re-
25 tirement beneficiary, section 13 of the

1 Railroad Retirement Act (45 U.S.C.
2 2311) shall apply to such payment in
3 the same manner as such section ap-
4 plies to a payment under such Act.

5 “(III) In the case of a payment
6 described in clause (i) which is made
7 with respect to a specified veterans
8 beneficiary, sections 5502, 6106, and
9 6108 of title 38, United States Code,
10 shall apply to such payment in the
11 same manner as such sections apply
12 to a payment under such title.

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

23 “(h) REGULATIONS.—The Secretary shall prescribe
24 such regulations or other guidance as may be necessary

1 or appropriate to carry out the purposes of this section,
2 including—

3 “(1) regulations or other guidance providing
4 taxpayers the opportunity to provide the Secretary
5 information sufficient to allow the Secretary to make
6 payments to such taxpayers under subsection (g)
7 (including the determination of the amount of such
8 payment) if such information is not otherwise avail-
9 able to the Secretary, and

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

16 “(i) OUTREACH.—The Secretary shall carry out a ro-
17 bust and comprehensive outreach program to ensure that
18 all taxpayers described in subsection (h)(1) learn of their
19 eligibility for the advance refunds and credits under sub-
20 section (g); are advised of the opportunity to receive such
21 advance refunds and credits as provided under subsection
22 (h)(1); and are provided assistance in applying for such
23 advance refunds and credits. In conducting such outreach
24 program, the Secretary shall coordinate with other govern-
25 ment, State, and local agencies; federal partners; and com-

1 munity-based nonprofit organizations that regularly inter-
2 face with such taxpayers.”.

3 (b) TREATMENT OF CERTAIN POSSESSIONS.—

4 (1) PAYMENTS TO POSSESSIONS WITH MIRROR
5 CODE TAX SYSTEMS.—The Secretary of the Treas-
6 ury shall pay to each possession of the United States
7 which has a mirror code tax system amounts equal
8 to the loss (if any) to that possession by reason of
9 the amendments made by this section. Such
10 amounts shall be determined by the Secretary of the
11 Treasury based on information provided by the gov-
12 ernment of the respective possession.

13 (2) PAYMENTS TO OTHER POSSESSIONS.—The
14 Secretary of the Treasury shall pay to each posses-
15 sion of the United States which does not have a mir-
16 ror code tax system amounts estimated by the Sec-
17 retary of the Treasury as being equal to the aggre-
18 gate benefits (if any) that would have been provided
19 to residents of such possession by reason of the
20 amendments made by this section if a mirror code
21 tax system had been in effect in such possession.
22 The preceding sentence shall not apply unless the re-
23 spective possession has a plan, which has been ap-
24 proved by the Secretary of the Treasury, under

1 which such possession will promptly distribute such
2 payments to its residents.

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

10 (A) to whom a credit is allowed against
11 taxes imposed by the possession by reason of
12 the amendments made by this section, or

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

15 (4) MIRROR CODE TAX SYSTEM.—For purposes
16 of this subsection, the term “mirror code tax sys-
17 tem” means, with respect to any possession of the
18 United States, the income tax system of such posses-
19 sion if the income tax liability of the residents of
20 such possession under such system is determined by
21 reference to the income tax laws of the United
22 States as if such possession were the United States.

23 (c) ADMINISTRATIVE PROVISIONS.—

24 (1) DEFINITION OF DEFICIENCY.—Section
25 6211(b)(4)(A) of the Internal Revenue Code of 1986

1 is amended by striking “and 6428” and inserting
2 “6428, and 6428A”.

3 (2) MATHEMATICAL OR CLERICAL ERROR AU-
4 THORITY.—Section 6213(g)(2) of such Code is
5 amended—

6 (A) by inserting “or section 6428A (relat-
7 ing to additional recovery rebates to individ-
8 uals)” before the comma at the end of subpara-
9 graph (H), and

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

12 (3) EXCEPTION FROM REDUCTION OR OFF-
13 SET.—Any credit or refund allowed or made to any
14 individual by reason of section 6428A of the Internal
15 Revenue Code of 1986 (as added by this section) or
16 by reason of subsection (b) of this section shall not
17 be—

18 (A) subject to reduction or offset pursuant
19 to section 3716 or 3720A of title 31, United
20 States Code,

21 (B) subject to reduction or offset pursuant
22 to subsection (c), (d), (e), or (f) of section 6402
23 of the Internal Revenue Code of 1986, or

1 (C) reduced or offset by other assessed
2 Federal taxes that would otherwise be subject
3 to levy or collection.

4 (4) ASSIGNMENT OF BENEFITS.—

5 (A) IN GENERAL.—The right of any per-
6 son to any applicable payment shall not be
7 transferable or assignable, at law or in equity,
8 and no applicable payment shall be subject to,
9 execution, levy, attachment, garnishment, or
10 other legal process, or the operation of any
11 bankruptcy or insolvency law.

12 (B) ENCODING OF PAYMENTS.—In the
13 case of an applicable payment described in sub-
14 paragraph (E)(iii)(I) that is paid electronically
15 by direct deposit through the Automated Clear-
16 ing House (ACH) network, the Secretary of the
17 Treasury (or the Secretary's delegate) shall—

18 (i) issue the payment using a unique
19 identifier that is reasonably sufficient to
20 allow a financial institution to identify the
21 payment as an applicable payment, and

22 (ii) further encode the payment pursu-
23 ant to the same specifications as required
24 for a benefit payment defined in section

1 212.3 of title 31, Code of Federal Regula-
2 tions.

3 (C) GARNISHMENT.—

4 (i) ENCODED PAYMENTS.—In the case
5 of a garnishment order that applies to an
6 account that has received an applicable
7 payment that is encoded as provided in
8 subparagraph (B), a financial institution
9 shall follow the requirements and proce-
10 dures set forth in part 212 of title 31,
11 Code of Federal Regulations, except—

12 (I) notwithstanding section 212.4
13 of title 31, Code of Federal Regula-
14 tions (and except as provided in sub-
15 clause (II)), a financial institution
16 shall not fail to follow the procedures
17 of sections 212.5 and 212.6 of such
18 title with respect to an garnishment
19 order merely because such order has
20 attached, or includes, a notice of right
21 to garnish federal benefits issued by a
22 State child support enforcement agen-
23 cy, and

24 (II) a financial institution shall
25 not, with regard to any applicable

1 payment, be required to provide the
2 notice referenced in sections 212.6
3 and 212.7 of title 31, Code of Federal
4 Regulations.

5 (ii) OTHER PAYMENTS.—If a financial
6 institution receives a garnishment order
7 (other than an order that has been served
8 by the United States), that has been re-
9 ceived by a financial institution and that
10 applies to an account into which an appli-
11 cable payment that has not been encoded
12 as provided in subparagraph (B) has been
13 deposited electronically or by an applicable
14 payment that has been deposited by check
15 on any date in the lookback period, the fi-
16 nancial institution, upon the request of the
17 account holder, shall treat the amount of
18 the funds in the account at the time of the
19 request, up to the amount of the applicable
20 payment (in addition to any amounts oth-
21 erwise protected under part 212 of title 31,
22 Code of Federal Regulations), as exempt
23 from a garnishment order without requir-
24 ing the consent of the party serving the

1 garnishment order or the judgment cred-
2 itor.

3 (iii) LIABILITY.—A financial institu-
4 tion that acts in good faith in reliance on
5 clauses (i) or (ii) shall not be subject to li-
6 ability or regulatory action under any Fed-
7 eral or State law, regulation, court or other
8 order, or regulatory interpretation for ac-
9 tions concerning any applicable payments.

10 (D) PRESERVATION OF RECLAMATION
11 RIGHTS.—This paragraph shall not alter the
12 status of applicable payments as tax refunds or
13 other nonbenefit payments for purpose of any
14 reclamation rights of the Department of the
15 Treasury or the Internal Revenue Service as
16 per part 210 of title 31, Code of Federal Regu-
17 lations.

18 (E) DEFINITIONS.—For purposes of this
19 paragraph—

20 (i) ACCOUNT HOLDER.—The term
21 “account holder” means a natural person
22 whose name appears in a financial institu-
23 tion’s records as the direct or beneficial
24 owner of an account.

1 (ii) ACCOUNT REVIEW.—The term
2 “account review” means the process of ex-
3 amining deposits in an account to deter-
4 mine if an applicable payment has been de-
5 posited into the account during the
6 lookback period. The financial institution
7 shall perform the account review following
8 the procedures outlined in section 212.5 of
9 title 31, Code of Federal Regulations and
10 in accordance with the requirements of sec-
11 tion 212.6 of title 31, Code of Federal
12 Regulations.

13 (iii) APPLICABLE PAYMENT.—The
14 term “applicable payment” means—

15 (I) any advance refund amount
16 paid pursuant to subsection (g) of sec-
17 tion 6428A of the Internal Revenue
18 Code of 1986 (as so added),

19 (II) any payment made by a pos-
20 session of the United States with a
21 mirror code tax system (as defined in
22 subsection (c) of section 2201 of the
23 CARES Act (Public Law 116–136))
24 pursuant to such subsection which

1 corresponds to a payment described in
2 subclause (I), and

3 (III) any payment made by a
4 possession of the United States with-
5 out a mirror code tax system (as so
6 defined) pursuant to section 2201(c)
7 of such Act.

8 (iv) GARNISHMENT.—The term “gar-
9 nishment” means execution, levy, attach-
10 ment, garnishment, or other legal process.

11 (v) GARNISHMENT ORDER.—The term
12 “garnishment order” means a writ, order,
13 notice, summons, judgment, levy, or simi-
14 lar written instruction issued by a court, a
15 State or State agency, a municipality or
16 municipal corporation, or a State child
17 support enforcement agency, including a
18 lien arising by operation of law for overdue
19 child support or an order to freeze the as-
20 sets in an account, to effect a garnishment
21 against a debtor.

22 (vi) LOOKBACK PERIOD.—The term
23 “lookback period” means the two month
24 period that begins on the date preceding
25 the date of account review and ends on the

1 corresponding date of the month two
2 months earlier, or on the last date of the
3 month two months earlier if the cor-
4 responding date does not exist.

5 (5) TREATMENT OF CREDIT AND ADVANCE PAY-
6 MENTS.—For purposes of section 1324 of title 31,
7 United States Code, any credit under section
8 6428A(a) of the Internal Revenue Code of 1986, any
9 credit or refund under section 6428A(g) of such
10 Code, and any payment under subsection (b) of this
11 section, shall be treated in the same manner as a re-
12 fund due from a credit provision referred to in sub-
13 section (b)(2) of such section 1324.

14 (6) AGENCY INFORMATION SHARING AND AS-
15 SISTANCE.—The Commissioner of Social Security,
16 the Railroad Retirement Board, and the Secretary of
17 Veterans Affairs shall each provide the Secretary of
18 the Treasury (or the Secretary's delegate) such in-
19 formation and assistance as the Secretary of the
20 Treasury (or the Secretary's delegate) may require
21 for purposes of making payments under section
22 6428A(g) of the Internal Revenue Code of 1986 to
23 individuals described in paragraph (5)(A)(ii) thereof.

24 (7) CLERICAL AMENDMENT.—The table of sec-
25 tions for subchapter B of chapter 65 of the Internal

1 Revenue Code of 1986 is amended by inserting after
2 the item relating to section 6428 the following new
3 item:

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

4 (d) CERTAIN REQUIREMENTS RELATED TO RECOV-
5 ERY REBATES AND ADDITIONAL RECOVERY REBATES.—

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

8 Any check issued to an individual by the Depart-
9 ment of the Treasury pursuant to section 6428 or
10 6428A of the Internal Revenue Code of 1986, and
11 any notice issued pursuant to section 6428(f)(6) or
12 section 6428A(g)(6) of such Code, may not be
13 signed by or otherwise bear the name, signature,
14 image or likeness of the President, the Vice Presi-
15 dent or any elected official or cabinet level officer of
16 the United States, or any individual who, with re-
17 spect to any of the aforementioned individuals, bears
18 any relationship described in subparagraphs (A)
19 through (G) of section 152(d)(2) of the Internal
20 Revenue Code of 1986.

21 (2) EFFECTIVE DATE.—Paragraph (1) shall
22 apply to checks and notices issued after the date of
23 the enactment of this Act.

24 (e) REPORTS TO CONGRESS.—Each week beginning
25 after the date of the enactment of this Act and beginning

1 before December 31, 2020, on Friday of such week, not
2 later than 3 p.m. Eastern Time, the Secretary of the
3 Treasury shall provide a written report to the Committee
4 on Ways and Means of the House of Representatives and
5 the Committee on Finance of the Senate. Such report shall
6 include the following information with respect to payments
7 made pursuant to each of sections 6428 and 6428A of
8 the Internal Revenue Code of 1986:

9 (1) The number of scheduled payments sent to
10 the Bureau of Fiscal Service for payment by direct
11 deposit or paper check for the following week (stated
12 separately for direct deposit and paper check).

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

15 (3) The number of direct deposit payments re-
16 turned to the Department of the Treasury and the
17 total dollar value of such payments, for the week
18 ending on the day prior to the day on which the re-
19 port is provided.

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

1 **Subtitle B—Earned Income Tax**
2 **Credit**

3 **SEC. 111. STRENGTHENING THE EARNED INCOME TAX**
4 **CREDIT FOR INDIVIDUALS WITH NO QUALI-**
5 **FYING CHILDREN.**

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

9 “(n) SPECIAL RULES FOR INDIVIDUALS WITHOUT
10 QUALIFYING CHILDREN.—In the case of any taxable year
11 beginning after December 31, 2019, and before January
12 1, 2021—

13 “(1) DECREASE IN MINIMUM AGE FOR CRED-
14 IT.—

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

18 “(B) APPLICABLE MINIMUM AGE.—For
19 purposes of this paragraph, the term ‘applicable
20 minimum age’ means—

21 “(i) except as otherwise provided in
22 this subparagraph, age 19,

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

1 “(iii) in the case of a qualified former
2 foster youth or a qualified homeless youth,
3 age 18.

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

10 “(D) QUALIFIED FORMER FOSTER
11 YOUTH.—For purposes of this paragraph, the
12 term ‘qualified former foster youth’ means an
13 individual who—

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

23 “(ii) provides (in such manner as the
24 Secretary may provide) consent for State
25 and tribal agencies which administer a

1 plan under part B or part E of the Social
2 Security Act to disclose to the Secretary
3 information related to the status of such
4 individual as a qualified former foster
5 youth.

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

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

21 “(ii) provides (in such manner as the
22 Secretary may provide) consent for local
23 educational agencies and financial aid ad-
24 ministrators to disclose to the Secretary in-

1 formation related to the status of such in-
2 dividual as a qualified homeless youth.

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

6 “(3) INCREASE IN CREDIT AND PHASEOUT PER-
7 CENTAGES.—The table contained in subsection
8 (b)(1) shall be applied by substituting ‘15.3’ for
9 ‘7.65’ each place it appears therein.

10 “(4) INCREASE IN EARNED INCOME AND
11 PHASEOUT AMOUNTS.—

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

14 “(i) by substituting ‘\$9,720’ for
15 ‘\$4,220’, and

16 “(ii) by substituting ‘\$11,490’ for
17 ‘\$5,280’.

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

21 (b) INFORMATION RETURN MATCHING.—As soon as
22 practicable, the Secretary of the Treasury (or the Sec-
23 retary’s delegate) shall develop and implement procedures
24 to use information returns under section 6050S (relating
25 to returns relating to higher education tuition and related

1 expenses) to check the status of individuals as full-time
2 students for purposes of section 32(n)(1)(B)(ii) of the In-
3 ternal Revenue Code of 1986 (as added by this section).

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

7 **SEC. 112. TAXPAYER ELIGIBLE FOR CHILDLESS EARNED IN-**
8 **COME CREDIT IN CASE OF QUALIFYING CHIL-**
9 **DREN WHO FAIL TO MEET CERTAIN IDENTI-**
10 **FICATION REQUIREMENTS.**

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

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

17 **SEC. 113. CREDIT ALLOWED IN CASE OF CERTAIN SEPA-**
18 **RATED SPOUSES.**

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

21 (1) by striking “MARRIED INDIVIDUALS.—In
22 the case of” and inserting the following: “MARRIED
23 INDIVIDUALS.—

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

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

3 “(2) DETERMINATION OF MARITAL STATUS.—
4 For purposes of this section—

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

8 “(B) SPECIAL RULE FOR SEPARATED
9 SPOUSE.—An individual shall not be treated as
10 married if such individual—

11 “(i) is married (as determined under
12 section 7703(a)) and does not file a joint
13 return for the taxable year,

14 “(ii) lives with a qualifying child of
15 the individual for more than one-half of
16 such taxable year, and

17 “(iii)(I) during the last 6 months of
18 such taxable year, does not have the same
19 principal place of abode as the individual’s
20 spouse, or

21 “(II) has a decree, instrument, or
22 agreement (other than a decree of divorce)
23 described in section 121(d)(3)(C) with re-
24 spect to the individual’s spouse and is not
25 a member of the same household with the

1 individual's spouse by the end of the tax-
2 able year.”.

3 (b) CONFORMING AMENDMENTS.—

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

6 (2) Section 32(c)(1)(E)(ii) of such Code is
7 amended by striking “(within the meaning of section
8 7703)”.

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

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

15 **SEC. 114. ELIMINATION OF DISQUALIFIED INVESTMENT IN-**
16 **COME TEST.**

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

19 (b) CONFORMING AMENDMENTS.—

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

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

1 (3) Section 32(j)(2) of such Code is amended—

2 (A) by striking subparagraph (B), and

3 (B) by striking “ROUNDING.—” and all
4 that follows through “If any dollar amount”
5 and inserting the following: “ROUNDING.—If
6 any dollar amount”.

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

10 **SEC. 115. APPLICATION OF EARNED INCOME TAX CREDIT**

11 **IN POSSESSIONS OF THE UNITED STATES.**

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

15 **“SEC. 7530. APPLICATION OF EARNED INCOME TAX CREDIT**

16 **TO POSSESSIONS OF THE UNITED STATES.**

17 “(a) PUERTO RICO.—

18 “(1) IN GENERAL.—With respect to calendar
19 year 2021 and each calendar year thereafter, the
20 Secretary shall, except as otherwise provided in this
21 subsection, make payments to Puerto Rico equal
22 to—

23 “(A) the specified matching amount for
24 such calendar year, plus

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

3 “(i) the expenditures made by Puerto
4 Rico during such calendar year for edu-
5 cation efforts with respect to individual
6 taxpayers and tax return preparers relat-
7 ing to the earned income tax credit, or

8 “(ii) \$1,000,000.

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

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

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

4 “(i) the excess (if any) of—

5 “(I) the cost to Puerto Rico of
6 the earned income tax credit for tax-
7 able years beginning in or with such
8 calendar year, over

9 “(II) the base amount for such
10 calendar year, or

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

13 “(B) BASE AMOUNT.—

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

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

22 “(II) \$200,000,000.

23 “(ii) INFLATION ADJUSTMENT.—In
24 the case of any calendar year after 2021,
25 the term ‘base amount’ means the dollar

1 amount determined under clause (i) in-
2 creased by an amount equal to—

3 “(I) such dollar amount, multi-
4 plied by—

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

11 Any amount determined under this clause
12 shall be rounded to the nearest multiple of
13 \$1,000,000.

14 “(4) RULES RELATED TO PAYMENTS AND RE-
15 PORTS.—

16 “(A) TIMING OF PAYMENTS.—The Sec-
17 retary shall make payments under paragraph
18 (1) for any calendar year—

19 “(i) after receipt of the report de-
20 scribed in subparagraph (B) for such cal-
21 endar year, and

22 “(ii) except as provided in clause (i),
23 within a reasonable period of time before
24 the due date for individual income tax re-
25 turns (as determined under the laws of

1 Puerto Rico) for taxable years which began
2 on the first day of such calendar year.

3 “(B) ANNUAL REPORTS.—With respect to
4 calendar year 2021 and each calendar year
5 thereafter, Puerto Rico shall provide to the Sec-
6 retary a report which shall include—

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

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

12 “(C) ADJUSTMENTS.—

13 “(i) IN GENERAL.—In the event that
14 any estimate of an amount is more or less
15 than the actual amount as later deter-
16 mined and any payment under paragraph
17 (1) was determined on the basis of such
18 estimate, proper payment shall be made
19 by, or to, the Secretary (as the case may
20 be) as soon as practicable after the deter-
21 mination that such estimate was inac-
22 curate. Proper adjustment shall be made in
23 the amount of any subsequent payments
24 made under paragraph (1) to the extent
25 that proper payment is not made under the

1 preceding sentence before such subsequent
2 payments.

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

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

19 “(E) PREVENTION OF MANIPULATION OF
20 BASE AMOUNT.—No payments shall be made
21 under paragraph (1) if the earned income tax
22 credit as in effect in Puerto Rico for taxable
23 years beginning in or with calendar year 2019
24 is modified after the date of the enactment of
25 this subsection.

1 “(b) POSSESSIONS WITH MIRROR CODE TAX SYS-
2 TEMS.—

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

9 “(A) 75 percent of the cost to such posses-
10 sion of the earned income tax credit for taxable
11 years beginning in or with such calendar year,
12 plus

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

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

20 “(ii) \$50,000.

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

25 “(c) AMERICAN SAMOA.—

1 “(1) IN GENERAL.—With respect to calendar
2 year 2020 and each calendar year thereafter, the
3 Secretary shall, except as otherwise provided in this
4 subsection, make payments to American Samoa
5 equal to—

6 “(A) the lesser of—

7 “(i) 75 percent of the cost to Amer-
8 ican Samoa of the earned income tax cred-
9 it for taxable years beginning in or with
10 such calendar year, or

11 “(ii) \$12,000,000, plus

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

14 “(i) the expenditures made by Amer-
15 ican Samoa during such calendar year for
16 education efforts with respect to individual
17 taxpayers and tax return preparers relat-
18 ing to such earned income tax credit, or

19 “(ii) \$50,000.

20 “(2) REQUIREMENT TO ENACT AND MAINTAIN
21 AN EARNED INCOME TAX CREDIT.—The Secretary
22 shall not make any payments under paragraph (1)
23 with respect to any calendar year unless American
24 Samoa has in effect an earned income tax credit for
25 taxable years beginning in or with such calendar

1 year which allows a refundable tax credit to individ-
2 uals on the basis of the taxpayer's earned income
3 which is designed to substantially increase workforce
4 participation.

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

9 “(A) such dollar amount, multiplied by—
10 “(B) the cost-of-living adjustment deter-
11 mined under section 1(f)(3) for such calendar
12 year, determined by substituting ‘calendar year
13 2019’ for ‘calendar year 2016’ in subparagraph
14 (A)(ii) thereof.

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

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

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

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

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

4 **SEC. 116. TEMPORARY SPECIAL RULE FOR DETERMINING**
5 **EARNED INCOME FOR PURPOSES OF EARNED**
6 **INCOME TAX CREDIT.**

7 (a) IN GENERAL.—If the earned income of the tax-
8 payer for the taxpayer’s first taxable year beginning in
9 2020 is less than the earned income of the taxpayer for
10 the preceding taxable year, the credit allowed under sec-
11 tion 32 of the Internal Revenue Code of 1986 may, at
12 the election of the taxpayer, be determined by sub-
13 stituting—

14 (1) such earned income for the preceding tax-
15 able year, for

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

18 (b) EARNED INCOME.—

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

23 (2) APPLICATION TO JOINT RETURNS.—For
24 purposes of subsection (a), in the case of a joint re-

1 turn, the earned income of the taxpayer for the pre-
2 ceding taxable year shall be the sum of the earned
3 income of each spouse for such preceding taxable
4 year.

5 (c) SPECIAL RULES.—

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

11 (2) NO EFFECT ON DETERMINATION OF GROSS
12 INCOME, ETC.—Except as otherwise provided in this
13 subsection, the Internal Revenue Code of 1986 shall
14 be applied without regard to any substitution under
15 subsection (a).

16 (d) TREATMENT OF CERTAIN POSSESSIONS.—

17 (1) PAYMENTS TO POSSESSIONS WITH MIRROR
18 CODE TAX SYSTEMS.—The Secretary of the Treas-
19 ury shall pay to each possession of the United States
20 which has a mirror code tax system amounts equal
21 to the loss (if any) to that possession by reason of
22 the application of the provisions of this section
23 (other than this subsection) with respect to section
24 32 of the Internal Revenue Code of 1986. Such
25 amounts shall be determined by the Secretary of the

1 Treasury based on information provided by the gov-
2 ernment of the respective possession.

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

18 (3) MIRROR CODE TAX SYSTEM.—For purposes
19 of this section, the term “mirror code tax system”
20 means, with respect to any possession of the United
21 States, the income tax system of such possession if
22 the income tax liability of the residents of such pos-
23 session under such system is determined by ref-
24 erence to the income tax laws of the United States
25 as if such possession were the United States.

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

6 **Subtitle C—Child Tax Credit**

7 **SEC. 121. CHILD TAX CREDIT IMPROVEMENTS FOR 2020.**

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

11 “(i) SPECIAL RULE FOR REFUNDABLE CREDIT.—In
12 the case of any taxable year beginning in 2020, subsection
13 (h)(5) shall not apply and the increase determined under
14 the first sentence of subsection (d)(1) shall be the amount
15 determined under subsection (d)(1)(A) (determined with-
16 out regard to subsection (h)(4)).”.

17 (b) ADVANCE PAYMENT OF CREDIT.—

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

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

22 “(a) IN GENERAL.—As soon as practicable after the
23 date of the enactment of this Act, the Secretary shall es-
24 tablish a program for making advance payments of the
25 credit allowed under subsection (a) of section 24 on a

1 monthly basis (determined without regard to subsection
2 (i)(2)) of such section), or as frequently as the Secretary
3 determines to be administratively feasible, to taxpayers de-
4 termined to be eligible for advance payment of such credit.

5 “(b) LIMITATION.—

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

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

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

22 “(2) APPLICATION OF THRESHOLD AMOUNT
23 LIMITATION.—The program described in subsection
24 (a) shall make reasonable efforts to apply the limita-

1 tion of section 24(b) with respect to payments made
2 under such program.

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

7 (2) RECONCILIATION OF CREDIT AND ADVANCE
8 CREDIT.—Section 24(i) of such Code, as amended by
9 subsection (a), is amended—

10 (A) by striking “in the case of any taxable
11 year”, and inserting the following:

12 “(1) IN GENERAL.—‘In the case of any taxable
13 year’”, and

14 (B) by adding at the end the following new
15 paragraph:

16 “(2) RECONCILIATION OF CREDIT AND AD-
17 VANCE CREDIT.—

18 “(A) IN GENERAL.—The amount of the
19 credit allowed under this section for any taxable
20 year shall be reduced (but not below zero) by
21 the aggregate amount of any advance payments
22 of such credit under section 7527A for such
23 taxable year.

24 “(B) EXCESS ADVANCE PAYMENTS.—If the
25 aggregate amount of advance payments under

1 section 7527A for the taxable year exceeds the
2 amount of the credit allowed under this section
3 for such taxable year (determined without re-
4 gard to subparagraph (A)), the tax imposed by
5 this chapter for such taxable year shall be in-
6 creased by the amount of such excess.”.

7 (3) CLERICAL AMENDMENT.—The table of sec-
8 tions for chapter 77 of such Code is amended by in-
9 serting after the item relating to section 7527 the
10 following new item:

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

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

14 **SEC. 122. APPLICATION OF CHILD TAX CREDIT IN POSSES-**
15 **SIONS.**

16 (a) IN GENERAL.—Section 24 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 the
19 following new subsection:

20 “(j) APPLICATION OF CREDIT IN POSSESSIONS.—

21 “(1) MIRROR CODE POSSESSIONS.—

22 “(A) IN GENERAL.—The Secretary shall
23 pay to each possession of the United States
24 with a mirror code tax system amounts equal to
25 the loss to that possession by reason of the ap-

1 plication of this section (determined without re-
2 gard to this subsection) with respect to taxable
3 years beginning after 2019. Such amounts shall
4 be determined by the Secretary based on infor-
5 mation provided by the government of the re-
6 spective possession.

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

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

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

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

6 “(B) in the case of any taxable year begin-
7 ning during 2020, the increase determined
8 under the first sentence of subsection (d)(1)
9 shall be the amount determined under sub-
10 subsection (d)(1)(A) (determined without regard to
11 subsection (h)(4)),

12 “(C) in the case of any taxable year begin-
13 ning after December 31, 2020, and before Jan-
14 uary 1, 2026, the increase determined under
15 the first sentence of subsection (d)(1) shall be
16 the lesser of—

17 “(i) the amount determined under
18 subsection (d)(1)(A) (determined without
19 regard to subsection (h)(4)), or

20 “(ii) the dollar amount in effect under
21 subsection (h)(5), and

22 “(D) in the case of any taxable year after
23 December 31, 2025, the increase determined
24 under the first sentence of subsection (d)(1)

1 shall be the amount determined under sub-
2 section (d)(1)(A).

3 “(3) AMERICAN SAMOA.—

4 “(A) IN GENERAL.—The Secretary shall
5 pay to American Samoa amounts estimated by
6 the Secretary as being equal to the aggregate
7 benefits that would have been provided to resi-
8 dents of American Samoa by reason of the ap-
9 plication of this section for taxable years begin-
10 ning after 2019 if the provisions of this section
11 had been in effect in American Samoa.

12 “(B) DISTRIBUTION REQUIREMENT.—Sub-
13 paragraph (A) shall not apply unless American
14 Samoa has a plan, which has been approved by
15 the Secretary, under which American Samoa
16 will promptly distribute such payments to the
17 residents of American Samoa in a manner
18 which replicates to the greatest degree prac-
19 ticable the benefits that would have been so
20 provided to each such resident.

21 “(C) COORDINATION WITH CREDIT AL-
22 LOWED AGAINST UNITED STATES INCOME
23 TAXES.—

24 “(i) IN GENERAL.—In the case of a
25 taxable year with respect to which a plan

1 is approved under subparagraph (B), this
2 section (other than this subsection) shall
3 not apply to any individual eligible for a
4 distribution under such plan.

5 “(ii) APPLICATION OF SECTION IN
6 EVENT OF ABSENCE OF APPROVED
7 PLAN.—In the case of a taxable year with
8 respect to which a plan is not approved
9 under subparagraph (B), rules similar to
10 the rules of paragraph (2) shall apply with
11 respect to bona fide residents of American
12 Samoa (within the meaning of section
13 937(a)).

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

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

1 **Subtitle D—Dependent Care**
2 **Assistance**

3 **SEC. 131. REFUNDABILITY AND ENHANCEMENT OF CHILD**
4 **AND DEPENDENT CARE TAX CREDIT.**

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

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

11 “(1) CREDIT MADE REFUNDABLE.—In the case
12 of an individual other than a nonresident alien, the
13 credit allowed under subsection (a) shall be treated
14 as a credit allowed under subpart C (and not allowed
15 under this subpart).

16 “(2) INCREASE IN APPLICABLE PERCENTAGE.—
17 Subsection (a)(2) shall be applied—

18 “(A) by substituting ‘50 percent’ for ‘35
19 percent’, and

20 “(B) by substituting ‘\$120,000’ for
21 ‘\$15,000’.

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

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

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

4 (b) CONFORMING AMENDMENT.—Section 1324(b)(2)
5 of title 31, United States Code, is amended by inserting
6 “21 (by reason of subsection (g) thereof),” before “25A”.

7 (c) COORDINATION WITH POSSESSION TAX SYS-
8 TEMS.—Section 21(g)(1) of the Internal Revenue Code of
9 1986 (as added by this section) shall not apply to any per-
10 son—

11 (1) to whom a credit is allowed against taxes
12 imposed by a possession with a mirror code tax sys-
13 tem by reason of the application of section 21 of
14 such Code in such possession for such taxable year,
15 or

16 (2) to whom a credit would be allowed against
17 taxes imposed by a possession which does not have
18 a mirror code tax system if the provisions of section
19 21 of such Code had been in effect in such posses-
20 sion for such taxable year.

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

1 **SEC. 132. INCREASE IN EXCLUSION FOR EMPLOYER-PRO-**
2 **VIDED DEPENDENT CARE ASSISTANCE.**

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

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

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

14 (c) **RETROACTIVE PLAN AMENDMENTS.**—A plan or
15 other arrangement that otherwise satisfies all applicable
16 requirements of sections 106, 125, and 129 of the Internal
17 Revenue Code of 1986 (including any rules or regulations
18 thereunder) shall not fail to be treated as a cafeteria plan
19 or dependent care flexible spending arrangement merely
20 because such plan or arrangement is amended pursuant
21 to a provision under this section and such amendment is
22 retroactive, 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 E—Credits for Paid Sick**
7 **and Family Leave**

8 **SEC. 141. EXTENSION OF CREDITS.**

9 (a) IN GENERAL.—Sections 7001(g), 7002(e),
10 7003(g), and 7004(e) of the Families First Coronavirus
11 Response Act are each amended by striking “December
12 31, 2020” and inserting “February 28, 2021”.

13 (b) EFFECTIVE DATE.—The amendments made by
14 this section shall take effect as if included in the provisions
15 of the Families First Coronavirus Response Act to which
16 they relate.

17 **SEC. 142. REPEAL OF REDUCED RATE OF CREDIT FOR CER-**
18 **TAIN LEAVE.**

19 (a) PAYROLL CREDIT.—Section 7001(b) of the Fami-
20 lies First Coronavirus Response Act is amended by insert-
21 ing “(as in effect immediately before the date of the enact-
22 ment of the COVID–19 Tax Relief Act of 2020) or any
23 day on or after the date of the enactment of the COVID–
24 19 Tax Relief Act of 2020” after “in the case of any day
25 any portion of which is paid sick time described in para-

1 graph (1), (2), or (3) of section 5102(a) of the Emergency
2 Paid Sick Leave Act”.

3 (b) SELF-EMPLOYED CREDIT.—

4 (1) IN GENERAL.—Clauses (i) and (ii) of sec-
5 tion 7002(c)(1)(B) of the Families First
6 Coronavirus Response Act are each amended by in-
7 serting “(as in effect immediately before the date of
8 the enactment of the COVID–19 Tax Relief Act of
9 2020) or any day on or after the date of the enact-
10 ment of the COVID–19 Tax Relief Act of 2020”
11 after “in the case of any day any portion of which
12 is paid sick time described in paragraph (1), (2), or
13 (3) of section 5102(a) of the Emergency Paid Sick
14 Leave Act”.

15 (2) CONFORMING AMENDMENT.—Section
16 7002(d)(3) of the Families First Coronavirus Re-
17 sponse Act is amended by inserting “(as in effect
18 immediately before the date of the enactment of the
19 COVID–19 Tax Relief Act of 2020) or any day on
20 or after the date of the enactment of the COVID–
21 19 Tax Relief Act of 2020” after “in the case of any
22 day any portion of which is paid sick time described
23 in paragraph (1), (2), or (3) of section 5102(a) of
24 the Emergency Paid Sick Leave Act”.

1 (c) EFFECTIVE DATE.—The amendments made by
2 this section shall apply to days on or after the date of
3 the enactment of this Act.

4 **SEC. 143. INCREASE IN LIMITATIONS ON CREDITS FOR**
5 **PAID FAMILY LEAVE.**

6 (a) INCREASE IN OVERALL LIMITATION ON QUALI-
7 FIED FAMILY LEAVE WAGES.—

8 (1) IN GENERAL.—Section 7003(b)(1)(B) of
9 the Families First Coronavirus Response Act is
10 amended by striking “\$10,000” and inserting
11 “\$12,000”.

12 (2) CONFORMING AMENDMENT.—Section
13 7004(d)(3) of the Families First Coronavirus Re-
14 sponse Act is amended by striking “\$10,000” and
15 inserting “\$12,000”.

16 (b) INCREASE IN QUALIFIED FAMILY LEAVE EQUIV-
17 ALENT AMOUNT FOR SELF-EMPLOYED INDIVIDUALS.—
18 Section 7004(c)(1)(A) of the Families First Coronavirus
19 Response Act is amended by striking “50” and inserting
20 “60”.

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. 144. ELECTION TO USE PRIOR YEAR NET EARNINGS**
2 **FROM SELF-EMPLOYMENT IN DETERMINING**
3 **AVERAGE DAILY SELF-EMPLOYMENT IN-**
4 **COME.**

5 (a) CREDIT FOR SICK LEAVE.—Section 7002(c) of
6 the Families First Coronavirus Response Act is amended
7 by adding at the end the following new paragraph:

8 “(4) ELECTION TO USE PRIOR YEAR NET EARN-
9 INGS FROM SELF-EMPLOYMENT INCOME.—In the
10 case of an individual who elects (at such time and
11 in such manner as the Secretary, or the Secretary’s
12 delegate, may provide) the application of this para-
13 graph, paragraph (2)(A) shall be applied by sub-
14 stituting ‘the prior taxable year’ for ‘the taxable
15 year’.”.

16 (b) CREDIT FOR FAMILY LEAVE.—Section 7004(c)
17 of the Families First Coronavirus Response Act is amend-
18 ed by adding at the end the following new paragraph:

19 “(4) ELECTION TO USE PRIOR YEAR NET EARN-
20 INGS FROM SELF-EMPLOYMENT INCOME.—In the
21 case of an individual who elects (at such time and
22 in such manner as the Secretary, or the Secretary’s
23 delegate, may provide) the application of this para-
24 graph, paragraph (2)(A) shall be applied by sub-
25 stituting ‘the prior taxable year’ for ‘the taxable
26 year’.”.

1 (c) EFFECTIVE DATE.—The amendments made by
2 this section shall take effect as if included in the provisions
3 of the Families First Coronavirus Response Act to which
4 they relate.

5 **SEC. 145. FEDERAL, STATE, AND LOCAL GOVERNMENTS AL-**
6 **LOWED TAX CREDITS FOR PAID SICK AND**
7 **PAID FAMILY AND MEDICAL LEAVE.**

8 (a) IN GENERAL.—Sections 7001(e) and 7003(e) of
9 the Families First Coronavirus Response Act are each
10 amended by striking paragraph (4).

11 (b) COORDINATION WITH APPLICATION OF CERTAIN
12 DEFINITIONS.—

13 (1) IN GENERAL.—Sections 7001(c) and
14 7003(e) of the Families First Coronavirus Response
15 Act are each amended—

16 (A) by inserting “, determined without re-
17 gard to paragraphs (1) through (22) of section
18 3121(b) of such Code” after “as defined in sec-
19 tion 3121(a) of the Internal Revenue Code of
20 1986”, and

21 (B) by inserting “, determined without re-
22 gard to the sentence in paragraph (1) thereof
23 which begins ‘Such term does include remun-
24 eration’” after “as defined in section 3231(e)
25 of the Internal Revenue Code”.

1 (2) CONFORMING AMENDMENTS.—Sections
2 7001(e)(3) and 7003(e)(3) of the Families First
3 Coronavirus Response Act are each amended by
4 striking “Any term” and inserting “Except as other-
5 wise provided in this section, any term”.

6 (c) EFFECTIVE DATE.—The amendments made by
7 this section shall take effect as if included in the provisions
8 of the Families First Coronavirus Response Act to which
9 they relate.

10 **SEC. 146. CERTAIN TECHNICAL IMPROVEMENTS.**

11 (a) COORDINATION WITH EXCLUSION FROM EM-
12 PLOYMENT TAXES.—Sections 7001(c) and 7003(c) of the
13 Families First Coronavirus Response Act, as amended by
14 the preceding provisions of this Act, are each amended—

15 (1) by inserting “and section 7005(a) of this
16 Act,” after “determined without regard to para-
17 graphs (1) through (22) of section 3121(b) of such
18 Code”, and

19 (2) by inserting “and without regard to section
20 7005(a) of this Act” after “which begins ‘Such term
21 does not include remuneration’ ”.

22 (b) CLARIFICATION OF APPLICABLE RAILROAD RE-
23 TIREMENT TAX FOR PAID LEAVE CREDITS.—Sections
24 7001(e) and 7003(e) of the Families First Coronavirus
25 Response Act, as amended by the preceding provisions of

1 this Act, are each amended by adding at the end the fol-
2 lowing new paragraph:

3 “(4) REFERENCES TO RAILROAD RETIREMENT
4 TAX.—Any reference in this section to the tax im-
5 posed by section 3221(a) of the Internal Revenue
6 Code of 1986 shall be treated as a reference to so
7 much of such tax as is attributable to the rate in ef-
8 fect under section 3111(a) of such Code.”.

9 (c) CLARIFICATION OF TREATMENT OF PAID LEAVE
10 FOR APPLICABLE RAILROAD RETIREMENT TAX.—Section
11 7005(a) of the Families First Coronavirus Response Act
12 is amended by adding the following sentence at the end
13 of such subsection: “Any reference in this subsection to
14 the tax imposed by section 3221(a) of such Code shall be
15 treated as a reference to so much of the tax as is attrib-
16 utable to the rate in effect under section 3111(a) of such
17 Code.”

18 (d) CLARIFICATION OF APPLICABLE RAILROAD RE-
19 TIREMENT TAX FOR HOSPITAL INSURANCE TAX CRED-
20 IT.—Section 7005(b)(1) of the Families First Coronavirus
21 Response Act is amended to read as follows:

22 “(1) IN GENERAL.—The credit allowed by sec-
23 tion 7001 and the credit allowed by section 7003
24 shall each be increased by the amount of the tax im-
25 posed by section 3111(b) of the Internal Revenue

1 Code of 1986 and so much of the taxes imposed
2 under section 3221(a) of such Code as are attrib-
3 utable to the rate in effect under section 3111(b) of
4 such Code on qualified sick leave wages, or qualified
5 family leave wages, for which credit is allowed under
6 such section 7001 or 7003 (respectively).”.

7 (e) 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. 147. CREDITS NOT ALLOWED TO CERTAIN LARGE EM-**
12 **PLOYERS.**

13 (a) CREDIT FOR REQUIRED PAID SICK LEAVE.—

14 (1) IN GENERAL.—Section 7001(a) of the Fam-
15 ilies First Coronavirus Response Act is amended by
16 striking “In the case of an employer” and inserting
17 “In the case of an eligible employer”.

18 (2) ELIGIBLE EMPLOYER.—Section 7001(c) of
19 the Families First Coronavirus Response Act, as
20 amended by the preceding provisions of this Act, is
21 amended by striking “For purposes of this section,
22 the term” and all that precedes it and inserting the
23 following:

24 “(c) DEFINITIONS.—For purposes of this section—

1 “(1) ELIGIBLE EMPLOYER.—The term ‘eligible
2 employer’ means any employer other than an appli-
3 cable large employer (as defined in section
4 4980H(c)(2), determined by substituting ‘500’ for
5 ‘50’ each place it appears in subparagraphs (A) and
6 (B) thereof and without regard to subparagraphs
7 (D) and (F) thereof). For purposes of the preceding
8 sentence, the Government of the United States, the
9 government of any State or political subdivision
10 thereof, or any agency or instrumentality of any of
11 the foregoing shall not be treated as an applicable
12 large employer.

13 “(2) QUALIFIED SICK LEAVE WAGES.—The
14 term”.

15 (b) CREDIT FOR REQUIRED PAID FAMILY LEAVE.—

16 (1) IN GENERAL.—Section 7003(a) of the Fam-
17 ilies First Coronavirus Response Act is amended by
18 striking “In the case of an employer” and inserting
19 “In the case of an eligible employer”.

20 (2) ELIGIBLE EMPLOYER.—Section 7003(c) of
21 the Families First Coronavirus Response Act, as
22 amended by the preceding provisions of this Act, is
23 amended by striking “For purposes of this section,
24 the term” and all that precedes it and inserting the
25 following:

1 “(c) DEFINITIONS.—For purposes of this section—

2 “(1) ELIGIBLE EMPLOYER.—The term ‘eligible
3 employer’ means any employer other than an appli-
4 cable large employer (as defined in section
5 4980H(c)(2), determined by substituting ‘500’ for
6 ‘50’ each place it appears in subparagraphs (A) and
7 (B) thereof and without regard to subparagraphs
8 (D) and (F) thereof). For purposes of the preceding
9 sentence, the Government of the United States, the
10 government of any State or political subdivision
11 thereof, or any agency or instrumentality of any of
12 the foregoing, shall not be treated as an applicable
13 large employer.

14 “(2) QUALIFIED FAMILY LEAVE WAGES.—The
15 term”.

16 (c) EFFECTIVE DATE.—The amendments made by
17 this section shall apply to wages paid after the date of
18 the enactment of this Act.

19 **Subtitle F—Deduction of State and** 20 **Local Taxes**

21 **SEC. 151. ELIMINATION FOR 2020 LIMITATION ON DEDUC-** 22 **TION OF STATE AND LOCAL TAXES.**

23 (a) IN GENERAL.—Section 164(b)(6)(B) of the Inter-
24 nal Revenue Code of 1986 is amended by inserting “in
25 the case of a taxable year beginning before January 1,

1 2020, or after December 31, 2020,” before “the aggregate
2 amount of taxes”.

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

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

7 (2) by striking “January 1, 2018” and insert-
8 ing “January 1, 2021”,

9 (3) by striking “December 31, 2017, shall” and
10 inserting “December 31, 2020, shall”, and

11 (4) by adding at the end the following: “For
12 purposes of this section, in the case of State or local
13 taxes with respect to any real or personal property
14 paid during a taxable year beginning in 2020, the
15 Secretary shall prescribe rules which treat all or a
16 portion of such taxes as paid in a taxable year or
17 years other than the taxable year in which actually
18 paid as necessary or appropriate to prevent the
19 avoidance of the limitations of this subsection.”.

20 (c) EFFECTIVE DATE.—The amendments made by
21 this section shall apply to taxes paid or accrued in taxable
22 years beginning after December 31, 2019.

1 **TITLE II—PROVISIONS TO PRE-**
2 **VENT BUSINESS INTERRUPTION**
3 **TION**

4 **SEC. 201. IMPROVEMENTS TO EMPLOYEE RETENTION AND**
5 **REHIRING CREDIT.**

6 (a) **EMPLOYEE RETENTION CREDIT RENAMED.**—
7 Section 2301 of the CARES Act is amended in the head-
8 ing by striking “**EMPLOYEE RETENTION CREDIT**” and
9 inserting “**EMPLOYEE RETENTION AND REHIRING**
10 **CREDIT**”.

11 (b) **INCREASE IN CREDIT PERCENTAGE.**—Section
12 2301(a) of the CARES Act is amended by striking “50
13 percent” and inserting “80 percent”.

14 (c) **INCREASE IN PER EMPLOYEE LIMITATION.**—Sec-
15 tion 2301(b)(1) of the CARES Act is amended by striking
16 “for all calendar quarters shall not exceed \$10,000.” and
17 inserting “shall not exceed—

18 “(A) \$15,000 in any calendar quarter, and
19 “(B) \$45,000 in the aggregate for all cal-
20 endar quarters.”.

21 (d) **MODIFICATION OF THRESHOLD FOR TREATMENT**
22 **AS A LARGE EMPLOYER.**—

23 (1) **IN GENERAL.**—Section 2301(c)(3)(A) of the
24 CARES Act is amended—

1 (A) by striking “for which the average
2 number of full-time employees (within the
3 meaning of section 4980H of the Internal Rev-
4 enue Code of 1986) employed by such eligible
5 employer during 2019 was greater than 100” in
6 clause (i) and inserting “which is a large em-
7 ployer”, and

8 (B) by striking “for which the average
9 number of full-time employees (within the
10 meaning of section 4980H of the Internal Rev-
11 enue Code of 1986) employed by such eligible
12 employer during 2019 was not greater than
13 100” in clause (ii) and inserting “which is not
14 a large employer”.

15 (2) LARGE EMPLOYER DEFINED.—Section
16 2301(c) of the CARES Act is amended by redesignig-
17 nating paragraph (6) as paragraph (7) and by in-
18 sserting after paragraph (5) the following new para-
19 graph:

20 “(6) LARGE EMPLOYER.—The term ‘large em-
21 ployer’ means any eligible employer if—

22 “(A) the average number of full-time em-
23 ployees (as determined for purposes of deter-
24 mining whether an employer is an applicable
25 large employer for purposes of section

1 4980H(c)(2) of the Internal Revenue Code of
2 1986) employed by such eligible employer dur-
3 ing calendar year 2019 was greater than 1,500,
4 and

5 “(B) the gross receipts (within the mean-
6 ing of section 448(c) of the Internal Revenue
7 Code of 1986) of such eligible employer during
8 calendar year 2019 was greater than
9 \$41,500,000.”.

10 (e) PHASE-IN OF ELIGIBILITY BASED ON REDUC-
11 TION IN GROSS RECEIPTS.—

12 (1) DECREASE OF REDUCTION IN GROSS RE-
13 CEIPTS NECESSARY TO QUALIFY FOR CREDIT.—Sec-
14 tion 2301(c)(2)(B) of the CARES Act is amended—

15 (A) by striking “50 percent” in clause (i)
16 and inserting “90 percent”, and

17 (B) by striking “80 percent” in clause (ii)
18 and inserting “90 percent”.

19 (2) PHASE-IN OF CREDIT IF REDUCTION IN
20 GROSS RECEIPTS IS LESS THAN 50 PERCENT.—Sec-
21 tion 2301(c)(2) of the CARES Act is amended by
22 adding at the end the following new subparagraph:

23 “(D) PHASE-IN OF CREDIT WHERE BUSI-
24 NESS NOT SUSPENDED AND REDUCTION IN
25 GROSS RECEIPTS LESS THAN 50 PERCENT.—

1 “(i) IN GENERAL.—In the case of any
2 calendar quarter with respect to which an
3 eligible employer would not be an eligible
4 employer if subparagraph (B)(i) were ap-
5 plied by substituting ‘50 percent’ for ‘90
6 percent’, the amount of the credit allowed
7 under subsection (a) shall be reduced by
8 the amount which bears the same ratio to
9 the amount of such credit (determined
10 without regard to this subparagraph) as—

11 “(I) the excess gross receipts per-
12 centage point amount, bears to

13 “(II) 40 percentage points.

14 “(ii) EXCESS GROSS RECEIPTS PER-
15 CENTAGE POINT AMOUNT.—For purposes
16 of this subparagraph, the term ‘excess
17 gross receipts percentage point amount’
18 means, with respect to any calendar quar-
19 ter, the excess of—

20 “(I) the lowest of the gross re-
21 ceipts percentage point amounts de-
22 termined with respect to any calendar
23 quarter during the period ending with
24 such calendar quarter and beginning
25 with the first calendar quarter during

1 the period described in subparagraph
2 (B), over

3 “(II) 50 percentage points.

4 “(iii) GROSS RECEIPTS PERCENTAGE
5 POINT AMOUNTS.—For purposes of this
6 subparagraph, the term ‘gross receipts per-
7 centage point amount’ means, with respect
8 to any calendar quarter, the percentage
9 (expressed as a number of percentage
10 points) obtained by dividing—

11 “(I) the gross receipts (within
12 the meaning of subparagraph (B)) for
13 such calendar quarter, by

14 “(II) the gross receipts for the
15 same calendar quarter in calendar
16 year 2019.”.

17 (3) GROSS RECEIPTS OF TAX-EXEMPT ORGANI-
18 ZATIONS.—Section 2301(c)(2)(C) of the CARES Act
19 is amended—

20 (A) by striking “of such Code, clauses (i)
21 and (ii)(I)” and inserting “of such Code—

22 “(i) clauses (i) and (ii)(I),

23 (B) by striking the period at the end and
24 inserting “, and”, and

1 (C) by adding at the end the following new
2 clause:

3 “(ii) any reference in this section to
4 gross receipts shall be treated as a ref-
5 erence to gross receipts within the meaning
6 of section 6033 of such Code.”.

7 (f) MODIFICATION OF TREATMENT OF HEALTH
8 PLAN EXPENSES.—

9 (1) IN GENERAL.—Section 2301(c)(5) of the
10 CARES Act is amended to read as follows:

11 “(5) WAGES.—

12 “(A) IN GENERAL.—The term ‘wages’
13 means wages (as defined in section 3121(a) of
14 the Internal Revenue Code of 1986) and com-
15 pensation (as defined in section 3231(e) of such
16 Code).

17 “(B) ALLOWANCE FOR CERTAIN HEALTH
18 PLAN EXPENSES.—

19 “(i) IN GENERAL.—Such term shall
20 include amounts paid or incurred by the el-
21 igible employer to provide and maintain a
22 group health plan (as defined in section
23 5000(b)(1) of the Internal Revenue Code
24 of 1986), but only to the extent that such
25 amounts are excluded from the gross in-

1 come of employees by reason of section
2 106(a) of such Code.

3 “(ii) ALLOCATION RULES.—For pur-
4 poses of this section, amounts treated as
5 wages under clause (i) shall be treated as
6 paid with respect to any employee (and
7 with respect to any period) to the extent
8 that such amounts are properly allocable to
9 such employee (and to such period) in such
10 manner as the Secretary may prescribe.
11 Except as otherwise provided by the Sec-
12 retary, such allocation shall be treated as
13 properly made if made on the basis of
14 being pro rata among periods of cov-
15 erage.”.

16 (2) CONFORMING AMENDMENT.—Section
17 2301(e)(3) of the CARES Act is amended by strik-
18 ing subparagraph (C).

19 (g) QUALIFIED WAGES PERMITTED TO INCLUDE
20 AMOUNTS FOR TIP REPLACEMENT.—Section
21 2301(e)(3)(B) of the CARES Act is amended by inserting
22 “(including tips which would have been deemed to be paid
23 by the employer under section 3121(q))” after “would
24 have been paid”.

1 (h) CERTAIN GOVERNMENTAL EMPLOYERS ELIGI-
2 BLE FOR CREDIT.—

3 (1) IN GENERAL.—Section 2301(f) of the
4 CARES Act is amended to read as follows:

5 “(f) CERTAIN GOVERNMENTAL EMPLOYERS.—

6 “(1) IN GENERAL.—The credit under this sec-
7 tion shall not be allowed to the Federal Government
8 or any agency or instrumentality thereof.

9 “(2) EXCEPTION.—Paragraph (1) shall not
10 apply to any organization described in section
11 501(c)(1) of the Internal Revenue Code of 1986 and
12 exempt from tax under section 501(a) of such Code.

13 “(3) SPECIAL RULES.—In the case of any State
14 government, Indian tribal government, or any agen-
15 cy, instrumentality, or political subdivision of the
16 foregoing—

17 “(A) clauses (i) and (ii)(I) of subsection
18 (c)(2)(A) shall apply to all operations of such
19 entity, and

20 “(B) subclause (II) of subsection
21 (c)(2)(A)(ii) shall not apply.”.

22 (2) COORDINATION WITH APPLICATION OF CER-
23 TAIN DEFINITIONS.—

24 (A) IN GENERAL.—Section 2301(c)(5)(A)
25 of the CARES Act, as amended by the pre-

1 ceding provisions of this Act, is amended by
2 adding at the end the following: “For purposes
3 of the preceding sentence (other than for pur-
4 poses of subsection (b)(2)), wages as defined in
5 section 3121(a) of the Internal Revenue Code
6 of 1986 shall be determined without regard to
7 paragraphs (1), (5), (6), (7), (8), (10), (13),
8 (18), (19), and (22) of section 3212(b) of such
9 Code (except with respect to services performed
10 in a penal institution by an inmate thereof).”.

11 (B) CONFORMING AMENDMENTS.—Sec-
12 tions 2301(e)(6) of the CARES Act is amended
13 by striking “Any term” and inserting “Except
14 as otherwise provided in this section, any
15 term”.

16 (i) COORDINATION WITH INCOME TAX CREDITS.—
17 Section 2301(h) of the CARES Act, as amended by pre-
18 ceding provisions of this Act, is amended—

19 (1) by striking paragraphs (1) and (2) and in-
20 serting the following:

21 “(1) COORDINATION WITH INCOME TAX CRED-
22 ITS.—Any wages taken into account in determining
23 the credit allowed under this section shall not be
24 taken into account as wages for purposes of sections

1 41, 45A, 45B, 45P, 45S, 51, and 1396 of the Inter-
2 nal Revenue 23 Code of 1986.”, and

3 (2) by redesignating paragraph (3) as para-
4 graph (2).

5 (j) APPLICATION OF CREDIT TO EMPLOYERS OF DO-
6 MESTIC WORKERS.—

7 (1) IN GENERAL.—Section 2301(c)(2) of the
8 CARES Act, as amended by the preceding provisions
9 of this Act, is amended by adding at the end the fol-
10 lowing new subparagraph:

11 “(E) EMPLOYERS OF DOMESTIC WORK-
12 ERS.—In the case of an employer with one or
13 more employees who perform domestic service
14 (within the meaning of section 3121(a)(7) of
15 such Code) in the private home of such em-
16 ployer, with respect to such employees—

17 “(i) subparagraph (A) shall be ap-
18 plied—

19 “(I) by substituting ‘employing
20 an employee who performs domestic
21 service in the private home of such
22 employer’ for ‘carrying on a trade or
23 business’ in clause (i) thereof, and

24 “(II) by substituting ‘such em-
25 ployment’ for ‘the operation of the

1 trade or business' in clause (ii)(I)
2 thereof.

3 “(ii) subclause (II) of subparagraph
4 (A)(ii) shall not apply, and

5 “(iii) such employer shall be treated
6 as a large employer.”.

7 (2) DENIAL OF DOUBLE BENEFIT.—Section
8 2301(h)(1) of the CARES Act, as amended by the
9 preceding provisions of this Act, is further amend-
10 ed—

11 (A) by striking “shall not be taken into ac-
12 count as wages” and inserting “shall not be
13 taken into account as—

14 “(A) wages”,

15 (B) by striking the period at the end and
16 inserting “, and”, and

17 (C) by adding at the end the following:

18 “(B) if such wages are paid for domestic
19 service described in subsection (c)(2)(E), as em-
20 ployment-related expenses for purposes of sec-
21 tion 21 of such Code.

22 In the case of any individual who pays wages for do-
23 mestic service described in subsection (c)(2)(E) and
24 receives a reimbursement for such wages which is
25 excludible from gross income under section 129 of

1 such Code, such wages shall not be treated as quali-
2 fied wages for purposes of this section.”.

3 (k) COORDINATION WITH GOVERNMENT GRANTS.—
4 Section 2301(h) of the CARES Act, as amended by the
5 preceding provisions of this Act, is further amended by
6 adding at the end the following new paragraph:

7 “(3) COORDINATION WITH GOVERNMENT
8 GRANTS.—Qualified wages shall not be taken into
9 account under this section to the extent that grants
10 (or similar amounts) are provided by the Federal
11 government for purposes of paying or reimbursing
12 expenses for such wages.”.

13 (l) EFFECTIVE DATE.—The amendments made by
14 this section shall take effect as if included in section 2301
15 of the CARES Act.

16 **SEC. 202. CERTAIN LOAN FORGIVENESS AND OTHER BUSI-**
17 **NESS FINANCIAL ASSISTANCE UNDER CARES**
18 **ACT NOT INCLUDIBLE IN GROSS INCOME.**

19 (a) UNITED STATES TREASURY PROGRAM MANAGE-
20 MENT AUTHORITY.—For purposes of the Internal Rev-
21 enue Code of 1986, no amount shall be included in gross
22 income by reason of loan forgiveness described in section
23 1109(d)(2)(D) of the CARES Act.

24 (b) EMERGENCY EIDL GRANTS.—For purposes of
25 the Internal Revenue Code of 1986, any advance described

1 in section 1110(e) of the CARES Act shall not be included
2 in the gross income of the person that receives such ad-
3 vance.

4 (c) SUBSIDY FOR CERTAIN LOAN PAYMENTS.—For
5 purposes of the Internal Revenue Code of 1986, any pay-
6 ment described in section 1112(c) of the CARES Act shall
7 not be included in the gross income of the person on whose
8 behalf such payment is made.

9 (d) RESTAURANTS GRANTS.—For purposes of the
10 Internal Revenue Code of 1986, any grants (or similar
11 amounts) made to an eligible entity under the RES-
12 TAURANTS Act of 2020 shall not be included in the
13 gross income of such entity.

14 (e) EFFECTIVE DATE.—(1) Subsections (a), (b), and
15 (c) shall apply to taxable years ending after the date of
16 the enactment of the CARES Act.

17 (2) RESTAURANTS GRANTS.—Subsection (d)
18 shall apply to taxable years ending after the date of
19 the enactment of the RESTAURANTS Act of 2020.

20 **SEC. 203. CLARIFICATION OF TREATMENT OF EXPENSES**
21 **PAID OR INCURRED WITH PROCEEDS FROM**
22 **CERTAIN GRANTS AND LOANS.**

23 (a) IN GENERAL.—For purposes of the Internal Rev-
24 enue Code of 1986 and notwithstanding any other provi-
25 sion of law, any deduction and the basis of any property

1 shall be determined without regard to whether any amount
2 is excluded from gross income under section 202 of this
3 Act or section 1106(i) of the CARES Act.

4 (b) CLARIFICATION OF EXCLUSION OF LOAN FOR-
5 GIVENESS.—Section 1106(i) of the CARES Act is amend-
6 ed to read as follows:

7 “(i) TAXABILITY.—For purposes of the Internal Rev-
8 enue Code of 1986, no amount shall be included in the
9 gross income of the eligible recipient by reason of forgive-
10 ness of indebtedness described in subsection (b).”.

11 (c) EFFECTIVE DATE.—Subsection (a) and the
12 amendment made by subsection (b) shall apply to taxable
13 years ending after the date of the enactment of the
14 CARES Act.

15 **TITLE III—NET OPERATING** 16 **LOSSES**

17 **SEC. 301. LIMITATION ON EXCESS BUSINESS LOSSES OF**
18 **NON-CORPORATE TAXPAYERS RESTORED**
19 **AND MADE PERMANENT.**

20 (a) IN GENERAL.—Section 461(l)(1) of the Internal
21 Revenue Code of 1986 is amended to read as follows:

22 “(1) LIMITATION.—In the case of a taxpayer
23 other than a corporation, any excess business loss of
24 the taxpayer shall not be allowed.”.

1 (b) FARMING LOSSES.—Section 461 of such Code is
2 amended by striking subsection (j).

3 (c) EFFECTIVE DATE.—The amendments made by
4 this section shall apply to taxable years beginning after
5 December 31, 2017.

6 **SEC. 302. CERTAIN TAXPAYERS ALLOWED CARRYBACK OF**
7 **NET OPERATING LOSSES ARISING IN 2019**
8 **AND 2020.**

9 (a) CARRYBACK OF LOSSES ARISING IN 2019 AND
10 2020.—

11 (1) IN GENERAL.—Section 172(b)(1)(D)(i) of
12 the Internal Revenue Code of 1986 is amended to
13 read as follows:

14 “(i) IN GENERAL.—In the case of any
15 net operating loss arising in a taxable year
16 beginning after December 31, 2018, and
17 before January 1, 2021, and to which sub-
18 paragraphs (B) and (C)(i) do not apply,
19 such loss shall be a net operating loss
20 carryback to each taxable year preceding
21 the taxable year of such loss, but not to
22 any taxable year beginning before January
23 1, 2018.”.

24 (2) CONFORMING AMENDMENTS.—

1 (A) The heading for section 172(b)(1)(D)
2 of such Code is amended by striking “2018,
3 2019, AND” and inserting “2019 AND”.

4 (B) Section 172(b)(1)(D) of such Code is
5 amended by striking clause (iii) and by redesignig-
6 nating clauses (iv) and (v) as clauses (iii) and
7 (iv), respectively.

8 (C) Section 172(b)(1)(D)(iii) of such Code,
9 as so redesignated, is amended by striking
10 “(i)(I)” and inserting “(i)”.

11 (D) Section 172(b)(1)(D)(iv) of such Code,
12 as so redesignated, is amended—

13 (i) by striking “If the 5-year
14 carryback period under clause (i)(I)” in
15 subclause (I) and inserting “If the
16 carryback period under clause (i)”, and

17 (ii) by striking “2018 or” in subclause
18 (II).

19 (b) **DISALLOWED FOR CERTAIN TAXPAYERS.**—Sec-
20 tion 172(b)(1)(D) of such Code, as amended by the pre-
21 ceding provisions of this Act, is amended by adding at the
22 end the following new clauses:

23 “(v) **CARRYBACK DISALLOWED FOR**
24 **CERTAIN TAXPAYERS.**—Clause (i) shall not

1 apply with respect to any loss arising in a
2 taxable year in which—

3 “(I) the taxpayer (or any related
4 person) is not allowed a deduction
5 under this chapter for the taxable
6 year by reason of section 162(m) or
7 section 280G, or

8 “(II) the taxpayer (or any related
9 person) is a specified corporation for
10 the taxable year.

11 “(vi) SPECIFIED CORPORATION.—For
12 purposes of clause (v)—

13 “(I) IN GENERAL.—The term
14 ‘specified corporation’ means, with re-
15 spect to any taxable year, a corpora-
16 tion the fair market value of the ag-
17 gregate distributions (including re-
18 demptions), measured as of the date
19 of each such distribution, of which
20 during all taxable years ending after
21 December 31, 2017, exceed the sum
22 of applicable stock issued of such cor-
23 poration and 5 percent of the fair
24 market value of the stock of such cor-

1 poration as of the last day of the tax-
2 able year.

3 “(II) APPLICABLE STOCK
4 ISSUED.—The term ‘applicable stock
5 issued’ means, with respect to any
6 corporation, the aggregate fair market
7 value of stock (as of the issue date of
8 such stock) issued by the corporation
9 during all taxable years ending after
10 December 31, 2017, in exchange for
11 money or property other than stock in
12 such corporation.

13 “(III) CERTAIN PREFERRED
14 STOCK DISREGARDED.—For purposes
15 of subclause (I), stock described in
16 section 1504(a)(4), and distributions
17 (including redemptions) with respect
18 to such stock, shall be disregarded.

19 “(vii) RELATED PERSON.—For pur-
20 poses of clause (v), a person is a related
21 person to a taxpayer if the related person
22 bears a relationship to the taxpayer speci-
23 fied in section 267(b) or section
24 707(b)(1).”.

1 (c) EFFECTIVE DATE.—The amendments made by
 2 this section shall take effect as if included in the enact-
 3 ment of section 2303(b) of the Coronavirus Aid, Relief,
 4 and Economic Security Act.

5 **DIVISION G—RETIREMENT**
 6 **PROVISIONS**

7 **SEC. 100. SHORT TITLE, ETC.**

8 (a) SHORT TITLE.—This division may be cited as the
 9 “Emergency Pension Plan Relief Act of 2020”.

10 (b) TABLE OF CONTENTS.—The table of contents for
 11 this division is as follows:

Sec. 100. Short title, etc.

TITLE I—RELIEF FOR MULTIEMPLOYER PENSION PLANS

Sec. 101. Special partition relief.

Sec. 102. Repeal of benefit suspensions for multiemployer plans in critical and declining status.

Sec. 103. Temporary delay of designation of multiemployer plans as in endangered, critical, or critical and declining status.

Sec. 104. Temporary extension of the funding improvement and rehabilitation periods for multiemployer pension plans in critical and endangered status for 2020 or 2021.

Sec. 105. Adjustments to funding standard account rules.

Sec. 106. PBGC guarantee for participants in multiemployer plans.

TITLE II—RELIEF FOR SINGLE EMPLOYER PENSION PLANS

Sec. 201. Extended amortization for single employer plans.

Sec. 202. Extension of pension funding stabilization percentages for single employer plans.

TITLE III—OTHER RETIREMENT RELATED PROVISIONS

Sec. 301. Waiver of required minimum distributions for 2019.

Sec. 302. Waiver of 60-day rule in case of rollover of otherwise required minimum distributions in 2019 or 2020.

Sec. 303. Exclusion of benefits provided to volunteer firefighters and emergency medical responders made permanent.

Sec. 304. Application of special rules to money purchase pension plans.

Sec. 305. Grants to assist low-income women and survivors of domestic violence in obtaining qualified domestic relations orders.

Sec. 306. Modification of special rules for minimum funding standards for community newspaper plans.

Sec. 307. Minimum rate of interest for certain determinations related to life insurance contracts.

1 **TITLE I—RELIEF FOR MULTIEMPLOYER PENSION PLANS**
2

3 **SEC. 101. SPECIAL PARTITION RELIEF.**

4 (a) APPROPRIATION.—Section 4005 of the Employee
5 Retirement Income Security Act of 1974 (29 U.S.C. 1305)
6 is amended by adding at the end the following:

7 “(i)(1) An eighth fund shall be established for parti-
8 tion assistance to multiemployer pension plans, as pro-
9 vided under section 4233A, and to pay for necessary ad-
10 ministrative and operating expenses relating to such as-
11 sistance.

12 “(2) There is appropriated from the general fund
13 such amounts as necessary for the costs of providing parti-
14 tion assistance under section 4233A and necessary admin-
15 istrative and operating expenses. The eighth fund estab-
16 lished under this subsection shall be credited with such
17 amounts from time to time as the Secretary of the Treas-
18 ury determines appropriate, from the general fund of the
19 Treasury, and such amounts shall remain available until
20 expended.”.

21 (b) SPECIAL PARTITION AUTHORITY.—The Em-
22 ployee Retirement Income Security Act of 1974 (29
23 U.S.C. 1001 et seq.) is amended by inserting after section
24 4233 the following:

1 **“SEC. 4233A. SPECIAL PARTITION RELIEF.**

2 “(a) SPECIAL PARTITION AUTHORITY.—

3 “(1) IN GENERAL.—Upon the application of a
4 plan sponsor of an eligible multiemployer plan for
5 partition of the plan under this section, the corpora-
6 tion shall order a partition of the plan in accordance
7 with this section.

8 “(2) INAPPLICABILITY OF CERTAIN REPAYMENT
9 OBLIGATION.—A plan receiving partition assistance
10 pursuant to this section shall not be subject to re-
11 payment obligations under section 4261(b)(2).

12 “(b) ELIGIBLE PLANS.—

13 “(1) IN GENERAL.—For purposes of this sec-
14 tion, a multiemployer plan is an eligible multiem-
15 ployer plan if—

16 “(A) the plan is in critical and declining
17 status (within the meaning of section
18 305(b)(6)) in any plan year beginning in 2020
19 through 2024;

20 “(B) a suspension of benefits has been ap-
21 proved with respect to the plan under section
22 305(e)(9) as of the date of the enactment of
23 this section;

24 “(C) in any plan year beginning in 2020
25 through 2024, the plan is certified by the plan
26 actuary to be in critical status (within the

1 meaning of section 305(b)(2)), has a modified
2 funded percentage of less than 40 percent, and
3 has a ratio of active to inactive participants
4 which is less than 2 to 3; or

5 “(D) the plan is insolvent for purposes of
6 section 418E of the Internal Revenue Code of
7 1986 as of the date of enactment of this sec-
8 tion, if the plan became insolvent after Decem-
9 ber 16, 2014, and has not been terminated by
10 such date of enactment.

11 “(2) MODIFIED FUNDED PERCENTAGE.—For
12 purposes of paragraph (1)(C), the term ‘modified
13 funded percentage’ means the percentage equal to a
14 fraction the numerator of which is current value of
15 plan assets (as defined in section 3(26) of such Act)
16 and the denominator of which is current liabilities
17 (as defined in section 431(c)(6)(D) of such Code and
18 section 304(c)(6)(D) of such Act).

19 “(c) APPLICATIONS FOR SPECIAL PARTITION.—

20 “(1) GUIDANCE.—The corporation shall issue
21 guidance setting forth requirements for special parti-
22 tion applications under this section not later than
23 120 days after the date of the enactment of this sec-
24 tion. In such guidance, the corporation shall—

1 “(A) limit the materials required for a spe-
2 cial partition application to the minimum nec-
3 essary to make a determination on the applica-
4 tion; and

5 “(B) provide for an alternate application
6 for special partition under this section, which
7 may be used by a plan that has been approved
8 for a partition under section 4233 before the
9 date of enactment of this section.

10 “(2) TEMPORARY PRIORITY CONSIDERATION OF
11 APPLICATIONS.—

12 “(A) IN GENERAL.—The corporation may
13 specify in guidance under paragraph (1) that,
14 during the first 2 years following the date of
15 enactment of this section, special partition ap-
16 plications will be provided priority consider-
17 ation, if—

18 “(i) the plan is likely to become insol-
19 vent within 5 years of the date of enact-
20 ment of this section;

21 “(ii) the corporation projects a plan to
22 have a present value of financial assistance
23 payments under section 4261 that exceeds
24 \$1,000,000,000 if the special partition is
25 not ordered;

1 “(iii) the plan has implemented ben-
2 efit suspensions under section 305(e)(9) as
3 of the date of the enactment of this sec-
4 tion; or

5 “(iv) the corporation determines it ap-
6 propriate based on other circumstances.

7 “(B) NO EFFECT ON AMOUNT OF ASSIST-
8 ANCE.—A plan that is approved for special par-
9 tition assistance under this section shall not re-
10 ceive reduced special partition assistance on ac-
11 count of not receiving priority consideration
12 under subparagraph (A).

13 “(3) ACTUARIAL ASSUMPTIONS AND OTHER IN-
14 FORMATION.—The corporation shall accept assump-
15 tions incorporated in a multiemployer plan’s deter-
16 mination that it is in critical status or critical and
17 declining status (within the meaning of section
18 305(b)), or that the plan’s modified funded percent-
19 age is less than 40 percent, unless such assumptions
20 are clearly erroneous. The corporation may require
21 such other information as the corporation deter-
22 mines appropriate for making a determination of eli-
23 gibility and the amount of special partition assist-
24 ance necessary under this section.

1 “(4) APPLICATION DEADLINE.—Any application
2 by a plan for special partition assistance under this
3 section shall be submitted no later than December
4 31, 2026, and any revised application for special
5 partition assistance shall be submitted no later than
6 December 31, 2027.

7 “(5) NOTICE OF APPLICATION.—Not later than
8 120 days after the date of enactment of this section,
9 the corporation shall issue guidance requiring multi-
10 employer plans to notify participants and bene-
11 ficiaries that the plan has applied for partition
12 under this section, after the corporation has deter-
13 mined that the application is complete. Such notice
14 shall reference the special partition relief internet
15 website described in subsection (p).

16 “(d) DETERMINATIONS ON APPLICATIONS.—A plan’s
17 application for special partition under this section that is
18 timely filed in accordance with guidance issued under sub-
19 section (c)(1) shall be deemed approved and the corpora-
20 tion shall issue a special partition order unless the cor-
21 poration notifies the plan within 120 days of the filing
22 of the application that the application is incomplete or the
23 plan is not eligible under this section. Such notice shall
24 specify the reasons the plan is ineligible for a special parti-
25 tion or information needed to complete the application. If

1 a plan is denied partition under this subsection, the plan
2 may submit a revised application under this section. Any
3 revised application for special partition submitted by a
4 plan shall be deemed approved unless the corporation noti-
5 fies the plan within 120 days of the filing of the revised
6 application that the application is incomplete or the plan
7 is not eligible under this section. A special partition order
8 issued by the corporation shall be effective no later than
9 120 days after a plan's special partition application is ap-
10 proved by the corporation or deemed approved.

11 “(e) AMOUNT AND MANNER OF SPECIAL PARTITION
12 ASSISTANCE.—

13 “(1) IN GENERAL.—The liabilities of an eligible
14 multiemployer plan that the corporation assumes
15 pursuant to a special partition order under this sec-
16 tion shall be the amount necessary for the plan to
17 meet its funding goals described in subsection (g).

18 “(2) NO CAP.—Liabilities assumed by the cor-
19 poration pursuant to a special partition order under
20 this section shall not be capped by the guarantee
21 under section 4022A. The corporation shall have dis-
22 cretion on how liabilities of the plan are partitioned.

23 “(f) SUCCESSOR PLAN.—

1 “(1) IN GENERAL.—The plan created by a spe-
2 cial partition order under this section is a successor
3 plan to which section 4022A applies.

4 “(2) PLAN SPONSOR AND ADMINISTRATOR.—
5 The plan sponsor of an eligible multiemployer plan
6 prior to the special partition and the administrator
7 of such plan shall be the plan sponsor and the ad-
8 ministrator, respectively, of the plan created by the
9 partition.

10 “(g) FUNDING GOALS.—

11 “(1) IN GENERAL.—The funding goals of a
12 multiemployer plan eligible for partition under this
13 section are both of the following:

14 “(A) The plan will remain solvent over 30
15 years with no reduction in a participant’s or
16 beneficiary’s accrued benefit (except to the ex-
17 tent of a reduction in accordance with section
18 305(e)(8) adopted prior to the plan’s applica-
19 tion for partition under this section).

20 “(B) The funded percentage of the plan
21 (disregarding partitioned benefits) at the end of
22 the 30-year period is projected to be 80 percent.

23 “(2) BASIS.—The funding projections under
24 paragraph (1) shall be performed on a deterministic
25 basis.

1 “(h) RESTORATION OF BENEFIT SUSPENSIONS.—An
2 eligible multiemployer plan that is partitioned under this
3 section shall—

4 “(1) reinstate any benefits that were suspended
5 under section 305(e)(9) or section 4245(a), effective
6 as of the first month the special partition order is
7 effective, for participants or beneficiaries as of the
8 effective date of the partition; and

9 “(2) provide payments equal to the amount of
10 benefits previously suspended to any participants or
11 beneficiaries in pay status as of the effective date of
12 the special partition, payable in the form of a lump
13 sum within 3 months of such effective date or in
14 equal monthly installments over a period of 5 years,
15 with no adjustment for interest.

16 “(i) ADJUSTMENT OF SPECIAL PARTITION ASSIST-
17 ANCE.—

18 “(1) IN GENERAL.—Every 5 years, the corpora-
19 tion shall adjust the special partition assistance de-
20 scribed in subsection (e) as necessary for the eligible
21 multiemployer plan to satisfy the funding goals de-
22 scribed in subsection (g). If the 30 year period de-
23 scribed in subsection (g) has lapsed, in applying this
24 paragraph, 5 years shall be substituted for 30 years.

1 “(2) SUBMISSION OF INFORMATION.—An eligi-
2 ble multiemployer plan that is the subject of a spe-
3 cial partition order under subsection (a) shall submit
4 such information as the corporation may require to
5 determine the amount of the adjustment under para-
6 graph (1).

7 “(3) CESSATION OF ADJUSTMENTS.—Adjust-
8 ments under this subsection with respect to special
9 partition assistance for an eligible multiemployer
10 plan shall cease and the corporation shall perma-
11 nently assume liability for payment of any benefits
12 transferred to the successor plan (subject to sub-
13 section (1)) beginning with the first plan year that
14 the funded percentage of the eligible multiemployer
15 plan (disregarding partitioned benefits) is at least
16 80 percent and the plan’s projected funded percent-
17 age for each of the next 10 years is at least 80 per-
18 cent. Any accumulated funding deficiency of the
19 plan (within the meaning of section 304(a)) shall be
20 reduced to zero as of the first day of the plan year
21 for which partition assistance is permanent under
22 this paragraph.

23 “(j) CONDITIONS ON PLANS DURING PARTITION.—

24 “(1) IN GENERAL.—The corporation may im-
25 pose, by regulation, reasonable conditions on an eli-

1 gible multiemployer plan that is partitioned under
2 section (a) relating to increases in future accrual
3 rates and any retroactive benefit improvements, allo-
4 cation of plan assets, reductions in employer con-
5 tribution rates, diversion of contributions to, and al-
6 location of, expenses to other retirement plans, and
7 withdrawal liability.

8 “(2) LIMITATIONS.—The corporation shall not
9 impose conditions on an eligible multiemployer plan
10 as a condition of or following receipt of such parti-
11 tion assistance under this section relating to—

12 “(A) any reduction in plan benefits (in-
13 cluding benefits that may be adjusted pursuant
14 to section 305(e)(8));

15 “(B) plan governance, including selection
16 of, removal of, and terms of contracts with,
17 trustees, actuaries, investment managers, and
18 other service providers; or

19 “(C) any funding rules relating to the plan
20 that is partitioned under this section.

21 “(3) CONDITION.—An eligible multiemployer
22 plan that is partitioned under subsection (a) shall
23 continue to pay all premiums due under section
24 4007 for participants and beneficiaries in the plan
25 created by a special partition order until the plan

1 year beginning after a cessation of adjustments ap-
2 plies under subsection (i).

3 “(k) WITHDRAWAL LIABILITY.—An employer’s with-
4 drawal liability for purposes of this title shall be calculated
5 taking into account any plan liabilities that are partitioned
6 under subsection (a) until the plan year beginning after
7 the expiration of 15 calendar years from the effective date
8 of the partition.

9 “(l) CESSATION OF PARTITION ASSISTANCE.—If a
10 plan that receives partition assistance under this section
11 becomes insolvent for purposes of section 418E of the In-
12 ternal Revenue Code of 1986, the plan shall no longer be
13 eligible for assistance under this section and shall be eligi-
14 ble for assistance under section 4261.

15 “(m) REPORTING.—An eligible multiemployer plan
16 that receives partition assistance under this section shall
17 file with the corporation a report, including the following
18 information, in such manner (which may include electronic
19 filing requirements) and at such time as the corporation
20 requires:

21 “(1) The funded percentage (as defined in sec-
22 tion 305(j)(2)) as of the first day of such plan year,
23 and the underlying actuarial value of assets and li-
24 abilities taken into account in determining such per-
25 centage.

1 “(2) The market value of the assets of the plan
2 (determined as provided in paragraph (1)) as of the
3 last day of the plan year preceding such plan year.

4 “(3) The total value of all contributions made
5 by employers and employees during the plan year
6 preceding such plan year.

7 “(4) The total value of all benefits paid during
8 the plan year preceding such plan year.

9 “(5) Cash flow projections for such plan year
10 and the 9 succeeding plan years, and the assump-
11 tions used in making such projections.

12 “(6) Funding standard account projections for
13 such plan year and the 9 succeeding plan years, and
14 the assumptions relied upon in making such projec-
15 tions.

16 “(7) The total value of all investment gains or
17 losses during the plan year preceding such plan year.

18 “(8) Any significant reduction in the number of
19 active participants during the plan year preceding
20 such plan year, and the reason for such reduction.

21 “(9) A list of employers that withdrew from the
22 plan in the plan year preceding such plan year, the
23 payment schedule with respect to such withdrawal li-
24 ability, and the resulting reduction in contributions.

1 “(10) A list of employers that paid withdrawal
2 liability to the plan during the plan year preceding
3 such plan year and, for each employer, a total as-
4 sessment of the withdrawal liability paid, the annual
5 payment amount, and the number of years remain-
6 ing in the payment schedule with respect to such
7 withdrawal liability.

8 “(11) Any material changes to benefits, accrual
9 rates, or contribution rates during the plan year pre-
10 ceding such plan year, and whether such changes re-
11 late to the conditions of the partition assistance.

12 “(12) Details regarding any funding improve-
13 ment plan or rehabilitation plan and updates to such
14 plan.

15 “(13) The number of participants and bene-
16 ficiaries during the plan year preceding such plan
17 year who are active participants, the number of par-
18 ticipants and beneficiaries in pay status, and the
19 number of terminated vested participants and bene-
20 ficiaries.

21 “(14) The information contained on the most
22 recent annual funding notice submitted by the plan
23 under section 101(f).

24 “(15) The information contained on the most
25 recent annual return under section 6058 of the In-

1 ternal Revenue Code of 1986 and actuarial report
2 under section 6059 of such Code of the plan.

3 “(16) Copies of the plan document and amend-
4 ments, other retirement benefit or ancillary benefit
5 plans relating to the plan and contribution obliga-
6 tions under such plans, a breakdown of administra-
7 tive expenses of the plan, participant census data
8 and distribution of benefits, the most recent actu-
9 arial valuation report as of the plan year, financial
10 reports, and copies of the portions of collective bar-
11 gaining agreements relating to plan contributions,
12 funding coverage, or benefits, and such other infor-
13 mation as the corporation may reasonably require.

14 Any information disclosed by a plan to the corporation
15 that could identify individual employers shall be confiden-
16 tial and not subject to publication or disclosure.

17 “(n) REPORT TO CONGRESS.—

18 “(1) IN GENERAL.—Not later than 1 year after
19 the date of enactment of this section and annually
20 thereafter, the board of directors of the corporation
21 shall submit to the Committee on Health, Edu-
22 cation, Labor, and Pensions and the Committee on
23 Finance of the Senate and the Committee on Edu-
24 cation and Labor and the Committee on Ways and
25 Means of the House of Representatives a detailed re-

1 port on the implementation and administration of
2 this section. Such report shall include—

3 “(A) information on the name and number
4 of multiemployer plans that have applied for
5 partition assistance under this section;

6 “(B) the name and number of such plans
7 that have been approved for partition assistance
8 under this section and the name and number of
9 the plans that have not been approved for spe-
10 cial partition assistance;

11 “(C) a detailed rationale for any decision
12 by the corporation to not approve an applica-
13 tion for special partition assistance;

14 “(D) the amount of special partition as-
15 sistance provided to eligible multiemployer
16 plans (including amounts provided on an indi-
17 vidual plan basis and in the aggregate);

18 “(E) the name and number of the multi-
19 employer plans that restored benefit suspen-
20 sions and provided lump sum or monthly in-
21 stallment payments to participants or bene-
22 ficiaries;

23 “(F) the amount of benefits that were re-
24 stored and lump sum or monthly installment
25 payments that were paid (including amounts

1 provided on an individual plan basis and in the
2 aggregate);

3 “(G) the name and number of the plans
4 that received adjustments to partition assist-
5 ance under subsection (i);

6 “(H) a list of, and rationale for, each rea-
7 sonable condition imposed by the corporation on
8 plans approved for special partition assistance
9 under this section;

10 “(I) the contracts that have been awarded
11 by the corporation to implement or administer
12 this section;

13 “(J) the number, purpose, and dollar
14 amounts of the contracts that have been award-
15 ed to implement or administer the section;

16 “(K) a detailed summary of the reports re-
17 quired under subsection (m); and

18 “(L) a detailed summary of the feedback
19 received on the pension relief internet website
20 established under subsection (p).

21 “(2) PBGC CERTIFICATION.—The board of di-
22 rectors of the corporation shall include with the re-
23 port under paragraph (1) a certification and affir-
24 mation that the amount of special partition assist-
25 ance provided to each plan under this section is the

1 amount necessary to meet its funding goals under
2 subsection (g), including, if applicable, any adjust-
3 ment of special partition assistance as determined
4 under subsection (i).

5 “(3) CONFIDENTIALITY.—Congress may pub-
6 licize the reports received under paragraph (1) only
7 after redacting all sensitive or proprietary informa-
8 tion.

9 “(o) GAO REPORT.—Not later than 1 year after the
10 first partition application is approved by the corporation
11 under this section, and biennially thereafter, the Comp-
12 troller General of the United States shall submit to the
13 Committee on Health, Education, Labor, and Pensions
14 and the Committee on Finance of the Senate and the
15 Committee on Education and Labor and the Committee
16 on Ways and Means of the House of Representatives a
17 detailed report on the actions of the corporation to imple-
18 ment and administer this section, including an examina-
19 tion of the contracts awarded by such corporation to carry
20 out this section and an analysis of such corporation’s com-
21 pliance with subsections (e) and (g).

22 “(p) SPECIAL PARTITION RELIEF WEBSITE.—

23 “(1) ESTABLISHMENT.—Not later than 120
24 days after the date of enactment of this section, the
25 corporation shall establish and maintain a user-

1 friendly, public-facing internet website to foster
2 greater accountability and transparency in the im-
3 plementation and administration of this section.

4 “(2) PURPOSE.—The internet website estab-
5 lished and maintained under paragraph (1) shall be
6 a portal to key information relating to this section
7 for multiemployer plan administrators and trustees,
8 plan participants, beneficiaries, participating em-
9 ployers, other stakeholders, and the public.

10 “(3) CONTENT AND FUNCTION.—The internet
11 website established under paragraph (1) shall—

12 “(A) describe the nature and scope of the
13 special partition authority and assistance under
14 this section in a manner calculated to be under-
15 stood by the average plan participant;

16 “(B) include published guidance, regula-
17 tions, and all other relevant information on the
18 implementation and administration of this sec-
19 tion;

20 “(C) include, with respect to plan applica-
21 tions for special partition assistance—

22 “(i) a general description of the proc-
23 ess by which eligible plans can apply for
24 special partition assistance, information on

1 how and when the corporation will process
2 and consider plan applications;

3 “(ii) information on how the corpora-
4 tion will address any incomplete applica-
5 tions as specified in under this section;

6 “(iii) a list of the plans that have ap-
7 plied for special partition assistance and,
8 for each application, the date of submis-
9 sion of a completed application;

10 “(iv) the text of each plan’s completed
11 application for special partition assistance
12 with appropriate redactions of personal,
13 proprietary, or sensitive information;

14 “(v) the estimated date that a deci-
15 sion will be made by the corporation on
16 each application;

17 “(vi) the actual date when such deci-
18 sion is made;

19 “(vii) the corporation’s decision on
20 each application; and

21 “(viii) as applicable, a detailed ration-
22 ale for any decision not to approve a plan’s
23 application for special partition assistance;

1 “(D) provide detailed information on each
2 contract solicited and awarded to implement or
3 administer this section;

4 “(E) include reports, audits, and other rel-
5 evant oversight and accountability information
6 on this section, including the annual reports
7 submitted by the board of directors of the cor-
8 poration to Congress required under subsection
9 (n), the Office of the Inspector General audits,
10 correspondence, and publications, and the Gov-
11 ernment Accountability Office reports under
12 subsection (o);

13 “(F) provide a clear means for multiem-
14 ployer plan administrators, plan participants,
15 beneficiaries, other stakeholders, and the public
16 to contact the corporation and provide feedback
17 on the implementation and administration of
18 this section; and

19 “(G) be regularly updated to carry out the
20 purposes of this subsection.

21 “(q) OFFICE OF INSPECTOR GENERAL.—There is au-
22 thorized to be appropriated to the corporation’s Office of
23 Inspector General \$24,000,000 for fiscal year 2020, which
24 shall remain available through September 30, 2028, for
25 salaries and expenses necessary for conducting investiga-

1 tions and audits of the implementation and administration
2 of this section.

3 “(r) APPLICATION OF EXCISE TAX.—During the pe-
4 riod that a plan is subject to a partition order under this
5 section and prior to a cessation of adjustments pursuant
6 to subsection (i)(3), the plan shall not be subject to section
7 4971 of the Internal Revenue Code of 1986.”.

8 **SEC. 102. REPEAL OF BENEFIT SUSPENSIONS FOR MULTI-**
9 **EMPLOYER PLANS IN CRITICAL AND DECLIN-**
10 **ING STATUS.**

11 (a) AMENDMENT TO INTERNAL REVENUE CODE OF
12 1986.—Paragraph (9) of section 432(e) of the Internal
13 Revenue Code of 1986 is repealed.

14 (b) AMENDMENT TO EMPLOYEE RETIREMENT IN-
15 COME SECURITY ACT OF 1974.—Paragraph (9) of section
16 305(e) of the Employee Retirement Income Security Act
17 of 1974 (29 U.S.C. 1085(e)) is repealed.

18 (c) EFFECTIVE DATE.—The repeals made by this
19 section shall not apply to plans that have been approved
20 for a suspension of benefit under section 432(e)(9)(G) of
21 the Internal Revenue Code of 1986 and section
22 305(e)(9)(G) of the Employee Retirement Income Security
23 Act of 1974 (29 U.S.C. 1085(e)(9)(G)) before the date
24 of the enactment of this Act.

1 **SEC. 103. TEMPORARY DELAY OF DESIGNATION OF MULTI-**
2 **EMPLOYER PLANS AS IN ENDANGERED, CRIT-**
3 **ICAL, OR CRITICAL AND DECLINING STATUS.**

4 (a) IN GENERAL.—Notwithstanding the actuarial
5 certification under section 305(b)(3) of the Employee Re-
6 tirement Income Security Act of 1974 and section
7 432(b)(3) of the Internal Revenue Code of 1986, if a plan
8 sponsor of a multiemployer plan elects the application of
9 this section, then, for purposes of section 305 of such Act
10 and section 432 of such Code—

11 (1) the status of the plan for its first plan year
12 beginning during the period beginning on March 1,
13 2020, and ending on February 28, 2021, or the next
14 succeeding plan year (as designated by the plan
15 sponsor in such election), shall be the same as the
16 status of such plan under such sections for the plan
17 year preceding such designated plan year, and

18 (2) in the case of a plan which was in endan-
19 gered or critical status for the plan year preceding
20 the designated plan year described in paragraph (1),
21 the plan shall not be required to update its plan or
22 schedules under section 305(c)(6) of such Act and
23 section 432(c)(6) of such Code, or section
24 305(e)(3)(B) of such Act and section 432(e)(3)(B)
25 of such Code, whichever is applicable, until the plan

1 year following the designated plan year described in
2 paragraph (1).

3 If section 305 of the Employee Retirement Income Secu-
4 rity Act of 1974 and section 432 of the Internal Revenue
5 Code of 1986 did not apply to the plan year preceding
6 the designated plan year described in paragraph (1), the
7 plan actuary shall make a certification of the status of
8 the plan under section 305(b)(3) of such Act and section
9 432(b)(3) of such Code for the preceding plan year in the
10 same manner as if such sections had applied to such pre-
11 ceding plan year.

12 (b) EXCEPTION FOR PLANS BECOMING CRITICAL
13 DURING ELECTION.—If—

14 (1) an election was made under subsection (a)
15 with respect to a multiemployer plan, and

16 (2) such plan has, without regard to such elec-
17 tion, been certified by the plan actuary under section
18 305(b)(3) of the Employee Retirement Income Secu-
19 rity Act of 1974 and section 432(b)(3) of the Inter-
20 nal Revenue Code of 1986 to be in critical status for
21 the designated plan year described in subsection
22 (a)(1), then such plan shall be treated as a plan in
23 critical status for such plan year for purposes of ap-
24 plying section 4971(g)(1)(A) of such Code, section
25 302(b)(3) of such Act (without regard to the second

1 sentence thereof), and section 412(b)(3) of such
2 Code (without regard to the second sentence there-
3 of).

4 (c) ELECTION AND NOTICE.—

5 (1) ELECTION.—An election under subsection
6 (a)—

7 (A) shall be made at such time and in such
8 manner as the Secretary of the Treasury or the
9 Secretary's delegate may prescribe and, once
10 made, may be revoked only with the consent of
11 the Secretary, and

12 (B) if made—

13 (i) before the date the annual certifi-
14 cation is submitted to the Secretary or the
15 Secretary's delegate under section
16 305(b)(3) of such Act and section
17 432(b)(3) of such Code, shall be included
18 with such annual certification, and

19 (ii) after such date, shall be submitted
20 to the Secretary or the Secretary's delegate
21 not later than 30 days after the date of the
22 election.

23 (2) NOTICE TO PARTICIPANTS.—

24 (A) IN GENERAL.—Notwithstanding sec-
25 tion 305(b)(3)(D) of the Employee Retirement

1 Income Security Act of 1974 and section
2 432(b)(3)(D) of the Internal Revenue Code of
3 1986, if the plan is neither in endangered nor
4 critical status by reason of an election made
5 under subsection (a)—

6 (i) the plan sponsor of a multiem-
7 ployer plan shall not be required to provide
8 notice under such sections, and

9 (ii) the plan sponsor shall provide to
10 the participants and beneficiaries, the bar-
11 gaining parties, the Pension Benefit Guar-
12 anty Corporation, and the Secretary of
13 Labor a notice of the election under sub-
14 section (a) and such other information as
15 the Secretary of the Treasury (in consulta-
16 tion with the Secretary of Labor) may re-
17 quire—

18 (I) if the election is made before
19 the date the annual certification is
20 submitted to the Secretary or the Sec-
21 retary's delegate under section
22 305(b)(3) of such Act and section
23 432(b)(3) of such Code, not later than
24 30 days after the date of the certifi-
25 cation, and

1 (II) if the election is made after
2 such date, not later than 30 days
3 after the date of the election.

4 (B) NOTICE OF ENDANGERED STATUS.—
5 Notwithstanding section 305(b)(3)(D) of such
6 Act and section 432(b)(3)(D) of such Code, if
7 the plan is certified to be in critical status for
8 any plan year but is in endangered status by
9 reason of an election made under subsection
10 (a), the notice provided under such sections
11 shall be the notice which would have been pro-
12 vided if the plan had been certified to be in en-
13 dangered status.

14 **SEC. 104. TEMPORARY EXTENSION OF THE FUNDING IM-**
15 **PROVEMENT AND REHABILITATION PERIODS**
16 **FOR MULTIEMPLOYER PENSION PLANS IN**
17 **CRITICAL AND ENDANGERED STATUS FOR**
18 **2020 OR 2021.**

19 (a) IN GENERAL.—If the plan sponsor of a multiem-
20 ployer plan which is in endangered or critical status for
21 a plan year beginning in 2020 or 2021 (determined after
22 application of section 4) elects the application of this sec-
23 tion, then, for purposes of section 305 of the Employee
24 Retirement Income Security Act of 1974 and section 432
25 of the Internal Revenue Code of 1986—

1 (1) AMENDMENT TO EMPLOYEE RETIREMENT
2 INCOME SECURITY ACT OF 1974.—Section 304(b)(8)
3 of the Employee Retirement Income Security Act of
4 1974 (29 U.S.C. 1084(b)) is amended by adding at
5 the end the following new subparagraph:

6 “(F) RELIEF FOR 2020 AND 2021.—A mul-
7 tiemployer plan with respect to which the sol-
8 vency test under subparagraph (C) is met as of
9 February 29, 2020, may elect to apply this
10 paragraph by substituting ‘February 29, 2020’
11 for ‘August 31, 2008’ each place it appears in
12 subparagraphs (A)(i), (B)(i)(I), and (B)(i)(II)
13 (without regard to whether such plan previously
14 elected the application of this paragraph). The
15 preceding sentence shall not apply to a plan
16 with respect to which a partition order is in ef-
17 fect under section 4233A.”.

18 (2) AMENDMENT TO INTERNAL REVENUE CODE
19 OF 1986.—Section 431(b)(8) of the Internal Revenue
20 Code of 1986 is amended by adding at the end the
21 following new subparagraph:

22 “(F) RELIEF FOR 2020 AND 2021.—A mul-
23 tiemployer plan with respect to which the sol-
24 vency test under subparagraph (C) is met as of
25 February 29, 2020, may elect to apply this

1 paragraph by substituting ‘February 29, 2020’
2 for ‘August 31, 2008’ each place it appears in
3 subparagraphs (A)(i), (B)(i)(I), and (B)(i)(II)
4 (without regard to whether such plan previously
5 elected the application of this paragraph). The
6 preceding sentence shall not apply to a plan
7 with respect to which a partition order is in ef-
8 fect under section 4233A of the Employee Re-
9 tirement Income Security Act of 1974.’’.

10 (b) EFFECTIVE DATES.—

11 (1) IN GENERAL.—The amendments made by
12 this section shall take effect as of the first day of
13 the first plan year ending on or after February 29,
14 2020, except that any election a plan makes pursu-
15 ant to this section that affects the plan’s funding
16 standard account for the first plan year beginning
17 after February 29, 2020, shall be disregarded for
18 purposes of applying the provisions of section 305 of
19 the Employee Retirement Income Security Act of
20 1974 and section 432 of the Internal Revenue Code
21 of 1986 to such plan year.

22 (2) RESTRICTIONS ON BENEFIT INCREASES.—

23 Notwithstanding paragraph (1), the restrictions on
24 plan amendments increasing benefits in sections
25 304(b)(8)(D) of such Act and 431(b)(8)(D) of such

1 Code, as applied by the amendments made by this
2 section, shall take effect on the date of enactment of
3 this Act.

4 **SEC. 106. PBGC GUARANTEE FOR PARTICIPANTS IN MULTI-**
5 **EMPLOYER PLANS.**

6 Section 4022A(c)(1) of the Employee Retirement In-
7 come Security Act of 1974 (29 U.S.C. 1322a(c)(1)) is
8 amended by striking subparagraphs (A) and (B) and in-
9 serting the following:

10 “(A) 100 percent of the accrual rate up to
11 \$15, plus 75 percent of the lesser of—

12 “(i) \$70; or

13 “(ii) the accrual rate, if any, in excess
14 of \$15; and

15 “(B) the number of the participant’s years
16 of credited service.

17 For each calendar year after the first full calendar
18 year following the date of the enactment of the
19 Emergency Pension Plan Relief Act, the accrual
20 rates in subparagraph (A) shall increase by the na-
21 tional average wage index (as defined in section
22 209(k)(1) of the Social Security Act). For purposes
23 of this subsection, the rates applicable for deter-
24 mining the guaranteed benefits of the participants of
25 any plan shall be the rates in effect for the calendar

1 year in which the plan becomes insolvent under sec-
2 tion 4245 or the calendar year in which the plan is
3 terminated, if earlier.”.

4 **TITLE II—RELIEF FOR SINGLE** 5 **EMPLOYER PENSION PLANS**

6 **SEC. 201. EXTENDED AMORTIZATION FOR SINGLE EM-** 7 **PLOYER PLANS.**

8 (a) 15-YEAR AMORTIZATION UNDER THE INTERNAL
9 REVENUE CODE OF 1986.—Section 430(c) of the Internal
10 Revenue Code of 1986 is amended by adding at the end
11 the following new paragraph:

12 “(8) 15-YEAR AMORTIZATION.—With respect to
13 plan years beginning after December 31, 2019—

14 “(A) the shortfall amortization bases for
15 all plan years preceding the first plan year be-
16 ginning after December 31, 2019 (and all
17 shortfall amortization installments determined
18 with respect to such bases) shall be reduced to
19 zero, and

20 “(B) subparagraphs (A) and (B) of para-
21 graph (2) shall each be applied by substituting
22 ‘15-plan-year period’ for ‘7-plan-year period’.”.

23 (b) 15-YEAR AMORTIZATION UNDER THE EMPLOYEE
24 RETIREMENT INCOME SECURITY ACT OF 1974.—Section
25 303(c) of the Employee Retirement Income Security Act

1 of 1974 (29 U.S.C. 1083(c)) is amended by adding at the
2 end the following new paragraph:

3 “(8) 15-YEAR AMORTIZATION.—With respect to
4 plan years beginning after December 31, 2019—

5 “(A) the shortfall amortization bases for
6 all plan years preceding the first plan year be-
7 ginning after December 31, 2019 (and all
8 shortfall amortization installments determined
9 with respect to such bases) shall be reduced to
10 zero, and

11 “(B) subparagraphs (A) and (B) of para-
12 graph (2) shall each be applied by substituting
13 ‘15-plan-year period’ for ‘7-plan-year period’.”.

14 (c) EFFECTIVE DATE.—The amendments made by
15 this section shall apply to plan years beginning after De-
16 cember 31, 2019.

17 **SEC. 202. EXTENSION OF PENSION FUNDING STABILIZA-**
18 **TION PERCENTAGES FOR SINGLE EMPLOYER**
19 **PLANS.**

20 (a) AMENDMENTS TO INTERNAL REVENUE CODE OF
21 1986.—

22 (1) IN GENERAL.—The table contained in sub-
23 clause (II) of section 430(h)(2)(C)(iv) of the Inter-
24 nal Revenue Code of 1986 is amended to read as fol-
25 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 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) FLOOR ON 25-YEAR AVERAGES.—Subclause
 2 (I) of section 430(h)(2)(C)(iv) of such Code is
 3 amended by adding at the end the following: “Not-
 4 withstanding anything in this subclause, if the aver-
 5 age of the first, second, or third segment rate for
 6 any 25-year period is less than 5 percent, such aver-
 7 age shall be deemed to be 5 percent.”.

8 (b) AMENDMENTS TO EMPLOYEE RETIREMENT IN-
 9 COME SECURITY ACT OF 1974.—

10 (1) IN GENERAL.—The table contained in sub-
 11 clause (II) of section 303(h)(2)(C)(iv) of the Em-
 12 ployee Retirement Income Security Act of 1974 (29
 13 U.S.C. 1083(h)(2)(C)(iv)(II)) is amended to read as
 14 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%

“If the calendar year is:	The applica- ble min- imum per- centage is:	The applica- ble max- imum per- centage is:
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”, and

10 (ii) in clause (ii) by striking “2023”
11 and inserting “2029”.

12 (B) STATEMENTS.—The Secretary of
13 Labor shall modify the statements required
14 under subclauses (I) and (II) of section
15 101(f)(2)(D)(i) of such Act to conform to the
16 amendments made by this section.

17 (3) FLOOR ON 25-YEAR AVERAGES.—Subclause
18 (I) of section 303(h)(2)(C)(iv) of such Act (29
19 U.S.C. 1083(h)(2)(C)(iv)(II)) is amended by adding
20 at the end the following: “Notwithstanding anything

1 in this subclause, if the average of the first, second,
2 or third segment rate for any 25-year period is less
3 than 5 percent, such average shall be deemed to be
4 5 percent.”.

5 (c) EFFECTIVE DATE.—The amendments made by
6 this section shall apply with respect to plan years begin-
7 ning after December 31, 2019.

8 **TITLE III—OTHER RETIREMENT**
9 **RELATED PROVISIONS**

10 **SEC. 301. WAIVER OF REQUIRED MINIMUM DISTRIBUTIONS**
11 **FOR 2019.**

12 (a) IN GENERAL.—Section 401(a)(9)(I)(i) of the In-
13 ternal Revenue Code of 1986 is amended by striking “cal-
14 endar year 2020” and inserting “calendar years 2019 and
15 2020”.

16 (b) ELIGIBLE ROLLOVER DISTRIBUTIONS.—Section
17 402(c)(4) of such Code is amended by striking “2020”
18 each place it appears in the last sentence and inserting
19 “2019 or 2020”.

20 (c) CONFORMING AMENDMENTS.—Section
21 401(a)(9)(I) of such Code is amended—

22 (1) by striking clause (ii) and redesignating
23 clause (iii) as clause (ii), and

1 (2) by striking “calendar year 2020” in clause
 2 (ii)(II), as so redesignated, and inserting “calendar
 3 years 2019 and 2020”.

4 (d) EFFECTIVE DATE.—The amendments made by
 5 this section shall take effect as if included in the enact-
 6 ment of section 2203 of the Coronavirus Aid, Relief, and
 7 Economic Security Act, except that subparagraph (c)(1)
 8 thereof shall be applied by substituting “December 31,
 9 2018” for “December 31, 2019”.

10 **SEC. 302. WAIVER OF 60-DAY RULE IN CASE OF ROLLOVER**
 11 **OF OTHERWISE REQUIRED MINIMUM DIS-**
 12 **TRIBUTIONS IN 2019 OR 2020.**

13 (a) QUALIFIED TRUSTS.—402(c)(3) of the Internal
 14 Revenue Code of 1986 is amended by adding at the end
 15 the following new subparagraph:

16 “(D) EXCEPTION FOR ROLLOVER OF OTH-
 17 ERWISE REQUIRED MINIMUM DISTRIBUTIONS IN
 18 2019 OR 2020.—In the case of an eligible roll-
 19 over distribution described in the second sen-
 20 tence of paragraph (4), subparagraph (A) shall
 21 not apply to any transfer of such distribution
 22 made before December 1, 2020.”.

23 (b) INDIVIDUAL RETIREMENT ACCOUNTS.—Section
 24 408(d)(3) of such Code is amended by adding at the end
 25 the following new subparagraph:

1 “(J) WAIVER OF 60-DAY RULE AND ONCE
 2 PER-YEAR LIMITATION FOR CERTAIN 2019 AND
 3 2020 ROLLOVERS.—In the case of a distribu-
 4 tion during 2019 or 2020 to which, under sub-
 5 paragraph (E), this paragraph would not have
 6 applied had the minimum distribution require-
 7 ments of section 401(a)(9) applied during such
 8 years, the 60-day requirement under subpara-
 9 graph (A) and the limitation under subpara-
 10 graph (B) shall not apply to such distribution
 11 to the extent the amount is paid into an indi-
 12 vidual retirement account, individual retirement
 13 annuity (other than an endowment contract), or
 14 eligible retirement plan (as defined in subpara-
 15 graph (A)) as otherwise required under such
 16 subparagraph before December 1, 2020.”.

17 (c) EFFECTIVE DATE.—The amendments made by
 18 this section shall apply to taxable years beginning after
 19 December 31, 2018.

20 **SEC. 303. EXCLUSION OF BENEFITS PROVIDED TO VOLUN-**
 21 **TEER FIREFIGHTERS AND EMERGENCY MED-**
 22 **ICAL RESPONDERS MADE PERMANENT.**

23 (a) IN GENERAL.—Section 139B of the Internal Rev-
 24 enue Code of 1986 is amended by striking subsection (d).

1 (b) EFFECTIVE DATE.—The amendment made by
2 this section shall apply to taxable years beginning after
3 December 31, 2020.

4 **SEC. 304. APPLICATION OF SPECIAL RULES TO MONEY PUR-**
5 **CHASE PENSION PLANS.**

6 Section 2202(a)(6)(B) of the Coronavirus Aid, Relief,
7 and Economic Security Act is amended by inserting “,
8 and, in the case of a money purchase pension plan, a
9 coronavirus-related distribution which is an in-service
10 withdrawal shall be treated as meeting the distribution
11 rules of section 401(a) of such Code” before the period.

12 **SEC. 305. GRANTS TO ASSIST LOW-INCOME WOMEN AND**
13 **SURVIVORS OF DOMESTIC VIOLENCE IN OB-**
14 **TAINING QUALIFIED DOMESTIC RELATIONS**
15 **ORDERS.**

16 (a) AUTHORIZATION OF GRANT AWARDS.—The Sec-
17 retary of Labor, acting through the Director of the Wom-
18 en’s Bureau and in conjunction with the Assistant Sec-
19 retary of the Employee Benefits Security Administration,
20 shall award grants, on a competitive basis, to eligible enti-
21 ties to enable such entities to assist low-income women
22 and survivors of domestic violence in obtaining qualified
23 domestic relations orders and ensuring that those women
24 actually obtain the benefits to which they are entitled
25 through those orders.

1 (b) DEFINITION OF ELIGIBLE ENTITY.—In this sec-
2 tion, the term “eligible entity” means a community-based
3 organization with proven experience and expertise in serv-
4 ing women and the financial and retirement needs of
5 women.

6 (c) APPLICATION.—An eligible entity that desires to
7 receive a grant under this section shall submit an applica-
8 tion to the Secretary of Labor at such time, in such man-
9 ner, and accompanied by such information as the Sec-
10 retary of Labor may require.

11 (d) MINIMUM GRANT AMOUNT.—The Secretary of
12 Labor shall award grants under this section in amounts
13 of not less than \$250,000.

14 (e) USE OF FUNDS.—An eligible entity that receives
15 a grant under this section shall use the grant funds to
16 develop programs to offer help to low-income women or
17 survivors of domestic violence who need assistance in pre-
18 paring, obtaining, and effectuating a qualified domestic re-
19 lations order.

20 (f) AUTHORIZATION OF APPROPRIATIONS.—There is
21 authorized to be appropriated to carry out this section
22 \$100,000,000 for fiscal year 2020 and each succeeding
23 fiscal year.

1 **SEC. 306. MODIFICATION OF SPECIAL RULES FOR MINIMUM**
2 **FUNDING STANDARDS FOR COMMUNITY**
3 **NEWSPAPER PLANS.**

4 (a) AMENDMENT TO INTERNAL REVENUE CODE OF
5 1986.—Subsection (m) of section 430 of the Internal Rev-
6 enue Code of 1986, as added by the Setting Every Com-
7 munity Up for Retirement Enhancement Act of 2019, is
8 amended to read as follows:

9 “(m) SPECIAL RULES FOR COMMUNITY NEWSPAPER
10 PLANS.—

11 “(1) IN GENERAL.—An eligible newspaper plan
12 sponsor of a plan under which no participant has
13 had the participant’s accrued benefit increased
14 (whether because of service or compensation) after
15 April 2, 2019, may elect to have the alternative
16 standards described in paragraph (4) apply to such
17 plan.

18 “(2) ELIGIBLE NEWSPAPER PLAN SPONSOR.—
19 The term ‘eligible newspaper plan sponsor’ means
20 the plan sponsor of—

21 “(A) any community newspaper plan, or

22 “(B) any other plan sponsored, as of April
23 2, 2019, by a member of the same controlled
24 group of a plan sponsor of a community news-
25 paper plan if such member is in the trade or
26 business of publishing 1 or more newspapers.

1 “(3) ELECTION.—An election under paragraph
2 (1) shall be made at such time and in such manner
3 as prescribed by the Secretary. Such election, once
4 made with respect to a plan year, shall apply to all
5 subsequent plan years unless revoked with the con-
6 sent of the Secretary.

7 “(4) ALTERNATIVE MINIMUM FUNDING STAND-
8 ARDS.—The alternative standards described in this
9 paragraph are the following:

10 “(A) INTEREST RATES.—

11 “(i) IN GENERAL.—Notwithstanding
12 subsection (h)(2)(C) and except as pro-
13 vided in clause (ii), the first, second, and
14 third segment rates in effect for any
15 month for purposes of this section shall be
16 8 percent.

17 “(ii) NEW BENEFIT ACCRUALS.—Not-
18 withstanding subsection (h)(2), for pur-
19 poses of determining the funding target
20 and normal cost of a plan for any plan
21 year, the present value of any benefits ac-
22 crued or earned under the plan for a plan
23 year with respect to which an election
24 under paragraph (1) is in effect shall be
25 determined on the basis of the United

1 States Treasury obligation yield curve for
2 the day that is the valuation date of such
3 plan for such plan year.

4 “(iii) UNITED STATES TREASURY OB-
5 LIGATION YIELD CURVE.—For purposes of
6 this subsection, the term ‘United States
7 Treasury obligation yield curve’ means,
8 with respect to any day, a yield curve
9 which shall be prescribed by the Secretary
10 for such day on interest-bearing obligations
11 of the United States.

12 “(B) SHORTFALL AMORTIZATION BASE.—

13 “(i) PREVIOUS SHORTFALL AMORTIZA-
14 TION BASES.—The shortfall amortization
15 bases determined under subsection (c)(3)
16 for all plan years preceding the first plan
17 year to which the election under paragraph
18 (1) applies (and all shortfall amortization
19 installments determined with respect to
20 such bases) shall be reduced to zero under
21 rules similar to the rules of subsection
22 (c)(6).

23 “(ii) NEW SHORTFALL AMORTIZATION
24 BASE.—Notwithstanding subsection (c)(3),
25 the shortfall amortization base for the first

1 plan year to which the election under para-
2 graph (1) applies shall be the funding
3 shortfall of such plan for such plan year
4 (determined using the interest rates as
5 modified under subparagraph (A)).

6 “(C) DETERMINATION OF SHORTFALL AM-
7 ORTIZATION INSTALLMENTS.—

8 “(i) 30-YEAR PERIOD.—Subpara-
9 graphs (A) and (B) of subsection (c)(2)
10 shall be applied by substituting ‘30-plan-
11 year’ for ‘7-plan-year’ each place it ap-
12 pears.

13 “(ii) NO SPECIAL ELECTION.—The
14 election under subparagraph (D) of sub-
15 section (c)(2) shall not apply to any plan
16 year to which the election under paragraph
17 (1) applies.

18 “(D) EXEMPTION FROM AT-RISK TREAT-
19 MENT.—Subsection (i) shall not apply.

20 “(5) COMMUNITY NEWSPAPER PLAN.—For pur-
21 poses of this subsection—

22 “(A) IN GENERAL.—The term ‘community
23 newspaper plan’ means any plan to which this
24 section applies maintained as of December 31,
25 2018, by an employer which—

1 “(i) maintains the plan on behalf of
2 participants and beneficiaries with respect
3 to employment in the trade or business of
4 publishing 1 or more newspapers which
5 were published by the employer at any
6 time during the 11-year period ending on
7 the date of the enactment of this sub-
8 section,

9 “(ii)(I) is not a company the stock of
10 which is publicly traded (on a stock ex-
11 change or in an over-the-counter market),
12 and is not controlled, directly or indirectly,
13 by such a company, or

14 “(II) is controlled, directly or indi-
15 rectly, during the entire 30-year period
16 ending on the date of the enactment of this
17 subsection by individuals who are members
18 of the same family, and does not publish or
19 distribute a daily newspaper that is car-
20 rier-distributed in printed form in more
21 than 5 States, and

22 “(iii) is controlled, directly or indi-
23 rectly—

24 “(I) by 1 or more persons resid-
25 ing primarily in a State in which the

1 community newspaper has been pub-
2 lished on newsprint or carrier-distrib-
3 uted,

4 “(II) during the entire 30-year
5 period ending on the date of the en-
6 actment of this subsection by individ-
7 uals who are members of the same
8 family,

9 “(III) by 1 or more trusts, the
10 sole trustees of which are persons de-
11 scribed in subclause (I) or (II), or

12 “(IV) by a combination of per-
13 sons described in subclause (I), (II),
14 or (III).

15 “(B) NEWSPAPER.—The term ‘newspaper’
16 does not include any newspaper (determined
17 without regard to this subparagraph) to which
18 any of the following apply:

19 “(i) Is not in general circulation.

20 “(ii) Is published (on newsprint or
21 electronically) less frequently than 3 times
22 per week.

23 “(iii) Has not ever been regularly
24 published on newsprint.

1 “(iv) Does not have a bona fide list of
2 paid subscribers.

3 “(C) CONTROL.—A person shall be treated
4 as controlled by another person if such other
5 person possesses, directly or indirectly, the
6 power to direct or cause the direction and man-
7 agement of such person (including the power to
8 elect a majority of the members of the board of
9 directors of such person) through the ownership
10 of voting securities.

11 “(6) CONTROLLED GROUP.—For purposes of
12 this subsection, the term ‘controlled group’ means all
13 persons treated as a single employer under sub-
14 section (b), (c), (m), or (o) of section 414 as of the
15 date of the enactment of this subsection.”.

16 (b) AMENDMENT TO EMPLOYEE RETIREMENT IN-
17 COME SECURITY ACT OF 1974.—Subsection (m) of section
18 303 of the Employee Retirement Income Security Act of
19 1974 (29 U.S.C. 1083(m)), as added by the Setting Every
20 Community Up for Retirement Enhancement Act of 2019,
21 is amended to read as follows:

22 “(m) SPECIAL RULES FOR COMMUNITY NEWSPAPER
23 PLANS.—

24 “(1) IN GENERAL.—An eligible newspaper plan
25 sponsor of a plan under which no participant has

1 had the participant’s accrued benefit increased
2 (whether because of service or compensation) after
3 April 2, 2019, may elect to have the alternative
4 standards described in paragraph (4) apply to such
5 plan.

6 “(2) ELIGIBLE NEWSPAPER PLAN SPONSOR.—
7 The term ‘eligible newspaper plan sponsor’ means
8 the plan sponsor of—

9 “(A) any community newspaper plan, or

10 “(B) any other plan sponsored, as of April
11 2, 2019, by a member of the same controlled
12 group of a plan sponsor of a community news-
13 paper plan if such member is in the trade or
14 business of publishing 1 or more newspapers.

15 “(3) ELECTION.—An election under paragraph
16 (1) shall be made at such time and in such manner
17 as prescribed by the Secretary of the Treasury. Such
18 election, once made with respect to a plan year, shall
19 apply to all subsequent plan years unless revoked
20 with the consent of the Secretary of the Treasury.

21 “(4) ALTERNATIVE MINIMUM FUNDING STAND-
22 ARDS.—The alternative standards described in this
23 paragraph are the following:

24 “(A) INTEREST RATES.—

1 “(i) IN GENERAL.—Notwithstanding
2 subsection (h)(2)(C) and except as pro-
3 vided in clause (ii), the first, second, and
4 third segment rates in effect for any
5 month for purposes of this section shall be
6 8 percent.

7 “(ii) NEW BENEFIT ACCRUALS.—Not-
8 withstanding subsection (h)(2), for pur-
9 poses of determining the funding target
10 and normal cost of a plan for any plan
11 year, the present value of any benefits ac-
12 crued or earned under the plan for a plan
13 year with respect to which an election
14 under paragraph (1) is in effect shall be
15 determined on the basis of the United
16 States Treasury obligation yield curve for
17 the day that is the valuation date of such
18 plan for such plan year.

19 “(iii) UNITED STATES TREASURY OB-
20 LIGATION YIELD CURVE.—For purposes of
21 this subsection, the term ‘United States
22 Treasury obligation yield curve’ means,
23 with respect to any day, a yield curve
24 which shall be prescribed by the Secretary

1 of the Treasury for such day on interest-
2 bearing obligations of the United States.

3 “(B) SHORTFALL AMORTIZATION BASE.—

4 “(i) PREVIOUS SHORTFALL AMORTIZA-
5 TION BASES.—The shortfall amortization
6 bases determined under subsection (c)(3)
7 for all plan years preceding the first plan
8 year to which the election under paragraph
9 (1) applies (and all shortfall amortization
10 installments determined with respect to
11 such bases) shall be reduced to zero under
12 rules similar to the rules of subsection
13 (c)(6).

14 “(ii) NEW SHORTFALL AMORTIZATION
15 BASE.—Notwithstanding subsection (c)(3),
16 the shortfall amortization base for the first
17 plan year to which the election under para-
18 graph (1) applies shall be the funding
19 shortfall of such plan for such plan year
20 (determined using the interest rates as
21 modified under subparagraph (A)).

22 “(C) DETERMINATION OF SHORTFALL AM-
23 ORTIZATION INSTALLMENTS.—

24 “(i) 30-YEAR PERIOD.—Subpara-
25 graphs (A) and (B) of subsection (c)(2)

1 shall be applied by substituting ‘30-plan-
2 year’ for ‘7-plan-year’ each place it ap-
3 pears.

4 “(ii) NO SPECIAL ELECTION.—The
5 election under subparagraph (D) of sub-
6 section (c)(2) shall not apply to any plan
7 year to which the election under paragraph
8 (1) applies.

9 “(D) EXEMPTION FROM AT-RISK TREAT-
10 MENT.—Subsection (i) shall not apply.

11 “(5) COMMUNITY NEWSPAPER PLAN.—For pur-
12 poses of this subsection—

13 “(A) IN GENERAL.—The term ‘community
14 newspaper plan’ means a plan to which this sec-
15 tion applies maintained as of December 31,
16 2018, by an employer which—

17 “(i) maintains the plan on behalf of
18 participants and beneficiaries with respect
19 to employment in the trade or business of
20 publishing 1 or more newspapers which
21 were published by the employer at any
22 time during the 11-year period ending on
23 the date of the enactment of this sub-
24 section,

1 “(ii)(I) is not a company the stock of
2 which is publicly traded (on a stock ex-
3 change or in an over-the-counter market),
4 and is not controlled, directly or indirectly,
5 by such a company, or

6 “(II) is controlled, directly, or indi-
7 rectly, during the entire 30-year period
8 ending on the date of the enactment of this
9 subsection by individuals who are members
10 of the same family, and does not publish or
11 distribute a daily newspaper that is car-
12 rier-distributed in printed form in more
13 than 5 States, and

14 “(iii) is controlled, directly, or indi-
15 rectly—

16 “(I) by 1 or more persons resid-
17 ing primarily in a State in which the
18 community newspaper has been pub-
19 lished on newsprint or carrier-distrib-
20 uted,

21 “(II) during the entire 30-year
22 period ending on the date of the en-
23 actment of this subsection by individ-
24 uals who are members of the same
25 family,

1 “(III) by 1 or more trusts, the
2 sole trustees of which are persons de-
3 scribed in subclause (I) or (II), or

4 “(IV) by a combination of per-
5 sons described in subclause (I), (II),
6 or (III).

7 “(B) NEWSPAPER.—The term ‘newspaper’
8 does not include any newspaper (determined
9 without regard to this subparagraph) to which
10 any of the following apply:

11 “(i) Is not in general circulation.

12 “(ii) Is published (on newsprint or
13 electronically) less frequently than 3 times
14 per week.

15 “(iii) Has not ever been regularly
16 published on newsprint.

17 “(iv) Does not have a bona fide list of
18 paid subscribers.

19 “(C) CONTROL.—A person shall be treated
20 as controlled by another person if such other
21 person possesses, directly or indirectly, the
22 power to direct or cause the direction and man-
23 agement of such person (including the power to
24 elect a majority of the members of the board of

1 directors of such person) through the ownership
2 of voting securities.

3 “(6) CONTROLLED GROUP.—For purposes of
4 this subsection, the term ‘controlled group’ means all
5 persons treated as a single employer under sub-
6 section (b), (c), (m), or (o) of section 414 of the In-
7 ternal Revenue Code of 1986 as of the date of the
8 enactment of this subsection.

9 “(7) EFFECT ON PREMIUM RATE CALCULA-
10 TION.—Notwithstanding any other provision of law
11 or any regulation issued by the Pension Benefit
12 Guaranty Corporation, in the case of a plan for
13 which an election is made to apply the alternative
14 standards described in paragraph (3), the additional
15 premium under section 4006(a)(3)(E) shall be deter-
16 mined as if such election had not been made.”.

17 (c) EFFECTIVE DATE.—The amendments made by
18 this section shall apply to plan years ending after Decem-
19 ber 31, 2017.

20 **SEC. 307. MINIMUM RATE OF INTEREST FOR CERTAIN DE-**
21 **TERMINATIONS RELATED TO LIFE INSUR-**
22 **ANCE CONTRACTS.**

23 (a) MODIFICATION OF MINIMUM RATE FOR PUR-
24 POSES OF CASH VALUE ACCUMULATION TEST.—

1 (1) IN GENERAL.—Section 7702(b)(2)(A) of the
2 Internal Revenue Code of 1986 is amended by strik-
3 ing “an annual effective rate of 4 percent” and in-
4 serting “the applicable accumulation test minimum
5 rate”.

6 (2) APPLICABLE ACCUMULATION TEST MIN-
7 IMUM RATE.—Section 7702(b) of such Code is
8 amended by adding at the end the following new
9 paragraph:

10 “(3) APPLICABLE ACCUMULATION TEST MIN-
11 IMUM RATE.—For purposes of paragraph (2)(A), the
12 term ‘applicable accumulation test minimum rate’
13 means the lesser of—

14 “(A) an annual effective rate of 4 percent,

15 or

16 “(B) the insurance interest rate (as de-
17 fined in subsection (f)(11)) in effect at the time
18 the contract is issued.”.

19 (b) MODIFICATION OF MINIMUM RATE FOR PUR-
20 POSES OF GUIDELINE PREMIUM REQUIREMENTS.—

21 (1) IN GENERAL.—Section 7702(c)(3)(B)(iii) of
22 such Code is amended by striking “an annual effec-
23 tive rate of 6 percent” and inserting “the applicable
24 guideline premium minimum rate”.

1 (2) APPLICABLE GUIDELINE PREMIUM MIN-
2 IMUM RATE.—Section 7702(c)(3) of such Code is
3 amended by adding at the end the following new
4 subparagraph:

5 “(E) APPLICABLE GUIDELINE PREMIUM
6 MINIMUM RATE.—For purposes of subpara-
7 graph (B)(iii), the term ‘applicable guideline
8 premium minimum rate’ means the applicable
9 accumulation test minimum rate (as defined in
10 subsection (b)(3)) plus 2 percentage points.”.

11 (c) APPLICATION OF MODIFIED MINIMUM RATES TO
12 DETERMINATION OF GUIDELINE LEVEL PREMIUM.—Sec-
13 tion 7702(c)(4) of such Code is amended—

14 (1) by striking “4 percent” and inserting “the
15 applicable accumulation test minimum rate”, and

16 (2) by striking “6 percent” and inserting “the
17 applicable guideline premium minimum rate”.

18 (d) INSURANCE INTEREST RATE.—Section 7702(f)
19 of such Code is amended by adding at the end the fol-
20 lowing new paragraph:

21 “(11) INSURANCE INTEREST RATE.—For pur-
22 poses of this section—

23 “(A) IN GENERAL.—The term ‘insurance
24 interest rate’ means, with respect to any con-

1 tract issued in any calendar year, the lesser
2 of—

3 “(i) the section 7702 valuation inter-
4 est rate for such calendar year (or, if such
5 calendar year is not an adjustment year,
6 the most recent adjustment year), or

7 “(ii) the section 7702 applicable Fed-
8 eral interest rate for such calendar year
9 (or, if such calendar year is not an adjust-
10 ment year, the most recent adjustment
11 year).

12 “(B) SECTION 7702 VALUATION INTEREST
13 RATE.—The term ‘section 7702 valuation inter-
14 est rate’ means, with respect to any adjustment
15 year, the prescribed U.S. valuation interest rate
16 for life insurance with guaranteed durations of
17 more than 20 years (as defined in the National
18 Association of Insurance Commissioners’ Stand-
19 ard Valuation Law) as effective in the calendar
20 year immediately preceding such adjustment
21 year.

22 “(C) SECTION 7702 APPLICABLE FEDERAL
23 INTEREST RATE.—The term ‘section 7702 ap-
24 plicable Federal interest rate’ means, with re-
25 spect to any adjustment year, the average

1 (rounded to the nearest whole percentage point)
2 of the applicable Federal mid-term rates (as de-
3 fined in section 1274(d) but based on annual
4 compounding) effective as of the beginning of
5 each of the calendar months in the most recent
6 60-month period ending before the second cal-
7 endar year prior to such adjustment year.

8 “(D) ADJUSTMENT YEAR.—The term ‘ad-
9 justment year’ means the calendar year fol-
10 lowing any calendar year that includes the ef-
11 fective date of a change in the prescribed U.S.
12 valuation interest rate for life insurance with
13 guaranteed durations of more than 20 years (as
14 defined in the National Association of Insur-
15 ance Commissioners’ Standard Valuation Law).

16 “(E) TRANSITION RULE.—Notwith-
17 standing subparagraph (A), the insurance inter-
18 est rate shall be 2 percent in the case of any
19 contract which is issued during the period
20 that—

21 “(i) begins on January 1, 2021, and

22 “(ii) ends immediately before the be-
23 ginning of the first adjustment year that
24 beings after December 31, 2021.”

1 (e) EFFECTIVE DATE.—The amendments made by
2 this section shall apply to contracts issued after December
3 31, 2020.

4 **DIVISION H—GIVING RETIRE-**
5 **MENT OPTIONS TO WORKERS**
6 **ACT**

7 **SEC. 101. SHORT TITLE, ETC.**

8 (a) SHORT TITLE.—This division may be cited as the
9 “Giving Retirement Options to Workers Act of 2020” or
10 the “GROW Act”.

11 (b) TABLE OF CONTENTS.—The table of contents for
12 this division is as follows:

Sec. 101. Short title, etc.

Sec. 102. Composite plans.

Sec. 103. Application of certain requirements to composite plans.

Sec. 104. Treatment of composite plans under title IV.

Sec. 105. Conforming changes.

Sec. 106. Effective date.

13 **SEC. 102. COMPOSITE PLANS.**

14 (a) AMENDMENT TO THE EMPLOYEE RETIREMENT
15 INCOME SECURITY ACT OF 1974.—

16 (1) IN GENERAL.—Title I of the Employee Re-
17 tirement Income Security Act of 1974 (29 U.S.C.
18 1001 et seq.) is amended by adding at the end the
19 following:

“PART 8—COMPOSITE PLANS AND LEGACY**PLANS****“SEC. 801. COMPOSITE PLAN DEFINED.**

“(a) IN GENERAL.—For purposes of this Act, the term ‘composite plan’ means a pension plan—

“(1) which is a multiemployer plan that is neither a defined benefit plan nor a defined contribution plan;

“(2) the terms of which provide that the plan is a composite plan for purposes of this title with respect to which not more than one multiemployer defined benefit plan is treated as a legacy plan within the meaning of section 805, unless there is more than one legacy plan following a merger of composite plans under section 806;

“(3) which provides systematically for the payment of benefits—

“(A) objectively calculated pursuant to a formula enumerated in the plan document with respect to plan participants after retirement, for life; and

“(B) in the form of life annuities, except for benefits which under section 203(e) may be immediately distributed without the consent of the participant;

1 “(4) for which the plan contributions for the
2 first plan year are at least 120 percent of the nor-
3 mal cost for the plan year;

4 “(5) which requires—

5 “(A) an annual valuation of the liability of
6 the plan as of a date within the plan year to
7 which the valuation refers or within one month
8 prior to the beginning of such year;

9 “(B) an annual actuarial determination of
10 the plan’s current funded ratio and projected
11 funded ratio under section 802(a);

12 “(C) corrective action through a realign-
13 ment program pursuant to section 803 when-
14 ever the plan’s projected funded ratio is below
15 120 percent for the plan year; and

16 “(D) an annual notification to each partici-
17 pant describing the participant’s benefits under
18 the plan and explaining that such benefits may
19 be subject to reduction under a realignment
20 program pursuant to section 803 based on the
21 plan’s funded status in future plan years; and

22 “(6) the board of trustees of which includes at
23 least one retiree or beneficiary in pay status during
24 each plan year following the first plan year in which

1 at least 5 percent of the participants in the plan are
2 retirees or beneficiaries in pay status.

3 “(b) TRANSITION FROM A MULTIEMPLOYER DE-
4 FINED BENEFIT PLAN.—

5 “(1) IN GENERAL.—The plan sponsor of a de-
6 fined benefit plan that is a multiemployer plan may,
7 subject to paragraph (2), amend the plan to incor-
8 porate the features of a composite plan as a compo-
9 nent of the multiemployer plan separate from the
10 defined benefit plan component, except in the case of
11 a defined benefit plan for which the plan actuary has
12 certified under section 305(b)(3) that the plan is or
13 will be in critical status for the plan year in which
14 such amendment would become effective or for any
15 of the succeeding 5 plan years.

16 “(2) REQUIREMENTS.—Any amendment pursu-
17 ant to paragraph (1) to incorporate the features of
18 a composite plan as a component of a multiemployer
19 plan shall—

20 “(A) apply with respect to all collective
21 bargaining agreements providing for contribu-
22 tions to the multiemployer plan on or after the
23 effective date of the amendment;

24 “(B) apply with respect to all participants
25 in the multiemployer plan for whom contribu-

1 tions are made to the multiemployer plan on or
2 after the effective date of the amendment;

3 “(C) specify that the effective date of the
4 amendment is—

5 “(i) the first day of a specified plan
6 year following the date of the adoption of
7 the amendment, except that the plan spon-
8 sor may alternatively provide for a sepa-
9 rate effective date with respect to each col-
10 lective bargaining agreement under which
11 contributions to the multiemployer plan
12 are required, which shall occur on the first
13 day of the first plan year beginning after
14 the termination, or if earlier, the re-open-
15 ing, of each such agreement, or such ear-
16 lier date as the parties to the agreement
17 and the plan sponsor of the multiemployer
18 plan shall agree to; and

19 “(ii) not later than the first day of the
20 fifth plan year beginning on or after the
21 date of the adoption of the amendment;

22 “(D) specify that, as of the amendment’s
23 effective date, no further benefits shall accrue
24 under the defined benefit component of the
25 multiemployer plan; and

1 “(E) specify that, as of the amendment’s
2 effective date, the plan sponsor of the multiem-
3 ployer plan shall be the plan sponsor of both
4 the composite plan component and the defined
5 benefit plan component of the plan.

6 “(3) SPECIAL RULES.—If a multiemployer plan
7 is amended pursuant to paragraph (1)—

8 “(A) the requirements of this title and title
9 IV shall be applied to the composite plan com-
10 ponent and the defined benefit plan component
11 of the multiemployer plan as if each such com-
12 ponent were maintained as a separate plan; and

13 “(B) the assets of the composite plan com-
14 ponent and the defined benefit plan component
15 of the plan shall be held in a single trust form-
16 ing part of the plan under which the trust in-
17 strument expressly provides—

18 “(i) for separate accounts (and appro-
19 priate records) to be maintained to reflect
20 the interest which each of the plan compo-
21 nents has in the trust, including separate
22 accounting for additions to the trust for
23 the benefit of each plan component, dis-
24 bursements made from each plan compo-
25 nent’s account in the trust, investment ex-

1 perience of the trust allocable to that ac-
2 count, and administrative expenses (wheth-
3 er direct expenses or shared expenses allo-
4 cated proportionally), and permits, but
5 does not require, the pooling of some or all
6 of the assets of the two plan components
7 for investment purposes; and

8 “(ii) that the assets of each of the two
9 plan components shall be held, invested,
10 reinvested, managed, administered and dis-
11 tributed for the exclusive benefit of the
12 participants and beneficiaries of each such
13 plan component, and in no event shall the
14 assets of one of the plan components be
15 available to pay benefits due under the
16 other plan component.

17 “(4) NOT A TERMINATION EVENT.—Notwith-
18 standing section 4041A, an amendment pursuant to
19 paragraph (1) to incorporate the features of a com-
20 posite plan as a component of a multiemployer plan
21 does not constitute termination of the multiemployer
22 plan.

23 “(5) NOTICE TO THE SECRETARY.—

24 “(A) NOTICE.—The plan sponsor of a
25 composite plan shall provide notice to the Sec-

1 retary of the intent to establish the composite
2 plan (or, in the case of a composite plan incor-
3 porated as a component of a multiemployer
4 plan as described in paragraph (1), the intent
5 to amend the multiemployer plan to incorporate
6 such composite plan) at least 30 days prior to
7 the effective date of such establishment or
8 amendment.

9 “(B) CERTIFICATION.—In the case of a
10 composite plan incorporated as a component of
11 a multiemployer plan as described in paragraph
12 (1), such notice shall include a certification by
13 the plan actuary under section 305(b)(3) that
14 the effective date of the amendment occurs in
15 a plan year for which the multiemployer plan is
16 not in critical status for that plan year and any
17 of the succeeding 5 plan years.

18 “(6) REFERENCES TO COMPOSITE PLAN COM-
19 PONENT.—As used in this part, the term ‘composite
20 plan’ includes a composite plan component added to
21 a defined benefit plan pursuant to paragraph (1).

22 “(7) RULE OF CONSTRUCTION.—Paragraph
23 (2)(A) shall not be construed as preventing the plan
24 sponsor of a multiemployer plan from adopting an
25 amendment pursuant to paragraph (1) because some

1 collective bargaining agreements are amended to
2 cease any covered employer's obligation to contribute
3 to the multiemployer plan before or after the plan
4 amendment is effective. Paragraph (2)(B) shall not
5 be construed as preventing the plan sponsor of a
6 multiemployer plan from adopting an amendment
7 pursuant to paragraph (1) because some partici-
8 pants cease to have contributions made to the multi-
9 employer plan on their behalf before or after the
10 plan amendment is effective.

11 “(c) COORDINATION WITH FUNDING RULES.—Ex-
12 cept as otherwise provided in this title, sections 302, 304,
13 and 305 shall not apply to a composite plan.

14 “(d) TREATMENT OF A COMPOSITE PLAN.—For pur-
15 poses of this Act (other than sections 302 and 4245), a
16 composite plan shall be treated as if it were a defined ben-
17 efit plan unless a different treatment is provided for under
18 applicable law.

19 **“SEC. 802. FUNDED RATIOS; ACTUARIAL ASSUMPTIONS.**

20 “(a) CERTIFICATION OF FUNDED RATIOS.—

21 “(1) IN GENERAL.—Not later than the one-
22 hundred twentieth day of each plan year of a com-
23 posite plan, the plan actuary of the composite plan
24 shall certify to the Secretary, the Secretary of the
25 Treasury, and the plan sponsor the plan's current

1 funded ratio and projected funded ratio for the plan
2 year.

3 “(2) DETERMINATION OF CURRENT FUNDED
4 RATIO AND PROJECTED FUNDED RATIO.—For pur-
5 poses of this section:

6 “(A) CURRENT FUNDED RATIO.—The cur-
7 rent funded ratio is the ratio (expressed as a
8 percentage) of—

9 “(i) the value of the plan’s assets as
10 of the first day of the plan year; to

11 “(ii) the plan actuary’s best estimate
12 of the present value of the plan liabilities
13 as of the first day of the plan year.

14 “(B) PROJECTED FUNDED RATIO.—The
15 projected funded ratio is the current funded
16 ratio projected to the first day of the fifteenth
17 plan year following the plan year for which the
18 determination is being made.

19 “(3) CONSIDERATION OF CONTRIBUTION RATE
20 INCREASES.—For purposes of projections under this
21 subsection, the plan sponsor may anticipate con-
22 tribution rate increases beyond the term of the cur-
23 rent collective bargaining agreement and any agreed-
24 to supplements, up to a maximum of 2.5 percent per
25 year, compounded annually, unless it would be un-

1 reasonable under the circumstances to assume that
2 contributions would increase by that amount.

3 “(b) ACTUARIAL ASSUMPTIONS AND METHODS.—

4 For purposes of this part:

5 “(1) IN GENERAL.—All costs, liabilities, rates
6 of interest and other factors under the plan shall be
7 determined for a plan year on the basis of actuarial
8 assumptions and methods—

9 “(A) each of which is reasonable (taking
10 into account the experience of the plan and rea-
11 sonable expectations);

12 “(B) which, in combination, offer the actu-
13 ary’s best estimate of anticipated experience
14 under the plan; and

15 “(C) with respect to which any change
16 from the actuarial assumptions and methods
17 used in the previous plan year shall be certified
18 by the plan actuary and the actuarial rationale
19 for such change provided in the annual report
20 required by section 103.

21 “(2) FAIR MARKET VALUE OF ASSETS.—The
22 value of the plan’s assets shall be taken into account
23 on the basis of their fair market value.

24 “(3) DETERMINATION OF NORMAL COST AND
25 PLAN LIABILITIES.—A plan’s normal cost and liabil-

1 ities shall be based on the most recent actuarial
2 valuation required under section 801(a)(5)(A) and
3 the unit credit funding method.

4 “(4) TIME WHEN CERTAIN CONTRIBUTIONS
5 DEEMED MADE.—Any contributions for a plan year
6 made by an employer after the last day of such plan
7 year, but not later than two and one-half months
8 after such day, shall be deemed to have been made
9 on such last day. For purposes of this paragraph,
10 such two and one-half month period may be ex-
11 tended for not more than six months under regula-
12 tions prescribed by the Secretary of the Treasury.

13 “(5) ADDITIONAL ACTUARIAL ASSUMPTIONS.—
14 Except where otherwise provided in this part, the
15 provisions of section 305(b)(3)(B) shall apply to any
16 determination or projection under this part.

17 **“SEC. 803. REALIGNMENT PROGRAM.**

18 “(a) REALIGNMENT PROGRAM.—

19 “(1) ADOPTION.—In any case in which the plan
20 actuary certifies under section 802(a) that the plan’s
21 projected funded ratio is below 120 percent for the
22 plan year, the plan sponsor shall adopt a realign-
23 ment program under paragraph (2) not later than
24 210 days after the due date of the certification re-
25 quired under such section 802(a). The plan sponsor

1 shall adopt an updated realignment program for
2 each succeeding plan year for which a certification
3 described in the preceding sentence is made.

4 “(2) CONTENT OF REALIGNMENT PROGRAM.—

5 “(A) IN GENERAL.—A realignment pro-
6 gram adopted under this paragraph is a written
7 program which consists of all reasonable meas-
8 ures, including options or a range of options to
9 be undertaken by the plan sponsor or proposed
10 to the bargaining parties, formulated, based on
11 reasonably anticipated experience and reason-
12 able actuarial assumptions, to enable the plan
13 to achieve a projected funded ratio of at least
14 120 percent for the following plan year.

15 “(B) INITIAL PROGRAM ELEMENTS.—Rea-
16 sonable measures under a realignment program
17 described in subparagraph (A) may include any
18 of the following:

19 “(i) Proposed contribution increases.

20 “(ii) A reduction in the rate of future
21 benefit accruals, so long as the resulting
22 rate is not less than 1 percent of the con-
23 tributions on which benefits are based as
24 of the start of the plan year (or the equiva-

1 lent standard accrual rate as described in
2 section 305(e)(6)).

3 “(iii) A modification or elimination of
4 adjustable benefits of participants that are
5 not in pay status before the date of the no-
6 tice required under subsection (b)(1).

7 “(iv) Any other lawfully available
8 measures not specifically described in this
9 subparagraph or subparagraph (C) or (D)
10 that the plan sponsor determines are rea-
11 sonable.

12 “(C) ADDITIONAL PROGRAM ELEMENTS.—

13 If the plan sponsor has determined that all rea-
14 sonable measures available under subparagraph
15 (B) will not enable the plan to achieve a pro-
16 jected funded ratio of at least 120 percent for
17 the following plan year, such reasonable meas-
18 ures may also include—

19 “(i) a reduction of accrued benefits
20 that are not in pay status by the date of
21 the notice required under subsection
22 (b)(1); or

23 “(ii) a reduction of any benefits of
24 participants that are in pay status before
25 the date of the notice required under sub-

1 section (b)(1) other than core benefits as
2 defined in paragraph (4).

3 “(D) ADDITIONAL REDUCTIONS.—In the
4 case of a composite plan for which the plan
5 sponsor has determined that all reasonable
6 measures available under subparagraphs (B)
7 and (C) will not enable the plan to achieve a
8 projected funded ratio of at least 120 percent
9 for the following plan year, such reasonable
10 measures may also include—

11 “(i) a further reduction in the rate of
12 future benefit accruals without regard to
13 the limitation applicable under subpara-
14 graph (B)(ii); or

15 “(ii) a reduction of core benefits;
16 provided that such reductions shall be equitably
17 distributed across the participant and bene-
18 ficiary population, taking into account factors,
19 with respect to participants and beneficiaries
20 and their benefits, that may include one or
21 more of the factors listed in subclauses (I)
22 through (X) of section 305(e)(9)(D)(vi), to the
23 extent necessary to enable the plan to achieve
24 a projected funded ratio of at least 120 percent
25 for the following plan year, or at the election of

1 the plan sponsor, a projected funded ratio of at
2 least 100 percent for the following plan year
3 and a current funded ratio of at least 90 per-
4 cent.

5 “(3) ADJUSTABLE BENEFIT DEFINED.—For
6 purposes of this part, the term ‘adjustable benefit’
7 means—

8 “(A) benefits, rights, and features under
9 the plan, including post-retirement death bene-
10 fits, 60-month guarantees, disability benefits
11 not yet in pay status, and similar benefits;

12 “(B) any early retirement benefit or retire-
13 ment-type subsidy (within the meaning of sec-
14 tion 204(g)(2)(A)) and any benefit payment op-
15 tion (other than the qualified joint and survivor
16 annuity); and

17 “(C) benefit increases that were adopted
18 (or, if later, took effect) less than 60 months
19 before the first day such realignment program
20 took effect.

21 “(4) CORE BENEFIT DEFINED.—For purposes
22 of this part, the term ‘core benefit’ means a partici-
23 pant’s accrued benefit payable in the normal form of
24 an annuity commencing at normal retirement age,
25 determined without regard to—

1 “(A) any early retirement benefits, retire-
2 ment-type subsidies, or other benefits, rights, or
3 features that may be associated with that ben-
4 efit; and

5 “(B) any cost-of-living adjustments or ben-
6 efit increases effective after the date of retire-
7 ment.

8 “(5) COORDINATION WITH CONTRIBUTION IN-
9 CREASES.—

10 “(A) IN GENERAL.—A realignment pro-
11 gram may provide that some or all of the ben-
12 efit modifications described in the program will
13 only take effect if the bargaining parties fail to
14 agree to specified levels of increases in contribu-
15 tions to the plan, effective as of specified dates.

16 “(B) INDEPENDENT BENEFIT MODIFICA-
17 TIONS.—If a realignment program adopts any
18 changes to the benefit formula that are inde-
19 pendent of potential contribution increases,
20 such changes shall take effect not later than
21 180 days after the first day of the first plan
22 year that begins following the adoption of the
23 realignment program.

24 “(C) CONDITIONAL BENEFIT MODIFICA-
25 TIONS.—If a realignment program adopts any

1 changes to the benefit formula that take effect
2 only if the bargaining parties fail to agree to
3 contribution increases, such changes shall take
4 effect not later than the first day of the first
5 plan year beginning after the third anniversary
6 of the date of adoption of the realignment pro-
7 gram.

8 “(D) REVOCATION OF CERTAIN BENEFIT
9 MODIFICATIONS.—Benefit modifications de-
10 scribed in subparagraph (C) may be revoked, in
11 whole or in part, and retroactively or prospec-
12 tively, when contributions to the plan are in-
13 creased, as specified in the realignment pro-
14 gram, including any amendments thereto. The
15 preceding sentence shall not apply unless the
16 contribution increases are to be effective not
17 later than the fifth anniversary of the first day
18 of the first plan year that begins after the
19 adoption of the realignment program.

20 “(b) NOTICE.—

21 “(1) IN GENERAL.—In any case in which it is
22 certified under section 802(a) that the projected
23 funded ratio is less than 120 percent, the plan spon-
24 sor shall, not later than 30 days after the date of
25 the certification, provide notification of the current

1 and projected funded ratios to the participants and
2 beneficiaries, the bargaining parties, and the Sec-
3 retary. Such notice shall include—

4 “(A) an explanation that contribution rate
5 increases or benefit reductions may be nec-
6 essary;

7 “(B) a description of the types of benefits
8 that might be reduced; and

9 “(C) an estimate of the contribution in-
10 creases and benefit reductions that may be nec-
11 essary to achieve a projected funded ratio of
12 120 percent.

13 “(2) NOTICE OF BENEFIT MODIFICATIONS.—

14 “(A) IN GENERAL.—No modifications may
15 be made that reduce the rate of future benefit
16 accrual or that reduce core benefits or adjust-
17 able benefits unless notice of such reduction has
18 been given at least 180 days before the general
19 effective date of such reduction for all partici-
20 pants and beneficiaries to—

21 “(i) plan participants and bene-
22 ficiaries;

23 “(ii) each employer who has an obliga-
24 tion to contribute to the composite plan;
25 and

1 “(iii) each employee organization
2 which, for purposes of collective bar-
3 gaining, represents plan participants em-
4 ployed by such employers.

5 “(B) CONTENT OF NOTICE.—The notice
6 under subparagraph (A) shall contain—

7 “(i) sufficient information to enable
8 participants and beneficiaries to under-
9 stand the effect of any reduction on their
10 benefits, including an illustration of any
11 affected benefit or subsidy, on an annual
12 or monthly basis that a participant or ben-
13 eficiary would otherwise have been eligible
14 for as of the general effective date de-
15 scribed in subparagraph (A); and

16 “(ii) information as to the rights and
17 remedies of plan participants and bene-
18 ficiaries as well as how to contact the De-
19 partment of Labor for further information
20 and assistance, where appropriate.

21 “(C) FORM AND MANNER.—Any notice
22 under subparagraph (A)—

23 “(i) shall be provided in a form and
24 manner prescribed in regulations of the
25 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. 804. 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 and 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 803(a)(2)(D), such plan may not be subse-

1 requently 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 of the Internal Revenue Code of 1986 or to com-
15 ply with other applicable law.

16 “(d) EXCEPTION WHERE MAXIMUM DEDUCTIBLE
17 LIMIT APPLIES.—Subsection (a) shall not apply in con-
18 nection with a plan amendment if and to the extent that
19 contributions to the composite plan would not be deduct-
20 ible for the plan year under section 404(a)(1)(E) of the
21 Internal Revenue Code of 1986 if the plan amendment is
22 not adopted.

23 “(e) EXCEPTION FOR CERTAIN BENEFIT MODIFICA-
24 TIONS.—Subsection (a) shall not apply in connection with

1 a plan amendment under section 803(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. 805. COMPOSITE PLAN RESTRICTIONS TO PRESERVE**
22 **LEGACY PLAN FUNDING.**

23 “(a) TREATMENT AS A LEGACY PLAN.—

24 “(1) IN GENERAL.—For purposes of this part
25 and parts 2 and 3, a defined benefit plan shall be

1 treated as a legacy plan with respect to the com-
2 posite plan under which the employees who were eli-
3 gible to accrue a benefit under the defined benefit
4 plan become eligible to accrue a benefit under such
5 composite plan.

6 “(2) COMPONENT PLANS.—In any case in
7 which a defined benefit plan is amended to add a
8 composite plan component pursuant to section
9 801(b), paragraph (1) shall be applied by sub-
10 stituting ‘defined benefit component’ for ‘defined
11 benefit plan’ and ‘composite plan component’ for
12 ‘composite plan’.

13 “(3) ELIGIBLE TO ACCRUE A BENEFIT.—For
14 purposes of paragraph (1), an employee is consid-
15 ered eligible to accrue a benefit under a composite
16 plan as of the first day in which the employee com-
17 pletes an hour of service under a collective bar-
18 gaining agreement that provides for contributions to
19 and accruals under the composite plan in lieu of ac-
20 cruals under the legacy plan.

21 “(4) COLLECTIVE BARGAINING AGREEMENT.—
22 As used in this part, the term ‘collective bargaining
23 agreement’ includes any agreement under which an
24 employer has an obligation to contribute to a plan.

1 “(5) OTHER TERMS.—Any term used in this
2 part which is not defined in this part and which is
3 also used in section 305 shall have the same mean-
4 ing 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
17 305(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—

10 “(A) to the parties to the agreement;

11 “(B) to active participants of the com-
12 posite plan who have ceased to accrue or other-
13 wise earn benefits with respect to service with
14 an employer pursuant to paragraph (1); and

15 “(C) to the Secretary, the Secretary of the
16 Treasury, and the Pension Benefit Guaranty
17 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 the Treas-
25 ury, and the Pension Benefit Guaranty Corporation

1 of the cessation of accruals, the period during which
2 such 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 payment of contributions
12 to a legacy plan at a rate or rates equal to or
13 greater than the transition contribution rate es-
14 tablished by the legacy plan under paragraph
15 (2); and

16 “(B) does not provide for—

17 “(i) a suspension of contributions to
18 the legacy plan with respect to any period
19 of service; or

20 “(ii) any new direct or indirect exclu-
21 sion of younger or newly hired employees
22 of the employer from being taken into ac-
23 count in determining contributions owed to
24 the legacy plan.

25 “(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 305(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 305 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 305, 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 304 (or, if appli-
6 cable, section 305) 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 requirements 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, the plan
18 sponsor of a composite plan shall adopt rules and
19 procedures that give the parties to the collective bar-
20 gaining 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 for multiemployer plans
5 terminating by mass withdrawal, as in effect for the
6 date of the determination, except the plan’s reason-
7 able assumption regarding the starting date of bene-
8 fits may be used.

9 “(3) OTHER APPLICABLE RULES.—Except as
10 provided in paragraph (2), actuarial determinations
11 and projections under this section shall be based on
12 the rules in section 305(b)(3) and section 802(b).

13 **“SEC. 806. MERGERS AND ASSET TRANSFERS OF COM-**
14 **POSITE PLANS.**

15 “(a) IN GENERAL.—Assets and liabilities of a com-
16 posite plan may only be merged with, or transferred to,
17 another plan if—

18 “(1) the other plan is a composite plan;

19 “(2) the plan or plans resulting from the merg-
20 er or transfer is a composite plan;

21 “(3) no participant’s accrued benefit or adjust-
22 able benefit is lower immediately after the trans-
23 action than it was immediately before the trans-
24 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
23 805(d)(2)(B).”.

24 (2) PENALTIES.—

1 (A) CIVIL ENFORCEMENT OF FAILURE TO
2 COMPLY WITH REALIGNMENT PROGRAM.—Sec-
3 tion 502(a) of such Act (29 U.S.C. 1132(a)) is
4 amended—

5 (i) in paragraph (10), by striking “or”
6 at the end;

7 (ii) in paragraph (11), by striking the
8 period at the end and inserting “; or”; and

9 (iii) by adding at the end the fol-
10 lowing:

11 “(12) in the case of a composite plan required
12 to adopt a realignment program under section 803,
13 if the plan sponsor—

14 “(A) has not adopted a realignment pro-
15 gram under that section by the deadline estab-
16 lished in such section; or

17 “(B) fails to update or comply with the
18 terms of the realignment program in accordance
19 with the requirements of such section,

20 by the Secretary, by an employer that has an obliga-
21 tion to contribute with respect to the composite plan,
22 or by an employee organization that represents ac-
23 tive participants in the composite plan, for an order
24 compelling the plan sponsor to adopt a realignment
25 program, or to update or comply with the terms of

1 the realignment program, in accordance with the re-
2 quirements of such section and the realignment pro-
3 gram.”.

4 (B) CIVIL PENALTIES.—Section 502(c) of
5 such Act (29 U.S.C. 1132(c)) is amended—

6 (i) by moving paragraphs (8), (10),
7 and (12) each 2 ems to the left;

8 (ii) by redesignating paragraphs (9)
9 through (12) as paragraphs (12) through
10 (15), respectively; and

11 (iii) by inserting after paragraph (8)
12 the following:

13 “(9) The Secretary may assess against any plan
14 sponsor of a composite plan a civil penalty of not
15 more than \$1,100 per day for each violation by such
16 sponsor—

17 “(A) of the requirement under section
18 802(a) on the plan actuary to certify the plan’s
19 current or projected funded ratio by the date
20 specified in such subsection; or

21 “(B) of the requirement under section 803
22 to adopt a realignment program by the deadline
23 established in that section and to comply with
24 its terms.

1 “(10)(A) The Secretary may assess against any
2 plan sponsor of a composite plan a civil penalty of
3 not more than \$100 per day for each violation by
4 such sponsor of the requirement under section
5 803(b) to provide notice as described in such section,
6 except that no penalty may be assessed in any case
7 in which the plan sponsor exercised reasonable dili-
8 gence to meet the requirements of such section
9 and—

10 “(i) the plan sponsor did not know that the
11 violation existed; or

12 “(ii) the plan sponsor provided such notice
13 during the 30-day period beginning on the first
14 date on which the plan sponsor knew, or in ex-
15 ercising reasonable due diligence should have
16 known, that such violation existed.

17 “(B) In any case in which the plan sponsor ex-
18 ercised reasonable diligence to meet the require-
19 ments of section 803(b)—

20 “(i) the total penalty assessed under this
21 paragraph against such sponsor for a plan year
22 may not exceed \$500,000; and

23 “(ii) the Secretary may waive part or all of
24 such penalty to the extent that the payment of

1 such penalty would be excessive or otherwise in-
2 equitable relative to the violation involved.

3 “(11) The Secretary may assess against any
4 plan sponsor of a composite plan a civil penalty of
5 not more than \$100 per day for each violation by
6 such sponsor of the notice requirements under sec-
7 tions 801(b)(5) and 805(b)(2).”.

8 (3) CONFORMING AMENDMENT.—The table of
9 contents in section 1 of such Act (29 U.S.C. 1001
10 note) is amended by inserting after the item relating
11 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.”.

12 (b) AMENDMENT TO THE INTERNAL REVENUE CODE
13 OF 1986.—

14 (1) IN GENERAL.—Part III of subchapter D of
15 chapter 1 of the Internal Revenue Code of 1986 is
16 amended by adding at the end the following:

17 **“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.

1 **“SEC. 437. COMPOSITE PLAN DEFINED.**

2 “(a) IN GENERAL.—For purposes of this title, the
3 term ‘composite plan’ means a pension plan—

4 “(1) which is a multiemployer plan that is nei-
5 ther a defined benefit plan nor a defined contribu-
6 tion plan,

7 “(2) the terms of which provide that the plan
8 is a composite plan for purposes of this title with re-
9 spect to which not more than one multiemployer de-
10 fined benefit plan is treated as a legacy plan within
11 the meaning of section 440A, unless there is more
12 than one legacy plan following a merger of composite
13 plans under section 440B,

14 “(3) which provides systematically for the pay-
15 ment of benefits—

16 “(A) objectively calculated pursuant to a
17 formula enumerated in the plan document with
18 respect to plan participants after retirement,
19 for life, and

20 “(B) in the form of life annuities, except
21 for benefits which under section 411(a)(11)
22 may be immediately distributed without the
23 consent of the participant,

24 “(4) for which the plan contributions for the
25 first plan year are at least 120 percent of the nor-
26 mal cost for the plan year,

1 “(5) which requires—

2 “(A) an annual valuation of the liability of
3 the plan as of a date within the plan year to
4 which the valuation refers or within one month
5 prior to the beginning of such year,

6 “(B) an annual actuarial determination of
7 the plan’s current funded ratio and projected
8 funded ratio under section 438(a),

9 “(C) corrective action through a realign-
10 ment program pursuant to section 439 when-
11 ever the plan’s projected funded ratio is below
12 120 percent for the plan year, and

13 “(D) an annual notification to each partici-
14 pant describing the participant’s benefits under
15 the plan and explaining that such benefits may
16 be subject to reduction under a realignment
17 program pursuant to section 439 based on the
18 plan’s funded status in future plan years, and

19 “(6) the board of trustees of which includes at
20 least one retiree or beneficiary in pay status during
21 each plan year following the first plan year in which
22 at least 5 percent of the participants in the plan are
23 retirees or beneficiaries in pay status.

