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In the Senate of the United States,

March 25, 2020.

Resolved, That the bill from the House of Representatives (H.R. 748) entitled “An Act to amend the Internal Revenue Code of 1986 to repeal the excise tax on high cost employer-sponsored health coverage.”, do pass with the following

AMENDMENT:

Strike all after the enacting clause and insert the following:

1 **SECTION 1. SHORT TITLE.**

2 *This Act may be cited as the “Coronavirus Aid, Relief,*
3 *and Economic Security Act” or the “CARES Act”.*

4 **SEC. 2. TABLE OF CONTENTS.**

5 *The table of contents for this Act is as follows:*

Sec. 1. Short title.

Sec. 2. Table of contents.

Sec. 3. References.

*DIVISION A—KEEPING WORKERS PAID AND EMPLOYED, HEALTH
CARE SYSTEM ENHANCEMENTS, AND ECONOMIC STABILIZATION*

TITLE I—KEEPING AMERICAN WORKERS PAID AND EMPLOYED ACT

Sec. 1101. Definitions.

Sec. 1102. Paycheck protection program.

- Sec. 1103. Entrepreneurial development.*
Sec. 1104. State trade expansion program.
Sec. 1105. Waiver of matching funds requirement under the women's business center program.
Sec. 1106. Loan forgiveness.
Sec. 1107. Direct appropriations.
Sec. 1108. Minority business development agency.
Sec. 1109. United States Treasury Program Management Authority.
Sec. 1110. Emergency EIDL grants.
Sec. 1111. Resources and services in languages other than English.
Sec. 1112. Subsidy for certain loan payments.
Sec. 1113. Bankruptcy.
Sec. 1114. Emergency rulemaking authority.

TITLE II—ASSISTANCE FOR AMERICAN WORKERS, FAMILIES, AND BUSINESSES

Subtitle A—Unemployment Insurance Provisions

- Sec. 2101. Short title.*
Sec. 2102. Pandemic Unemployment Assistance.
Sec. 2103. Emergency unemployment relief for governmental entities and non-profit organizations.
Sec. 2104. Emergency increase in unemployment compensation benefits.
Sec. 2105. Temporary full Federal funding of the first week of compensable regular unemployment for States with no waiting week.
Sec. 2106. Emergency State staffing flexibility.
Sec. 2107. Pandemic emergency unemployment compensation.
Sec. 2108. Temporary financing of short-time compensation payments in States with programs in law.
Sec. 2109. Temporary financing of short-time compensation agreements.
Sec. 2110. Grants for short-time compensation programs.
Sec. 2111. Assistance and guidance in implementing programs.
Sec. 2112. Waiver of the 7-day waiting period for benefits under the Railroad Unemployment Insurance Act.
Sec. 2113. Enhanced benefits under the Railroad Unemployment Insurance Act.
Sec. 2114. Extended unemployment benefits under the Railroad Unemployment Insurance Act.
Sec. 2115. Funding for the DOL Office of Inspector General for oversight of unemployment provisions.
Sec. 2116. Implementation.

Subtitle B—Rebates and Other Individual Provisions

- Sec. 2201. 2020 recovery rebates for individuals.*
Sec. 2202. Special rules for use of retirement funds.
Sec. 2203. Temporary waiver of required minimum distribution rules for certain retirement plans and accounts.
Sec. 2204. Allowance of partial above the line deduction for charitable contributions.
Sec. 2205. Modification of limitations on charitable contributions during 2020.
Sec. 2206. Exclusion for certain employer payments of student loans.

Subtitle C—Business Provisions

- Sec. 2301. Employee retention credit for employers subject to closure due to COVID-19.*

- Sec. 2302. Delay of payment of employer payroll taxes.*
Sec. 2303. Modifications for net operating losses.
Sec. 2304. Modification of limitation on losses for taxpayers other than corporations.
Sec. 2305. Modification of credit for prior year minimum tax liability of corporations.
Sec. 2306. Modifications of limitation on business interest.
Sec. 2307. Technical amendments regarding qualified improvement property.
Sec. 2308. Temporary exception from excise tax for alcohol used to produce hand sanitizer.

TITLE III—SUPPORTING AMERICA’S HEALTH CARE SYSTEM IN THE FIGHT AGAINST THE CORONAVIRUS

Subtitle A—Health Provisions

- Sec. 3001. Short title.*

PART I—ADDRESSING SUPPLY SHORTAGES

SUBPART A—MEDICAL PRODUCT SUPPLIES

- Sec. 3101. National Academies report on America’s medical product supply chain security.*
Sec. 3102. Requiring the strategic national stockpile to include certain types of medical supplies.
Sec. 3103. Treatment of respiratory protective devices as covered countermeasures.

SUBPART B—MITIGATING EMERGENCY DRUG SHORTAGES

- Sec. 3111. Prioritize reviews of drug applications; incentives.*
Sec. 3112. Additional manufacturer reporting requirements in response to drug shortages.

SUBPART C—PREVENTING MEDICAL DEVICE SHORTAGES

- Sec. 3121. Discontinuance or interruption in the production of medical devices.*

PART II—ACCESS TO HEALTH CARE FOR COVID–19 PATIENTS

SUBPART A—COVERAGE OF TESTING AND PREVENTIVE SERVICES

- Sec. 3201. Coverage of diagnostic testing for COVID–19.*
Sec. 3202. Pricing of diagnostic testing.
Sec. 3203. Rapid coverage of preventive services and vaccines for coronavirus.

SUBPART B—SUPPORT FOR HEALTH CARE PROVIDERS

- Sec. 3211. Supplemental awards for health centers.*
Sec. 3212. Telehealth network and telehealth resource centers grant programs.
Sec. 3213. Rural health care services outreach, rural health network development, and small health care provider quality improvement grant programs.
Sec. 3214. United States Public Health Service Modernization.
Sec. 3215. Limitation on liability for volunteer health care professionals during COVID–19 emergency response.
Sec. 3216. Flexibility for members of National Health Service Corps during emergency period.

SUBPART C—MISCELLANEOUS PROVISIONS

- Sec. 3221. Confidentiality and disclosure of records relating to substance use disorder.*
- Sec. 3222. Nutrition services.*
- Sec. 3223. Continuity of service and opportunities for participants in community service activities under title V of the Older Americans Act of 1965.*
- Sec. 3224. Guidance on protected health information.*
- Sec. 3225. Reauthorization of healthy start program.*
- Sec. 3226. Importance of the blood supply.*

PART III—INNOVATION

- Sec. 3301. Removing the cap on OTA during public health emergencies.*
- Sec. 3302. Priority zoonotic animal drugs.*

PART IV—HEALTH CARE WORKFORCE

- Sec. 3401. Reauthorization of health professions workforce programs.*
- Sec. 3402. Health workforce coordination.*
- Sec. 3403. Education and training relating to geriatrics.*
- Sec. 3404. Nursing workforce development.*

Subtitle B—Education Provisions

- Sec. 3501. Short title.*
- Sec. 3502. Definitions.*
- Sec. 3503. Campus-based aid waivers.*
- Sec. 3504. Use of supplemental educational opportunity grants for emergency aid.*
- Sec. 3505. Federal work-study during a qualifying emergency.*
- Sec. 3506. Adjustment of subsidized loan usage limits.*
- Sec. 3507. Exclusion from Federal Pell Grant duration limit.*
- Sec. 3508. Institutional refunds and Federal student loan flexibility.*
- Sec. 3509. Satisfactory academic progress.*
- Sec. 3510. Continuing education at affected foreign institutions.*
- Sec. 3511. National emergency educational waivers.*
- Sec. 3512. HBCU Capital financing.*
- Sec. 3513. Temporary relief for federal student loan borrowers.*
- Sec. 3514. Provisions related to the Corporation for National and Community Service.*
- Sec. 3515. Workforce response activities.*
- Sec. 3516. Technical amendments.*
- Sec. 3517. Waiver authority and reporting requirement for institutional aid.*
- Sec. 3518. Authorized uses and other modifications for grants.*
- Sec. 3519. Service obligations for teachers.*