24 “(b) TRANSITION FROM A MULTIEMPLOYER DE-
25 FINED BENEFIT PLAN.—

1 “(1) IN GENERAL.—The plan sponsor of a de-
2 fined benefit plan that is a multiemployer plan may,
3 subject to paragraph (2), amend the plan to incor-
4 porate the features of a composite plan as a compo-
5 nent of the multiemployer plan separate from the
6 defined benefit plan component, except in the case of
7 a defined benefit plan for which the plan actuary has
8 certified under section 432(b)(3) that the plan is or
9 will be in critical status for the plan year in which
10 such amendment would become effective or for any
11 of the succeeding 5 plan years.

12 “(2) REQUIREMENTS.—Any amendment pursu-
13 ant to paragraph (1) to incorporate the features of
14 a composite plan as a component of a multiemployer
15 plan shall—

16 “(A) apply with respect to all collective
17 bargaining agreements providing for contribu-
18 tions to the multiemployer plan on or after the
19 effective date of the amendment,

20 “(B) apply with respect to all participants
21 in the multiemployer plan for whom contribu-
22 tions are made to the multiemployer plan on or
23 after the effective date of the amendment,

24 “(C) specify that the effective date of the
25 amendment is—

1 “(i) the first day of a specified plan
2 year following the date of the adoption of
3 the amendment, except that the plan spon-
4 sor may alternatively provide for a sepa-
5 rate effective date with respect to each col-
6 lective bargaining agreement under which
7 contributions to the multiemployer plan
8 are required, which shall occur on the first
9 day of the first plan year beginning after
10 the termination, or if earlier, the re-open-
11 ing, of each such agreement, or such ear-
12 lier date as the parties to the agreement
13 and the plan sponsor of the multiemployer
14 plan shall agree to, and

15 “(ii) not later than the first day of the
16 fifth plan year beginning on or after the
17 date of the adoption of the amendment,

18 “(D) specify that, as of the amendment’s
19 effective date, no further benefits shall accrue
20 under the defined benefit component of the
21 multiemployer plan, and

22 “(E) specify that, as of the amendment’s
23 effective date, the plan sponsor of the multiem-
24 ployer plan shall be the plan sponsor of both

1 the composite plan component and the defined
2 benefit plan component of the plan.

3 “(3) SPECIAL RULES.—If a multiemployer plan
4 is amended pursuant to paragraph (1)—

5 “(A) the requirements of this title shall be
6 applied to the composite plan component and
7 the defined benefit plan component of the mul-
8 tiemployer plan as if each such component were
9 maintained as a separate plan, and

10 “(B) the assets of the composite plan com-
11 ponent and the defined benefit plan component
12 of the plan shall be held in a single trust form-
13 ing part of the plan under which the trust in-
14 strument expressly provides—

15 “(i) for separate accounts (and appro-
16 priate records) to be maintained to reflect
17 the interest which each of the plan compo-
18 nents has in the trust, including separate
19 accounting for additions to the trust for
20 the benefit of each plan component, dis-
21 bursements made from each plan compo-
22 nent’s account in the trust, investment ex-
23 perience of the trust allocable to that ac-
24 count, and administrative expenses (wheth-
25 er direct expenses or shared expenses allo-

1 cated proportionally), and permits, but
2 does not require, the pooling of some or all
3 of the assets of the two plan components
4 for investment purposes, and

5 “(ii) that the assets of each of the two
6 plan components shall be held, invested,
7 reinvested, managed, administered and dis-
8 tributed for the exclusive benefit of the
9 participants and beneficiaries of each such
10 plan component, and in no event shall the
11 assets of one of the plan components be
12 available to pay benefits due under the
13 other plan component.

14 “(4) NOT A TERMINATION EVENT.—Notwith-
15 standing section 4041A of the Employee Retirement
16 Income Security Act of 1974, an amendment pursu-
17 ant to paragraph (1) to incorporate the features of
18 a composite plan as a component of a multiemployer
19 plan does not constitute termination of the multiem-
20 ployer plan.

21 “(5) NOTICE TO THE SECRETARY.—

22 “(A) NOTICE.—The plan sponsor of a
23 composite plan shall provide notice to the Sec-
24 retary of the intent to establish the composite
25 plan (or, in the case of a composite plan incor-

1 porated as a component of a multiemployer
2 plan as described in paragraph (1), the intent
3 to amend the multiemployer plan to incorporate
4 such composite plan) at least 30 days prior to
5 the effective date of such establishment or
6 amendment.

7 “(B) CERTIFICATION.—In the case of a
8 composite plan incorporated as a component of
9 a multiemployer plan as described in paragraph
10 (1), such notice shall include a certification by
11 the plan actuary under section 432(b)(3) that
12 the effective date of the amendment occurs in
13 a plan year for which the multiemployer plan is
14 not in critical status for that plan year and any
15 of the succeeding 5 plan years.

16 “(6) REFERENCES TO COMPOSITE PLAN COM-
17 PONENT.—As used in this subpart, the term ‘com-
18 posite plan’ includes a composite plan component
19 added to a defined benefit plan pursuant to para-
20 graph (1).

21 “(7) RULE OF CONSTRUCTION.—Paragraph
22 (2)(A) shall not be construed as preventing the plan
23 sponsor of a multiemployer plan from adopting an
24 amendment pursuant to paragraph (1) because some
25 collective bargaining agreements are amended to

1 cease any covered employer’s obligation to contribute
2 to the multiemployer plan before or after the plan
3 amendment is effective. Paragraph (2)(B) shall not
4 be construed as preventing the plan sponsor of a
5 multiemployer plan from adopting an amendment
6 pursuant to paragraph (1) because some partici-
7 pants cease to have contributions made to the multi-
8 employer plan on their behalf before or after the
9 plan amendment is effective.

10 “(c) COORDINATION WITH FUNDING RULES.—Ex-
11 cept as otherwise provided in this title, sections 412, 431,
12 and 432 shall not apply to a composite plan.

13 “(d) TREATMENT OF A COMPOSITE PLAN.—For pur-
14 poses of this title (other than sections 412 and 418E),
15 a composite plan shall be treated as if it were a defined
16 benefit plan unless a different treatment is provided for
17 under applicable law.

18 **“SEC. 438. FUNDED RATIOS; ACTUARIAL ASSUMPTIONS.**

19 “(a) CERTIFICATION OF FUNDED RATIOS.—

20 “(1) IN GENERAL.—Not later than the one-
21 hundred twentieth day of each plan year of a com-
22 posite plan, the plan actuary of the composite plan
23 shall certify to the Secretary, the Secretary of
24 Labor, and the plan sponsor the plan’s current fund-

1 ed ratio and projected funded ratio for the plan
2 year.

3 “(2) DETERMINATION OF CURRENT FUNDED
4 RATIO AND PROJECTED FUNDED RATIO.—For pur-
5 poses of this section—

6 “(A) CURRENT FUNDED RATIO.—The cur-
7 rent funded ratio is the ratio (expressed as a
8 percentage) of—

9 “(i) the value of the plan’s assets as
10 of the first day of the plan year, to

11 “(ii) the plan actuary’s best estimate
12 of the present value of the plan liabilities
13 as of the first day of the plan year.

14 “(B) PROJECTED FUNDED RATIO.—The
15 projected funded ratio is the current funded
16 ratio projected to the first day of the fifteenth
17 plan year following the plan year for which the
18 determination is being made.

19 “(3) CONSIDERATION OF CONTRIBUTION RATE
20 INCREASES.—For purposes of projections under this
21 subsection, the plan sponsor may anticipate con-
22 tribution rate increases beyond the term of the cur-
23 rent collective bargaining agreement and any agreed-
24 to supplements, up to a maximum of 2.5 percent per
25 year, compounded annually, unless it would be un-

1 reasonable under the circumstances to assume that
2 contributions would increase by that amount.

3 “(b) ACTUARIAL ASSUMPTIONS AND METHODS.—

4 For purposes of this part—

5 “(1) IN GENERAL.—All costs, liabilities, rates
6 of interest, and other factors under the plan shall be
7 determined for a plan year on the basis of actuarial
8 assumptions and methods—

9 “(A) each of which is reasonable (taking
10 into account the experience of the plan and rea-
11 sonable expectations),

12 “(B) which, in combination, offer the actu-
13 ary’s best estimate of anticipated experience
14 under the plan, and

15 “(C) with respect to which any change
16 from the actuarial assumptions and methods
17 used in the previous plan year shall be certified
18 by the plan actuary and the actuarial rationale
19 for such change provided in the annual report
20 required by section 6058.

21 “(2) FAIR MARKET VALUE OF ASSETS.—The
22 value of the plan’s assets shall be taken into account
23 on the basis of their fair market value.

24 “(3) DETERMINATION OF NORMAL COST AND
25 PLAN LIABILITIES.—A plan’s normal cost and liabil-

1 ities shall be based on the most recent actuarial
2 valuation required under section 437(a)(5)(A) and
3 the unit credit funding method.

4 “(4) TIME WHEN CERTAIN CONTRIBUTIONS
5 DEEMED MADE.—Any contributions for a plan year
6 made by an employer after the last day of such plan
7 year, but not later than two and one-half months
8 after such day, shall be deemed to have been made
9 on such last day. For purposes of this paragraph,
10 such two and one-half month period may be ex-
11 tended for not more than six months under regula-
12 tions prescribed by the Secretary.

13 “(5) ADDITIONAL ACTUARIAL ASSUMPTIONS.—
14 Except where otherwise provided in this subpart, the
15 provisions of section 432(b)(3)(B) shall apply to any
16 determination or projection under this subpart.

17 **“SEC. 439. REALIGNMENT PROGRAM.**

18 “(a) REALIGNMENT PROGRAM.—

19 “(1) ADOPTION.—In any case in which the plan
20 actuary certifies under section 438(a) that the plan’s
21 projected funded ratio is below 120 percent for the
22 plan year, the plan sponsor shall adopt a realign-
23 ment program under paragraph (2) not later than
24 210 days after the due date of the certification re-
25 quired under section 438(a). The plan sponsor shall

1 adopt an updated realignment program for each suc-
2 ceeding plan year for which a certification described
3 in the preceding sentence is made.

4 “(2) CONTENT OF REALIGNMENT PROGRAM.—

5 “(A) IN GENERAL.—A realignment pro-
6 gram adopted under this paragraph is a written
7 program which consists of all reasonable meas-
8 ures, including options or a range of options to
9 be undertaken by the plan sponsor or proposed
10 to the bargaining parties, formulated, based on
11 reasonably anticipated experience and reason-
12 able actuarial assumptions, to enable the plan
13 to achieve a projected funded ratio of at least
14 120 percent for the following plan year.

15 “(B) INITIAL PROGRAM ELEMENTS.—Rea-
16 sonable measures under a realignment program
17 described in subparagraph (A) may include any
18 of the following:

19 “(i) Proposed contribution increases.

20 “(ii) A reduction in the rate of future
21 benefit accruals, so long as the resulting
22 rate shall not be less than 1 percent of the
23 contributions on which benefits are based
24 as of the start of the plan year (or the

1 equivalent standard accrual rate as de-
2 scribed in section 432(e)(6)).

3 “(iii) A modification or elimination of
4 adjustable benefits of participants that are
5 not in pay status before the date of the no-
6 tice required under subsection (b)(1).

7 “(iv) Any other legally available meas-
8 ures not specifically described in this sub-
9 paragraph or subparagraph (C) or (D)
10 that the plan sponsor determines are rea-
11 sonable.

12 “(C) ADDITIONAL PROGRAM ELEMENTS.—

13 If the plan sponsor has determined that all rea-
14 sonable measures available under subparagraph
15 (B) will not enable the plan to achieve a pro-
16 jected funded ratio of at least 120 percent the
17 following plan year, such reasonable measures
18 may also include—

19 “(i) a reduction of accrued benefits
20 that are not in pay status by the date of
21 the notice required under subsection
22 (b)(1), or

23 “(ii) a reduction of any benefits of
24 participants that are in pay status before
25 the date of the notice required under sub-

1 section (b)(1) other than core benefits as
2 defined in paragraph (4).

3 “(D) ADDITIONAL REDUCTIONS.—In the
4 case of a composite plan for which the plan
5 sponsor has determined that all reasonable
6 measures available under subparagraphs (B)
7 and (C) will not enable the plan to achieve a
8 projected funded ratio of at least 120 percent
9 for the following plan year, such reasonable
10 measures may also include—

11 “(i) a further reduction in the rate of
12 future benefit accruals without regard to
13 the limitation applicable under subpara-
14 graph (B)(ii), or

15 “(ii) a reduction of core benefits,
16 provided that such reductions shall be equitably
17 distributed across the participant and bene-
18 ficiary population, taking into account factors,
19 with respect to participants and beneficiaries
20 and their benefits, that may include one or
21 more of the factors listed in subclauses (I)
22 through (X) of section 432(e)(9)(D)(vi), to the
23 extent necessary to enable the plan to achieve
24 a projected funded ratio of at least 120 percent
25 for the following plan year, or at the election of

1 the plan sponsor, a projected funded ratio of at
2 least 100 percent for the following plan year
3 and a current funded ratio of at least 90 per-
4 cent.

5 “(3) ADJUSTABLE BENEFIT DEFINED.—For
6 purposes of this subpart, the term ‘adjustable ben-
7 efit’ means—

8 “(A) benefits, rights, and features under
9 the plan, including post-retirement death bene-
10 fits, 60-month guarantees, disability benefits
11 not yet in pay status, and similar benefits,

12 “(B) any early retirement benefit or retire-
13 ment-type subsidy (within the meaning of sec-
14 tion 411(d)(6)(B)(i)) and any benefit payment
15 option (other than the qualified joint and sur-
16 vivor annuity), and

17 “(C) benefit increases that were adopted
18 (or, if later, took effect) less than 60 months
19 before the first day such realignment program
20 took effect.

21 “(4) CORE BENEFIT DEFINED.—For purposes
22 of this subpart, the term ‘core benefit’ means a par-
23 ticipant’s accrued benefit payable in the normal form
24 of an annuity commencing at normal retirement age,
25 determined without regard to—

1 “(A) any early retirement benefits, retire-
2 ment-type subsidies, or other benefits, rights, or
3 features that may be associated with that ben-
4 efit, and

5 “(B) any cost-of-living adjustments or ben-
6 efit increases effective after the date of retire-
7 ment.

8 “(5) COORDINATION WITH CONTRIBUTION IN-
9 CREASES.—

10 “(A) IN GENERAL.—A realignment pro-
11 gram may provide that some or all of the ben-
12 efit modifications described in the program will
13 only take effect if the bargaining parties fail to
14 agree to specified levels of increases in contribu-
15 tions to the plan, effective as of specified dates.

16 “(B) INDEPENDENT BENEFIT MODIFICA-
17 TIONS.—If a realignment program adopts any
18 changes to the benefit formula that are inde-
19 pendent of potential contribution increases,
20 such changes shall take effect not later than
21 180 days following the first day of the first
22 plan year that begins following the adoption of
23 the realignment program.

24 “(C) CONDITIONAL BENEFIT MODIFICA-
25 TIONS.—If a realignment program adopts any

1 changes to the benefit formula that take effect
2 only if the bargaining parties fail to agree to
3 contribution increases, such changes shall take
4 effect not later than the first day of the first
5 plan year beginning after the third anniversary
6 of the date of adoption of the realignment pro-
7 gram.

8 “(D) REVOCATION OF CERTAIN BENEFIT
9 MODIFICATIONS.—Benefit modifications de-
10 scribed in paragraph (3) may be revoked, in
11 whole or in part, and retroactively or prospec-
12 tively, when contributions to the plan are in-
13 creased, as specified in the realignment pro-
14 gram, including any amendments thereto. The
15 preceding sentence shall not apply unless the
16 contribution increases are to be effective not
17 later than the fifth anniversary of the first day
18 of the first plan year that begins after the
19 adoption of the realignment program.

20 “(b) NOTICE.—

21 “(1) IN GENERAL.—In any case in which it is
22 certified under section 438(a) that the projected
23 funded ratio is less than 120 percent, the plan spon-
24 sor shall, not later than 30 days after the date of
25 the certification, provide notification of the current

1 and projected funded ratios to the participants and
2 beneficiaries, the bargaining parties, and the Sec-
3 retary. Such notice shall include—

4 “(A) an explanation that contribution rate
5 increases or benefit reductions may be nec-
6 essary,

7 “(B) a description of the types of benefits
8 that might be reduced, and

9 “(C) an estimate of the contribution in-
10 creases and benefit reductions that may be nec-
11 essary to achieve a projected funded ratio of
12 120 percent.

13 “(2) NOTICE OF BENEFIT MODIFICATIONS.—

14 “(A) IN GENERAL.—No modifications may
15 be made that reduce the rate of future benefit
16 accrual or that reduce core benefits or adjust-
17 able benefits unless notice of such reduction has
18 been given at least 180 days before the general
19 effective date of such reduction for all partici-
20 pants and beneficiaries to—

21 “(i) plan participants and bene-
22 ficiaries,

23 “(ii) each employer who has an obliga-
24 tion to contribute to the composite plan,
25 and

1 “(iii) each employee organization
2 which, for purposes of collective bar-
3 gaining, represents plan participants em-
4 ployed by such employers.

5 “(B) CONTENT OF NOTICE.—The notice
6 under subparagraph (A) shall contain—

7 “(i) sufficient information to enable
8 participants and beneficiaries to under-
9 stand the effect of any reduction on their
10 benefits, including an illustration of any
11 affected benefit or subsidy, on an annual
12 or monthly basis that a participant or ben-
13 eficiary would otherwise have been eligible
14 for as of the general effective date de-
15 scribed in subparagraph (A), and

16 “(ii) information as to the rights and
17 remedies of plan participants and bene-
18 ficiaries as well as how to contact the De-
19 partment of Labor for further information
20 and assistance, where appropriate.

21 “(C) FORM AND MANNER.—Any notice
22 under subparagraph (A)—

23 “(i) shall be provided in a form and
24 manner prescribed in regulations of the
25 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 requirements 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. 103. 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. 104. TREATMENT OF COMPOSITE PLANS UNDER TITLE**
14 **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. 105. 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 MULTIEM-
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. 106. 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 I—CONTINUED ASSIST-**
2 **ANCE TO UNEMPLOYED**
3 **WORKERS**

4 **TITLE I—EXTENSIONS OF CARES**
5 **ACT UNEMPLOYMENT BENE-**
6 **FITS FOR WORKERS**

7 **SEC. 101. EXTENSION OF FEDERAL PANDEMIC UNEMPLOY-**
8 **MENT COMPENSATION.**

9 (a) IN GENERAL.—Section 2104(e) of the CARES
10 Act (Public Law 116–136) is amended to read as follows:

11 “(e) APPLICABILITY.—

12 “(1) IN GENERAL.—An agreement entered into
13 under this section shall apply—

14 “(A) to weeks of unemployment beginning
15 after the date on which such agreement is en-
16 tered into and ending on or before July 31,
17 2020; and

18 “(B) to weeks of unemployment beginning
19 after September 5, 2020 (or, if later, the date
20 on which such agreement is entered into) and
21 ending on or before January 31, 2021.

22 “(2) TRANSITION RULE FOR INDIVIDUALS RE-
23 MAINING ENTITLED TO REGULAR COMPENSATION AS
24 OF JANUARY 31, 2021.—In the case of any individual
25 who, as of the date specified in paragraph (1)(B),

1 has not yet exhausted all rights to regular com-
2 pensation under the State law of a State with re-
3 spect to a benefit year that began before such date,
4 Federal Pandemic Unemployment Compensation
5 shall continue to be payable to such individual for
6 any week beginning on or after such date for which
7 the individual is otherwise eligible for regular com-
8 pensation with respect to such benefit year.

9 “(3) TERMINATION.—Notwithstanding any
10 other provision of this subsection, no Federal Pan-
11 demic Unemployment Compensation shall be payable
12 for any week beginning after March 31, 2021.”.

13 (b) LIMITATION ON APPLICATION OF TRANSITION
14 RULE.—Section 2104(g) of such Act is amended by in-
15 serting “(except for subsection (e)(2))” after “the pre-
16 ceding provisions of this section”.

17 (c) DISREGARD OF FEDERAL PANDEMIC UNEMPLOY-
18 MENT COMPENSATION FOR CERTAIN PURPOSES.—Section
19 2104(h) of such Act is amended to read as follows:

20 “(h) DISREGARD OF FEDERAL PANDEMIC UNEM-
21 PLOYMENT COMPENSATION FOR PURPOSES OF ALL FED-
22 ERAL AND FEDERALLY ASSISTED PROGRAMS.—A Federal
23 Pandemic Unemployment Compensation payment shall
24 not be regarded as income and shall not be regarded as
25 a resource for the month of receipt and the following 9

1 months, for purposes of determining the eligibility of the
2 recipient (or the recipient’s spouse or family) for benefits
3 or assistance, or the amount or extent of benefits or assist-
4 ance, under any Federal program or under any State or
5 local program financed in whole or in part with Federal
6 funds.”.

7 (d) 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 **SEC. 102. EXTENSION OF PANDEMIC UNEMPLOYMENT AS-**
11 **SISTANCE.**

12 Section 2102(c) of the CARES Act (15 U.S.C.
13 9021(c)) is amended by striking “December 31, 2020”
14 and inserting “January 31, 2021”.

15 **SEC. 103. EXTENSION OF PANDEMIC EMERGENCY UNEM-**
16 **PLOYMENT COMPENSATION.**

17 Section 2107(g)(2) of the CARES Act (15 U.S.C.
18 9025(g)(2)) is amended by striking “December 31, 2020”
19 and inserting “January 31, 2021”.

20 **SEC. 104. EXTENSION OF TEMPORARY FINANCING OF**
21 **SHORT-TIME COMPENSATION PAYMENTS IN**
22 **STATES WITH PROGRAMS IN LAW.**

23 Section 2108(b)(2) of the CARES Act (15 U.S.C.
24 9026(b)(2)) is amended by striking “December 31, 2020”
25 and inserting “January 31, 2021”.

1 **SEC. 105. EXTENSION OF TEMPORARY FINANCING OF**
2 **SHORT-TIME COMPENSATION AGREEMENTS.**

3 Section 2109(d)(2) of the CARES Act (15 U.S.C.
4 9027(d)(2)) is amended by striking “December 31, 2020”
5 and inserting “January 31, 2021”.

6 **SEC. 106. EXTENSION OF FULL FEDERAL FUNDING OF THE**
7 **FIRST WEEK OF COMPENSABLE REGULAR**
8 **UNEMPLOYMENT FOR STATES WITH NO WAIT-**
9 **ING WEEK.**

10 Section 2105(e)(2) of the CARES Act (15 U.S.C.
11 9024(e)(2)) is amended by striking “December 31, 2020”
12 and inserting “January 31, 2021”.

13 **TITLE II—ADDITIONAL WEEKS**
14 **OF BENEFIT ELIGIBILITY**

15 **SEC. 201. ADDITIONAL WEEKS.**

16 Subtitle A of title II of division A of the CARES Act
17 (15 U.S.C. 9021 et seq.) is amended by inserting after
18 section 2107 the following:

19 **“SEC. 2107A. PANDEMIC EMERGENCY UNEMPLOYMENT EX-**
20 **TENSION COMPENSATION.**

21 **“(a) FEDERAL-STATE AGREEMENTS.—**

22 **“(1) IN GENERAL.—**Any State which desires to
23 do so may enter into and participate in an agree-
24 ment under this section with the Secretary of Labor
25 (in this section referred to as the ‘Secretary’). Any
26 State which is a party to an agreement under this

1 section may, upon providing 30 days' written notice
2 to the Secretary, terminate such agreement.

3 “(2) PROVISIONS OF AGREEMENT.—Any agree-
4 ment under paragraph (1) shall provide that the
5 State agency of the State will make payments (in
6 this section referred to as ‘pandemic emergency un-
7 employment extension compensation’) to individuals
8 who—

9 “(A) have exhausted all rights to regular
10 compensation, extended compensation, pan-
11 demic unemployment assistance under section
12 2102, and pandemic emergency unemployment
13 compensation under section 2107;

14 “(B) have no rights to any benefit speci-
15 fied in subparagraph (A) or to compensation
16 under any other Federal law or under the un-
17 employment compensation law of Canada; and

18 “(C) are able to work, available to work,
19 and actively seeking work.

20 “(3) EXHAUSTION OF BENEFITS.—For pur-
21 poses of paragraph (2)(A), an individual shall be
22 deemed to have exhausted such individual’s rights to
23 benefits specified in subparagraph (A) when—

24 “(A) no payments of such benefits can be
25 made because such individual has received all

1 such benefits available to such individual based
2 on employment or wages during such individ-
3 ual's base period; or

4 “(B) such individual's rights to such bene-
5 fits have been terminated by reason of the expi-
6 ration of the benefit year with respect to which
7 such rights existed.

8 “(4) WEEKLY BENEFIT AMOUNT, ETC.—For
9 purposes of any agreement under this section—

10 “(A) the amount of pandemic emergency
11 unemployment extension compensation which
12 shall be payable to any individual for any week
13 of total unemployment shall be equal to—

14 “(i) the amount of the base compensa-
15 tion (including any dependents' allowances)
16 payable to such individual during such in-
17 dividual's benefit year under the State law
18 for a week of total unemployment; and

19 “(ii) the amount of Federal Pandemic
20 Unemployment Compensation under sec-
21 tion 2104;

22 “(B) the terms and conditions of the State
23 law which apply to claims for regular compensa-
24 tion and to the payment thereof (including
25 terms and conditions relating to availability for

1 work, active search for work, and refusal to ac-
2 cept work) shall apply to claims for pandemic
3 emergency unemployment extension compensa-
4 tion and the payment thereof, except where oth-
5 erwise inconsistent with the provisions of this
6 section or with the regulations or operating in-
7 structions of the Secretary promulgated to
8 carry out this section;

9 “(C) the maximum amount of pandemic
10 emergency unemployment extension compensa-
11 tion payable to any individual for whom a pan-
12 demic emergency unemployment extension com-
13 pensation account is established under sub-
14 section (b) shall not exceed the amount estab-
15 lished in such account for such individual; and

16 “(D) the allowable methods of payment
17 under section 2104(b)(2) shall apply to pay-
18 ments of amounts described in subparagraph
19 (A)(ii).

20 “(5) NONREDUCTION RULE.—

21 “(A) IN GENERAL.—An agreement under
22 this section shall not apply (or shall cease to
23 apply) with respect to a State upon a deter-
24 mination by the Secretary that the method gov-
25 erning the computation of regular compensation

1 under the State law of that State has been
2 modified in a manner such that the number of
3 weeks (the maximum benefit entitlement), or
4 the average weekly benefit amount, of regular
5 compensation which will be payable during the
6 period of the agreement will be less than the
7 number of weeks, or the average weekly benefit
8 amount, of the average weekly benefit amount
9 of regular compensation which would otherwise
10 have been payable during such period under the
11 State law, as in effect on January 1, 2020.

12 “(B) MAXIMUM BENEFIT ENTITLEMENT.—
13 In subparagraph (A), the term ‘maximum ben-
14 efit entitlement’ means the amount of regular
15 compensation payable to an individual with re-
16 spect to the individual’s benefit year.

17 “(6) ACTIVELY SEEKING WORK.—

18 “(A) IN GENERAL.—For purposes of para-
19 graph (2)(C), the term ‘actively seeking work’
20 means, with respect to any individual, that such
21 individual—

22 “(i) is registered for employment serv-
23 ices in such a manner and to such extent
24 as prescribed by the State agency;

1 “(ii) has engaged in an active search
2 for employment that is appropriate in light
3 of the employment available in the labor
4 market, the individual’s skills and capabili-
5 ties, and includes a number of employer
6 contacts that is consistent with the stand-
7 ards communicated to the individual by the
8 State;

9 “(iii) has maintained a record of such
10 work search, including employers con-
11 tacted, method of contact, and date con-
12 tacted; and

13 “(iv) when requested, has provided
14 such work search record to the State agen-
15 cy.

16 “(B) FLEXIBILITY.—Notwithstanding the
17 requirements under subparagraph (A) and
18 paragraph (2)(C), a State shall provide flexi-
19 bility in meeting such requirements in case of
20 individuals unable to search for work because of
21 COVID–19, including because of illness, quar-
22 antine, or movement restriction.

23 “(b) PANDEMIC EMERGENCY UNEMPLOYMENT COM-
24 PENSATION ACCOUNT.—

1 “(1) IN GENERAL.—Any agreement under this
2 section shall provide that the State will establish, for
3 each eligible individual who files an application for
4 pandemic emergency unemployment extension com-
5 pensation, a pandemic emergency unemployment ex-
6 tension compensation account with respect to such
7 individual’s benefit year.

8 “(2) AMOUNT IN ACCOUNT.—The amount es-
9 tablished in an account under subsection (a) shall be
10 equal to 13 times the individual’s average weekly
11 benefit amount, which includes the amount of Fed-
12 eral Pandemic Unemployment Compensation under
13 section 2104, for the benefit year.

14 “(3) WEEKLY BENEFIT AMOUNT.—For pur-
15 poses of this subsection, an individual’s weekly ben-
16 efit amount for any week is the amount of base com-
17 pensation (including any dependents’ allowances)
18 under the State law payable to such individual for
19 such week for total unemployment plus the amount
20 of Federal Pandemic Unemployment Compensation
21 under section 2104.

22 “(c) PAYMENTS TO STATES HAVING AGREEMENTS
23 FOR THE PAYMENT OF PANDEMIC EMERGENCY UNEM-
24 PLOYMENT EXTENSION COMPENSATION.—

1 “(1) IN GENERAL.—There shall be paid to each
2 State that has entered into an agreement under this
3 section an amount equal to 100 percent of the pan-
4 demic emergency unemployment extension com-
5 pensation paid to individuals by the State pursuant
6 to such agreement.

7 “(2) TREATMENT OF REIMBURSABLE COM-
8 PENSATION.—No payment shall be made to any
9 State under this section in respect of any compensa-
10 tion to the extent the State is entitled to reimburse-
11 ment in respect of such compensation under the pro-
12 visions of any Federal law other than this section or
13 chapter 85 of title 5, United States Code. A State
14 shall not be entitled to any reimbursement under
15 such chapter 85 in respect of any compensation to
16 the extent the State is entitled to reimbursement
17 under this section in respect of such compensation.

18 “(3) DETERMINATION OF AMOUNT.—Sums pay-
19 able to any State by reason of such State having an
20 agreement under this section shall be payable, either
21 in advance or by way of reimbursement (as may be
22 determined by the Secretary), in such amounts as
23 the Secretary estimates the State will be entitled to
24 receive under this section for each calendar month,
25 reduced or increased, as the case may be, by any

1 amount by which the Secretary finds that the Sec-
2 retary's estimates for any prior calendar month were
3 greater or less than the amounts which should have
4 been paid to the State. Such estimates may be made
5 on the basis of such statistical, sampling, or other
6 method as may be agreed upon by the Secretary and
7 the State agency of the State involved.

8 “(d) FINANCING PROVISIONS.—

9 “(1) COMPENSATION.—

10 “(A) IN GENERAL.—Funds in the extended
11 unemployment compensation account (as estab-
12 lished by section 905(a) of the Social Security
13 Act (42 U.S.C. 1105(a)) of the Unemployment
14 Trust Fund (as established by section 904(a) of
15 such Act (42 U.S.C. 1104(a)) shall be used for
16 the making of payments to States having agree-
17 ments entered into under this section.

18 “(B) TRANSFER OF FUNDS.—Notwith-
19 standing any other provision of law, the Sec-
20 retary of the Treasury shall transfer from the
21 general fund of the Treasury (from funds not
22 otherwise appropriated) to the extended unem-
23 ployment compensation account such sums as
24 the Secretary of Labor estimates to be nec-
25 essary to make payments described in subpara-

1 graph (A). There are appropriated from the
2 general fund of the Treasury, without fiscal
3 year limitation, the sums referred to in the pre-
4 ceding sentence and such sums shall not be re-
5 quired to be repaid.

6 “(2) ADMINISTRATION.—

7 “(A) IN GENERAL.—There are appro-
8 priated out of the employment security adminis-
9 tration account (as established by section
10 901(a) of the Social Security Act (42 U.S.C.
11 1101(a)) of the Unemployment Trust Fund,
12 without fiscal year limitation, such funds as
13 may be necessary for purposes of assisting
14 States (as provided in title III of the Social Se-
15 curity Act (42 U.S.C. 501 et seq.)) in meeting
16 the costs of administration of agreements under
17 this section.

18 “(B) TRANSFER OF FUNDS.—Notwith-
19 standing any other provision of law, the Sec-
20 retary of the Treasury shall transfer from the
21 general fund of the Treasury (from funds not
22 otherwise appropriated) to the employment se-
23 curity administration account such sums as the
24 Secretary of Labor estimates to be necessary to
25 make payments described in subparagraph (A).

1 There are appropriated from the general fund
2 of the Treasury, without fiscal year limitation,
3 the sums referred to in the preceding sentence
4 and such sums shall not be required to be re-
5 paid.

6 “(3) CERTIFICATION.—The Secretary shall
7 from time to time certify to the Secretary of the
8 Treasury for payment to each State the sums pay-
9 able to such State under this subsection. The Sec-
10 retary of the Treasury, prior to audit or settlement
11 by the Government Accountability Office, shall make
12 payments to the State in accordance with such cer-
13 tification, by transfers from the extended unemploy-
14 ment compensation account (as so established) to
15 the account of such State in the Unemployment
16 Trust Fund (as so established).

17 “(e) FRAUD AND OVERPAYMENTS.—

18 “(1) IN GENERAL.—If an individual knowingly
19 has made, or caused to be made by another, a false
20 statement or representation of a material fact, or
21 knowingly has failed, or caused another to fail, to
22 disclose a material fact, and as a result of such false
23 statement or representation or of such nondisclosure
24 such individual has received an amount of pandemic
25 emergency unemployment extension compensation

1 under this section to which such individual was not
2 entitled, such individual—

3 “(A) shall be ineligible for further pan-
4 demic emergency unemployment extension com-
5 pensation under this section in accordance with
6 the provisions of the applicable State unemploy-
7 ment compensation law relating to fraud in con-
8 nection with a claim for unemployment com-
9 pensation; and

10 “(B) shall be subject to prosecution under
11 section 1001 of title 18, United States Code.

12 “(2) REPAYMENT.—In the case of individuals
13 who have received amounts of pandemic emergency
14 unemployment extension compensation under this
15 section to which they were not entitled, the State
16 shall require such individuals to repay the amounts
17 of such pandemic emergency unemployment exten-
18 sion compensation to the State agency, except that
19 the State agency may waive such repayment if it de-
20 termines that—

21 “(A) the payment of such pandemic emer-
22 gency unemployment extension compensation
23 was without fault on the part of any such indi-
24 vidual; and

1 “(B) such repayment would be contrary to
2 equity and good conscience.

3 “(3) RECOVERY BY STATE AGENCY.—

4 “(A) IN GENERAL.—The State agency
5 shall recover the amount to be repaid, or any
6 part thereof, by deductions from any pandemic
7 emergency unemployment extension compensa-
8 tion payable to such individual under this sec-
9 tion or from any unemployment compensation
10 payable to such individual under any State or
11 Federal unemployment compensation law ad-
12 ministered by the State agency or under any
13 other State or Federal law administered by the
14 State agency which provides for the payment of
15 any assistance or allowance with respect to any
16 week of unemployment, during the 3-year pe-
17 riod after the date such individuals received the
18 payment of the pandemic emergency unemploy-
19 ment extension compensation to which they
20 were not entitled, in accordance with the same
21 procedures as apply to the recovery of overpay-
22 ments of regular unemployment benefits paid
23 by the State.

24 “(B) OPPORTUNITY FOR HEARING.—No
25 repayment shall be required, and no deduction

1 shall be made, until a determination has been
2 made, notice thereof and an opportunity for a
3 fair hearing has been given to the individual,
4 and the determination has become final.

5 “(4) REVIEW.—Any determination by a State
6 agency under this section shall be subject to review
7 in the same manner and to the same extent as deter-
8 minations under the State unemployment compensa-
9 tion law, and only in that manner and to that ex-
10 tent.

11 “(f) DEFINITIONS.—In this section—

12 “(1) the terms ‘compensation’, ‘regular com-
13 pensation’, ‘extended compensation’, ‘benefit year’,
14 ‘base period’, ‘State’, ‘State agency’, ‘State law’, and
15 ‘week’ have the respective meanings given such
16 terms under section 205 of the Federal-State Ex-
17 tended Unemployment Compensation Act of 1970
18 (26 U.S.C. 3304 note); and

19 “(2) the term ‘base compensation’ means, as
20 applicable—

21 “(A) regular compensation; or

22 “(B) pandemic unemployment assistance
23 under section 2102.

24 “(g) APPLICABILITY.—An agreement entered into
25 under this section shall apply to weeks of unemployment—

1 “(1) beginning after the date on which such
2 agreement is entered into; and

3 “(2) ending on or before January 31, 2021.”.

4 **TITLE III—CLARIFICATIONS AND**
5 **IMPROVEMENTS TO PAN-**
6 **DEMIC UNEMPLOYMENT AS-**
7 **SISTANCE**

8 **SEC. 301. CLARIFICATION OF PANDEMIC UNEMPLOYMENT**
9 **ASSISTANCE ELIGIBILITY FOR PRIMARY**
10 **CAREGIVING.**

11 (a) IN GENERAL.—Section 2102(a)(3)(A)(ii)(I)(dd)
12 of the CARES Act (15 U.S.C. 9021(a)(3)(A)(ii)(I)(dd))
13 is amended by striking “that is closed as a direct result
14 of the COVID–19 public health emergency” and inserting
15 “because the school or facility is closed or only partially
16 reopened due to COVID–19, because child or family care
17 is not available or affordable during the hours work is
18 available due to COVID–19, or because physical attend-
19 ance at the school or facility presents an unacceptable
20 health risk for the household or the individual in need of
21 care due to COVID–19,”.

22 (b) EFFECTIVE DATE.—The amendment made by
23 subsection (a) shall take effect upon the date of the enact-
24 ment of this Act.

1 **SEC. 302. WAIVER AUTHORITY FOR CERTAIN OVERPAY-**
2 **MENTS OF PANDEMIC UNEMPLOYMENT AS-**
3 **SISTANCE.**

4 (a) **IN GENERAL.**—Section 2102(d) of the CARES
5 Act (15 U.S.C. 9021(d)) is amended by adding at the end
6 the following:

7 “(4) **WAIVER AUTHORITY.**—In the case of indi-
8 viduals who have received amounts of Pandemic Un-
9 employment Assistance to which they were not enti-
10 tled, the State shall require such individuals to repay
11 the amounts of such Pandemic Unemployment As-
12 sistance to the State agency, except that the State
13 agency shall waive such repayment if it determines
14 that—

15 “(A) the payment of such Pandemic Un-
16 employment Assistance was without fault on the
17 part of any such individual; and

18 “(B) such repayment would be contrary to
19 equity and good conscience.”.

20 (b) **EFFECTIVE DATE.**—The amendments made by
21 this section shall take effect as if included in the enact-
22 ment of the CARES Act (Public Law 116–136).

1 **SEC. 303. CLARIFICATION OF ACCESS TO PANDEMIC UNEM-**
2 **PLOYMENT ASSISTANCE FOR WORKERS AT**
3 **BUSINESSES THAT REDUCED STAFF DUE TO**
4 **THE PANDEMIC.**

5 (a) IN GENERAL.—Section 2102(a)(3)(A)(ii)(I)(jj) of
6 the CARES Act (15 U.S.C. 9021(a)(3)(A)(ii)(I)(jj)) is
7 amended by inserting “or its operations are otherwise cur-
8 tailed, including by reducing hours of operation, staffing
9 levels, occupancy, or other changes that are recommended
10 or required,” after “closed”.

11 (b) EFFECTIVE DATE.—The amendment made by
12 subsection (a) shall apply with respect to weeks of unem-
13 ployment beginning after the date of the enactment of this
14 Act.

15 **SEC. 304. HOLD HARMLESS FOR PANDEMIC UNEMPLOY-**
16 **MENT ASSISTANCE.**

17 (a) IN GENERAL.—Section 2102(c) of the CARES
18 Act (15 U.S.C. 9021(c)) is amended by adding at the end
19 the following:

20 “(4) CONTINUED ELIGIBILITY FOR ASSIST-
21 ANCE.—As a condition of continued eligibility for as-
22 sistance under this section, a covered individual shall
23 submit a recertification to the State for each week
24 after the individual’s 1st week of eligibility that cer-
25 tifies that the individual remains an individual de-
26 scribed in subsection (a)(3)(A)(ii) for such week.”.

1 (b) EFFECTIVE DATE; SPECIAL RULE.—

2 (1) IN GENERAL.—The amendment made by
3 subsection (a) shall apply with respect to weeks be-
4 ginning on or after the date that is 30 days after
5 the date of enactment of this section.

6 (2) SPECIAL RULE.—In the case of any State
7 that made a good faith effort to implement section
8 2102 of the CARES Act in accordance with rules
9 similar to those provided in section 625.6 of title 20,
10 Code of Federal Regulations, for weeks ending be-
11 fore the effective date specified in paragraph (1), an
12 individual who received Pandemic Unemployment
13 Assistance from such State for any such week shall
14 not be considered ineligible for such assistance for
15 such week solely by reason of failure to submit a re-
16 certification described in subsection (c)(4) of such
17 section.

18 **TITLE IV—EXTENSION OF RE-**
19 **LIEF TO STATES AND EM-**
20 **PLOYERS**

21 **SEC. 401. EXTENSION OF FULL FEDERAL FUNDING OF EX-**
22 **TENDED UNEMPLOYMENT COMPENSATION.**

23 Section 4105 of the Families First Coronavirus Re-
24 sponse Act (26 U.S.C. 3304 note) is amended by striking

1 “December 31, 2020” each place it appears and inserting
2 “June 30, 2021”.

3 **SEC. 402. EXTENSION OF TEMPORARY ASSISTANCE FOR**
4 **STATES WITH ADVANCES.**

5 Section 1202(b)(10)(A) of the Social Security Act
6 (42 U.S.C. 1322(b)(10)(A)) is amended by striking “De-
7 cember 31, 2020” and inserting “June 30, 2021”.

8 **SEC. 403. EXTENSION OF EMERGENCY RELIEF FOR GOV-**
9 **ERNMENTAL ENTITIES AND NONPROFIT OR-**
10 **GANIZATIONS.**

11 Section 903(i)(1)(D) of the Social Security Act (42
12 U.S.C. 1103(i)(1)(D)) is amended by striking “December
13 31, 2020” and inserting “June 30, 2021”.

14 **TITLE V—CORRECTIVE ACTION**
15 **FOR PROCESSING BACKLOGS**

16 **SEC. 501. STATE REPORTING ON CLAIMS BACKLOGS.**

17 (a) IN GENERAL.—Section 2104 of the CARES Act
18 (15 U.S.C. 9023) is amended by adding at the end the
19 following:

20 “(j) STATE ACCOUNTABILITY RELATING TO CLAIMS
21 BACKLOGS.—As a condition of any agreement under this
22 section, the following rules shall apply:

23 “(1) CLAIMS REPORTING.—

24 “(A) IN GENERAL.—Each State partici-
25 pating in such an agreement shall submit to the

1 Secretary of Labor on a weekly basis a report
2 on the status in the State of any backlog of the
3 processing of unemployment claims, including
4 claims for regular compensation, extended com-
5 pensation, Pandemic Unemployment Assistance,
6 and Pandemic Emergency Unemployment Com-
7 pensation. Such report shall include a descrip-
8 tion, with respect to the previous week, of each
9 of the following:

10 “(i) The number of initial claims still
11 in process, disaggregated by the number of
12 such claims still pending—

13 “(I) because of nonmonetary de-
14 terminations;

15 “(II) because of monetary deter-
16 minations;

17 “(III) because of suspected
18 fraud; and

19 “(IV) for any other reason.

20 “(ii) The number of initial claims de-
21 nied.

22 “(iii) The number of individuals with
23 respect to whom a continued claim was
24 paid.

1 “(iv) The number of individuals with
2 respect to whom a continued claim is still
3 in process, disaggregated by the number of
4 such claims still pending—

5 “(I) because of nonmonetary de-
6 terminations;

7 “(II) because of monetary deter-
8 minations;

9 “(III) because of suspected
10 fraud; and

11 “(IV) for any other reason.

12 “(v) The number of individuals with
13 respect to whom a continued claims was
14 denied.

15 “(B) REPORT TO CONGRESS.—Upon re-
16 ceipt of a report described in subparagraph (A),
17 the Secretary of Labor shall publish such report
18 on the website of the Department of Labor and
19 shall submit such report to the Committee on
20 Ways and Means of the House of Representa-
21 tives and the Committee on Finance of the Sen-
22 ate.

23 “(2) CORRECTIVE ACTION PLANS.—

24 “(A) IN GENERAL.—Not later than 90
25 days after the date of enactment of this sub-

1 section and at least every 90 days thereafter,
2 each State participating in such an agreement
3 shall submit to the Secretary of Labor a correc-
4 tive action plan that includes a description of
5 the actions the State has taken and intends to
6 take to address any backlog of the processing of
7 unemployment claims described in paragraph
8 (1)(A). The Secretary may waive the require-
9 ment under this subparagraph with respect to
10 any State that the Secretary determines has
11 made adequate progress in addressing any such
12 backlog.

13 “(B) TECHNICAL ASSISTANCE.—The Sec-
14 retary of Labor shall make technical assistance
15 available to States to the extent feasible to en-
16 able States to develop and implement corrective
17 action plans in accordance with this paragraph.
18 If the Secretary of Labor determines at any
19 time that a State has failed to take reasonable
20 actions under a corrective action plan to ad-
21 dress a claims backlog, the State shall collabo-
22 rate with the Secretary to develop a subsequent
23 corrective action plan to achieve clearly defined,
24 targeted outcomes.

1 “(C) REPORT TO CONGRESS.—Upon re-
2 ceipt of a corrective action plan described in
3 subparagraph (A), the Secretary of Labor shall
4 publish such plan on the website of the Depart-
5 ment of Labor and shall submit such report to
6 the Committee on Ways and Means of the
7 House of Representatives and the Committee
8 on Finance of the Senate.”.

9 (b) EFFECTIVE DATE.—The amendment made by
10 subsection (a) shall apply with respect to weeks beginning
11 after the date of enactment of this Act.

12 **TITLE VI—ADDITIONAL**
13 **BENEFITS FOR MIXED EARNERS**
14 **SECTION 601. MIXED EARNER UNEMPLOYMENT COMPENSA-**
15 **TION.**

16 (a) IN GENERAL.—Section 2104(b)(1) of the CARES
17 Act (15 U.S.C. 9023(b)(1)) is amended—

18 (1) in subparagraph (B), by striking the period
19 at the end and inserting “, plus”; and

20 (2) by adding at the end the following:

21 “(C) an additional amount of \$125 (in this
22 section referred to as ‘Mixed Earner Unemploy-
23 ment Compensation’) in any case in which the
24 individual received at least \$5,000 of self-em-
25 ployment income (as defined in section 1402(b)

1 of the Internal Revenue Code of 1986) in the
2 most recent taxable year ending prior to the in-
3 dividual’s application for regular compensa-
4 tion.”.

5 (b) CONFORMING AMENDMENTS.—Section 2104 of
6 such Act is amended—

7 (1) by inserting “or Mixed Earner Unemploy-
8 ment Compensation” after “Federal Pandemic Un-
9 employment Compensation” each place such term
10 appears in subsection (b)(2), (c), or (f) of such sec-
11 tion;

12 (2) in subsection (d), by inserting “and Mixed
13 Earner Unemployment Compensation” after “Fed-
14 eral Pandemic Unemployment Compensation”; and

15 (3) in subsection (g), by striking “provide that”
16 and all that follows through the end and inserting
17 “provide that—

18 “(1) the purposes of the preceding provisions of
19 this section, as such provisions apply with respect to
20 Federal Pandemic Unemployment Compensation,
21 shall be applied with respect to unemployment bene-
22 fits described in subsection (i)(2) to the same extent
23 and in the same manner as if those benefits were
24 regular compensation; and

1 “(2) the purposes of the preceding provisions of
2 this section, as such provisions apply with respect to
3 Mixed Earner Unemployment Compensation, shall
4 be applied with respect to unemployment benefits
5 described in subparagraph (B) or (D) of subsection
6 (i)(2) to the same extent and in the same manner
7 as if those benefits were regular compensation.”.

8 (c) APPLICABILITY.—The amendments made by this
9 section shall not apply with respect to a State partici-
10 pating in an agreement under section 2104 of the CARES
11 Act unless the State so elects, in which case such amend-
12 ments shall apply with respect to weeks of unemployment
13 beginning on or after the later of the date of such election
14 or the date of enactment of this section.

15 **TITLE VII—TECHNICAL** 16 **CORRECTIONS**

17 **SEC. 701. GRACE PERIOD FOR FULL FINANCING OF SHORT-** 18 **TIME COMPENSATION PROGRAMS.**

19 Section 2108(c) of the CARES Act (15 U.S.C.
20 9026(c)) is amended by striking “shall be eligible” and
21 all that follows through the end and inserting the fol-
22 lowing: “
23 “shall be eligible—

1 “(1) for payments under subsection (a) for
2 weeks of unemployment beginning after the effective
3 date of such enactment; and

4 “(2) for an additional payment equal to the
5 total amount of payments for which the State is eli-
6 gible pursuant to an agreement under section 2109
7 for weeks of unemployment before such effective
8 date.”.

9 **SEC. 702. TECHNICAL CORRECTION FOR THE COMMON-**
10 **WEALTH OF NORTHERN MARIANA ISLANDS.**

11 A Commonwealth Only Transitional Worker (as de-
12 fined in section 6(i)(2) of the Joint Resolution entitled “A
13 Joint Resolution to approve the ‘Covenant To Establish
14 a Commonwealth of the Northern Mariana Islands in Po-
15 litical Union with the United States of America’, and for
16 other purposes” (48 U.S.C. 1806)) shall be considered a
17 qualified alien under section 431 of Public Law 104–193
18 (8 U.S.C. 1641) for purposes of eligibility for a benefit
19 under section 2102 or 2104 of the CARES Act.

20 **SEC. 703. TECHNICAL AMENDMENT RELATING TO PAN-**
21 **DEMIC UNEMPLOYMENT ASSISTANCE.**

22 Section 2102(h) of the CARES Act (15 U.S.C.
23 9021(h)) is amended by striking “section 625” each place
24 it appears and inserting “part 625”.

1 **DIVISION J—EMERGENCY AS-**
2 **SISTANCE, ELDER JUSTICE,**
3 **AND CHILD AND FAMILY SUP-**
4 **PORT**

5 **TITLE I—EMERGENCY**
6 **ASSISTANCE**

7 **SEC. 101. FUNDING TO STATES, LOCALITIES, AND COMMU-**
8 **NITY-BASED ORGANIZATIONS FOR EMER-**
9 **GENCY AID AND SERVICES.**

10 (a) FUNDING FOR STATES.—

11 (1) INCREASE IN FUNDING FOR SOCIAL SERV-
12 ICES BLOCK GRANT PROGRAM.—

13 (A) IN GENERAL.—The amount specified
14 in subsection (c) of section 2003 of the Social
15 Security Act for purposes of subsections (a) and
16 (b) of such section is deemed to be
17 \$11,325,000,000 for fiscal year 2020, of which
18 \$9,600,000,000 shall be obligated by States in
19 accordance with this subsection.

20 (B) APPROPRIATION.—Out of any money
21 in the Treasury of the United States not other-
22 wise appropriated, there are appropriated
23 \$9,600,000,000, which shall be available for
24 payments under section 2002 of the Social Se-

1 curity Act, which shall remain available until
2 the end of fiscal year 2021.

3 (C) DEADLINE FOR DISTRIBUTION OF
4 FUNDS.—Within 45 days after the date of the
5 enactment of this Act, the Secretary of Health
6 and Human Services shall distribute the funds
7 made available by this paragraph, which shall
8 be made available to States on an emergency
9 basis for immediate obligation and expenditure.

10 (D) SUBMISSION OF REVISED PRE-EX-
11 PENDITURE REPORT.—Within 90 days after a
12 State receives funds made available by this
13 paragraph, the State shall submit to the Sec-
14 retary a revised pre-expenditure report pursu-
15 ant to title XX of the Social Security Act that
16 describes how the State plans to administer the
17 funds.

18 (E) DEADLINE FOR OBLIGATION OF
19 FUNDS BY STATES.—A State to which funds
20 made available by this paragraph are distrib-
21 uted shall obligate the funds not later than 120
22 days after receipt.

23 (F) DEADLINE FOR EXPENDITURE OF
24 FUNDS.—A grantee to which a State (or a sub-
25 grantee to which a grantee) provides funds

1 made available by this paragraph shall expend
2 the funds not later than December 31, 2021.

3 (2) RULES GOVERNING USE OF ADDITIONAL
4 FUNDS.—A State to which funds made available by
5 paragraph (1)(B) are distributed shall use the funds
6 in accordance with the following:

7 (A) PURPOSE.—

8 (i) IN GENERAL.—The State shall use
9 the funds only to support the provision of
10 emergency services to disadvantaged chil-
11 dren, families, and households.

12 (ii) DISADVANTAGED DEFINED.—In
13 this paragraph, the term “disadvantaged”
14 means, with respect to an entity, that the
15 entity—

16 (I) is an individual, or is located
17 in a community, that is experiencing
18 material hardship;

19 (II) is a household in which there
20 is a child (as defined in section 12(d)
21 of the Richard B. Russell National
22 School Lunch Act) or a child served
23 under section 11(a)(1) of such Act,
24 who, if not for the closure of the
25 school attended by the child during a

1 public health emergency designation
2 and due to concerns about a COVID-
3 19 outbreak, would receive free or re-
4 duced price school meals pursuant to
5 such Act;

6 (III) is an individual, or is lo-
7 cated in a community, with barriers to
8 employment; or

9 (IV) is located in a community
10 that, as of the date of the enactment
11 of this Act, is not experiencing a 56-
12 day downward trajectory of—

13 (aa) influenza-like illnesses;

14 (bb) COVID-like syndromic
15 cases;

16 (cc) documented COVID-19
17 cases; or

18 (dd) positive test results as
19 a percentage of total COVID-19
20 tests.

21 (B) PASS-THROUGH TO LOCAL ENTI-
22 TIES.—

23 (i) In the case of a State in which a
24 county administers or contributes finan-
25 cially to the non-Federal share of the

1 amounts expended in carrying out a State
2 program funded under title IV of the So-
3 cial Security Act, the State shall pass at
4 least 50 percent of all funds so made avail-
5 able through to the chief elected official of
6 the city or county that administers the
7 program.

8 (ii) In the case of any other State and
9 any State to which clause (i) applies that
10 does not pass through funds as described
11 in that clause, the State shall—

12 (I) pass at least 50 percent of
13 the funds through to—

14 (aa)(AA) local governments
15 that will expend or distribute the
16 funds in consultation with com-
17 munity-based organizations with
18 experience serving disadvantaged
19 families or individuals; or

20 (BB) community-based or-
21 ganizations with experience serv-
22 ing disadvantaged families and
23 individuals; and

24 (bb) sub-State areas in pro-
25 portions based on the population

1 of disadvantaged individuals liv-
2 ing in the areas; and

3 (II) report to the Secretary on
4 how the State determined the
5 amounts passed through pursuant to
6 this clause.

7 (C) METHODS.—

8 (i) IN GENERAL.—The State shall use
9 the funds only for—

10 (I) administering emergency serv-
11 ices;

12 (II) providing short-term cash,
13 non-cash, or in-kind emergency dis-
14 aster relief;

15 (III) providing services with dem-
16 onstrated need in accordance with ob-
17 jective criteria that are made available
18 to the public;

19 (IV) operational costs directly re-
20 lated to providing services described
21 in subclauses (I), (II), and (III);

22 (V) local government emergency
23 social service operations; and

24 (VI) providing emergency social
25 services to rural and frontier commu-

1 nities that may not have access to
2 other emergency funding streams.

3 (ii) ADMINISTERING EMERGENCY
4 SERVICES DEFINED.—In clause (i), the
5 term “administering emergency services”
6 means—

7 (I) providing basic disaster relief,
8 economic, and well-being necessities to
9 ensure communities are able to safely
10 observe shelter-in-place and social
11 distancing orders;

12 (II) providing necessary supplies
13 such as masks, gloves, and soap, to
14 protect the public against infectious
15 disease; and

16 (III) connecting individuals, chil-
17 dren, and families to services or pay-
18 ments for which they may already be
19 eligible.

20 (D) PROHIBITIONS.—

21 (i) NO INDIVIDUAL ELIGIBILITY DE-
22 TERMINATIONS BY GRANTEES OR SUB-
23 GRANTEES.—Neither a grantee to which
24 the State provides the funds nor any sub-
25 grantee of such a grantee may exercise in-

1 dividual eligibility determinations for the
2 purpose of administering short-term, non-
3 cash, in-kind emergency disaster relief to
4 communities.

5 (ii) APPLICABILITY OF CERTAIN SO-
6 CIAL SERVICES BLOCK GRANT FUNDS USE
7 LIMITATIONS.—The State shall use the
8 funds subject to the limitations in section
9 2005 of the Social Security Act, except
10 that, for purposes of this clause, section
11 2005(a)(2) and 2005(a)(8) of such Act
12 shall not apply.

13 (iii) NO SUPPLANTATION OF CERTAIN
14 STATE FUNDS.—The State may use the
15 funds to supplement, not supplant, State
16 general revenue funds for social services.

17 (iv) BAN ON USE FOR CERTAIN COSTS
18 REIMBURSABLE BY FEMA.—The State may
19 not use the funds for costs that are reim-
20 bursable by the Federal Emergency Man-
21 agement Agency, under a contract for in-
22 surance, or by self-insurance.

23 (b) FUNDING FOR INDIAN TRIBES AND TRIBAL OR-
24 GANIZATIONS.—

25 (1) GRANTS.—

1 (A) IN GENERAL.—Within 90 days after
2 the date of the enactment of this Act, the Sec-
3 retary of Health and Human Services shall
4 make grants to Indian Tribes and Tribal orga-
5 nizations.

6 (B) AMOUNT OF GRANT.—The amount of
7 the grant for an Indian Tribe or Tribal organi-
8 zation shall bear the same ratio to the amount
9 appropriated by paragraph (3) as the total
10 amount of grants awarded to the Indian Tribe
11 or Tribal organization under the Low-Income
12 Home Energy Assistance Act of 1981 and the
13 Community Service Block Grant for fiscal year
14 2020 bears to the total amount of grants
15 awarded to all Indian Tribes and Tribal organi-
16 zations under such Act and such Grant for the
17 fiscal year.

18 (2) RULES GOVERNING USE OF FUNDS.—An
19 entity to which a grant is made under paragraph (1)
20 shall obligate the funds not later than September
21 30, 2021, and the funds shall be expended by grant-
22 ees and subgrantees not later than September 30,
23 2022, and used in accordance with the following:

24 (A) PURPOSE.—

1 (i) IN GENERAL.—The grantee shall
2 use the funds only to support the provision
3 of emergency services to disadvantaged
4 households.

5 (ii) DISADVANTAGED DEFINED.—In
6 clause (i), the term “disadvantaged”
7 means, with respect to an entity, that the
8 entity—

9 (I) is an individual, or is located
10 in a community, that is experiencing
11 material hardship;

12 (II) is a household in which there
13 is a child (as defined in section 12(d)
14 of the Richard B. Russell National
15 School Lunch Act) or a child served
16 under section 11(a)(1) of such Act,
17 who, if not for the closure of the
18 school attended by the child during a
19 public health emergency designation
20 and due to concerns about a COVID–
21 19 outbreak, would receive free or re-
22 duced price school meals pursuant to
23 such Act;

1 (III) is an individual, or is lo-
2 cated in a community, with barriers to
3 employment; or

4 (IV) is located in a community
5 that, as of the date of the enactment
6 of this Act, is not experiencing a 56-
7 day downward trajectory of—

8 (aa) influenza-like illnesses;

9 (bb) COVID-like syndromic
10 cases;

11 (cc) documented COVID–19
12 cases; or

13 (dd) positive test results as
14 a percentage of total COVID–19
15 tests.

16 (B) METHODS.—

17 (i) IN GENERAL.—The grantee shall
18 use the funds only for—

19 (I) administering emergency serv-
20 ices;

21 (II) providing short-term, non-
22 cash, in-kind emergency disaster re-
23 lief; and

24 (III) tribal emergency social serv-
25 ice operations.

1 (ii) ADMINISTERING EMERGENCY
2 SERVICES DEFINED.—In clause (i), the
3 term “administering emergency services”
4 means—

5 (I) providing basic economic and
6 well-being necessities to ensure com-
7 munities are able to safely observe
8 shelter-in-place and social distancing
9 orders;

10 (II) providing necessary supplies
11 such as masks, gloves, and soap, to
12 protect the public against infectious
13 disease; and

14 (III) connecting individuals, chil-
15 dren, and families to services or pay-
16 ments for which they may already be
17 eligible.

18 (C) PROHIBITIONS.—

19 (i) NO INDIVIDUAL ELIGIBILITY DE-
20 TERMINATIONS BY GRANTEES OR SUB-
21 GRANTEES.—Neither the grantee nor any
22 subgrantee may exercise individual eligi-
23 bility determinations for the purpose of ad-
24 ministering short-term, non-cash, in-kind
25 emergency disaster relief to communities.

1 (ii) BAN ON USE FOR CERTAIN COSTS
2 REIMBURSABLE BY FEMA.—The grantee
3 may not use the funds for costs that are
4 reimbursable by the Federal Emergency
5 Management Agency, under a contract for
6 insurance, or by self-insurance.

7 (3) APPROPRIATION.—Out of any money in the
8 Treasury of the United States not otherwise appro-
9 priated, there are appropriated \$400,000,000 to
10 make tribal grants under this subsection.

11 **SEC. 102. EMERGENCY ASSISTANCE TO FAMILIES THROUGH**
12 **HOME VISITING PROGRAMS.**

13 (a) IN GENERAL.—For purposes of section 511 of the
14 Social Security Act, during the period that begins on Feb-
15 ruary 1, 2020, and ends January 31, 2021—

16 (1) a virtual home visit shall be considered a
17 home visit;

18 (2) funding for, and staffing levels of, a pro-
19 gram conducted pursuant to such section shall not
20 be reduced on account of reduced enrollment in the
21 program; and

22 (3) funds provided for such a program may be
23 used—

24 (A) to train home visitors in conducting a
25 virtual home visit and in emergency prepared-

1 ness and response planning for families served,
2 and may include training on how to safely con-
3 duct intimate partner violence screenings, and
4 training on safety and planning for families
5 served;

6 (B) for the acquisition by families enrolled
7 in the program of such technological means as
8 are needed to conduct and support a virtual
9 home visit;

10 (C) to provide emergency supplies (such as
11 diapers, formula, non-perishable food, water,
12 hand soap and hand sanitizer) to families
13 served; and

14 (D) to provide prepaid grocery cards to an
15 eligible family (as defined in section 511(k)(2)
16 of such Act) for the purpose of enabling the
17 family to meet the emergency needs of the fam-
18 ily.

19 (b) VIRTUAL HOME VISIT DEFINED.—In subsection
20 (a), the term “virtual home visit” means a visit that is
21 conducted solely by the use of electronic information and
22 telecommunications technologies.

23 (c) AUTHORITY TO DELAY DEADLINES.—

24 (1) IN GENERAL.—The Secretary of Health and
25 Human Services may extend the deadline by which

1 a requirement of section 511 of the Social Security
2 Act must be met, by such period of time as the Sec-
3 retary deems appropriate.

4 (2) GUIDANCE.—The Secretary of Health and
5 Human Services shall provide to eligible entities
6 funded under section 511 of the Social Security Act
7 information on the parameters used in extending a
8 deadline under paragraph (1) of this subsection.

9 (d) SUPPLEMENTAL APPROPRIATION.—In addition
10 to amounts otherwise appropriated, out of any money in
11 the Treasury of the United States not otherwise appro-
12 priated, there are appropriated to the Secretary of Health
13 and Human Services \$100,000,000, to enable eligible enti-
14 ties to conduct programs funded under section 511 of the
15 Social Security Act pursuant to this section, which shall
16 remain available for obligation not later than January 31,
17 2021.

1 **TITLE II—REAUTHORIZATION OF**
2 **FUNDING FOR PROGRAMS TO**
3 **PREVENT, INVESTIGATE, AND**
4 **PROSECUTE ELDER ABUSE,**
5 **NEGLECT, AND EXPLOI-**
6 **TATION**

7 **SEC. 201. ELDER ABUSE, NEGLECT, AND EXPLOITATION FO-**
8 **RENSIC CENTERS.**

9 Section 2031(f) of the Social Security Act (42 U.S.C.
10 1397l(f)) is amended—

11 (1) in paragraph (2), by striking “and” after
12 the semicolon;

13 (2) in paragraph (3), by striking the period at
14 the end and inserting “; and”; and

15 (3) by adding at the end the following:

16 “(4) for fiscal year 2021, \$5,000,000.”.

17 **SEC. 202. GRANTS FOR LONG-TERM CARE STAFFING AND**
18 **TECHNOLOGY.**

19 Section 2041(d) of the Social Security Act (42 U.S.C.
20 1397m(d)) is amended—

21 (1) in paragraph (2), by striking “and” after
22 the semicolon;

23 (2) in paragraph (3), by striking the period at
24 the end and inserting “; and”; and

25 (3) by adding at the end the following:

1 “(4) for fiscal year 2021, \$14,000,000.”.

2 **SEC. 203. ADULT PROTECTIVE SERVICES FUNCTIONS AND**
3 **GRANT PROGRAMS.**

4 Section 2042 of the Social Security Act (42 U.S.C.
5 1397m-1) is amended—

6 (1) in subsection (a)(2), by striking
7 “\$3,000,000” and all that follows through the pe-
8 riod and inserting “\$3,000,000 for fiscal year
9 2021.”;

10 (2) in subsection (b)(5), by striking
11 “\$100,000,000” and all that follows through the pe-
12 riod and inserting “\$100,000,000 for fiscal year
13 2021.”; and

14 (3) in subsection (c)(6), by striking
15 “\$25,000,000” and all that follows through the pe-
16 riod and inserting “\$20,000,000 for fiscal year
17 2021.”.

18 **SEC. 204. LONG-TERM CARE OMBUDSMAN PROGRAM**
19 **GRANTS AND TRAINING.**

20 Section 2043 of the Social Security Act (42 U.S.C.
21 1397m-2) is amended—

22 (1) in subsection (a)(2)—

23 (A) in subparagraph (B), by striking
24 “and” after the semicolon;

1 (B) in subparagraph (C), by striking the
2 period at the end and inserting “; and”; and

3 (C) by adding at the end the following:

4 “(D) for fiscal year 2021, \$8,000,000.”;

5 and

6 (2) in subsection (b)(2), by inserting before the
7 period the following: “, and for fiscal year 2021,
8 \$10,000,000”.

9 **SEC. 205. INVESTIGATION SYSTEMS AND TRAINING.**

10 Section 6703(b) of the Patient Protection and Af-
11 fordable Care Act (42 U.S.C. 1395i–3a(b)) is amended—

12 (1) in paragraph (1)(C), by striking “for the
13 period” and all that follows through the period and
14 inserting “for fiscal year 2021, \$10,000,000.”; and

15 (2) in paragraph (2)(C), by striking “for each
16 of fiscal years 2011 through 2014, \$5,000,000” and
17 inserting “for fiscal year 2021, \$4,000,000”.

18 **SEC. 206. INCREASED FUNDING FOR STATES AND INDIAN**

19 **TRIBES FOR ADULT PROTECTIVE SERVICES.**

20 (a) INCREASE IN FUNDING.—

21 (1) RESERVATION OF FUNDS.—Of the amount
22 made available to carry out subtitle A of title XX of
23 the Social Security Act for fiscal year 2020,
24 \$25,000,000 shall be reserved for obligation by

1 States during calendar year 2020 in accordance with
2 subsection (b) of this section.

3 (2) APPROPRIATION.—Out of any money in the
4 Treasury of the United States not otherwise appro-
5 priated, there are appropriated \$25,000,000 for fis-
6 cal year 2020 to make grants to States under this
7 subsection, which shall remain available until the
8 end of fiscal year 2021.

9 (3) DEADLINE FOR DISTRIBUTION OF
10 FUNDS.—Within 45 days after the date of the enact-
11 ment of this Act, the Secretary of Health and
12 Human Services shall distribute the funds reserved
13 under paragraph (1) of this subsection, which shall
14 be made available to States (as defined for purposes
15 of title XX of the Social Security Act in section
16 1101 of such Act (42 U.S.C. 1301)) on an emer-
17 gency basis for immediate obligation and expendi-
18 ture.

19 (4) SUBMISSION OF REVISED PRE-EXPENDI-
20 TURE REPORT.—Within 90 days after a State re-
21 ceives funds distributed under paragraph (3), the
22 State shall submit to the Secretary of Health and
23 Human Services a revised pre-expenditure report
24 pursuant to subtitle A of title XX of the Social Se-

1 security Act (42 U.S.C. 1397 et seq.) that describes
2 how the State plans to administer the funds.

3 (5) DEADLINE FOR OBLIGATION OF FUNDS BY
4 STATES.—Within 120 days after funds are distrib-
5 uted to a State under paragraph (3), the State shall
6 obligate the funds.

7 (6) DEADLINE FOR EXPENDITURE OF
8 FUNDS.—A grantee to which a State (or a sub-
9 grantee to which a grantee) provides funds distrib-
10 uted under this subsection shall expend the funds
11 not later than December 31, 2021.

12 (b) RULES GOVERNING USE OF ADDITIONAL
13 FUNDS.—Funds are used in accordance with this sub-
14 section if—

15 (1) the funds are used for adult protective serv-
16 ices (as defined in section 2011(2) of the Social Se-
17 curity Act (42 U.S.C. 1397j(2)));

18 (2) the funds are used subject to the limitations
19 in section 2005 of the Social Security Act (42
20 U.S.C. 1397d); and

21 (3) the funds are used to supplement, not sup-
22 plant, State general revenue funds or funds provided
23 under section 2002 of the Social Security Act for
24 adult protective services.

1 (c) FUNDING FOR INDIAN TRIBES AND TRIBAL OR-
2 GANIZATIONS.—

3 (1) GRANTS.—

4 (A) IN GENERAL.—Within 90 days after
5 the date of the enactment of this Act, the Sec-
6 retary of Health and Human Services shall
7 make grants to Indian Tribes and Tribal orga-
8 nizations (as defined in section 677(e)(1) of the
9 Community Services Block Grant Act (42
10 U.S.C. 9911(e)(1))).

11 (B) AMOUNT OF GRANT.—The amount of
12 the grant for an Indian Tribe or Tribal organi-
13 zation shall bear the same ratio to the amount
14 appropriated by paragraph (3) as the total
15 amount of grants awarded to the Indian Tribe
16 or Tribal organization under the Low-Income
17 Home Energy Assistance Act of 1981 and the
18 Community Service Block Grant for fiscal year
19 2020 bears to the total amount of grants
20 awarded to all Indian Tribes and Tribal organi-
21 zations under such Act and such Grant for the
22 fiscal year.

23 (2) RULES GOVERNING USE OF FUNDS.—An
24 entity to which a grant is made under paragraph (1)
25 shall obligate the funds not later than September

1 30, 2021, and the funds shall be expended by grant-
2 ees and subgrantees not later than December 31,
3 2021, and used in accordance with subsection (b) of
4 this section (except that paragraph (3) of such sub-
5 section shall be applied by substituting “general rev-
6 enue funds of the Indian Tribe or Tribal organiza-
7 tion” for “State general revenue funds”).

8 (3) REPORTS.—

9 (A) PRE-EXPENDITURE REPORT AND IN-
10 TENDED USE PLAN.—Not later than 90 days
11 after an Indian Tribe or Tribal organization re-
12 ceives funds made available by this subsection,
13 the Indian Tribe or Tribal organization shall
14 submit to the Secretary of Health and Human
15 Services a pre-expenditure report on the in-
16 tended use of such funds including information
17 on the types of activities to be supported and
18 the categories or characteristics of individuals
19 to be served. The Indian Tribe or Tribal organi-
20 zation shall subsequently revise the pre-expendi-
21 ture report as necessary to reflect substantial
22 changes in the activities to be supported or the
23 categories or characteristics of individuals to be
24 served.

1 (B) POST-EXPENDITURE REPORT.—Not
2 later than January 1, 2022, each Indian Tribe
3 or Tribal organization that receives funds made
4 available under this section shall submit to the
5 Secretary of Health and Human Services a re-
6 port on the activities supported by such funds.
7 Such report shall be in such form and contain
8 such information (including the information de-
9 scribed in section 2006(c) of the Social Security
10 Act (42 U.S.C. 1397e(c))) as the Tribe or orga-
11 nization finds necessary to provide an accurate
12 description of such activities, to secure a com-
13 plete record of the purposes for which funds
14 were spent, and to determine the extent to
15 which funds were spent in a manner consistent
16 with the report required by subparagraph (A).

17 (4) APPROPRIATION.—Out of any money in the
18 Treasury of the United States not otherwise appro-
19 priated, there are appropriated \$650,000 for making
20 grants to Indian Tribes and Tribal organizations
21 under this subsection.

22 **SEC. 207. ASSESSMENT REPORTS.**

23 (a) IN GENERAL.—Not later than 2 years after the
24 date of enactment of this Act, the Secretary of Health and
25 Human Services shall submit a report to the Congress on

1 the programs, coordinating bodies, registries, and activi-
2 ties established or authorized under subtitle B of title XX
3 of the Social Security Act (42 U.S.C. 13971 et seq.) or
4 section 6703(b) of the Patient Protection and Affordable
5 Care Act (42 U.S.C. 1395i–3a(b)). The report shall assess
6 the extent to which such programs, coordinating bodies,
7 registries, and activities have improved access to, and the
8 quality of, resources available to aging Americans and
9 their caregivers to ultimately prevent, detect, and treat
10 abuse, neglect, and exploitation, and shall include, as ap-
11 propriate, recommendations to Congress on funding levels
12 and policy changes to help these programs, coordinating
13 bodies, registries, and activities better prevent, detect, and
14 treat abuse, neglect, and exploitation of aging Americans.

15 (b) LIMITATIONS ON AUTHORIZATION OF APPRO-
16 PRIATIONS.—For fiscal year 2021, out of any money in
17 the Treasury of the United States not otherwise appro-
18 priated, there are authorized to be appropriated to the
19 Secretary of Health and Human Services \$1,000,000 to
20 carry out this section.

1 **TITLE III—FAIRNESS FOR SEN-**
2 **IORS AND PEOPLE WITH DIS-**
3 **ABILITIES DURING COVID-19**

4 **SEC. 301. SOCIAL SECURITY AND SUPPLEMENTAL SECU-**
5 **RITY INCOME BENEFICIARY PROTECTIONS**
6 **REGARDING INCORRECT PAYMENTS DURING**
7 **COVID-19.**

8 (a) NO ADJUSTMENT, RECOVERY, OR LIABILITY
9 WITH RESPECT TO CERTAIN INCORRECT PAYMENTS.—

10 (1) IN GENERAL.—

11 (A) NO ADJUSTMENT, RECOVERY, OR LI-
12 ABILITY.—Notwithstanding any other provision
13 of title II, title VIII, title XI, or title XVI of
14 the Social Security Act, and subject to subpara-
15 graph (D), in the case of any payment under
16 title II, title VIII, or title XVI of such Act of
17 more than the correct amount for any month
18 during the period beginning on March 1, 2020,
19 and ending on January 31, 2021 (other than a
20 payment described in paragraph (2)), there
21 shall be no adjustment of such payment to, or
22 recovery by the United States from, any person,
23 estate, State, or organization, and no person,
24 estate, State, or organization shall be liable for

1 the repayment of the amount of such payment
2 in excess of the correct amount.

3 (B) AUTOMATIC RELIEF.—The Commis-
4 sioner of Social Security shall apply subpara-
5 graph (A) to each payment described therein
6 without requiring such person, estate, State, or
7 organization to so request and regardless of
8 whether such person, estate, State, or organiza-
9 tion so requests.

10 (C) PRESUMPTIONS TO APPLY.—For the
11 purposes of precluding such adjustment or re-
12 covery, the Commissioner of Social Security
13 may presume—

14 (i) all such persons, estates, States, or
15 organizations to be not at fault; and

16 (ii) recovery to be against equity and
17 good conscience.

18 (D) RULE OF CONSTRUCTION.—Notwith-
19 standing the preceding subparagraphs, in case
20 of any payment described in subparagraph (A)
21 that has been recovered, in full or in part, the
22 Commissioner of Social Security shall have no
23 obligation to issue refunds of such recovered
24 amounts.

1 (2) AMOUNTS SUBJECT TO LIABILITY AND RE-
2 COVERY.—A payment described in this paragraph is
3 a payment of more than the correct amount result-
4 ing from—

5 (A) a conviction for an offense under sec-
6 tion 208(a), 811, or 1632(a) of the Social Secu-
7 rity Act;

8 (B) an incorrect or incomplete statement
9 that is knowingly made and material, or the
10 knowing concealment of material information;
11 or

12 (C) a determination that a representative
13 payee misused benefits made under section
14 205(j), 807, or 1631(a)(2) of the Social Secu-
15 rity Act,

16 but only if such offense, misstatement, or misuse oc-
17 curred on or after March 1.

18 (b) NOTIFICATIONS; SUSPENSION OF RECOVERY
19 UPON REQUEST.—

20 (1) RECOVERY BY ADJUSTMENT OF BENE-
21 FITS.—

22 (A) IN GENERAL.—Not later than Novem-
23 ber 30, 2020, the Commissioner of Social Secu-
24 rity shall—

1 (i) notify each covered individual of
2 the opportunity to request that the adjust-
3 ment of benefits described in subparagraph
4 (B) be reduced or suspended during the
5 period described in subsection (a)(1); and

6 (ii) reduce or suspend (as requested)
7 such adjustment immediately upon receipt
8 of the request.

9 (B) COVERED INDIVIDUAL.—In this para-
10 graph, the term “covered individual” means an
11 individual with respect to whom the recovery of
12 any payment under title II, title VIII, or title
13 XVI of the Social Security Act of more than the
14 correct amount (other than a payment de-
15 scribed in paragraph (a)(2)) is in effect, by ad-
16 justment of the individual’s monthly benefits or
17 underpayments, for any month during the pe-
18 riod described in subsection (a)(1).

19 (2) RECOVERY BY INSTALLMENT AGREE-
20 MENTS.—Not later than November 30, 2020, the
21 Commissioner of Social Security shall notify each
22 party owing a debt to the Social Security Adminis-
23 tration (other than a debt arising from a payment
24 described in paragraph (a)(2)) with respect to which
25 an installment agreement is in effect of the oppor-

1 tunity to request that the installment payments
2 under such agreement be suspended during the pe-
3 riod described in subsection (a)(1), and shall sus-
4 pend such payments upon request. The Commis-
5 sioner of Social Security shall deem a debt for which
6 such a suspension has been made to be not delin-
7 quent during such period.

8 (c) REPORT.—Not later than 30 days after the date
9 of enactment of this Act, the Commissioner of Social Secu-
10 rity shall submit a report to the Committee on Ways and
11 Means of the House of Representatives and the Committee
12 on Finance of the Senate describing the Commissioner’s
13 activities under this section.

14 (d) DEEMED ELIGIBILITY FOR SSI FOR PURPOSES
15 OF DETERMINING MEDICAID ELIGIBILITY.—

16 (1) IN GENERAL.—Notwithstanding any provi-
17 sion of title XVI or title XIX of the Social Security
18 Act (or section 212(a) of Public Law 93–66), each
19 individual who receives a covered supplemental pay-
20 ment for any month during the period described in
21 subsection (a)(1) and is subsequently determined to
22 be ineligible for such payment shall be deemed to be
23 a recipient of supplemental security income benefits
24 under title XVI or State supplementary benefits of
25 the type referred to in section 1616(a) of such Act

1 (or payments of the type described in section 212(a)
2 of Public Law 93–66), as the case may be, for such
3 month for purposes of determining the individual’s
4 eligibility for medical assistance under a State plan
5 approved under title XIX of the Social Security Act
6 (42 U.S.C. 1396 et seq.) (or a waiver of such plan).

7 (2) COVERED SUPPLEMENTAL PAYMENT.—For
8 purposes of this subsection, a covered supplemental
9 payment is—

10 (A) a payment of a supplemental security
11 income benefit under title XVI of the Social Se-
12 curity Act; or

13 (B) a State supplementary payment of the
14 type referred to in section 1616(a) of such title
15 (or a payment of the type described in section
16 212(a) of Public Law 93–66).

17 (e) PROTECTION FOR CERTAIN MEDICARE BENE-
18 FICIARIES.—Notwithstanding section 226(a) of the Social
19 Security Act, in the case of any individual—

20 (1) who is entitled to hospital insurance bene-
21 fits under part A of title XVIII of the Social Secu-
22 rity by operation of section 226(a) of such Act; and

23 (2) whose entitlement to monthly insurance
24 benefits under section 202 of such Act or status as
25 a qualified railroad retirement beneficiary (as de-

1 fined in section 226(d) of such Act) terminates with
2 any month during the period beginning on March 1,
3 2020, and ending on January 31, 2021, as a result
4 of a determination made on or after August 31,
5 2020,

6 the individual's entitlement to such hospital insurance
7 benefits shall end with the month following the month in
8 which notice of termination of such entitlement to monthly
9 insurance benefits under section 202 of such Act or such
10 status as a qualified railroad retirement beneficiary is
11 mailed to the individual, or if earlier, with the month be-
12 fore the month in which the individual dies.

13 (f) HOLD HARMLESS FOR THE SOCIAL SECURITY
14 TRUST FUNDS.—There are appropriated, out of any mon-
15 eys in the Treasury not otherwise appropriated, to each
16 of the Federal Old-Age and Survivors Insurance Trust
17 Fund and the Federal Disability Insurance Trust Fund
18 for each fiscal year such amounts as the chief actuary of
19 the Social Security Administration shall certify are nec-
20 essary to place each such Trust Fund in the same position
21 at the end of such fiscal year as it would have been in
22 if the amendments made by this section had not been en-
23 acted.

1 **TITLE IV—SUPPORTING FOSTER**
2 **YOUTH AND FAMILIES**
3 **THROUGH THE PANDEMIC**

4 **SEC. 401. SHORT TITLE.**

5 This title may be cited as the “Supporting Foster
6 Youth and Families through the Pandemic Act”.

7 **SEC. 402. DEFINITIONS.**

8 In this title:

9 (1) **COVID–19 PUBLIC HEALTH EMERGENCY.**—

10 The term “COVID–19 public health emergency”
11 means the public health emergency declared by the
12 Secretary pursuant to section 319 of the Public
13 Health Service Act, entitled “Determination that a
14 Public Health Emergency Exists Nationwide as the
15 Result of the 2019 Novel Coronavirus”.

16 (2) **COVID–19 PUBLIC HEALTH EMERGENCY**

17 **PERIOD.**—The term “COVID–19 public health emer-
18 gency period” means the period beginning on April
19 1, 2020 and ending with September 30, 2021.

20 (3) **SECRETARY.**—The term “Secretary” means
21 the Secretary of Health and Human Services.

22 **SEC. 403. CONTINUED SAFE OPERATION OF CHILD WEL-**

23 **FARE PROGRAMS AND SUPPORT FOR OLDER**

24 **FOSTER YOUTH.**

25 (a) **FUNDING INCREASES.**—

1 (1) INCREASE IN SUPPORT FOR CHAFEE PRO-
2 GRAMS.—Out of any money in the Treasury of the
3 United States not otherwise appropriated, there are
4 appropriated \$400,000,000 for fiscal year 2020, to
5 carry out section 477 of the Social Security Act, in
6 addition to any amounts otherwise made available
7 for such purpose.

8 (2) EDUCATION AND TRAINING VOUCHERS.—Of
9 the amount made available by reason of paragraph
10 (1) of this subsection, not less than \$50,000,000
11 shall be reserved for the provision of vouchers pursu-
12 ant to section 477(h)(2) of the Social Security Act.

13 (3) APPLICABILITY OF TECHNICAL ASSISTANCE
14 TO ADDITIONAL FUNDS.—

15 (A) IN GENERAL.—Section 477(g)(2) of
16 the Social Security Act shall apply with respect
17 to the amount made available by reason of
18 paragraph (1) of this subsection as if the
19 amount were included in the amount specified
20 in section 477(h) of such Act.

21 (B) RESERVATION OF FUNDS.—

22 (i) IN GENERAL.—Of the amount to
23 which section 477(g)(2) of the Social Secu-
24 rity Act applies by reason of subparagraph
25 (A) of this paragraph, the Secretary shall

1 reserve not less than \$500,000 to provide
2 technical assistance to a State imple-
3 menting or seeking to implement a driving
4 and transportation program for foster
5 youth.

6 (ii) PROVIDER QUALIFICATIONS.—The
7 Secretary shall ensure that the entity pro-
8 viding the assistance has demonstrated the
9 capacity to—

10 (I) successfully administer activi-
11 ties in 1 or more States to provide
12 driver’s licenses to youth who are in
13 foster care under the responsibility of
14 the State; and

15 (II) increase the number of such
16 foster youth who obtain a driver’s li-
17 cense.

18 (4) INAPPLICABILITY OF STATE MATCHING RE-
19 QUIREMENT TO ADDITIONAL FUNDS.—In making
20 payments under subsections (a)(4) and (e)(1) of sec-
21 tion 474 of the Social Security Act from the addi-
22 tional funds made available as a result of para-
23 graphs (1) and (2) of this subsection, the percent-
24 ages specified in subsections (a)(4)(A)(i) and (e)(1)

1 of such section are, respectively, deemed to be 100
2 percent.

3 (5) MAXIMUM AWARD AMOUNT.—The dollar
4 amount specified in section 477(i)(4)(B) of the So-
5 cial Security Act through the end of fiscal year 2021
6 is deemed to be \$12,000.

7 (6) INAPPLICABILITY OF NYTD PENALTY TO
8 ADDITIONAL FUNDS.—In calculating any penalty
9 under section 477(e)(2) of the Social Security Act
10 with respect to the National Youth in Transition
11 Database (NYTD) for the COVID–19 public health
12 emergency period, none of the additional funds made
13 available by reason of paragraphs (1) and (2) of this
14 subsection shall be considered to be part of an allot-
15 ment to a State under section 477(c) of such Act.

16 (b) MAXIMUM AGE LIMITATION ON ELIGIBILITY FOR
17 ASSISTANCE.—During fiscal years 2020 and 2021, a child
18 may be eligible for services and assistance under section
19 477 of the Social Security Act until the child attains 27
20 years of age, notwithstanding any contrary certification
21 made under such section.

22 (c) SPECIAL RULE.—With respect to funds made
23 available by reason of subsection (a) that are used during
24 the COVID–19 public health emergency period to support
25 activities due to the COVID–19 pandemic, the Secretary

1 may not require any State to provide proof of a direct
2 connection to the pandemic if doing so would be adminis-
3 tratively burdensome or would otherwise delay or impede
4 the ability of the State to serve foster youth.

5 (d) PROGRAMMATIC FLEXIBILITIES.—During the
6 COVID–19 public health emergency period:

7 (1) SUSPENSION OF CERTAIN REQUIREMENTS
8 UNDER THE EDUCATION AND TRAINING VOUCHER
9 PROGRAM.—The Secretary shall allow a State to
10 waive the applicability of the requirement in section
11 477(i)(3) of the Social Security Act that a youth
12 must be enrolled in a postsecondary education or
13 training program or making satisfactory progress to-
14 ward completion of that program if a youth is un-
15 able to do so due to the COVID–19 public health
16 emergency.

17 (2) AUTHORITY TO USE VOUCHERS TO MAIN-
18 TAIN TRAINING AND POSTSECONDARY EDUCATION.—
19 A voucher provided under a State educational and
20 training voucher program under section 477(i) of the
21 Social Security Act may be used for maintaining
22 training and postsecondary education, including less
23 than full-time matriculation costs or other expenses
24 that are not part of the cost of attendance but would

1 help support youth in remaining enrolled as de-
2 scribed in paragraph (1) of this subsection.

3 (3) AUTHORITY TO WAIVE LIMITATIONS ON
4 PERCENTAGE OF FUNDS USED FOR HOUSING ASSIST-
5 ANCE AND ELIGIBILITY FOR SUCH ASSISTANCE.—

6 Notwithstanding section 477(b)(3)(B) of the Social
7 Security Act, a State may use—

8 (A) more than 30 percent of the amounts
9 paid to the State from its allotment under sec-
10 tion 477(c)(1) of such Act for a fiscal year, for
11 room or board payments; and

12 (B) any of such amounts for youth other-
13 wise eligible for services under section 477 of
14 such Act who—

15 (i) have attained 18 years of age and
16 not 27 years of age; and

17 (ii) experienced foster care at 14
18 years of age or older.

19 (4) AUTHORITY TO PROVIDE DRIVING AND
20 TRANSPORTATION ASSISTANCE.—

21 (A) USE OF FUNDS.—Funds provided
22 under section 477 of the Social Security Act
23 may be used to provide driving and transpor-
24 tation assistance to youth described in para-
25 graph (3)(B) who have attained 15 years of age

1 with costs related to obtaining a driver's license
2 and driving lawfully in a State (such as vehicle
3 insurance costs, driver's education class and
4 testing fees, practice lessons, practice hours, li-
5 cense fees, roadside assistance, deductible as-
6 sistance, and assistance in purchasing an auto-
7 mobile).

8 (B) MAXIMUM ALLOWANCE.—The amount
9 of the assistance provided for each eligible
10 youth under subparagraph (A) shall not exceed
11 \$4,000 per year, and any assistance so provided
12 shall be disregarded for purposes of deter-
13 mining the recipient's eligibility for, and the
14 amount of, any other Federal or federally-sup-
15 ported assistance, except that the State agency
16 shall take appropriate steps to prevent duplica-
17 tion of benefits under this and other Federal or
18 federally-supported programs.

19 (C) REPORT TO THE CONGRESS.—Within
20 6 months after the end of the expenditure pe-
21 riod, the Secretary shall submit to the Congress
22 a report on the extent to which, and the man-
23 ner in which, the funds to which subsection
24 (a)(3) applies were used to provide technical as-
25 sistance to State child welfare programs, mon-

1 itor State performance and foster youth out-
2 comes, and evaluate program effectiveness.

3 **SEC. 404. PREVENTING AGING OUT OF FOSTER CARE DUR-**
4 **ING THE PANDEMIC.**

5 (a) ADDRESSING FOSTER CARE AGE RESTRICTIONS
6 DURING THE PANDEMIC.—A State operating a program
7 under part E of title IV of the Social Security Act may
8 not require a child who is in foster care under the respon-
9 sibility of the State to leave foster care solely by reason
10 of the child’s age. A child may not be found ineligible for
11 foster care maintenance payments under section 472 of
12 such Act solely due to the age of the child or the failure
13 of the child to meet a condition of section 475(8)(B)(iv)
14 of such Act before October 1, 2021.

15 (b) RE-ENTRY TO FOSTER CARE FOR YOUTH WHO
16 AGE OUT DURING THE PANDEMIC.—A State operating a
17 program under the State plan approved under part E of
18 title IV of the Social Security Act (and without regard
19 to whether the State has exercised the option provided by
20 section 475(8)(B) of such Act to extend assistance under
21 such part to older children) shall—

22 (1) permit any youth who left foster care due
23 to age during the COVID–19 public health emer-
24 gency to voluntarily re-enter foster care;

1 (2) provide to each such youth who was for-
2 mally discharged from foster care during the
3 COVID–19 public health emergency, a notice de-
4 signed to make the youth aware of the option to re-
5 turn to foster care;

6 (3) facilitate the voluntary return of any such
7 youth to foster care; and

8 (4) conduct a public awareness campaign about
9 the option to voluntarily re-enter foster care for
10 youth who have not attained 22 years of age, who
11 aged out of foster care in fiscal year 2020 or fiscal
12 year 2021, and who are otherwise eligible to return
13 to foster care.

14 (c) PROTECTIONS FOR YOUTH IN FOSTER CARE.—
15 A State operating a program under the State plan ap-
16 proved under part E of title IV of the Social Security Act
17 shall—

18 (1) continue to ensure that the safety, perma-
19 nence, and well-being needs of older foster youth, in-
20 cluding youth who remain in foster care and youth
21 who age out of foster care during that period but
22 who re-enter foster care pursuant to this section, are
23 met; and

24 (2) work with any youth who remains in foster
25 care after attaining 18 years of age (or such greater

1 age as the State may have elected under section
2 475(8)(B)(iii) of such Act) to develop, or review and
3 revise, a transition plan consistent with the plan re-
4 ferred to in section 475(5)(H) of such Act, and as-
5 sist the youth with identifying adults who can offer
6 meaningful, permanent connections.

7 (d) AUTHORITY TO USE ADDITIONAL FUNDING FOR
8 CERTAIN COSTS INCURRED TO PREVENT AGING OUT OF,
9 FACILITATING RE-ENTRY TO, AND PROTECTING YOUTH
10 IN CARE DURING THE PANDEMIC.—

11 (1) IN GENERAL.—Subject to paragraph (2) of
12 this subsection, a State to which additional funds
13 are made available as a result of section 3(a) may
14 use the funds to meet any costs incurred in com-
15 plying with subsections (a), (b), and (c) of this sec-
16 tion.

17 (2) RESTRICTIONS.—

18 (A) The costs referred to in paragraph (1)
19 must be incurred after the date of the enact-
20 ment of this section and before October 1,
21 2021.

22 (B) The costs of complying with subsection
23 (a) or (c) of this section must not be incurred
24 on behalf of children eligible for foster care
25 maintenance payments under section 472 of the

1 Social Security Act, including youth who have
2 attained 18 years of age who are eligible for the
3 payments by reason of the temporary waiver of
4 the age requirement or the conditions of section
5 475(8)(B)(iv) of such Act.

6 (C) A State shall make reasonable efforts
7 to ensure that eligibility for foster care mainte-
8 nance payments under section 472 of the Social
9 Security Act is determined when a youth re-
10 mains in, or re-enters, foster care as a result of
11 the State complying with subsections (a) and
12 (c) of this section.

13 (D) A child who re-enters care during the
14 COVID–19 public health emergency period may
15 not be found ineligible for foster care mainte-
16 nance payments under section 472 of the Social
17 Security Act solely due to age or the require-
18 ments of section 475(8)(B)(iv) of such Act be-
19 fore October 1, 2021.

20 (e) TERMINATION OF CERTAIN PROVISIONS.—The
21 preceding provisions of this section shall have no force or
22 effect after September 30, 2021.

1 **SEC. 405. FAMILY FIRST PREVENTION SERVICES PROGRAM**
2 **PANDEMIC FLEXIBILITY.**

3 During the COVID–19 public health emergency pe-
4 riod, each percentage specified in subparagraphs (A)(i)
5 and (B) of section 474(a)(6) of the Social Security Act
6 is deemed to be 100 percent.

7 **SEC. 406. EMERGENCY FUNDING FOR THE MARYLEE ALLEN**
8 **PROMOTING SAFE AND STABLE FAMILIES**
9 **PROGRAM.**

10 (a) IN GENERAL.—Out of any money in the Treasury
11 of the United States not otherwise appropriated, there are
12 appropriated \$85,000,000 to carry out section 436(a) of
13 the Social Security Act for fiscal year 2020, in addition
14 to any amounts otherwise made available for such pur-
15 pose. For purposes of section 436(b) of such Act, the
16 amount made available by the preceding sentence shall be
17 considered part of the amount specified in such section
18 436(a).

19 (b) INAPPLICABILITY OF STATE MATCHING RE-
20 QUIREMENT TO ADDITIONAL FUNDS.—In making pay-
21 ments under section 434(a) of the Social Security Act
22 from the additional funds made available as a result of
23 subsection (a) of this section, the percentage specified in
24 section 434(a)(1) of such Act is deemed to be 100 percent.

25 (c) CONFORMING AMENDMENTS.—Section 436 of the
26 Social Security Act (42 U.S.C. 629f) is amended in each

1 of subsections (a), (b)(4), and (b)(5) by striking “2021”
2 and inserting “2022”.

3 **SEC. 407. COURT IMPROVEMENT PROGRAM.**

4 (a) RESERVATION OF FUNDS.—Of the additional
5 amounts made available by reason of section 406 of this
6 title, the Secretary shall reserve \$10,000,000 for grants
7 under subsection (b) of this section, which shall be consid-
8 ered to be made under section 438 of the Social Security
9 Act.

10 (b) DISTRIBUTION OF FUNDS.—

11 (1) IN GENERAL.—From the amounts reserved
12 under subsection (a) of this section, the Secretary
13 shall—

14 (A) reserve not more than \$500,000 for
15 Tribal court improvement activities; and

16 (B) from the amount remaining after the
17 application of subparagraph (A), make a grant
18 to each highest State court that is approved to
19 receive a grant under section 438 of the Social
20 Security Act for the purpose described in sec-
21 tion 438(a)(3) of such Act, for fiscal year 2020.

22 (2) AMOUNT.—The amount of the grant award-
23 ed to a highest State court under this subsection
24 shall be the sum of—

25 (A) \$85,000; and

1 (B) the amount that bears the same ratio
2 to the amount reserved under subsection (a)
3 that remains after the application of paragraph
4 (1)(A) and subparagraph (A) of this paragraph,
5 as the number of individuals in the State in
6 which the court is located who have not at-
7 tained 21 years of age bears to the total num-
8 ber of such individuals in all States the highest
9 courts of which were awarded a grant under
10 this subsection (based on the most recent year
11 for which data are available from the Bureau of
12 the Census).

13 (3) OTHER RULES.—

14 (A) IN GENERAL.—The grants awarded to
15 the highest State courts under this subsection
16 shall be in addition to any grants made to the
17 courts under section 438 of the Social Security
18 Act for any fiscal year.

19 (B) NO ADDITIONAL APPLICATION.—The
20 Secretary shall award grants to the highest
21 State courts under this subsection without re-
22 quiring the courts to submit an additional ap-
23 plication.

1 (C) REPORTS.—The Secretary may estab-
2 lish reporting criteria specific to the grants
3 awarded under this subsection.

4 (D) REDISTRIBUTION OF FUNDS.—If a
5 highest State court does not accept a grant
6 awarded under this subsection, or does not
7 agree to comply with any reporting require-
8 ments imposed under subparagraph (C) or the
9 use of funds requirements specified in sub-
10 section (c), the Secretary shall redistribute the
11 grant funds that would have been awarded to
12 that court under this subsection among the
13 other highest State courts that are awarded
14 grants under this subsection and agree to com-
15 ply with the reporting and use of funds require-
16 ments.

17 (E) NO MATCHING REQUIREMENT.—The
18 limitation on the use of funds specified in sec-
19 tion 438(d) of such Act shall not apply to the
20 grants awarded under this section.

21 (c) USE OF FUNDS.—A highest State court awarded
22 a grant under subsection (b) shall use the grant funds to
23 address needs stemming from the COVID–19 public
24 health emergency, which may include any of the following:

1 (1) Technology investments to facilitate the
2 transition to remote hearings for dependency courts
3 when necessary as a direct result of the COVID–19
4 public health emergency.

5 (2) Training for judges, attorneys, and case-
6 workers on facilitating and participating in remote
7 hearings that comply with due process and all appli-
8 cable law, ensure child safety and well-being, and
9 help inform judicial decision-making.

10 (3) Programs to help families address aspects
11 of the case plan to avoid delays in legal proceedings
12 that would occur as a direct result of the COVID–
13 19 public health emergency.

14 (4) Other purposes to assist courts, court per-
15 sonnel, or related staff related to the COVID–19
16 public health emergency.

17 (d) CONFORMING AMENDMENTS.—Section 438 of the
18 Social Security Act (42 U.S.C. 629h) is amended in each
19 of subsections (e)(1) and (d) by striking “2021” and in-
20 serting “2022”.

21 **SEC. 408. KINSHIP NAVIGATOR PROGRAMS PANDEMIC**
22 **FLEXIBILITY.**

23 (a) INAPPLICABILITY OF MATCHING FUNDS RE-
24 QUIREMENTS.—During the COVID–19 public health
25 emergency period, the percentage specified in section

1 474(a)(7) of the Social Security Act is deemed to be 100
2 percent.

3 (b) WAIVER OF EVIDENCE STANDARD.—During the
4 COVID–19 public health emergency period, the require-
5 ment in section 474(a)(7) of the Social Security Act that
6 the Secretary determine that a kinship navigator program
7 be operated in accordance with promising, supported, or
8 well-supported practices that meet the applicable criteria
9 specified for the practices in section 471(e)(4)(C) of such
10 Act shall have no force or effect.

11 (c) OTHER ALLOWABLE USES OF FUNDS.—A State
12 may use funds provided to carry out a kinship navigator
13 program—

14 (1) for evaluations, independent systematic re-
15 view, and related activities;

16 (2) to provide short-term support to kinship
17 families for direct services or assistance during the
18 COVID–19 public health emergency period; and

19 (3) to ensure that kinship caregivers have the
20 information and resources to allow kinship families
21 to function at their full potential, including—

22 (A) ensuring that those who are at risk of
23 contracting COVID–19 have access to informa-
24 tion and resources for necessities, including

1 food, safety supplies, and testing and treatment
2 for COVID–19;

3 (B) access to technology and technological
4 supports needed for remote learning or other
5 activities that must be carried out virtually due
6 to the COVID–19 public health emergency;

7 (C) health care and other assistance, in-
8 cluding legal assistance and assistance with
9 making alternative care plans for the children
10 in their care if the caregivers were to become
11 unable to continue caring for the children;

12 (D) services to kinship families, including
13 kinship families raising children outside of the
14 foster care system; and

15 (E) assistance to allow children to continue
16 safely living with kin.

17 (d) TERRITORY CAP EXEMPTION.—Section
18 1108(a)(1) of the Social Security Act shall be applied
19 without regard to any amount paid to a territory pursuant
20 to this section that would not have been paid to the terri-
21 tory in the absence of this section.

1 **SEC. 409. ADJUSTMENT OF FUNDING CERTAINTY BASE-**
2 **LINES FOR FAMILY FIRST TRANSITION ACT**
3 **FUNDING CERTAINTY GRANTS.**

4 Section 602(c)(2) of division N of the Further Con-
5 solidated Appropriations Act, 2020 (Public Law 116–94)
6 is amended—

7 (1) in subparagraph (C), in the matter pre-
8 ceding clause (i), by striking “The calculation” and
9 inserting “Except as provided in subparagraph (G),
10 the calculation”; and

11 (2) by adding at the end the following:

12 “(G) **ADJUSTMENT OF FUNDING CER-**
13 **TAINTY BASELINES.**—

14 “(i) **HOLD HARMLESS FOR TEM-**
15 **PORARY INCREASE IN FMAP.**—For each fis-
16 cal year specified in subparagraph (B), the
17 Secretary shall increase the maximum
18 capped allocation for fiscal year 2019 or
19 the final cost neutrality limit for fiscal year
20 2018 for a State or sub-State jurisdiction
21 referred to in subparagraph (A)(i), by the
22 amount equal to the difference between—

23 “(I) the amount of the foster
24 care maintenance payments portion of
25 such maximum capped allocation or
26 final cost neutrality limit; and

1 “(II) the amount that the foster
2 care maintenance payments portion of
3 such maximum capped allocation or
4 final cost neutrality limit would be if
5 the Federal medical assistance per-
6 centage applicable to the State under
7 clause (ii) for the fiscal year so speci-
8 fied were used to determine the
9 amount of such portion.

10 “(ii) APPLICABLE FEDERAL MEDICAL
11 ASSISTANCE PERCENTAGE.—For purposes
12 of clause (i)(II), the Federal medical as-
13 sistance percentage applicable to a State
14 for a fiscal year specified in subparagraph
15 (B) is the average of the values of the Fed-
16 eral medical assistance percentage applica-
17 ble to the State in each quarter of such fis-
18 cal year under section 474(a)(1) of the So-
19 cial Security Act (42 U.S.C. 674(a)(1))
20 after application of any temporary increase
21 in the Federal medical assistance percent-
22 age for the State and quarter under sec-
23 tion 6008 of the Families First
24 Coronavirus Response Act (42 U.S.C.
25 1396d note) and any other Federal legisla-

1 tion enacted during the period that begins
2 on July 1, 2020, and ends on September
3 30, 2021.”.

4 **SEC. 410. TECHNICAL CORRECTION TO TEMPORARY IN-**
5 **CREASE OF MEDICAID FMAP.**

6 Section 6008 of the Families First Coronavirus Re-
7 sponse Act (Public Law 116–127) is amended by adding
8 at the end the following:

9 “(e) APPLICATION TO TITLE IV–E PAYMENTS.—If
10 the District of Columbia receives the increase described
11 in subsection (a) in the Federal medical assistance per-
12 centage for the District of Columbia with respect to a
13 quarter, the Federal medical assistance percentage for the
14 District of Columbia, as so increased, shall apply to pay-
15 ments made to the District of Columbia under part E of
16 title IV of the Social Security Act (42 U.S.C. 670 et seq.)
17 for that quarter, and the payments under such part shall
18 be deemed to be made on the basis of the Federal medical
19 assistance percentage applied with respect to such District
20 for purposes of title XIX of such Act (42 U.S.C. 1396
21 et seq.) and as increased under subsection (a).”.

1 **TITLE V—PANDEMIC STATE**
2 **FLEXIBILITIES**

3 **SEC. 501. EMERGENCY FLEXIBILITY FOR STATE TANF PRO-**
4 **GRAMS.**

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.

4 **SEC. 502. EMERGENCY FLEXIBILITY FOR CHILD SUPPORT**
5 **PROGRAMS.**

6 (a) IN GENERAL.—With respect to the period that
7 begins on March 1, 2020, and ends January 31, 2021:

8 (1) Sections 408(a)(2), 409(a)(5), and
9 409(a)(8) of the Social Security Act shall have no
10 force or effect.

11 (2) Notwithstanding section 466(d) of such Act,
12 the Secretary of Health and Human Services (in this
13 subsection referred to as the “Secretary”) may ex-
14 empt a State from any requirement of section 466
15 of such Act to respond to the COVID–19 pandemic,
16 except that the Secretary may not exempt a State
17 from any requirement to—

18 (A) provide a parent with notice of a right
19 to request a review and, if appropriate, adjust-
20 ment of a support order; or

21 (B) afford a parent the opportunity to
22 make such a request.

23 (3) The Secretary may not impose a penalty or
24 take any other adverse action against a State pursu-
25 ant to section 452(g)(1) of such Act for failure to

1 achieve a paternity establishment percentage of less
2 than 90 percent.

3 (4) The Secretary may not find that the pater-
4 nity establishment percentage for a State is not
5 based on reliable data for purposes of section
6 452(g)(1) of such Act, and the Secretary may not
7 determine that the data which a State submitted
8 pursuant to section 452(a)(4)(C)(i) of such Act and
9 which is used in determining a performance level is
10 not complete or reliable for purposes of section
11 458(b)(5)(B) of such Act, on the basis of the failure
12 of the State to submit OCSE Form 396 or 34 in a
13 timely manner.

14 (5) The Secretary may not impose a penalty or
15 take any other adverse action against a State for
16 failure to comply with section 454A(g)(1)(A)(i) or
17 454B(c)(1) of such Act.

18 (6) The Secretary may not disapprove a State
19 plan submitted pursuant to part D of title IV of
20 such Act for failure of the plan to meet the require-
21 ment of section 454(1) of such Act, and may not im-
22 pose a penalty or take any other adverse action
23 against a State with such a plan that meets that re-
24 quirement for failure to comply with that require-
25 ment.

1 (7) To the extent that a preceding provision of
2 this section applies with respect to a provision of law
3 applicable to a program operated by an Indian tribe
4 or tribal organization (as defined in subsections (e)
5 and (l) of section 4 of the Indian Self-Determination
6 and Education Assistance Act (25 U.S.C. 450b)),
7 that preceding provision shall apply with respect to
8 the Indian tribe or tribal organization.

9 (b) CLARIFICATION OF PERFORMANCE INCENTIVE
10 PAYMENT CALCULATION.—Notwithstanding paragraph
11 (3) of section 458(b) of the Social Security Act, the State
12 incentive payment share for each of fiscal years 2020 and
13 2021 for purposes of such section shall be the State incen-
14 tive payment share determined under such section for fis-
15 cal year 2019.

16 (c) STATE DEFINED.—In subsection (a), the term
17 “State” has the meaning given the term in section
18 1101(a) of the Social Security Act for purposes of title
19 IV of such Act.

1 **DIVISION K—HEALTH**
2 **PROVISIONS**

3 **SEC. 100. SHORT TITLE.**

4 This division may be cited as the “Investing in Amer-
5 ica’s Health Care During the COVID–19 Pandemic Act”.

6 **TITLE I—MEDICAID PROVISIONS**

7 **SEC. 101. COVID-19-RELATED TEMPORARY INCREASE OF**
8 **MEDICAID FMAP.**

9 (a) IN GENERAL.—Section 6008 of the Families
10 First Coronavirus Response Act (42 U.S.C. 1396d note)
11 is amended—

12 (1) in subsection (a)—

13 (A) by inserting “(or, if later, September
14 30, 2021)” after “last day of such emergency
15 period occurs”; and

16 (B) by striking “6.2 percentage points.”
17 and inserting “the percentage points specified
18 in subsection (e). In no case may the applica-
19 tion of this section result in the Federal medical
20 assistance percentage determined for a State
21 being more than 95 percent.”; and

22 (2) by adding at the end the following new sub-
23 sections:

1 “(f) SPECIFIED PERCENTAGE POINTS.—For pur-
2 poses of subsection (a), the percentage points specified in
3 this subsection are—

4 “(1) for each calendar quarter occurring during
5 the period beginning on the first day of the emer-
6 gency period described in paragraph (1)(B) of sec-
7 tion 1135(g) of the Social Security Act (42 U.S.C.
8 1320b-5(g)) and ending on September 30, 2020, 6.2
9 percentage points;

10 “(2) for each calendar quarter occurring during
11 the period beginning on October 1, 2020, and ending
12 on September 30, 2021, 14 percentage points; and

13 “(3) for each calendar quarter, if any, occurring
14 during the period beginning on October 1, 2021, and
15 ending on the last day of the calendar quarter in
16 which the last day of such emergency period occurs,
17 6.2 percentage points.

18 “(g) CLARIFICATIONS.—

19 “(1) In the case of a State that treats an indi-
20 vidual described in subsection (b)(3) as eligible for
21 the benefits described in such subsection, for the pe-
22 riod described in subsection (a), expenditures for
23 medical assistance and administrative costs attrib-
24 utable to such individual that would not otherwise be
25 included as expenditures under section 1903 of the

1 Social Security Act shall be regarded as expendi-
2 tures under the State plan approved under title XIX
3 of the Social Security Act or for administration of
4 such State plan.

5 “(2) The limitations on payment under sub-
6 sections (f) and (g) of section 1108 of the Social Se-
7 curity Act (42 U.S.C. 1308) shall not apply to Fed-
8 eral payments made under section 1903(a)(1) of the
9 Social Security Act (42 U.S.C. 1396b(a)(1)) attrib-
10 utable to the increase in the Federal medical assist-
11 ance percentage under this section.

12 “(3) Expenditures attributable to the increased
13 Federal medical assistance percentage under this
14 section shall not be counted for purposes of the limi-
15 tations under section 2104(b)(4) of such Act (42
16 U.S.C. 1397dd(b)(4)).

17 “(4) Notwithstanding the first sentence of sec-
18 tion 2105(b) of the Social Security Act (42 U.S.C.
19 1397ee(b)), the application of the increase under
20 this section may result in the enhanced FMAP of a
21 State for a fiscal year under such section exceeding
22 85 percent, but in no case may the application of
23 such increase before application of the second sen-
24 tence of such section result in the enhanced FMAP
25 of the State exceeding 95 percent.

1 “(h) SCOPE OF APPLICATION.—An increase in the
2 Federal medical assistance percentage for a State under
3 this section shall not be taken into account for purposes
4 of payments under part D of title IV of the Social Security
5 Act (42 U.S.C. 651 et seq.).”.

6 (b) EFFECTIVE DATE.—The amendments made by
7 subsection (a) shall take effect and apply as if included
8 in the enactment of section 6008 of the Families First
9 Coronavirus Response Act (Public Law 116–127).

10 **SEC. 102. ADDITIONAL SUPPORT FOR MEDICAID HOME AND**
11 **COMMUNITY-BASED SERVICES DURING THE**
12 **COVID-19 EMERGENCY PERIOD.**

13 (a) INCREASED FMAP.—

14 (1) IN GENERAL.—Notwithstanding section
15 1905(b) of the Social Security Act (42 U.S.C.
16 1396d(b)), in the case of an HCBS program State,
17 the Federal medical assistance percentage deter-
18 mined for the State under section 1905(b) of such
19 Act and, if applicable, increased under subsection
20 (y), (z), or (aa) of section 1905 of such Act (42
21 U.S.C. 1396d), section 1915(k) of such Act (42
22 U.S.C. 1396n(k)), or section 6008(a) of the Fami-
23 lies First Coronavirus Response Act (Public Law
24 116–127), shall be increased by 10 percentage
25 points with respect to expenditures of the State

1 under the State Medicaid program for home and
2 community-based services that are provided during
3 the HCBS program improvement period. In no case
4 may the application of the previous sentence result
5 in the Federal medical assistance percentage deter-
6 mined for a State being more than 95 percent.

7 (2) DEFINITIONS.—In this section:

8 (A) HCBS PROGRAM IMPROVEMENT PE-
9 RIOD.—The term “HCBS program improve-
10 ment period” means, with respect to a State,
11 the period—

12 (i) beginning on October 1, 2020; and

13 (ii) ending on September 30, 2021.

14 (B) HCBS PROGRAM STATE.—The term
15 “HCBS program State” means a State that
16 meets the condition described in subsection (b)
17 by submitting an application described in such
18 subsection, which is approved by the Secretary
19 pursuant to subsection (c).

20 (C) HOME AND COMMUNITY-BASED SERV-
21 ICES.—The term “home and community-based
22 services” means home health care services au-
23 thorized under paragraph (7) of section 1905(a)
24 of the Social Security Act (42 U.S.C.
25 1396d(a)), personal care services authorized

1 under paragraph (24) of such section, PACE
2 services authorized under paragraph (26) of
3 such section, services authorized under sub-
4 sections (b), (c), (i), (j), and (k) of section 1915
5 of such Act (42 U.S.C. 1396n), such services
6 authorized under a waiver under section 1115
7 of such Act (42 U.S.C. 1315), and such other
8 services specified by the Secretary.

9 (b) CONDITION.—The condition described in this sub-
10 section, with respect to a State, is that the State submits
11 an application to the Secretary, at such time and in such
12 manner as specified by the Secretary, that includes, in ad-
13 dition to such other information as the Secretary shall re-
14 quire—

15 (1) a description of which activities described in
16 subsection (d) that a state plans to implement and
17 a description of how it plans to implement such ac-
18 tivities;

19 (2) assurances that the Federal funds attrib-
20 utable to the increase under subsection (a) will be
21 used—

22 (A) to implement the activities described in
23 subsection (d); and

24 (B) to supplement, and not supplant, the
25 level of State funds expended for home and

1 community-based services for eligible individ-
2 uals through programs in effect as of the date
3 of the enactment of this section; and

4 (3) assurances that the State will conduct ade-
5 quate oversight and ensure the validity of such data
6 as may be required by the Secretary.

7 (c) APPROVAL OF APPLICATION.—Not later than 90
8 days after the date of submission of an application of a
9 State under subsection (b), the Secretary shall certify if
10 the application is complete. Upon certification that an ap-
11 plication of a State is complete, the application shall be
12 deemed to be approved for purposes of this section.

13 (d) ACTIVITIES TO IMPROVE THE DELIVERY OF
14 HCBS.—

15 (1) IN GENERAL.—A State shall work with
16 community partners, such as Area Agencies on
17 Aging, Centers for Independent Living, non-profit
18 home and community-based services providers, and
19 other entities providing home and community-based
20 services, to implement—

21 (A) the purposes described in paragraph

22 (2) during the COVID–19 public health emer-
23 gency period; and

24 (B) the purposes described in paragraph

25 (3) after the end of such emergency period.

1 (2) FOCUSED AREAS OF HCBS IMPROVE-
2 MENT.—The purposes described in this paragraph,
3 with respect to a State, are the following:

4 (A) To increase rates for home health
5 agencies and agencies that employ direct sup-
6 port professionals (including independent pro-
7 viders in a self-directed or consumer-directed
8 model) to provide home and community-based
9 services under the State Medicaid program,
10 provided that any agency or individual that re-
11 ceives payment under such an increased rate in-
12 creases the compensation it pays its home
13 health workers or direct support professionals.

14 (B) To provide paid sick leave, paid family
15 leave, and paid medical leave for home health
16 workers and direct support professionals.

17 (C) To provide hazard pay, overtime pay,
18 and shift differential pay for home health work-
19 ers and direct support professionals.

20 (D) To provide home and community-
21 based services to eligible individuals who are on
22 waiting lists for programs approved under sec-
23 tions 1115 or 1915 of the Social Security Act
24 (42 U.S.C. 1315, 1396n).

1 (E) To purchase emergency supplies and
2 equipment, which may include items not typi-
3 cally covered under the Medicaid program, such
4 as personal protective equipment, necessary to
5 enhance access to services and to protect the
6 health and well-being of home health workers
7 and direct support professionals.

8 (F) To pay for the travel of home health
9 workers and direct support professionals to con-
10 duct home and community-based services.

11 (G) To recruit new home health workers
12 and direct support professionals.

13 (H) To support family care providers of el-
14 igible individuals with needed supplies and
15 equipment, which may include items not typi-
16 cally covered under the Medicaid program, such
17 as personal protective equipment, and pay.

18 (I) To pay for training for home health
19 workers and direct support professionals that is
20 specific to the COVID–19 public health emer-
21 gency.

22 (J) To pay for assistive technologies, staff-
23 ing, and other costs incurred during the
24 COVID–19 public health emergency period in
25 order to facilitate community integration and

1 ensure an individual's person-centered service
2 plan continues to be fully implemented.

3 (K) To prepare information and public
4 health and educational materials in accessible
5 formats (including formats accessible to people
6 with low literacy or intellectual disabilities)
7 about prevention, treatment, recovery and other
8 aspects of COVID–19 for eligible individuals,
9 their families, and the general community
10 served by agencies described in subparagraph
11 (A).

12 (L) To pay for American sign language in-
13 terpreters to assist in providing home and com-
14 munity-based services to eligible individuals and
15 to inform the general public about COVID–19.

16 (M) To allow day services providers to pro-
17 vide home and community-based services.

18 (N) To pay for other expenses deemed ap-
19 propriate by the Secretary to enhance, expand,
20 or strengthen Home and Community-Based
21 Services, including retainer payments, and ex-
22 penses which meet the criteria of the home and
23 community-based settings rule published on
24 January 16, 2014.

1 (3) PERMISSIBLE USES AFTER THE EMER-
2 GENCY PERIOD.—The purpose described in this
3 paragraph, with respect to a State, is to assist eligi-
4 ble individuals who had to relocate to a nursing fa-
5 cility or institutional setting from their homes dur-
6 ing the COVID–19 public health emergency period
7 in—

8 (A) moving back to their homes (including
9 by paying for moving costs, first month’s rent,
10 and other one-time expenses and start-up
11 costs);

12 (B) resuming home and community-based
13 services;

14 (C) receiving mental health services and
15 necessary rehabilitative service to regain skills
16 lost while relocated during the public health
17 emergency period; and

18 (D) while funds attributable to the in-
19 creased FMAP under this section remain avail-
20 able, continuing home and community-based
21 services for eligible individuals who were served
22 from a waiting list for such services during the
23 public health emergency period.

24 (e) REPORTING REQUIREMENTS.—

1 (1) STATE REPORTING REQUIREMENTS.—Not
2 later than December 31, 2022, any State with re-
3 spect to which an application is approved by the Sec-
4 retary pursuant to subsection (c) shall submit a re-
5 port to the Secretary that contains the following in-
6 formation:

7 (A) Activities and programs that were
8 funded using Federal funds attributable to such
9 increase.

10 (B) The number of eligible individuals who
11 were served by such activities and programs.

12 (C) The number of eligible individuals who
13 were able to resume home and community-
14 based services as a result of such activities and
15 programs.

16 (2) HHS EVALUATION.—

17 (A) IN GENERAL.—The Secretary shall
18 evaluate the implementation and outcomes of
19 this section in the aggregate using an external
20 evaluator with experience evaluating home and
21 community-based services, disability programs,
22 and older adult programs.

23 (B) EVALUATION CRITERIA.—For pur-
24 poses of subparagraph (A), the external eval-
25 uator shall—

1 (i) document and evaluate changes in
2 access, availability, and quality of home
3 and community-based services in each
4 HCBS program State;

5 (ii) document and evaluate aggregate
6 changes in access, availability, and quality
7 of home and community-based services
8 across all such States; and

9 (iii) evaluate the implementation and
10 outcomes of this section based on—

11 (I) the impact of this section on
12 increasing funding for home and com-
13 munity-based services;

14 (II) the impact of this section on
15 achieving targeted access, availability,
16 and quality of home and community-
17 based services; and

18 (III) promising practices identi-
19 fied by activities conducted pursuant
20 to subsection (d) that increase access
21 to, availability of, and quality of home
22 and community-based services.

23 (C) DISSEMINATION OF EVALUATION FIND-
24 INGS.—The Secretary shall—

1 (i) disseminate the findings from the
2 evaluations conducted under this para-
3 graph to—

4 (I) all State Medicaid directors;

5 and

6 (II) the Committee on Energy
7 and Commerce of the House of Rep-
8 resentatives, the Committee on Fi-
9 nance of the Senate, and the Special
10 Committee on Aging of the Senate;

11 and

12 (ii) make all evaluation findings pub-
13 licly available in an accessible electronic
14 format and any other accessible format de-
15 termined appropriate by the Secretary.

16 (D) OVERSIGHT.—Each State with respect
17 to which an application is approved by the Sec-
18 retary pursuant to subsection (c) shall ensure
19 adequate oversight of the expenditure of Fed-
20 eral funds pursuant to such increase in accord-
21 ance with the Medicaid regulations, including
22 section 1115 and 1915 waiver regulations and
23 special terms and conditions for any relevant
24 waiver or grant program.

1 (3) NON-APPLICATION OF THE PAPERWORK RE-
2 DUCTION ACT.—Chapter 35 of title 44, United
3 States Code (commonly referred to as the “Paper-
4 work Reduction Act of 1995”), shall not apply to the
5 provisions of this subsection.

6 (f) ADDITIONAL DEFINITIONS.—In this section:

7 (1) COVID–19 PUBLIC HEALTH EMERGENCY
8 PERIOD.—The term “COVID–19 public health emer-
9 gency period” means the portion of the emergency
10 period described in paragraph (1)(B) of section
11 1135(g) of the Social Security Act (42 U.S.C.
12 1320b–5(g)) beginning on or after the date of the
13 enactment of this Act.

14 (2) ELIGIBLE INDIVIDUAL.—The term “eligible
15 individual” means an individual who is eligible for or
16 enrolled for medical assistance under a State Med-
17 icaid program.

18 (3) MEDICAID PROGRAM.—The term “Medicaid
19 program” means, with respect to a State, the State
20 program under title XIX of the Social Security Act
21 (42 U.S.C. 1396 et seq.) (including any waiver or
22 demonstration under such title or under section
23 1115 of such Act (42 U.S.C. 1315) relating to such
24 title).

1 (4) SECRETARY.—The term “Secretary” means
2 the Secretary of Health and Human Services.

3 (5) STATE.—The term “State” has the mean-
4 ing given such term for purposes of title XIX of the
5 Social Security Act (42 U.S.C. 1396 et seq.).

6 **SEC. 103. COVERAGE AT NO COST SHARING OF COVID-19**
7 **VACCINE AND TREATMENT.**

8 (a) MEDICAID.—

9 (1) IN GENERAL.—Section 1905(a)(4) of the
10 Social Security Act (42 U.S.C. 1396d(a)(4)) is
11 amended—

12 (A) by striking “and (D)” and inserting
13 “(D)”; and

14 (B) by striking the semicolon at the end
15 and inserting “; (E) during the portion of the
16 emergency period described in paragraph (1)(B)
17 of section 1135(g) beginning on the date of the
18 enactment of the Investing in America’s Health
19 Care During the COVID-19 Pandemic Act, a
20 COVID-19 vaccine licensed under section 351
21 of the Public Health Service Act, or approved
22 or authorized under sections 505 or 564 of the
23 Federal Food, Drug, and Cosmetic Act, and ad-
24 ministration of the vaccine; (F) during such
25 portion of the emergency period described in

1 paragraph (1)(B) of section 1135(g), items or
2 services for the prevention or treatment of
3 COVID–19, including drugs approved or au-
4 thorized under such section 505 or such section
5 564 or, without regard to the requirements of
6 section 1902(a)(10)(B) (relating to com-
7 parability), in the case of an individual who is
8 diagnosed with or presumed to have COVID–
9 19, during such portion of such emergency pe-
10 riod during which such individual is infected (or
11 presumed infected) with COVID–19, the treat-
12 ment of a condition that may complicate the
13 treatment of COVID–19;”.

14 (2) PROHIBITION OF COST SHARING.—

15 (A) IN GENERAL.—Subsections (a)(2) and
16 (b)(2) of section 1916 of the Social Security
17 Act (42 U.S.C. 1396o) are each amended—

18 (i) in subparagraph (F), by striking

19 “or” at the end;

20 (ii) in subparagraph (G), by striking

21 “; and” and inserting “, or”; and

22 (iii) by adding at the end the fol-
23 lowing subparagraphs:

24 “(H) during the portion of the emergency
25 period described in paragraph (1)(B) of section

1 1135(g) beginning on the date of the enactment
2 of this subparagraph, a COVID–19 vaccine li-
3 censed under section 351 of the Public Health
4 Service Act, or approved or authorized under
5 section 505 or 564 of the Federal Food, Drug,
6 and Cosmetic Act, and the administration of
7 such vaccine, or

8 “(I) during such portion of the emergency
9 period described in paragraph (1)(B) of section
10 1135(g), any item or service furnished for the
11 treatment of COVID–19, including drugs ap-
12 proved or authorized under such section 505 or
13 such section 564 or, in the case of an individual
14 who is diagnosed with or presumed to have
15 COVID–19, during the portion of such emer-
16 gency period during which such individual is in-
17 fected (or presumed infected) with COVID–19,
18 the treatment of a condition that may com-
19 plicate the treatment of COVID–19; and”.

20 (B) APPLICATION TO ALTERNATIVE COST
21 SHARING.—Section 1916A(b)(3)(B) of the So-
22 cial Security Act (42 U.S.C. 1396o–1(b)(3)(B))
23 is amended—

24 (i) in clause (xi), by striking “any
25 visit” and inserting “any service”; and

1 (ii) by adding at the end the following
2 clauses:

3 “(xii) During the portion of the emer-
4 gency period described in paragraph (1)(B)
5 of section 1135(g) beginning on the date of
6 the enactment of this clause, a COVID–19
7 vaccine licensed under section 351 of the
8 Public Health Service Act, or approved or
9 authorized under section 505 or 564 of the
10 Federal Food, Drug, and Cosmetic Act,
11 and the administration of such vaccine.

12 “(xiii) During such portion of the
13 emergency period described in paragraph
14 (1)(B) of section 1135(g), an item or serv-
15 ice furnished for the treatment of COVID–
16 19, including drugs approved or authorized
17 under such section 505 or such section 564
18 or, in the case of an individual who is diag-
19 nosed with or presumed to have COVID–
20 19, during such portion of such emergency
21 period during which such individual is in-
22 fected (or presumed infected) with
23 COVID–19, the treatment of a condition
24 that may complicate the treatment of
25 COVID–19.”.

1 (C) CLARIFICATION.—The amendments
2 made by this subsection shall apply with respect
3 to a State plan of a territory in the same man-
4 ner as a State plan of one of the 50 States.

5 (b) STATE PEDIATRIC VACCINE DISTRIBUTION PRO-
6 GRAM.—Section 1928 of the Social Security Act (42
7 U.S.C. 1396s) is amended—

8 (1) in subsection (a)(1)—

9 (A) in subparagraph (A), by striking “;
10 and” and inserting a semicolon;

11 (B) in subparagraph (B), by striking the
12 period and inserting “; and”; and

13 (C) by adding at the end the following sub-
14 paragraph:

15 “(C) during the portion of the emergency
16 period described in paragraph (1)(B) of section
17 1135(g) beginning on the date of the enactment
18 of this subparagraph, each vaccine-eligible child
19 (as defined in subsection (b)) is entitled to re-
20 ceive a COVID–19 vaccine from a program-reg-
21 istered provider (as defined in subsection
22 (h)(7)) without charge for—

23 “(i) the cost of such vaccine; or

24 “(ii) the administration of such vac-
25 cine.”;

1 (2) in subsection (c)(2)—

2 (A) in subparagraph (C)(ii), by inserting “,
3 but, during the portion of the emergency period
4 described in paragraph (1)(B) of section
5 1135(g) beginning on the date of the enactment
6 of the Investing in America’s Health Care Dur-
7 ing the COVID–19 Pandemic Act, may not im-
8 pose a fee for the administration of a COVID–
9 19 vaccine” before the period; and

10 (B) by adding at the end the following sub-
11 paragraph:

12 “(D) The provider will provide and admin-
13 ister an approved COVID–19 vaccine to a vac-
14 cine-eligible child in accordance with the same
15 requirements as apply under the preceding sub-
16 paragraphs to the provision and administration
17 of a qualified pediatric vaccine to such a
18 child.”; and

19 (3) in subsection (d)(1), in the first sentence,
20 by inserting “, including, during the portion of the
21 emergency period described in paragraph (1)(B) of
22 section 1135(g) beginning on the date of the enact-
23 ment of the Investing in America’s Health Care
24 During the COVID–19 Pandemic Act, with respect
25 to a COVID–19 vaccine licensed under section 351

1 of the Public Health Service Act, or approved or au-
2 thORIZED under section 505 or 564 of the Federal
3 Food, 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 Investing in America’s Health Care During the
5 COVID–19 Pandemic Act, items or services de-
6 scribed in section 1916(a)(2)(I) furnished dur-
7 ing such emergency period, or”.

8 (d) CONFORMING AMENDMENTS.—Section 1937 of
9 the Social Security Act (42 U.S.C. 1396u–7) is amend-
10 ed—

11 (1) in subsection (a)(1)(B), by inserting “,
12 under subelause (XXIII) of section
13 1902(a)(10)(A)(ii),” after “section
14 1902(a)(10)(A)(i)”;

15 (2) in subsection (b)(5), by adding before the
16 period the following: “, and, effective on the date of
17 the enactment of the Investing in America’s Health
18 Care During the COVID–19 Pandemic Act, must
19 comply with subparagraphs (F) through (I) of sub-
20 sections (a)(2) and (b)(2) of section 1916 and sub-
21 section (b)(3)(B) of section 1916A”.

22 (e) EFFECTIVE DATE.—The amendments made by
23 this section shall take effect on the date of enactment of
24 this Act and shall apply with respect to a COVID–19 vac-
25 cine beginning on the date that such vaccine is licensed

1 under section 351 of the Public Health Service Act (42
2 U.S.C. 262), or approved or authorized under section 505
3 or 564 of the Federal Food, Drug, and Cosmetic Act.

4 **SEC. 104. OPTIONAL COVERAGE AT NO COST SHARING OF**
5 **COVID-19 TREATMENT AND VACCINES UNDER**
6 **MEDICAID FOR UNINSURED INDIVIDUALS.**

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.—

1 (1) IN GENERAL.—Subsection (ss) of section
2 1902 of the Social Security Act (42 U.S.C. 1396a)
3 is amended to read as follows:

4 “(ss) UNINSURED INDIVIDUAL DEFINED.—For pur-
5 poses of this section, the term ‘uninsured individual’
6 means, notwithstanding any other provision of this title,
7 any individual who is not covered by minimum essential
8 coverage (as defined in section 5000A(f)(1) of the Internal
9 Revenue Code of 1986).”.

10 (2) EFFECTIVE DATE.—The amendment made
11 by paragraph (1) shall take effect and apply as if in-
12 cluded in the enactment of the Families First
13 Coronavirus Response Act (Public Law 116–127).

14 (c) CLARIFICATION REGARDING EMERGENCY SERV-
15 ICES FOR CERTAIN INDIVIDUALS.—Section 1903(v)(2) of
16 the Social Security Act (42 U.S.C. 1396b(v)(2)) is amend-
17 ed by adding at the end the following flush sentence:

18 “‘For purposes of subparagraph (A), care and serv-
19 ices described in such subparagraph include any in
20 vitro diagnostic product described in section
21 1905(a)(3)(B) (and the administration of such prod-
22 uct), any COVID–19 vaccine (and the administra-
23 tion of such vaccine), any item or service that is fur-
24 nished for the treatment of COVID–19, including
25 drugs approved or authorized under section 505 or

1 564 of the Federal Food, Drug, and Cosmetic Act,
2 or a condition that may complicate the treatment of
3 COVID–19, and any services described in section
4 1916(a)(2)(G).”.

5 (d) INCLUSION OF COVID–19 CONCERN AS AN
6 EMERGENCY CONDITION.—Section 1903(v)(3) of the So-
7 cial Security Act (42 U.S.C. 1396b(v)(3)) is amended by
8 adding at the end the following flush sentence:

9 “Such term includes any indication that an alien de-
10 scribed in paragraph (1) may have contracted
11 COVID–19.”.

12 **SEC. 105. MEDICAID COVERAGE FOR CITIZENS OF FREELY**
13 **ASSOCIATED STATES.**

14 (a) IN GENERAL.—Section 402(b)(2) of the Personal
15 Responsibility and Work Opportunity Reconciliation Act
16 of 1996 (8 U.S.C. 1612(b)(2)) is amended by adding at
17 the end the following new subparagraph:

18 “(G) MEDICAID EXCEPTION FOR CITIZENS
19 OF FREELY ASSOCIATED STATES.—With respect
20 to eligibility for benefits for the designated Fed-
21 eral program defined in paragraph (3)(C) (re-
22 lating to the Medicaid program), section 401(a)
23 and paragraph (1) shall not apply to any indi-
24 vidual who lawfully resides in 1 of the 50 States
25 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 **SEC. 106. TEMPORARY INCREASE IN MEDICAID DSH ALLOT-**
22 **MENTS.**

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 (b) DSH ALLOTMENT ADJUSTMENT FOR TEN-
22 NESSEE.—Section 1923(f)(6)(A)(vi) of the Social Security
23 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 **SEC. 107. ALLOWING FOR MEDICAL ASSISTANCE UNDER**
22 **MEDICAID FOR INMATES DURING 30-DAY PE-**
23 **RIOD PRECEDING RELEASE.**

24 (a) IN GENERAL.—The subdivision (A) following
25 paragraph (30) of section 1905(a) of the Social Security

1 Act (42 U.S.C. 1396d(a)) is amended by inserting “and
2 except during the 30-day period preceding the date of re-
3 lease of such individual from such public institution” after
4 “medical institution”.

5 (b) REPORT.—Not later than June 30, 2022, the
6 Medicaid and CHIP Payment and Access Commission
7 shall submit a report to Congress on the Medicaid inmate
8 exclusion under the subdivision (A) following paragraph
9 (30) of section 1905(a) of the Social Security Act (42
10 U.S.C. 1396d(a)). Such report may, to the extent prac-
11 ticable, include the following information:

12 (1) The number of incarcerated individuals who
13 would otherwise be eligible to enroll for medical as-
14 sistance under a State plan approved under title
15 XIX of the Social Security Act (42 U.S.C. 1396 et
16 seq.) (or a waiver of such a plan).

17 (2) Access to health care for incarcerated indi-
18 viduals, including a description of medical services
19 generally available to incarcerated individuals.

20 (3) A description of current practices related to
21 the discharge of incarcerated individuals, including
22 how prisons interact with State Medicaid agencies to
23 ensure that such individuals who are eligible to en-
24 roll for medical assistance under a State plan or
25 waiver described in paragraph (1) are so enrolled.

1 (4) If determined appropriate by the Commis-
2 sion, recommendations for Congress, the Depart-
3 ment of Health and Human Services, or States re-
4 garding the Medicaid inmate exclusion.

5 (5) Any other information that the Commission
6 determines would be useful to Congress.

7 **SEC. 108. MEDICAID COVERAGE OF CERTAIN MEDICAL**
8 **TRANSPORTATION.**

9 (a) CONTINUING REQUIREMENT OF MEDICAID COV-
10 ERAGE OF NECESSARY TRANSPORTATION.—

11 (1) REQUIREMENT.—Section 1902(a)(4) of the
12 Social Security Act (42 U.S.C. 1396a(a)(4)) is
13 amended—

14 (A) by striking “and including provision
15 for utilization” and inserting “including provi-
16 sion for utilization”; and

17 (B) by inserting after “supervision of ad-
18 ministration of the plan” the following: “, and,
19 subject to section 1903(i), including a specifica-
20 tion that the single State agency described in
21 paragraph (5) will ensure necessary transpor-
22 tation for beneficiaries under the State plan to
23 and from providers and a description of the
24 methods that such agency will use to ensure
25 such transportation”.

1 (2) APPLICATION WITH RESPECT TO BENCH-
2 MARK BENEFIT PACKAGES AND BENCHMARK EQUIV-
3 ALENT COVERAGE.—Section 1937(a)(1) of the Social
4 Security Act (42 U.S.C. 1396u–7(a)(1)) is amend-
5 ed—

6 (A) in subparagraph (A), by striking “sub-
7 section (E)” and inserting “subparagraphs (E)
8 and (F)”; and

9 (B) by adding at the end the following new
10 subparagraph:

11 “(F) NECESSARY TRANSPORTATION.—Not-
12 withstanding the preceding provisions of this
13 paragraph, a State may not provide medical as-
14 sistance through the enrollment of an individual
15 with benchmark coverage or benchmark equiva-
16 lent coverage described in subparagraph (A)(i)
17 unless, subject to section 1903(i)(9) and in ac-
18 cordance with section 1902(a)(4), the bench-
19 mark benefit package or benchmark equivalent
20 coverage (or the State)—

21 “(i) ensures necessary transportation
22 for individuals enrolled under such package
23 or coverage to and from providers; and

1 “(ii) provides a description of the
2 methods that will be used to ensure such
3 transportation.”.

4 (3) LIMITATION ON FEDERAL FINANCIAL PAR-
5 TICIPATION.—Section 1903(i) of the Social Security
6 Act (42 U.S.C. 1396b(i)) is amended by inserting
7 after paragraph (8) the following new paragraph:

8 “(9) with respect to any amount expended for
9 non-emergency transportation authorized under sec-
10 tion 1902(a)(4), unless the State plan provides for
11 the methods and procedures required under section
12 1902(a)(30)(A); or”.

13 (4) EFFECTIVE DATE.—The amendments made
14 by this subsection shall take effect on the date of the
15 enactment of this Act and shall apply to transpor-
16 tation furnished on or after such date.

17 (b) MEDICAID PROGRAM INTEGRITY MEASURES RE-
18 LATED TO COVERAGE OF NONEMERGENCY MEDICAL
19 TRANSPORTATION.—

20 (1) GAO STUDY.—Not later than two years
21 after the date of the enactment of this Act, the
22 Comptroller General of the United States shall con-
23 duct a study, and submit to Congress, a report on
24 coverage under the Medicaid program under title
25 XIX of the Social Security Act of nonemergency

1 transportation to medically necessary services. Such
2 study shall take into account the 2009 report of the
3 Office of the Inspector General of the Department of
4 Health and Human Services, titled “Fraud and
5 Abuse Safeguards for Medicaid Nonemergency Med-
6 ical Transportation” (OEI-06-07-003200). Such
7 report shall include the following:

8 (A) An examination of the 50 States and
9 the District of Columbia to identify safeguards
10 to prevent and detect fraud and abuse with re-
11 spect to coverage under the Medicaid program
12 of nonemergency transportation to medically
13 necessary services.

14 (B) An examination of transportation bro-
15 kers to identify the range of safeguards against
16 such fraud and abuse to prevent improper pay-
17 ments for such transportation.

18 (C) Identification of the numbers, types,
19 and outcomes of instances of fraud and abuse,
20 with respect to coverage under the Medicaid
21 program of such transportation, that State
22 Medicaid Fraud Control Units have investigated
23 in recent years.

24 (D) Identification of commonalities or
25 trends in program integrity, with respect to

1 such coverage, to inform risk management
2 strategies of States and the Centers for Medi-
3 care & Medicaid Services.

4 (2) STAKEHOLDER WORKING GROUP.—

5 (A) IN GENERAL.—Not later than one year
6 after the date of the enactment of this Act, the
7 Secretary of Health and Human Services,
8 through the Centers for Medicare & Medicaid
9 Services, shall convene a series of meetings to
10 obtain input from appropriate stakeholders to
11 facilitate discussion and shared learning about
12 the leading practices for improving Medicaid
13 program integrity, with respect to coverage of
14 nonemergency transportation to medically nec-
15 essary services.

16 (B) TOPICS.—The meetings convened
17 under subparagraph (A) shall—

18 (i) focus on ongoing challenges to
19 Medicaid program integrity as well as lead-
20 ing practices to address such challenges;
21 and

22 (ii) address specific challenges raised
23 by stakeholders involved in coverage under
24 the Medicaid program of nonemergency
25 transportation to medically necessary serv-

1 ices, including unique considerations for
2 specific groups of Medicaid beneficiaries
3 meriting particular attention, such as
4 American Indians and tribal land issues or
5 accommodations for individuals with dis-
6 abilities.

7 (C) STAKEHOLDERS.—Stakeholders de-
8 scribed in subparagraph (A) shall include indi-
9 viduals from State Medicaid programs, brokers
10 for nonemergency transportation to medically
11 necessary services that meet the criteria de-
12 scribed in section 1902(a)(70)(B) of the Social
13 Security Act (42 U.S.C. 1396a(a)(70)(B)), pro-
14 viders (including transportation network compa-
15 nies), Medicaid patient advocates, and such
16 other individuals specified by the Secretary.

17 (3) GUIDANCE REVIEW.—Not later than 18
18 months after the date of the enactment of this Act,
19 the Secretary of Health and Human Services,
20 through the Centers for Medicare & Medicaid Serv-
21 ices, shall assess guidance issued to States by the
22 Centers for Medicare & Medicaid Services relating to
23 Federal requirements for nonemergency transpor-
24 tation to medically necessary services under the
25 Medicaid program under title XIX of the Social Se-

1 curity Act and update such guidance as necessary to
2 ensure States have appropriate and current guidance
3 in designing and administering coverage under the
4 Medicaid program of nonemergency transportation
5 to medically necessary services.

6 (4) NEMT TRANSPORTATION PROVIDER AND
7 DRIVER REQUIREMENTS.—

8 (A) STATE PLAN REQUIREMENT.—Section
9 1902(a) of the Social Security Act (42 U.S.C.
10 1396a(a)) is amended—

11 (i) by striking “and” at the end of
12 paragraph (85);

13 (ii) by striking the period at the end
14 of paragraph (86) and inserting “; and”;
15 and

16 (iii) by inserting after paragraph (86)
17 the following new paragraph:

18 “(87) provide for a mechanism, which may in-
19 clude attestation, that ensures that, with respect to
20 any provider (including a transportation network
21 company) or individual driver of nonemergency
22 transportation to medically necessary services receiv-
23 ing payments under such plan (but excluding any
24 public transit authority), at a minimum—

1 “(A) each such provider and individual
2 driver is not excluded from participation in any
3 Federal health care program (as defined in sec-
4 tion 1128B(f)) and is not listed on the exclu-
5 sion list of the Inspector General of the Depart-
6 ment of Health and Human Services;

7 “(B) each such individual driver has a
8 valid driver’s license;

9 “(C) each such provider has in place a
10 process to address any violation of a State drug
11 law; and

12 “(D) each such provider has in place a
13 process to disclose to the State Medicaid pro-
14 gram the driving history, including any traffic
15 violations, of each such individual driver em-
16 ployed by such provider, including any traffic
17 violations.”.

18 (B) EFFECTIVE DATE.—

19 (i) IN GENERAL.—Except as provided
20 in clause (ii), the amendments made by
21 subparagraph (A) shall take effect on the
22 date of the enactment of this Act and shall
23 apply to services furnished on or after the
24 date that is one year after the date of the
25 enactment of this Act.

1 (ii) EXCEPTION IF STATE LEGISLA-
2 TION REQUIRED.—In the case of a State
3 plan for medical assistance under title XIX
4 of the Social Security Act which the Sec-
5 retary of Health and Human Services de-
6 termines requires State legislation (other
7 than legislation appropriating funds) in
8 order for the plan to meet the additional
9 requirement imposed by the amendments
10 made by subparagraph (A), the State plan
11 shall not be regarded as failing to comply
12 with the requirements of such title solely
13 on the basis of its failure to meet this ad-
14 ditional requirement before the first day of
15 the first calendar quarter beginning after
16 the close of the first regular session of the
17 State legislature that begins after the date
18 of the enactment of this Act. For purposes
19 of the previous sentence, in the case of a
20 State that has a 2-year legislative session,
21 each year of such session shall be deemed
22 to be a separate regular session of the
23 State legislature.

24 (5) ANALYSIS OF T-MSIS DATA.—Not later
25 than one year after the date of the enactment of this

1 Act, the Secretary of Health and Human Services,
2 through the Centers for Medicare & Medicaid Serv-
3 ices, shall analyze, and submit to Congress a report
4 on, the nation-wide data set under the Transformed
5 Medicaid Statistical Information System to identify
6 recommendations relating to coverage under the
7 Medicaid program under title XIX of the Social Se-
8 curity Act of nonemergency transportation to medi-
9 cally necessary services.

10 **TITLE II—MEDICARE** 11 **PROVISIONS**

12 **SEC. 201. HOLDING MEDICARE BENEFICIARIES HARMLESS** 13 **FOR SPECIFIED COVID-19 TREATMENT SERV-** 14 **ICES FURNISHED UNDER PART A OR PART B** 15 **OF THE MEDICARE PROGRAM.**

16 (a) IN GENERAL.—Notwithstanding any other provi-
17 sion of law, in the case of a specified COVID-19 treat-
18 ment service (as defined in subsection (b)) furnished dur-
19 ing any portion of the emergency period described in para-
20 graph (1)(B) of section 1135(g) of the Social Security Act
21 (42 U.S.C. 1320b-5(g)) beginning on or after the date of
22 the enactment of this Act to an individual entitled to bene-
23 fits under part A or enrolled under part B of title XVIII
24 of the Social Security Act (42 U.S.C. 1395 et seq.) for
25 which payment is made under such part A or such part

1 B, the Secretary of Health and Human Services (in this
2 section referred to as the “Secretary”) shall provide
3 that—

4 (1) any cost-sharing required (including any de-
5 ductible, copayment, or coinsurance) applicable to
6 such individual under such part A or such part B
7 with respect to such item or service is paid by the
8 Secretary; and

9 (2) the provider of services or supplier (as de-
10 fined in section 1861 of the Social Security Act (42
11 U.S.C. 1395x)) does not hold such individual liable
12 for such requirement.

13 (b) DEFINITION OF SPECIFIED COVID–19 TREAT-
14 MENT SERVICES.—For purposes of this section, the term
15 “specified COVID–19 treatment service” means any item
16 or service furnished to an individual for which payment
17 may be made under part A or part B of title XVIII of
18 the Social Security Act (42 U.S.C. 1395 et seq.) if such
19 item or service is included in a claim with an ICD–10–
20 CM code relating to COVID–19 (as described in the docu-
21 ment entitled “ICD–10–CM Official Coding Guidelines -
22 Supplement Coding encounters related to COVID–19
23 Coronavirus Outbreak” published on February 20, 2020,
24 or as otherwise specified by the Secretary).

1 (c) RECOVERY OF COST-SHARING AMOUNTS PAID BY
2 THE SECRETARY IN THE CASE OF SUPPLEMENTAL IN-
3 SURANCE COVERAGE.—

4 (1) IN GENERAL.—In the case of any amount
5 paid by the Secretary pursuant to subsection (a)(1)
6 that the Secretary determines would otherwise have
7 been paid by a group health plan or health insurance
8 issuer (as such terms are defined in section 2791 of
9 the Public Health Service Act (42 U.S.C. 300gg-
10 91)), a private entity offering a medicare supple-
11 mental policy under section 1882 of the Social Secu-
12 rity Act (42 U.S.C. 1395ss), any other health plan
13 offering supplemental coverage, a State plan under
14 title XIX of the Social Security Act, or the Secretary
15 of Defense under the TRICARE program, such
16 plan, issuer, private entity, other health plan, State
17 plan, or Secretary of Defense, as applicable, shall
18 pay to the Secretary, not later than 1 year after
19 such plan, issuer, private entity, other health plan,
20 State plan, or Secretary of Defense receives a notice
21 under paragraph (3), such amount in accordance
22 with this subsection.

23 (2) REQUIRED INFORMATION.—Not later than
24 9 months after the date of the enactment of this
25 Act, each group health plan, health insurance issuer,

1 private entity, other health plan, State plan, and
2 Secretary of Defense described in paragraph (1)
3 shall submit to the Secretary such information as
4 the Secretary determines necessary for purposes of
5 carrying out this subsection. Such information so
6 submitted shall be updated by such plan, issuer, pri-
7 vate entity, other health plan, State plan, or Sec-
8 retary of Defense, as applicable, at such time and in
9 such manner as specified by the Secretary.

10 (3) REVIEW OF CLAIMS AND NOTIFICATION.—

11 The Secretary shall establish a process under which
12 claims for items and services for which the Secretary
13 has paid an amount pursuant to subsection (a)(1)
14 are reviewed for purposes of identifying if such
15 amount would otherwise have been paid by a plan,
16 issuer, private entity, other health plan, State plan,
17 or Secretary of Defense described in paragraph (1).
18 In the case such a claim is so identified, the Sec-
19 retary shall determine the amount that would have
20 been otherwise payable by such plan, issuer, private
21 entity, other health plan, State plan, or Secretary of
22 Defense and notify such plan, issuer, private entity,
23 other health plan, State plan, or Secretary of De-
24 fense of such amount.

1 (4) ENFORCEMENT.—The Secretary may im-
2 pose a civil monetary penalty in an amount deter-
3 mined appropriate by the Secretary in the case of a
4 plan, issuer, private entity, other health plan, or
5 State plan that fails to comply with a provision of
6 this section. The provisions of section 1128A of the
7 Social Security Act shall apply to a civil monetary
8 penalty imposed under the previous sentence in the
9 same manner as such provisions apply to a penalty
10 or proceeding under subsection (a) or (b) of such
11 section.

12 (d) FUNDING.—The Secretary shall provide for the
13 transfer to the Centers for Medicare & Medicaid Program
14 Management Account from the Federal Hospital Insur-
15 ance Trust Fund and the Federal Supplementary Trust
16 Fund (in such portions as the Secretary determines appro-
17 priate) \$100,000,000 for purposes of carrying out this
18 section.

19 (e) REPORT.—Not later than 3 years after the date
20 of the enactment of this Act, the Inspector General of the
21 Department of Health and Human Services shall submit
22 to Congress a report containing an analysis of amounts
23 paid pursuant to subsection (a)(1) compared to amounts
24 paid to the Secretary pursuant to subsection (c).

1 (f) IMPLEMENTATION.—Notwithstanding any other
2 provision of law, the Secretary may implement the provi-
3 sions of this section by program instruction or otherwise.

4 **SEC. 202. ENSURING COMMUNICATIONS ACCESSIBILITY**
5 **FOR RESIDENTS OF SKILLED NURSING FA-**
6 **CILITIES DURING THE COVID-19 EMERGENCY**
7 **PERIOD.**

8 (a) IN GENERAL.—Section 1819(c)(3) of the Social
9 Security Act (42 U.S.C. 1395i–3(c)(3)) is amended—

10 (1) in subparagraph (D), by striking “and” at
11 the end;

12 (2) in subparagraph (E), by striking the period
13 and inserting “; and”; and

14 (3) by adding at the end the following new sub-
15 paragraph:

16 “(F) provide for reasonable access to the
17 use of a telephone, including TTY and TDD
18 services (as defined for purposes of section
19 483.10 of title 42, Code of Federal Regulations
20 (or a successor regulation)), and the internet
21 (to the extent available to the facility) and in-
22 form each such resident (or a representative of
23 such resident) of such access and any changes
24 in policies or procedures of such facility relating
25 to limitations on external visitors.”.

1 (b) COVID–19 PROVISIONS.—

2 (1) GUIDANCE.—Not later than 15 days after
3 the date of the enactment of this Act, the Secretary
4 of Health and Human Service shall issue guidance
5 on steps skilled nursing facilities may take to ensure
6 residents have access to televisitation during the
7 emergency period defined in section 1135(g)(1)(B)
8 of the Social Security Act (42 U.S.C. 1320b–
9 5(g)(1)(B)). Such guidance shall include information
10 on how such facilities will notify residents of such
11 facilities, representatives of such residents, and rel-
12 atives of such residents of the rights of such resi-
13 dents to such televisitation, and ensure timely and
14 equitable access to such televisitation.

15 (2) REVIEW OF FACILITIES.—The Secretary of
16 Health and Human Services shall take such steps as
17 determined appropriate by the Secretary to ensure
18 that residents of skilled nursing facilities and rel-
19 atives of such residents are made aware of the ac-
20 cess rights described in section 1819(c)(3)(F) of the
21 Social Security Act (42 U.S.C. 1395i–3(c)(3)(F)).

1 **SEC. 203. MEDICARE HOSPITAL INPATIENT PROSPECTIVE**
2 **PAYMENT SYSTEM OUTLIER PAYMENTS FOR**
3 **COVID-19 PATIENTS DURING CERTAIN EMER-**
4 **GENCY PERIOD.**

5 (a) IN GENERAL.—Section 1886(d)(5)(A) of the So-
6 cial Security Act (42 U.S.C. 1395ww(d)(5)(A)) is amend-
7 ed—

8 (1) in clause (ii), by striking “For cases” and
9 inserting “Subject to clause (vii), for cases”;

10 (2) in clause (iii), by striking “The amount”
11 and inserting “Subject to clause (vii), the amount”;

12 (3) in clause (iv), by striking “The total
13 amount” and inserting “Subject to clause (vii), the
14 total amount”; and

15 (4) by adding at the end the following new
16 clause:

17 “(vii) For discharges that have a primary or sec-
18 ondary diagnosis of COVID-19 and that occur during the
19 period beginning on the date of the enactment of this
20 clause and ending on the sooner of January 31, 2021, or
21 the last day of the emergency period described in section
22 1135(g)(1)(B), the amount of any additional payment
23 under clause (ii) for a subsection (d) hospital for such a
24 discharge shall be determined as if—

25 “(I) clause (ii) was amended by striking ‘plus
26 a fixed dollar amount determined by the Secretary’;

1 “(II) the reference in clause (iii) to ‘approximate the marginal cost of care beyond the cutoff
2 point applicable under clause (i) or (ii)’ were a reference to ‘approximate the marginal cost of care be-
3 yond the cutoff point applicable under clause (i), or,
4 in the case of an additional payment requested
5 under clause (ii), be equal to 100 percent of the
6 amount by which the costs of the discharge for
7 which such additional payment is so requested ex-
8 ceed the applicable DRG prospective payment rate’;
9 and
10 and

11 “(III) clause (iv) does not apply.”.

12 (b) EXCLUSION FROM REDUCTION IN AVERAGE
13 STANDARDIZED AMOUNTS PAYABLE TO HOSPITALS LO-
14 CATED IN CERTAIN AREAS.—Section 1886(d)(3)(B) of
15 the Social Security Act (42 U.S.C. 1395ww(d)(3)(B)) is
16 amended by inserting before the period the following: “,
17 other than additional payments described in clause (vii)
18 of such paragraph”.

19 (c) IMPLEMENTATION.—Notwithstanding any other
20 provision of law, the Secretary of Health and Human
21 Services may implement the amendments made by this
22 section by program instruction or otherwise.
23

1 **SEC. 204. COVERAGE OF TREATMENTS FOR COVID-19 AT NO**
2 **COST SHARING UNDER THE MEDICARE AD-**
3 **VANTAGE PROGRAM.**

4 (a) IN GENERAL.—Section 1852(a)(1)(B) of the So-
5 cial Security Act (42 U.S.C. 1395w-22(a)(1)(B)) is
6 amended by adding at the end the following new clause:

7 “(vii) SPECIAL COVERAGE RULES FOR
8 SPECIFIED COVID-19 TREATMENT SERV-
9 ICES.—Notwithstanding clause (i), in the
10 case of a specified COVID-19 treatment
11 service (as defined in section 201(b) of the
12 Investing in America’s Health Care During
13 the COVID-19 Pandemic Act) that is fur-
14 nished during a plan year occurring during
15 any portion of the emergency period de-
16 fined in section 1135(g)(1)(B) beginning
17 on or after the date of the enactment of
18 this clause, a Medicare Advantage plan
19 may not, with respect to such service, im-
20 pose—

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 **SEC. 205. REQUIRING COVERAGE UNDER MEDICARE PDPS**
14 **AND MA-PD PLANS, WITHOUT THE IMPOSI-**
15 **TION OF COST SHARING OR UTILIZATION**
16 **MANAGEMENT REQUIREMENTS, OF DRUGS**
17 **INTENDED TO TREAT COVID-19 DURING CER-**
18 **TAIN EMERGENCIES.**

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 cluding 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 **SEC. 206. MEDICARE SPECIAL ENROLLMENT PERIOD FOR**
2 **INDIVIDUALS RESIDING IN COVID-19 EMER-**
3 **GENCY AREAS.**

4 (a) IN GENERAL.—Section 1837(i) of the Social Se-
5 curity Act (42 U.S.C. 1395p(i)) is amended by adding at
6 the end the following new paragraph:

7 “(5)(A) In the case of an individual who—

8 “(i) is eligible under section 1836 to enroll
9 in the medical insurance program established by
10 this part,

11 “(ii) did not enroll (or elected not to be
12 deemed enrolled) under this section during an
13 enrollment period, and

14 “(iii) during the emergency period (as de-
15 scribed in section 1135(g)(1)(B)), resided in an
16 emergency area (as described in such section),
17 there shall be a special enrollment period de-
18 scribed in subparagraph (B).

19 “(B) The special enrollment period re-
20 ferred to in subparagraph (A) is the period that
21 begins not later than December 1, 2020, and
22 ends on the last day of the month in which the
23 emergency period (as described in section
24 1135(g)(1)(B)) ends.”.

25 (b) COVERAGE PERIOD FOR INDIVIDUALS
26 TRANSITIONING FROM OTHER COVERAGE.—Section

1 1838(e) of the Social Security Act (42 U.S.C. 1395q(e))
2 is amended—

3 (1) by striking “pursuant to section 1837(i)(3)
4 or 1837(i)(4)(B)—” and inserting the following:
5 “pursuant to—

6 “(1) section 1837(i)(3) or 1837(i)(4)(B)—”;

7 (2) by redesignating paragraphs (1) and (2) as
8 subparagraphs (A) and (B), respectively, and mov-
9 ing the indentation of each such subparagraph 2
10 ems to the right;

11 (3) by striking the period at the end of the sub-
12 paragraph (B), as so redesignated, and inserting “;
13 or”; and

14 (4) by adding at the end the following new
15 paragraph:

16 “(2) section 1837(i)(5), the coverage period
17 shall begin on the first day of the month following
18 the month in which the individual so enrolls.”.