Subtitle C—Labor Provisions

- Sec. 3601. Limitation on paid leave.*
- Sec. 3602. Emergency Paid Sick Leave Act Limitation.*
- Sec. 3603. Unemployment insurance.*
- Sec. 3604. OMB Waiver of Paid Family and Paid Sick Leave.*
- Sec. 3605. Paid leave for rehired employees.*
- Sec. 3606. Advance refunding of credits.*
- Sec. 3607. Expansion of DOL Authority to postpone certain deadlines.*
- Sec. 3608. Single-employer plan funding rules.*

- Sec. 3609. Application of cooperative and small employer charity pension plan rules to certain charitable employers whose primary exempt purpose is providing services with respect to mothers and children.*
- Sec. 3610. Federal contractor authority.*
- Sec. 3611. Technical corrections.*

Subtitle D—Finance Committee

- Sec. 3701. Exemption for telehealth services.*
- Sec. 3702. Inclusion of certain over-the-counter medical products as qualified medical expenses.*
- Sec. 3703. Increasing Medicare telehealth flexibilities during emergency period.*
- Sec. 3704. Enhancing Medicare telehealth services for Federally qualified health centers and rural health clinics during emergency period.*
- Sec. 3705. Temporary waiver of requirement for face-to-face visits between home dialysis patients and physicians.*
- Sec. 3706. Use of telehealth to conduct face-to-face encounter prior to recertification of eligibility for hospice care during emergency period.*
- Sec. 3707. Encouraging use of telecommunications systems for home health services furnished during emergency period.*
- Sec. 3708. Improving care planning for Medicare home health services.*
- Sec. 3709. Adjustment of sequestration.*
- Sec. 3710. Medicare hospital inpatient prospective payment system add-on payment for COVID–19 patients during emergency period.*
- Sec. 3711. Increasing access to post-acute care during emergency period.*
- Sec. 3712. Revising payment rates for durable medical equipment under the Medicare program through duration of emergency period.*
- Sec. 3713. Coverage of the COVID–19 vaccine under part B of the Medicare program without any cost-sharing.*
- Sec. 3714. Requiring Medicare prescription drug plans and MA–PD plans to allow during the COVID–19 emergency period for fills and re-fills of covered part D drugs for up to a 3-month supply.*
- Sec. 3715. Providing home and community-based services in acute care hospitals.*
- Sec. 3716. Clarification regarding uninsured individuals.*
- Sec. 3717. Clarification regarding coverage of COVID–19 testing products.*
- Sec. 3718. Amendments relating to reporting requirements with respect to clinical diagnostic laboratory tests.*
- Sec. 3719. Expansion of the Medicare hospital accelerated payment program during the COVID–19 public health emergency.*
- Sec. 3720. Delaying requirements for enhanced FMAP to enable State legislation necessary for compliance.*

Subtitle E—Health and Human Services Extenders

PART I—MEDICARE PROVISIONS

- Sec. 3801. Extension of the work geographic index floor under the Medicare program.*
- Sec. 3802. Extension of funding for quality measure endorsement, input, and selection.*
- Sec. 3803. Extension of funding outreach and assistance for low-income programs.*

PART II—MEDICAID PROVISIONS

- Sec. 3811. Extension of the Money Follows the Person rebalancing demonstration program.*

- Sec. 3812. Extension of spousal impoverishment protections.*
Sec. 3813. Delay of DSH reductions.
Sec. 3814. Extension and expansion of Community Mental Health Services demonstration program.

PART III—HUMAN SERVICES AND OTHER HEALTH PROGRAMS

- Sec. 3821. Extension of sexual risk avoidance education program.*
Sec. 3822. Extension of personal responsibility education program.
Sec. 3823. Extension of demonstration projects to address health professions workforce needs.
Sec. 3824. Extension of the temporary assistance for needy families program and related programs.

PART IV—PUBLIC HEALTH PROVISIONS

- Sec. 3831. Extension for community health centers, the National Health Service Corps, and teaching health centers that operate GME programs.*
Sec. 3832. Diabetes programs.

PART V—MISCELLANEOUS PROVISIONS

- Sec. 3841. Prevention of duplicate appropriations for fiscal year 2020.*

Subtitle F—Over-the-Counter Drugs

PART I—OTC DRUG REVIEW

- Sec. 3851. Regulation of certain nonprescription drugs that are marketed without an approved drug application.*
Sec. 3852. Misbranding.
Sec. 3853. Drugs excluded from the over-the-counter drug review.
Sec. 3854. Treatment of Sunscreen Innovation Act.
Sec. 3855. Annual update to Congress on appropriate pediatric indication for certain OTC cough and cold drugs.
Sec. 3856. Technical corrections.

PART II—USER FEES

- Sec. 3861. Finding.*
Sec. 3862. Fees relating to over-the-counter drugs.

TITLE IV—ECONOMIC STABILIZATION AND ASSISTANCE TO SEVERELY DISTRESSED SECTORS OF THE UNITED STATES ECONOMY

Subtitle A—Coronavirus Economic Stabilization Act of 2020

- Sec. 4001. Short title.*
Sec. 4002. Definitions.
Sec. 4003. Emergency relief and taxpayer protections.
Sec. 4004. Limitation on certain employee compensation.
Sec. 4005. Continuation of certain air service.
Sec. 4006. Coordination with Secretary of Transportation.
Sec. 4007. Suspension of certain aviation excise taxes.
Sec. 4008. Debt guarantee authority.
Sec. 4009. Temporary Government in the Sunshine Act relief.
Sec. 4010. Temporary hiring flexibility.

- Sec. 4011. Temporary lending limit waiver.*
- Sec. 4012. Temporary relief for community banks.*
- Sec. 4013. Temporary relief from troubled debt restructurings.*
- Sec. 4014. Optional temporary relief from current expected credit losses.*
- Sec. 4015. Non-applicability of restrictions on ESF during national emergency.*
- Sec. 4016. Temporary credit union provisions.*
- Sec. 4017. Increasing access to materials necessary for national security and pandemic recovery.*
- Sec. 4018. Special Inspector General for Pandemic Recovery.*
- Sec. 4019. Conflicts of interest.*
- Sec. 4020. Congressional Oversight Commission.*
- Sec. 4021. Credit protection during COVID–19.*
- Sec. 4022. Foreclosure moratorium and consumer right to request forbearance.*
- Sec. 4023. Forbearance of residential mortgage loan payments for multifamily properties with federally backed loans.*
- Sec. 4024. Temporary moratorium on eviction filings.*
- Sec. 4025. Protection of collective bargaining agreement.*
- Sec. 4026. Reports.*
- Sec. 4027. Direct appropriation.*
- Sec. 4028. Rule of construction.*
- Sec. 4029. Termination of authority.*

Subtitle B—Air Carrier Worker Support

- Sec. 4111. Definitions.*
- Sec. 4112. Pandemic relief for aviation workers.*
- Sec. 4113. Procedures for providing payroll support.*
- Sec. 4114. Required assurances.*
- Sec. 4115. Protection of collective bargaining agreement.*
- Sec. 4116. Limitation on certain employee compensation.*
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- Sec. 4118. Reports.*
- Sec. 4119. Coordination.*
- Sec. 4120. Direct appropriation.*

TITLE V—CORONAVIRUS RELIEF FUNDS

- Sec. 5001. Coronavirus Relief Fund.*

TITLE VI—MISCELLANEOUS PROVISIONS

- Sec. 6001. COVID–19 borrowing authority for the United States Postal Service.*
- Sec. 6002. Emergency designation.*

*DIVISION B—EMERGENCY APPROPRIATIONS FOR CORONAVIRUS
HEALTH RESPONSE AND AGENCY OPERATIONS*

1 SEC. 3. REFERENCES.

2 *Except as expressly provided otherwise, any reference*
 3 *to “this Act” contained in any division of this Act shall*
 4 *be treated as referring only to the provisions of that divi-*
 5 *sion.*

1 ***DIVISION A—KEEPING WORKERS***
2 ***PAID AND EMPLOYED,***
3 ***HEALTH CARE SYSTEM EN-***
4 ***HANCEMENTS, AND ECO-***
5 ***NOMIC STABILIZATION***

6 ***TITLE I—KEEPING AMERICAN***
7 ***WORKERS PAID AND EM-***
8 ***PLOYED ACT***

9 ***SEC. 1101. DEFINITIONS.***

10 *In this title—*

11 *(1) the terms “Administration” and “Adminis-*
12 *trator” mean the Small Business Administration and*
13 *the Administrator thereof, respectively; and*

14 *(2) the term “small business concern” has the*
15 *meaning given the term in section 3 of the Small*
16 *Business Act (15 U.S.C. 636).*

17 ***SEC. 1102. PAYCHECK PROTECTION PROGRAM.***

18 *(a) IN GENERAL.—Section 7(a) of the Small Business*
19 *Act (15 U.S.C. 636(a)) is amended—*

20 *(1) in paragraph (2)—*

21 *(A) in subparagraph (A), in the matter pre-*
22 *ceding clause (i), by striking “and (E)” and in-*
23 *serting “(E), and (F)”;* and

24 *(B) by adding at the end the following:*

1 “(F) *PARTICIPATION IN THE PAYCHECK*
2 *PROTECTION PROGRAM.—In an agreement to*
3 *participate in a loan on a deferred basis under*
4 *paragraph (36), the participation by the Admin-*
5 *istration shall be 100 percent.”; and*

6 (2) *by adding at the end the following:*

7 “(36) *PAYCHECK PROTECTION PROGRAM.—*

8 “(A) *DEFINITIONS.—In this paragraph—*

9 “(i) *the terms ‘appropriate Federal*
10 *banking agency’ and ‘insured depository in-*
11 *stitution’ have the meanings given those*
12 *terms in section 3 of the Federal Deposit*
13 *Insurance Act (12 U.S.C. 1813);*

14 “(ii) *the term ‘covered loan’ means a*
15 *loan made under this paragraph during the*
16 *covered period;*

17 “(iii) *the term ‘covered period’ means*
18 *the period beginning on February 15, 2020*
19 *and ending on June 30, 2020;*

20 “(iv) *the term ‘eligible recipient’ means*
21 *an individual or entity that is eligible to re-*
22 *ceive a covered loan;*

23 “(v) *the term ‘eligible self-employed in-*
24 *dividual’ has the meaning given the term in*
25 *section 7002(b) of the Families First*

1 *Coronavirus Response Act (Public Law*
2 *116–127);*

3 *“(vi) the term ‘insured credit union’*
4 *has the meaning given the term in section*
5 *101 of the Federal Credit Union Act (12*
6 *U.S.C. 1752);*

7 *“(vii) the term ‘nonprofit organization’*
8 *means an organization that is described in*
9 *section 501(c)(3) of the Internal Revenue*
10 *Code of 1986 and that is exempt from tax-*
11 *ation under section 501(a) of such Code;*

12 *“(viii) the term ‘payroll costs’—*

13 *“(I) means—*

14 *“(aa) the sum of payments of*
15 *any compensation with respect to*
16 *employees that is a—*

17 *“(AA) salary, wage,*
18 *commission, or similar com-*
19 *penetration;*

20 *“(BB) payment of cash*
21 *tip or equivalent;*

22 *“(CC) payment for va-*
23 *cation, parental, family,*
24 *medical, or sick leave;*

1 “(DD) allowance for
2 dismissal or separation;

3 “(EE) payment re-
4 quired for the provisions of
5 group health care benefits,
6 including insurance pre-
7 miums;

8 “(FF) payment of any
9 retirement benefit; or

10 “(GG) payment of State
11 or local tax assessed on the
12 compensation of employees;
13 and

14 “(bb) the sum of payments of
15 any compensation to or income of
16 a sole proprietor or independent
17 contractor that is a wage, com-
18 mission, income, net earnings
19 from self-employment, or similar
20 compensation and that is in an
21 amount that is not more than
22 \$100,000 in 1 year, as prorated
23 for the covered period; and

24 “(II) shall not include—

1 “(aa) the compensation of an
2 individual employee in excess of
3 an annual salary of \$100,000, as
4 prorated for the covered period;

5 “(bb) taxes imposed or with-
6 held under chapters 21, 22, or 24
7 of the Internal Revenue Code of
8 1986 during the covered period;

9 “(cc) any compensation of an
10 employee whose principal place of
11 residence is outside of the United
12 States;

13 “(dd) qualified sick leave
14 wages for which a credit is al-
15 lowed under section 7001 of the
16 Families First Coronavirus Re-
17 sponse Act (Public Law 116–127);
18 or

19 “(ee) qualified family leave
20 wages for which a credit is al-
21 lowed under section 7003 of the
22 Families First Coronavirus Re-
23 sponse Act (Public Law 116–127);
24 and

1 “(ix) the term ‘veterans organization’
2 means an organization that is described in
3 section 501(c)(19) of the Internal Revenue
4 Code that is exempt from taxation under
5 section 501(a) of such Code.

6 “(B) PAYCHECK PROTECTION LOANS.—Ex-
7 cept as otherwise provided in this paragraph, the
8 Administrator may guarantee covered loans
9 under the same terms, conditions, and processes
10 as a loan made under this subsection.

11 “(C) REGISTRATION OF LOANS.—Not later
12 than 15 days after the date on which a loan is
13 made under this paragraph, the Administration
14 shall register the loan using the TIN (as defined
15 in section 7701 of the Internal Revenue Code of
16 1986) assigned to the borrower.

17 “(D) INCREASED ELIGIBILITY FOR CERTAIN
18 SMALL BUSINESSES AND ORGANIZATIONS.—

19 “(i) IN GENERAL.—During the covered
20 period, in addition to small business con-
21 cerns, any business concern, nonprofit orga-
22 nization, veterans organization, or Tribal
23 business concern described in section
24 31(b)(2)(C) shall be eligible to receive a cov-
25 ered loan if the business concern, nonprofit

1 *organization, veterans organization, or*
2 *Tribal business concern employs not more*
3 *than the greater of—*

4 *“(I) 500 employees; or*

5 *“(II) if applicable, the size stand-*
6 *ard in number of employees established*
7 *by the Administration for the industry*
8 *in which the business concern, non-*
9 *profit organization, veterans organiza-*
10 *tion, or Tribal business concern oper-*
11 *ates.*

12 *“(ii) INCLUSION OF SOLE PROPRI-*
13 *ETORS, INDEPENDENT CONTRACTORS, AND*
14 *ELIGIBLE SELF-EMPLOYED INDIVIDUALS.—*

15 *“(I) IN GENERAL.—During the*
16 *covered period, individuals who oper-*
17 *ate under a sole proprietorship or as*
18 *an independent contractor and eligible*
19 *self-employed individuals shall be eligi-*
20 *ble to receive a covered loan.*

21 *“(II) DOCUMENTATION.—An eligi-*
22 *ble self-employed individual, inde-*
23 *pendent contractor, or sole proprietor-*
24 *ship seeking a covered loan shall sub-*
25 *mit such documentation as is necessary*

1 to establish such individual as eligible,
2 including payroll tax filings reported
3 to the Internal Revenue Service, Forms
4 1099–MISC, and income and expenses
5 from the sole proprietorship, as deter-
6 mined by the Administrator and the
7 Secretary.

8 “(iii) *BUSINESS CONCERNS WITH*
9 *MORE THAN 1 PHYSICAL LOCATION.*—Dur-
10 ing the covered period, any business concern
11 that employs not more than 500 employees
12 per physical location of the business concern
13 and that is assigned a North American In-
14 dustry Classification System code beginning
15 with 72 at the time of disbursement shall be eli-
16 gible to receive a covered loan.