19 (c) FUNDING.—The Secretary of Health and Human
20 Services shall provide for the transfer from the Federal
21 Hospital Insurance Trust Fund (as described in section
22 1817 of the Social Security Act (42 U.S.C. 1395i)) and
23 the Federal Supplementary Medical Insurance Trust
24 Fund (as described in section 1841 of such Act (42 U.S.C.
25 1395t)), in such proportions as determined appropriate by

1 the Secretary, to the Social Security Administration, of
2 \$30,000,000, to remain available until expended, for pur-
3 poses of carrying out the amendments made by this sec-
4 tion.

5 (d) IMPLEMENTATION.—Notwithstanding any other
6 provision of law, the Secretary of Health and Human
7 Services may implement the amendments made by this
8 section by program instruction or otherwise.

9 **SEC. 207. COVID-19 SKILLED NURSING FACILITY PAYMENT**
10 **INCENTIVE PROGRAM.**

11 (a) IN GENERAL.—Section 1819 of the Social Secu-
12 rity Act (42 U.S.C. 1395i-3) is amended by adding at the
13 end the following new subsection:

14 “(k) COVID-19 DESIGNATION PROGRAM.—

15 “(1) IN GENERAL.—Not later than 2 weeks
16 after the date of the enactment of this subsection,
17 the Secretary shall establish a program under which
18 a skilled nursing facility that makes an election de-
19 scribed in paragraph (2)(A) and meets the require-
20 ments described in paragraph (2)(B) is designated
21 (or a portion of such facility is so designated) as a
22 COVID-19 treatment center and receives incentive
23 payments under section 1888(e)(13).

24 “(2) DESIGNATION.—

1 “(A) IN GENERAL.—A skilled nursing fa-
2 cility may elect to be designated (or to have a
3 portion of such facility designated) as a
4 COVID–19 treatment center under the program
5 established under paragraph (1) if the facility
6 submits to the Secretary, at a time and in a
7 manner specified by the Secretary, an applica-
8 tion for such designation that contains such in-
9 formation as required by the Secretary and
10 demonstrates that such facility meets the re-
11 quirements described in subparagraph (B).

12 “(B) REQUIREMENTS.—The requirements
13 described in this subparagraph with respect to
14 a skilled nursing facility are the following:

15 “(i) The facility has a star rating with
16 respect to staffing of 4 or 5 on the Nurs-
17 ing Home Compare website (as described
18 in subsection (i)) and has maintained such
19 a rating on such website during the 2-year
20 period ending on the date of the submis-
21 sion of the application described in sub-
22 paragraph (A).

23 “(ii) The facility has a star rating of
24 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 **SEC. 208. FUNDING FOR STATE STRIKE TEAMS FOR RESI-**
4 **DENT AND EMPLOYEE SAFETY IN SKILLED**
5 **NURSING FACILITIES AND NURSING FACILI-**
6 **TIES.**

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.

1 (d) DEFINITIONS.—In this section:

2 (1) NURSING FACILITY.—The term “nursing
3 facility” has the meaning given such term in section
4 1919(a) of the Social Security Act (42 U.S.C.
5 1396r(a)).

6 (2) SKILLED NURSING FACILITY.—The term
7 “skilled nursing facility” has the meaning given such
8 term in section 1819(a) of the Social Security Act
9 (42 U.S.C. 1395i–3(a)).

10 **SEC. 209. PROVIDING FOR INFECTION CONTROL SUPPORT**
11 **TO SKILLED NURSING FACILITIES THROUGH**
12 **CONTRACTS WITH QUALITY IMPROVEMENT**
13 **ORGANIZATIONS.**

14 (a) IN GENERAL.—Section 1862(g) of the Social Se-
15 curity Act (42 U.S.C. 1395y(g)) is amended—

16 (1) by striking “The Secretary” and inserting
17 “(1) The Secretary”; and

18 (2) by adding at the end the following new
19 paragraph:

20 “(2)(A) The Secretary shall ensure that at least 1
21 contract with a quality improvement organization de-
22 scribed in paragraph (1) entered into on or after the date
23 of the enactment of this paragraph and before the end
24 of the emergency period described in section
25 1135(g)(1)(B) (or in effect as of such date) includes the

1 requirement that such organization provide to skilled
2 nursing facilities with cases of COVID–19 (or facilities at-
3 tempting to prevent outbreaks of COVID–19) infection
4 control support described in subparagraph (B) during
5 such period.

6 “(B) For purposes of subparagraph (A), the infection
7 control support described in this subparagraph is, with re-
8 spect to skilled nursing facilities described in such sub-
9 paragraph, the development and dissemination to such fa-
10 cilities of protocols relating to the prevention or mitigation
11 of COVID–19 at such facilities and the provision of train-
12 ing materials to such facilities relating to such prevention
13 or mitigation.”.

14 (b) FUNDING.—The Secretary of Health and Human
15 Services shall provide for the transfer from the Federal
16 Supplementary Medical Insurance Trust Fund (as de-
17 scribed in section 1841 of the Social Security Act (42
18 U.S.C. 1395t)) and the Federal Hospital Insurance Trust
19 Fund (as described in section 1817 of such Act (42 U.S.C.
20 1395i)), in such proportions as determined appropriate by
21 the Secretary, to the Centers for Medicare & Medicaid
22 Services Program Management Account, of \$210,000,000,
23 to remain available until expended, for purposes of enter-
24 ing into contracts with quality improvement organizations
25 under part B of title XI of such Act (42 U.S.C. 1320c

1 et seq.). Of the amount transferred pursuant to the pre-
2 vious sentence, not less than \$110,000,000 shall be used
3 for purposes of entering into such a contract that includes
4 the requirement described in section 1862(g)(2)(A) of
5 such Act (as added by subsection (a)).

6 **SEC. 210. REQUIRING LONG TERM CARE FACILITIES TO RE-**
7 **PORT CERTAIN INFORMATION RELATING TO**
8 **COVID-19 CASES AND DEATHS.**

9 (a) IN GENERAL.—The Secretary of Health and
10 Human Services (in this section referred to as the “Sec-
11 retary”) shall, as soon as practicable, require that the in-
12 formation described in paragraph (1) of section 483.80(g)
13 of title 42, Code of Federal Regulations, or a successor
14 regulation, be reported by a facility (as defined for pur-
15 poses of such section).

16 (b) DEMOGRAPHIC INFORMATION.—The Secretary
17 shall post the following information with respect to skilled
18 nursing facilities (as defined in section 1819(a) of the So-
19 cial Security Act (42 U.S.C. 1395i-3(a))) and nursing fa-
20 cilities (as defined in section 1919(a) of such Act (42
21 U.S.C. 1396r(a))) on the Nursing Home Compare website
22 (as described in section 1819(i) of the Social Security Act
23 (42 U.S.C. 1395i-3(i))), or a successor website, aggre-
24 gated by State:

1 (1) The age, race/ethnicity, and preferred lan-
2 guage of the residents of such skilled nursing facili-
3 ties and nursing facilities with suspected or con-
4 firmed COVID–19 infections, including residents
5 previously treated for COVID–19.

6 (2) The age, race/ethnicity, and preferred lan-
7 guage relating to total deaths and COVID–19
8 deaths among residents of such skilled nursing facili-
9 ties and nursing facilities.

10 (c) CONFIDENTIALITY.—Any information reported
11 under this section that is made available to the public shall
12 be made so available in a manner that protects the identity
13 of residents of skilled nursing facilities and nursing facili-
14 ties.

15 (d) IMPLEMENTATION.—The Secretary may imple-
16 ment the provisions of this section by program instruction
17 or otherwise.

18 **SEC. 211. FLOOR ON THE MEDICARE AREA WAGE INDEX**
19 **FOR HOSPITALS IN ALL-URBAN STATES.**

20 (a) IN GENERAL.—Section 1886(d)(3)(E) of the So-
21 cial Security Act (42 U.S.C. 1395ww(d)(3)(E)) is amend-
22 ed—

23 (1) in clause (i), in the first sentence, by strik-
24 ing “or (iii)” and inserting “, (iii), or (iv)”; and

1 (2) by adding at the end the following new
2 clause:

3 “(iv) FLOOR ON AREA WAGE INDEX
4 FOR HOSPITALS IN ALL-URBAN STATES.—

5 “(I) IN GENERAL.—For dis-
6 charges occurring on or after October
7 1, 2021, the area wage index applica-
8 ble under this subparagraph to any
9 hospital in an all-urban State (as de-
10 fined in subclause (IV)) may not be
11 less than the minimum area wage
12 index for the fiscal year for hospitals
13 in that State, as established under
14 subclause (II).

15 “(II) MINIMUM AREA WAGE
16 INDEX.—For purposes of subclause
17 (I), the Secretary shall establish a
18 minimum area wage index for a fiscal
19 year for hospitals in each all-urban
20 State using the methodology described
21 in section 412.64(h)(4) of title 42,
22 Code of Federal Regulations, as in ef-
23 fect for fiscal year 2018.

24 “(III) WAIVING BUDGET NEU-
25 TRALITY.—Pursuant to the fifth sen-

1 tence of clause (i), this subsection
2 shall not be applied in a budget neu-
3 tral manner.

4 “(IV) ALL-URBAN STATE DE-
5 FINED.—In this clause, the term ‘all-
6 urban State’ means a State in which
7 there are no rural areas (as defined in
8 paragraph (2)(D)) or a State in which
9 there are no hospitals classified as
10 rural under this section.”.

11 (b) WAIVING BUDGET NEUTRALITY.—

12 (1) TECHNICAL AMENDATORY CORRECTION.—
13 Section 10324(a)(2) of Public Law 111–148 is
14 amended by striking “third sentence” and inserting
15 “fifth sentence”.

16 (2) WAIVER.—Section 1886(d)(3)(E)(i) of the
17 Social Security Act (42 U.S.C. 1395ww(d)(3)(E)(i))
18 is amended, in the fifth sentence—

19 (A) by striking “and the amendments” and
20 inserting “, the amendments”; and

21 (B) by inserting “, and the amendments
22 made by section 211 of the Investing in Amer-
23 ica’s Health Care During the COVID–19 Pan-
24 demic Act” after “Care Act”.

1 **SEC. 212. RELIEF FOR SMALL RURAL HOSPITALS FROM IN-**
2 **ACCURATE INSTRUCTIONS PROVIDED BY**
3 **CERTAIN MEDICARE ADMINISTRATIVE CON-**
4 **TRACTORS.**

5 Section 1886(d)(5) of the Social Security Act (42
6 U.S.C. 1395ww(d)(5)) is amended by adding at the end
7 the following new subparagraph:

8 “(N)(i) Subject to clause (ii), in the case of a sole
9 community hospital or a medicare-dependent, small rural
10 hospital with respect to which a medicare administrative
11 contractor initially determined and paid a volume decrease
12 adjustment under subparagraph (D)(ii) or (G)(iii) for a
13 specified cost reporting period, at the election of the hos-
14 pital, the Secretary of Health and Human Services shall
15 replace the volume decrease adjustment subsequently de-
16 termined for that specified cost reporting period by the
17 medicare administrative contractor with the volume de-
18 crease adjustment initially determined and paid by the
19 medicare administrative contractor for that specified cost
20 reporting period.

21 “(ii)(I) Clause (i) shall not apply in the case of a sole
22 community hospital or a medicare-dependent, small rural
23 hospital for which the medicare administrative contractor
24 determination of the volume decrease adjustment with re-
25 spect to a specified cost reporting period of the hospital

1 is administratively final before the date that is three years
2 before the date of the enactment of this section.

3 “(II) For purposes of subclause (I), the date on which
4 the medicare administrative contractor determination with
5 respect to a volume decrease adjustment for a specified
6 cost reporting period is administratively final is the latest
7 of the following:

8 “(aa) The date of the contractor determination
9 (as defined in section 405.1801 of title 42, Code of
10 Federal Regulations).

11 “(bb) The date of the final outcome of any re-
12 opening of the medicare administrative contractor
13 determination under section 405.1885 of title 42,
14 Code of Federal Regulations.

15 “(cc) The date of the final outcome of the final
16 appeal filed by such hospital with respect to such
17 volume decrease adjustment for such specified cost
18 reporting period.

19 “(iii) For purposes of this subparagraph, the term
20 ‘specified cost reporting period’ means a cost reporting pe-
21 riod of a sole community hospital or a medicare-depend-
22 ent, small rural hospital, as the case may be, that begins
23 during a fiscal year before fiscal year 2018.”.

1 **SEC. 213. DEEMING CERTAIN HOSPITALS TO BE LOCATED**
2 **IN AN URBAN AREA FOR PURPOSES OF PAY-**
3 **MENT FOR INPATIENT HOSPITAL SERVICES**
4 **UNDER THE MEDICARE PROGRAM.**

5 Section 1886(d)(10) of the Social Security Act (42
6 U.S.C. 1395ww(d)(10)) is amended by adding at the end
7 the following new subparagraph:

8 “(G)(i) For purposes of payment under this sub-
9 section for discharges occurring during the 3-year period
10 beginning on October 1, 2020, each hospital located in Al-
11 bany, Saratoga, Schenectady, Montgomery, or Rensselaer
12 County of New York shall be deemed to be located in the
13 urban area of Hartford-East Hartford-Middletown, Con-
14 necticut (CBSA 25540), notwithstanding any other reclas-
15 sification or redesignation that otherwise would have ap-
16 plied for purposes of the wage index under this paragraph
17 or subparagraphs (B) or (E) of paragraph (8).

18 “(ii) Any deemed location of a hospital pursuant to
19 clause (i) shall be treated as a decision of the Medicare
20 Geographic Classification Review Board for purposes of
21 paragraph (8)(D).”.

22 **SEC. 214. EFFECTIVE DATE OF MEDICARE COVERAGE OF**
23 **COVID-19 VACCINES WITHOUT ANY COST-**
24 **SHARING.**

25 Effective as if included in the enactment of the
26 CARES Act (Public Law 116–136; 42 U.S.C. 13951

1 note), section 3713(d) of such Act is amended by inserting
2 before the period at the end the following: “or authorized
3 for emergency use under section 564 of the Federal Food,
4 Drug, and Cosmetic Act (21 U.S.C. 360bbb-3)”.

5 **TITLE III—PRIVATE INSURANCE**
6 **PROVISIONS**

7 **SEC. 301. SPECIAL ENROLLMENT PERIOD THROUGH EX-**
8 **CHANGES.**

9 (a) SPECIAL ENROLLMENT PERIOD THROUGH EX-
10 CHANGES.—Section 1311(e) of the Patient Protection and
11 Affordable Care Act (42 U.S.C. 18031(e)) is amended—

12 (1) in paragraph (6)—

13 (A) in subparagraph (C), by striking at the
14 end “and”;

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

17 (C) by adding at the end the following new
18 subparagraph:

19 “(E) subject to subparagraph (B) of para-
20 graph (8), the special enrollment period de-
21 scribed in subparagraph (A) of such para-
22 graph.”; and

23 (2) by adding at the end the following new
24 paragraph:

1 “(8) SPECIAL ENROLLMENT PERIOD FOR CER-
2 TAIN PUBLIC HEALTH EMERGENCY.—

3 “(A) IN GENERAL.—The Secretary shall,
4 subject to subparagraph (B), require an Ex-
5 change to provide—

6 “(i) for a special enrollment period
7 during the emergency period described in
8 section 1135(g)(1)(B) of the Social Secu-
9 rity Act—

10 “(I) which shall begin on the
11 date that is one week after the date of
12 the enactment of this paragraph and
13 which, in the case of an Exchange es-
14 tablished or operated by the Secretary
15 within a State pursuant to section
16 1321(e), shall be an 8-week period;
17 and

18 “(II) during which any individual
19 who is otherwise eligible to enroll in a
20 qualified health plan through the Ex-
21 change may enroll in such a qualified
22 health plan; and

23 “(ii) that, in the case of an individual
24 who enrolls in a qualified health plan
25 through the Exchange during such enroll-

1 ment period, the coverage period under
2 such plan shall begin on the first day of
3 the month following the day the individual
4 selects a plan through such special enroll-
5 ment period.

6 “(B) EXCEPTION.—The requirement of
7 subparagraph (A) shall not apply to a State-op-
8 erated or State-established Exchange if such
9 Exchange, prior to the date of the enactment of
10 this paragraph, established or otherwise pro-
11 vided for a special enrollment period to address
12 access to coverage under qualified health plans
13 offered through such Exchange during the
14 emergency period described in section
15 1135(g)(1)(B) of the Social Security Act.”.

16 (b) IMPLEMENTATION.—The Secretary of Health and
17 Human Services may implement the provisions of (includ-
18 ing amendments made by) this section through subregu-
19 latory guidance, program instruction, or otherwise.

20 **SEC. 302. EXPEDITED MEETING OF ACIP FOR COVID-19**
21 **VACCINES.**

22 (a) IN GENERAL.—Notwithstanding section 3091 of
23 the 21st Century Cures Act (21 U.S.C. 360bbb–4 note),
24 the Advisory Committee on Immunization Practices shall
25 meet and issue a recommendation with respect to a vac-

1 cine that is intended to prevent or treat COVID–19 not
2 later than 15 business days after the date on which such
3 vaccine is licensed under section 351 of the Public Health
4 Service Act (42 U.S.C. 262).

5 (b) DEFINITION.—In this section, the term “Advisory
6 Committee on Immunization Practices” means the Advi-
7 sory Committee on Immunization Practices established by
8 the Secretary of Health and Human Services pursuant to
9 section 222 of the Public Health Service Act (42 U.S.C.
10 217a), acting through the Director of the Centers for Dis-
11 ease Control and Prevention.

12 **SEC. 303. COVERAGE OF COVID–19 RELATED TREATMENT**
13 **AT NO COST SHARING.**

14 (a) IN GENERAL.—A group health plan and a health
15 insurance issuer offering group or individual health insur-
16 ance coverage (including a grandfathered health plan (as
17 defined in section 1251(e) of the Patient Protection and
18 Affordable Care Act)) shall provide coverage, and shall not
19 impose any cost sharing (including deductibles, copay-
20 ments, and coinsurance) requirements, for the following
21 items and services furnished during any portion of the
22 emergency period defined in paragraph (1)(B) of section
23 1135(g) of the Social Security Act (42 U.S.C. 1320b–
24 5(g)) beginning on or after the date of the enactment of
25 this Act:

1 (1) Medically necessary items and services (in-
2 cluding in-person or telehealth visits in which such
3 items and services are furnished) that are furnished
4 to an individual who has been diagnosed with (or
5 after provision of the items and services is diagnosed
6 with) COVID–19 to treat or mitigate the effects of
7 COVID–19.

8 (2) Medically necessary items and services (in-
9 cluding in-person or telehealth visits in which such
10 items and services are furnished) that are furnished
11 to an individual who is presumed to have COVID–
12 19 but is never diagnosed as such, if the following
13 conditions are met:

14 (A) Such items and services are furnished
15 to the individual to treat or mitigate the effects
16 of COVID–19 or to mitigate the impact of
17 COVID–19 on society.

18 (B) Health care providers have taken ap-
19 propriate steps under the circumstances to
20 make a diagnosis, or confirm whether a diag-
21 nosis was made, with respect to such individual,
22 for COVID–19, if possible.

23 (b) ITEMS AND SERVICES RELATED TO COVID–
24 19.—For purposes of this section—

1 (1) not later than one week after the date of
2 the enactment of this section, the Secretary of
3 Health and Human Services, Secretary of Labor,
4 and Secretary of the Treasury shall jointly issue
5 guidance specifying applicable diagnoses and medi-
6 cally necessary items and services related to
7 COVID–19; and

8 (2) such items and services shall include all
9 items or services that are relevant to the treatment
10 or mitigation of COVID–19, regardless of whether
11 such items or services are ordinarily covered under
12 the terms of a group health plan or group or indi-
13 vidual health insurance coverage offered by a health
14 insurance issuer.

15 (c) ENFORCEMENT.—

16 (1) APPLICATION WITH RESPECT TO PHSA,
17 ERISA, AND IRC.—The provisions of this section
18 shall be applied by the Secretary of Health and
19 Human Services, Secretary of Labor, and Secretary
20 of the Treasury to group health plans and health in-
21 surance issuers offering group or individual health
22 insurance coverage as if included in the provisions of
23 part A of title XXVII of the Public Health Service
24 Act, part 7 of the Employee Retirement Income Se-

1 security Act of 1974, and subchapter B of chapter 100
2 of the Internal Revenue Code of 1986, as applicable.

3 (2) PRIVATE RIGHT OF ACTION.—An individual
4 with respect to whom an action is taken by a group
5 health plan or health insurance issuer offering group
6 or individual health insurance coverage in violation
7 of subsection (a) may commence a civil action
8 against the plan or issuer for appropriate relief. The
9 previous sentence shall not be construed as limiting
10 any enforcement mechanism otherwise applicable
11 pursuant to paragraph (1).

12 (d) IMPLEMENTATION.—The Secretary of Health and
13 Human Services, Secretary of Labor, and Secretary of the
14 Treasury may implement the provisions of this section
15 through sub-regulatory guidance, program instruction or
16 otherwise.

17 (e) TERMS.—The terms “group health plan”; “health
18 insurance issuer”; “group health insurance coverage”, and
19 “individual health insurance coverage” have the meanings
20 given such terms in section 2791 of the Public Health
21 Service Act (42 U.S.C. 300gg–91), section 733 of the Em-
22 ployee Retirement Income Security Act of 1974 (29
23 U.S.C. 1191b), and section 9832 of the Internal Revenue
24 Code of 1986, as applicable.

1 **SEC. 304. REQUIRING PRESCRIPTION DRUG REFILL NOTIFI-**
2 **CATIONS DURING EMERGENCIES.**

3 (a) ERISA.—

4 (1) IN GENERAL.—Subpart B of part 7 of sub-
5 title B of title I of the Employee Retirement Income
6 Security Act of 1974 (29 U.S.C. 1185 et seq.) is
7 amended by adding at the end the following new sec-
8 tion:

9 **“SEC. 716. PROVISION OF PRESCRIPTION DRUG REFILL NO-**
10 **TIFICATIONS DURING EMERGENCIES.**

11 “(a) IN GENERAL.—A group health plan, and a
12 health insurance issuer offering health insurance coverage
13 in connection with a group health plan, that provides bene-
14 fits for prescription drugs under such plan or such cov-
15 erage shall provide to each participant or beneficiary
16 under such plan or such coverage who resides in an emer-
17 gency area during an emergency period—

18 “(1) not later than 5 business days after the
19 date of the beginning of such period with respect to
20 such area (or, the case of the emergency period de-
21 scribed in section 304(d)(2) of the Investing in
22 America’s Health Care During the COVID–19 Pan-
23 demic Act, not later than 5 business days after the
24 date of the enactment of this section), a notification
25 (written in a manner that is clear and understand-
26 able to the average participant or beneficiary)—

1 “(A) of whether such plan or coverage will
2 waive, during such period with respect to such
3 a participant or beneficiary, any time restric-
4 tions under such plan or coverage on any au-
5 thorized refills for such drugs to enable such re-
6 fills in advance of when such refills would oth-
7 erwise have been permitted under such plan or
8 coverage; and

9 “(B) in the case that such plan or coverage
10 will waive such restrictions during such period
11 with respect to such a participant or bene-
12 ficiary, that contains information on how such
13 a participant or beneficiary may obtain such a
14 refill; and

15 “(2) in the case such plan or coverage elects to
16 so waive such restrictions during such period with
17 respect to such a participant or beneficiary after the
18 notification described in paragraph (1) has been pro-
19 vided with respect to such period, not later than 5
20 business days after such election, a notification of
21 such election that contains the information described
22 in subparagraph (B) of such paragraph.

23 “(b) EMERGENCY AREA; EMERGENCY PERIOD.—For
24 purposes of this section, an ‘emergency area’ is a geo-

1 graphical area in which, and an ‘emergency period’ is the
2 period during which, there exists—

3 “(1) an emergency or disaster declared by the
4 President pursuant to the National Emergencies Act
5 or the Robert T. Stafford Disaster Relief and Emer-
6 gency Assistance Act; and

7 “(2) a public health emergency declared by the
8 Secretary pursuant to section 319 of the Public
9 Health Service Act.”.

10 (2) CLERICAL AMENDMENT.—The table of con-
11 tents of the Employee Retirement Income Security
12 Act of 1974 is amended by inserting after the item
13 relating to section 714 the following:

“Sec. 715. Additional market reforms.

“Sec. 716. Provision of prescription drug refill notifications during emer-
gencies.”.

14 (b) PHSA.—Subpart II of part A of title XXVII of
15 the Public Health Service Act (42 U.S.C. 300gg–11 et
16 seq.) is amended by adding at the end the following new
17 section:

18 **“SEC. 2730. PROVISION OF PRESCRIPTION DRUG REFILL**
19 **NOTIFICATIONS DURING EMERGENCIES.**

20 “(a) IN GENERAL.—A group health plan, and a
21 health insurance issuer offering group or individual health
22 insurance coverage, that provides benefits for prescription
23 drugs under such plan or such coverage shall provide to
24 each participant, beneficiary, or enrollee enrolled under

1 such plan or such coverage who resides in an emergency
2 area during an emergency period—

3 “(1) not later than 5 business days after the
4 date of the beginning of such period with respect to
5 such area (or, the case of the emergency period de-
6 scribed in section 304(d)(2) of the Investing in
7 America’s Health Care During the COVID–19 Pan-
8 demic Act, not later than 5 business days after the
9 date of the enactment of this section), a notification
10 (written in a manner that is clear and understand-
11 able to the average participant, beneficiary, or en-
12 rollee)—

13 “(A) of whether such plan or coverage will
14 waive, during such period with respect to such
15 a participant, beneficiary, or enrollee, any time
16 restrictions under such plan or coverage on any
17 authorized refills for such drugs to enable such
18 refills in advance of when such refills would
19 otherwise have been permitted under such plan
20 or coverage; and

21 “(B) in the case that such plan or coverage
22 will waive such restrictions during such period
23 with respect to such a participant, beneficiary,
24 or enrollee, that contains information on how

1 such a participant, beneficiary, or enrollee may
2 obtain such a refill; and

3 “(2) in the case such plan or coverage elects to
4 so waive such restrictions during such period with
5 respect to such a participant, beneficiary, or enrollee
6 after the notification described in paragraph (1) has
7 been provided with respect to such period, not later
8 than 5 business days after such election, a notifica-
9 tion of such election that contains the information
10 described in subparagraph (B) of such paragraph.

11 “(b) EMERGENCY AREA; EMERGENCY PERIOD.—For
12 purposes of this section, an ‘emergency area’ is a geo-
13 graphical area in which, and an ‘emergency period’ is the
14 period during which, there exists—

15 “(1) an emergency or disaster declared by the
16 President pursuant to the National Emergencies Act
17 or the Robert T. Stafford Disaster Relief and Emer-
18 gency Assistance Act; and

19 “(2) a public health emergency declared by the
20 Secretary pursuant to section 319.”.

21 (c) IRC.—

22 (1) IN GENERAL.—Subchapter B of chapter
23 100 of the Internal Revenue Code of 1986 is amend-
24 ed by adding at the end the following new section:

1 **“SEC. 9816. PROVISION OF PRESCRIPTION DRUG REFILL**
2 **NOTIFICATIONS DURING EMERGENCIES.**

3 “(a) IN GENERAL.—A group health plan that pro-
4 vides benefits for prescription drugs under such plan shall
5 provide to each participant or beneficiary enrolled under
6 such plan who resides in an emergency area during an
7 emergency period, not later than 5 business days after the
8 date of the beginning of such period with respect to such
9 area (or, the case of the emergency period described in
10 section 304(d)(2) of the Investing in America’s Health
11 Care During the COVID–19 Pandemic Act, not later than
12 5 business days after the date of the enactment of this
13 section)—

14 “(1) a notification (written in a manner that is
15 clear and understandable to the average participant
16 or beneficiary)—

17 “(A) of whether such plan will waive, dur-
18 ing such period with respect to such a partici-
19 pant or beneficiary, any time restrictions under
20 such plan on any authorized refills for such
21 drugs to enable such refills in advance of when
22 such refills would otherwise have been per-
23 mitted under such plan; and

24 “(B) in the case that such plan will waive
25 such restrictions during such period with re-
26 spect to such a participant or beneficiary, that

1 contains information on how such a participant
2 or beneficiary may obtain such a refill; and

3 “(2) in the case such plan elects to so waive
4 such restrictions during such period with respect to
5 such a participant or beneficiary after the notifica-
6 tion described in paragraph (1) has been provided
7 with respect to such period, not later than 5 busi-
8 ness days after such election, a notification of such
9 election that contains the information described in
10 subparagraph (B) of such paragraph.

11 “(b) EMERGENCY AREA; EMERGENCY PERIOD.—For
12 purposes of this section, an ‘emergency area’ is a geo-
13 graphical area in which, and an ‘emergency period’ is the
14 period during which, there exists—

15 “(1) an emergency or disaster declared by the
16 President pursuant to the National Emergencies Act
17 or the Robert T. Stafford Disaster Relief and Emer-
18 gency Assistance Act; and

19 “(2) a public health emergency declared by the
20 Secretary pursuant to section 319 of the Public
21 Health Service Act.”.

22 (2) CLERICAL AMENDMENT.—The table of sec-
23 tions for subchapter B of chapter 100 of the Inter-
24 nal Revenue Code of 1986 is amended by adding at
25 the end the following new item:

“Sec. 9816. Provision of prescription drug refill notifications during emergencies.”.

1 (d) EFFECTIVE DATE.—The amendments made by
2 this section shall apply with respect to—

3 (1) emergency periods beginning on or after the
4 date of the enactment of this Act; and

5 (2) the emergency period relating to the public
6 health emergency declared by the Secretary of
7 Health and Human Services pursuant to section 319
8 of the Public Health Service Act on January 31,
9 2020, entitled “Determination that a Public Health
10 Emergency Exists Nationwide as the Result of the
11 2019 Novel Coronavirus”.

12 **SEC. 305. IMPROVEMENT OF CERTAIN NOTIFICATIONS PRO-**
13 **VIDED TO QUALIFIED BENEFICIARIES BY**
14 **GROUP HEALTH PLANS IN THE CASE OF**
15 **QUALIFYING EVENTS.**

16 (a) EMPLOYEE RETIREMENT INCOME SECURITY ACT
17 OF 1974.—

18 (1) IN GENERAL.—Section 606 of the Employee
19 Retirement Income Security Act of 1974 (29 U.S.C.
20 1166) is amended—

21 (A) in subsection (a)(4), in the matter fol-
22 lowing subparagraph (B), by striking “under
23 this subsection” and inserting “under this part

1 in accordance with the notification requirements
2 under subsection (c)”; and

3 (B) in subsection (c)—

4 (i) by striking “For purposes of sub-
5 section (a)(4), any notification” and insert-
6 ing “For purposes of subsection (a)(4)—

7 “(1) any notification”;

8 (ii) by striking “, whichever is applica-
9 ble, and any such notification” and insert-
10 ing “of subsection (a), whichever is appli-
11 cable;

12 “(2) any such notification”; and

13 (iii) by striking “such notification is
14 made” and inserting “such notification is
15 made; and

16 “(3) any such notification shall, with respect to
17 each qualified beneficiary with respect to whom such
18 notification is made, include information regarding
19 any Exchange established under title I of the Pa-
20 tient Protection and Affordable Care Act through
21 which such a qualified beneficiary may be eligible to
22 enroll in a qualified health plan (as defined in sec-
23 tion 1301 of the Patient Protection and Affordable
24 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 of the Public
13 Health Service Act; and

14 “(E) information on the availability of fi-
15 nancial assistance with respect to enrolling in a
16 qualified health plan, including the maximum
17 income limit for eligibility for a premium tax
18 credit under section 36B of the Internal Rev-
19 enue Code of 1986.”.

20 (2) EFFECTIVE DATE.—The amendments made
21 by paragraph (1) shall apply with respect to quali-
22 fying events occurring on or after the date that is
23 14 days after the date of the enactment of this Act.

24 (b) PUBLIC HEALTH SERVICE ACT.—

1 (1) IN GENERAL.—Section 2206 of the Public
2 Health Service Act (42 U.S.C. 300bb–6) is amend-
3 ed—

4 (A) by striking “In accordance” and in-
5 serting the following:

6 “(a) IN GENERAL.—In accordance”;

7 (B) by striking “of such beneficiary’s
8 rights under this subsection” and inserting “of
9 such beneficiary’s rights under this title in ac-
10 cordance with the notification requirements
11 under subsection (b)”;

12 (C) by striking “For purposes of para-
13 graph (4),” and all that follows through “such
14 notification is made.” and inserting the fol-
15 lowing:

16 “(b) RULES RELATING TO NOTIFICATION OF QUALI-
17 FIED BENEFICIARIES BY PLAN ADMINISTRATOR.—For
18 purposes of subsection (a)(4)—

19 “(1) any notification shall be made within 14
20 days of the date on which the plan administrator is
21 notified under paragraph (2) or (3) of subsection
22 (a), whichever is applicable;

23 “(2) any such notification to an individual who
24 is a qualified beneficiary as the spouse of the cov-
25 ered employee shall be treated as notification to all

1 other qualified beneficiaries residing with such
2 spouse at the time such notification is made; and

3 “(3) any such notification shall, with respect to
4 each qualified beneficiary with respect to whom such
5 notification is made, include information regarding
6 any Exchange established under title I of the Pa-
7 tient Protection and Affordable Care Act through
8 which such a qualified beneficiary may be eligible to
9 enroll in a qualified health plan (as defined in sec-
10 tion 1301 of the Patient Protection and Affordable
11 Care Act), including—

12 “(A) the publicly accessible Internet
13 website address for such Exchange;

14 “(B) the publicly accessible Internet
15 website address for the Find Local Help direc-
16 tory maintained by the Department of Health
17 and Human Services on the healthcare.gov
18 Internet website (or a successor website);

19 “(C) a clear explanation that—

20 “(i) an individual who is eligible for
21 continuation coverage may also be eligible
22 to enroll, with financial assistance, in a
23 qualified health plan offered through such
24 Exchange, but, in the case that such indi-
25 vidual elects to enroll in such continuation

1 coverage and subsequently elects to termi-
2 nate such continuation coverage before the
3 period of such continuation coverage ex-
4 pires, such individual will not be eligible to
5 enroll in a qualified health plan offered
6 through such Exchange during a special
7 enrollment period; and

8 “(ii) an individual who elects to enroll
9 in continuation coverage will remain eligi-
10 ble to enroll in a qualified health plan of-
11 fered through such Exchange during an
12 open enrollment period and may be eligible
13 for financial assistance with respect to en-
14 rolling in such a qualified health plan;

15 “(D) information on consumer protections
16 with respect to enrolling in a qualified health
17 plan offered through such Exchange, including
18 the requirement for such a qualified health plan
19 to provide coverage for essential health benefits
20 (as defined in section 1302(b) of the Patient
21 Protection and Affordable Care Act) and the re-
22 quirements applicable to such a qualified health
23 plan under part A of title XXVII; and

24 “(E) information on the availability of fi-
25 nancial assistance with respect to enrolling in a

1 qualified health plan, including the maximum
2 income limit for eligibility for a premium tax
3 credit under section 36B of the Internal Rev-
4 enue Code of 1986.”.

5 (2) EFFECTIVE DATE.—The amendments made
6 by paragraph (1) shall apply with respect to quali-
7 fying events occurring on or after the date that is
8 14 days after the date of the enactment of this Act.

9 (c) INTERNAL REVENUE CODE OF 1986.—

10 (1) IN GENERAL.—Section 4980B(f)(6) of the
11 Internal Revenue Code of 1986 is amended—

12 (A) in subparagraph (D)—

13 (i) in clause (ii), by striking “under
14 subparagraph (C)” and inserting “under
15 clause (iii)”; and

16 (ii) by redesignating clauses (i) and
17 (ii) as subclauses (I) and (II), respectively,
18 and moving the margin of each such sub-
19 clause, as so redesignated, 2 ems to the
20 right;

21 (B) by redesignating subparagraphs (A)
22 through (D) as clauses (i) through (iv), respec-
23 tively, and moving the margin of each such
24 clause, as so redesignated, 2 ems to the right;

1 (C) by striking “In accordance” and in-
2 serting the following:

3 “(A) IN GENERAL.—In accordance”;

4 (D) by inserting after “of such bene-
5 ficiary’s rights under this subsection” the fol-
6 lowing: “in accordance with the notification re-
7 quirements under subparagraph (C)”;

8 (E) by striking “The requirements of sub-
9 paragraph (B)” and all that follows through
10 “such notification is made.” and inserting the
11 following:

12 “(B) ALTERNATIVE MEANS OF COMPLI-
13 ANCE WITH REQUIREMENT FOR NOTIFICATION
14 OF MULTIEMPLOYER PLANS BY EMPLOYERS.—
15 The requirements of subparagraph (A)(ii) shall
16 be considered satisfied in the case of a multiem-
17 ployer plan in connection with a qualifying
18 event described in paragraph (3)(B) if the plan
19 provides that the determination of the occur-
20 rence of such qualifying event will be made by
21 the plan administrator.

22 “(C) RULES RELATING TO NOTIFICATION
23 OF QUALIFIED BENEFICIARIES BY PLAN ADMIN-
24 ISTRATOR.—For purposes of subparagraph
25 (A)(iv)—

1 “(i) any notification shall be made
2 within 14 days (or, in the case of a group
3 health plan which is a multiemployer plan,
4 such longer period of time as may be pro-
5 vided in the terms of the plan) of the date
6 on which the plan administrator is notified
7 under clause (ii) or (iii) of subparagraph
8 (A), whichever is applicable;

9 “(ii) any such notification to an indi-
10 vidual who is a qualified beneficiary as the
11 spouse of the covered employee shall be
12 treated as notification to all other qualified
13 beneficiaries residing with such spouse at
14 the time such notification is made; and

15 “(iii) any such notification shall, with
16 respect to each qualified beneficiary with
17 respect to whom such notification is made,
18 include information regarding any Ex-
19 change established under title I of the Pa-
20 tient Protection and Affordable Care Act
21 through which such a qualified beneficiary
22 may be eligible to enroll in a qualified
23 health plan (as defined in section 1301 of
24 the Patient Protection and Affordable Care
25 Act), including—

1 “(I) the publicly accessible Inter-
2 net website address for such Ex-
3 change;

4 “(II) the publicly accessible
5 Internet website address for the Find
6 Local Help directory maintained by
7 the Department of Health and
8 Human Services on the healthcare.gov
9 Internet website (or a successor
10 website);

11 “(III) a clear explanation that—

12 “(aa) an individual who is
13 eligible for continuation coverage
14 may also be eligible to enroll,
15 with financial assistance, in a
16 qualified health plan offered
17 through such Exchange, but, in
18 the case that such individual
19 elects to enroll in such continu-
20 ation coverage and subsequently
21 elects to terminate such continu-
22 ation coverage before the period
23 of such continuation coverage ex-
24 pires, such individual will not be
25 eligible to enroll in a qualified

1 health plan offered through such
2 Exchange during a special enroll-
3 ment period; and

4 “(bb) an individual who
5 elects to enroll in continuation
6 coverage will remain eligible to
7 enroll in a qualified health plan
8 offered through such Exchange
9 during an open enrollment period
10 and may be eligible for financial
11 assistance with respect to enroll-
12 ing in such a qualified health
13 plan;

14 “(IV) information on consumer
15 protections with respect to enrolling in
16 a qualified health plan offered
17 through such Exchange, including the
18 requirement for such a qualified
19 health plan to provide coverage for es-
20 sential health benefits (as defined in
21 section 1302(b) of the Patient Protec-
22 tion and Affordable Care Act) and the
23 requirements applicable to such a
24 qualified health plan under part A of

1 title XXVII of the Public Health
2 Service Act; and

3 “(V) information on the avail-
4 ability of financial assistance with re-
5 spect to enrolling in a qualified health
6 plan, including the maximum income
7 limit for eligibility for a premium tax
8 credit under section 36B.”.

9 (2) EFFECTIVE DATE.—The amendments made
10 by paragraph (1) shall apply with respect to quali-
11 fying events occurring on or after the date that is
12 14 days after the date of the enactment of this Act.

13 (d) MODEL NOTICES.—Not later than 14 days after
14 the date of the enactment of this Act, the Secretary of
15 the Labor, in consultation with the Secretary of the Treas-
16 ury and the Secretary of Health and Human Services,
17 shall—

18 (1) update the model Consolidated Omnibus
19 Budget Reconciliation Act of 1985 (referred to in
20 this subsection as “COBRA”) continuation coverage
21 general notice and the model COBRA continuation
22 coverage election notice developed by the Secretary
23 of Labor for purposes of facilitating compliance of
24 group health plans with the notification require-
25 ments under section 606 of the Employee Retire-

1 ment Income Security Act of 1974 (29 U.S.C. 1166)
2 to include the information described in paragraph
3 (3) of subsection (c) of such section 606, as added
4 by subsection (a)(1);

5 (2) provide an opportunity for consumer testing
6 of each such notice, as so updated, to ensure that
7 each such notice is clear and understandable to the
8 average participant or beneficiary of a group health
9 plan; and

10 (3) rename the model COBRA continuation
11 coverage general notice and the model COBRA con-
12 tinuation coverage election notice as the “model
13 COBRA continuation coverage and Affordable Care
14 Act coverage general notice” and the “model
15 COBRA continuation coverage and Affordable Care
16 Act coverage election notice”, respectively.

17 **SEC. 306. SOONER COVERAGE OF TESTING FOR COVID-19.**

18 Section 6001(a) of division F of the Families First
19 Coronavirus Response Act (42 U.S.C. 1320b–5 note) is
20 amended by striking “beginning on or after” and inserting
21 “beginning before, on, or after”.

1 **SEC. 307. CLARIFYING SCOPE OF COVERAGE REQUIRE-**
2 **MENT FOR ITEMS AND SERVICES RELATING**
3 **TO COVID-19.**

4 Section 6001 of the Families First Coronavirus Re-
5 sponse Act (Public Law 116–127) is amended—

6 (1) in subsection (b), by striking “subsection
7 (a)” and inserting “subsections (a) and (e)”; and

8 (2) by adding at the end the following new sub-
9 section:

10 “(e) SCOPE OF COVERAGE REQUIREMENT.—A group
11 health plan and a health insurance issuer offering group
12 or individual health insurance coverage (including a
13 grandfathered health plan (as defined in section 1251(e)
14 of the Patient Protection and Affordable Care Act)) shall
15 provide coverage, without cost sharing and without prior
16 authorization or other medical management requirements,
17 in accordance with subsection (a) for tests, items, and
18 services described in such subsection and furnished to an
19 individual during the emergency period defined in para-
20 graph (1)(B) of section 1135(g) of the Social Security Act
21 (42 U.S.C. 1320b-5(g)), regardless of—

22 “(1) why such individual sought such tests,
23 items, and services;

24 “(2) the nature of the clinical assessment that
25 was associated with such tests, items, and services;

1 “(3) whether such individual was showing
2 symptoms prior to being furnished such tests, items,
3 and services;

4 “(4) in the case of such tests, whether or not
5 such tests were ordered by a provider;

6 “(5) the frequency with which such individual is
7 furnished such tests, items, and services; and

8 “(6) any other review of the encounters or
9 events that preceded or followed the furnishing of
10 such tests, items, and services.”.

11 **SEC. 308. GUIDANCE ON BILLING FOR PROVIDER VISITS AS-**
12 **SOCIATED WITH COVID-19 TESTING.**

13 The Secretary of Health and Human Services, the
14 Secretary of Labor, and the Secretary of the Treasury
15 shall jointly issue guidance not later than 30 days after
16 the date of enactment of this Act for purposes of clari-
17 fying—

18 (1) the process for submitting claims for tests,
19 items, and services described in section 6001(a) of
20 the Families First Coronavirus Response Act (Public
21 Law 116–127) to ensure that individuals enrolled in
22 individual or group health insurance coverage or
23 group health plans (including grandfathered health
24 plans (as defined in section 1251(e) of the Patient
25 Protection and Affordable Care Act)) to whom such

1 tests, items, and services are furnished are not sub-
2 ject to cost-sharing (including deductibles, copay-
3 ments, and coinsurance) or prior authorization or
4 other medical management requirements; and

5 (2) that providers should not collect cost-shar-
6 ing amounts from such individuals seeking such
7 tests, items, or services.

8 **SEC. 309. IMPROVEMENTS TO TRANSPARENCY OF THE**
9 **PRICING OF DIAGNOSTIC TESTING FOR**
10 **COVID-19.**

11 (a) IN GENERAL.—Section 3202 of the CARES Act
12 (Public Law 116–136) is amended—

13 (1) in subsection (b)—

14 (A) in the heading, by inserting “AND RE-
15 LATED ITEMS AND SERVICES” after “DIAG-
16 NOSTIC TESTING FOR COVID-19”;

17 (B) in paragraph (1)—

18 (i) by striking “a diagnostic test for
19 COVID-19” and inserting “a test, item, or
20 service described in section 6001(a) of divi-
21 sion F of the Families First Coronavirus
22 Response Act”; and

23 (ii) by striking “such test” and insert-
24 ing “such test, item, or service”; and

1 (C) in paragraph (2), by striking “a diag-
2 nostic test for COVID–19” and inserting “a
3 test, item, or service described in section
4 6001(a) of division F of the Families First
5 Coronavirus Response Act”; and

6 (2) by adding at the end the following new sub-
7 sections:

8 “(c) IMPROVEMENTS TO TRANSPARENCY POLICY.—

9 “(1) IN GENERAL.—Not later than 30 days
10 after the date of the enactment of this subsection,
11 the Secretary of Health and Human Services shall
12 conduct a survey of providers of the items and serv-
13 ices described in section 6001(a) of division F of the
14 Families First Coronavirus Response Act (Public
15 Law 116– 127) regarding the cash prices for such
16 items and services listed by the providers on a public
17 internet website of such provider.

18 “(2) REPRESENTATIVE SAMPLE.—In carrying
19 out paragraph (1), the Secretary shall survey a sam-
20 ple of providers that is representative of the diver-
21 sity of sizes, geographic locations, and care settings
22 (such as hospitals, laboratories, and independent
23 freestanding emergency department) in which diag-
24 nostic testing for COVID–19 is performed.

1 “(d) PUBLIC REPORT.—Not later than 60 days after
2 the date of the enactment of this subsection, the Secretary
3 of Health and Human Services shall publish on the Inter-
4 net website of the Department of Health and Human
5 Services a report on cash prices for items and services
6 published under subsection (b)(1) during the period begin-
7 ning on the date of the enactment of this Act and ending
8 on the date of the enactment of this subsection, which
9 shall include—

10 “(1) the percentage of providers that comply
11 with the publication requirement under such sub-
12 section;

13 “(2) the average cash price for each item and
14 service described in section 6001(a) of division F of
15 the Families First Coronavirus Response Act that is
16 published under such subsection;

17 “(3) with respect to each such item and service,
18 a comparison of such average cash price to the reim-
19 bursement rate under the Medicare program under
20 title XVIII of the Social Security Act (42 U.S.C.
21 1395 et seq.); and

22 “(4) any cash prices published under such sub-
23 section that substantially exceed the average cash
24 price for each such item or service and the name of
25 each provider that charges such prices.”.

1 **SEC. 310. GRANTS FOR EXCHANGE OUTREACH, EDUCATION,**
2 **AND ENROLLMENT ASSISTANCE.**

3 (a) OUTREACH AND EDUCATION GRANTS TO STATES
4 AND NAVIGATOR ENROLLMENT GRANTS TO EXCHANGES
5 TO ASSIST ELIGIBLE INDIVIDUALS.—

6 (1) OUTREACH AND EDUCATION GRANTS TO
7 STATES.—

8 (A) IN GENERAL.—The Secretary of
9 Health and Human Services shall carry out a
10 program that awards grants to States that pro-
11 vide outreach and educational activities for pur-
12 poses of informing individuals of the availability
13 of coverage under qualified health plans offered
14 through an Exchange and financial assistance
15 for coverage under such plans (including the in-
16 forming of eligible individuals of the availability
17 of coverage under qualified health plans offered
18 through an Exchange during the application
19 process for unemployment compensation under
20 State or Federal law).

21 (B) CONSIDERATION OF CERTAIN NEEDS
22 OF POPULATION OF EXCHANGE.—The outreach
23 and educational activities described in subpara-
24 graph (A) shall be provided in a manner that
25 is culturally and linguistically appropriate to
26 the needs of the populations being served by the

1 Exchange (including hard-to-reach populations,
2 such as racial and sexual minorities, limited
3 English proficient populations, and young
4 adults).

5 (C) APPLICATIONS.—To be eligible to re-
6 ceive a grant under this paragraph, a State
7 shall submit to the Secretary an application at
8 such time, in such manner, and containing such
9 information as the Secretary may require.

10 (D) LIMITATION ON USE OF FUNDS.—No
11 funds appropriated under paragraph (4)(A)
12 shall be used for expenditures for promoting
13 non-ACA compliant health insurance coverage.

14 (E) GRANT DURATION AND AMOUNT.—

15 (i) DURATION.—Each grant under
16 this paragraph shall be for a 1-year period
17 that begins on the date of the enactment
18 of this Act (which may be renewed for a 1-
19 year period by the Secretary of Health and
20 Human Services).

21 (ii) AMOUNT.—

22 (I) IN GENERAL.—The Secretary
23 of Health and Human Services shall
24 determine the amount of each grant
25 under this paragraph.

1 (II) MINIMUM.—Each grant
2 under this paragraph shall be for an
3 amount that is at least \$500,000 for
4 each 1-year period, and if applicable,
5 at least \$500,000 for any 1-year pe-
6 riod of renewal.

7 (2) NAVIGATOR ENROLLMENT GRANTS
8 THROUGH EXCHANGES.—

9 (A) IN GENERAL.—The Secretary of
10 Health and Human Services shall award grants
11 to Exchanges described in subparagraph (D)
12 for purposes of facilitating the enrollment of in-
13 dividuals in qualified health plans offered
14 through such Exchanges.

15 (B) USE OF FUNDS.—Funds made avail-
16 able under a grant made under subparagraph
17 (A) may only be used by such Exchanges to
18 carry out the navigator program described in
19 subsection (i)(1) of such section 1311.

20 (C) APPLICATIONS.—To be eligible to re-
21 ceive a grant under this paragraph, for pur-
22 poses of carrying out subparagraph (A), an Ex-
23 change described in subparagraph (D) shall
24 submit to the Secretary an application at such

1 time, in such manner, and containing such in-
2 formation as the Secretary may require.

3 (D) EXCHANGE DESCRIBED.—For pur-
4 poses of this paragraph, an Exchange described
5 in this subparagraph is an Exchange that a
6 State establishes and operates pursuant to sec-
7 tion 1311(b)(1) of the Patient Protection and
8 Affordable Care Act (42 U.S.C. 18031(b)(1)).

9 (3) APPROPRIATIONS.—There are appropriated
10 for each of fiscal years 2021 and 2022, to remain
11 available through fiscal year 2023—

12 (A) \$100,000,000 to carry out paragraph
13 (1)(A); and

14 (B) \$100,000,000—

15 (i) to carry out paragraph (2)(A); and

16 (ii) to carry out the navigator pro-
17 gram described in section 1311(i) of the
18 Patient Protection and Affordable Care
19 Act (42 U.S.C. 18031(i)) for Exchanges
20 operated by the Secretary pursuant to sec-
21 tion 1321(c)(1) of such Act (42 U.S.C.
22 18041(c)(1))).

23 (4) DEFINITIONS.—In this subsection:

24 (A) ELIGIBLE INDIVIDUALS.—The term
25 “eligible individual” means, with respect to an

1 Exchange, an individual who is otherwise eligi-
2 ble to enroll through such Exchange.

3 (B) EXCHANGE.—The term “Exchange”
4 means an American Health Benefit Exchange
5 established under section 1311 of the Patient
6 Protection and Affordable Care Act (42 U.S.C.
7 18031).

8 (C) NON-ACA COMPLIANT HEALTH INSUR-
9 ANCE COVERAGE.—

10 (i) IN GENERAL.—The term “non-
11 ACA compliant health insurance coverage”
12 means health insurance coverage, or a
13 group health plan, that is not a qualified
14 health plan.

15 (ii) INCLUSION.—Such term includes
16 the following:

17 (I) An association health plan.

18 (II) Short-term limited duration
19 insurance.

20 (D) QUALIFIED HEALTH PLAN.—The term
21 “qualified health plan” has the meaning given
22 such term in section 1301(a)(1) of the Patient
23 Protection and Affordable Care Act (42 U.S.C.
24 18021(a)(1)).

1 (b) IMPLEMENTATION.—The Secretary of Health and
2 Human Services may implement the provisions of this sec-
3 tion through subregulatory guidance, program instruction,
4 or otherwise.

5 **SEC. 311. APPLICATION OF PREMIUM TAX CREDIT IN CASE**
6 **OF INDIVIDUALS RECEIVING UNEMPLOY-**
7 **MENT COMPENSATION DURING THE COVID-19**
8 **PUBLIC HEALTH EMERGENCY.**

9 (a) IN GENERAL.—Section 36B of the Internal Rev-
10 enue Code of 1986, as amended by the preceding provi-
11 sions of this Act, is amended by redesignating subsection
12 (g) as subsection (h) and by inserting after subsection (f)
13 the following new subsection:

14 “(g) SPECIAL RULE FOR INDIVIDUALS WHO RE-
15 CEIVE UNEMPLOYMENT COMPENSATION DURING COVID-
16 19 PUBLIC HEALTH EMERGENCY.—

17 “(1) IN GENERAL.—For purposes of the credit
18 determined under this section, in the case of a tax-
19 payer who has received, or has been approved to re-
20 ceive, unemployment compensation for any week
21 during the applicable period, for the taxable year in
22 which such week begins—

23 “(A) such taxpayer shall be treated as an
24 applicable taxpayer, and

1 “(B) there shall not be taken into account
2 any household income of the taxpayer in excess
3 of 133 percent of the poverty line for a family
4 of the size involved.

5 “(2) APPLICABLE PERIOD.—For purposes of
6 this section, the applicable period is the period
7 that—

8 “(A) begins on the date of the enactment
9 of this subsection, and

10 “(B) ends 60 days after the last day of the
11 emergency period described in section
12 1135(g)(1)(B) of the Social Security Act.

13 “(3) REASONABLE EVIDENCE OF UNEMPLOY-
14 MENT COMPENSATION.—For purposes of this sub-
15 section, a taxpayer shall not be treated as having re-
16 ceived (or been approved to receive) unemployment
17 compensation for any week unless such taxpayer
18 provides documentation which demonstrates such re-
19 ceipt or approval.

20 “(4) UNEMPLOYMENT COMPENSATION.—For
21 purposes of this subsection, the term ‘unemployment
22 compensation’ has the meaning given such term in
23 section 1311(c)(8)(E) of the Patient Protection and
24 Affordable Care Act.”.

1 (b) EFFECTIVE DATE.—The amendments made by
2 this section shall apply to taxable years beginning after
3 December 31, 2019.

4 **SEC. 312. INCREASING ACCESSIBILITY AND AFFORD-**
5 **ABILITY TO QUALIFIED HEALTH PLANS FOR**
6 **INDIVIDUALS RECEIVING UNEMPLOYMENT**
7 **COMPENSATION DURING THE COVID-19**
8 **EMERGENCY PERIOD.**

9 (a) ESTABLISHMENT OF SPECIAL ENROLLMENT PE-
10 RIODS FOR INDIVIDUALS RECEIVING UNEMPLOYMENT
11 COMPENSATION.—Section 1311(c) of the Patient Protec-
12 tion and Affordable Care Act (42 U.S.C. 18031(c)) is
13 amended—

14 (1) in paragraph (6)—

15 (A) in subparagraph (C), by striking at the
16 end “and”;

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

19 (C) by adding at the end the following new
20 subparagraph:

21 “(E) special enrollment periods described
22 in paragraph (8).”; and

23 (2) by adding at the end the following new
24 paragraph:

1 “(8) SPECIAL ENROLLMENT PERIODS FOR INDI-
2 VIDUALS RECEIVING UNEMPLOYMENT COMPENSA-
3 TION.—

4 “(A) IN GENERAL.—The special enroll-
5 ment period described in this paragraph—

6 “(i) in the case of an individual who
7 becomes eligible for unemployment com-
8 pensation on any date before January 1,
9 2021, is the period beginning on the first
10 day on or after such date that the indi-
11 vidual is not eligible for minimum essential
12 coverage (as defined in section 5000A(f) of
13 the Internal Revenue Code of 1986) and
14 ending on the later of—

15 “(I) December 31, 2020; and

16 “(II) the day that is 60 days
17 after such first day; and

18 “(ii) in the case of an individual who
19 becomes eligible for unemployment com-
20 pensation beginning on any date that is on
21 or after January 1, 2021, is the 60-day pe-
22 riod beginning on the first day on or after
23 such date that the individual is not eligible
24 for minimum essential coverage.

1 “(B) SELF-ATTESTATION.—For purposes
2 of this paragraph, eligibility of an individual for
3 unemployment compensation and the date on
4 which such eligibility begins shall be determined
5 by the self-attestation of such individual.

6 “(C) EXCLUSION.—For purposes of this
7 paragraph, an individual shall not be treated as
8 eligible for minimum essential coverage if—

9 “(i) such individual is eligible only for
10 coverage described in section
11 5000A(f)(1)(C) of the Internal Revenue
12 Code of 1986; or

13 “(ii) such individual would not be
14 treated as eligible for minimum essential
15 coverage pursuant to section 36B(c)(2)(C)
16 of such Code.

17 “(D) CLARIFICATION.—Nothing in sub-
18 paragraph (A) shall be construed to prohibit an
19 individual described in such subparagraph from
20 qualifying for multiple special enrollment peri-
21 ods under such subparagraph.

22 “(E) UNEMPLOYMENT COMPENSATION DE-
23 FINED.—In this paragraph, the term ‘unem-
24 ployment compensation’ means, with respect to
25 an individual—

1 “(i) regular compensation and ex-
2 tended compensation (as such terms are
3 defined by section 205 of the Federal-State
4 Extended Unemployment Compensation
5 Act of 1970);

6 “(ii) unemployment compensation (as
7 defined by section 85(b) of the Internal
8 Revenue Code of 1986) provided under any
9 program administered by a State under an
10 agreement with the Secretary;

11 “(iii) pandemic unemployment assist-
12 ance under section 2102 of the CARES
13 Act;

14 “(iv) pandemic emergency unemploy-
15 ment compensation under section 2107 of
16 the CARES Act;

17 “(v) pandemic emergency unemploy-
18 ment extension compensation under section
19 2107A of the CARES Act;

20 “(vi) unemployment benefits under
21 the Railroad Unemployment Insurance
22 Act; and

23 “(vii) trade adjustment assistance
24 under title II of the Trade Act of 1974;

1 for which such individual is eligible for any
2 week during the period beginning on the first
3 day of the emergency period described in sec-
4 tion 1135(g)(1)(B) of the Social Security Act
5 and ending on December 31, 2021.”.

6 (b) REQUIREMENT FOR FIRST DAY OF COVERAGE
7 FOR INDIVIDUALS RECEIVING UNEMPLOYMENT COM-
8 PENSATION ENROLLING DURING SPECIAL ENROLLMENT
9 PERIODS.—Section 1303 of the Patient Protection and
10 Affordable Care Act (42 U.S.C. 18023) is amended by
11 adding at the end the following new subsection:

12 “(e) REQUIREMENT FOR FIRST DAY OF COVERAGE
13 FOR INDIVIDUALS RECEIVING UNEMPLOYMENT COM-
14 PENSATION ENROLLING DURING SPECIAL ENROLLMENT
15 PERIODS.—

16 “(1) IN GENERAL.—In the case of an individual
17 described in section 1311(c)(8)(A) who enrolls in a
18 qualified health plan through an Exchange during a
19 month during a special enrollment period described
20 in such section, such coverage shall be effective be-
21 ginning on—

22 “(A) if such individual was enrolled in
23 minimum essential coverage (other than the
24 qualified health plan enrolled through such a
25 special enrollment period) on the first day of

1 such month, the first day of such month on
2 which the individual is longer so enrolled; and

3 “(B) if such individual was not enrolled in
4 minimum essential coverage (other than the
5 qualified health plan enrolled through such a
6 special enrollment period) on the first day of
7 such month, the first day of such month.

8 “(2) MINIMUM ESSENTIAL COVERAGE DE-
9 FINED.—In this subsection, the term ‘minimum es-
10 sential coverage’ has the meaning given such term in
11 section 5000A(f) of the Internal Revenue Code of
12 1986.”.

13 (c) MODEL NOTICE AND PUBLICATION OF INFORMA-
14 TION RELATING TO SPECIAL ENROLLMENT PERIODS AND
15 CREDITS FOR INDIVIDUALS RECEIVING UNEMPLOYMENT
16 COMPENSATION.—

17 (1) MODEL NOTICE.—The Secretary of Health
18 and Human Services shall make available to States
19 a model notice (which may be sent by mail, email,
20 or electronic means upon the receipt of unemploy-
21 ment compensation (as defined in subparagraph (D)
22 of section 1311(c)(8) of the Patient Protection and
23 Affordable Care Act, as added by subsection (a))
24 that includes information with respect to the eligi-

1 bility of individuals described in subparagraph (A) of
2 such section—

3 (A) to enroll in a qualified health plan of-
4 fered through an Exchange during a special en-
5 rollment period described in section
6 1311(c)(8)(A) of such Act;

7 (B) for the premium tax credit under sec-
8 tion 36B of the Internal Revenue Code of 1986;
9 and

10 (C) for any increase to the premium tax
11 credit an individual otherwise receives under
12 section 36B of the Internal Revenue Code of
13 1986 by reason of subsection (g) of such sec-
14 tion.

15 (2) PUBLICATION OF INFORMATION .—Section
16 1311(b) of the Patient Protection and Affordable
17 Care Act (42 U.S.C. 18031(b)) by adding at the end
18 the following new paragraph:

19 “(3) PUBLICATION OF INFORMATION RELATING
20 TO A SPECIAL ENROLLMENT PERIOD AND CRED-
21 ITS.—An Exchange shall, not later than 7 days after
22 the date of the enactment of this paragraph, promi-
23 nently post on the homepage of the Internet website
24 for such Exchange information with respect to the
25 special enrollment period described in subsection

1 (c)(8)(A) and hyperlinks to information with respect
2 to the eligibility of individuals described in such sub-
3 section—

4 “(A) to enroll in a qualified health plan of-
5 fered through an Exchange during a special en-
6 rollment period described in such subsection;

7 “(B) for the premium tax credit under sec-
8 tion 36B of the Internal Revenue Code of 1986;
9 and

10 “(C) for any increase to the premium tax
11 credit an individual otherwise receives under
12 section 36B of the Internal Revenue Code of
13 1986 by reason of subsection (g) of such sec-
14 tion.”.

15 **SEC. 313. TEMPORARY MODIFICATION OF LIMITATIONS ON**
16 **RECONCILIATION OF TAX CREDITS FOR COV-**
17 **ERAGE UNDER A QUALIFIED HEALTH PLAN**
18 **WITH ADVANCE PAYMENTS OF SUCH CREDIT.**

19 (a) IN GENERAL.—Section 36B(f)(2)(B) of the Inter-
20 nal Revenue Code of 1986 is amended by adding at the
21 end the following new clause:

22 “(iii) TEMPORARY MODIFICATION OF
23 LIMITATION ON INCREASE.—In the case of
24 any taxable year beginning in 2020 or
25 2021, clause (i) shall be applied—

1 “(I) by substituting ‘600 percent’
 2 for ‘400 percent’ the first place it ap-
 3 pears therein, and

4 “(II) by substituting the fol-
 5 lowing table for the table contained
 6 therein:

“If the household income (expressed as a percent of poverty line) is:	The applicable dollar amount is:
Less than 500%	\$0
At least 500% but less than 550%	\$1,600
At least 550% but less than 600%	\$2,650

7 The dollar amounts in the table contained
 8 under this clause shall be increased under
 9 clause (ii) for taxable years beginning cal-
 10 endar year 2021 by substituting ‘calendar
 11 year 2020’ for ‘calendar year 2013’ in sub-
 12 clause (II) thereof.”.

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

16 **SEC. 314. REQUIREMENTS FOR COBRA NOTICES RELATING**
 17 **TO THE AVAILABILITY OF HEALTH INSUR-**
 18 **ANCE COVERAGE AND ASSISTANCE.**

19 (a) ADDITIONAL NOTIFICATION REQUIREMENT FOR
 20 COBRA NOTICES.—

21 (1) IN GENERAL.—In the case of a notice pro-
 22 vided under section 606(a)(4) of the Employee Re-

1 tirement Income Security Act of 1974 (29 U.S.C.
2 1166(4)), section 4980B(f)(6)(D) of the Internal
3 Revenue Code of 1986, or section 2206(4) of the
4 Public Health Service Act (42 U.S.C. 300bb–6(4)),
5 with respect to an individual who, during the period
6 described in paragraph (2), becomes entitled to elect
7 COBRA continuation coverage, the requirements of
8 such provisions shall not be treated as met unless
9 such notice includes an additional written notice ad-
10 vising such individual, in clear and understandable
11 language—

12 (A) that such individual may be eligible
13 for—

14 (i) a special enrollment period de-
15 scribed in section 1311(e)(8)(A) of the Pa-
16 tient Protection and Affordable Care Act;
17 and

18 (ii) a premium tax credit under sec-
19 tion 36B of the Internal Revenue Code of
20 1986 (including a possible increase to such
21 credit by reason of subsection (g) of such
22 section); and

23 (B) of the existence and potential effects of
24 the temporary modification of limitations on

1 reconciliation of such credits under section
2 36B(f)(2)(B)(iii) of such Code.

3 (2) PERIOD DESCRIBED.—For purposes of
4 paragraph (1), the period described in this para-
5 graph is the period that—

6 (A) begins 14 days after the date of the
7 enactment of this Act; and

8 (B) ends 60 days after the last day of the
9 emergency period described in section
10 1135(g)(1)(B) of the Social Security Act (42
11 U.S.C. 1320b–5(g)(1)(B)).

12 (3) FORM.—The requirement of the additional
13 notification under this subsection may be met by
14 amendment of existing notice forms or by inclusion
15 of a separate document with the notice otherwise re-
16 quired.

17 (4) MODEL NOTICES.—Not later than 14 days
18 after the date of enactment of this Act, with respect
19 to any individual described in paragraph (1), the
20 Secretary of Labor, in consultation with the Sec-
21 retary of the Treasury and the Secretary of Health
22 and Human Services, shall prescribe models for the
23 additional notification required under this sub-
24 section. Such models shall include an estimate of the
25 amount of the monthly premium of a silver-level

1 qualified health plan offered through an Exchange
2 following the application of tax credits under section
3 36B of the Internal Revenue Code of 1986 for the
4 average individual eligible for the special enrollment
5 period described in paragraph (1)(A)(i).

6 (b) OUTREACH BY THE SECRETARY OF LABOR.—The
7 Secretary of Labor, in consultation with the Secretary of
8 the Treasury and the Secretary of Health and Human
9 Services, shall provide outreach consisting of public edu-
10 cation and enrollment assistance relating to premium as-
11 sistance, special enrollment periods, and reconciliation
12 modifications described in subsection (a)(1). Such out-
13 reach shall target employers, group health plan adminis-
14 trators, public assistance programs, States, consumers,
15 and other entities as determined appropriate by such Sec-
16 retaries. Information on such premium assistance, special
17 enrollment periods, and reconciliation modifications shall
18 also be made available on the websites of the Departments
19 of Labor, Treasury, and Health and Human Services.

20 (c) DEFINITIONS.—In this section:

21 (1) COBRA CONTINUATION COVERAGE.—The
22 term “COBRA continuation coverage” means con-
23 tinuation coverage provided pursuant to part 6 of
24 subtitle B of title I of the Employee Retirement In-
25 come Security Act of 1974 (other than under section

1 609), title XXII of the Public Health Service Act, or
2 section 4980B of the Internal Revenue Code of 1986
3 (other than subsection (f)(1) of such section insofar
4 as it relates to pediatric vaccines), or under a State
5 program that provides comparable continuation cov-
6 erage. Such term does not include coverage under a
7 health flexible spending arrangement under a cafe-
8 teria plan within the meaning of section 125 of the
9 Internal Revenue Code of 1986.

10 (2) EXCHANGE.—The term “Exchange” means
11 an American Health Benefit Exchange established
12 under section 1311 of the Patient Protection and
13 Affordable Care Act.

14 (3) GROUP HEALTH PLAN.—The term “group
15 health plan” has the meaning given such term in
16 section 607(1) of the Employee Retirement Income
17 Security Act of 1974.

18 (4) QUALIFIED HEALTH PLAN.—The term
19 “qualified health plan” has the meaning given such
20 term in section 1301(a)(1) of the Patient Protection
21 and Affordable Care Act.

22 (5) STATE.—The term “State” includes the
23 District of Columbia, the Commonwealth of Puerto
24 Rico, the Virgin Islands, Guam, American Samoa,

1 and the Commonwealth of the Northern Mariana Is-
2 lands.

3 (6) UNEMPLOYMENT COMPENSATION.—The
4 term “unemployment compensation” means, with re-
5 spect to an individual—

6 (A) regular compensation and extended
7 compensation (as such terms are defined by
8 section 205 of the Federal-State Extended Un-
9 employment Compensation Act of 1970);

10 (B) unemployment compensation (as de-
11 fined by section 85(b) of the Internal Revenue
12 Code of 1986) provided under any program ad-
13 ministered by a State under an agreement with
14 the Secretary;

15 (C) pandemic unemployment assistance
16 under section 2102 of the CARES Act;

17 (D) pandemic emergency unemployment
18 compensation under section 2107 of the
19 CARES Act;

20 (E) unemployment benefits under the Rail-
21 road Unemployment Insurance Act; and

22 (F) trade adjustment assistance under title
23 II of the Trade Act of 1974;

24 for which such individual is eligible for any week
25 during the period described in subsection (a)(2).

1 **TITLE IV—APPLICATION TO**
2 **OTHER HEALTH PROGRAMS**

3 **SEC. 401. PROHIBITION ON COPAYMENTS AND COST SHAR-**
4 **ING FOR TRICARE BENEFICIARIES RECEIV-**
5 **ING COVID-19 TREATMENT.**

6 (a) IN GENERAL.—Section 6006(a) of the Families
7 First Coronavirus Response Act (Public Law 116–127; 38
8 U.S.C. 1074 note) is amended by striking “or visits de-
9 scribed in paragraph (2) of such section” and inserting
10 “, visits described in paragraph (2) of such section, or
11 medical care to treat COVID–19”.

12 (b) EFFECTIVE DATE.—The amendment made by
13 subsection (a) shall apply with respect to medical care fur-
14 nished on or after the date of the enactment of this Act.

15 **SEC. 402. PROHIBITION ON COPAYMENTS AND COST SHAR-**
16 **ING FOR VETERANS RECEIVING COVID-19**
17 **TREATMENT FURNISHED BY DEPARTMENT**
18 **OF VETERANS AFFAIRS.**

19 (a) IN GENERAL.—Section 6006(b) of the Families
20 First Coronavirus Response Act (Public Law 116–127; 38
21 U.S.C. 1701 note) is amended by striking “or visits de-
22 scribed in paragraph (2) of such section” and inserting
23 “, visits described in paragraph (2) of such section, or hos-
24 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 **SEC. 403. PROHIBITION ON COPAYMENTS AND COST SHAR-**
6 **ING FOR FEDERAL CIVILIAN EMPLOYEES RE-**
7 **CEIVING COVID-19 TREATMENT.**

8 (a) IN GENERAL.—Section 6006(c) of the Families
9 First Coronavirus Response Act (Public Law 116–127; 5
10 U.S.C. 8904 note) is amended by striking “or visits de-
11 scribed in paragraph (2) of such section” and inserting
12 “, visits described in paragraph (2) of such section, or hos-
13 pital care or medical services to treat COVID–19”.

14 (b) EFFECTIVE DATE.—The amendment made by
15 subsection (a) shall apply with respect to hospital care and
16 medical services furnished on or after the date of the en-
17 actment of this Act.

18 **TITLE V—PUBLIC HEALTH**
19 **POLICIES**

20 **SEC. 501. DEFINITIONS.**

21 In this title:

22 (1) Except as inconsistent with the provisions
23 of this title, the term “Secretary” means the Sec-
24 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** 17 **Improvements**

18 **SEC. 511. MEDICAL SUPPLIES RESPONSE COORDINATOR.**

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 of 1950 (50
22 U.S.C. 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 **SEC. 512. INFORMATION TO BE INCLUDED IN LIST OF DE-**
7 **VICES DETERMINED TO BE IN SHORTAGE.**

8 Section 506J(g)(2)(A) of the Federal Food, Drug,
9 and Cosmetic Act, as added by section 3121 of the
10 CARES Act (Public Law 116–136), is amended by insert-
11 ing “, including the device identifier or national product
12 code for such device, if applicable” before the period at
13 the end.

14 **SEC. 513. EXTENDED SHELF LIFE DATES FOR ESSENTIAL**
15 **DEVICES.**

16 (a) IN GENERAL.—The Federal Food, Drug, and
17 Cosmetic Act is amended by inserting after section 506J
18 (21 U.S.C. 356j) the following:

19 **“SEC. 506K. EXTENDED SHELF LIFE DATES FOR ESSENTIAL**
20 **DEVICES.**

21 “(a) IN GENERAL.—A manufacturer of a device sub-
22 ject to notification requirements under section 506J (in
23 this section referred to as an ‘essential device’) shall—

24 “(1) submit to the Secretary data and informa-
25 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 **SEC. 514. AUTHORITY TO DESTROY COUNTERFEIT DEVICES.**

13 (a) IN GENERAL.—Section 801(a) of the Federal
14 Food, Drug, and Cosmetic Act (21 U.S.C. 381(a)) is
15 amended—

16 (1) in the fourth sentence, by inserting “or
17 counterfeit device” after “counterfeit drug”; and

18 (2) by striking “The Secretary of the Treasury
19 shall cause the destruction of” and all that follows
20 through “liable for costs pursuant to subsection
21 (c).” and inserting the following: “The Secretary of
22 the Treasury shall cause the destruction of any such
23 article refused admission unless such article is ex-
24 ported, under regulations prescribed by the Sec-
25 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 **SEC. 515. REPORTING REQUIREMENT FOR DRUG MANUFAC-**
10 **TURERS.**

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

1 prior to being imported or offered for import into the
2 United States.”.

3 (b) LISTING OF DRUGS.—Section 510(j)(1) of the
4 Federal Food, Drug, and Cosmetic Act (21 U.S.C.
5 360(j)(1)) is amended—

6 (1) in subparagraph (D), by striking “and” at
7 the end;

8 (2) in subparagraph (E), by striking the period
9 at the end and inserting “; and”; and

10 (3) by adding at the end the following new sub-
11 paragraph:

12 “(F) in the case of a drug contained in the ap-
13 plicable list, a certification that the registrant has—

14 “(i) identified every other establishment
15 where manufacturing is performed for the drug;
16 and

17 “(ii) notified each known foreign establish-
18 ment engaged in the manufacture, preparation,
19 propagation, compounding, or processing of the
20 drug, including the active pharmaceutical ingre-
21 dient, of the inclusion of the drug in the list
22 and the obligation to register.”.

23 (c) QUARTERLY REPORTING ON AMOUNT OF DRUGS
24 MANUFACTURED.—Section 510(j)(3)(A) of the Federal
25 Food, Drug, and Cosmetic Act (as added by section 3112

1 of the CARES Act (Public Law 116–136)) is amended
2 by striking “annually” and inserting “once during the
3 month of March of each year, once during the month of
4 June of each year, once during the month of September
5 of each year, and once during the month of December of
6 each year”.

7 **SEC. 516. RECOMMENDATIONS TO ENCOURAGE DOMESTIC**
8 **MANUFACTURING OF CRITICAL DRUGS.**

9 (a) IN GENERAL.—Not later than 14 days after the
10 date of enactment of this Act, the Secretary shall enter
11 into an agreement with the National Academies of
12 Sciences, Engineering, and Medicine (referred to in this
13 section as the “National Academies”) under which, not
14 later than 90 days after the date of entering into the
15 agreement, the National Academies will—

16 (1) establish a committee of experts who are
17 knowledgeable about drug and device supply issues,
18 including—

19 (A) sourcing and production of critical
20 drugs and devices;

21 (B) sourcing and production of active
22 pharmaceutical ingredients in critical drugs;

23 (C) the raw materials and other compo-
24 nents for critical drugs and devices; and

1 (D) the public health and national security
2 implications of the current supply chain for
3 critical drugs and devices;

4 (2) convene a public symposium to—

5 (A) analyze the impact of United States
6 dependence on the foreign manufacturing of
7 critical drugs and devices on patient access and
8 care, including in hospitals and intensive care
9 units; and

10 (B) recommend strategies to end United
11 States dependence on foreign manufacturing to
12 ensure the United States has a diverse and vital
13 supply chain for critical drugs and devices to
14 protect the Nation from natural or hostile oc-
15 currences; and

16 (3) submit a report on the symposium's pro-
17 ceedings to the Congress and publish a summary of
18 such proceedings on the public website of the Na-
19 tional Academies.

20 (b) SYMPOSIUM.—In carrying out the agreement
21 under subsection (a), the National Academies shall consult
22 with—

23 (1) the Department of Health and Human
24 Services, the Department of Homeland Security, the
25 Department of Defense, the Department of Com-

1 merce, the Department of State, the Department of
2 Veterans Affairs, the Department of Justice, and
3 any other Federal agencies as appropriate; and

4 (2) relevant stakeholders, including drug and
5 device manufacturers, health care providers, medical
6 professional societies, State-based societies, public
7 health experts, State and local public health depart-
8 ments, State medical boards, patient groups, health
9 care distributors, wholesalers and group purchasing
10 organizations, pharmacists, and other entities with
11 experience in health care and public health, as ap-
12 propriate.

13 (c) DEFINITIONS.—For the purposes of this section:

14 (1) The term “critical”—

15 (A) with respect to a device, refers to a de-
16 vice classified by the Food and Drug Adminis-
17 tration as implantable, life-saving, and life-sus-
18 taining; or

19 (B) with respect to a drug, refers to a
20 drug that is described in subsection (a) of sec-
21 tion 506C of the Federal Food, Drug, and Cos-
22 metic Act (21 U.S.C. 356c) (relating to notifi-
23 cation of any discontinuance or interruption in
24 the production of life-saving drugs).

1 (2) The terms “device” and “drug” have the
2 meanings given to those terms in section 201 of the
3 Federal Food, Drug, and Cosmetic Act (21 U.S.C.
4 321).

5 **SEC. 517. FAILURE TO NOTIFY OF A PERMANENT DIS-**
6 **CONTINUANCE OR AN INTERRUPTION.**

7 Section 301 of the Federal Food, Drug, and Cosmetic
8 Act (21 U.S.C. 331) is amended by adding at the end the
9 following:

10 “(fff) The failure of a manufacturer of a drug de-
11 scribed in section 506C(a) or an active pharmaceutical in-
12 gredient of such a drug, without a reasonable basis as de-
13 termined by the Secretary, to notify the Secretary of a
14 permanent discontinuance or an interruption, and the rea-
15 sons for such discontinuance or interruption, as required
16 by section 506C.”.

17 **SEC. 518. FAILURE TO DEVELOP RISK MANAGEMENT PLAN.**

18 Section 301 of the Federal Food, Drug, and Cosmetic
19 Act (21 U.S.C. 331), as amended by section 517, is fur-
20 ther amended by adding at the end the following:

21 “(ggg) The failure to develop, maintain, and imple-
22 ment a risk management plan, as required by section
23 506C(j).”.

1 **SEC. 519. NATIONAL CENTERS OF EXCELLENCE IN CONTIN-**
2 **UOUS PHARMACEUTICAL MANUFACTURING.**

3 (a) IN GENERAL.—Section 3016 of the 21st Century
4 Cures Act (21 U.S.C. 399h) is amended to read as follows:

5 **“SEC. 3016. NATIONAL CENTERS OF EXCELLENCE IN CON-**
6 **TINUOUS PHARMACEUTICAL MANUFAC-**
7 **TURING.**

8 “(a) IN GENERAL.—The Secretary of Health and
9 Human Services, acting through the Commissioner of
10 Food and Drugs—

11 “(1) shall solicit and, beginning not later than
12 1 year after the date of enactment of the Investing
13 in America’s Health Care During the COVID–19
14 Pandemic Act receive requests from institutions of
15 higher education to be designated as a National
16 Center of Excellence in Continuous Pharmaceutical
17 Manufacturing (in this section referred to as a ‘Na-
18 tional Center of Excellence’) to support the advance-
19 ment and development of continuous manufacturing;
20 and

21 “(2) shall so designate any institution of higher
22 education that—

23 “(A) requests such designation; and

24 “(B) meets the criteria specified in sub-
25 section (c).

1 “(b) REQUEST FOR DESIGNATION.—A request for
2 designation under subsection (a) shall be made to the Sec-
3 retary at such time, in such manner, and containing such
4 information as the Secretary may require. Any such re-
5 quest shall include a description of how the institution of
6 higher education meets or plans to meet each of the cri-
7 teria specified in subsection (c).

8 “(c) CRITERIA FOR DESIGNATION DESCRIBED.—The
9 criteria specified in this subsection with respect to an in-
10 stitution of higher education are that the institution has,
11 as of the date of the submission of a request under sub-
12 section (a) by such institution—

13 “(1) physical and technical capacity for re-
14 search and development of continuous manufac-
15 turing;

16 “(2) manufacturing knowledge-sharing net-
17 works with other institutions of higher education,
18 large and small pharmaceutical manufacturers, ge-
19 neric and nonprescription manufacturers, contract
20 manufacturers, and other entities;

21 “(3) proven capacity to design and demonstrate
22 new, highly effective technology for use in contin-
23 uous manufacturing;

1 “(4) a track record for creating and transfer-
2 ring knowledge with respect to continuous manufac-
3 turing;

4 “(5) the potential to train a future workforce
5 for research on and implementation of advanced
6 manufacturing and continuous manufacturing; and

7 “(6) experience in participating in and leading
8 a continuous manufacturing technology partnership
9 with other institutions of higher education, large and
10 small pharmaceutical manufacturers (including ge-
11 neric and nonprescription drug manufacturers), con-
12 tract manufacturers, and other entities—

13 “(A) to support companies with continuous
14 manufacturing in the United States;

15 “(B) to support Federal agencies with
16 technical assistance, which may include regu-
17 latory and quality metric guidance as applica-
18 ble, for advanced manufacturing and continuous
19 manufacturing;

20 “(C) with respect to continuous manufac-
21 turing, to organize and conduct research and
22 development activities needed to create new and
23 more effective technology, capture and dissemi-
24 nate expertise, create intellectual property, and
25 maintain technological leadership;

1 “(D) to develop best practices for design-
2 ing continuous manufacturing; and

3 “(E) to assess and respond to the work-
4 force needs for continuous manufacturing, in-
5 cluding the development of training programs if
6 needed.

7 “(d) TERMINATION OF DESIGNATION.—The Sec-
8 retary may terminate the designation of any National Cen-
9 ter of Excellence designated under this section if the Sec-
10 retary determines such National Center of Excellence no
11 longer meets the criteria specified in subsection (c). Not
12 later than 60 days before the effective date of such a ter-
13 mination, the Secretary shall provide written notice to the
14 National Center of Excellence, including the rationale for
15 such termination.

16 “(e) CONDITIONS FOR DESIGNATION.—As a condi-
17 tion of designation as a National Center of Excellence
18 under this section, the Secretary shall require that an in-
19 stitution of higher education enter into an agreement with
20 the Secretary under which the institution agrees—

21 “(1) to collaborate directly with the Food and
22 Drug Administration to publish the reports required
23 by subsection (g);

1 “(2) to share data with the Food and Drug Ad-
2 ministration regarding best practices and research
3 generated through the funding under subsection (f);

4 “(3) to develop, along with industry partners
5 (which may include large and small biopharma-
6 ceutical manufacturers, generic and nonprescription
7 manufacturers, and contract manufacturers) and an-
8 other institution or institutions designated under
9 this section, if any, a roadmap for developing a con-
10 tinuous manufacturing workforce;

11 “(4) to develop, along with industry partners
12 and other institutions designated under this section,
13 a roadmap for strengthening existing, and devel-
14 oping new, relationships with other institutions; and

15 “(5) to provide an annual report to the Food
16 and Drug Administration regarding the institution’s
17 activities under this section, including a description
18 of how the institution continues to meet and make
19 progress on the criteria listed in subsection (c).

20 “(f) FUNDING.—

21 “(1) IN GENERAL.—The Secretary shall award
22 funding, through grants, contracts, or cooperative
23 agreements, to the National Centers of Excellence
24 designated under this section for the purpose of
25 studying and recommending improvements to contin-

1 uous manufacturing, including such improvements
2 as may enable the Centers—

3 “(A) to continue to meet the conditions
4 specified in subsection (e); and

5 “(B) to expand capacity for research on,
6 and development of, continuing manufacturing.

7 “(2) CONSISTENCY WITH FDA MISSION.—As a
8 condition on receipt of funding under this sub-
9 section, a National Center of Excellence shall agree
10 to consider any input from the Secretary regarding
11 the use of funding that would—

12 “(A) help to further the advancement of
13 continuous manufacturing through the National
14 Center of Excellence; and

15 “(B) be relevant to the mission of the
16 Food and Drug Administration.

17 “(3) AUTHORIZATION OF APPROPRIATIONS.—
18 There is authorized to be appropriated to carry out
19 this subsection \$100,000,000, to remain available
20 until expended.

21 “(4) RULE OF CONSTRUCTION.—Nothing in
22 this section shall be construed as precluding a Na-
23 tional Center for Excellence designated under this
24 section from receiving funds under any other provi-
25 sion of this Act or any other Federal law.

1 “(g) ANNUAL REVIEW AND REPORTS.—

2 “(1) ANNUAL REPORT.—Beginning not later
3 than 1 year after the date on which the first des-
4 ignation is made under subsection (a), and annually
5 thereafter, the Secretary shall—

6 “(A) submit to Congress a report describ-
7 ing the activities, partnerships and collabora-
8 tions, Federal policy recommendations, previous
9 and continuing funding, and findings of, and
10 any other applicable information from, the Na-
11 tional Centers of Excellence designated under
12 this section; and

13 “(B) make such report available to the
14 public in an easily accessible electronic format
15 on the website of the Food and Drug Adminis-
16 tration.

17 “(2) REVIEW OF NATIONAL CENTERS OF EX-
18 CELLENCE AND POTENTIAL DESIGNEES.—The Sec-
19 retary shall periodically review the National Centers
20 of Excellence designated under this section to ensure
21 that such National Centers of Excellence continue to
22 meet the criteria for designation under this section.

23 “(3) REPORT ON LONG-TERM VISION OF FDA
24 ROLE.—Not later than 2 years after the date on
25 which the first designation is made under subsection

1 (a), the Secretary, in consultation with the National
2 Centers of Excellence designated under this section,
3 shall submit a report to the Congress on the long-
4 term vision of the Department of Health and
5 Human Services on the role of the Food and Drug
6 Administration in supporting continuous manufac-
7 turing, including—

8 “(A) a national framework of principles re-
9 lated to the implementation and regulation of
10 continuous manufacturing;

11 “(B) a plan for the development of Federal
12 regulations and guidance for how advanced
13 manufacturing and continuous manufacturing
14 can be incorporated into the development of
15 pharmaceuticals and regulatory responsibilities
16 of the Food and Drug Administration; and

17 “(C) appropriate feedback solicited from
18 the public, which may include other institutions,
19 large and small biopharmaceutical manufactur-
20 ers, generic and nonprescription manufacturers,
21 and contract manufacturers.

22 “(h) DEFINITIONS.—In this section:

23 “(1) ADVANCED MANUFACTURING.—The term
24 ‘advanced manufacturing’ means an approach for
25 the manufacturing of pharmaceuticals that incor-

1 porates novel technology, or uses an established
2 technique or technology in a new or innovative way
3 (such as continuous manufacturing where the input
4 materials are continuously transformed within the
5 process by two or more unit operations) that en-
6 hances drug quality or improves the manufacturing
7 process.

8 “(2) CONTINUOUS MANUFACTURING.—The
9 term ‘continuous manufacturing’—

10 “(A) means a process where the input ma-
11 terials are continuously fed into and trans-
12 formed within the process, and the processed
13 output materials are continuously removed from
14 the system; and

15 “(B) consists of an integrated process that
16 consists of a series of two or more unit oper-
17 ations.

18 “(3) INSTITUTION OF HIGHER EDUCATION.—
19 The term ‘institution of higher education’ has the
20 meaning given such term in section 101(a) of the
21 Higher Education Act of 1965 (20 U.S.C. 1001(a)).

22 “(4) SECRETARY.—The term ‘Secretary’ means
23 the Secretary of Health and Human Services, acting
24 through the Commissioner of Food and Drugs.”.

1 (b) TRANSITION RULE.—Section 3016 of the 21st
2 Century Cures Act (21 U.S.C. 399h), as in effect on the
3 day before the date of the enactment of this section, shall
4 apply with respect to grants awarded under such section
5 before such date of enactment.

6 **Subtitle B—Strategic National**
7 **Stockpile Improvements**

8 **SEC. 531. EQUIPMENT MAINTENANCE.**

9 Section 319F–2 of the Public Health Service Act (42
10 U.S.C. 247d–6b) is amended—

11 (1) in subsection (a)(3)—

12 (A) in subparagraph (I), by striking “;
13 and” and inserting a semicolon;

14 (B) in subparagraph (J), by striking the
15 period at the end and inserting a semicolon;
16 and

17 (C) by inserting the following new subpara-
18 graph at the end:

19 “(K) ensure the contents of the stockpile
20 remain in good working order and, as appro-
21 priate, conduct maintenance services on such
22 contents; and”; and

23 (2) in subsection (c)(7)(B), by adding at the
24 end the following new clause:

1 “(ix) EQUIPMENT MAINTENANCE
2 SERVICE.—In carrying out this section, the
3 Secretary may enter into contracts for the
4 procurement of equipment maintenance
5 services.”.

6 **SEC. 532. SUPPLY CHAIN FLEXIBILITY MANUFACTURING**
7 **PILOT.**

8 (a) IN GENERAL.—Section 319F–2(a)(3) of the Pub-
9 lic Health Service Act (42 U.S.C. 247d–6b(a)(3)), as
10 amended by section 531, is further amended by adding
11 at the end the following new subparagraph:

12 “(L) enhance medical supply chain elas-
13 ticity and establish and maintain domestic re-
14 serves of critical medical supplies (including
15 personal protective equipment, ancillary medical
16 supplies, and other applicable supplies required
17 for the administration of drugs, vaccines and
18 other biological products, and other medical de-
19 vices (including diagnostic tests)) by—

20 “(i) increasing emergency stock of
21 critical medical supplies;

22 “(ii) geographically diversifying pro-
23 duction of such medical supplies;

24 “(iii) purchasing, leasing, or entering
25 into joint ventures with respect to facilities

1 and equipment for the production of such
2 medical supplies; and

3 “(iv) working with distributors of
4 such medical supplies to manage the do-
5 mestic reserves established under this sub-
6 paragraph by refreshing and replenishing
7 stock of such medical supplies.”.

8 (b) REPORTING; SUNSET.—Section 319F–2(a) of the
9 Public Health Service Act (42 U.S.C. 247d–6b(a)) is
10 amended by adding at the end the following:

11 “(6) REPORTING.—Not later than September
12 30, 2022, the Secretary shall submit to the Com-
13 mittee on Energy and Commerce of the House of
14 Representatives and the Committee on Health, Edu-
15 cation, Labor and Pensions of the Senate a report
16 on the details of each purchase, lease, or joint ven-
17 ture entered into under paragraph (3)(L), including
18 the amount expended by the Secretary on each such
19 purchase, lease, or joint venture.

20 “(7) SUNSET.—The authority to make pur-
21 chases, leases, or joint ventures pursuant to para-
22 graph (3)(L) shall cease to be effective on Sep-
23 tember 30, 2023.”.

1 (c) FUNDING.—Section 319F–2(f) of the Public
2 Health Service Act (42 U.S.C. 247d–6b(f)) is amended by
3 adding at the end the following:

4 “(3) SUPPLY CHAIN ELASTICITY.—

5 “(A) IN GENERAL.—For the purpose of
6 carrying out subsection (a)(3)(L), there is au-
7 thorized to be appropriated \$500,000,000 for
8 each of fiscal years 2020 through 2023, to re-
9 main available until expended.

10 “(B) RELATION TO OTHER AMOUNTS.—

11 The amount authorized to be appropriated by
12 subparagraph (A) for the purpose of carrying
13 out subsection (a)(3)(L) is in addition to any
14 other amounts available for such purpose.”.

15 **SEC. 533. REIMBURSABLE TRANSFERS FROM STRATEGIC**
16 **NATIONAL STOCKPILE.**

17 Section 319F–2(a) of the Public Health Service Act
18 (42 U.S.C. 247d–6b(a)), as amended, is further amended
19 by adding at the end the following:

20 “(8) TRANSFERS AND REIMBURSEMENTS.—

21 “(A) IN GENERAL.—Without regard to
22 chapter 5 of title 40, United States Code, the
23 Secretary may transfer to any Federal depart-
24 ment or agency, on a reimbursable basis, any
25 drugs, vaccines and other biological products,

1 medical devices, and other supplies in the stock-
2 pile if—

3 “(i) the transferred supplies are less
4 than 6 months from expiry;

5 “(ii) the stockpile is able to replenish
6 the supplies, as appropriate; and

7 “(iii) the Secretary decides the trans-
8 fer is in the best interest of the United
9 States Government.

10 “(B) USE OF REIMBURSEMENT.—Reim-
11 bursement derived from the transfer of supplies
12 pursuant to subparagraph (A) may be used by
13 the Secretary, without further appropriation
14 and without fiscal year limitation, to carry out
15 this section.

16 “(C) REPORT.—Not later than September
17 30, 2022, the Secretary shall submit to the
18 Committee on Energy and Commerce of the
19 House of Representatives and the Committee
20 on Health, Education, Labor and Pensions of
21 the Senate a report on each transfer made
22 under this paragraph and the amount received
23 by the Secretary in exchange for that transfer.

1 “(D) SUNSET.—The authority to make
2 transfers under this paragraph shall cease to be
3 effective on September 30, 2023.”.

4 **SEC. 534. STRATEGIC NATIONAL STOCKPILE ACTION RE-**
5 **PORTING.**

6 (a) IN GENERAL.—The Assistant Secretary for Pre-
7 paredness and Response (in this section referred to as the
8 “Assistant Secretary”), in coordination with the Adminis-
9 trator of the Federal Emergency Management Agency,
10 shall—

11 (1) not later than 30 days after the date of en-
12 actment of this Act, issue a report to the Committee
13 on Energy and Commerce of the House of Rep-
14 resentatives and the Committee on Health, Edu-
15 cation, Labor and Pensions of the Senate regarding
16 all State, local, Tribal, and territorial requests for
17 supplies from the Strategic National Stockpile re-
18 lated to COVID–19; and

19 (2) not less than every 30 days thereafter
20 through the end of the emergency period (as such
21 term is defined in section 1135(g)(1)(B) of the So-
22 cial Security Act (42 U.S.C. 1320b–5(g)(1)(B))),
23 submit to such committees an updated version of
24 such report.

25 (b) REPORTING PERIOD.—

1 (1) INITIAL REPORT.—The initial report under
2 subsection (a) shall address all requests described in
3 such subsection made during the period—

4 (A) beginning on January 31, 2020; and

5 (B) ending on the date that is 30 days be-
6 fore the date of submission of the report.

7 (2) UPDATES.—Each update to the report
8 under subsection (a) shall address all requests de-
9 scribed in such subsection made during the period—

10 (A) beginning at the end of the previous
11 reporting period under this section; and

12 (B) ending on the date that is 30 days be-
13 fore the date of submission of the updated re-
14 port.

15 (c) CONTENTS OF REPORT.—The report under sub-
16 section (a) (and updates thereto) shall include—

17 (1) the details of each request described in such
18 subsection, including—

19 (A) the specific medical countermeasures,
20 including devices such as personal protective
21 equipment, and other materials requested; and

22 (B) the amount of such materials re-
23 quested; and

24 (2) the outcomes of each request described in
25 subsection (a), including—

1 (A) whether the request was wholly ful-
2 filled, partially fulfilled, or denied;

3 (B) if the request was wholly or partially
4 fulfilled, the fulfillment amount; and

5 (C) if the request was partially fulfilled or
6 denied, a rationale for such outcome.

7 **SEC. 535. IMPROVED, TRANSPARENT PROCESSES FOR THE**
8 **STRATEGIC NATIONAL STOCKPILE.**

9 (a) IN GENERAL.—Not later than January 1, 2021,
10 the Secretary, in collaboration with the Assistant Sec-
11 retary for Preparedness and Response and the Director
12 of the Centers for Disease Control and Prevention, shall
13 develop and implement improved, transparent processes
14 for the use and distribution of drugs, vaccines and other
15 biological products, medical devices, and other supplies
16 (including personal protective equipment, ancillary med-
17 ical supplies, and other applicable supplies required for the
18 administration of drugs, vaccines and other biological
19 products, diagnostic tests, and other medical devices) in
20 the Strategic National Stockpile under section 319F–2 of
21 the Public Health Service Act (42 U.S.C. 247d–6b) (in
22 this section referred to as the “Stockpile”).

23 (b) PROCESSES.—The processes developed under
24 subsection (a) shall include—

1 (1) the form and manner in which States, local-
2 ities, Tribes, and territories are required to submit
3 requests for supplies from the Stockpile;

4 (2) the criteria used by the Secretary in re-
5 sponding to such requests, including the reasons for
6 fulfilling or denying such requests;

7 (3) what circumstances result in prioritization
8 of distribution of supplies from the Stockpile to
9 States, localities, Tribes, or territories;

10 (4) clear plans for future, urgent communica-
11 tion between the Secretary and States, localities,
12 Tribes, and territories regarding the outcome of
13 such requests; and

14 (5) any differences in the processes developed
15 under subsection (a) for geographically related emer-
16 gencies, such as weather events, and national emer-
17 gencies, such as pandemics.

18 (c) REPORT TO CONGRESS.—Not later than January
19 1, 2021, the Secretary shall—

20 (1) submit a report to the Committee Energy
21 and Commerce of the House of Representatives and
22 the Committee on Health, Education, Labor and
23 Pensions of the Senate regarding the improved,
24 transparent processes developed under this section;
25 and

1 (2) include in such report recommendations for
2 opportunities for communication (by telebriefing,
3 phone calls, or in-person meetings) between the Sec-
4 retary and States, localities, Tribes, and territories
5 regarding such improved, transparent processes.

6 **SEC. 536. GAO STUDY ON THE FEASIBILITY AND BENEFITS**
7 **OF A STRATEGIC NATIONAL STOCKPILE USER**
8 **FEE AGREEMENT.**

9 (a) IN GENERAL.— The Comptroller General of the
10 United States shall conduct a study to investigate the fea-
11 sibility of establishing user fees to offset certain Federal
12 costs attributable to the procurement of single-source ma-
13 terials for the Strategic National Stockpile under section
14 319F–2 of the Public Health Service Act (42 U.S.C.
15 247d–6b) and distributions of such materials from the
16 Stockpile. In conducting this study, the Comptroller Gen-
17 eral shall consider, to the extent information is available—

18 (1) whether entities receiving such distributions
19 generate profits from those distributions;

20 (2) any Federal costs attributable to such dis-
21 tributions;

22 (3) whether such user fees would provide the
23 Secretary with funding to potentially offset procure-
24 ment costs of such materials for the Strategic Na-
25 tional Stockpile; and

1 (4) any other issues the Comptroller General
2 identifies as relevant.

3 (b) REPORT.—Not later than February 1, 2023, the
4 Comptroller General of the United States shall submit to
5 the Congress a report on the findings and conclusions of
6 the study under subsection (a).

7 **Subtitle C—Testing and Testing**
8 **Infrastructure Improvements**

9 **SEC. 541. COVID-19 TESTING STRATEGY.**

10 (a) STRATEGY.—Not later than 30 days after the
11 date of the enactment of this Act, the Secretary shall up-
12 date the COVID-19 strategic testing plan under the head-
13 ing “Department of Health and Human Services—Office
14 of the Secretary—Public Health and Social Service Emer-
15 gency Fund” in title I of division B of the Paycheck Pro-
16 tection Program and Health Care Enhancement Act (Pub-
17 lic Law 116-139, 134 Stat. 620, 626-627) and submit
18 to the appropriate congressional committees such updated
19 national plan identifying—

20 (1) what level of, types of, and approaches to
21 testing (including predicted numbers of tests, popu-
22 lations to be tested, and frequency of testing and the
23 appropriate setting whether a health care setting
24 (such as hospital-based, high-complexity laboratory,
25 point-of-care, mobile testing units, pharmacies or

1 community health centers) or non-health care setting
2 (such as workplaces, schools, or child care centers))
3 are necessary—

4 (A) to sufficiently monitor and contribute
5 to the control of the transmission of SARS-
6 CoV-2 in the United States;

7 (B) to ensure that any reduction in social
8 distancing efforts, when determined appropriate
9 by public health officials, can be undertaken in
10 a manner that optimizes the health and safety
11 of the people of the United States, and reduces
12 disparities (including disparities related to race,
13 ethnicity, sex, age, disability status, socio-
14 economic status, and geographic location) in the
15 prevalence of, incidence of, and health outcomes
16 with respect to, COVID-19; and

17 (C) to provide for ongoing surveillance suf-
18 ficient to support contact tracing, case identi-
19 fication, quarantine, and isolation to prevent fu-
20 ture outbreaks of COVID-19;

21 (2) specific plans and benchmarks, each with
22 clear timelines, to ensure—

23 (A) such level of, types of, and approaches
24 to testing as are described in paragraph (1),
25 with respect to optimizing health and safety;

1 (B) sufficient availability of all necessary
2 testing materials and supplies, including extrac-
3 tion and testing kits, reagents, transport media,
4 swabs, instruments, analysis equipment, per-
5 sonal protective equipment if necessary for test-
6 ing (including point-of-care testing), and other
7 equipment;

8 (C) allocation of testing materials and sup-
9 plies in a manner that optimizes public health,
10 including by considering the variable impact of
11 SARS-CoV-2 on specific States, territories, In-
12 dian Tribes, Tribal organizations, urban Indian
13 organizations, communities, industries, and pro-
14 fessions;

15 (D) sufficient evidence of validation for
16 tests that are deployed as a part of such strat-
17 egy;

18 (E) sufficient laboratory and analytical ca-
19 pacity, including target turnaround time for
20 test results;

21 (F) sufficient personnel, including per-
22 sonnel to collect testing samples, conduct and
23 analyze results, and conduct testing follow-up,
24 including contact tracing, as appropriate; and

1 (G) enforcement of the Families First
2 Coronavirus Response Act (Public Law 116–
3 127) to ensure patients who are tested are not
4 subject to cost sharing;

5 (3) specific plans to ensure adequate testing in
6 rural areas, frontier areas, health professional short-
7 age areas, and medically underserved areas (as de-
8 fined in section 330I(a) of the Public Health Service
9 Act (42 U.S.C. 254c–14(a))), and for underserved
10 populations, Native Americans (including Indian
11 Tribes, Tribal organizations, and urban Indian orga-
12 nizations), and populations at increased risk related
13 to COVID–19;

14 (4) specific plans to ensure accessibility of test-
15 ing to people with disabilities, older individuals, and
16 individuals with underlying health conditions or
17 weakened immune systems; and

18 (5) specific plans for broadly developing and
19 implementing testing for potential immunity in the
20 United States, as appropriate, in a manner suffi-
21 cient—

22 (A) to monitor and contribute to the con-
23 trol of SARS–CoV–2 in the United States;

24 (B) to ensure that any reduction in social
25 distancing efforts, when determined appropriate

1 by public health officials, can be undertaken in
2 a manner that optimizes the health and safety
3 of the people of the United States; and

4 (C) to reduce disparities (including dispari-
5 ties related to race, ethnicity, sex, age, dis-
6 ability status, socioeconomic status, and geo-
7 graphic location) in the prevalence of, incidence
8 of, and health outcomes with respect to,
9 COVID-19.

10 (b) COORDINATION.—The Secretary shall carry out
11 this section—

12 (1) in coordination with the Administrator of
13 the Federal Emergency Management Agency;

14 (2) in collaboration with other agencies and de-
15 partments, as appropriate; and

16 (3) taking into consideration the State plans for
17 COVID-19 testing prepared as required under the
18 heading “Department of Health and Human Serv-
19 ices—Office of the Secretary—Public Health and
20 Social Service Emergency Fund” in title I of divi-
21 sion B of the Paycheck Protection Program and
22 Health Care Enhancement Act (Public Law 116-
23 139; 134 Stat. 620, 624).

24 (c) UPDATES.—

1 (1) FREQUENCY.—The updated national plan
2 under subsection (a) shall be updated every 30 days
3 until the end of the public health emergency first de-
4 clared by the Secretary under section 319 of the
5 Public Health Service Act (42 U.S.C. 247d) on Jan-
6 uary 31, 2020, with respect to COVID–19.

7 (2) RELATION TO OTHER LAW.—Paragraph (1)
8 applies in lieu of the requirement (for updates every
9 90 days until funds are expended) in the second to
10 last proviso under the heading “Department of
11 Health and Human Services—Office of the Sec-
12 retary—Public Health and Social Service Emergency
13 Fund” in title I of division B of the Paycheck Pro-
14 tection Program and Health Care Enhancement Act
15 (Public Law 116–139; 134 Stat. 620, 627).

16 (d) APPROPRIATE CONGRESSIONAL COMMITTEES.—
17 In this section, the term “appropriate congressional com-
18 mittees” means—

19 (1) the Committee on Appropriations and the
20 Committee on Energy and Commerce of the House
21 of Representatives; and

22 (2) the Committee on Appropriations and the
23 Committee on Health, Education, Labor and Pen-
24 sions and of the Senate.

1 **SEC. 542. CENTRALIZED TESTING INFORMATION WEBSITE.**

2 The Secretary shall establish and maintain a public,
3 searchable webpage, to be updated and corrected as nec-
4 essary through a process established by the Secretary, on
5 the website of the Department of Health and Human
6 Services that—

7 (1) identifies all in vitro diagnostic and sero-
8 logical tests used in the United States to analyze
9 clinical specimens for detection of SARS-CoV-2 or
10 antibodies specific to SARS-CoV-2, including—

11 (A) those tests—

12 (i) that are approved, cleared, or au-
13 thorized under section 510(k), 513, 515, or
14 564 of the Federal Food, Drug, and Cos-
15 metic Act (21 U.S.C. 360(k), 360c, 360e,
16 360bbb-3);

17 (ii) that have been validated by the
18 test's developers for use on clinical speci-
19 mens and for which the developer has noti-
20 fied the Food and Drug Administration of
21 the developer's intent to market the test
22 consistent with applicable guidance issued
23 by the Secretary; or

24 (iii) that have been developed and au-
25 thorized by a State that has notified the

1 Secretary of the State’s intention to review
2 tests intended to diagnose COVID–19; and

3 (B) other SARS–CoV–2-related tests that
4 the Secretary determines appropriate in guid-
5 ance, which may include tests related to the
6 monitoring of COVID–19 patient status;

7 (2) provides relevant information, as deter-
8 mined by the Secretary, on each test identified pur-
9 suant to paragraph (1), which may include—

10 (A) the name and contact information of
11 the developer of the test;

12 (B) the date of receipt of notification by
13 the Food and Drug Administration of the devel-
14 oper’s intent to market the test;

15 (C) the date of authorization for use of the
16 test on clinical specimens, where applicable;

17 (D) the letter of authorization for use of
18 the test on clinical specimens, where applicable;

19 (E) any fact sheets, manufacturer instruc-
20 tions, and package inserts for the test, includ-
21 ing information on intended use;

22 (F) sensitivity and specificity of the test;
23 and

24 (G) in the case of tests distributed by com-
25 mercial manufacturers, the number of tests dis-

1 tributed and, if available, the number of labora-
2 tories in the United States with the required
3 platforms installed to perform the test; and

4 (3) includes—

5 (A) a list of laboratories certified under
6 section 353 of the Public Health Service Act
7 (42 U.S.C. 263a; commonly referred to as
8 “CLIA”) that—

9 (i) meet the regulatory requirements
10 under such section to perform high- or
11 moderate-complexity testing; and

12 (ii) are authorized to perform SARS-
13 CoV-2 diagnostic or serological tests on
14 clinical specimens; and

15 (B) information on each laboratory identi-
16 fied pursuant to subparagraph (A), including—

17 (i) the name and address of the lab-
18 oratory;

19 (ii) the CLIA certificate number;

20 (iii) the laboratory type;

21 (iv) the certificate type; and

22 (v) the complexity level.

1 **SEC. 543. MANUFACTURER REPORTING OF TEST DISTRIBUTION.**
2

3 (a) IN GENERAL.—A commercial manufacturer of an
4 in vitro diagnostic or serological COVID–19 test shall, on
5 a weekly basis, submit a notification to the Secretary re-
6 garding distribution of each such test, which notifica-
7 tion—

8 (1) shall include the number of tests distributed
9 and the entities to which the tests are distributed;
10 and

11 (2) may include the quantity of such tests dis-
12 tributed by the manufacturer.

13 (b) CONFIDENTIALITY.—Nothing in this section shall
14 be construed as authorizing the Secretary to disclose any
15 information that is a trade secret or confidential informa-
16 tion subject to section 552(b)(4) of title 5, United States
17 Code, or section 1905 of title 18, United States Code.

18 (c) FAILURE TO MEET REQUIREMENTS.—If a manu-
19 facturer fails to submit a notification as required under
20 subsection (a), the following applies:

21 (1) The Secretary shall issue a letter to such
22 manufacturer informing such manufacturer of such
23 failure.

24 (2) Not later than 7 calendar days after the
25 issuance of a letter under paragraph (1), the manu-

1 factorer to whom such letter is issued shall submit
2 to the Secretary a written response to such letter—

3 (A) setting forth the basis for noncompli-
4 ance; and

5 (B) providing information as required
6 under subsection (a).

7 (3) Not later than 14 calendar days after the
8 issuance of a letter under paragraph (1), the Sec-
9 retary shall make such letter and any response to
10 such letter under paragraph (2) available to the pub-
11 lic on the internet website of the Food and Drug Ad-
12 ministration, with appropriate redactions made to
13 protect information described in subsection (b). The
14 preceding sentence shall not apply if the Secretary
15 determines that—

16 (A) the letter under paragraph (1) was
17 issued in error; or

18 (B) after review of such response, the
19 manufacturer had a reasonable basis for not
20 notifying as required under subsection (a).

21 **SEC. 544. STATE TESTING REPORT.**

22 For any State that authorizes (or intends to author-
23 ize) one or more laboratories in the State to develop and
24 perform in vitro diagnostic COVID–19 tests, the head of

1 the department or agency of such State with primary re-
2 sponsibility for health shall—

3 (1) notify the Secretary of such authorization
4 (or intention to authorize); and

5 (2) provide the Secretary with a weekly re-
6 port—

7 (A) identifying all laboratories authorized
8 (or intended to be authorized) by the State to
9 develop and perform in vitro diagnostic
10 COVID–19 tests;

11 (B) including relevant information on all
12 laboratories identified pursuant to subpara-
13 graph (A), which may include information on
14 laboratory testing capacity;

15 (C) identifying all in vitro diagnostic
16 COVID–19 tests developed and approved for
17 clinical use in laboratories identified pursuant
18 to subparagraph (A); and

19 (D) including relevant information on all
20 tests identified pursuant to subparagraph (C),
21 which may include—

22 (i) the name and contact information
23 of the developer of any such test;

24 (ii) any fact sheets, manufacturer in-
25 structions, and package inserts for any

1 such test, including information on in-
2 tended use; and

3 (iii) the sensitivity and specificity of
4 any such test.

5 **SEC. 545. STATE LISTING OF TESTING SITES.**

6 Not later than 14 days after the date of enactment
7 of this Act, any State receiving funding or assistance
8 under this Act, as a condition on such receipt, shall estab-
9 lish and maintain a public, searchable webpage on the offi-
10 cial website of the State that—

11 (1) identifies all sites located in the State that
12 provide diagnostic or serological testing for SARS-
13 CoV-2; and

14 (2) provides appropriate contact information for
15 SARS-CoV-2 testing sites pursuant to paragraph
16 (1).

17 **SEC. 546. REPORTING OF COVID-19 TESTING RESULTS.**

18 (a) IN GENERAL.—Every laboratory that performs or
19 analyzes a test that is intended to detect SARS-CoV-2
20 or to diagnose a possible case of COVID-19 shall report
21 daily the number of tests performed and the results from
22 each such test to the Secretary of Health and Human
23 Services and to the Secretary of Homeland Security, in
24 such form and manner as such Secretaries may prescribe.
25 Such information shall be made available to the public in

1 a searchable, electronic format as soon as is practicable,
2 and in no case later than one week after such information
3 is received.

4 (b) **ADDITIONAL REPORTING REQUIREMENTS.**—The
5 Secretaries specified in subsection (a)—

6 (1) may specify additional reporting require-
7 ments under this section by regulation, including by
8 interim final rule, or by guidance; and

9 (2) may issue such regulations or guidance
10 without regard to the procedures otherwise required
11 by section 553 of title 5, United States Code.

12 **SEC. 547. GAO REPORT ON DIAGNOSTIC TESTS.**

13 (a) **GAO STUDY.**—Not later than 18 months after
14 the date of enactment of this Act, the Comptroller General
15 of the United States shall submit to the Committee on
16 Energy and Commerce of the House of Representatives
17 and the Committee on Health, Education, Labor and Pen-
18 sions of the Senate a report describing the response of
19 entities described in subsection (b) to the COVID–19 pan-
20 demic with respect to the development, regulatory evalua-
21 tion, and deployment of diagnostic tests.

22 (b) **ENTITIES DESCRIBED.**—Entities described in
23 this subsection include—

24 (1) laboratories, including public health, aca-
25 demic, clinical, and commercial laboratories;

1 (2) diagnostic test manufacturers;

2 (3) State, local, Tribal, and territorial govern-
3 ments; and

4 (4) the Food and Drug Administration, the
5 Centers for Disease Control and Prevention, the
6 Centers for Medicare & Medicaid Services, the Na-
7 tional Institutes of Health, and other relevant Fed-
8 eral agencies, as appropriate.

9 (c) CONTENTS.—The report under subsection (a)
10 shall include—

11 (1) a description of actions taken by entities de-
12 scribed in subsection (b) to develop, evaluate, and
13 deploy diagnostic tests;

14 (2) an assessment of the coordination of Fed-
15 eral agencies in the development, regulatory evalua-
16 tion, and deployment of diagnostic tests;

17 (3) an assessment of the standards used by the
18 Food and Drug Administration to evaluate diag-
19 nostic tests;

20 (4) an assessment of the clarity of Federal
21 agency guidance related to testing, including the
22 ability for individuals without medical training to
23 understand which diagnostic tests had been evalu-
24 ated by the Food and Drug Administration;

25 (5) a description of—

1 (A) actions taken and clinical processes
2 employed by States and territories that have
3 authorized laboratories to develop and perform
4 diagnostic tests not authorized, approved, or
5 cleared by the Food and Drug Administration,
6 including actions of such States and territories
7 to evaluate the accuracy and sensitivity of such
8 tests; and

9 (B) the standards used by States and ter-
10 ritories when deciding when to authorize labora-
11 tories to develop or perform diagnostic tests;

12 (6) an assessment of the steps taken by labora-
13 tories and diagnostic test manufacturers to validate
14 diagnostic tests, as well as the evidence collected by
15 such entities to support validation; and

16 (7) based on available reports, an assessment of
17 the accuracy and sensitivity of a representative sam-
18 ple of available diagnostic tests.

19 (d) DEFINITION.—In this section, the term “diag-
20 nostic test” means an in vitro diagnostic product (as de-
21 fined in section 809.3(a) of title 21, Code of Federal Regu-
22 lations) for—

23 (1) the detection of SARS-CoV-2;

24 (2) the diagnosis of the virus that causes
25 COVID-19; or

1 (3) the detection of antibodies specific to
2 SARS-CoV-2, such as a serological test.

3 **SEC. 548. PUBLIC HEALTH DATA SYSTEM TRANS-**
4 **FORMATION.**

5 Subtitle C of title XXVIII of the Public Health Serv-
6 ice Act (42 U.S.C. 300hh-31 et seq.) is amended by add-
7 ing at the end the following:

8 **“SEC. 2823. PUBLIC HEALTH DATA SYSTEM TRANS-**
9 **FORMATION.**

10 “(a) EXPANDING CDC AND PUBLIC HEALTH DE-
11 PARTMENT CAPABILITIES.—

12 “(1) IN GENERAL.—The Secretary, acting
13 through the Director of the Centers for Disease
14 Control and Prevention, shall—

15 “(A) conduct activities to expand, enhance,
16 and improve applicable public health data sys-
17 tems used by the Centers for Disease Control
18 and Prevention, related to the interoperability
19 and improvement of such systems (including as
20 it relates to preparedness for, prevention and
21 detection of, and response to public health
22 emergencies); and

23 “(B) award grants or cooperative agree-
24 ments to State, local, Tribal, or territorial pub-
25 lic health departments for the expansion and

1 modernization of public health data systems, to
2 assist public health departments in—

3 “(i) assessing current data infrastruc-
4 ture capabilities and gaps to improve and
5 increase consistency in data collection,
6 storage, and analysis and, as appropriate,
7 to improve dissemination of public health-
8 related information;

9 “(ii) improving secure public health
10 data collection, transmission, exchange,
11 maintenance, and analysis;

12 “(iii) improving the secure exchange
13 of data between the Centers for Disease
14 Control and Prevention, State, local, Trib-
15 al, and territorial public health depart-
16 ments, public health organizations, and
17 health care providers, including by public
18 health officials in multiple jurisdictions
19 within such State, as appropriate, and by
20 simplifying and supporting reporting by
21 health care providers, as applicable, pursu-
22 ant to State law, including through the use
23 of health information technology;

24 “(iv) enhancing the interoperability of
25 public health data systems (including sys-

1 tems created or accessed by public health
2 departments) with health information tech-
3 nology, including with health information
4 technology certified under section
5 3001(c)(5);

6 “ (v) supporting and training data sys-
7 tems, data science, and informatics per-
8 sonnel;

9 “ (vi) supporting earlier disease and
10 health condition detection, such as through
11 near real-time data monitoring, to support
12 rapid public health responses;

13 “ (vii) supporting activities within the
14 applicable jurisdiction related to the expan-
15 sion and modernization of electronic case
16 reporting; and

17 “ (viii) developing and disseminating
18 information related to the use and impor-
19 tance of public health data.

20 “(2) DATA STANDARDS.—In carrying out para-
21 graph (1), the Secretary, acting through the Direc-
22 tor of the Centers for Disease Control and Preven-
23 tion, shall, as appropriate and in consultation with
24 the Office of the National Coordinator for Health
25 Information Technology, designate data and tech-

1 nology standards (including standards for interoper-
2 ability) for public health data systems, with def-
3 erence given to standards published by consensus-
4 based standards development organizations with
5 public input and voluntary consensus-based stand-
6 ards bodies.

7 “(3) PUBLIC-PRIVATE PARTNERSHIPS.—The
8 Secretary may develop and utilize public-private
9 partnerships for technical assistance, training, and
10 related implementation support for State, local,
11 Tribal, and territorial public health departments,
12 and the Centers for Disease Control and Prevention,
13 on the expansion and modernization of electronic
14 case reporting and public health data systems, as
15 applicable.

16 “(b) REQUIREMENTS.—

17 “(1) HEALTH INFORMATION TECHNOLOGY
18 STANDARDS.—The Secretary may not award a grant
19 or cooperative agreement under subsection (a)(1)(B)
20 unless the applicant uses or agrees to use standards
21 endorsed by the National Coordinator for Health In-
22 formation Technology pursuant to section
23 3001(e)(1) or adopted by the Secretary under sec-
24 tion 3004.

1 “(2) WAIVER.—The Secretary may waive the
2 requirement under paragraph (1) with respect to an
3 applicant if the Secretary determines that the activi-
4 ties under subsection (a)(1)(B) cannot otherwise be
5 carried out within the applicable jurisdiction.

6 “(3) APPLICATION.—A State, local, Tribal, or
7 territorial health department applying for a grant or
8 cooperative agreement under this section shall sub-
9 mit an application to the Secretary at such time and
10 in such manner as the Secretary may require. Such
11 application shall include information describing—

12 “(A) the activities that will be supported
13 by the grant or cooperative agreement; and

14 “(B) how the modernization of the public
15 health data systems involved will support or im-
16 pact the public health infrastructure of the
17 health department, including a description of
18 remaining gaps, if any, and the actions needed
19 to address such gaps.

20 “(c) STRATEGY AND IMPLEMENTATION PLAN.—Not
21 later than 180 days after the date of enactment of this
22 section, the Secretary, acting through the Director of the
23 Centers for Disease Control and Prevention, shall submit
24 to the Committee on Health, Education, Labor and Pen-
25 sions of the Senate and the Committee on Energy and

1 Commerce of the House of Representatives a coordinated
2 strategy and an accompanying implementation plan that
3 identifies and demonstrates the measures the Secretary
4 will utilize to—

5 “(1) update and improve applicable public
6 health data systems used by the Centers for Disease
7 Control and Prevention; and

8 “(2) carry out the activities described in this
9 section to support the improvement of State, local,
10 Tribal, and territorial public health data systems.

11 “(d) CONSULTATION.—The Secretary, acting
12 through the Director of the Centers for Disease Control
13 and Prevention, shall consult with State, local, Tribal, and
14 territorial health departments, professional medical and
15 public health associations, associations representing hos-
16 pitals or other health care entities, health information
17 technology experts, and other appropriate public or private
18 entities regarding the plan and grant program to mod-
19 ernize public health data systems pursuant to this section.
20 Activities under this subsection may include the provision
21 of technical assistance and training related to the ex-
22 change of information by such public health data systems
23 used by relevant health care and public health entities at
24 the local, State, Federal, Tribal, and territorial levels, and
25 the development and utilization of public-private partner-

1 ships for implementation support applicable to this sec-
2 tion.

3 “(e) REPORT TO CONGRESS.—Not later than 1 year
4 after the date of enactment of this section, the Secretary
5 shall submit a report to the Committee on Health, Edu-
6 cation, Labor and Pensions of the Senate and the Com-
7 mittee on Energy and Commerce of the House of Rep-
8 resentatives that includes—

9 “(1) a description of any barriers to—

10 “(A) public health authorities imple-
11 menting interoperable public health data sys-
12 tems and electronic case reporting;

13 “(B) the exchange of information pursuant
14 to electronic case reporting; or

15 “(C) reporting by health care providers
16 using such public health data systems, as ap-
17 propriate, and pursuant to State law;

18 “(2) an assessment of the potential public
19 health impact of implementing electronic case re-
20 porting and interoperable public health data sys-
21 tems; and

22 “(3) a description of the activities carried out
23 pursuant to this section.

24 “(f) ELECTRONIC CASE REPORTING.—In this sec-
25 tion, the term ‘electronic case reporting’ means the auto-

1 mated identification, generation, and bilateral exchange of
2 reports of health events among electronic health record or
3 health information technology systems and public health
4 authorities.

5 “(g) AUTHORIZATION OF APPROPRIATIONS.—To
6 carry out this section, there are authorized to be appro-
7 priated \$450,000,000 to remain available until ex-
8 pended.”.

9 **SEC. 549. PILOT PROGRAM TO IMPROVE LABORATORY IN-**
10 **FRASTRUCTURE.**

11 (a) IN GENERAL.—The Secretary shall award grants
12 to States and political subdivisions of States to support
13 the improvement, renovation, or modernization of infra-
14 structure at clinical laboratories (as defined in section 353
15 of the Public Health Service Act (42 U.S.C. 263a)) that
16 will help to improve SARS–CoV–2 and COVID–19 testing
17 and response activities, including the expansion and en-
18 hancement of testing capacity at such laboratories.

19 (b) AUTHORIZATION OF APPROPRIATIONS.—To carry
20 out this section, there is authorized to be appropriated
21 \$1,000,000,000 to remain available until expended.

1 **SEC. 550. CORE PUBLIC HEALTH INFRASTRUCTURE FOR**
2 **STATE, LOCAL, TRIBAL, AND TERRITORIAL**
3 **HEALTH DEPARTMENTS.**

4 (a) PROGRAM.—The Secretary, acting through the
5 Director of the Centers for Disease Control and Preven-
6 tion, shall establish a core public health infrastructure
7 program consisting of awarding grants under subsection
8 (b).

9 (b) GRANTS.—

10 (1) AWARD.—For the purpose of addressing
11 core public health infrastructure needs, the Sec-
12 retary—

13 (A) shall award a grant to each State
14 health department; and

15 (B) may award grants on a competitive
16 basis to State, local, Tribal, or territorial health
17 departments.

18 (2) ALLOCATION.—Of the total amount of
19 funds awarded as grants under this subsection for a
20 fiscal year—

21 (A) not less than 50 percent shall be for
22 grants to State health departments under para-
23 graph (1)(A); and

24 (B) not less than 30 percent shall be for
25 grants to State, local, Tribal, or territorial
26 health departments under paragraph (1)(B).

1 (c) USE OF FUNDS.—A State, local, Tribal, or terri-
2 torial health department receiving a grant under sub-
3 section (b) shall use the grant funds to address core public
4 health infrastructure needs, including those identified in
5 the accreditation process under subsection (g).

6 (d) FORMULA GRANTS TO STATE HEALTH DEPART-
7 MENTS.—In making grants under subsection (b)(1)(A),
8 the Secretary shall award funds to each State health de-
9 partment in accordance with—

10 (1) a formula based on population size; burden
11 of preventable disease and disability; and core public
12 health infrastructure gaps, including those identified
13 in the accreditation process under subsection (g);
14 and

15 (2) application requirements established by the
16 Secretary, including a requirement that the State
17 health department submit a plan that demonstrates
18 to the satisfaction of the Secretary that the State’s
19 health department will—

20 (A) address its highest priority core public
21 health infrastructure needs; and

22 (B) as appropriate, allocate funds to local
23 health departments within the State.

24 (e) COMPETITIVE GRANTS TO STATE, LOCAL, TRIB-
25 AL, AND TERRITORIAL HEALTH DEPARTMENTS.—In

1 making grants under subsection (b)(1)(B), the Secretary
2 shall give priority to applicants demonstrating core public
3 health infrastructure needs identified in the accreditation
4 process under subsection (g).

5 (f) MAINTENANCE OF EFFORT.—The Secretary may
6 award a grant to an entity under subsection (b) only if
7 the entity demonstrates to the satisfaction of the Sec-
8 retary that—

9 (1) funds received through the grant will be ex-
10 pended only to supplement, and not supplant, non-
11 Federal and Federal funds otherwise available to the
12 entity for the purpose of addressing core public
13 health infrastructure needs; and

14 (2) with respect to activities for which the grant
15 is awarded, the entity will maintain expenditures of
16 non-Federal amounts for such activities at a level
17 not less than the level of such expenditures main-
18 tained by the entity for the fiscal year preceding the
19 fiscal year for which the entity receives the grant.

20 (g) ESTABLISHMENT OF A PUBLIC HEALTH ACCRED-
21 ITATION PROGRAM.—

22 (1) IN GENERAL.—The Secretary shall—

23 (A) develop, and periodically review and
24 update, standards for voluntary accreditation of
25 State, local, Tribal, and territorial health de-

1 partments and public health laboratories for the
2 purpose of advancing the quality and perform-
3 ance of such departments and laboratories; and

4 (B) implement a program to accredit such
5 health departments and laboratories in accord-
6 ance with such standards.

7 (2) COOPERATIVE AGREEMENT.—The Secretary
8 may enter into a cooperative agreement with a pri-
9 vate nonprofit entity to carry out paragraph (1).

10 (h) REPORT.—The Secretary shall submit to the Con-
11 gress an annual report on progress being made to accredit
12 entities under subsection (g), including—

13 (1) a strategy, including goals and objectives,
14 for accrediting entities under subsection (g) and
15 achieving the purpose described in subsection
16 (g)(1)(A);

17 (2) identification of gaps in research related to
18 core public health infrastructure; and

19 (3) recommendations of priority areas for such
20 research.

21 (i) DEFINITION.—In this section, the term “core pub-
22 lic health infrastructure” includes—

23 (1) workforce capacity and competency;

24 (2) laboratory systems;

1 (3) testing capacity, including test platforms,
2 mobile testing units, and personnel;

3 (4) health information, health information sys-
4 tems, and health information analysis;

5 (5) disease surveillance;

6 (6) contact tracing;

7 (7) communications;

8 (8) financing;

9 (9) other relevant components of organizational
10 capacity; and

11 (10) other related activities.

12 (j) AUTHORIZATION OF APPROPRIATIONS.—To carry
13 out this section, there are authorized to be appropriated
14 \$6,000,000,000, to remain available until expended.

15 **SEC. 551. CORE PUBLIC HEALTH INFRASTRUCTURE AND**
16 **ACTIVITIES FOR CDC.**

17 (a) IN GENERAL.—The Secretary, acting through the
18 Director of the Centers for Disease Control and Preven-
19 tion, shall expand and improve the core public health in-
20 frastructure and activities of the Centers for Disease Con-
21 trol and Prevention to address unmet and emerging public
22 health needs.

23 (b) REPORT.—The Secretary shall submit to the Con-
24 gress an annual report on the activities funded through
25 this section.

1 (c) DEFINITION.—In this section, the term “core
2 public health infrastructure” has the meaning given to
3 such term in section 550.

4 (d) AUTHORIZATION OF APPROPRIATIONS.—To carry
5 out this section, there is authorized to be appropriated
6 \$1,000,000,000, to remain available until expended.

7 **Subtitle D—COVID-19 National**
8 **Testing and Contact Tracing**
9 **Initiative**

10 **SEC. 561. NATIONAL SYSTEM FOR COVID-19 TESTING, CON-**
11 **TACT TRACING, SURVEILLANCE, CONTAIN-**
12 **MENT, AND MITIGATION.**

13 (a) IN GENERAL.—The Secretary, acting through the
14 Director of the Centers for Disease Control and Preven-
15 tion, and in coordination with State, local, Tribal, and ter-
16 ritorial health departments, shall establish and implement
17 a nationwide evidence-based system for—

18 (1) testing, contact tracing, surveillance, con-
19 tainment, and mitigation with respect to COVID-19;

20 (2) offering guidance on voluntary isolation and
21 quarantine of individuals infected with, or exposed to
22 individuals infected with, the virus that causes
23 COVID-19; and

1 (3) public reporting on testing, contact tracing,
2 surveillance, and voluntary isolation and quarantine
3 activities with respect to COVID–19.

4 (b) COORDINATION; TECHNICAL ASSISTANCE.—In
5 carrying out the national system under this section, the
6 Secretary shall—

7 (1) coordinate State, local, Tribal, and terri-
8 torial activities related to testing, contact tracing,
9 surveillance, containment, and mitigation with re-
10 spect to COVID–19, as appropriate; and

11 (2) provide technical assistance for such activi-
12 ties, as appropriate.

13 (c) CONSIDERATION.—In establishing and imple-
14 menting the national system under this section, the Sec-
15 retary shall take into consideration—

16 (1) the State plans referred to in the heading
17 “Public Health and Social Services Emergency
18 Fund” in title I of division B of the Paycheck Pro-
19 tection Program and Health Care Enhancement Act
20 (Public Law 116–139); and

21 (2) the testing strategy submitted under section
22 541.

23 (d) REPORTING.—The Secretary shall—

24 (1) not later than one month after the date of
25 the enactment of this Act, submit 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 a preliminary report on
4 the effectiveness of the activities carried out pursu-
5 ant to this subtitle; and

6 (2) not later than three months after the end
7 of the public health emergency declared pursuant to
8 section 319 of the Public Health Service Act (42
9 U.S.C. 247d) with respect to COVID-19, submit to
10 such committees a final report on such effectiveness.

11 **SEC. 562. GRANTS.**

12 (a) IN GENERAL.—To implement the national system
13 under section 561, the Secretary, acting through the Di-
14 rector of the Centers for Disease Control and Prevention,
15 shall, subject to the availability of appropriations, award
16 grants to State, local, Tribal, and territorial health depart-
17 ments that seek grants under this section to carry out co-
18 ordinated testing, contact tracing, surveillance, contain-
19 ment, and mitigation with respect to COVID-19, includ-
20 ing—

21 (1) diagnostic and surveillance testing and re-
22 porting;

23 (2) community-based contact tracing efforts;
24 and

1 (3) policies related to voluntary isolation and
2 quarantine of individuals infected with, or exposed to
3 individuals infected with, the virus that causes
4 COVID-19.

5 (b) FLEXIBILITY.—The Secretary shall ensure that—

6 (1) the grants under subsection (a) provide
7 flexibility for State, local, Tribal, and territorial
8 health departments to modify, establish, or maintain
9 evidence-based systems; and

10 (2) local health departments receive funding
11 from State health departments or directly from the
12 Centers for Disease Control and Prevention to con-
13 tribute to such systems, as appropriate.

14 (c) ALLOCATIONS.—

15 (1) FORMULA.—The Secretary, acting through
16 the Director of the Centers for Disease Control and
17 Prevention, shall allocate amounts made available
18 pursuant to subsection (a) in accordance with a for-
19 mula to be established by the Secretary that pro-
20 vides a minimum level of funding to each State,
21 local, Tribal, and territorial health department that
22 seeks a grant under this section and allocates addi-
23 tional funding based on the following prioritization:

24 (A) The Secretary shall give highest pri-
25 ority to applicants proposing to serve popu-

1 lations in one or more geographic regions with
2 a high burden of COVID–19 based on data pro-
3 vided by the Centers for Disease Control and
4 Prevention, or other sources as determined by
5 the Secretary.

6 (B) The Secretary shall give second high-
7 est priority to applicants preparing for, or cur-
8 rently working to mitigate, a COVID–19 surge
9 in a geographic region that does not yet have
10 a high number of reported cases of COVID–19
11 based on data provided by the Centers for Dis-
12 ease Control and Prevention, or other sources
13 as determined by the Secretary.

14 (C) The Secretary shall give third highest
15 priority to applicants proposing to serve high
16 numbers of low-income and uninsured popu-
17 lations, including medically underserved popu-
18 lations (as defined in section 330(b)(3) of the
19 Public Health Service Act (42 U.S.C.
20 254b(b)(3))), health professional shortage areas
21 (as defined under section 332(a) of the Public
22 Health Service Act (42 U.S.C. 254e(a))), racial
23 and ethnic minorities, or geographically diverse
24 areas, as determined by the Secretary.

1 (2) NOTIFICATION.—Not later than the date
2 that is one week before first awarding grants under
3 this section, the Secretary shall submit to the Com-
4 mittee on Energy and Commerce of the House of
5 Representatives and the Committee on Health, Edu-
6 cation, Labor and Pensions of the Senate a notifica-
7 tion detailing the formula established under para-
8 graph (1) for allocating amounts made available pur-
9 suant to subsection (a).

10 (d) USE OF FUNDS.—A State, local, Tribal, and ter-
11 ritorial health department receiving a grant under this
12 section shall, to the extent possible, use the grant funds
13 for the following activities, or other activities deemed ap-
14 propriate by the Director of the Centers for Disease Con-
15 trol and Prevention:

16 (1) TESTING.—To implement a coordinated
17 testing system that—

18 (A) leverages or modernizes existing test-
19 ing infrastructure and capacity;

20 (B) is consistent with the updated testing
21 strategy required under section 541;

22 (C) is coordinated with the State plan for
23 COVID–19 testing prepared as required under
24 the heading “Department of Health and
25 Human Services—Office of the Secretary—

1 Public Health and Social Service Emergency
2 Fund” in title I of division B of the Paycheck
3 Protection Program and Health Care Enhance-
4 ment Act (Public Law 116–139; 134 Stat. 620,
5 624);

6 (D) is informed by contact tracing and
7 surveillance activities under this subtitle;

8 (E) is informed by guidelines established
9 by the Centers for Disease Control and Preven-
10 tion for which populations should be tested;

11 (F) identifies how diagnostic and sero-
12 logical tests in such system shall be validated
13 prior to use;

14 (G) identifies how diagnostic and sero-
15 logical tests and testing supplies will be distrib-
16 uted to implement such system;

17 (H) identifies specific strategies for ensur-
18 ing testing capabilities and accessibility in ra-
19 cial and ethnic minority populations;

20 (I) identifies specific strategies for ensur-
21 ing testing capabilities and accessibility in
22 medically underserved populations (as defined
23 in section 330(b)(3) of the Public Health Serv-
24 ice Act (42 U.S.C. 254b(b)(3))), health profes-
25 sional shortage areas (as defined under section

1 332(a) of the Public Health Service Act (42
2 U.S.C. 254e(a)), and geographically diverse
3 areas, as determined by the Secretary;

4 (J) 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 (K) allows for testing in sentinel surveil-
13 lance programs, as appropriate; and

14 (L) supports the procurement and distribu-
15 tion of diagnostic and serological tests and test-
16 ing 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, ad-
5 dressing the specific needs of racial and ethnic
6 minority populations, which may include con-
7 sultation with and support from faith-based,
8 nonprofit, cultural or civic organizations with
9 established ties to the community;

10 (D) establishes culturally competent and
11 multilingual strategies for contact tracing, ad-
12 dressing the specific needs of medically under-
13 served populations (as defined in section
14 330(b)(3) of the Public Health Service Act (42
15 U.S.C. 254b(b)(3))), health professional short-
16 age areas (as defined under section 332(a) of
17 the Public Health Service Act(42 U.S.C. 2324
18 254e(a)));

19 (E) provides individuals identified under
20 the contact tracing program with information
21 and support for containment or mitigation;

22 (F) enables State, local, Tribal, and terri-
23 torial health departments to work with a non-
24 governmental, community partner or partners
25 and State and local workforce development sys-

1 tems (as defined in section 3(67) of Workforce
2 Innovation and Opportunity Act (29 U.S.C.
3 3102(67))) receiving grants under section
4 566(b) of this Act to hire and compensate a lo-
5 cally-sourced contact tracing workforce, if nec-
6 essary, to supplement the public health work-
7 force, to—

8 (i) identify the number of contact
9 tracers needed for the respective State, lo-
10 cality, territorial, or Tribal health depart-
11 ment to identify all cases of COVID–19
12 currently in the jurisdiction and those an-
13 ticipated to emerge over the next 18
14 months in such jurisdiction;

15 (ii) outline qualifications necessary for
16 contact tracers;

17 (iii) train the existing and newly hired
18 public health workforce on best practices
19 related to tracing close contacts of individ-
20 uals diagnosed with COVID–19, including
21 the protection of individual privacy and cy-
22 bersecurity protection; and

23 (iv) equip the public health workforce
24 with tools and resources to enable a rapid
25 response to new cases;

1 (G) identifies the level of contact tracing
2 needed within the State, locality, territory, or
3 Tribal area to contain and mitigate the trans-
4 mission of COVID–19; and

5 (H) establishes statewide mechanisms to
6 integrate regular evaluation to the Centers for
7 Disease Control and Prevention regarding con-
8 tact tracing efforts, makes such evaluation pub-
9 licly available, and to the extent possible pro-
10 vides for such evaluation at the county level.

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;

1 (E) identifies specific strategies for ensur-
2 ing disease surveillance in racial and ethnic mi-
3 nority populations; and

4 (F) identifies specific strategies for ensur-
5 ing disease surveillance in medically under-
6 served populations (as defined in section
7 330(b)(3) of the Public Health Service Act (42
8 U.S.C. 254b(b)(3))), health professional short-
9 age areas (as defined under section 332(a) of
10 the Public Health Service Act (42 U.S.C.
11 254e(a))), and geographically diverse areas, as
12 determined by the Secretary.

13 (4) CONTAINMENT AND MITIGATION.—To im-
14 plement a coordinated containment and mitigation
15 system that—

16 (A) leverages or modernizes existing con-
17 tainment and mitigation strategies within the
18 respective State, local, Tribal, or territorial gov-
19 ernments and national containment and mitiga-
20 tion strategies;

21 (B) may provide for, connect to, and lever-
22 age existing social services and support for indi-
23 viduals who have been infected with or exposed
24 to COVID–19 and who are isolated or quar-
25 antined in their homes, such as through—

- 1 (i) food assistance programs;
- 2 (ii) guidance for household infection
- 3 control;
- 4 (iii) information and assistance with
- 5 childcare services; and
- 6 (iv) information and assistance per-
- 7 taining to support available under the
- 8 CARES Act (Public Law 116–136) and
- 9 this Act;
- 10 (C) provides guidance on the establishment
- 11 of safe, high-quality, facilities for the voluntary
- 12 isolation of individuals infected with, or quar-
- 13 antine of the contacts of individuals exposed to
- 14 COVID–19, where hospitalization is not re-
- 15 quired, which facilities should—
- 16 (i) be prohibited from making inquir-
- 17 ies relating to the citizenship status of an
- 18 individual isolated or quarantined; and
- 19 (ii) be operated by a non-Federal,
- 20 community partner or partners that—
- 21 (I) have previously established re-
- 22 lationships in localities;
- 23 (II) work with local places of
- 24 worship, community centers, medical

1 facilities, and schools to recruit local
2 staff for such facilities; and

3 (III) are fully integrated into
4 State, local, Tribal, or territorial con-
5 tainment and mitigation efforts;

6 (D) identifies specific strategies for ensur-
7 ing containment and mitigation activities in ra-
8 cial and ethnic minority populations; and

9 (E) identifies specific strategies for ensur-
10 ing containment and mitigation activities in
11 medically underserved populations (as defined
12 in section 330(b)(3) of the Public Health Serv-
13 ice Act (42 U.S.C. 254b(b)(3))), health profes-
14 sional shortage areas (as defined under section
15 332(a) of the Public Health Service Act (42
16 U.S.C. 254e(a))), and geographically diverse
17 areas, as determined by the Secretary.

18 (e) REPORTING.—The Secretary shall facilitate
19 mechanisms for timely, standardized reporting by grantees
20 under this section regarding implementation of the sys-
21 tems established under this section and coordinated proc-
22 esses with the reporting as required and under the heading
23 “Department of Health and Human Services—Office of
24 the Secretary—Public Health and Social Service Emer-
25 gency Fund” in title I of division B of the Paycheck Pro-

1 tection Program and Health Care Enhancement Act (Pub-
2 lic Law 116–139, 134 Stat. 620), including—

3 (1) a summary of county or local health depart-
4 ment level information from the States receiving
5 funding, and information from directly funded local-
6 ities, territories, and Tribal entities, about the activi-
7 ties that will be undertaken using funding awarded
8 under this section, including subgrants;

9 (2) any anticipated shortages of required mate-
10 rials for testing for COVID–19 under subsection (a);
11 and

12 (3) other barriers in the prevention, mitigation,
13 or treatment of COVID–19 under this section.

14 (f) PUBLIC LISTING OF AWARDS.—The Secretary
15 shall—

16 (1) not later than 7 days after first awarding
17 grants under this section, post in a searchable, elec-
18 tronic format a list of all awards made by the Sec-
19 retary under this section, including the recipients
20 and amounts of such awards; and

21 (2) update such list not less than every 7 days
22 until all funds made available to carry out this sec-
23 tion are expended.

1 **SEC. 563. GUIDANCE, TECHNICAL ASSISTANCE, INFORMA-**
2 **TION, AND COMMUNICATION.**

3 (a) IN GENERAL.— Not later than 14 days after the
4 date of the enactment of this Act, the Secretary, in coordi-
5 nation with other Federal agencies, as appropriate, shall
6 issue guidance, provide technical assistance, and provide
7 information to States, localities, Tribes, and territories,
8 with respect to the following:

9 (1) The diagnostic and serological testing of in-
10 dividuals identified through contact tracing for
11 COVID–19, including information with respect to
12 the reduction of duplication related to programmatic
13 activities, reporting, and billing.

14 (2) Best practices regarding contact tracing, in-
15 cluding the collection of data with respect to such
16 contact tracing and requirements related to the
17 standardization of demographic and syndromic infor-
18 mation collected as part of contact tracing efforts.

19 (3) Best practices regarding COVID–19 disease
20 surveillance, including best practices to reduce dupli-
21 cation in surveillance activities, identifying gaps in
22 surveillance and surveillance systems, and ways in
23 which the Secretary plans to effectively support
24 State, local, Tribal and territorial health depart-
25 ments in addressing such gaps.

1 (4) Information on ways for State, local, Tribal,
2 and territorial health departments to establish and
3 maintain the testing, contact tracing, and surveil-
4 lance activities described in paragraphs (1) through
5 (3).

6 (5) The protection of any personally identifiable
7 health information collected pursuant to this sub-
8 title.

9 (6) Best practices regarding privacy and cyber-
10 security protection related to contact tracing, con-
11 tainment, and mitigation efforts.

12 (7) Best practices related to improving public
13 compliance for isolation and containment measures
14 and reaching medically underserved communities.

15 (b) GUIDANCE ON PAYMENT.—Not later than 14
16 days after the date of the enactment of this Act, the Sec-
17 retary, in coordination with the Administrator of the Cen-
18 ters for Medicare & Medicaid Services, the Director of the
19 Centers for Disease Control and Prevention, and in coordi-
20 nation with other Federal agencies, as appropriate, shall
21 develop and issue to State, local, Tribal, and territorial
22 health departments clear guidance and policies—

23 (1) with respect to the coordination of claims
24 submitted for payment out of the Public Health and
25 Social Services Emergency Fund for services fur-

1 nished in a facility referred to in section
2 562(d)(4)(C);

3 (2) identifying how an individual who is isolated
4 or quarantined at home or in such a facility—

5 (A) incurs no out-of-pocket costs for any
6 services furnished to such individual while iso-
7 lated; and

8 (B) may receive income support for lost
9 earnings or payments for expenses such as child
10 care or elder care while such individual is iso-
11 lated at home or in such a facility;

12 (3) providing information and assistance per-
13 taining to support available under the CARES Act
14 (Public Law 116–136) and this Act; and

15 (4) identifying State, local, Tribal, and terri-
16 torial health departments or partner agencies that
17 may provide social support services, such as gro-
18 ceries or meals, health education, internet access,
19 and behavioral health services, to individuals who
20 isolated or quarantined at home or in such a facility.

21 (c) GUIDANCE ON TESTING.—Not later than 14 days
22 after the date of the enactment of this Act, the Secretary,
23 in coordination with the Commissioner of Food and
24 Drugs, the Director of the National Institutes of Health,
25 and the Director of the Centers for Disease Control and

1 Prevention, and in coordination with other Federal agen-
2 cies as appropriate, shall develop and issue to State, local,
3 Tribal, and territorial health departments clear guidance
4 and policies regarding—

5 (1) objective standards to characterize the per-
6 formance of all diagnostic and serological tests for
7 COVID–19 in order to independently evaluate tests
8 continuously over time;

9 (2) protocols for the evaluation of the perform-
10 ance of diagnostic and serological tests for COVID–
11 19; and

12 (3) a repository of characterized specimens to
13 use to evaluate the performance of those tests that
14 can be made available for appropriate entities to use
15 to evaluate performance.

16 (d) COMMUNICATION.—The Secretary shall identify
17 and publicly announce the form and manner for commu-
18 nication with State, local, Tribal, and territorial health de-
19 partments for purposes of carrying out the activities ad-
20 dressed by guidance issued under subsections (a) and (b).

21 (e) AVAILABILITY TO PROVIDERS.—Guidance issued
22 under subsection (a)(1) shall be issued to health care pro-
23 viders.

24 (f) ONGOING PROVISION OF GUIDANCE AND TECH-
25 NICAL ASSISTANCE.—Notwithstanding whether funds are

1 available specifically to carry out this subtitle, guidance
2 and technical assistance shall continue to be provided
3 under this section.

4 **SEC. 564. RESEARCH AND DEVELOPMENT.**

5 The Secretary, in coordination with the Director of
6 the Centers for Disease Control and Prevention and in col-
7 laboration with the Director of the National Institutes of
8 Health, the Director of the Agency for Healthcare Re-
9 search and Quality, the Commissioner of Food and Drugs,
10 and the Administrator of the Centers for Medicare & Med-
11 icaid Services, shall support research and development on
12 more efficient and effective strategies—

13 (1) for the surveillance of SARS-CoV-2 and
14 COVID-19;

15 (2) for the testing and identification of individ-
16 uals infected with COVID-19; and

17 (3) for the tracing of contacts of individuals in-
18 fected with COVID-19.

19 **SEC. 565. AWARENESS CAMPAIGNS.**

20 The Secretary, acting through the Director of the
21 Centers for Disease Control and Prevention and in coordi-
22 nation with other offices and agencies, as appropriate,
23 shall award competitive grants or contracts to one or more
24 public or private entities, including faith-based organiza-

1 tions, to carry out multilingual and culturally appropriate
2 awareness campaigns. Such campaigns shall—

3 (1) be based on available scientific evidence;

4 (2) increase awareness and knowledge of
5 COVID–19, including countering stigma associated
6 with COVID–19;

7 (3) improve information on the availability of
8 COVID–19 diagnostic testing; and

9 (4) promote cooperation with contact tracing ef-
10 forts.

11 **SEC. 566. GRANTS TO STATE AND TRIBAL WORKFORCE**
12 **AGENCIES.**

13 (a) DEFINITIONS.—In this section:

14 (1) IN GENERAL.—Except as otherwise pro-
15 vided, the terms in this section 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 term “apprenticeship” or “apprentice-
20 ship program” means an apprenticeship program
21 registered under the Act of August 16, 1937 (com-
22 monly known as the “National Apprenticeship Act”)
23 (50 Stat. 664, chapter 663; 29 U.S.C. 50 et seq.),
24 including any requirement, standard, or rule promul-

1 gated under such Act, as such requirement, stand-
2 ard, or rule was in effect on December 30, 2019.

3 (3) CONTACT TRACING AND RELATED POSI-
4 TIONS.—The term “contact tracing and related posi-
5 tions” means employment related to contact tracing,
6 surveillance, containment, and mitigation activities
7 as described in paragraphs (2), (3), and (4) of sec-
8 tion 562(d).

9 (4) ELIGIBLE ENTITY.—The term “eligible enti-
10 ty” means—

11 (A) a State or territory, including the Dis-
12 trict of Columbia and Puerto Rico;

13 (B) an Indian Tribe, Tribal organization,
14 Alaska Native entity, Indian-controlled organi-
15 zations serving Indians, or Native Hawaiian or-
16 ganizations;

17 (C) an outlying area; or

18 (D) a local board, if an eligible entity
19 under subparagraphs (A) through (C) has not
20 applied with respect to the area over which the
21 local board has jurisdiction as of the date on
22 which the local board submits an application
23 under subsection (c).

24 (5) ELIGIBLE INDIVIDUAL.—Notwithstanding
25 section 170(b)(2) of the Workforce Innovation and

1 Opportunity Act (29 U.S.C. 3225(b)(2)), the term
2 “eligible individual” means an individual seeking or
3 securing employment in contact tracing and related
4 positions and served by an eligible entity or commu-
5 nity-based organization receiving funding under this
6 section.

7 (6) SECRETARY.—The term “Secretary” means
8 the Secretary of Labor.

9 (b) GRANTS.—

10 (1) IN GENERAL.—Subject to the availability of
11 appropriations under subsection (g), the Secretary
12 shall award national dislocated worker grants under
13 section 170(b)(1)(B) of the Workforce Innovation
14 and Opportunity Act (29 U.S.C. 3225(b)(1)(B)) to
15 each eligible entity that seeks a grant to assist local
16 boards and community-based organizations in car-
17 rying out activities under subsections (f) and (d), re-
18 spectively, for the following purposes:

19 (A) To support the recruitment, place-
20 ment, and training, as applicable, of eligible in-
21 dividuals seeking employment in contact tracing
22 and related positions in accordance with the na-
23 tional system for COVID–19 testing, contact
24 tracing, surveillance, containment, and mitiga-
25 tion established under section 561.

1 (B) To assist with the employment transi-
2 tion to new employment or education and train-
3 ing of individuals employed under this section
4 in preparation for and upon termination of such
5 employment.

6 (2) TIMELINE.—The Secretary of Labor shall—

7 (A) issue application requirements under
8 subsection (c) not later than 10 days after the
9 date of enactment of this section; and

10 (B) award grants to an eligible entity
11 under paragraph (1) not later than 10 days
12 after the date on which the Secretary receives
13 an application from such entity.

14 (c) GRANT APPLICATION.—An eligible entity apply-
15 ing for a grant under this section shall submit an applica-
16 tion to the Secretary, at such time and in such form and
17 manner as the Secretary may reasonably require, which
18 shall include a description of—

19 (1) how the eligible entity will support the re-
20 cruitment, placement, and training, as applicable, of
21 eligible individuals seeking employment in contact
22 tracing and related positions by partnering with—

23 (A) a State, local, Tribal, or territorial
24 health department; or

1 (B) one or more nonprofit or community-
2 based organizations partnering with such health
3 departments;

4 (2) how the activities described in paragraph
5 (1) will support State efforts to address the demand
6 for contact tracing and related positions with respect
7 to—

8 (A) the State plans referred to in the head-
9 ing “Public Health and Social Services Emer-
10 gency Fund” in title I of division B of the Pay-
11 check Protection Program and Health Care En-
12 hancement Act (Public Law 116–139);

13 (B) the testing strategy submitted under
14 section 541; and

15 (C) the number of eligible individuals that
16 the State plans to recruit and train under the
17 plans and strategies described in subparagraphs
18 (A) and (B);

19 (3) the specific strategies for recruiting and
20 placement of eligible individuals from or residing
21 within the communities in which they will work, in-
22 cluding—

23 (A) plans for the recruitment of eligible in-
24 dividuals to serve as contact tracers and related
25 positions, including dislocated workers, individ-

1 uals with barriers to employment, veterans, new
2 entrants in the workforce, or underemployed or
3 furloughed workers, who are from or reside in
4 or near the local area in which they will serve,
5 and who, to the extent practicable—

6 (i) have experience or a background in
7 industry-sectors and occupations such as
8 public health, social services, customer
9 service, case management, or occupations
10 that require related qualifications, skills, or
11 competencies, such as strong interpersonal
12 and communication skills, needed for con-
13 tact tracing and related positions, as de-
14 scribed in section 562(d)(2)(E)(ii); or

15 (ii) seek to transition to public health
16 and public health related occupations upon
17 the conclusion of employment in contact
18 tracing and related positions; and

19 (B) how such strategies will take into ac-
20 count the diversity of such community, includ-
21 ing racial, ethnic, socioeconomic, linguistic, or
22 geographic diversity;

23 (4) the amount, timing, and mechanisms for
24 distribution of funds provided to local boards or
25 through subgrants as described in subsection (d);

1 (5) for eligible entities described in subpara-
2 graphs (A) through (C) of subsection (a)(4), a de-
3 scription of how the eligible entity will ensure the eq-
4 uitable distribution of funds with respect to—

5 (A) geography (such as urban and rural
6 distribution);

7 (B) medically underserved populations (as
8 defined in section 33(b)(3) of the Public Health
9 Service Act (42 U.S.C. 254b(b)));

10 (C) health professional shortage areas (as
11 defined under section 332(a) of the Public
12 Health Service Act (42 U.S.C. 254e(a))); and

13 (D) the racial and ethnic diversity of the
14 area; and

15 (6) for eligible entities who are local boards, a
16 description of how a grant to such eligible entity
17 would serve the equitable distribution of funds as de-
18 scribed in paragraph (5).

19 (d) SUBGRANT AUTHORIZATION AND APPLICATION
20 PROCESS.—

21 (1) IN GENERAL.—An eligible entity may award
22 a subgrant to one or more community-based organi-
23 zations for the purposes of partnering with a State
24 or local board to conduct outreach and education ac-
25 tivities to inform potentially eligible individuals

1 about employment opportunities in contact tracing
2 and related positions.

3 (2) APPLICATION.—A community-based organi-
4 zation shall submit an application at such time and
5 in such manner as the eligible entity may reasonably
6 require, including—

7 (A) a demonstration of the community-
8 based organization’s established expertise and
9 effectiveness in community outreach in the local
10 area that such organization plans to serve;

11 (B) a demonstration of the community-
12 based organization’s expertise in providing em-
13 ployment or public health information to the
14 local areas in which such organization plans to
15 serve; and

16 (C) a description of the expertise of the
17 community-based organization in utilizing cul-
18 turally competent and multilingual strategies in
19 the provision of services.

20 (e) GRANT DISTRIBUTION.—

21 (1) FEDERAL DISTRIBUTION.—

22 (A) USE OF FUNDS.— The Secretary of
23 Labor shall use the funds appropriated to carry
24 out this section as follows:

1 (i) Subject to clause (ii), the Secretary
2 shall distribute funds among eligible enti-
3 ties in accordance with a formula to be es-
4 tablished by the Secretary that provides a
5 minimum level of funding to each eligible
6 entity that seeks a grant under this section
7 and allocates additional funding as follows:

8 (I) The formula shall give first
9 priority based on the number and pro-
10 portion of contact tracing and related
11 positions that the State plans to re-
12 cruit, place, and train individuals as a
13 part of the State strategy described in
14 subsection (c)(2)(A).

15 (II) Subject to subclause (I), the
16 formula shall give priority in accord-
17 ance with section 562(c).

18 (ii) Not more than 2 percent of the
19 funding for administration of the grants
20 and for providing technical assistance to
21 recipients of funds under this section.

22 (B) **EQUITABLE DISTRIBUTION.**—If the ge-
23 ographic region served by one or more eligible
24 entities overlaps, the Secretary shall distribute
25 funds among such entities in such a manner

1 that ensures equitable distribution with respect
2 to the factors under subsection (c)(5).

3 (2) ELIGIBLE ENTITY USE OF FUNDS.—An eli-
4 gible entity described in subparagraphs (A) through
5 (C) of subsection (a)(4)—

6 (A) shall, not later than 30 days after the
7 date on which the entity receives grant funds
8 under this section, provide not less than 70 per-
9 cent of grant funds to local boards for the pur-
10 pose of carrying out activities in subsection (f);

11 (B) may use up to 20 percent of such
12 funds to make subgrants to community-based
13 organizations in the service area to conduct out-
14 reach, to potential eligible individuals, as de-
15 scribed in subsection (d);

16 (C) in providing funds to local boards and
17 awarding subgrants under this subsection shall
18 ensure the equitable distribution with respect to
19 the factors described in subsection (c)(5); and

20 (D) may use not more than 10 percent of
21 the funds awarded under this section for the
22 administrative costs of carrying out the grant
23 and for providing technical assistance to local
24 boards and community-based organizations.

1 (3) LOCAL BOARD USE OF FUNDS.—A local
2 board, or an eligible entity that is a local board,
3 shall use—

4 (A) not less than 60 percent of the funds
5 for recruitment and training for COVID–19
6 testing, contact tracing, surveillance, contain-
7 ment, and mitigation established under section
8 561;

9 (B) not less than 30 of the funds to sup-
10 port the transition of individuals hired as con-
11 tact tracers and related positions into an edu-
12 cation or training program, or unsubsidized em-
13 ployment upon completion of such positions;
14 and

15 (C) not more than 10 percent of the funds
16 for administrative costs.

17 (f) ELIGIBLE ACTIVITIES.—The State or local boards
18 shall use funds awarded under this section to support the
19 recruitment and placement of eligible individuals, training
20 and employment transition as related to contact tracing
21 and related positions, and for the following activities:

22 (1) Establishing or expanding partnerships
23 with—

24 (A) State, local, Tribal, and territorial
25 public health departments;

1 (B) community-based health providers, in-
2 cluding community health centers and rural
3 health clinics;

4 (C) labor organizations or joint labor man-
5 agement organizations;

6 (D) two-year and four-year institutions of
7 higher education (as defined in section 101 of
8 the Higher Education Act of 1965 (20 U.S.C.
9 1001)), including institutions eligible to receive
10 funds under section 371(a) of the Higher Edu-
11 cation Act of 1965 (20 U.S.C. 1067q(a)); and

12 (E) community action agencies or other
13 community-based organizations serving local
14 areas in which there is a demand for contact
15 tracing and related positions.

16 (2) Providing training for contact tracing and
17 related positions in coordination with State, local,
18 Tribal, or territorial health departments that is con-
19 sistent with the State or territorial testing and con-
20 tact tracing strategy, and ensuring that eligible indi-
21 viduals receive compensation while participating in
22 such training.

23 (3) Providing eligible individuals with—

1 (A) adequate and safe equipment, environ-
2 ments, and facilities for training and super-
3 vision, as applicable;

4 (B) information regarding the wages and
5 benefits related to contact tracing and related
6 positions, as compared to State, local, and na-
7 tional averages;

8 (C) supplies and equipment needed by the
9 eligible individuals to support placement of an
10 individual in contact tracing and related posi-
11 tions, as applicable;

12 (D) an individualized employment plan for
13 each eligible individual, as applicable—

14 (i) in coordination with the entity em-
15 ploying the eligible individual in a contact
16 tracing and related positions; and

17 (ii) which shall include providing a
18 case manager to work with each eligible in-
19 dividual to develop the plan, which may in-
20 clude—

21 (I) identifying employment and
22 career goals, and setting appropriate
23 achievement objectives to attain such
24 goals; and

1 (II) exploring career pathways
2 that lead to in-demand industries and
3 sectors, including in public health and
4 related occupations; and

5 (E) services for the period during which
6 the eligible individual is employed in a contact
7 tracing and related position to ensure job reten-
8 tion, which may include—

9 (i) supportive services throughout the
10 term of employment;

11 (ii) a continuation of skills training as
12 related to employment in contact tracing
13 and related positions, that is conducted in
14 collaboration with the employers of such
15 individuals;

16 (iii) mentorship services and job re-
17 tention support for eligible individuals; or

18 (iv) targeted training for managers
19 and workers working with eligible individ-
20 uals (such as mentors), and human re-
21 source representatives;

22 (4) Supporting the transition and placement in
23 unsubsidized employment for eligible individuals
24 serving in contact tracing and related positions after

1 such positions are no longer necessary in the State
2 or local area, including—

3 (A) any additional training and employ-
4 ment activities as described in section 170(d)(4)
5 of the Workforce Innovation and Opportunity
6 Act (29 U.S.C. 3225(d)(4));

7 (B) developing the appropriate combina-
8 tion of services to enable the eligible individual
9 to achieve the employment and career goals
10 identified under paragraph (3)(D)(ii)(I); and

11 (C) services to assist eligible individuals in
12 maintaining employment for not less than 12
13 months after the completion of employment in
14 contact tracing and related positions, as appro-
15 priate.

16 (5) Any other activities as described in sub-
17 sections (a)(3) and (b) of section 134 of the Work-
18 force Innovation and Opportunity Act (29 U.S.C.
19 3174).

20 (g) LIMITATION.—Notwithstanding section
21 170(d)(3)(A) of the Workforce Innovation and Oppor-
22 tunity Act (29 U.S.C. 3225(d)(3)(A)), a person may be
23 employed in a contact tracing and related positions using
24 funds under this section for a period not greater than 2
25 years.

1 (h) REPORTING BY THE DEPARTMENT OF LABOR.—

2 (1) IN GENERAL.—Not later than 120 days of
3 the enactment of this Act, and once grant funds
4 have been expended under this section, the Secretary
5 shall report to the Committee on Education and
6 Labor of the House of Representatives and the Com-
7 mittee on Health, Education, Labor and Pensions of
8 the Senate, and make publicly available a report
9 containing a description of—

10 (A) the number of eligible individuals re-
11 cruited, hired, and trained in contact tracing
12 and related positions;

13 (B) the number of individuals successfully
14 transitioned to unsubsidized employment or
15 training at the completion of employment in
16 contact tracing and related positions using
17 funds under this subtitle;

18 (C) the number of such individuals who
19 were unemployed prior to being hired, trained,
20 or deployed as described in paragraph (1);

21 (D) the performance of each program sup-
22 ported by funds under this subtitle with respect
23 to the indicators of performance under section
24 116 of the Workforce Innovation and Oppor-
25 tunity Act (29 U.S.C. 3141), as applicable;

1 (E) the number of individuals in unsub-
2 subsidized employment within six months and 1
3 year, respectively, of the conclusion of employ-
4 ment in contact tracing and related positions
5 and, of those, the number of individuals within
6 a State, territorial, or local public health de-
7 partment in an occupation related to public
8 health;

9 (F) any information on how eligible enti-
10 ties, local boards, or community-based organiza-
11 tions that received funding under this sub-
12 section were able to support the goals of the na-
13 tional system for COVID–19 testing, contact
14 tracing, surveillance, containment, and mitiga-
15 tion established under section 561 of this Act;
16 and

17 (G) best practices for improving and in-
18 creasing the transition of individuals employed
19 in contract tracing and related positions to un-
20 subsidized employment.

21 (2) DISAGGREGATION.—All data reported under
22 paragraph (1) shall be disaggregated by race, eth-
23 nicity, sex, age, and, with respect to individuals with
24 barriers to employment, subpopulation of such indi-
25 viduals, except for when the number of participants

1 in a category is insufficient to yield statistically reli-
2 able information or when the results would reveal
3 personally identifiable information about an indi-
4 vidual participant.

5 (i) SPECIAL RULE.—Any funds used for programs
6 under this section that are used to fund an apprenticeship
7 or apprenticeship program shall only be used for, or pro-
8 vided to, an apprenticeship or apprenticeship program
9 that meets the definition of such term subsection (a) of
10 this section, including any funds awarded for the purposes
11 of grants, contracts, or cooperative agreements, or the de-
12 velopment, implementation, or administration, of an ap-
13 prenticeship or an apprenticeship program.

14 (j) INFORMATION SHARING REQUIREMENT FOR
15 HHS.—The Secretary of Health and Human Services,
16 acting through the Director of the Centers for Disease
17 Control and Prevention, shall provide the Secretary of
18 Labor, acting through the Assistant Secretary of the Em-
19 ployment and Training Administration, with information
20 on grants under section 562, including—

21 (1) the formula used to award such grants to
22 State, local, Tribal, and territorial health depart-
23 ments;

24 (2) the dollar amounts of and scope of the work
25 funded under such grants;

1 (3) the geographic areas served by eligible enti-
2 ties that receive such grants; and

3 (4) the number of contact tracers and related
4 positions to be hired using such grants.

5 (k) AUTHORIZATION OF APPROPRIATIONS.—Of the
6 amounts appropriated to carry out this subtitle,
7 \$500,000,000 shall be used by the Secretary of Labor to
8 carry out subsections (a) through (h) of this section.

9 **SEC. 567. APPLICATION OF THE SERVICE CONTRACT ACT**
10 **TO CONTRACTS AND GRANTS.**

11 Contracts and grants which include contact tracing
12 as part of the scope of work and that are awarded under
13 this subtitle shall require that contract tracers and related
14 positions are paid not less than the prevailing wage and
15 fringe rates required under chapter 67 of title 41, United
16 States Code (commonly known as the “Service Contract
17 Act”) for the area in which the work is performed. To
18 the extent that a nonstandard wage determination is re-
19 quired to establish a prevailing wage for contact tracers
20 and related positions for purposes of this subtitle, the Sec-
21 retary of Labor shall issue such determination not later
22 than 14 days after the date of enactment of this Act,
23 based on a job description used by the Centers for Disease
24 Control and Prevention and contractors or grantees per-
25 forming contact tracing for State public health agencies.

1 **SEC. 568. AUTHORIZATION OF APPROPRIATIONS.**

2 To carry out this subtitle, there are authorized to be
3 appropriated \$75,000,000,000, to remain available until
4 expended.

5 **Subtitle E—Demographic Data and**
6 **Supply Reporting Related to**
7 **COVID–19**

8 **SEC. 571. COVID–19 REPORTING PORTAL.**

9 (a) **IN GENERAL.**—Not later than 15 days after the
10 date of enactment of this Act, the Secretary shall establish
11 and maintain an online portal for use by eligible health
12 care entities to track and transmit data regarding their
13 personal protective equipment and medical supply inven-
14 tory and capacity related to COVID–19.

15 (b) **ELIGIBLE HEALTH CARE ENTITIES.**—In this sec-
16 tion, the term “eligible health care entity” means a li-
17 censed acute care hospital, hospital system, or long-term
18 care facility with confirmed cases of COVID–19.

19 (c) **SUBMISSION.**—An eligible health care entity shall
20 report using the portal under this section on a biweekly
21 basis in order to assist the Secretary in tracking usage
22 and need of COVID–related supplies and personnel in a
23 regular and real-time manner.

24 (d) **INCLUDED INFORMATION.**—The Secretary shall
25 design the portal under this section to include information
26 on personal protective equipment and medical supply in-

1 venty and capacity related to COVID–19, including with
2 respect to the following:

3 (1) PERSONAL PROTECTIVE EQUIPMENT.—

4 Total personal protective equipment inventory, in-
5 cluding, in units, the numbers of N95 masks and
6 authorized equivalent respirator masks, surgical
7 masks, exam gloves, face shields, isolation gowns,
8 and coveralls.

9 (2) MEDICAL SUPPLY.—

10 (A) Total ventilator inventory, including, in
11 units, the number of universal, adult, pediatric,
12 and infant ventilators.

13 (B) Total diagnostic and serological test
14 inventory, including, in units, the number of
15 test platforms, tests, test kits, reagents, trans-
16 port media, swabs, and other materials or sup-
17 plies determined necessary by the Secretary.

18 (3) CAPACITY.—

19 (A) Case count measurements, including
20 confirmed positive cases and persons under in-
21 vestigation.

22 (B) Total number of staffed beds, includ-
23 ing medical surgical beds, intensive care beds,
24 and critical care beds.

1 (C) Available beds, including medical sur-
2 gical beds, intensive care beds, and critical care
3 beds.

4 (D) Total number of COVID–19 patients
5 currently utilizing a ventilator.

6 (E) Average number of days a COVID–19
7 patient is utilizing a ventilator.

8 (F) Total number of additionally needed
9 professionals in each of the following categories:
10 intensivists, critical care physicians, respiratory
11 therapists, registered nurses, certified registered
12 nurse anesthetists, and laboratory personnel.

13 (G) Total number of hospital personnel
14 currently not working due to self-isolation fol-
15 lowing a known or presumed COVID–19 expo-
16 sure.

17 (e) ACCESS TO INFORMATION RELATED TO INVEN-
18 TORY AND CAPACITY.—The Secretary shall ensure that
19 relevant agencies and officials, including the Centers for
20 Disease Control and Prevention, the Assistant Secretary
21 for Preparedness and Response, and the Federal Emer-
22 gency Management Agency, have access to information re-
23 lated to inventory and capacity submitted under this sec-
24 tion.

1 (f) WEEKLY REPORT TO CONGRESS.—On a weekly
2 basis, the Secretary shall transmit information related to
3 inventory and capacity submitted under this section to the
4 appropriate committees of the House and Senate.

5 **SEC. 572. REGULAR CDC REPORTING ON DEMOGRAPHIC**
6 **DATA.**

7 Not later than 14 days after the date of enactment
8 of this Act, the Secretary, in coordination with the Direc-
9 tor of the Centers for Disease Control and Prevention,
10 shall amend the reporting under the heading “Department
11 of Health and Human Services—Office of the Secretary—
12 Public Health and Social Service Emergency Fund” in
13 title I of division B of the Paycheck Protection Program
14 and Health Care Enhancement Act (Public Law 116–139;
15 134 Stat. 620, 626) on the demographic characteristics,
16 including race, ethnicity, age, sex, gender, geographic re-
17 gion, and other relevant factors of individuals tested for
18 or diagnosed with COVID–19, to include—

19 (1) providing technical assistance to State,
20 local, and territorial health departments to improve
21 the collection and reporting of such demographic
22 data;

23 (2) if such data is not so collected or reported,
24 the reason why the State, local, or territorial depart-

1 ment of health has not been able to collect or pro-
2 vide such information; and

3 (3) making a copy of such report available pub-
4 licly on the website of the Centers for Disease Con-
5 trol and Prevention.

6 **SEC. 573. FEDERAL MODERNIZATION FOR HEALTH INEQUI-**
7 **TIES DATA.**

8 (a) **IN GENERAL.**—The Secretary shall work with
9 covered agencies to support the modernization of data col-
10 lection methods and infrastructure at such agencies for
11 the purpose of increasing data collection related to health
12 inequities, such as racial, ethnic, socioeconomic, sex, gen-
13 der, and disability disparities.

14 (b) **COVERED AGENCY DEFINED.**—In this section,
15 the term “covered agency” means each of the following
16 Federal agencies:

17 (1) The Agency for Healthcare Research and
18 Quality.

19 (2) The Centers for Disease Control and Pre-
20 vention.

21 (3) The Centers for Medicare & Medicaid Serv-
22 ices.

23 (4) The Food and Drug Administration.

24 (5) The Office of the National Coordinator for
25 Health Information Technology.

1 (6) The National Institutes of Health.

2 (c) AUTHORIZATION OF APPROPRIATIONS.—There is
3 authorized to be appropriated to each covered agency to
4 carry out this section \$4,000,000, to remain available
5 until expended.

6 **SEC. 574. MODERNIZATION OF STATE AND LOCAL HEALTH**
7 **INEQUITIES DATA.**

8 (a) IN GENERAL.—Not later than 6 months after the
9 date of enactment of this Act, the Secretary, acting
10 through the Director of the Centers for Disease Control
11 and Prevention, shall award grants to State, local, and
12 territorial health departments in order to support the
13 modernization of data collection methods and infrastruc-
14 ture for the purposes of increasing data related to health
15 inequities, such as racial, ethnic, socioeconomic, sex, gen-
16 der, and disability disparities. The Secretary shall—

17 (1) provide guidance, technical assistance, and
18 information to grantees under this section on best
19 practices regarding culturally competent, accurate,
20 and increased data collection and transmission; and

21 (2) track performance of grantees under this
22 section to help improve their health inequities data
23 collection by identifying gaps and taking effective
24 steps to support States, localities, and territories in
25 addressing the gaps.

1 (b) REPORT.—Not later than 1 year after the date
2 on which the first grant is awarded under this section,
3 the Secretary shall submit to the Committee on Energy
4 and Commerce of the House of Representatives and the
5 Committee on Health, Education, Labor and Pensions of
6 the Senate an initial report detailing—

7 (1) nationwide best practices for ensuring
8 States and localities collect and transmit health in-
9 equities data;

10 (2) nationwide trends which hinder the collec-
11 tion and transmission of health inequities data;

12 (3) Federal best practices for working with
13 States and localities to ensure culturally competent,
14 accurate, and increased data collection and trans-
15 mission; and

16 (4) any recommended changes to legislative or
17 regulatory authority to help improve and increase
18 health inequities data collection.

19 (c) FINAL REPORT.—Not later than three months
20 after the end of the public health emergency declared pur-
21 suant to section 319 of the Public Health Service Act (42
22 U.S.C. 247d) with respect to COVID–19, the Secretary
23 shall—

24 (1) update and finalize the initial report under
25 subsection (b); and

1 (2) submit such final report to the committees
2 specified in such subsection.

3 (d) AUTHORIZATION OF APPROPRIATIONS.—There is
4 authorized to be appropriated to carry out this section
5 \$100,000,000, to remain available until expended.

6 **SEC. 575. TRIBAL FUNDING TO RESEARCH HEALTH INEQUI-**
7 **TIES INCLUDING COVID-19.**

8 (a) IN GENERAL.—Not later than 6 months after the
9 date of enactment of this Act, the Director of the Indian
10 Health Service, in coordination with Tribal Epidemiology
11 Centers and other Federal agencies, as appropriate, shall
12 conduct or support research and field studies for the pur-
13 poses of improved understanding of Tribal health inequi-
14 ties among American Indians and Alaska Natives, includ-
15 ing with respect to—

16 (1) disparities related to COVID-19;

17 (2) public health surveillance and infrastructure
18 regarding unmet needs in Indian country and Urban
19 Indian communities;

20 (3) population-based health disparities;

21 (4) barriers to health care services;

22 (5) the impact of socioeconomic status; and

23 (6) factors contributing to Tribal health inequi-
24 ties.

1 (b) CONSULTATION, CONFER, AND COORDINATION.—

2 In carrying out this section, the Director of the Indian
3 Health Service shall—

4 (1) consult with Indian Tribes and Tribal orga-
5 nizations;

6 (2) confer with Urban Indian organizations;
7 and

8 (3) coordinate with the Director of the Centers
9 for Disease Control and Prevention and the Director
10 of the National Institutes of Health.

11 (c) PROCESS.—Not later than 60 days after the date
12 of enactment of this Act, the Director of the Indian Health
13 Service shall establish a nationally representative panel to
14 establish processes and procedures for the research and
15 field studies conducted or supported under subsection (a).
16 The Director shall ensure that, at a minimum, the panel
17 consists of the following individuals:

18 (1) Elected Tribal leaders or their designees.

19 (2) Tribal public health practitioners and ex-
20 perts from the national and regional levels.

21 (d) DUTIES.—The panel established under subsection
22 (c) shall, at a minimum—

23 (1) advise the Director of the Indian Health
24 Service on the processes and procedures regarding
25 the design, implementation, and evaluation of, and

1 reporting on, research and field studies conducted or
2 supported under this section;

3 (2) develop and share resources on Tribal pub-
4 lic health data surveillance and reporting, including
5 best practices; and

6 (3) carry out such other activities as may be
7 appropriate to establish processes and procedures for
8 the research and field studies conducted or sup-
9 ported under subsection (a).

10 (e) REPORT.—Not later than 1 year after expending
11 all funds made available to carry out this section, the Di-
12 rector of the Indian Health Service, in coordination with
13 the panel established under subsection (c), shall submit
14 an initial report on the results of the research and field
15 studies under this section to—

16 (1) the Committee on Energy and Commerce
17 and the Committee on Natural Resources of the
18 House of Representatives; and

19 (2) the Committee on Indian Affairs and the
20 Committee on Health, Education, Labor and Pen-
21 sions of the Senate.

22 (f) TRIBAL DATA SOVEREIGNTY.—The Director of
23 the Indian Health Service shall ensure that all research
24 and field studies conducted or supported under this sec-
25 tion are tribally-directed and carried out in a manner

1 which ensures Tribal-direction of all data collected under
2 this section—

3 (1) according to Tribal best practices regarding
4 research design and implementation, including by
5 ensuring the consent of the Tribes involved to public
6 reporting of Tribal data;

7 (2) according to all relevant and applicable
8 Tribal, professional, institutional, and Federal
9 standards for conducting research and governing re-
10 search ethics;

11 (3) with the prior and informed consent of any
12 Indian Tribe participating in the research or sharing
13 data for use under this section; and

14 (4) in a manner that respects the inherent sov-
15 ereignty of Indian Tribes, including Tribal govern-
16 ance of data and research.

17 (g) FINAL REPORT.—Not later than three months
18 after the end of the public health emergency declared pur-
19 suant to section 319 of the Public Health Service Act (42
20 U.S.C. 247d) with respect to COVID–19, the Director of
21 the Indian Health Service shall—

22 (1) update and finalize the initial report under
23 subsection (e); and

24 (2) submit such final report to the committees
25 specified in such subsection.

1 (h) DEFINITIONS.—In this section:

2 (1) The terms “Indian Tribe” and “Tribal or-
3 ganization” have the meanings given to such terms
4 in section 4 of the Indian Self-Determination and
5 Education Assistance Act (25 U.S.C. 5304).

6 (2) The term “Urban Indian organization” has
7 the meaning given to such term in section 4 of the
8 Indian Health Care Improvement Act (25 U.S.C.
9 1603).

10 (i) AUTHORIZATION OF APPROPRIATIONS.—There is
11 authorized to be appropriated to carry out this section
12 \$25,000,000, to remain available until expended.

13 **SEC. 576. CDC FIELD STUDIES PERTAINING TO SPECIFIC**
14 **HEALTH INEQUITIES.**

15 (a) IN GENERAL.—Not later than 90 days after the
16 date of enactment of this Act, the Secretary, acting
17 through the Centers for Disease Control and Prevention,
18 in collaboration with State, local, and territorial health de-
19 partments, shall complete (by the reporting deadline in
20 subsection (b)) field studies to better understand health
21 inequities that are not currently tracked by the Secretary.
22 Such studies shall include an analysis of—

23 (1) the impact of socioeconomic status on
24 health care access and disease outcomes, including
25 COVID–19 outcomes;

1 (2) the impact of disability status on health
2 care access and disease outcomes, including COVID–
3 19 outcomes;

4 (3) the impact of language preference on health
5 care access and disease outcomes, including COVID–
6 19 outcomes;

7 (4) factors contributing to disparities in health
8 outcomes for the COVID–19 pandemic; and

9 (5) other topics related to disparities in health
10 outcomes for the COVID–19 pandemic, as deter-
11 mined by the Secretary.

12 (b) REPORT.—Not later than December 31, 2021,
13 the Secretary shall submit to the Committee on Energy
14 and Commerce of the House of Representatives and the
15 Committee on Health, Education, Labor and Pensions of
16 the Senate an initial report on the results of the field stud-
17 ies under this section.

18 (c) FINAL REPORT.—Not later than three months
19 after the end of the public health emergency declared pur-
20 suant to section 319 of the Public Health Service Act (42
21 U.S.C. 247d) with respect to COVID–19, the Secretary
22 shall—

23 (1) update and finalize the initial report under
24 subsection (b); and

1 (2) submit such final report to the committees
2 specified in such subsection.

3 (d) 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 **SEC. 577. ADDITIONAL REPORTING TO CONGRESS ON THE**
7 **RACE AND ETHNICITY RATES OF COVID-19**
8 **TESTING, HOSPITALIZATIONS, AND MORTALI-**
9 **TIES.**

10 (a) IN GENERAL.—Not later than 30 days after the
11 date of enactment of this Act, the Secretary shall submit
12 to the Committee on Appropriations and the Committee
13 on Energy and Commerce of the House of Representatives
14 and the Committee on Appropriations and the Committee
15 on Health, Education, Labor and Pensions of the Senate
16 an initial report—

17 (1) describing the testing, positive diagnoses,
18 hospitalization, intensive care admissions, and mor-
19 tality rates associated with COVID-19,
20 disaggregated by race, ethnicity, age, sex, gender,
21 geographic region, and other relevant factors as de-
22 termined by the Secretary;

23 (2) including an analysis of any variances of
24 testing, positive diagnoses, hospitalizations, and
25 deaths by demographic characteristics; and

1 (3) including proposals for evidenced-based re-
2 response strategies to reduce disparities related to
3 COVID–19.

4 (b) FINAL REPORT.—Not later than three months
5 after the end of the public health emergency declared pur-
6 suant to section 319 of the Public Health Service Act (42
7 U.S.C. 247d) with respect to COVID–19, the Secretary
8 shall—

9 (1) update and finalize the initial report under
10 subsection (a); and

11 (2) submit such final report to the committees
12 specified in such subsection.

13 (c) COORDINATION.—In preparing the report sub-
14 mitted under this section, the Secretary shall take into ac-
15 count and otherwise coordinate such report with reporting
16 required under section 572 and under the heading “De-
17 partment of Health and Human Services—Office of the
18 Secretary—Public Health and Social Service Emergency
19 Fund” in title I of division B of the Paycheck Protection
20 Program and Health Care Enhancement Act (Public Law
21 116–139; 134 Stat. 620, 626).

Subtitle F—Miscellaneous**SEC. 581. TECHNICAL CORRECTIONS TO AMENDMENTS
MADE BY CARES ACT.**

(a) The amendments made by this section shall take effect as if included in the enactment of the CARES Act (Public Law 116–136).

(b) Section 3112 of division A of the CARES Act (Public Law 116–136) is amended—

(1) in subsection (a)(2)(A), by striking the comma before “or a permanent”;

(2) in subsection (d)(1), by striking “and subparagraphs (A) and (B)” and inserting “as subparagraphs (A) and (B)”; and

(3) in subsection (e), by striking “Drug, Cosmetic Act” and inserting “Drug, and Cosmetic Act”.

(c) Section 6001(a)(1)(D) of division F of the Families First Coronavirus Response Act (Public Law 116–127), as amended by section 3201 of division A of the CARES Act (Public Law 116–136), is amended by striking “other test that”.

(d) Subsection (k)(9) of section 543 of the Public Health Service Act (42 U.S.C. 290dd–2), as added by section 3221(d) of division A of the CARES Act (Public Law 116–136), is amended by striking “unprotected health in-

1 formation” and inserting “unsecured protected health in-
2 formation”.

3 (e) Section 3401(2)(D) of division A of the CARES
4 Act (Public Law 116–136), is amended by striking “Not
5 Later than” and inserting “Not later than”.

6 (f) Section 831(f) of the Public Health Service Act,
7 as redesignated by section 3404(a)(6)(E) and amended by
8 section 3404(a)(6)(G) of division A of the CARES Act
9 (Public Law 116–136), is amended by striking “a health
10 care facility, or a partnership of such a school and facil-
11 ity”.

12 (g) Section 846(i) of the Public Health Service Act,
13 as amended by section 3404(a)(8)(C) of division A of the
14 CARES Act (Public Law 116–136), is amended by strik-
15 ing “871(b),” and inserting “871(b),”.

16 (h) Section 3606(a)(1)(A) of division A of the
17 CARES Act (Public Law 116–136) is amended by striking
18 “In general” and inserting “IN GENERAL”.

19 (i) Section 3856(b)(1) of division A of the CARES
20 Act (Public Law 116–136) is amended to read as follows:

21 “(1) IN GENERAL.—Section 905(b)(4) of the
22 FDA Reauthorization Act of 2017 (Public Law 115–
23 52) is amended by striking ‘Section 744H(e)(2)(B)
24 of the Federal Food, Drug, and Cosmetic Act (21
25 U.S.C. 379j–52(e)(2)(B))’ and inserting ‘Section

1 744H(f)(2)(B) of the Federal Food, Drug, and Cos-
2 metic Act, as redesignated by section 403(e)(1) of
3 this Act,.’’.

4 **TITLE VI—PUBLIC HEALTH**
5 **ASSISTANCE**

6 **SEC. 601. DEFINITION.**

7 In this title, the term “Secretary” means the Sec-
8 retary of Health and Human Services.

9 **Subtitle A—Assistance to Providers**
10 **and Health System**

11 **SEC. 611. HEALTH CARE PROVIDER RELIEF FUND.**

12 (a) IN GENERAL.—Not later than 7 days after the
13 date of enactment of this Act, the Secretary, acting
14 through the Administrator of the Health Resources and
15 Services Administration, shall establish a program under
16 which the Secretary shall reimburse, through grants or
17 other mechanisms, eligible health care providers for eligi-
18 ble expenses or lost revenues occurring during calendar
19 quarters beginning on or after January 1, 2020, to pre-
20 vent, prepare for, and respond to COVID–19, in an
21 amount calculated under subsection (c).

22 (b) QUARTERLY BASIS.—

23 (1) SUBMISSION OF APPLICATIONS.—The Sec-
24 retary shall give applicants a period of 7 calendar
25 days after the close of a quarter to submit applica-

1 tions under this section with respect to such quarter,
2 except that the Secretary shall give applicants a pe-
3 riod of 7 calendar days after the date of enactment
4 of this Act to submit applications with respect to the
5 quarters beginning on January 1 and April 1, 2020,
6 if the applicant has not previously submitted an ap-
7 plication with the respect to such quarters.

8 (2) REVIEW AND PAYMENT.—The Secretary
9 shall—

10 (A) review applications and make awards
11 of reimbursement under this section on a quar-
12 terly basis; and

13 (B) award the reimbursements under this
14 section for a quarter not later than 14 calendar
15 days after the close of the quarter, except that
16 the Secretary shall award the reimbursements
17 under this section for the quarters beginning on
18 January 1 and April 1, 2020, not later than 14
19 calendar days after the date of enactment of
20 this Act.

21 (c) CALCULATION.—

22 (1) IN GENERAL.—The amount of the reim-
23 bursement to an eligible health care provider under
24 this section with respect to a calendar quarter shall
25 equal—

1 (A) the sum of—

2 (i) 100 percent of the eligible ex-
3 penses, as described in subsection (d), of
4 the provider during the quarter; and

5 (ii) subject to paragraph (3), 60 per-
6 cent of the lost revenues, as described in
7 subsection (e), of the provider during the
8 quarter; less

9 (B) any funds that are—

10 (i) received by the provider during the
11 quarter pursuant to the Coronavirus Pre-
12 paredness and Response Supplemental Ap-
13 propriations Act, 2020 (Public Law 116-
14 123), the Families First Coronavirus Re-
15 sponse Act (Public Law 116-127), the
16 CARES Act (Public Law 116-136), or the
17 Paycheck Protection Program and Health
18 Care Enhancement Act (Public Law 116-
19 139); and

20 (ii) not required to be repaid.

21 (2) CARRYOVER.—If the amount determined
22 under paragraph (1)(B) for a calendar quarter with
23 respect to an eligible health care provider exceeds
24 the amount determined under paragraph (1)(A) with
25 respect to such provider and quarter, the amount of

1 such difference shall be applied in making the cal-
2 culation under this subsection, over each subsequent
3 calendar quarter for which the eligible health care
4 provider seeks reimbursement under this section.

5 (3) LOST REVENUE LIMITATION.—If the
6 amount determined under subsection (e) with re-
7 spect to the lost revenue of an eligible health care
8 provider for a calendar quarter does not exceed an
9 amount that equals 10 percent of the net patient
10 revenue (as defined in such subsection) of the pro-
11 vider for the corresponding quarter in 2019, the ad-
12 dend under paragraph (1)(A)(ii), in making the cal-
13 culation under paragraph (1), is deemed to be zero.

14 (d) ELIGIBLE EXPENSES.—Subject to subsection
15 (h)(1), expenses eligible for reimbursement under this sec-
16 tion include expenses for—

17 (1) building or construction of temporary struc-
18 tures;

19 (2) leasing of properties;

20 (3) medical supplies and equipment including
21 personal protective equipment;

22 (4) in vitro diagnostic tests, serological tests, or
23 testing supplies;

24 (5) increased workforce and trainings;

25 (6) emergency operation centers;

- 1 (7) construction or retrofitting of facilities;
- 2 (8) mobile testing units;
- 3 (9) surge capacity;
- 4 (10) retention of workforce; and
- 5 (11) such other items and services as the Sec-
- 6 retary determines to be appropriate, in consultation
- 7 with relevant stakeholders.

8 (e) LOST REVENUES.—

9 (1) IN GENERAL.—Subject to subsection (h)(1),
10 for purposes of subsection (c)(1)(A)(ii), the lost rev-
11 enues of an eligible health care provider, with re-
12 spect to the calendar quarter involved, shall be equal
13 to—

14 (A) net patient revenue of the provider for
15 the corresponding quarter in 2019 minus net
16 patient revenue of the provider for such quar-
17 ter; less

18 (B) the savings of the provider during the
19 calendar quarter involved attributable to fore-
20 gone wages, payroll taxes, and benefits of per-
21 sonnel who were furloughed or laid off by the
22 provider during that quarter.

23 (2) NET PATIENT REVENUE DEFINED.—For
24 purposes of paragraph (1)(A), the term “net patient

1 revenue”, with respect to an eligible health care pro-
2 vider and a calendar quarter, means the sum of—

3 (A) 200 percent of the total amount of re-
4 imbursement received by the provider during
5 the quarter for all items and services furnished
6 under a State plan or a waiver of a State plan
7 under title XIX of the Social Security Act (42
8 U.S.C. 1396 et seq.);

9 (B) 125 percent of the total amount of re-
10 imbursement received by the provider during
11 the quarter for all items and services furnished
12 under title XVIII of the Social Security Act (42
13 U.S.C. 1395 et seq.); and

14 (C) 100 percent of the total amount of re-
15 imbursement not described in subparagraph (A)
16 or (B) received by the provider during the quar-
17 ter for all items and services.

18 (f) INSUFFICIENT FUNDS FOR A QUARTER.—If there
19 are insufficient funds made available to reimburse all eligi-
20 ble health care providers for all eligible expenses and lost
21 revenues for a quarter in accordance with this section, the
22 Secretary shall—

23 (1) prioritize reimbursement of eligible ex-
24 penses; and

1 (2) using the entirety of the remaining funds,
2 uniformly reduce the percentage of lost revenues
3 otherwise applicable under subsection (c)(1)(A)(ii) to
4 the extent necessary to reimburse a portion of the
5 lost revenues of all eligible health care providers ap-
6 plying for reimbursement.

7 (g) APPLICATION.—A health care provider seeking
8 reimbursement under this section for a calendar quarter
9 shall submit to the Secretary an application that—

10 (1) provides documentation demonstrating that
11 the health care provider is an eligible health care
12 provider;

13 (2) includes a valid tax identification number of
14 the health care provider or, if the health care pro-
15 vider does not have a valid tax identification num-
16 ber, an employer identification number or such other
17 identification number as the Secretary may accept or
18 may assign;

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 quarter for
12 which reimbursement 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 and any other
17 information the Secretary determines necessary to
18 determine expenses and lost revenue related to
19 COVID-19.

20 (h) LIMITATIONS.—

21 (1) NO DUPLICATIVE REIMBURSEMENT.—The
22 Secretary may not provide, and a health care pro-
23 vider may not accept, reimbursement under this sec-
24 tion for expenses or losses with respect to which—

1 (A) the eligible health care provider is re-
2 imbursed from other sources; or

3 (B) other sources are obligated to reim-
4 burse the provider.

5 (2) NO EXECUTIVE COMPENSATION.—Reim-
6 bursement for eligible expenses (as described in sub-
7 section (d)) and lost revenues (as described in sub-
8 section (e)) shall not include compensation or bene-
9 fits, including salary, bonuses, awards of stock, or
10 other financial benefits, for an officer or employee
11 described in section 4004(a)(2) of the CARES Act
12 (Public Law 116–136).

13 (i) NO BALANCE BILLING AS CONDITION OF RE-
14 CEIPT OF FUNDS.—

15 (1) PROTECTING INDIVIDUALS ENROLLED IN
16 HEALTH PLANS.—As a condition of receipt of reim-
17 bursement under this section, a health care provider,
18 in the case such provider furnishes during the emer-
19 gency period described in section 1135(g)(1)(B) of
20 the Social Security Act (42 U.S.C. 1320b–
21 5(g)(1)(B)) (whether before, on, or after, the date
22 on which the provider submits an application under
23 this section) a medically necessary item or service
24 described in subparagraph (A), (B), or (C) of para-
25 graph (3) to an individual who is described in such

1 subparagraph (A), (B), or (C), respectively, and en-
2 rolled in a group health plan or group or individual
3 health insurance coverage offered by a health insur-
4 ance issuer (including grandfathered health plans as
5 defined in section 1251(e) of the Patient Protection
6 and Affordable Care Act (42 U.S.C. 18011(e)) and
7 such provider is a nonparticipating provider, with re-
8 spect to such plan or coverage or with respect to
9 such item or service, and such plan or coverage and
10 such items and services would otherwise be covered
11 under such plan if furnished by a participating pro-
12 vider—

13 (A) may not bill or otherwise hold liable
14 such individual for a payment amount for such
15 item or service that is more than the cost-shar-
16 ing amount that would apply under such plan
17 or coverage for such item or service if such pro-
18 vider furnishing such service were a partici-
19 pating provider with respect to such plan or
20 coverage;

21 (B) shall reimburse such individual in a
22 timely manner for any amount for such item or
23 service paid by the individual to such provider
24 in excess of such cost-sharing amount;

1 (C) shall submit any claim for such item or
2 service directly to the plan or coverage; and

3 (D) shall not bill the individual for such
4 cost-sharing amount until such individual is in-
5 formed by the plan or coverage of the required
6 payment amount.

7 (2) PROTECTING UNINSURED INDIVIDUALS.—

8 As a condition of receipt by a health care provider
9 of reimbursement under this section, if the health
10 care provider furnishes any medically necessary item
11 or service described in subparagraph (A), (B), or (C)
12 of paragraph (3) during the emergency period de-
13 scribed in section 1135(g)(1)(B) of the Social Secu-
14 rity Act (42 U.S.C. 1320b-5(g)(1)(B)) (whether be-
15 fore, on, or after, the date on which the provider
16 submits an application under this section) to an un-
17 insured individual who is described in such subpara-
18 graph (A), (B), or (C), respectively, the health care
19 provider—

20 (A) shall submit a claim for purposes of
21 reimbursement, with respect to such item or
22 service—

23 (i) from the uninsured portal estab-
24 lished pursuant to the provider relief fund
25 established through the Public Health and

1 Social Services Emergency Fund under the
2 Coronavirus Aid, Relief, and Economic Se-
3 curity Act (Public Law 116–136), or pur-
4 suant to activities authorized under section
5 2812 of the Public Health Service Act (42
6 U.S.C. 300hh–11) under the Public Health
7 and Social Services Emergency Fund
8 under the Families First Coronavirus Re-
9 sponse Act (Public Law 116–127); or

10 (ii) if applicable, under this section
11 with respect to expenses incurred in pro-
12 viding uncompensated care (as described in
13 subsection (g)(4)) with respect to such
14 medical care); and

15 (B) if such claim is eligible for such reim-
16 bursement—

17 (i) shall consider the amount of such
18 reimbursement as payment in full with re-
19 spect to such item or service so furnished
20 to such individual;

21 (ii) may not bill or otherwise hold lia-
22 ble such individual for any payment for
23 such item or service so furnished to such
24 individual; and

1 (iii) shall reimburse such individual in
2 a timely manner for any amount for such
3 item or service paid by the individual to
4 such provider.

5 (3) MEDICALLY NECESSARY ITEMS AND SERV-
6 ICES DESCRIBED.—For purposes of this subsection,
7 medically necessary items and services described in
8 this paragraph are—

9 (A) medically necessary items and services
10 (including in-person or telehealth visits in which
11 such items and services are furnished) that are
12 furnished to an individual who has been diag-
13 nosed with (or after provision of the items and
14 services is diagnosed with) COVID–19 to treat
15 or mitigate the effects of COVID–19;

16 (B) medically necessary items and services
17 (including in-person or telehealth visits in which
18 such items and services are furnished) that are
19 furnished to an individual who is presumed, in
20 accordance with paragraph (4), to have
21 COVID–19 but is never diagnosed as such; and

22 (C) a diagnostic test (and administration
23 of such test) as described in section 6001(a) of
24 division F of the Families First Coronavirus

1 Response Act (42 U.S.C. 1320b–5 note) admin-
2 istered to an individual.

3 (4) PRESUMPTIVE CASE OF COVID–19.—For
4 purposes of paragraph (3)(B), an individual shall be
5 presumed to have COVID–19 if the medical record
6 documentation of the individual supports a diagnosis
7 of COVID–19, even if the individual does not have
8 a positive in vitro diagnostic test result in the med-
9 ical record of the individual.

10 (5) PENALTY.—In the case of an eligible health
11 care provider that is paid a reimbursement under
12 this section and that is in violation of paragraph (1)
13 or (2), in addition to any other penalties that may
14 be prescribed by law, the Secretary may recoup from
15 such provider up to the full amount of reimburse-
16 ment the provider receives under this section.

17 (6) DEFINITIONS.—In this subsection:

18 (A) NONPARTICIPATING PROVIDER.—The
19 term “nonparticipating provider” means, with
20 respect to an item or service and group health
21 plan or group or individual health insurance
22 coverage offered by a health insurance issuer, a
23 health care provider that does not have a con-
24 tractual relationship directly or indirectly with
25 the plan or issuer, respectively, for furnishing

1 such an item or service under the plan or cov-
2 erage.

3 (B) PARTICIPATING PROVIDER.—The term
4 “participating provider” means, with respect to
5 an item or service and group health plan or
6 group or individual health insurance coverage
7 offered by a health insurance issuer, a health
8 care provider that has a contractual relation-
9 ship directly or indirectly with the plan or
10 issuer, respectively, for furnishing such an item
11 or service under the plan or coverage.

12 (C) GROUP HEALTH PLAN, HEALTH INSUR-
13 ANCE COVERAGE.—The terms “group health
14 plan”, “health insurance issuer”, “group health
15 insurance coverage”, and “individual health in-
16 surance coverage” shall have the meanings
17 given such terms under section 2791 of the
18 Public Health Service Act (42 U.S.C. 300gg-
19 91).

20 (D) UNINSURED INDIVIDUAL.—The term
21 “uninsured individual” shall have the meaning
22 given such term in the Families First
23 Coronavirus Response Act (Public Law 116-
24 127) for purposes of the additional amount
25 made available under such Act to the Public

1 Health and Social Services Emergency Fund
2 for activities authorized under section 2812 of
3 the Public Health Service Act (42 U.S.C.
4 300hh-11).

5 (j) REPORTS.—

6 (1) AWARD INFORMATION.—In making awards
7 under this section, the Secretary shall post in a
8 searchable, electronic format, a list of all recipients
9 and awards pursuant to funding authorized under
10 this section.

11 (2) REPORTS BY RECIPIENTS.—Each recipient
12 of an award under this section shall, as a condition
13 on receipt of such award, submit reports and main-
14 tain documentation, in such form, at such time, and
15 containing such information, as the Secretary deter-
16 mines is needed to ensure compliance with this sec-
17 tion.

18 (3) PUBLIC LISTING OF AWARDS.—The Sec-
19 retary shall—

20 (A) not later than 7 days after the date of
21 enactment of this Act, post in a searchable,
22 electronic format, a list of all awards made by
23 the Secretary under this section, including the
24 recipients and amounts of such awards; and

1 (B) update such list not less than every 7
2 days until all funds made available to carry out
3 this section are expended.

4 (4) INSPECTOR GENERAL REPORT.—

5 (A) IN GENERAL.—Not later than 3 years
6 after final payments are made under this sec-
7 tion, the Inspector General of the Department
8 of Health and Human Services shall transmit a
9 final report on audit findings with respect to
10 the program under this section to the Com-
11 mittee on Energy and Commerce and the Com-
12 mittee on Appropriations of the House of Rep-
13 resentatives and the Committee on Health,
14 Education, Labor and Pensions and the Com-
15 mittee on Appropriations of the Senate.

16 (B) RULE OF CONSTRUCTION.—Nothing in
17 this paragraph shall be construed as limiting
18 the authority of the Inspector General of the
19 Department of Health and Human Services or
20 the Comptroller General of the United States to
21 conduct audits of interim payments earlier than
22 the deadline described in subparagraph (A).

23 (k) ELIGIBLE HEALTH CARE PROVIDER DEFINED.—

24 In this section:

1 (1) IN GENERAL.—The term “eligible health
2 care provider” means a health care provider de-
3 scribed in paragraph (2) that provides diagnostic or
4 testing services or treatment to individuals with a
5 confirmed or possible diagnosis of COVID–19.

6 (2) HEALTH CARE PROVIDERS DESCRIBED.—A
7 health care provider described in this paragraph is
8 any of the following:

9 (A) A health care provider enrolled as a
10 participating provider under a State plan ap-
11 proved under title XIX of the Social Security
12 Act (42 U.S.C. 1396 et seq.) (or a waiver of
13 such a plan).

14 (B) A provider of services (as defined in
15 subsection (u) of section 1861 of the Social Se-
16 curity Act (42 U.S.C. 1395x)) or a supplier (as
17 defined in subsection (d) of such section) that
18 is enrolled as a participating provider of serv-
19 ices or participating supplier under the Medi-
20 care program under title XVIII of such Act (42
21 U.S.C. 1395 et seq.).

22 (C) A public entity.

23 (D) Any other entity not described in this
24 paragraph as the Secretary may specify.

25 (1) FUNDING.—

1 (1) AUTHORIZATION OF APPROPRIATIONS.—

2 There is authorized to be appropriated for an addi-
3 tional amount to carry out this section
4 \$50,000,000,000, to remain available until ex-
5 pended.

6 (2) HEALTH CARE PROVIDER RELIEF FUND.—

7 (A) USE OF APPROPRIATED FUNDS.—

8 (i) IN GENERAL.—In addition to
9 amounts authorized to be appropriated
10 pursuant to paragraph (1), the unobligated
11 balance of all amounts appropriated to the
12 Health Care Provider Relief Fund shall be
13 made available only to carry out this sec-
14 tion.

15 (ii) AMOUNTS.—For purposes of
16 clause (i), the following amounts are
17 deemed to be appropriated to the Health
18 Care Provider Relief Fund:

19 (I) The unobligated balance of
20 the appropriation of
21 \$100,000,000,000 in the third para-
22 graph under the heading “Depart-
23 ment of Health and Human Serv-
24 ices—Office of the Secretary—Public
25 Health and Social Services Emergency

1 Fund” in division B of the CARES
2 Act (Public Law 116–136).

3 (II) The unobligated balance of
4 the appropriation under the heading
5 “Department of Health and Human
6 Services—Office of the Secretary—
7 Public Health and Social Services
8 Emergency Fund” in division B of the
9 Paycheck Protection Program and
10 Health Care Enhancement Act (Pub-
11 lic Law 116–139).

12 (B) LIMITATION.—Of the unobligated bal-
13 ances described in subparagraph (A)(ii), the
14 Secretary may not make available more than
15 \$5,000,000,000 to reimburse eligible health
16 care providers for expenses incurred in pro-
17 viding uncompensated care.

18 (C) FUTURE AMOUNTS.—Any appropria-
19 tion enacted subsequent to the date of enact-
20 ment of this Act that is made available for re-
21 imbursement eligible health care providers as de-
22 scribed in subsection (a) shall be made available
23 only to carry out this section.

1 **SEC. 612. PUBLIC HEALTH WORKFORCE LOAN REPAYMENT**
2 **PROGRAM.**

3 Part D of title III of the Public Health Service Act
4 (42 U.S.C. 254b et seq.) is amended by adding at the end
5 the following new subpart:

6 **“Subpart XIII—Public Health Workforce**

7 **“SEC. 340J. LOAN REPAYMENT PROGRAM.**

8 “(a) ESTABLISHMENT.—The Secretary of Health
9 and Human Services shall establish a program to be
10 known as the Public Health Workforce Loan Repayment
11 Program (referred to in this section as the ‘Program’) to
12 assure an adequate supply of and encourage recruitment
13 of public health professionals to eliminate critical public
14 health workforce shortages in local, State, territorial, and
15 Tribal public health agencies.

16 “(b) ELIGIBILITY.—To be eligible to participate in
17 the Program, an individual shall—

18 “(1)(A) be accepted for enrollment, or be en-
19 rolled, as a student in an accredited academic edu-
20 cational institution in a State or territory in the
21 final semester or equivalent of a course of study or
22 program leading to a public health degree, a health
23 professions degree or certificate, or a degree in com-
24 puter science, information science, information sys-
25 tems, information technology, or statistics and have
26 accepted employment with a local, State, territorial,

1 or Tribal public health agency, or a related training
2 fellowship, as recognized by the Secretary, to com-
3 mence upon graduation; or

4 “(B)(i) have graduated, during the preceding
5 10-year period, from an accredited educational insti-
6 tution in a State or territory and received a public
7 health degree, a health professions degree or certifi-
8 cate, or a degree in computer science, information
9 science, information systems, information tech-
10 nology, or statistics; and

11 “(ii) be employed by, or have accepted employ-
12 ment with, a local, State, territorial, or Tribal public
13 health agency or a related training fellowship, as
14 recognized by the Secretary;

15 “(2) be a United States citizen;

16 “(3)(A) submit an application to the Secretary
17 to participate in the Program; and

18 “(B) execute a written contract as required in
19 subsection (c); and

20 “(4) not have received, for the same service, a
21 reduction of loan obligations under section 428K or
22 428L of the Higher Education Act of 1965 (20
23 U.S.C. 1078–11, 1078–12).

1 “(c) CONTRACT.—The written contract referred to in
2 subsection (b)(3)(B) between the Secretary and an indi-
3 vidual shall contain—

4 “(1) an agreement on the part of the Secretary
5 that the Secretary will repay, on behalf of the indi-
6 vidual, loans incurred by the individual in the pur-
7 suit of the relevant degree or certificate in accord-
8 ance with the terms of the contract;

9 “(2) an agreement on the part of the individual
10 that the individual will serve in the full-time employ-
11 ment of a local, State, or Tribal public health agency
12 or a related fellowship program in a position related
13 to the course of study or program for which the con-
14 tract was awarded for a period of time equal to the
15 greater of—

16 “(A) 2 years; or

17 “(B) such longer period of time as deter-
18 mined appropriate by the Secretary and the in-
19 dividual;

20 “(3) an agreement, as appropriate, on the part
21 of the individual to relocate to a priority service area
22 (as determined by the Secretary) in exchange for an
23 additional loan repayment incentive amount to be
24 determined by the Secretary;

1 “(4) a provision that any financial obligation of
2 the United States arising out of a contract entered
3 into under this section and any obligation of the in-
4 dividual that is conditioned thereon, is contingent on
5 funds being appropriated for loan repayments under
6 this section;

7 “(5) a statement of the damages to which the
8 United States is entitled, under this section for the
9 individual’s breach of the contract; and

10 “(6) such other statements of the rights and li-
11 abilities of the Secretary and of the individual as the
12 Secretary determines appropriate, not inconsistent
13 with this section.

14 “(d) PAYMENTS.—

15 “(1) IN GENERAL.—A loan repayment provided
16 for an individual under a written contract referred
17 to in subsection (b)(3)(B) shall consist of payment,
18 in accordance with paragraph (2), for the individual
19 toward the outstanding principal and interest on
20 education loans incurred by the individual in the
21 pursuit of the relevant degree in accordance with the
22 terms of the contract.

23 “(2) EQUITABLE DISTRIBUTION.—In awarding
24 contracts under this section, the Secretary shall en-
25 sure—

1 “(A) a certain percentage of contracts are
2 awarded to individuals who are not already
3 working in public health departments;

4 “(B) an equitable distribution of funds
5 geographically; and

6 “(C) an equitable distribution among
7 State, local, territorial, and Tribal public health
8 departments.

9 “(3) PAYMENTS FOR YEARS SERVED.—For
10 each year of service that an individual contracts to
11 serve pursuant to subsection (c)(2), the Secretary
12 may pay not more than \$35,000 on behalf of the in-
13 dividual for loans described in paragraph (1). With
14 respect to participants under the Program whose
15 total eligible loans are less than \$105,000, the Sec-
16 retary shall pay an amount that does not exceed $\frac{1}{3}$
17 of the eligible loan balance for each year of such
18 service of such individual.

19 “(4) TAX LIABILITY.—For purposes of the In-
20 ternal Revenue Code of 1986, a payment made
21 under this section shall be treated in the same man-
22 ner as an amount received under section 338B(g) of
23 this Act, as described in section 108(f)(4) of such
24 Code.

1 “(e) POSTPONING OBLIGATED SERVICE.—With re-
2 spect to an individual receiving a degree or certificate from
3 a health professions or other related school, the date of
4 the initiation of the period of obligated service may be
5 postponed as approved by the Secretary.

6 “(f) BREACH OF CONTRACT.—An individual who fails
7 to comply with the contract entered into under subsection
8 (c) shall be subject to the same financial penalties as pro-
9 vided for under section 338E of the Public Health Service
10 Act (42 U.S.C. 254o) for breaches of loan repayment con-
11 tracts under section 338B of such Act (42 U.S.C. section
12 254l–1).

13 “(g) DEFINITION.—For purposes of this section, the
14 term ‘full-time’ means full-time as such term is used in
15 section 455(m)(3) of the Higher Education Act of 1965.

16 “(h) AUTHORIZATION OF APPROPRIATIONS.—There
17 is authorized to be appropriated to carry out this section—

18 “(1) \$100,000,000 for fiscal year 2021; and

19 “(2) \$75,000,000 for fiscal year 2022.”.

20 **SEC. 613. EXPANDING CAPACITY FOR HEALTH OUTCOMES.**

21 (a) IN GENERAL.—The Secretary, acting through the
22 Administrator of the Health Resources and Services Ad-
23 ministration, shall award grants to eligible entities to de-
24 velop and expand the use of technology-enabled collabo-
25 rative learning and capacity building models to respond

1 to ongoing and real-time learning, health care information
2 sharing, and capacity building needs related to COVID-
3 19.

4 (b) ELIGIBLE ENTITIES.—To be eligible to receive a
5 grant under this section, an entity shall have experience
6 providing technology-enabled collaborative learning and
7 capacity building health care services—

8 (1) in rural areas, frontier areas, health profes-
9 sional shortage areas, or medically underserved area;
10 or

11 (2) to medically underserved populations or In-
12 dian Tribes.

13 (c) USE OF FUNDS.—An eligible entity receiving a
14 grant under this section shall use funds received through
15 the grant—

16 (1) to advance quality of care in response to
17 COVID-19, with particular emphasis on rural and
18 underserved areas and populations;

19 (2) to protect medical personnel and first re-
20 sponders through sharing real-time learning through
21 virtual communities of practice;

22 (3) to improve patient outcomes for conditions
23 affected or exacerbated by COVID-19, including im-
24 provement of care for patients with complex chronic
25 conditions; and

1 (4) to support rapid uptake by health care pro-
2 fessionals of emerging best practices and treatment
3 protocols around COVID-19.

4 (d) OPTIONAL ADDITIONAL USES OF FUNDS.—An
5 eligible entity receiving a grant under this section may use
6 funds received through the grant for—

7 (1) equipment to support the use and expansion
8 of technology-enabled collaborative learning and ca-
9 pacity building models, including hardware and soft-
10 ware that enables distance learning, health care pro-
11 vider support, and the secure exchange of electronic
12 health information;

13 (2) the participation of multidisciplinary expert
14 team members to facilitate and lead technology-en-
15 abled collaborative learning sessions, and profes-
16 sionals and staff assisting in the development and
17 execution of technology-enabled collaborative learn-
18 ing;

19 (3) the development of instructional program-
20 ming and the training of health care providers and
21 other professionals that provide or assist in the pro-
22 vision of services through technology-enabled collabo-
23 rative learning and capacity building models; and

24 (4) other activities consistent with achieving the
25 objectives of the grants awarded under this section.

1 (e) TECHNOLOGY-ENABLED COLLABORATIVE LEARN-
2 ING AND CAPACITY BUILDING MODEL DEFINED.—In this
3 section, the term “technology-enabled collaborative learn-
4 ing and capacity building model” has the meaning given
5 that term in section 2(7) of the Expanding Capacity for
6 Health Outcomes Act (Public Law 114–270; 130 Stat.
7 1395).

8 (f) AUTHORIZATION OF APPROPRIATIONS.—There is
9 authorized to be appropriated to carry out this section
10 \$20,000,000, to remain available until expended.

11 **SEC. 614. ADDITIONAL FUNDING FOR MEDICAL RESERVE**
12 **CORPS.**

13 Section 2813(i) of the Public Health Service Act (42
14 U.S.C. 300hh–15(i)) is amended by striking “\$11,200,000
15 for each of fiscal years 2019 through 2023” and inserting
16 “\$31,200,000 for each of fiscal years 2021 and 2022 and
17 \$11,200,000 for each of fiscal years 2023 through 2025”.

18 **SEC. 615. GRANTS FOR SCHOOLS OF MEDICINE IN DIVERSE**
19 **AND UNDERSERVED AREAS.**

20 Subpart II of part C of title VII of the Public Health
21 Service Act is amended by inserting after section 749B
22 of such Act (42 U.S.C. 293m) the following:

1 **“SEC. 749C. SCHOOLS OF MEDICINE IN UNDERSERVED**
2 **AREAS.**

3 “(a) GRANTS.—The Secretary, acting through the
4 Administrator of the Health Resources and Services Ad-
5 ministration, may award grants to institutions of higher
6 education (including multiple institutions of higher edu-
7 cation applying jointly) for the establishment, improve-
8 ment, and expansion of an allopathic or osteopathic school
9 of medicine, or a branch campus of an allopathic or osteo-
10 pathic school of medicine.

11 “(b) PRIORITY.—In selecting grant recipients under
12 this section, the Secretary shall give priority to institutions
13 of higher education that—

14 “(1) propose to use the grant for an allopathic
15 or osteopathic school of medicine, or a branch cam-
16 pus of an allopathic or osteopathic school of medi-
17 cine, in a combined statistical area with fewer than
18 200 actively practicing physicians per 100,000 resi-
19 dents according to the medical board (or boards) of
20 the State (or States) involved;

21 “(2) have a curriculum that emphasizes care for
22 diverse and underserved populations; or

23 “(3) are minority-serving institutions described
24 in the list in section 371(a) of the Higher Education
25 Act of 1965.

1 “(c) USE OF FUNDS.—The activities for which a
2 grant under this section may be used include—

3 “(1) planning and constructing—

4 “(A) a new allopathic or osteopathic school
5 of medicine in an area in which no other school
6 is based; or

7 “(B) a branch campus of an allopathic or
8 osteopathic school of medicine in an area in
9 which no such school is based;

10 “(2) accreditation and planning activities for an
11 allopathic or osteopathic school of medicine or
12 branch campus;

13 “(3) hiring faculty and other staff to serve at
14 an allopathic or osteopathic school of medicine or
15 branch campus;

16 “(4) recruitment and enrollment of students at
17 an allopathic or osteopathic school of medicine or
18 branch campus;

19 “(5) supporting educational programs at an
20 allopathic or osteopathic school of medicine or
21 branch campus;

22 “(6) modernizing infrastructure or curriculum
23 at an existing allopathic or osteopathic school of
24 medicine or branch campus thereof;

1 “(7) expanding infrastructure or curriculum at
2 existing an allopathic or osteopathic school of medi-
3 cine or branch campus; and

4 “(8) other activities that the Secretary deter-
5 mines further the development, improvement, and
6 expansion of an allopathic or osteopathic school of
7 medicine or branch campus thereof.

8 “(d) DEFINITIONS.—In this section:

9 “(1) The term ‘branch campus’ means a geo-
10 graphically separate site at least 100 miles from the
11 main campus of a school of medicine where at least
12 one student completes at least 60 percent of the stu-
13 dent’s training leading to a degree of doctor of medi-
14 cine.

15 “(2) The term ‘institution of higher education’
16 has the meaning given to such term in section
17 101(a) of the Higher Education Act of 1965.

18 “(e) AUTHORIZATION OF APPROPRIATIONS.—To
19 carry out this section, there is authorized to be appro-
20 priated \$1,000,000,000, to remain available until ex-
21 pended.”.

22 **SEC. 616. GAO STUDY ON PUBLIC HEALTH WORKFORCE.**

23 (a) IN GENERAL.—The Comptroller General of the
24 United States shall conduct a study on the public health

1 workforce in the United States during the COVID–19
2 pandemic.

3 (b) TOPICS.—The study under subsection (a) shall
4 address—

5 (1) existing gaps in the Federal, State, local,
6 Tribal, and territorial public health workforce, in-
7 cluding—

8 (A) epidemiological and disease interven-
9 tion specialists needed during the pandemic for
10 contact tracing, laboratory technicians nec-
11 essary for testing, community health workers
12 for community supports and services, and other
13 staff necessary for contact tracing, testing, or
14 surveillance activities; and

15 (B) other personnel needed during the
16 COVID–19 pandemic;

17 (2) challenges associated with the hiring, re-
18 cruitment, and retention of the Federal, State, local,
19 Tribal, and territorial public health workforce; and

20 (3) recommended steps the Federal Government
21 should take to improve hiring, recruitment, and re-
22 tention of the public health workforce.

23 (c) REPORT.—Not later than December 1, 2022, the
24 Comptroller General shall submit to the Congress a report
25 on the findings of the study conducted under this section.

1 **SEC. 617. LONGITUDINAL STUDY ON THE IMPACT OF**
2 **COVID-19 ON RECOVERED PATIENTS.**

3 Part A of title IV of the Public Health Service Act
4 (42 U.S.C. 281 et seq.) is amended by adding at the end
5 the following:

6 **“SEC. 4040. LONGITUDINAL STUDY ON THE IMPACT OF**
7 **COVID-19 ON RECOVERED PATIENTS.**

8 “(a) IN GENERAL.—The Director of NIH, in con-
9 sultation with the Director of the Centers for Disease Con-
10 trol and Prevention, shall conduct a longitudinal study,
11 over not less than 10 years, on the full impact of SARS-
12 CoV-2 or COVID-19 on infected individuals, including
13 both short-term and long-term health impacts.

14 “(b) TIMING.—The Director of NIH shall begin en-
15 rolling patients in the study under this section not later
16 than 6 months after the date of enactment of this section.

17 “(c) REQUIREMENTS.—The study under this section
18 shall—

19 “(1) be nationwide;

20 “(2) include diversity of enrollees to account for
21 gender, age, race, ethnicity, geography,
22 comorbidities, and underrepresented populations, in-
23 cluding pregnant and lactating women;

24 “(3) study individuals with COVID-19 who ex-
25perienced mild symptoms, such individuals who expe-

1 rienced moderate symptoms, and such individuals
2 who experienced severe symptoms;

3 “(4) monitor the health outcomes and symp-
4 toms of individuals with COVID–19, or who had
5 prenatal exposure to SARS–CoV–2 or COVID–19,
6 including lung capacity and function, and immune
7 response, taking into account any pharmaceutical
8 interventions such individuals may have received;

9 “(5) monitor the mental health outcomes of in-
10 dividuals with COVID–19, taking into account any
11 interventions that affected mental health; and

12 “(6) monitor individuals enrolled in the study
13 not less frequently than twice per year after the first
14 year of the individual’s infection with SARS–CoV–2.

15 “(d) PUBLIC-PRIVATE RESEARCH NETWORK.—For
16 purposes of carrying out the study under this section, the
17 Director of NIH may develop a network of public-private
18 research partners, provided that all research, including the
19 research carried out through any such partner, is available
20 publicly.

21 “(e) SUMMARIES OF FINDINGS.—The Director of
22 NIH shall make public a summary of findings under this
23 section not less frequently than once every 3 months for
24 the first 2 years of the study, and not less frequently than
25 every 6 months thereafter. Such summaries may include

1 information about how the findings of the study under this
2 section compare with findings from research conducted
3 abroad.

4 “(f) AUTHORIZATION OF APPROPRIATIONS.—There
5 is authorized to be appropriated to carry out this section
6 \$200,000,000, to remain available until expended.”.

7 **SEC. 618. RESEARCH ON THE MENTAL HEALTH IMPACT OF**
8 **COVID-19.**

9 (a) IN GENERAL.—The Secretary, acting through the
10 Director of the National Institute of Mental Health, shall
11 conduct or support research on the mental health con-
12 sequences of SARS-CoV-2 or COVID-19.

13 (b) USE OF FUNDS.—Research under subsection (a)
14 may include the following:

15 (1) Research on the mental health impact of
16 SARS-CoV-2 or COVID-19 on health care pro-
17 viders, including—

18 (A) traumatic stress;

19 (B) psychological distress; and

20 (C) psychiatric disorders.

21 (2) Research on the impact of SARS-CoV-2 or
22 COVID-19 stressors on mental health over time.

23 (3) Research to strengthen the mental health
24 response to SARS-CoV-2 or COVID-19, including

1 adapting to and maintaining or providing additional
2 services for new or increasing mental health needs.

3 (4) Research on the reach, efficiency, effective-
4 ness, and quality of digital mental health interven-
5 tions.

6 (5) Research on effectiveness of strategies for
7 implementation and delivery of evidence-based men-
8 tal health interventions and services for underserved
9 populations.

10 (6) Research on suicide prevention.

11 (c) RESEARCH COORDINATION.—The Secretary shall
12 coordinate activities under this section with similar activi-
13 ties conducted by national research institutes and centers
14 of the National Institutes of Health to the extent that
15 such institutes and centers have responsibilities that are
16 related to the mental health consequences of SARS-CoV-
17 2 or COVID-19.

18 (d) AUTHORIZATION OF APPROPRIATIONS.—To carry
19 out this section, there is authorized to be appropriated
20 \$200,000,000, to remain available until expended.

21 **SEC. 619. EMERGENCY MENTAL HEALTH AND SUBSTANCE**
22 **USE TRAINING AND TECHNICAL ASSISTANCE**
23 **CENTER.**

24 Subpart 3 of part B of title V of the Public Health
25 Service Act (42 U.S.C. 290bb-31 et seq.) is amended by

1 inserting after section 520A (42 U.S.C. 290bb–32) the fol-
2 lowing:

3 **“SEC. 520B. EMERGENCY MENTAL HEALTH AND SUB-**
4 **STANCE USE TRAINING AND TECHNICAL AS-**
5 **SISTANCE CENTER.**

6 “(a) ESTABLISHMENT.—The Secretary, acting
7 through the Assistant Secretary, shall establish or operate
8 a center to be known as the Emergency Mental Health
9 and Substance Use Training and Technical Assistance
10 Center (referred to in this section as the ‘Center’) to pro-
11 vide technical assistance and support—

12 “(1) to public or nonprofit entities seeking to
13 establish or expand access to mental health and sub-
14 stance use prevention, treatment, and recovery sup-
15 port services, and increase awareness of such serv-
16 ices; and

17 “(2) to public health professionals, health care
18 professionals and support staff, essential workers (as
19 defined by a State, Tribe, locality, or territory), and
20 members of the public to address the trauma, stress,
21 and mental health needs associated with an emer-
22 gency period.

23 “(b) ASSISTANCE AND SUPPORT.—The assistance
24 and support provided under subsection (a) shall include
25 assistance and support with respect to—

1 “(1) training on identifying signs of trauma,
2 stress, and mental health needs;

3 “(2) providing accessible resources to assist in-
4 dividuals and families experiencing trauma, stress,
5 or other mental health needs during and after an
6 emergency period;

7 “(3) providing resources for substance use dis-
8 order prevention, treatment, and recovery designed
9 to assist individuals and families during and after an
10 emergency period;

11 “(4) the provision of language access services,
12 including translation services, interpretation, or
13 other such services for individuals with limited
14 English speaking proficiency or people with disabil-
15 ities; and

16 “(5) evaluation and improvement, as necessary,
17 of the effectiveness of such services provided by pub-
18 lic or nonprofit entities.

19 “(c) BEST PRACTICES.—The Center shall periodi-
20 cally issue best practices for use by organizations seeking
21 to provide mental health services or substance use disorder
22 prevention, treatment, or recovery services to individuals
23 during and after an emergency period.

1 “(d) EMERGENCY PERIOD.—In this section, the term
2 ‘emergency period’ has the meaning given such term in
3 section 1135(g)(1)(A) of the Social Security Act.

4 “(e) AUTHORIZATION OF APPROPRIATIONS.—There
5 is authorized to be appropriated to carry out this section
6 \$20,000,000 for each of fiscal years 2021 and 2022.”.

7 **SEC. 620. IMPORTANCE OF THE BLOOD AND PLASMA SUP-**
8 **PLY.**

9 (a) IN GENERAL.—Section 3226 of the CARES Act
10 (Public Law 116–136) is amended—

11 (1) in the section heading after “**BLOOD**” by
12 inserting “**AND PLASMA**”; and

13 (2) by inserting after “blood” each time it ap-
14 pears “and plasma”.

15 (b) CONFORMING AMENDMENT.—The item relating
16 to section 3226 in the table of contents in section 2 of
17 the CARES Act (Public Law 116–136) is amended to read
18 as follows:

“Sec. 3226. Importance of the blood and plasma supply.”.

19 **Subtitle B—Assistance for**
20 **Individuals and Families**

21 **SEC. 631. REIMBURSEMENT FOR ADDITIONAL HEALTH**
22 **SERVICES RELATING TO CORONAVIRUS.**

23 Title V of division A of the Families First
24 Coronavirus Response Act (Public Law 116–127; 134
25 Stat. 182) is amended under the heading “Department of

1 Health and Human Services—Office of the Secretary—
2 Public Health and Social Services Emergency Fund” by
3 inserting “, or treatment related to SARS-CoV-2 or
4 COVID-19 for uninsured individuals” after “or visits de-
5 scribed in paragraph (2) of such section for uninsured in-
6 dividuals”.

7 **SEC. 632. CENTERS FOR DISEASE CONTROL AND PREVEN-**
8 **TION COVID-19 RESPONSE LINE.**

9 (a) IN GENERAL.—During the public health emer-
10 gency declared by the Secretary pursuant to section 319
11 of the Public Health Service Act (42 U.S.C. 247d) on Jan-
12 uary 31, 2020, with respect to COVID-19, the Secretary,
13 acting through the Director of the Centers for Disease
14 Control and Prevention, shall maintain a toll-free tele-
15 phone number to address public health queries, including
16 questions concerning COVID-19.

17 (b) AUTHORIZATION OF APPROPRIATIONS.—To carry
18 out this section, there is authorized to be appropriated
19 \$10,000,000, to remain available until expended.

20 **SEC. 633. GRANTS TO ADDRESS SUBSTANCE USE DURING**
21 **COVID-19.**

22 (a) IN GENERAL.—The Assistant Secretary for Men-
23 tal Health and Substance Use of the Department of
24 Health and Human Services (in this section referred to
25 as the “Assistant Secretary”), in consultation with the Di-

1 rector of the Centers for Disease Control and Prevention,
2 shall award grants to States, political subdivisions of
3 States, Tribes, Tribal organizations, and community-based
4 entities to address the harms of drug misuse, including
5 by—

6 (1) preventing and controlling the spread of in-
7 fectious diseases, such as HIV/AIDS and viral hepa-
8 titis, and the consequences of such diseases for indi-
9 viduals with substance use disorder;

10 (2) connecting individuals at risk for or with a
11 substance use disorder to overdose education, coun-
12 seling, and health education; or

13 (3) encouraging such individuals to take steps
14 to reduce the negative personal and public health
15 impacts of substance use or misuse during the emer-
16 gency period.

17 (b) CONSIDERATIONS.—In awarding grants under
18 this section, the Assistant Secretary shall prioritize grants
19 to applicants proposing to serve areas with—

20 (1) a high proportion of people who meet cri-
21 teria for dependence on or abuse of illicit drugs who
22 have not received any treatment;

23 (2) high drug overdose death rates;

24 (3) high telemedicine infrastructure needs; and

1 (4) high behavioral health and substance use
2 disorder workforce needs.

3 (c) DEFINITION.—In this section, the term “emer-
4 gency period” has the meaning given to such term in sec-
5 tion 1135(g)(1)(B) of the Social Security Act (42 U.S.C.
6 1320b–5(g)(1)(B)).

7 (d) AUTHORIZATION OF APPROPRIATIONS.—To carry
8 out this section, there is authorized to be appropriated
9 \$10,000,000, to remain available until expended.

10 **SEC. 634. GRANTS TO SUPPORT INCREASED BEHAVIORAL**
11 **HEALTH NEEDS DUE TO COVID-19.**

12 (a) IN GENERAL.—The Secretary, acting through the
13 Assistant Secretary of Mental Health and Substance Use,
14 shall award grants to States, political subdivisions of
15 States, Indian Tribes and Tribal organizations, commu-
16 nity-based entities, and primary care and behavioral
17 health organizations to address behavioral health needs
18 caused by the public health emergency declared pursuant
19 to section 319 of the Public Health Service Act (42 U.S.C.
20 247d) with respect to COVID–19.

21 (b) USE OF FUNDS.—An entity that receives a grant
22 under subsection (a) may use funds received through such
23 grant to—

24 (1) increase behavioral health treatment and
25 prevention capacity, including to—

1 (A) promote coordination among local enti-
2 ties;

3 (B) train the behavioral health workforce,
4 relevant stakeholders, and community members;

5 (C) upgrade technology to support effective
6 delivery of health care services through tele-
7 health modalities;

8 (D) purchase medical supplies and equip-
9 ment for behavioral health treatment entities
10 and providers;

11 (E) address surge capacity for behavioral
12 health needs such as through mobile units; and

13 (F) promote collaboration between primary
14 care and mental health providers; and

15 (2) support or enhance behavioral health serv-
16 ices, including—

17 (A) emergency crisis intervention, includ-
18 ing mobile crisis units, 24/7 crisis call centers,
19 and medically staffed crisis stabilization pro-
20 grams;

21 (B) screening, assessment, diagnosis, and
22 treatment;

23 (C) mental health awareness trainings;

24 (D) evidence-based suicide prevention;

25 (E) evidence-based integrated care models;

1 (F) community recovery supports;

2 (G) outreach to underserved and minority
3 communities; and

4 (H) for front line health care workers.

5 (c) PRIORITY.—The Secretary shall give priority to
6 applicants proposing to serve areas with a high number
7 of COVID–19 cases.

8 (d) EVALUATION.—An entity that receives a grant
9 under this section shall prepare and submit an evaluation
10 to the Secretary at such time, in such manner, and con-
11 taining such information as the Secretary may reasonably
12 require, including—

13 (1) an evaluation of activities carried out with
14 funds received through the grant; and

15 (2) a process and outcome evaluation.

16 (e) AUTHORIZATION OF APPROPRIATIONS.—To carry
17 out this section, there is authorized to be appropriated
18 \$50,000,000 for each of fiscal years 2021 and 2022, to
19 remain available until expended.

20 **Subtitle C—Assistance to Tribes**

21 **SEC. 641. IMPROVING STATE, LOCAL, AND TRIBAL PUBLIC**

22 **HEALTH SECURITY.**

23 Section 319C–1 of the Public Health Service Act (42
24 U.S.C. 247d–3a) is amended—

1 (1) in the section heading, by striking “**AND**
2 **LOCAL**” and inserting “**, LOCAL, AND TRIBAL**”;

3 (2) in subsection (b)—

4 (A) in paragraph (1)—

5 (i) in subparagraph (B), by striking
6 “or” at the end;

7 (ii) in subparagraph (C), by striking
8 “and” at the end and inserting “or”; and

9 (iii) by adding at the end the fol-
10 lowing:

11 “(D) be an Indian Tribe, Tribal organization,
12 or a consortium of Indian Tribes or Tribal organiza-
13 tions; and”; and

14 (B) in paragraph (2)—

15 (i) in the matter preceding subpara-
16 graph (A), by inserting “, as applicable”
17 after “including”;

18 (ii) in subparagraph (A)(viii)—

19 (I) by inserting “and Tribal”
20 after “with State”;

21 (II) by striking “(as defined in
22 section 8101 of the Elementary and
23 Secondary Education Act of 1965)”
24 and inserting “and Tribal educational
25 agencies (as defined in sections 8101

1 and 6132, respectively, of the Elemen-
2 tary and Secondary Education Act of
3 1965)”; and

4 (III) by inserting “and Tribal”
5 after “and State”;

6 (iii) in subparagraph (G), by striking
7 “and tribal” and inserting “Tribal, and
8 urban Indian organization”; and

9 (iv) in subparagraph (H), by inserting
10 “, Indian Tribes, and urban Indian organi-
11 zations” after “public health”;

12 (3) in subsection (e), by inserting “Indian
13 Tribes, Tribal organizations, urban Indian organiza-
14 tions,” after “local emergency plans,”;

15 (4) in subsection (g)(1), by striking “tribal offi-
16 cials” and inserting “Tribal officials”;

17 (5) in subsection (h)—

18 (A) in paragraph (1)(A)—

19 (i) by striking “through 2023” and
20 inserting “and 2020”; and

21 (ii) by inserting before the period “;
22 and \$690,000,000 for each of fiscal years
23 2021 through 2024 for awards pursuant to
24 paragraph (3) (subject to the authority of
25 the Secretary to make awards pursuant to

1 paragraphs (4) and (5)) and paragraph
2 (8), of which not less than \$5,000,000
3 shall be reserved each fiscal year for
4 awards under paragraph (8)”;

5 (B) in paragraph (2)(B), by striking “trib-
6 al public” and inserting “Tribal public”;

7 (C) in the heading of paragraph (3), by in-
8 serting “FOR STATES” after “AMOUNT”; and

9 (D) by adding at the end the following:

10 “(8) TRIBAL ELIGIBLE ENTITIES.—

11 “(A) DETERMINATION OF FUNDING
12 AMOUNT.—

13 “(i) IN GENERAL.—The Secretary
14 shall award at least 10 cooperative agree-
15 ments under this section, in amounts not
16 less than the minimum amount determined
17 under clause (ii), to eligible entities de-
18 scribed in subsection (b)(1)(D) that sub-
19 mits to the Secretary an application that
20 meets the criteria of the Secretary for the
21 receipt of such an award and that meets
22 other reasonable implementation conditions
23 established by the Secretary, in consulta-
24 tion with Indian Tribes, for such awards.
25 If the Secretary receives more than 10 ap-

1 plications under this section from eligible
2 entities described in subsection (b)(1)(D)
3 that meet the criteria and conditions de-
4 scribed in the previous sentence, the Sec-
5 retary, in consultation with Indian Tribes,
6 may make additional awards under this
7 section to such entities.

8 “(ii) MINIMUM AMOUNT.—In deter-
9 mining the minimum amount of an award
10 pursuant to clause (i), the Secretary, in
11 consultation with Indian Tribes, shall first
12 determine an amount the Secretary con-
13 siders appropriate for the eligible entity.

14 “(B) AVAILABLE UNTIL EXPENDED.—
15 Amounts provided to a Tribal eligible entity
16 under a cooperative agreement under this sec-
17 tion for a fiscal year and remaining unobligated
18 at the end of such year shall remain available
19 to such entity during the entirety of the per-
20 formance period, for the purposes for which
21 said funds were provided.

22 “(C) NO MATCHING REQUIREMENT.—Sub-
23 paragraphs (B), (C), and (D) of paragraph (1)
24 shall not apply with respect to cooperative
25 agreements awarded under this section to eligi-

1 ble entities described in subsection (b)(1)(D).”;

2 and

3 (6) by adding at the end the following:

4 “(1) SPECIAL RULES RELATED TO TRIBAL ELIGIBLE
5 ENTITIES.—

6 “(1) MODIFICATIONS.—After consultation with
7 Indian Tribes, the Secretary may make necessary
8 and appropriate modifications to the program under
9 this section to facilitate the use of the cooperative
10 agreement program by eligible entities described in
11 subsection (b)(1)(D).

12 “(2) WAIVERS.—

13 “(A) IN GENERAL.—Except as provided in
14 subparagraph (B), the Secretary may waive or
15 specify alternative requirements for any provi-
16 sion of this section (including regulations) that
17 the Secretary administers in connection with
18 this section if the Secretary finds that the waiv-
19 er or alternative requirement is necessary for
20 the effective delivery and administration of this
21 program with respect to eligible entities de-
22 scribed in subsection (b)(1)(D).

23 “(B) EXCEPTION.—The Secretary may not
24 waive or specify alternative requirements under

1 subparagraph (A) relating to labor standards or
2 the environment.

3 “(3) CONSULTATION.—The Secretary shall con-
4 sult with Indian Tribes and Tribal organizations on
5 the design of this program with respect to such
6 Tribes and organizations to ensure the effectiveness
7 of the program in enhancing the security of Indian
8 Tribes with respect to public health emergencies.

9 “(4) REPORTING.—

10 “(A) IN GENERAL.—Not later than 2 years
11 after the date of enactment of this subsection,
12 and as an addendum to the biennial evaluations
13 required under subsection (k), the Secretary, in
14 coordination with the Director of the Indian
15 Health Service, shall—

16 “(i) conduct a review of the implemen-
17 tation of this section with respect to eligi-
18 ble entities described in subsection
19 (b)(1)(D), including any factors that may
20 have limited its success; and

21 “(ii) submit a report describing the
22 results of the review described in clause (i)
23 to—

24 “(I) the Committee on Indian Af-
25 fairs, the Committee on Health, Edu-

1 cation, Labor and Pensions, and the
2 Committee on Appropriations of the
3 Senate; and

4 “(II) the Subcommittee for In-
5 digenous Peoples of the United States
6 of the Committee on Natural Re-
7 sources, the Committee on Energy
8 and Commerce, and the Committee on
9 Appropriations of the House of Rep-
10 resentatives.

11 “(B) ANALYSIS OF TRIBAL PUBLIC
12 HEALTH EMERGENCY INFRASTRUCTURE LIM-
13 TATION.—The Secretary shall include in the
14 initial report submitted under subparagraph (A)
15 a description of any public health emergency in-
16 frastructure limitation encountered by eligible
17 entities described in subsection (b)(1)(D).”.

18 **SEC. 642. PROVISION OF ITEMS TO INDIAN PROGRAMS AND**
19 **FACILITIES.**

20 (a) STRATEGIC NATIONAL STOCKPILE.—Section
21 319F-2(a)(3)(G) of the Public Health Service Act (42
22 U.S.C. 247d-6b(a)(3)(G)) is amended by inserting “, and,
23 in the case that the Secretary deploys the stockpile under
24 this subparagraph, ensure, in coordination with the appli-
25 cable States and programs and facilities, that appropriate

1 drugs, vaccines and other biological products, medical de-
2 vices, and other supplies are deployed by the Secretary di-
3 rectly to health programs or facilities operated by the In-
4 dian Health Service, an Indian Tribe, a Tribal organiza-
5 tion (as those terms are defined in section 4 of the Indian
6 Self-Determination and Education Assistance Act (25
7 U.S.C. 5304)), or an inter-Tribal consortium (as defined
8 in section 501 of the Indian Self-Determination and Edu-
9 cation Assistance Act (25 U.S.C. 5381)) or through an
10 urban Indian organization (as defined in section 4 of the
11 Indian Health Care Improvement Act), while avoiding du-
12 plicative distributions to such programs or facilities” be-
13 fore the semicolon.

14 (b) DISTRIBUTION OF QUALIFIED PANDEMIC OR EPI-
15 DEMIC PRODUCTS TO IHS FACILITIES.—Title III of the
16 Public Health Service Act (42 U.S.C. 241 et seq.) is
17 amended by inserting after section 319F–4 the following:

18 **“SEC. 319F–5. DISTRIBUTION OF QUALIFIED PANDEMIC OR**
19 **EPIDEMIC PRODUCTS TO INDIAN PROGRAMS**
20 **AND FACILITIES.**

21 “In the case that the Secretary distributes qualified
22 pandemic or epidemic products (as defined in section
23 319F–3(i)(7)) to States or other entities, the Secretary
24 shall ensure, in coordination with the applicable States
25 and programs and facilities, that, as appropriate, such

1 products are distributed directly to health programs or fa-
2 cilities operated by the Indian Health Service, an Indian
3 Tribe, a Tribal organization (as those terms are defined
4 in section 4 of the Indian Self-Determination and Edu-
5 cation Assistance Act (25 U.S.C. 5304)), or an inter-Trib-
6 al consortium (as defined in section 501 of the Indian
7 Self-Determination and Education Assistance Act (25
8 U.S.C. 5381)) or through an urban Indian organization
9 (as defined in section 4 of the Indian Health Care Im-
10 provement Act), while avoiding duplicative distributions to
11 such programs or facilities.”.

12 **SEC. 643. HEALTH CARE ACCESS FOR URBAN NATIVE VET-**
13 **ERANS.**

14 Section 405 of the Indian Health Care Improvement
15 Act (25 U.S.C. 1645) is amended—

16 (1) in subsection (a)(1), by inserting “urban In-
17 dian organizations,” before “and tribal organiza-
18 tions”; and

19 (2) in subsection (c)—

20 (A) by inserting “urban Indian organiza-
21 tion,” before “or tribal organization”; and

22 (B) by inserting “an urban Indian organi-
23 zation,” before “or a tribal organization”.

1 **SEC. 644. TRIBAL SCHOOL FEDERAL INSURANCE PARITY.**

2 Section 409 of the Indian Health Care Improvement
3 Act (25 U.S.C. 1647b) is amended by inserting “or the
4 Tribally Controlled Schools Act of 1988 (25 U.S.C. 2501
5 et seq.)” after “(25 U.S.C. 450 et seq.)”.

6 **SEC. 645. PRC FOR NATIVE VETERANS.**

7 Section 405(c) of the Indian Health Care Improve-
8 ment Act (25 U.S.C. 1645) is amended by inserting before
9 the period at the end the following: “, regardless of wheth-
10 er such services are provided directly by the Service, an
11 Indian tribe, or tribal organization, through contract
12 health services, or through a contract for travel described
13 in section 213(b)”.

14 **Subtitle D—Public Health**
15 **Assistance to Essential Workers**

16 **SEC. 651. CONTAINMENT AND MITIGATION FOR ESSENTIAL**
17 **WORKERS PROGRAM.**

18 (a) PROGRAM.—The Secretary, acting through the
19 Director of the Centers for Disease Control and Preven-
20 tion and in consultation with the Director of the National
21 Institute for Occupational Safety and Health, shall estab-
22 lish a COVID–19 containment and mitigation for essential
23 workers program consisting of awarding grants under sub-
24 section (b).

25 (b) GRANTS.—For the purpose of improving essential
26 worker safety, the Secretary—

1 (1) shall award a grant to each State health de-
2 partment; and

3 (2) may award grants on a competitive basis to
4 State, local, Tribal, or territorial health depart-
5 ments.

6 (c) USE OF FUNDS.—A State, local, Tribal, or terri-
7 torial health department receiving a grant under sub-
8 section (b) shall use the grant funds—

9 (1) to purchase or procure personal protective
10 equipment and rapid testing equipment and supplies
11 for distribution to employers of essential workers, in-
12 cluding public employers; or

13 (2) to support the implementation of other
14 workplace safety measures for use in containment
15 and mitigation of COVID–19 transmission among
16 essential workers in their workplaces, including
17 workplaces of public employers.

18 (d) FORMULA GRANTS TO STATE HEALTH DEPART-
19 MENTS.—In making grants under subsection (b)(1), the
20 Secretary shall award funds to each State health depart-
21 ment in accordance with a formula based on overall popu-
22 lation size, essential workers population size, and burden
23 of COVID–19.

24 (e) COMPETITIVE GRANTS TO STATE, LOCAL, TRIB-
25 AL, AND TERRITORIAL HEALTH DEPARTMENTS.—In

1 making grants under subsection (b)(2), the Secretary shall
2 give priority to applicants demonstrating a commitment
3 to containing and mitigating COVID–19 among racial and
4 ethnic minority groups who are disproportionately rep-
5 resented in essential worker settings.

6 (f) NO DUPLICATIVE ASSISTANCE LIMITATION.—
7 The Secretary may not provide, and a State, local, Tribal,
8 or territorial health department, or employer of essential
9 workers may not accept, assistance under this section for
10 containment and mitigation of COVID–19 transmission
11 among essential workers in their workplaces with respect
12 to which—

13 (1) the State, local, Tribal, or territorial health
14 department, or employer of essential workers re-
15 ceives assistance from other sources for such pur-
16 poses; or

17 (2) other sources are obligated to provide as-
18 sistance to such health department or employer for
19 such purposes.

20 (g) TECHNICAL ASSISTANCE.—In carrying out the
21 program under this section, the Secretary shall provide
22 technical assistance to State, local, Tribal, or territorial
23 health departments.

24 (h) REPORT.—No later than 90 days after the date
25 of enactment of this Act, and every 90 days thereafter,

1 the Secretary shall submit to the Committee on Energy
2 and Commerce and the Committee on Education and
3 Labor of the House of Representatives and the Committee
4 on Health, Education, Labor, and Pensions of the Senate
5 a report on the activities funded through this section, in-
6 cluding—

7 (1) the amount expended and the awardees
8 under subsection (b)(1);

9 (2) the amount expended and the awardees
10 under subsection (b)(2);

11 (3) the total amount remaining of the amounts
12 appropriated or otherwise made available to carry
13 out this section under subsection (i); and

14 (4) evaluating the progress of State, local, Trib-
15 al, and territorial health departments in reducing
16 COVID–19 burden among essential workers.

17 (i) CONSULTATION WITH ESSENTIAL EMPLOYERS,
18 ESSENTIAL WORKERS, AND EMPLOYEE REPRESENTA-
19 TIVES OF ESSENTIAL WORKERS.—

20 (1) IN GENERAL.—In developing the strategy
21 and program under subsection (a) and in deter-
22 mining criteria for distribution of competitive grants
23 under this section, the Secretary of Health and
24 Human Services, acting through the Director of the
25 Centers for Disease Control and Prevention and in

1 consultation with the Director of the National Insti-
2 tute for Occupational Safety and Health, shall con-
3 sult in advance with—

4 (A) employers of essential workers;

5 (B) representatives of essential workers;

6 and

7 (C) labor organizations representing essen-
8 tial workers.

9 (2) OPTIONAL ADVANCE CONSULTATION.—A
10 State health department may, before receiving fund-
11 ing through a grant under this section, consult with
12 employers of essential workers, representatives of
13 workers, and labor organizations representing essen-
14 tial workers in determining—

15 (A) priorities for the use of such funds;

16 and

17 (B) the distribution of COVID–19 contain-
18 ment and mitigation equipment and supplies.

19 (j) DEFINITIONS.—In this section:

20 (1) The term “essential worker” refers to—

21 (A) the “essential critical infrastructure
22 workers” identified in the Department of
23 Homeland Security’s “Advisory Memorandum
24 on Ensuring Essential Critical Infrastructure
25 Workers Ability to Work During the COVID–

1 19 Response” released on August 18, 2020 (or
2 any successor document); and

3 (B) workers included as essential workers
4 in executive orders issued by the Governor of a
5 State.

6 (2) The term “containment and mitigation” in-
7 cludes the use of—

8 (A) personal protective equipment;

9 (B) other protections, including expanding
10 or improving workplace infrastructure through
11 engineering and work practice controls, such as
12 ventilation systems, plexiglass partitions, air fil-
13 ters, and the use of hand sanitizer or sanitation
14 supplies;

15 (C) access to medical evaluations, testing
16 (including rapid testing), and contact tracing;
17 and

18 (D) other related activities or equipment
19 recommended or required by the Director of
20 Centers of Disease Control and Prevention or
21 required pursuant to the Occupational Safety
22 and Health Act of 1970 (29 U.S.C. 651 et seq.)
23 or a State plan approved pursuant to section 18
24 of that Act (29 U.S.C. 667); and

1 (k) AUTHORIZATION OF APPROPRIATIONS.—To carry
2 out this section, there is authorized to be appropriated
3 \$2,000,000,000, to remain available until expended.

4 **TITLE VII—VACCINE DEVELOP-**
5 **MENT, DISTRIBUTION, ADMIN-**
6 **ISTRATION, AND AWARENESS**

7 **SEC. 701. DEFINITIONS.**

8 In this title:

9 (1) The term “ancillary medical supplies” in-
10 cludes—

11 (A) vials;

12 (B) bandages;

13 (C) alcohol swabs;

14 (D) syringes;

15 (E) needles;

16 (F) gloves, masks, and other personal pro-
17 tective equipment;

18 (G) cold storage equipment; and

19 (H) other products the Secretary deter-
20 mines necessary for the administration of vac-
21 cines.

22 (2) The term “Secretary” means the Secretary
23 of Health and Human Services.

1 **SEC. 702. VACCINE AND THERAPEUTIC DEVELOPMENT AND**
2 **PROCUREMENT.**

3 (a) ENHANCING DEVELOPMENT, PROCUREMENT AND
4 MANUFACTURING CAPACITY.—

5 (1) IN GENERAL.—The Secretary shall, as ap-
6 propriate, award contracts, grants, and cooperative
7 agreements, and, where otherwise allowed by law,
8 enter into other transactions, for purposes of—

9 (A) expanding and enhancing COVID–19
10 and SARS–CoV–2 vaccine and therapeutic de-
11 velopment and research;

12 (B) procurement of COVID–19 and
13 SARS–CoV–2 vaccines, therapeutics, and ancil-
14 lary medical supplies; and

15 (C) expanding and enhancing capacity for
16 manufacturing vaccines, therapeutics, and ancil-
17 lary medical supplies to prevent the spread of
18 COVID–19 and SARS–CoV–2 and .

19 (2) AUTHORIZATION OF APPROPRIATIONS.—To
20 carry out this subsection, there is authorized to be
21 appropriated \$20,000,000,000 for the period of fis-
22 cal years 2021 through 2025, to remain available
23 until expended.

24 (b) REPORT ON VACCINE MANUFACTURING AND AD-
25 MINISTRATION CAPACITY.—Not later than December 1,
26 2020, the Secretary shall submit to the Committee on En-

1 ergy and Commerce and the Committee on Appropriations
2 of the House of Representatives and the Committee on
3 Health, Education, Labor and Pensions and the Com-
4 mittee on Appropriations of the Senate a report detail-
5 ing—

6 (1) an assessment of the estimated supply of
7 vaccines and ancillary medical supplies related to
8 vaccine administration necessary to control and stop
9 the spread of SARS-CoV-2 and COVID-19, domes-
10 tically and internationally;

11 (2) an assessment of current and future domes-
12 tic capacity for manufacturing vaccines or vaccine
13 candidates to control or stop the spread of SARS-
14 CoV-2 and COVID-19 and ancillary medical sup-
15 plies related to the administration of such vaccines,
16 including—

17 (A) identification of any gaps in capacity
18 for manufacturing; and

19 (B) the effects of shifting manufacturing
20 resources to address COVID-19;

21 (3) activities conducted to expand and enhance
22 capacity for manufacturing vaccines, vaccine can-
23 didates, and ancillary medical supplies to levels suffi-
24 cient to control and stop the spread of SARS-CoV-
25 2 and COVID-19, domestically and internationally,

1 including a list and explanation of all contracts,
2 grants, and cooperative agreements awarded, and
3 other transactions entered into, for purposes of such
4 expansion and enhancement and how such activities
5 will help to meet future domestic manufacturing ca-
6 pacity needs;

7 (4) a plan for the ongoing support of enhanced
8 capacity for manufacturing vaccines, vaccine can-
9 didates, and ancillary medical supplies sufficient to
10 control and stop the spread of SARS-CoV-2 and
11 COVID-19, domestically and internationally; and

12 (5) a plan to support the distribution and ad-
13 ministration of vaccines approved or authorized by
14 the Food and Drug Administration to control and
15 stop the spread of SARS-CoV-2 and COVID-19,
16 domestically and internationally, including Federal
17 workforce enhancements necessary to administer
18 such vaccines.

19 **SEC. 703. VACCINE DISTRIBUTION AND ADMINISTRATION.**

20 (a) IN GENERAL.—The Secretary, acting through the
21 Director of the Centers for Disease Control and Preven-
22 tion, shall—

23 (1) conduct activities to enhance, expand, and
24 improve nationwide COVID-19 and SARS-CoV-2
25 vaccine distribution and administration, including

1 activities related to distribution of ancillary medical
2 supplies; and

3 (2) award grants or cooperative agreements to
4 State, local, Tribal, and territorial public health de-
5 partments for enhancement of COVID-19 and
6 SARS-CoV-2 vaccine distribution and administra-
7 tion capabilities, including—

8 (A) distribution of vaccines approved or
9 authorized by the Food and Drug Administra-
10 tion;

11 (B) distribution of ancillary medical sup-
12 plies;

13 (C) workforce enhancements;

14 (D) information technology and data en-
15 hancements, including—

16 (i) enhancements for purposes of
17 maintaining and tracking real-time infor-
18 mation related to vaccine distribution and
19 administration; and

20 (ii) enhancements to improve immuni-
21 zation information systems, including pa-
22 tient matching capabilities and the inter-
23 operability of such systems, that are ad-
24 ministered by State, local, Tribal, and ter-
25 ritorial public health departments and used

1 by health care providers and health care
2 facilities; and

3 (E) facilities enhancements.

4 (b) REPORT TO CONGRESS.—Not later than Decem-
5 ber 31, 2020, and annually thereafter, the Secretary shall
6 submit a report to the Committee on Energy and Com-
7 merce and the Committee on Appropriations of the House
8 of Representatives and the Committee on Health, Edu-
9 cation, Labor, and Pensions and the Committee on Appro-
10 priations of the Senate detailing activities carried out and
11 grants and cooperative agreements awarded under this
12 section.

13 (c) AUTHORIZATION OF APPROPRIATIONS.—To carry
14 out this section, there is authorized to be appropriated
15 \$7,000,000,000 for the period of fiscal years 2021
16 through 2025, to remain available until expended.

17 **SEC. 704. STOPPING THE SPREAD OF COVID-19 AND OTHER**
18 **INFECTIOUS DISEASES THROUGH EVIDENCE-**
19 **BASED VACCINE AWARENESS.**

20 (a) IN GENERAL.—The Public Health Service Act is
21 amended by striking section 313 of such Act (42 U.S.C.
22 245) and inserting the following:

1 **“SEC. 313. PUBLIC AWARENESS CAMPAIGN ON THE IMPOR-**
2 **TANCE OF VACCINATIONS.**

3 “(a) IN GENERAL.—The Secretary, acting through
4 the Director of the Centers for Disease Control and Pre-
5 vention and in coordination with other offices and agen-
6 cies, as appropriate, shall award competitive grants or
7 contracts to one or more public or private entities to carry
8 out a national, evidence-based campaign for increasing
9 rates of vaccination across all ages, as applicable, particu-
10 larly in communities with low rates of vaccination, to re-
11 duce and eliminate vaccine-preventable diseases by—

12 “(1) increasing awareness and knowledge of the
13 safety and effectiveness of vaccines approved or au-
14 thorized by the Food and Drug Administration for
15 the prevention and control of diseases, including
16 COVID–19;

17 “(2) combating misinformation about vaccines;
18 and

19 “(3) disseminating scientific and evidence-based
20 vaccine-related information.

21 “(b) CONSULTATION.—In carrying out the campaign
22 under this section, the Secretary shall consult with appro-
23 priate public health and medical experts, including the Na-
24 tional Academy of Medicine and medical and public health
25 associations and nonprofit organizations, in the develop-

1 ment, implementation, and evaluation of the campaign
2 under this section.

3 “(c) REQUIREMENTS.—The campaign under this sec-
4 tion shall—

5 “(1) be a nationwide, evidence-based media and
6 public engagement initiative;

7 “(2) include the development of resources for
8 communities with low rates of vaccination, including
9 culturally and linguistically appropriate resources, as
10 applicable;

11 “(3) include the dissemination of vaccine infor-
12 mation and communication resources to public
13 health departments, health care providers, and
14 health care facilities, including such providers and
15 facilities that provide prenatal and pediatric care;

16 “(4) be complementary to, and coordinated
17 with, any other Federal, State, local, or Tribal ef-
18 forts;

19 “(5) assess the effectiveness of communication
20 strategies to increase rates of vaccination; and

21 “(6) not be used for partisan political purposes,
22 or to express advocacy in support of or to defeat any
23 clearly identified candidate, clearly identified ballot
24 initiative, or clearly identified legislative or regu-
25 latory proposal.

1 “(d) ADDITIONAL ACTIVITIES.—The campaign under
2 this section may—

3 “(1) include the use of television, radio, the
4 internet, and other media and telecommunications
5 technologies;

6 “(2) include the use of in-person activities;

7 “(3) be focused and directed to address specific
8 needs of communities and populations with low rates
9 of vaccination; and

10 “(4) include the dissemination of scientific and
11 evidence-based vaccine-related information, such
12 as—

13 “(A) advancements in evidence-based re-
14 search related to diseases that may be pre-
15 vented by vaccines and vaccine development;

16 “(B) information on vaccinations for indi-
17 viduals and communities, including individuals
18 for whom vaccines are not recommended by the
19 Advisory Committee for Immunization Prac-
20 tices, and the effects of low vaccination rates
21 within a community on such individuals;

22 “(C) information on diseases that may be
23 prevented by vaccines; and

24 “(D) information on vaccine safety and the
25 systems in place to monitor vaccine safety.

1 “(e) EVALUATION.—The Secretary shall—

2 “(1) establish benchmarks and metrics to quan-
3 titatively measure and evaluate the campaign under
4 this section;

5 “(2) conduct qualitative assessments regarding
6 the campaign under this section; and

7 “(3) prepare and submit to the Committee on
8 Energy and Commerce of the House of Representa-
9 tives and the Committee on Health, Education,
10 Labor, and Pensions of the Senate an evaluation of
11 the campaign under this section.

12 “(f) SUPPLEMENT NOT SUPPLANT.—Funds made
13 available to carry out this section shall be used to supple-
14 ment and not supplant other Federal, State, local, and
15 Tribal public funds provided for activities described in this
16 section.

17 “(g) AUTHORIZATION OF APPROPRIATIONS.—There
18 is authorized to be appropriated to carry out this section
19 \$200,000,000 for the period of fiscal years 2021 through
20 2025.”.

21 (b) GRANTS TO ADDRESS VACCINE-PREVENTABLE
22 DISEASES.—Section 317 of the Public Health Service Act
23 (42 U.S.C. 247b) is amended—

24 (1) in subsection (k)—

25 (A) in paragraph (1)—

1 (i) in subparagraph (C), by striking “;
2 and” at the end and inserting a semicolon;

3 (ii) in subparagraph (D), by striking
4 the period at the end and inserting a semi-
5 colon; and

6 (iii) by adding at the end the fol-
7 lowing:

8 “(E) planning, implementation, and evaluation
9 of activities to address vaccine-preventable diseases,
10 including activities—

11 “(i) to identify communities at high risk of
12 outbreaks related to vaccine-preventable dis-
13 eases, including through improved data collec-
14 tion and analysis;

15 “(ii) to pilot innovative approaches to im-
16 prove vaccination rates in communities and
17 among populations with low rates of vaccina-
18 tion;

19 “(iii) to reduce barriers to accessing vac-
20 cines and evidence-based information about the
21 health effects of vaccines;

22 “(iv) to partner with community organiza-
23 tions and health care providers to develop and
24 deliver evidence-based, culturally and linguis-

1 tically appropriate interventions to increase vac-
2 cination rates;

3 “(v) to improve delivery of evidence-based
4 vaccine-related information to parents and oth-
5 ers; and

6 “(vi) to improve the ability of State, local,
7 Tribal, and territorial public health depart-
8 ments to engage communities at high risk for
9 outbreaks related to vaccine-preventable dis-
10 eases, including, as appropriate, with local edu-
11 cational agencies (as defined in section 8101 of
12 the Elementary and Secondary Education Act
13 of 1965); and

14 “(F) research related to strategies for improv-
15 ing awareness of scientific and evidence-based vac-
16 cine-related information, including for communities
17 with low rates of vaccination, in order to understand
18 barriers to vaccination, improve vaccination rates,
19 and assess the public health outcomes of such strate-
20 gies.”; and

21 (B) by adding at the end the following:

22 “(5) In addition to amounts authorized to be appro-
23 priated by subsection (j) to carry out this subsection, there
24 is authorized to be appropriated to carry out this sub-

1 section \$750,000,000 for the period of fiscal years 2021
2 through 2025.”; and

3 (2) by adding at the end the following:

4 “(n) VACCINATION DATA.—

5 “(1) IN GENERAL.—The Secretary, acting
6 through the Director of the Centers for Disease
7 Control and Prevention, shall expand and enhance,
8 and, as appropriate, establish and improve, pro-
9 grams and conduct activities to collect, monitor, and
10 analyze vaccination coverage data to assess levels of
11 protection from vaccine-preventable diseases includ-
12 ing COVID–19, including by—

13 “(A) assessing factors contributing to un-
14 derutilization of vaccines and variations of such
15 factors; and

16 “(B) identifying communities at high risk
17 of outbreaks associated with vaccine-preventable
18 diseases.

19 “(2) AUTHORIZATION OF APPROPRIATIONS.—

20 There is authorized to be appropriated to carry out
21 this section \$50,000,000 for the period of fiscal
22 years 2021 through 2025.”.

23 (c) SUPPLEMENTAL GRANT FUNDS.—Section
24 330(d)(1) of the Public Health Service Act (42 U.S.C.
25 254b(d)(1)) is amended—

1 (1) in subparagraph (F), by striking “and” at
2 the end;

3 (2) in subparagraph (G), by striking the period
4 at the end and inserting “; and”; and

5 (3) by adding at the end the following:

6 “(H) improving access to recommended
7 immunizations.”.

8 (d) UPDATE OF 2015 NVAC REPORT.—The National
9 Vaccine Advisory Committee established under section
10 2105 of the Public Health Service Act (42 U.S.C. 300aa–
11 5) shall, as appropriate, update the report entitled, “As-
12 sessing the State of Vaccine Confidence in the United
13 States: Recommendations from the National Vaccine Advi-
14 sory Committee”, approved by the National Vaccine Advi-
15 sory Committee on June 10, 2015, with respect to factors
16 affecting childhood vaccination.

17 **TITLE VIII—OTHER MATTERS**

18 **SEC. 801. NON-DISCRIMINATION.**

19 (a) IN GENERAL.—Notwithstanding any provision of
20 a covered law (or an amendment made in any such provi-
21 sion), no person otherwise eligible shall be excluded from
22 participation in, denied the benefits of, or subjected to dis-
23 crimination in the administration of, programs and serv-
24 ices receiving funding under a covered law (or an amend-
25 ment made by a provision of such a covered law), based

1 on any factor that is not merit-based, such as age, dis-
2 ability, sex (including sexual orientation, gender identity,
3 and pregnancy, childbirth, and related medical condi-
4 tions), race, color, national origin, immigration status, or
5 religion.

6 (b) COVERED LAW DEFINED.—In this section, the
7 term “covered law” includes—

8 (1) this Act (other than this section);

9 (2) title I of division B of the Paycheck Protec-
10 tion Program and Healthcare Enhancement Act
11 (Public Law 116–139);

12 (3) subtitles A, D, and E of title III of the
13 CARES Act (Public Law 116–136);

14 (4) division F of the Families First Coronavirus
15 Relief Act (Public Law 116–127); and

16 (5) division B of the Coronavirus Preparedness
17 and Response Supplemental Appropriations Act,
18 2020 (Public Law 116–123).

1 **DIVISION L—VETERANS AND**
2 **SERVICEMEMBERS PROVISIONS**

3 **SEC. 101. 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. 102. PROHIBITION ON COPAYMENTS AND COST SHAR-**
12 **ING FOR VETERANS RECEIVING PREVENTIVE**
13 **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. 103. EMERGENCY TREATMENT FOR VETERANS DUR-**
2 **ING COVID-19 EMERGENCY PERIOD.**

3 (a) EMERGENCY TREATMENT.—Notwithstanding
4 section 1725 or 1728 of title 38, United States Code, or
5 any other provision of law administered by the Secretary
6 of Veterans Affairs pertaining to furnishing emergency
7 treatment to veterans at non-Department facilities, during
8 the period of a covered public health emergency, the Sec-
9 retary of Veterans Affairs shall furnish to an eligible vet-
10 eran emergency treatment at a non-Department facility in
11 accordance with this section.

12 (b) AUTHORIZATION NOT REQUIRED.—The Sec-
13 retary may not require an eligible veteran to seek author-
14 ization by the Secretary for emergency treatment fur-
15 nished to the veteran pursuant to subsection (a).

16 (c) PAYMENT RATES.—

17 (1) DETERMINATION.—The rate paid for emer-
18 gency treatment furnished to eligible veterans pursu-
19 ant to subsection (a) shall be equal to the rate paid
20 by the United States to a provider of services (as de-
21 fined in section 1861(u) of the Social Security Act
22 (42 U.S.C. 1395x(u))) or a supplier (as defined in
23 section 1861(d) of such Act (42 U.S.C. 1395x(d)))
24 under the Medicare program under title XI or title
25 XVIII of the Social Security Act (42 U.S.C. 1301 et

1 seq.), including section 1834 of such Act (42 U.S.C.
2 1395m), for the same treatment.

3 (2) FINALITY.—A payment in the amount pay-
4 able under paragraph (1) for emergency treatment
5 furnished to an eligible veteran pursuant to sub-
6 section (a) shall be considered payment in full and
7 shall extinguish the veteran’s liability to the provider
8 of such treatment, unless the provider rejects the
9 payment and refunds to the United States such
10 amount by not later than 30 days after receiving the
11 payment.

12 (d) CLAIMS PROCESSED BY THIRD PARTY ADMINIS-
13 TRATORS.—

14 (1) REQUIREMENT.—Not later than 30 days
15 after the date of the enactment of this Act, the Sec-
16 retary shall seek to award a contract to one or more
17 entities, or to modify an existing contract, to process
18 claims for payment for emergency treatment fur-
19 nished to eligible veterans pursuant to subsection
20 (a).

21 (2) PROMPT PAYMENT STANDARD.—Section
22 1703D of title 38, United States Code, shall apply
23 with respect to claims for payment for emergency
24 treatment furnished to eligible veterans pursuant to
25 subsection (a).

1 (e) PRIMARY PAYER.—The Secretary shall be the pri-
2 mary payer with respect to emergency treatment furnished
3 to eligible veterans pursuant to subsection (a), and with
4 respect to the transportation of a veteran by ambulance.
5 In any case in which an eligible veteran is furnished such
6 emergency treatment for a non-service-connected disability
7 described in subsection (a)(2) of section 1729 of title 38,
8 United States Code, the Secretary shall recover or collect
9 reasonable charges for such treatment from a health plan
10 contract described in such section 1729 in accordance with
11 such section.

12 (f) APPLICATION.—This section shall apply to emer-
13 gency treatment furnished to eligible veterans during the
14 period of a covered public health emergency, regardless of
15 whether treatment was furnished before the date of the
16 enactment of this Act.

17 (g) DEFINITIONS.—In this section:

18 (1) The term “covered public health emer-
19 gency” means the declaration—

20 (A) of a public health emergency, based on
21 an outbreak of COVID–19 by the Secretary of
22 Health and Human Services under section 319
23 of the Public Health Service Act (42 U.S.C.
24 247d); or

1 (B) of a domestic emergency, based on an
2 outbreak of COVID–19 by the President, the
3 Secretary of Homeland Security, or a State or
4 local authority.

5 (2) The term “eligible veteran” means a vet-
6 eran enrolled in the health care system established
7 under section 1705 of title 38, United States Code.

8 (3) The term “emergency treatment” means
9 medical care or services rendered in a medical emer-
10 gency of such nature that a prudent layperson rea-
11 sonably expects that delay in seeking immediate
12 medical attention would be hazardous to life or
13 health.

14 (4) The term “non-Department facility” has
15 the meaning given that term in section 1701 of title
16 38, United States Code.

17 **SEC. 104. HUD–VASH PROGRAM.**

18 The Secretary of Housing and Urban Development
19 shall take such actions with respect to the supported hous-
20 ing program carried out under section 8(o)(19) of the
21 United States Housing Act of 1937 (42 U.S.C.
22 1437f(o)(19)) in conjunction with the Department of Vet-
23 erans Affairs (commonly referred to as “HUD–VASH”),
24 and shall require public housing agencies administering
25 assistance under such program to take such actions, as

1 may be appropriate to facilitate the issuance and utiliza-
2 tion of vouchers for rental assistance under such program
3 during the period of the covered public health emergency
4 (as such term is defined in section 1 of this Act), including
5 the following actions:

6 (1) Establishing mechanisms and procedures
7 providing for referral and application documents
8 used under such program to be received by fax, elec-
9 tronic mail, drop box, or other means not requiring
10 in-person contact.

11 (2) Establishing mechanisms and procedures
12 for processing applications for participation in such
13 program that do not require identification or
14 verification of identity by social security number or
15 photo ID in cases in which closure of governmental
16 offices prevents confirmation or verification of iden-
17 tity by such means.

18 (3) Providing for waiver of requirements to con-
19 duct housing quality standard inspections with re-
20 spect to dwelling units for which rental assistance is
21 provided under such program.

1 **SEC. 105. DEFERRAL OF CERTAIN DEBTS ARISING FROM**
2 **BENEFITS UNDER LAWS ADMINISTERED BY**
3 **THE SECRETARY OF VETERANS AFFAIRS.**

4 (a) IN GENERAL.—During the covered period, the
5 Secretary of Veterans Affairs may not—

6 (1) take any action to collect a covered debt (in-
7 cluding the offset of any payment by the Secretary);

8 (2) record a covered debt;

9 (3) issue notice of a covered debt to a person
10 or a consumer reporting agency;

11 (4) allow any interest to accrue on a covered
12 debt; or

13 (5) apply any administrative fee to a covered
14 debt.

15 (b) EXCEPTION.—Notwithstanding subsection (a),
16 the Secretary may collect a payment regarding a covered
17 debt (including interest or any administrative fee) from
18 a person (or the fiduciary of that person) who elects to
19 make such a payment during the covered period.

20 (c) DEFINITIONS.—In this section:

21 (1) The term “consumer reporting agency” has
22 the meaning given that term in section 5701 of title
23 38, United States Code.

24 (2) The term “covered debt” means a debt—

25 (A) owed by a person (including a fidu-
26 ciary) to the United States;

1 (B) arising from a benefit under a covered
2 law; and

3 (C) that is not subject to recovery under—

4 (i) section 3729 of title 31, United
5 States Code;

6 (ii) section 1729 of title 38, United
7 States Code; or

8 (iii) Public Law 87–693 (42 U.S.C.
9 2651).

10 (3) The term “covered law” means any law ad-
11 ministered by the Secretary of Veterans Affairs
12 through—

13 (A) the Under Secretary for Health; or

14 (B) the Under Secretary for Benefits.

15 (4) The term “covered period” means—

16 (A) the COVID–19 emergency period; and

17 (B) the 60 days immediately following the
18 date of the end of the COVID–19 emergency
19 period.

20 (5) The term “COVID–19 emergency period”
21 means the emergency period described in section
22 1135(g)(1)(B) of the Social Security Act (42 U.S.C.
23 1320b-5(g)(1)(B)).

1 **SEC. 106. TOLLING OF DEADLINES RELATING TO CLAIMS**
2 **FOR BENEFITS ADMINISTERED BY SEC-**
3 **RETARY OF VETERANS AFFAIRS.**

4 (a) **REQUIRED TOLLING.**—With respect to claims
5 and appeals made by a claimant, the covered period shall
6 be excluded in computing the following:

7 (1) In cases where an individual expresses an
8 intent to file a claim, the period in which the indi-
9 vidual is required to file the claim in order to have
10 the effective date of the claim be determined based
11 on the date of such intent, as described in section
12 3.155(b)(1) of title 38, Code of Federal Regulations.

13 (2) The period in which the claimant is re-
14 quired to take an action pursuant to section 5104C
15 of title 38, United States Code.

16 (3) The period in which the claimant is re-
17 quired to appeal a change in service-connected or
18 employability status or change in physical condition
19 described in section 5112(b)(6) of such title.

20 (4) The period in which an individual is re-
21 quired to file a notice of appeal under section 7266
22 of such title.

23 (5) Any other period in which a claimant or
24 beneficiary is required to act with respect to filing,
25 perfecting, or appealing a claim, as determined ap-
26 propriate by the Secretary of Veterans Affairs.

1 (b) USE OF POSTMARK DATES.—With respect to
2 claims filed using nonelectronic means and appeals made
3 during the covered period, the Secretary of Veterans Af-
4 fairs and the Court of Appeals for Veterans Claims, as
5 the case may be, shall administer the provisions of title
6 38, United States Code, as follows:

7 (1) In section 5110—

8 (A) in subsection (a)—

9 (i) in paragraph (1), by substituting
10 “the earlier of the date of receipt of appli-
11 cation therefor and the date of the post-
12 mark or other official proof of mailing date
13 of the application therefor” for “the date
14 of receipt of application therefor”; and

15 (ii) in paragraph (3), by substituting
16 “the earlier of the date of receipt of the
17 supplemental claim and the date of the
18 postmark or other official proof of mailing
19 date of the supplemental claim” for “the
20 date of receipt of the supplemental claim”;
21 and

22 (B) in subsection (b)(2)(A), by sub-
23 stituting “the earlier of the date of receipt of
24 application and the date of the postmark or
25 other official proof of mailing date of the appli-

1 cation” for “the date of receipt of the applica-
2 tion”.

3 (2) In section 7266, without regard to sub-
4 section (d).

5 (c) DEFINITIONS.—In this section:

6 (1) The term “claimant” has the meaning given
7 that term in section 5100 of title 38, United States
8 Code.

9 (2) The term “covered period” means the pe-
10 period beginning on the date of the emergency period
11 (as defined in section 1135(g)(1) of the Social Secu-
12 rity Act (42 U.S.C. 1320b-5(g)(1))) resulting from
13 the COVID–19 pandemic and ending 90 days after
14 the last day of such emergency period.

15 **SEC. 107. PROVISION OF DEPARTMENT OF VETERANS AF-**
16 **FAIRS HOSPITAL CARE AND MEDICAL SERV-**
17 **ICES TO CERTAIN VETERANS WHO ARE UN-**
18 **EMPLOYED OR LOST EMPLOYER-SPONSORED**
19 **HEALTH CARE COVERAGE BY REASON OF A**
20 **COVERED PUBLIC HEALTH EMERGENCY.**

21 (a) IN GENERAL.—During the 12-month period be-
22 ginning on the date on which a covered veteran applies
23 for hospital care or medical services under this section,
24 the Secretary of Veterans Affairs shall consider the cov-
25 ered veteran to be unable to defray the expenses of nec-

1 essary care for purposes of section 1722 of title 38, United
2 States Code, and shall furnish to such veteran hospital
3 care and medical services under chapter 17 of title 38,
4 United States Code.

5 (b) COVERED VETERAN.—For purposes of this sec-
6 tion, a covered veteran is a veteran—

7 (1) who—

8 (A) is unemployed; or

9 (B) has lost access to a group health plan
10 or group health insurance coverage by reason of
11 a covered public health emergency; and

12 (2) whose projected attributable income for the
13 12-month period beginning on the date of applica-
14 tion for hospital care or medical services under this
15 section is not more than the amount in effect under
16 section 1722(b) of title 38, United States Code.

17 (c) DEFINITIONS.—In this section:

18 (1) The term “covered public health emer-
19 gency” means the declaration—

20 (A) of a public health emergency, based on
21 an outbreak of COVID–19 by the Secretary of
22 Health and Human Services under section 319
23 of the Public Health Service Act (42 U.S.C.
24 247d); or

1 (B) of a domestic emergency, based on an
2 outbreak of COVID–19 by the President, the
3 Secretary of Homeland Security, or State, or
4 local authority.

5 (2) The terms “group health plan” and “group
6 health insurance coverage” have the meaning given
7 such terms in section 2701 of the Public Health
8 Service Act (42 U.S.C. 300gg-3).

9 **SEC. 108. EXPANSION OF VET CENTER SERVICES TO VET-**
10 **ERANS AND MEMBERS OF THE ARMED**
11 **FORCES WHO PERFORM CERTAIN SERVICE IN**
12 **RESPONSE TO COVERED PUBLIC HEALTH**
13 **EMERGENCY.**

14 (a) IN GENERAL.—Section 1712A of title 38, United
15 States Code, is amended—

16 (1) by striking “clauses (i) through (iv)” both
17 places it appears and inserting “clauses (i) through
18 (v)”;

19 (2) by striking “in clause (v)” both places it ap-
20 pears and inserting “in clause (vi)”;

21 (3) in subsection (a)(1)(C)—

22 (A) by redesignating clauses (iv) and (v) as
23 clauses (v) and (vi), respectively; and

24 (B) by inserting after clause (iii) the fol-
25 lowing new clause (iv):

1 “(iv) Any individual who is a veteran or mem-
2 ber of the Armed Forces (including the reserve com-
3 ponents), who, in response to a covered public health
4 emergency, performed active service or State active
5 duty for a period of at least 14 days.”; and

6 (4) in subsection (h), by adding at the end the
7 following new paragraphs:

8 “(4) The term ‘active service’ has the meaning
9 given that term in section 101 of title 10.

10 “(5) The term ‘covered public health emer-
11 gency’ means the declaration—

12 “(A) of a public health emergency, based
13 on an outbreak of COVID–19, by the Secretary
14 of Health and Human Services under section
15 319 of the Public Health Service Act (42
16 U.S.C. 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 a State or
20 local authority.”.

21 (b) CONFORMING AMENDMENT.—Section 201(q)(4)
22 of the Commander John Scott Hannon Veterans Mental
23 Health Care Improvement Act of 2019 is amended by
24 striking “clauses (i) through (iv) of section

1 1712A(a)(1)(C)” and inserting “clauses (i) through (v) of
2 section 1712A(a)(1)(C)”.

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. 101. SHORT TITLE.**

8 This title may be cited as the “COVID-19 Price
9 Gouging Prevention Act”.

10 **SEC. 102. 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 laws, may bring a civil action in
7 any appropriate United States district court or
8 in any other court of competent jurisdiction, in-
9 cluding a State court, to—

10 (i) enjoin further such violation by
11 such person;

12 (ii) enforce compliance with such sub-
13 section;

14 (iii) obtain civil penalties; and

15 (iv) obtain damages, restitution, or
16 other compensation on behalf of residents
17 of the State.

18 (B) NOTICE AND INTERVENTION BY THE
19 FTC.—The attorney general of a State shall
20 provide prior written notice of any action under
21 subparagraph (A) to the Commission and pro-
22 vide the Commission with a copy of the com-
23 plaint in the action, except in any case in which
24 such prior notice is not feasible, in which case
25 the attorney general shall serve such notice im-

1 mediately upon instituting such action. The
2 Commission shall have the right—

3 (i) to intervene in the action;

4 (ii) upon so intervening, to be heard
5 on all matters arising therein; and

6 (iii) to file petitions for appeal.

7 (C) LIMITATION ON STATE ACTION WHILE
8 FEDERAL ACTION IS PENDING.—If the Commis-
9 sion has instituted a civil action for violation of
10 this section, no State attorney general, or offi-
11 cial or agency of a State, may bring an action
12 under this paragraph during the pendency of
13 that action against any defendant named in the
14 complaint of the Commission for any violation
15 of this section alleged in the complaint.

16 (D) RELATIONSHIP WITH STATE-LAW
17 CLAIMS.—If the attorney general of a State has
18 authority to bring an action under State law di-
19 rected at acts or practices that also violate this
20 section, the attorney general may assert the
21 State-law claim and a claim under this section
22 in the same civil action.

23 (4) SAVINGS CLAUSE.—Nothing in this section
24 shall preempt or otherwise affect any State or local
25 law.

1 (d) DEFINITIONS.—In this section:

2 (1) COMMISSION.—The term “Commission”
3 means the Federal Trade Commission.

4 (2) GOOD OR SERVICE.—The term “good or
5 service” means a good or service offered in com-
6 merce, including—

7 (A) food, beverages, water, ice, a chemical,
8 or a personal hygiene product;

9 (B) any personal protective equipment for
10 protection from or prevention of contagious dis-
11 eases, filtering facepiece respirators, medical
12 equipment and supplies (including medical test-
13 ing supplies), a drug as defined in section
14 201(g)(1) of the Federal Food, Drug, and Cos-
15 metic Act (21 U.S.C. 321(g)(1)), cleaning sup-
16 plies, disinfectants, sanitizers; or

17 (C) any healthcare service, cleaning serv-
18 ice, or delivery service.

19 (3) STATE.—The term “State” means each of
20 the several States, the District of Columbia, each
21 commonwealth, territory, or possession of the United
22 States, and each federally recognized Indian Tribe.

1 **TITLE II—E-RATE SUPPORT FOR**
2 **WI-FI HOTSPOTS, OTHER**
3 **EQUIPMENT, CONNECTED DE-**
4 **VICES, AND CONNECTIVITY**

5 **SEC. 201. E-RATE SUPPORT FOR WI-FI HOTSPOTS, OTHER**
6 **EQUIPMENT, CONNECTED DEVICES, AND**
7 **CONNECTIVITY DURING EMERGENCY PERI-**
8 **ODS RELATING 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 (j)(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) for the purchase during an emergency pe-
19 riod described in subsection (f) (including any portion of
20 such a period occurring before the date of the enactment
21 of this Act) of equipment described in subsection (c), ad-
22 vanced telecommunications and information services, or
23 equipment described in such subsection and advanced tele-
24 communications and 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 (j)(2) 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) SUPPORT AMOUNT.—

21 (1) REIMBURSEMENT OF 100 PERCENT OF
22 COSTS.—In providing support under the regulations
23 required by subsection (a), the Commission shall re-
24 imburse 100 percent of the costs associated with the
25 equipment described in subsection (c), advanced tele-

1 communications and information services, or equip-
2 ment described in such subsection and advanced
3 telecommunications and information services for
4 which such support is provided, except that any re-
5 imbursement of a school or library for the costs as-
6 sociated with any such equipment may not exceed an
7 amount that the Commission determines, with re-
8 spect to the request by such school or library for
9 such reimbursement, is reasonable.

10 (2) SHORTFALL IN FUNDING.—If requests for
11 reimbursement for equipment described in sub-
12 section (c), advanced telecommunications and infor-
13 mation services, or equipment described in such sub-
14 section and advanced telecommunications and infor-
15 mation services exceed amounts available from the
16 Emergency Connectivity Fund established under
17 subsection (j)(1), the Commission shall—

18 (A) prioritize reimbursements based on the
19 assigned discount percentage of each eligible
20 school or library requesting reimbursement
21 under subpart F of part 54 of title 47, Code of
22 Federal Regulations (or any successor regula-
23 tion), starting with the eligible schools and li-
24 braries with the highest discount percentage es-
25 tablished under such subpart; and

1 (B) not later than 2 days after the Com-
2 mission determines that the shortfall in funding
3 exists, notify the Committee on Commerce,
4 Science, and Transportation and the Committee
5 on Appropriations of the Senate and the Com-
6 mittee on Energy and Commerce and the Com-
7 mittee on Appropriations of the House of Rep-
8 resentatives of such shortfall.

9 (f) EMERGENCY PERIODS DESCRIBED.—An emer-
10 gency period described in this subsection is a period
11 that—

12 (1) begins on the date of a determination by the
13 Secretary of Health and Human Services pursuant
14 to section 319 of the Public Health Service Act (42
15 U.S.C. 247d) that a public health emergency exists
16 as a result of COVID–19; and

17 (2) ends on the June 30 that first occurs after
18 the date on which such determination (including any
19 renewal thereof) terminates.

20 (g) TREATMENT OF EQUIPMENT AFTER EMERGENCY
21 PERIOD.—The Commission shall provide in the regula-
22 tions required by subsection (a) that, in the case of a
23 school or library that purchases equipment described in
24 subsection (c) using support received under such regula-
25 tions, such school or library—

1 (1) may, after the emergency period with re-
2 spect to which such support is received, use such
3 equipment for such purposes as such school or li-
4 brary considers appropriate, subject to any restric-
5 tions provided in such regulations (or any successor
6 regulation); and

7 (2) may not sell or otherwise transfer such
8 equipment in exchange for any thing (including a
9 service) of value, except that such school or library
10 may exchange such equipment for upgraded equip-
11 ment of the same type.

12 (h) RULE OF CONSTRUCTION.—Nothing in this sec-
13 tion shall be construed to affect any authority the Com-
14 mission may have under section 254(h)(1)(B) of the Com-
15 munications Act of 1934 (47 U.S.C. 254(h)(1)(B)) to
16 allow support under such section to be used for the pur-
17 poses described in subsection (a) other than as required
18 by such subsection.

19 (i) PROCEDURAL MATTERS.—

20 (1) PART 54 REGULATIONS.—Nothing in this
21 section shall be construed to prevent the Commission
22 from providing that the regulations in part 54 of
23 title 47, Code of Federal Regulations (or any suc-
24 cessor regulation), shall apply in whole or in part to
25 support provided under the regulations required by

1 subsection (a), shall not apply in whole or in part to
2 such support, or shall be modified in whole or in
3 part for purposes of application to such support.

4 (2) EXEMPTION FROM CERTAIN RULEMAKING
5 REQUIREMENTS.—Section 553 of title 5, United
6 States Code, shall not apply to a regulation promul-
7 gated under subsection (a) or a rulemaking to pro-
8 mulgate such a regulation.

9 (3) PAPERWORK REDUCTION ACT EXEMP-
10 TION.—A collection of information conducted or
11 sponsored under the regulations required by sub-
12 section (a), or under section 254 of the Communica-
13 tions Act of 1934 (47 U.S.C. 254) in connection
14 with support provided under such regulations, shall
15 not constitute a collection of information for the
16 purposes of subchapter I of chapter 35 of title 44,
17 United States Code (commonly referred to as the
18 Paperwork Reduction Act).

19 (j) EMERGENCY CONNECTIVITY FUND.—

20 (1) ESTABLISHMENT.—There is established in
21 the Treasury of the United States a fund to be
22 known as the Emergency Connectivity Fund.

23 (2) USE OF FUNDS.—Amounts in the Emer-
24 gency Connectivity Fund shall be available to the

1 Commission to provide support under the regula-
2 tions required by subsection (a).

3 (3) RELATIONSHIP TO UNIVERSAL SERVICE
4 CONTRIBUTIONS.—Support provided under the regu-
5 lations required by subsection (a) shall be provided
6 from amounts made available under paragraph (2)
7 and not from contributions under section 254(d) of
8 the Communications Act of 1934 (47 U.S.C.
9 254(d)).

10 (k) DEFINITIONS.—In this section:

11 (1) ADVANCED TELECOMMUNICATIONS AND IN-
12 FORMATION SERVICES.—The term “advanced tele-
13 communications and information services” means
14 advanced telecommunications and information serv-
15 ices, as such term is used in section 254(h) of the
16 Communications Act of 1934 (47 U.S.C. 254(h)).

17 (2) COMMISSION.—The term “Commission”
18 means the Federal Communications Commission.

19 (3) CONNECTED DEVICE.—The term “con-
20 nected device” means a laptop computer, tablet com-
21 puter, or similar device that is capable of connecting
22 to advanced telecommunications and information
23 services.

24 (4) LIBRARY.—The term “library” includes a
25 library consortium.

- 1 (5) TRIBAL LAND.—The term “Tribal land”
2 means—
- 3 (A) any land located within the boundaries
4 of—
- 5 (i) an Indian reservation, pueblo, or
6 rancheria; or
- 7 (ii) a former reservation within Okla-
8 homa;
- 9 (B) any land not located within the bound-
10 aries of an Indian reservation, pueblo, or
11 rancheria, the title to which is held—
- 12 (i) in trust by the United States for
13 the benefit of an Indian Tribe or an indi-
14 vidual Indian;
- 15 (ii) by an Indian Tribe or an indi-
16 vidual Indian, subject to restriction against
17 alienation under laws of the United States;
18 or
- 19 (iii) by a dependent Indian commu-
20 nity;
- 21 (C) any land located within a region estab-
22 lished pursuant to section 7(a) of the Alaska
23 Native Claims Settlement Act (43 U.S.C.
24 1606(a));

1 (D) Hawaiian Home Lands, as defined in
2 section 801 of the Native American Housing
3 Assistance and Self-Determination Act of 1996
4 (25 U.S.C. 4221); or

5 (E) those areas or communities designated
6 by the Assistant Secretary of Indian Affairs of
7 the Department of the Interior that are near,
8 adjacent, or contiguous to reservations where fi-
9 nancial assistance and social service programs
10 are provided to Indians because of their status
11 as Indians.

12 (6) TRIBAL LIBRARY.—The term “Tribal li-
13 brary” means, only during an emergency period de-
14 scribed under subsection (f), a facility owned by an
15 Indian Tribe, serving Indian Tribes, or serving
16 American Indians, Alaskan Natives, or Native Ha-
17 waiian communities, including—

18 (A) a Tribal library or Tribal library con-
19 sortium; or

20 (B) a Tribal government building, chapter
21 house, longhouse, community center, or other
22 similar public building.

23 (7) WI-FI.—The term “Wi-Fi” means a wire-
24 less networking protocol based on Institute of Elec-

1 trical and Electronics Engineers standard 802.11
2 (or any successor standard).

3 (8) WI-FI HOTSPOT.—The term “Wi-Fi
4 hotspot” means a device that is capable of—

5 (A) receiving mobile advanced tele-
6 communications and information services; and

7 (B) sharing such services with another de-
8 vice through the use of Wi-Fi.

9 **TITLE III—EMERGENCY BENEFIT** 10 **FOR BROADBAND SERVICE**

11 **SEC. 301. BENEFIT FOR BROADBAND SERVICE DURING** 12 **EMERGENCY PERIODS RELATING TO COVID-** 13 **19.**

14 (a) PROMULGATION OF REGULATIONS REQUIRED.—
15 Not later than 7 days after the date of the enactment of
16 this Act, the Commission shall promulgate regulations im-
17 plementing this section.

18 (b) REQUIREMENTS.—The regulations promulgated
19 pursuant to subsection (a) shall establish the following:

20 (1) EMERGENCY BROADBAND BENEFIT.—Dur-
21 ing an emergency period, a provider shall provide an
22 eligible household with an internet service offering,
23 upon request by a member of such household. Such
24 provider shall discount the price charged to such
25 household for such internet service offering in an

1 amount equal to the emergency broadband benefit
2 for such household.

3 (2) VERIFICATION OF ELIGIBILITY.—To verify
4 whether a household is an eligible household, a pro-
5 vider shall either—

6 (A) use the National Lifeline Eligibility
7 Verifier; or

8 (B) rely upon an alternative verification
9 process of the provider, if the Commission finds
10 such process to be sufficient to avoid waste,
11 fraud, and abuse.

12 (3) USE OF NATIONAL LIFELINE ELIGIBILITY
13 VERIFIER.—The Commission shall—

14 (A) expedite the ability of all providers to
15 access the National Lifeline Eligibility Verifier
16 for purposes of determining whether a house-
17 hold is an eligible household; and

18 (B) ensure that the National Lifeline Eligi-
19 bility Verifier approves an eligible household to
20 receive the emergency broadband benefit not
21 later than two days after the date of the sub-
22 mission of information necessary to determine if
23 such household is an eligible household.

24 (4) EXTENSION OF EMERGENCY PERIOD.—An
25 emergency period may be extended within a State or

1 any portion thereof if the State, or in the case of
2 Tribal land, a Tribal government, provides written,
3 public notice to the Commission stipulating that an
4 extension is necessary in furtherance of the recovery
5 related to COVID–19. The Commission shall, within
6 48 hours after receiving such notice, post the notice
7 on the public website of the Commission.

8 (5) REIMBURSEMENT.—From the Emergency
9 Broadband Connectivity Fund established in sub-
10 section (h), the Commission shall reimburse a pro-
11 vider in an amount equal to the emergency
12 broadband benefit with respect to an eligible house-
13 hold that receives such benefit from such provider.

14 (6) REIMBURSEMENT FOR CONNECTED DE-
15 VICE.—A provider that, in addition to providing the
16 emergency broadband benefit to an eligible house-
17 hold, supplies such household with a connected de-
18 vice may be reimbursed up to \$100 from the Emer-
19 gency Broadband Connectivity Fund established in
20 subsection (h) for such connected device, if the
21 charge to such eligible household is more than \$10
22 but less than \$50 for such connected device, except
23 that a provider may receive reimbursement for no
24 more than one connected device per eligible house-
25 hold.

1 (7) NO RETROACTIVE REIMBURSEMENT.—A
2 provider may not receive a reimbursement from the
3 Emergency Broadband Connectivity Fund for pro-
4 viding an internet service offering discounted by the
5 emergency broadband benefit, or for supplying a
6 connected device, that was provided or supplied (as
7 the case may be) before the date of the enactment
8 of this Act.

9 (8) CERTIFICATION REQUIRED.—To receive a
10 reimbursement under paragraph (5) or (6), a pro-
11 vider shall certify to the Commission the following:

12 (A) That the amount for which the pro-
13 vider is seeking reimbursement from the Emer-
14 gency Broadband Connectivity Fund for an
15 internet service offering to an eligible household
16 is not more than the normal rate.

17 (B) That each eligible household for which
18 a provider is seeking reimbursement for pro-
19 viding an internet service offering discounted by
20 the emergency broadband benefit—

21 (i) has not been and will not be
22 charged—

23 (I) for such offering, if the nor-
24 mal rate for such offering is less than
25 or equal to the amount of the emer-

1 agency broadband benefit for such
2 household; or

3 (II) more for such offering than
4 the difference between the normal rate
5 for such offering and the amount of
6 the emergency broadband benefit for
7 such household;

8 (ii) will not be required to pay an
9 early termination fee if such eligible house-
10 hold elects to enter into a contract to re-
11 ceive such internet service offering if such
12 household later terminates such contract;
13 and

14 (iii) was not subject to a mandatory
15 waiting period for such internet service of-
16 fering based on having previously received
17 broadband internet access service from
18 such provider.

19 (C) That each eligible household for which
20 the provider is seeking reimbursement for sup-
21 plying such household with a connected device
22 has not been and will not be charged \$10 or
23 less or \$50 or more for such device.

24 (D) A description of the process used by
25 the provider to verify that a household is an eli-

1 gible household, if the provider elects an alter-
2 native verification process under paragraph
3 (2)(B), and that such verification process was
4 designed to avoid waste, fraud, and abuse.

5 (9) AUDIT REQUIREMENTS.—The Commission
6 shall adopt audit requirements to ensure that pro-
7 viders are in compliance with the requirements of
8 this section and to prevent waste, fraud, and abuse
9 in the emergency broadband benefit program estab-
10 lished under this section.

11 (c) ELIGIBLE PROVIDERS.—Notwithstanding sub-
12 section (e) of this section, the Commission shall provide
13 a reimbursement to a provider under this section without
14 requiring such provider to be designated as an eligible tele-
15 communications carrier under section 214(e) of the Com-
16 munications Act of 1934 (47 U.S.C. 214(e)).

17 (d) RULE OF CONSTRUCTION.—Nothing in this sec-
18 tion shall affect the collection, distribution, or administra-
19 tion of the Lifeline Assistance Program governed by the
20 rules set forth in subpart E of part 54 of title 47, Code
21 of Federal Regulations (or any successor regulation).

22 (e) PART 54 REGULATIONS.—Nothing in this section
23 shall be construed to prevent the Commission from pro-
24 viding that the regulations in part 54 of title 47, Code
25 of Federal Regulations (or any successor regulation), shall

1 apply in whole or in part to support provided under the
2 regulations required by subsection (a), shall not apply in
3 whole or in part to such support, or shall be modified in
4 whole or in part for purposes of application to such sup-
5 port.

6 (f) ENFORCEMENT.—A violation of this section or a
7 regulation promulgated under this section, including the
8 knowing or reckless denial of an internet service offering
9 discounted by the emergency broadband benefit to an eligi-
10 ble household that requests such an offering, shall be
11 treated as a violation of the Communications Act of 1934
12 (47 U.S.C. 151 et seq.) or a regulation promulgated under
13 such Act. The Commission shall enforce this section and
14 the regulations promulgated under this section in the same
15 manner, by the same means, and with the same jurisdic-
16 tion, powers, and duties as though all applicable terms and
17 provisions of the Communications Act of 1934 were incor-
18 porated into and made a part of this section.

19 (g) EXEMPTIONS.—

20 (1) CERTAIN RULEMAKING REQUIREMENTS.—
21 Section 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) shall not constitute a collection of infor-
3 mation for the purposes of subchapter I of chapter
4 35 of title 44, United States Code (commonly re-
5 ferred to as the Paperwork Reduction Act).

6 (h) EMERGENCY BROADBAND CONNECTIVITY
7 FUND.—

8 (1) ESTABLISHMENT.—There is established in
9 the Treasury of the United States a fund to be
10 known as the Emergency Broadband Connectivity
11 Fund.

12 (2) USE OF FUNDS.—Amounts in the Emer-
13 gency Broadband Connectivity Fund shall be avail-
14 able to the Commission for reimbursements to pro-
15 viders under the regulations required by subsection
16 (a).

17 (3) RELATIONSHIP TO UNIVERSAL SERVICE
18 CONTRIBUTIONS.—Reimbursements provided under
19 the regulations required by subsection (a) shall be
20 provided from amounts made available under this
21 subsection and not from contributions under section
22 254(d) of the Communications Act of 1934 (47
23 U.S.C. 254(d)), except the Commission may use
24 such contributions if needed to offset expenses asso-
25 ciated with the reliance on the National Lifeline Eli-

1 gibility Verifier to determine eligibility of households
2 to receive the emergency broadband benefit.

3 (i) DEFINITIONS.—In this section:

4 (1) BROADBAND INTERNET ACCESS SERVICE.—

5 The term “broadband internet access service” has
6 the meaning given such term in section 8.1(b) of
7 title 47, Code of Federal Regulations (or any suc-
8 cessor regulation).

9 (2) CONNECTED DEVICE.—The term “con-

10 nected device” means a laptop or desktop computer
11 or a tablet.

12 (3) ELIGIBLE HOUSEHOLD.—The term “eligible

13 household” means, regardless of whether the house-
14 hold or any member of the household receives sup-
15 port under subpart E of part 54 of title 47, Code
16 of Federal Regulations (or any successor regulation),
17 and regardless of whether any member of the house-
18 hold has any past or present arrearages with a pro-
19 vider, a household in which—

20 (A) at least one member of the household
21 meets the qualifications in subsection (a) or (b)
22 of section 54.409 of title 47, Code of Federal
23 Regulations (or any successor regulation);

24 (B) at least one member of the household
25 has applied for and been approved to receive

1 benefits under the free and reduced price lunch
2 program under the Richard B. Russell National
3 School Lunch Act (42 U.S.C. 1751 et seq.) or
4 the school breakfast program under section 4 of
5 the Child Nutrition Act of 1966 (42 U.S.C.
6 1773);

7 (C) at least one member of the household
8 has experienced a substantial loss of income
9 since February 29, 2020, documented by layoff
10 or furlough notice, application for unemploy-
11 ment insurance benefits, or similar documenta-
12 tion; or

13 (D) at least one member of the household
14 has received a Federal Pell Grant under section
15 401 of the Higher Education Act of 1965 (20
16 U.S.C. 1070a) in the current award year.

17 (4) EMERGENCY BROADBAND BENEFIT.—The
18 term “emergency broadband benefit” means a
19 monthly discount for an eligible household applied to
20 the normal rate for an internet service offering, in
21 an amount equal to such rate, but not more than
22 \$50, or, if an internet service offering is provided to
23 an eligible household on Tribal land, not more than
24 \$75.

1 (5) EMERGENCY PERIOD.—The term “emer-
2 gency period” means a period that—

3 (A) begins on the date of a determination
4 by the Secretary of Health and Human Services
5 pursuant to section 319 of the Public Health
6 Service Act (42 U.S.C. 247d) that a public
7 health emergency exists as a result of COVID–
8 19; and

9 (B) ends on the date that is 6 months
10 after the date on which such determination (in-
11 cluding any renewal thereof) terminates, except
12 as such period may be extended under sub-
13 section (b)(4).

14 (6) INTERNET SERVICE OFFERING.—The term
15 “internet service offering” means, with respect to a
16 provider, broadband internet access service provided
17 by such provider to a household, offered in the same
18 manner, and on the same terms, as described in any
19 of such provider’s advertisements for broadband
20 internet access service to such household, as on Sep-
21 tember 1, 2020.

22 (7) NORMAL RATE.—The term “normal rate”
23 means, with respect to an internet service offering
24 by a provider, the advertised monthly retail rate, as
25 of September 1, 2020, including any applicable pro-

1 motions and excluding any taxes or other govern-
2 mental fees.

3 (8) PROVIDER.—The term “provider” means a
4 provider of broadband internet access service.

5 **SEC. 302. ENHANCED LIFELINE BENEFITS DURING EMER-**
6 **GENCY PERIODS.**

7 (a) ENHANCED MINIMUM SERVICE STANDARDS FOR
8 LIFELINE BENEFITS DURING EMERGENCY PERIODS.—
9 During an emergency period—

10 (1) the minimum service standard for Lifeline
11 supported mobile voice service shall provide an un-
12 limited number of minutes per month;

13 (2) the minimum service standard for Lifeline
14 supported mobile data service shall provide an un-
15 limited data allowance each month and 4G speeds,
16 where available; and

17 (3) the Basic Support Amount and Tribal
18 Lands Support Amount, as described in section
19 54.403 of title 47, Code of Federal Regulations (or
20 any successor regulation), shall be increased by an
21 amount necessary, as determined by the Commis-
22 sion, to offset any incremental increase in cost asso-
23 ciated with the requirements in paragraphs (1) and
24 (2), but at a minimum the Basic Support Amount
25 shall be not less than \$25 per month and the Tribal

1 Lands Support Amount shall be not less than \$40
2 per month.

3 (b) EXTENSION OF EMERGENCY PERIOD.—An emer-
4 gency period may be extended within a State or any por-
5 tion thereof for a maximum of six months, if the State,
6 or in the case of Tribal land, a Tribal government, pro-
7 vides written, public notice to the Commission stipulating
8 that an extension is necessary in furtherance of the recov-
9 ery related to COVID–19. The Commission shall, within
10 48 hours after receiving such notice, post the notice on
11 the public website of the Commission.

12 (c) REGULATIONS.—

13 (1) IN GENERAL.—Not later than 7 days after
14 the date of the enactment of this Act, the Commis-
15 sion shall promulgate regulations implementing this
16 section.

17 (2) EXEMPTIONS.—

18 (A) CERTAIN RULEMAKING REQUIRE-
19 MENTS.—Section 553 of title 5, United States
20 Code, shall not apply to a regulation promul-
21 gated under paragraph (1) or a rulemaking to
22 promulgate such a regulation.

23 (B) PAPERWORK REDUCTION ACT RE-
24 QUIREMENTS.—A collection of information con-
25 ducted or sponsored under the regulations pro-

1 mulgated under paragraph (1), or under section
2 254 of the Communications Act of 1934 (47
3 U.S.C. 254) in connection with support pro-
4 vided under such regulations, shall not con-
5 stitute a collection of information for the pur-
6 poses of subchapter I of chapter 35 of title 44,
7 United States Code (commonly referred to as
8 the Paperwork Reduction Act).

9 (d) EMERGENCY PERIOD DEFINED.—In this section,
10 the term “emergency period” means a period that—

11 (1) begins on the date of a determination by the
12 Secretary of Health and Human Services pursuant
13 to section 319 of the Public Health Service Act (42
14 U.S.C. 247d) that a public health emergency exists
15 as a result of COVID–19; and

16 (2) ends on the date that is 6 months after the
17 date on which such determination (including any re-
18 newal thereof) terminates, except as such period
19 may be extended under subsection (b).

20 **SEC. 303. GRANTS TO STATES TO STRENGTHEN NATIONAL**
21 **LIFELINE ELIGIBILITY VERIFIER.**

22 (a) IN GENERAL.—From amounts appropriated to
23 carry out this section, the Commission shall, not later than
24 7 days after the date of the enactment of this Act, make
25 a grant to each State, in an amount in proportion to the

1 population of such State, for the purpose of connecting
2 the database used by such State for purposes of the sup-
3 plemental nutrition assistance program under the Food
4 and Nutrition Act of 2008 (7 U.S.C. 2011 et seq.) to the
5 National Lifeline Eligibility Verifier, so that the receipt
6 by a household of benefits under such program is reflected
7 in the National Lifeline Eligibility Verifier.

8 (b) DISBURSEMENT OF GRANT FUNDS.—Funds
9 under each grant made under subsection (a) shall be dis-
10 bursed to the State receiving such grant not later than
11 7 days after the date of the enactment of this Act.

12 (c) CERTIFICATION TO CONGRESS.—Not later than
13 21 days after the date of the enactment of this Act, the
14 Commission shall certify to the Committee on Energy and
15 Commerce of the House of Representatives and the Com-
16 mittee on Commerce, Science, and Transportation of the
17 Senate that the grants required by subsection (a) have
18 been made and that funds have been disbursed as required
19 by subsection (b).

20 **SEC. 304. DEFINITIONS.**

21 In this title:

22 (1) COMMISSION.—The term “Commission”
23 means the Federal Communications Commission.

24 (2) NATIONAL LIFELINE ELIGIBILITY
25 VERIFIER.—The term “National Lifeline Eligibility

1 Verifier” has the meaning given such term in section
2 54.400 of title 47, Code of Federal Regulations (or
3 any successor regulation).

4 (3) STATE.—The term “State” has the mean-
5 ing given such term in section 3 of the Communica-
6 tions Act of 1934 (47 U.S.C. 153).

7 **TITLE IV—CONTINUED**

8 **CONNECTIVITY**

9 **SEC. 401. CONTINUED CONNECTIVITY DURING EMERGENCY**

10 **PERIODS RELATING TO COVID-19.**

11 Title VII of the Communications Act of 1934 (47
12 U.S.C. 601 et seq.) is amended by adding at the end the
13 following:

14 **“SEC. 723. CONTINUED CONNECTIVITY DURING EMER-**

15 **GENCY PERIODS RELATING TO COVID-19.**

16 “(a) IN GENERAL.—During an emergency period de-
17 scribed in subsection (c), it shall be unlawful—

18 “(1) for a provider of advanced telecommuni-
19 cations service or voice service to—

20 “(A) terminate, reduce, or change such
21 service provided to any individual customer or
22 small business because of the inability of the in-
23 dividual customer or small business to pay for
24 such service if the individual customer or small
25 business certifies to such provider that such in-

1 ability to pay is a result of disruptions caused
2 by the public health emergency to which such
3 emergency period relates; or

4 “(B) impose late fees on any individual
5 customer or small business because of the in-
6 ability of the individual customer or small busi-
7 ness to pay for such service if the individual
8 customer or small business certifies to such pro-
9 vider that such inability to pay is a result of
10 disruptions caused by the public health emer-
11 gency to which such emergency period relates;

12 “(2) for a provider of advanced telecommuni-
13 cations service to, during such emergency period—

14 “(A) employ a limit on the amount of data
15 allotted to an individual customer or small busi-
16 ness during such emergency period, except that
17 such provider may engage in reasonable net-
18 work management; or

19 “(B) charge an individual customer or
20 small business an additional fee for exceeding
21 the limit on the data allotted to an individual
22 customer or small business; or

23 “(3) for a provider of advanced telecommuni-
24 cations service that had functioning Wi-Fi hotspots
25 available to subscribers in public places on the day

1 before the beginning of such emergency period to
2 fail to make service provided by such Wi-Fi hotspots
3 available to the public at no cost during such emer-
4 gency period.

5 “(b) WAIVER.—Upon a petition by a provider ad-
6 vanced telecommunications service or voice service, the
7 provisions in subsection (a) may be suspended or waived
8 by the Commission at any time, in whole or in part, for
9 good cause shown.

10 “(c) EMERGENCY PERIODS DESCRIBED.—An emer-
11 gency period described in this subsection is any portion
12 beginning on or after the date of the enactment of this
13 section of the duration of a public health emergency de-
14 clared pursuant to section 319 of the Public Health Serv-
15 ice Act (42 U.S.C. 247d) as a result of COVID–19, includ-
16 ing any renewal thereof.

17 “(d) DEFINITIONS.—In this section:

18 “(1) ADVANCED TELECOMMUNICATIONS SERV-
19 ICE.—The term ‘advanced telecommunications serv-
20 ice’ means a service that provides advanced tele-
21 communications capability (as defined in section 706
22 of the Telecommunications Act of 1996 (47 U.S.C.
23 1302)).

24 “(2) BROADBAND INTERNET ACCESS SERV-
25 ICE.—The term ‘broadband internet access service’

1 has the meaning given such term in section 8.1(b)
2 of title 47, Code of Federal Regulations (or any suc-
3 cessor regulation).

4 “(3) INDIVIDUAL CUSTOMER.—The term ‘indi-
5 vidual customer’ means an individual who contracts
6 with a mass-market retail provider of advanced tele-
7 communications service or voice service to provide
8 service to such individual.

9 “(4) REASONABLE NETWORK MANAGEMENT.—
10 The term ‘reasonable network management’—

11 “(A) means the use of a practice that—

12 “(i) has a primarily technical network
13 management justification; and

14 “(ii) is primarily used for and tailored
15 to achieving a legitimate network manage-
16 ment purpose, taking into account the par-
17 ticular network architecture and tech-
18 nology of the service; and

19 “(B) does not include other business prac-
20 tices.

21 “(5) SMALL BUSINESS.—The term ‘small busi-
22 ness’ has the meaning given such term under section
23 601(3) of title 5, United States Code.

24 “(6) VOICE SERVICE.—The term ‘voice service’
25 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. 501. REPEAL OF REQUIREMENT TO REALLOCATE AND** 16 **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—COVID-19 COMPAS-**
2 **SION AND MARTHA WRIGHT**
3 **PRISON PHONE JUSTICE**

4 **SEC. 601. 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. 602. 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. 603. 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,”.

1 **DIVISION N—AGRICULTURE**
2 **PROVISIONS**

3 **SEC. 100. DEFINITIONS.**

4 In this division:

5 (1) The term “COVID–19” means the disease
6 caused by SARS–CoV–2, or any viral strain mutat-
7 ing therefrom with pandemic potential.

8 (2) The term “COVID–19 public health emer-
9 gency” means the public health emergency declared
10 by the Secretary of Health and Human Services
11 under section 319 of the Public Health Services Act
12 (42 U.S.C. 247d) on January 31, 2020, with respect
13 to COVID–19 (including any renewal of that dec-
14 laration).

15 (3) The term “Secretary” means the Secretary
16 of Agriculture.

17 **TITLE I—LIVESTOCK AND**
18 **POULTRY**

19 **SEC. 101. ESTABLISHMENT OF TRUST FOR BENEFIT OF UN-**
20 **PAID CASH SELLERS OF LIVESTOCK.**

21 The Packers and Stockyards Act, 1921, is amended
22 by inserting after section 317 (7 U.S.C. 217a) the fol-
23 lowing new section:

24 **“SEC. 318. STATUTORY TRUST ESTABLISHED; DEALER.**

25 “(a) ESTABLISHMENT.—

1 “(1) IN GENERAL.—All livestock purchased by
2 a dealer in cash sales and all inventories of, or re-
3 ceivables or proceeds from, such livestock shall be
4 held by such dealer in trust for the benefit of all un-
5 paid cash sellers of such livestock until full payment
6 has been received by such unpaid cash sellers.

7 “(2) EXEMPTION.—Any dealer whose average
8 annual purchases of livestock do not exceed
9 \$100,000 shall be exempt from the provisions of this
10 section.

11 “(3) EFFECT OF DISHONORED INSTRU-
12 MENTS.—For purposes of determining full payment
13 under paragraph (1), a payment to an unpaid cash
14 seller shall not be considered to have been made if
15 the unpaid cash seller receives a payment instrument
16 that is dishonored.

17 “(b) PRESERVATION OF TRUST.—An unpaid cash
18 seller shall lose the benefit of a trust under subsection (a)
19 if the unpaid cash seller has not preserved the trust by
20 giving written notice to the dealer involved and filing such
21 notice with the Secretary—

22 “(1) within 30 days of the final date for mak-
23 ing a payment under section 409 in the event that
24 a payment instrument has not been received; or

1 “(2) within 15 business days after the date on
2 which the seller receives notice that the payment in-
3 strument promptly presented for payment has been
4 dishonored.

5 “(c) NOTICE TO LIEN HOLDERS.—When a dealer re-
6 ceives notice under subsection (b) of the unpaid cash sell-
7 er’s intent to preserve the benefits of the trust, the dealer
8 shall, within 15 business days, give notice to all persons
9 who have recorded a security interest in, or lien on, the
10 livestock held in such trust.

11 “(d) CASH SALES DEFINED.—For the purpose of
12 this section, a cash sale means a sale in which the seller
13 does not expressly extend credit to the buyer.

14 “(e) PURCHASE OF LIVESTOCK SUBJECT TO
15 TRUST.—

16 “(1) IN GENERAL.—A person purchasing live-
17 stock subject to a dealer trust shall receive good title
18 to the livestock if the person receives the livestock—

19 “(A) in exchange for payment of new
20 value; and

21 “(B) in good faith without notice that the
22 transfer is a breach of trust.

23 “(2) DISHONORED PAYMENT INSTRUMENT.—
24 Payment shall not be considered to have been made

1 if a payment instrument given in exchange for the
2 livestock is dishonored.

3 “(3) TRANSFER IN SATISFACTION OF ANTE-
4 CEDENT DEBT.—A transfer of livestock subject to a
5 dealer trust is not for value if the transfer is in sat-
6 isfaction of an antecedent debt or to a secured party
7 pursuant to a security agreement.

8 “(f) ENFORCEMENT.—Whenever the Secretary has
9 reason to believe that a dealer subject to this section has
10 failed to perform the duties required by this section or
11 whenever the Secretary has reason to believe that it will
12 be in the best interest of unpaid cash sellers, the Secretary
13 shall do one or more of the following—

14 “(1) Appoint an independent trustee to carry
15 out the duties required by this section, preserve
16 trust assets, and enforce the trust.

17 “(2) Serve as independent trustee, preserve
18 trust assets, and enforce the trust.

19 “(3) File suit in the United States district
20 court for the district in which the dealer resides to
21 enjoin the dealer’s failure to perform the duties re-
22 quired by this section, preserve trust assets, and to
23 enforce the trust. Attorneys employed by the Sec-
24 retary may, with the approval of the Attorney Gen-
25 eral, represent the Secretary in any such suit. Noth-

1 ing herein shall preclude unpaid sellers from filing
2 suit to preserve or enforce the trust.”.

3 **SEC. 102. EMERGENCY ASSISTANCE FOR MARKET-READY**
4 **LIVESTOCK AND POULTRY LOSSES.**

5 (a) IN GENERAL.—The Secretary shall make pay-
6 ments to covered producers to offset the losses of income
7 related to the intentional depopulation of market-ready
8 livestock and poultry due to insufficient regional access
9 to meat and poultry processing related to the COVID–19
10 public health emergency, as determined by the Secretary.

11 (b) PAYMENT RATE FOR COVERED PRODUCERS.—

12 (1) PAYMENTS FOR FIRST 30-DAY PERIOD.—

13 For a period of 30 days beginning, with respect to
14 a covered producer, on the initial date of depopula-
15 tion described in subsection (a) of the market-ready
16 livestock or poultry of the covered producer, the Sec-
17 retary shall reimburse such covered producer for 85
18 percent of the value of losses as determined under
19 subsection (c).

20 (2) SUBSEQUENT 30-DAY PERIODS.—For each

21 30-day period subsequent to the 30-day period de-
22 scribed in paragraph (1), the Secretary shall reduce
23 the value of the losses as determined under sub-
24 section (c) with respect to a covered producer by 10
25 percent.

1 (c) VALUATION.—In calculating the amount of losses
2 for purposes of the payment rates under subsection (b),
3 the Secretary shall use the average fair market value, as
4 determined by the Secretary in collaboration with the
5 Chief Economist of the Department of Agriculture and the
6 Administrator of the Agricultural Marketing Service, for
7 market-ready livestock, where applicable, and market-
8 ready poultry, where applicable, during the period begin-
9 ning on March 1, 2020, and ending on the date of the
10 enactment of this section. In no case shall a payment
11 made under subsection (b) and compensation received
12 from any other source exceed the average market value
13 of market-ready livestock or poultry on the date of de-
14 population.

15 (d) PACKER-OWNED ANIMALS EXCLUDED.—The Sec-
16 retary may not make payments under this section for the
17 actual losses of livestock owned by a packer or poultry
18 owned by a live poultry dealer.

19 (e) DEFINITIONS.—In this section:

20 (1) COVERED PRODUCER.—The term “covered
21 producer” means a person or legal entity that as-
22 sumes the production and market risks associated
23 with the agricultural production of livestock and
24 poultry (as such terms are defined in section 2(a) of

1 the Packers and Stockyards Act, 1921 (7 U.S.C.
2 182(a)).

3 (2) PACKER.—The term “packer” has the
4 meaning given the term in section 201 of the Pack-
5 ers and Stockyards Act, 1921 (7 U.S.C. 191).

6 (3) LIVE POULTRY DEALER.—The term “live
7 poultry dealer” has the meaning given the term in
8 section 2(a) of the Packers and Stockyards Act,
9 1921 (7 U.S.C. 182(a)).

10 (4) INTENTIONAL DEPOPULATION.—The term
11 “intentional depopulation” means—

12 (A) the destruction of livestock or poultry;

13 and

14 (B) the transfer of livestock or poultry to
15 a noncommercial interest.

16 (f) FUNDING.—Out of any amounts of the Treasury
17 not otherwise appropriated, there is appropriated to carry
18 out this section such sums as may be necessary, to remain
19 available until expended.