17 “(iv) *WAIVER OF AFFILIATION*
18 *RULES.*—During the covered period, the
19 provisions applicable to affiliations under
20 section 121.103 of title 13, Code of Federal
21 Regulations, or any successor regulation,
22 are waived with respect to eligibility for a
23 covered loan for—

24 “(I) any business concern with
25 not more than 500 employees that, as

1 *of the date on which the covered loan*
2 *is disbursed, is assigned a North Amer-*
3 *ican Industry Classification System*
4 *code beginning with 72;*

5 “(II) *any business concern oper-*
6 *ating as a franchise that is assigned a*
7 *franchise identifier code by the Admin-*
8 *istration; and*

9 “(III) *any business concern that*
10 *receives financial assistance from a*
11 *company licensed under section 301 of*
12 *the Small Business Investment Act of*
13 *1958 (15 U.S.C. 681).*

14 “(v) *EMPLOYEE.—For purposes of de-*
15 *termining whether a business concern, non-*
16 *profit organization, veterans organization,*
17 *or Tribal business concern described in sec-*
18 *tion 31(b)(2)(C) employs not more than 500*
19 *employees under clause (i)(I), the term ‘em-*
20 *ployee’ includes individuals employed on a*
21 *full-time, part-time, or other basis.*

22 “(vi) *AFFILIATION.—The provisions*
23 *applicable to affiliations under section*
24 *121.103 of title 13, Code of Federal Regula-*
25 *tions, or any successor thereto, shall apply*

1 *with respect to a nonprofit organization*
2 *and a veterans organization in the same*
3 *manner as with respect to a small business*
4 *concern.*

5 “(E) *MAXIMUM LOAN AMOUNT.*—*During the*
6 *covered period, with respect to a covered loan,*
7 *the maximum loan amount shall be the lesser*
8 *of—*

9 “(i)(I) *the sum of—*

10 “(aa) *the product obtained by*
11 *multiplying—*

12 “(AA) *the average total*
13 *monthly payments by the appli-*
14 *cant for payroll costs incurred*
15 *during the 1-year period before*
16 *the date on which the loan is*
17 *made, except that, in the case of*
18 *an applicant that is seasonal em-*
19 *ployer, as determined by the Ad-*
20 *ministrator, the average total*
21 *monthly payments for payroll*
22 *shall be for the 12-week period be-*
23 *ginning February 15, 2019, or at*
24 *the election of the eligible recipi-*

1 *ent, March 1, 2019, and ending*
2 *June 30, 2019; by*
3 *“(BB) 2.5; and*
4 *“(bb) the outstanding amount of a*
5 *loan under subsection (b)(2) that was*
6 *made during the period beginning on*
7 *January 31, 2020 and ending on the*
8 *date on which covered loans are made*
9 *available to be refinanced under the*
10 *covered loan; or*
11 *“(II) if requested by an otherwise eligi-*
12 *ble recipient that was not in business dur-*
13 *ing the period beginning on February 15,*
14 *2019 and ending on June 30, 2019, the sum*
15 *of—*
16 *“(aa) the product obtained by*
17 *multiplying—*
18 *“(AA) the average total*
19 *monthly payments by the appli-*
20 *cant for payroll costs incurred*
21 *during the period beginning on*
22 *January 1, 2020 and ending on*
23 *February 29, 2020; by*
24 *“(BB) 2.5; and*

1 “(bb) the outstanding amount of a
2 loan under subsection (b)(2) that was
3 made during the period beginning on
4 January 31, 2020 and ending on the
5 date on which covered loans are made
6 available to be refinanced under the
7 covered loan; or

8 “(ii) \$10,000,000.

9 “(F) ALLOWABLE USES OF COVERED
10 LOANS.—

11 “(i) IN GENERAL.—During the covered
12 period, an eligible recipient may, in addi-
13 tion to the allowable uses of a loan made
14 under this subsection, use the proceeds of the
15 covered loan for—

16 “(I) payroll costs;

17 “(II) costs related to the continu-
18 ation of group health care benefits dur-
19 ing periods of paid sick, medical, or
20 family leave, and insurance premiums;

21 “(III) employee salaries, commis-
22 sions, or similar compensations;

23 “(IV) payments of interest on any
24 mortgage obligation (which shall not

1 *include any prepayment of or payment*
2 *of principal on a mortgage obligation);*

3 *“(V) rent (including rent under a*
4 *lease agreement);*

5 *“(VI) utilities; and*

6 *“(VII) interest on any other debt*
7 *obligations that were incurred before*
8 *the covered period.*

9 *“(ii) DELEGATED AUTHORITY.—*

10 *“(I) IN GENERAL.—For purposes*
11 *of making covered loans for the pur-*
12 *poses described in clause (i), a lender*
13 *approved to make loans under this sub-*
14 *section shall be deemed to have been*
15 *delegated authority by the Adminis-*
16 *trator to make and approve covered*
17 *loans, subject to the provisions of this*
18 *paragraph.*

19 *“(II) CONSIDERATIONS.—In eval-*
20 *uating the eligibility of a borrower for*
21 *a covered loan with the terms described*
22 *in this paragraph, a lender shall con-*
23 *sider whether the borrower—*

24 *“(aa) was in operation on*
25 *February 15, 2020; and*

1 “(bb)(AA) had employees for
2 whom the borrower paid salaries
3 and payroll taxes; or

4 “(BB) paid independent con-
5 tractors, as reported on a Form
6 1099–MISC.

7 “(iii) *ADDITIONAL LENDERS.*—The au-
8 thority to make loans under this paragraph
9 shall be extended to additional lenders de-
10 termined by the Administrator and the Sec-
11 retary of the Treasury to have the necessary
12 qualifications to process, close, disburse and
13 service loans made with the guarantee of the
14 Administration.

15 “(iv) *REFINANCE.*—A loan made under
16 subsection (b)(2) during the period begin-
17 ning on January 31, 2020 and ending on
18 the date on which covered loans are made
19 available may be refinanced as part of a
20 covered loan.

21 “(v) *NONRECOURSE.*—Notwithstanding
22 the waiver of the personal guarantee re-
23 quirement or collateral under subparagraph
24 (J), the Administrator shall have no re-
25 course against any individual shareholder,

1 *member, or partner of an eligible recipient*
2 *of a covered loan for nonpayment of any*
3 *covered loan, except to the extent that such*
4 *shareholder, member, or partner uses the*
5 *covered loan proceeds for a purpose not au-*
6 *thorized under clause (i).*

7 “(G) *BORROWER REQUIREMENTS.*—

8 “(i) *CERTIFICATION.*—*An eligible re-*
9 *ipient applying for a covered loan shall*
10 *make a good faith certification—*

11 “(I) *that the uncertainty of cur-*
12 *rent economic conditions makes nec-*
13 *essary the loan request to support the*
14 *ongoing operations of the eligible re-*
15 *ipient;*

16 “(II) *acknowledging that funds*
17 *will be used to retain workers and*
18 *maintain payroll or make mortgage*
19 *payments, lease payments, and utility*
20 *payments;*

21 “(III) *that the eligible recipient*
22 *does not have an application pending*
23 *for a loan under this subsection for the*
24 *same purpose and duplicative of*

1 *amounts applied for or received under*
2 *a covered loan; and*

3 *“(IV) during the period beginning*
4 *on February 15, 2020 and ending on*
5 *December 31, 2020, that the eligible re-*
6 *cipient has not received amounts under*
7 *this subsection for the same purpose*
8 *and duplicative of amounts applied for*
9 *or received under a covered loan.*

10 *“(H) FREE WAIVER.—During the covered pe-*
11 *riod, with respect to a covered loan—*

12 *“(i) in lieu of the fee otherwise appli-*
13 *cable under paragraph (23)(A), the Admin-*
14 *istrator shall collect no fee; and*

15 *“(ii) in lieu of the fee otherwise appli-*
16 *cable under paragraph (18)(A), the Admin-*
17 *istrator shall collect no fee.*

18 *“(I) CREDIT ELSEWHERE.—During the cov-*
19 *ered period, the requirement that a small busi-*
20 *ness concern is unable to obtain credit elsewhere,*
21 *as defined in section 3(h), shall not apply to a*
22 *covered loan.*

23 *“(J) WAIVER OF PERSONAL GUARANTEE RE-*
24 *QUIREMENT.—During the covered period, with*
25 *respect to a covered loan—*

1 “(i) no personal guarantee shall be re-
2 quired for the covered loan; and

3 “(ii) no collateral shall be required for
4 the covered loan.