20 **SEC. 103. ANIMAL DISEASE PREVENTION AND MANAGE-**
21 **MENT RESPONSE.**

22 Out of any amounts in the Treasury not otherwise
23 appropriated, there is appropriated to carry out section
24 10409A of the Animal Health Protection Act (7 U.S.C.
25 8308A) \$300,000,000, to remain available until expended.

1 **SEC. 104. GRANTS FOR IMPROVEMENTS TO MEAT AND**
2 **POULTRY FACILITIES TO ALLOW FOR INTER-**
3 **STATE SHIPMENT.**

4 (a) **IN GENERAL.**—The Secretary, acting through the
5 Administrator of the Agricultural Marketing Service and
6 in consultation with the Administrator of the Food Safety
7 Inspection Service, shall make grants to meat and poultry
8 processing facilities (including facilities operating under
9 State inspection or facilities that are exempt from Federal
10 inspection) in operation as of the date on which an appli-
11 cation for such a grant is made to assist such facilities
12 with respect to costs incurred in making improvements to
13 such facilities and carrying out other planning activities
14 necessary to be subject to inspection under the Federal
15 Meat Inspection Act (21 U.S.C. 601 et seq.), or the Poul-
16 try Products Inspection Act (21 U.S.C. 451 et seq.).

17 (b) **GRANT AMOUNT.**—The amount of a grant under
18 this section shall not exceed \$100,000.

19 (c) **CONDITION.**—As a condition on receipt of a grant
20 under this section, a grant recipient shall agree that if
21 the recipient is not subject to inspection or making a good
22 faith effort to be subject to inspection under the Federal
23 Meat Inspection Act (21 U.S.C. 601 et seq.) or the Poul-
24 try Products Inspection Act (21 U.S.C. 451 et seq.) within
25 36 months of receiving such grant, the grant recipient

1 shall make a payment (or payments) to the Secretary in
2 an amount equal to the amount of the grant.

3 (d) MATCHING FUNDS.—

4 (1) IN GENERAL.—Except as provided in para-
5 graph (2), the Secretary shall require a grant recipi-
6 ent under this section to provide matching non-Fed-
7 eral funds in an amount equal to the amount of a
8 grant.

9 (2) EXCEPTION.—The Secretary shall not re-
10 quire any recipient of a grant under this section to
11 provide matching funds with respect to a grant
12 awarded in fiscal year 2021.

13 (e) REPORTS.—

14 (1) REPORTS ON GRANTS MADE.—Beginning
15 not later than one year after the date on which the
16 first grant is awarded under this section, and annu-
17 ally thereafter, the Secretary shall submit to the
18 Committee on Agriculture and the Committee on
19 Appropriations of the House of Representatives and
20 the Committee on Agriculture, Nutrition, and For-
21 estry and the Committee on Appropriations of the
22 Senate a report on grants made under this section
23 and any facilities that were upgraded using such
24 funds during the year covered by the report.

1 (2) REPORT ON THE COOPERATIVE INTERSTATE
2 SHIPMENT PROGRAM.—Beginning not later than one
3 year after the date of the enactment of this section,
4 the Secretary shall submit to the Committee on Ag-
5 riculture and the Committee on Appropriations of
6 the House of Representatives and the Committee on
7 Agriculture, Nutrition, and Forestry and the Com-
8 mittee on Appropriations of the Senate a report of
9 any recommendations, developed in consultation with
10 all States, for possible improvements to the coopera-
11 tive interstate shipment programs under section 501
12 of the Federal Meat Inspection Act (21 U.S.C. 683)
13 and section 31 of the Poultry Products Inspection
14 Act (21 U.S.C. 472).

15 (f) FUNDING.—Of the funds of the Treasury not oth-
16 erwise appropriated, there is appropriated to carry out
17 this section \$100,000,000 for the period of fiscal years
18 2021 through 2023.

19 **SEC. 105. PAYMENTS TO CONTRACT PRODUCERS.**

20 (a) IN GENERAL.—The Secretary shall make pay-
21 ments to contract growers of livestock or poultry to cover
22 revenue losses in response to the COVID–19 pandemic.

23 (b) LIVESTOCK AND POULTRY LOSSES NOT COV-
24 ERED BY THE FIRST OR SECOND CORONAVIRUS FOOD AS-
25 SISTANCE PROGRAM.—In the case of livestock or poultry

1 related revenue losses for which a contract grower is ineli-
2 gible to receive direct payments under the first coronavirus
3 food assistance program or the second coronavirus food
4 assistance program, the Secretary shall base payments re-
5 quired under subsection (a), per commodity, by com-
6 paring—

7 (1) the revenue losses for the period beginning
8 on January 15, 2020, and ending on December 31,
9 2020; and

10 (2) historical revenue.

11 (c) ADJUSTED GROSS INCOME LIMITATIONS.—A
12 payment under this section shall be deemed to be a cov-
13 ered benefit under section 1001D(b)(2) of the Food Secu-
14 rity Act of 1985 (7 U.S.C. 1308–3a(b)(2)), unless at least
15 75 percent of the adjusted gross income of the recipient
16 of the payment is derived from activities related to farm-
17 ing, ranching, or forestry.

18 (d) PAYMENTS.—The Secretary shall begin making
19 payments under subsection (a) not later than 60 days
20 after the date of the enactment of this section.

21 (e) FUNDING.—There is appropriated, out of any
22 funds in the Treasury not otherwise appropriated, to carry
23 out this section \$1,250,000,000, to remain available until
24 expended.

25 (f) DEFINITIONS.—In this section:

1 (1) CFAP DEFINITIONS.—

2 (A) FIRST CORONAVIRUS FOOD ASSIST-
3 ANCE PROGRAM.—The term “first coronavirus
4 food assistance program” means the first
5 coronavirus food assistance program (CFAP1)
6 of the Department of Agriculture under sec-
7 tions 9.101 and 9.102 of title 7, Code of Fed-
8 eral Regulations.

9 (B) SECOND CORONAVIRUS FOOD ASSIST-
10 ANCE PROGRAM.—The term “second
11 coronavirus food assistance program” means
12 the second coronavirus food assistance program
13 (CFAP2) of the Department of Agriculture
14 under sections 9.201 and 9.202 of title 7, Code
15 of Federal Regulations.

16 (2) CONTRACT GROWER.—The term “contract
17 grower” means a grower of livestock or poultry, in-
18 cluding poultry used for egg production, and does
19 not include a packer, live poultry dealer, processor,
20 integrator, or any other business entity relating to
21 livestock or poultry production that does not raise
22 livestock or poultry.

23 (3) LIVE POULTRY DEALER.—The term “live
24 poultry dealer” has the meaning given the term in

1 section 2(a) of the Packers and Stockyards Act,
2 1921 (7 U.S.C. 182(a)).

3 (4) PACKER.— The term “packer” has the
4 meaning given the term in section 201 of the Pack-
5 ers and Stockyards Act, 1921 (7 U.S.C. 191).

6 (5) REVENUE.—The term “revenue” means in-
7 come derived only from contract livestock or poultry
8 production.

9 **SEC. 106. REPORTS AND OUTREACH RELATED TO MEAT**
10 **AND POULTRY PROCESSING.**

11 (a) STUDY AND REPORT ON PROCESSING CAPACITY
12 REQUIRED.—

13 (1) STUDY REQUIRED.—The Secretary shall
14 conduct a study on covered processing facilities,
15 which shall assess with respect to such facilities in
16 each State and region—

17 (A) the available monthly and annual
18 slaughter capacity of such facilities,
19 disaggregated by type of facility and whether
20 that capacity is sufficient to meet the national,
21 State, and regional need, including on a local
22 basis;

23 (B) the available cold storage capacity of
24 such facilities, disaggregated by type of facility;

1 (C) the number and age of established
2 processing facilities, disaggregated by type of
3 facility;

4 (D) the ownership demographics of covered
5 processing facilities, including—

6 (i) whether such facilities are foreign
7 or domestically-owned; and

8 (ii) the business structure of such
9 processing facilities;

10 (E) the available slaughter capacity for
11 livestock and poultry not grown under contract,
12 disaggregated by type of facility and species so
13 slaughtered;

14 (F) with respect to each species slaugh-
15 tered at covered processing facilities, the esti-
16 mated distance between livestock and poultry
17 production and processing and the transpor-
18 tation costs associated with such processing;

19 (G) any opportunities to support new or
20 innovative processing partnerships that would
21 increase resiliency and flexibility of slaughter
22 and processing capacity; and

23 (H) the barriers to increasing the avail-
24 ability of slaughter and processing of meat and
25 poultry, including with respect to—

- 1 (i) expanding existing facilities;
- 2 (ii) creating additional facilities; and
- 3 (iii) reactivating closed facilities.

4 (2) COVERED PROCESSING FACILITY DE-
5 FINED.—In this section, the term “covered proc-
6 essing facility” means a facility that slaughters or
7 otherwise processes meat or poultry in the United
8 States, including the following types of facilities:

9 (A) Facilities subject to Federal inspection
10 under the Federal Meat Inspection Act (21
11 U.S.C. 601 et seq.) or the Poultry Products In-
12 spection Act (21 U.S.C. 451 et seq.), as appli-
13 cable.

14 (B) Facilities subject to State inspection
15 under a meat and poultry inspection program
16 agreement.

17 (C) Custom facilities exempt from inspec-
18 tion under the Acts referred to in subparagraph
19 (A).

20 (3) REPORT TO CONGRESS.—Not later than 1
21 year after the date of the enactment of this section,
22 the Secretary shall submit to the Committee on Ag-
23 riculture of the House of Representatives and the
24 Committee on Agriculture, Nutrition, and Forestry

1 of the Senate a report that includes the results of
2 the study conducted under paragraph (1).

3 (b) STUDY AND REPORT ON FINANCIAL ASSISTANCE
4 AVAILABILITY.—

5 (1) STUDY REQUIRED.—The Secretary shall
6 conduct a study on the availability and effectiveness
7 of—

8 (A) Federal loan programs, Federal loan
9 guarantee programs, and grant programs for
10 which—

11 (i) facilities that slaughter or other-
12 wise process meat and poultry in the
13 United States, which are in operation and
14 subject to inspection under the Federal
15 Meat Inspection Act (21 U.S.C. 601 et
16 seq.) or the Poultry Products Inspection
17 Act (21 U.S.C. 451 et seq.), as of the date
18 of the enactment of this section, and

19 (ii) entities seeking to establish such a
20 facility in the United States,
21 may be eligible; and

22 (B) Federal grant programs intended to
23 support—

1 (i) business activities relating to in-
2 creasing the slaughter or processing capac-
3 ity in the United States; and

4 (ii) feasibility or marketing studies on
5 the practicality and viability of specific new
6 or expanded projects to support additional
7 slaughter or processing capacity in the
8 United States.

9 (2) REPORT TO CONGRESS.—Not later than 60
10 days after the date of the enactment of this section,
11 the Secretary, in consultation with applicable Fed-
12 eral agencies, shall submit a report to the Com-
13 mittee on Agriculture of the House of Representa-
14 tives and the Committee on Agriculture, Nutrition,
15 and Forestry of the Senate that includes the results
16 of the study required under paragraph (1).

17 (3) PUBLICATION.—Not later than 90 days
18 after the date of the enactment of this section, the
19 Secretary shall make publicly available on the
20 website of the Food Safety and Inspection Service of
21 the Department of Agriculture a list of each loan
22 program, loan guarantee program, and grant pro-
23 gram identified under paragraph (1).

24 (c) OUTREACH ACTIVITIES.—

1 (1) IN GENERAL.—To the maximum extent
2 practicable, the Secretary shall conduct outreach and
3 education activities to inform the current or prospec-
4 tive owners and operators of facilities or other enti-
5 ties described in subsection (b)(1)(A), producer
6 groups, and institutions of higher education, of the
7 availability of each loan program, loan guarantee
8 program, and grant program identified under para-
9 graph (1).

10 (2) FEASIBILITY OR MARKETING STUDIES.—In
11 carrying out paragraph (1), the Secretary may enter
12 into cooperative agreements with eligible entities to
13 conduct feasibility or marketing studies to determine
14 the practicality and viability of specific projects to
15 support additional slaughter or processing capacity
16 in the United States.

17 (3) MAXIMUM AMOUNT.—The amount of assist-
18 ance provided through a cooperative agreement
19 under paragraph (2) with respect to a particular
20 project may not exceed \$75,000.

21 (4) REPORTING.—The Secretary shall publish
22 (and update as necessary) on the public website of
23 the Department of Agriculture, an accounting of
24 outreach activities conducted pursuant to this sub-
25 section, including a description of each such activity

1 and the amount of Federal funds expended to con-
2 duct each such activity.

3 (d) FUNDING.—To carry out this section, there is ap-
4 propriated, out of the funds of the Treasury not otherwise
5 appropriated—

6 (1) \$2,000,000 to carry out subsection (a);

7 (2) \$2,000,000 to carry out subsection (b); and

8 (3) \$16,000,000 to carry out subsection (c).

9 **TITLE II—DAIRY**

10 **SEC. 201. DAIRY DIRECT DONATION PROGRAM.**

11 (a) DEFINITIONS.—In this section:

12 (1) ELIGIBLE DAIRY ORGANIZATION.—The term
13 “eligible dairy organization” is defined in section
14 1431(a) of the Agricultural Act of 2014 (7 U.S.C.
15 9071(a)).

16 (2) ELIGIBLE DAIRY PRODUCTS.—The term
17 “eligible dairy products” means products primarily
18 made from milk.

19 (3) ELIGIBLE DISTRIBUTOR.—The term “eligi-
20 ble distributor” means a public or private nonprofit
21 organization that distributes donated eligible dairy
22 products to recipient individuals and families.

23 (4) ELIGIBLE PARTNERSHIP.—The term “eligi-
24 ble partnership” means a partnership between an el-
25 ible dairy organization and an eligible distributor.

1 (b) ESTABLISHMENT AND PURPOSES.—Not later
2 than 45 days after the date of the enactment of this Act,
3 the Secretary shall establish and administer a direct dairy
4 donation program for the purposes of—

5 (1) facilitating the timely donation of eligible
6 dairy products; and

7 (2) preventing and minimizing food waste.

8 (c) DONATION AND DISTRIBUTION PLANS.—

9 (1) IN GENERAL.—To be eligible to receive re-
10 imbursement under this section, an eligible partner-
11 ship shall submit to the Secretary a donation and
12 distribution plan that describes the process that the
13 eligible partnership will use for the donation, proc-
14 essing, transportation, temporary storage, and dis-
15 tribution of eligible dairy products.

16 (2) REVIEW AND APPROVAL.—No later than 15
17 business days after receiving a plan described in
18 paragraph (1), the Secretary shall—

19 (A) review such plan; and

20 (B) issue an approval or disapproval of
21 such plan.

22 (d) REIMBURSEMENT.—

23 (1) IN GENERAL.—On receipt of appropriate
24 documentation under paragraph (2), the Secretary
25 shall reimburse an eligible dairy organization at a

1 rate equal to the raw milk cost for the product as
2 priced in the Federal milk marketing orders multi-
3 plied by the volume of milk required to make the do-
4 nated product.

5 (2) DOCUMENTATION.—

6 (A) IN GENERAL.—An eligible dairy orga-
7 nization shall submit to the Secretary such doc-
8 umentation as the Secretary may require to
9 demonstrate the eligible dairy product produc-
10 tion and donation to the eligible distributor.

11 (B) VERIFICATION.—The Secretary may
12 verify the accuracy of documentation submitted
13 under subparagraph (A).

14 (3) RETROACTIVE REIMBURSEMENT.—In pro-
15 viding reimbursements under paragraph (1), the
16 Secretary may provide reimbursements for milk
17 costs incurred before the date on which the donation
18 and distribution plan for the applicable participating
19 partnership was approved by the Secretary.

20 (e) PROHIBITION ON RESALE OF PRODUCTS.—

21 (1) IN GENERAL.—An eligible distributor that
22 receives eligible dairy products donated under this
23 section may not sell the products into commercial
24 markets.

1 (2) PROHIBITION ON FUTURE PARTICIPA-
2 TION.—An eligible distributor that the Secretary de-
3 termines has violated paragraph (1) shall not be eli-
4 gible for any future participation in the program es-
5 tablished under this section.

6 (f) REVIEWS.—The Secretary shall conduct appro-
7 priate reviews or audits to ensure the integrity of the pro-
8 gram established under this section.

9 (g) PUBLICATION OF DONATION ACTIVITY.—The
10 Secretary, acting through the Administrator of the Agri-
11 cultural Marketing Service, shall publish on the publicly
12 accessible website of the Agricultural Marketing Service
13 periodic reports containing donation activity under this
14 section.

15 (h) SUPPLEMENTAL REIMBURSEMENTS.—

16 (1) IN GENERAL.—The Secretary may make a
17 supplemental reimbursement to an eligible dairy or-
18 ganization for an approved donation and distribution
19 plan in accordance with the milk donation program
20 established under section 1431 of the Agricultural
21 Act of 2014 (7 U.S.C. 9071).

22 (2) REIMBURSEMENT CALCULATION.—A sup-
23 plemental reimbursement described in paragraph (1)
24 shall be equal to the value of—

1 (A) raw milk cost for the product as priced
2 in the Federal milk marketing orders, less any
3 reimbursement provided under section 1431 of
4 the Agricultural Act of 2014, multiplied by

5 (B) the volume of eligible dairy products
6 under such approved donation plan.

7 (i) FUNDING.—Out of any amounts of the Treasury
8 not otherwise appropriated, there is appropriated to carry
9 out this section \$500,000,000, to remain available until
10 expended.

11 (j) AUTHORITY TO CARRY OUT SECTION.—The Sec-
12 retary may only carry out this section during a period in
13 which—

14 (1) a public health emergency is—

15 (A) declared under section 319 of the Pub-
16 lic Health Services Act (42 U.S.C. 247d); or

17 (B) renewed under such section; or

18 (2) a disaster is designated by the Secretary.

19 **SEC. 202. SUPPLEMENTAL DAIRY MARGIN COVERAGE PAY-**
20 **MENTS.**

21 (a) IN GENERAL.—The Secretary shall provide sup-
22 plemental dairy margin coverage payments to eligible
23 dairy operations described in subsection (b)(1) whenever
24 the average actual dairy production margin (as defined in
25 section 1401 of the Agricultural Act of 2014 (7 U.S.C.

1 9051)) for a month is less than the coverage level thresh-
2 old selected by such eligible dairy operation under section
3 1406 of such Act (7 U.S.C. 9056).

4 (b) ELIGIBLE DAIRY OPERATION DESCRIBED.—

5 (1) IN GENERAL.—An eligible dairy operation
6 described in this subsection is a dairy operation
7 that—

8 (A) is located in the United States; and

9 (B) during a calendar year in which such
10 dairy operation is a participating dairy oper-
11 ation (as defined in section 1401 of the Agricul-
12 tural Act of 2014 (7 U.S.C. 9051)), has a pro-
13 duction history established under the dairy
14 margin coverage program under section 1405 of
15 the Agricultural Act of 2014 (7 U.S.C. 9055)
16 of less than 5 million pounds, as determined in
17 accordance with subsection (c) of such section
18 1405.

19 (2) LIMITATION ON ELIGIBILITY.—An eligible
20 dairy operation shall only be eligible for payments
21 under this section during a calendar year in which
22 such eligible dairy operation is enrolled in dairy mar-
23 gin coverage (as defined in section 1401 of the Agri-
24 cultural Act of 2014 (7 U.S.C. 9051)).

1 (c) SUPPLEMENTAL PRODUCTION HISTORY CAL-
2 CULATION.—For purposes of determining the production
3 history of an eligible dairy operation under this section,
4 such dairy operation’s production history shall be equal
5 to—

6 (1) the production volume of such dairy oper-
7 ation for the 2019 milk marketing year; minus

8 (2) the dairy margin coverage production his-
9 tory of such dairy operation established under sec-
10 tion 1405 of the Agricultural Act of 2014 (7 U.S.C.
11 9055).

12 (d) COVERAGE PERCENTAGE.—

13 (1) IN GENERAL.—For purposes of calculating
14 payments to be issued under this section during a
15 calendar year, an eligible dairy operation’s coverage
16 percentage shall be equal to the coverage percentage
17 selected by such eligible dairy operation with respect
18 to such calendar year under section 1406 of the Ag-
19 ricultural Act of 2014 (7 U.S.C. 9056).

20 (2) 5-MILLION POUND LIMITATION.—

21 (A) IN GENERAL.—The Secretary shall not
22 provide supplemental dairy margin coverage on
23 an eligible dairy operation’s actual production
24 for a calendar year such that the total covered

1 production history of such dairy operation ex-
2 ceeds 5 million pounds.

3 (B) DETERMINATION OF AMOUNT.—In cal-
4 culating the total covered production history of
5 an eligible dairy operation under subparagraph
6 (A), the Secretary shall multiply the coverage
7 percentage selected by such operation under
8 section 1406 of the Agricultural Act of 2014 (7
9 U.S.C. 9056) by the sum of—

10 (i) the supplemental production his-
11 tory calculated under subsection (c) with
12 respect to such dairy operation; and

13 (ii) the dairy margin coverage produc-
14 tion history described in subsection (e)(2)
15 with respect to such dairy operation.

16 (e) PREMIUM COST.—The premium cost for an eligi-
17 ble dairy operation under this section for a calendar year
18 shall be equal to the product of multiplying—

19 (1) the Tier I premium cost calculated with re-
20 spect to such dairy operation for such year under
21 section 1407(b) of the Agricultural Act of 2014 (7
22 U.S.C. 9057(b)); by

23 (2) the production history calculation with re-
24 spect to such dairy operation determined under sub-

1 section (c) (such that total covered production his-
2 tory does not exceed 5 million pounds).

3 (f) REGULATIONS.—Not later than 45 days after the
4 date of the enactment of this section, the Secretary shall
5 issue regulations to carry out this section.

6 (g) PROHIBITION WITH RESPECT TO DAIRY MARGIN
7 COVERAGE ENROLLMENT.—The Secretary may not re-
8 open or otherwise provide a special enrollment for dairy
9 margin coverage (as defined in section 1401 of the Agri-
10 cultural Act of 2014 (7 U.S.C. 9051)) for purposes of es-
11 tablishing eligibility for supplemental dairy margin cov-
12 erage payments under this section.

13 (h) RETROACTIVE APPLICATION FOR CALENDAR
14 YEAR 2020.—The Secretary shall make payments under
15 this section to eligible dairy operations described in sub-
16 section (b)(1) for months after and including January,
17 2020.

18 (i) SUNSET.—The authority to make payments under
19 this section shall terminate on December 31, 2023.

20 (j) FUNDING.—There is appropriated, out of any
21 funds in the Treasury not otherwise appropriated, to carry
22 out this section such sums as necessary, to remain avail-
23 able until the date specified in subsection (i).

1 **SEC. 203. RECOURSE LOAN PROGRAM FOR COMMERCIAL**
2 **PROCESSORS OF DAIRY PRODUCTS.**

3 (a) IN GENERAL.—The Secretary shall make re-
4 course loans available to qualified applicants during the
5 COVID–19 pandemic.

6 (b) AMOUNT OF LOAN.—

7 (1) IN GENERAL.—A recourse loan made under
8 this section shall be provided to qualified applicants
9 up to the value of the eligible dairy product inven-
10 tory of the applicant as determined by the Secretary
11 and in accordance with subsection (c).

12 (2) VALUATION.—For purposes of making re-
13 course loans under this section, the Secretary shall
14 conduct eligible dairy product valuations to provide,
15 to the maximum extent practicable, funds to con-
16 tinue the operations of qualified applicants.

17 (c) INVENTORY USED AS COLLATERAL.—Eligible
18 dairy product inventory used as collateral for the recourse
19 loan program under this section shall be pledged on a ro-
20 tating basis to prevent spoilage of perishable products.

21 (d) TERM OF LOAN.—A recourse loan under this sec-
22 tion may be made for a period as determined by the Sec-
23 retary, except that no such recourse loan may end after
24 the date that is 24 months after the date of the enactment
25 of this section.

1 (e) FUNDING.—Out of any amounts in the Treasury
2 not otherwise appropriated, there is appropriated to carry
3 out this section \$500,000,000.

4 (f) DEFINITIONS.—In this section:

5 (1) ELIGIBLE DAIRY PRODUCTS.—The term
6 “eligible dairy products” means all dairy products
7 whether in base commodity or finished product form.

8 (2) QUALIFIED APPLICANT.—The term “quali-
9 fied applicant” means any commercial processor,
10 packager, or merchandiser of eligible dairy products
11 that is impacted by COVID–19.

12 **SEC. 204. DAIRY MARGIN COVERAGE PREMIUM DISCOUNT**
13 **FOR A 3-YEAR SIGNUP.**

14 The Secretary shall provide a 15 percent discount for
15 the premiums described in subsections (b) and (c) of sec-
16 tion 1407 of the Agricultural Act of 2014 (7 U.S.C. 9051)
17 and the premium described in section 202(e) for a dairy
18 operation (as defined in section 1401 of the Agricultural
19 Act of 2014 (7 U.S.C. 9051)) that makes a 1-time, 3-
20 year election to enroll in dairy margin coverage under part
21 I of subtitle D of such Act for calendar years 2021
22 through 2024.

1 **TITLE III—SPECIALTY CROPS**
2 **AND OTHER COMMODITIES**

3 **SEC. 301. SUPPORT FOR SPECIALTY CROP SECTOR.**

4 Section 101(l) of the Specialty Crops Competitiveness
5 Act of 2004 (7 U.S.C. 1621 note) is amended by adding
6 at the end the following:

7 “(3) COVID–19 OUTBREAK SUPPORT.—

8 “(A) IN GENERAL.—The Secretary shall
9 make grants to States eligible to receive a grant
10 under this section to assist State efforts to sup-
11 port the specialty crop sector for impacts re-
12 lated to the COVID–19 public health emer-
13 gency.

14 “(B) FUNDING.—There is appropriated,
15 out of any funds in the Treasury not otherwise
16 appropriated, to carry out subparagraph (A)
17 not less than \$500,000,000, to remain available
18 until expended.”.

19 **SEC. 302. SUPPORT FOR LOCAL AGRICULTURAL MARKETS.**

20 Section 210A(i) of the Agricultural Marketing Act of
21 1946 (7 U.S.C. 1627c(i)) is amended by adding at the
22 end the following:

23 “(4) GRANTS FOR COVID–19 ASSISTANCE.—

24 “(A) IN GENERAL.—In addition to grants
25 made under the preceding provisions of this

1 subsection, the Secretary shall make grants to
2 eligible entities specified in paragraphs (5)(B)
3 and (6)(B) of subsection (d) to provide assist-
4 ance in response to the COVID–19 pandemic.

5 “(B) MATCHING FUNDS APPLICABILITY.—
6 The Secretary may not require a recipient of a
7 grant under subparagraph (A) to provide any
8 non-Federal matching funds.

9 “(C) FUNDING.—There is appropriated,
10 out of any funds in the Treasury not otherwise
11 appropriated, to carry out this paragraph,
12 \$350,000,000, to remain available until ex-
13 pended.”.

14 **SEC. 303. SUPPORT FOR FARMING OPPORTUNITIES TRAIN-**
15 **ING AND OUTREACH.**

16 Section 2501 of the Food, Agriculture, Conservation,
17 and Trade Act of 1990 (7 U.S.C. 2279) is amended by
18 adding at the end the following:

19 “(m) ADDITIONAL FUNDING.—

20 “(1) IN GENERAL.—The Secretary shall make
21 grants to, or enter into cooperative agreements or
22 contracts with, eligible entities specified in sub-
23 section (e)(1) or entities eligible for grants under
24 subsection (d) to provide training, outreach, and
25 technical assistance on operations, financing, and

1 marketing, including identifying Federal, State, or
2 local assistance available, to beginning farmers and
3 ranchers, socially disadvantaged farmers and ranch-
4 ers, and veteran farmers and ranchers in response to
5 the COVID–19 pandemic.

6 “(2) MATCHING FUNDS APPLICABILITY.—The
7 Secretary may not require a recipient of a grant
8 under this subsection to provide any non-Federal
9 matching funds.

10 “(3) FUNDING.—There is appropriated, out of
11 any funds in the Treasury not otherwise appro-
12 priated, to carry out this subsection, \$50,000,000, to
13 remain available until expended.”.

14 **SEC. 304. SUPPORT FOR FARM STRESS PROGRAMS.**

15 (a) IN GENERAL.—The Secretary shall make grants
16 to State departments of agriculture (or such equivalent
17 department) to expand or sustain stress assistance pro-
18 grams for individuals who are engaged in farming, ranch-
19 ing, and other agriculture-related occupations, including—

20 (1) programs that meet the criteria specified in
21 section 7522(b)(1) of the Food, Conservation, and
22 Energy Act of 2008 (7 U.S.C. 5936(b)(1)); and

23 (2) any State initiatives carried out as of the
24 date of the enactment of this Act that provide stress
25 assistance for such individuals.

1 (b) GRANT TIMING AND AMOUNT.—In making grants
2 under subsection (a), not later than 60 days after the date
3 of the enactment of this Act and subject to subsection (c),
4 the Secretary shall—

5 (1) make awards to States submitting State
6 plans that meet the criteria specified in paragraph
7 (1) of subsection (c) within the time period specified
8 by the Secretary, in an amount not to exceed
9 \$1,500,000 for each State; and

10 (2) of the amounts made available under sub-
11 section (f) and remaining after awards to States
12 under paragraph (1), allocate among such States, an
13 amount to be determined by the Secretary.

14 (c) STATE PLAN.—

15 (1) IN GENERAL.—A State department of agri-
16 culture seeking a grant under subsection (b) shall
17 submit to the Secretary a State plan to expand or
18 sustain stress assistance programs described in sub-
19 section (a) that includes—

20 (A) a description of each activity and the
21 estimated amount of funding to support each
22 program and activity carried out through such
23 a program;

24 (B) an estimated timeline for the operation
25 of each such program and activity;

1 (C) the total amount of funding sought;
2 and

3 (D) an assurance that the State depart-
4 ment of agriculture will comply with the report-
5 ing requirement under subsection (e).

6 (2) GUIDANCE.—Not later than 20 days after
7 the date of the enactment of this Act, the Secretary
8 shall issue guidance for States with respect to the
9 submission of a State plan under paragraph (1) and
10 the allocation criteria under subsection (b).

11 (3) REALLOCATION.—If, after the first grants
12 are awarded pursuant to allocation made under sub-
13 section (b), any funds made available under sub-
14 section (f) to carry out this subsection remain unob-
15 ligated, the Secretary shall—

16 (A) inform States that submit plans as de-
17 scribed in subsection (b), of such availability;
18 and

19 (B) reallocate such funds among such
20 States, as the Secretary determines to be ap-
21 propriate and equitable.

22 (d) COLLABORATION.—The Secretary may issue
23 guidance to encourage State departments of agriculture
24 to use funds provided under this section to support pro-
25 grams described in subsection (a) that are operated by—

1 (1) Indian tribes (as defined in section 4 of the
2 Indian Self-Determination and Education Assistance
3 Act (25 U.S.C. 5304));

4 (2) State cooperative extension services; and

5 (3) nongovernmental organizations.

6 (e) REPORTING.—Not later than 180 days after the
7 COVID–19 public health emergency ends, each State re-
8 ceiving additional grants under subsection (b) shall submit
9 a report to the Secretary describing—

10 (1) the activities conducted using such funds;

11 (2) the amount of funds used to support each
12 such activity; and

13 (3) the estimated number of individuals served
14 by each such activity.

15 (f) FUNDING.—Out of the funds of the Treasury not
16 otherwise appropriated, there is appropriated to carry out
17 this section \$84,000,000, to remain available until ex-
18 pended.

19 (g) STATE DEFINED.—In this section, the term
20 “State” means—

21 (1) a State;

22 (2) the District of Columbia;

23 (3) the Commonwealth of Puerto Rico; and

24 (4) any other territory or possession of the
25 United States.

1 **SEC. 305. SUPPORT FOR PROCESSED COMMODITIES.**

2 (a) RENEWABLE FUEL REIMBURSEMENT PRO-
3 GRAM.—

4 (1) IN GENERAL.—The Secretary shall make
5 payments in accordance with this subsection to eligi-
6 ble entities that experienced unexpected market
7 losses as a result of the COVID–19 pandemic during
8 the applicable period.

9 (2) DEFINITIONS.—In this section:

10 (A) APPLICABLE PERIOD.—The term “ap-
11 plicable period” means January 1, 2020,
12 through May 1, 2020.

13 (B) ELIGIBLE ENTITY.—The term “eligible
14 entity” means any domestic entity or facility
15 that produced any qualified fuel in the calendar
16 year 2019.

17 (C) QUALIFIED FUEL.—The term “quali-
18 fied fuel” means any advanced biofuel, biomass-
19 based diesel, cellulosic biofuel, conventional
20 biofuel, or renewable fuel, as such terms are de-
21 fined in section 211(o)(1) of the Clean Air Act
22 (42 U.S.C. 7545(o)(1)), that is produced in the
23 United States.

24 (3) AMOUNT OF PAYMENT.—The amount of the
25 payment payable to an eligible entity shall be the
26 sum of—

1 (A) \$0.45 multiplied by the number of gal-
2 lons of qualified fuel produced by the eligible
3 entity during the applicable period; and

4 (B) if the Secretary determines that the el-
5 igible entity was unable to produce any quali-
6 fied fuel throughout 1 or more calendar months
7 during the applicable period due to the
8 COVID-19 pandemic, \$0.45 multiplied by 50
9 percent of the number of gallons produced by
10 the eligible entity in the corresponding month
11 or months in calendar year 2019.

12 (4) REPORT.—Not later than 180 days after
13 the date of the enactment of this Act, the Secretary
14 shall submit to the Committee on Agriculture of the
15 House of Representatives and the Committee on Ag-
16 riculture, Nutrition, and Forestry of the Senate a
17 report on the payments made under this subsection,
18 including the identity of each payment recipient and
19 the amount of the payment paid to the payment re-
20 cipient.

21 (5) FUNDING.—There is appropriated, out of
22 any funds in the Treasury not otherwise appro-
23 priated, to carry out this subsection such sums as
24 necessary, to remain available until expended.

25 (6) ADMINISTRATION.—

1 (A) IN GENERAL.—The Secretary may use
2 the facilities and authorities of the Commodity
3 Credit Corporation to carry out this subsection.

4 (B) REGULATIONS.—

5 (i) IN GENERAL.—Except as otherwise
6 provided in this subsection, not later than
7 30 days after the date of the enactment of
8 this Act, the Secretary and the Commodity
9 Credit Corporation, as appropriate, shall
10 prescribe such regulations as are necessary
11 to carry out this subsection.

12 (ii) PROCEDURE.—The promulgation
13 of regulations under, and administration
14 of, this subsection shall be made without
15 regard to—

16 (I) the notice and comment pro-
17 visions of section 553 of title 5,
18 United States Code; and

19 (II) chapter 35 of title 44,
20 United States Code (commonly known
21 as the “Paperwork Reduction Act”).

22 (b) EMERGENCY ASSISTANCE FOR TEXTILE
23 MILLS.—

24 (1) IN GENERAL.—The Secretary shall make
25 emergency assistance available to domestic users of

1 upland cotton and extra long staple cotton in the
2 form of a payment in an amount determined under
3 paragraph (2), regardless of the origin of such up-
4 land cotton or extra long staple cotton, during the
5 10-month period beginning on March 1, 2020.

6 (2) CALCULATION OF ASSISTANCE.—The
7 amount of the assistance provided under paragraph
8 (1) to a domestic user described in such paragraph
9 shall be equal to 10 multiplied by the product of—

10 (A) the domestic user’s historical monthly
11 average consumption; and

12 (B) 6 cents per pound so consumed.

13 (3) ALLOWABLE USE.—Any emergency assist-
14 ance provided under this section shall be made avail-
15 able only to domestic users of upland cotton and
16 extra long staple cotton that certify that the assist-
17 ance shall be used only for operating expenses.

18 (4) HISTORICAL MONTHLY AVERAGE CONSUMP-
19 TION DEFINED.—The term “historical monthly aver-
20 age consumption” means the average consumption
21 for each month occurring during the period begin-
22 ning on January 1, 2017, and ending on December
23 31, 2019.

24 (5) FUNDING.—There is appropriated, out of
25 any funds in the Treasury not otherwise appro-

1 priated, to carry out this subsection, such sums as
2 necessary, to remain available until expended.

3 **TITLE IV—COMMODITY CREDIT**
4 **CORPORATION**

5 **SEC. 401. EMERGENCY ASSISTANCE.**

6 Section 5 of the Commodity Credit Corporation Char-
7 ter Act (15 U.S.C. 714c) is amended—

8 (1) by redesignating subsection (h) as sub-
9 section (i); and

10 (2) by inserting after subsection (g) the fol-
11 lowing:

12 “(h) Remove and dispose of or aid in the removal or
13 disposition of surplus livestock and poultry due to signifi-
14 cant supply chain interruption during an emergency pe-
15 riod.”.

16 **SEC. 402. CONGRESSIONAL NOTIFICATION AND REPORT.**

17 (a) NOTIFICATION.—The Commodity Credit Cor-
18 poration Charter Act (15 U.S.C. 714 et seq.) is amended
19 by adding at the end the following new section:

20 **“SEC. 20. CONGRESSIONAL NOTIFICATION.**

21 “(a) IN GENERAL.—The Secretary shall notify in
22 writing, by first-class mail and electronic mail, the Com-
23 mittee on Agriculture of the House of Representatives and
24 the Committee on Agriculture, Nutrition, and Forestry of

1 the Senate in advance of any obligation or expenditure au-
2 thorized under this Act.

3 “(b) WRITTEN NOTICE.—A written notice required
4 under subsection (a) shall specify the commodities that
5 will be affected, the maximum financial benefit per com-
6 modity, the expected legal entities or individuals that
7 would receive financial benefits, the intended policy goals,
8 and the projected impacts to commodity markets.

9 “(c) EXCEPTION TO THE WRITTEN NOTICE RE-
10 QUIREMENT.—Subsection (a) shall not apply if, prior to
11 obligating or spending any funding described in such sub-
12 section, the Secretary obtains approval in writing from
13 each of the following individuals—

14 “(1) the Chair of the Committee on Agriculture
15 of the House of Representatives;

16 “(2) the Ranking Member of the Committee on
17 Agriculture of the House of Representatives;

18 “(3) the Chair of the Committee on Agri-
19 culture, Nutrition, and Forestry of the Senate; and

20 “(4) the Ranking Member of the Committee on
21 Agriculture, Nutrition, and Forestry of the Senate.

22 “(d) EXCLUSION FOR PREEXISTING AUTHORIZA-
23 TIONS.—This section shall not apply to obligations and ex-
24 penditures authorized under the Agriculture Improvement
25 Act of 2018 (Public Law 115–334).”.

1 (b) CLARIFICATION.—Section 3003 of the Federal
2 Reports Elimination and Sunset Act of 1995 (31 U.S.C.
3 1113 note) shall not apply to the second sentence of sec-
4 tion 13 of the Commodity Credit Corporation Charter Act
5 (15 U.S.C. 714k).

6 **TITLE V—CONSERVATION**

7 **SEC. 501. EMERGENCY SOIL HEALTH AND INCOME PROTEC-** 8 **TION PILOT PROGRAM.**

9 (a) DEFINITION OF ELIGIBLE LAND.—In this sec-
10 tion, the term “eligible land” means cropland that—

11 (1) is selected by the owner or operator of the
12 land for proposed enrollment in the pilot program
13 under this section; and

14 (2) as determined by the Secretary, had a crop-
15 ping history or was considered to be planted during
16 each of the 3 crop years preceding enrollment.

17 (b) ESTABLISHMENT.—

18 (1) IN GENERAL.—The Secretary shall establish
19 a voluntary emergency soil health and income pro-
20 tection pilot program under which eligible land is en-
21 rolled through the use of contracts to assist owners
22 and operators of eligible land to conserve and im-
23 prove the soil, water, and wildlife resources of the el-
24 igible land.

1 (2) DEADLINE FOR PARTICIPATION.—Eligible
2 land may be enrolled in the program under this sec-
3 tion through December 31, 2021.

4 (c) CONTRACTS.—

5 (1) REQUIREMENTS.—A contract described in
6 subsection (b) shall—

7 (A) be entered into by the Secretary, the
8 owner of the eligible land, and (if applicable)
9 the operator of the eligible land; and

10 (B) provide that, during the term of the
11 contract—

12 (i) the lowest practicable cost peren-
13 nial conserving use cover crop for the eligi-
14 ble land, as determined by the applicable
15 State conservationist after considering the
16 advice of the applicable State technical
17 committee, shall be planted on the eligible
18 land;

19 (ii) subject to paragraph (4), the eligi-
20 ble land may be harvested for seed, hayed,
21 or grazed outside the primary nesting sea-
22 son established for the applicable county;

23 (iii) the eligible land may be eligible
24 for a walk-in access program of the appli-
25 cable State, if any; and

1 (iv) a nonprofit wildlife organization
2 may provide to the owner or operator of
3 the eligible land a payment in exchange for
4 an agreement by the owner or operator not
5 to harvest the conserving use cover.

6 (2) PAYMENTS.—

7 (A) RENTAL RATE.—Except as provided in
8 paragraph (4)(B)(ii), the annual rental rate for
9 a payment under a contract described in sub-
10 section (b) shall be \$70 per acre.

11 (B) ADVANCE PAYMENT.—At the request
12 of the owner and (if applicable) the operator of
13 the eligible land, the Secretary shall make all
14 rental payments under a contract entered into
15 under this section within 30 days of entering
16 into such contract.

17 (C) COST SHARE PAYMENTS.—A contract
18 described in subsection (b) shall provide that,
19 during the term of the contract, the Secretary
20 shall pay, of the actual cost of establishment of
21 the conserving use cover crop under paragraph
22 (1)(B)(i), not more than \$30 per acre.

23 (3) TERM.—

1 (A) IN GENERAL.—Except as provided in
2 subparagraph (B), each contract described in
3 subsection (b) shall be for a term of 3 years.

4 (B) EARLY TERMINATION.—

5 (i) SECRETARY.—The Secretary may
6 terminate a contract described in sub-
7 section (b) before the end of the term de-
8 scribed in subparagraph (A) if the Sec-
9 retary determines that the early termi-
10 nation of the contract is appropriate.

11 (ii) OWNERS AND OPERATORS.—An
12 owner and (if applicable) an operator of el-
13 igible land enrolled in the pilot program
14 under this section may terminate a con-
15 tract described in subsection (b) before the
16 end of the term described in subparagraph
17 (A) if the owner and (if applicable) the op-
18 erator pay to the Secretary an amount
19 equal to the amount of rental payments re-
20 ceived under the contract.

21 (4) HARVESTING, HAYING, AND GRAZING OUT-
22 SIDE APPLICABLE PERIOD.—The harvesting for
23 seed, haying, or grazing of eligible land under para-
24 graph (1)(B)(ii) outside of the primary nesting sea-

1 son established for the applicable county shall be
2 subject to the conditions that—

3 (A) with respect to eligible land that is so
4 hayed or grazed, adequate stubble height shall
5 be maintained to protect the soil on the eligible
6 land, as determined by the applicable State con-
7 servationist after considering the advice of the
8 applicable State technical committee; and

9 (B) with respect to eligible land that is so
10 harvested for seed—

11 (i) the eligible land shall not be eligi-
12 ble to be insured or reinsured under the
13 Federal Crop Insurance Act (7 U.S.C.
14 1501 et seq.); and

15 (ii) the annual rental rate for a pay-
16 ment under a contract described in sub-
17 section (b) shall be \$52.50 per acre.

18 (d) ACREAGE LIMITATION.—Not more than
19 5,000,000 total acres of eligible land may be enrolled
20 under the pilot program under this section.

21 (e) FUNDING.—There is appropriated, out of any
22 funds in the Treasury not otherwise appropriated, such
23 sums as may be necessary to carry out this section.

TITLE VI—NUTRITION**SEC. 601. DEFINITION OF SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM.**

In this title, the term “supplemental nutrition assistance program” has the meaning given such term in section 3(t) of the Food and Nutrition Act of 2008 (7 U.S.C. 2012(t)).

SEC. 602. SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM.

(a) **VALUE OF BENEFITS.**—Notwithstanding any other provision of law, beginning on November 1, 2020, and for each subsequent month through September 30, 2021, the value of benefits determined under section 8(a) of the Food and Nutrition Act of 2008 (7 U.S.C. 2017(a)), and consolidated block grants for Puerto Rico and American Samoa determined under section 19(a) of such Act (7 U.S.C. 2028(a)), shall be calculated using 115 percent of the June 2020 value of the thrifty food plan (as defined in section 3 of such Act (7 U.S.C. 2012)) if the value of the benefits and block grants would be greater under that calculation than in the absence of this subsection.

(b) **MINIMUM AMOUNT.**—

(1) **IN GENERAL.**—The minimum value of benefits determined under section 8(a) of the Food and

1 Nutrition Act of 2008 (7 U.S.C. 2017(a)) for a
2 household of not more than 2 members shall be \$30.

3 (2) EFFECTIVENESS.—Paragraph (1) shall re-
4 main in effect through September 30, 2021.

5 (c) REQUIREMENTS FOR THE SECRETARY.—In car-
6 rying out this section, the Secretary shall—

7 (1) consider the benefit increases described in
8 subsections (a) and (b) to be a “mass change”;

9 (2) require a simple process for States to notify
10 households of the increase in benefits;

11 (3) consider section 16(c)(3)(A) of the Food
12 and Nutrition Act of 2008 (7 U.S.C. 2025(c)(3)(A))
13 to apply to any errors in the implementation of this
14 section without regard to the 120-day limit described
15 in that section;

16 (4) disregard the additional amount of benefits
17 that a household receives as a result of this section
18 in determining the amount of overissuances under
19 section 13 of the Food and Nutrition Act of 2008
20 (7 U.S.C. 2022); and

21 (5) set the tolerance level for excluding small
22 errors for the purposes of section 16(c) of the Food
23 and Nutrition Act of 2008 (7 U.S.C. 2025(c)) at
24 \$50 through September 30, 2021.

25 (d) ADMINISTRATIVE EXPENSES.—

1 (1) IN GENERAL.—For the costs of State ad-
2 ministrative expenses associated with carrying out
3 this section and administering the supplemental nu-
4 trition assistance program established under the
5 Food and Nutrition Act of 2008 (7 U.S.C. 2011 et
6 seq.), the Secretary shall make available
7 \$200,000,000 for fiscal year 2021 and
8 \$100,000,000 for fiscal year 2022.

9 (2) TIMING FOR FISCAL YEAR 2021.—Not later
10 than 60 days after the date of the enactment of this
11 Act, the Secretary shall make available to States
12 amounts for fiscal year 2021 under paragraph (1).

13 (3) ALLOCATION OF FUNDS.—Funds described
14 in paragraph (1) shall be made available as grants
15 to State agencies for each fiscal year as follows:

16 (A) 75 percent of the amounts available
17 for each fiscal year shall be allocated to States
18 based on the share of each State of households
19 that participate in the supplemental nutrition
20 assistance program as reported to the Depart-
21 ment of Agriculture for the most recent 12-
22 month period for which data are available, ad-
23 justed by the Secretary (as of the date of the
24 enactment of this Act) for participation in dis-
25 aster programs under section 5(h) of the Food

1 and Nutrition Act of 2008 (7 U.S.C. 2014(h));
2 and

3 (B) 25 percent of the amounts available
4 for each fiscal year shall be allocated to States
5 based on the increase in the number of house-
6 holds that participate in the supplemental nu-
7 trition assistance program as reported to the
8 Department of Agriculture over the most recent
9 12-month period for which data are available,
10 adjusted by the Secretary (as of the date of the
11 enactment of this Act) for participation in dis-
12 aster programs under section 5(h) of the Food
13 and Nutrition Act of 2008 (7 U.S.C. 2014(h)).

14 (e) PROVISIONS FOR IMPACTED WORKERS.—Not-
15 withstanding any other provision of law, the requirements
16 of subsections (d)(1)(A)(ii) and (o) of section 6 of the
17 Food and Nutrition Act of 2008 (7 U.S.C. 2015) shall
18 not be in effect during the period beginning on November
19 1, 2020, and ending 1 year after the date of enactment
20 of this Act.

21 (f) CERTAIN EXCLUSIONS FROM SNAP INCOME.—A
22 Federal pandemic unemployment compensation payment
23 made to an individual under section 2104 of the
24 Coronavirus Aid, Relief, and Economic Security Act (Pub-
25 lic Law 116–136) shall not be regarded as income and

1 shall not be regarded as a resource for the month of re-
2 ceipt and the following 9 months, for the purpose of deter-
3 mining eligibility of such individual or any other individual
4 for benefits or assistance, or the amount of benefits or
5 assistance, under any programs authorized under the
6 Food and Nutrition Act of 2008 (7 U.S.C. 2011 et seq.).

7 (g) PUBLIC AVAILABILITY.—Not later than 10 days
8 after the date of the receipt or issuance of each document
9 listed below, the Secretary shall make publicly available
10 on the website of the Department of Agriculture the fol-
11 lowing documents:

12 (1) Any State agency request to participate in
13 the supplemental nutrition assistance program on-
14 line program under section 7(k) of the Food and
15 Nutrition Act of 2008 (7 U.S.C. 2016(k)).

16 (2) Any State agency request to waive, adjust,
17 or modify statutory or regulatory requirements of
18 the Food and Nutrition Act of 2008 related to the
19 COVID–19 outbreak.

20 (3) The Secretary’s approval or denial of each
21 such request under paragraphs (1) or (2).

22 (h) PROVISIONS FOR IMPACTED STUDENTS.—

23 (1) IN GENERAL.—Notwithstanding any other
24 provision of law, not later than 20 days after the
25 date of the enactment of this Act, eligibility for sup-

1 supplemental nutrition assistance program benefits shall
2 not be limited under section 6(e) of the Food and
3 Nutrition Act of 2008 (7 U.S.C. 2015(e)) for an in-
4 dividual who—

5 (A) is enrolled at least half-time in an in-
6 stitution of higher education; and

7 (B) is eligible to participate in a State or
8 federally financed work study program during
9 the regular school year as determined by the in-
10 stitution of higher education.

11 (2) SUNSET.—

12 (A) INITIAL APPLICATIONS.—The eligi-
13 bility standards authorized under paragraph (1)
14 shall be in effect for initial applications for the
15 supplemental nutrition assistance program until
16 90 days after the COVID–19 public health
17 emergency is lifted.

18 (B) RECERTIFICATIONS.—The eligibility
19 standards authorized under paragraph (1) shall
20 be in effect until the first recertification of a
21 household beginning no earlier than 90 days
22 after the COVID–19 public health emergency is
23 lifted.

24 (3) GUIDANCE.—

1 (A) IN GENERAL.—Not later than 10 days
2 after the date of enactment of this Act, the Sec-
3 retary shall issue guidance to State agencies on
4 the temporary student eligibility requirements
5 established under this subsection.

6 (B) COORDINATION WITH THE DEPART-
7 MENT OF EDUCATION.—The Secretary of Edu-
8 cation, in consultation with the Secretary of Ag-
9 riculture and institutions of higher education,
10 shall carry out activities to inform applicants
11 for Federal student financial aid under the
12 Higher Education Act of 1965 (20 U.S.C. 1001
13 et seq.) and students at institutions of higher
14 education of the temporary student eligibility
15 requirements established under this subsection.

16 (i) FUNDING.—There are hereby appropriated to the
17 Secretary, out of any money not otherwise appropriated,
18 such sums as may be necessary to carry out this section.

19 **SEC. 603. SNAP HOT FOOD PURCHASES.**

20 During the period beginning 10 days after the date
21 of the enactment of this Act and ending on the termi-
22 nation date of the COVID–19 public health emergency,
23 the term “food”, as defined in section 3 of the Food and
24 Nutrition Act of 2008 (7 U.S.C. 2012), shall be deemed
25 to exclude “hot foods or hot food products ready for imme-

1 diate consumption other than those authorized pursuant
2 to clauses (3), (4), (5), (7), (8), and (9) of this sub-
3 section,” for purposes of such Act, except that such exclu-
4 sion shall be limited to retail food stores authorized to ac-
5 cept and redeem supplemental nutrition assistance pro-
6 gram benefits as of the date of enactment of this Act.

7 **SEC. 604. SNAP NUTRITION EDUCATION FLEXIBILITY.**

8 (a) IN GENERAL.—Notwithstanding any other provi-
9 sion of law, the Secretary may issue nationwide guidance
10 to allow funds allocated under section 28 of the Food and
11 Nutrition Act (7 U.S.C. 2036a) to be used for individuals
12 distributing food in a non-congregate setting under com-
13 modity distribution programs and child nutrition pro-
14 grams administered by the Food and Nutrition Service of
15 the Department of Agriculture in States affected by the
16 COVID–19 outbreak, provided that any individuals who
17 distribute school meals under—

18 (1) the school lunch program established under
19 the Richard B. Russell National School Lunch Act
20 (42 U.S.C. 1751 et seq.); and

21 (2) the school breakfast program established
22 under section 4 of the Child Nutrition Act of 1966
23 (42 U.S.C. 1773);

24 using funds allocated under section 28 of the Food and
25 Nutrition Act of 2008 (7 U.S.C. 2036a) supplement, not

1 supplant, individuals who are employed by local edu-
2 cational authorities as of the date of enactment of this
3 Act.

4 (b) SUNSET.—The authority provided in this section
5 shall expire 30 days after the COVID–19 public health
6 emergency is terminated.

7 **SEC. 605. FLEXIBILITIES FOR SENIOR FARMERS' MARKET**
8 **NUTRITION PROGRAM.**

9 (a) AUTHORITY TO MODIFY OR WAIVE RULES.—
10 Notwithstanding any other provision of law and if re-
11 quested by a State agency, the Secretary may modify or
12 waive any rule issued under section 4402 of the Farm Se-
13 curity and Rural Investment Act of 2002 (7 U.S.C. 3007)
14 that applies to such State agency if the Secretary deter-
15 mines that—

16 (1) such State agency is unable to comply with
17 such rule as a result of COVID–19; and

18 (2) the requested modification or waiver is nec-
19 essary to enable such State agency to provide assist-
20 ance to low-income seniors under such section.

21 (b) PUBLIC AVAILABILITY.—Not later than 10 days
22 after the date of the receipt or issuance of each document
23 listed in paragraphs (1) and (2) of this subsection, the
24 Secretary shall make publicly available on the website of
25 the Department of Agriculture the following documents:

1 (1) Any request submitted by State agencies
2 under subsection (a).

3 (2) The Secretary's approval or denial of each
4 such request.

5 (c) DEFINITION OF STATE AGENCY.—The term
6 “State agency” has the meaning given such term in sec-
7 tion 249.2 of title 7 of the Code of Federal Regulations.

8 (d) EFFECTIVE PERIOD.—Subsection (a) shall be in
9 effect during the period that begins on the date of the
10 enactment of this Act and ends 30 days after the termi-
11 nation of the COVID–19 public health emergency.

12 **SEC. 606. FLEXIBILITIES FOR THE FOOD DISTRIBUTION**
13 **PROGRAM ON INDIAN RESERVATIONS.**

14 (a) WAIVER OF NON-FEDERAL SHARE REQUIRE-
15 MENT.—Funds provided in division B of the Coronavirus
16 Aid, Relief, and Economic Security Act (Public Law 116–
17 136) for the food distribution program on Indian reserva-
18 tions authorized by section 4(b) of the Food and Nutrition
19 Act of 2008 (7 U.S.C. 2013(b)) shall not be subject to
20 the payment of the non-Federal share requirement de-
21 scribed in section 4(b)(4)(A) of such Act (7 U.S.C.
22 2013(b)(4)(A)).

23 (b) FLEXIBILITIES FOR CERTAIN HOUSEHOLDS.—

24 (1) IN GENERAL.—Notwithstanding any other
25 provision of law, the Secretary of Agriculture may

1 issue guidance to waive or adjust section 4(b)(2)(C)
2 of the Food and Nutrition Act of 2008 (7 U.S.C.
3 2013(b)(2)(C) for any Tribal organization (as de-
4 fined in section 3(v) of such Act (7 U.S.C. 2012(v)),
5 or for an appropriate State agency administering the
6 program established under section 4(b) of such Act
7 (7 U.S.C. 2013(b)), to ensure that households on
8 the Indian reservation who are participating in the
9 supplemental nutrition assistance program and who
10 are unable to access approved retail food stores due
11 to the outbreak of COVID–19 have access to com-
12 modities distributed under section 4(b) of such Act.

13 (2) PUBLIC AVAILABILITY.—The Secretary
14 shall make available the guidance document issued
15 under paragraph (1) on the public website of the
16 Department of Agriculture not later than 10 days
17 after the date of the issuance of such guidance.

18 (3) SUNSET.—The authority under this sub-
19 section shall expire 30 days after the termination of
20 the COVID–19 public health emergency.

21 **TITLE VII—RURAL**

22 **DEVELOPMENT**

23 **SEC. 701. ASSISTANCE FOR RURAL UTILITIES SERVICE**

24 **BORROWERS.**

25 (a) DEFINITIONS.—In this section:

1 (1) ELIGIBLE LOAN.—The term “eligible loan”
2 means a loan made by the Secretary under section
3 4 or 201 of the Rural Electrification Act of 1936 (7
4 U.S.C. 904 or 922), or made by the Federal Financi-
5 ng Bank and guaranteed by the Secretary under
6 section 306 of such Act (7 U.S.C. 936).

7 (2) ELIGIBLE ENTITY.—The term “eligible enti-
8 ty” means a borrower to whom an eligible loan is
9 made.

10 (3) RATEPAYER.—The term “ratepayer” means
11 an individual who receives utility services from an
12 entity to whom the Rural Utilities Service has made
13 a loan.

14 (b) IN GENERAL.—

15 (1) ESTABLISHMENT.—The Secretary shall
16 make grants on a competitive basis to eligible enti-
17 ties to mitigate the effects of the COVID–19 pan-
18 demic and support their continued or expanded de-
19 livery of critical services (as defined by the Sec-
20 retary), including covering the cost of forgiving or
21 refinancing ratepayer debt outstanding as of such
22 date of enactment.

23 (2) TIMELINE.—

24 (A) NOTICE OF FUNDING AVAILABILITY.—

25 Within 60 days after the date of the enactment

1 of this Act, the Secretary shall publish a Notice
2 of Funding Availability to solicit applications
3 for a grant under this section.

4 (B) GRANT AWARDS.—The Secretary shall
5 announce the grants awarded under this section
6 no later than 60 days after the publication of
7 the Notice of Funding Availability pursuant to
8 subparagraph (A).

9 (3) MAXIMUM GRANT AMOUNT.—The amount of
10 the grant awarded to an eligible entity under this
11 section shall not exceed \$1,000,000.

12 (c) APPLICATION.—To be eligible to receive a grant
13 under this section, an eligible entity shall submit to the
14 Secretary an application containing such information as
15 the Secretary may require.

16 (d) SELECTION CRITERIA.—In awarding grants
17 under this section, the Secretary shall consider—

18 (1) the degree to which applicants who are eli-
19 gible entities are experiencing economic hardship due
20 to reduced or delayed payments from ratepayers;

21 (2) whether applicants who are eligible entities
22 are using eligible loans to provide services primarily
23 to socially disadvantaged groups, as defined in sec-
24 tion 355(e) of the Consolidated Farm and Rural De-
25 velopment Act; and

1 (3) the degree to which applicants who are eli-
2 gible entities are using eligible loans in providing
3 services in persistent poverty counties, as defined by
4 the Secretary.

5 (e) REPORT TO THE CONGRESS.—Not later than 1
6 year after the date of the enactment of this Act, the Sec-
7 retary shall submit to the Committee on Agriculture of
8 the House of Representatives and the Committee on Agri-
9 culture, Nutrition, and Forestry of the Senate a report
10 detailing, for each eligible entity awarded a grant under
11 this section, the name of the eligible entity and the geo-
12 graphic areas benefitting from the grant.

13 (f) AUTHORIZATION OF APPROPRIATIONS.—To carry
14 out this section, there is authorized to be appropriated not
15 more than \$2,600,000,000 for fiscal year 2021, to remain
16 available through fiscal year 2022.

1 **DIVISION O—COVID-19 HERO**
2 **ACT**

3 **SEC. 1. SHORT TITLE.**

4 This division may be cited as the “COVID-19 Hous-
5 ing, Economic Relief, and Oversight Act” or the “COVID-
6 19 HERO Act”.

7 **TITLE I—PROVIDING MEDICAL**
8 **EQUIPMENT FOR FIRST RE-**
9 **SPONDERS AND ESSENTIAL**
10 **WORKERS**

11 **SEC. 101. COVID-19 EMERGENCY MEDICAL SUPPLIES EN-**
12 **HANCEMENT.**

13 (a) DETERMINATION ON EMERGENCY SUPPLIES AND
14 RELATIONSHIP TO STATE AND LOCAL EFFORTS.—

15 (1) DETERMINATION.—For the purposes of sec-
16 tion 101 of the Defense Production Act of 1950 (50
17 U.S.C. 4511), the following materials shall be
18 deemed to be scarce and critical materials essential
19 to the national defense and otherwise meet the re-
20 quirements of section 101(b) of such Act during the
21 COVID-19 emergency period:

22 (A) Diagnostic tests, including serological
23 tests, for COVID-19 and the reagents and
24 other materials necessary for producing or con-
25 ducting such tests.

1 (B) Personal protective equipment, includ-
2 ing face shields, N-95 respirator masks, and
3 any other masks determined by the Secretary of
4 Health and Human Services to be needed to re-
5 spond to the COVID-19 pandemic, and the ma-
6 terials to produce such equipment.

7 (C) Medical ventilators, the components
8 necessary to make such ventilators, and medi-
9 cines needed to use a ventilator as a treatment
10 for any individual who is hospitalized for
11 COVID-19.

12 (D) Pharmaceuticals and any medicines
13 determined by the Food and Drug Administra-
14 tion or another Government agency to be effec-
15 tive in treating COVID-19 (including vaccines
16 for COVID-19) and any materials necessary to
17 produce or use such pharmaceuticals or medi-
18 cines (including self-injection syringes or other
19 delivery systems).

20 (E) Any other medical equipment or sup-
21 plies determined by the Secretary of Health and
22 Human Services or the Secretary of Homeland
23 Security to be scarce and critical materials es-
24 sential to the national defense for purposes of

1 section 101 of the Defense Production Act of
2 1950 (50 U.S.C. 4511).

3 (2) EXERCISE OF TITLE I AUTHORITIES IN RE-
4 LATION TO CONTRACTS BY STATE AND LOCAL GOV-
5 ERNMENTS.—In exercising authorities under title I
6 of the Defense Production Act of 1950 (50 U.S.C.
7 4511 et seq.) during the COVID–19 emergency pe-
8 riod, the President (and any officer or employee of
9 the United States to which authorities under such
10 title I have been delegated)—

11 (A) may exercise the prioritization or allo-
12 cation authority provided in such title I to ex-
13 clude any materials described in paragraph (1)
14 ordered by a State or local government that are
15 scheduled to be delivered within 15 days of the
16 time at which—

17 (i) the purchase order or contract by
18 the Federal Government for such materials
19 is made; or

20 (ii) the materials are otherwise allo-
21 cated by the Federal Government under
22 the authorities contained in such Act; and

23 (B) shall, within 24 hours of any exercise
24 of the prioritization or allocation authority pro-
25 vided in such title I—

1 (i) notify any State or local govern-
2 ment if the exercise of such authorities
3 would delay the receipt of such materials
4 ordered by such government; and

5 (ii) take such steps as may be nec-
6 essary to ensure that such materials or-
7 dered by such government are delivered in
8 the shortest possible period.

9 (3) UPDATE TO THE FEDERAL ACQUISITION
10 REGULATION.—Not later than 15 days after the
11 date of the enactment of this Act, the Federal Ac-
12 quisition Regulation shall be revised to reflect the
13 requirements of paragraph (2)(A).

14 (b) ENGAGEMENT WITH THE PRIVATE SECTOR.—

15 (1) SENSE OF CONGRESS.—The Congress—

16 (A) appreciates the willingness of private
17 companies not traditionally involved in pro-
18 ducing items for the health sector to volunteer
19 to use their expertise and supply chains to
20 produce essential medical supplies and equip-
21 ment;

22 (B) encourages other manufacturers to re-
23 view their existing capacity and to develop ca-
24 pacity to produce essential medical supplies,

1 medical equipment, and medical treatments to
2 address the COVID–19 emergency; and

3 (C) commends and expresses deep appre-
4 ciation to individual citizens who have been pro-
5 ducing personal protective equipment and other
6 materials for, in particular, use at hospitals in
7 their community.

8 (2) OUTREACH REPRESENTATIVE.—

9 (A) DESIGNATION.—Consistent with the
10 authorities in title VII of the Defense Produc-
11 tion Act of 1950 (50 U.S.C. 4551 et seq.), the
12 Administrator of the Federal Emergency Man-
13 agement Agency, in consultation with the Sec-
14 retary of Health and Human Services, shall
15 designate or shall appoint, pursuant to section
16 703 of such Act (50 U.S.C. 4553), an indi-
17 vidual to be known as the “Outreach Rep-
18 resentative”. Such individual shall—

19 (i) be appointed from among individ-
20 uals with substantial experience in the pri-
21 vate sector in the production of medical
22 supplies or equipment; and

23 (ii) act as the Government-wide single
24 point of contact during the COVID–19
25 emergency for outreach to manufacturing

1 companies and their suppliers who may be
2 interested in producing medical supplies or
3 equipment, including the materials de-
4 scribed under subsection (a).

5 (B) ENCOURAGING PARTNERSHIPS.—The
6 Outreach Representative shall seek to develop
7 partnerships between companies, in coordina-
8 tion with the Supply Chain Stabilization Task
9 Force or any overall coordinator appointed by
10 the President to oversee the response to the
11 COVID–19 emergency, including through the
12 exercise of the authorities under section 708 of
13 the Defense Production Act of 1950 (50 U.S.C.
14 4558).

15 (c) ENHANCEMENT OF SUPPLY CHAIN PRODUC-
16 TION.—In exercising authority under title III of the De-
17 fense Production Act of 1950 (50 U.S.C. 4531 et seq.)
18 with respect to materials described in subsection (a), the
19 President shall seek to ensure that support is provided to
20 companies that comprise the supply chains for reagents,
21 components, raw materials, and other materials and items
22 necessary to produce or use the materials described in sub-
23 section (a).

24 (d) OVERSIGHT OF CURRENT ACTIVITY AND
25 NEEDS.—

1 (1) RESPONSE TO IMMEDIATE NEEDS.—

2 (A) IN GENERAL.—Not later than 7 days
3 after the date of the enactment of this Act, the
4 President, in coordination with the National
5 Response Coordination Center of the Federal
6 Emergency Management Agency, the Adminis-
7 trator of the Defense Logistics Agency, the Sec-
8 retary of Health and Human Services, the Sec-
9 retary of Veterans Affairs, and heads of other
10 Federal agencies (as appropriate), shall submit
11 to the appropriate congressional committees a
12 report assessing the immediate needs described
13 in subparagraph (B) to combat the COVID–19
14 pandemic and the plan for meeting those imme-
15 diate needs.

16 (B) ASSESSMENT.—The report required by
17 this paragraph shall include—

18 (i) an assessment of the needs for
19 medical supplies or equipment necessary to
20 address the needs of the population of the
21 United States infected by the virus SARS–
22 CoV–2 that causes COVID–19 and to pre-
23 vent an increase in the incidence of
24 COVID–19 throughout the United States,
25 including diagnostic tests, serological tests,

1 medicines that have been approved by the
2 Food and Drug Administration to treat
3 COVID–19, and ventilators and medicines
4 needed to employ ventilators;

5 (ii) based on meaningful consultations
6 with relevant stakeholders, an identifica-
7 tion of the target rate of diagnostic testing
8 for each State and an assessment of the
9 need for personal protective equipment and
10 other supplies (including diagnostic tests)
11 required by—

12 (I) health professionals, health
13 workers, and hospital staff including
14 supplies needed for worst case sce-
15 narios for surges of COVID–19 infec-
16 tions and hospitalizations;

17 (II) workers in industries and
18 sectors described in the “Advisory
19 Memorandum on Identification of Es-
20 sential Critical Infrastructure Work-
21 ers during the COVID–19 Response”
22 issued by the Director of Cybersecu-
23 rity and Infrastructure Security Agen-
24 cy of the Department of Homeland
25 Security on April 17, 2020 (and any

1 expansion of industries and sectors in-
2 cluded in updates to such advisory
3 memorandum);

4 (III) students, teachers, and ad-
5 ministrators at primary and secondary
6 schools; and

7 (IV) other workers determined to
8 be essential based on such consulta-
9 tion;

10 (iii) an assessment of the quantities of
11 equipment and supplies in the Strategic
12 National Stockpile (established under sec-
13 tion 319F-2 of the Public Health Service
14 Act ((42 U.S.C. 247d-6b(a)(1))) as of the
15 date of the report, and the projected gap
16 between the quantities of equipment and
17 supplies identified as needed in the assess-
18 ment under clauses (i) and (ii) and the
19 quantities in the Strategic National Stock-
20 pile;

21 (iv) an identification of the industry
22 sectors and manufacturers most ready to
23 fulfill purchase orders for such equipment
24 and supplies (including manufacturers that
25 may be incentivized) through the exercise

1 of authority under section 303(e) of the
2 Defense Production Act of 1950 (50
3 U.S.C. 4533(e)) to modify, expand, or im-
4 prove production processes to manufacture
5 such equipment and supplies to respond
6 immediately to a need identified in clause
7 (i) or (ii);

8 (v) an identification of Government-
9 owned and privately-owned stockpiles of
10 such equipment and supplies not included
11 in the Strategic National Stockpile that
12 could be repaired or refurbished;

13 (vi) an identification of previously dis-
14 tributed critical supplies that can be redis-
15 tributed based on current need;

16 (vii) a description of any exercise of
17 the authorities described under paragraph
18 (1)(E) or (2)(A) of subsection (a); and

19 (viii) an identification of critical areas
20 of need, by county and by areas identified
21 by the Indian Health Service, in the
22 United States and the metrics and criteria
23 for identification as a critical area.

24 (C) PLAN.—The report required by this
25 paragraph shall include a plan for meeting the

1 immediate needs to combat the COVID–19 pan-
2 demic, including the needs described in sub-
3 paragraph (B). Such plan shall include—

4 (i) each contract the Federal Govern-
5 ment has entered into to meet such needs,
6 including the purpose of each contract, the
7 type and amount of equipment, supplies, or
8 services to be provided under the contract,
9 the entity performing such contract, and
10 the dollar amount of each contract;

11 (ii) each contract that the Federal
12 Government intends to enter into within
13 14 days after submission of such report,
14 including the information described in sub-
15 paragraph (B) for each such contract; and

16 (iii) whether any of the contracts de-
17 scribed in clause (i) or (ii) have or will
18 have a priority rating under the Defense
19 Production Act of 1950 (50 U.S.C. 4501
20 et seq.), including purchase orders pursu-
21 ant to Department of Defense Directive
22 4400.1 (or any successor directive), sub-
23 part A of part 101 of title 45, Code of
24 Federal Regulations, or any other applica-
25 ble authority.

1 (D) ADDITIONAL REQUIREMENTS.—The
2 report required by this paragraph, and each up-
3 date required by subparagraph (E), shall in-
4 clude—

5 (i) any requests for equipment and
6 supplies from State or local governments
7 and Indian Tribes, and an accompanying
8 list of the employers and unions consulted
9 in developing these requests;

10 (ii) any modeling or formulas used to
11 determine allocation of equipment and sup-
12 plies, and any related chain of command
13 issues on making final decisions on alloca-
14 tions;

15 (iii) the amount and destination of
16 equipment and supplies delivered;

17 (iv) an explanation of why any portion
18 of any contract described under subpara-
19 graph (C), whether to replenish the Stra-
20 tegic National Stockpile or otherwise, will
21 not be filled;

22 (v) of products procured under such
23 contract, the percentage of such products
24 that are used to replenish the Strategic
25 National Stockpile, that are targeted to

1 COVID–19 hotspots, and that are used for
2 the commercial market;

3 (vi) a description of the range of
4 prices for goods described in subsection
5 (a), or other medical supplies and equip-
6 ment that are subject to shortages, pur-
7 chased by the United States Government,
8 transported by the Government, or other-
9 wise known to the Government, which shall
10 also identify all such prices that exceed the
11 prevailing market prices of such goods
12 prior to March 1, 2020, and any actions
13 taken by the Government under section
14 102 of the Defense Production Act of 1950
15 or similar provisions of law to prevent
16 hoarding of such materials and charging of
17 such increased prices between March 1,
18 2020, and the date of the submission of
19 the first report required by this paragraph,
20 and, for all subsequent reports, within each
21 reporting period;

22 (vii) metrics, formulas, and criteria
23 used to determine COVID–19 hotspots or
24 areas of critical need for a State, county,

1 or an area identified by the Indian Health
2 Service;

3 (viii) production and procurement
4 benchmarks, where practicable; and

5 (ix) results of the consultation with
6 the relevant stakeholders required by sub-
7 paragraph (B)(ii).

8 (E) UPDATES.—The President, in coordi-
9 nation with the National Response Coordination
10 Center of the Federal Emergency Management
11 Agency, the Administrator of the Defense Lo-
12 gistics Agency, the Secretary of Health and
13 Human Services, the Secretary of Veterans Af-
14 fairs, and heads of other Federal agencies (as
15 appropriate), shall update such report every 14
16 days.

17 (F) PUBLIC AVAILABILITY.—The President
18 shall make the report required by this para-
19 graph and each update required by subpara-
20 graph (E) available to the public, including on
21 a Government website.

22 (2) RESPONSE TO LONGER-TERM NEEDS.—

23 (A) IN GENERAL.—Not later than 14 days
24 after the date of enactment of this Act, the
25 President, in coordination with the National

1 Response Coordination Center of the Federal
2 Emergency Management Agency, the Adminis-
3 trator of the Defense Logistics Agency, the Sec-
4 retary of Health and Human Services, the Sec-
5 retary of Veterans Affairs, and heads of other
6 Federal agencies (as appropriate), shall submit
7 to the appropriate congressional committees a
8 report containing an assessment of the needs
9 described in subparagraph (B) to combat the
10 COVID-19 pandemic and the plan for meeting
11 such needs during the 6-month period begin-
12 ning on the date of submission of the report.

13 (B) ASSESSMENT.—The report required by
14 this paragraph shall include—

15 (i) an assessment of the elements de-
16 scribe in clauses (i) through (v) and clause
17 (viii) of paragraph (1)(B);

18 (ii) an assessment of needs related to
19 COVID-19 vaccines;

20 (iii) an assessment of the manner in
21 which the Defense Production Act of 1950
22 could be exercised to increase services re-
23 lated to health surveillance to ensure that
24 the appropriate level of contact tracing re-
25 lated to detected infections is available

1 throughout the United States to prevent
2 future outbreaks of COVID–19 infections;
3 and

4 (iv) an assessment of any additional
5 services needed to address the COVID–19
6 pandemic.

7 (C) PLAN.—The report required by this
8 paragraph shall include a plan for meeting the
9 longer-term needs to combat the COVID–19
10 pandemic, including the needs described in sub-
11 paragraph (B). This plan shall include—

12 (i) a plan to exercise authorities under
13 the Defense Production Act of 1950 (50
14 U.S.C. 4501 et seq.) necessary to increase
15 the production of the medical equipment,
16 supplies, and services that are essential to
17 meeting the needs identified in subpara-
18 graph (B), including the number of N–95
19 respirator masks and other personal pro-
20 tective equipment needed, based on mean-
21 ingful consultations with relevant stake-
22 holders, by the private sector to resume
23 economic activity and by the public and
24 nonprofit sectors to significantly increase
25 their activities;

1 (ii) results of the consultations with
2 the relevant stakeholders required by
3 clause (i);

4 (iii) an estimate of the funding and
5 other measures necessary to rapidly ex-
6 pand manufacturing production capacity
7 for such equipment and supplies, includ-
8 ing—

9 (I) any efforts to expand, retool,
10 or reconfigure production lines;

11 (II) any efforts to establish new
12 production lines through the purchase
13 and installation of new equipment; or

14 (III) the issuance of additional
15 contracts, purchase orders, purchase
16 guarantees, or other similar measures;

17 (iv) each contract the Federal Govern-
18 ment has entered into to meet such needs
19 or expand such production, the purpose of
20 each contract, the type and amount of
21 equipment, supplies, or services to be pro-
22 vided under the contract, the entity per-
23 forming such contract, and the dollar
24 amount of each contract;

1 (v) each contract that the Federal
2 Government intends to enter into within
3 14 days after submission of such report,
4 including the information described in
5 clause (iv) for each such contract;

6 (vi) whether any of the contracts de-
7 scribed in clause (iv) or (v) have or will
8 have a priority rating under the Defense
9 Production Act of 1950 (50 U.S.C. 4501
10 et seq.), including purchase orders pursu-
11 ant to Department of Defense Directive
12 4400.1 (or any successor directive), sub-
13 part A of part 101 of title 45, Code of
14 Federal Regulations, or any other applica-
15 ble authority; and

16 (vii) the manner in which the Defense
17 Production Act of 1950 (50 U.S.C. 4501
18 et seq.) could be used to increase services
19 necessary to combat the COVID-19 pan-
20 demic, including services described in sub-
21 paragraph (B)(ii).

22 (D) UPDATES.—The President, in coordi-
23 nation with the National Response Coordination
24 Center of the Federal Emergency Management
25 Agency, the Administrator of the Defense Lo-

1 gistics Agency, the Secretary of Health and
2 Human Services, the Secretary of Veterans Af-
3 fairs, and heads of other Federal agencies (as
4 appropriate), shall update such report every 14
5 days.

6 (E) PUBLIC AVAILABILITY.—The Presi-
7 dent shall make the report required by this sub-
8 section and each update required by subpara-
9 graph (D) available to the public, including on
10 a Government website.

11 (3) REPORT ON EXERCISING AUTHORITIES
12 UNDER THE DEFENSE PRODUCTION ACT OF 1950.—

13 (A) IN GENERAL.—Not later than 14 days
14 after the date of the enactment of this Act, the
15 President, in consultation with the Adminis-
16 trator of the Federal Emergency Management
17 Agency, the Secretary of Defense, and the Sec-
18 retary of Health and Human Services, shall
19 submit to the appropriate congressional com-
20 mittees a report on the exercise of authorities
21 under titles I, III, and VII of the Defense Pro-
22 duction Act of 1950 (50 U.S.C. 4501 et seq.)
23 prior to the date of such report.

24 (B) CONTENTS.—The report required
25 under subparagraph (A) and each update re-

1 required under subparagraph (C) shall include,
2 with respect to each exercise of such author-
3 ity—

4 (i) an explanation of the purpose of
5 the applicable contract, purchase order, or
6 other exercise of authority (including an
7 allocation of materials, services, and facili-
8 ties under section 101(a)(2) of the Defense
9 Production Act of 1950 (50 U.S.C.
10 4511(a)(2));

11 (ii) the cost of such exercise of au-
12 thority; and

13 (iii) if applicable—

14 (I) the amount of goods that
15 were purchased or allocated;

16 (II) an identification of the entity
17 awarded a contract or purchase order
18 or that was the subject of the exercise
19 of authority; and

20 (III) an identification of any en-
21 tity that had shipments delayed by the
22 exercise of any authority under the
23 Defense Production Act of 1950 (50
24 U.S.C. 4501 et seq.).

1 (C) UPDATES.—The President shall up-
2 date the report required under subparagraph
3 (A) every 14 days.

4 (D) PUBLIC AVAILABILITY.—The Presi-
5 dent shall make the report required by this sub-
6 section and each update required by subpara-
7 graph (C) available to the public, including on
8 a Government website.

9 (4) QUARTERLY REPORTING.—The President
10 shall submit to Congress, and make available to the
11 public (including on a Government website), a quar-
12 terly report detailing all expenditures made pursuant
13 to titles I, III, and VII of the Defense Production
14 Act of 1950 (50 U.S.C. 4501 et seq.).

15 (5) EXERCISE OF LOAN AUTHORITIES.—

16 (A) IN GENERAL.—Any loan made pursu-
17 ant to section 302 or 303 of the Defense Pro-
18 duction Act of 1950, carried out by the Inter-
19 national Development Finance Corporation pur-
20 suant to the authorities delegated by Executive
21 Order 13922, shall be subject to the notification
22 requirements contained in section 1446 of the
23 BUILD Act of 2018 (22 U.S.C. 9656).

24 (B) APPROPRIATE CONGRESSIONAL COM-
25 MITTEES.—For purposes of the notifications re-

1 required by subparagraph (A), the term “appropriate congressional committees”, as used section 1446 of the BUILD Act of 2018, shall be deemed to include the Committee on Financial Services of the House of Representatives and the Committee on Banking, Housing and Urban Development of the Senate.

2 (6) SUNSET.—The requirements of this subsection shall terminate on the later of—

3 (A) December 31, 2021; or

4 (B) the end of the COVID–19 emergency period.

5 (e) ENHANCEMENTS TO THE DEFENSE PRODUCTION ACT OF 1950.—

6 (1) HEALTH EMERGENCY AUTHORITY.—Section 107 of the Defense Production Act of 1950 (50 U.S.C. 4517) is amended by adding at the end the following:

7 “(c) HEALTH EMERGENCY AUTHORITY.—With respect to a public health emergency declaration by the Secretary of Health and Human Services under section 319 of the Public Health Service Act, or preparations for such a health emergency, the Secretary of Health and Human Services and the Administrator of the Federal Emergency Management Agency are authorized to carry out the au-

1 thorties 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 (C) representatives of primary and sec-
11 ondary school systems; and

12 (D) representatives of labor organizations
13 representing workers, including unions that rep-
14 resent health workers, manufacturers, teachers,
15 other public sector employees, and service sec-
16 tor workers.

17 (4) STATE.—The term “State” means each of
18 the several States, the District of Columbia, the
19 Commonwealth of Puerto Rico, and any territory or
20 possession of the United States.

1 **TITLE II—PROTECTING RENT-**
2 **ERS AND HOMEOWNERS**
3 **FROM EVICTIONS AND FORE-**
4 **CLOSURES**

5 **SEC. 201. EMERGENCY RENTAL ASSISTANCE AND RENTAL**
6 **MARKET STABILIZATION.**

7 (a) DEFINITIONS.—In this section:

8 (1) INDIAN TRIBE.—The term “Indian tribe”
9 has the meaning given the such term in section 4 of
10 the Native American Housing Assistance and Self-
11 Determination Act of 1996 (25 U.S.C. 4103).

12 (2) PUBLIC HOUSING AGENCY.—The term
13 “public housing agency” has the meaning given such
14 term in section 3(b) of the United States Housing
15 Act of 1937 (42 U.S.C. 1437a(b)).

16 (3) SECRETARY .—The term “Secretary”
17 means the Secretary of Housing and Urban Develop-
18 ment.

19 (4) TRIBALLY DESIGNATED HOUSING ENTI-
20 TY.—The term “tribally designated housing entity”
21 has the meaning given such term in section 4 of the
22 Native American Housing Assistance and Self-De-
23 termination Act of 1996 (25 U.S.C. 4103).

24 (b) AUTHORIZATION OF APPROPRIATIONS.—There is
25 authorized to be appropriated to the Secretary

1 \$50,000,000,000 for an additional amount for grants
2 under the Emergency Solutions Grants program under
3 subtitle B of title IV of the McKinney-Vento Homeless As-
4 sistance Act (42 U.S.C. 11371 et seq.), to remain available
5 until expended (subject to subsection (e) of this section),
6 to be used for providing short- or medium-term assistance
7 with rent and rent-related costs (including tenant-paid
8 utility costs, utility- and rent-arrears, fees charged for
9 those arrears, and security and utility deposits) in accord-
10 ance with paragraphs (4) and (5) of section 415(a) of such
11 Act (42 U.S.C. 11374(a)) and this section.

12 (c) DEFINITION OF AT RISK OF HOMELESSNESS.—
13 Notwithstanding section 401(1) of the McKinney-Vento
14 Homeless Assistance Act (42 U.S.C. 11360(1)), for pur-
15 poses of assistance made available with amounts made
16 available pursuant to subsection (b), the term “at risk of
17 homelessness” means, with respect to an individual or
18 family, that the individual or family—

19 (1) except as provided in subsection (d)(1)(C),
20 has an income below 80 percent of the median in-
21 come for the area as determined by the Secretary;
22 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.

1 (d) INCOME TARGETING AND CALCULATION.—For
2 purposes of assistance made available with amounts made
3 available pursuant to subsection (b)—

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 to individuals or families experiencing homeless-
8 ness, or for persons or families at risk of home-
9 lessness who have incomes not exceeding 30
10 percent of the median income for the area as
11 determined by the Secretary;

12 (B) not less than 70 percent of the
13 amounts received only for providing assistance
14 to individuals or families experiencing homeless-
15 ness, or for persons or families at risk of home-
16 lessness who have incomes not exceeding 50
17 percent of the median income for the area as
18 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, except that the recipient may es-

1 tabish a higher percentage limit for purposes of
2 subsection (c)(1), which shall not in any case
3 exceed 120 percent of the area median income,
4 provided that the recipient—

5 (i) proposes to permit such assistance
6 to individuals and households in its plan to
7 carry out activities under this section; and

8 (ii) solicits public comment on the
9 proposal; and

10 (2) in determining the income of a household
11 for homelessness prevention assistance—

12 (A) the calculation of income performed at
13 the time of application for the assistance, in-
14 cluding arrearages, shall consider only income
15 that the household is receiving at the time of
16 the application, and any income recently termi-
17 nated shall not be included;

18 (B) any subsequent calculation of income
19 performed with respect to households receiving
20 ongoing assistance shall consider only the in-
21 come that the household is receiving at the time
22 of the review; and

23 (C) the calculation of income performed
24 with respect to households receiving assistance
25 for arrearages shall consider only the income

1 that the household was receiving at the time the
2 arrearages were incurred.

3 (e) 3-YEAR AVAILABILITY.—

4 (1) IN GENERAL.—Each recipient of amounts
5 made available pursuant to subsection (b) shall—

6 (A) expend not less than 60 percent of the
7 grant amounts within 2 years of the date on
8 which the funds became available to the recipi-
9 ent for obligation; and

10 (B) expend 100 percent of the grant
11 amounts within 3 years of the date on which
12 the funds became available to the recipient for
13 obligation.

14 (2) REALLOCATION AFTER 2 YEARS.—

15 (A) IN GENERAL.—The Secretary may re-
16 capture any amounts not expended in compli-
17 ance with paragraph (1)(A) and reallocate those
18 amounts to recipients in compliance with the
19 formula described in subsection (i) and this
20 paragraph.

21 (B) STATES, METROPOLITAN CITIES, AND
22 URBAN COUNTIES.—Funds recaptured under
23 subparagraph (A) with respect to a recipient
24 described in subsection (i)(1)(B) shall be reallo-

1 cated to other participating recipients of funds
2 described in subsection (i)(1)(B).

3 (C) INDIAN TRIBES, TRIBALLY DES-
4 IGNATED HOUSING ENTITIES, AND DEPART-
5 MENT OF HAWAIIAN HOME LANDS.—Funds re-
6 captured under subparagraph (A) with respect
7 to a recipient described in subsection
8 (i)(1)(A)(i)(I) shall be reallocated to other par-
9 ticipating recipients of funds described in sub-
10 section (i)(1)(A)(i)(I).

11 (D) INSULAR AREAS.—Funds recaptured
12 under subparagraph (A) with respect to a re-
13 cipient described in subsection (i)(1)(A)(i)(II)
14 shall be reallocated to other participating recipi-
15 ents of funds described in subsection
16 (i)(1)(A)(i)(II).

17 (f) RENT RESTRICTIONS.—

18 (1) INAPPLICABILITY.—Section 576.106(d) of
19 title 24, Code of Federal Regulations, or any suc-
20 cessor regulation, shall not apply with respect to
21 homelessness prevention assistance made available
22 with amounts made available pursuant to subsection
23 (b).

24 (2) AMOUNT OF RENTAL ASSISTANCE.—In pro-
25 viding homelessness prevention assistance with

1 amounts made available pursuant to subsection (b),
2 the maximum amount of rental assistance that may
3 be provided shall be the greater of—

4 (A) 120 percent of the higher of—

5 (i) the fair market rent established by
6 the Secretary for the metropolitan area or
7 county; or

8 (ii) the applicable small area fair mar-
9 ket rent established by the Secretary; or

10 (iii) such higher amount as the Sec-
11 retary shall determine is needed to cover
12 market rents in the area.

13 (g) SUBLEASES.—A recipient of amounts made avail-
14 able pursuant to subsection (b) shall not be prohibited
15 from providing assistance authorized under subsection (b)
16 with respect to subleases that are valid under State law.

17 (h) UTILITY PAYMENT AND RENTAL ARREAR-
18 AGES.—In providing assistance with amounts made avail-
19 able pursuant to subsection (b) of this section—

20 (1) sections 576.105(a)(5) and 576.106(a)(3)
21 of title 24, Code of Federal Regulations, shall each
22 be applied by substituting “12 months” for “6
23 months”; and

24 (2) notwithstanding section 576.106(g) of title
25 24, Code of Federal Regulations, where such assist-

1 ance is solely with respect to rental arrears, the re-
2 cipient shall not be required to provide a written
3 lease or evidence of an oral agreement.

4 (i) ALLOCATION OF ASSISTANCE.—

5 (1) IN GENERAL.—In allocating amounts made
6 available pursuant to subsection (b), the Secretary
7 shall—

8 (A)(i) for any purpose authorized in this
9 section—

10 (I) allocate 2 percent of such amount
11 for Indian tribes and tribally designated
12 housing entities under the formula estab-
13 lished under section 302 of the Native
14 American Housing Assistance and Self-De-
15 termination Act of 1996 (25 U.S.C. 4152),
16 except that 0.3 percent of the amount allo-
17 cated under this subclause shall be allo-
18 cated for the Department of Hawaiian
19 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; and

24 (ii) not later than 30 days after the date
25 of enactment of this Act, obligate and disburse

1 the amounts allocated under clause (i) in ac-
2 cordance with those allocations and provide the
3 recipients with any necessary guidance for use
4 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)—

8 (I) allocate 50 percent of any such re-
9 maining amounts under the formula speci-
10 fied in subsections (a), (b), and (e) of sec-
11 tion 414 of the McKinney-Vento Homeless
12 Assistance Act (42 U.S.C. 11373) for each
13 State, metropolitan city, and urban county
14 that is to receive a direct grant of such
15 amounts;

16 (II) allocate 50 percent of any such
17 remaining amounts through the formula
18 used by the Secretary to distribute the sec-
19 ond allocation of grants in accordance with
20 the formula described in the matter under
21 the heading “Department of Housing and
22 Urban Development—Community Plan-
23 ning and Development—Homeless Assist-
24 ance Grants” in title XII of division B of
25 the CARES Act (Public Law 116–136) for

1 each State, metropolitan city, and urban
2 county that is to receive a direct grant of
3 such amounts; and

4 (III) notify each direct grantee of the
5 total amount to be allocated under this
6 clause; and

7 (ii) not later than 30 days after the date
8 of enactment of this Act, obligate and disburse
9 the amounts allocated under clause (i) in ac-
10 cordance with those allocations and provide the
11 recipient with any necessary guidance for use of
12 the funds.

13 (2) ALLOCATIONS TO STATES.—

14 (A) IN GENERAL.—Notwithstanding sec-
15 tion 414(a) of the McKinney-Vento Homeless
16 Assistance Act (42 U.S.C. 11373(a)) and sec-
17 tion 576.202(a) of title 24, Code of Federal
18 Regulations, or any successor regulation, a
19 State recipient of an allocation under this sec-
20 tion may elect to use up to 100 percent of its
21 allocation to carry out activities eligible under
22 this section directly.

23 (B) REQUIREMENT.—Any State recipient
24 making an election described in subparagraph
25 (A) shall serve households throughout the entire

1 State, including households in rural commu-
2 nities and small towns.

3 (3) ELECTION NOT TO ADMINISTER.—

4 (A) METROPOLITAN CITIES AND URBAN
5 COUNTIES.—If a recipient under paragraph
6 (1)(B) other than a State elects not to receive
7 funds under this section, such funds shall be al-
8 located to the State recipient in which the re-
9 cipient is located.

10 (B) INDIAN TRIBES, TRIBALLY DES-
11 IGNATED HOUSING ENTITIES, AND DEPART-
12 MENT OF HAWAIIAN HOMELANDS.—If a recipi-
13 ent under paragraph (1)(A)(i)(I) elects not to
14 receive funds under this section, such funds
15 shall be allocated to other participating recipi-
16 ents of funds under paragraph (1)(A)(i)(I).

17 (C) INSULAR AREAS.—If a recipient under
18 paragraph (1)(A)(i)(II) elects not to receive
19 funds under this section, such funds shall be al-
20 located to other participating recipients of
21 funds under paragraph (1)(A)(i)(II).

22 (D) PARTNERSHIPS, SUBGRANTS, AND
23 CONTRACTS.—A recipient of a grant under this
24 section may distribute funds through partner-
25 ships, subgrants, or contracts with an entity,

1 such as a public housing agency, that is capable
2 of carrying out activities under this section.

3 (j) INAPPLICABILITY OF MATCHING REQUIRE-
4 MENT.—Section 416(a) of the McKinney-Vento Homeless
5 Assistance Act (42 U.S.C. 11375(a)) shall not apply to
6 any amounts made available pursuant to subsection (b)
7 of this section.

8 (k) REIMBURSEMENT OF ELIGIBLE ACTIVITIES.—
9 Amounts made available pursuant to subsection (b) may
10 be used by a recipient to reimburse expenditures incurred
11 for eligible activities under this section carried out after
12 the date of enactment of this Act.

13 (l) PROHIBITION ON PREREQUISITES.—None of the
14 funds made available under this section may be used to
15 require any individual or household receiving assistance
16 under this section to receive treatment or perform any
17 other prerequisite activities as a condition for receiving
18 such assistance.

19 (m) WAIVERS AND ALTERNATIVE REQUIREMENTS.—

20 (1) IN GENERAL.—

21 (A) AUTHORITY.—In administering the
22 amounts made available pursuant to subsection
23 (b), the Secretary may waive, or specify alter-
24 native requirements for, any provision of any
25 statute or regulation that the Secretary admin-

1 isters in connection with the obligation by the
2 Secretary or the use by the recipient of such
3 amounts (except for requirements related to fair
4 housing, nondiscrimination, labor standards,
5 prohibition on prerequisites, minimum data re-
6 porting, and the environment), if the Secretary
7 finds that good cause exists for the waiver or
8 alternative requirement and such waiver or al-
9 ternative requirement is necessary to expedite
10 the use of funds made available pursuant to
11 this section, to respond to public health orders
12 or conditions related to the COVID-19 emer-
13 gency, or to ensure that eligible individuals can
14 attain or maintain housing stability.

15 (B) PUBLIC NOTICE.—The Secretary shall
16 notify the public through the Federal Register
17 or other appropriate means of any waiver or al-
18 ternative requirement under this paragraph,
19 and that such public notice shall be provided, at
20 a minimum, on the internet at the appropriate
21 Government website or through other electronic
22 media, as determined by the Secretary.

23 (C) ELIGIBILITY REQUIREMENTS.—Eligi-
24 bility for rental assistance or housing relocation
25 and stabilization services shall not be restricted

1 based upon the prior receipt of assistance under
2 the program during the preceding three years.

3 (D) INSPECTIONS OF CURRENT HOUSING
4 UNITS.—A recipient of funds made available
5 pursuant to subsection (b) may elect not to con-
6 duct inspections for minimum habitability
7 standards described in section 576.403 of title
8 24, Code of Federal Regulations, or any suc-
9 cessor regulation, for any assistance under this
10 section that is provided on behalf of an indi-
11 vidual or household who will continue to reside
12 in the same housing unit in which they resided
13 immediately before receiving the assistance.

14 (2) PUBLIC HEARINGS.—

15 (A) INAPPLICABILITY OF IN-PERSON HEAR-
16 ING REQUIREMENTS DURING THE COVID-19
17 EMERGENCY.—

18 (i) IN GENERAL.—A recipient under
19 this section shall not be required to hold
20 in-person public hearings in connection
21 with its citizen participation plan, but shall
22 provide citizens with notice, including pub-
23 lication of its plan for carrying out this
24 section on the internet, and a reasonable

1 opportunity to comment of not less than 5
2 days.

3 (ii) RESUMPTION OF IN-PERSON
4 HEARING REQUIREMENTS.—After the pe-
5 riod beginning on the date of enactment of
6 this Act and ending on the date of the ter-
7 mination by the Federal Emergency Man-
8 agement Agency of the emergency declared
9 on March 13, 2020, by the President
10 under the Robert T. Stafford Disaster Re-
11 lief and Emergency Assistance Act (42
12 U.S.C. 4121 et seq.) relating to the
13 Coronavirus Disease 2019 (COVID–19)
14 pandemic, and after the period described
15 in subparagraph (B)(i), the Secretary shall
16 direct recipients under this section to re-
17 sume pre-crisis public hearing require-
18 ments.

19 (B) VIRTUAL PUBLIC HEARINGS.—

20 (i) IN GENERAL.—During the period
21 that national or local health authorities
22 recommend social distancing and limiting
23 public gatherings for public health reasons,
24 a recipient may fulfill applicable public
25 hearing requirements for all grants from

1 funds made available pursuant to this sec-
2 tion by carrying out virtual public hear-
3 ings.

4 (ii) REQUIREMENTS.—Any virtual
5 hearings held under clause (i) by a recipi-
6 ent under this section shall provide reason-
7 able notification and access for citizens in
8 accordance with the recipient’s certifi-
9 cations, timely responses from local offi-
10 cials to all citizen questions and issues,
11 and public access to all questions and re-
12 sponses.

13 (n) CONSULTATION.—In addition to any other citizen
14 participation and consultation requirements, in developing
15 and implementing a plan to carry out this section, each
16 recipient of funds made available pursuant to this section
17 shall consult with—

18 (1) the applicable Continuum or Continuums of
19 Care for the area served by the recipient;

20 (2) organizations representing underserved
21 communities and populations; and

22 (3) organizations with expertise in affordable
23 housing, fair housing, and services for people with
24 disabilities.

25 (o) ADMINISTRATION.—

1 (1) BY SECRETARY.—Of any amounts made
2 available pursuant to subsection (b)—

3 (A) not more than the lesser of 0.5 per-
4 cent, or \$15,000,000, may be used by the Sec-
5 retary for staffing, training, technical assist-
6 ance, technology, monitoring, research, and
7 evaluation activities necessary to carry out the
8 program carried out under this section, and
9 such amounts shall remain available until Sep-
10 tember 30, 2024; and

11 (B) not more than \$2,000,000 shall be
12 available to the Office of the Inspector General
13 of the Department of Housing and Urban De-
14 velopment for audits and investigations of the
15 program authorized under this section.

16 (2) BY RECIPIENTS.—Notwithstanding section
17 576.108 of title 24 of the Code of Federal Regula-
18 tions, or any successor regulation, with respect to
19 amounts made available pursuant to subsection (b),
20 a recipient may use up to 10 percent of funds re-
21 ceived for payment of administrative costs related to
22 the planning and execution of eligible activities car-
23 ried out under this section.

24 **SEC. 202. HOMEOWNER ASSISTANCE FUND.**

25 (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 \$80,000,000.

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 \$65,000,000 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 set
17 aside under subparagraph (A), the Secretary
18 shall use 0.3 percent to make grants to the De-
19 partment of Hawaiian Home Lands in accord-
20 ance with subsection (f) for the purposes de-
21 scribed 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 for which such language assist-
25 ance is available to the State housing finance

1 agency or entity in and shall provide notice to
2 each such applicant that such language assist-
3 ance is available.

4 (3) ADMINISTRATIVE EXPENSES.—Not more
5 than 15 percent of the amount allocated to a State
6 pursuant to subsection (c) may be used by a State
7 housing financing agency for administrative ex-
8 penses. Any amounts allocated to administrative ex-
9 penses that are no longer necessary for administra-
10 tive expenses may be used in accordance with para-
11 graph (1).

12 (f) TRIBAL AND NATIVE HAWAIIAN ASSISTANCE.—

13 (1) DEFINITIONS.—In this subsection:

14 (A) DEPARTMENT OF HAWAIIAN HOME
15 LANDS.—The term “Department of Hawaiian
16 Home Lands” has the meaning given the term
17 in section 801 of the Native American Housing
18 Assistance and Self-Determination Act of 1996
19 (42 U.S.C. 4221).

20 (B) ELIGIBLE RECIPIENT.—The term “eli-
21 gible recipient” means any entity eligible to re-
22 ceive a grant under section 101 of the Native
23 American Housing Assistance and Self-Deter-
24 mination Act of 1996 (25 U.S.C. 4111).

25 (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) AUTHORIZATION OF APPROPRIATIONS.—There is
24 authorized to be appropriated to the Homeowner Assist-

1 ance Fund established under subsection (b),
2 \$21,000,000,000, to remain available until expended.

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. 203. PROTECTING RENTERS AND HOMEOWNERS FROM**
6 **EVICTIONS AND FORECLOSURES.**

7 (a) **EVICTION 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
6 began;

7 “(5) the impacts of the spread of COVID–19,
8 which is now considered a global pandemic, are ex-
9 pected to negatively impact the incomes of poten-
10 tially millions of renter households, making it dif-
11 ficult for them to pay their rent on time; and

12 “(6) evictions in the current environment would
13 increase homelessness and housing instability which
14 would be counterproductive towards the public
15 health goals of keeping individuals in their homes to
16 the greatest extent possible.

17 “(b) MORATORIUM.—During the period beginning on
18 the date of the enactment of this Act and ending 12
19 months after such date of enactment, the lessor of a cov-
20 ered dwelling located in such State may not—

21 “(1) make, or cause to be made, any filing with
22 the court of jurisdiction to initiate a legal action to
23 recover possession of the covered dwelling from the
24 tenant for nonpayment of rent or other fees or
25 charges; or

1 “(2) charge fees, penalties, or other charges to
2 the tenant related to such nonpayment of rent.

3 “(c) DEFINITIONS.—For purposes of this section, the
4 following definitions shall apply:

5 “(1) COVERED DWELLING.—The term ‘covered
6 dwelling’ means a dwelling that is occupied by a ten-
7 ant—

8 “(A) pursuant to a residential lease; or

9 “(B) without a lease or with a lease ter-
10 minable at will under State law.

11 “(2) DWELLING.—The term ‘dwelling’ has the
12 meaning given such term in section 802 of the Fair
13 Housing Act (42 U.S.C. 3602) and includes houses
14 and dwellings described in section 803(b) of such
15 Act (42 U.S.C. 3603(b)).

16 “(d) NOTICE TO VACATE AFTER MORATORIUM EXPI-
17 RATION DATE.—After the expiration of the period de-
18 scribed in subsection (b), the lessor of a covered dwelling
19 may not require the tenant to vacate the covered dwelling
20 by reason of nonpayment of rent or other fees or charges
21 before the expiration of the 30-day period that begins
22 upon the provision by the lessor to the tenant, after the
23 expiration of the period described in subsection (b), of a
24 notice to vacate the covered dwelling.”.

25 (b) MORTGAGE RELIEF.—

1 (1) FORBEARANCE AND FORECLOSURE MORA-
2 TORIUM FOR COVERED MORTGAGE LOANS.—Section
3 4022 of the CARES Act (15 U.S.C. 9056) is
4 amended—

5 (A) by striking “Federally backed mort-
6 gage loan” each place that term appears and
7 inserting “covered mortgage loan”; and

8 (B) in subsection (a)—

9 (i) by amending paragraph (2) to read
10 as follows:

11 “(2) COVERED MORTGAGE LOAN.—The term
12 ‘covered mortgage loan’—

13 “(A) means any credit transaction that is
14 secured by a mortgage, deed of trust, or other
15 equivalent consensual security interest on a 1-
16 to 4-unit dwelling or on residential real prop-
17 erty that includes a 1- to 4-unit dwelling; and

18 “(B) does not include a credit transaction
19 under an open end credit plan other than a re-
20 verse mortgage.”; and

21 (ii) by adding at the end the fol-
22 lowing:

23 “(3) COVERED PERIOD.—With respect to a
24 loan, the term ‘covered period’ means the period be-

1 ginning on the date of enactment of this Act and
2 ending 12 months after such date of enactment.”.

3 (2) AUTOMATIC FORBEARANCE FOR DELIN-
4 QUENT BORROWERS.—Section 4022(c) of the
5 CARES Act (15 U.S.C. 9056(c)), as amended by
6 paragraph (5) of this subsection, is further amended
7 by adding at the end the following:

8 “(9) AUTOMATIC FORBEARANCE FOR DELIN-
9 QUENT BORROWERS OF COVERED MORTGAGE LOANS
10 THAT ARE NOT FEDERALLY-INSURED REVERSE
11 MORTGAGE LOANS.—

12 “(A) IN GENERAL.—Notwithstanding any
13 other law governing forbearance relief, with re-
14 spect to any covered mortgage loan that is not
15 a federally-insured reverse mortgage loan—

16 “(i) any borrower whose covered mort-
17 gage loan became 60 days delinquent be-
18 tween March 13, 2020, and the date of en-
19 actment of this paragraph, and who has
20 not already received a forbearance under
21 subsection (b), shall automatically be
22 granted a 60-day forbearance that begins
23 on the date of enactment of this para-
24 graph, provided that a borrower shall not
25 be considered delinquent for purposes of

1 this paragraph while making timely pay-
2 ments or otherwise performing under a
3 trial modification or other loss mitigation
4 agreement; and

5 “(ii) any borrower whose covered
6 mortgage loan becomes 60 days delinquent
7 between the date of enactment of this
8 paragraph and the end of the covered pe-
9 riod, and who has not already received a
10 forbearance under subsection (b), shall
11 automatically be granted a 60-day forbear-
12 ance that begins on the 60th day of delin-
13 quency, 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.

19 “(B) INITIAL EXTENSION.—An automatic
20 forbearance provided under subparagraph (A)
21 shall be extended for up to an additional 120
22 days upon the request of the borrower, oral or
23 written, submitted to the servicer of the bor-
24 rower affirming that the borrower is experi-
25 encing a financial hardship that prevents the

1 borrower from making timely payments on the
2 covered mortgage loan due, directly or indi-
3 rectly, to the COVID–19 emergency.

4 “(C) SUBSEQUENT EXTENSION.—A for-
5 bearance extended under subparagraph (B)
6 shall be further extended by the servicer, for
7 the period or periods requested, for a total for-
8 bearance period of up to 12 months (including
9 the period of automatic forbearance), upon the
10 borrower’s request, oral or written, submitted to
11 the borrower’s servicer affirming that the bor-
12 rower is experiencing a financial hardship that
13 prevents the borrower from making timely pay-
14 ments on the covered mortgage loan due, di-
15 rectly or indirectly, to the COVID–19 emer-
16 gency.

17 “(D) RIGHT TO ELECT TO CONTINUE MAK-
18 ING PAYMENTS.—

19 “(i) IN GENERAL.—With respect to a
20 forbearance provided under this paragraph,
21 the borrower of the covered mortgage loan
22 may elect to continue making regular pay-
23 ments on the covered mortgage loan.

24 “(ii) LOSS MITIGATION.—A borrower
25 who makes an election described in clause

1 (i) shall be offered a loss mitigation option
2 pursuant to subsection (d) within 30 days
3 of resuming regular payments to address
4 any payment deficiency during the forbear-
5 ance.

6 “(E) RIGHT TO SHORTEN FORBEAR-
7 ANCE.—

8 “(i) IN GENERAL.—At the request of
9 a borrower, any period of forbearance pro-
10 vided to the borrower under this paragraph
11 may be shortened.

12 “(ii) LOSS MITIGATION.—A borrower
13 who makes a request under clause (i) shall
14 be offered a loss mitigation option pursu-
15 ant to subsection (d) within 30 days of re-
16 suming regular payments to address any
17 payment deficiency during the forbearance.

18 “(10) AUTOMATIC EXTENSION OF DUE AND
19 PAYABLE STATUS FOR CERTAIN REVERSE MORTGAGE
20 LOANS.—

21 “(A) IN GENERAL.—When any covered
22 mortgage loan that is also a federally-insured
23 reverse mortgage loan, during the covered pe-
24 riod, is due and payable due to the death of the
25 last surviving borrower but the property to

1 which the covered mortgage loan relates is not
2 vacant or abandoned, or the covered mortgage
3 loan is eligible to be called due and payable due
4 to a property charge default, or if the borrower
5 defaults on a property charge repayment plan,
6 or if the borrower defaults for failure to com-
7 plete property repairs, or if an obligation of the
8 borrower under the Security Instrument is not
9 performed, the mortgagee automatically shall be
10 granted a 180-day extension of—

11 “(i) the mortgagee’s deadline to re-
12 quest due and payable status from the De-
13 partment of Housing and Urban Develop-
14 ment, where applicable;

15 “(ii) the mortgagee’s deadline to send
16 notification to the mortgagor or his or her
17 heirs that the loan is due and payable;

18 “(iii) the deadline to initiate fore-
19 closure;

20 “(iv) any reasonable diligence period
21 related to foreclosure or the Mortgagee Op-
22 tional Election;

23 “(v) any deadline relevant to estab-
24 lishing that a non-borrowing spouse may
25 be eligible for a deferral period;

1 “(vi) if applicable, the deadline to ob-
2 tain the due and payable appraisal; and

3 “(vii) any claim submission deadline,
4 including the 6-month acquired property
5 marketing period.

6 “(B) LENGTH OF EXTENSION OF DUE AND
7 PAYABLE STATUS.—The mortgagee shall not re-
8 quest due and payable status from the Sec-
9 retary of Housing and Urban Development nor
10 initiate or continue a foreclosure action during
11 this 180-day period described in subparagraph
12 (A), which shall be considered a forbearance pe-
13 riod.

14 “(C) EXTENSION.—A forbearance provided
15 under subparagraph (B) and related deadline
16 extension authorized under subparagraph (A)
17 shall be extended for the period or periods re-
18 quested, for a total forbearance period of up to
19 12 months upon—

20 “(i) the request of the borrower, oral
21 or written, submitted to the servicer of the
22 borrower affirming that the borrower is ex-
23 periencing a financial hardship that pre-
24 vents the borrower from making payments
25 on property charges, completing property

1 repairs, or performing an obligation of the
2 borrower under the Security Instrument
3 due, directly or indirectly, to the COVID-
4 19 emergency;

5 “(ii) the request of a non-borrowing
6 spouse, oral or written, submitted to the
7 servicer affirming that the non-borrowing
8 spouse has been unable to satisfy all cri-
9 teria for the Mortgagee Optional Election
10 program due, directly or indirectly, to the
11 COVID-19 emergency, or to perform all
12 actions necessary to become an eligible
13 non-borrowing spouse following the death
14 of all borrowers; or

15 “(iii) the request of a successor-in-in-
16 terest of the borrower, oral or written, sub-
17 mitted to the servicer affirming the dif-
18 ficulty of the heir in satisfying the reverse
19 mortgage loan due, directly or indirectly,
20 to the COVID-19 emergency.

21 “(D) CURTAILMENT OF DEBENTURE IN-
22 TEREST.—Where any covered mortgage loan
23 that is also a federally insured reverse mortgage
24 loan is in default during the covered period and
25 subject to a prior event which provides for cur-

1 tailment of debenture interest in connection
2 with a claim for insurance benefits, the curtail-
3 ment of debenture interest shall be suspended
4 during any forbearance period provided here-
5 in.”.

6 (3) ADDITIONAL FORECLOSURE AND REPOSSES-
7 SION PROTECTIONS.—Section 4022(c) of the
8 CARES Act (15 U.S.C. 9056(c)) is amended—

9 (A) in paragraph (2), by striking “may not
10 initiate any judicial or non-judicial foreclosure
11 process, move for a foreclosure judgment or
12 order of sale, or execute a foreclosure-related
13 eviction or foreclosure sale for not less than the
14 60-day period beginning on March 18, 2020”
15 and inserting “may not initiate or proceed with
16 any judicial or non-judicial foreclosure process,
17 schedule a foreclosure sale, move for a fore-
18 closure judgment or order of sale, execute a
19 foreclosure related eviction or foreclosure sale
20 for the 6-month period beginning on the date of
21 enactment of the COVID–19 HERO Act”; and

22 (B) by adding at the end the following:

23 “(3) REPOSSESSION MORATORIUM.—In the case
24 of personal property, including any recreational or
25 motor vehicle, used as a dwelling, no person may use

1 any judicial or non-judicial procedure to repossess or
2 otherwise take possession of the property for the 6-
3 month period beginning on the date of enactment of
4 this paragraph.”.

5 (4) MORTGAGE FORBEARANCE REFORMS.—Sec-
6 tion 4022 of the CARES Act (15 U.S.C. 9056) is
7 amended—

8 (A) in subsection (b), by striking para-
9 graphs (1), (2), and (3) and inserting the fol-
10 lowing:

11 “(1) IN GENERAL.—During the covered period,
12 a borrower with a covered mortgage loan who has
13 not obtained automatic forbearance pursuant to this
14 section and who is experiencing a financial hardship
15 that prevents the borrower from making timely pay-
16 ments on the covered mortgage loan due, directly or
17 indirectly, to the COVID–19 emergency may request
18 forbearance on the covered mortgage loan, regard-
19 less of delinquency status, by—

20 “(A) submitting a request, orally or in
21 writing, to the servicer of the covered mortgage
22 loan; and

23 “(B) affirming that the borrower is experi-
24 encing a financial hardship that prevents the
25 borrower from making timely payments on the

1 covered mortgage loan due, directly or indi-
2 rectly, to the COVID–19 emergency.

3 “(2) DURATION OF FORBEARANCE.—

4 “(A) IN GENERAL.—Upon a request by a
5 borrower to a servicer for forbearance under
6 paragraph (1), the forbearance shall be granted
7 by the servicer for the period requested by the
8 borrower, up to an initial length of 180 days,
9 the length of which shall be extended by the
10 servicer, at the request of the borrower for the
11 period or periods requested, for a total forbear-
12 ance period of not more than 12 months.

13 “(B) MINIMUM FORBEARANCE
14 AMOUNTS.—For purposes of granting a forbear-
15 ance under this paragraph, a servicer may
16 grant an initial forbearance with a term of not
17 less than 90 days, provided that it is automati-
18 cally extended for an additional 90 days unless
19 the servicer confirms the borrower does not
20 want to renew the forbearance or that the bor-
21 rower is no longer experiencing a financial
22 hardship that prevents the borrower from mak-
23 ing timely mortgage payments due, directly or
24 indirectly, to the COVID–19 emergency.

1 “(C) RIGHT TO SHORTEN FORBEAR-
2 ANCE.—

3 “(i) IN GENERAL.—At the request of
4 a borrower, any period of forbearance de-
5 scribed under this paragraph may be
6 shortened.

7 “(ii) LOSS MITIGATION.—A borrower
8 who makes a request under clause (i) shall
9 be offered a loss mitigation option pursu-
10 ant to subsection (d) within 30 days of re-
11 suming regular payments to address any
12 payment deficiency during the forbearance.

13 “(3) ACCRUAL OF INTEREST OR FEES.—A
14 servicer shall not charge a borrower any fees, pen-
15 alties, or interest (beyond the amounts scheduled or
16 calculated as if the borrower made all contractual
17 payments on time and in full under the terms of the
18 mortgage contract) in connection with a forbearance,
19 provided that a servicer may offer the borrower a
20 modification option at the end of a forbearance pe-
21 riod granted hereunder that includes the capitaliza-
22 tion of past due principal and interest and escrow
23 payments as long as the principal and interest pay-
24 ment of the borrower under such modification re-
25 mains at or below the contractual principal and in-

1 terest payments owed under the terms of the mort-
2 gage contract before such forbearance period except
3 as the result of a change in the index of an adjust-
4 able rate mortgage, or, in the case of loans insured
5 by the Federal Housing Administration, except in a
6 modification compliant with applicable Federal
7 Housing Administration policies.

8 “(4) COMMUNICATION WITH SERVICERS.—Any
9 communication between a borrower and a servicer
10 described in this section may be made in writing or
11 orally, at the election of the borrower.

12 “(5) COMMUNICATION WITH BORROWERS WITH
13 A DISABILITY.—

14 “(A) IN GENERAL.—Upon request from a
15 borrower, servicers shall communicate with bor-
16 rowers who have a disability in the preferred
17 method of communication of the borrower.

18 “(B) DEFINITION.—In this paragraph, the
19 term ‘disability’ has the meaning given the term
20 ‘handicap’ in section 802 of the Fair Housing
21 Act (42 U.S.C. 3602).”; and

22 (B) in subsection (c), by amending para-
23 graph (1) to read as follows:

24 “(1) NO DOCUMENTATION REQUIRED.—A
25 servicer of a covered mortgage loan shall not require

1 any documentation with respect to a forbearance
2 under this section other than the oral or written af-
3 firmation of the borrower to a financial hardship
4 that prevents the borrower from making timely pay-
5 ments on the covered mortgage loan due, directly or
6 indirectly, to the COVID–19 emergency. An oral re-
7 quest for forbearance and oral affirmation of hard-
8 ship by the borrower shall be sufficient for the bor-
9 rower to obtain or extend a forbearance.”.

10 (5) OTHER SERVICER REQUIREMENTS DURING
11 FORBEARANCE.—Section 4022(c) of the CARES Act
12 (15 U.S.C. 9056(c)), as amended by paragraph (3)
13 of this subsection, is amended by adding at the end
14 the following:

15 “(4) FORBEARANCE TERMS NOTICE.—Within
16 30 days of a servicer of a covered mortgage loan
17 providing forbearance to a borrower under sub-
18 section (b) or paragraph (9) or (10), or 10 days if
19 the forbearance is for a term of less than 60 days,
20 but only where the forbearance was provided in re-
21 sponse to a request by the borrower for forbearance
22 or when an automatic forbearance was initially pro-
23 vided under paragraph (9) or (10), and not when an
24 existing forbearance is automatically extended, the

1 servicer shall provide the borrower with a notice in
2 accordance with the terms in paragraph (5).

3 “(5) CONTENTS OF NOTICE.—The written no-
4 tice required under paragraph (4) shall state in
5 plain language—

6 “(A) the specific terms of the forbearance;

7 “(B) the beginning and ending dates of the
8 forbearance;

9 “(C) that the borrower is eligible for not
10 more than 12 months of forbearance;

11 “(D) that the borrower may request an ex-
12 tension of the forbearance unless the borrower
13 will have reached the maximum period at the
14 end of the forbearance;

15 “(E) that the borrower may request that
16 the initial or extended period be shortened at
17 any time;

18 “(F) that the borrower should contact the
19 servicer before the end of the forbearance pe-
20 riod;

21 “(G) a description of the loss mitigation
22 options that may be available to the borrower at
23 the end of the forbearance period based on the
24 specific covered mortgage loan of the borrower;

1 “(H) information on how to find a housing
2 counseling agency approved by the Department
3 of Housing and Urban Development;

4 “(I) in the case of a forbearance provided
5 pursuant to paragraph (9) or (10), that the for-
6 bearance was automatically provided and how
7 to contact the servicer to make arrangements
8 for further assistance, including any renewal;
9 and

10 “(J) where applicable, that the forbearance
11 is subject to an automatic extension, including
12 the terms of any such automatic extensions and
13 when any further extension would require a bor-
14 rower request.

15 “(6) TREATMENT OF ESCROW ACCOUNTS.—
16 During any forbearance provided under this section,
17 a servicer shall pay or advance funds to make dis-
18 bursements in a timely manner from any escrow ac-
19 count established on the covered mortgage loan.

20 “(7) NOTIFICATION FOR BORROWERS.—During
21 the period beginning on the date that is 90 days
22 after the date of the enactment of this paragraph
23 and ending on the last day of the covered period,
24 each servicer of a covered mortgage loan shall be re-
25 quired to—

1 “(A) make available in a clear and con-
2 spicuous manner on their web page accurate in-
3 formation, in English and Spanish, for bor-
4 rowers regarding the availability of forbearance
5 as provided under subsection (b);

6 “(B) notify every borrower whose pay-
7 ments on a covered mortgage loan are or be-
8 come 31 days delinquent in any oral commu-
9 nication with or to the borrower that the bor-
10 rower may be eligible to request forbearance as
11 provided under subsection (b), except that such
12 notice shall not be required if the borrower al-
13 ready has requested forbearance under sub-
14 section (b); and

15 “(C) provide in writing, in both English
16 and Spanish, to any borrower whose payments
17 on the covered mortgage loan are or become 31
18 days delinquent, a notification that—

19 “(i) the borrower may be eligible for
20 forbearance under this section;

21 “(ii) the borrower can seek language
22 assistance and general help through a
23 housing counseling agency certified by the
24 Department of Housing and Urban Devel-
25 opment;

1 “(iii) provides information on how to
2 find a counseling agency described in
3 clause (ii); and

4 “(iv) shall be provided not later than
5 the 45th day of the delinquency of the bor-
6 rower.

7 “(8) CERTAIN TREATMENT UNDER RESPA.—
8 During any period of time that a borrower is in for-
9 bearance, has not yet received an offer under sub-
10 section (d)(2) or a notice of the determination of the
11 servicer under subsection (d)(3), as applicable, or
12 whose first payment due under an offer under sub-
13 section (d)(2) is not yet past due—

14 “(A) for purposes of section 1024.41 of
15 title 12, Code of Federal Regulations (or any
16 successor regulation), any delinquency on the
17 mortgage loan shall be tolled; and

18 “(B) the servicer shall not initiate or pro-
19 ceed with any judicial or non-judicial fore-
20 closure process, schedule a foreclosure sale,
21 move for a foreclosure judgment or order of
22 sale, execute a foreclosure related eviction or
23 foreclosure sale, including charging, assessing,
24 or incurring any foreclosure related fees, such

1 as attorney fees, property inspection fees, or
2 title fees.”.

3 (6) POST-FORBEARANCE LOSS MITIGATION.—

4 (A) AMENDMENT TO THE CARES ACT.—

5 Section 4022 of the CARES Act (15 U.S.C.
6 9056) is amended by adding at the end the fol-
7 lowing:

8 “(d) POST-FORBEARANCE LOSS MITIGATION.—

9 “(1) NOTICE OF AVAILABILITY OF ADDITIONAL
10 FORBEARANCE.—With respect to any covered mort-
11 gage loan as to which forbearance under this section
12 has been granted and not otherwise extended, in-
13 cluding by automatic extension, a servicer shall, not
14 later than 30 days before the end of the forbearance
15 period, in writing, notify the borrower that addi-
16 tional forbearance may be available and how to re-
17 quest such forbearance, except that no such notice
18 is required where the borrower already has requested
19 an extension of the forbearance period, is subject to
20 automatic extension pursuant to subsection
21 (b)(2)(B), or no additional forbearance is available.

22 “(2) LOSS MITIGATION OFFER BEFORE EXPIRA-
23 TION OF FORBEARANCE ON A COVERED MORTGAGE
24 LOAN OTHER THAN A FEDERALLY INSURED RE-
25 VERSE MORTGAGE LOAN.—

1 “(A) IN GENERAL.—For any covered mort-
2 gage loan that is not a federally insured reverse
3 mortgage loan, not later than 30 days before
4 the end of any forbearance period that has not
5 been extended or 30 days after a request by a
6 borrower to terminate the forbearance, which
7 time shall be before the servicer initiates or en-
8 gages in any foreclosure activity listed in sub-
9 section (c)(2), including incurring or charging
10 to a borrower any fees or corporate advances
11 related to a foreclosure, the servicer shall, in
12 writing—

13 “(i) offer the borrower a loss mitiga-
14 tion option, without the charging of any
15 fees or penalties other than interest, such
16 that the principal and interest payment of
17 the borrower remains the same as it was
18 prior to the forbearance, subject to any ad-
19 justment of the index pursuant to the
20 terms of an adjustable rate mortgage, and
21 that—

22 “(I) defers the payment of total
23 arrearages, including any escrow ad-
24 vances, to the end of the existing term
25 of the loan, without the charging or

1 collection of any additional interest on
2 the deferred amounts; or

3 “(II) extends the term of the
4 mortgage loan, and capitalizes, defers,
5 or forgives all escrow advances and
6 other arrearages;

7 “(ii) concurrent with the loss mitiga-
8 tion offer in clause (i), notify the borrower
9 that the borrower has the right to be eval-
10 uated for other loss mitigation options if
11 the borrower is not able to make the pay-
12 ment under the option offered in clause (i).

13 “(B) EXCEPTION.—Notwithstanding sub-
14 paragraph (A)(i), a servicer may offer a bor-
15 rower of a covered mortgage loan described in
16 subparagraph (A) a loss mitigation option that
17 reduces the principal and interest payment on
18 the covered mortgage loan and capitalizes, de-
19 fers, or forgives all escrow advances or arrear-
20 ages if the servicer has information indicating
21 that the borrower cannot resume the pre-for-
22 bearance mortgage payments.

23 “(3) EVALUATION FOR LOSS MITIGATION PRIOR
24 TO FORECLOSURE INITIATION FOR ANY COVERED
25 MORTGAGE LOAN THAT IS NOT A FEDERALLY IN-

1 SURED REVERSE MORTGAGE LOAN.—Before a
2 servicer may initiate or engage in any foreclosure ac-
3 tivity listed in subsection (c)(2) for any covered
4 mortgage loan that is not a federally insured reverse
5 mortgage loan, including incurring or charging to a
6 borrower any fees or corporate advances related to
7 a foreclosure on the basis that the borrower has
8 failed to perform under the loss mitigation offer in
9 paragraph (2)(A) within the first 90 days after the
10 option is offered, including a failure to accept the
11 loss mitigation offer in paragraph (2)(A), the
12 servicer shall—

13 “(A) unless the borrower has already sub-
14 mitted a complete application that the servicer
15 is reviewing—

16 “(i) notify the borrower in writing of
17 the documents and information, if any,
18 needed by the servicer to enable the
19 servicer to consider the borrower for all
20 available loss mitigation options; and

21 “(ii) exercise reasonable diligence to
22 obtain the documents and information
23 needed to complete the loss mitigation ap-
24 plication of the borrower; and

1 “(B) upon receipt of a complete applica-
2 tion or if, despite the exercise by the servicer of
3 reasonable diligence, the loss mitigation applica-
4 tion remains incomplete 60 days after the no-
5 tice in paragraph (2)(A) is sent—

6 “(i) conduct an evaluation of the com-
7 plete or incomplete loss mitigation applica-
8 tion without reference to whether the bor-
9 rower has previously submitted a complete
10 loss mitigation application; and

11 “(ii) offer the borrower all available
12 loss mitigation options for which the bor-
13 rower qualifies under applicable investor
14 guidelines, including guidelines regarding
15 required documentation.

16 “(4) EFFECT ON FUTURE REQUESTS FOR LOSS
17 MITIGATION REVIEW FOR BORROWERS WITH COV-
18 ERED MORTGAGE LOANS THAT ARE NOT FEDERALLY
19 INSURED REVERSE MORTGAGE LOANS.—An applica-
20 tion, offer, or evaluation for loss mitigation under
21 this section for a covered mortgage loan that is not
22 a federally insured reverse mortgage loan shall not
23 be the basis for the denial of an application of a bor-
24 rower as duplicative or for a reduction in the appeal
25 rights of the borrower under Regulation X in part

1 1024 of title 12, Code of Federal Regulations, in re-
2 gard to any loss mitigation application submitted
3 after the servicer has complied with the require-
4 ments of paragraphs (2) and (3),

5 “(5) SAFE HARBOR.—For any covered mort-
6 gage loan that is not a federally insured reverse
7 mortgage loan, any loss mitigation option authorized
8 by the Federal National Mortgage Association, the
9 Federal Home Loan Corporation, or the Federal
10 Housing Administration shall be deemed to comply
11 with the requirements of paragraph (2)(A) if the
12 loss mitigation option—

13 “(A) defers the payment of total arrear-
14 ages, including any escrow advances, to the end
15 of the existing term of the loan, without the
16 charging or collection of any additional interest
17 on the deferred amounts; or

18 “(B) extends the term of the mortgage
19 loan, and capitalizes, defers, or forgives all es-
20 crow advances and other arrearages, without
21 the charging of any fees or penalties beyond in-
22 terest on any amount capitalized into the loan
23 principal.

24 “(6) HOME RETENTION OPTIONS FOR CERTAIN
25 REVERSE MORTGAGE LOANS.—

1 “(A) IN GENERAL.—For a covered mort-
2 gage loan that is also a federally insured re-
3 verse mortgage loan, the conduct of a servicer
4 shall be deemed to comply with this section,
5 provided that if the loan is eligible to be called
6 due and payable due to a property charge de-
7 fault, the mortgagee shall, as a precondition to
8 sending a due and payable request to the Sec-
9 retary or initiating or continuing a foreclosure
10 process—

11 “(i) make a good faith effort to com-
12 municate with the borrower regarding
13 available home retention options to cure
14 the property charge default, including en-
15 couraging the borrower to apply for home
16 retention options; and

17 “(ii) consider the borrower for all
18 available home retention options as allowed
19 by the Secretary.

20 “(B) PERMISSIBLE REPAYMENT PLANS.—
21 The Secretary shall amend the allowable home
22 retention options of the Secretary to permit a
23 repayment plan of not more than 120 months
24 in length, and to permit a repayment plan with-

1 out regard to prior defaults on repayment
2 plans.

3 “(C) LIMITATION ON INTEREST CURTAIL-
4 MENT.—The Secretary may not curtail interest
5 paid to mortgagees who engage in loss mitiga-
6 tion or home retention actions through interest
7 curtailment during such loss mitigation or home
8 retention review or during the period when a
9 loss mitigation or home retention plan is in ef-
10 fect and ending 90 days after any such plan
11 terminates.”.

12 (B) AMENDMENT TO HOUSING ACT OF
13 1949.—

14 (i) IN GENERAL.—Section 505 of the
15 Housing Act of 1949 (42 U.S.C. 1475) is
16 amended—

17 (I) by striking the section head-
18 ing and inserting “LOSS MITIGA-
19 TION AND FORECLOSURE PRO-
20 CEDURES”;

21 (II) in subsection (a), by striking
22 the section designation and all that
23 follows through “During any” and in-
24 serting the following:

1 “(a) MORATORIUM.—(1) In determining the eligi-
2 bility of a borrower for relief, the Secretary shall make
3 all eligibility decisions based on the household income, ex-
4 penses, and circumstances of the borrower.

5 “(2) During any”;

6 (III) by redesignating subsection

7 (b) as subsection (c); and

8 (IV) by inserting after subsection

9 (a) 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
16 granted under this section or under this Act, the
17 Secretary shall reset the principal and interest pay-
18 ments of the borrower—

19 “(A) based on a reasonable assessment of
20 the ability of the household of the borrower to
21 make principal and interest payments; and

22 “(B) in accordance with paragraphs (1)
23 and (2) of subsection (a) and paragraphs (1)
24 and (3) of this subsection.

1 “(3) The amount of the principal and interest
2 payment that is reset under paragraph (2) may not
3 exceed the amount of the principal and interest pay-
4 ment of the borrower before the moratorium.”.

5 (ii) RULES.—

6 (I) INTERIM FINAL RULE.—Not
7 later than 60 days after the date of
8 enactment of this Act, the Secretary
9 of Agriculture shall promulgate an in-
10 terim final rule to carry out the
11 amendments made by this subpara-
12 graph.

13 (II) FINAL RULE.—Not later
14 than 180 days after the date of enact-
15 ment of this Act, the Secretary of Ag-
16 riculture shall promulgate a final rule
17 to carry out the amendments made by
18 this subparagraph.

19 (7) MULTIFAMILY MORTGAGE FORBEARANCE.—
20 Section 4023 of the CARES Act (15 U.S.C. 9057)
21 is amended—

22 (A) in the section heading, by striking
23 “with federally backed loans”;

24 (B) by striking “Federally backed multi-
25 family mortgage loan” each place that term ap-

1 pears and inserting “multifamily mortgage
2 loan”;

3 (C) in subsection (b), by striking “during”
4 and inserting “due, directly or indirectly, to”;

5 (D) in subsection (c)(1)—

6 (i) in subparagraph (A), by adding
7 “and” at the end; and

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 in section
12 4024(b).”;

13 (E) by redesignating subsection (f) as sub-
14 section (g);

15 (F) 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 not less
21 than a 12-month period beginning at the end of the
22 forbearance to become current on the payments
23 under such 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 the
2 payments are made before the end of the repayment
3 period under paragraph (1); and

4 “(3) may not report any adverse information to
5 a credit rating agency (as defined in section 603 of
6 the Fair Credit Reporting Act (12 U.S.C. 1681a))
7 with respect to any payments on the loan that were
8 due during the forbearance period, if the payments
9 are made before the end of the repayment period
10 under paragraph (1)).”; and

11 (G) in subsection (g), as so redesignated—

12 (i) in paragraph (2)—

13 (I) in the paragraph heading, by
14 striking “FEDERALLY BACKED
15 MULTIFAMILY” and inserting
16 “MULTIFAMILY”;

17 (II) by striking “that—” and all
18 that follows through “(A) is secured
19 by” and inserting “that is secured
20 by”;

21 (III) by striking “; and” and in-
22 serting a period; and

23 (IV) by striking subparagraph
24 (B); and

1 (ii) by amending paragraph (5) to
2 read as follows:

3 “(5) COVERED PERIOD.—The term ‘covered pe-
4 riod’ has the meaning given the term in section
5 4022(a)(3).”.

6 (8) RENTER PROTECTIONS DURING FORBEAR-
7 ANCE PERIOD.—A borrower that receives a forbear-
8 ance pursuant to section 4022 or 4023 of the
9 CARES Act (15 U.S.C. 9056, 9057) may not, for
10 the duration of the forbearance—

11 (A) evict or initiate the eviction of a tenant
12 solely for nonpayment of rent or other fees or
13 charges; or

14 (B) charge any late fees, penalties, or
15 other charges to a tenant for late payment of
16 rent.

17 (9) EXTENSION OF GSE PATCH.—

18 (A) NON-APPLICABILITY OF EXISTING
19 SUNSET.—Section 1026.43(e)(4)(iii)(B) of title
20 12, Code of Federal Regulations, shall have no
21 force or effect.

22 (B) EXTENDED SUNSET.—The special
23 rules in section 1026.43(e)(4) of title 12, Code
24 of Federal Regulations, shall apply to covered
25 transactions consummated prior to June 1,

1 2022, or such later date as the Director of the
2 Bureau of Consumer Financial Protection may
3 determine, by rule.

4 (10) SERVICER SAFE HARBOR FROM INVESTOR
5 LIABILITY.—

6 (A) SAFE HARBOR.—

7 (i) IN GENERAL.—A servicer of cov-
8 ered mortgage loans or multifamily mort-
9 gage loans—

10 (I) shall be deemed not to have
11 violated any duty or contractual obli-
12 gation owed to investors or other par-
13 ties regarding those mortgage loans
14 on account of offering or imple-
15 menting in good faith forbearance
16 during the covered period or offering
17 or implementing in good faith post-
18 forbearance loss mitigation (including
19 after the expiration of the covered pe-
20 riod) in accordance with the terms of
21 sections 4022 and 4023 of the
22 CARES Act (15 U.S.C. 9056, 9057)
23 to borrowers, respectively, on covered
24 mortgage loans or multifamily mort-

1 gage loans that the servicer services;
2 and

3 (II) shall not be liable to any
4 party who is owed such a duty or obli-
5 gation or subject to any injunction,
6 stay, or other equitable relief to such
7 party on account of such offer or im-
8 plementation of forbearance or post-
9 forbearance loss mitigation.

10 (ii) OTHER PERSONS.—Any person,
11 including a trustee of a securitization vehi-
12 cle or other party involved in a
13 securitization or other investment vehicle,
14 who in good faith cooperates with a
15 servicer of covered mortgage loans or mul-
16 tifamily mortgage loans held by that
17 securitization or investment vehicle to com-
18 ply with the terms of section 4022 and
19 4023 of the CARES Act (15 U.S.C. 9056,
20 9057), respectively, to borrowers on cov-
21 ered or multifamily mortgage loans owned
22 by the securitization or other investment
23 vehicle shall not be liable to any party who
24 is owed such a duty or obligation or sub-
25 ject to any injunction, stay, or other equi-

1 table relief to such party on account of the
2 cooperation of the servicer with an offer or
3 implementation of forbearance during the
4 covered period or post-forbearance loss
5 mitigation, including after the expiration of
6 the covered period.

7 (B) STANDARD INDUSTRY PRACTICE.—

8 During the covered period, notwithstanding any
9 contractual restrictions, it is deemed to be
10 standard industry practice for a servicer to
11 offer forbearance (or in the case of a reverse
12 mortgage, an extension of the due and payable
13 period) or loss mitigation options in accordance
14 with the terms of sections 4022 and 4023 of
15 the CARES Act (15 U.S.C. 9056, 9057) to bor-
16 rowers, respectively, on all covered mortgage
17 loans or multifamily mortgage loans serviced by
18 the servicer.

19 (C) RULE OF CONSTRUCTION.—Nothing in
20 this paragraph may be construed as affecting
21 the liability of a servicer or other person for ac-
22 tual fraud in the servicing of a mortgage loan
23 or for the violation of a State or Federal law.

24 (D) DEFINITIONS.—In this paragraph:

1 (i) COVERED MORTGAGE LOAN.—The
2 term “covered mortgage loan” has the
3 meaning given the term in section 4022(a)
4 of the CARES Act (15 U.S.C. 9056(a)).

5 (ii) COVERED PERIOD.—The term
6 “covered period” has the meaning given
7 the term in section 4023(g) of the CARES
8 Act (15 U.S.C. 9057(g)).

9 (iii) MULTIFAMILY MORTGAGE
10 LOAN.—The term “multifamily mortgage
11 loan” has the meaning given the term in
12 section 4023(g) of the CARES Act (15
13 U.S.C. 9057(g)).

14 (iv) SERVICER.—The term
15 “servicer”—

16 (I) has the meaning given the
17 term in section 6(i) of the Real Estate
18 Settlement Procedures Act of 1974
19 (12 U.S.C. 2605(i)); and

20 (II) means a master servicer and
21 a subservicer, as those terms are de-
22 fined in section 1024.31 of title 12,
23 Code of Federal Regulations.

24 (v) SECURITIZATION VEHICLE.—The
25 term “securitization vehicle” has the

1 meaning given that term in section
2 129A(f) of the Truth in Lending Act (15
3 U.S.C. 1639a(f)).

4 (c) AMENDMENTS TO NATIONAL HOUSING ACT.—
5 Section 306(g)(1) of the National Housing Act (12 U.S.C.
6 1721(g)(1)) is amended—

7 (1) in the fifth sentence, by inserting after
8 “issued” the following: “, subject to any pledge or
9 grant of security interest of the Federal Reserve
10 under section 4003(b)(4) of the CARES Act (15
11 U.S.C. 9042(b)(4))) related to any such mortgage or
12 mortgages or any interest therein and the proceeds
13 thereon, which the Association may elect to ap-
14 prove”; and

15 (2) in the sixth sentence—

16 (A) by striking “or (C)” and inserting
17 “(C)”; and

18 (B) by inserting before the period the fol-
19 lowing: “, or (D) its approval and honoring of
20 any pledge or grant of security interest of the
21 Federal Reserve under section 4003(b)(4) of
22 the CARES Act (15 U.S.C. 9042(b)(4)) related
23 to any such mortgage or mortgages or any in-
24 terest therein and proceeds thereon”.

1 **SEC. 204. PROMOTING ACCESS TO CREDIT FOR HOME-**
2 **BUYERS.**

3 (a) **FANNIE MAE AND FREDDIE MAC.**—

4 (1) **PURCHASE REQUIREMENTS.**—During the
5 period that begins 5 days after the date of the en-
6 actment of this Act and ends 60 days after the expi-
7 ration of the covered period with respect to the
8 mortgage, notwithstanding any other provision of
9 law, an enterprise may not refuse to purchase any
10 single-family mortgage originated on or after Feb-
11 ruary 1, 2020, that otherwise would have been eligi-
12 ble for purchase by such enterprise, solely due to the
13 fact that the borrower has, for the borrower’s pre-
14 vious mortgage or on the mortgage being pur-
15 chased—

16 (A) entered into forbearance as a result of
17 a financial hardship due, directly or indirectly,
18 to the COVID–19 emergency;

19 (B) requested forbearance as a result of a
20 financial hardship due, directly or indirectly, to
21 the COVID–19 emergency; or

22 (C) inquired as to options related to for-
23 bearance as a result of a financial hardship
24 due, directly or indirectly, to the COVID–19
25 emergency.

1 (2) PROHIBITION ON RESTRICTIONS.—With re-
2 spect to purchase of single-family mortgages de-
3 scribed in paragraph (1) and specified in any of sub-
4 paragraphs (A) through (C) of such paragraph, an
5 enterprise may not—

6 (A) establish additional restrictions that
7 are not applicable to similarly situated mort-
8 gages under which the borrower is not in for-
9 bearance;

10 (B) charge a higher guarantee fee (within
11 the meaning provided such term in section 1327
12 of the Housing and Community Development
13 Act of 1992 (12 U.S.C. 4547)), or loan level
14 pricing adjustment, or otherwise alter pricing
15 for such mortgages, relative to similarly situ-
16 ated mortgages under which the borrower is not
17 in forbearance;

18 (C) apply repurchase requirements to such
19 mortgages that are more restrictive than repur-
20 chase requirements applicable to similarly situ-
21 ated mortgages under which the borrower is not
22 in forbearance; or

23 (D) require lender indemnification of such
24 mortgages, solely due to the fact that the bor-
25 rower is in forbearance.

1 (3) FRAUD DETECTION.—This subsection may
2 not be construed to prevent an enterprise from con-
3 ducting oversight and review of single-family mort-
4 gages purchased when a borrower is in forbearance
5 on the borrower’s previous mortgage, or on the
6 mortgage being purchased, for purposes of detecting
7 fraud. An enterprise shall report any fraud detected
8 to the Director of the Federal Housing Finance
9 Agency.

10 (4) ENTERPRISE CAPITAL.—During the period
11 that begins 5 days after the date of the enactment
12 of this Act and ends 60 days after the expiration of
13 the covered period with respect to a mortgage, not-
14 withstanding any other provision of law, a forbear-
15 ance on such mortgage shall not be considered to be
16 a delinquency under such mortgage for purposes of
17 calculating capital of an enterprise for any purpose
18 under title XIII of the Housing and Community De-
19 velopment Act of 1992 (12 U.S.C. 4501 et seq.).

20 (5) RULES OF CONSTRUCTION.—

21 (A) PURCHASE PARAMETERS.—This sub-
22 section may not be construed to require an en-
23 terprise to purchase single-family mortgages
24 that do not meet existing or amended purchase
25 parameters, other than parameters related to

1 borrower forbearance, established by such en-
2 terprise.

3 (B) EMPLOYMENT; INCOME.—This sub-
4 section may not be construed to prevent an en-
5 terprise from establishing additional require-
6 ments to ensure that a borrower has not lost
7 their job or income prior to a mortgage closing.

8 (6) IMPLEMENTATION.—The Director may
9 issue any guidance, orders, and regulations nec-
10 essary to carry out this subsection.

11 (b) FHA.—

12 (1) PROHIBITION ON RESTRICTIONS.—During
13 the period that begins 5 days after the date of the
14 enactment of this Act and ends 60 days after the ex-
15 piration of the covered period with respect to the
16 mortgage, notwithstanding any other provision of
17 law, the Secretary of Housing and Urban Develop-
18 ment may not deny the provision of mortgage insur-
19 ance for a single-family mortgage originated on or
20 after February 1, 2020, may not implement addi-
21 tional premiums or otherwise alter pricing for such
22 a mortgage, may not require mortgagee indemnifica-
23 tion, and may not establish additional restrictions on
24 such a mortgagor, solely due to the fact that the
25 borrower has—

1 (A) entered into forbearance as a result of
2 a financial hardship due, directly or indirectly,
3 to the COVID–19 emergency;

4 (B) requested forbearance as a result of a
5 financial hardship due, directly or indirectly, to
6 the COVID–19 emergency; or

7 (C) inquired as to options related to for-
8 bearance as a result of a financial hardship
9 due, directly or indirectly, to the COVID–19
10 emergency.

11 (2) RULES OF CONSTRUCTION.—

12 (A) INSURANCE.—This subsection may not
13 be construed to require the Secretary of Hous-
14 ing and Urban Development to provide insur-
15 ance on single-family mortgages that do not
16 meet existing or amended insurance param-
17 eters, other than parameters related to bor-
18 rower forbearance, established by the Secretary.

19 (B) EMPLOYMENT; INCOME.—This sub-
20 section may not be construed to prevent the
21 Secretary of Housing and Urban Development
22 from establishing additional requirements re-
23 garding insurance on single-family mortgages to
24 ensure that a borrower has not lost their job or
25 income prior to a mortgage closing.

1 (c) REPORTING REQUIREMENTS.—

2 (1) FHFA ACTIONS.—During the COVID–19
3 emergency, the Director may not increase guarantee
4 fees, loan level pricing adjustments, or any other
5 fees or implement any restrictions on access to cred-
6 it unless the Director provides 48-hour advance no-
7 tice of such increase or restrictions to the Committee
8 on Financial Services of the House of Representa-
9 tives and the Committee on Banking, Housing, and
10 Urban Affairs of the Senate together with a detailed
11 report of the policy rationale for the decision, includ-
12 ing any and all data considered in making such deci-
13 sion.

14 (2) QUARTERLY REPORTS BY ENTERPRISES
15 AND FHA.—

16 (A) REQUIREMENT.—Each enterprise and
17 the Secretary of Housing and Urban Develop-
18 ment, with respect to the FHA mortgage insur-
19 ance programs, shall provide reports to the
20 Congress, and make such reports publicly avail-
21 able, not less frequently than quarterly regard-
22 ing the impact of COVID–19 pandemic on the
23 such enterprises' and program's ability to meet
24 their charter requirements, civil rights respon-
25 sibilities, mandates under the CARES Act

1 (Public Law 116–136), and other laws enacted
2 in response to the COVID–19 pandemic, and
3 other requirements under law. The first such
4 report shall be submitted not later than the ex-
5 piration of the 3-month period beginning upon
6 the date of the enactment of this Act and the
7 requirement under this subparagraph to submit
8 such reports shall terminate upon the expiration
9 of the 2-year period beginning upon the termi-
10 nation of the COVID–19 emergency.

11 (B) CONTENT.—Each report required
12 under subparagraph (A) shall include the fol-
13 lowing information for the most recent quarter
14 for which data is available:

15 (i) ENTERPRISES.—For each report
16 required by an enterprise:

17 (I) The number of single-family
18 and multi-family residential mortgage
19 loans purchased by the enterprise and
20 the unpaid principal balance of such
21 mortgage loans purchased,
22 disaggregated by—

23 (aa) mortgage loans made to
24 low- and moderate-income bor-
25 rowers;

1 (bb) mortgage loans made
2 for properties in low- and mod-
3 erate-income census tracts; and

4 (cc) mortgage loans made
5 for properties in central cities,
6 rural areas, and underserved
7 areas.

8 (II) In the single-family residen-
9 tial mortgage market—

10 (aa) the total number, un-
11 paid principal balance, and
12 length of forbearances provided
13 to borrowers, including whether
14 or not the forbearance was re-
15 quested by the borrower;

16 (bb) a detailed breakdown of
17 the loan modifications offered to
18 borrowers and whether the bor-
19 rowers accepted the offer includ-
20 ing the total number and unpaid
21 principal balance of loan modi-
22 fications ultimately made to bor-
23 rowers;

24 (cc) a detailed breakdown of
25 the home retention options of-

1 ferred to borrowers and whether
2 the borrowers accepted the offer,
3 including the total number and
4 unpaid principal balance of other
5 home retention options ultimately
6 made to borrowers; and

7 (dd) the total number of
8 outcomes that included short-
9 sales, deed-in-lieu of foreclosure,
10 and foreclosure sales.

11 (III) A description of any efforts
12 by the enterprise to provide assistance
13 and support to consumers who are not
14 proficient in English.

15 (IV) A description of any other
16 efforts by the enterprise to provide as-
17 sistance to low- and moderate-income
18 communities, central cities, rural
19 areas, and other underserved areas,
20 such as financial literacy and edu-
21 cation or support of fair housing and
22 housing counseling agencies.

23 (V) A description of any other
24 assistance provided by the enterprise

1 to consumers in response to the
2 COVID–19 pandemic.

3 (ii) FHA.—For each report required
4 with respect to the FHA mortgage insur-
5 ance programs:

6 (I) The number and unpaid prin-
7 cipal balance for all residential mort-
8 gage loans, disaggregated by type, in-
9 sured under such programs.

10 (II) The total number, unpaid
11 principal balance, and length of
12 forbearances provided to borrowers,
13 including whether or not the forbear-
14 ance was requested by the borrower.

15 (III) A detailed breakdown of the
16 loan modifications offered to bor-
17 rowers and whether the borrowers ac-
18 cepted the offer including the total
19 number and unpaid principal balance
20 of loan modifications ultimately made
21 to borrowers.

22 (IV) A detailed breakdown of the
23 home retention options offered to bor-
24 rowers and whether the borrowers ac-
25 cepted the offer including the total

1 number and unpaid principal balance
2 of other home retention options ulti-
3 mately made to borrowers.

4 (V) A description of any efforts
5 under such programs to provide as-
6 sistance and support to consumers
7 who are not proficient in English.

8 (VI) A description of any other
9 efforts under such programs to pro-
10 vide assistance to low- and moderate-
11 income communities, central cities,
12 rural areas, and other underserved
13 areas, such as financial literacy and
14 education or support of fair housing
15 and housing counseling agencies.

16 (VII) A description of any other
17 assistance provided under such pro-
18 grams to consumers in response to the
19 COVID–19 pandemic.

20 (iii) PROVISIONS TO BE INCLUDED IN
21 ALL REPORTS.—Each report required
22 under subparagraph (A) shall include, to
23 the degree reasonably possible, the fol-
24 lowing information:

1 (I) An analysis of all loan level
2 data required by clauses (i) and (ii) of
3 this subparagraph disaggregated by
4 race, national origin, gender, disability
5 status, whether or not the borrower
6 seeking or obtaining assistance speaks
7 English as a second language, the
8 preferred language of the borrower,
9 debt-to-income level of the borrower,
10 loan-to-value ratio of the loan, and
11 credit score of the borrower.

12 (II) A geographical analysis at
13 the census tract level, but if informa-
14 tion is not available at the census
15 tract level for any of the items re-
16 quired by clauses (i) and (ii), the geo-
17 graphical analysis shall be provided at
18 the zip code level for the item for
19 which a census tract analysis was not
20 possible.

21 (III) A description of any policy
22 changes made by the enterprise or
23 Secretary of Housing and Urban De-
24 velopment, as appropriate, in response
25 to the COVID-19 pandemic and anal-

1 ysis of actions taken to ensure that
2 such policy changes were in compli-
3 ance with all relevant civil rights re-
4 sponsibilities, including the Fair
5 Housing Act, including the Affirma-
6 tively Furthering Fair Housing provi-
7 sion, the Equal Credit Opportunity
8 Act, the Community Reinvestment Act
9 of 1977, the Federal Housing Enter-
10 prises Financial Safety and Sound-
11 ness Act of 1992, the Housing and
12 Economic Recovery Act of 2008, Fed-
13 eral Home Loan Bank Act, Executive
14 Orders 11063 and 12892, the Federal
15 National Mortgage Association Char-
16 ter Act, and the Federal Home Loan
17 Mortgage Corporation Act.

18 (3) REPORT BY GAO.—Not later than the expi-
19 ration of the 120-day period that begins upon the
20 termination of the COVID–19 emergency, the
21 Comptroller General of the United States shall sub-
22 mit to the Congress and make public available a re-
23 port on—

24 (A) the extent to which the enterprises and
25 the FHA mortgage insurance programs pro-

1 vided loan products, forbearances, loan modi-
2 fications, and COVID–19-related assistance to
3 consumers;

4 (B) the availability and type of any such
5 assistance provided post-forbearance; and

6 (C) the overall ability of the enterprises
7 and the FHA mortgage insurance programs to
8 successfully meet their charter requirements,
9 civil rights responsibilities, and other require-
10 ments under law.

11 (d) DEFINITIONS.—For purposes of this Act, the fol-
12 lowing definitions shall apply:

13 (1) COVERED PERIOD.—The term “covered pe-
14 riod” means, with respect to a federally backed
15 mortgage loan, the period of time during which the
16 borrower under such loan may request forbearance
17 on the loan under section 4022(b) of the CARES
18 Act (15 U.S.C. 9056; Public Law 116–136; 134
19 Stat. 490).

20 (2) COVID-19 EMERGENCY.—The term
21 “COVID–19 emergency” has the meaning given
22 such term in section 4022 of the CARES Act (15
23 U.S.C. 9056; Public Law 116–136; 134 Stat. 490).

1 (3) DIRECTOR.—The term “Director” means
2 the Director of the Federal Housing Finance Agen-
3 cy.

4 (4) ENTERPRISE.—The term “enterprise” has
5 the meaning given such term in section 1303 of the
6 Housing and Community Development Act of 1992
7 (12 U.S.C. 4502).

8 **SEC. 205. LIQUIDITY FOR MORTGAGE SERVICERS AND RESI-**
9 **DENTIAL RENTAL PROPERTY OWNERS.**

10 (a) IN GENERAL.—Section 4003 of the CARES Act
11 (15 U.S.C. 9042), is amended by adding at the end the
12 following:

13 “(i) LIQUIDITY FOR MORTGAGE
14 SERVICERS.—

15 “(1) IN GENERAL.—Subject to paragraph (2),
16 the Secretary shall ensure that servicers of covered
17 mortgage loans (as defined under section 4022) and
18 multifamily mortgage loans (as defined under sec-
19 tion 4023) are provided the opportunity to partici-
20 pate in the loans, loan guarantees, or other invest-
21 ments made by the Secretary under this section. The
22 Secretary shall ensure that servicers are provided
23 with access to such opportunities under equitable
24 terms and conditions regardless of their size.

1 “(2) MORTGAGE SERVICER ELIGIBILITY.—In
2 order to receive assistance under subsection (b)(4),
3 a mortgage servicer shall—

4 “(A) demonstrate that the mortgage
5 servicer has established policies and procedures
6 to use such funds only to replace funds used for
7 borrower assistance, including to advance funds
8 as a result of forbearance or other loss mitiga-
9 tion provided to borrowers;

10 “(B) demonstrate that the mortgage
11 servicer has established policies and procedures
12 to provide forbearance, post-forbearance loss
13 mitigation, and other assistance to borrowers in
14 compliance with the terms of section 4022 or
15 4023, as applicable;

16 “(C) demonstrate that the mortgage
17 servicer has established policies and procedures
18 to ensure that forbearance and post-forbearance
19 assistance is available to all borrowers in a non-
20 discriminatory fashion and in compliance with
21 the Fair Housing Act, the Equal Credit Oppor-
22 tunity Act, and other applicable fair housing
23 and fair lending laws; and

24 “(D) comply with the limitations on com-
25 pensation set forth in section 4004.

1 “(3) MORTGAGE SERVICER REQUIREMENTS.—A
2 mortgage servicer receiving assistance under sub-
3 section (b)(4) may not, while the servicer is under
4 any obligation to repay funds provided or guaran-
5 teed under this section—

6 “(A) pay dividends with respect to the
7 common stock of the mortgage servicer or pur-
8 chase an equity security of the mortgage
9 servicer or any parent company of the mortgage
10 servicer if the security is listed on a national se-
11 curities exchange, except to the extent required
12 under a contractual obligation that is in effect
13 on the date of enactment of this subsection; or

14 “(B) prepay any debt obligation.”.

15 (b) CREDIT FACILITY FOR RESIDENTIAL RENTAL
16 PROPERTY OWNERS.—

17 (1) IN GENERAL.—The Board of Governors of
18 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 residential rental
23 property owners as to temporarily compensate
24 such owners for documented financial losses
25 caused by reductions in rent payments; and

1 (B) defer such owners' required payments
2 on such loans until after six months after the
3 date of enactment of this Act.

4 (2) REQUIREMENTS.—A borrower that receives
5 a loan under this subsection may not, for the dura-
6 tion of the loan—

7 (A) evict or initiate the eviction of a tenant
8 solely for nonpayment of rent or other fees or
9 charges;

10 (B) charge any late fees, penalties, or
11 other charges to a tenant for late payment of
12 rent; and

13 (C) with respect to a person or entity de-
14 scribed under paragraph (4), discriminate on
15 the basis of source of income.

16 (3) REPORT ON RESIDENTIAL RENTAL PROP-
17 ERTY OWNERS.—The Board of Governors shall issue
18 reports to the Congress on a monthly basis con-
19 taining the following, with respect to each property
20 owner receiving a loan under this subsection:

21 (A) The number of borrowers that received
22 assistance under this subsection.

23 (B) The average total loan amount that
24 each borrower received.

1 (C) The total number of rental units that
2 each borrower owned.

3 (D) The average rent charged by each bor-
4 rower.

5 (4) REPORT ON LARGE RESIDENTIAL RENTAL
6 PROPERTY OWNERS.—The Board of Governors shall
7 issue reports to the Congress on a monthly basis
8 that identify any person or entity that in aggregate
9 owns or holds a controlling interest in any entity
10 that, in aggregate, owns—

11 (A) more than 100 rental units that are lo-
12 cated within in a single Metropolitan Statistical
13 Area;

14 (B) more than 1,000 rental units nation-
15 wide; or

16 (C) rental units in three or more States.

17 (c) AMENDMENTS TO NATIONAL HOUSING ACT.—

18 Section 306(g)(1) of the National Housing Act (12 U.S.C.
19 1721(a)) is amended—

20 (1) in the fifth sentence, by inserting after
21 “issued” the following: “, subject to any pledge or
22 grant of security interest of the Federal Reserve
23 under section 4003(a) of the CARES Act (Public
24 Law 116–136; 134 Stat. 470; 15 U.S.C. 9042(a))
25 and to any such mortgage or mortgages or any in-

1 terest therein and the proceeds thereon, which the
2 Association may elect to approve”; and

3 (2) in the sixth sentence—

4 (A) by striking “or (C)” and inserting
5 “(C)”; and

6 (B) by inserting before the period the fol-
7 lowing: “, or (D) its approval and honoring of
8 any pledge or grant of security interest of the
9 Federal Reserve under section 4003(a) of the
10 CARES Act and to any such mortgage or mort-
11 gages or any interest therein and proceeds
12 thereon as”.

13 **SEC. 206. SUPPLEMENTAL FUNDING FOR SUPPORTIVE**
14 **HOUSING FOR THE ELDERLY AND PERSONS**
15 **WITH DISABILITIES.**

16 (a) **AUTHORIZATION OF APPROPRIATIONS.**—There is
17 authorized to be appropriated \$500,000,000 for fiscal year
18 2021 for additional assistance for supportive housing for
19 the elderly, of which—

20 (1) \$200,000,000 shall be for rental assistance
21 under section 202 of the Housing Act of 1959 (12
22 U.S.C. 1701q) or section 8 of the United States
23 Housing Act of 1937 (42 U.S.C. 1437f), as appro-
24 priate, and for hiring additional staff and for serv-
25 ices and costs, including acquiring personal protec-

1 tive equipment, to prevent, prepare for, or respond
2 to the public health emergency relating to
3 Coronavirus Disease 2019 (COVID–19) pandemic;
4 and

5 (2) \$300,000,000 shall be for grants under sec-
6 tion 676 of the Housing and Community Develop-
7 ment Act of 1992 (42 U.S.C. 13632) for costs of
8 providing service coordinators for purposes of coordi-
9 nating services to prevent, prepare for, or respond to
10 the public health emergency relating to Coronavirus
11 Disease 2019 (COVID–19).

12 Any provisions of, and waivers and alternative require-
13 ments issued by the Secretary pursuant to, the heading
14 “Department of Housing and Urban Development—Hous-
15 ing Programs—Housing for the Elderly” in title XII of
16 division B of the CARES Act (Public Law 116–136) shall
17 apply with respect to amounts made available pursuant
18 to this subsection.