5 “(K) *MATURITY FOR LOANS WITH REMAIN-*
6 *ING BALANCE AFTER APPLICATION OF FORGIVE-*
7 *NESS.—With respect to a covered loan that has*
8 *a remaining balance after reduction based on the*
9 *loan forgiveness amount under section 1106 of*
10 *the CARES Act—*

11 “(i) the remaining balance shall con-
12 tinue to be guaranteed by the Administra-
13 tion under this subsection; and

14 “(ii) the covered loan shall have a
15 maximum maturity of 10 years from the
16 date on which the borrower applies for loan
17 forgiveness under that section.

18 “(L) *INTEREST RATE REQUIREMENTS.—A*
19 *covered loan shall bear an interest rate not to ex-*
20 *ceed 4 percent.*

21 “(M) *LOAN DEFERMENT.—*

22 “(i) *DEFINITION OF IMPACTED BOR-*
23 *ROWER.—*

24 “(I) *IN GENERAL.—In this sub-*
25 *paragraph, the term ‘impacted bor-*

1 *rower’ means an eligible recipient*
2 *that—*

3 *“(aa) is in operation on Feb-*
4 *ruary 15, 2020; and*

5 *“(bb) has an application for*
6 *a covered loan that is approved or*
7 *pending approval on or after the*
8 *date of enactment of this para-*
9 *graph.*

10 *“(II) PRESUMPTION.—For pur-*
11 *poses of this subparagraph, an im-*
12 *acted borrower is presumed to have*
13 *been adversely impacted by COVID-*
14 *19.*

15 *“(ii) DEFERRAL.—During the covered*
16 *period, the Administrator shall—*

17 *“(I) consider each eligible recipi-*
18 *ent that applies for a covered loan to*
19 *be an impacted borrower; and*

20 *“(II) require lenders under this*
21 *subsection to provide complete payment*
22 *deferral relief for impacted borrowers*
23 *with covered loans for a period of not*
24 *less than 6 months, including payment*

1 of principal, interest, and fees, and not
2 more than 1 year.

3 “(iii) *SECONDARY MARKET.*—During
4 the covered period, with respect to a covered
5 loan that is sold on the secondary market,
6 if an investor declines to approve a deferral
7 requested by a lender under clause (ii), the
8 Administrator shall exercise the authority to
9 purchase the loan so that the impacted bor-
10 rower may receive a deferral for a period of
11 not less than 6 months, including payment
12 of principal, interest, and fees, and not
13 more than 1 year.

14 “(iv) *GUIDANCE.*—Not later than 30
15 days after the date of enactment of this
16 paragraph, the Administrator shall provide
17 guidance to lenders under this paragraph
18 on the deferment process described in this
19 subparagraph.

20 “(N) *SECONDARY MARKET SALES.*—A cov-
21 ered loan shall be eligible to be sold in the sec-
22 ondary market consistent with this subsection.
23 The Administrator may not collect any fee for
24 any guarantee sold into the secondary market
25 under this subparagraph.

1 “(O) *REGULATORY CAPITAL REQUIRE-*
2 *MENTS.—*

3 “(i) *RISK WEIGHT.—With respect to*
4 *the appropriate Federal banking agencies or*
5 *the National Credit Union Administration*
6 *Board applying capital requirements under*
7 *their respective risk-based capital require-*
8 *ments, a covered loan shall receive a risk*
9 *weight of zero percent.*

10 “(ii) *TEMPORARY RELIEF FROM TDR*
11 *DISCLOSURES.—Notwithstanding any other*
12 *provision of law, an insured depository in-*
13 *stitution or an insured credit union that*
14 *modifies a covered loan in relation to*
15 *COVID–19-related difficulties in a troubled*
16 *debt restructuring on or after March 13,*
17 *2020, shall not be required to comply with*
18 *the Financial Accounting Standards Board*
19 *Accounting Standards Codification Sub-*
20 *topic 310–40 (‘Receivables – Troubled Debt*
21 *Restructurings by Creditors’) for purposes*
22 *of compliance with the requirements of the*
23 *Federal Deposit Insurance Act (12 U.S.C.*
24 *1811 et seq.), until such time and under*
25 *such circumstances as the appropriate Fed-*

1 *eral banking agency or the National Credit*
2 *Union Administration Board, as applica-*
3 *ble, determines appropriate.*

4 *“(P) REIMBURSEMENT FOR PROCESSING.—*

5 *“(i) IN GENERAL.—The Administrator*
6 *shall reimburse a lender authorized to make*
7 *a covered loan at a rate, based on the bal-*
8 *ance of the financing outstanding at the*
9 *time of disbursement of the covered loan,*
10 *of—*

11 *“(I) 5 percent for loans of not*
12 *more than \$350,000;*

13 *“(II) 3 percent for loans of more*
14 *than \$350,000 and less than*
15 *\$2,000,000; and*

16 *“(III) 1 percent for loans of not*
17 *less than \$2,000,000.*

18 *“(ii) FEE LIMITS.—An agent that as-*
19 *sists an eligible recipient to prepare an ap-*
20 *plication for a covered loan may not collect*
21 *a fee in excess of the limits established by*
22 *the Administrator.*

23 *“(iii) TIMING.—A reimbursement de-*
24 *scribed in clause (i) shall be made not later*

1 *than 5 days after the disbursement of the*
2 *covered loan.*

3 “(iv) *SENSE OF THE SENATE.—It is*
4 *the sense of the Senate that the Adminis-*
5 *trator should issue guidance to lenders and*
6 *agents to ensure that the processing and dis-*
7 *bursement of covered loans prioritizes small*
8 *business concerns and entities in under-*
9 *served and rural markets, including vet-*
10 *erans and members of the military commu-*
11 *nity, small business concerns owned and*
12 *controlled by socially and economically dis-*
13 *advantaged individuals (as defined in sec-*
14 *tion 8(d)(3)(C)), women, and businesses in*
15 *operation for less than 2 years.*

16 “(Q) *DUPLICATION.—Nothing in this para-*
17 *graph shall prohibit a recipient of an economic*
18 *injury disaster loan made under subsection*
19 *(b)(2) during the period beginning on January*
20 *31, 2020 and ending on the date on which cov-*
21 *ered loans are made available that is for a pur-*
22 *pose other than paying payroll costs and other*
23 *obligations described in subparagraph (F) from*
24 *receiving assistance under this paragraph.*

1 “(R) *WAIVER OF PREPAYMENT PENALTY.*—
2 *Notwithstanding any other provision of law,*
3 *there shall be no prepayment penalty for any*
4 *payment made on a covered loan.”.*

5 **(b) *COMMITMENTS FOR 7(A) LOANS.***—*During the pe-*
6 *riod beginning on February 15, 2020 and ending on June*
7 *30, 2020—*

8 (1) *the amount authorized for commitments for*
9 *general business loans authorized under section 7(a)*
10 *of the Small Business Act (15 U.S.C. 636(a)), includ-*
11 *ing loans made under paragraph (36) of such section,*
12 *as added by subsection (a), shall be \$349,000,000,000;*
13 *and*

14 (2) *the amount authorized for commitments for*
15 *such loans under the heading “BUSINESS LOANS PRO-*
16 *GRAM ACCOUNT” under the heading “SMALL BUSI-*
17 *NESS ADMINISTRATION” under title V of the Consoli-*
18 *dated Appropriations Act, 2020 (Public Law 116–93;*
19 *133 Stat. 2475) shall not apply.*

20 **(c) *EXPRESS LOANS.***—

21 (1) *IN GENERAL.*—*Section 7(a)(31)(D) of the*
22 *Small Business Act (15 U.S.C. 636(a)(31)(D)) is*
23 *amended by striking “\$350,000” and inserting*
24 *“\$1,000,000”.*

1 (2) *PROSPECTIVE REPEAL.*—Effective on Janu-
2 ary 1, 2021, section 7(a)(31)(D) of the Small Busi-
3 ness Act (15 U.S.C. 636(a)(31)(D)) is amended by
4 striking “\$1,000,000” and inserting “\$350,000”.

5 (d) *EXCEPTION TO GUARANTEE FEE WAIVER FOR*
6 *VETERANS.*—Section 7(a)(31)(G) of the Small Business Act
7 (15 U.S.C. 636(a)(31)(G)) is amended—

8 (1) by striking clause (i); and

9 (2) by redesignating clause (iii) as clause (ii).

10 (e) *INTERIM RULE.*—On and after the date of enact-
11 ment of this Act, the interim final rule published by the
12 Administrator entitled “Express Loan Programs: Affili-
13 ation Standards” (85 Fed. Reg. 7622 (February 10, 2020))
14 is permanently rescinded and shall have no force or effect.

15 **SEC. 1103. ENTREPRENEURIAL DEVELOPMENT.**

16 (a) *DEFINITIONS.*—In this section—

17 (1) the term “covered small business concern”
18 means a small business concern that has experienced,
19 as a result of COVID–19—

20 (A) supply chain disruptions, including
21 changes in—

22 (i) quantity and lead time, including
23 the number of shipments of components and
24 delays in shipments;

1 (ii) quality, including shortages in
2 supply for quality control reasons; and

3 (iii) technology, including a com-
4 promised payment network;

5 (B) staffing challenges;

6 (C) a decrease in gross receipts or cus-
7 tomers; or

8 (D) a closure;

9 (2) the term “resource partner” means—

10 (A) a small business development center;

11 and

12 (B) a women’s business center;

13 (3) the term “small business development center”
14 has the meaning given the term in section 3 of the
15 Small Business Act (15 U.S.C. 632); and

16 (4) the term “women’s business center” means a
17 women’s business center described in section 29 of the
18 Small Business Act (15 U.S.C. 656).

19 (b) EDUCATION, TRAINING, AND ADVISING GRANTS.—

20 (1) IN GENERAL.—The Administration may pro-
21 vide financial assistance in the form of grants to re-
22 source partners to provide education, training, and
23 advising to covered small business concerns.

24 (2) USE OF FUNDS.—Grants under this sub-
25 section shall be used for the education, training, and

1 *advising of covered small business concerns and their*
2 *employees on—*

3 *(A) accessing and applying for resources*
4 *provided by the Administration and other Fed-*
5 *eral resources relating to access to capital and*
6 *business resiliency;*

7 *(B) the hazards and prevention of the trans-*
8 *mission and communication of COVID–19 and*
9 *other communicable diseases;*

10 *(C) the potential effects of COVID–19 on the*
11 *supply chains, distribution, and sale of products*
12 *of covered small business concerns and the miti-*
13 *gation of those effects;*

14 *(D) the management and practice of*
15 *telework to reduce possible transmission of*
16 *COVID–19;*

17 *(E) the management and practice of remote*
18 *customer service by electronic or other means;*

19 *(F) the risks of and mitigation of cyber*
20 *threats in remote customer service or telework*
21 *practices;*

22 *(G) the mitigation of the effects of reduced*
23 *travel or outside activities on covered small busi-*
24 *ness concerns during COVID–19 or similar oc-*
25 *currences; and*

1 (H) any other relevant business practices
2 necessary to mitigate the economic effects of
3 COVID–19 or similar occurrences.

4 (3) GRANT DETERMINATION.—

5 (A) SMALL BUSINESS DEVELOPMENT CEN-
6 TERS.—The Administration shall award 80 per-
7 cent of funds authorized to carry out this sub-
8 section to small business development centers,
9 which shall be awarded pursuant to a formula
10 jointly developed, negotiated, and agreed upon,
11 with full participation of both parties, between
12 the association formed under section 21(a)(3)(A)
13 of the Small Business Act (15 U.S.C.
14 648(a)(3)(A)) and the Administration.

15 (B) WOMEN’S BUSINESS CENTERS.—The
16 Administration shall award 20 percent of funds
17 authorized to carry out this subsection to wom-
18 en’s business centers, which shall be awarded
19 pursuant to a process established by the Admin-
20 istration in consultation with recipients of as-
21 sistance.

22 (C) NO MATCHING FUNDS REQUIRED.—
23 Matching funds shall not be required for any
24 grant under this subsection.

25 (4) GOALS AND METRICS.—

1 (A) *IN GENERAL.*—Goals and metrics for
2 the funds made available under this subsection
3 shall be jointly developed, negotiated, and agreed
4 upon, with full participation of both parties, be-
5 tween the resource partners and the Adminis-
6 trator, which shall—

7 (i) take into consideration the extent of
8 the circumstances relating to the spread of
9 COVID–19, or similar occurrences, that af-
10 fect covered small business concerns located
11 in the areas covered by the resource partner,
12 particularly in rural areas or economically
13 distressed areas;

14 (ii) generally follow the use of funds
15 outlined in paragraph (2), but shall not re-
16 strict the activities of resource partners in
17 responding to unique situations; and

18 (iii) encourage resource partners to de-
19 velop and provide services to covered small
20 business concerns.

21 (B) *PUBLIC AVAILABILITY.*—The Adminis-
22 trator shall make publicly available the method-
23 ology by which the Administrator and resource
24 partners jointly develop the metrics and goals de-
25 scribed in subparagraph (A).

1 (c) *RESOURCE PARTNER ASSOCIATION GRANTS.*—

2 (1) *IN GENERAL.*—*The Administrator may pro-*
3 *vide grants to an association or associations rep-*
4 *resenting resource partners under which the associa-*
5 *tion or associations shall establish a single centralized*
6 *hub for COVID–19 information, which shall in-*
7 *clude—*

8 (A) *1 online platform that consolidates re-*
9 *sources and information available across mul-*
10 *tiple Federal agencies for small business concerns*
11 *related to COVID–19; and*

12 (B) *a training program to educate resource*
13 *partner counselors, members of the Service Corps*
14 *of Retired Executives established under section*
15 *8(b)(1)(B) of the Small Business Act (15 U.S.C.*
16 *637(b)(1)(B)), and counselors at veterans busi-*
17 *ness outreach centers described in section 32 of*
18 *the Small Business Act (15 U.S.C. 657b) on the*
19 *resources and information described in subpara-*
20 *graph (A).*

21 (2) *GOALS AND METRICS.*—*Goals and metrics for*
22 *the funds made available under this subsection shall*
23 *be jointly developed, negotiated, and agreed upon,*
24 *with full participation of both parties, between the as-*

1 *sociation or associations receiving a grant under this*
2 *subsection and the Administrator.*

3 *(d) REPORT.—Not later than 6 months after the date*
4 *of enactment of this Act, and annually thereafter, the Ad-*
5 *ministrator shall submit to the Committee on Small Busi-*
6 *ness and Entrepreneurship of the Senate and the Committee*
7 *on Small Business of the House of Representatives a report*
8 *that describes—*

9 *(1) with respect to the initial year covered by the*
10 *report—*

11 *(A) the programs and services developed*
12 *and provided by the Administration and re-*
13 *source partners under subsection (b);*

14 *(B) the initial efforts to provide those serv-*
15 *ices under subsection (b); and*

16 *(C) the online platform and training devel-*
17 *oped and provided by the Administration and*
18 *the association or associations under subsection*
19 *(c); and*

20 *(2) with respect to the subsequent years covered*
21 *by the report—*

22 *(A) with respect to the grant program under*
23 *subsection (b)—*

1 (i) the efforts of the Administrator and
2 resource partners to develop services to as-
3 sist covered small business concerns;

4 (ii) the challenges faced by owners of
5 covered small business concerns in accessing
6 services provided by the Administration and
7 resource partners;

8 (iii) the number of unique covered
9 small business concerns that were served by
10 the Administration and resource partners;
11 and

12 (iv) other relevant outcome perform-
13 ance data with respect to covered small
14 business concerns, including the number of
15 employees affected, the effect on sales, the
16 disruptions of supply chains, and the efforts
17 made by the Administration and resource
18 partners to mitigate these effects; and

19 (B) with respect to the grant program
20 under subsection (c)—

21 (i) the efforts of the Administrator and
22 the association or associations to develop
23 and evolve an online resource for small
24 business concerns; and

1 (ii) the efforts of the Administrator
2 and the association or associations to de-
3 velop a training program for resource part-
4 ner counselors, including the number of
5 counselors trained.