19 (b) ELIGIBILITY OF SUPPORTIVE HOUSING FOR PER-
20 SONS WITH DISABILITIES.—Subsection (a) of section 676
21 of the Housing and Community Development Act of 1992
22 (42 U.S.C. 13632(a)) shall be applied, for purposes of
23 subsection (a) of this section, by substituting “(G), and
24 (H)” for “ and (G)”.

25 (c) SERVICE COORDINATORS.—

1 (1) HIRING.—In the hiring of staff using
2 amounts made available pursuant to this section for
3 costs of providing service coordinators, grantees
4 shall consider and hire, at all levels of employment
5 and to the greatest extent possible, a diverse staff,
6 including by race, ethnicity, gender, and disability
7 status. Each grantee shall submit a report to the
8 Secretary of Housing and Urban Development de-
9 scribing compliance with the preceding sentence not
10 later than the expiration of the 120-day period that
11 begins upon the termination of the emergency de-
12 clared on March 13, 2020, by the President under
13 the Robert T. Stafford Disaster Relief and Emer-
14 gency Assistance Act (42 U.S.C. 4121 et seq.) relat-
15 ing to the Coronavirus Disease 2019 (COVID–19)
16 pandemic.

17 (2) ONE-TIME GRANTS.—Grants made using
18 amounts made available pursuant to subsection (a)
19 for costs of providing service coordinators shall not
20 be renewable.

21 (3) ONE-YEAR AVAILABILITY.—Any amounts
22 made available pursuant to this section for costs of
23 providing service coordinators that are allocated for
24 a grantee and remain unexpended upon the expira-

1 tion of the 12-month period beginning upon such al-
2 location shall be recaptured by the Secretary.

3 **SEC. 207. FAIR HOUSING.**

4 (a) DEFINITION OF COVID–19 EMERGENCY PE-
5 RIOD.—For purposes of this Act, the term “COVID–19
6 emergency period” means the period that begins upon the
7 date of the enactment of this Act and ends upon the date
8 of the termination by the Federal Emergency Manage-
9 ment Agency of the emergency declared on March 13,
10 2020, by the President under the Robert T. Stafford Dis-
11 aster Relief and Emergency Assistance Act (42 U.S.C.
12 4121 et seq.) relating to the Coronavirus Disease 2019
13 (COVID–19) pandemic.

14 (b) FAIR HOUSING ACTIVITIES.—

15 (1) AUTHORIZATION OF APPROPRIATIONS.—To
16 ensure existing grantees have sufficient resource for
17 fair housing activities and for technology and equip-
18 ment needs to deliver services through use of the
19 Internet or other electronic or virtual means in re-
20 sponse to the public health emergency related to the
21 Coronavirus Disease 2019 (COVID–19) pandemic,
22 there is authorized to be appropriated \$4,000,000
23 for Fair Housing Organization Initiative grants
24 through the Fair Housing Initiatives Program under

1 section 561 of the Housing and Community Devel-
2 opment Act of 1987 (42 U.S.C. 3616a).

3 (2) 3-YEAR AVAILABILITY.—Any amounts made
4 available pursuant paragraph (1) that are allocated
5 for a grantee and remain unexpended upon the expi-
6 ration of the 3-year period beginning upon such allo-
7 cation shall be recaptured by the Secretary.

8 (c) FAIR HOUSING EDUCATION.—There is authorized
9 to be appropriated \$10,000,000 for the Office of Fair
10 Housing and Equal Opportunity of the Department of
11 Housing and Urban Development to carry out a national
12 media campaign and local education and outreach to edu-
13 cate the public of increased housing rights during
14 COVID–19 emergency period, that provides that informa-
15 tion and materials used in such campaign are available—

16 (1) in the languages used by communities with
17 limited English proficiency; and

18 (2) to persons with disabilities.

19 **TITLE III—PROTECTING PEOPLE**
20 **EXPERIENCING HOMELESSNESS**

21 **SEC. 301. HOMELESS ASSISTANCE FUNDING.**

22 (a) EMERGENCY HOMELESS ASSISTANCE.—

23 (1) AUTHORIZATION OF APPROPRIATIONS.—

24 There is authorized to be appropriated under the
25 Emergency Solutions Grants program under subtitle

1 B of title IV of the McKinney-Vento Homeless As-
2 sistance Act (42 U.S.C. 11371 et seq.)
3 \$5,000,000,000 for grants under such subtitle in ac-
4 cordance with this subsection to respond to needs
5 arising from the public health emergency relating to
6 Coronavirus Disease 2019 (COVID-19).

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 C.F.R.
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 (42 U.S.C. 11374) shall not apply to any
23 amounts made available pursuant to paragraph (1)
24 of this subsection.

1 (7) INITIAL ALLOCATION OF ASSISTANCE.—Sec-
2 tion 417(b) of the McKinney-Vento Homeless Assist-
3 ance Act (42 U.S.C. 11376(b)) shall be applied with
4 respect to amounts made available pursuant to para-
5 graph (1) of this subsection by substituting “30-
6 day” for “60-day”.

7 (8) WAIVERS AND ALTERNATIVE REQUIRE-
8 MENTS.—

9 (A) AUTHORITY.—In administering
10 amounts made available pursuant to paragraph
11 (1), the Secretary may waive, or specify alter-
12 native requirements for, any provision of any
13 statute or regulation (except for any require-
14 ments related to fair housing, nondiscrimina-
15 tion, labor standards, and the environment)
16 that the Secretary administers in connection
17 with the obligation or use by the recipient of
18 such amounts, if the Secretary finds that good
19 cause exists for the waiver or alternative re-
20 quirement and such waiver or alternative re-
21 quirement is consistent with the purposes de-
22 scribed in this subsection.

23 (B) NOTIFICATION.—The Secretary shall
24 notify the public through the Federal Register
25 or other appropriate means 5 days before the

1 effective date of any such waiver or alternative
2 requirement, and any such public notice may be
3 provided on the Internet at the appropriate
4 Government web site or through other elec-
5 tronic media, as determined by the Secretary.

6 (C) EXEMPTION.—The use of amounts
7 made available pursuant to paragraph (1) shall
8 not be subject to the consultation, citizen par-
9 ticipation, or match requirements that other-
10 wise apply to the Emergency Solutions Grants
11 program, except that a recipient shall publish
12 how it has and will utilize its allocation at a
13 minimum on the Internet at the appropriate
14 Government web site or through other elec-
15 tronic media.

16 (9) INAPPLICABILITY OF MATCHING REQUIRE-
17 MENT.—Subsection (a) of section 416 of the McKin-
18 ney-Vento Homeless Assistance Act (42 U.S.C.
19 11375(a)) shall not apply to any amounts made
20 available pursuant to paragraph (1) of this sub-
21 section.

22 (10) PROHIBITION ON PREREQUISITES.—None
23 of the funds authorized under this subsection may
24 be used to require people experiencing homelessness
25 to receive treatment or perform any other pre-

1 requisite activities as a condition for receiving shel-
2 ter, housing, or other services.

3 (b) RENEWAL OF CONTINUUM OF CARE
4 PROJECTS.—

5 (1) IN GENERAL.—In allocating and awarding
6 amounts provided for the Continuum of Care pro-
7 gram under subtitle C of title IV of the McKinney-
8 Vento Homeless Assistance Act (42 U.S.C. 11381 et
9 seq.), the Secretary of Housing and Urban Develop-
10 ment shall renew for one 12-month period, without
11 additional competition, all projects with existing
12 grants expiring during calendar year 2021, including
13 shelter plus care projects expiring during calendar
14 year 2021, notwithstanding any inconsistent provi-
15 sions in subtitle C of title IV of the McKinney-Vento
16 Homeless Assistance Act or any other Act.

17 (2) PLANNING AND UNIFIED FUNDING AGENCY
18 AWARDS.—Continuum of Care planning and unified
19 funding agency awards expiring in calendar year
20 2021 may also be renewed and the continuum of
21 care may designate a new collaborative applicant to
22 receive the award in accordance with the existing
23 process established by the Secretary of Housing and
24 Urban Development.

1 (3) NOTICE.—The Secretary of Housing and
2 Urban Development shall publish a notice that iden-
3 tifies and lists all projects and awards eligible for
4 such noncompetitive renewal, prescribes the format
5 and process by which the projects and awards from
6 the list will be renewed, makes adjustments to the
7 renewal amount based on changes to the fair market
8 rent, and establishes a maximum amount for the re-
9 newal of planning and unified funding agency
10 awards notwithstanding the requirement that such
11 maximum amount be established in a notice of fund-
12 ing availability.

13 (4) YOUTH HOMELESS DEMONSTRATION
14 PROJECTS AND DOMESTIC VIOLENCE BONUS
15 PROJECTS.— Subsection (a) shall not apply to youth
16 homeless demonstration projects and domestic vio-
17 lence bonus projects under the Continuum of Care
18 program.

19 (c) HOUSING TRUST FUND.—Notwithstanding any
20 other provision of law, subparagraph (B) of section
21 1338(c)(10) of the Housing and Community Development
22 Act of 1992 (12 U.S.C. 4568(c)(10)(B)), and any regula-
23 tions implementing such subparagraph, shall not apply
24 during the 12-month period beginning upon the date of
25 the enactment of this Act.

1 **TITLE IV—SUSPENDING NEGA-**
2 **TIVE CREDIT REPORTING**
3 **AND STRENGTHENING CON-**
4 **SUMER AND INVESTOR PRO-**
5 **TECTIONS**

6 **SEC. 401. REPORTING OF INFORMATION DURING MAJOR**
7 **DISASTERS.**

8 (a) IN GENERAL.—The CARES Act (Public Law
9 116–136) is amended by striking section 4021 and insert-
10 ing the following:

11 **“SEC. 4021. REPORTING OF INFORMATION DURING MAJOR**
12 **DISASTERS.**

13 “(a) PURPOSE.—The purpose of this section, and the
14 amendments made by this section, is to protect consumers’
15 credit from negative impacts as a result of financial hard-
16 ship due to the coronavirus disease (COVID–19) outbreak
17 and future major disasters.

18 “(b) REPORTING OF INFORMATION DURING MAJOR
19 DISASTERS.—

20 “(1) IN GENERAL.—The Fair Credit Reporting
21 Act is amended by inserting after section 605B the
22 following:

23 **“§ 605C. Reporting of information during major dis-**
24 **asters**

25 “(a) DEFINITIONS.—In this section:

1 “(1) CONSUMER.—With respect to a covered
2 period, the term “consumer” shall only include a
3 consumer who is a resident of the affected area cov-
4 ered by the applicable disaster or emergency declara-
5 tion.

6 “(2) COVERED MAJOR DISASTER PERIOD.—
7 The term “covered major disaster period” means the
8 period—

9 “(A) beginning on the date on which a
10 major disaster is declared by the President
11 under—

12 “(i) section 401 of the Robert T.
13 Stafford Disaster Relief and Emergency
14 Assistance Act (42 U.S.C. 5170), under
15 which assistance is authorized under sec-
16 tion 408 of such Act (42 U.S.C. 5174); or

17 “(ii) section 501 of such Act; and

18 “(B) ending on the date that is 120 days
19 after the end of the incident period for such
20 disaster.

21 “(3) COVERED PERIOD.—The term “covered
22 period” means the COVID–19 emergency period or
23 a covered major disaster period.

24 “(4) COVID–19 EMERGENCY PERIOD.—The
25 term “COVID–19 emergency period” means the pe-

1 riod beginning on March 13, 2020 (the date the
2 President declared the emergency under section 501
3 of the Robert T. Stafford Disaster Relief and Emer-
4 gency Assistance Act (42 U.S.C. 4121 et seq.) relat-
5 ing to the Coronavirus Disease 2019 (COVID-19)
6 pandemic) and ending on the later of—

7 ““(A) 120 days after the date of enact-
8 ment of this section; or

9 ““(B) 120 days after the end of the inci-
10 dent period for such emergency.

11 ““(5) MAJOR DISASTER.—The term “major dis-
12 aster” means a major disaster declared by the Presi-
13 dent under—

14 ““(A) section 401 of the Robert T. Staf-
15 ford Disaster Relief and Emergency Assistance
16 Act (42 U.S.C. 5170), under which assistance
17 is authorized under section 408 of such Act (42
18 U.S.C. 5174); or

19 ““(B) section 501 of such Act.

20 ““(b) MORATORIUM ON FURNISHING ADVERSE IN-
21 FORMATION DURING COVERED PERIOD.—No person may
22 furnish any adverse item of information (except informa-
23 tion related to a felony criminal conviction) relating to a
24 consumer that was the result of any action or inaction that
25 occurred during a covered period.

1 “(c) INFORMATION EXCLUDED FROM CONSUMER
2 REPORTS.—In addition to the information described in
3 section 605(a), no consumer reporting agency may make
4 any consumer report containing an adverse item of infor-
5 mation (except information related to a felony criminal
6 conviction) relating to a consumer that was the result of
7 any action or inaction that occurred during a covered pe-
8 riod.

9 “(d) SUMMARY OF RIGHTS.—Not later than 60 days
10 after the date of enactment of this section, the Director
11 of the Bureau shall update the model summary of rights
12 under section 609(c)(1) to include a description of the
13 right of a consumer to—

14 “(1) request the deletion of adverse items of
15 information under subsection (e); and

16 “(2) request a consumer report or score, with-
17 out charge to the consumer, under subsection (f).

18 “(e) DELETION OF ADVERSE ITEMS OF INFORMA-
19 TION RESULTING FROM THE CORONAVIRUS DISEASE
20 (COVID–19) OUTBREAK AND MAJOR DISASTERS.—

21 “(1) REPORTING.—

22 “(A) IN GENERAL.—Not later than 60
23 days after the date of enactment of this sub-
24 section, the Director of the Bureau shall create
25 a website for consumers to report, under pen-

1 alty of perjury, economic hardship as a result of
2 the coronavirus disease (COVID–19) outbreak
3 or a major disaster for the purpose of providing
4 credit report protections under this subsection.

5 ““(B) DOCUMENTATION.—The Director of
6 the Bureau shall—

7 ““(i) not require any documentation
8 from a consumer to substantiate the eco-
9 nomic hardship; and

10 ““(ii) provide notice to the consumer
11 that a report under subparagraph (A) is
12 under penalty of perjury.

13 ““(C) REPORTING PERIOD.—A consumer
14 may report economic hardship under subpara-
15 graph (A) during a covered period and for 60
16 days thereafter.

17 ““(2) DATABASE.—The Director of the Bureau
18 shall establish and maintain a secure database
19 that—

20 ““(A) is accessible to each consumer re-
21 porting agency described in section 603(p) and
22 nationwide specialty consumer reporting agency
23 for purposes of fulfilling their duties under
24 paragraph (3) to check and automatically delete
25 any adverse item of information (except infor-

1 mation related to a felony criminal conviction)
2 reported that occurred during a covered period
3 with respect to a consumer; and

4 “(B) contains the information reported
5 under paragraph (1).

6 “(3) DELETION OF ADVERSE ITEMS OF INFOR-
7 MATION BY NATIONWIDE CONSUMER REPORTING
8 AND NATIONWIDE SPECIALTY CONSUMER REPORT-
9 ING AGENCIES.—

10 “(A) IN GENERAL.—Each consumer re-
11 porting agency described in section 603(p) and
12 each nationwide specialty consumer reporting
13 agency shall, using the information contained in
14 the database established under paragraph (2),
15 delete from the file of each consumer named in
16 the database each adverse item of information
17 (except information related to a felony criminal
18 conviction) that was a result of an action or in-
19 action that occurred during a covered period or
20 in the 270-day period following the end of a
21 covered period.

22 “(B) TIMELINE.—Each consumer report-
23 ing agency described in section 603(p) and each
24 nationwide specialty consumer reporting agency
25 shall check the database at least weekly and de-

1 lete adverse items of information as soon as
2 practicable after information that is reported
3 under paragraph (1) appears in the database
4 established under paragraph (2).

5 “(4) REQUEST FOR DELETION OF ADVERSE
6 ITEMS OF INFORMATION.—

7 “(A) IN GENERAL.—A consumer who has
8 filed a report of economic hardship with the
9 Bureau may submit a request, without charge
10 to the consumer, to a consumer reporting agen-
11 cy described in section 603(p) or nationwide
12 specialty consumer reporting agency to delete
13 from the consumer’s file an adverse item of in-
14 formation (except information related to a fel-
15 ony criminal conviction) that was a result of an
16 action or inaction that occurred during a cov-
17 ered period or in the 270-day period following
18 the end of a covered period.

19 “(B) TIMING.—A consumer may submit a
20 request under subparagraph (A), not later than
21 the end of the 270-day period described in that
22 subparagraph.

23 “(C) REMOVAL AND NOTIFICATION.—
24 Upon receiving a request under this paragraph
25 to delete an adverse item of information, a con-

1 consumer reporting agency described in section
2 603(p) or nationwide specialty consumer report-
3 ing agency shall—

4 “(i) delete the adverse item of infor-
5 mation (except information related to a fel-
6 ony criminal conviction) from the con-
7 sumer’s file; and

8 “(ii) notify the consumer and the
9 furnisher of the adverse item of informa-
10 tion of the deletion.

11 “(f) FREE CREDIT REPORT AND SCORES.—

12 “(1) IN GENERAL.—During the period between
13 the beginning of a covered period and ending 12-
14 months after the end of the covered period, each
15 consumer reporting agency described under section
16 603(p) and each nationwide specialty consumer re-
17 porting agency shall make all disclosures described
18 under section 609 upon request by a consumer, by
19 mail or online, without charge to the consumer and
20 without limitation as to the number of requests.
21 Such a consumer reporting agency shall also supply
22 a consumer, upon request and without charge, with
23 a credit score that—

24 “(A) is derived from a credit scoring
25 model that is widely distributed to users by the

1 consumer reporting agency for the purpose of
2 any extension of credit or other transaction des-
3 ignated by the consumer who is requesting the
4 credit score; or

5 ““(B) is widely distributed to lenders of
6 common consumer loan products and predicts
7 the future credit behavior of a consumer.

8 ““(2) TIMING.—A file disclosure or credit score
9 under paragraph (1) shall be provided to the con-
10 sumer not later than—

11 ““(A) 7 days after the date on which the
12 request is received if the request is made by
13 mail; and

14 ““(B) not later than 15 minutes if the re-
15 quest is made online.

16 ““(3) ADDITIONAL REPORTS.—A file disclosure
17 provided under paragraph (1) shall be in addition to
18 any disclosure requested by the consumer under sec-
19 tion 612(a).

20 ““(4) PROHIBITION.—A consumer reporting
21 agency that receives a request under paragraph (1)
22 may not request or require any documentation from
23 the consumer that demonstrates that the consumer
24 was impacted by the coronavirus disease (COVID-
25 19) outbreak or a major disaster (except to verify

1 that the consumer is a resident of the affected area
2 covered by the applicable disaster or emergency dec-
3 laration) as a condition of receiving the file disclo-
4 sure or score.

5 ““(g) POSTING OF RIGHTS.—Not later than 30 days
6 after the date of enactment of this section, each consumer
7 reporting agency described under section 603(p) and each
8 nationwide specialty consumer reporting agency shall
9 prominently post and maintain a direct link on the home-
10 page of the public website of the consumer reporting agen-
11 cy information relating to the right of consumers to—

12 ““(1) request the deletion of adverse items of
13 information (except information related to a felony
14 criminal conviction) under subsection (e); and

15 ““(2) request consumer file disclosures and
16 scores, without charge to the consumer, under sub-
17 section (f).

18 ““(h) BAN ON REPORTING MEDICAL DEBT INFOR-
19 MATION RELATED TO COVID–19 OR A MAJOR DIS-
20 ASTER.—

21 ““(1) FURNISHING BAN.—No person shall fur-
22 nish adverse information to a consumer reporting
23 agency related to medical debt if such medical debt
24 is with respect to medical expenses related to treat-
25 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. 402. RESTRICTIONS ON COLLECTIONS OF CONSUMER**
2 **DEBT DURING A NATIONAL DISASTER OR**
3 **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. 403. 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. 404. 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—PROTECTING STUDENT** 15 **BORROWERS**

16 **SEC. 501. PAYMENTS FOR PRIVATE EDUCATION LOAN BOR-** 17 **ROWERS AS A RESULT OF THE COVID-19 NA-** 18 **TIONAL 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 February
3 1, 2021, the Secretary of the Treasury shall,
4 for each borrower of a private education loan,
5 pay the total amount due for such month on
6 the loan, based on the payment plan selected by
7 the borrower or the borrower’s loan status.

8 “(B) LIMITATION ON PAYMENTS.—The
9 maximum amount of aggregate payments that
10 the Secretary of the Treasury may make under
11 subparagraph (A) with respect to an individual
12 borrower is \$10,000.

13 “(2) NO CAPITALIZATION OF INTEREST.—With
14 respect to any loan in repayment until February 1,
15 2021, interest due on a private education loan dur-
16 ing such period shall not be capitalized at any time
17 until after February 1, 2021.

18 “(3) REPORTING TO CONSUMER REPORTING
19 AGENCIES.—Until February 1, 2021—

20 “(A) during the period in which the Sec-
21 retary of the Treasury is making payments on
22 a loan under paragraph (1), the Secretary shall
23 ensure that, for the purpose of reporting infor-
24 mation about the loan to a consumer reporting
25 agency, any payment made by the Secretary is

1 treated as if it were a regularly scheduled pay-
2 ment made by a borrower; and

3 “(B) no adverse credit information may be
4 furnished to a consumer reporting agency for
5 any private education loan.

6 “(4) NOTICE OF PAYMENTS AND PROGRAM.—
7 Not later than 15 days following the date of enact-
8 ment of this subsection, and monthly thereafter until
9 February 1, 2021, the Secretary of the Treasury
10 shall provide a notice to all borrowers of private edu-
11 cation loans—

12 “(A) informing borrowers of the actions
13 taken under this subsection;

14 “(B) providing borrowers with an easily
15 accessible method to opt out of the benefits pro-
16 vided under this subsection; and

17 “(C) notifying the borrower that the pro-
18 gram under this subsection is a temporary pro-
19 gram and will end on February 1, 2021.

20 “(5) SUSPENSION OF INVOLUNTARY COLLEC-
21 TION.—Until February 1, 2021, the holder of a pri-
22 vate education loan shall immediately take action to
23 halt all involuntary collection related to the loan.

24 “(6) MANDATORY FORBEARANCE.—During the
25 period in which the Secretary of the Treasury is

1 making payments on a loan under paragraph (1),
2 the servicer of such loan shall grant the borrower
3 forbearance as follows:

4 “(A) A temporary cessation of all pay-
5 ments on the loan other than the payments of
6 interest and principal on the loan that are made
7 under paragraph (1).

8 “(B) For borrowers who are delinquent
9 but who are not yet in default before the date
10 on which the Secretary begins making payments
11 under paragraph (1), the retroactive application
12 of forbearance to address any delinquency.

13 “(7) DATA TO IMPLEMENT.—Holders and
14 servicers of private education loans shall report, to
15 the satisfaction of the Secretary of the Treasury, the
16 information necessary to calculate the amount to be
17 paid under this subsection.

18 “(8) APPLICATION ONLY TO ECONOMICALLY
19 DISTRESSED BORROWERS.—

20 “(A) IN GENERAL.—This subsection shall
21 only apply to a borrower of a private education
22 loan who is an economically distressed bor-
23 rower.

24 “(B) ECONOMICALLY DISTRESSED BOR-
25 ROWER DEFINED.—In this paragraph, the term

1 ‘economically distressed borrower’ means a bor-
2 rower of a private education loan who, as of
3 March 12, 2020—

4 “(i) based on financial state or other
5 conditions, would be otherwise eligible, if
6 the borrower instead had a Federal stu-
7 dent loan, of having a monthly payment
8 due on such loan of \$0 pursuant to an in-
9 come-contingent repayment plan under sec-
10 tion 455(d)(1)(D) of the Higher Education
11 Act of 1965 (20 U.S.C. 1087e(d)(1)(D))
12 or an income-based repayment plan under
13 section 493C of such Act (20 U.S.C.
14 1098e);

15 “(ii) was in default on such loan;

16 “(iii) had a payment due on such loan
17 that was at least 90 days past due; or

18 “(iv) based on financial state or other
19 conditions, was in forbearance or
20 deferment.

21 “(C) RULEMAKING.—Not later than 7
22 days after the date of enactment of this para-
23 graph, the Director of the Bureau, in consulta-
24 tion with the Secretary of Education, shall issue
25 rules to implement this paragraph, including

1 providing a detailed description of how a bor-
2 rower of a private education loan will be consid-
3 ered an economically distressed borrower as de-
4 fined under each clause of subparagraph (B).”.

5 (b) APPROPRIATION.—There is appropriated to the
6 Secretary of the Treasury, out of amounts in the Treasury
7 not otherwise appropriated, \$5,000,000,000 to carry out
8 this title and the amendments made by this title.

9 **SEC. 502. ADDITIONAL PROTECTIONS FOR PRIVATE STU-**
10 **DENT LOAN BORROWERS.**

11 (a) IN GENERAL.—

12 (1) REPAYMENT PLAN AND FORGIVENESS
13 TERMS.—Each private education loan holder who re-
14 ceives a monthly payment pursuant to section
15 140(h) of the Truth in Lending Act shall modify all
16 private education loan contracts that it holds to pro-
17 vide for the same repayment plan and forgiveness
18 terms available to Direct Loans borrowers under
19 section 685.209(c) of title 34, Code of Federal Reg-
20 ulations, in effect as of January 1, 2020.

21 (2) TREATMENT OF STATE STATUTES OF LIM-
22 TATION.—For a borrower who has defaulted on a
23 private education loan under the terms of the prom-
24 issory note prior to any loan payment made or for-
25 bearance granted under section 140(h) of the Truth

1 in Lending Act, no payment made or forbearance
2 granted under such section 140(h) shall be consid-
3 ered an event that impacts the calculation of the ap-
4 plicable State statutes of limitation.

5 (3) PROHIBITION ON PRESSURING BOR-
6 ROWERS.—

7 (A) IN GENERAL.—A private education
8 loan debt collector or creditor may not pressure
9 a borrower to elect to apply any amount re-
10 ceived pursuant to subsection (b) to any private
11 education loan.

12 (B) VIOLATIONS.—A violation of this para-
13 graph is deemed—

14 (i) an unfair, deceptive, or abusive act
15 or practice under Federal law in connec-
16 tion with any transaction with a consumer
17 for a consumer financial product or service
18 under section 1031 of the Consumer Fi-
19 nancial Protection Act of 2010 (12 U.S.C.
20 5531); and

21 (ii) with respect to a violation by a
22 debt collector, an unfair or unconscionable
23 means to collect or attempt to collect any
24 debt under section 808 of the Federal

1 Debt Collection Practices Act (15 U.S.C.
2 1692f).

3 (C) PRESSURE DEFINED.—In this para-
4 graph, the term “pressure” means any commu-
5 nication, recommendation, or other similar com-
6 munication, other than providing basic informa-
7 tion about a borrower’s options, urging a bor-
8 rower to make an election described under sub-
9 section (b).

10 (b) RELIEF FOR PRIVATE STUDENT LOAN BOR-
11 ROWERS AS A RESULT OF THE COVID–19 NATIONAL
12 EMERGENCY.—

13 (1) STUDENT LOAN RELIEF AS A RESULT OF
14 THE COVID–19 NATIONAL EMERGENCY.—Not later
15 than 90 days after February 1, 2021, the Secretary
16 of the Treasury shall carry out a program under
17 which a borrower, with respect to the private edu-
18 cation loans of such borrower, shall receive in ac-
19 cordance with paragraph (3) an amount equal to the
20 lesser of—

21 (A) the total amount of each private edu-
22 cation loan of the borrower; or

23 (B) \$10,000, reduced by the aggregate
24 amount of all payments made by the Secretary
25 of the Treasury with respect to such borrower

1 under section 140(h) of the Truth in Lending
2 Act.

3 (2) NOTIFICATION OF BORROWERS.—Not later
4 than 90 days after February 1, 2021, the Secretary
5 of the Treasury shall notify each borrower of a pri-
6 vate education loan of—

7 (A) the requirements to provide loan relief
8 to such borrower under this section; and

9 (B) the opportunity for such borrower to
10 make an election under paragraph (3)(A) with
11 respect to the application of such loan relief to
12 the private education loans of such borrower.

13 (3) DISTRIBUTION OF FUNDING.—

14 (A) ELECTION BY BORROWER.—Not later
15 than 45 days after a notice is sent under para-
16 graph (2), a borrower may elect to apply the
17 amount determined with respect to such bor-
18 rower under paragraph (1) to any private edu-
19 cation loan of the borrower.

20 (B) AUTOMATIC PAYMENT.—

21 (i) IN GENERAL.—In the case of a
22 borrower who does not make an election
23 under subparagraph (A) before the date
24 described in such subparagraph, the Sec-
25 retary of the Treasury shall apply the

1 amount determined with respect to such
2 borrower under paragraph (1) in order of
3 the private education loan of the borrower
4 with the highest interest rate.

5 (ii) EQUAL INTEREST RATES.—In
6 case of two or more private education loans
7 described in clause (i) with equal interest
8 rates, the Secretary of the Treasury shall
9 apply the amount determined with respect
10 to such borrower under paragraph (1) first
11 to the loan with the highest principal.

12 (c) APPLICATION ONLY TO ECONOMICALLY DIS-
13 TRESSED BORROWERS.—This section shall only apply to
14 a borrower of a private education loan who is an economi-
15 cally distressed borrower.

16 (d) DEFINITIONS.—In this section:

17 (1) FAIR DEBT COLLECTION PRACTICES ACT
18 TERMS.—The terms “creditor” and “debt collector”
19 have the meaning given those terms, respectively,
20 under section 803 of the Fair Debt Collection Prac-
21 tices Act (15 U.S.C. 1692a).

22 (2) PRIVATE EDUCATION LOAN.—The term
23 “private education loan” has the meaning given the
24 term in section 140 of the Truth in Lending Act (15
25 U.S.C. 1650).

1 (3) ECONOMICALLY DISTRESSED BORROWER
 2 DEFINED.—The term “economically distressed bor-
 3 rower” has the meaning given that term under sec-
 4 tion 140(h)(8) of the Truth in Lending Act, as
 5 added by section 501.

6 **TITLE VI—STANDING UP FOR**
 7 **SMALL BUSINESSES, MINOR-**
 8 **ITY-OWNED BUSINESSES, AND**
 9 **NON-PROFITS**

10 **SEC. 601. RESTRICTIONS ON COLLECTIONS OF SMALL BUSI-**
 11 **NESS AND NONPROFIT DEBT DURING A NA-**
 12 **TIONAL DISASTER OR EMERGENCY.**

13 (a) IN GENERAL.—The Fair Debt Collection Prac-
 14 tices Act (15 U.S.C. 1692 et seq.), as amended by section
 15 110402, is further amended by inserting after section
 16 812A the following:

17 **“§ 812B. Restrictions on collections of small business**
 18 **and nonprofit debt during a national dis-**
 19 **aster or emergency**

20 “(a) DEFINITIONS.—In this section:

21 “(1) COVERED PERIOD.—The term ‘covered pe-
 22 riod’ means the period beginning on the date of en-
 23 actment of this section and ending 120 days after
 24 the end of the incident period for the emergency de-
 25 clared on March 13, 2020, by the President under

1 section 501 of the Robert T. Stafford Disaster Relief
2 and Emergency Assistance Act (42 U.S.C. 4121 et
3 seq.) relating to the Coronavirus Disease 2019
4 (COVID-19) pandemic.

5 “(2) CREDITOR.—The term ‘creditor’ means
6 any person—

7 “(A) who offers or extends credit creating
8 a debt or to whom a debt is owed; or

9 “(B) to whom any obligation for payment
10 is owed.

11 “(3) DEBT.—The term ‘debt’—

12 “(A) means any obligation or alleged obli-
13 gation that is or during the covered period be-
14 comes past due, other than an obligation aris-
15 ing out of a credit agreement entered into after
16 the effective date of this section, that arises out
17 of a transaction with a nonprofit organization
18 or small business; and

19 “(B) does not include a mortgage loan.

20 “(4) DEBT COLLECTOR.—The term ‘debt col-
21 lector’ means a creditor and any other person or en-
22 tity that engages in the collection of debt, including
23 the Federal Government and a State government, ir-
24 respective of whether the applicable debt is allegedly

1 owed to or assigned to such creditor, person, or enti-
2 ty.

3 “(5) MORTGAGE LOAN.—The term ‘mortgage
4 loan’ means a covered mortgage loan (as defined
5 under section 4022 of the CARES Act) and a multi-
6 family mortgage loan (as defined under section 4023
7 of the CARES Act).

8 “(6) NONPROFIT ORGANIZATION.—The term
9 ‘nonprofit organization’ means an organization that
10 is described in section 501(c)(3) of the Internal Rev-
11 enue Code of 1986 and that is exempt from taxation
12 under section 501(a) of such Code.

13 “(7) SMALL BUSINESS.—The term ‘small busi-
14 ness’ has the meaning given the term ‘small business
15 concern’ in section 3 of the Small Business Act (15
16 U.S.C. 632).

17 “(b) PROHIBITIONS.—

18 “(1) IN GENERAL.—Notwithstanding any other
19 provision of law, no debt collector may, during a cov-
20 ered period—

21 “(A) enforce a security interest securing a
22 debt through repossession, limitation of use, or
23 foreclosure;

24 “(B) take or threaten to take any action to
25 deprive an individual of their liberty as a result

1 of nonpayment of or nonappearance at any
2 hearing relating to an obligation owed by a
3 small business or nonprofit organization;

4 “(C) collect any debt, by way of garnish-
5 ment, attachment, assignment, deduction, off-
6 set, or other seizure, from—

7 “(i) wages, income, benefits, bank,
8 prepaid or other asset accounts; or

9 “(ii) any assets of, or other amounts
10 due to, a small business or nonprofit orga-
11 nization;

12 “(D) commence or continue an action to
13 evict a small business or nonprofit organization
14 from real or personal property for nonpayment;

15 “(E) disconnect or terminate service from
16 a utility service, including electricity, natural
17 gas, telecommunications or broadband, water,
18 or sewer, for nonpayment; or

19 “(F) threaten to take any of the foregoing
20 actions.

21 “(2) RULE OF CONSTRUCTION.—Nothing in
22 this section may be construed to prohibit a small
23 business or nonprofit organization from voluntarily
24 paying, in whole or in part, a debt.

1 “(c) LIMITATION ON FEES AND INTEREST.—After
2 the expiration of a covered period, a debt collector may
3 not add to any past due debt any interest on unpaid inter-
4 est, higher rate of interest triggered by the nonpayment
5 of the debt, or fee triggered prior to the expiration of the
6 covered period by the nonpayment of the debt.

7 “(e) VIOLATIONS.—Any person or government entity
8 that violates this section shall be liable to the applicable
9 small business or nonprofit organization as provided under
10 section 813, except that, for purposes of applying section
11 813—

12 “(1) such person or government entity shall be
13 deemed a debt collector, as such term is defined for
14 purposes of section 813; and

15 “(2) such small business or nonprofit organiza-
16 tion shall be deemed a consumer, as such term is de-
17 fined for purposes of section 813.

18 “(f) TOLLING.—Any applicable time limitations for
19 exercising an action prohibited under subsection (b) shall
20 be tolled during a covered period.

21 “(g) PREDISPUTE ARBITRATION AGREEMENTS.—
22 Notwithstanding any other provision of law, no predispute
23 arbitration agreement or predispute joint-action waiver
24 shall be valid or enforceable with respect to a dispute
25 brought under this section, including a dispute as to the

1 applicability of this section, which shall be determined
2 under Federal law.”.

3 (b) CLERICAL AMENDMENT.—The table of contents
4 for the Fair Debt Collection Practices Act, as amended
5 by section 110402, is further amended by inserting after
6 the item relating to section 812A the following:

“812B. Restrictions on collections of small business and nonprofit debt during
a national disaster or emergency.”.

7 **SEC. 602. REPAYMENT PERIOD AND FORBEARANCE FOR**
8 **SMALL BUSINESSES AND NONPROFIT ORGA-**
9 **NIZATIONS.**

10 Section 812B of the Fair Debt Collection Practices
11 Act (15 U.S.C. 1692 et seq.), as added by section 110601,
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 small business or nonprofit organization

1 missed during the covered period, with the pay-
2 ments due in the same amounts and at the
3 same intervals as the pre-existing payment
4 schedule; and

5 “(B) 1 payment period in addition to the
6 payment periods described under subparagraph
7 (A).

8 “(2) DEBT ARISING FROM AN OPEN END CRED-
9 IT PLAN.—For debt arising from an open end credit
10 plan, as defined in section 103 of the Truth in
11 Lending Act (15 U.S.C. 1602), the debt collector
12 shall allow the small business or nonprofit organiza-
13 tion to repay the past-due balance in a manner that
14 does not exceed the amounts permitted by the meth-
15 ods described in section 171(c) of the Truth in
16 Lending Act (15 U.S.C. 1666i–1(c)) and regulations
17 promulgated under that section.

18 “(3) DEBT ARISING FROM OTHER CREDIT.—

19 “(A) IN GENERAL.—For debt not de-
20 scribed under paragraph (2) or (3), the debt
21 collector shall—

22 “(i) allow the small business or non-
23 profit organization to repay the past-due
24 balance of the debt in substantially equal
25 payments over time; and

1 “(ii) provide the small business or
2 nonprofit organization with—

3 “(I) for past due balances of
4 \$2,000 or less, 12 months to repay, or
5 such longer period as the debt col-
6 lector may allow;

7 “(II) for past due balances be-
8 tween \$2,001 and \$5,000, 24 months
9 to repay, or such longer period as the
10 debt collector may allow; or

11 “(III) for past due balances
12 greater than \$5,000, 36 months to
13 repay, or such longer period as the
14 debt collector may allow.

15 “(B) ADDITIONAL PROTECTIONS.—The Di-
16 rector of the Bureau may issue rules to provide
17 greater repayment protections to small busi-
18 nesses and nonprofit organizations with debts
19 described under subparagraph (A).

20 “(C) RELATION TO STATE LAW.—This
21 paragraph shall not preempt any State law that
22 provides for greater small business or nonprofit
23 organization protections than this paragraph.”;
24 and

25 (2) by adding at the end the following:

1 “(h) FORBEARANCE FOR AFFECTED SMALL BUSI-
2 NESSES AND NONPROFIT ORGANIZATIONS.—

3 “(1) FORBEARANCE PROGRAM.—Each debt col-
4 lector that makes use of the credit facility described
5 in paragraph (4) shall establish a forbearance pro-
6 gram for debts available during the covered period.

7 “(2) AUTOMATIC GRANT OF FORBEARANCE
8 UPON REQUEST.—Under a forbearance program re-
9 quired under paragraph (1), upon the request of a
10 small business or nonprofit organization experi-
11 encing a financial hardship due, directly or indi-
12 rectly, to COVID–19, the debt collector shall grant
13 a forbearance on payment of debt for such time as
14 needed until the end of the covered period, with no
15 additional documentation required other than the
16 small business or nonprofit organization’s attestation
17 to a financial hardship caused by COVID–19 and
18 with no fees, penalties, or interest (beyond the
19 amounts scheduled or calculated as if the borrower
20 made all contractual payments on time and in full
21 under the terms of the loan contract) charged to the
22 borrower in connection with the forbearance.

23 “(3) EXCEPTION FOR CERTAIN MORTGAGE
24 LOANS SUBJECT TO THE CARES ACT.—This sub-

1 section shall not apply to a mortgage loan subject to
2 section 4022 or 4023 of the CARES Act.”.

3 **SEC. 603. CREDIT FACILITY.**

4 Section 812B(h) of the Fair Debt Collection Prac-
5 tices Act (15 U.S.C. 1692 et seq.), as added by section
6 110602, is amended by adding at the end the following:

7 “(4) CREDIT FACILITY.—The Board of Gov-
8 ernors of the Federal Reserve System shall—

9 “(A) establish a facility, using amounts
10 made available under section 4003(b)(4) of the
11 CARES Act (15 U.S.C. 9042(b)(4)), to make
12 long-term, low-cost loans to debt collectors to
13 temporarily compensate such debt collectors for
14 documented financial losses caused by forbear-
15 ance of debt payments under this subsection;
16 and

17 “(B) defer debt collectors’ required pay-
18 ments on such loans until after small businesses
19 or nonprofit organizations’ debt payments re-
20 sume.”.

21 **SEC. 604. MAIN STREET LENDING PROGRAM REQUIRE-**
22 **MENTS.**

23 (a) IN GENERAL.—Section 4003(c)(3)(D)(ii) of the
24 CARES Act (15 U.S.C. 9042(c)(3)(D)(ii)) is amended—

1 (1) by striking “Nothing in this subparagraph
2 shall limit the discretion of the Board of Governors
3 of the Federal Reserve System to” and inserting the
4 following:

5 “(I) IN GENERAL.—The Board of Gov-
6 ernors of the Federal Reserve System shall”;
7 and

8 (2) by adding at the end the following:

9 “(II) REQUIREMENTS.—In car-
10 rying out subclause (I), the Board of
11 Governors of the Federal Reserve Sys-
12 tem—

13 “(aa) shall make non-profit
14 organizations and institutions of
15 higher education (as such term is
16 defined in section 101(a) of the
17 Higher Education Act of 1965
18 (20 U.S.C. 1001(a)) eligible for
19 any program or facility estab-
20 lished under such subclause;

21 “(bb) shall create a low-cost
22 loan option tailored to the unique
23 needs of non-profit organizations,
24 including the ability to defer pay-

1 ments without capitalization of
2 interest;

3 “(cc) shall make any
4 501(c)(4) organization (as de-
5 fined in section 501(c)(4) of the
6 Internal Revenue Code of 1986)
7 eligible for any facility provided
8 that such 501(c)(4) organization
9 has not made and will not make
10 a contribution, expenditure, inde-
11 pendent expenditure, or election-
12 eering communication within the
13 meaning of the Federal Election
14 Campaign Act, and has not un-
15 dertaken and will not undertake
16 similar campaign finance activi-
17 ties in state and local elections,
18 during the election cycle which
19 ends on the date of the general
20 election in this calendar year;

21 “(dd) shall ensure loans
22 made available to all eligible bor-
23 rowers have a maturity of no less
24 than seven years; and

1 “(ee) shall prohibit eligible
2 lenders from requiring additional
3 collateral beyond minimum collat-
4 eral requirements the Board of
5 Governors of the Federal Reserve
6 System may require.”.

7 (b) DEADLINE.—Not later than the end of the 5-day
8 period beginning on the date of enactment of this Act, the
9 Board of Governors of the Federal Reserve System shall
10 issue such rules or take such other actions as may be nec-
11 essary to implement the requirements made by the amend-
12 ments made by this section.

13 **SEC. 605. OPTIONS FOR SMALL BUSINESSES AND NON-**
14 **PROFITS UNDER THE MAIN STREET LENDING**
15 **PROGRAM.**

16 (a) IN GENERAL.—Section 4003(c)(3)(D)(ii)(II) of
17 the CARES Act (15 U.S.C. 9042(c)(3)(D)(ii)(II)), as
18 added by section 110604, is further amended by adding
19 at the end the following:

20 “(cc) shall provide at least one low-cost loan option
21 that small businesses, small non-profits, and small institu-
22 tions of higher education (as such term is defined in sec-
23 tion 101(a) of the Higher Education Act of 1965 (20
24 U.S.C. 1001(a)) are eligible for that does not have a min-

1 imum loan size and includes the ability to defer payments,
2 without capitalization of interest.”.

3 (b) DEADLINE.—Not later than the end of the 5-day
4 period beginning on the date of enactment of this Act, the
5 Board of Governors of the Federal Reserve System shall
6 issue such rules or take such other actions as may be nec-
7 essary to implement the requirements made by the amend-
8 ments made by this section.

9 **SEC. 606. SAFE BANKING.**

10 (a) SHORT TITLE; PURPOSE.—

11 (1) SHORT TITLE.—This section may be cited
12 as the “Secure And Fair Enforcement Banking Act
13 of 2020” or the “SAFE Banking Act of 2020”.

14 (2) PURPOSE.—The purpose of this section is
15 to increase public safety by ensuring access to finan-
16 cial services to cannabis-related legitimate businesses
17 and service providers and reducing the amount of
18 cash at such businesses.

19 (b) SAFE HARBOR FOR DEPOSITORY INSTITU-
20 TIONS.—

21 (1) IN GENERAL.—A Federal banking regulator
22 may not—

23 (A) terminate or limit the deposit insur-
24 ance or share insurance of a depository institu-
25 tion under the Federal Deposit Insurance Act

1 (12 U.S.C. 1811 et seq.), the Federal Credit
2 Union Act (12 U.S.C. 1751 et seq.), or take
3 any other adverse action against a depository
4 institution under section 8 of the Federal De-
5 posit Insurance Act (12 U.S.C. 1818) solely be-
6 cause the depository institution provides or has
7 provided financial services to a cannabis-related
8 legitimate business or service provider;

9 (B) prohibit, penalize, or otherwise dis-
10 courage a depository institution from providing
11 financial services to a cannabis-related legiti-
12 mate business or service provider or to a State,
13 political subdivision of a State, or Indian Tribe
14 that exercises jurisdiction over cannabis-related
15 legitimate businesses;

16 (C) recommend, incentivize, or encourage a
17 depository institution not to offer financial serv-
18 ices to an account holder, or to downgrade or
19 cancel the financial services offered to an ac-
20 count holder solely because—

21 (i) the account holder is a cannabis-
22 related legitimate business or service pro-
23 vider, or is an employee, owner, or oper-
24 ator of a cannabis-related legitimate busi-
25 ness or service provider;

1 (ii) the account holder later becomes
2 an employee, owner, or operator of a can-
3 nabis-related legitimate business or service
4 provider; or

5 (iii) the depository institution was not
6 aware that the account holder is an em-
7 ployee, owner, or operator of a cannabis-re-
8 lated legitimate business or service pro-
9 vider;

10 (D) take any adverse or corrective super-
11 visory action on a loan made to—

12 (i) a cannabis-related legitimate busi-
13 ness or service provider, solely because the
14 business is a cannabis-related legitimate
15 business or service provider;

16 (ii) an employee, owner, or operator of
17 a cannabis-related legitimate business or
18 service provider, solely because the em-
19 ployee, owner, or operator is employed by,
20 owns, or operates a cannabis-related legiti-
21 mate business or service provider, as appli-
22 cable; or

23 (iii) an owner or operator of real es-
24 tate or equipment that is leased to a can-
25 nabis-related legitimate business or service

1 provider, solely because the owner or oper-
2 ator of the real estate or equipment leased
3 the equipment or real estate to a cannabis-
4 related legitimate business or service pro-
5 vider, as applicable; or

6 (E) prohibit or penalize a depository insti-
7 tution (or entity performing a financial service
8 for or in association with a depository institu-
9 tion) for, or otherwise discourage a depository
10 institution (or entity performing a financial
11 service for or in association with a depository
12 institution) from, engaging in a financial service
13 for a cannabis-related legitimate business or
14 service provider.

15 (2) SAFE HARBOR APPLICABLE TO DE NOVO IN-
16 STITUTIONS.—Paragraph (1) shall apply to an insti-
17 tution applying for a depository institution charter
18 to the same extent as such subsection applies to a
19 depository institution.

20 (c) PROTECTIONS FOR ANCILLARY BUSINESSES.—
21 For the purposes of sections 1956 and 1957 of title 18,
22 United States Code, and all other provisions of Federal
23 law, the proceeds from a transaction involving activities
24 of a cannabis-related legitimate business or service pro-

1 vider shall not be considered proceeds from an unlawful
2 activity solely because—

3 (1) the transaction involves proceeds from a
4 cannabis-related legitimate business or service pro-
5 vider; or

6 (2) the transaction involves proceeds from—

7 (A) cannabis-related activities described in
8 subsection (n)(4)(B) conducted by a cannabis-
9 related legitimate business; or

10 (B) activities described in subsection
11 (n)(13)(A) conducted by a service provider.

12 (d) PROTECTIONS UNDER FEDERAL LAW.—

13 (1) IN GENERAL.—With respect to providing a
14 financial service to a cannabis-related legitimate
15 business or service provider within a State, political
16 subdivision of a State, or Indian country that allows
17 the cultivation, production, manufacture, sale, trans-
18 portation, display, dispensing, distribution, or pur-
19 chase of cannabis pursuant to a law or regulation of
20 such State, political subdivision, or Indian Tribe
21 that has jurisdiction over the Indian country, as ap-
22 plicable, a depository institution, entity performing a
23 financial service for or in association with a deposi-
24 tory institution, or insurer that provides a financial
25 service to a cannabis-related legitimate business or

1 service provider, and the officers, directors, and em-
2 ployees of that depository institution, entity, or in-
3 surer may not be held liable pursuant to any Federal
4 law or regulation—

5 (A) solely for providing such a financial
6 service; or

7 (B) for further investing any income de-
8 rived from such a financial service.

9 (2) PROTECTIONS FOR FEDERAL RESERVE
10 BANKS AND FEDERAL HOME LOAN BANKS.—With
11 respect to providing a service to a depository institu-
12 tion that provides a financial service to a cannabis-
13 related legitimate business or service provider (where
14 such financial service is provided within a State, po-
15 litical subdivision of a State, or Indian country that
16 allows the cultivation, production, manufacture, sale,
17 transportation, display, dispensing, distribution, or
18 purchase of cannabis pursuant to a law or regulation
19 of such State, political subdivision, or Indian Tribe
20 that has jurisdiction over the Indian country, as ap-
21 plicable), a Federal reserve bank or Federal Home
22 Loan Bank, and the officers, directors, and employ-
23 ees of the Federal reserve bank or Federal Home
24 Loan Bank, may not be held liable pursuant to any
25 Federal law or regulation—

1 (A) solely for providing such a service; or

2 (B) for further investing any income de-
3 rived from such a service.

4 (3) PROTECTIONS FOR INSURERS.—With re-
5 spect to engaging in the business of insurance within
6 a State, political subdivision of a State, or Indian
7 country that allows the cultivation, production, man-
8 ufacture, sale, transportation, display, dispensing,
9 distribution, or purchase of cannabis pursuant to a
10 law or regulation of such State, political subdivision,
11 or Indian Tribe that has jurisdiction over the Indian
12 country, as applicable, an insurer that engages in
13 the business of insurance with a cannabis-related le-
14 gitimate business or service provider or who other-
15 wise engages with a person in a transaction permis-
16 sible under State law related to cannabis, and the
17 officers, directors, and employees of that insurer
18 may not be held liable pursuant to any Federal law
19 or regulation—

20 (A) solely for engaging in the business of
21 insurance; or

22 (B) for further investing any income de-
23 rived from the business of insurance.

24 (4) FORFEITURE.—

1 (A) DEPOSITORY INSTITUTIONS.—A depos-
2 itory institution that has a legal interest in the
3 collateral for a loan or another financial service
4 provided to an owner, employee, or operator of
5 a cannabis-related legitimate business or service
6 provider, or to an owner or operator of real es-
7 tate or equipment that is leased or sold to a
8 cannabis-related legitimate business or service
9 provider, shall not be subject to criminal, civil,
10 or administrative forfeiture of that legal inter-
11 est pursuant to any Federal law for providing
12 such loan or other financial service.

13 (B) FEDERAL RESERVE BANKS AND FED-
14 ERAL HOME LOAN BANKS.—A Federal reserve
15 bank or Federal Home Loan Bank that has a
16 legal interest in the collateral for a loan or an-
17 other financial service provided to a depository
18 institution that provides a financial service to a
19 cannabis-related legitimate business or service
20 provider, or to an owner or operator of real es-
21 tate or equipment that is leased or sold to a
22 cannabis-related legitimate business or service
23 provider, shall not be subject to criminal, civil,
24 or administrative forfeiture of that legal inter-

1 est pursuant to any Federal law for providing
2 such loan or other financial service.

3 (e) RULES OF CONSTRUCTION.—

4 (1) NO REQUIREMENT TO PROVIDE FINANCIAL
5 SERVICES.—Nothing in this section shall require a
6 depository institution, entity performing a financial
7 service for or in association with a depository insti-
8 tution, or insurer to provide financial services to a
9 cannabis-related legitimate business, service pro-
10 vider, or any other business.

11 (2) GENERAL EXAMINATION, SUPERVISORY,
12 AND ENFORCEMENT AUTHORITY.—Nothing in this
13 section may be construed in any way as limiting or
14 otherwise restricting the general examination, super-
15 visory, and enforcement authority of the Federal
16 banking regulators, provided that the basis for any
17 supervisory or enforcement action is not the provi-
18 sion of financial services to a cannabis-related legiti-
19 mate business or service provider.

20 (f) REQUIREMENTS FOR FILING SUSPICIOUS ACTIV-
21 ITY REPORTS.—Section 5318(g) of title 31, United States
22 Code, is amended by adding at the end the following:

23 “(5) REQUIREMENTS FOR CANNABIS-RELATED
24 LEGITIMATE BUSINESSES.—

1 “(A) IN GENERAL.—With respect to a fi-
2 nancial institution or any director, officer, em-
3 ployee, or agent of a financial institution that
4 reports a suspicious transaction pursuant to
5 this subsection, if the reason for the report re-
6 lates to a cannabis-related legitimate business
7 or service provider, the report shall comply with
8 appropriate guidance issued by the Financial
9 Crimes Enforcement Network. The Secretary
10 shall ensure that the guidance is consistent with
11 the purpose and intent of the SAFE Banking
12 Act of 2020 and does not significantly inhibit
13 the provision of financial services to a cannabis-
14 related legitimate business or service provider in
15 a State, political subdivision of a State, or In-
16 dian country that has allowed the cultivation,
17 production, manufacture, transportation, dis-
18 play, dispensing, distribution, sale, or purchase
19 of cannabis pursuant to law or regulation of
20 such State, political subdivision, or Indian
21 Tribe that has jurisdiction over the Indian
22 country.

23 “(B) DEFINITIONS.—For purposes of this
24 paragraph:

1 “(i) CANNABIS.—The term ‘cannabis’
2 has the meaning given the term ‘mari-
3 huana’ in section 102 of the Controlled
4 Substances Act (21 U.S.C. 802).

5 “(ii) CANNABIS-RELATED LEGITIMATE
6 BUSINESS.—The term ‘cannabis-related le-
7 gitimate business’ has the meaning given
8 that term in subsection (n) of the SAFE
9 Banking Act of 2020.

10 “(iii) INDIAN COUNTRY.—The term
11 ‘Indian country’ has the meaning given
12 that term in section 1151 of title 18.

13 “(iv) INDIAN TRIBE.—The term ‘In-
14 dian Tribe’ has the meaning given that
15 term in section 102 of the Federally Rec-
16 ognized Indian Tribe List Act of 1994 (25
17 U.S.C. 479a).

18 “(v) FINANCIAL SERVICE.—The term
19 ‘financial service’ has the meaning given
20 that term in subsection (n) of the SAFE
21 Banking Act of 2020.

22 “(vi) SERVICE PROVIDER.—The term
23 ‘service provider’ has the meaning given
24 that term in subsection (n) of the SAFE
25 Banking Act of 2020.

1 “(vii) STATE.—The term ‘State’
2 means each of the several States, the Dis-
3 trict of Columbia, Puerto Rico, and any
4 territory or possession of the United
5 States.”.

6 (g) GUIDANCE AND EXAMINATION PROCEDURES.—
7 Not later than 180 days after the date of enactment of
8 this Act, the Financial Institutions Examination Council
9 shall develop uniform guidance and examination proce-
10 dures for depository institutions that provide financial
11 services to cannabis-related legitimate businesses and
12 service providers.

13 (h) ANNUAL DIVERSITY AND INCLUSION REPORT.—
14 The Federal banking regulators shall issue an annual re-
15 port to Congress containing—

16 (1) information and data on the availability of
17 access to financial services for minority-owned and
18 women-owned cannabis-related legitimate businesses;
19 and

20 (2) any regulatory or legislative recommenda-
21 tions for expanding access to financial services for
22 minority-owned and women-owned cannabis-related
23 legitimate businesses.

24 (i) GAO STUDY ON DIVERSITY AND INCLUSION.—

1 (1) STUDY.—The Comptroller General of the
2 United States shall carry out a study on the barriers
3 to marketplace entry, including in the licensing proc-
4 ess, and the access to financial services for potential
5 and existing minority-owned and women-owned can-
6 nabis-related legitimate businesses.

7 (2) REPORT.—The Comptroller General shall
8 issue a report to the Congress—

9 (A) containing all findings and determina-
10 tions made in carrying out the study required
11 under paragraph (1); and

12 (B) containing any regulatory or legislative
13 recommendations for removing barriers to mar-
14 ketplace entry, including in the licensing proc-
15 ess, and expanding access to financial services
16 for potential and existing minority-owned and
17 women-owned cannabis-related legitimate busi-
18 nesses.

19 (j) GAO STUDY ON EFFECTIVENESS OF CERTAIN
20 REPORTS ON FINDING CERTAIN PERSONS.—Not later
21 than 2 years after the date of the enactment of this Act,
22 the Comptroller General of the United States shall carry
23 out a study on the effectiveness of reports on suspicious
24 transactions filed pursuant to section 5318(g) of title 31,
25 United States Code, at finding individuals or organiza-

1 tions suspected or known to be engaged with transnational
2 criminal organizations and whether any such engagement
3 exists in a State, political subdivision, or Indian Tribe that
4 has jurisdiction over Indian country that allows the cul-
5 tivation, production, manufacture, sale, transportation,
6 display, dispensing, distribution, or purchase of cannabis.
7 The study shall examine reports on suspicious trans-
8 actions as follows:

9 (1) During the period of 2014 until the date of
10 the enactment of this Act, reports relating to mari-
11 juana-related businesses.

12 (2) During the 1-year period after date of the
13 enactment of this Act, reports relating to cannabis-
14 related legitimate businesses.

15 (k) BANKING SERVICES FOR HEMP BUSINESSES.—

16 (1) FINDINGS.—The Congress finds that—

17 (A) the Agriculture Improvement Act of
18 2018 (Public Law 115–334) legalized hemp by
19 removing it from the definition of “marihuana”
20 under the Controlled Substances Act;

21 (B) despite the legalization of hemp, some
22 hemp businesses (including producers, manufac-
23 turers, and retailers) continue to have difficulty
24 gaining access to banking products and serv-
25 ices; and

1 (C) businesses involved in the sale of
2 hemp-derived cannabidiol (“CBD”) products
3 are particularly affected, due to confusion about
4 their legal status.

5 (2) FEDERAL BANKING REGULATOR HEMP
6 BANKING GUIDANCE.—Not later than the end of the
7 90-day period beginning on the date of enactment of
8 this Act, the Federal banking regulators shall jointly
9 issue guidance to financial institutions—

10 (A) confirming the legality of hemp, hemp-
11 derived CBD products, and other hemp-derived
12 cannabinoid products, and the legality of engag-
13 ing in financial services with businesses selling
14 hemp, hemp-derived CBD products, and other
15 hemp-derived cannabinoid products, after the
16 enactment of the Agriculture Improvement Act
17 of 2018; and

18 (B) to provide recommended best practices
19 for financial institutions to follow when pro-
20 viding financial services and merchant proc-
21 essing services to businesses involved in the sale
22 of hemp, hemp-derived CBD products, and
23 other hemp-derived cannabinoid products.

1 (3) FINANCIAL INSTITUTION DEFINED.—In this
2 section, the term “financial institution” means any
3 person providing financial services.

4 (1) APPLICATION OF SAFE HARBORS TO HEMP AND
5 CBD PRODUCTS.—

6 (1) IN GENERAL.—Except as provided under
7 paragraph (2), the provisions of this section (other
8 than subsections (f) and (j)) shall apply to hemp (in-
9 cluding hemp-derived cannabidiol and other hemp-
10 derived cannabinoid products) in the same manner
11 as such provisions apply to cannabis.

12 (2) RULE OF APPLICATION.—In applying the
13 provisions of this section described under paragraph
14 (1) to hemp, the definition of “cannabis-related le-
15 gitimate business” shall be treated as excluding any
16 requirement to engage in activity pursuant to the
17 law of a State or political subdivision thereof.

18 (3) HEMP DEFINED.—In this subsection, the
19 term “hemp” has the meaning given that term
20 under section 297A of the Agricultural Marketing
21 Act of 1946 (7 U.S.C. 1639o).

22 (m) REQUIREMENTS FOR DEPOSIT ACCOUNT TERMI-
23 NATION REQUESTS AND ORDERS.—

24 (1) TERMINATION REQUESTS OR ORDERS MUST
25 BE VALID.—

1 (A) IN GENERAL.—An appropriate Federal
2 banking agency may not formally or informally
3 request or order a depository institution to ter-
4minate a specific customer account or group of
5 customer accounts or to otherwise restrict or
6 discourage a depository institution from enter-
7ing into or maintaining a banking relationship
8 with a specific customer or group of customers
9 unless—

10 (i) the agency has a valid reason for
11 such request or order; and

12 (ii) such reason is not based solely on
13 reputation risk.

14 (B) TREATMENT OF NATIONAL SECURITY
15 THREATS.—If an appropriate Federal banking
16 agency believes a specific customer or group of
17 customers is, or is acting as a conduit for, an
18 entity which—

19 (i) poses a threat to national security;

20 (ii) is involved in terrorist financing;

21 (iii) is an agency of the Government
22 of Iran, North Korea, Syria, or any coun-
23 try listed from time to time on the State
24 Sponsors of Terrorism list;

1 (iv) is located in, or is subject to the
2 jurisdiction of, any country specified in
3 clause (iii); or

4 (v) does business with any entity de-
5 scribed in clause (iii) or (iv), unless the ap-
6 propriate Federal banking agency deter-
7 mines that the customer or group of cus-
8 tomers has used due diligence to avoid
9 doing business with any entity described in
10 clause (iii) or (iv),

11 such belief shall satisfy the requirement under
12 subparagraph (A).

13 (2) NOTICE REQUIREMENT.—

14 (A) IN GENERAL.—If an appropriate Fed-
15 eral banking agency formally or informally re-
16 quests or orders a depository institution to ter-
17 minate a specific customer account or a group
18 of customer accounts, the agency shall—

19 (i) provide such request or order to
20 the institution in writing; and

21 (ii) accompany such request or order
22 with a written justification for why such
23 termination is needed, including any spe-
24 cific laws or regulations the agency believes

1 are being violated by the customer or
2 group of customers, if any.

3 (B) JUSTIFICATION REQUIREMENT.—A
4 justification described under subparagraph
5 (A)(ii) may not be based solely on the reputa-
6 tion risk to the depository institution.

7 (3) CUSTOMER NOTICE.—

8 (A) NOTICE REQUIRED.—Except as pro-
9 vided under subparagraph (B) or as otherwise
10 prohibited from being disclosed by law, if an ap-
11 propriate Federal banking agency orders a de-
12 pository institution to terminate a specific cus-
13 tomer account or a group of customer accounts,
14 the depository institution shall inform the spe-
15 cific customer or group of customers of the jus-
16 tification for the customer’s account termi-
17 nation described under paragraph (2).

18 (B) NOTICE PROHIBITED.—

19 (i) NOTICE PROHIBITED IN CASES OF
20 NATIONAL SECURITY.—If an appropriate
21 Federal banking agency requests or orders
22 a depository institution to terminate a spe-
23 cific customer account or a group of cus-
24 tomer accounts based on a belief that the
25 customer or customers pose a threat to na-

1 tional security, or are otherwise described
2 under subsection (a)(2), neither the deposi-
3 tory institution nor the appropriate Fed-
4 eral banking agency may inform the cus-
5 tomer or customers of the justification for
6 the customer's account termination.

7 (ii) NOTICE PROHIBITED IN OTHER
8 CASES.—If an appropriate Federal banking
9 agency determines that the notice required
10 under subparagraph (A) may interfere
11 with an authorized criminal investigation,
12 neither the depository institution nor the
13 appropriate Federal banking agency may
14 inform the specific customer or group of
15 customers of the justification for the cus-
16 tomer's account termination.

17 (4) REPORTING REQUIREMENT.—Each appro-
18 priate Federal banking agency shall issue an annual
19 report to the Congress stating—

20 (A) the aggregate number of specific cus-
21 tomer accounts that the agency requested or or-
22 dered a depository institution to terminate dur-
23 ing the previous year; and

24 (B) the legal authority on which the agen-
25 cy relied in making such requests and orders

1 and the frequency on which the agency relied
2 on each such authority.

3 (5) DEFINITIONS.—For purposes of this sub-
4 section:

5 (A) APPROPRIATE FEDERAL BANKING
6 AGENCY.—The term “appropriate Federal
7 banking agency” means—

8 (i) the appropriate Federal banking
9 agency, as defined under section 3 of the
10 Federal Deposit Insurance Act (12 U.S.C.
11 1813); and

12 (ii) the National Credit Union Admin-
13 istration, in the case of an insured credit
14 union.

15 (B) DEPOSITORY INSTITUTION.—The term
16 “depository institution” means—

17 (i) a depository institution, as defined
18 under section 3 of the Federal Deposit In-
19 surance Act (12 U.S.C. 1813); and

20 (ii) an insured credit union.

21 (n) DEFINITIONS.—In this section:

22 (1) BUSINESS OF INSURANCE.—The term
23 “business of insurance” has the meaning given such
24 term in section 1002 of the Dodd-Frank Wall Street

1 Reform and Consumer Protection Act (12 U.S.C.
2 5481).

3 (2) CANNABIS.—The term “cannabis” has the
4 meaning given the term “marihuana” in section 102
5 of the Controlled Substances Act (21 U.S.C. 802).

6 (3) CANNABIS PRODUCT.—The term “cannabis
7 product” means any article which contains cannabis,
8 including an article which is a concentrate, an edi-
9 ble, a tincture, a cannabis-infused product, or a top-
10 ical.

11 (4) CANNABIS-RELATED LEGITIMATE BUSI-
12 NESS.—The term “cannabis-related legitimate busi-
13 ness” means a manufacturer, producer, or any per-
14 son or company that—

15 (A) engages in any activity described in
16 subparagraph (B) pursuant to a law established
17 by a State or a political subdivision of a State,
18 as determined by such State or political subdivi-
19 sion; and

20 (B) participates in any business or orga-
21 nized activity that involves handling cannabis or
22 cannabis products, including cultivating, pro-
23 ducing, manufacturing, selling, transporting,
24 displaying, dispensing, distributing, or pur-
25 chasing cannabis or cannabis products.

1 (5) DEPOSITORY INSTITUTION.—The term “de-
2 pository institution” means—

3 (A) a depository institution as defined in
4 section 3(c) of the Federal Deposit Insurance
5 Act (12 U.S.C. 1813(c));

6 (B) a Federal credit union as defined in
7 section 101 of the Federal Credit Union Act
8 (12 U.S.C. 1752); or

9 (C) a State credit union as defined in sec-
10 tion 101 of the Federal Credit Union Act (12
11 U.S.C. 1752).

12 (6) FEDERAL BANKING REGULATOR.—The
13 term “Federal banking regulator” means each of the
14 Board of Governors of the Federal Reserve System,
15 the Bureau of Consumer Financial Protection, the
16 Federal Deposit Insurance Corporation, the Federal
17 Housing Finance Agency, the Financial Crimes En-
18 forcement Network, the Office of Foreign Asset
19 Control, the Office of the Comptroller of the Cur-
20 rency, the National Credit Union Administration,
21 the Department of the Treasury, or any Federal
22 agency or department that regulates banking or fi-
23 nancial services, as determined by the Secretary of
24 the Treasury.

1 (7) FINANCIAL SERVICE.—The term “financial
2 service”—

3 (A) means a financial product or service,
4 as defined in section 1002 of the Dodd-Frank
5 Wall Street Reform and Consumer Protection
6 Act (12 U.S.C. 5481);

7 (B) includes the business of insurance;

8 (C) includes, whether performed directly or
9 indirectly, the authorizing, processing, clearing,
10 settling, billing, transferring for deposit, trans-
11 mitting, delivering, instructing to be delivered,
12 reconciling, collecting, or otherwise effectuating
13 or facilitating of payments or funds, where such
14 payments or funds are made or transferred by
15 any means, including by the use of credit cards,
16 debit cards, other payment cards, or other ac-
17 cess devices, accounts, original or substitute
18 checks, or electronic funds transfers;

19 (D) includes acting as a money transmit-
20 ting business which directly or indirectly makes
21 use of a depository institution in connection
22 with effectuating or facilitating a payment for
23 a cannabis-related legitimate business or service
24 provider in compliance with section 5330 of

1 title 31, United States Code, and any applicable
2 State law; and

3 (E) includes acting as an armored car
4 service for processing and depositing with a de-
5 pository institution or a Federal reserve bank
6 with respect to any monetary instruments (as
7 defined under section 1956(e)(5) of title 18,
8 United States Code.

9 (8) INDIAN COUNTRY.—The term “Indian coun-
10 try” has the meaning given that term in section
11 1151 of title 18.

12 (9) INDIAN TRIBE.—The term “Indian Tribe”
13 has the meaning given that term in section 102 of
14 the Federally Recognized Indian Tribe List Act of
15 1994 (25 U.S.C. 479a).

16 (10) INSURER.—The term “insurer” has the
17 meaning given that term under section 313(r) of
18 title 31, United States Code.

19 (11) MANUFACTURER.—The term “manufac-
20 turer” means a person who manufactures, com-
21 pounds, converts, processes, prepares, or packages
22 cannabis or cannabis products.

23 (12) PRODUCER.—The term “producer” means
24 a person who plants, cultivates, harvests, or in any
25 way facilitates the natural growth of cannabis.

1 (13) SERVICE PROVIDER.—The term “service
2 provider”—

3 (A) means a business, organization, or
4 other person that—

5 (i) sells goods or services to a can-
6 nabis-related legitimate business; or

7 (ii) provides any business services, in-
8 cluding the sale or lease of real or any
9 other property, legal or other licensed serv-
10 ices, or any other ancillary service, relating
11 to cannabis; and

12 (B) does not include a business, organiza-
13 tion, or other person that participates in any
14 business or organized activity that involves han-
15 dling cannabis or cannabis products, including
16 cultivating, producing, manufacturing, selling,
17 transporting, displaying, dispensing, distrib-
18 uting, or purchasing cannabis or cannabis prod-
19 ucts.

20 (14) STATE.—The term “State” means each of
21 the several States, the District of Columbia, Puerto
22 Rico, and any territory or possession of the United
23 States.

24 (o) DISCRETIONARY SURPLUS FUNDS.—Section
25 7(a)(3)(A) of the Federal Reserve Act (12 U.S.C.

1 289(a)(3)(A)) is amended by striking “\$6,825,000,000”
2 and inserting “\$6,821,000,000”.

3 **SEC. 607. SUPPORT FOR RESTAURANTS.**

4 (a) **SHORT TITLE.**—This section may be cited as the
5 “Real Economic Support That Acknowledges Unique Res-
6 taurant Assistance Needed To Survive Act of 2020” or
7 the “RESTAURANTS Act of 2020”.

8 (b) **DEFINITIONS.**—In this section:

9 (1) **COVERED PERIOD.**—The term “covered pe-
10 riod” means the period beginning on February 15,
11 2020, and ending on June 30, 2021.

12 (2) **ELIGIBLE ENTITY.**—The term “eligible enti-
13 ty”—

14 (A) means a restaurant, food stand, food
15 truck, food cart, caterer, saloon, inn, tavern,
16 bar, lounge, brewpub, tasting room, taproom, li-
17 censed facility, or premise of a beverage alcohol
18 producer where the public may taste, sample or
19 purchase products, or other similar place of
20 business—

21 (i) in which the public or patrons as-
22 semble for the primary purpose of being
23 served food or drink; and

24 (ii) that, as of March 13, 2020, is not
25 part of a chain or franchise with more

1 than 20 locations doing business under the
2 same name, regardless of the type of own-
3 ership of the locations;

4 (B) means an entity that is located in an
5 airport terminal and that, as of March 13,
6 2020, sold any food and beverage, if, as of
7 March 13, 2020, the entity is not part of a
8 chain or franchise with more than 20 locations
9 doing business under the same name, regardless
10 of the type of ownership of the locations; and

11 (C) does not include an entity described in
12 subparagraph (A) or (B) that is—

13 (i) publicly-traded, including a sub-
14 sidiary or affiliate thereof; or

15 (ii) part of a State or local govern-
16 ment facility, not including an airport.

17 (3) FUND.—The term “Fund” means the Res-
18 taurant Revitalization Fund established under sec-
19 tion subsection (c).

20 (4) IMMEDIATE FAMILY MEMBER.—With re-
21 spect to an individual, the term “immediate family
22 member” means any parent or child of the indi-
23 vidual.

24 (5) PAYROLL COSTS.—The term “payroll costs”
25 has the meaning given the term in section

1 7(a)(36)(A) of the Small Business Act (15 U.S.C.
2 636(a)(36)(A)).

3 (6) SECRETARY.—The term “Secretary” means
4 the Secretary of the Treasury.

5 (c) ESTABLISHMENT OF A RESTAURANT REVITAL-
6 IZATION FUND.—

7 (1) IN GENERAL.—There is established in the
8 Treasury of the United States a fund to be known
9 as the Restaurant Revitalization Fund.

10 (2) APPROPRIATIONS.—

11 (A) IN GENERAL.—There is appropriated
12 to the Fund, out of amounts in the Treasury
13 not otherwise appropriated, \$120,000,000,000,
14 to remain available until June 30, 2021.

15 (B) REMAINDER TO TREASURY.—Any
16 amounts remaining in the Fund after June 30,
17 2021 shall be deposited in the general fund of
18 the Treasury.

19 (3) USE OF FUNDS.—The Secretary shall use
20 amounts in the Fund to make grants described in
21 section subsection (d).

22 (d) RESTAURANT REVITALIZATION GRANTS.—

23 (1) IN GENERAL.—The Secretary shall award
24 grants to eligible entities in the order in which the
25 application is received by the Secretary.

1 (2) REGISTRATION.—The Secretary shall reg-
2 ister each grant awarded under this subsection using
3 the employer identification number of the eligible en-
4 tity.

5 (3) APPLICATION.—

6 (A) IN GENERAL.—An eligible entity desir-
7 ing a grant under this subsection shall submit
8 to the Secretary an application at such time, in
9 such manner, and containing such information
10 as the Secretary may require.

11 (B) CERTIFICATION.—An eligible entity
12 applying for a grant under this subsection shall
13 make a good faith certification—

14 (i) that the uncertainty of current eco-
15 nomic conditions makes necessary the
16 grant request to support the ongoing oper-
17 ations of the eligible entity;

18 (ii) acknowledging that funds will be
19 used to retain workers, for payroll costs,
20 and for other allowable expenses described
21 in paragraph (5) and not for any other
22 purposes;

23 (iii) that the eligible entity does not
24 have an application pending for a grant
25 under subsection (a)(36) or (b)(2) of sec-

1 tion 7 of the Small Business Act (15
2 U.S.C. 636) for the same purpose and that
3 is duplicative of amounts applied for or re-
4 ceived under this section; and

5 (iv) during the covered period, that
6 the eligible entity has not received amounts
7 under subsection (a)(36) or (b)(2) of sec-
8 tion 7 of the Small Business Act (15
9 U.S.C. 636) for the same purpose and that
10 is duplicative of amounts applied for or re-
11 ceived under this section.

12 (C) HOLD HARMLESS.—An eligible entity
13 applying for a grant under this subsection shall
14 not be ineligible for a grant if the eligible entity
15 is able to document—

16 (i) an inability to rehire individuals
17 who were employees of the eligible entity
18 on February 15, 2020; and

19 (ii) an inability to hire similarly quali-
20 fied employees for unfilled positions on or
21 before June 30, 2021.

22 (4) PRIORITY IN AWARDING GRANTS.—During
23 the initial 14-day period in which the Secretary
24 awards grants under this subsection, the Secretary
25 shall—

1 (A) prioritize awarding grants to
2 marginalized and underrepresented commu-
3 nities, with a focus on women- and minority-
4 owned, and women- and minority-operated eligi-
5 ble entities; and

6 (B) only award grants to eligible entities
7 with annual revenues of less than \$1,500,000.

8 (5) GRANT AMOUNT.—

9 (A) DETERMINATION OF GRANT
10 AMOUNT.—

11 (i) IN GENERAL.—The amount of a
12 grant made to an eligible entity under this
13 subsection shall be equal to—

14 (I) the sum of the revenues or es-
15 timated revenues of the eligible entity
16 during each calendar quarter in 2020
17 subtracted from the sum of such reve-
18 nues during the same calendar quar-
19 ter in 2019, if such sum is greater
20 than zero; and

21 (II) if applicable, the additional
22 amount required to pay for sick leave
23 described under clause (ii).

24 (ii) SICK LEAVE.—An eligible entity
25 applying for a grant under this section—

1 (I) may request an additional
2 grant amount based on the amount
3 required to provide 10 days of paid
4 sick leave to each employee of the en-
5 tity to—

6 (aa) care for themselves or
7 an immediate family member who
8 is ill; or

9 (bb) provide care for chil-
10 dren when schools or childcare
11 providers are shut down due to
12 COVID-19; and

13 (II) shall, if provided a grant
14 under this section that includes an ad-
15 ditional amount for sick leave de-
16 scribed under subclause (I), provide
17 each employee of the entity with such
18 10 days of paid sick leave.

19 (iii) VERIFICATION.—An eligible enti-
20 ty shall submit to the Secretary such rev-
21 enue verification documentation as the
22 Secretary may require to determine the
23 amount of a grant under clause (i).

24 (iv) REPAYMENT.—Any amount of a
25 grant made under this subsection to an eli-

1 gible entity based on estimated revenues in
2 a calendar quarter in 2020 that is greater
3 than the actual revenues of the eligible en-
4 tity during that calendar quarter shall be
5 converted to a loan that has—

6 (I) an interest rate of 1 percent;

7 and

8 (II) a maturity date of 10 years
9 beginning on January 1, 2021.

10 (B) REDUCTION BASED ON PPP FORGIVE-
11 NESS OR EIDL EMERGENCY GRANT.—If an eligi-
12 ble entity has, at the time of application for a
13 grant under this subsection, received an ad-
14 vance under section 1110(e) of the CARES Act
15 (15 U.S.C. 9009(e)) or loan forgiveness under
16 section 1106 of such Act (15 U.S.C. 9005) re-
17 lated to expenses incurred during the covered
18 period, the maximum amount of a grant award-
19 ed to the eligible entity under this subsection
20 shall be reduced by the amount of funds ex-
21 pended by or forgiven for the eligible entity for
22 those expenses using amounts received under
23 such section 1110(e) or forgiven under such
24 section 1106.

1 (C) LIMITATION.—An eligible entity may
2 not receive more than 1 grant under this sub-
3 section.

4 (6) USE OF FUNDS.—

5 (A) IN GENERAL.—During the covered pe-
6 riod, an eligible entity that receives a grant
7 under this subsection may use the grant funds
8 for—

9 (i) payroll costs;

10 (ii) payments of principal or interest
11 on any mortgage obligation;

12 (iii) rent payments, including rent
13 under a lease agreement;

14 (iv) utilities;

15 (v) maintenance, including construc-
16 tion to accommodate outdoor seating;

17 (vi) supplies, including protective
18 equipment and cleaning materials;

19 (vii) food, beverage, and operational
20 expenses that are within the scope of the
21 normal business practice of the eligible en-
22 tity before the covered period;

23 (viii) debt obligations to suppliers that
24 were incurred before the covered period;

1 (ix) costs associated with providing
2 employees with 10 days of sick leave, as
3 described under paragraph (5)(A)(ii); and

4 (x) any other expenses that the Sec-
5 retary determines to be essential to main-
6 taining the eligible entity.

7 (B) RETURNING FUNDS.—If an eligible en-
8 tity that receives a grant under this subsection
9 permanently ceases operations on or before
10 June 30, 2021, the eligible entity shall return
11 to the Treasury any funds that the eligible enti-
12 ty did not use for the allowable expenses under
13 subparagraph (A).

14 (C) CONVERSION TO LOAN.—Any grant
15 amounts received by an eligible entity under
16 this subsection that are unused after June 30,
17 2021, shall be immediately converted to a loan
18 with—

19 (i) an interest rate of 1 percent; and

20 (ii) a maturity date of 10 years.

21 (7) REGULATIONS.—Not later than 15 days
22 after the date of enactment of this Act, the Sec-
23 retary shall issue regulations to carry out this sub-
24 section without regard to the notice and comment

1 requirements under section 553 of title 5, United
2 States Code.

3 (8) APPROPRIATIONS FOR STAFFING AND AD-
4 MINISTRATIVE EXPENSES.—

5 (A) IN GENERAL.—Of the amounts pro-
6 vided by paragraph (2)(A), \$300,000,000 shall
7 be for staffing and administrative expenses re-
8 lated to administering grants awarded under
9 this subsection.

10 (B) SET ASIDE.—Of amounts provided
11 under subparagraph (A), \$60,000,000 shall be
12 allocated for outreach to traditionally
13 marginalized and underrepresented commu-
14 nities, with a focus on women, veteran, and mi-
15 nority-owned and operated eligible entities, in-
16 cluding the creation of a resource center tar-
17 geted toward these communities.

18 (e) LIMITATION WITH RESPECT TO PRIVATE
19 FUNDS.—

20 (1) IN GENERAL.—No amounts received under
21 this section may be directly or indirectly used to pay
22 distributions, dividends, consulting fees, advisory
23 fees, interest payments, or any other fees, expenses,
24 or charges to—

1 (A) a person registered as an investment
2 adviser under the Investment Advisers Act of
3 1940 who advises a private fund;

4 (B) any affiliate of such adviser;

5 (C) any executive of such adviser or affil-
6 iate; or

7 (D) any employee, consultant, or other per-
8 son with a contractual relationship to provide
9 services for or on behalf of such adviser or affil-
10 iate.

11 (2) ANTI-EVASION.—No company in which a
12 private fund holds an ownership interest that has,
13 directly or indirectly, received amounts under this
14 title may pay any distributions, dividends, consulting
15 fees, advisory fees, interest payments, or any other
16 fees, expenses, or charges in excess of 10 percent of
17 such company's net operating profits for the cal-
18 endar year ending December 31, 2020 (and for each
19 successive year until the covered period has ended
20 and all loans created under this section have been
21 repaid) to—

22 (A) a person registered as an investment
23 adviser under the Investment Advisers Act of
24 1940 who advises a private fund;

25 (B) any affiliate of such adviser;

1 (C) any executive of such adviser or affil-
2 iate; or

3 (D) any employee, consultant, or other per-
4 son with a contractual relationship to provide
5 services for or on behalf of such adviser or affil-
6 iate.

7 (3) DEFINITIONS.—In this section:

8 (A) AFFILIATE.—The term “affiliate”
9 means, with respect to a person, any other per-
10 son directly or indirectly controlling, controlled
11 by, or under direct or indirect common control
12 with such person. A person shall be deemed to
13 control another person if such person possesses,
14 directly or indirectly, the power to direct or
15 cause the direction of the management and poli-
16 cies of such other person, whether through the
17 ownership of voting securities, by contract, or
18 otherwise.

19 (B) EXECUTIVE.—The term “executive”
20 means—

21 (i) any individual who serves an execu-
22 tive or director of a person, including the
23 principal executive officer, principal finan-
24 cial officer, comptroller or principal ac-
25 counting officer; and

1 (ii) an executive officer, as defined
2 under section 230.405 of title 17, Code of
3 Federal Regulations.

4 (C) PRIVATE FIND.—The term “private
5 fund” means an issuer that would be an invest-
6 ment company, as defined in the Investment
7 Company Act of 1940 (15 U.S.C. 80a-1 et
8 seq.), but for section 3(c)(1) or 3(c)(7) of that
9 Act.

10 (f) DEMOGRAPHIC DATA AND TRANSPARENCY.—

11 (1) DEMOGRAPHIC DATA.—In establishing an
12 application process for carrying out this section, the
13 Secretary shall include a voluntary request for cer-
14 tain demographic data with respect to the majority
15 ownership of eligible entities, including race, eth-
16 nicity, gender, and veteran-status.

17 (2) MONTHLY REPORTS.—Not later than the
18 end of the first month in which initial grants are
19 disbursed under this section, and every month there-
20 after until the date on which the last grant has been
21 disbursed under this section, the Secretary shall sub-
22 mit to the Committee on Financial Services of the
23 House of Representatives and the Committee on
24 Banking, Housing, and Urban Affairs of the Senate
25 a report providing the number and dollar amount of

1 grants approved for or disbursed to all eligible enti-
2 ties, including a list of eligible entities with the
3 grant amount they received, and a breakout of the
4 number and dollar of grants by State, congressional
5 district, demographics (including race, ethnicity,
6 gender, and veteran-status), and business type.

7 (3) QUARTERLY REPORTS.— Beginning on Jan-
8 uary 1, 2021, and every subsequent quarter until
9 the last grant that was converted to a loan under
10 this section is repaid, the Secretary shall submit to
11 the Committee on Financial Services of the House of
12 Representatives and the Committee on Banking,
13 Housing, and Urban Affairs of the Senate a report
14 on the number and dollar amount of grants ap-
15 proved for or disbursed to all eligible entities, includ-
16 ing a breakout of grants by State, congressional dis-
17 trict, demographics (including race, ethnicity, gen-
18 der, and veteran-status), and business type, as well
19 as the number and dollar amount of grants that con-
20 verted to loans under this section, including a break-
21 out of outstanding loans by State, congressional dis-
22 trict, demographics (including race, ethnicity, gen-
23 der, and veteran-status), and business type.

24 (4) DATA TRANSPARENCY.—Not later than 30
25 days after the date of enactment of this Act, the

1 Secretary shall make available on a publicly available
2 website in a standardized and downloadable format,
3 and update on a monthly basis, any data contained
4 in a report submitted under this section.

5 **SEC. 608. CODIFICATION OF THE MINORITY BUSINESS DE-**
6 **VELOPMENT ADMINISTRATION.**

7 (a) DEFINITIONS.—In this section:

8 (1) ADMINISTRATION.—The term “Administra-
9 tion” means the Minority Business Development Ad-
10 ministration.

11 (2) ADMINISTRATOR.—The term “Adminis-
12 trator” means the Administrator of the Minority
13 Business Development Administration.

14 (3) COVERED ENTITY.—The term “covered en-
15 tity” means a private nonprofit organization that—

16 (A) is described in section 501(c)(3) of the
17 Internal Revenue Code of 1986 and exempt
18 from tax under section 501(a) of such Code;

19 (B) can demonstrate to the Administration
20 that—

21 (i) the primary mission of the organi-
22 zation is to provide services to minority
23 business enterprises, whether through edu-
24 cation, making grants, or other similar ac-
25 tivities; and

1 (ii) the organization is unable to pay
2 financial obligations incurred by the orga-
3 nization, including payroll obligations; and
4 (C) due to the effects of COVID–19, is un-
5 able to engage in the same level of fundraising
6 in the year in which this Act is enacted, as
7 compared with the year preceding the year in
8 which this Act is enacted, including through
9 events or the collection of fees.

10 (4) MINORITY.—The term “minority” has the
11 meaning given the term in section 308(b) of the Fi-
12 nancial Institutions Reform, Recovery, and Enforce-
13 ment Act of 1989 and includes any indigenous per-
14 son in the United States or the territories of the
15 United States.

16 (5) MINORITY BUSINESS DEVELOPMENT CEN-
17 TER.—The term “minority business development
18 center” means a Business Center of the Administra-
19 tion, including its Specialty Center Program.

20 (6) MINORITY BUSINESS ENTERPRISE.—The
21 term “minority business enterprise” means a for-
22 profit business enterprise—

23 (A) that is not less than 51 percent-owned
24 by 1 or more minority individuals; and

1 (B) the management and daily business
2 operations of which are controlled by 1 or more
3 minority individuals.

4 (b) MINORITY BUSINESS DEVELOPMENT ADMINIS-
5 TRATION.—

6 (1) ESTABLISHMENT.—

7 (A) IN GENERAL.—The Minority Business
8 Development Administration is hereby estab-
9 lished.

10 (B) TRANSFER OF FUNCTIONS.—All func-
11 tions that, immediately before the date of enact-
12 ment of this Act, were functions of the Minority
13 Business Development Agency of the Depart-
14 ment of Commerce shall be functions of the Ad-
15 ministration.

16 (C) TRANSFER OF ASSETS.—So much of
17 the personnel, property, records, and unex-
18 pended balances of appropriations, allocations,
19 and other funds employed, used, held, available,
20 or to be made available in connection with a
21 function transferred under subparagraph (B)
22 shall be available to the Administration for use
23 in connection with the functions transferred.

24 (D) REFERENCES.—Any reference in any
25 other Federal law, Executive order, rule, regula-

1 tion, or delegation of authority, or any docu-
2 ment of or pertaining to the Minority Business
3 Development Agency of the Department of
4 Commerce is deemed to refer to the Adminis-
5 tration.

6 (2) ADMINISTRATOR.—

7 (A) APPOINTMENT AND DUTIES.—The Ad-
8 ministration shall be headed by an Adminis-
9 trator, who shall be—

10 (i) appointed by the President, by and
11 with the advice and consent of the Senate;

12 and

13 (ii) except as otherwise expressly pro-
14 vided, responsible for the administration of
15 this Act.

16 (B) COMPENSATION.—The Administrator
17 shall be compensated at an annual rate of basic
18 pay prescribed for level IV of the Executive
19 Schedule under section 5315 of title 5, United
20 States Code.

21 (C) TRANSITION PERIOD.—The individual
22 serving as the Director of the Minority Busi-
23 ness Development Agency on the day before the
24 date of enactment of this Act shall serve as the
25 Administrator of the Administration until such

1 time as the first Administrator is confirmed by
2 the Senate pursuant to subparagraph (A).

3 (3) REPORT TO CONGRESS.—Not later than
4 120 days after the date of enactment of this Act, the
5 Administrator shall submit to Congress a report that
6 describes the organizational structure of the Admin-
7 istration.

8 (4) ADMINISTRATIVE POWERS AND OTHER POW-
9 ERS OF THE ADMINISTRATION; MISCELLANEOUS
10 PROVISIONS.—

11 (A) IN GENERAL.—In carrying out the du-
12 ties and the responsibilities of the Administra-
13 tion, the Administrator may—

14 (i) hold hearings, sit and act, and
15 take testimony as the Administrator may
16 determine to be necessary or appropriate;

17 (ii) acquire, in any lawful manner,
18 any property that the Administrator may
19 determine to be necessary or appropriate;

20 (iii) make advance payments under
21 grants, contracts, and cooperative agree-
22 ments awarded by the Administration;

23 (iv) enter into agreements with other
24 Federal agencies;

1 (v) coordinate with the heads of the
2 Offices of Small and Disadvantaged Busi-
3 ness Utilization of Federal agencies;

4 (vi) require a coordinated review of all
5 training and technical assistance activities
6 that are proposed to be carried out by
7 Federal agencies in direct support of the
8 development of minority business enter-
9 prises to—

10 (I) assure consistency with the
11 purposes of this Act; and

12 (II) avoid duplication of existing
13 efforts; and

14 (vii) prescribe such rules, regulations,
15 and procedures as the Administration may
16 determine to be necessary or appropriate.

17 (B) EMPLOYMENT OF CERTAIN EXPERTS
18 AND CONSULTANTS.—

19 (i) IN GENERAL.—The Administrator
20 may employ experts and consultants or or-
21 ganizations that are composed of experts
22 or consultants, as authorized under section
23 3109 of title 5, United States Code.

24 (ii) RENEWAL OF CONTRACTS.—The
25 Administrator may annually renew a con-

1 tract for employment of an individual em-
2 ployed under clause (i).

3 (C) DONATION OF PROPERTY.—

4 (i) IN GENERAL.—Subject to clause
5 (ii), the Administrator may, without cost
6 (except for costs of care and handling), do-
7 nate for use by any public sector entity, or
8 by any recipient nonprofit organization, for
9 the purpose of the development of minority
10 business enterprises, any real or tangible
11 personal property acquired by the Adminis-
12 tration.

13 (ii) TERMS, CONDITIONS, RESERVA-
14 TIONS, AND RESTRICTIONS.—The Adminis-
15 trator may impose reasonable terms, condi-
16 tions, reservations, and restrictions upon
17 the use of any property donated under
18 clause (i).

19 (c) EMERGENCY GRANTS TO NON-PROFITS THAT
20 SUPPORT MINORITY BUSINESS ENTERPRISES.—

21 (1) ESTABLISHMENT.—Not later than 15 days
22 after the date of enactment of this Act, the Adminis-
23 tration shall establish a grant program for covered
24 entities—

1 (A) in order to help those covered entities
2 continue the necessary work of supporting mi-
3 nority business enterprises; and

4 (B) under which the Administration shall
5 make grants to covered entities as expeditiously
6 as possible.

7 (2) APPLICATION.—

8 (A) IN GENERAL.—A covered entity desir-
9 ing a grant under this subsection shall submit
10 to the Administration an application at such
11 time, in such manner, and containing such in-
12 formation as the Administration may require.

13 (B) PRIORITY.—The Administration
14 shall—

15 (i) establish selection criteria to en-
16 sure that, if the amounts made available to
17 carry out this subsection are not sufficient
18 to make a grant under this subsection to
19 every covered entity that submits an appli-
20 cation under subparagraph (A), the cov-
21 ered entities that are the most severely af-
22 fected by the effects of COVID–19 receive
23 priority with respect to those grants; and

24 (ii) give priority with respect to the
25 grants made under this subsection to a

1 covered entity that proposes to use the
2 grant funds for—

3 (I) providing paid sick leave to
4 employees of the covered entity who
5 are unable to work due to the direct
6 effects of COVID–19;

7 (II) continuing to make payroll
8 payments in order to retain employees
9 of the covered entity during an eco-
10 nomic disruption with respect to
11 COVID–19;

12 (III) making rent or mortgage
13 payments with respect to obligations
14 of the covered entity; or

15 (IV) repaying non-Federal obliga-
16 tions that the covered entity cannot
17 satisfy because of revenue losses that
18 are attributable to the effects of
19 COVID–19.

20 (3) AMOUNT OF GRANT.—

21 (A) IN GENERAL.—A grant made under
22 this subsection shall be in an amount that is
23 not more than \$500,000.

1 (B) SINGLE AWARD.—No covered entity
2 may receive, or directly benefit from, more than
3 1 grant made under this subsection.

4 (4) USE OF FUNDS.—A covered entity that re-
5 ceives a grant under this subsection may use the
6 grant funds to address the effects of COVID–19 on
7 the covered entity, including by making payroll pay-
8 ments, making a transition to the provision of online
9 services, and addressing issues raised by an inability
10 to raise funds.

11 (5) PROCEDURES.—The Administration shall
12 establish procedures to discourage and prevent
13 waste, fraud, and abuse by applicants for, and re-
14 cipients of, grants made under this subsection.

15 (6) NON-DUPLICATION.—The Administration
16 shall ensure that covered entities do not receive
17 grants under both this subsection and section 1108
18 of the CARES Act.

19 (7) GAO AUDIT.—Not later than 180 days
20 after the date on which the Administration begins
21 making grants under this subsection, the Comp-
22 troller General of the United States shall—

23 (A) conduct an audit of grants made under
24 this subsection, which shall seek to identify any

1 discrepancies or irregularities with respect to
2 the grants; and

3 (B) submit to Congress a report regarding
4 the audit conducted under subparagraph (A).

5 (8) UPDATES TO CONGRESS.—Not later than
6 30 days after the date of enactment of this Act, and
7 once every 30 days thereafter until the date de-
8 scribed in paragraph (11), the Administrator shall
9 submit to Congress a report that contains—

10 (A) the number of grants made under this
11 subsection during the period covered by the re-
12 port; and

13 (B) with respect to the grants described in
14 subparagraph (A), the geographic distribution
15 of those grants by State and county.

16 (9) TERMINATION.—The authority to make
17 grants under this subsection shall terminate on Sep-
18 tember 30, 2021.

19 (d) OUTREACH TO BUSINESS CENTERS.—

20 (1) IN GENERAL.—Not later than 10 days after
21 the date of enactment of this Act, the Administra-
22 tion shall conduct outreach to the business center
23 network of the Administration to provide guidance
24 to those centers regarding other Federal programs
25 that are available to provide support to minority

1 business enterprises, including programs at the De-
2 partment of the Treasury, the Small Business Ad-
3 ministration, and the Economic Development Ad-
4 ministration of the Department of Commerce.

5 (2) OUTREACH TO NATIVE COMMUNITIES.—

6 (A) IN GENERAL.—In carrying out this
7 subsection, the Administration shall ensure that
8 outreach is conducted in American Indian,
9 Alaska Native, and Native Hawaiian commu-
10 nities.

11 (B) DIRECT OUTREACH TO CERTAIN MI-
12 NORITY BUSINESS ENTERPRISES.—If the Ad-
13 ministrator determines that a particular Amer-
14 ican Indian, Alaska Native, or Native Hawaiian
15 community does not receive sufficient grant
16 amounts under subsection (c) or section 1108
17 of the CARES Act, the Administrator shall
18 carry out additional outreach directly to minor-
19 ity business enterprises located in that commu-
20 nity to provide guidance regarding Federal pro-
21 grams that are available to provide support to
22 minority business enterprises.

23 (3) USE OF APPROPRIATED FUNDS.—If, after
24 carrying out this subsection, there are remaining
25 funds made available to carry out this subsection

1 from the amount appropriated under subsection (e),
2 the Administration may use those remaining funds
3 to carry out other responsibilities of the Administra-
4 tion under subsection (c).

5 (e) AUTHORIZATION OF APPROPRIATIONS.—There is
6 authorized to be appropriated to the Administration, in
7 additional to any other amounts so authorized, for the fis-
8 cal year ending September 30, 2020, to remain available
9 until September 30, 2021, \$60,000,000, of which—

10 (1) \$10,000,000 are authorized for carrying out
11 subsection (c);

12 (2) \$5,000,000 are authorized for carrying out
13 subsection (d); and

14 (3) \$10,000,000 are authorized to be allocated
15 to the White House Initiative on Asian Americans
16 and Pacific Islanders.

17 (f) AUDITS.—

18 (1) RECORDKEEPING REQUIREMENT.—Each re-
19 cipient of assistance under this section shall keep
20 such records as the Administrator shall prescribe,
21 including records that fully disclose, with respect to
22 the assistance received by the recipient under this
23 section—

24 (A) the amount and nature of that assist-
25 ance;

1 (B) the disposition by the recipient of the
2 proceeds of that assistance;

3 (C) the total cost of the undertaking for
4 which the assistance is given or used;

5 (D) the amount and nature of the portion
6 of the cost of the undertaking described in sub-
7 paragraph (C) that is supplied by a source
8 other than the Administration; and

9 (E) any other records that will facilitate an
10 effective audit of the assistance.

11 (2) ACCESS BY GOVERNMENT OFFICIALS.—The
12 Administrator and the Comptroller General of the
13 United States shall have access, for the purpose of
14 audit, investigation, and examination, to any book,
15 document, paper, record, or other material of a re-
16 cipient of assistance.

17 (g) REVIEW AND REPORT BY COMPTROLLER GEN-
18 ERAL.—Not later than 4 years after the date of enactment
19 of this Act, the Comptroller General of the United States
20 shall—

21 (1) conduct a thorough review of the programs
22 carried out under this section; and

23 (2) submit to Congress a detailed report of the
24 findings of the Comptroller General under the review

1 carried out under paragraph (1), which shall in-
2 clude—

3 (A) an evaluation of the effectiveness of
4 the programs in achieving the purposes of this
5 section;

6 (B) a description of any failure by any re-
7 cipient of assistance under this section to com-
8 ply with the requirements under this section;
9 and

10 (C) recommendations for any legislative or
11 administrative action that should be taken to
12 improve the achievement of the purposes of this
13 section.

14 (h) ANNUAL REPORTS; RECOMMENDATIONS.—

15 (1) ANNUAL REPORT.—Not later than 90 days
16 after the last day of each fiscal year, the Adminis-
17 trator shall submit to Congress, and publish on the
18 website of the Administration, a report of each activ-
19 ity of the Administration carried out under this sec-
20 tion during the fiscal year preceding the date on
21 which the report is submitted.

22 (2) RECOMMENDATIONS.—The Administrator
23 shall periodically submit to Congress and the Presi-
24 dent recommendations for legislation or other ac-
25 tions that the Administrator determines to be nec-

1 essary or appropriate to promote the purposes of
2 this section.

3 (i) EXECUTIVE ORDER 11625.—The powers and du-
4 ties of the Administration shall be determined—

5 (1) in accordance with this section and the re-
6 quirements of this section; and

7 (2) without regard to Executive Order 11625
8 (36 Fed. Reg. 19967; relating to prescribing addi-
9 tional arrangements for developing and coordinating
10 a national program for minority business enter-
11 prise).

12 (j) AMENDMENT TO THE FEDERAL ACQUISITION
13 STREAMLINING ACT OF 1994.—Section 7104(c) of the
14 Federal Acquisition Streamlining Act of 1994 (15 U.S.C.
15 644a(c)) is amended by striking paragraph (2) and insert-
16 ing the following:

17 “(2) The Administrator of the Minority Busi-
18 ness Development Administration.”.

19 **SEC. 609. EMERGENCY GRANTS TO MINORITY BUSINESS EN-**
20 **TERPRISES.**

21 (a) GRANTS DURING THE COVID–19 PANDEMIC.—
22 The Minority Business Development Agency shall provide
23 grants to address the needs of minority business enter-
24 prises impacted by the COVID–19 pandemic.

1 (b) RECIPIENTS.—The Agency may make grants
2 through non-profit organizations or directly to minority
3 business enterprises.

4 (c) PRIORITY AREAS.—In providing grants pursuant
5 to subsection (a), the Agency shall prioritize providing as-
6 sistance to—

7 (1) minority business enterprises that have been
8 unable to obtain loans from the Small Business Ad-
9 ministration’s Paycheck Protection Program and
10 other programs established under the CARES Act;

11 (2) minority business enterprises located in low-
12 income areas or areas that have been significantly
13 impacted by the COVID–19 pandemic; and

14 (3) minority business enterprises that do not
15 have access to capital and whose business is sub-
16 stantially impaired because of the impact of stay-at-
17 home orders implemented by State and local govern-
18 ments due to the COVID–19 pandemic.

19 (d) TERMS AND CONDITIONS.—

20 (1) IN GENERAL.—The Secretary of Commerce,
21 acting through the Minority Business Development
22 Agency, shall set such terms and conditions for the
23 grants made under this section as the Secretary de-
24 termines appropriate.

1 (2) NOTIFICATION.—No later than 15 days
2 prior to making any grants under this section, the
3 Secretary, acting through the Agency, shall provide
4 the terms and conditions for grants made under this
5 section to the Committee on Financial Services of
6 the House of Representatives and the Committee on
7 Banking, Housing, and Urban Affairs of the Senate.

8 (e) GAO OVERSIGHT.—Not later than six months
9 after the date of enactment of this Act, the Comptroller
10 General of the United States shall provide a report on the
11 effectiveness of the grants made under this section, includ-
12 ing the manner in which the Agency implemented the pri-
13 orities described in subsection (c).

14 (f) DEFINITIONS.—In this section:

15 (1) MINORITY.—The term “minority” has the
16 meaning given the term in section 308(b) of the Fi-
17 nancial Institutions Reform, Recovery, and Enforce-
18 ment Act of 1989 and includes any indigenous per-
19 son in the United States or the territories of the
20 United States.

21 (2) MINORITY BUSINESS ENTERPRISE.—The
22 term “minority business enterprise” means a for-
23 profit business enterprise—

24 (A) that is not less than 51 percent-owned
25 by 1 or more minority individuals; and

1 (B) the management and daily business
2 operations of which are controlled by 1 or more
3 minority individuals.

4 (g) AUTHORIZATION OF APPROPRIATIONS.—There
5 are authorized to be appropriated \$3,000,000,000 to carry
6 out this section. Such funds are authorized to be appro-
7 priated to remain available until expended.

8 **TITLE VII—PROMOTING AND AD-**
9 **VANCING COMMUNITIES OF**
10 **COLOR THROUGH INCLUSIVE**
11 **LENDING**

12 **SEC. 701. SHORT TITLE.**

13 This title may be cited as the “Promoting and Ad-
14 vancing Communities of Color through Inclusive Lending
15 Act”.

16 **SEC. 702. FINDINGS; SENSE OF CONGRESS.**

17 (a) FINDINGS.—The Congress finds the following:

18 (1) The Coronavirus 2019 (COVID–19) pan-
19 demic and the resulting recession have led to more
20 than 4.8 million cases and at least 157,000 deaths
21 in the United States as of August 6, 2020; a 7.6
22 percent increase in the unemployment rate from
23 February to June, or approximately 12 million more
24 persons who have lost their job; and an estimated 36

1 percent of renters and 4.1 million homeowners who
2 are struggling to pay their rent and mortgages.

3 (2) According to the Centers for Disease Con-
4 trol, “long-standing systemic health and social in-
5 equities have put some members of racial and ethnic
6 minority groups at increased risk of getting COVID-
7 19 or experiencing severe illness”.

8 (3) Minority-owned businesses are also facing
9 more difficult economic circumstances than others as
10 a result of the COVID-19 pandemic. In April 2020,
11 the Federal Reserve Bank of New York reported
12 that minority- and women-owned businesses were
13 not only more likely to show signs of limited finan-
14 cial health, but also twice as likely to be classified
15 as “at risk” or “distressed” than their non-minority
16 counterparts.

17 (4) During the Coronavirus 2019 (COVID-19)
18 pandemic, community development financial institu-
19 tions (CDFIs) and minority depository institutions
20 (MDIs) have delivered needed capital and relief to
21 underserved communities, many of which have borne
22 a disproportionate impact of the COVID-19 pan-
23 demic. Through August 8, 2020, CDFIs and MDIs
24 have provided more than \$16.4 billion in Paycheck
25 Protection Program (PPP) loans to small businesses

1 with a smaller median loan size of about \$74,000
2 compared to the overall program median loan size of
3 \$101,000.

4 (5) In addition to establishing relief funds and
5 services for local businesses and individuals experi-
6 encing loss of income, CDFIs and MDIs have pro-
7 vided mortgage forbearances, loan deferments, and
8 modifications to help address the needs of their bor-
9 rowers. CDFIs and MDIs are reaching underserved
10 communities and minority-owned businesses at a
11 critical time.

12 (6) The Community Development Financial In-
13 stitutions Fund (CDFI Fund) is an agency of the
14 U.S. Department of the Treasury and was estab-
15 lished by the Riegle Community Development and
16 Regulatory Improvement Act of 1994. The mission
17 of the CDFI Fund is “to expand economic oppor-
18 tunity for underserved people and communities by
19 supporting the growth and capacity of a national
20 network of community development lenders, inves-
21 tors, and financial service providers”. As of Sep-
22 tember 15, 2020, there were 1,137 certified CDFIs
23 in all 50 States, District of Columbia, Guam, and
24 Puerto Rico.

1 (7) Following the 2008 financial crisis and the
2 disproportionate impact the Great Recession had on
3 minority communities, the number of MDI banks fell
4 more than 30 percent over the following decade, to
5 143 as of the second quarter of 2020. Meanwhile,
6 MDI credit unions have seen similar declines, with
7 more than one-third of such institutions dis-
8 appearing since 2013.

9 (b) SENSE OF CONGRESS.—The following is the sense
10 of the Congress:

11 (1) The Department of the Treasury, Board of
12 Governors of the Federal Reserve System, Small
13 Business Administration (SBA), Office of the Comp-
14 troller of the Currency, Federal Deposit Insurance
15 Corporation, National Credit Union Administration,
16 and other Federal agencies should take steps to sup-
17 port, engage with, and utilize minority depository in-
18 stitutions and community development financial in-
19 stitutions in the near term, especially as they carry
20 out programs to respond to the COVID–19 pan-
21 demic, and the long term.

22 (2) The Board of Governors of the Federal Re-
23 serve System should, consistent with its mandates,
24 work to increase lending by minority depository in-
25 stitutions and community development financial in-

1 stitutions to underserved communities, and when ap-
2 propriate, should work with the Department of the
3 Treasury to increase lending by minority depository
4 institutions and community development financial
5 institutions to underserved communities.

6 (3) The Department of the Treasury and pru-
7 dential regulators should establish a strategic plan
8 identifying concrete steps that they can take to sup-
9 port existing minority depository institutions, as well
10 as the formation of new minority depository institu-
11 tions consistent with the goals established in the Fi-
12 nancial Institutions Reform, Recovery, and Enforce-
13 ment Act of 1989 (FIRREA) to preserve and pro-
14 mote minority depository institutions.

15 (4) Congress should increase funding and make
16 other enhancements, including those provided by this
17 legislation, to enhance the effectiveness of the CDFI
18 Fund, especially reforms to support minority-owned
19 and minority led CDFIs in times of crisis and be-
20 yond.

21 (5) Congress should conduct robust and ongo-
22 ing oversight of the Department of the Treasury,
23 CDFI Fund, Federal prudential regulators, SBA,
24 and other Federal agencies to ensure they fulfill
25 their obligations under the law as well as implement

1 this title and other laws in a manner that supports
2 and fully utilizes minority depository institutions
3 and community development financial intuitions, as
4 appropriate.

5 (6) The investments made by the Secretary of
6 the Treasury under this title and the amendments
7 made by this title should be designed to maximize
8 the benefit to low- and moderate-income and minor-
9 ity communities and contemplate losses to capital of
10 the Treasury.

11 **SEC. 703. PURPOSE.**

12 The purpose of this title is to—

13 (1) establish programs to revitalize and provide
14 long-term financial products and service availability
15 for, and provide investments in, low- and moderate-
16 income and minority communities;

17 (2) respond to the unprecedented loss of Black-
18 owned businesses and unemployment; and

19 (3) otherwise enhance the stability, safety and
20 soundness of community financial institutions that
21 support low- and moderate-income and minority
22 communities.

1 **SEC. 704. CONSIDERATIONS; REQUIREMENTS FOR CREDI-**
2 **TORS.**

3 (a) IN GENERAL.—In exercising the authorities
4 under this title and the amendments made by this title,
5 the Secretary of the Treasury shall take into consider-
6 ation—

7 (1) increasing the availability of affordable
8 credit for consumers, small businesses, and nonprofit
9 organizations, including for projects supporting af-
10 fordable housing, community-serving real estate, and
11 other projects, that provide direct benefits to low-
12 and moderate-income communities, low-income and
13 underserved individuals, and minorities;

14 (2) providing funding to minority-owned or mi-
15 nority-led eligible institutions and other eligible insti-
16 tutions that have a strong track record of serving
17 minority small businesses;

18 (3) protecting and increasing jobs in the United
19 States;

20 (4) increasing the opportunity for small busi-
21 ness, affordable housing and community develop-
22 ment in geographic areas and demographic segments
23 with poverty and high unemployment rates that ex-
24 ceed the average in the United States;

25 (5) ensuring that all low- and moderate-income
26 community financial institutions may apply to par-

1 (1) in section 4002 (15 U.S.C. 9041)—

2 (A) by redesignating paragraphs (7)
3 through (10) as paragraphs (9) through (12),
4 respectively; and

5 (B) by inserting after paragraph (6) the
6 following:

7 “(7) LOW- AND MODERATE-INCOME COMMU-
8 NITY FINANCIAL INSTITUTION.—The term ‘low- and
9 moderate-income community financial institution’
10 means any financial institution that is—

11 “(A) a community development financial
12 institution, as defined in section 103 of the Rie-
13 gle Community Development and Regulatory
14 Improvement Act of 1994 (12 U.S.C. 4702); or

15 “(B) a minority depository institution.

16 “(8) MINORITY DEPOSITORY INSTITUTION.—
17 The term ‘minority depository institution’—

18 “(A) has the meaning given that term
19 under section 308 of the Financial Institutions
20 Reform, Recovery, and Enforcement Act of
21 1989 (12 U.S.C. 1463 note);

22 “(B) means an entity considered to be a
23 minority depository institution by—

24 “(i) the appropriate Federal banking
25 agency (as such term is defined under sec-

1 tion 3 of the Federal Deposit Insurance
2 Act); or

3 “(ii) the National Credit Union Ad-
4 ministration, in the case of an insured
5 credit union; and

6 “(C) means an entity listed in the Federal
7 Deposit Insurance Corporation’s Minority De-
8 pository Institutions List published for the Sec-
9 ond Quarter 2020.”;

10 (2) in section 4003 (15 U.S.C. 9042), by add-
11 ing at the end the following:

12 “(i) NEIGHBORHOOD CAPITAL INVESTMENT PRO-
13 GRAM.—

14 “(1) DEFINITIONS.—In this subsection—

15 “(A) the term ‘community development fi-
16 nancial institution’ has the meaning given the
17 term in section 103 of the Riegle Community
18 Development and Regulatory Improvement Act
19 of 1994 (12 U.S.C. 4702);

20 “(B) the term ‘Fund’ means the Commu-
21 nity Development Financial Institutions Fund
22 established under section 104(a) of the Riegle
23 Community Development and Regulatory Im-
24 provement Act of 1994 (12 U.S.C. 4703(a));

1 “(C) the term ‘minority’ means any Black
2 American, Native American, Hispanic Amer-
3 ican, or Asian American;

4 “(D) the term ‘Program’ means the Neigh-
5 borhood Capital Investment Program estab-
6 lished under paragraph (2); and

7 “(E) the ‘Secretary’ means the Secretary
8 of the Treasury.

9 “(2) ESTABLISHMENT.—The Secretary of the
10 Treasury shall establish a Neighborhood Capital In-
11 vestment Program (the ‘Program’) to support the ef-
12 forts of low- and moderate-income community finan-
13 cial institutions to, among other things, provide
14 loans and forbearance for small businesses, minority-
15 owned businesses, and consumers, especially in low-
16 income and underserved communities, by providing
17 direct capital investments in low- and moderate-in-
18 come community financial institutions.

19 “(3) APPLICATION.—

20 “(A) ACCEPTANCE.—The Secretary shall
21 begin accepting applications for capital invest-
22 ments under the Program not later than the
23 end of the 30-day period beginning on the date
24 of enactment of this subsection, with priority in
25 distribution given to low- and moderate-income

1 community financial institutions that are mi-
2 nority lending institutions, as defined under
3 section 103 of the Community Development
4 Banking and Financial Institutions Act of 1994
5 (12 U.S.C. 4702).

6 “(B) REQUIREMENT TO PROVIDE A NEIGH-
7 BORHOOD INVESTMENT LENDING PLAN.—

8 “(i) IN GENERAL.—At the time that
9 an applicant submits an application to the
10 Secretary for a capital investment under
11 the Program, the applicant shall provide
12 the Secretary, along with the appropriate
13 Federal banking agency, an investment
14 and lending plan that—

15 “(I) demonstrates that not less
16 than 30 percent of the lending of the
17 applicant over the past 2 fiscal years
18 was made directly to low- and mod-
19 erate income borrowers, to borrowers
20 that create direct benefits for low- and
21 moderate-income populations, to other
22 targeted populations as defined by the
23 Fund, or any combination thereof, as
24 measured by the total number and
25 dollar amount of loans;

1 “(II) describes how the business
2 strategy and operating goals of the
3 applicant will address community de-
4 velopment needs, which includes the
5 needs of small businesses, consumers,
6 nonprofit organizations, community
7 development, and other projects pro-
8 viding direct benefits to low- and mod-
9 erate-income communities, low-income
10 individuals, and minorities within the
11 minority, rural, and urban low-income
12 and underserved areas served by the
13 applicant;

14 “(III) includes a plan to provide
15 linguistically and culturally appro-
16 priate outreach, where appropriate;

17 “(IV) includes an attestation by
18 the applicant that the applicant does
19 not own, service, or offer any financial
20 products at an annual percentage rate
21 of more than 36 percent interest, as
22 defined in section 987(i)(4) of title
23 10, United States Code, and is com-
24 pliant with State interest rate laws;
25 and

1 “(V) includes details on how the
2 applicant plans to expand or maintain
3 significant lending or investment ac-
4 tivity in low- or moderate-income mi-
5 nority communities, to historically dis-
6 advantaged borrowers, and to minori-
7 ties that have significant unmet cap-
8 ital or financial services needs.

9 “(ii) COMMUNITY DEVELOPMENT
10 LOAN FUNDS.—An applicant that is not an
11 insured community development financial
12 institution or otherwise regulated by a
13 Federal financial regulator shall submit
14 the plan described in clause (i) only to the
15 Secretary.

16 “(iii) DOCUMENTATION.—In the case
17 of an applicant that is certified as a com-
18 munity development financial institution as
19 of the date of enactment of this subsection,
20 for purposes of clause (i)(I), the Secretary
21 may rely on documentation submitted the
22 Fund as part of certification compliance
23 reporting.

24 “(4) INCENTIVES TO INCREASE LENDING AND
25 PROVIDE AFFORDABLE CREDIT.—

1 “(A) REQUIREMENTS ON PREFERRED
2 STOCK AND OTHER FINANCIAL INSTRUMENT.—
3 Any financial instrument issued to Treasury by
4 a low- and moderate-income community finan-
5 cial institution under the Program shall provide
6 the following:

7 “(i) No dividends, interest or other
8 payments shall exceed 2 percent per
9 annum.

10 “(ii) After the first 24 months from
11 the date of the capital investment under
12 the Program, annual payments may be re-
13 quired, as determined by the Secretary and
14 in accordance with this section, and ad-
15 justed downward based on the amount of
16 affordable credit provided by the low- and
17 moderate-income community financial in-
18 stitution to borrowers in minority, rural,
19 and urban low-income and underserved
20 communities.

21 “(iii) During any calendar quarter
22 after the initial 24-month period referred
23 to in clause (ii), the annual payment rate
24 of a low- and moderate-income community
25 financial institution shall be adjusted

1 downward to reflect the following schedule,
2 based on lending by the institution relative
3 to the baseline period:

4 “(I) If the institution in the most
5 recent annual period prior to the in-
6 vestment provides significant lending
7 or investment activity in low- or mod-
8 erate-income minority communities,
9 historically disadvantaged borrowers,
10 and to minorities that have significant
11 unmet capital or financial services,
12 the annual payment rate shall not ex-
13 ceed 0.5 percent per annum.

14 “(II) If the amount of lending
15 within minority, rural, and urban low-
16 income and underserved communities
17 and to low- and moderate-income bor-
18 rowers has increased dollar for dollar
19 based on the amount of the capital in-
20 vestment, the annual payment rate
21 shall not exceed 1 percent per annum.

22 “(III) If the amount of lending
23 within minority, rural, and urban low-
24 income and underserved communities
25 and to low- and moderate-income bor-

1 rowers has increased by twice the
2 amount of the capital investment, the
3 annual payment rate shall not exceed
4 0.5 percent per annum.

5 “(B) CONTINGENCY OF PAYMENTS BASED
6 ON CERTAIN FINANCIAL CRITERIA.—

7 “(i) DEFERRAL.—Any annual pay-
8 ments under this subsection shall be de-
9 ferred in any quarter or payment period if
10 any of the following is true:

11 “(I) The low- and moderate-in-
12 come community institution fails to
13 meet the Tier 1 capital ratio or simi-
14 lar ratio as determined by the Sec-
15 retary.

16 “(II) The low- and moderate-in-
17 come community financial institution
18 fails to achieve positive net income for
19 the quarter or payment period.

20 “(III) The low- and moderate-in-
21 come community financial institution
22 determines that the payment would be
23 detrimental to the financial health of
24 the institution.

1 “(ii) TESTING DURING NEXT PAY-
2 MENT PERIOD.—Any deferred annual pay-
3 ment under this subsection shall be tested
4 against the metrics described in clause (i)
5 at the beginning of the next payment pe-
6 riod, and such payments shall continue to
7 be deferred until the metrics described in
8 that clause are no longer applicable.

9 “(5) RESTRICTIONS.—

10 “(A) IN GENERAL.—Each low- and mod-
11 erate-income community financial institution
12 may only issue financial instruments or senior
13 preferred stock under this subsection with an
14 aggregate principal amount that is—

15 “(i) not more than 15 percent of risk-
16 weighted assets for an institution with as-
17 sets of more than \$2,000,000,000;

18 “(ii) not more than 25 percent of
19 risk-weighted assets for an institution with
20 assets of not less than \$500,000,000 and
21 not more than \$2,000,000,000; and

22 “(iii) not more than 30 percent of
23 risk-weighted assets for an institution with
24 assets of less than \$500,000,000.

1 “(B) HOLDING OF INSTRUMENTS.—Hold-
2 ing any instrument of a low- and moderate-in-
3 come community financial institution described
4 in subparagraph (A) shall not give the Treasury
5 or any successor that owns the instrument any
6 rights over the management of the institution.

7 “(C) SALE OF INTEREST.—With respect to
8 a capital investment made into a low- and mod-
9 erate-income community financial institution
10 under this subsection, the Secretary—

11 “(i) except as provided in clause (iv),
12 during the 10-year period following the in-
13 vestment, may not sell the interest of the
14 Secretary in the capital investment to a
15 third party;

16 “(ii) shall provide the low- and mod-
17 erate-income community financial institu-
18 tion a right of first refusal to buy back the
19 investment under terms that do not exceed
20 a value as determined by an independent
21 third party; and

22 “(iii) shall not sell more than a 5 per-
23 cent ownership interest in the capital in-
24 vestment to a single third party; and

1 “(iv) with the permission of the insti-
2 tution, may gift or sell the interest of the
3 Secretary in the capital investment for a
4 de minimus amount to a mission aligned
5 nonprofit affiliate of an applicant that is
6 an insured community development finan-
7 cial institution, as defined in section 103 of
8 the Riegle Community Development and
9 Regulatory Improvement Act of 1994 (12
10 U.S.C. 4702).

11 “(v) CALCULATION OF OWNERSHIP
12 FOR MINORITY DEPOSITORY INSTITU-
13 TIONS.—The calculation and determination
14 of ownership thresholds for a depository
15 institution to qualify as a minority deposi-
16 tory institution described in section
17 4002(7)(B) shall exclude any dilutive effect
18 of equity investments by the Federal Gov-
19 ernment, including under the Program or
20 through the Fund.

21 “(6) AVAILABLE AMOUNTS.—In carrying out
22 the Program, the Secretary shall use not more than
23 \$13,000,000,000, from amounts appropriated under
24 section 4027, and shall use not less than

1 \$7,000,000,000 of such amount for direct capital in-
2 vestments under the Program.

3 “(7) TREATMENT OF CAPITAL INVESTMENTS.—
4 In making any capital investment under the Pro-
5 gram, the Secretary shall ensure that the terms of
6 the investment are designed to ensure the invest-
7 ment receives Tier 1 capital treatment.

8 “(8) OUTREACH TO MINORITIES.—The Sec-
9 retary shall require low- and moderate-income com-
10 munity financial institutions receiving capital invest-
11 ments under the Program to provide linguistically
12 and culturally appropriate outreach and advertising
13 describing the availability and application process of
14 receiving loans made possible by the Program
15 through organizations, trade associations, and indi-
16 viduals that represent or work within or are mem-
17 bers of minority communities.

18 “(9) RESTRICTIONS.—

19 “(A) IN GENERAL.—Not later than the
20 end of the 30-day period beginning on the date
21 of enactment of this subsection, the Secretary
22 of the Treasury shall issue rules setting restric-
23 tions on executive compensation, share
24 buybacks, and dividend payments for recipients
25 of capital investments under the Program.

1 “(B) RULE OF CONSTRUCTION.—The pro-
2 visions of section 4019 apply to investments
3 made under the Program.

4 “(10) TERMINATION OF INVESTMENT AUTHOR-
5 ITY.—The authority to make capital investments in
6 low- and moderate-income community financial insti-
7 tutions, including commitments to purchase pre-
8 ferred stock or other instruments, provided under
9 the Program shall terminate on the date that is 36
10 months after the date of enactment of this sub-
11 section.

12 “(11) COLLECTION OF DATA.—Notwithstanding
13 the Equal Credit Opportunity Act (15 U.S.C. 1691
14 et seq.)—

15 “(A) any low- and moderate-income com-
16 munity financial institution may collect data de-
17 scribed in section 701(a)(1) of that Act (15
18 U.S.C. 1691(a)(1)) from borrowers and appli-
19 cants for credit for the purpose of monitoring
20 compliance under the plan required under para-
21 graph (4)(B); and

22 “(B) a low- and moderate-income commu-
23 nity financial institution that collects the data
24 described in subparagraph (A) shall not be sub-
25 ject to adverse action related to that collection

1 by the Bureau of Consumer Financial Protec-
2 tion or any other Federal agency.

3 “(12) DEPOSIT OF FUNDS.—All funds received
4 by the Secretary in connection with purchases made
5 pursuant this subsection, including interest pay-
6 ments, dividend payments, and proceeds from the
7 sale of any financial instrument, shall be deposited
8 into the Fund and used to provide financial and
9 technical assistance pursuant to section 108 of the
10 Riegle Community Development and Regulatory Im-
11 provement Act of 1994 (12 U.S.C. 4707), except
12 that subsection (e) of that section shall be waived.

13 “(13) EQUITY EQUIVALENT INVESTMENT OP-
14 TION.—

15 “(A) IN GENERAL.—The Secretary shall
16 establish an Equity Equivalent Investment Op-
17 tion, under which, with respect to a specific in-
18 vestment in a low- and moderate-income com-
19 munity financial institution—

20 “(i) 80 percent of such investment is
21 made by the Secretary under the Program;
22 and

23 “(ii) 20 percent of such investment if
24 made by a banking institution.

1 “(B) REQUIREMENT TO FOLLOW SIMILAR
2 TERMS AND CONDITIONS.—The terms and con-
3 ditions applicable to investments made by the
4 Secretary under the Program shall apply to any
5 investment made by a banking institution under
6 this paragraph.

7 “(C) LIMITATIONS.—The amount of a spe-
8 cific investment described under subparagraph
9 (A) may not exceed \$10,000,000, but the re-
10 ceipt of an investment under subparagraph (A)
11 shall not preclude the recipient from being eligi-
12 ble for other assistance under the Program.

13 “(D) BANKING INSTITUTION DEFINED.—
14 In this paragraph, the term ‘banking institu-
15 tion’ means any entity with respect to which
16 there is an appropriate Federal banking agency
17 under section 3 of the Federal Deposit Insur-
18 ance Act.

19 “(j) APPLICATION OF THE MILITARY LENDING
20 ACT.—

21 “(1) IN GENERAL.—No low- and moderate-in-
22 come community financial institution that receives
23 an equity investment under subsection (i) shall, for
24 so long as the investment or participation continues,
25 make any loan at an annualized percentage rate

1 above 36 percent, as determined in accordance with
2 section 987(b) of title 10, United States Code (com-
3 monly known as the ‘Military Lending Act’).

4 “(2) NO EXEMPTIONS PERMITTED.—The ex-
5 emption authority of the Bureau under section
6 105(f) of the Truth in Lending Act (15 U.S.C.
7 1604(f)) shall not apply with respect to this sub-
8 section.”.

9 **SEC. 706. EMERGENCY SUPPORT FOR CDFIS AND COMMU-**
10 **NITIES.**

11 (a) AUTHORIZATION OF APPROPRIATIONS.—There is
12 authorized to be appropriated to the Community Develop-
13 ment Financial Institutions Fund \$2,000,000,000 for fis-
14 cal year 2021, for providing financial assistance and tech-
15 nical assistance under subparagraphs (A) and (B) of sec-
16 tion 108(a)(1) of the Community Development Banking
17 and Financial Institutions Act of 1994 (12 U.S.C.
18 4707(a)(1)), except that subsections (d) and (e) of such
19 section 108 shall not apply to the provision of such assist-
20 ance, for the Bank Enterprise Award program, and for
21 financial assistance, technical assistance, training, and
22 outreach programs designed to benefit Native American,
23 Native Hawaiian, and Alaska Native communities and
24 provided primarily through qualified community develop-
25 ment lender organizations with experience and expertise

1 in community development banking and lending in Indian
2 country, Native American organizations, Tribes and Trib-
3 al organizations, and other suitable providers.

4 (b) SET ASIDES.—Of the amounts appropriated pur-
5 suant to the authorization under subsection (a), the fol-
6 lowing amounts shall be set aside:

7 (1) Up to \$400,000,000, to remain available
8 until expended, to provide grants to community de-
9 velopment financial institutions—

10 (A) to expand lending or investment activ-
11 ity in low- or moderate-income minority commu-
12 nities and to minorities that have significant
13 unmet capital or financial services needs, of
14 which not less than \$10,000,000 may be for
15 grants to benefit Native American, Native Ha-
16 waiian, and Alaska Native communities; and

17 (B) using a formula that takes into ac-
18 count criteria such as certification status, finan-
19 cial and compliance performance, portfolio and
20 balance sheet strength, a diversity of commu-
21 nity development financial institution business
22 model types, and program capacity, as well as
23 experience making loans and investments to
24 those areas and populations identified in this
25 paragraph.

1 (2) Up to \$160,000,000, to remain available
2 until expended, for technical assistance, technology,
3 and training under sections 108(a)(1)(B) and 109,
4 respectively, of the Riegle Community Development
5 and Regulatory Improvement Act of 1994 (12
6 U.S.C. 4707(a)(1)(B), 4708), with a preference for
7 minority lending institutions.

8 (3) Up to \$800,000,000, to remain available
9 until expended, shall be for providing financial as-
10 sistance, technical assistance, awards, training, and
11 outreach programs described under subsection (a) to
12 recipients that are minority lending institutions.

13 (c) ADMINISTRATIVE EXPENSES.—Funds appro-
14 priated pursuant to the authorization under subsection (a)
15 may be used for administrative expenses, including admin-
16 istration of Fund programs and the New Markets Tax
17 Credit Program under section 45D of the Internal Rev-
18 enue Code.

19 (d) DEFINITIONS.—In this section:

20 (1) CDFI.—The term “CDFI” means a com-
21 munity development financial institution, as defined
22 in section 103 of the Riegle Community Develop-
23 ment and Regulatory Improvement Act of 1994 (12
24 U.S.C. 4702).

1 (2) **FUND.**—The term “Fund” means the Com-
2 munity Development Financial Institutions Fund es-
3 tablished under section 104(a) of the Riegle Commu-
4 nity Development and Regulatory Improvement Act
5 of 1994 (12 U.S.C. 4703(a)).

6 (3) **MINORITY; MINORITY LENDING INSTITU-**
7 **TION.**—The terms “minority” and “minority lending
8 institution” have the meaning given those terms, re-
9 spectively, under section 103 of the Community De-
10 velopment Banking and Financial Institutions Act of
11 1994 (12 U.S.C. 4702).

12 **SEC. 707. ENSURING DIVERSITY IN COMMUNITY BANKING.**

13 (a) **SENSE OF CONGRESS ON FUNDING THE LOAN-**
14 **LOSS RESERVE FUND FOR SMALL DOLLAR LOANS.**—The
15 sense of Congress is the following:

16 (1) The Community Development Financial In-
17 stitutions Fund (the “CDFI Fund”) is an agency of
18 the Department of the Treasury, and was estab-
19 lished by the Riegle Community Development and
20 Regulatory Improvement Act of 1994. The mission
21 of the CDFI Fund is “to expand economic oppor-
22 tunity for underserved people and communities by
23 supporting the growth and capacity of a national
24 network of community development lenders, inves-
25 tors, and financial service providers”. A community

1 development financial institution (a “CDFI”) is a
2 specialized financial institution serving low-income
3 communities and a Community Development Entity
4 (a “CDE”) is a domestic corporation or partnership
5 that is an intermediary vehicle for the provision of
6 loans, investments, or financial counseling in low-in-
7 come communities. The CDFI Fund certifies CDFIs
8 and CDEs. Becoming a certified CDFI or CDE al-
9 lows organizations to participate in various CDFI
10 Fund programs as follows:

11 (A) The Bank Enterprise Award Program,
12 which provides FDIC-insured depository institu-
13 tions awards for a demonstrated increase in
14 lending and investments in distressed commu-
15 nities and CDFIs.

16 (B) The CDFI Program, which provides
17 Financial and Technical Assistance awards to
18 CDFIs to reinvest in the CDFI, and to build
19 the capacity of the CDFI, including financing
20 product development and loan loss reserves.

21 (C) The Native American CDFI Assistance
22 Program, which provides CDFIs and spon-
23 soring entities Financial and Technical Assist-
24 ance awards to increase lending and grow the

1 number of CDFIs owned by Native Americans
2 to help build capacity of such CDFIs.

3 (D) The New Market Tax Credit Program,
4 which provides tax credits for making equity in-
5 vestments in CDEs that stimulate capital in-
6 vestments in low-income communities.

7 (E) The Capital Magnet Fund, which pro-
8 vides awards to CDFIs and nonprofit affordable
9 housing organizations to finance affordable
10 housing solutions and related economic develop-
11 ment activities.

12 (F) The Bond Guarantee Program, a
13 source of long-term, patient capital for CDFIs
14 to expand lending and investment capacity for
15 community and economic development purposes.

16 (2) The Department of the Treasury is author-
17 ized to create multi-year grant programs designed to
18 encourage low-to-moderate income individuals to es-
19 tablish accounts at federally insured banks, and to
20 improve low-to-moderate income individuals' access
21 to such accounts on reasonable terms.

22 (3) Under this authority, grants to participants
23 in CDFI Fund programs may be used for loan-loss
24 reserves and to establish small-dollar loan programs
25 by subsidizing related losses. These grants also allow

1 for the providing recipients with the financial coun-
2 seling and education necessary to conduct trans-
3 actions and manage their accounts. These loans pro-
4 vide low-cost alternatives to payday loans and other
5 nontraditional forms of financing that often impose
6 excessive interest rates and fees on borrowers, and
7 lead millions of Americans to fall into debt traps.
8 Small-dollar loans can only be made pursuant to
9 terms, conditions, and practices that are reasonable
10 for the individual consumer obtaining the loan.

11 (4) Program participation is restricted to eligi-
12 ble institutions, which are limited to organizations
13 listed in section 501(c)(3) of the Internal Revenue
14 Code and exempt from tax under 501(a) of such
15 Code, federally insured depository institutions, com-
16 munity development financial institutions and State,
17 local, or Tribal government entities.

18 (5) Since its founding, the CDFI Fund has
19 awarded over \$3,300,000,000 to CDFIs and CDEs,
20 allocated \$54,000,000,000 in tax credits, and
21 \$1,510,000,000 in bond guarantees. According to
22 the CDFI Fund, some programs attract as much as
23 \$10 in private capital for every \$1 invested by the
24 CDFI Fund. The Administration and the Congress
25 should prioritize appropriation of funds for the loan

1 loss reserve fund and technical assistance programs
2 administered by the Community Development Finan-
3 cial Institution Fund.

4 (b) DEFINITIONS.—In this section:

5 (1) COMMUNITY DEVELOPMENT FINANCIAL IN-
6 STITUTION.—The term “community development fi-
7 nancial institution” has the meaning given under
8 section 103 of the Riegle Community Development
9 and Regulatory Improvement Act of 1994 (12
10 U.S.C. 4702).

11 (2) MINORITY DEPOSITORY INSTITUTION.—The
12 term “minority depository institution” has the
13 meaning given under section 308 of the Financial
14 Institutions Reform, Recovery, and Enforcement Act
15 of 1989 (12 U.S.C. 1463 note).

16 (c) ESTABLISHMENT OF IMPACT BANK DESIGNA-
17 TION.—

18 (1) IN GENERAL.—Each Federal banking agen-
19 cy shall establish a program under which a deposi-
20 tory institution with total consolidated assets of less
21 than \$10,000,000,000 may elect to be designated as
22 an impact bank if the total dollar value of the loans
23 extended by such depository institution to low-in-
24 come borrowers is greater than or equal to 50 per-
25 cent of the assets of such bank.

1 (2) NOTIFICATION OF ELIGIBILITY.—Based on
2 data obtained through examinations of depository in-
3 stitutions, the appropriate Federal banking agency
4 shall notify a depository institution if the institution
5 is eligible to be designated as an impact bank.

6 (3) APPLICATION.—Regardless of whether or
7 not it has received a notice of eligibility under para-
8 graph (2), a depository institution may submit an
9 application to the appropriate Federal banking agen-
10 cy—

11 (A) requesting to be designated as an im-
12 pact bank; and

13 (B) demonstrating that the depository in-
14 stitution meets the applicable qualifications.

15 (4) LIMITATION ON ADDITIONAL DATA RE-
16 QUIREMENTS.—The Federal banking agencies may
17 only impose additional data collection requirements
18 on a depository institution under this subsection if
19 such data is—

20 (A) necessary to process an application
21 submitted by the depository institution to be
22 designated an impact bank; or

23 (B) with respect to a depository institution
24 that is designated as an impact bank, necessary

1 to ensure the depository institution's ongoing
2 qualifications to maintain such designation.

3 (5) REMOVAL OF DESIGNATION.—If the appro-
4 priate Federal banking agency determines that a de-
5 pository institution designated as an impact bank no
6 longer meets the criteria for such designation, the
7 appropriate Federal banking agency shall rescind
8 the designation and notify the depository institution
9 of such rescission.

10 (6) RECONSIDERATION OF DESIGNATION; AP-
11 PEALS.—Under such procedures as the Federal
12 banking agencies may establish, a depository institu-
13 tion may—

14 (A) submit to the appropriate Federal
15 banking agency a request to reconsider a deter-
16 mination that such depository institution no
17 longer meets the criteria for the designation; or

18 (B) file an appeal of such determination.

19 (7) RULEMAKING.—Not later than 1 year after
20 the date of the enactment of this Act, the Federal
21 banking agencies shall jointly issue rules to carry
22 out the requirements of this subsection, including by
23 providing a definition of a low-income borrower.

24 (8) REPORTS.—Each Federal banking agency
25 shall submit an annual report to the Congress con-

1 taining a description of actions taken to carry out
2 this subsection.

3 (9) FEDERAL DEPOSIT INSURANCE ACT DEFINI-
4 TIONS.—In this subsection, the terms “depository
5 institution”, “appropriate Federal banking agency”,
6 and “Federal banking agency” have the meanings
7 given such terms, respectively, in section 3 of the
8 Federal Deposit Insurance Act (12 U.S.C. 1813).

9 (d) MINORITY DEPOSITORIES ADVISORY COMMIT-
10 TEES.—

11 (1) ESTABLISHMENT.—Each covered regulator
12 shall establish an advisory committee to be called the
13 “Minority Depositories Advisory Committee”.

14 (2) DUTIES.—Each Minority Depositories Advi-
15 sory Committee shall provide advice to the respective
16 covered regulator on meeting the goals established
17 by section 308 of the Financial Institutions Reform,
18 Recovery, and Enforcement Act of 1989 (12 U.S.C.
19 1463 note) to preserve the present number of cov-
20 ered minority institutions, preserve the minority
21 character of minority-owned institutions in cases in-
22 volving mergers or acquisitions, provide technical as-
23 sistance, and encourage the creation of new covered
24 minority institutions. The scope of the work of each
25 such Minority Depositories Advisory Committee shall

1 include an assessment of the current condition of
2 covered minority institutions, what regulatory
3 changes or other steps the respective agencies may
4 be able to take to fulfill the requirements of such
5 section 308, and other issues of concern to covered
6 minority institutions.

7 (3) MEMBERSHIP.—

8 (A) IN GENERAL.—Each Minority Depository
9 Advisory Committee shall consist of no
10 more than 10 members, who—

11 (i) shall serve for one two-year term;

12 (ii) shall serve as a representative of
13 a depository institution or an insured cred-
14 it union with respect to which the respec-
15 tive covered regulator is the covered regu-
16 lator of such depository institution or in-
17 sured credit union; and

18 (iii) shall not receive pay by reason of
19 their service on the advisory committee,
20 but may receive travel or transportation
21 expenses in accordance with section 5703
22 of title 5, United States Code.

23 (B) DIVERSITY.—To the extent prac-
24 ticable, each covered regulator shall ensure that
25 the members of the Minority Depositories Advi-

1 sory Committee of such agency reflect the di-
2 versity of covered minority institutions.

3 (4) MEETINGS.—

4 (A) IN GENERAL.—Each Minority Deposi-
5 tories Advisory Committee shall meet not less
6 frequently than twice each year.

7 (B) NOTICE AND INVITATIONS.—Each Mi-
8 nority Depositories Advisory Committee shall—

9 (i) notify the Committee on Financial
10 Services of the House of Representatives
11 and the Committee on Banking, Housing,
12 and Urban Affairs of the Senate in ad-
13 vance of each meeting of the Minority De-
14 positories Advisory Committee; and

15 (ii) invite the attendance at each
16 meeting of the Minority Depositories Advi-
17 sory Committee of—

18 (I) one member of the majority
19 party and one member of the minority
20 party of the Committee on Financial
21 Services of the House of Representa-
22 tives and the Committee on Banking,
23 Housing, and Urban Affairs of the
24 Senate; and

1 (II) one member of the majority
2 party and one member of the minority
3 party of any relevant subcommittees
4 of such committees.

5 (5) NO TERMINATION OF ADVISORY COMMIT-
6 TEES.—The termination requirements under section
7 14 of the Federal Advisory Committee Act (5 U.S.C.
8 app.) shall not apply to a Minority Depositories Ad-
9 visory Committee established pursuant to this sub-
10 section.

11 (6) DEFINITIONS.—In this subsection:

12 (A) COVERED REGULATOR.—The term
13 “covered regulator” means the Comptroller of
14 the Currency, the Board of Governors of the
15 Federal Reserve System, the Federal Deposit
16 Insurance Corporation, and the National Credit
17 Union Administration.

18 (B) COVERED MINORITY INSTITUTION.—
19 The term “covered minority institution” means
20 a minority depository institution (as defined in
21 section 308(b) of the Financial Institutions Re-
22 form, Recovery, and Enforcement Act of 1989
23 (12 U.S.C. 1463 note)).

24 (C) DEPOSITORY INSTITUTION.—The term
25 “depository institution” has the meaning given

1 under section 3 of the Federal Deposit Insur-
2 ance Act (12 U.S.C. 1813).

3 (D) INSURED CREDIT UNION.—The term
4 “insured credit union” has the meaning given
5 in section 101 of the Federal Credit Union Act
6 (12 U.S.C. 1752).

7 (7) TECHNICAL AMENDMENT.—Section 308(b)
8 of the Financial Institutions Reform, Recovery, and
9 Enforcement Act of 1989 (12 U.S.C. 1463 note) is
10 amended by adding at the end the following new
11 paragraph:

12 “(3) DEPOSITORY INSTITUTION.—The term ‘de-
13 pository institution’ means an ‘insured depository in-
14 stitution’ (as defined in section 3 of the Federal De-
15 posit Insurance Act (12 U.S.C. 1813)) and an in-
16 sured credit union (as defined in section 101 of the
17 Federal Credit Union Act (12 U.S.C. 1752)).”.

18 (e) FEDERAL DEPOSITS IN MINORITY DEPOSITORY
19 INSTITUTIONS.—

20 (1) IN GENERAL.—Section 308 of the Financial
21 Institutions Reform, Recovery, and Enforcement Act
22 of 1989 (12 U.S.C. 1463 note) is amended—

23 (A) by adding at the end the following new
24 subsection:

1 “(d) FEDERAL DEPOSITS.—The Secretary of the
2 Treasury shall ensure that deposits made by Federal agen-
3 cies in minority depository institutions and impact banks
4 are collateralized or insured, as determined by the Sec-
5 retary. Such deposits shall include reciprocal deposits as
6 defined in section 337.6(e)(2)(v) of title 12, Code of Fed-
7 eral Regulations (as in effect on March 6, 2019).”; and

8 (B) in subsection (b), as amended by sub-
9 section (d)(7), by adding at the end the fol-
10 lowing new paragraph:

11 “(4) IMPACT BANK.—The term ‘impact bank’
12 means a depository institution designated by the ap-
13 propriate Federal banking agency pursuant to sec-
14 tion 707(c) of the Promoting and Advancing Com-
15 munities of Color through Inclusive Lending Act.”.

16 (2) TECHNICAL AMENDMENTS.—Section 308 of
17 the Financial Institutions Reform, Recovery, and
18 Enforcement Act of 1989 (12 U.S.C. 1463 note) is
19 amended—

20 (A) in the matter preceding paragraph (1),
21 by striking “section—” and inserting “sec-
22 tion:”; and

23 (B) in the paragraph heading for para-
24 graph (1), by striking “FINANCIAL” and insert-
25 ing “DEPOSITORY”.

1 (f) MINORITY BANK DEPOSIT PROGRAM.—

2 (1) IN GENERAL.—Section 1204 of the Finan-
3 cial Institutions Reform, Recovery, and Enforcement
4 Act of 1989 (12 U.S.C. 1811 note) is amended to
5 read as follows:

6 **“SEC. 1204. EXPANSION OF USE OF MINORITY DEPOSITORY**
7 **INSTITUTIONS.**

8 “(a) MINORITY BANK DEPOSIT PROGRAM.—

9 “(1) ESTABLISHMENT.—There is established a
10 program to be known as the ‘Minority Bank Deposit
11 Program’ to expand the use of minority depository
12 institutions.

13 “(2) ADMINISTRATION.—The Secretary of the
14 Treasury, acting through the Fiscal Service, shall—

15 “(A) on application by a depository institu-
16 tion or credit union, certify whether such depos-
17 itory institution or credit union is a minority
18 depository institution;

19 “(B) maintain and publish a list of all de-
20 pository institutions and credit unions that have
21 been certified pursuant to subparagraph (A);
22 and

23 “(C) periodically distribute the list de-
24 scribed in subparagraph (B) to—

1 “(i) all Federal departments and
2 agencies;

3 “(ii) interested State and local govern-
4 ments; and

5 “(iii) interested private sector compa-
6 nies.

7 “(3) INCLUSION OF CERTAIN ENTITIES ON
8 LIST.—A depository institution or credit union that,
9 on the date of the enactment of this section, has a
10 current certification from the Secretary of the
11 Treasury stating that such depository institution or
12 credit union is a minority depository institution shall
13 be included on the list described under paragraph
14 (2)(B).

15 “(b) EXPANDED USE AMONG FEDERAL DEPART-
16 MENTS AND AGENCIES.—

17 “(1) IN GENERAL.—Not later than 1 year after
18 the establishment of the program described in sub-
19 section (a), the head of each Federal department or
20 agency shall develop and implement standards and
21 procedures to prioritize, to the maximum extent pos-
22 sible as permitted by law and consistent with prin-
23 ciples of sound financial management, the use of mi-
24 nority depository institutions to hold the deposits of
25 each such department or agency.

1 “(2) REPORT TO CONGRESS.—Not later than 2
2 years after the establishment of the program de-
3 scribed in subsection (a), and annually thereafter,
4 the head of each Federal department or agency shall
5 submit to Congress a report on the actions taken to
6 increase the use of minority depository institutions
7 to hold the deposits of each such department or
8 agency.

9 “(c) DEFINITIONS.—For purposes of this section:

10 “(1) CREDIT UNION.—The term ‘credit union’
11 has the meaning given the term ‘insured credit
12 union’ in section 101 of the Federal Credit Union
13 Act (12 U.S.C. 1752).

14 “(2) DEPOSITORY INSTITUTION.—The term ‘de-
15 pository institution’ has the meaning given in section
16 3 of the Federal Deposit Insurance Act (12 U.S.C.
17 1813).

18 “(3) MINORITY DEPOSITORY INSTITUTION.—
19 The term ‘minority depository institution’ has the
20 meaning given that term under section 308 of this
21 Act.”.

22 (2) CONFORMING AMENDMENTS.—The fol-
23 lowing provisions are amended by striking
24 “1204(c)(3)” and inserting “1204(c)”:

1 (A) Section 808(b)(3) of the Community
2 Reinvestment Act of 1977 (12 U.S.C.
3 2907(b)(3)).

4 (B) Section 40(g)(1)(B) of the Federal De-
5 posit Insurance Act (12 U.S.C.
6 1831q(g)(1)(B)).

7 (C) Section 704B(h)(4) of the Equal Cred-
8 it Opportunity Act (15 U.S.C. 1691e-2(h)(4)).

9 (g) DIVERSITY REPORT AND BEST PRACTICES.—

10 (1) ANNUAL REPORT.—Each covered regulator
11 shall submit to Congress an annual report on diver-
12 sity including the following:

13 (A) Data, based on voluntary self-identi-
14 fication, on the racial, ethnic, and gender com-
15 position of the examiners of each covered regu-
16 lator, disaggregated by length of time served as
17 an examiner.

18 (B) The status of any examiners of cov-
19 ered regulators, based on voluntary self-identi-
20 fication, as a veteran.

21 (C) Whether any covered regulator, as of
22 the date on which the report required under
23 this section is submitted, has adopted a policy,
24 plan, or strategy to promote racial, ethnic, and

1 gender diversity among examiners of the cov-
2 ered regulator.

3 (D) Whether any special training is devel-
4 oped and provided for examiners related specifi-
5 cally to working with depository institutions
6 and credit unions that serve communities that
7 are predominantly minorities, low income, or
8 rural, and the key focus of such training.

9 (2) BEST PRACTICES.—Each Office of Minority
10 and Women Inclusion of a covered regulator shall
11 develop, provide to the head of the covered regulator,
12 and make publicly available best practices—

13 (A) for increasing the diversity of can-
14 didates applying for examiner positions, includ-
15 ing through outreach efforts to recruit diverse
16 candidate to apply for entry-level examiner posi-
17 tions; and

18 (B) for retaining and providing fair consid-
19 eration for promotions within the examiner
20 staff for purposes of achieving diversity among
21 examiners.

22 (3) COVERED REGULATOR DEFINED.—In this
23 subsection, the term “covered regulator” means the
24 Comptroller of the Currency, the Board of Gov-
25 ernors of the Federal Reserve System, the Federal

1 Deposit Insurance Corporation, and the National
2 Credit Union Administration.

3 (h) INVESTMENTS IN MINORITY DEPOSITORY INSTI-
4 TUTIONS AND IMPACT BANKS.—

5 (1) CONTROL FOR CERTAIN INSTITUTIONS.—

6 Section 7(j)(8)(B) of the Federal Deposit Insurance
7 Act (12 U.S.C. 1817(j)(8)(B)) is amended to read
8 as follows:

9 “(B) ‘control’ means the power, directly or indi-
10 rectly—

11 “(i) to direct the management or policies
12 of an insured depository institution; or

13 “(ii)(I) to vote 25 per centum or more of
14 any class of voting securities of an insured de-
15 pository institution; or

16 “(II) with respect to an insured depository
17 institution that is an impact bank (as des-
18 ignated pursuant to section 707(c) of the Pro-
19 moting and Advancing Communities of Color
20 through Inclusive Lending Act) or a minority
21 depository institution (as defined in section
22 308(b) of the Financial Institutions Reform,
23 Recovery, and Enforcement Act of 1989), of an
24 individual to vote 30 percent or more of any

1 class of voting securities of such an impact
2 bank or a minority depository institution.”.

3 (2) RULEMAKING.—The Federal banking agen-
4 cies (as defined in section 3 of the Federal Deposit
5 Insurance Act (12 U.S.C. 1813)) shall jointly issue
6 rules for de novo minority depository institutions to
7 allow 3 years to meet the capital requirements other-
8 wise applicable to minority depository institutions.

9 (3) REPORT.—Not later than 1 year after the
10 date of the enactment of this Act, the Federal bank-
11 ing agencies shall jointly submit to Congress a re-
12 port on—

13 (A) the principal causes for the low num-
14 ber of de novo minority depository institutions
15 during the 10-year period preceding the date of
16 the report;

17 (B) the main challenges to the creation of
18 de novo minority depository institutions; and

19 (C) regulatory and legislative consider-
20 ations to promote the establishment of de novo
21 minority depository institutions.

22 (i) 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 (j) 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) consult with the Federal banking agen-
16 cies;

17 (B) ensure each covered bank participating
18 in the program established under this sub-
19 section—

20 (i) has appropriate policies relating to
21 management of assets, including measures
22 to ensure the safety and soundness of each
23 such covered bank; and

24 (ii) is compliant with applicable law;
25 and

1 (C) ensure, to the extent practicable that
2 the rules do not conflict with goals described in
3 section 308(a) of the Financial Institutions Re-
4 form, Recovery, and Enforcement Act of 1989
5 (12 U.S.C. 1463 note).

6 (3) LIMITATIONS.—

7 (A) DEPOSITS.—With respect to the funds
8 of an individual qualifying account, an entity
9 may not deposit an amount greater than the in-
10 sured amount in a single covered bank.

11 (B) TOTAL DEPOSITS.—The total amount
12 of funds deposited in a covered bank under the
13 custodial deposit program described under this
14 subsection may not exceed the lesser of—

15 (i) 10 percent of the average amount
16 of deposits held by such covered bank in
17 the previous quarter; or

18 (ii) \$100,000,000 (as adjusted for in-
19 flation).

20 (4) REPORT.—Each quarter, the Secretary of
21 the Treasury shall submit to Congress a report on
22 the implementation of the program established under
23 this subsection including information identifying
24 participating covered banks and the total amount of

1 deposits received by covered banks under the pro-
2 gram.

3 (5) DEFINITIONS.—In this subsection:

4 (A) COVERED BANK.—The term “covered
5 bank” means—

6 (i) a minority depository institution
7 that is well capitalized, as defined by the
8 appropriate Federal banking agency; or

9 (ii) a depository institution designated
10 pursuant to subsection (c) that is well cap-
11 italized, as defined by the appropriate Fed-
12 eral banking agency.

13 (B) INSURED AMOUNT.—The term “in-
14 sured amount” means the amount that is the
15 greater of—

16 (i) the standard maximum deposit in-
17 surance amount (as defined in section
18 11(a)(1)(E) of the Federal Deposit Insur-
19 ance Act (12 U.S.C. 1821(a)(1)(E))); or

20 (ii) such higher amount negotiated be-
21 tween the Secretary of the Treasury and
22 the Federal Deposit Insurance Corporation
23 under which the Corporation will insure all
24 deposits of such higher amount.

1 (C) FEDERAL BANKING AGENCIES.—The
2 terms “appropriate Federal banking agency”
3 and “Federal banking agencies” have the mean-
4 ing given those terms, respectively, under sec-
5 tion 3 of the Federal Deposit Insurance Act.

6 (D) QUALIFYING ACCOUNT.—The term
7 “qualifying account” means any account estab-
8 lished in the Department of the Treasury
9 that—

10 (i) is controlled by the Secretary; and

11 (ii) is expected to maintain a balance
12 greater than \$200,000,000 for the fol-
13 lowing 24-month period.

14 (k) STREAMLINED COMMUNITY DEVELOPMENT FI-
15 NANCIAL INSTITUTION APPLICATIONS AND REPORTING.—

16 (1) APPLICATION PROCESSES.—Not later than
17 12 months after the date of the enactment of this
18 Act and with respect to any person having assets
19 under \$3,000,000,000 that submits an application
20 for deposit insurance with the Federal Deposit In-
21 surance Corporation that could also become a com-
22 munity development financial institution, the Fed-
23 eral Deposit Insurance Corporation, in consultation
24 with the Administrator of the Community Develop-
25 ment Financial Institutions Fund, shall—

1 (A) develop systems and procedures to
2 record necessary information to allow the Ad-
3 ministrator to conduct preliminary analysis for
4 such person to also become a community devel-
5 opment financial institution; and

6 (B) develop procedures to streamline the
7 application and annual certification processes
8 and to reduce costs for such person to become,
9 and maintain certification as, a community de-
10 velopment financial institution.

11 (2) IMPLEMENTATION REPORT.—Not later than
12 18 months after the date of the enactment of this
13 Act, the Federal Deposit Insurance Corporation
14 shall submit to Congress a report describing the sys-
15 tems and procedures required under paragraph (1).

16 (3) ANNUAL REPORT.—

17 (A) IN GENERAL.—Section 17(a)(1) of the
18 Federal Deposit Insurance Act (12 U.S.C.
19 1827(a)(1)) is amended—

20 (i) in subparagraph (E), by striking
21 “and” at the end;

22 (ii) by redesignating subparagraph
23 (F) as subparagraph (G);

24 (iii) by inserting after subparagraph
25 (E) the following new subparagraph:

1 “(F) applicants for deposit insurance that
2 could also become a community development fi-
3 nancial institution (as defined in section 103 of
4 the Riegle Community Development and Regu-
5 latory Improvement Act of 1994), a minority
6 depository institution (as defined in section 308
7 of the Financial Institutions Reform, Recovery,
8 and Enforcement Act of 1989), or an impact
9 bank (as designated pursuant to section 707(c)
10 of the Promoting and Advancing Communities
11 of Color through Inclusive Lending Act); and”.

12 (B) APPLICATION.—The amendment made
13 by this paragraph shall apply with respect to
14 the first report to be submitted after the date
15 that is 2 years after the date of the enactment
16 of this Act.

17 (I) TASK FORCE ON LENDING TO SMALL BUSINESS
18 CONCERNS.—

19 (1) IN GENERAL.—Not later than 6 months
20 after the date of the enactment of this Act, the Ad-
21 ministrator of the Small Business Administration
22 shall establish a task force to examine methods for
23 improving relationships between the Small Business
24 Administration and community development finan-
25 cial institutions, minority depository institutions,

1 and Impact Banks to increase the volume of loans
2 provided by such institutions to small business con-
3 cerns (as defined under section 3 of the Small Busi-
4 ness Act (15 U.S.C. 632)).

5 (2) REPORT TO CONGRESS.—Not later than 18
6 months after the establishment of the task force de-
7 scribed in paragraph (1), the Administrator of the
8 Small Business Administration shall submit to Con-
9 gress a report on the findings of such task force.

10 **SEC. 708. ESTABLISHMENT OF FINANCIAL AGENT PART-**
11 **NERSHIP PROGRAM.**

12 (a) IN GENERAL.—Section 308 of the Financial In-
13 stitutions Reform, Recovery, and Enforcement Act of
14 1989 (12 U.S.C. 1463 note), as amended by section
15 706(e), is further amended by adding at the end the fol-
16 lowing new subsection:

17 “(e) FINANCIAL AGENT PARTNERSHIP PROGRAM.—

18 “(1) IN GENERAL.—The Secretary of the
19 Treasury shall establish a program to be known as
20 the ‘Financial Agent Partnership Program’ (in this
21 subsection referred to as the ‘Program’) under which
22 a financial agent designated by the Secretary or a
23 large financial institution may serve as a mentor,
24 under guidance or regulations prescribed by the Sec-

1 retary, to a small financial institution to allow such
2 small financial institution—

3 “(A) to be prepared to perform as a finan-
4 cial agent; or

5 “(B) to improve capacity to provide serv-
6 ices to the customers of the small financial in-
7 stitution.

8 “(2) OUTREACH.—The Secretary shall hold
9 outreach events to promote the participation of fi-
10 nancial agents, large financial institutions, and small
11 financial institutions in the Program at least once a
12 year.

13 “(3) FINANCIAL PARTNERSHIPS.—

14 “(A) IN GENERAL.—Any large financial in-
15 stitution participating in a program with the
16 Department of the Treasury, if not already re-
17 quired to include a small financial institution,
18 shall offer not more than 5 percent of every
19 contract under that program to a small finan-
20 cial institution.

21 “(B) ACCEPTANCE OF RISK.—As a re-
22 quirement of participation in a contract de-
23 scribed under subparagraph (A), a small finan-
24 cial institution shall accept the risk of the

1 transaction equivalent to the percentage of any
2 fee the institution receives under the contract.

3 “(C) PARTNER.—A large financial institu-
4 tion partner may work with small financial in-
5 stitutions, if necessary, to train professionals to
6 understand any risks involved in a contract
7 under the Program.

8 “(D) INCREASED LIMIT FOR CERTAIN IN-
9 STITUTIONS.—With respect to a program de-
10 scribed under subparagraph (A), if the Sec-
11 retary of the Treasury determines that it would
12 be appropriate and would encourage capacity
13 building, the Secretary may alter the require-
14 ments under subparagraph (A) to require
15 both—

16 “(i) a higher percentage of the con-
17 tract be offered to a small financial institu-
18 tion; and

19 “(ii) require the small financial insti-
20 tution to be a community development fi-
21 nancial institution or a minority depository
22 institution.

23 “(4) EXCLUSION.—The Secretary shall issue
24 guidance or regulations to establish a process under
25 which a financial agent, large financial institution,

1 or small financial institution may be excluded from
2 participation in the Program.

3 “(5) REPORT.—The Office of Minority and
4 Women Inclusion of the Department of the Treasury
5 shall include in the report submitted to Congress
6 under section 342(e) of the Dodd-Frank Wall Street
7 Reform and Consumer Protection Act information
8 pertaining to the Program, including—

9 “(A) the number of financial agents, large
10 financial institutions, and small financial insti-
11 tutions participating in such Program; and

12 “(B) the number of outreach events de-
13 scribed in paragraph (2) held during the year
14 covered by such report.

15 “(6) DEFINITIONS.—In this subsection:

16 “(A) COMMUNITY DEVELOPMENT FINAN-
17 CIAL INSTITUTION.—The term ‘community de-
18 velopment financial institution’ has the meaning
19 given that term under section 103 of the Riegle
20 Community Development and Regulatory Im-
21 provement Act of 1994 (12 U.S.C. 4702).

22 “(B) FINANCIAL AGENT.—The term ‘fi-
23 nancial agent’ means any national banking as-
24 sociation designated by the Secretary of the

1 Treasury to be employed as a financial agent of
2 the Government.

3 “(C) LARGE FINANCIAL INSTITUTION.—
4 The term ‘large financial institution’ means any
5 entity regulated by the Comptroller of the Cur-
6 rency, the Board of Governors of the Federal
7 Reserve System, the Federal Deposit Insurance
8 Corporation, or the National Credit Union Ad-
9 ministration that has total consolidated assets
10 greater than or equal to \$50,000,000,000.

11 “(D) SMALL FINANCIAL INSTITUTION.—
12 The term ‘small financial institution’ means—

13 “(i) any entity regulated by the
14 Comptroller of the Currency, the Board of
15 Governors of the Federal Reserve System,
16 the Federal Deposit Insurance Corpora-
17 tion, or the National Credit Union Admin-
18 istration that has total consolidated assets
19 lesser than or equal to \$2,000,000,000; or

20 “(ii) a minority depository institu-
21 tion.”.

22 (b) EFFECTIVE DATE.—This section and the amend-
23 ments made by this section shall take effect 90 days after
24 the date of the enactment of this Act.

1 **SEC. 709. STRENGTHENING MINORITY LENDING INSTITU-**
2 **TIONS.**

3 (a) MINORITY LENDING INSTITUTION SET-ASIDE IN
4 PROVIDING ASSISTANCE.—

5 (1) IN GENERAL.—Section 108 of the Commu-
6 nity Development Banking and Financial Institu-
7 tions Act of 1994 (12 U.S.C. 4707) is amended by
8 adding at the end the following:

9 “(i) MINORITY LENDING INSTITUTION SET-ASIDE IN
10 PROVIDING ASSISTANCE.—Notwithstanding any other
11 provision of law, in providing any assistance, the Fund
12 shall reserve 40 percent of such assistance for minority
13 lending institutions.”.

14 (2) DEFINITIONS.—

15 (A) IN GENERAL.—Section 103 of the
16 Community Development Banking and Finan-
17 cial Institutions Act of 1994 (12 U.S.C. 4702)
18 is amended by adding at the end the following:

19 “(22) MINORITY LENDING INSTITUTION DEFI-
20 NITIONS.—

21 “(A) MINORITY.—The term ‘minority’
22 means any Black American, Hispanic Amer-
23 ican, Asian American, Native American, Native
24 Alaskan, Native Hawaiian, or Pacific Islander.

1 “(B) MINORITY LENDING INSTITUTION.—
2 The term ‘minority lending institution’ means a
3 community development financial institution—

4 “(i) with respect to which a majority
5 of the total number of loans and a major-
6 ity of the value of investments of the com-
7 munity development financial institution
8 are directed at minorities and other tar-
9 geted populations;

10 “(ii) that is a minority depository in-
11 stitution, as defined under section 308 of
12 the Financial Institutions Reform, Recov-
13 ery, and Enforcement Act of 1989 (12
14 U.S.C. 1463 note), or otherwise considered
15 to be a minority depository institution by
16 the appropriate Federal banking agency; or

17 “(iii) that is 51 percent owned by one
18 or more socially and economically dis-
19 advantaged individuals.

20 “(C) ADDITIONAL DEFINITIONS.—In this
21 paragraph, the terms ‘other targeted popu-
22 lations’ and ‘socially and economically disadvan-
23 taged individual’ shall have the meaning given
24 those terms by the Administrator.”.

1 (B) TEMPORARY SAFE HARBOR FOR CER-
2 TAIN INSTITUTIONS.—A community develop-
3 ment financial institution that is a minority de-
4 pository institution listed in the Federal De-
5 posit Insurance Corporation’s Minority Deposi-
6 tory Institutions List published for the Second
7 Quarter 2020 shall be deemed a “minority lend-
8 ing institution” under section 103(22) of the
9 Community Development Banking and Finan-
10 cial Institutions Act of 1994 for purposes of—

11 (i) any program carried out using ap-
12 propriations authorized for the Community
13 Development Financial Institutions Fund
14 under section 706; and

15 (ii) the Neighborhood Capital Invest-
16 ment Program established under section
17 4003(i) of the CARES Act.

18 (b) OFFICE OF MINORITY LENDING INSTITU-
19 TIONS.—Section 104 of the Community Development
20 Banking and Financial Institutions Act of 1994 (12
21 U.S.C. 4703) is amended by adding at the end the fol-
22 lowing:

23 “(1) OFFICE OF MINORITY LENDING INSTITU-
24 TIONS.—

1 “(1) ESTABLISHMENT.—There is established
2 within the Fund an Office of Minority Lending In-
3 stitutions, which shall oversee assistance provided by
4 the Fund to minority lending institutions.

5 “(2) DEPUTY DIRECTOR.—The head of the Of-
6 fice shall be the Deputy Director of Minority Lend-
7 ing Institutions, who shall report directly to the Ad-
8 ministrators of the Fund.”.

9 (c) REPORTING ON MINORITY LENDING INSTITU-
10 TIONS.—Section 117 of the Community Development
11 Banking and Financial Institutions Act of 1994 (12
12 U.S.C. 4716) is amended by adding at the end the fol-
13 lowing:

14 “(g) REPORTING ON MINORITY LENDING INSTITU-
15 TIONS.—Each report required under subsection (a) shall
16 include a description of the extent to which assistance
17 from the Fund are provided to minority lending institu-
18 tions.”.

19 (d) SUBMISSION OF DATA RELATING TO DIVERSITY
20 BY COMMUNITY DEVELOPMENT FINANCIAL INSTITU-
21 TIONS.—Section 104 of the Riegle Community Develop-
22 ment and Regulatory Improvement Act of 1994 (12
23 U.S.C. 4703) is amended by adding at the end the fol-
24 lowing:

1 “(1) SUBMISSION OF DATA RELATING TO DIVER-
2 SITY.—

3 “(1) DEFINITIONS.—In this subsection—

4 “(A) the term ‘executive officer’ has the
5 meaning given the term in section 230.501(f) of
6 title 17, Code of Federal Regulations, as in ef-
7 fect on the date of enactment of this subsection;
8 and

9 “(B) the term ‘veteran’ has the meaning
10 given the term in section 101 of title 38, United
11 States Code.

12 “(2) SUBMISSION OF DISCLOSURE.—Each Fund
13 applicant and recipient shall provide the following:

14 “(A) Data, based on voluntary self-identi-
15 fication, on the racial, ethnic, and gender com-
16 position of—

17 “(i) the board of directors of the insti-
18 tution;

19 “(ii) nominees for the board of direc-
20 tors of the institution; and

21 “(iii) the executive officers of the in-
22 stitution.

23 “(B) The status of any member of the
24 board of directors of the institution, any nomi-
25 nee for the board of directors of the institution,

1 or any executive officer of the institution, based
2 on voluntary self-identification, as a veteran.

3 “(C) Whether the board of directors of the
4 institution, or any committee of that board of
5 directors, has, as of the date on which the insti-
6 tution makes a disclosure under this paragraph,
7 adopted any policy, plan, or strategy to promote
8 racial, ethnic, and gender diversity among—

9 “(i) the board of directors of the insti-
10 tution;

11 “(ii) nominees for the board of direc-
12 tors of the institution; or

13 “(iii) the executive officers of the in-
14 stitution.

15 “(3) ANNUAL REPORT.—Not later than 18
16 months after the date of enactment of this sub-
17 section, and annually thereafter, the Fund shall sub-
18 mit to the Committee on Banking, Housing, and
19 Urban Affairs of the Senate and the Committee on
20 Financial Services of the House of Representatives,
21 and make publicly available on the website of the
22 Fund, a report—

23 “(A) on the data and trends of the diver-
24 sity information made available pursuant to
25 paragraph (2); and

1 “(B) containing all administrative or legis-
2 lative recommendations of the Fund to enhance
3 the implementation of this title or to promote
4 diversity and inclusion within community devel-
5 opment financial institutions.”.

6 **SEC. 710. CDFI BOND GUARANTEE REFORM.**

7 Effective October 1, 2020, section 114A(e)(2)(B) of
8 the Riegle Community Development and Regulatory Im-
9 provement Act of 1994 (12 U.S.C. 4713a(e)(2)(B)) is
10 amended by striking “\$100,000,000” and inserting
11 “\$50,000,000”.

12 **SEC. 711. REPORTS.**

13 (a) IN GENERAL.—The Secretary of the Treasury
14 shall provide to the appropriate committees of Congress—

15 (1) within 30 days of the end of each month
16 commencing with the first month in which trans-
17 actions are made under a program established under
18 this title or the amendments made by this title, a
19 written report describing all of the transactions
20 made during the reporting period pursuant to the
21 authorities granted under this title or the amend-
22 ments made by this title; and

23 (2) after the end of March and the end of Sep-
24 tember, commencing March 31, 2021, a written re-
25 port on all projected costs and liabilities, all oper-

1 ating expenses, including compensation for financial
2 agents, and all transactions made by the Community
3 Development Financial Institutions Fund, including
4 participating institutions and amounts each institu-
5 tion has received under each program described in
6 paragraph (1).

7 (b) BREAKDOWN OF FUNDS.—Each report required
8 under subsection (a) shall specify the amount of funds
9 under each program described under subsection (a)(1)
10 that went to—

11 (1) minority depository institutions that are de-
12 pository institutions;

13 (2) minority depository institutions that are
14 credit unions;

15 (3) minority lending institutions;

16 (4) community development financial institution
17 loan funds;

18 (5) community development financial institu-
19 tions that are depository institutions; and

20 (6) community development financial institu-
21 tions that are credit unions.

22 (c) DEFINITIONS.—In this section:

23 (1) APPROPRIATE COMMITTEES OF CON-
24 GRESS.—The term “appropriate committees of Con-
25 gress” means the Committee on Financial Services

1 of the House of Representatives and the Committee
2 on Banking, Housing, and Urban Affairs of the Sen-
3 ate.

4 (2) COMMUNITY DEVELOPMENT FINANCIAL IN-
5 STITUTION.—The term “community development fi-
6 nancial institution” has the meaning given that term
7 under section 103 of the Riegle Community Develop-
8 ment and Regulatory Improvement Act of 1994.

9 (3) CREDIT UNION.—The term “credit union”
10 means a State credit union or a Federal credit
11 union, as such terms are defined, respectively, under
12 section 101 of the Federal Credit Union Act.

13 (4) DEPOSITORY INSTITUTION.—The term “de-
14 pository institution” has the meaning given that
15 term under section 3 of the Federal Deposit Insur-
16 ance Act.

17 (5) MINORITY DEPOSITORY INSTITUTION.—The
18 term “minority depository institution” has the
19 meaning given under section 308 of the Financial
20 Institutions Reform, Recovery, and Enforcement Act
21 of 1989 .

22 (6) MINORITY LENDING INSTITUTION.—The
23 term “minority lending institution” has the meaning
24 given that term under section 103 of the Community

1 Development Banking and Financial Institutions Act
2 of 1994.

3 **SEC. 712. INSPECTOR GENERAL OVERSIGHT.**

4 (a) IN GENERAL.—The Inspector General of the De-
5 partment of the Treasury shall conduct, supervise, and co-
6 ordinate audits and investigations of any program estab-
7 lished under this title or the amendments made by this
8 title.

9 (b) REPORTING.—The Inspector General of the De-
10 partment of the Treasury shall issue a report not less fre-
11 quently than 2 times per year to Congress and the Sec-
12 retary of the Treasury relating to the oversight provided
13 by the Office of the Inspector General, including any rec-
14 ommendations for improvements to the programs de-
15 scribed in subsection (a).

16 **SEC. 713. STUDY AND REPORT WITH RESPECT TO IMPACT**
17 **OF PROGRAMS ON LOW- AND MODERATE-IN-**
18 **COME AND MINORITY COMMUNITIES.**

19 (a) STUDY.—The Secretary of the Treasury shall
20 conduct a study of the impact of the programs established
21 under this title or any amendment made by this title on
22 low- and moderate-income and minority communities.

23 (b) REPORT.—Not later than 18 months after the
24 date of enactment of this Act, the Secretary shall submit
25 to Congress a report on the results of the study conducted

1 pursuant to subsection (a), which shall include, to the ex-
2 tent possible, the results of the study disaggregated by
3 ethnic group.

4 (c) INFORMATION PROVIDED TO THE SECRETARY.—
5 Eligible institutions that participate in any of the pro-
6 grams described in subsection (a) shall provide the Sec-
7 retary of the Treasury with such information as the Sec-
8 retary may require to carry out the study required by this
9 section.

10 **TITLE VIII—PROVIDING ASSIST-**
11 **ANCE FOR STATE, TERRI-**
12 **TORY, TRIBAL, AND LOCAL**
13 **GOVERNMENTS**

14 **SEC. 801. EMERGENCY RELIEF FOR STATE, TERRITORIAL,**
15 **TRIBAL, AND LOCAL GOVERNMENTS.**

16 (a) PURCHASE OF COVID-19 RELATED MUNICIPAL
17 ISSUANCES.—Section 14(b) of the Federal Reserve Act
18 (12 U.S.C. 355) is amended by adding at the end the fol-
19 lowing new paragraph:

20 “(3) UNUSUAL AND EXIGENT CIR-
21 CUMSTANCES.—Under unusual and exigent cir-
22 cumstances, to buy any bills, notes, revenue bonds,
23 and warrants issued by any State, county, district,
24 political subdivision, municipality, or entity that is a
25 combination of any of the several States, the District

1 of Columbia, or any of the territories and posses-
2 sions of the United States. In this paragraph, the
3 term ‘State’ means each of the several States, the
4 District of Columbia, each territory and possession
5 of the United States, and each federally recognized
6 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 Feb-
15 ruary 1, 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. 802. 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 “12 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—SUPPORT FOR A RO-**
16 **BUST GLOBAL RESPONSE TO**
17 **THE COVID–19 PANDEMIC**

18 **SEC. 901. UNITED STATES POLICIES.**

19 (a) UNITED STATES POLICIES AT THE INTER-
20 NATIONAL FINANCIAL INSTITUTIONS.—

21 (1) IN GENERAL.—The Secretary of the Treas-
22 ury shall instruct the United States Executive Direc-
23 tor at each international financial institution (as de-
24 fined in section 1701(c)(2) of the International Fi-
25 nancial Institutions Act (22 U.S.C. 262r(c)(2))) to

1 use the voice and vote of the United States at the
2 respective institution—

3 (A) to seek to ensure adequate fiscal space
4 for world economies in response to the global
5 coronavirus disease 2019 (commonly referred to
6 as “COVID–19”) pandemic through—

7 (i) the suspension of all debt service
8 payments to the institution; and

9 (ii) the relaxation of fiscal targets for
10 any government operating a program sup-
11 ported by the institution, or seeking fi-
12 nancing from the institution, in response
13 to the pandemic;

14 (B) to oppose the approval or endorsement
15 of any loan, grant, document, or strategy that
16 would lead to a decrease in health care spend-
17 ing or in any other spending that would impede
18 the ability of any country to prevent or contain
19 the spread of, or treat persons who are or may
20 be infected with, the SARS–CoV–2 virus; and

21 (C) to require approval of all Special
22 Drawing Rights allocation transfers from
23 wealthier member countries to countries that
24 are emerging markets or developing countries,
25 based on confirmation of implementable trans-

1 parency mechanisms or protocols to ensure the
2 allocations are used for the public good and in
3 response the global pandemic.

4 (2) IMF ISSUANCE OF SPECIAL DRAWING
5 RIGHTS.—It is the policy of the United States to
6 support the issuance of a special allocation of not
7 less than 2,000,000,000,000 Special Drawing Rights
8 so that governments are able to access additional re-
9 sources to finance their responses to the global
10 COVID–19 pandemic. The Secretary of the Treas-
11 ury shall use the voice and vote of the United States
12 to support the issuance, and shall instruct the
13 United States Executive Director at the Inter-
14 national Monetary Fund to support the same.

15 (3) ALLOCATION OF U.S. SPECIAL DRAWING
16 RIGHTS.—It is also the policy of the United States,
17 which has large reserves and little use for its Special
18 Drawing Rights, to contribute a significant portion
19 of its current stock, and any future allocation of,
20 Special Drawing Rights to the Poverty Reduction
21 and Growth Facility (PRGF) or a similar special
22 purpose vehicle at the International Monetary Fund
23 to help developing and low-income countries respond
24 to the health and economic impacts of the COVID–
25 19 pandemic.

1 (4) IMPLEMENTATION.—The Secretary of the
2 Treasury shall instruct the United States Executive
3 Director at the International Monetary Fund to use
4 the voice and vote of the United States to actively
5 promote and take all appropriate actions with re-
6 spect to implementing the policy goals of the United
7 States set forth in paragraphs (2) and (3), and shall
8 post the instruction on the website of the Depart-
9 ment of the Treasury.

10 (b) UNITED STATES POLICY AT THE G20.—The Sec-
11 retary of the Treasury shall commence immediate efforts
12 to reach an agreement with the Group of Twenty to extend
13 through the end of 2021 the current moratorium on debt
14 service payments to official bilateral creditors by the
15 world’s poorest countries.

16 (c) REPORT REQUIRED.—The Chairman of the Na-
17 tional Advisory Council on International Monetary and Fi-
18 nancial Policies shall include in the annual report required
19 by section 1701 of the International Financial Institutions
20 Act (22 U.S.C. 262r) a description of progress made to-
21 ward advancing the policies described in subsection (a) of
22 this section.

23 (d) TERMINATION.—Subsections (a) and (c) shall
24 have no force or effect after the earlier of—

1 (1) the date that is 1 year after the date of the
2 enactment of this Act; or

3 (2) the date that is 30 days after the date on
4 which the Secretary of the Treasury submits to the
5 Committee on Foreign Relations of the Senate and
6 the Committee on Financial Services of the House of
7 Representatives a report stating that the SARS-
8 CoV-2 virus is no longer a serious threat to public
9 health in any part of the world.

10 **TITLE X—PROVIDING OVER-**
11 **SIGHT AND PROTECTING TAX-**
12 **PAYERS**

13 **SEC. 1001. MANDATORY REPORTS TO CONGRESS.**

14 (a) DISCLOSURE OF TRANSACTION REPORTS.—Sec-
15 tion 4026(b)(1)(A)(iii) of the CARES Act (Public Law
16 116–136) is amended—

17 (1) in subclause (IV)—

18 (A) by inserting “and the justification for
19 such exercise of authority” after “authority”;
20 and

21 (B) by striking “and” at the end;

22 (2) in subclause (V), by striking the period at
23 the end and inserting “; and”; and

24 (3) by adding at the end the following:

1 “(VI) the identity of each recipi-
2 ent of a loan or loan guarantee de-
3 scribed in subclause (I);

4 “(VII) the date and amount of
5 each such loan or loan guarantee and
6 the form in which each such loan or
7 loan guarantee was provided;

8 “(VIII) the material terms of
9 each such loan or loan guarantee, in-
10 cluding—

11 “(aa) duration;

12 “(bb) collateral pledged and
13 the value thereof;

14 “(cc) all interest, fees, and
15 other revenue or items of value to
16 be received in exchange for such
17 loan or loan guarantee;

18 “(dd) any requirements im-
19 posed on the recipient with re-
20 spect to employee compensation,
21 distribution of dividends, or any
22 other corporate decision in ex-
23 change for the assistance; and

24 “(ee) the expected costs to
25 the Federal Government with re-

1 spect to such loans or loan guar-
2 antees.”.

3 (b) REPORTS BY THE SECRETARY OF THE TREAS-
4 URY.—Section 4018 of the CARES Act (Public Law 116–
5 136) is amended by adding at the end the following:

6 “(k) REPORTS BY THE SECRETARY.—Not later than
7 7 days after the last day of each month, the Secretary
8 shall submit to the Special Inspector General, the Com-
9 mittee on Financial Services of the House of Representa-
10 tives, and the Committee on Banking, Housing, and
11 Urban Affairs of the Senate a report that includes the in-
12 formation specified in subparagraphs (A) through (E) of
13 subsection (c)(1) with respect to the making, purchase,
14 management, and sale of loans, loan guarantees, and other
15 investments made by the Secretary under any program es-
16 tablished by the Secretary under this Act.”.

17 **SEC. 1002. DISCRETIONARY REPORTS TO CONGRESS.**

18 Section 4020(b) of the CARES Act (Public Law 116–
19 136) is amended by adding at the end the following:

20 “(3) DISCRETIONARY REPORTS TO CON-
21 GRESS.—In addition to the reports required under
22 paragraph (2), the Oversight Commission may sub-
23 mit other reports to Congress at such time, in such
24 manner, and containing such information as the
25 Oversight Commission determines appropriate.”.

1 **SEC. 1003. DEFINITION OF APPROPRIATE CONGRESSIONAL**
2 **COMMITTEES.**

3 (a) PANDEMIC RESPONSE ACCOUNTABILITY COM-
4 MITTEE.—Section 15010(a)(2) of the CARES Act (Public
5 Law 116–136) is amended—

6 (1) by redesignating subparagraphs (B)
7 through (D) as subparagraphs (D) through (F), re-
8 spectively; and

9 (2) by inserting after subparagraph (A) the fol-
10 lowing:

11 “(B) the Committee on Banking, Housing,
12 and Urban Affairs of the Senate;

13 “(C) the Committee on Financial Services
14 of the House of Representatives;”.

15 (b) OVERSIGHT AND AUDIT AUTHORITY.—Section
16 19010(a)(1) of the CARES Act (Public Law 116–136) is
17 amended—

18 (1) by redesignating subparagraphs (B)
19 through (G) as subparagraphs (D) through (I), re-
20 spectively; and

21 (2) by inserting after subparagraph (A) the fol-
22 lowing:

23 “(B) the Committee on Banking, Housing,
24 and Urban Affairs of the Senate;

25 “(C) the Committee on Financial Services
26 of the House of Representatives;”.

1 **SEC. 1004. ADDITIONAL REPORTING ON FUNDING FOR DI-**
2 **VERSE-OWNED BUSINESSES.**

3 Section 15010(d)(2) of the CARES Act (Public Law
4 116–136) is amended—

5 (1) by redesignating subparagraph (C) as sub-
6 paragraph (D); and

7 (2) by inserting after subparagraph (B) the fol-
8 lowing:

9 “(C) The Committee shall submit to Congress,
10 including the appropriate congressional committees,
11 quarterly reports that include an analysis of Federal
12 funds provided during the pandemic that have been
13 used to support communities of color, including mi-
14 nority-owned businesses and minority depository in-
15 stitutions, broken down by race and ethnicity.”; and

16 **SEC. 1005. REPORTING BY INSPECTORS GENERAL.**

17 (a) **DEFINITION OF COVERED AGENCY.**—In this sec-
18 tion, the term “covered agency” means—

19 (1) the Department of the Treasury;

20 (2) the Federal Deposit Insurance Corporation;

21 (3) the Office of the Comptroller of the Cur-
22 rency;

23 (4) the Board of Governors of the Federal Re-
24 serve System;

25 (5) the National Credit Union Administration;

1 (6) the Bureau of Consumer Financial Protec-
2 tion;

3 (7) the Department of Housing and Urban De-
4 velopment;

5 (8) the Department of Agriculture, Rural Hous-
6 ing Service;

7 (9) the Securities and Exchange Commission;
8 and

9 (10) the Federal Housing Finance Agency.

10 (b) REPORT.—The Inspector General of each covered
11 agency shall include in each semiannual report submitted
12 by the Inspector General the findings of the Inspector
13 General on the effectiveness of—

14 (1) rulemaking by the covered agency related to
15 COVID–19; and

16 (2) supervision and oversight by the covered
17 agency of institutions and entities that participate in
18 COVID–19-related relief, funding, lending, or other
19 programs of the covered agency.

20 (c) SUBMISSION.—The Inspector General of each cov-
21 ered agency shall submit the information required to be
22 included in each semiannual report under subsection (b)
23 to—

1 (1) the Special Inspector General for Pandemic
2 Recovery appointed under section 4018 of division A
3 of the CARES Act (Public Law 116–136);

4 (2) the Pandemic Response Accountability
5 Committee established under section 15010 of divi-
6 sion B of the CARES Act (Public Law 116–136);
7 and

8 (3) the Congressional Oversight Commission es-
9 tablished under section 4020 of division A of the
10 CARES Act (Public Law 116–136).

1 **DIVISION P—ACCESS ACT**

2 **SEC. 101. SHORT TITLE.**

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. 102. REQUIREMENTS FOR FEDERAL ELECTION CON-**
7 **TINGENCY PLANS IN RESPONSE TO NATURAL**
8 **DISASTERS AND EMERGENCIES.**

9 (a) IN GENERAL.—

10 (1) ESTABLISHMENT.—Not later than 90 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. 103. 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 “(d) ACCESSIBILITY FOR INDIVIDUALS WITH DIS-
9 ABILITIES.—The State shall ensure that all absentee bal-
10 lots and related voting materials in elections for Federal
11 office are accessible to individuals with disabilities in a
12 manner that provides the same opportunity for access and
13 participation (including with privacy and independence) as
14 for other voters.

15 “(e) UNIFORM DEADLINE FOR ACCEPTANCE OF
16 MAILED BALLOTS.—

17 “(1) IN GENERAL.—A State may not refuse to
18 accept or process a ballot submitted by an individual
19 by mail with respect to an election for Federal office
20 in the State on the grounds that the individual did
21 not meet a deadline for returning the ballot to the
22 appropriate State or local election official if—

23 “(A) the ballot is postmarked, signed, or
24 otherwise indicated by the United States Postal

1 Service to have been mailed on or before the
2 date of the election; and

3 “(B) the ballot is received by the appro-
4 priate election official prior to the expiration of
5 the 10-day period which begins on the date of
6 the election.

7 “(2) RULE OF CONSTRUCTION.—Nothing in
8 this subsection shall be construed to prohibit a State
9 from having a law that allows for counting of ballots
10 in an election for Federal office that are received
11 through the mail after the date that is 10 days after
12 the date of the election.

13 “(f) ALTERNATIVE METHODS OF RETURNING BAL-
14 LOTS.—

15 “(1) IN GENERAL.—In addition to permitting
16 an individual to whom a ballot in an election was
17 provided under this section to return the ballot to an
18 election official by mail, the State shall permit the
19 individual to cast the ballot by delivering the ballot
20 at such times and to such locations as the State may
21 establish, including—

22 “(A) permitting the individual to deliver
23 the ballot to a polling place on any date on
24 which voting in the election is held at the poll-
25 ing place; and

1 “(B) permitting the individual to deliver
2 the ballot to a designated ballot drop-off loca-
3 tion.

4 “(2) PERMITTING VOTERS TO DESIGNATE
5 OTHER PERSON TO RETURN BALLOT.—The State—

6 “(A) shall permit a voter to designate any
7 person to return a voted and sealed absentee
8 ballot to the post office, a ballot drop-off loca-
9 tion, tribally designated building, or election of-
10 fice so long as the person designated to return
11 the ballot does not receive any form of com-
12 pensation based on the number of ballots that
13 the person has returned and no individual,
14 group, or organization provides compensation
15 on this basis; and

16 “(B) may not put any limit on how many
17 voted and sealed absentee ballots any des-
18 ignated person can return to the post office, a
19 ballot drop off location, tribally designated
20 building, or election office.

21 “(g) BALLOT PROCESSING AND SCANNING REQUIRE-
22 MENTS.—

23 “(1) IN GENERAL.—The State shall begin proc-
24 essing and scanning ballots cast by mail for tabula-

1 tion at least 14 days prior to the date of the election
2 involved.

3 “(2) LIMITATION.—Nothing in this subsection
4 shall be construed to permit a State to tabulate bal-
5 lots in an election before the closing of the polls on
6 the date of the election.

7 “(h) RULE OF CONSTRUCTION.—Nothing in this sec-
8 tion shall be construed to affect the authority of States
9 to conduct elections for Federal office through the use of
10 polling places at which individuals cast ballots.

11 “(i) NO EFFECT ON BALLOTS SUBMITTED BY AB-
12 SENT MILITARY AND OVERSEAS VOTERS.—Nothing in
13 this section may be construed to affect the treatment of
14 any ballot submitted by an individual who is entitled to
15 vote by absentee ballot under the Uniformed and Overseas
16 Citizens Absentee Voting Act (52 U.S.C. 20301 et seq.).

17 “(j) EFFECTIVE DATE.—This section shall apply
18 with respect to the regularly scheduled general election for
19 Federal office held in November 2020 and each succeeding
20 election for Federal office.

21 **“SEC. 323. ABSENTEE BALLOT TRACKING PROGRAM.**

22 “(a) REQUIREMENT.—Each State shall carry out a
23 program to track and confirm the receipt of absentee bal-
24 lots in an election for Federal office under which the State
25 or local election official responsible for the receipt of voted

1 absentee ballots in the election carries out procedures to
2 track and confirm the receipt of such ballots, and makes
3 information on the receipt of such ballots available to the
4 individual who cast the ballot, by means of online access
5 using the Internet site of the official's office.

6 “(b) INFORMATION ON WHETHER VOTE WAS
7 COUNTED.—The information referred to under subsection
8 (a) with respect to the receipt of an absentee ballot shall
9 include information regarding whether the vote cast on the
10 ballot was counted, and, in the case of a vote which was
11 not counted, the reasons therefor.

12 “(c) USE OF TOLL-FREE TELEPHONE NUMBER BY
13 OFFICIALS WITHOUT INTERNET SITE.—A program estab-
14 lished by a State or local election official whose office does
15 not have an Internet site may meet the requirements of
16 subsection (a) if the official has established a toll-free tele-
17 phone number that may be used by an individual who cast
18 an absentee ballot to obtain the information on the receipt
19 of the voted absentee ballot as provided under such sub-
20 section.

21 “(d) EFFECTIVE DATE.—This section shall begin to
22 apply on that date that is 90 days after the date of the
23 enactment of this section.

1 **“SEC. 324. RULES FOR COUNTING PROVISIONAL BALLOTS.**

2 “(a) STATEWIDE COUNTING OF PROVISIONAL BAL-
3 LOTS.—

4 “(1) IN GENERAL.—For purposes of section
5 302(a)(4), notwithstanding the precinct or polling
6 place at which a provisional ballot is cast within the
7 State, the appropriate election official shall count
8 each vote on such ballot for each election in which
9 the individual who cast such ballot is eligible to vote.

10 “(2) EFFECTIVE DATE.—This subsection shall
11 apply with respect to the regularly scheduled general
12 election for Federal office held in November 2020
13 and each succeeding election for Federal office.

14 “(b) UNIFORM AND NONDISCRIMINATORY STAND-
15 ARDS.—

16 “(1) IN GENERAL.—Consistent with the re-
17 quirements of section 302, each State shall establish
18 uniform and nondiscriminatory standards for the
19 issuance, handling, and counting of provisional bal-
20 lots.

21 “(2) EFFECTIVE DATE.—This subsection shall
22 apply with respect to the regularly scheduled general
23 election for Federal office held in November 2020
24 and each succeeding election for Federal office.

1 **“SEC. 325. COVERAGE OF COMMONWEALTH OF NORTHERN**
2 **MARIANA ISLANDS.**

3 “In this subtitle, the term ‘State’ includes the Com-
4 monwealth of the Northern Mariana Islands.

5 **“SEC. 326. MINIMUM REQUIREMENTS FOR EXPANDING**
6 **ABILITY OF INDIVIDUALS TO VOTE.**

7 “The requirements of this subtitle are minimum re-
8 quirements, and nothing in this subtitle may be construed
9 to prevent a State from establishing standards which pro-
10 mote the ability of individuals to vote in elections for Fed-
11 eral office, so long as such standards are not inconsistent
12 with the requirements of this subtitle or other Federal
13 laws.”.

14 (b) CONFORMING AMENDMENT RELATING TO
15 ISSUANCE OF VOLUNTARY GUIDANCE BY ELECTION AS-
16 SISTANCE COMMISSION.—Section 311(b) of such Act (52
17 U.S.C. 21101(b)) is amended—

18 (1) by striking “and” at the end of paragraph

19 (2);

20 (2) by striking the period at the end of para-
21 graph (3) and inserting “; and”; and

22 (3) by adding at the end the following new
23 paragraph:

24 “(4) in the case of the recommendations with
25 respect to subtitle C, June 30, 2020.”.

26 (c) ENFORCEMENT.—

1 election official of the State involved under subsection (a)
 2 before bringing a civil action under subsection (b).”.

3 (d) CLERICAL AMENDMENT.—The table of contents
 4 of such Act is amended—

5 (1) by adding at the end of the items relating
 6 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

7 (2) by adding at the end of the items relating
 8 to title IV the following new item:

“Sec. 403. Private right of action for violations of certain requirements.”.

9 **SEC. 104. PERMITTING USE OF SWORN WRITTEN STATE-**
 10 **MENT TO MEET IDENTIFICATION REQUIRE-**
 11 **MENTS FOR VOTING.**

12 (a) PERMITTING USE OF STATEMENT.—Subtitle C of
 13 title III of the Help America Vote Act of 2002, as added
 14 by section 160003(a), is amended—

15 (1) by redesignating sections 325 and 326 as
 16 sections 326 and 327; and

17 (2) by inserting after section 324 the following
 18 new section:

1 **“SEC. 325. PERMITTING USE OF SWORN WRITTEN STATE-**
2 **MENT TO MEET IDENTIFICATION REQUIRE-**
3 **MENTS.**

4 “(a) USE OF STATEMENT.—

5 “(1) IN GENERAL.—Except as provided in sub-
6 section (c), if a State has in effect a requirement
7 that an individual present identification as a condi-
8 tion of casting a ballot in an election for Federal of-
9 fice, the State shall permit the individual to meet
10 the requirement—

11 “(A) in the case of an individual who de-
12 sires to vote in person, by presenting the appro-
13 priate State or local election official with a
14 sworn written statement, signed by the indi-
15 vidual under penalty of perjury, attesting to the
16 individual’s identity and attesting that the indi-
17 vidual is eligible to vote in the election; or

18 “(B) in the case of an individual who de-
19 sires to vote by mail, by submitting with the
20 ballot the statement described in subparagraph
21 (A).

22 “(2) DEVELOPMENT OF PRE-PRINTED VERSION
23 OF STATEMENT BY COMMISSION.—The Commission
24 shall develop a pre-printed version of the statement
25 described in paragraph (1)(A) which includes a
26 blank space for an individual to provide a name and

1 signature for use by election officials in States which
2 are subject to paragraph (1).

3 “(3) PROVIDING PRE-PRINTED COPY OF STATE-
4 MENT.—A State which is subject to paragraph (1)
5 shall—

6 “(A) make copies of the pre-printed
7 version of the statement described in paragraph
8 (1)(A) which is prepared by the Commission
9 available at polling places for election officials
10 to distribute to individuals who desire to vote in
11 person; and

12 “(B) include a copy of such pre-printed
13 version of the statement with each blank absen-
14 tee or other ballot transmitted to an individual
15 who desires to vote by mail.

16 “(b) REQUIRING USE OF BALLOT IN SAME MANNER
17 AS INDIVIDUALS PRESENTING IDENTIFICATION.—An in-
18 dividual who presents or submits a sworn written state-
19 ment in accordance with subsection (a)(1) shall be per-
20 mitted to cast a ballot in the election in the same manner
21 as an individual who presents identification.

22 “(c) EXCEPTION FOR FIRST-TIME VOTERS REG-
23 ISTERING BY MAIL.—Subsections (a) and (b) do not apply
24 with respect to any individual described in paragraph (1)

1 of section 303(b) who is required to meet the requirements
2 of paragraph (2) of such section.”.

3 (b) REQUIRING STATES TO INCLUDE INFORMATION
4 ON USE OF SWORN WRITTEN STATEMENT IN VOTING IN-
5 FORMATION MATERIAL POSTED AT POLLING PLACES.—
6 Section 302(b)(2) of such Act (52 U.S.C. 21082(b)(2)),
7 is amended—

8 (1) by striking “and” at the end of subpara-
9 graph (E);

10 (2) by striking the period at the end of sub-
11 paragraph (F) and inserting “; and”; and

12 (3) by adding at the end the following new sub-
13 paragraph:

14 “(G) in the case of a State that has in ef-
15 fect a requirement that an individual present
16 identification as a condition of casting a ballot
17 in an election for Federal office, information on
18 how an individual may meet such requirement
19 by presenting a sworn written statement in ac-
20 cordance with section 303A.”.

21 (c) CLERICAL AMENDMENT.—The table of contents
22 of such Act, as amended by section 160003, is amended—

23 (1) by redesignating the items relating to sec-
24 tions 325 and 326 as relating to sections 326 and
25 327; and

1 “(2) any application for an absentee ballot
2 transmitted to an applicant by mail; and

3 “(3) any blank absentee ballot transmitted to a
4 voter by mail.

5 “(b) PREPAYMENT OF POSTAGE.—Consistent with
6 regulations of the United States Postal Service, the State
7 or the unit of local government responsible for the admin-
8 istration of the election involved shall prepay the postage
9 on any envelope provided under subsection (a).

10 “(c) NO EFFECT ON BALLOTS OR BALLOTING MATE-
11 RIALS TRANSMITTED TO ABSENT MILITARY AND OVER-
12 SEAS VOTERS.—Nothing in this section may be construed
13 to affect the treatment of any ballot or balloting materials
14 transmitted to an individual who is entitled to vote by ab-
15 sentee ballot under the Uniformed and Overseas Citizens
16 Absentee Voting Act (52 U.S.C. 20301 et seq.).

17 “(d) EFFECTIVE DATE.—This section shall take ef-
18 fect on the date that is 90 days after the date of the enact-
19 ment of this section, except that—

20 “(1) State and local jurisdictions shall make ar-
21 rangements with the United States Postal Service to
22 pay for all postage costs that such jurisdictions
23 would be required to pay under this section if this
24 section took effect on the date of enactment; and

1 “(2) States shall take all reasonable efforts to
2 provide self-sealing return envelopes as provided in
3 this section.”.

4 (2) CLERICAL AMENDMENT.—The table of con-
5 tents of such Act, as amended by section 160004(c),
6 is amended—

7 (A) by redesignating the items relating to
8 sections 326 and 327 as relating to sections
9 327 and 328; and

10 (B) by inserting after the item relating to
11 section 325 the following new item:

 “Sec. 326. Prepayment of postage on return envelopes for voting materials”.

12 (b) ROLE OF UNITED STATES POSTAL SERVICE.—

13 (1) IN GENERAL.—Chapter 34 of title 39,
14 United States Code, is amended by adding after sec-
15 tion 3406 the following:

16 **“§ 3407. Voting materials**

17 “(a) Any voter registration application, absentee bal-
18 lot application, or absentee ballot with respect to any elec-
19 tion for Federal office shall be carried expeditiously, with
20 postage on the return envelope prepaid by the State or
21 unit of local government responsible for the administration
22 of the election.

23 “(b) As used in this section—

24 “(1) the term ‘absentee ballot’ means any ballot
25 transmitted by a voter by mail in an election for

1 Federal office, but does not include any ballot cov-
2 ered by section 3406; and

3 “(2) the term ‘election for Federal office’ means
4 a general, special, primary, or runoff election for the
5 office of President or Vice President, or of Senator
6 or Representative in, or Delegate or Resident Com-
7 missioner to, the Congress.

8 “(c) Nothing in this section may be construed to af-
9 fect the treatment of any ballot or balloting materials
10 transmitted to an individual who is entitled to vote by ab-
11 sentee ballot under the Uniformed and Overseas Citizens
12 Absentee Voting Act (52 U.S.C. 20301 et seq.).”

13 (2) CLERICAL AMENDMENT.—The table of sec-
14 tions for chapter 34 of such title is amended by in-
15 serting after the item relating to section 3406 the
16 following:

“3407. Voting materials.”

17 **SEC. 106. REQUIRING TRANSMISSION OF BLANK ABSENTEE**
18 **BALLOTS UNDER UOCAVA TO CERTAIN VOT-**
19 **ERS.**

20 (a) IN GENERAL.—The Uniformed and Overseas
21 Citizens Absentee Voting Act (52 U.S.C. 20301 et seq.)
22 is amended by inserting after section 103B the following
23 new section:

1 **“SEC. 103C. TRANSMISSION OF BLANK ABSENTEE BALLOTS**
2 **TO CERTAIN OTHER VOTERS.**

3 “(a) IN GENERAL.—

4 “(1) STATE RESPONSIBILITIES.—Subject to the
5 provisions of this section, each State shall transmit
6 blank absentee ballots electronically to qualified indi-
7 viduals who request such ballots in the same manner
8 and under the same terms and conditions under
9 which the State transmits such ballots electronically
10 to absent uniformed services voters and overseas vot-
11 ers under the provisions of section 102(f), except
12 that no such marked ballots shall be returned elec-
13 tronically.

14 “(2) REQUIREMENTS.—Any blank absentee bal-
15 lot transmitted to a qualified individual under this
16 section—

17 “(A) must comply with the language re-
18 quirements under section 203 of the Voting
19 Rights Act of 1965 (52 U.S.C. 10503); and

20 “(B) must comply with the disability re-
21 quirements under section 508 of the Rehabilita-
22 tion Act of 1973 (29 U.S.C. 794d).

23 “(3) AFFIRMATION.—The State may not trans-
24 mit a ballot to a qualified individual under this sec-
25 tion unless the individual provides the State with a
26 signed affirmation in electronic form that—

1 “(A) the individual is a qualified individual
2 (as defined in subsection (b));

3 “(B) the individual has not and will not
4 cast another ballot with respect to the election;
5 and

6 “(C) acknowledges that a material
7 misstatement of fact in completing the ballot
8 may constitute grounds for conviction of per-
9 jury.

10 “(4) CLARIFICATION REGARDING FREE POST-
11 AGE.—An absentee ballot obtained by a qualified in-
12 dividual under this section shall be considered bal-
13 lotting materials as defined in section 107 for pur-
14 poses of section 3406 of title 39, United States
15 Code.

16 “(5) PROHIBITING REFUSAL TO ACCEPT BAL-
17 LOT FOR FAILURE TO MEET CERTAIN REQUIRE-
18 MENTS.—A State shall not refuse to accept and
19 process any otherwise valid blank absentee ballot
20 which was transmitted to a qualified individual
21 under this section and used by the individual to vote
22 in the election solely on the basis of the following:

23 “(A) Notarization or witness signature re-
24 quirements.

1 “(B) Restrictions on paper type, including
2 weight and size.

3 “(C) Restrictions on envelope type, includ-
4 ing weight and size.

5 “(b) QUALIFIED INDIVIDUAL.—

6 “(1) IN GENERAL.—In this section, except as
7 provided in paragraph (2), the term ‘qualified indi-
8 vidual’ means any individual who is otherwise quali-
9 fied to vote in an election for Federal office and who
10 meets any of the following requirements:

11 “(A) The individual—

12 “(i) has previously requested an ab-
13 sentee ballot from the State or jurisdiction
14 in which such individual is registered to
15 vote; and

16 “(ii) has not received such absentee
17 ballot at least 2 days before the date of the
18 election.

19 “(B) The individual—

20 “(i) resides in an area of a State with
21 respect to which an emergency or public
22 health emergency has been declared by the
23 chief executive of the State or of the area
24 involved within 5 days of the date of the
25 election under the laws of the State due to

1 reasons including a natural disaster, in-
2 cluding severe weather, or an infectious
3 disease; and

4 “(ii) has not previously requested an
5 absentee ballot.

6 “(C) The individual expects to be absent
7 from such individual’s jurisdiction on the date
8 of the election due to professional or volunteer
9 service in response to a natural disaster or
10 emergency as described in subparagraph (B).

11 “(D) The individual is hospitalized or ex-
12 pects to be hospitalized on the date of the elec-
13 tion.

14 “(E) The individual is an individual with a
15 disability (as defined in section 3 of the Ameri-
16 cans with Disabilities Act of 1990 (42 U.S.C.
17 12102)) and resides in a State which does not
18 offer voters the ability to use secure and acces-
19 sible remote ballot marking. For purposes of
20 this subparagraph, a State shall permit an indi-
21 vidual to self-certify that the individual is an in-
22 dividual with a disability.

23 “(2) EXCLUSION OF ABSENT UNIFORMED SERV-
24 ICES AND OVERSEAS VOTERS.—The term ‘qualified

1 individual' shall not include an absent uniformed
2 services voter or an overseas voter.

3 “(c) STATE.—For purposes of this section, the term
4 ‘State’ includes the District of Columbia, the Common-
5 wealth of Puerto Rico, Guam, American Samoa, the
6 United States Virgin Islands, and the Commonwealth of
7 the Northern Mariana Islands.

8 “(d) EFFECTIVE DATE.—This section shall apply
9 with respect to the regularly scheduled general election for
10 Federal office held in November 2020 and each succeeding
11 election for Federal office.”.

12 (b) CONFORMING AMENDMENT.—Section 102(a) of
13 such Act (52 U.S.C. 20302(a)) is amended—

14 (1) by striking “and” at the end of paragraph
15 (10);

16 (2) by striking the period at the end of para-
17 graph (11) and inserting “; and”; and

18 (3) by adding at the end the following new
19 paragraph:

20 “(12) meet the requirements of section 103C
21 with respect to the provision of blank absentee bal-
22 lots for the use of qualified individuals described in
23 such section.”.

1 (c) CLERICAL AMENDMENTS.—The table of contents
2 of such Act is amended by inserting the following after
3 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.”.

4 **SEC. 107. VOTER REGISTRATION.**

5 (a) REQUIRING AVAILABILITY OF INTERNET FOR
6 VOTER REGISTRATION.—

7 (1) REQUIRING AVAILABILITY OF INTERNET
8 FOR REGISTRATION.—The National Voter Registra-
9 tion Act of 1993 (52 U.S.C. 20501 et seq.) is
10 amended by inserting after section 6 the following
11 new section:

12 **“SEC. 6A. INTERNET REGISTRATION.**

13 “(a) REQUIRING AVAILABILITY OF INTERNET FOR
14 ONLINE REGISTRATION.—

15 “(1) AVAILABILITY OF ONLINE REGISTRATION
16 AND CORRECTION OF EXISTING REGISTRATION IN-
17 FORMATION.—Each State, acting through the chief
18 State election official, shall ensure that the following
19 services are available to the public at any time on
20 the official public websites of the appropriate State
21 and local election officials in the State, in the same
22 manner and subject to the same terms and condi-

1 tions as the services provided by voter registration
2 agencies under section 7(a):

3 “(A) Online application for voter registra-
4 tion.

5 “(B) Online assistance to applicants in ap-
6 plying to register to vote.

7 “(C) Online completion and submission by
8 applicants of the mail voter registration applica-
9 tion form prescribed by the Election Assistance
10 Commission pursuant to section 9(a)(2), includ-
11 ing assistance with providing a signature as re-
12 quired under subsection (c).

13 “(D) Online receipt of completed voter reg-
14 istration applications.

15 “(b) ACCEPTANCE OF COMPLETED APPLICATIONS.—

16 A State shall accept an online voter registration applica-
17 tion provided by an individual under this section, and en-
18 sure that the individual is registered to vote in the State,
19 if—

20 “(1) the individual meets the same voter reg-
21 istration requirements applicable to individuals who
22 register to vote by mail in accordance with section
23 6(a)(1) using the mail voter registration application
24 form prescribed by the Election Assistance Commis-
25 sion pursuant to section 9(a)(2); and

1 “(2) the individual meets the requirements of
2 subsection (c) to provide a signature in electronic
3 form (but only in the case of applications submitted
4 during or after the second year in which this section
5 is in effect in the State).

6 “(c) SIGNATURE REQUIREMENTS.—

7 “(1) IN GENERAL.—For purposes of this sec-
8 tion, an individual meets the requirements of this
9 subsection as follows:

10 “(A) In the case of an individual who has
11 a signature on file with a State agency, includ-
12 ing the State motor vehicle authority, that is
13 required to provide voter registration services
14 under this Act or any other law, the individual
15 consents to the transfer of that electronic signa-
16 ture.

17 “(B) If subparagraph (A) does not apply,
18 the individual submits with the application an
19 electronic copy of the individual’s handwritten
20 signature through electronic means.

21 “(C) If subparagraph (A) and subpara-
22 graph (B) do not apply, the individual executes
23 a computerized mark in the signature field on
24 an online voter registration application, in ac-
25 cordance with reasonable security measures es-

1 tablished by the State, but only if the State ac-
2 cepts such mark from the individual.

3 “(2) TREATMENT OF INDIVIDUALS UNABLE TO
4 MEET REQUIREMENT.—If an individual is unable to
5 meet the requirements of paragraph (1), the State
6 shall—

7 “(A) permit the individual to complete all
8 other elements of the online voter registration
9 application;

10 “(B) permit the individual to provide a sig-
11 nature at the time the individual requests a bal-
12 lot in an election (whether the individual re-
13 quests the ballot at a polling place or requests
14 the ballot by mail); and

15 “(C) if the individual carries out the steps
16 described in subparagraph (A) and subpara-
17 graph (B), ensure that the individual is reg-
18 istered to vote in the State.

19 “(3) NOTICE.—The State shall ensure that in-
20 dividuals applying to register to vote online are noti-
21 fied of the requirements of paragraph (1) and of the
22 treatment of individuals unable to meet such re-
23 quirements, as described in paragraph (2).

24 “(d) CONFIRMATION AND DISPOSITION.—

1 “(1) CONFIRMATION OF RECEIPT.—Upon the
2 online submission of a completed voter registration
3 application by an individual under this section, the
4 appropriate State or local election official shall send
5 the individual a notice confirming the State’s receipt
6 of the application and providing instructions on how
7 the individual may check the status of the applica-
8 tion.

9 “(2) NOTICE OF DISPOSITION.—Not later than
10 7 days after the appropriate State or local election
11 official has approved or rejected an application sub-
12 mitted by an individual under this section, the offi-
13 cial shall send the individual a notice of the dispo-
14 sition of the application.

15 “(3) METHOD OF NOTIFICATION.—The appro-
16 priate State or local election official shall send the
17 notices required under this subsection by regular
18 mail and—

19 “(A) in the case of an individual who has
20 provided the official with an electronic mail ad-
21 dress, by electronic mail; and

22 “(B) at the option of an individual, by text
23 message.

24 “(e) PROVISION OF SERVICES IN NONPARTISAN
25 MANNER.—The services made available under subsection

1 (a) shall be provided in a manner that ensures that, con-
2 sistent with section 7(a)(5)—

3 “(1) the online application does not seek to in-
4 fluence an applicant’s political preference or party
5 registration; and

6 “(2) there is no display on the website pro-
7 moting any political preference or party allegiance,
8 except that nothing in this paragraph may be con-
9 strued to prohibit an applicant from registering to
10 vote as a member of a political party.

11 “(f) PROTECTION OF SECURITY OF INFORMATION.—
12 In meeting the requirements of this section, the State shall
13 establish appropriate technological security measures to
14 prevent to the greatest extent practicable any unauthor-
15 ized access to information provided by individuals using
16 the services made available under subsection (a).

17 “(g) ACCESSIBILITY OF SERVICES.—A state shall en-
18 sure that the services made available under this section
19 are made available to individuals with disabilities to the
20 same extent as services are made available to all other in-
21 dividuals.

22 “(h) USE OF ADDITIONAL TELEPHONE-BASED SYS-
23 TEM.—A State shall make the services made available on-
24 line under subsection (a) available through the use of an
25 automated telephone-based system, subject to the same

1 terms and conditions applicable under this section to the
2 services made available online, in addition to making the
3 services available online in accordance with the require-
4 ments of this section.

5 “(i) NONDISCRIMINATION AMONG REGISTERED VOT-
6 ERS USING MAIL AND ONLINE REGISTRATION.—In car-
7 rying out this Act, the Help America Vote Act of 2002,
8 or any other Federal, State, or local law governing the
9 treatment of registered voters in the State or the adminis-
10 tration of elections for public office in the State, a State
11 shall treat a registered voter who registered to vote online
12 in accordance with this section in the same manner as the
13 State treats a registered voter who registered to vote by
14 mail.”.

15 (2) SPECIAL REQUIREMENTS FOR INDIVIDUALS
16 USING ONLINE REGISTRATION.—

17 (A) TREATMENT AS INDIVIDUALS REG-
18 ISTERING TO VOTE BY MAIL FOR PURPOSES OF
19 FIRST-TIME VOTER IDENTIFICATION REQUIRE-
20 MENTS.—Section 303(b)(1)(A) of the Help
21 America Vote Act of 2002 (52 U.S.C.
22 21083(b)(1)(A)) is amended by striking “by
23 mail” and inserting “by mail or online under
24 section 6A of the National Voter Registration
25 Act of 1993”.

1 (B) REQUIRING SIGNATURE FOR FIRST-
2 TIME VOTERS IN JURISDICTION.—Section
3 303(b) of such Act (52 U.S.C. 21083(b)) is
4 amended—

5 (i) by redesignating paragraph (5) as
6 paragraph (6); and

7 (ii) by inserting after paragraph (4)
8 the following new paragraph:

9 “(5) SIGNATURE REQUIREMENTS FOR FIRST-
10 TIME VOTERS USING ONLINE REGISTRATION.—

11 “(A) IN GENERAL.—A State shall, in a
12 uniform and nondiscriminatory manner, require
13 an individual to meet the requirements of sub-
14 paragraph (B) if—

15 “(i) the individual registered to vote
16 in the State online under section 6A of the
17 National Voter Registration Act of 1993;
18 and

19 “(ii) the individual has not previously
20 voted in an election for Federal office in
21 the State.

22 “(B) REQUIREMENTS.—An individual
23 meets the requirements of this subparagraph
24 if—

1 “(i) in the case of an individual who
2 votes in person, the individual provides the
3 appropriate State or local election official
4 with a handwritten signature; or

5 “(ii) in the case of an individual who
6 votes by mail, the individual submits with
7 the ballot a handwritten signature.

8 “(C) INAPPLICABILITY.—Subparagraph
9 (A) does not apply in the case of an individual
10 who is—

11 “(i) entitled to vote by absentee ballot
12 under the Uniformed and Overseas Citi-
13 zens Absentee Voting Act (52 U.S.C.
14 20302 et seq.);

15 “(ii) provided the right to vote other-
16 wise than in person under section
17 3(b)(2)(B)(ii) of the Voting Accessibility
18 for the Elderly and Handicapped Act (52
19 U.S.C. 20102(b)(2)(B)(ii)); or

20 “(iii) entitled to vote otherwise than
21 in person under any other Federal law.”.

22 (C) CONFORMING AMENDMENT RELATING
23 TO EFFECTIVE DATE.—Section 303(d)(2)(A) of
24 such Act (52 U.S.C. 21083(d)(2)(A)) is amend-
25 ed by striking “Each State” and inserting “Ex-

1 cept as provided in subsection (b)(5), each
2 State”.

3 (3) CONFORMING AMENDMENTS.—

4 (A) TIMING OF REGISTRATION.—Section
5 8(a)(1) of the National Voter Registration Act
6 of 1993 (52 U.S.C. 20507(a)(1)) is amended—

7 (i) by striking “and” at the end of
8 subparagraph (C);

9 (ii) by redesignating subparagraph
10 (D) as subparagraph (E); and

11 (iii) by inserting after subparagraph
12 (C) the following new subparagraph:

13 “(D) in the case of online registration
14 through the official public website of an election
15 official under section 6A, if the valid voter reg-
16 istration application is submitted online not
17 later than the lesser of 28 days, or the period
18 provided by State law, before the date of the
19 election (as determined by treating the date on
20 which the application is sent electronically as
21 the date on which it is submitted); and”.

22 (B) INFORMING APPLICANTS OF ELIGI-
23 BILITY REQUIREMENTS AND PENALTIES.—Sec-
24 tion 8(a)(5) of such Act (52 U.S.C.

1 20507(a)(5)) is amended by striking “and 7”
2 and inserting “6A, and 7”.

3 (4) EFFECTIVE DATE.—The amendments made
4 by this subsection shall take effect on the date that
5 is 90 days after the date of the enactment of this
6 subsection.

7 (b) USE OF INTERNET TO UPDATE REGISTRATION
8 INFORMATION.—

9 (1) UPDATES TO INFORMATION CONTAINED ON
10 COMPUTERIZED STATEWIDE VOTER REGISTRATION
11 LIST.—

12 (A) IN GENERAL.—Section 303(a) of the
13 Help America Vote Act of 2002 (52 U.S.C.
14 21083(a)) is amended by adding at the end the
15 following new paragraph:

16 “(6) USE OF INTERNET BY REGISTERED VOT-
17 ERS TO UPDATE INFORMATION.—

18 “(A) IN GENERAL.—The appropriate State
19 or local election official shall ensure that any
20 registered voter on the computerized list may at
21 any time update the voter’s registration infor-
22 mation, including the voter’s address and elec-
23 tronic mail address, online through the official
24 public website of the election official responsible
25 for the maintenance of the list, so long as the

1 voter attests to the contents of the update by
2 providing a signature in electronic form in the
3 same manner required under section 6A(c) of
4 the National Voter Registration Act of 1993.

5 “(B) PROCESSING OF UPDATED INFORMA-
6 TION BY ELECTION OFFICIALS.—If a registered
7 voter updates registration information under
8 subparagraph (A), the appropriate State or
9 local election official shall—

10 “(i) revise any information on the
11 computerized list to reflect the update
12 made by the voter; and

13 “(ii) if the updated registration infor-
14 mation affects the voter’s eligibility to vote
15 in an election for Federal office, ensure
16 that the information is processed with re-
17 spect to the election if the voter updates
18 the information not later than the lesser of
19 7 days, or the period provided by State
20 law, before the date of the election.

21 “(C) CONFIRMATION AND DISPOSITION.—

22 “(i) CONFIRMATION OF RECEIPT.—
23 Upon the online submission of updated
24 registration information by an individual
25 under this paragraph, the appropriate

1 State or local election official shall send
2 the individual a notice confirming the
3 State’s receipt of the updated information
4 and providing instructions on how the indi-
5 vidual may check the status of the update.

6 “(ii) NOTICE OF DISPOSITION.—Not
7 later than 7 days after the appropriate
8 State or local election official has accepted
9 or rejected updated information submitted
10 by an individual under this paragraph, the
11 official shall send the individual a notice of
12 the disposition of the update.

13 “(iii) METHOD OF NOTIFICATION.—
14 The appropriate State or local election offi-
15 cial shall send the notices required under
16 this subparagraph by regular mail and—

17 “(I) in the case of an individual
18 who has requested that the State pro-
19 vide voter registration and voting in-
20 formation through electronic mail, by
21 electronic mail; and

22 “(II) at the option of an indi-
23 vidual, by text message.”.

24 (B) CONFORMING AMENDMENT RELATING
25 TO EFFECTIVE DATE.—Section 303(d)(1)(A) of

1 such Act (52 U.S.C. 21083(d)(1)(A)) is amend-
2 ed by striking “subparagraph (B),” and insert-
3 ing “subparagraph (B) and subsection (a)(6),”.

4 (2) ABILITY OF REGISTRANT TO USE ONLINE
5 UPDATE TO PROVIDE INFORMATION ON RESI-
6 DENCE.—Section 8(d)(2)(A) of the National Voter
7 Registration Act of 1993 (52 U.S.C.
8 20507(d)(2)(A)) is amended—

9 (A) in the first sentence, by inserting after
10 “return the card” the following: “or update the
11 registrant’s information on the computerized
12 Statewide voter registration list using the online
13 method provided under section 303(a)(6) of the
14 Help America Vote Act of 2002”; and

15 (B) in the second sentence, by striking
16 “returned,” and inserting the following: “re-
17 turned or if the registrant does not update the
18 registrant’s information on the computerized
19 Statewide voter registration list using such on-
20 line method,”.

21 (c) SAME DAY REGISTRATION.—

22 (1) IN GENERAL.—Subtitle C of title III of the
23 Help America Vote Act of 2002, as added by section
24 160003(a) and as amended by sections 160004(a)
25 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. 108. ACCOMMODATIONS FOR VOTERS RESIDING IN IN-**
20 **DIAN 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 sентee 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. 109. PAYMENTS BY ELECTION ASSISTANCE COMMIS-**
17 **SION TO STATES TO ASSIST WITH COSTS OF**
18 **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.—The amount of a payment made
17 to an eligible State for a year under this part shall be
18 determined by the Commission.

19 “(b) CONTINUING AVAILABILITY OF FUNDS AFTER
20 APPROPRIATION.—A payment made to an eligible State
21 or eligible unit of local government under this part shall
22 be available without fiscal year limitation.

23 **“SEC. 297B. REQUIREMENTS FOR ELIGIBILITY.**

24 “(a) APPLICATION.—Each State that desires to re-
25 ceive a payment under this part for a fiscal year, and each

1 political party of a State that desires to receive a payment
2 under section 297(b)(2), shall submit an application for
3 the payment to the Commission at such time and in such
4 manner and containing such information as the Commis-
5 sion shall require.

6 “(b) CONTENTS OF APPLICATION.—Each application
7 submitted under subsection (a) shall—

8 “(1) describe the activities for which assistance
9 under this part is sought; and

10 “(2) provide such additional information and
11 certifications as the Commission determines to be es-
12 sential to ensure compliance with the requirements
13 of this part.

14 **“SEC. 297C. AUTHORIZATION OF APPROPRIATIONS.**

15 “There are authorized to be appropriated for pay-
16 ments under this part such sums as may be necessary for
17 fiscal year 2021.

18 **“SEC. 297D. REPORTS.**

19 “(a) REPORTS BY RECIPIENTS.—Not later than 6
20 months after the end of each fiscal year for which an eligi-
21 ble State received a payment under this part, the State
22 shall submit a report to the Commission on the activities
23 conducted with the funds provided during the year.

24 “(b) REPORTS BY COMMISSION TO COMMITTEES.—
25 With respect to each fiscal year for which the Commission

1 makes payments under this part, the Commission shall
 2 submit a report on the activities carried out under this
 3 part to the Committee on House Administration of the
 4 House of Representatives and the Committee on Rules
 5 and Administration of the Senate.”.

6 (b) CLERICAL AMENDMENT.—The table of contents
 7 of such Act is amended by adding at the end of the items
 8 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.”.

9 **SEC. 110. GRANTS TO STATES FOR CONDUCTING RISK-LIM-**
 10 **ITING AUDITS OF RESULTS OF ELECTIONS.**

11 (a) AVAILABILITY OF GRANTS.—Subtitle D of title
 12 II of the Help America Vote Act of 2002 (52 U.S.C.
 13 21001 et seq.), as amended by section 160009(a), is fur-
 14 ther amended by adding at the end the following new part:

15 **“PART 8—GRANTS FOR CONDUCTING RISK-**
 16 **LIMITING AUDITS OF RESULTS OF ELECTIONS**
 17 **“SEC. 298. GRANTS FOR CONDUCTING RISK-LIMITING AU-**
 18 **DITS OF RESULTS OF ELECTIONS.**

19 “(a) AVAILABILITY OF GRANTS.—The Commission
 20 shall make a grant to each eligible State to conduct risk-
 21 limiting audits as described in subsection (b) with respect
 22 to the regularly scheduled general elections for Federal of-

1 fice held in November 2020 and each succeeding election
2 for Federal office.

3 “(b) RISK-LIMITING AUDITS DESCRIBED.—In this
4 part, a ‘risk-limiting audit’ is a post-election process—

5 “(1) which is conducted in accordance with
6 rules and procedures established by the chief State
7 election official of the State which meet the require-
8 ments of subsection (c); and

9 “(2) under which, if the reported outcome of
10 the election is incorrect, there is at least a predeter-
11 mined percentage chance that the audit will replace
12 the incorrect outcome with the correct outcome as
13 determined by a full, hand-to-eye tabulation of all
14 votes validly cast in that election that ascertains
15 voter intent manually and directly from voter-
16 verifiable paper records.

17 “(c) REQUIREMENTS FOR RULES AND PROCE-
18 DURES.—The rules and procedures established for con-
19 ducting a risk-limiting audit shall include the following
20 elements:

21 “(1) Rules for ensuring the security of ballots
22 and documenting that prescribed procedures were
23 followed.

1 “(2) Rules and procedures for ensuring the ac-
2 curacy of ballot manifests produced by election agen-
3 cies.

4 “(3) Rules and procedures for governing the
5 format of ballot manifests, cast vote records, and
6 other data involved in the audit.

7 “(4) Methods to ensure that any cast vote
8 records used in the audit are those used by the vot-
9 ing system to tally the election results sent to the
10 chief State election official and made public.

11 “(5) Procedures for the random selection of
12 ballots to be inspected manually during each audit.

13 “(6) Rules for the calculations and other meth-
14 ods to be used in the audit and to determine wheth-
15 er and when the audit of an election is complete.

16 “(7) Procedures and requirements for testing
17 any software used to conduct risk-limiting audits.

18 “(d) DEFINITIONS.—In this part, the following defi-
19 nitions apply:

20 “(1) The term ‘ballot manifest’ means a record
21 maintained by each election agency that meets each
22 of the following requirements:

23 “(A) The record is created without reliance
24 on any part of the voting system used to tab-
25 ulate votes.

1 “(B) The record functions as a sampling
2 frame for conducting a risk-limiting audit.

3 “(C) The record contains the following in-
4 formation with respect to the ballots cast and
5 counted in the election:

6 “(i) The total number of ballots cast
7 and counted by the agency (including
8 undervotes, overvotes, and other invalid
9 votes).

10 “(ii) The total number of ballots cast
11 in each election administered by the agency
12 (including undervotes, overvotes, and other
13 invalid votes).

14 “(iii) A precise description of the
15 manner in which the ballots are physically
16 stored, including the total number of phys-
17 ical groups of ballots, the numbering sys-
18 tem for each group, a unique label for each
19 group, and the number of ballots in each
20 such group.

21 “(2) The term ‘incorrect outcome’ means an
22 outcome that differs from the outcome that would be
23 determined by a full tabulation of all votes validly
24 cast in the election, determining voter intent manu-
25 ally, directly from voter-verifiable paper records.

1 “(3) The term ‘outcome’ means the winner of
2 an election, whether a candidate or a position.

3 “(4) The term ‘reported outcome’ means the
4 outcome of an election which is determined accord-
5 ing to the canvass and which will become the official,
6 certified outcome unless it is revised by an audit, re-
7 count, or other legal process.

8 **“SEC. 298A. ELIGIBILITY OF STATES.**

9 “A State is eligible to receive a grant under this part
10 if the State submits to the Commission, at such time and
11 in such form as the Commission may require, an applica-
12 tion containing—

13 “(1) a certification that, not later than 5 years
14 after receiving the grant, the State will conduct risk-
15 limiting audits of the results of elections for Federal
16 office held in the State as described in section 298;

17 “(2) a certification that, not later than one year
18 after the date of the enactment of this section, the
19 chief State election official of the State has estab-
20 lished or will establish the rules and procedures for
21 conducting the audits which meet the requirements
22 of section 298(c);

23 “(3) a certification that the audit shall be com-
24 pleted not later than the date on which the State
25 certifies the results of the election;

1 “(4) a certification that, after completing the
2 audit, the State shall publish a report on the results
3 of the audit, together with such information as nec-
4 essary to confirm that the audit was conducted prop-
5 erly;

6 “(5) a certification that, if a risk-limiting audit
7 conducted under this part leads to a full manual
8 tally of an election, State law requires that the State
9 or election agency shall use the results of the full
10 manual tally as the official results of the election;
11 and

12 “(6) such other information and assurances as
13 the Commission may require.

14 **“SEC. 298B. AUTHORIZATION OF APPROPRIATIONS.**

15 “‘There are authorized to be appropriated for grants
16 under this part \$20,000,000 for fiscal year 2021, to re-
17 main available until expended.’”.

18 (b) CLERICAL AMENDMENT.—The table of contents
19 of such Act, as amended by section 160009(b), is further
20 amended by adding at the end of the items relating to
21 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.

22 (c) GAO ANALYSIS OF EFFECTS OF AUDITS.—

1 (b) AVAILABILITY OF FUNDS.—Amounts appro-
2 priated pursuant to the authorization under this sub-
3 section shall remain available without fiscal year limita-
4 tion.

5 **SEC. 112. DEFINITION.**

6 (a) DEFINITION OF ELECTION FOR FEDERAL OF-
7 FICE.—Title IX of the Help America Vote Act of 2002
8 (52 U.S.C. 21141 et seq.) is amended by adding at the
9 end the following new section:

10 **“SEC. 907. ELECTION FOR FEDERAL OFFICE DEFINED.**

11 “For purposes of titles I through III, the term ‘elec-
12 tion for Federal office’ means a general, special, primary,
13 or runoff election for the office of President or Vice Presi-
14 dent, or of Senator or Representative in, or Delegate or
15 Resident Commissioner to, the Congress.”.

16 (b) CLERICAL AMENDMENT.—The table of contents
17 of such Act is amended by adding at the end of the items
18 relating to title IX the following new item:

“Sec. 907. Election for Federal office defined.”.

1 **DIVISION Q—TRANSPORTATION**
2 **AND INFRASTRUCTURE**
3 **TITLE I—AVIATION**

4 **SECTION 101. SHORT TITLE.**

5 This title may be cited as the “Payroll Support Pro-
6 gram Extension Act”.

7 **SEC. 102. DEFINITIONS.**

8 Unless otherwise specified, the definitions in section
9 40102(a) of title 49, United States Code, shall apply to
10 this title, except that—

11 (1) the term “airline catering employee” means
12 an employee who performs airline catering services;

13 (2) the term “airline catering services” means
14 preparation, assembly, or both, of food, beverages,
15 provisions and related supplies for delivery, and the
16 delivery of such items, directly to aircraft or to a lo-
17 cation on or near airport property for subsequent
18 delivery to aircraft;

19 (3) the term “contractor” means—

20 (A) a person that performs, under contract
21 with a passenger air carrier conducting oper-
22 ations under part 121 of title 14, Code of Fed-
23 eral Regulations—

24 (i) catering functions; or

1 (ii) functions on the property of an
2 airport that are directly related to the air
3 transportation of persons, property, or
4 mail, including but not limited to the load-
5 ing and unloading of property on aircraft;
6 assistance to passengers under part 382 of
7 title 14, Code of Federal Regulations; se-
8 curity; airport ticketing and check-in func-
9 tions; ground-handling of aircraft; or air-
10 craft cleaning and sanitization functions
11 and waste removal; or

12 (B) a subcontractor that performs such
13 functions;

14 (4) the term “employee” means an individual,
15 other than a corporate officer, who is employed by
16 an air carrier or a contractor; and

17 (5) the term “Secretary” means the Secretary
18 of the Treasury.

19 **SEC. 103. PANDEMIC RELIEF FOR AVIATION WORKERS.**

20 (a) **FINANCIAL ASSISTANCE FOR EMPLOYEE WAGES,**
21 **SALARIES, AND BENEFITS.**—Notwithstanding any other
22 provision of law, to preserve aviation jobs and compensate
23 air carrier industry workers, the Secretary shall provide
24 financial assistance that shall exclusively be used for the

1 continuation of payment of employee wages, salaries, and
2 benefits to—

3 (1) passenger air carriers, in an aggregate
4 amount up to \$25,000,000,000;

5 (2) cargo air carriers, in an aggregate amount
6 up to \$300,000,000; and

7 (3) contractors, in an aggregate amount up to
8 \$3,000,000,000.

9 (b) ADMINISTRATIVE EXPENSES.—Notwithstanding
10 any other provision of law, the Secretary may use funds
11 made available under section 4112(b) of the CARES Act
12 (15 U.S.C. 9072(b)) for costs and administrative expenses
13 associated with providing financial assistance under this
14 title.

15 **SEC. 104. PROCEDURES FOR PROVIDING PAYROLL SUP-**
16 **PORT.**

17 (a) AWARDABLE AMOUNTS.—The Secretary shall
18 provide financial assistance under this title—

19 (1) to an air carrier required to file reports pur-
20 suant to part 241 of title 14, Code of Federal Regu-
21 lations, as of March 27, 2020, in an amount equal
22 to—

23 (A) the amount such air carrier received
24 under section 4113 of the CARES Act (15
25 U.S.C. 9073); or

1 (B) at the request of such air carrier, or
2 in the event such an air carrier did not receive
3 assistance under section 4113 of the CARES
4 Act (15 U.S.C. 9073), the amount of the sala-
5 ries and benefits reported by the air carrier to
6 the Department of Transportation pursuant to
7 such part 241, for the period from October 1,
8 2019, through March 31, 2020;

9 (2) to an air carrier that did not transmit re-
10 ports under such part 241, as of March 27, 2020,
11 in an amount equal to—

12 (A) the amount such air carrier received
13 under section 4113 of the CARES Act (15
14 U.S.C. 9073), plus an additional 15 percent of
15 such amount; or

16 (B) at the request of such air carrier, or
17 in the event such an air carrier did not receive
18 assistance under section 4113 of the CARES
19 Act (15 U.S.C. 9073), an amount that such an
20 air carrier certifies, using sworn financial state-
21 ments or other appropriate data, as the amount
22 of total salaries and related fringe benefits that
23 such air carrier incurred and would be required
24 to be reported to the Department of Transpor-
25 tation pursuant to such part 241, if the air car-

1 rier were required to transmit such information
2 during the period from October 1, 2019,
3 through March 31, 2020; and

4 (3) to a contractor in an amount equal to—

5 (A) the amount such contractor received
6 under section 4113 of the CARES Act (15
7 U.S.C. 9073); or

8 (B) or in the event such contractor did not
9 receive assistance under section 4113 of the
10 CARES Act (15 U.S.C. 9073), an amount that
11 the contractor certifies, using sworn financial
12 statements or other appropriate data, as the
13 amount of wages, salaries, benefits, and other
14 compensation that such contractor paid the em-
15 ployees of such contractor during the period
16 from October 1, 2019, through March 31,
17 2020.

18 (b) DEADLINES AND PROCEDURES.—

19 (1) IN GENERAL.—

20 (A) FORMS; TERMS AND CONDITIONS.—Fi-
21 nancial assistance provided to an air carrier or
22 contractor under this title shall—

23 (i) be in such form, on such terms
24 and conditions (including requirements for
25 audits and the clawback of any financial

1 assistance provided upon failure by a pas-
2 senger air carrier, cargo air carrier, or con-
3 tractor to honor the assurances specified in
4 section 105 of this division), as agreed to
5 by the Secretary and the recipient for as-
6 sistance received under section 4113 of the
7 CARES Act (15 U.S.C. 9073), except
8 where inconsistent with this title; or

9 (ii) in the event such an air carrier or
10 contractor did not receive assistance under
11 section 4113 of the CARES Act (15
12 U.S.C. 9073), be in such form, on such
13 terms and conditions (including require-
14 ments for audits and the clawback of any
15 financial assistance provided upon failure
16 by a passenger air carrier, cargo air car-
17 rier, or contractor to honor the assurances
18 specified in section 105 of this division), as
19 the Secretary determines appropriate.

20 (B) PROCEDURES.—The Secretary shall
21 publish streamlined and expedited procedures
22 not later than 5 days after the date of enact-
23 ment of this title for air carriers and contrac-
24 tors to submit requests for financial assistance
25 under this title.

1 (2) DEADLINE FOR IMMEDIATE PAYROLL AS-
2 SISTANCE.—Not later than 10 days after the date of
3 enactment of this title, the Secretary shall make ini-
4 tial payments to air carriers and contractors that
5 submit requests for financial assistance approved by
6 to the Secretary.

7 (d) PRO RATA REDUCTIONS.—The amounts under
8 subsections (a)(1)(B) and (a)(2)(B) shall, to the max-
9 imum extent practicable, be subject to the same pro rata
10 reduction applied by the Secretary to air carriers or con-
11 tractors, as applicable, that received assistance under sec-
12 tion 4113 of the CARES Act (15 U.S.C. 9073).

13 (e) AUDITS.—The Inspector General of the Depart-
14 ment of the Treasury shall audit certifications made under
15 subsection (a).

16 **SEC. 105. REQUIRED ASSURANCES.**

17 (a) IN GENERAL.—To be eligible for financial assist-
18 ance under this title, an air carrier or contractor shall
19 enter into an agreement with the Secretary, or otherwise
20 certify in such form and manner as the Secretary shall
21 prescribe, that the air carrier or contractor shall—

22 (1) refrain from conducting involuntary fur-
23 loughs or reducing pay rates and benefits until—

24 (A) with respect to air carriers, March 31,
25 2021; or

1 (B) with respect to contractors, March 31,
2 2021, or the date on which the contractor ex-
3 hausts such financial assistance, whichever is
4 later;

5 (2) ensure that neither the air carrier or con-
6 tractor nor any affiliate of the air carrier or con-
7 tractor may, in any transaction, purchase an equity
8 security of the air carrier or contractor or the parent
9 company of the air carrier or contractor that is list-
10 ed on a national securities exchange through—

11 (A) with respect to air carriers, March 31,
12 2022; or

13 (B) with respect to contractors, March 31,
14 2022, or the date on which the contractor ex-
15 hausts such financial assistance, whichever is
16 later;

17 (3) ensure that the air carrier or contractor
18 shall not pay dividends, or make other capital dis-
19 tributions, with respect to common stock (or equiva-
20 lent interest) of the air carrier or contractor
21 through—

22 (A) with respect to air carriers, March 31,
23 2022; or

24 (B) with respect to contractors, March 31,
25 2022, or the date on which the contractor ex-

1 hausts such financial assistance, whichever is
2 later;

3 (4) meet the requirements of sections 106 and
4 107 of this division; and

5 (5) affirm that the air carrier or contractor has
6 not conducted involuntary furloughs or reduced pay
7 rates and benefits between—

8 (A) the date the air carrier or contractor
9 entered into an agreement with the Secretary
10 for loans, loan guarantees, other investments,
11 or financial assistance under title IV of the
12 CARES Act (Public Law 116–136) and the
13 date the air carrier or contractor enters into an
14 agreement with the Secretary for financial as-
15 sistance under this title; or

16 (B) in the case of an air carrier or con-
17 tractor that did not receive loans, loan guaran-
18 tees, other investments, or financial assistance
19 under title IV of the CARES Act, the date of
20 enactment of this title and the date the air car-
21 rier or contractor enters into an agreement with
22 the Secretary for funding under this title.

1 **SEC. 106. PROTECTION OF COLLECTIVE BARGAINING**
2 **AGREEMENTS.**

3 (a) **IN GENERAL.**—Neither the Secretary, nor any
4 other actor, department, or agency of the Federal Govern-
5 ment, shall condition the issuance of financial assistance
6 under this title on an air carrier’s or contractor’s imple-
7 mentation of measures to enter into negotiations with the
8 certified bargaining representative of a craft or class of
9 employees of the air carrier or contractor under the Rail-
10 way Labor Act (45 U.S.C. 151 et seq.) or the National
11 Labor Relations Act (29 U.S.C. 151 et seq.), regarding
12 pay or other terms and conditions of employment.

13 (b) **AIR CARRIER PERIOD OF EFFECT.**—With respect
14 to any air carrier to which financial assistance is provided
15 under this title, this section shall be in effect with respect
16 to the air carrier beginning on the date on which the air
17 carrier is first issued such financial assistance and ending
18 on March 31, 2021.

19 (c) **CONTRACTOR PERIOD OF EFFECT.**—With respect
20 to any contractor to which financial assistance is provided
21 under this title, this section shall be in effect with respect
22 to contractor beginning on the date on which the con-
23 tractor is first issued such financial assistance and ending
24 on March 31, 2021, or until the date on which all funds
25 are expended, whichever is later.

1 **SEC. 107. LIMITATION ON CERTAIN EMPLOYEE COMPENSA-**
2 **TION.**

3 (a) IN GENERAL.—The Secretary may only provide
4 financial assistance under this title to an air carrier or
5 contractor after such carrier or contractor enters into an
6 agreement with the Secretary which provides that, during
7 the 2-year period beginning October 1, 2020, and ending
8 October 1, 2022, no officer or employee of the air carrier
9 or contractor whose total compensation exceeded
10 \$425,000 in calendar year 2019 (other than an employee
11 whose compensation is determined through an existing col-
12 lective bargaining agreement entered into prior to enact-
13 ment of this title)—

14 (1) will receive from the air carrier or con-
15 tractor total compensation which exceeds, during
16 any 12 consecutive months of such 2-year period,
17 the total compensation received by the officer or em-
18 ployee from the air carrier or contractor in calendar
19 year 2019;

20 (2) will receive from the air carrier or con-
21 tractor severance pay or other benefits upon termi-
22 nation of employment with the air carrier or con-
23 tractor which exceeds twice the maximum total com-
24 pensation received by the officer or employee from
25 the air carrier or contractor in calendar year 2019;
26 and

1 (3) no officer or employee of the air carrier or
2 contractor whose total compensation exceeded
3 \$3,000,000 in calendar year 2019 may receive dur-
4 ing any 12 consecutive months of such period total
5 compensation in excess of the sum of—

6 (A) \$3,000,000; and

7 (B) 50 percent of the excess over
8 \$3,000,000 of the total compensation received
9 by the officer or employee from the air carrier
10 or contractor in calendar year 2019.

11 (b) **TOTAL COMPENSATION DEFINED.**—In this sec-
12 tion, the term “total compensation” includes salary, bo-
13 nuses, awards of stock, and other financial benefits pro-
14 vided by an air carrier or contractor to an officer or em-
15 ployee of the air carrier or contractor.

16 **SEC. 108. MINIMUM AIR SERVICE GUARANTEES.**

17 (a) **IN GENERAL.**—The Secretary of Transportation
18 is authorized to require, to the extent reasonable and prac-
19 ticable, an air carrier provided financial assistance under
20 this title to maintain scheduled air transportation, as the
21 Secretary of Transportation determines necessary, to en-
22 sure services to any point served by that air carrier before
23 March 1, 2020, continues to receive a basic level of air
24 service.

1 (b) REQUIRED CONSIDERATIONS.—When considering
2 whether to exercise the authority provided by this section,
3 the Secretary of Transportation shall take into consider-
4 ation the air transportation needs of small and remote
5 communities, the need to maintain well-functioning health
6 care supply chains, including medical devices and supplies,
7 and pharmaceutical supply chains, and such other matters
8 as the public interest requires.

9 (c) SUNSET.—The authority provided under this sec-
10 tion shall terminate on September 1, 2022, and any re-
11 quirements issued by the Secretary of Transportation
12 under this section shall cease to apply after that date.

13 **SEC. 109. TAX PAYER PROTECTION.**

14 (a) CARES ACT ASSISTANCE RECIPIENTS.—With re-
15 spect to a recipient of assistance under section 4113 of
16 the CARES Act (15 U.S.C. 9073) that receives assistance
17 under this title, the Secretary may receive warrants, op-
18 tions, preferred stock, debt securities, notes, or other fi-
19 nancial instruments issued by such recipient in the same
20 form and amount, and under the same terms and condi-
21 tions, as agreed to by the Secretary and the recipient for
22 assistance received under such section 4113 to provide ap-
23 propriate compensation to the Federal Government for the
24 provision of the financial assistance under this title.

1 (b) OTHER APPLICANTS.—With respect to an appli-
2 cant that did not receive assistance under such section
3 4113, the Secretary may receive warrants, options, pre-
4 ferred stock, debt securities, notes, or other financial in-
5 struments issued by an applicant that receives assistance
6 under this title in a form and amount that are, to the
7 maximum extent practicable, the same as the terms and
8 conditions as agreed to by the Secretary and similarly situ-
9 ated recipients of assistance under such section 4113 to
10 provide appropriate compensation to the Federal Govern-
11 ment for the provision of the financial assistance under
12 this title.

13 **SEC. 110. REPORTS.**

14 (a) REPORT.—Not later than May 1, 2021, the Sec-
15 retary shall update and submit to the Committee on
16 Transportation and Infrastructure and the Committee on
17 Financial Services of the House of Representatives and
18 the Committee on Commerce, Science, and Transportation
19 and the Committee on Banking, Housing, and Urban Af-
20 fairs of the Senate a report on the financial assistance
21 provided to air carriers and contractors under this title,
22 which includes—

23 (1) a description of any financial assistance
24 provided to air carrier and contractors under this
25 title;

1 (2) any audits of air carriers or contractors re-
2 ceiving financial assistance under this title;

3 (3) any reports filed by air carriers or contrac-
4 tors receiving financial assistance under this title;

5 (4) any non-compliances by air carriers or con-
6 tractors receiving financial assistance under this title
7 with the terms and conditions of this title or agree-
8 ments entered into with the Secretary to receive
9 such financial assistance; and

10 (5) information relating to any clawback of any
11 financial assistance provided to air carriers or con-
12 tractors under this title.

13 (b) INTERNET UPDATES.—The Secretary shall up-
14 date the website of the Department of the Treasury on
15 a daily basis as necessary to reflect new or revised dis-
16 tributions of financial assistance under this title with re-
17 spect to each air carrier or contractor that receives such
18 assistance, the identification of any applicant that applied
19 for financial assistance under this title, and the date of
20 application.

21 (c) SUPPLEMENTAL UPDATE.—Not later than the
22 last day of the 1-year period following the date of enact-
23 ment of this title, the Secretary shall update and submit
24 to the Committee on Transportation and Infrastructure
25 and the Committee on Financial Services of the House of

1 Representatives and the Committee on Commerce,
2 Science, and Transportation and the Committee on Bank-
3 ing, Housing, and Urban Affairs of the Senate, the report
4 submitted under subsection (a).

5 **SEC. 111. COORDINATION.**

6 In implementing this title, the Secretary shall coordi-
7 nate with the Secretary of Transportation.

8 **SEC. 112. DIRECT APPROPRIATION.**

9 Notwithstanding any other provision of law, there is
10 appropriated, out of amounts in the Treasury not other-
11 wise appropriated, \$28,300,000,000 to carry out this title.

12 **SEC. 113. TECHNICAL CORRECTIONS AND CLARIFICATION.**

13 (a) Section 4003(c)(1)(B) of the CARES Act (15
14 U.S.C. 9042(c)(1)(B)) is amended—

15 (1) by striking “As soon” and inserting the fol-
16 lowing:

17 “(i) IN GENERAL.—Subject to clause
18 (ii), as soon”; and

19 (2) by adding at the end the following:

20 “(ii) REQUIREMENT.—The procedures
21 and any related guidance issued under
22 clause (i) shall not prohibit any air carrier
23 from applying for or receiving a loan or
24 loan guarantee under paragraph (1), (2),
25 or (3) of subsection (b) based on the

1 amount of the loan or loan guarantee re-
2 quested.”; and

3 (b) Section 4113(c) of the CARES Act (15 U.S.C.
4 9073(c)) is amended by striking “ section 4112” and in-
5 serting “subsection (a)”.

6 (c) Section 4114 of the CARES Act (15 U.S.C. 9074)
7 is amended by adding at the end the following new sub-
8 sections:

9 “(c) CONTINUED APPLICATION.—

10 “(1) IN GENERAL.—If, after September 30,
11 2020, a contractor expends funds made available
12 pursuant to section 4112 and distributed pursuant
13 to section 4113, the assurances under this section
14 shall continue to apply until all funds are expended,
15 notwithstanding the time limits included in para-
16 graphs (1) through (3) of subsection (a), or section
17 4115 or 4116.

18 “(2) SPECIAL RULE.—Not later than January
19 5, 2021, each contractor that has received funds
20 pursuant to such section 4112 shall report to the
21 Secretary on the amount of such funds that the con-
22 tractor has expended through December 31, 2020. If
23 the contractor has expended an amount that is less
24 than 50 percent of the total amount of funds the
25 contractor received under such section, the Secretary

1 shall initiate an action to recover any funds that re-
2 main unexpended as of January 31, 2021.

3 “(d) CLAWBACK OF ASSISTANCE.—Any contractor
4 that conducted involuntary furloughs or reduced pay rates
5 and benefits, between March 27, 2020, and the date on
6 which the contractor entered into an agreement with the
7 Secretary related to financial assistance under this sub-
8 title, shall attempt in good faith to rehire employees who
9 were involuntary furloughed, or the Secretary shall claw
10 back such financial assistance, as necessary.”.

11 **SEC. 114. NATIONAL AVIATION PREPAREDNESS PLAN.**

12 (a) IN GENERAL.—Not later than 1 year after the
13 date of enactment of this section, the Secretary of Trans-
14 portation, in coordination with the Secretary of Health
15 and Human Services, the Secretary of Homeland Security,
16 and the heads of such other Federal departments or agen-
17 cies as the Secretary considers appropriate, shall develop
18 and regularly update a national aviation preparedness
19 plan to ensure the aviation system is prepared to respond
20 to epidemics and pandemics of infectious diseases.

21 (b) CONTENTS OF PLAN.—A plan developed under
22 subsection (a) shall, at a minimum—

23 (1) provide airports and air carriers with an
24 adaptable and scalable framework with which to
25 align the individual plans of such airports and air

1 carriers and provide appropriate guidance as to each
2 individual plan;

3 (2) improve coordination among airports, air
4 carriers, U.S. Customs and Border Protection, the
5 Centers for Disease Control and Prevention, other
6 appropriate Federal entities, and State and local
7 governments or health agencies on developing poli-
8 cies that increase the effectiveness of screening,
9 quarantining, and contact-tracing with respect to in-
10 bound international passengers;

11 (3) ensure that at-risk employees are equipped
12 with appropriate personal protective equipment to
13 reduce the likelihood of exposure to pathogens in the
14 event of a pandemic;

15 (4) ensure aircraft and enclosed facilities
16 owned, operated, or used by an air carrier or airport
17 are cleaned, disinfected, and sanitized frequently in
18 accordance with Centers for Disease Control and
19 Prevention guidance; and

20 (5) incorporate all elements referenced in the
21 recommendation of the Comptroller General of the
22 United States to the Secretary of Transportation
23 contained in the report titled “Air Travel and Com-
24 municable Diseases: Comprehensive Federal Plan

1 Needed for U.S. Aviation System’s Preparedness”
2 issued in December 2015 (GAO–16–127).

3 (c) CONSULTATION.—When developing a plan under
4 subsection (a), the Secretary of Transportation shall con-
5 sult with aviation industry and labor stakeholders, includ-
6 ing representatives of—

7 (1) air carriers;

8 (2) small, medium, and large hub airports;

9 (3) labor organizations that represent airline pi-
10 lots, flight attendants, air carrier airport customer
11 service representatives, and air carrier maintenance,
12 repair, and overhaul workers;

13 (4) the labor organization certified under sec-
14 tion 7111 of title 5, United States Code, as the ex-
15 clusive bargaining representative of air traffic con-
16 trollers of the Federal Aviation Administration;

17 (5) the labor organization certified under such
18 section as the exclusive bargaining representative of
19 airway transportation systems specialists and avia-
20 tion safety inspectors of the Federal Aviation Ad-
21 ministration; and

22 (6) such other stakeholders as the Secretary
23 considers appropriate.

1 (d) REPORT.—Not later than 30 days after the plan
2 is developed under subsection (a), the Secretary shall sub-
3 mit to the appropriate committees of Congress such plan.

4 (e) DEFINITION OF AT-RISK EMPLOYEES.—In this
5 section, the term “at-risk employees” means—

6 (1) individuals whose job duties require inter-
7 action with air carrier passengers on a regular and
8 continuing basis that are employees of—

9 (A) air carriers;

10 (B) air carrier contractors;

11 (C) airports; and

12 (D) Federal departments or agencies; and

13 (2) air traffic controllers and systems safety
14 specialists of the Federal Aviation Administration.

15 **TITLE II—FEDERAL EMERGENCY** 16 **MANAGEMENT AGENCY**

17 **SEC. 201. COST SHARE.**

18 (a) TEMPORARY FEDERAL SHARE.—Notwith-
19 standing sections 403(b), 403(c)(4), 404(a), 406(b),
20 408(d), 408(g)(2), 428(e)(2)(B), and 503(a) of the Robert
21 T. Stafford Disaster Relief and Emergency Assistance Act
22 (42 U.S.C. 5121 et seq.), for any emergency or major dis-
23 aster declared by the President under such Act during the
24 period beginning on January 1, 2020 and ending on De-
25 cember 31, 2020, the Federal share of assistance provided

1 under such sections shall be not less than 90 percent of
2 the eligible cost of such assistance.

3 (b) COST SHARE UNDER COVID EMERGENCY DEC-
4 LARATION.—Notwithstanding subsection (a), assistance
5 provided under the emergency declaration issued by the
6 President on March 13, 2020, pursuant to section 501(b)
7 of the Robert T. Stafford Disaster Relief and Emergency
8 Assistance Act (42 U.S.C. 5191(b)), and under any subse-
9 quent major disaster declaration under section 401 of such
10 Act (42 U.S.C. 5170) that supersedes such emergency
11 declaration, shall be at a 100 percent Federal cost share.

12 **SEC. 202. CLARIFICATION OF ASSISTANCE.**

13 (a) IN GENERAL.—For the emergency declared on
14 March 13, 2020 by the President under section 501 of
15 the Robert T. Stafford Disaster Relief and Emergency As-
16 sistance Act (42 U.S.C. 5191), the President may provide
17 assistance for activities, costs, and purchases of States,
18 Indian tribal governments, or local governments, includ-
19 ing—

20 (1) activities eligible for assistance under sec-
21 tions 301, 415, 416, and 426 of the Robert T. Staf-
22 ford Disaster Relief and Emergency Assistance Act
23 (42 U.S.C. 5141, 5182, 5183, 5189d);

24 (2) backfill costs for first responders and other
25 essential employees who are ill or quarantined;

1 (3) increased operating costs for essential gov-
2 ernment services due to such emergency, including
3 costs for implementing continuity plans, and shel-
4 tering or housing for first responders, emergency
5 managers, health providers and other essential em-
6 ployees;

7 (4) costs of providing guidance and information
8 to the public and for call centers to disseminate such
9 guidance and information, including private non-
10 profit organizations;

11 (5) costs associated with establishing and oper-
12 ating virtual services;

13 (6) costs for establishing and operating remote
14 test sites, including comprehensive community based
15 testing;

16 (7) training provided specifically in anticipation
17 of or in response to the event on which such emer-
18 gency declaration is predicated;

19 (8) personal protective equipment and other
20 critical supplies and services for first responders and
21 other essential employees, including individuals
22 working in public schools, courthouses, and public
23 transit systems;

1 (9) medical equipment, regardless of whether
2 such equipment is used for emergency or inpatient
3 care;

4 (10) public health costs, including provision and
5 distribution of medicine and medical supplies;

6 (11) costs associated with maintaining alternate
7 care facilities or related facilities currently inactive
8 but related to future needs tied to the ongoing pan-
9 demic event;

10 (12) costs of establishing and operating shelters
11 and providing services, including transportation, that
12 help alleviate the need of individuals for shelter; and

13 (13) costs, including costs incurred by private
14 nonprofit organizations, of procuring and distrib-
15 uting food to individuals affected by the pandemic
16 through networks established by State, local, or
17 Tribal governments, or other organizations, includ-
18 ing restaurants and farms, and for the purchase of
19 food directly from food producers and farmers.

20 (b) APPLICATION TO SUBSEQUENT MAJOR DIS-
21 ASTER.—The activities described in subsection (a) may
22 also be eligible for assistance under any major disaster de-
23 clared by the President under section 401 of such Act (42
24 U.S.C. 5170) that supersedes the emergency declaration
25 described in such subsection.

1 (c) FINANCIAL ASSISTANCE FOR FUNERAL EX-
2 PENSES.—For any emergency or major disaster described
3 in subsection (a) or (b), the President shall provide finan-
4 cial assistance to an individual or household to meet dis-
5 aster-related funeral expenses under section 408(e)(1) of
6 such Act (42 U.S.C. 5174(e)).

7 (d) ADVANCED ASSISTANCE.—

8 (1) IN GENERAL.—In order to facilitate activities
9 under this section, the President, acting through the Ad-
10 ministrator of the Federal Emergency Management Agen-
11 cy, may provide assistance in advance to an eligible appli-
12 cant if a failure to do so would prevent the applicant from
13 carrying out such activities.

14 (2) ANNUAL REPORT.—The Administrator shall sub-
15 mit to the Committee on Transportation and Infrastruc-
16 ture of the House of Representatives and the Committee
17 on Homeland Security and Governmental Affairs of the
18 Senate a report on assistance provided in advance pursu-
19 ant to paragraph (1).

20 (e) RULE OF CONSTRUCTION.—Nothing in this sec-
21 tion shall be construed to make ineligible any assistance
22 that would otherwise be eligible under section 403, 408,
23 or 502 of such Act (42 U.S.C. 5170b, 5192).

24 (f) STATE; INDIAN TRIBAL GOVERNMENT; LOCAL
25 GOVERNMENT DEFINED.—In this section, the terms

1 “State”, “Indian tribal government”, and “local govern-
2 ment” have the meanings given such terms in section 102
3 of the Robert T. Stafford Disaster Relief and Emergency
4 Assistance Act (42 U.S.C. 5122).

5 **SEC. 203. HAZARD MITIGATION APPROVAL.**

6 For all States or Indian tribal governments, as such
7 terms are defined in section 102 of the Robert T. Stafford
8 Disaster Relief and Emergency Assistance Act (42 U.S.C.
9 5122), receiving an emergency declaration on March 13,
10 2020 by the President under section 501 of the Robert
11 T. Stafford Disaster Relief and Emergency Assistance Act
12 (42 U.S.C. 5191), and a major disaster declared by the
13 President under section 401 of such Act (42 U.S.C. 5170)
14 that supersedes such emergency declaration, the President
15 shall approve the availability of hazard mitigation assist-
16 ance pursuant to section 404 of the Robert T. Stafford
17 Disaster Relief and Emergency Assistance Act (42 U.S.C.
18 5170c) as part of such major disaster declarations, if re-
19 quested, and the President may contribute up to 100 per-
20 cent of hazard mitigation measures authorized under sec-
21 tion 404(a) of such Act.

TITLE III—OTHER MATTERS**SEC. 301. REQUIREMENTS FOR OWNERS AND OPERATORS
OF EQUIPMENT OR FACILITIES USED BY PAS-
SENGER OR FREIGHT TRANSPORTATION EM-
PLOYERS.**

(a) DEFINITIONS.—In this section:

(1) AT-RISK EMPLOYEE.—The term “at-risk employee” means an employee (including a Federal employee) or contractor of a passenger or freight transportation employer—

(A) whose job responsibilities involve interaction with—

(i) passengers;

(ii) the public; or

(iii) coworkers who interact with the public;

(B) who handles items which are handled or will be handled by the public; or

(C) who works in locations where social distancing and other preventative measures with respect to the Coronavirus Disease 2019 (COVID–19) are not possible.

(2) PASSENGER OR FREIGHT TRANSPORTATION EMPLOYER.—The term “passenger or freight transportation employer” includes—

1 (A) the owner, charterer, managing oper-
2 ator, master, or other individual in charge of a
3 passenger vessel (as defined in section 2101 of
4 title 46, United States Code);

5 (B) an air carrier (as defined in section
6 40102 of title 49, United States Code);

7 (C) a commuter authority (as defined in
8 section 24102 of title 49, United State Code);

9 (D) an entity that provides intercity rail
10 passenger transportation (as defined in section
11 24102 of title 49, United States Code);

12 (E) a rail carrier (as defined in section
13 10102 of title 49, United States Code);

14 (F) a regional transportation authority (as
15 defined in section 24102 of title 49, United
16 States Code);

17 (G) a provider of public transportation (as
18 defined in section 5302 of title 49, United
19 States Code);

20 (H) a provider of motorcoach services (as
21 defined in section 32702 of the Motorcoach En-
22 hanced Safety Act of 2012 (49 U.S.C. 31136
23 note; Public Law 112–141));

24 (I) a motor carrier that owns or operates
25 more than 100 motor vehicles (as those terms

1 are defined in section 390.5 of title 49, Code of
2 Federal Regulations (or successor regulations));

3 (J) a sponsor, owner, or operator of a pub-
4 lic-use airport (as defined in section 47102 of
5 title 49, United States Code);

6 (K) a marine terminal operator (as defined
7 in section 40102 of title 46, United States
8 Code) and the relevant authority or operator of
9 a port or harbor;

10 (L) the Transportation Security Adminis-
11 tration, exclusively with respect to Transpor-
12 tation Security Officers; and

13 (M) a marine terminal operator (as defined
14 in section 40102 of title 46, United States
15 Code) and the relevant authority or operator of
16 a port or harbor, or any other employer of indi-
17 viduals covered under section 2(3) of the
18 Longshore and Harbor Workers' Compensation
19 Act (33 U.S.C. 902(3)).

20 (b) REQUIREMENTS.—For the purposes of respond-
21 ing to, or for purposes relating to operations during the
22 national emergency declared by the President under the
23 National Emergencies Act (50 U.S.C. 1601 et seq.) re-
24 lated to the pandemic of SARS-CoV-2 or coronavirus
25 disease 2019 (COVID-19), the Secretary shall require—

1 (1) the owners or operators of equipment, sta-
2 tions, or facilities used by passenger or freight
3 transportation employers, as applicable—

4 (A) to clean, disinfect, and sanitize, in ac-
5 cordance with guidance issued by the Centers
6 for Disease Control and Prevention or the safe-
7 ty alert for operators issued by the Federal
8 Aviation Administration on May 11, 2020,
9 numbered SAFO 20009 (including any similar
10 successor safety alert or applicable guidance),
11 the equipment and facilities, including, as appli-
12 cable—

13 (i) buses and transit vehicles;

14 (ii) commercial motor vehicles;

15 (iii) freight and passenger rail loco-
16 motives;

17 (iv) freight and passenger rail cars;

18 (v) vessels;

19 (vi) airports;

20 (vii) fleet vehicles used for the trans-
21 portation of workers to job sites;

22 (viii) aircraft, including the cockpit
23 and the cabin; and

24 (ix) other equipment and facilities;

1 (B) to ensure that stations and facilities,
2 including enclosed facilities, owned, operated,
3 and used by passenger or freight transportation
4 employers, including facilities used for employee
5 training or the performance of indoor or out-
6 door maintenance, repair, or overhaul work, are
7 disinfected and sanitized frequently in accord-
8 ance with guidance issued by the Centers for
9 Disease Control and Prevention or the safety
10 alert for operators issued by the Federal Avia-
11 tion Administration on May 11, 2020, num-
12 bered SAFO 20009 (including any similar suc-
13 cessor safety alert or applicable guidance);

14 (C) to provide to at-risk employees—

15 (i) masks or protective face coverings;

16 (ii) gloves;

17 (iii) hand sanitizer;

18 (iv) sanitizing wipes with sufficient al-
19 cohol content; and

20 (v) training on the proper use of per-
21 sonal protective equipment and sanitizing
22 equipment;

23 (D) to ensure that employees whose job re-
24 sponsibilities include the cleaning, disinfecting,

1 or sanitizing described in subparagraph (A) or
2 (B) are provided—

3 (i) masks or protective face coverings;

4 (ii) gloves;

5 (iii) hand sanitizer; and

6 (iv) sanitizing wipes with sufficient al-
7 cohol content;

8 (E) to establish guidelines, or adhere to
9 any existing applicable guidelines, including the
10 safety alert for operators issued by the Federal
11 Aviation Administration on May 11, 2020,
12 numbered SAFO 20009 (including any similar
13 successor safety alert or applicable guidance),
14 for notifying an employee of the owner or oper-
15 ator of a confirmed diagnosis of the
16 Coronavirus Disease 2019 (COVID–19) with
17 respect to any other employee of the owner or
18 operator with whom the notified employee had
19 physical contact or a physical interaction during
20 the 48-hour period preceding the time at which
21 the diagnosed employee developed symptoms;

22 (F) to require the wearing of masks or
23 protective face coverings, subject to the require-
24 ments of the Americans with Disabilities Act of
25 1990 (42 U.S.C. 12101 et seq.), section 41705

1 of title 49, United States Code, (commonly
2 known as the “Air Carrier Access Act of
3 1986”), and section 501 of the Rehabilitation
4 Act of 1973 (29 U.S.C. 791), as applicable,
5 by—

6 (i) passengers traveling on transpor-
7 tation provided by a passenger or freight
8 transportation employer; and

9 (ii) employees of passenger or freight
10 transportation employers when—

11 (I) interacting with passengers,
12 the public, or coworkers who interact
13 with the public; or

14 (II) working in locations where
15 social distancing and other preventa-
16 tive measures with respect to the
17 Coronavirus Disease 2019 (COVID-
18 19) are not possible;

19 (G) to require each flight crew member to
20 wear a mask or protective face covering while
21 on board an aircraft and outside the flight
22 deck; and

23 (H) ensure that each contractor of an
24 owner or operator identified under this para-
25 graph provides masks or protective face cov-

1 erings, gloves, hand sanitizer, and sanitizing
2 wipes with sufficient alcohol content, to employ-
3 ees of such contractor whose job responsibilities
4 include the cleaning, disinfecting, or sanitizing
5 described in subparagraph (A) or (B); and

6 (2) an air carrier to submit to the Adminis-
7 trator of the Federal Aviation Administration a pro-
8 posal to permit flight crew members to wear masks
9 or protective face coverings in the flight deck, in-
10 cluding a safety risk assessment with respect to that
11 proposal.

12 (c) MARKET UNAVAILABILITY OF NECESSARY
13 ITEMS.—

14 (1) NOTICE OF MARKET UNAVAILABILITY.—

15 (A) IN GENERAL.—If an owner or operator
16 described in paragraph (1) of subsection (b) is
17 unable to acquire 1 or more items necessary to
18 comply with the requirements prescribed under
19 that paragraph due to market unavailability of
20 the items, the owner or operator shall—

21 (i) not later than 7 days after the
22 date on which the owner or operator is un-
23 able to acquire each applicable item, sub-
24 mit to the Secretary a written notice ex-
25 plaining the efforts made and obstacles

1 faced by the owner or operator to acquire
2 that item; and

3 (ii) continue making efforts to acquire
4 that item until the item is acquired.

5 (B) UPDATED NOTICE WITH RESPECT TO
6 THE SAME ITEM.—If an owner or operator is
7 unable to acquire an item described in a notice
8 submitted under subparagraph (A) by the date
9 described in paragraph (4)(B)(ii) with respect
10 to the notice, the owner or operator may submit
11 an updated notice with respect to that item.

12 (2) REASONABLE EFFORT DETERMINATION.—
13 With respect to each notice submitted under para-
14 graph (1), the Secretary shall determine whether the
15 owner or operator submitting the notice has made
16 reasonable efforts to acquire the item described in
17 the notice.

18 (3) NOTICE OF COMPLIANCE.—Not later than 7
19 days after the date on which an owner or operator
20 acquires an item described in a notice submitted by
21 that owner or operator under paragraph (1) in a
22 quantity sufficient to comply with the requirements
23 prescribed under subsection (b)(1), the owner or op-
24 erator shall submit to the Secretary a written notice
25 of compliance with those requirements.

1 (4) LISTS OF OWNERS AND OPERATORS MAKING
2 REASONABLE EFFORTS TO ACQUIRE UNAVAILABLE
3 ITEMS.—

4 (A) IN GENERAL.—The Secretary shall
5 publish on a public website of the Department
6 of Transportation a list that, with respect to
7 each notice submitted to the Secretary under
8 paragraph (1) for which the Secretary has
9 made a positive determination under paragraph
10 (2)—

11 (i) identifies the owner or operator
12 that submitted the notice;

13 (ii) identifies the item that the owner
14 or operator was unable to acquire; and

15 (iii) describes the reasonable efforts
16 made by the owner or operator to acquire
17 that item.

18 (B) REMOVAL FROM LIST.—The Secretary
19 shall remove each entry on the list described in
20 subparagraph (A) on the earlier of—

21 (i) the date on which the applicable
22 owner or operator submits to the Secretary
23 a notice of compliance under paragraph (3)
24 with respect to the item that is the subject
25 of the entry; and

1 (ii) the date that is 90 days after the
2 date on which the entry was added to the
3 list.

4 (d) PROTECTION OF CERTAIN FEDERAL AVIATION
5 ADMINISTRATION EMPLOYEES.—

6 (1) IN GENERAL.—For the purposes of re-
7 sponding to, or for purposes relating to operations
8 during the national emergency declared by the Presi-
9 dent under the National Emergencies Act (50
10 U.S.C. 1601 et seq.) related to the pandemic of
11 SARS-CoV-2 or coronavirus disease 2019
12 (COVID-19), in order to maintain the safe and effi-
13 cient operation of the air traffic control system, the
14 Administrator of the Federal Aviation Administra-
15 tion shall—

16 (A) provide any air traffic controller and
17 airway transportation systems specialist of the
18 Federal Aviation Administration with masks or
19 protective face coverings, gloves, and hand sani-
20 tizer and wipes of sufficient alcohol content,
21 and provide training on the proper use of per-
22 sonal protective equipment and sanitizing
23 equipment;

24 (B) ensure that each air traffic control fa-
25 cility is cleaned, disinfected, and sanitized fre-

1 quently in accordance with Centers for Disease
2 Control and Prevention guidance; and

3 (C) provide any employee of the Federal
4 Aviation Administration whose job responsibil-
5 ities involve cleaning, disinfecting, and sani-
6 tizing a facility described in subparagraph (B)
7 with masks or protective face coverings and
8 gloves, and ensure that each contractor of the
9 Federal Aviation Administration provides any
10 employee of the contractor with those materials.

11 (2) SOURCE OF EQUIPMENT.—The items de-
12 scribed in paragraph (1)(A) may be procured or pro-
13 vided under that paragraph through any source
14 available to the Administrator of the Federal Avia-
15 tion Administration.

16 **SEC. 302. PROPERTY DISPOSITION FOR AFFORDABLE**
17 **HOUSING.**

18 Section 5334(h)(1) of title 49, United States Code,
19 is amended to read as follows:

20 “(1) IN GENERAL.—If a recipient of assistance
21 under this chapter decides an asset acquired under
22 this chapter at least in part with that assistance is
23 no longer needed for the purpose for which such
24 asset was acquired, the Secretary may authorize the
25 recipient to transfer such asset to—

1 “(A) a local governmental authority to be
2 used for a public purpose with no further obli-
3 gation to the Government if the Secretary de-
4 cides—

5 “(i) the asset will remain in public use
6 for at least 5 years after the date the asset
7 is transferred;

8 “(ii) there is no purpose eligible for
9 assistance under this chapter for which the
10 asset should be used;

11 “(iii) the overall benefit of allowing
12 the transfer is greater than the interest of
13 the Government in liquidation and return
14 of the financial interest of the Government
15 in the asset, after considering fair market
16 value and other factors; and

17 “(iv) through an appropriate screen-
18 ing or survey process, that there is no in-
19 terest in acquiring the asset for Govern-
20 ment use if the asset is a facility or land;
21 or

22 “(B) a local governmental authority, non-
23 profit organization, or other third party entity
24 to be used for the purpose of transit-oriented

1 development with no further obligation to the
2 Government if the Secretary decides—

3 “(i) the asset is a necessary compo-
4 nent of a proposed transit-oriented devel-
5 opment project;

6 “(ii) the transit-oriented development
7 project will increase transit ridership;

8 “(iii) at least 40 percent of the hous-
9 ing units offered in the transit-oriented de-
10 velopment , including housing units owned
11 by nongovernmental entities, are legally
12 binding affordability restricted to tenants
13 with incomes at or below 60 percent of the
14 area median income and/or owners with in-
15 comes at or below 60 percent the area me-
16 dian income;

17 “(iv) the asset will remain in use as
18 described in this section for at least 30
19 years after the date the asset is trans-
20 ferred; and

21 “(v) with respect to a transfer to a
22 third party entity—

23 “(I) a local government authority
24 or nonprofit organization is unable to
25 receive the property;

1 “(II) the overall benefit of allow-
2 ing the transfer is greater than the in-
3 terest of the Government in liquida-
4 tion and return of the financial inter-
5 est of the Government in the asset,
6 after considering fair market value
7 and other factors; and

8 “(III) the third party has dem-
9 onstrated a satisfactory history of
10 construction or operating an afford-
11 able housing development.”.

12 **SEC. 303. TREATMENT OF PAYMENTS FROM THE RAILROAD**
13 **UNEMPLOYMENT INSURANCE ACCOUNT.**

14 (a) IN GENERAL.—Section 256(i)(1) of the Balanced
15 Budget and Emergency Deficit Control Act of 1985 (2
16 U.S.C. 906(i)(1)) is amended—

17 (1) in subparagraph (B), by striking “and” at
18 the end;

19 (2) in subparagraph (C), by inserting “and” at
20 the end; and

21 (3) by inserting after subparagraph (C) the fol-
22 lowing new subparagraph:

23 “(D) any payment made from the Railroad Un-
24 employment Insurance Account (established by sec-
25 tion 10 of the Railroad Unemployment Insurance

1 Act) for the purpose of carrying out the Railroad
2 Unemployment Insurance Act, and funds appro-
3 priated or transferred to or otherwise deposited in
4 such Account,”.

5 (b) EFFECTIVE DATE.—The treatment of payments
6 made from the Railroad Unemployment Insurance Ac-
7 count pursuant to the amendment made by subsection (a)
8 shall take effect 7 days after the date of enactment of this
9 Act and shall apply only to obligations incurred on or after
10 such effective date for such payments.

11 **SEC. 304. CLARIFICATION OF OVERSIGHT AND IMPLEMEN-**
12 **TATION OF RELIEF FOR WORKERS AFFECTED**
13 **BY CORONAVIRUS ACT.**

14 (a) AUDITS, INVESTIGATIONS, AND OVERSIGHT.—
15 Notwithstanding section 2115 of the Relief for Workers
16 Affected by Coronavirus Act (subtitle A of title II of divi-
17 sion A of Public Law 116–136), the authority of the In-
18 spector General of the Department of Labor to carry out
19 audits, investigations, and other oversight activities that
20 are related to the provisions of such Act shall not extend
21 to any activities related to sections 2112, 2113, or 2114
22 of such Act. Such authority with respect to such sections
23 shall belong to the Inspector General of the Railroad Re-
24 tirement Board.

1 (b) OPERATING INSTRUCTIONS OR OTHER GUID-
2 ANCE.—Notwithstanding section 2116(b) of the Relief for
3 Workers Affected by Coronavirus Act (subtitle A of title
4 II of division A of Public Law 116–136), the authority
5 of the Secretary of Labor to issue any operating instruc-
6 tions or other guidance necessary to carry out the provi-
7 sions of such Act shall not extend to any activities related
8 to sections 2112, 2113, or 2114 of such Act. Such author-
9 ity with respect to such sections shall belong to the Rail-
10 road Retirement Board.

11 **SEC. 305. EXTENSION OF WAIVER OF THE 7-DAY WAITING**
12 **PERIOD FOR BENEFITS UNDER THE RAIL-**
13 **ROAD UNEMPLOYMENT INSURANCE ACT.**

14 (a) IN GENERAL.—Section 2112(a) of the CARES
15 Act (15 U.S.C. 9030) is amended by striking “December
16 31, 2020” and inserting “January 31, 2021”.

17 (b) OPERATING INSTRUCTIONS AND REGULA-
18 TIONS.—The Railroad Retirement Board may prescribe
19 any operating instructions or regulations necessary to
20 carry out this section.

21 (c) CLARIFICATION ON AUTHORITY TO USE
22 FUNDS.—Funds appropriated under section 2112(c) of
23 the CARES Act shall be available to cover the cost of addi-
24 tional benefits payable due to section 2112(a) of the
25 CARES Act by reason of the amendments made by sub-

1 section (a) as well as to cover the cost of such benefits
2 payable due to section 2112(a) of the CARES Act as in
3 effect on the day before the date of enactment of this Act.

4 **SEC. 306. EXTENDED UNEMPLOYMENT BENEFITS UNDER**
5 **THE RAILROAD UNEMPLOYMENT INSURANCE**
6 **ACT.**

7 (a) IN GENERAL.—Section 2(c)(2)(D)(iii) of the
8 Railroad Unemployment Insurance Act (45 U.S.C.
9 352(c)(2)(D)(iii) is amended—

10 (1) by striking “June 30, 2020” and inserting
11 “June 30, 2021”; and

12 (2) by striking “no extended benefit period
13 under this paragraph shall begin after December 31,
14 2020” and inserting “the provisions of clauses (i)
15 and (ii) shall not apply to any employee with respect
16 to any registration period beginning on or after Feb-
17 ruary 1, 2021”.

18 (b) CLARIFICATION ON AUTHORITY TO USE FUND.—
19 Funds appropriated under either the first or second sen-
20 tence of clause (iv) of section 2(c)(2)(D) of the Railroad
21 Unemployment Insurance Act shall be available to cover
22 the cost of additional extended unemployment benefits
23 provided under such section 2(c)(2)(D) by reason of the
24 amendments made by subsection (a) as well as to cover
25 the cost of such benefits provided under such section

1 2(c)(2)(D) as in effect on the day before the date of enact-
2 ment of this Act.

3 **SEC. 307. ADDITIONAL ENHANCED BENEFITS UNDER THE**
4 **RAILROAD UNEMPLOYMENT INSURANCE ACT.**

5 (a) IN GENERAL.—Section 2(a)(5)(A) of the Railroad
6 Unemployment Insurance Act (45 U.S.C. 352(a)(5)(A) is
7 amended—

8 (1) by inserting “for registration periods begin-
9 ning on or after September 6, 2020, but on or be-
10 fore January 31, 2021, and for any registration pe-
11 riods during a period of continuing unemployment
12 which began on or before January 31, 2021,” after
13 “July 31, 2020,”;

14 (2) by striking “July 1, 2019” and inserting
15 “July 1, 2019, or July 1, 2020”; and

16 (3) by adding at the end “No recovery benefit
17 under this section shall be payable for any registra-
18 tion period beginning on or after April 1, 2021. For
19 registration periods beginning on or after February
20 1, 2021, a recovery benefit under this section shall
21 only be payable to a qualified employee with respect
22 to any registration period in which the employee re-
23 ceived normal unemployment benefits as defined in
24 paragraph (c)(1), but shall not be payable to a
25 qualified employee who did not receive unemploy-

1 ment benefits or who received extended benefits as
2 defined in paragraph (c)(2) for such registration pe-
3 riod.”

4 (b) ADDITIONAL APPROPRIATIONS.—Section
5 2(a)(5)(B) of the Railroad Unemployment Insurance Act
6 (45 U.S.C. 352(a)(5)(B)) is amended by adding at the end
7 the following:

8 “‘In addition to the amount appropriated by the pre-
9 ceding sentence, out of any funds in the Treasury not oth-
10 erwise appropriated, there are appropriated \$300,000,000
11 to cover the cost of recovery benefits provided under sub-
12 paragraph (A), to remain available until expended.’”.

13 (c) DISREGARD OF RECOVERY BENEFITS FOR PUR-
14 POSES OF ALL FEDERAL AND FEDERALLY ASSISTED
15 PROGRAMS.—Section 2(a)(5) of the Railroad Unemploy-
16 ment Insurance Act (45 U.S.C. 352(a)(5)) is amended by
17 adding at the end the following:

18 “(C) A recovery benefit payable under subparagraph
19 (A) shall not be regarded as income and shall not be re-
20 garded as a resource for the month of receipt and the fol-
21 lowing 9 months, for purposes of determining the eligi-
22 bility of the recipient (or the recipient’s spouse or family)
23 for benefits or assistance, or the amount or extent of bene-
24 fits or assistance, under any Federal program or under

1 any State or local program financed in whole or in part
2 with Federal funds.”.

3 (d) CLARIFICATION ON AUTHORITY TO USE
4 FUNDS.—Funds appropriated under either the first or
5 second sentence of subparagraph (B) of section 2(a)(5)
6 of the Railroad Unemployment Insurance Act shall be
7 available to cover the cost of recovery benefits provided
8 under such section 2(a)(5) by reason of the amendments
9 made by subsection (a) as well as to cover the cost of such
10 benefits provided under such section 2(a)(5) as in effect
11 on the day before the date of enactment of this Act.

12 **SEC. 308. OFFICE OF DISASTER RECOVERY.**

13 (a) IN GENERAL.—Title V of the Public Works and
14 Economic Development Act of 1965 (42 U.S.C. 3191 et
15 seq.) is amended by adding at the end the following:

16 **“SEC. 508. OFFICE OF DISASTER RECOVERY.**

17 “(a) IN GENERAL.—The Secretary shall create an
18 Office of Disaster Recovery to direct and implement the
19 Agency’s post-disaster economic recovery responsibilities
20 pursuant to sections 209(e)(2) and 703.

21 “(b) AUTHORIZATION.—The Secretary is authorized
22 to appoint and fix the compensation of such temporary
23 personnel as may be necessary to implement disaster re-
24 covery measures, without regard to the provisions of title
25 5, United States Code, governing appointments in the

1 competitive service. The Secretary is authorized to appoint
 2 such temporary personnel, after serving continuously for
 3 2 years, to positions in the Economic Development Admin-
 4 istration in the same manner that competitive service em-
 5 ployees with competitive status are considered for trans-
 6 fer, reassignment, or promotion to such positions. An indi-
 7 vidual appointed under the preceding sentence shall be-
 8 come a career-conditional employee, unless the employee
 9 has already completed the service requirements for career
 10 tenure.”.

11 (b) CLERICAL AMENDMENT.—The table of contents
 12 for the Public Works and Economic Development Act of
 13 1965 is amended by inserting after the item relating to
 14 section 507 the following new item:

“508. Office of Disaster Recovery.”.

15 **SEC. 309. GRADUATION REQUIREMENTS FOR THE UNITED**
 16 **STATES MERCHANT MARINE ACADEMY AND**
 17 **STATE MARITIME ACADEMIES.**

18 (a) UNITED STATES MERCHANT MARINE ACAD-
 19 EMY.—

20 (1) Notwithstanding section 51309(a)(1)(B) of
 21 title 46, United States Code, and subject to such
 22 terms and conditions as set forth in this subsection
 23 and other conditions as the Secretary may deter-
 24 mine, the Superintendent of the United States Mer-
 25 chant Marine Academy may confer degrees on indi-

1 individuals scheduled to receive such degrees from the
2 United States Merchant Marine Academy in cal-
3 endar year 2020.

4 (2) With respect to an individual described in
5 paragraph (1), the Secretary of Transportation
6 may—

7 (A) defer until not later than December
8 31, 2021, the requirements of section
9 51306(a)(2) of title 46, United States Code,
10 and relevant regulations;

11 (B) defer until not later than December
12 31, 2021, and modify as necessary, require-
13 ments under paragraphs (3) through (5) of sec-
14 tion 51306(a) of title 46, United States Code,
15 and relevant regulations; and

16 (C) conditionally waive requirements under
17 paragraphs (2) through (5) of section 51306(a)
18 of title 46, United States Code, and relevant
19 regulations, for an individual who—

20 (i) within 3 months of receiving a de-
21 gree has accepted a commission as an offi-
22 cer on active duty in an armed force of the
23 United States or a commission as an offi-
24 cer of the National Oceanic and Atmos-
25 pheric Administration or the Public Health

1 Service, pursuant to section 51306(e) of
2 title 46, United States Code; and

3 (ii) serves for the 5-year period fol-
4 lowing commissioning as an officer on ac-
5 tive duty as described in clause (i).

6 (3) An individual upon whom the United States
7 Merchant Marine Academy confers a degree pursu-
8 ant to paragraph (1) shall—

9 (A) fulfill the requirements under section
10 51306(a)(2) of title 46, United States Code,
11 and relevant regulations, by the date set by the
12 Secretary, which shall be not later than Decem-
13 ber 31, 2021; or

14 (B) for the 5-year period following gradua-
15 tion from the Academy as described in para-
16 graph (2)(C)(i), serve as a commissioned officer
17 on active duty in an armed force of the United
18 States or as a commissioned officer of the Na-
19 tional Oceanic and Atmospheric Administration
20 or the Public Health Service, pursuant to sec-
21 tion 51306(e) of title 46, United States Code.

22 (4) If the United States Merchant Marine
23 Academy confers a degree upon an individual pursu-
24 ant to paragraph (1) and the individual fails to com-

1 ply with the requirements established by the Sec-
2 retary, the Secretary may—

3 (A) revoke the degree conferred on the in-
4 dividual by the United States Merchant Marine
5 Academy; and

6 (B) exercise the remedies under section
7 51306 of title 46, United States Code.

8 (b) STATE MARITIME ACADEMY.—

9 (1) Notwithstanding section 51506(a)(3) of title
10 46, United States Code, and subject to such terms
11 and conditions as set forth in this subsection and
12 other conditions as the Secretary may determine, a
13 State maritime academy may confer degrees upon
14 individuals scheduled to graduate from a State mari-
15 time academy in calendar year 2020. With respect
16 to an individual who has received student incentive
17 payments under section 51509 of title 46, United
18 States Code, and fails to comply with such terms
19 and conditions, the Secretary may exercise the au-
20 thorities set forth in paragraphs (3) of this sub-
21 section.

22 (2) For an individual to be eligible to be con-
23 ferred a degree pursuant to paragraph (1), the State
24 maritime academy shall require such individual to
25 pass the examination required for the issuance of a

1 license under section 7101 of title 46, United States
2 Code, by December 31, 2021, and such State mari-
3 time academy shall advise all such individuals who
4 have not passed the examination prerequisite to
5 issuance of a license that any degree so awarded is
6 subject to revocation and such State maritime acad-
7 emy shall advise any individuals who have not
8 passed.

9 (3) The Secretary of Transportation may—

10 (A) require a State maritime academy, as
11 a condition of receiving an annual payment
12 under section 51506(a) of title 46, United
13 States Code, to report to the Secretary, in a
14 manner determined by the Secretary, on the
15 compliance with paragraph (2);

16 (B) withhold payments under section
17 51506(a) of title 46, United States Code, in an
18 amount not greater than the fractional amount
19 of the direct payment that is proportional to the
20 number of graduates who fail to comply with
21 requirements under paragraph (2) and whose
22 degrees have not been revoked by the State
23 maritime academy and the total number of indi-
24 viduals graduating from such State maritime
25 academy in calendar year 2020; and

1 (C) reduce the amount of direct payments
2 withheld under subparagraph (B) below the
3 maximum amount authorized.

4 (4) For an individual graduating from a State
5 maritime academy in calendar year 2020 who has
6 received student incentive payments under section
7 51509 of title 46, United States Code, the Secretary
8 of Transportation may—

9 (A) defer until not later than December
10 31, 2021, the requirements under sections
11 51509(d)(2) of title 46, United States Code,
12 and relevant regulations;

13 (B) defer until not later than December
14 31, 2021, and modify as necessary as deter-
15 mined by the Secretary, the requirements under
16 paragraphs (3) through (5) of section 51509(d)
17 of title 46, United States Code, and relevant
18 regulations; and

19 (C) conditionally waive requirements under
20 paragraphs (2) through (5) of section 51509(d)
21 of title 46, United States Code, and relevant
22 regulations, for an individual who—

23 (i) within 3 months of graduation is
24 commissioned as an officer on active duty
25 in an armed force of the United States or

1 as a commissioned officer of the National
2 Oceanic and Atmospheric Administration
3 or the Public Health Service, pursuant to
4 section 51509(h) of title 46, United States
5 Code; and

6 (ii) serves for the 5-year period fol-
7 lowing commissioning as an officer on ac-
8 tive duty as provided for in clause (i).

9 (5) An individual conferred a degree from a
10 State maritime academy pursuant to paragraph (1)
11 who has received student incentive payments as pro-
12 vided for in section 51509 of title 46, United States
13 Code, shall—

14 (A) fulfill the requirements under section
15 51509(d)(2) of title 46, United States Code,
16 and relevant regulations not later than Decem-
17 ber 31, 2021; or

18 (B) for the 5-year period following gradua-
19 tion from an academy described in paragraph
20 (4)(C)(ii), serve as a commissioned officer on
21 active duty in an armed force of the United
22 States or as a commissioned officer of the Na-
23 tional Oceanic and Atmospheric Administration
24 or the Public Health Service, pursuant to sec-
25 tion 51509(h) of title 46, United States Code.

1 (6) If an individual conferred a degree from a
2 State maritime academy pursuant to paragraph (1)
3 fails to comply with the requirements established by
4 the Secretary, the Secretary may exercise the rem-
5 edies under section 51509 of title 46, United States
6 Code.

7 (c) **EXTENSION OF AUTHORIZATION.**—The Secretary
8 may apply the provisions of subsections (a) and (b) to sub-
9 sequent graduating classes at the United States Merchant
10 Marine Academy and State maritime academies, and ex-
11 tend compliance dates applicable to such graduates, if the
12 Secretary determines it is necessary to respond to the pub-
13 lic health emergency declared by the Secretary of Health
14 and Human Services issued on January 27, 2020, titled
15 “Concerning the Novel Coronavirus”.

16 **SEC. 310. REGULATION OF ANCHORAGE AND MOVEMENT**
17 **OF VESSELS DURING NATIONAL EMERGENCY.**

18 Section 70051 of title 46, United States Code, is
19 amended—

20 (1) in the section heading by inserting “or pub-
21 lic health emergency” after “national emergency”;

22 (2) by inserting “or whenever the Secretary of
23 Health and Human Services determines a public
24 health emergency exists,” after “international rela-
25 tions of the United States”;

1 (3) by inserting “or to ensure the safety of ves-
2 sels and persons in any port and navigable water-
3 way,” after “harbor or waters of the United States”;

4 (4) by inserting “or public health emergency,”
5 after “subversive activity”; and

6 (5) by inserting “or to ensure the safety of ves-
7 sels and persons in any port and navigable water-
8 way,” after “injury to any harbor or waters of the
9 United States,”.

1 **DIVISION R—ACCOUNTABILITY**
2 **AND GOVERNMENT OPERATIONS**
3 **TITLE I—ACCOUNTABILITY**

4 **SEC. 101. CONGRESSIONAL NOTIFICATION OF CHANGE IN**
5 **STATUS OF INSPECTOR GENERAL.**

6 (a) CHANGE IN STATUS OF INSPECTOR GENERAL OF
7 OFFICES.—Section 3(b) of the Inspector General Act of
8 1978 (5 U.S.C. App.) is amended—

9 (1) by inserting “, is placed on paid or unpaid
10 non-duty status,” after “is removed from office”;

11 (2) by inserting “, change in status,” after
12 “any such removal”; and

13 (3) by inserting “, change in status,” after “be-
14 fore the removal”.

15 (b) CHANGE IN STATUS OF INSPECTOR GENERAL OF
16 DESIGNATED FEDERAL ENTITIES.—Section 8G(e)(2) of
17 the Inspector General Act of 1978 (5 U.S.C. App.) is
18 amended—

19 (1) by inserting “, is placed on paid or unpaid
20 non-duty status,” after “office”;

21 (2) by inserting “, change in status,” after
22 “any such removal”; and

23 (3) by inserting “, change in status,” after “be-
24 fore the removal”.

1 (c) EFFECTIVE DATE.—The amendments made by
2 this section shall take effect 30 days after the date of the
3 enactment of this Act.

4 **SEC. 102. PRESIDENTIAL EXPLANATION OF FAILURE TO**
5 **NOMINATE AN INSPECTOR GENERAL.**

6 (a) IN GENERAL.—Subchapter III of chapter 33 of
7 title 5, United States Code, is amended by inserting after
8 section 3349d the following new section:

9 **“§ 3349e. Presidential explanation of failure to nomi-**
10 **nate an Inspector General**

11 “If the President fails to make a formal nomination
12 for a vacant Inspector General position that requires a for-
13 mal nomination by the President to be filled within the
14 period beginning on the date on which the vacancy oc-
15 curred and ending on the day that is 210 days after that
16 date, the President shall communicate, within 30 days
17 after the end of such period, to Congress in writing—

18 “(1) the reasons why the President has not yet
19 made a formal nomination; and

20 “(2) a target date for making a formal nomina-
21 tion.”.

22 (b) CLERICAL AMENDMENT.—The table of sections
23 for chapter 33 of title 5, United States Code, is amended
24 by inserting after the item relating to 3349d the following
25 new item:

“3349e. Presidential explanation of failure to nominate an Inspector General.”.

1 (c) EFFECTIVE DATE.—The amendment made by
2 subsection (a) shall take effect on the date of the enact-
3 ment of this Act and shall apply to any vacancy first oc-
4 ccurring on or after that date.

5 **SEC. 103. INSPECTOR GENERAL INDEPENDENCE.**

6 (a) SHORT TITLE.—This section may be cited as the
7 “Inspector General Independence Act”.

8 (b) AMENDMENT.—The Inspector General Act of
9 1978 (5 U.S.C. App.) is amended—

10 (1) in section 3(b)—

11 (A) by striking “An Inspector General”
12 and inserting “(1) An Inspector General”;

13 (B) by inserting after “by the President”
14 the following: “in accordance with paragraph
15 (2)”;

16 (C) by inserting at the end the following
17 new paragraph:

18 “(2) The President may remove an Inspector
19 General only for any of the following grounds:

20 “(A) Permanent incapacity.

21 “(B) Inefficiency.

22 “(C) Neglect of duty.

23 “(D) Malfeasance.

24 “(E) Conviction of a felony or conduct in-
25 volving moral turpitude.

1 “(F) Knowing violation of a law, rule, or
2 regulation.

3 “(G) Gross mismanagement.

4 “(H) Gross waste of funds.

5 “(I) Abuse of authority.”; and

6 (2) in section 8G(e)(2), by adding at the end
7 the following new sentence: “An Inspector General
8 may be removed only for any of the following
9 grounds:

10 “(A) Permanent incapacity.

11 “(B) Inefficiency.

12 “(C) Neglect of duty.

13 “(D) Malfeasance.

14 “(E) Conviction of a felony or conduct in-
15 volving moral turpitude.

16 “(F) Knowing violation of a law, rule, or
17 regulation.

18 “(G) Gross mismanagement.

19 “(H) Gross waste of funds.

20 “(I) Abuse of authority.”.

21 **SEC. 104. USPS INSPECTOR GENERAL OVERSIGHT RESPON-**
22 **SIBILITIES.**

23 The Inspector General of the United States Postal
24 Service shall—

1 (1) conduct oversight, audits, and investigations
2 of projects and activities carried out with funds pro-
3 vided in division A of this Act to the United States
4 Postal Service; and

5 (2) not less than 90 days after the Postal Serv-
6 ice commences use of funding provided by division A
7 of this Act, and annually thereafter, initiate an audit
8 of the Postal Service’s use of appropriations and
9 borrowing authority provided by any division of this
10 Act, including the use of funds to cover lost reve-
11 nues, costs due to COVID–19, and expenditures,
12 and submit a copy of such audit to the Committee
13 on Homeland Security and Governmental Affairs of
14 the Senate, the Committee on Oversight and Reform
15 of the House of Representatives, and the Commit-
16 tees on Appropriations of the House of Representa-
17 tives and the Senate.

18 **TITLE II—CENSUS MATTERS**

19 **SEC. 201. MODIFICATION OF 2020 CENSUS DEADLINES AND** 20 **TABULATION OF POPULATION.**

21 (a) CENSUS DEADLINE MODIFICATION.—Notwith-
22 standing the timetables provided in subsections (b) and
23 (c) of section 141 of title 13, United States Code, and
24 section 22(a) of the Act entitled “An Act to provide for
25 the fifteenth and subsequent decennial censuses and to

1 provide for apportionment of Representatives in Con-
2 gress”, approved June 18, 1929 (2 U.S.C. 2a(a)), for the
3 2020 decennial census of population—

4 (1) the tabulation of total population by States
5 required by subsection (a) of such section 141 for
6 the apportionment of Representatives in Congress
7 among the several States shall be—

8 (A) completed and reported by the Sec-
9 retary of Commerce (referred to in this section
10 as the “Secretary”) to the President no earlier
11 than one year after the decennial census date of
12 April 1, 2020, and not later than April 30,
13 2021; and

14 (B) made public by the Secretary not later
15 than the date on which the tabulation is re-
16 ported to the President under subparagraph
17 (A);

18 (2) the President shall transmit to Congress a
19 statement showing the whole number of persons in
20 each State, and the number of Representatives to
21 which each State would be entitled under an appor-
22 tionment of the then existing number of Representa-
23 tives, as required by such section 22(a), and deter-
24 mined solely as described therein, immediately upon

1 receipt of the tabulation reported by the Secretary;
2 and

3 (3) the tabulations of populations required by
4 subsection (c) of such section 141 shall be completed
5 by the Secretary as expeditiously as possible after
6 the census date of April 1, 2020, taking into account
7 the deadlines of each State for legislative apportion-
8 ment or districting, and reported to the Governor of
9 the State involved and to the officers or public bod-
10 ies having responsibility for legislative apportion-
11 ment or districting of that State, except that the
12 tabulations of population of each State requesting a
13 tabulation plan, and basic tabulations of population
14 of each other State, shall be completed, reported,
15 and transmitted to each respective State not later
16 than July 30, 2021.

17 (b) NRFU OPERATION.—For the 2020 decennial
18 census of population, the Bureau of the Census shall con-
19 clude the Nonresponse Followup operation and the self-
20 response operation no earlier than October 31, 2020.

21 **SEC. 202. REPORTING REQUIREMENTS FOR 2020 CENSUS.**

22 On the first day of each month during the period be-
23 tween the date of enactment of this Act and July 1, 2021,
24 the Director of the Bureau of the Census shall submit,
25 to the Committee on Oversight and Reform of the House

1 of Representatives, the Committee on Homeland Security
2 and Governmental Affairs of the Senate, and the Commit-
3 tees on Appropriations of the House and the Senate, a
4 report regarding the 2020 decennial census of population
5 containing the following information:

6 (1) The total number of field staff, sorted by
7 category, hired by the Bureau compared to the num-
8 ber of field staff the Bureau estimated was nec-
9 essary to carry out such census.

10 (2) Retention rates of such hired field staff.

11 (3) Average wait time for call center calls and
12 average wait time for each language provided.

13 (4) Anticipated schedule of such census oper-
14 ations.

15 (5) Total tabulated responses, categorized by
16 race and Hispanic origin.

17 (6) Total appropriations available for obligation
18 for such census and a categorized list of total dis-
19 bursements.

20 (7) Non-Response Follow-Up completion rates
21 by geographic location.

22 (8) Update/Enumerate and Update/Leave com-
23 pletion rates by geographic location.

1 (9) Total spending to date on media, advertise-
2 ments, and partnership specialists, including a geo-
3 graphic breakdown of such spending.

4 (10) Post-enumeration schedule and subsequent
5 data aggregation and delivery progress.

6 **SEC. 203. LIMITATION ON TABULATION OF CERTAIN DATA.**

7 (a) **LIMITATION.**—The Bureau of the Census may
8 not compile or produce any data product or tabulation as
9 part of, in combination with, or in connection with, the
10 2020 decennial census of population or any such census
11 data produced pursuant to section 141(e) of title 13,
12 United States Code, that is based in whole or in part on
13 data that is not collected in such census.

14 (b) **EXCEPTION.**—The limitation in subsection (a)
15 shall not apply to any data product or tabulation that is
16 required by sections 141(b) or (c) of such title, that uses
17 the same or substantially similar methodology and data
18 sources as a decennial census data product produced by
19 the Bureau of the Census before January 1, 2019, or that
20 uses a methodology and data sources that the Bureau of
21 the Census finalized and made public prior to January 1,
22 2018.

1 **TITLE III—FEDERAL**
2 **WORKFORCE**

3 **SEC. 301. COVID-19 TELEWORKING REQUIREMENTS FOR**
4 **FEDERAL EMPLOYEES.**

5 (a) MANDATED TELEWORK.—

6 (1) IN GENERAL.—Effective immediately upon
7 the date of enactment of this Act, the head of any
8 Federal agency shall require any employee of such
9 agency who is authorized to telework under chapter
10 65 of title 5, United States Code, or any other provi-
11 sion of law to telework during the period beginning
12 on the date of enactment of this Act and ending on
13 December 31, 2020.

14 (2) DEFINITIONS.—In this subsection—

15 (A) the term “employee” means—

16 (i) an employee of the Library of Con-
17 gress;

18 (ii) an employee of the Government
19 Accountability Office;

20 (iii) a covered employee as defined in
21 section 101 of the Congressional Account-
22 ability Act of 1995 (2 U.S.C. 1301), other
23 than an applicant for employment;

1 (iv) a covered employee as defined in
2 section 411(c) of title 3, United States
3 Code;

4 (v) a Federal officer or employee cov-
5 ered under subchapter V of chapter 63 of
6 title 5, United States Code; or

7 (vi) any other individual occupying a
8 position in the civil service (as that term is
9 defined in section 2101(1) of title 5,
10 United States Code); and

11 (B) the term “telework” has the meaning
12 given that term in section 6501(3) of such title.

13 (b) TELEWORK PARTICIPATION GOALS.—Chapter 65
14 of title 5, United States Code, is amended as follows:

15 (1) In section 6502—

16 (A) in subsection (b)—

17 (i) in paragraph (4), by striking
18 “and” at the end;

19 (ii) in paragraph (5), by striking the
20 period at the end and inserting a semi-
21 colon; and

22 (iii) by adding at the end the fol-
23 lowing:

1 “(6) include annual goals for increasing the
2 percent of employees of the executive agency partici-
3 pating in teleworking—

4 “(A) three or more days per pay period;

5 “(B) one or 2 days per pay period;

6 “(C) once per month; and

7 “(D) on an occasional, episodic, or short-
8 term basis; and

9 “(7) include methods for collecting data on, set-
10 ting goals for, and reporting costs savings to the ex-
11 ecutive agency achieved through teleworking, con-
12 sistent with the guidance developed under section
13 301(c) of division R of The Heroes Act.”; and

14 (B) by adding at the end the following:

15 “(d) NOTIFICATION FOR REDUCTION IN TELE-
16 WORKING PARTICIPATION.—Not later than 30 days before
17 the date that an executive agency implements or modifies
18 a teleworking plan that would reduce the percentage of
19 employees at the agency who telework, the head of the ex-
20 ecutive agency shall provide written notification, including
21 a justification for the reduction in telework participation
22 and a description of how the agency will pay for any in-
23 creased costs resulting from that reduction, to—

24 “(1) the Director of the Office of Personnel
25 Management;

1 “(2) the Committee on Oversight and Reform
2 of the House of Representatives; and

3 “(3) the Committee on Homeland Security and
4 Governmental Affairs of the Senate.

5 “(e) PROHIBITION ON AGENCY-WIDE LIMITS ON
6 TELEWORKING.—An agency may not prohibit any delin-
7 eated period of teleworking participation for all employees
8 of the agency, including the periods described in subpara-
9 graphs (A) through (D) of subsection (b)(6). The agency
10 shall make any teleworking determination with respect to
11 an employee or group of employees at the agency on a
12 case-by-case basis.”.

13 (2) In section 6506(b)(2)—

14 (A) in subparagraph (F)(vi), by striking
15 “and” at the end;

16 (B) in subparagraph (G), by striking the
17 period at the end and inserting a semicolon;
18 and

19 (C) by adding at the end the following:

20 “(H) agency cost savings achieved through
21 teleworking, consistent with the guidance devel-
22 oped under section 2(e) of the Telework Metrics
23 and Cost Savings Act; and

24 “(I) a detailed explanation of a plan to in-
25 crease the Government-wide teleworking partici-

1 pation rate above such rate applicable to fiscal
2 year 2016, including agency-level plans to main-
3 tain or improve such rate for each of the tele-
4 working frequency categories listed under sub-
5 paragraph (A)(iii).”.

6 (c) **GUIDANCE.**—Not later than 90 days after the
7 date of the enactment of this Act, the Director of the Of-
8 fice of Personnel Management, in collaboration with the
9 Chief Human Capital Officer Council, shall establish uni-
10 form guidance for agencies on how to collect data on, set
11 goals for, and report cost savings achieved through, tele-
12 working. Such guidance shall account for cost savings re-
13 lated to travel, energy use, and real estate.

14 (d) **TECHNICAL CORRECTION.**—Section 6506(b)(1)
15 of title 5, United States Code, is amended by striking
16 “with Chief” and inserting “with the Chief”.

17 **SEC. 302. RETIREMENT FOR CERTAIN EMPLOYEES.**

18 (a) **CSRS.**—Section 8336(c) of title 5, United States
19 Code, is amended by adding at the end the following:

20 “(3)(A) In this paragraph—

21 “(i) the term ‘affected individual’
22 means an individual covered under this
23 subchapter 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), (m), or (n),
6 as applicable;

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 8334.

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 8335 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 (b) FERS.—

24 (1) IN GENERAL.—Section 8412(d) of title 5,
25 United States Code, is amended—

1 (A) by redesignating paragraphs (1) and
2 (2) as subparagraphs (A) and (B), respectively;

3 (B) by inserting “(1)” before “An em-
4 ployee”; and

5 (C) by adding at the end the following:

6 “(2)(A) In this paragraph—

7 “(i) the term ‘affected individual’
8 means an individual covered under this
9 chapter who—

10 “(I) is performing service in a
11 covered position;

12 “(II) is diagnosed with COVID-
13 19 before the date on which the indi-
14 vidual becomes entitled to an annuity
15 under paragraph (1) of this sub-
16 section or subsection (e), as applica-
17 ble;

18 “(III) because of the illness de-
19 scribed in subclause (II), is perma-
20 nently unable to render useful and ef-
21 ficient service in the employee’s cov-
22 ered position, as determined by the
23 agency in which the individual was
24 serving when such individual incurred
25 the illness; and

1 “(IV) is appointed to a position
2 in the civil service that—

3 “(aa) is not a covered posi-
4 tion; and

5 “(bb) is within an agency
6 that regularly appoints individ-
7 uals to supervisory or administra-
8 tive positions related to the ac-
9 tivities of the former covered po-
10 sition of the individual;

11 “(ii) the term ‘covered position’ means
12 a position as a law enforcement officer,
13 customs and border protection officer, fire-
14 fighter, air traffic controller, nuclear mate-
15 rials courier, member of the Capitol Police,
16 or member of the Supreme Court Police;
17 and

18 “(iii) the term ‘COVID–19’ means the
19 2019 Novel Coronavirus or 2019-nCoV.

20 “(B) Unless an affected individual files an
21 election described in subparagraph (E), cred-
22 itable service by the affected individual in a po-
23 sition described in subparagraph (A)(i)(IV)
24 shall be treated as creditable service in a cov-
25 ered position for purposes of this chapter and

1 determining the amount to be deducted and
2 withheld from the pay of the affected individual
3 under section 8422.

4 “(C) Subparagraph (B) shall only apply if
5 the affected employee transitions to a position
6 described in subparagraph (A)(i)(IV) without a
7 break in service exceeding 3 days.

8 “(D) The service of an affected individual
9 shall no longer be eligible for treatment under
10 subparagraph (B) if such service occurs after
11 the individual—

12 “(i) is transferred to a supervisory or
13 administrative position related to the ac-
14 tivities of the former covered position of
15 the individual; or

16 “(ii) meets the age and service re-
17 quirements that would subject the indi-
18 vidual to mandatory separation under sec-
19 tion 8425 if such individual had remained
20 in the former covered position.

21 “(E) In accordance with procedures estab-
22 lished by the Director of the Office of Personnel
23 Management, an affected individual may file an
24 election to have any creditable service per-
25 formed by the affected individual treated in ac-

1 cordance with this chapter without regard to
2 subparagraph (B).

3 “(F) Nothing in this paragraph shall be
4 construed to apply to such affected individual
5 any other pay-related laws or regulations appli-
6 cable to a covered position.”.

7 (2) TECHNICAL AND CONFORMING AMEND-
8 MENTS.—

9 (A) Chapter 84 of title 5, United States
10 Code, is amended—

11 (i) in section 8414(b)(3), by inserting
12 “(1)” after “subsection (d)”;

13 (ii) in section 8415—

14 (I) in subsection (e), in the mat-
15 ter preceding paragraph (1), by in-
16 serting “(1)” after “subsection (d)”;
17 and

18 (II) in subsection (h)(2)(A), by
19 striking “(d)(2)” and inserting
20 “(d)(1)(B)”;

21 (iii) in section 8421(a)(1), by insert-
22 ing “(1)” after “(d)”;

23 (iv) in section 8421a(b)(4)(B)(ii), by
24 inserting “(1)” after “section 8412(d)”;

1 (v) in section 8425, by inserting “(1)”
2 after “section 8412(d)” each place it ap-
3 pears; and

4 (vi) in section 8462(c)(3)(B)(ii), by
5 inserting “(1)” after “subsection (d)”.

6 (B) Title VIII of the Foreign Service Act
7 of 1980 (22 U.S.C. 4041 et seq.) is amended—

8 (i) in section 805(d)(5) (22 U.S.C.
9 4045(d)(5)), by inserting “(1)” after “or
10 8412(d)”;

11 (ii) in section 812(a)(2)(B) (22
12 U.S.C. 4052(a)(2)(B)), by inserting “(1)”
13 after “or 8412(d)”.

14 (c) CIA EMPLOYEES.—Section 302 of the Central In-
15 telligence Agency Retirement Act (50 U.S.C. 2152) is
16 amended by adding at the end the following:

17 “(d) EMPLOYEES DISABLED ON DUTY.—

18 “(1) DEFINITIONS.—In this subsection—

19 “(A) the term ‘affected employee’ means
20 an employee of the Agency covered under sub-
21 chapter II of chapter 84 of title 5, United
22 States Code, who—

23 “(i) is performing service in a position
24 designated under subsection (a);

1 “(ii) is diagnosed with COVID–19 be-
2 fore the date on which the employee be-
3 comes entitled to an annuity under section
4 233 of this Act or section 8412(d)(1) of
5 title 5, United States Code;

6 “(iii) because of the illness described
7 in clause (ii), is permanently unable to
8 render useful and efficient service in the
9 employee’s covered position, as determined
10 by the Director; and

11 “(iv) is appointed to a position in the
12 civil service that is not a covered position
13 but is within the Agency;

14 “(B) the term ‘covered position’ means a
15 position as—

16 “(i) a law enforcement officer de-
17 scribed in section 8331(20) or 8401(17) of
18 title 5, United States Code;

19 “(ii) a customs and border protection
20 officer described in section 8331(31) or
21 8401(36) of title 5, United States Code;

22 “(iii) a firefighter described in section
23 8331(21) or 8401(14) of title 5, United
24 States Code;

1 “(iv) an air traffic controller described
2 in section 8331(30) or 8401(35) of title 5,
3 United States Code;

4 “(v) a nuclear materials courier de-
5 scribed in section 8331(27) or 8401(33) of
6 title 5, United States Code;

7 “(vi) a member of the United States
8 Capitol Police;

9 “(vii) a member of the Supreme Court
10 Police;

11 “(viii) an affected employee; or

12 “(ix) a special agent described in sec-
13 tion 804(15) of the Foreign Service Act of
14 1980 (22 U.S.C. 4044(15)); and

15 “(C) the term ‘COVID–19’ means the
16 2019 Novel Coronavirus or 2019-nCoV.

17 “(2) TREATMENT OF SERVICE AFTER DIS-
18 ABILITY.—Unless an affected employee files an elec-
19 tion described in paragraph (3), creditable service by
20 the affected employee in a position described in
21 paragraph (1)(A)(iv) shall be treated as creditable
22 service in a covered position for purposes of this Act
23 and chapter 84 of title 5, United States Code, in-
24 cluding eligibility for an annuity under section 233
25 of this Act or 8412(d)(1) of title 5, United States

1 Code, and determining the amount to be deducted
2 and withheld from the pay of the affected employee
3 under section 8422 of title 5, United States Code.

4 “(3) BREAK IN SERVICE.—Paragraph (2) shall
5 only apply if the affected employee transitions to a
6 position described in paragraph (1)(A)(iv) without a
7 break in service exceeding 3 days.

8 “(4) LIMITATION ON TREATMENT OF SERV-
9 ICE.—The service of an affected employee shall no
10 longer be eligible for treatment under paragraph (2)
11 if such service occurs after the employee is trans-
12 ferred to a supervisory or administrative position re-
13 lated to the activities of the former covered position
14 of the employee.

15 “(5) OPT OUT.—An affected employee may file
16 an election to have any creditable service performed
17 by the affected employee treated in accordance with
18 chapter 84 of title 5, United States Code, without
19 regard to paragraph (2).”.

20 (d) FOREIGN SERVICE RETIREMENT AND DIS-
21 ABILITY SYSTEM.—Section 806(a)(6) of the Foreign Serv-
22 ice Act of 1980 (22 U.S.C. 4046(a)(6)) is amended by
23 adding at the end the following:

24 “(D)(i) In this subparagraph—

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1 “(I) the term ‘affected special
2 agent’ means an individual covered
3 under this subchapter who—

4 “(aa) is performing service
5 as a special agent;

6 “(bb) is diagnosed with
7 COVID–19 before the date on
8 which the individual becomes en-
9 titled to an annuity under section
10 811;

11 “(cc) because of the illness
12 described in item (bb), is perma-
13 nently unable to render useful
14 and efficient service in the em-
15 ployee’s covered position, as de-
16 termined by the Secretary; and

17 “(dd) is appointed to a posi-
18 tion in the Foreign Service that
19 is not a covered position;

20 “(II) the term ‘covered position’
21 means a position as—

22 “(aa) a law enforcement of-
23 ficer described in section
24 8331(20) or 8401(17) of title 5,
25 United States Code;

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1 “(bb) a customs and border
2 protection officer described in
3 section 8331(31) or 8401(36) of
4 title 5, United States Code;

5 “(cc) a firefighter described
6 in section 8331(21) or 8401(14)
7 of title 5, United States Code;

8 “(dd) an air traffic con-
9 troller described in section
10 8331(30) or 8401(35) of title 5,
11 United States Code;

12 “(ee) a nuclear materials
13 courier described in section
14 8331(27) or 8401(33) of title 5,
15 United States Code;

16 “(ff) a member of the
17 United States Capitol Police;

18 “(gg) a member of the Su-
19 preme Court Police;

20 “(hh) an employee of the
21 Agency designated under section
22 302(a) of the Central Intelligence
23 Agency Retirement Act (50
24 U.S.C. 2152(a)); or

25 “(ii) a special agent; and

1 “(III) the term ‘COVID–19’
2 means the 2019 Novel Coronavirus or
3 2019-nCoV.

4 “(ii) Unless an affected special agent files
5 an election described in clause (iv), creditable
6 service by the affected special agent in a posi-
7 tion described in clause (i)(I)(dd) shall be treat-
8 ed as creditable service as a special agent for
9 purposes of this subchapter, including deter-
10 mining the amount to be deducted and withheld
11 from the pay of the individual under section
12 805.

13 “(iii) Clause (ii) shall only apply if the spe-
14 cial agent transitions to a position described in
15 clause (i)(I)(dd) without a break in service ex-
16 ceeding 3 days.

17 “(iv) The service of an affected employee
18 shall no longer be eligible for treatment under
19 clause (ii) if such service occurs after the em-
20 ployee is transferred to a supervisory or admin-
21 istrative position related to the activities of the
22 former covered position of the employee.

23 “(v) In accordance with procedures estab-
24 lished by the Secretary, an affected special
25 agent may file an election to have any cred-

1 itable service performed by the affected special
2 agent treated in accordance with this sub-
3 chapter, without regard to clause (ii).”.

4 (e) IMPLEMENTATION.—

5 (1) OFFICE OF PERSONNEL MANAGEMENT.—

6 The Director of the Office of Personnel Management
7 shall promulgate regulations to carry out the amend-
8 ments made by subsections (a) and (b).

9 (2) CIA EMPLOYEES.—The Director of the
10 Central Intelligence Agency shall promulgate regula-
11 tions to carry out the amendment made by sub-
12 section (c).

13 (3) FOREIGN SERVICE RETIREMENT AND DIS-
14 ABILITY SYSTEM.—The Secretary of State shall pro-
15 mulgate regulations to carry out the amendment
16 made by subsection (d).

17 (4) AGENCY REAPPOINTMENT.—The regula-
18 tions promulgated to carry out the amendments
19 made by this section shall ensure that, to the great-
20 est extent possible, the head of each agency appoints
21 affected employees or special agents to supervisory
22 or administrative positions related to the activities of
23 the former covered position of the employee or spe-
24 cial agent.

1 (5) TREATMENT OF SERVICE.—The regulations
2 promulgated to carry out the amendments made by
3 this section shall ensure that the creditable service
4 of an affected employee or special agent (as the case
5 may be) that is not in a covered position pursuant
6 to an election made under such amendments shall be
7 treated as the same type of service as the covered
8 position in which the employee or agent suffered the
9 qualifying illness.

10 (f) EFFECTIVE DATE; APPLICABILITY.—The amend-
11 ments made by this section—

12 (1) shall take effect on the date of enactment
13 of this section; and

14 (2) shall apply to an individual who suffers an
15 illness described in section 8336(c)(3)(A)(i)(II) or
16 section 8412(d)(2)(A)(i)(II) of title 5, United States
17 Code (as amended by this section), section
18 302(d)(1)(A)(ii) of the Central Intelligence Agency
19 Retirement Act (as amended by this section), or sec-
20 tion 806(a)(6)(D)(i)(I)(bb) of the Foreign Service
21 Act of 1980 (as amended by this section), on or
22 after the date that is 2 years after the date of enact-
23 ment of this section.

1 **TITLE IV—FEDERAL**
2 **CONTRACTING PROVISIONS**

3 **SEC. 401. MANDATORY TELEWORK.**

4 (a) **IN GENERAL.**—During the emergency period, the
5 Director of the Office of Management and Budget shall
6 direct agencies to allow telework for all contractor per-
7 sonnel to the maximum extent practicable. Additionally,
8 the Director shall direct contracting officers to document
9 any decision to not allow telework during the emergency
10 period in the contract file.

11 (b) **EMERGENCY PERIOD DEFINED.**—In this section,
12 the term “emergency period” means the period that—

13 (1) begins on the date that is not later than 15
14 days after the date of the enactment of this Act; and

15 (2) ends on the date that the public health
16 emergency declared pursuant to section 319 of the
17 Public Health Service Act (42 U.S.C. 247d) as re-
18 sult of COVID–19, including any renewal thereof,
19 expires.

20 **SEC. 402. GUIDANCE ON THE IMPLEMENTATION OF SEC-**
21 **TION 3610 OF THE CARES ACT.**

22 Not later than 15 days after the date of the enact-
23 ment of this Act, the Director of the Office of Manage-
24 ment and Budget shall issue guidance to ensure uniform
25 implementation across agencies of section 3610 of the

1 CARES Act (Public Law 116–136). Any such guidance
2 shall—

3 (1) limit the basic requirements for reimburse-
4 ment to those included in such Act and the effective
5 date for such reimbursement shall be January 31,
6 2020; and

7 (2) clarify that the term “minimum applicable
8 contract billing rates” as used in such section in-
9 cludes the financial impact incurred as a con-
10 sequence of keeping the employees or subcontractors
11 of the contractor in a ready state (such as the base
12 hourly wage rate of an employee, plus indirect costs,
13 fees, and general and administrative expenses).