6 **SEC. 1104. STATE TRADE EXPANSION PROGRAM.**

7 (a) *IN GENERAL.*—Notwithstanding paragraph
8 (3)(C)(iii) of section 22(l) of the Small Business Act (15
9 U.S.C. 649(l)), for grants under the State Trade Expansion
10 Program under such section 22(l) using amounts made
11 available for fiscal year 2018 or fiscal year 2019, the period
12 of the grant shall continue through the end of fiscal year
13 2021.

14 (b) *REIMBURSEMENT.*—The Administrator shall reim-
15 burse any recipient of assistance under section 22(l) of the
16 Small Business Act (15 U.S.C. 649(l)) for financial losses
17 relating to a foreign trade mission or a trade show exhi-
18 bition that was cancelled solely due to a public health emer-
19 gency declared due to COVID–19 if the reimbursement does
20 not exceed a recipient’s grant funding.

21 **SEC. 1105. WAIVER OF MATCHING FUNDS REQUIREMENT**
22 **UNDER THE WOMEN’S BUSINESS CENTER**
23 **PROGRAM.**

24 During the 3-month period beginning on the date of
25 enactment of this Act, the requirement relating to obtaining

1 *cash contributions from non-Federal sources under section*
2 *29(c)(1) of the Small Business Act (15 U.S.C. 656(c)(1))*
3 *is waived for any recipient of assistance under such section*
4 *29.*

5 **SEC. 1106. LOAN FORGIVENESS.**

6 *(a) DEFINITIONS.—In this section—*

7 *(1) the term “covered loan” means a loan guar-*
8 *anteed under paragraph (36) of section 7(a) of the*
9 *Small Business Act (15 U.S.C. 636(a)), as added by*
10 *section 1102;*

11 *(2) the term “covered mortgage obligation”*
12 *means any indebtedness or debt instrument incurred*
13 *in the ordinary course of business that—*

14 *(A) is a liability of the borrower;*

15 *(B) is a mortgage on real or personal prop-*
16 *erty; and*

17 *(C) was incurred before February 15, 2020;*

18 *(3) the term “covered period” means the 8-week*
19 *period beginning on the date of the origination of a*
20 *covered loan;*

21 *(4) the term “covered rent obligation” means*
22 *rent obligated under a leasing agreement in force be-*
23 *fore February 15, 2020;*

24 *(5) the term “covered utility payment” means*
25 *payment for a service for the distribution of elec-*

1 *tricity, gas, water, transportation, telephone, or inter-*
2 *net access for which service began before February 15,*
3 *2020;*

4 (6) *the term “eligible recipient” means the re-*
5 *ipient of a covered loan;*

6 (7) *the term “expected forgiveness amount”*
7 *means the amount of principal that a lender reason-*
8 *ably expects a borrower to expend during the covered*
9 *period on the sum of any—*

10 (A) *payroll costs;*

11 (B) *payments of interest on any covered*
12 *mortgage obligation (which shall not include any*
13 *prepayment of or payment of principal on a cov-*
14 *ered mortgage obligation);*

15 (C) *payments on any covered rent obliga-*
16 *tion; and*

17 (D) *covered utility payments; and*

18 (8) *the term “payroll costs” has the meaning*
19 *given that term in paragraph (36) of section 7(a) of*
20 *the Small Business Act (15 U.S.C. 636(a)), as added*
21 *by section 1102 of this Act.*

22 (b) *FORGIVENESS.—An eligible recipient shall be eligi-*
23 *ble for forgiveness of indebtedness on a covered loan in an*
24 *amount equal to the sum of the following costs incurred and*
25 *payments made during the covered period:*

1 (1) *Payroll costs.*

2 (2) *Any payment of interest on any covered*
3 *mortgage obligation (which shall not include any pre-*
4 *payment of or payment of principal on a covered*
5 *mortgage obligation).*

6 (3) *Any payment on any covered rent obligation.*

7 (4) *Any covered utility payment.*

8 (c) *TREATMENT OF AMOUNTS FORGIVEN.—*

9 (1) *IN GENERAL.—Amounts which have been for-*
10 *given under this section shall be considered canceled*
11 *indebtedness by a lender authorized under section*
12 *7(a) of the Small Business Act (15 U.S.C. 636(a)).*

13 (2) *PURCHASE OF GUARANTEES.—For purposes*
14 *of the purchase of the guarantee for a covered loan by*
15 *the Administrator, amounts which are forgiven under*
16 *this section shall be treated in accordance with the*
17 *procedures that are otherwise applicable to a loan*
18 *guaranteed under section 7(a) of the Small Business*
19 *Act (15 U.S.C. 636(a)).*

20 (3) *REMITTANCE.—Not later than 90 days after*
21 *the date on which the amount of forgiveness under*
22 *this section is determined, the Administrator shall*
23 *remit to the lender an amount equal to the amount*
24 *of forgiveness, plus any interest accrued through the*
25 *date of payment.*

1 (4) *ADVANCE PURCHASE OF COVERED LOAN.*—

2 (A) *REPORT.*—A lender authorized under
3 section 7(a) of the Small Business Act (15
4 U.S.C. 636(a)), or, at the discretion of the Ad-
5 ministrators, a third party participant in the
6 secondary market, may, report to the Adminis-
7 trator an expected forgiveness amount on a cov-
8 ered loan or on a pool of covered loans of up to
9 100 percent of the principal on the covered loan
10 or pool of covered loans, respectively.

11 (B) *PURCHASE.*—The Administrator shall
12 purchase the expected forgiveness amount de-
13 scribed in subparagraph (A) as if the amount
14 were the principal amount of a loan guaranteed
15 under section 7(a) of the Small Business Act
16 636(a).

17 (C) *TIMING.*—Not later than 15 days after
18 the date on which the Administrator receives a
19 report under subparagraph (A), the Adminis-
20 trator shall purchase the expected forgiveness
21 amount under subparagraph (B) with respect to
22 each covered loan to which the report relates.

23 (d) *LIMITS ON AMOUNT OF FORGIVENESS.*—

24 (1) *AMOUNT MAY NOT EXCEED PRINCIPAL.*—The
25 amount of loan forgiveness under this section shall

1 *not exceed the principal amount of the financing*
2 *made available under the applicable covered loan.*

3 (2) *REDUCTION BASED ON REDUCTION IN NUM-*
4 *BER OF EMPLOYEES.—*

5 (A) *IN GENERAL.—The amount of loan for-*
6 *givenness under this section shall be reduced, but*
7 *not increased, by multiplying the amount de-*
8 *scribed in subsection (b) by the quotient obtained*
9 *by dividing—*

10 (i) *the average number of full-time*
11 *equivalent employees per month employed*
12 *by the eligible recipient during the covered*
13 *period; by*

14 (ii)(I) *at the election of the borrower—*

15 (aa) *the average number of full-*
16 *time equivalent employees per month*
17 *employed by the eligible recipient dur-*
18 *ing the period beginning on February*
19 *15, 2019 and ending on June 30, 2019;*
20 *or*

21 (bb) *the average number of full-*
22 *time equivalent employees per month*
23 *employed by the eligible recipient dur-*
24 *ing the period beginning on January*

1 1, 2020 and ending on February 29,
2 2020; or

3 (II) in the case of an eligible recipient
4 that is seasonal employer, as determined by
5 the Administrator, the average number of
6 full-time equivalent employees per month
7 employed by the eligible recipient during
8 the period beginning on February 15, 2019
9 and ending on June 30, 2019.