14 **SEC. 403. PAST PERFORMANCE RATINGS.**

15 Section 1126 of title 41, United States Code, is
16 amended by adding at the end the following new sub-
17 section:

18 “(c) EXCEPTION FOR FAILURE TO DELIVER GOODS
19 OR COMPLETE WORK DUE TO COVID–19.—If the head of
20 an executive agency determines that a contractor failed
21 to deliver goods or complete work as a result of measures
22 taken as a result of COVID–19 under a contract with the
23 agency by the date or within the time period imposed by
24 the contract, any information relating to such failure may
25 not be—

1 “(1) included in any past performance database
2 used by executive agencies for making source selec-
3 tion decisions; or

4 “(2) evaluated unfavorably as a factor of past
5 contract performance.”.

6 **SEC. 404. ACCELERATED PAYMENTS.**

7 Not later than 10 days after the date of the enact-
8 ment of this Act and ending on the expiration of the public
9 health emergency declared pursuant to section 319 of the
10 Public Health Service Act (42 U.S.C. 247d) as a result
11 of COVID–19, including any renewal thereof, the Director
12 of the Office of Management and Budget shall direct con-
13 tracting officers to establish an accelerated payment date
14 for any prime contract (as defined in section 8701 of title
15 41, United States Code) with payments due 15 days after
16 the receipt of a proper invoice.

17 **TITLE V—DISTRICT OF**
18 **COLUMBIA**

19 **SEC. 501. SPECIAL BORROWING BY THE DISTRICT OF CO-**
20 **LUMBIA.**

21 (a) **AUTHORIZING BORROWING UNDER MUNICIPAL**
22 **LIQUIDITY FACILITY OF FEDERAL RESERVE BOARD AND**
23 **SIMILAR FACILITIES OR PROGRAMS.**—The Council of the
24 District of Columbia (hereafter in this section referred to
25 as the “Council”) may by act authorize the issuance of

1 bonds, notes, and other obligations, in amounts deter-
2 mined by the Chief Financial Officer of the District of
3 Columbia to meet cash-flow needs of the District of Co-
4 lumbia government, for purchase by the Board of Gov-
5 ernors of the Federal Reserve under the Municipal Liquid-
6 ity Facility of the Federal Reserve or any other facility
7 or program of the Federal Reserve or another entity of
8 the Federal government which is established in response
9 to the COVID–19 Pandemic.

10 (b) REQUIRING ISSUANCE TO BE COMPETITIVE
11 WITH OTHER FORMS OF BORROWING.—The Council may
12 authorize the issuance of bonds, notes, or other obligations
13 under subsection (a) only if the issuance of such bonds,
14 notes, and other obligations is competitive with other
15 forms of borrowing in the financial market.

16 (c) TREATMENT AS GENERAL OBLIGATION.—Any
17 bond, note, or other obligation issued under subsection (a)
18 shall, if provided in the act of the Council, be a general
19 obligation of the District.

20 (d) PAYMENTS NOT SUBJECT TO APPROPRIATION.—
21 No appropriation is required to pay—

22 (1) any amount (including the amount of any
23 accrued interest or premium) obligated or expended
24 from or pursuant to subsection (a) for or from the

1 sale of any bonds, notes, or other obligation under
2 such subsection;

3 (2) any amount obligated or expended for the
4 payment of principal of, interest on, or any premium
5 for any bonds, notes, or other obligations issued
6 under subsection (a);

7 (3) any amount obligated or expended pursuant
8 to provisions made to secure any bonds, notes, or
9 other obligations issued under subsection (a); or

10 (4) any amount obligated or expended pursuant
11 to commitments, including lines of credit or costs of
12 issuance, made or entered in connection with the
13 issuance of any bonds, notes, or other obligations for
14 operating or capital costs financed under subsection
15 (a).

16 (e) RENEWAL.—Any bond, note, or other obligation
17 issued under subsection (a) may be renewed if authorized
18 by an act of the Council.

19 (f) PAYMENT.—Any bonds, notes, or other obliga-
20 tions issued under subsection (a), including any renewal
21 of such bonds, notes, or other obligations, shall be due
22 and payable on such terms and conditions as are con-
23 sistent with the terms and conditions of the Municipal Li-
24 quidity Facility or other facility or program referred to
25 in subsection (a).

1 (g) INCLUSION OF PAYMENTS IN ANNUAL BUDG-
 2 ET.—The Council shall provide in each annual budget for
 3 the District of Columbia government sufficient funds to
 4 pay the principal of and interest on all bonds, notes, or
 5 other obligations issued under subsection (a) of this sec-
 6 tion becoming due and payable during such fiscal year.

7 (h) OBLIGATION TO PAY.—The Mayor of the District
 8 of Columbia shall ensure that the principal of and interest
 9 on all bonds, notes, or other obligations issued under sub-
 10 section (a) are paid when due, including by paying such
 11 principal and interest from funds not otherwise legally
 12 committed.

13 (i) SECURITY INTEREST IN DISTRICT REVENUES.—
 14 The Council may by act provide for a security interest in
 15 any District of Columbia revenues as additional security
 16 for the payment of any bond, note, or other obligation
 17 issued under subsection (a).

18 **TITLE VI—OTHER MATTERS**

19 **SEC. 601. ESTIMATES OF AGGREGATE ECONOMIC GROWTH** 20 **ACROSS INCOME GROUPS.**

21 (a) SHORT TITLE.—This section may be cited as the
 22 “Measuring Real Income Growth Act of 2020”.

23 (b) DEFINITIONS.—In this section:

1 (1) BUREAU.—The term “Bureau” means the
2 Bureau of Economic Analysis of the Department of
3 Commerce.

4 (2) GROSS DOMESTIC PRODUCT ANALYSIS.—
5 The term “gross domestic product analysis”—

6 (A) means a quarterly or annual analysis
7 conducted by the Bureau with respect to the
8 gross domestic product of the United States;
9 and

10 (B) includes a revision prepared by the
11 Bureau of an analysis described in subpara-
12 graph (A).

13 (3) RECENT ESTIMATE.—The term “recent es-
14 timate” means the most recent estimate described in
15 subsection (c) that is available on the date on which
16 the gross domestic product analysis with which the
17 estimate is to be included is conducted.

18 (c) INCLUSION IN REPORTS.—Beginning in 2020, in
19 each gross domestic product analysis conducted by the Bu-
20 reau, the Bureau shall include a recent estimate of, with
21 respect to specific percentile groups of income, the total
22 amount that was added to the economy of the United
23 States during the period to which the recent estimate per-
24 tains, including in—

25 (1) each of the 10 deciles of income; and

1 (2) the highest 1 percent of income.

2 (d) AUTHORIZATION OF APPROPRIATIONS.—There
3 are authorized to be appropriated to the Secretary of Com-
4 merce such sums as are necessary to carry out this sec-
5 tion.

6 **SEC. 602. WAIVER OF FEDERAL FUND LIMITATION FOR THE**
7 **DRUG-FREE COMMUNITIES SUPPORT PRO-**
8 **GRAM.**

9 (a) IN GENERAL.—Subject to subsection (b), if the
10 Administrator of the Drug-Free Communities Support
11 Program determines that, as a result of the public health
12 emergency declared pursuant to section 319 of the Public
13 Health Service Act (42 U.S.C. 247d) as a result of
14 COVID–19, an eligible coalition is unable to raise the
15 amount of non-Federal funds, including in-kind contribu-
16 tions, agreed to be raised by the coalition for a fiscal year
17 under an agreement entered into with the Administrator
18 pursuant to paragraph (1)(A) or (3)(D) of section 1032(b)
19 of the Anti-Drug Abuse Act of 1988 (21 U.S.C. 1532(b)),
20 the Administrator may, notwithstanding such paragraphs,
21 provide to the eligible coalition the grant or renewal grant,
22 as applicable, for that fiscal year in an amount—

23 (1) with respect to an initial grant or renewal
24 grant described under paragraph (1)(A) of such sec-
25 tion, that exceeds the amount of non-Federal funds

1 raised by the eligible coalition, including in-kind con-
2 tributions, for that fiscal year;

3 (2) with respect to a renewal grant described
4 under paragraph (3)(D)(i) of such section, that ex-
5 ceeds 125 percent of the amount of non-Federal
6 funds raised by the eligible coalition, including in-
7 kind contributions, for that fiscal year; and

8 (3) with respect to a renewal grant described
9 under paragraph (3)(D)(ii) of such section, that ex-
10 ceeds 150 percent of the amount of non-Federal
11 funds raised by the eligible coalition, including in-
12 kind contributions, for that fiscal year.

13 **SEC. 603. UNITED STATES POSTAL SERVICE BORROWING**
14 **AUTHORITY.**

15 Subsection (b)(2) of section 6001 of the Coronavirus
16 Aid, Relief, and Economic Security Act (Public Law 116–
17 136) is amended to read as follows:

18 “(2) the Secretary of the Treasury shall lend up
19 to the amount described in paragraph (1) at the re-
20 quest of the Postal Service subject to the terms and
21 conditions of the note purchase agreement between
22 the Postal Service and the Federal Financing Bank
23 in effect on September 29, 2018.”.

1 **DIVISION S—FOREIGN AFFAIRS**
2 **PROVISIONS**
3 **TITLE I—MATTERS RELATING**
4 **TO THE DEPARTMENT OF STATE**

5 **SEC. 101. EFFORTS TO ASSIST FEDERAL VOTERS OVERSEAS**
6 **IMPACTED BY COVID-19.**

7 (a) SENSE OF CONGRESS.—It is the sense of Con-
8 gress that the Secretary of State, in consultation with the
9 Secretary of Defense and the Postmaster General, should
10 undertake efforts to mitigate the effects of limited or cur-
11 tailed diplomatic pouch capacities or other operations con-
12 straints at United States diplomatic and consular posts,
13 due to coronavirus, on overseas voters (as such term is
14 defined in section 107(5) of the Uniformed and Overseas
15 Citizens Absentee Voting Act (52 U.S.C. 20310(5))) seek-
16 ing to return absentee ballots and other balloting mate-
17 rials under such Act with respect to elections for Federal
18 office held in 2020. Such efforts should include steps to—

19 (1) restore or augment diplomatic pouch capaci-
20 ties;

21 (2) facilitate using the Army Post Office, Fleet
22 Post Office, Diplomatic Post Office, the United
23 States mails, or private couriers, if available;

24 (3) mitigate other operations constraints affect-
25 ing eligible overseas voters;

1 (4) develop specific outreach plans to educate
2 eligible overseas voters about accessing all available
3 forms of voter assistance prior to the date of the
4 regularly scheduled general election for Federal of-
5 fice; and

6 (5) ensure any employees at Department of
7 State overseas posts interacting with Federal over-
8 seas voters seeking to return their ballots are in-
9 formed of and exercise necessary protocols to avoid
10 the spoilage or invalidating of ballots for which the
11 Department of State is helping to facilitate return.

12 (b) REPORT ON EFFORTS TO ASSIST AND INFORM
13 FEDERAL VOTERS OVERSEAS.—Not later than 15 days
14 before the date of the regularly scheduled general election
15 for Federal office held in November 2020, the Secretary
16 of State, in consultation with the Secretary of Defense,
17 shall report to the appropriate congressional committees
18 on the efforts described in subsection (a).

19 (c) APPROPRIATE CONGRESSIONAL COMMITTEES DE-
20 FINED.—In this section, the term “appropriate congres-
21 sional committees” means—

22 (1) the Committee on Foreign Affairs and the
23 Committee on Armed Services of the House of Rep-
24 resentatives; and

1 (2) the Committee on Foreign Relations and
2 the Committee on Armed Services of the Senate.

3 **SEC. 102. REPORT ON EFFORTS OF THE CORONAVIRUS RE-**
4 **PATRIATION TASK FORCE.**

5 Not later than 90 days after the date of the enact-
6 ment of this division, the Secretary of State shall submit
7 to the Committee on Foreign Affairs of the House of Rep-
8 resentatives and the Committee on Foreign Relations of
9 the Senate a report evaluating the efforts of the
10 Coronavirus Repatriation Task Force of the Department
11 of State to repatriate United States citizens and legal per-
12 manent residents in response to the 2020 coronavirus out-
13 break. The report shall identify—

14 (1) the most significant impediments to repa-
15 triating such persons;

16 (2) the lessons learned from such repatriations;
17 and

18 (3) any changes planned to future repatriation
19 efforts of the Department of State to incorporate
20 such lessons learned.

21 **TITLE II—GLOBAL HEALTH**
22 **SECURITY ACT OF 2020**

23 **SEC. 201. SHORT TITLE.**

24 This title may be cited as the “Global Health Security
25 Act of 2020”.

1 **SEC. 202. FINDINGS.**

2 Congress finds the following:

3 (1) In December 2009, President Obama re-
4 leased the National Strategy for Countering Biologi-
5 cal Threats, which listed as one of seven objectives
6 “Promote global health security: Increase the avail-
7 ability of and access to knowledge and products of
8 the life sciences that can help reduce the impact
9 from outbreaks of infectious disease whether of nat-
10 ural, accidental, or deliberate origin”.

11 (2) In February 2014, the United States and
12 nearly 30 other nations launched the Global Health
13 Security Agenda (GHSA) to address several high-
14 priority, global infectious disease threats. The
15 GHSA is a multi-faceted, multi-country initiative in-
16 tended to accelerate partner countries’ measurable
17 capabilities to achieve specific targets to prevent, de-
18 tect, and respond to infectious disease threats,
19 whether naturally occurring, deliberate, or acci-
20 dental.

21 (3) In 2015, the United Nations adopted the
22 Sustainable Development Goals (SDGs), which in-
23 clude specific reference to the importance of global
24 health security as part of SDG 3 “ensure healthy
25 lives and promote well-being for all at all ages” as
26 follows: “strengthen the capacity of all countries, in

1 particular developing countries, for early warning,
2 risk reduction and management of national and
3 global health risks”.

4 (4) On November 4, 2016, President Obama
5 signed Executive Order 13747, “Advancing the
6 Global Health Security Agenda to Achieve a World
7 Safe and Secure from Infectious Disease Threats”.

8 (5) In October 2017 at the GHSA Ministerial
9 Meeting in Uganda, the United States and more
10 than 40 GHSA member countries supported the
11 “Kampala Declaration” to extend the GHSA for an
12 additional 5 years to 2024.

13 (6) In December 2017, President Trump re-
14 leased the National Security Strategy, which in-
15 cludes the priority action: “Detect and contain bio-
16 threats at their source: We will work with other
17 countries to detect and mitigate outbreaks early to
18 prevent the spread of disease. We will encourage
19 other countries to invest in basic health care systems
20 and to strengthen global health security across the
21 intersection of human and animal health to prevent
22 infectious disease outbreaks”.

23 (7) In September 2018, President Trump re-
24 leased the National Biodefense Strategy, which in-
25 cludes objectives to “strengthen global health secu-

1 rity capacities to prevent local bioincidents from be-
2 coming epidemics”, and “strengthen international
3 preparedness to support international response and
4 recovery capabilities”.

5 **SEC. 203. STATEMENT OF POLICY.**

6 It is the policy of the United States to—

7 (1) promote global health security as a core na-
8 tional security interest;

9 (2) advance the aims of the Global Health Se-
10 curity Agenda;

11 (3) collaborate with other countries to detect
12 and mitigate outbreaks early to prevent the spread
13 of disease;

14 (4) encourage other countries to invest in basic
15 resilient and sustainable health care systems; and

16 (5) strengthen global health security across the
17 intersection of human and animal health to prevent
18 infectious disease outbreaks and combat the growing
19 threat of antimicrobial resistance.

20 **SEC. 204. GLOBAL HEALTH SECURITY AGENDA INTER-**
21 **AGENCY REVIEW COUNCIL.**

22 (a) ESTABLISHMENT.—The President shall establish
23 a Global Health Security Agenda Interagency Review
24 Council (in this section referred to as the “Council”) to
25 perform the general responsibilities described in sub-

1 section (c) and the specific roles and responsibilities de-
2 scribed in subsection (e).

3 (b) MEETINGS.—The Council shall meet not less than
4 four times per year to advance its mission and fulfill its
5 responsibilities.

6 (c) GENERAL RESPONSIBILITIES.—The Council shall
7 be responsible for the following activities:

8 (1) Provide policy-level recommendations to
9 participating agencies on Global Health Security
10 Agenda (GHSA) goals, objectives, and implementa-
11 tion.

12 (2) Facilitate interagency, multi-sectoral en-
13 gagement to carry out GHSA implementation.

14 (3) Provide a forum for raising and working to
15 resolve interagency disagreements concerning the
16 GHSA.

17 (4)(A) Review the progress toward and work to
18 resolve challenges in achieving United States com-
19 mitments under the GHSA, including commitments
20 to assist other countries in achieving the GHSA tar-
21 gets.

22 (B) The Council shall consider, among other
23 issues, the following:

24 (i) The status of United States financial
25 commitments to the GHSA in the context of

1 commitments by other donors, and the con-
2 tributions of partner countries to achieve the
3 GHSA targets.

4 (ii) The progress toward the milestones
5 outlined in GHSA national plans for those
6 countries where the United States Government
7 has committed to assist in implementing the
8 GHSA and in annual work-plans outlining
9 agency priorities for implementing the GHSA.

10 (iii) The external evaluations of United
11 States and partner country capabilities to ad-
12 dress infectious disease threats, including the
13 ability to achieve the targets outlined within the
14 WHO Joint External Evaluation (JEE) tool, as
15 well as gaps identified by such external evalua-
16 tions.

17 (d) PARTICIPATION.—The Council shall consist of
18 representatives, serving at the Assistant Secretary level or
19 higher, from the following agencies:

20 (1) The Department of State.

21 (2) The Department of Defense.

22 (3) The Department of Justice.

23 (4) The Department of Agriculture.

24 (5) The Department of Health and Human
25 Services.

- 1 (6) The Department of Labor.
- 2 (7) The Department of Homeland Security.
- 3 (8) The Office of Management and Budget.
- 4 (9) The United States Agency for International
5 Development.
- 6 (10) The Environmental Protection Agency.
- 7 (11) The Centers for Disease Control and Pre-
8 vention.
- 9 (12) The Office of Science and Technology Pol-
10 icy.
- 11 (13) The National Institutes of Health.
- 12 (14) The National Institute of Allergy and In-
13 fectionous Diseases.
- 14 (15) Such other agencies as the Council deter-
15 mines to be appropriate.

16 (e) SPECIFIC ROLES AND RESPONSIBILITIES.—

17 (1) IN GENERAL.—The heads of agencies de-
18 scribed in subsection (d) shall—

19 (A) make the GHSA and its implementa-
20 tion a high priority within their respective agen-
21 cies, and include GHSA-related activities within
22 their respective agencies' strategic planning and
23 budget processes;

1 (B) designate a senior-level official to be
2 responsible for the implementation of this divi-
3 sion;

4 (C) designate, in accordance with sub-
5 section (d), an appropriate representative at the
6 Assistant Secretary level or higher to partici-
7 pate on the Council;

8 (D) keep the Council apprised of GHSA-
9 related activities undertaken within their re-
10 spective agencies;

11 (E) maintain responsibility for agency-re-
12 lated programmatic functions in coordination
13 with host governments, country teams, and
14 GHSA in-country teams, and in conjunction
15 with other relevant agencies;

16 (F) coordinate with other agencies that are
17 identified in this section to satisfy pro-
18 grammatic goals, and further facilitate coordi-
19 nation of country teams, implementers, and do-
20 nors in host countries; and

21 (G) coordinate across GHSA national
22 plans and with GHSA partners to which the
23 United States is providing assistance.

24 (2) ADDITIONAL ROLES AND RESPONSIBIL-
25 ITIES.—In addition to the roles and responsibilities

1 described in paragraph (1), the heads of agencies de-
2 scribed in subsection (d) shall carry out their respec-
3 tive roles and responsibilities described in sub-
4 sections (b) through (i) of section 3 of Executive
5 Order 13747 (81 Fed. Reg. 78701; relating to Ad-
6 vancing the Global Health Security Agenda to
7 Achieve a World Safe and Secure from Infectious
8 Disease Threats), as in effect on the day before the
9 date of the enactment of this division.

10 **SEC. 205. UNITED STATES COORDINATOR FOR GLOBAL**
11 **HEALTH SECURITY.**

12 (a) IN GENERAL.—The President shall appoint an in-
13 dividual to the position of United States Coordinator for
14 Global Health Security, who shall be responsible for the
15 coordination of the interagency process for responding to
16 global health security emergencies. As appropriate, the
17 designee shall coordinate with the President’s Special Co-
18 ordinator for International Disaster Assistance.

19 (b) CONGRESSIONAL BRIEFING.—Not less frequently
20 than twice each year, the employee designated under this
21 section shall provide to the appropriate congressional com-
22 mittees a briefing on the responsibilities and activities of
23 the individual under this section.

1 **SEC. 206. SENSE OF CONGRESS.**

2 It is the sense of the Congress that, given the complex
3 and multisectoral nature of global health threats to the
4 United States, the President—

5 (1) should consider appointing an individual
6 with significant background and expertise in public
7 health or emergency response management to the
8 position of United States Coordinator for Global
9 Health Security, as required by section 205(a), who
10 is an employee of the National Security Council at
11 the level of Deputy Assistant to the President or
12 higher; and

13 (2) in providing assistance to implement the
14 strategy required under section 207(a), should—

15 (A) coordinate, through a whole-of-govern-
16 ment approach, the efforts of relevant Federal
17 departments and agencies to implement the
18 strategy;

19 (B) seek to fully utilize the unique capa-
20 bilities of each relevant Federal department and
21 agency while collaborating with and leveraging
22 the contributions of other key stakeholders; and

23 (C) utilize open and streamlined solicita-
24 tions to allow for the participation of a wide
25 range of implementing partners through the
26 most appropriate procurement mechanisms,

1 which may include grants, contracts, coopera-
2 tive agreements, and other instruments as nec-
3 essary and appropriate.

4 **SEC. 207. STRATEGY AND REPORTS.**

5 (a) STRATEGY.—The United States Coordinator for
6 Global Health Security (appointed under section 205(a))
7 shall coordinate the development and implementation of
8 a strategy to implement the policy aims described in sec-
9 tion 203, which shall—

10 (1) set specific and measurable goals, bench-
11 marks, timetables, performance metrics, and moni-
12 toring and evaluation plans that reflect international
13 best practices relating to transparency, account-
14 ability, and global health security;

15 (2) support and be aligned with country-owned
16 global health security policy and investment plans
17 developed with input from key stakeholders, as ap-
18 propriate;

19 (3) facilitate communication and collaboration,
20 as appropriate, among local stakeholders in support
21 of a multi-sectoral approach to global health secu-
22 rity;

23 (4) support the long-term success of programs
24 by building the capacity of local organizations and
25 institutions in target countries and communities;

1 (5) develop community resilience to infectious
2 disease threats and emergencies;

3 (6) leverage resources and expertise through
4 partnerships with the private sector, health organi-
5 zations, civil society, nongovernmental organizations,
6 and health research and academic institutions; and

7 (7) support collaboration, as appropriate, be-
8 tween United States universities, and public and pri-
9 vate institutions in target countries and communities
10 to promote health security and innovation.

11 (b) COORDINATION.—The President, acting through
12 the United States Coordinator for Global Health Security,
13 shall coordinate, through a whole-of-government approach,
14 the efforts of relevant Federal departments and agencies
15 in the implementation of the strategy required under sub-
16 section (a) by—

17 (1) establishing monitoring and evaluation sys-
18 tems, coherence, and coordination across relevant
19 Federal departments and agencies; and

20 (2) establishing platforms for regular consulta-
21 tion and collaboration with key stakeholders and the
22 appropriate congressional committees.

23 (c) STRATEGY SUBMISSION.—

24 (1) IN GENERAL.—Not later than 180 days
25 after the date of the enactment of this division, the

1 President, in consultation with the head of each rel-
2 evant Federal department and agency, shall submit
3 to the appropriate congressional committees the
4 strategy required under subsection (a) that provides
5 a detailed description of how the United States in-
6 tends to advance the policy set forth in section 203
7 and the agency-specific plans described in paragraph
8 (2).

9 (2) AGENCY-SPECIFIC PLANS.—The strategy re-
10 quired under subsection (a) shall include specific im-
11 plementation plans from each relevant Federal de-
12 partment and agency that describes—

13 (A) the anticipated contributions of the de-
14 partment or agency, including technical, finan-
15 cial, and in-kind contributions, to implement
16 the strategy; and

17 (B) the efforts of the department or agen-
18 cy to ensure that the activities and programs
19 carried out pursuant to the strategy are de-
20 signed to achieve maximum impact and long-
21 term sustainability.

22 (d) REPORT.—

23 (1) IN GENERAL.—Not later than 1 year after
24 the date on which the strategy required under sub-
25 section (a) is submitted to the appropriate congress-

1 sional committees under subsection (c), and not later
2 than October 1 of each year thereafter, the Presi-
3 dent shall submit to the appropriate congressional
4 committees a report that describes the status of the
5 implementation of the strategy.

6 (2) CONTENTS.—The report required under
7 paragraph (1) shall—

8 (A) identify any substantial changes made
9 in the strategy during the preceding calendar
10 year;

11 (B) describe the progress made in imple-
12 menting the strategy;

13 (C) identify the indicators used to establish
14 benchmarks and measure results over time, as
15 well as the mechanisms for reporting such re-
16 sults in an open and transparent manner;

17 (D) contain a transparent, open, and de-
18 tailed accounting of expenditures by relevant
19 Federal departments and agencies to implement
20 the strategy, including, to the extent prac-
21 ticable, for each Federal department and agen-
22 cy, the statutory source of expenditures,
23 amounts expended, partners, targeted popu-
24 lations, and types of activities supported;

1 (E) describe how the strategy leverages
2 other United States global health and develop-
3 ment assistance programs;

4 (F) assess efforts to coordinate United
5 States global health security programs, activi-
6 ties, and initiatives with key stakeholders;

7 (G) incorporate a plan for regularly review-
8 ing and updating strategies, partnerships, and
9 programs and sharing lessons learned with a
10 wide range of stakeholders, including key stake-
11 holders, in an open, transparent manner; and

12 (H) describe the progress achieved and
13 challenges concerning the United States Gov-
14 ernment's ability to advance the Global Health
15 Security Agenda across priority countries, in-
16 cluding data disaggregated by priority country
17 using indicators that are consistent on a year-
18 to-year basis and recommendations to resolve,
19 mitigate, or otherwise address the challenges
20 identified therein.

21 (e) FORM.—The strategy required under subsection
22 (a) and the report required under subsection (d) shall be
23 submitted in unclassified form but may contain a classi-
24 fied annex.

1 **SEC. 208. COMPLIANCE WITH THE FOREIGN AID TRANS-**
2 **PARENCY AND ACCOUNTABILITY ACT OF**
3 **2016.**

4 Section 2(3) of the Foreign Aid Transparency and
5 Accountability Act of 2016 (Public Law 114–191; 22
6 U.S.C. 2394c note) is amended—

7 (1) in subparagraph (C), by striking “and” at
8 the end;

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

11 (3) by adding at the end the following:

12 “(E) the Global Health Security Act of
13 2020.”.

14 **SEC. 209. DEFINITIONS.**

15 In this title:

16 (1) **APPROPRIATE CONGRESSIONAL COMMIT-**
17 **TEES.**—The term “appropriate congressional com-
18 mittees” means—

19 (A) the Committee on Foreign Affairs and
20 the Committee on Appropriations of the House
21 of Representatives; and

22 (B) the Committee on Foreign Relations
23 and the Committee on Appropriations of the
24 Senate.

25 (2) **GLOBAL HEALTH SECURITY.**—The term
26 “global health security” means activities supporting

1 epidemic and pandemic preparedness and capabili-
2 ties at the country and global levels in order to mini-
3 mize vulnerability to acute public health events that
4 can endanger the health of populations across geo-
5 graphical regions and international boundaries.

6 **SEC. 210. SUNSET.**

7 This title (other than section 205), and the amend-
8 ments made by this title, shall cease to be effective on
9 December 31, 2024.

10 **TITLE III—SECURING AMERICA**
11 **FROM EPIDEMICS ACT**

12 **SEC. 301. FINDINGS.**

13 Congress finds the following:

14 (1) Due to increasing population and popu-
15 lation density, human mobility, and ecological
16 change, emerging infectious diseases pose a real and
17 growing threat to global health security.

18 (2) While vaccines can be the most effective
19 tools to protect against infectious disease, the ab-
20 sence of vaccines for a new or emerging infectious
21 disease with epidemic potential is a major health se-
22 curity threat globally, posing catastrophic potential
23 human and economic costs.

24 (3) The 1918 influenza pandemic infected
25 500,000,000 people, or about one-third of the

1 world's population at the time, and killed
2 50,000,000 people—more than died in the First
3 World War.

4 (4) The economic cost of an outbreak can be
5 devastating. The estimated global cost today, should
6 an outbreak of the scale of the 1918 influenza pan-
7 demic strike, is 5 percent of global gross domestic
8 product.

9 (5) Even regional outbreaks can have enormous
10 human costs and substantially disrupt the global
11 economy and cripple regional economies. The 2014
12 Ebola outbreak in West Africa killed more than
13 11,000 and cost \$2,800,000,000 in losses in the af-
14 fected countries alone.

15 (6) The ongoing novel coronavirus outbreak re-
16 flects the pressing need for quick and effective vac-
17 cine and countermeasure development.

18 (7) While the need for vaccines to address
19 emerging epidemic threats is acute, markets to drive
20 the necessary development of vaccines to address
21 them—a complex and expensive undertaking—are
22 very often critically absent. Also absent are mecha-
23 nisms to ensure access to those vaccines by those
24 who need them when they need them.

1 (8) To address this global vulnerability and the
2 deficit of political commitment, institutional capac-
3 ity, and funding, in 2017, several countries and pri-
4 vate partners launched the Coalition for Epidemic
5 Preparedness Innovations (CEPI). CEPI's mission
6 is to stimulate, finance, and coordinate development
7 of vaccines for high-priority, epidemic-potential
8 threats in cases where traditional markets do not
9 exist or cannot create sufficient demand.

10 (9) Through funding of partnerships, CEPI
11 seeks to bring priority vaccines candidates through
12 the end of phase II clinical trials, as well as support
13 vaccine platforms that can be rapidly deployed
14 against emerging pathogens.

15 (10) CEPI has funded multiple partners to de-
16 velop vaccine candidates against the novel
17 coronavirus, responding to this urgent, global re-
18 quirement.

19 (11) Support for and participation in CEPI is
20 an important part of the United States own health
21 security and biodefense and is in the national inter-
22 est, complementing the work of many Federal agen-
23 cies and providing significant value through global
24 partnership and burden-sharing.

1 **SEC. 302. AUTHORIZATION FOR UNITED STATES PARTICI-**
2 **PATION.**

3 (a) IN GENERAL.—The United States is hereby au-
4 thorized to participate in the Coalition for Epidemic Pre-
5 paredness Innovations.

6 (b) BOARD OF DIRECTORS.—The Administrator of
7 the United States Agency for International Development
8 is authorized to designate an employee of such Agency to
9 serve on the Investors Council of the Coalition for Epi-
10 demic Preparedness Innovations as a representative of the
11 United States.

12 (c) REPORTS TO CONGRESS.—Not later than 180
13 days after the date of the enactment of this division, the
14 President shall submit to the appropriate congressional
15 committees a report that includes the following:

16 (1) The United States planned contributions to
17 the Coalition for Epidemic Preparedness Innovations
18 and the mechanisms for United States participation
19 in such Coalition.

20 (2) The manner and extent to which the United
21 States shall participate in the governance of the Co-
22 alition.

23 (3) How participation in the Coalition supports
24 relevant United States Government strategies and
25 programs in health security and biodefense, to in-
26 clude—

1 (A) the Global Health Security Strategy
2 required by section 7058(c)(3) of division K of
3 the Consolidated Appropriations Act, 2018
4 (Public Law 115–141);

5 (B) the applicable revision of the National
6 Biodefense Strategy required by section 1086 of
7 the National Defense Authorization Act for Fis-
8 cal Year 2017 (6 U.S.C. 104); and

9 (C) any other relevant decision-making
10 process for policy, planning, and spending in
11 global health security, biodefense, or vaccine
12 and medical countermeasures research and de-
13 velopment.

14 (d) APPROPRIATE CONGRESSIONAL COMMITTEES.—
15 In this section, the term “appropriate congressional com-
16 mittees” means—

17 (1) the Committee on Foreign Affairs and the
18 Committee on Appropriations of the House of Rep-
19 resentatives; and

20 (2) the Committee on Foreign Relations and
21 the Committee on Appropriations of the Senate.

1 **DIVISION T—JUDICIARY**
2 **MATTERS**
3 **TITLE I—IMMIGRATION**
4 **MATTERS**

5 **SEC. 101. EXTENSION OF FILING AND OTHER DEADLINES.**

6 (a) NEW DEADLINES FOR EXTENSION OR CHANGE
7 OF STATUS OR OTHER BENEFITS.—

8 (1) FILING DELAYS.—In the case of an alien
9 who was lawfully present in the United States on
10 January 26, 2020, the alien’s application for an ex-
11 tension or change of nonimmigrant status, applica-
12 tion for renewal of employment authorization, or any
13 other application for extension or renewal of a pe-
14 riod of authorized stay, shall be considered timely
15 filed if the due date of the application is within the
16 period described in subsection (d) and the applica-
17 tion is filed not later than 60 days after it otherwise
18 would have been due.

19 (2) DEPARTURE DELAYS.—In the case of an
20 alien who was lawfully present in the United States
21 on January 26, 2020, the alien shall not be consid-
22 ered to be unlawfully present in the United States
23 during the period described in subsection (d).

24 (3) SPECIFIC AUTHORITY.—

1 (A) IN GENERAL.—With respect to any
2 alien whose immigration status, employment
3 authorization, or other authorized period of stay
4 has expired or will expire during the period de-
5 scribed in subsection (d), during the one-year
6 period beginning on the date of the enactment
7 of this title, or during both such periods, the
8 Secretary of Homeland Security shall automati-
9 cally extend such status, authorization, or pe-
10 riod of stay until the date that is 90 days after
11 the last day of whichever of such periods ends
12 later.

13 (B) EXCEPTION.—If the status, authoriza-
14 tion, or period of stay referred to in subpara-
15 graph (A) is based on a grant of deferred ac-
16 tion, or a grant of temporary protected status
17 under section 244 of the Immigration and Na-
18 tionality Act (8 U.S.C. 1254a), the extension
19 under such subparagraph shall be for a period
20 not less than the period for which deferred ac-
21 tion or temporary protected status originally
22 was granted by the Secretary of Homeland Se-
23 curity.

24 (b) IMMIGRANT VISAS.—

1 (1) EXTENSION OF VISA EXPIRATION.—Not-
2 withstanding the limitations under section 221(c) of
3 the Immigration and Nationality Act (8 U.S.C.
4 1201(e)), in the case of any immigrant visa issued
5 to an alien that expires or expired during the period
6 described in subsection (d), the period of validity of
7 the visa is extended until the date that is 90 days
8 after the end of such period.

9 (2) ROLLOVER OF UNUSED VISAS.—

10 (A) IN GENERAL.—For fiscal years 2021
11 and 2022, the worldwide level of family-spon-
12 sored immigrants under subsection (c) of sec-
13 tion 201 of the Immigration and Nationality
14 Act (8 U.S.C. 1151), the worldwide level of em-
15 ployment-based immigrants under subsection
16 (d) of such section, and the worldwide level of
17 diversity immigrants under subsection (e) of
18 such section shall each be increased by the
19 number computed under subparagraph (B) with
20 respect to each of such worldwide levels.

21 (B) COMPUTATION OF INCREASE.—For
22 each of the worldwide levels described in sub-
23 paragraph (A), the number computed under
24 this subparagraph is the difference (if any) be-
25 tween the worldwide level established for the

1 previous fiscal year under the applicable sub-
2 section of section 201 of the Immigration and
3 Nationality Act (8 U.S.C. 1151) and the num-
4 ber of visas that were, during the previous fiscal
5 year, issued and used as the basis for an appli-
6 cation for admission into the United States as
7 an immigrant described in the applicable sub-
8 section.

9 (C) CLARIFICATIONS.—

10 (i) ALLOCATION AMONG PREFERENCE
11 CATEGORIES.—The additional visas made
12 available for fiscal years 2021 and 2022 as
13 a result of the computations made under
14 subparagraphs (A) and (B) shall be pro-
15 portionally allocated as set forth in sub-
16 sections (a), (b), and (c) of section 203 of
17 the Immigration and Nationality Act (8
18 U.S.C. 1153).

19 (ii) ELIMINATION OF FALL ACROSS.—
20 For fiscal years 2021 and 2022, the num-
21 ber computed under subsection (c)(3)(C) of
22 section 201 of the Immigration and Na-
23 tionality Act (8 U.S.C. 1151), and the
24 number computed under subsection

1 (d)(2)(C) of such section, are deemed to
2 equal zero.

3 (iii) DIVERSITY VISAS.—The addi-
4 tional visas made available for fiscal year
5 2021 for the worldwide level of diversity
6 immigrants under subsection (e) of section
7 201 of the Immigration and Nationality
8 Act (8 U.S.C. 1151) as a result of the
9 computations made under subparagraphs
10 (A) and (B) shall be first made available
11 to diversity immigrants selected in the lot-
12 tery for fiscal year 2020.

13 (c) VOLUNTARY DEPARTURE.—Notwithstanding sec-
14 tion 240B of the Immigration and Nationality Act (8
15 U.S.C. 1229c), if a period for voluntary departure under
16 such section expires or expired during the period described
17 in subsection (d), such voluntary departure period is ex-
18 tended until the date that is 90 days after the end of such
19 period.

20 (d) PERIOD DESCRIBED.—The period described in
21 this subsection—

22 (1) begins on the first day of the public health
23 emergency declared by the Secretary of Health and
24 Human Services under section 319 of the Public

1 Health Service Act (42 U.S.C. 247d) with respect to
2 COVID–19; and

3 (2) ends 90 days after the date on which such
4 public health emergency terminates.

5 **SEC. 102. TEMPORARY ACCOMMODATIONS FOR NATU-**
6 **RALIZATION OATH CEREMONIES DUE TO**
7 **PUBLIC HEALTH EMERGENCY.**

8 (a) REMOTE OATH CEREMONIES.—Not later than 30
9 days after the date of the enactment of this title, the Sec-
10 retary of Homeland Security shall establish procedures for
11 the administration of the oath of renunciation and alle-
12 giance under section 337 of the Immigration and Nation-
13 ality Act (8 U.S.C. 1448) using remote videoconferencing,
14 or other remote means for individuals who cannot reason-
15 ably access remote videoconferencing, as an alternative to
16 an in-person oath ceremony.

17 (b) ELIGIBLE INDIVIDUALS.—Notwithstanding sec-
18 tion 310(b) of the Immigration and Nationality Act (8
19 U.S.C. 1421(b)), an individual may complete the natu-
20 ralization process by participating in a remote oath cere-
21 mony conducted pursuant to subsection (a) if such indi-
22 vidual—

23 (1) has an approved application for naturaliza-
24 tion;

1 (2) is unable otherwise to complete the natu-
2 ralization process due to the cancellation or suspen-
3 sion of in-person oath ceremonies during the public
4 health emergency declared by the Secretary of
5 Health and Human Services under section 319 of
6 the Public Health Service Act (42 U.S.C. 247d) with
7 respect to COVID–19; and

8 (3) elects to participate in a remote oath cere-
9 mony in lieu of waiting for in-person ceremonies to
10 resume.

11 (c) **ADDITIONAL REQUIREMENTS.**—Upon estab-
12 lishing the procedures described in subsection (a), the Sec-
13 retary of Homeland Security shall—

14 (1) without undue delay, provide written notice
15 to individuals described in subsection (b)(1) of the
16 option of participating in a remote oath ceremony in
17 lieu of a participating in an in-person ceremony;

18 (2) to the greatest extent practicable, ensure
19 that remote oath ceremonies are administered to in-
20 dividuals who elect to participate in such a ceremony
21 not later than 30 days after the individual so noti-
22 fies the Secretary; and

23 (3) administer oath ceremonies to all other eli-
24 gible individuals as expeditiously as possible after

1 the end of the public health emergency referred to
2 in subsection (b)(2).

3 (d) AVAILABILITY OF REMOTE OPTION.—The Sec-
4 retary of Homeland Security shall begin administering re-
5 mote oath ceremonies on the date that is 60 days after
6 the date of the enactment of this title and shall continue
7 administering such ceremonies until a date that is not ear-
8 lier than 90 days after the end of the public health emer-
9 gency referred to in subsection (b)(2).

10 (e) CLARIFICATION.—Failure to appear for a remote
11 oath ceremony shall not create a presumption that the in-
12 dividual has abandoned his or her intent to be naturalized.

13 (f) REPORT TO CONGRESS.—Not later than 180 days
14 after the end of the public health emergency referred to
15 in subsection (b)(2), the Secretary of Homeland Security
16 shall submit a report to Congress that identifies, for each
17 State and political subdivision of a State, the number of—

18 (1) individuals who were scheduled for an in-
19 person oath ceremony that was cancelled due to such
20 public health emergency;

21 (2) individuals who were provided written notice
22 pursuant to subsection (c)(1) of the option of par-
23 ticipating in a remote oath ceremony;

1 (3) individuals who elected to participate in a
2 remote oath ceremony in lieu of an in-person public
3 ceremony;

4 (4) individuals who completed the naturaliza-
5 tion process by participating in a remote oath cere-
6 mony; and

7 (5) remote oath ceremonies that were conducted
8 within the period described in subsection (d).

9 **SEC. 103. TEMPORARY PROTECTIONS FOR ESSENTIAL CRIT-**
10 **ICAL INFRASTRUCTURE WORKERS.**

11 (a) PROTECTIONS FOR ESSENTIAL CRITICAL INFRA-
12 STRUCTURE WORKERS.—During the period described in
13 subsection (e), an alien described in subsection (d) shall
14 be deemed to be in a period of deferred action and author-
15 ized for employment for purposes of section 274A of the
16 Immigration and Nationality Act (8 U.S.C. 1324a).

17 (b) EMPLOYER PROTECTIONS.—During the period
18 described in subsection (e), the hiring, employment, or
19 continued employment of an alien described in subsection
20 (d) is not a violation of section 274A(a) of the Immigra-
21 tion and Nationality Act (8 U.S.C. 1324a(a)).

22 (c) CLARIFICATION.—Nothing in this section shall be
23 deemed to require an alien described in subsection (d), or
24 such alien’s employer—

1 (1) to submit an application for employment
2 authorization or deferred action, or register with, or
3 pay a fee to, the Secretary of Homeland Security or
4 the head of any other Federal agency; or

5 (2) to appear before an agent of the Depart-
6 ment of Homeland Security or any other Federal
7 agency for an interview, examination, or any other
8 purpose.

9 (d) ALIENS DESCRIBED.—An alien is described in
10 this subsection if the alien—

11 (1) on the date of the enactment of this title—

12 (A) is physically present in the United
13 States; and

14 (B) is inadmissible to, or deportable from,
15 the United States; and

16 (2) engaged in essential critical infrastructure
17 labor or services in the United States prior to the
18 period described in subsection (e) and continues to
19 engage in such labor or services during such period.

20 (e) PERIOD DESCRIBED.—The period described in
21 this subsection—

22 (1) begins on the first day of the public health
23 emergency declared by the Secretary of Health and
24 Human Services under section 319 of the Public

1 Health Service Act (42 U.S.C. 247d) with respect to
2 COVID–19; and

3 (2) ends 90 days after the date on which such
4 public health emergency terminates.

5 (f) ESSENTIAL CRITICAL INFRASTRUCTURE LABOR
6 OR SERVICES.—For purposes of this section, the term “es-
7 sential critical infrastructure labor or services” means
8 labor or services performed in an essential critical infra-
9 structure sector, as described in the “Advisory Memo-
10 randum on Identification of Essential Critical Infrastruc-
11 ture Workers During COVID–19 Response”, revised by
12 the Department of Homeland Security on April 17, 2020.

13 **SEC. 104. SUPPLEMENTING THE COVID RESPONSE WORK-**
14 **FORCE.**

15 (a) EXPEDITED GREEN CARDS FOR CERTAIN PHYSI-
16 CIANS IN THE UNITED STATES.—

17 (1) IN GENERAL.—During the period described
18 in paragraph (3), an alien described in paragraph
19 (2) may apply to acquire the status of an alien law-
20 fully admitted to the United States for permanent
21 residence consistent with section 201(b)(1) of the
22 Immigration and Nationality Act (8 U.S.C.
23 1151(b)(1)).

1 (2) ALIEN DESCRIBED.—An alien described in
2 this paragraph is an alien physician (and the spouse
3 and children of such alien) who—

4 (A) has an approved immigrant visa peti-
5 tion under section 203(b)(2)(B)(ii) of the Immi-
6 gration and Nationality Act (8 U.S.C.
7 1153(b)(2)(B)(ii)) and has completed the serv-
8 ice requirements for a waiver under such sec-
9 tion on or before the date of the enactment of
10 this title; and

11 (B) provides a statement to the Secretary
12 of Homeland Security attesting that the alien is
13 engaged in or will engage in the practice of
14 medicine or medical research involving the diag-
15 nosis, treatment, or prevention of COVID–19.

16 (3) PERIOD DESCRIBED.—The period described
17 in this paragraph is the period beginning on the date
18 of the enactment of this title and ending 180 days
19 after the termination of the public health emergency
20 declared by the Secretary of Health and Human
21 Services under section 319 of the Public Health
22 Service Act (42 U.S.C. 247d), with respect to
23 COVID–19.

24 (b) EXPEDITED PROCESSING OF NONIMMIGRANT PE-
25 TITIONS AND APPLICATIONS.—

1 (1) IN GENERAL.—In accordance with the pro-
2 cedures described in paragraph (2), the Secretary of
3 Homeland Security shall expedite the processing of
4 applications and petitions seeking employment or
5 classification of an alien as a nonimmigrant to prac-
6 tice medicine, provide healthcare, engage in medical
7 research, or participate in a graduate medical edu-
8 cation or training program involving the diagnosis,
9 treatment, or prevention of COVID–19.

10 (2) APPLICATIONS OR PETITIONS FOR NEW EM-
11 PLOYMENT OR CHANGE OF STATUS.—

12 (A) INITIAL REVIEW.—Not later than 15
13 days after the Secretary of Homeland Security
14 receives an application or petition for new em-
15 ployment or change of status described in para-
16 graph (1), the Secretary shall conduct an initial
17 review of such application or petition and, if ad-
18 ditional evidence is required, shall issue a re-
19 quest for evidence.

20 (B) DECISION.—

21 (i) IN GENERAL.—The Secretary of
22 Homeland Security shall issue a final deci-
23 sion on an application or petition described
24 in paragraph (1) not later than 30 days
25 after receipt of such application or peti-

1 tion, or, if a request for evidence is issued,
2 not later than 15 days after the Secretary
3 receives the applicant or petitioner's re-
4 sponse to such request.

5 (ii) E-MAIL.—In addition to delivery
6 through regular mail services, decisions de-
7 scribed in clause (i) shall be transmitted to
8 the applicant or petitioner via electronic
9 mail, if the applicant or petitioner provides
10 the Secretary of Homeland Security with
11 an electronic mail address.

12 (3) TERMINATION.—This subsection shall take
13 effect on the date of the enactment of this title and
14 shall cease to be effective on the date that is 180
15 days after the termination of the public health emer-
16 gency declared by the Secretary of Health and
17 Human Services under section 319 of the Public
18 Health Service Act (42 U.S.C. 247d), with respect
19 to COVID–19.

20 (c) EMERGENCY VISA PROCESSING.—

21 (1) VISA PROCESSING.—

22 (A) IN GENERAL.—The Secretary of State
23 shall prioritize the processing of applications
24 submitted by aliens who are seeking a visa
25 based on an approved nonimmigrant petition to

1 practice medicine, provide healthcare, engage in
2 medical research, or participate in a graduate
3 medical education or training program involving
4 the diagnosis, treatment, or prevention of
5 COVID-19.

6 (B) INTERVIEW.—

7 (i) IN GENERAL.—The Secretary of
8 State shall ensure that visa appointments
9 are scheduled for aliens described in sub-
10 paragraph (A) not later than 7 business
11 days after the alien requests such an ap-
12 pointment.

13 (ii) SUSPENSION OF ROUTINE VISA
14 SERVICES.—If routine visa services are un-
15 available in the alien’s home country—

16 (I) the U.S. embassy or consulate
17 in the alien’s home country shall—

18 (aa) conduct the visa inter-
19 view with the alien via video-tele-
20 conferencing technology; or

21 (bb) grant an emergency
22 visa appointment to the alien not
23 later than 10 business days after
24 the alien requests such an ap-
25 pointment; or

1 (II) the alien may seek a visa ap-
2 pointment at any other U.S. embassy
3 or consulate where routine visa serv-
4 ices are available, and such embassy
5 or consulate shall make every reason-
6 able effort to provide the alien with an
7 appointment within 10 business days
8 after the alien requests such an ap-
9 pointment.

10 (2) INTERVIEW WAIVERS.—Except as provided
11 in section 222(h)(2) of the Immigration and Nation-
12 ality Act (8 U.S.C. 1202(h)(2)), the Secretary of
13 State shall waive the interview of any alien seeking
14 a nonimmigrant visa based on an approved petition
15 described in paragraph (1)(A), if—

16 (A) such alien is applying for a visa—

17 (i) not more than 3 years after the
18 date on which such alien's prior visa ex-
19 pired;

20 (ii) in the visa classification for which
21 such prior visa was issued; and

22 (iii) at a consular post located in the
23 alien's country of residence or, if otherwise
24 required by regulation, country of nation-
25 ality; and

1 (B) the consular officer has no indication
2 that such alien has failed to comply with the
3 immigration laws and regulations of the United
4 States.

5 (3) TERMINATION.—This subsection shall take
6 effect on the date of the enactment of this title and
7 shall cease to be effective on the date that is 180
8 days after the termination of the public health emer-
9 gency declared by the Secretary of Health and
10 Human Services under section 319 of the Public
11 Health Service Act (42 U.S.C. 274d), with respect
12 to COVID-19.

13 (d) IMPROVING MOBILITY OF NONIMMIGRANT
14 COVID-19 WORKERS.—

15 (1) LICENSURE.—Notwithstanding section
16 212(j)(2) of the Immigration and Nationality Act (8
17 U.S.C. 1182(j)(2)), for the period described in para-
18 graph (6), the Secretary of Homeland Security may
19 approve a petition for classification as a non-
20 immigrant described under section
21 101(a)(15)(H)(i)(b) of such Act, filed on behalf of a
22 physician for purposes of performing direct patient
23 care if such physician possesses a license or other
24 authorization required by the State of intended em-
25 ployment to practice medicine, or is eligible for a

1 waiver of such requirement pursuant to an executive
2 order, emergency rule, or other action taken by the
3 State to modify or suspend regular licensing require-
4 ments in response to the COVID-19 public health
5 emergency.

6 (2) TEMPORARY LIMITATIONS ON AMENDED H-
7 1B PETITIONS.—

8 (A) IN GENERAL.—Notwithstanding any
9 other provision of law, the Secretary of Home-
10 land Security shall not require an employer of
11 a nonimmigrant alien described in section
12 101(a)(15)(H)(i)(b) of the Immigration and
13 Nationality Act (8 U.S.C.
14 1101(a)(15)(H)(i)(b)) to file an amended or
15 new petition under section 214(a) of such Act
16 (8 U.S.C. 1184(a)) if upon transferring such
17 alien to a new area of employment, the alien
18 will practice medicine, provide healthcare, or
19 engage in medical research involving the diag-
20 nosis, treatment, or prevention of COVID-19.

21 (B) CLARIFICATION ON TELEMEDICINE.—
22 Nothing in the Immigration and Nationality
23 Act or any other provision of law shall be con-
24 strued to require an employer of a non-
25 immigrant alien described in section

1 101(a)(15)(H)(i)(b) of the Immigration and
2 Nationality Act (8 U.S.C.
3 1101(a)(15)(H)(i)(b)) to file an amended or
4 new petition under section 214(a) of such Act
5 (8 U.S.C. 1184(a)) if the alien is a physician or
6 other healthcare worker who will provide remote
7 patient care through the use of real-time audio-
8 video communication tools to consult with pa-
9 tients and other technologies to collect, analyze,
10 and transmit medical data and images.

11 (3) PERMISSIBLE WORK ACTIVITIES FOR J-1
12 PHYSICIANS.—

13 (A) IN GENERAL.—Notwithstanding any
14 other provision of law, the diagnosis, treatment,
15 or prevention of COVID-19 shall be considered
16 an integral part of a graduate medical edu-
17 cation or training program and a nonimmigrant
18 described in section 101(a)(15)(J) of the Immi-
19 gration and Nationality Act (8 U.S.C.
20 1101(a)(15)(J)) who is participating in such a
21 program—

22 (i) may be redeployed to a new rota-
23 tion within the host training institution as
24 needed to engage in COVID-19 work; and

1 (ii) may receive compensation for such
2 work.

3 (B) OTHER PERMISSIBLE EMPLOYMENT
4 ACTIVITIES.—A nonimmigrant described in sec-
5 tion 101(a)(15)(J) of the Immigration and Na-
6 tionality Act (8 U.S.C. 1101(a)(15)(J)) who is
7 participating in a graduate medical education
8 or training program may engage in work out-
9 side the scope of the approved program, if—

10 (i) the work involves the diagnosis,
11 treatment, or prevention of COVID–19;

12 (ii) the alien has maintained lawful
13 nonimmigrant status and has otherwise
14 complied with the terms of the education
15 or training program; and

16 (iii) the program sponsor approves the
17 additional work by annotating the non-
18 immigrant’s Certificate of Eligibility for
19 Exchange Visitor (J–1) Status (Form DS–
20 2019) and notifying the Immigration and
21 Customs Enforcement Student and Ex-
22 change Visitor Program of the approval of
23 such work.

24 (C) CLARIFICATION ON TELEMEDICINE.—
25 Section 214(l)(1)(D) of the Immigration and

1 Nationality Act (8 U.S.C. 1184(l)(1)(D)) may
2 be satisfied through the provision of care to pa-
3 tients located in areas designated by the Sec-
4 retary of Health and Human Services as having
5 a shortage of health care professionals, through
6 the physician's use of real-time audio-video
7 communication tools to consult with patients
8 and other technologies to collect, analyze, and
9 transmit medical data and images.

10 (4) PORTABILITY OF O-1 NONIMMIGRANTS.—A
11 nonimmigrant who was previously issued a visa or
12 otherwise provided nonimmigrant status under sec-
13 tion 101(a)(15)(O)(i) of the Immigration and Na-
14 tionality Act (8 U.S.C. 1101(a)(15)(O)(i)), and is
15 seeking an extension of such status, is authorized to
16 accept new employment under the terms and condi-
17 tions described in section 214(n) of such Act (8
18 U.S.C. 1184(n)).

19 (5) INCREASING THE ABILITY OF PHYSICIANS
20 TO CHANGE NONIMMIGRANT STATUS.—

21 (A) CHANGE OF NONIMMIGRANT CLASSI-
22 FICATION.—Section 248(a) of the Immigration
23 and Nationality Act (8 U.S.C. 1184(l)), is
24 amended—

1 (i) in paragraph (1), by inserting
2 “and” after the comma at the end;

3 (ii) by striking paragraphs (2) and
4 (3); and

5 (iii) by redesignating paragraph (4) as
6 paragraph (2).

7 (B) ADMISSION OF NONIMMIGRANTS.—
8 Section 214(l)(2)(A) of the Immigration and
9 Nationality Act (8 U.S.C. 1184(l)(2)(A)) is
10 amended by striking “Notwithstanding section
11 248(a)(2), the” and inserting “The”.

12 (6) TERMINATION.—This subsection shall take
13 effect on the date of the enactment of this title and
14 except as provided in paragraphs (2)(B), (3)(C), (4),
15 and (5), shall cease to be effective on that date that
16 is 180 days after the termination of the public
17 health emergency declared by the Secretary of
18 Health and Human Services under section 319 of
19 the Public Health Service Act (42 U.S.C. 247d),
20 with respect to COVID–19.

21 (e) CONRAD 30 PROGRAM.—

22 (1) PERMANENT AUTHORIZATION.—Section
23 220(c) of the Immigration and Nationality Technical
24 Corrections Act of 1994 (Public Law 103–416; 8

1 U.S.C. 1182 note) is amended by striking “and be-
2 fore September 30, 2015”.

3 (2) ADMISSION OF NONIMMIGRANTS.—Section
4 214(l) of the Immigration and Nationality Act (8
5 U.S.C. 1184(l)), is amended—

6 (A) in paragraph (1)(B)—

7 (i) by striking “30” and inserting
8 “35”; and

9 (ii) by inserting “, except as provided
10 in paragraph (4)” before the semicolon at
11 the end; and

12 (B) by adding at the end the following:

13 “(4) ADJUSTMENT IN WAIVER NUMBERS.—

14 “(A) INCREASES.—

15 “(i) IN GENERAL.—Except as pro-
16 vided in clause (ii), if in any fiscal year,
17 not less than 90 percent of the waivers
18 provided under paragraph (1)(B) are uti-
19 lized by States receiving at least 5 such
20 waivers, the number of such waivers allot-
21 ted to each State shall increase by 5 for
22 each subsequent fiscal year.

23 “(ii) EXCEPTION.—If 45 or more
24 waivers are allotted to States in any fiscal
25 year, an increase of 5 waivers in subse-

1 quent fiscal years shall be provided only in
2 the case that not less than 95 percent of
3 such waivers are utilized by States receiv-
4 ing at least 1 waiver.

5 “(B) DECREASES.—If in any fiscal year in
6 which there was an increase in waivers, the
7 total number of waivers utilized is 5 percent
8 lower than in the previous fiscal year, the num-
9 ber of such waivers allotted to each State shall
10 decrease by 5 for each subsequent fiscal year,
11 except that in no case shall the number of waiv-
12 ers allotted to each State drop below 35.”.

13 (f) TEMPORARY PORTABILITY FOR PHYSICIANS AND
14 CRITICAL HEALTHCARE WORKERS IN RESPONSE TO
15 COVID–19 PUBLIC HEALTH EMERGENCY.—

16 (1) IN GENERAL.—Not later than 30 days after
17 the date of the enactment of this title, the Secretary
18 of Homeland Security, in consultation with the Sec-
19 retary of Labor and the Secretary of Health and
20 Human Services, shall establish emergency proce-
21 dures to provide employment authorization to aliens
22 described in paragraph (2), for purposes of facili-
23 tating the temporary deployment of such aliens to
24 practice medicine, provide healthcare, or engage in

1 medical research involving the diagnosis, treatment,
2 or prevention of COVID–19.

3 (2) ALIENS DESCRIBED.—An alien described in
4 this paragraph is an alien who is—

5 (A) physically present in the United
6 States;

7 (B) maintaining lawful nonimmigrant sta-
8 tus that authorizes employment with a specific
9 employer incident to such status; and

10 (C) working in the United States in a
11 healthcare occupation essential to COVID–19
12 response, as determined by the Secretary of
13 Health and Human Services.

14 (3) EMPLOYMENT AUTHORIZATION.—

15 (A) APPLICATION.—

16 (i) IN GENERAL.—The Secretary of
17 Homeland Security may grant employment
18 authorization to an alien described in para-
19 graph (2) if such alien submits an Applica-
20 tion for Employment Authorization (Form
21 I–765 or any successor form), which shall
22 include—

23 (I) evidence of the alien’s current
24 nonimmigrant status;

1 (II) copies of the alien's academic
2 degrees and any licenses, credentials,
3 or other documentation confirming
4 authorization to practice in the alien's
5 occupation; and

6 (III) any other evidence deter-
7 mined necessary by the Secretary of
8 Homeland Security to establish by a
9 preponderance of the evidence that
10 the alien meets the requirements of
11 paragraph (2).

12 (ii) CONVERSION OF PENDING APPLI-
13 CATIONS.—The Secretary of Homeland Se-
14 curity shall establish procedures for the ad-
15 judication of any employment authoriza-
16 tion applications for aliens described in
17 paragraph (2) that are pending on the date
18 of the enactment of this title, and the
19 issuance of employment authorization doc-
20 uments in connection with such applica-
21 tions in accordance with the terms and
22 conditions of this subsection, upon request
23 by the applicant.

24 (B) FEES.—The Secretary of Homeland
25 Security shall collect a fee for the processing of

1 applications for employment authorization as
2 provided under this paragraph.

3 (C) REQUEST FOR EVIDENCE.—If all re-
4 quired initial evidence has been submitted
5 under this subsection but such evidence does
6 not establish eligibility, the Secretary of Home-
7 land Security shall issue a request for evidence
8 not later than 15 days after receipt of the ap-
9 plication for employment authorization.

10 (D) DECISION.—The Secretary of Home-
11 land Security shall issue a final decision on an
12 application for employment authorization under
13 this subsection not later than 30 days after re-
14 ceipt of such application, or, if a request for
15 evidence is issued, not later than 15 days after
16 the Secretary receives the alien’s response to
17 such request.

18 (E) EMPLOYMENT AUTHORIZATION
19 CARD.—An employment authorization document
20 issued under this subsection shall—

21 (i) be valid for a period of not less
22 than 1 year;

23 (ii) include the annotation “COVID-
24 19”; and

1 (iii) notwithstanding any other provi-
2 sion of law, allow the bearer of such docu-
3 ment to engage in employment during its
4 validity period, with any United States em-
5 ployer to perform services described in
6 paragraph (1).

7 (F) RENEWAL.—Subject to paragraph (5),
8 the Secretary of Homeland Security may renew
9 an employment authorization document issued
10 under this subsection in accordance with proce-
11 dures established by the Secretary.

12 (G) CLARIFICATIONS.—

13 (i) MAINTENANCE OF STATUS.—Not-
14 withstanding a reduction in hours or ces-
15 sation of work with the employer that peti-
16 tioned for the alien’s underlying non-
17 immigrant status, an alien granted employ-
18 ment authorization under this subsection,
19 and the spouse and children of such alien
20 shall, for the period of such authorization,
21 be deemed—

22 (I) to be lawfully present in the
23 United States; and

24 (II) to have continuously main-
25 tained the alien’s underlying non-

1 immigrant status for purposes of an
2 extension of such status, a change of
3 nonimmigrant status under section
4 248 of the Immigration and Nation-
5 ality Act (8 U.S.C. 1258), or adjust-
6 ment of status under section 245 of
7 such Act (8 U.S.C. 1255).

8 (ii) LIMITATIONS.—An employment
9 authorization document described in sub-
10 paragraph (E) may not be—

11 (I) utilized by the alien to engage
12 in any employment other than that
13 which is described in paragraph (1);
14 or

15 (II) accepted by an employer as
16 evidence of authorization under sec-
17 tion 274A(b)(1)(C) of the Immigra-
18 tion and Nationality Act (8 U.S.C.
19 1324a(b)(1)(C)), to engage in employ-
20 ment other than that which is de-
21 scribed in paragraph (1).

22 (4) TREATMENT OF TIME SPENT ENGAGING IN
23 COVID-19-RELATED WORK.—Notwithstanding any
24 other provision of law, time spent by an alien physi-
25 cian engaged in direct patient care involving the di-

1 agnosis, treatment, or prevention of COVID–19
2 shall count towards—

3 (A) the 5 years that an alien is required to
4 work as a full-time physician for purposes of a
5 national interest waiver under section
6 203(b)(2)(B)(ii) of the Immigration and Na-
7 tionality Act (8 U.S.C. 1153(b)(2)(B)(ii)); and

8 (B) the 3 years that an alien is required
9 to work as a full-time physician for purposes of
10 a waiver of the 2-year foreign residence require-
11 ment under section 212(e) of the Immigration
12 and Nationality Act (8 U.S.C. 1182(e)), as pro-
13 vided in section 214(l) of such Act (8 U.S.C.
14 1184(l)).

15 (5) EXTENSION OR TERMINATION.—The proce-
16 dures described in paragraph (1) shall take effect on
17 the date that is 30 days after the date of the enact-
18 ment of this title and shall remain in effect until
19 180 days after the termination of the public health
20 emergency declared by the Secretary of Health and
21 Human Services under section 319 of the Public
22 Health Service Act (42 U.S.C. 247d), with respect
23 to COVID–19.

1 (g) SPECIAL IMMIGRANT STATUS FOR NON-
2 IMMIGRANT COVID-19 WORKERS AND THEIR FAMI-
3 LIES.—

4 (1) IN GENERAL.—The Secretary of Homeland
5 Security may grant a petition for special immigrant
6 classification to an alien described in paragraph (2)
7 (and the spouse and children of such alien) if the
8 alien files a petition for special immigrant status
9 under section 204 of the Immigration and Nation-
10 ality Act (8 U.S.C. 1154) for classification under
11 section 203(b)(4) of such Act (8 U.S.C. 1153(b)(4)).

12 (2) ALIENS DESCRIBED.—An alien is described
13 in this paragraph if, during the period beginning on
14 the date that the COVID-19 public health emer-
15 gency was declared by the Secretary of Health and
16 Human Services under section 319 of the Public
17 Health Service Act (42 U.S.C. 247d) and ending
18 180 days after the termination of such emergency,
19 the alien was—

20 (A) authorized for employment in the
21 United States and maintaining a nonimmigrant
22 status; and

23 (B) engaged in the practice of medicine,
24 provision of healthcare services, or medical re-

1 search involving the diagnosis, treatment, or
2 prevention of COVID–19 disease.

3 (3) PRIORITY DATE.—Subject to paragraph (5),
4 immigrant visas under paragraph (1) shall be made
5 available to aliens in the order in which a petition
6 on behalf of each such alien is filed with the Sec-
7 retary of Homeland Security, except that an alien
8 shall maintain any priority date that was assigned
9 with respect to an immigrant visa petition or appli-
10 cation for labor certification that was previously filed
11 on behalf of such alien.

12 (4) PROTECTIONS FOR SURVIVING SPOUSES
13 AND CHILDREN.—

14 (A) SURVIVING SPOUSES AND CHIL-
15 DREN.—Notwithstanding the death of an alien
16 described in paragraph (2), the Secretary of
17 State may approve an application for an immi-
18 grant visa, and the Secretary of Homeland Se-
19 curity may approve an application for adjust-
20 ment of status to lawful permanent resident,
21 filed by or on behalf of a spouse or child of
22 such alien.

23 (B) AGE-OUT PROTECTION.—For purposes
24 of an application for an immigrant visa or ad-
25 justment of status filed by or on behalf of a

1 child of an alien described in paragraph (2), the
2 determination of whether the child satisfies the
3 age requirement under section 101(b)(1) of the
4 Immigration and Nationality Act (8 U.S.C.
5 1101(b)(1)) shall be made using the age of the
6 child on the date the immigrant visa petition
7 under paragraph (1) was approved.

8 (C) CONTINUATION OF NONIMMIGRANT
9 STATUS.—A spouse or child of an alien de-
10 scribed in paragraph (2) shall be considered to
11 have maintained lawful nonimmigrant status
12 until the earlier of the date—

13 (i) on which the Secretary of Home-
14 land Security accepts for filing, an applica-
15 tion for adjustment of status based on a
16 petition described in paragraph (1); or

17 (ii) that is 2 years after the date of
18 the principal nonimmigrant's death.

19 (5) NUMERICAL LIMITATIONS.—

20 (A) IN GENERAL.—The total number of
21 principal aliens who may be provided special
22 immigrant status under this subsection may not
23 exceed 4,000 per year for each of the 3 fiscal
24 years beginning after the date of the enactment
25 of this title.

1 (B) EXCLUSION FROM NUMERICAL LIMITA-
2 TIONS.—Aliens provided special immigrant sta-
3 tus under this subsection shall not be counted
4 against any numerical limitations under section
5 201(d), 202(a), or 203(b)(4) of the Immigra-
6 tion and Nationality Act (8 U.S.C. 1151(d),
7 1152(a), or 1153(b)(4)).

8 (C) CARRY FORWARD.—If the numerical
9 limitation specified in subparagraph (A) is not
10 reached during a given fiscal year referred to in
11 such subparagraph, the numerical limitation
12 specified in such subparagraph for the following
13 fiscal year shall be increased by a number equal
14 to the difference between—

15 (i) the numerical limitation specified
16 in subparagraph (A) for the given fiscal
17 year; and

18 (ii) the number of principal aliens pro-
19 vided special immigrant status under this
20 subsection during the given fiscal year.

21 **SEC. 105. ICE DETENTION.**

22 (a) REVIEWING ICE DETENTION.—During the public
23 health emergency declared by the Secretary of Health and
24 Human Services under section 319 of the Public Health
25 Service Act (42 U.S.C. 247d) with respect to COVID–19,

1 the Secretary of Homeland Security shall review the immi-
2 gration files of all individuals in the custody of U.S. Immi-
3 gration and Customs Enforcement to assess the need for
4 continued detention. The Secretary of Homeland Security
5 shall prioritize for release on recognizance or alternatives
6 to detention individuals who are not subject to mandatory
7 detention laws, unless the individual is a threat to public
8 safety or national security.

9 (b) ACCESS TO ELECTRONIC COMMUNICATIONS AND
10 HYGIENE PRODUCTS.—During the period described in
11 subsection (c), the Secretary of Homeland Security shall
12 ensure that—

13 (1) all individuals in the custody of U.S. Immi-
14 gration and Customs Enforcement—

15 (A) have access to telephonic or video com-
16 munication at no cost to the detained indi-
17 vidual;

18 (B) have access to free, unmonitored tele-
19 phone calls, at any time, to contact attorneys or
20 legal service providers in a sufficiently private
21 space to protect confidentiality;

22 (C) are permitted to receive legal cor-
23 respondence by fax or email rather than postal
24 mail; and

1 (D) are provided sufficient soap, hand san-
2 itizer, and other hygiene products; and

3 (2) nonprofit organizations providing legal ori-
4 entation programming or know-your-rights program-
5 ming to individuals in the custody of U.S. Immigra-
6 tion and Customs Enforcement are permitted broad
7 and flexible access to such individuals—

8 (A) to provide group presentations using
9 remote videoconferencing; and

10 (B) to schedule and provide individual ori-
11 entations using free telephone calls or remote
12 videoconferencing.

13 (c) PERIOD DESCRIBED.—The period described in
14 this subsection—

15 (1) begins on the first day of the public health
16 emergency declared by the Secretary of Health and
17 Human Services under section 319 of the Public
18 Health Service Act (42 U.S.C. 247d) with respect to
19 COVID–19; and

20 (2) ends 90 days after the date on which such
21 public health emergency terminates.

22 **SEC. 106. CONDITION ON FURLOUGH.**

23 U.S. Citizenship and Immigration Services may not
24 furlough any employee in any pay period in fiscal year

1 2021 if the agency has sufficient available balances for
2 compensation for such employee during such pay period.

3 **SEC. 107. LIMITATION ON USE OF FUNDS BY OTHER AGEN-**
4 **CIES.**

5 Notwithstanding any other provision of law, none of
6 the funds deposited into the Immigration Examinations
7 Fee Account pursuant to subsection (m) or (u) of section
8 286 of the Immigration and Nationality Act (8 U.S.C.
9 1356), may be made available to any other Federal agency
10 for such other agency's purpose, unless such funds were
11 made available to such agency for such purpose in fiscal
12 year 2019.

13 **SEC. 108. CHIEF FINANCIAL OFFICER.**

14 (a) **REPORT TO DIRECTOR.**—The Chief Financial Of-
15 ficer of U.S. Citizenship and Immigration Services shall
16 report to the Director of U.S. Citizenship and Immigra-
17 tion Services.

18 (b) **REQUIRED CONSULTATION.**—Prior to imple-
19 menting any substantive change to a policy, program, or
20 process, the Director of U.S. Citizenship and Immigration
21 Services shall consider the impact of such change on the
22 agency's revenue, expenditures, and reserve funding in
23 consultation with the agency's Chief Financial Officer.

1 **SEC. 109. INDEPENDENT VERIFICATION AND VALIDATION**
2 **REVIEW.**

3 Not later than 180 days after the date of enactment
4 of this Act, the Director of U.S. Citizenship and Immigra-
5 tion Services shall submit to the Committees on the Judi-
6 ciary of the House of Representatives and the Senate, and
7 the Committees on Appropriations of the House of Rep-
8 resentatives and the Senate, the results and recommenda-
9 tions of an Independent Verification and Validation review
10 of each model used by the agency to inform adjustments
11 of fees charged for the adjudication of immigration and
12 citizenship benefit requests.

13 **SEC. 110. REPORTING REQUIREMENT.**

14 (a) IN GENERAL.—In addition to the requirements
15 of section 286(o) of the Immigration and Nationality Act
16 (8 U.S.C. 1356(o)), the Secretary of Homeland Security
17 shall prepare a report on the fiscal status of U.S. Citizen-
18 ship and Immigration Services that includes the following,
19 disaggregated by funding source—

20 (1) the annual operating plan broken out by di-
21 rectorate and program office within such agency,
22 which shall include obligations and current year ex-
23 penditures for the preceding quarter, along with pro-
24 jected obligations and expenditures for the current
25 quarter and the subsequent quarters;

1 (2) fee receipts for each form type for the pre-
2 ceding quarter and estimates of such receipts for the
3 current and subsequent quarter;

4 (3) other agency expenses, including payments
5 or transfers to other Federal agencies and general
6 operating expenses;

7 (4) the percentage of revenue generated from
8 premium processing receipts used for the adjudica-
9 tion of non-premium benefit applications;

10 (5) carryover or reserve funding projections, ob-
11 ligations, and expenditures;

12 (6) productivity measurement data, by form
13 type, directorate, and program office, measured
14 against baseline capacity and workload volumes;

15 (7) the impact on such measurement data from
16 changes in personnel, technology usage, or processes;

17 (8) processing times by program office and di-
18 rectorate, disaggregated by form type; and

19 (9) backlogs by form type, including petitions
20 for family- and employment-based immigration bene-
21 fits and for asylum and other humanitarian protec-
22 tions.

23 (b) REVIEW.—The report required in subsection (a)
24 shall be—

1 (1) validated and reviewed by the Chief Finan-
2 cial Officer of the Department of Homeland Secu-
3 rity; and

4 (2) submitted to the Committees on the Judici-
5 ary of the Senate and the House of Representatives
6 and the Committees on Appropriations of the Senate
7 and the House of Representatives not later than 90
8 days after the date of enactment of this Act and
9 every 180 days thereafter.

10 (c) PUBLIC AVAILABILITY.—The information de-
11 scribed in paragraphs (6) through (9) of subsection (a)
12 shall also be made available not later than 15 days after
13 the end of each fiscal quarter on a publicly available
14 website.

15 (d) REVENUE EARNINGS REPORT.—Not later than
16 60 days after the date of enactment of this Act and up-
17 dated monthly thereafter, the Director of U.S. Citizenship
18 and Immigration Services shall publish on a publicly avail-
19 able website in a downloadable, searchable, and sortable
20 format a revenue earnings report that includes data begin-
21 ning October 1, 2009, which shall be disaggregated by
22 month and revenue source.

23 (e) INDEPENDENT REVIEW.—The Comptroller Gen-
24 eral of the United States shall conduct an independent re-
25 view of the first report submitted pursuant to subsection

1 (b) and shall examine the circumstances that led to fiscal
2 situation for U.S. Citizenship and Immigration Services
3 for the fiscal years 2017 through 2020.

4 **TITLE II—PRISONS AND JAILS**

5 **SEC. 201. SHORT TITLE.**

6 This title may be cited as the “Pandemic Justice Re-
7 sponse Act”.

8 **SEC. 202. EMERGENCY COMMUNITY SUPERVISION ACT.**

9 (a) FINDINGS.—Congress finds the following:

10 (1) As of the date of introduction of this Act,
11 the novel coronavirus has spread to all 50 States,
12 the District of Columbia, and at least 4 territories.

13 (2) As of September 27, 2020, more than
14 7,119,400 people in the United States had been in-
15 fected with the coronavirus and at least 204,400 had
16 died.

17 (3) Although the United States has less than 5
18 percent of the world’s population, the United States
19 holds approximately 21 percent of the world’s pris-
20 oners and leads the world in the number of individ-
21 uals incarcerated, with nearly 2,200,000 people in-
22 carcerated in State and Federal prisons and local
23 jails.

24 (4) Studies have shown that individuals age out
25 of crime starting around 25 years of age, and re-

1 leased individuals over the age of 50 have a very low
2 recidivism rate.

3 (5) According to public health experts, incarcerated
4 ated individuals are particularly vulnerable to being
5 gravely impacted by the novel corona virus pandemic
6 because—

7 (A) they have higher rates of underlying
8 health issues than members of the general pub-
9 lic, including higher rates of respiratory disease,
10 heart disease, diabetes, obesity, HIV/AIDS,
11 substance abuse, hepatitis, and other conditions
12 that suppress immune response; and

13 (B) the close conditions and lack of access
14 to hygiene products in prisons make these insti-
15 tutions unusually susceptible to viral
16 pandemics.

17 (6) The spread of communicable disease in the
18 United States generally constitutes a serious, height-
19 ened threat to the safety of incarcerated individuals,
20 and there is a serious threat to the general public
21 that prisons may become incubators of community
22 spread of communicable viral disease.

23 (b) DEFINITIONS.—In this section:

1 (1) COVERED HEALTH CONDITION.—The term
2 “covered health condition” with respect to an indi-
3 vidual, means the individual—

4 (A) is pregnant;

5 (B) has chronic lung disease or asthma;

6 (C) has congestive heart failure or coro-
7 nary artery disease;

8 (D) has diabetes;

9 (E) has a neurological condition that weak-
10 ens the ability to cough or breathe;

11 (F) has HIV;

12 (G) has sickle cell anemia;

13 (H) has cancer; or

14 (I) has a weakened immune system.

15 (2) COVERED INDIVIDUAL.—The term “covered
16 individual”—

17 (A) means an individual who—

18 (i) is a juvenile (as defined in section
19 5031 of title 18, United States Code);

20 (ii) is 50 years of age or older;

21 (iii) has a covered health condition; or

22 (iv) is within 12 months of release
23 from incarceration; and

24 (B) includes an individual described in
25 subparagraph (A) who is serving a term of im-

1 prisonment for an offense committed before No-
2 vember 1, 1987, or who is serving a term of im-
3 prisonment in the custody of the Bureau of
4 Prisons for a sentence imposed pursuant to a
5 conviction for a criminal offense under the laws
6 of the District of Columbia.

7 (3) NATIONAL EMERGENCY RELATING TO A
8 COMMUNICABLE DISEASE.—The term “national
9 emergency relating to a communicable disease”
10 means—

11 (A) an emergency involving Federal pri-
12 mary responsibility determined to exist by the
13 President under the section 501(b) of the Rob-
14 ert T. Stafford Disaster Relief and Emergency
15 Assistance Act (42 U.S.C. 5191(b)) with re-
16 spect to a communicable disease; or

17 (B) a national emergency declared by the
18 President under the National Emergencies Act
19 (50 U.S.C. 1601 et seq.) with respect to a com-
20 municable disease.

21 (c) PLACEMENT OF CERTAIN INDIVIDUALS IN COM-
22 MUNITY SUPERVISION.—

23 (1) AUTHORITY.—Except as provided in para-
24 graph (2), beginning on the date on which a national
25 emergency relating to a communicable disease is de-

1 clared and ending on the date that is 60 days after
2 such national emergency expires or is terminated—

3 (A) notwithstanding any other provision of
4 law, the Director of the Bureau of Prisons shall
5 place in community supervision all covered indi-
6 viduals who are in the custody of the Bureau of
7 Prisons; and

8 (B) the district court of the United States
9 for each judicial district shall place in commu-
10 nity supervision all covered individuals who are
11 in the custody and care of the United States
12 Marshals Service.

13 (2) EXCEPTIONS.—

14 (A) BUREAU OF PRISONS.—In carrying out
15 paragraph (1)(A), the Director—

16 (i) may not place in community super-
17 vision any individual determined, by clear
18 and convincing evidence, taking into ac-
19 count the individual's offense of conviction,
20 to be likely to pose a specific and substan-
21 tial risk of causing bodily injury to or
22 using violent force against the person of
23 another;

24 (ii) shall place in the file of each indi-
25 vidual described in clause (i) documenta-

1 tion of such determination, including the
2 evidence used to make the determination;
3 and

4 (iii) not later than 180 days after the
5 date on which the national emergency re-
6 lating to a communicable disease expires,
7 shall provide a report to Congress docu-
8 menting—

9 (I) the demographic data (includ-
10 ing race, gender, age, offense of con-
11 viction, and criminal history level) of
12 the individuals denied placement in
13 community supervision under clause
14 (i); and

15 (II) the justification for the deni-
16 als described in subclause (I).

17 (B) DISTRICT COURTS.—In carrying out
18 paragraph (1)(B), each district court of the
19 United States—

20 (i) shall conduct an immediate and ex-
21 pedited review of the detention orders of
22 all covered individuals in the custody and
23 care of the United States Marshals Serv-
24 ice, which may be conducted sua sponte
25 and ex parte, without—

1 (I) appearance by the defendant
2 or any party; or

3 (II) requiring a petition, motion,
4 or other similar document to be filed;

5 (ii) may not place in community su-
6 pervision any individual if the court deter-
7 mines, after a hearing and the attorney for
8 the Government shows by clear and con-
9 vincing evidence based on individualized
10 facts, that detention is necessary because
11 the individual's release will pose a specific
12 and substantial risk that the individual will
13 cause bodily injury or use violent force
14 against the person of another and that no
15 conditions of release will reasonably miti-
16 gate that risk;

17 (iii) in carrying out clauses (i) and
18 (ii), may—

19 (I) rely on evidence presented in
20 prior court proceedings; and

21 (II) if the court determines it
22 necessary, request additional informa-
23 tion from the parties to make the de-
24 termination.

1 (3) LIMITATION ON COMMUNITY SUPERVISION
2 PLACEMENT.—In placing covered individuals into
3 community supervision under this section, the Direc-
4 tor of the Bureau of Prisons and the district court
5 of the United States for each judicial district shall
6 take into account and prioritize placements that en-
7 able adequate social distancing, which include home
8 confinement or other forms of low in-person-contact
9 supervised release.

10 (d) LIMITATION ON PRE-TRIAL DETENTION.—

11 (1) NO BOND CONDITIONS ON RELEASE.—Not-
12 withstanding section 3142 of title 18, United States
13 Code, beginning on the date on which a national
14 emergency relating to a communicable disease is de-
15 clared and ending on the date that is 60 days after
16 such national emergency expires or is terminated, in
17 imposing conditions of release, the judicial officer
18 may not require payment of cash bail, proof of abil-
19 ity to pay an unsecured bond, execution of a bail
20 bond, a solvent surety to co-sign a secured or unse-
21 cured bond, or posting of real property.

22 (2) LIMITATION.—

23 (A) IN GENERAL.—Beginning on the date
24 on which a national emergency relating to a
25 communicable disease is declared and ending on

1 the date that is 60 days after such national
2 emergency expires or is terminated, at any ini-
3 tial appearance hearing, detention hearing,
4 hearing on a motion for pretrial release, or any
5 other hearing where the attorney for the Gov-
6 ernment is seeking the detention or continued
7 detention of any individual, the judicial officer
8 shall order the pretrial release of the individual
9 on personal recognizance or on a condition or
10 combination of conditions under section 3142(c)
11 of title 18, United States Code, unless the at-
12 torney for the Government shows by clear and
13 convincing evidence based on individualized
14 facts that detention is necessary because the in-
15 dividual's release will pose a specific and sub-
16 stantial risk that the individual will cause bodily
17 injury or use violent force against the person of
18 another and that no conditions of release will
19 reasonably mitigate that risk.

20 (B) REQUIRED CONSIDERATION OF CER-
21 TAIN FACTORS.—If the judicial officer finds
22 that the attorney for the Government has made
23 the requisite showing under subparagraph (A),
24 the judicial officer shall take into consideration,
25 in determining whether detention is necessary—

1 (i) whether the individual's age or
2 medical condition renders them especially
3 vulnerable; and

4 (ii) whether detention will compromise
5 the individual's access to adequate medical
6 treatment, access to medications, or ability
7 to privately consult with counsel and
8 meaningfully prepare a defense.

9 (C) JUVENILES.—

10 (i) IN GENERAL.—Beginning on the
11 date on which a national emergency relat-
12 ing to a communicable disease is declared
13 and ending on the date that is 60 days
14 after such national emergency expires or is
15 terminated, notwithstanding sections 5031
16 through 5035 of title 18, United States
17 Code, and except as provided under clause
18 (ii), in the case of a juvenile alleged to
19 have committed an act of juvenile delin-
20 quency, the judicial officer shall release the
21 juvenile to their parent, guardian, custo-
22 dian, or other responsible party (including
23 the director of a shelter-care facility) upon
24 their promise to bring such juvenile before

1 the appropriate court when requested by
2 the judicial officer.

3 (ii) EXCEPTION.—A juvenile alleged
4 to have committed an act of juvenile delin-
5 quency may be detained pending trial only
6 if, at a hearing at which the juvenile is
7 represented by counsel, the attorney for
8 the Government shows by clear and con-
9 vincing evidence based on individualized
10 facts that detention is necessary because
11 the juvenile's release will pose a specific
12 and substantial risk that the juvenile will
13 use violent force against a reasonably iden-
14 tifiable person and that no conditions of
15 release will reasonably mitigate that risk,
16 except that in no case may a judicial offi-
17 cer order the detention of a juvenile if it
18 will compromise the juvenile's access to
19 adequate medical treatment, access to
20 medications, or ability to privately consult
21 with counsel and meaningfully prepare a
22 defense.

23 (iii) LEAST RESTRICTIVE DETEN-
24 TION.—In the case that the judicial officer
25 orders the detention of a juvenile under

1 clause (ii), the judicial officer shall order
2 the detention of the juvenile in the least
3 restrictive and safest environment possible,
4 taking the national emergency relating to a
5 communicable disease into consideration.

6 (iv) CONTENTS OF DETENTION
7 ORDER.—In the case that the judicial offi-
8 cer orders the detention of a juvenile under
9 clause (ii), the judicial officer shall issue a
10 written detention order that includes—

11 (I) findings of fact;

12 (II) the reasons for the deten-
13 tion;

14 (III) a description of the risk
15 identified under clause (ii);

16 (IV) an explanation of why no
17 conditions will reasonably mitigate the
18 risk identified under clause (ii);

19 (V) a statement that detention
20 will not compromise the juvenile's ac-
21 cess to adequate medical treatment,
22 access to medications, or ability to
23 privately consult with counsel and
24 meaningfully prepare a defense; and

1 (VI) a statement establishing
2 that the detention environment is the
3 least restrictive and safest possible in
4 accordance with the requirement
5 under clause (iii).

6 (e) LIMITATION ON SUPERVISED RELEASE.—Begin-
7 ning on the date on which a national emergency relating
8 to a communicable disease is declared and ending on the
9 date that is 60 days after such national emergency expires,
10 the Office of Probation and Pretrial Services of the Ad-
11 ministrative Office of the United States Courts shall take
12 measures to prevent the spread of the communicable dis-
13 ease among individuals under supervision by—

14 (1) suspending the requirement that individuals
15 determined to be a lower risk of reoffending, or any
16 other individuals determined to be appropriate by
17 the supervising probation officer, report in person to
18 their probation or parole officer;

19 (2) identifying individuals who have successfully
20 completed not less than 18 months of supervision
21 and transferring such individuals to administrative
22 supervision or petitioning the court to terminate su-
23 pervision, as appropriate; and

1 (3) suspending the request for detention and
2 imprisonment as a sanction for violations of proba-
3 tion, supervised release, or parole.

4 (f) PROHIBITION.—No individual who is granted
5 placement in community supervision, termination of su-
6 pervision, placement on administrative supervision, or pre-
7 trial release shall be re-incarcerated, placed on supervision
8 or active supervision, or ordered detained pre-trial only as
9 a result of the expiration of the national emergency relat-
10 ing to a communicable disease.

11 (g) PROHIBITION ON TECHNICAL VIOLATIONS AND
12 CERTAIN MANDATORY REVOCATIONS OF PROBATION OR
13 SUPERVISED RELEASE.—

14 (1) RESENTENCING IN CASES OF PROBATION
15 AND SUPERVISED RELEASE.—

16 (A) IN GENERAL.—Beginning on the date
17 on which a national emergency relating to a
18 communicable disease is declared and ending on
19 the date that is 60 days after such national
20 emergency expires, and notwithstanding section
21 3582(b) of title 18, United States Code, a court
22 shall order the resentencing of a defendant who
23 is serving a term of imprisonment resulting
24 from a revocation of probation, or supervised
25 release for a Grade C violation for conduct

1 under section 7B1.1(c)(3)(B) of the United
2 States Sentencing Guidelines, upon motion of
3 the defendant.

4 (B) RESENTENCING.—The court shall
5 order the resentencing of a defendant described
6 in subparagraph (A) as follows:

7 (i) In the case of a revoked sentence
8 of probation, the court shall resentence the
9 defendant to probation, the duration of
10 which shall be equal to the period of time
11 remaining on the term of probation origi-
12 nally imposed at the time the defendant
13 was most recently placed in custody, unless
14 the court determines that decreasing the
15 length of the term of probation is in the
16 interest of justice.

17 (ii) In the case of a revoked term of
18 supervised release, the court shall continue
19 the defendant on supervised release, the
20 duration of which shall be equal to the pe-
21 riod of time the defendant had remaining
22 on supervised release when the defendant
23 was most recently placed in custody, unless
24 the court determines that decreasing the

1 term of supervised release is in the interest
2 of justice.

3 (2) RESENTENCING IN CASES OF PAROLE.—

4 (A) IN GENERAL.—Beginning on the date
5 on which a national emergency relating to a
6 communicable disease is declared and ending on
7 the date that is 60 days after such national
8 emergency expires, the court shall order the re-
9 sentencing of a defendant who is serving a term
10 of imprisonment resulting from a technical vio-
11 lation of the defendant's parole.

12 (B) RESENTENCING.—The court shall re-
13 sentence the defendant to parole, the duration
14 of which shall be equal to the period of time re-
15 maining on the defendant's term of parole at
16 the time the defendant was most recently
17 placed in custody, unless the court determines
18 that decreasing the length of the term of parole
19 is in the interest of justice.

20 (3) HEARING.—The court may grant, but not
21 deny, a motion without a hearing under this section.

22 (4) NO MANDATORY REVOCATION.—

23 (A) IN GENERAL.—Beginning on the date
24 on which a national emergency relating to a
25 communicable disease is declared and ending on

1 the date that is 60 days after such national
2 emergency expires, a court is not required to re-
3 voke a defendant's probation or supervised re-
4 lease under sections 3565(b) and 3583(g) of
5 title 18, United States Code, based on a finding
6 that the defendant refused to comply with drug
7 treatment.

8 (B) DISSEMINATION OF POLICY
9 CHANGE.—Not later than 10 days after the
10 date of enactment of this title, the Judicial
11 Conference of the United States shall issue and
12 disseminate to all district courts of the United
13 States a temporary policy change suspending
14 mandatory revocation of probation or super-
15 vised release for refusal to comply with drug
16 testing.

17 (5) PROMPT DETERMINATION.—Any motion
18 under this subsection shall be determined promptly.

19 (6) COUNSEL.—To effectuate the purposes of
20 this subsection, counsel shall be appointed as early
21 as possible to represent any indigent defendant.

22 (7) DEFINITIONS.—In this subsection, the term
23 “defendant” includes individuals adjudicated delin-
24 quent under the Federal Juvenile Delinquency Act
25 and applies to persons serving time in official deten-

1 tion for a revocation of juvenile probation or super-
2 vised release.

3 **SEC. 203. COURT AUTHORITY TO REDUCE SENTENCES AND**
4 **TEMPORARY RELEASE AUTHORITY FOR NON-**
5 **VIOLENT OFFENDERS.**

6 (a) COURT AUTHORITY TO REDUCE SENTENCES.—

7 (1) IN GENERAL.—Notwithstanding section
8 3582 of title 18, United States Code, the court shall,
9 during the covered emergency period, upon motion
10 of a covered individual (as such term is defined in
11 section 202(b)) or on the court’s own motion, reduce
12 a term of imposed imprisonment on that individual,
13 unless the government shows, by clear and con-
14 vincing evidence, that the individual poses a risk of
15 serious, imminent injury to a reasonably identifiable
16 person.

17 (2) SENTENCE REDUCTION DEEMED AUTHOR-
18 IZED.—Any sentence that is reduced under this sub-
19 section is deemed to be authorized under section
20 3582(e)(1)(B) of title 18, United States Code.

21 (3) RULE OF CONSTRUCTION.—In addition to
22 the reduction of sentences authorized under this
23 subsection, the court may continue to reduce and
24 modify sentences under section 3582 of title 18,

1 United States Code, during the covered emergency
2 period.

3 (4) SPECIAL RULE.—During the covered emer-
4 gency period, a covered individual who is serving a
5 term of imprisonment for an offense committed be-
6 fore November 1, 1987, who would not otherwise be
7 eligible to file a motion under section 3582(c)(1)(A)
8 of title 18, United States Code, is eligible to file
9 such a motion and for relief under such section. Any
10 motion for relief filed in accordance with this para-
11 graph before the expiration or termination of the
12 covered emergency period shall not disqualify such
13 motion based solely on such expiration or termi-
14 nation.

15 (b) COURT AUTHORITY TO AUTHORIZE TEMPORARY
16 RELEASE OF PERSONS AWAITING DESIGNATION OR
17 TRANSPORTATION TO A BUREAU OF PRISONS FACIL-
18 ITY.—Notwithstanding sections 3582 and 3621 of title 18,
19 United States Code, during the covered emergency period,
20 the court, upon motion of an individual (including individ-
21 uals adjudicated delinquent under the Federal Juvenile
22 Delinquency Act) awaiting designation or transportation
23 to a Bureau of Prisons or other facility for service of sen-
24 tence or official detention, or on the court's own motion,
25 may, taking into account the individual's offense of convic-

1 tion or adjudication, order the temporary release of the
2 individual, for a limited period ending not later than the
3 expiration or termination of the COVID–19 emergency, if
4 such release is for the purpose of avoiding or mitigating
5 the risks associated with imprisonment during the covered
6 emergency period, either generally with respect to the indi-
7 vidual’s place of imprisonment or specifically with respect
8 to the individual.

9 (c) HEARING REQUIREMENT.—The court may grant,
10 but not deny, a motion without a hearing under this sec-
11 tion. Any motion under this section shall be determined
12 promptly.

13 (d) EFFECTIVE REPRESENTATION DURING NA-
14 TIONAL EMERGENCY.—

15 (1) ACCESS TO COURT.—During the covered
16 emergency period, any procedural requirement under
17 section 3582(c)(1)(A) of title 18, United States
18 Code, that would delay a defendant from directly pe-
19 titioning the court shall not apply, and the defend-
20 ant may petition the court directly for relief.

21 (2) APPOINTMENT OF COUNSEL.—The court
22 shall appoint counsel for indigent defendants or pris-
23 oners, at no cost to the defendant or prisoner, as
24 early as possible to effectuate the purposes of this

1 section and the purposes of section 3582(c)(1)(A) of
2 title 18, United States Code.

3 (3) ACCESS TO MEDICAL RECORDS.—

4 (A) IN GENERAL.—In order to expedite
5 proceedings under this section and proceedings
6 under 3582(c)(1)(A) of title 18, United States
7 Code, during the covered emergency period, the
8 Director of the Bureau of Prisons shall promptly
9 release all medical records in the possession
10 of the Bureau of Prisons to a prisoner who re-
11 quests them on their own behalf, or to the
12 counsel of record for a prisoner upon submis-
13 sion to the court of an affidavit, signed by such
14 counsel under penalty of perjury, that such
15 counsel has reason to believe that the prisoner
16 has a covered health condition (as such term is
17 defined in section 202(b)) or a condition that
18 would entitle them to relief under section
19 3582(c)(1)(A) of title 18, United States Code.

20 (B) INDIVIDUALS IN THE CUSTODY OF
21 THE U.S. MARSHALS SERVICE.—In order to ex-
22 pedite proceedings under this section, in the
23 case of an individual who is in the custody or
24 care of the U.S. Marshals Service, the Director
25 of the U.S. Marshals Service shall facilitate the

1 provision of any medical records of the indi-
2 vidual to the individual or the counsel of record
3 of the individual, upon request of the individual
4 or counsel.

5 **SEC. 204. EXEMPTION FROM EXHAUSTING ADMINISTRA-**
6 **TIVE REMEDIES DURING COVERED EMER-**
7 **GENCY PERIOD.**

8 Section 7 of the Civil Rights of Institutionalized Per-
9 sons Act (42 U.S.C. 1997e) is amended by adding at the
10 end the following:

11 “(i) COVERED EMERGENCY PERIOD.—

12 “(1) RELIEF WITHOUT EXHAUSTING ADMINIS-
13 TRATIVE REMEDIES.—Notwithstanding the other
14 provisions of this section, during the covered emer-
15 gency period, a prisoner may commence, without ex-
16 hausting all administrative remedies, an action relat-
17 ing to conditions of imprisonment under which the
18 prisoner is at significant risk of harm or under
19 which the prisoner’s access to counsel has been im-
20 paired. If the court determines the prisoner is rea-
21 sonably likely to prevail, the court may order such
22 appropriate relief, limited in time and scope, as may
23 be necessary to prevent or remedy the significant
24 risk of harm or provide access to counsel.

1 “(2) RETALIATION PROHIBITED.—Section 6
2 shall apply in the case of retaliation against a pris-
3 oner who files an administrative claim or lawsuit
4 during the covered emergency period or attempts to
5 so file.

6 “(3) DEFINITIONS.—For purposes of this sub-
7 section, the term ‘covered emergency period’ has the
8 meaning given the term in section 12003 of the
9 CARES Act (Public Law 116–136).”.

10 **SEC. 205. INCREASING AVAILABILITY OF HOME DETENTION**
11 **FOR NON-VIOLENT ELDERLY OFFENDERS.**

12 (a) GOOD CONDUCT TIME CREDITS FOR CERTAIN
13 ELDERLY NONVIOLENT OFFENDERS.—Section
14 231(g)(5)(A)(ii) of the Second Chance Act of 2007 (34
15 U.S.C. 60541(g)(5)(A)(ii)) is amended by striking “to
16 which the offender was sentenced” and inserting “reduced
17 by any credit toward the service of the prisoner’s sentence
18 awarded under section 3624(b) of title 18, United States
19 Code”.

20 (b) INCREASING ELIGIBILITY FOR HOME DETENTION
21 FOR CERTAIN ELDERLY NONVIOLENT OFFENDERS.—
22 During the covered emergency period an offender who is
23 in the custody of the Bureau of Prisons, including pursu-
24 ant to a conviction for a criminal offense under the laws
25 of the District of Columbia, shall be considered an eligible

1 elderly offender under section 231(g) of the Second
2 Chance Act of 2007 (34 U.S.C. 60541(g)) if the of-
3 fender—

4 (1) is not less than 50 years of age;

5 (2) has served 1/2 of the term of imprisonment
6 reduced by any credit toward the service of the pris-
7 oner's sentence awarded under section 3624(b) of
8 title 18, United States Code; and

9 (3) is otherwise described in such section
10 231(g)(5)(A).

11 **SEC. 206. EFFECTIVE ASSISTANCE OF COUNSEL IN THE**
12 **DIGITAL ERA ACT.**

13 (a) PROHIBITION ON MONITORING.—Not later than
14 180 days after the date of the enactment of this title, the
15 Attorney General shall create a program or system, or
16 modify any program or system that exists on the date of
17 enactment of this title, through which an incarcerated per-
18 son sends or receives an electronic communication, to ex-
19 clude from monitoring the contents of any privileged elec-
20 tronic communication. In the case that the Attorney Gen-
21 eral creates a program or system in accordance with this
22 subsection, the Attorney General shall, upon implementing
23 such system, discontinue using any program or system
24 that exists on the date of enactment of this title through
25 which an incarcerated person sends or receives a privileged

1 electronic communication, except that any program or sys-
2 tem that exists on such date may continue to be used for
3 any other electronic communication.

4 (b) RETENTION OF CONTENTS.—A program or sys-
5 tem or a modification to a program or system under sub-
6 section (a) may allow for retention by the Bureau of Pris-
7 ons of, and access by an incarcerated person to, the con-
8 tents of electronic communications, including the contents
9 of privileged electronic communications, of the person
10 until the date on which the person is released from prison.

11 (c) ATTORNEY-CLIENT PRIVILEGE.—Attorney-client
12 privilege, and the protections and limitations associated
13 with such privilege (including the crime fraud exception),
14 applies to electronic communications sent or received
15 through the program or system established or modified
16 under subsection (a).

17 (d) ACCESSING RETAINED CONTENTS.—Contents re-
18 tained under subsection (b) may only be accessed by a per-
19 son other than the incarcerated person for whom such con-
20 tents are retained under the following circumstances:

21 (1) ATTORNEY GENERAL.—The Attorney Gen-
22 eral may only access retained contents if necessary
23 for the purpose of creating and maintaining the pro-
24 gram or system, or any modification to the program
25 or system, through which an incarcerated person

1 sends or receives electronic communications. The At-
2 torney General may not review retained contents
3 that are accessed pursuant to this paragraph.

4 (2) INVESTIGATIVE AND LAW ENFORCEMENT
5 OFFICERS.—

6 (A) WARRANT.—

7 (i) IN GENERAL.—Retained contents
8 may only be accessed by an investigative or
9 law enforcement officer pursuant to a war-
10 rant issued by a court pursuant to the pro-
11 cedures described in the Federal Rules of
12 Criminal Procedure.

13 (ii) APPROVAL.—No application for a
14 warrant may be made to a court without
15 the express approval of a United States
16 Attorney or an Assistant Attorney General.

17 (B) PRIVILEGED INFORMATION.—

18 (i) REVIEW.—Before retained con-
19 tents may be accessed pursuant to a war-
20 rant obtained under subparagraph (A),
21 such contents shall be reviewed by a
22 United States Attorney to ensure that
23 privileged electronic communications are
24 not accessible.

1 (ii) BARRING PARTICIPATION.—A
2 United States Attorney who reviews re-
3 tained contents pursuant to clause (i) shall
4 be barred from—

5 (I) participating in a legal pro-
6 ceeding in which an individual who
7 sent or received an electronic commu-
8 nication from which such contents are
9 retained under subsection (b) is a de-
10 fendant; or

11 (II) sharing the retained contents
12 with an attorney who is participating
13 in such a legal proceeding.

14 (3) MOTION TO SUPPRESS.—In a case in which
15 retained contents have been accessed in violation of
16 this subsection, a court may suppress evidence ob-
17 tained or derived from access to such contents upon
18 motion of the defendant.

19 (e) DEFINITIONS.—In this section—

20 (1) the term “agent of an attorney or legal rep-
21 resentative” means any person employed by or con-
22 tracting with an attorney or legal representative, in-
23 cluding law clerks, interns, investigators, paraprofes-
24 sionals, and administrative staff;

1 (2) the term “contents” has the meaning given
2 such term in 2510 of title 18, United States Code;

3 (3) the term “electronic communication” has
4 the meaning given such term in section 2510 of title
5 18, United States Code, and includes the Trust
6 Fund Limited Inmate Computer System;

7 (4) the term “monitoring” means accessing the
8 contents of an electronic communication at any time
9 after such communication is sent;

10 (5) the term “incarcerated person” means any
11 individual in the custody of the Bureau of Prisons
12 or the United States Marshals Service who has been
13 charged with or convicted of an offense against the
14 United States, including such an individual who is
15 imprisoned in a State institution; and

16 (6) the term “privileged electronic communica-
17 tion” means—

18 (A) any electronic communication between
19 an incarcerated person and a potential, current,
20 or former attorney or legal representative of
21 such a person; and

22 (B) any electronic communication between
23 an incarcerated person and the agent of an at-
24 torney or legal representative described in sub-
25 paragraph (A).

1 **SEC. 207. COVID-19 CORRECTIONAL FACILITY EMERGENCY**
2 **RESPONSE ACT OF 2020.**

3 Title I of the Omnibus Crime Control and Safe
4 Streets Act of 1968 (34 U.S.C. 10101 et seq.) is amended
5 by adding at the end the following:

6 **“PART OO—PANDEMIC CORRECTIONAL FACILITY**
7 **EMERGENCY RESPONSE**

8 **“SEC. 3061. FINDINGS; PURPOSES.**

9 “(a) IMMEDIATE RELEASE OF VULNERABLE AND
10 LOW-RISK INDIVIDUALS.—The purpose of the grant pro-
11 gram under section 3062 is to provide for the testing, ini-
12 tiation and transfer to treatment in the community, and
13 provision of services in the community, by States and units
14 of local government as they relate to preventing, detecting,
15 and stopping the spread of COVID-19 in correctional fa-
16 cilities.

17 “(b) PRETRIAL CITATION AND RELEASE.—

18 “(1) FINDINGS.—Congress finds as follows:

19 “(A) With the dramatic growth in pretrial
20 detention resulting in county and city correc-
21 tional facilities regularly exceeding capacity,
22 such correctional facilities may serve to rapidly
23 increase the spread of COVID-19, as facilities
24 that hold large numbers of individuals in
25 congregant living situations may promote the
26 spread of COVID-19.

1 that release or have a plan to release the persons de-
2 scribed in paragraph (2) from custody in order to
3 ensure that, not later than 90 days after enactment
4 of this section, the total population of arrestees, de-
5 tainees, and inmates at a correctional facility does
6 not exceed the number established under subsection
7 (c).

8 “(2) PERSONS DESCRIBED.—A person de-
9 scribed in this paragraph is a person who, taking
10 into account the person’s offense of conviction—

11 “(A) does not pose a risk of serious, immi-
12 nent injury to a reasonably identifiable person;

13 or

14 “(B) is—

15 “(i) 50 years of age or older;

16 “(ii) a juvenile;

17 “(iii) an individual with serious chron-
18 ic medical conditions, including heart dis-
19 ease, cancer, diabetes, HIV, sickle cell ane-
20 mia, a neurological disease that interferes
21 with the ability to cough or breathe, chron-
22 ic lung disease, asthma, or respiratory ill-
23 ness;

24 “(iv) a pregnant woman;

1 “(v) an individual who is
2 immunocompromised or has a weakened
3 immune system; or

4 “(vi) an individual who has a health
5 condition or disability that makes them
6 vulnerable to COVID–19.

7 “(c) TARGET CORRECTIONAL POPULATION.—

8 “(1) TARGET POPULATION.—An eligible appli-
9 cant shall establish individualized, facility-specific
10 target capacities at each correction facility that will
11 receive funds under this section that reflect the max-
12 imum number of individuals who may be incarcer-
13 ated safely in accordance with the Centers for Dis-
14 ease Control and Prevention guidelines for correc-
15 tional facilities pertaining to COVID–19, with con-
16 sideration given to Centers for Disease Control and
17 Prevention guidelines pertaining to community-based
18 physical distancing, hygiene, and sanitation. A cor-
19 rectional facility receiving funds under this section
20 may not use isolation in a punitive or non-medical
21 manner as a way of achieving specific target capaci-
22 ties established under this paragraph.

23 “(2) CERTIFICATION.—An eligible applicant
24 shall include in its application for a grant under this
25 section a certification by a public health professional

1 who is certified in epidemiology or infectious dis-
2 eases that each correctional facility that will receive
3 funds under this section in its jurisdiction meets the
4 appropriate target capacity standard established
5 under paragraph (1).

6 “(d) AUTHORIZED USES.—Funds awarded pursuant
7 to this section shall be used by grantees (including acting
8 through nonprofit entities) to—

9 “(1) test all arrestees, detainees, and inmates,
10 and initiate treatment for COVID–19, and transfer
11 such an individual for an appropriate treatment at
12 external medical facility, as needed;

13 “(2) test for COVID–19—

14 “(A) correctional facility staff;

15 “(B) volunteers;

16 “(C) visitors, including family members
17 and attorneys;

18 “(D) court personnel that have regular
19 contact with arrestees, detainees, and inmates;

20 “(E) law enforcement officers who trans-
21 port arrestees, detainees, and inmates; and

22 “(F) personnel outside the correctional fa-
23 cility who provide medical treatment to
24 arrestees, detainees, and inmates;

1 “(3) curtail booking and in-facility processing
2 for individuals who have committed technical parole
3 or probation violations; and

4 “(4) provide transition and reentry support
5 services to individuals released pursuant to this sec-
6 tion, including programs that—

7 “(A) increase access to and participation
8 in reentry services;

9 “(B) promote a reduction in recidivism
10 rates;

11 “(C) facilitate engagement in educational
12 programs, job training, or employment;

13 “(D) place reentering individuals in safe
14 and sanitary temporary transitional housing;

15 “(E) facilitate the enrollment of reentering
16 individuals with a history of substance use dis-
17 order in medication-assisted treatment and a
18 referral to overdose prevention services, mental
19 health services, or other medical services; and

20 “(F) facilitate family reunification or sup-
21 port services, as needed.

22 “(e) AUTHORIZATION OF APPROPRIATIONS.—There
23 is authorized to be appropriated \$500,000,000 to carry
24 out this section and section 3065 for each of fiscal years
25 2020 and 2021.

1 **“SEC. 3063. JUVENILE SPECIFIC SERVICES.**

2 “(a) IN GENERAL.—The Attorney General, acting
3 through the Administrator of the Office Juvenile Justice
4 and Delinquency Prevention, consistent with section 261
5 of the Juvenile Justice and Delinquency Prevention Act
6 of 1974 (34 U.S.C. 11171), is authorized to make grants
7 to States and units of local government or combinations
8 thereof to assist them in planning, establishing, operating,
9 coordinating, and evaluating projects directly, or through
10 grants and contracts with public and private agencies and
11 nonprofit entities (as such term is defined under section
12 408(5)(A) of the Juvenile Justice and Delinquency Pre-
13 vention Act of 1974 (34 U.S.C. 11296(5)(A))), for the de-
14 velopment of more effective education, training, research,
15 prevention, diversion, treatment, and rehabilitation pro-
16 grams in the area of juvenile delinquency and programs
17 to improve the juvenile justice system, consistent with sub-
18 section (b).

19 “(b) USE OF GRANT FUNDS.—Grants under this sec-
20 tion shall be used for the exclusive purpose of providing
21 juvenile specific services that—

22 “(1) provide rapid mass testing for COVID–19
23 in juvenile facilities, notification of the results of
24 such tests to juveniles and authorized family mem-
25 bers or legal guardians, and include policies and pro-
26 cedures for non-punitive quarantine that does not in-

1 involve solitary confinement, and provide for examina-
2 tion by a doctor for any juvenile who tests positive
3 for COVID-19;

4 “(2) examine all pre- and post-adjudication re-
5 lease processes and mechanisms applicable to juve-
6 niles and begin employing these as quickly as pos-
7 sible;

8 “(3) provide juveniles in out of home place-
9 ments with continued access to appropriate edu-
10 cation;

11 “(4) provide juveniles with access to legal coun-
12 sel through confidential visits or teleconferencing;

13 “(5) provide staff and juveniles with appro-
14 priate personal protective equipment, hand washing
15 facilities, toiletries, and medical care to reduce the
16 spread of the virus;

17 “(6) provide juveniles with frequent and no cost
18 calls home to parents, legal guardians, and other
19 family members;

20 “(7) advance policies and procedures for juve-
21 nile delinquency program proceedings (including
22 court proceedings) and probation conditions so that
23 in-person reporting requirements for juveniles are
24 replaced with virtual or telephonic appearances with-
25 out penalty;

1 “(8) expand opportunities for juveniles to par-
2 ticipate in community based services and social serv-
3 ices through videoconferencing or teleconferencing;
4 or

5 “(9) place a moratorium on all requirements for
6 juveniles to attend and pay for court and probation-
7 ordered programs, community service, and labor,
8 that violate any applicable social distancing or stay
9 at home order.

10 Each element described in paragraph (1) through (9) shall
11 be trauma-informed, reflect the science of adolescent de-
12 velopment, and be designed to meet the needs of at-risk
13 juveniles and juveniles who come into contact with the jus-
14 tice system.

15 “(c) DEFINITIONS.—Terms used in this section have
16 the meanings given such terms in the Juvenile Justice and
17 Delinquency Prevention Act of 1974. The term ‘juvenile’
18 has the meaning given such term in section 1809 of this
19 Act.

20 “(d) AUTHORIZATION OF APPROPRIATIONS.—There
21 is authorized to be appropriated to carry out this section
22 \$75,000,000 for each of fiscal years 2020 and 2021.

23 **“SEC. 3064. RAPID COVID-19 TESTING.**

24 “(a) IN GENERAL.—The Attorney General shall
25 make grants to grantees under section 3062 for the exclu-

1 sive purpose of providing for rapid COVID–19 testing of
2 arrestees, detainees, and inmates who are exiting the cus-
3 tody of a correctional facility prior to returning to the
4 community.

5 “(b) USE OF FUNDS.—Grants provided under this
6 section may be used for any of the following:

7 “(1) Purchasing or leasing medical devices au-
8 thorized by the U.S. Food and Drug Administration
9 to detect COVID–19 that produce results in less
10 than one hour.

11 “(2) Purchasing or securing COVID–19 testing
12 supplies and personal protective equipment used by
13 the correctional facility to perform such tests.

14 “(3) Contracting with medical providers to ad-
15 minister such tests.

16 “(c) AUTHORIZATION OF APPROPRIATIONS.—There
17 is authorized to be appropriated to carry out this section
18 \$25,000,000 for each of fiscal years 2020 and 2021.

19 **“SEC. 3065. PRETRIAL CITATION AND RELEASE.**

20 “(a) AUTHORIZATION.—The Attorney General shall
21 make grants under this section to eligible applicants for
22 the purposes set forth in section 3061(b)(2).

23 “(b) PROGRAM ELIGIBILITY.—Eligible applicants
24 under this section are States and units of local government
25 that implement or continue operation of a program de-

1 scribed in subsection (c)(1) and not fewer than 2 of the
2 other programs enumerated in such subsection.

3 “(c) USE OF GRANT FUNDS.—A grantee shall use
4 amounts provided as a grant under this section for pro-
5 grams that provide for the following:

6 “(1) Adopting and operating a cite-and-release
7 process for individuals who are suspected of commit-
8 ting misdemeanor and felony offenses and who do
9 not pose a risk of serious, imminent injury to a rea-
10 sonably identifiable person.

11 “(2) Curtailing booking and in-facility proc-
12 essing for individuals who have committed technical
13 parole or probation violations.

14 “(3) Ensuring that defense counsel is appointed
15 at the earliest hearing that could result in pretrial
16 detention so that low-risk defendants are not unnec-
17 essarily further exposed to COVID–19.

18 “(4) Establishing early review of charges by an
19 experienced prosecutor, so only arrestees and detain-
20 ees who will be charged are detained.

21 “(5) Providing appropriate victims’ services
22 supports and safety-focused residential accommoda-
23 tions for victims and community members who have
24 questions or concerns about releases described in
25 this subsection.

1 **“SEC. 3066. REPORT.**

2 “(a) IN GENERAL.—Not later than 6 months after
3 the date on which grants are initially made under this
4 part, and biannually thereafter during the grant period,
5 the Attorney General shall submit to Congress a report
6 on the program, which shall include—

7 “(1) the number of grants made, the number of
8 grantees, and the amount of funding distributed to
9 each grantee pursuant to this part;

10 “(2) the location of each correctional facility
11 where activities are carried out using grant amounts;

12 “(3) the number of persons in the custody of
13 correctional facilities where activities are carried out
14 using grant amounts, including incarcerated persons
15 released on parole, community supervision, good
16 time or early release, clemency or commutation, as
17 a result of the national emergency under the Na-
18 tional Emergencies Act (50 U.S.C. 1601 et seq.) de-
19 clared by the President with respect to the
20 Coronavirus Disease 2019 (‘COVID-19’),
21 disaggregated by type of offense, age, race, sex, and
22 ethnicity; and

23 “(4) for each facility receiving funds under sec-
24 tion 3062—

25 “(A) the total number of tests for COVID-
26 19 performed;

1 “(B) the results of such COVID–19 tests
2 (confirmed positive or negative);

3 “(C) the total number of probable
4 COVID–19 infections;

5 “(D) the total number of COVID–19-re-
6 lated hospitalizations, the total number of in-
7 tensive care unit admissions, and the duration
8 of each such hospitalization;

9 “(E) recoveries from COVID–19; and

10 “(F) COVID–19 deaths,
11 disaggregated by race, ethnicity, age, disability, sex,
12 pregnancy status, and whether the individual is a
13 staff member of or incarcerated at the facility.

14 “(b) PRIVACY.—Data reported under this section
15 shall be reported in accordance with applicable privacy
16 laws and regulations.

17 **“SEC. 3067. NO MATCHING REQUIRED.**

18 “The Attorney General shall not require grantees to
19 provide any matching funds with respect to the use of
20 funds under this part.

21 **“SEC. 3068. DEFINITION.**

22 “For purposes of this part:

23 “(1) CORRECTIONAL FACILITY.—The term ‘cor-
24 rectional facility’ includes a juvenile facility.

1 “(2) COVERED EMERGENCY PERIOD.—The term
2 ‘covered emergency period’ has the meaning given
3 the term in section 12003 of the CARES Act (Pub-
4 lic Law 116–136).

5 “(3) COVID–19.—The term ‘COVID–19’ means
6 a disease caused by severe acute respiratory syn-
7 drome coronavirus 2 (SARS–CoV–2).

8 “(4) DETAINEE; ARRESTEE; INMATE.—The
9 terms ‘detainee’, ‘arrestee’, and ‘inmate’ each in-
10 clude juveniles.”.

11 **SEC. 208. MORATORIUM ON FEES AND FINES.**

12 (a) IN GENERAL.—During the covered emergency pe-
13 riod, and for fiscal years 2020, 2021, and 2022, the Attor-
14 ney General is authorized make grants to State and local
15 courts that comply with the requirement under subsection
16 (b) to ensure that such recipients are able to continue op-
17 erations.

18 (b) REQUIREMENT TO IMPOSE MORATORIUM ON IM-
19 POSITION AND COLLECTION OF FEES AND FINES.—To be
20 eligible for a grant under this section, a court shall imple-
21 ment a moratorium on the imposition and collection (in-
22 cluding by a unit of local government or a State) of fees
23 and fines imposed by that court—

24 (1) not later than 120 day after the date of the
25 enactment of this section;

1 (2) retroactive to a period beginning 30 days
2 prior the covered emergency period; and

3 (3) continuing for an additional 90 days after
4 the date the covered emergency period terminates.

5 (c) GRANT AMOUNT.—In making grants under this
6 section, the Attorney General shall—

7 (1) give preference to applicants that implement
8 a moratorium on the imposition and collection of
9 fines and fees related to juvenile delinquency pro-
10 ceedings for each of fiscal years 2020 through 2022;
11 and

12 (2) make such grants in amounts that are pro-
13 portionate to the number of individuals in the juris-
14 diction of the court.

15 (d) USE OF FUNDS.—Funds made available under
16 this section may be used to ensure that the recipient is
17 able to continue court operations during the covered emer-
18 gency period.

19 (e) NO MATCHING REQUIREMENT.—There is no
20 matching requirement for grants under this section.

21 (f) DEFINITIONS.—In this section:

22 (1) The term “fees”—

23 (A) means monetary fees that are imposed
24 for the costs of fine surcharges or court admin-
25 istrative fees; and

1 (B) includes additional late fees, payment-
2 plan fees, interest added if an individual is un-
3 able to pay a fine in its entirety, collection fees,
4 and any additional amounts that do not include
5 the fine.

6 (2) The term “fines” means monetary fines im-
7 posed as punishment.

8 (g) AUTHORIZATION OF APPROPRIATIONS.—There is
9 authorized to be appropriated to carry out this section
10 \$150,000,000 for each of fiscal years 2020 through 2022.

11 **SEC. 209. DEFINITION.**

12 In this title, the term “covered emergency period”
13 has the meaning given the term in section 12003 of the
14 CARES Act (Public Law 116–136).

15 **SEC. 210. SEVERABILITY.**

16 If any provision of this title or any amendment made
17 by this title, or the application of a provision or amend-
18 ment to any person or circumstance, is held to be invalid,
19 the remainder of this title and the amendments made by
20 this title, and the application of the provisions and amend-
21 ments to any other person not similarly situated or to
22 other circumstances, shall not be affected by the holding.

1 **TITLE III—VICTIMS OF CRIME**
2 **ACT AMENDMENTS**

3 **SEC. 301. SHORT TITLE.**

4 This title may be cited as the “Victims of Crime Act
5 Fix Act of 2020”.

6 **SEC. 302. DEPOSITS OF FUNDING INTO THE CRIME VICTIMS**
7 **FUND.**

8 Section 1402(b) of the Victims of Crime Act of 1984
9 (34 U.S.C. 20101(b)) is amended—

10 (1) in paragraph (4), by striking “and” at the
11 end;

12 (2) in paragraph (5), by striking the period at
13 the end and inserting “; and”; and

14 (3) by adding at the end the following:

15 “(6) any funds that would otherwise be depos-
16 ited in the general fund of the Treasury collected as
17 pursuant to—

18 “(A) a deferred prosecution agreement; or

19 “(B) a non-prosecution agreement.”.

20 **SEC. 303. WAIVER OF MATCHING REQUIREMENT.**

21 (a) **IN GENERAL.**—Notwithstanding any other provi-
22 sion of VOCA, during the COVID–19 emergency period
23 and for the period ending one year after the date on which
24 such period expires or is terminated, the Attorney General,
25 acting through the Director of the Office for Victims of

1 Crime, may not impose any matching requirement as a
2 condition of receipt of funds under any program to provide
3 assistance to victims of crimes authorized under the Vic-
4 tims of Crime Act of 1984 (34 U.S.C. 20101 et seq.).

5 (b) DEFINITION.—In this section, the term
6 “COVID–19 emergency period” means the period begin-
7 ning on the date on which the President declared a na-
8 tional emergency under the National Emergencies Act (50
9 U.S.C. 1601 et seq.) with respect to the Coronavirus Dis-
10 ease 2019 (COVID–19) and ending on the date that is
11 30 days after the date on which the national emergency
12 declaration is terminated.

13 (c) APPLICATION.—This section shall apply with re-
14 spect to—

15 (1) applications submitted during the period de-
16 scribed under subsection (a), including applications
17 for which funds will be distributed after such period;
18 and

19 (2) distributions of funds made during the pe-
20 riod described under subsection (a), including dis-
21 tributions made pursuant to applications submitted
22 before such period.

1 **TITLE IV—JABARA-HEYER NO**
2 **HATE ACT**

3 **SEC. 401. SHORT TITLE.**

4 This title may be cited as the “Jabara-Heyer Na-
5 tional Opposition to Hate, Assault, and Threats to Equal-
6 ity Act of 2020” or the “Jabara-Heyer NO HATE Act”.

7 **SEC. 402. FINDINGS.**

8 Congress finds the following:

9 (1) The incidence of violence known as hate
10 crimes or crimes motivated by bias poses a serious
11 national problem.

12 (2) According to data obtained by the Federal
13 Bureau of Investigation, the incidence of such vio-
14 lence increased in 2017, the most recent year for
15 which data is available.

16 (3) In 1990, Congress enacted the Hate Crime
17 Statistics Act (Public Law 101–275; 28 U.S.C. 534
18 note) to provide the Federal Government, law en-
19 forcement agencies, and the public with data regard-
20 ing the incidence of hate crime. The Hate Crimes
21 Statistics Act and the Matthew Shepard and James
22 Byrd, Jr. Hate Crimes Prevention Act (division E of
23 Public Law 111–84; 123 Stat. 2835) have enabled
24 Federal authorities to understand and, where appro-
25 appropriate, investigate and prosecute hate crimes.

1 (4) A more complete understanding of the na-
2 tional problem posed by hate crime is in the public
3 interest and supports the Federal interest in eradi-
4 cating bias-motivated violence referenced in section
5 249(b)(1)(C) of title 18, United States Code.

6 (5) However, a complete understanding of the
7 national problem posed by hate crimes is hindered
8 by incomplete data from Federal, State, and local
9 jurisdictions through the Uniform Crime Reports
10 program authorized under section 534 of title 28,
11 United States Code, and administered by the Fed-
12 eral Bureau of Investigation.

13 (6) Multiple factors contribute to the provision
14 of inaccurate and incomplete data regarding the in-
15 cidence of hate crime through the Uniform Crime
16 Reports program. A significant contributing factor is
17 the quality and quantity of training that State and
18 local law enforcement agencies receive on the identi-
19 fication and reporting of suspected bias-motivated
20 crimes.

21 (7) The problem of crimes motivated by bias is
22 sufficiently serious, widespread, and interstate in na-
23 ture as to warrant Federal financial assistance to
24 States and local jurisdictions.

1 (8) Federal financial assistance with regard to
2 certain violent crimes motivated by bias enables Fed-
3 eral, State, and local authorities to work together as
4 partners in the investigation and prosecution of such
5 crimes.

6 **SEC. 403. DEFINITIONS.**

7 In this title:

8 (1) **HATE CRIME.**—The term “hate crime”
9 means an act described in section 245, 247, or 249
10 of title 18, United States Code, or in section 901 of
11 the Civil Rights Act of 1968 (42 U.S.C. 3631).

12 (2) **PRIORITY AGENCY.**—The term “priority
13 agency” means—

14 (A) a law enforcement agency of a unit of
15 local government that serves a population of not
16 less than 100,000, as computed by the Federal
17 Bureau of Investigation; or

18 (B) a law enforcement agency of a unit of
19 local government that—

20 (i) serves a population of not less than
21 50,000 and less than 100,000, as com-
22 puted by the Federal Bureau of Investiga-
23 tion; and

24 (ii) has reported no hate crimes
25 through the Uniform Crime Reports pro-

1 gram in each of the 3 most recent calendar
2 years for which such data is available.

3 (3) STATE.—The term “State” has the mean-
4 ing given the term in section 901 of title I of the
5 Omnibus Crime Control and Safe Streets Act of
6 1968 (34 U.S.C. 10251).

7 (4) UNIFORM CRIME REPORTS.—The term
8 “Uniform Crime Reports” means the reports author-
9 ized under section 534 of title 28, United States
10 Code, and administered by the Federal Bureau of
11 Investigation that compile nationwide criminal sta-
12 tistics for use—

13 (A) in law enforcement administration, op-
14 eration, and management; and

15 (B) to assess the nature and type of crime
16 in the United States.

17 (5) UNIT OF LOCAL GOVERNMENT.—The term
18 “unit of local government” has the meaning given
19 the term in section 901 of title I of the Omnibus
20 Crime Control and Safe Streets Act of 1968 (34
21 U.S.C. 10251).

22 **SEC. 404. REPORTING OF HATE CRIMES.**

23 (a) IMPLEMENTATION GRANTS.—

24 (1) IN GENERAL.—The Attorney General may
25 make grants to States and units of local government

1 to assist the State or unit of local government in im-
2 plementing the National Incident-Based Reporting
3 System, including to train employees in identifying
4 and classifying hate crimes in the National Incident-
5 Based Reporting System.

6 (2) PRIORITY.—In making grants under para-
7 graph (1), the Attorney General shall give priority to
8 States and units of local government with larger
9 populations.

10 (b) REPORTING.—

11 (1) COMPLIANCE.—

12 (A) IN GENERAL.—Except as provided in
13 subparagraph (B), in each fiscal year beginning
14 after the date that is 3 years after the date on
15 which a State or unit of local government first
16 receives a grant under subsection (a), the State
17 or unit of local government shall provide to the
18 Attorney General, through the Uniform Crime
19 Reporting system, information pertaining to
20 hate crimes committed in that jurisdiction dur-
21 ing the preceding fiscal year.

22 (B) EXTENSIONS; WAIVER.—The Attorney
23 General—

24 (i) may provide a 120-day extension
25 to a State or unit of local government that

1 is making good faith efforts to comply with
2 subparagraph (A); and

3 (ii) shall waive the requirements of
4 subparagraph (A) if compliance with that
5 subparagraph by a State or unit of local
6 government would be unconstitutional
7 under the constitution of the State or of
8 the State in which the unit of local govern-
9 ment is located, respectively.

10 (2) FAILURE TO COMPLY.—If a State or unit of
11 local government that receives a grant under sub-
12 section (a) fails to substantially comply with para-
13 graph (1) of this subsection, the State or unit of
14 local government shall repay the grant in full, plus
15 reasonable interest and penalty charges allowable by
16 law or established by the Attorney General.

17 **SEC. 405. GRANTS FOR STATE-RUN HATE CRIME HOTLINES.**

18 (a) GRANTS AUTHORIZED.—

19 (1) IN GENERAL.—The Attorney General shall
20 make grants to States to create State-run hate
21 crime reporting hotlines.

22 (2) GRANT PERIOD.—A grant made under
23 paragraph (1) shall be for a period of not more than
24 5 years.

1 (b) HOTLINE REQUIREMENTS.—A State shall ensure,
2 with respect to a hotline funded by a grant under sub-
3 section (a), that—

4 (1) the hotline directs individuals to—

5 (A) law enforcement if appropriate; and

6 (B) local support services;

7 (2) any personally identifiable information that
8 an individual provides to an agency of the State
9 through the hotline is not directly or indirectly dis-
10 closed, without the consent of the individual, to—

11 (A) any other agency of that State;

12 (B) any other State;

13 (C) the Federal Government; or

14 (D) any other person or entity;

15 (3) the staff members who operate the hotline
16 are trained to be knowledgeable about—

17 (A) applicable Federal, State, and local
18 hate crime laws; and

19 (B) local law enforcement resources and
20 applicable local support services; and

21 (4) the hotline is accessible to—

22 (A) individuals with limited English pro-
23 ficiency, where appropriate; and

24 (B) individuals with disabilities.

1 (c) BEST PRACTICES.—The Attorney General shall
2 issue guidance to States on best practices for imple-
3 menting the requirements of subsection (b).

4 **SEC. 406. INFORMATION COLLECTION BY STATES AND**
5 **UNITS OF LOCAL GOVERNMENT.**

6 (a) DEFINITIONS.—In this section:

7 (1) APPLICABLE AGENCY.—The term “applica-
8 ble agency”, with respect to an eligible entity that
9 is—

10 (A) a State, means—

11 (i) a law enforcement agency of the
12 State; and

13 (ii) a law enforcement agency of a
14 unit of local government within the State
15 that—

16 (I) is a priority agency; and

17 (II) receives a subgrant from the
18 State under this section; and

19 (B) a unit of local government, means a
20 law enforcement agency of the unit of local gov-
21 ernment that is a priority agency.

22 (2) COVERED AGENCY.—The term “covered
23 agency” means—

24 (A) a State law enforcement agency; or

25 (B) a priority agency.

1 (3) ELIGIBLE ENTITY.—The term “eligible enti-
2 ty” means—

3 (A) a State; or

4 (B) a unit of local government that has a
5 priority agency.

6 (b) GRANTS.—

7 (1) IN GENERAL.—The Attorney General may
8 make grants to eligible entities to assist covered
9 agencies within the jurisdiction of the eligible entity
10 in conducting law enforcement activities or crime re-
11 duction programs to prevent, address, or otherwise
12 respond to hate crime, particularly as those activities
13 or programs relate to reporting hate crimes through
14 the Uniform Crime Reports program, including—

15 (A) adopting a policy on identifying, inves-
16 tigating, and reporting hate crimes;

17 (B) developing a standardized system of
18 collecting, analyzing, and reporting the inci-
19 dence of hate crime;

20 (C) establishing a unit specialized in iden-
21 tifying, investigating, and reporting hate
22 crimes;

23 (D) engaging in community relations func-
24 tions related to hate crime prevention and edu-
25 cation such as—

1 (i) establishing a liaison with formal
2 community-based organizations or leaders;
3 and

4 (ii) conducting public meetings or
5 educational forums on the impact of hate
6 crimes, services available to hate crime vic-
7 tims, and the relevant Federal, State, and
8 local laws pertaining to hate crimes; and

9 (E) providing hate crime trainings for
10 agency personnel.

11 (2) SUBGRANTS.—A State that receives a grant
12 under paragraph (1) may award a subgrant to a pri-
13 ority agency of a unit of local government within the
14 State for the purposes under that paragraph.

15 (c) INFORMATION REQUIRED OF STATES AND UNITS
16 OF LOCAL GOVERNMENT.—

17 (1) IN GENERAL.—For each fiscal year in
18 which an eligible entity receives a grant under sub-
19 section (b), the eligible entity shall—

20 (A) collect information from each applica-
21 ble agency summarizing the law enforcement
22 activities or crime reduction programs con-
23 ducted by the agency to prevent, address, or
24 otherwise respond to hate crime, particularly as
25 those activities or programs relate to reporting

1 hate crimes through the Uniform Crime Re-
2 ports program; and

3 (B) submit to the Attorney General a re-
4 port containing the information collected under
5 subparagraph (A).

6 (2) SEMIANNUAL LAW ENFORCEMENT AGENCY
7 REPORT.—

8 (A) IN GENERAL.—In collecting the infor-
9 mation required under paragraph (1)(A), an eli-
10 gible entity shall require each applicable agency
11 to submit a semiannual report to the eligible
12 entity that includes a summary of the law en-
13 forcement activities or crime reduction pro-
14 grams conducted by the agency during the re-
15 porting period to prevent, address, or otherwise
16 respond to hate crime, particularly as those ac-
17 tivities or programs relate to reporting hate
18 crimes through the Uniform Crime Reports pro-
19 gram.

20 (B) CONTENTS.—In a report submitted
21 under subparagraph (A), a law enforcement
22 agency shall, at a minimum, disclose—

23 (i) whether the agency has adopted a
24 policy on identifying, investigating, and re-
25 porting hate crimes;

1 (ii) whether the agency has developed
2 a standardized system of collecting, ana-
3 lyzing, and reporting the incidence of hate
4 crime;

5 (iii) whether the agency has estab-
6 lished a unit specialized in identifying, in-
7 vestigating, and reporting hate crimes;

8 (iv) whether the agency engages in
9 community relations functions related to
10 hate crime, such as—

11 (I) establishing a liaison with for-
12 mal community-based organizations or
13 leaders; and

14 (II) conducting public meetings
15 or educational forums on the impact
16 of hate crime, services available to
17 hate crime victims, and the relevant
18 Federal, State, and local laws per-
19 taining to hate crime; and

20 (v) the number of hate crime
21 trainings for agency personnel, including
22 the duration of the trainings, conducted by
23 the agency during the reporting period.

24 (d) COMPLIANCE AND REDIRECTION OF FUNDS.—

1 (1) IN GENERAL.—Except as provided in para-
2 graph (2), beginning not later than 1 year after the
3 date of enactment of this title, an eligible entity re-
4 ceiving a grant under subsection (b) shall comply
5 with subsection (c).

6 (2) EXTENSIONS; WAIVER.—The Attorney Gen-
7 eral—

8 (A) may provide a 120-day extension to an
9 eligible entity that is making good faith efforts
10 to collect the information required under sub-
11 section (c); and

12 (B) shall waive the requirements of sub-
13 section (c) for a State or unit of local govern-
14 ment if compliance with that subsection by the
15 State or unit of local government would be un-
16 constitutional under the constitution of the
17 State or of the State in which the unit of local
18 government is located, respectively.

19 **SEC. 407. REQUIREMENTS OF THE ATTORNEY GENERAL.**

20 (a) INFORMATION COLLECTION AND ANALYSIS; RE-
21 PORT.—In order to improve the accuracy of data regard-
22 ing the incidence of hate crime provided through the Uni-
23 form Crime Reports program, and promote a more com-
24 plete understanding of the national problem posed by hate
25 crime, the Attorney General shall—

1 (1) collect and analyze the information provided
2 by States and units of local government under sec-
3 tion 406 for the purpose of developing policies re-
4 lated to the provision of accurate data obtained
5 under the Hate Crime Statistics Act (Public Law
6 101–275; 28 U.S.C. 534 note) by the Federal Bu-
7 reau of Investigation; and

8 (2) for each calendar year beginning after the
9 date of enactment of this title, publish and submit
10 to Congress a report based on the information col-
11 lected and analyzed under paragraph (1).

12 (b) CONTENTS OF REPORT.—A report submitted
13 under subsection (a) shall include—

14 (1) a qualitative analysis of the relationship be-
15 tween—

16 (A) the number of hate crimes reported by
17 State law enforcement agencies or priority
18 agencies through the Uniform Crime Reports
19 program; and

20 (B) the nature and extent of law enforce-
21 ment activities or crime reduction programs
22 conducted by those agencies to prevent, ad-
23 dress, or otherwise respond to hate crime; and

1 (2) a quantitative analysis of the number of
2 State law enforcement agencies and priority agencies
3 that have—

4 (A) adopted a policy on identifying, inves-
5 tigating, and reporting hate crimes;

6 (B) developed a standardized system of
7 collecting, analyzing, and reporting the inci-
8 dence of hate crime;

9 (C) established a unit specialized in identi-
10 fying, investigating, and reporting hate crimes;

11 (D) engaged in community relations func-
12 tions related to hate crime, such as—

13 (i) establishing a liaison with formal
14 community-based organizations or leaders;
15 and

16 (ii) conducting public meetings or
17 educational forums on the impact of hate
18 crime, services available to hate crime vic-
19 tims, and the relevant Federal, State, and
20 local laws pertaining to hate crime; and

21 (E) conducted hate crime trainings for
22 agency personnel during the reporting period,
23 including—

24 (i) the total number of trainings con-
25 ducted by each agency; and

1 (ii) the duration of the trainings de-
2 scribed in clause (i).

3 **SEC. 408. ALTERNATIVE SENTENCING.**

4 Section 249 of title 18, United States Code, is
5 amended by adding at the end the following:

6 “(e) SUPERVISED RELEASE.—If a court includes, as
7 a part of a sentence of imprisonment imposed for a viola-
8 tion of subsection (a), a requirement that the defendant
9 be placed on a term of supervised release after imprison-
10 ment under section 3583, the court may order, as an ex-
11 plicit condition of supervised release, that the defendant
12 undertake educational classes or community service di-
13 rectly related to the community harmed by the defendant’s
14 offense.”.

15 **TITLE V—BANKRUPTCY**
16 **PROTECTIONS**

17 **SEC. 501. BANKRUPTCY PROTECTIONS.**

18 (a) BANKRUPTCY PROTECTIONS FOR FEDERAL
19 CORONAVIRUS RELIEF PAYMENTS.—Section 541(b) of
20 title 11, United States Code, is amended—

21 (1) in paragraph (9), in the matter following
22 subparagraph (B), by striking “or”;

23 (2) in paragraph (10)(C), by striking the period
24 at the end and inserting “; or”; and

1 (3) by inserting after paragraph (10) the fol-
2 lowing:

3 “(11) payments made under Federal law relat-
4 ing to the national emergency declared by the Presi-
5 dent under the National Emergencies Act (50
6 U.S.C. 1601 et seq.) with respect to the coronavirus
7 disease 2019 (COVID–19).”.

8 (b) PROTECTION AGAINST DISCRIMINATORY TREAT-
9 MENT OF HOMEOWNERS IN BANKRUPTCY.—Section 525
10 of title 11, United States Code, is amended by adding at
11 the end the following:

12 “(d) A person may not be denied any forbearance,
13 assistance, or loan modification relief made available to
14 borrowers by a mortgage creditor or servicer because the
15 person is or has been a debtor, or has received a discharge,
16 in a case under this title.”.

17 (c) INCREASING THE HOMESTEAD EXEMPTION.—
18 Section 522 of title 11, United States Code, is amended—

19 (1) in subsection (d)(1), by striking “\$15,000”
20 and inserting “\$100,000”; and

21 (2) by adding at the end the following:

22 “(r) Notwithstanding any other provision of applica-
23 ble nonbankruptcy law, a debtor in any State may exempt
24 from property of the estate the property described in sub-
25 section (d)(1) not to exceed the value in subsection (d)(1)

1 if the exemption for such property permitted by applicable
2 nonbankruptcy law is lower than that amount.”.

3 (d) EFFECT OF MISSED MORTGAGE PAYMENTS ON
4 DISCHARGE.—Section 1328 of title 11, United States
5 Code, is amended by adding at the end the following:

6 “(i) A debtor shall not be denied a discharge under
7 this section because, as of the date of discharge, the debtor
8 did not make 6 or fewer payments directly to the holder
9 of a debt secured by real property.

10 “(j) Notwithstanding subsections (a) and (b), upon
11 the debtor’s request, the court shall grant a discharge of
12 all debts provided for in the plan that are dischargeable
13 under subsection (a) if the debtor—

14 “(1) has made payments under a confirmed
15 plan for at least 1 year; and

16 “(2) is experiencing or has experienced a mate-
17 rial financial hardship due, directly or indirectly, to
18 the coronavirus disease 2019 (COVID–19) pan-
19 demic.”.

20 (e) EXPANDED ELIGIBILITY FOR CHAPTER 13.—Sec-
21 tion 109(e) of title 11, United States Code, is amended—

22 (1) by striking “\$250,000” each place the term
23 appears and inserting “\$850,000”; and

24 (2) by striking “\$750,000” each place the term
25 appears and inserting “\$2,600,000”.

1 (f) EXTENDED CURE PERIOD FOR HOMEOWNERS
2 HARMED BY COVID-19 PANDEMIC.—

3 (1) IN GENERAL.—Chapter 13 of title 11,
4 United States Code, is amended by adding at the
5 end thereof the following:

6 **“§ 1331. Special provisions related to COVID-19 pan-**
7 **demic**

8 “(a) Notwithstanding subsections (b)(2) and (d) of
9 section 1322, if the debtor is experiencing or has experi-
10 enced a material financial hardship due, directly or indi-
11 rectly, to the coronavirus disease 2019 (COVID-19) pan-
12 demic, a plan may provide for the curing of any default
13 within a reasonable time, not to exceed 7 years after the
14 time that the first payment under the original confirmed
15 plan was due, and maintenance of payments while the case
16 is pending on any unsecured claim or secured claim on
17 which the last payment is due after the expiration of such
18 time. Any such plan provision shall not affect the applica-
19 ble commitment period under section 1325(b).

20 “(b) For purposes of sections 1328(a) and 1328(b),
21 any cure or maintenance payments under subsection (a)
22 that are made after the end of the period during which
23 the plan provides for payments (other than payments
24 under subsection (a)) shall not be treated as payments
25 under the plan.

1 “(c) Notwithstanding section 1329(c), a plan modi-
2 fied under section 1329 at the debtor’s request may pro-
3 vide for cure or maintenance payments under subsection
4 (a) over a period that is not longer than 7 years after
5 the time that the first payment under the original con-
6 firmed plan was due.

7 “(d) Notwithstanding section 362(c)(2), during the
8 period after the debtor receives a discharge and the period
9 during which the plan provides for the cure of any default
10 and maintenance of payments under the plan, section
11 362(a) shall apply to the holder of a claim for which a
12 default is cured and payments are maintained under sub-
13 section (a) and to any property securing such claim.

14 “(e) Notwithstanding section 1301(a)(2), the stay of
15 section 1301(a) terminates upon the granting of a dis-
16 charge under section 1328 with respect to all creditors
17 other than the holder of a claim for which a default is
18 cured and payments are maintained under subsection
19 (a).”.

20 (2) TABLE OF CONTENTS.—The table of sec-
21 tions of chapter 13, title 11, United States Code, is
22 amended by adding at the end thereof the following:

“Sec. 1331. Special provisions related to COVID–19 Pandemic.”.

23 (3) APPLICATION.—The amendments made by
24 this paragraph shall apply only to any case under
25 title 11, United States Code, commenced before 3

1 years after the date of enactment of this Act and
2 pending on or commenced after such date of enact-
3 ment, in which a plan under chapter 13 of title 11,
4 United States Code, was not confirmed before March
5 27, 2020.

1 **DIVISION U—OTHER MATTERS**
2 **TITLE I—PRESUMPTION OF**
3 **SERVICE CONNECTION FOR**
4 **CORONAVIRUS DISEASE 2019**

5 **SEC. 101. PRESUMPTIONS OF SERVICE-CONNECTION FOR**
6 **MEMBERS OF ARMED FORCES WHO CON-**
7 **TRACT CORONAVIRUS DISEASE 2019 UNDER**
8 **CERTAIN CIRCUMSTANCES.**

9 (a) IN GENERAL.—Subchapter VI of chapter 11 of
10 title 38, United States Code, is amended by adding at the
11 end the following new section:

12 **“§ 1164. Presumptions of service-connection for**
13 **Coronavirus Disease 2019**

14 “(a) PRESUMPTIONS GENERALLY.—(1) For purposes
15 of laws administered by the Secretary and subject to sec-
16 tion 1113 of this title, if symptoms of Coronavirus Disease
17 2019 (in this section referred to as ‘COVID–19’) de-
18 scribed in subsection (d) manifest within one of the mani-
19 festation periods described in paragraph (2) in an indi-
20 vidual who served in a qualifying period of duty described
21 in subsection (b)—

22 “(A) infection with severe acute respiratory
23 syndrome coronavirus 2 (in this section referred to
24 as ‘SARS–CoV–2’) shall be presumed to have oc-
25 curred during the qualifying period of duty;

1 “(B) COVID–19 shall be presumed to have
2 been incurred during the qualifying period of duty;
3 and

4 “(C) if the individual becomes disabled or dies
5 as a result of COVID–19, it shall be presumed that
6 the individual became disabled or died during the
7 qualifying period of duty for purposes of establishing
8 that the individual served in the active military,
9 naval, or air service.

10 “(2)(A) The manifestation periods described in this
11 paragraph are the following:

12 “(i) During a qualifying period of duty de-
13 scribed in subsection (b), if that period of duty was
14 more than 48 continuous hours in duration.

15 “(ii) Within 14 days after the individual’s com-
16 pletion of a qualifying period of duty described in
17 subsection (b).

18 “(iii) An additional period prescribed under
19 subparagraph (B).

20 “(B)(i) If the Secretary determines that a manifesta-
21 tion period of more than 14 days after completion of a
22 qualifying period of service is appropriate for the presump-
23 tions under paragraph (1), the Secretary may prescribe
24 that additional period by regulation.

1 “(ii) A determination under clause (i) shall be made
2 in consultation with the Director of the Centers for Dis-
3 ease Control and Prevention.

4 “(b) QUALIFYING PERIOD OF DUTY DESCRIBED.—
5 A qualifying period of duty described in this subsection
6 is a period of—

7 “(1) active duty; or

8 “(2) the following duty or training not covered
9 by paragraph (1) performed under orders issued on
10 or after March 13, 2020, during the national emer-
11 gency declared by the President under the National
12 Emergencies Act (50 U.S.C. 1601 et seq.):

13 “(A) Training duty under title 10.

14 “(B) Full-time National Guard duty (as
15 defined in section 101 of title 10).

16 “(c) APPLICATION OF PRESUMPTIONS FOR TRAINING
17 DUTY.—When, pursuant to subsection (a), COVID–19 is
18 presumed to have been incurred during a qualifying period
19 of duty described in subsection (b)(2)—

20 “(1) COVID–19 shall be deemed to have been
21 incurred in the line of duty during a period of active
22 military, naval, or air service; and

23 “(2) where entitlement to benefits under this
24 title is predicated on the individual who was disabled
25 or died being a veteran, benefits for disability or

1 death resulting from COVID–19 as described in sub-
2 section (a) shall be paid or furnished as if the indi-
3 vidual was a veteran, without regard to whether the
4 period of duty would constitute active military,
5 naval, or air service under section 101 of this title.

6 “(d) SYMPTOMS OF COVID–19.—For purposes of
7 subsection (a), symptoms of COVID–19 are those symp-
8 toms that competent medical evidence demonstrates are
9 experienced by an individual affected and directly related
10 to COVID–19.

11 “(e) MEDICAL EXAMINATIONS AND OPINIONS.—If
12 there is a question of whether the symptoms experienced
13 by an individual described in paragraph (1) of subsection
14 (a) during a manifestation period described in paragraph
15 (2) of such subsection are attributable to COVID–19 re-
16 sulting from infection with SARS–CoV–2 during the
17 qualifying period of duty, in determining whether a med-
18 ical examination or medical opinion is necessary to make
19 a decision on the claim within the meaning of section
20 5103A(d) of this title, a qualifying period of duty de-
21 scribed in subsection (b) of this section shall be treated
22 as if it were active military, naval, or air service for pur-
23 poses of section 5103A(d)(2)(B) of this title.”

1 (b) CLERICAL AMENDMENT.—The table of sections
 2 at the beginning of such subchapter is amended by adding
 3 at the end the following new item:

“1164. Presumptions of service-connection for Coronavirus Disease 2019.”.

4 **TITLE II—CORONAVIRUS RELIEF**
 5 **FUND AMENDMENTS**

6 **SEC. 201. CONGRESSIONAL INTENT RELATING TO TRIBAL**
 7 **GOVERNMENTS ELIGIBLE FOR CORONAVIRUS**
 8 **RELIEF FUND PAYMENTS.**

9 (a) PURPOSE.—The purpose of this section and the
 10 amendments made by subsection (b) is to clarify the intent
 11 of Congress that only Federally recognized Tribal govern-
 12 ments are eligible for payments from the Coronavirus Re-
 13 lief Fund established in section 601 of the Social Security
 14 Act, as added by section 5001(a) of the Coronavirus Aid,
 15 Relief, and Economic Security Act (Public Law 116–136).

16 (b) ELIGIBLE TRIBAL GOVERNMENTS.—Effective as
 17 if included in the enactment of the Coronavirus Aid, Re-
 18 lief, and Economic Security Act (Public Law 116–136),
 19 section 601 of the Social Security Act, as added by section
 20 5001(a) of the Coronavirus Aid, Relief, and Economic Se-
 21 curity Act, is amended—

22 (1) in subsection (c)(7), by striking “Indian
 23 Tribes” and inserting “Tribal governments”; and

24 (2) in subsection (g)—

25 (A) by striking paragraph (1);

1 (B) by redesignating paragraphs (2)
2 through (5) as paragraphs (1) through (4), re-
3 spectively; and

4 (C) by striking paragraph (4) (as redesign-
5 ated by subparagraph (B)) and inserting the
6 following:

7 “(4) TRIBAL GOVERNMENT.—The term ‘Tribal
8 government’ means the recognized governing body of
9 any Indian or Alaska Native tribe, band, nation,
10 pueblo, village, community, component band, or com-
11 ponent reservation, individually identified (including
12 parenthetically) in the list published most recently as
13 of the date of enactment of this Act pursuant to sec-
14 tion 104 of the Federally Recognized Indian Tribe
15 List Act of 1994 (25 U.S.C. 5131).”.

16 (c) RULES RELATING TO PAYMENTS MADE BEFORE
17 THE DATE OF ENACTMENT OF THIS ACT.—

18 (1) PAYMENTS MADE TO INELIGIBLE ENTI-
19 TIES.—The Secretary of the Treasury shall require
20 any entity that was not eligible to receive a payment
21 from the amount set aside for fiscal year 2020
22 under subsection (a)(2)(B) of section 601 of the So-
23 cial Security Act, as added by section 5001(a) of the
24 Coronavirus Aid, Relief, and Economic Security Act
25 (Public Law 116–136) and after the application of

1 the amendments made by subsection (a) clarifying
2 congressional intent relating to eligibility for such a
3 payment, to return the full payment to the Depart-
4 ment.

5 (2) DISTRIBUTION OF PAYMENTS RETURNED
6 BY INELIGIBLE ENTITIES.—The Secretary of the
7 Treasury shall distribute payments returned under
8 paragraph (1), without further appropriation or fis-
9 cal year limitation and not later than 7 days after
10 receiving any returned funds as required under
11 paragraph (1) to Tribal governments eligible for
12 payments under such section 601 of the Social Secu-
13 rity Act, as amended by subsection (a), in accord-
14 ance with subsection (c)(7) of such Act.

15 (3) LIMITATION ON SECRETARIAL AUTHOR-
16 ITY.—The Secretary of the Treasury is prohibited
17 from requiring an entity that is eligible for a pay-
18 ment from the amount set aside for fiscal year 2020
19 under subsection (a)(2)(B) of section 601 of the So-
20 cial Security Act, as amended by subsection(a), and
21 that received a payment before the date of enact-
22 ment of this Act, from requiring the entity to return
23 all or part of the payment except to the extent au-
24 thorized under section 601(f) of such Act in the case
25 of a determination by the Inspector General of the

1 Department of the Treasury that the Tribal govern-
2 ment failed to comply with the use of funds require-
3 ments of section 601(d) of such Act.

4 **SEC. 202. REDISTRIBUTION OF AMOUNTS RECOVERED OR**
5 **RECOUPED FROM PAYMENTS FOR TRIBAL**
6 **GOVERNMENTS; REPORTING REQUIRE-**
7 **MENTS.**

8 Effective as if included in the enactment of the
9 Coronavirus Aid, Relief, and Economic Security Act (Pub-
10 lic Law 116–136), section 601(c)(7) of the Social Security
11 Act, as added by section 5001(a) of the Coronavirus Aid,
12 Relief, and Economic Security Act, is amended—

13 (1) by striking “From the amount” and insert-
14 ing the following:

15 “(A) IN GENERAL.—From the amount”;

16 and

17 (2) by adding at the end the following:

18 “(B) REDISTRIBUTION OF FUNDS.—

19 “(i) REQUIREMENT.—In carrying out
20 the requirement under subparagraph (A)
21 to ensure that all amounts available under
22 subsection (a)(2)(B) for fiscal year 2020
23 are distributed to Tribal governments, the
24 Secretary of the Treasury shall redistribute
25 any amounts from payments for Tribal

1 governments that are recovered through
2 recoupment activities carried out by the
3 Inspector General of the Department of
4 the Treasury under subsection (f), without
5 further appropriation, using a procedure
6 and methodology determined by the Sec-
7 retary in consultation with Tribal govern-
8 ments, to Tribal Governments that apply
9 for payments from such amounts.

10 “(ii) REPAYMENT.—In carrying out
11 the recoupment activities by the Inspector
12 General of the Department of the Treasury
13 under subsection (f), the Secretary of the
14 Treasury shall not impose any additional
15 fees, penalties, or interest payments on
16 Tribal governments associated with any
17 amounts that are recovered.

18 “(C) DISCLOSURE AND REPORTING RE-
19 QUIREMENTS.—

20 “(i) DISCLOSURE OF FUNDING FOR-
21 MULA AND METHODOLOGY.—Not later
22 than 24 hours before any payments for
23 Tribal governments are distributed by the
24 Secretary of the Treasury pursuant to the
25 requirements under subparagraph (A) and

1 subparagraph (B), the Secretary shall pub-
2 lish on the website of the Department of
3 the Treasury—

4 “(I) a detailed description of the
5 funding allocation formula; and

6 “(II) a detailed description of the
7 procedure and methodology used to
8 determine the funding allocation for-
9 mula.

10 “(ii) REPORT ON FUND DISTRIBUTION.—No later than 7 days after pay-
11 ments for Tribal governments are distrib-
12 uted by the Secretary of the Treasury pur-
13 suant to the requirements under subpara-
14 graph (A) or subparagraph (B), the Sec-
15 retary shall publish on the website of the
16 Department of the Treasury the date and
17 amount of all fund disbursements, broken
18 down by individual Tribal government re-
19 cipient.”.

21 **SEC. 203. USE OF RELIEF FUNDS.**

22 Effective as if included in the Coronavirus, Aid, Re-
23 lief, and Economic Security Act (Public Law 116–136),
24 section 601 of the Social Security Act, as added by section

1 5001(a) of such Act, is amended by striking subsection
2 (d) and inserting the following:

3 “(d) USE OF FUNDS.—A State, Tribal government,
4 and unit of local government shall use the funds provided
5 under a payment made under this section to

6 “(1) cover only those costs of the State, Tribal
7 government, or unit of local government that—

8 “(A) Are necessary expenditures incurred
9 due to the public health emergency with respect
10 to the coronavirus disease 2019 (COVID–19);

11 “(B) were not accounted for in the budget
12 most recently approved as of the date of enact-
13 ment of this section for the State or govern-
14 ment; and

15 “(C) were incurred during the period that
16 begins on January 31, 2020, and ends on De-
17 cember 31, 2021; or

18 “(2) Replace lost, delayed, or decreased reve-
19 nues, stemming from the public health emergency
20 with respect to the coronavirus disease (COVID–
21 19).”.

1 **TITLE III—ENERGY AND**
2 **ENVIRONMENT PROVISIONS**

3 **SEC. 301. 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. 302. 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 2021, 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. 303. LOW-INCOME HOUSEHOLD DRINKING WATER AND**
12 **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. 304. 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).

13 **TITLE IV—MISCELLANEOUS** 14 **MATTERS**

15 **SEC. 401. TECHNICAL CORRECTIONS AND CLARIFICATION.**

16 (a) Section 4002 of the CARES Act (Public Law
17 116–136; 15 U.S.C. 9041) is amended by adding at the
18 end the following new paragraph:

19 “(13) **BUSINESSES CRITICAL TO MAINTAINING**
20 **NATIONAL SECURITY.**—The term ‘businesses critical
21 to maintaining national security’ includes businesses
22 that manufacture and produce aerospace-related
23 products, civil or defense, including those that de-
24 sign, integrate, assemble, supply, maintain and re-
25 pair such products, and other businesses as further

1 defined by the Secretary, in consultation with the
2 Secretary of Defense and the Secretary of Transpor-
3 tation. For purposes of the preceding sentence, aero-
4 space-related products include, but are not limited
5 to, components, parts, or systems of aircraft, air-
6 craft engines, or appliances for inclusion in an air-
7 craft, aircraft engine, or appliance.”.

8 **SEC. 402. TRADE OF INJURIOUS SPECIES AND SPECIES**
9 **THAT POSE A RISK TO HUMAN HEALTH.**

10 Section 42 of title 18, United States Code, is amend-
11 ed—

12 (1) in subsection (a)—

13 (A) in paragraph (1)—

14 (i) by inserting “or any interstate
15 transport between States within the conti-
16 nental United States,” after “shipment be-
17 tween the continental United States, the
18 District of Columbia, Hawaii, the Com-
19 monwealth of Puerto Rico, or any posses-
20 sion of the United States,”; and

21 (ii) by striking “to be injurious to
22 human beings, to the interests of agri-
23 culture” and inserting “to be injurious to
24 or to transmit a pathogen that can cause

1 disease in humans, to be injurious to the
2 interests of agriculture”; and

3 (B) by adding at the end the following:

4 “(6) In the case of an emergency posing a sig-
5 nificant risk to the health of humans, the Secretary
6 of the Interior may designate a species by interim
7 final rule. At the time of publication of the regula-
8 tion in the Federal Register, the Secretary shall
9 publish therein detailed reasons why such regulation
10 is necessary, and in the case that such regulation
11 applies to a native species, the Secretary shall give
12 actual notice of such regulation to the State agency
13 in each State in which such species is believed to
14 occur. Any regulation promulgated under the au-
15 thority of this paragraph shall cease to have force
16 and effect at the close of the 365-day period fol-
17 lowing the date of publication unless, during such
18 365-day period, the rulemaking procedures which
19 would apply to such regulation without regard to
20 this paragraph are complied with. If at any time
21 after issuing an emergency regulation the Secretary
22 determines, on the basis of the best appropriate data
23 available to the Secretary, that substantial evidence
24 does not exist to warrant such regulation, the Sec-
25 retary shall withdraw it.

1 “(7) Not more than 90 days after receiving a
2 petition of an interested person under section 553(e)
3 of title 5, United States Code, to determine that a
4 species is injurious under this section, the Secretary
5 of the Interior shall determine whether such petition
6 has scientific merit. If the Secretary determines a
7 petition has scientific merit, such Secretary shall
8 make a determination regarding such petition not
9 more than 12 months after the date such Secretary
10 received such petition.”; and

11 (2) by amending subsection (b) to read as fol-
12 lows:

13 “(b) Any person who knowingly imports, ships, or
14 transports any species in violation of subsection (a) of this
15 section and who reasonably should have known that the
16 species at issue in such violation is a species listed in sub-
17 section (a) of this section, or in any regulation issued pur-
18 suant thereto, shall be fined under this title or imprisoned
19 not more than six months, or both.”.

20 **SEC. 403. RESCISSION OF FUNDS.**

21 Of the unobligated balances available under section
22 4027 of division A of the CARES Act (Public Law 116–
23 136), \$146,000,000,000 is hereby permanently rescinded.

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