10 (B) *CALCULATION OF AVERAGE NUMBER OF*
11 *EMPLOYEES.—For purposes of subparagraph*
12 *(A), the average number of full-time equivalent*
13 *employees shall be determined by calculating the*
14 *average number of full-time equivalent employees*
15 *for each pay period falling within a month.*

16 (3) *REDUCTION RELATING TO SALARY AND*
17 *WAGES.—*

18 (A) *IN GENERAL.—The amount of loan for-*
19 *givenness under this section shall be reduced by*
20 *the amount of any reduction in total salary or*
21 *wages of any employee described in subpara-*
22 *graph (B) during the covered period that is in*
23 *excess of 25 percent of the total salary or wages*
24 *of the employee during the most recent full quar-*

1 *ter during which the employee was employed be-*
2 *fore the covered period.*

3 (B) *EMPLOYEES DESCRIBED.*—*An employee*
4 *described in this subparagraph is any employee*
5 *who did not receive, during any single pay pe-*
6 *riod during 2019, wages or salary at an*
7 *annualized rate of pay in an amount more than*
8 *\$100,000.*

9 (4) *TIPPED WORKERS.*—*An eligible recipient*
10 *with tipped employees described in section 3(m)(2)(A)*
11 *of the Fair Labor Standards Act of 1938 (29 U.S.C.*
12 *203(m)(2)(A)) may receive forgiveness for additional*
13 *wages paid to those employees.*

14 (5) *EXEMPTION FOR RE-HIRES.*—

15 (A) *IN GENERAL.*—*In a circumstance de-*
16 *scribed in subparagraph (B), the amount of loan*
17 *forgiveness under this section shall be determined*
18 *without regard to a reduction in the number of*
19 *full-time equivalent employees of an eligible re-*
20 *recipient or a reduction in the salary of 1 or more*
21 *employees of the eligible recipient, as applicable,*
22 *during the period beginning on February 15,*
23 *2020 and ending on the date that is 30 days*
24 *after the date of enactment of this Act.*

1 (B) *CIRCUMSTANCES.*—*A circumstance de-*
2 *scribed in this subparagraph is a cir-*
3 *cumstance—*

4 *(i) in which—*

5 (I) *during the period beginning*
6 *on February 15, 2020 and ending on*
7 *the date that is 30 days after the date*
8 *of enactment of this Act, there is a re-*
9 *duction, as compared to February 15,*
10 *2020, in the number of full-time equiv-*
11 *alent employees of an eligible recipient;*
12 *and*

13 (II) *not later than June 30, 2020,*
14 *the eligible employer has eliminated*
15 *the reduction in the number of full-*
16 *time equivalent employees;*

17 *(ii) in which—*

18 (I) *during the period beginning*
19 *on February 15, 2020 and ending on*
20 *the date that is 30 days after the date*
21 *of enactment of this Act, there is a re-*
22 *duction, as compared to February 15,*
23 *2020, in the salary or wages of 1 or*
24 *more employees of the eligible recipi-*
25 *ent; and*

1 (II) not later than June 30, 2020,
2 the eligible employer has eliminated
3 the reduction in the salary or wages of
4 such employees; or

5 (iii) in which the events described in
6 clause (i) and (ii) occur.

7 (6) *EXEMPTIONS.*—The Administrator and the
8 Secretary of the Treasury may prescribe regulations
9 granting *de minimis* exemptions from the require-
10 ments under this subsection.

11 (e) *APPLICATION.*—An eligible recipient seeking loan
12 forgiveness under this section shall submit to the lender that
13 is servicing the covered loan an application, which shall
14 include—

15 (1) documentation verifying the number of full-
16 time equivalent employees on payroll and pay rates
17 for the periods described in subsection (d), includ-
18 ing—

19 (A) payroll tax filings reported to the Inter-
20 nal Revenue Service; and

21 (B) State income, payroll, and unemploy-
22 ment insurance filings;

23 (2) documentation, including cancelled checks,
24 payment receipts, transcripts of accounts, or other
25 documents verifying payments on covered mortgage

1 *obligations, payments on covered lease obligations,*
2 *and covered utility payments;*

3 *(3) a certification from a representative of the el-*
4 *igible recipient authorized to make such certifications*
5 *that—*

6 *(A) the documentation presented is true and*
7 *correct; and*

8 *(B) the amount for which forgiveness is re-*
9 *quested was used to retain employees, make in-*
10 *terest payments on a covered mortgage obliga-*
11 *tion, make payments on a covered rent obliga-*
12 *tion, or make covered utility payments; and*

13 *(4) any other documentation the Administrator*
14 *determines necessary.*

15 *(f) PROHIBITION ON FORGIVENESS WITHOUT DOCU-*
16 *MENTATION.—No eligible recipient shall receive forgiveness*
17 *under this section without submitting to the lender that is*
18 *servicing the covered loan the documentation required under*
19 *subsection (e).*

20 *(g) DECISION.—Not later than 60 days after the date*
21 *on which a lender receives an application for loan forgive-*
22 *ness under this section from an eligible recipient, the lender*
23 *shall issue a decision on the an application.*

24 *(h) HOLD HARMLESS.—If a lender has received the*
25 *documentation required under this section from an eligible*

1 *recipient attesting that the eligible recipient has accurately*
2 *verified the payments for payroll costs, payments on covered*
3 *mortgage obligations, payments on covered lease obliga-*
4 *tions, or covered utility payments during covered period—*

5 (1) *an enforcement action may not be taken*
6 *against the lender under section 47(e) of the Small*
7 *Business Act (15 U.S.C. 657t(e)) relating to loan for-*
8 *giveness for the payments for payroll costs, payments*
9 *on covered mortgage obligations, payments on covered*
10 *lease obligations, or covered utility payments, as the*
11 *case may be; and*

12 (2) *the lender shall not be subject to any pen-*
13 *alties by the Administrator relating to loan forgive-*
14 *ness for the payments for payroll costs, payments on*
15 *covered mortgage obligations, payments on covered*
16 *lease obligations, or covered utility payments, as the*
17 *case may be.*

18 (i) *TAXABILITY.—For purposes of the Internal Rev-*
19 *enue Code of 1986, any amount which (but for this sub-*
20 *section) would be includible in gross income of the eligible*
21 *recipient by reason of forgiveness described in subsection (b)*
22 *shall be excluded from gross income.*

23 (j) *RULE OF CONSTRUCTION.—The cancellation of in-*
24 *debtedness on a covered loan under this section shall not*

1 *otherwise modify the terms and conditions of the covered*
2 *loan.*

3 *(k) REGULATIONS.—Not later than 30 days after the*
4 *date of enactment of this Act, the Administrator shall issue*
5 *guidance and regulations implementing this section.*

6 **SEC. 1107. DIRECT APPROPRIATIONS.**

7 *(a) IN GENERAL.—There is appropriated, out of*
8 *amounts in the Treasury not otherwise appropriated, for*
9 *the fiscal year ending September 30, 2020, to remain avail-*
10 *able until September 30, 2021, for additional amounts—*

11 *(1) \$349,000,000,000 under the heading “Small*
12 *Business Administration—Business Loans Program*
13 *Account, CARES Act” for the cost of guaranteed*
14 *loans as authorized under paragraph (36) of section*
15 *7(a) of the Small Business Act (15 U.S.C. 636(a)), as*
16 *added by section 1102(a) of this Act;*

17 *(2) \$675,000,000 under the heading “Small*
18 *Business Administration—Salaries and Expenses”*
19 *for salaries and expenses of the Administration;*

20 *(3) \$25,000,000 under the heading “Small Busi-*
21 *ness Administration—Office of Inspector General”, to*
22 *remain available until September 30, 2024, for nec-*
23 *essary expenses of the Office of Inspector General of*
24 *the Administration in carrying out the provisions of*
25 *the Inspector General Act of 1978 (5 U.S.C. App.);*

1 (4) \$265,000,000 under the heading “Small
2 *Business Administration—Entrepreneurial Develop-*
3 *ment Programs*”, of which—

4 (A) \$240,000,000 shall be for carrying out
5 *section 1103(b) of this Act; and*

6 (B) \$25,000,000 shall be for carrying out
7 *section 1103(c) of this Act;*

8 (5) \$10,000,000 under the heading “*Department*
9 *of Commerce—Minority Business Development Agen-*
10 *cy*” for minority business centers of the *Minority*
11 *Business Development Agency* to provide technical as-
12 *istance to small business concerns;*

13 (6) \$10,000,000,000 under the heading “*Small*
14 *Business Administration—Emergency EIDL Grants*”
15 *shall be for carrying out section 1110 of this Act;*

16 (7) \$17,000,000,000 under the heading “*Small*
17 *Business Administration—Business Loans Program*
18 *Account, CARES Act*” shall be for carrying out *sec-*
19 *tion 1112 of this Act; and*

20 (8) \$25,000,000 under the heading “*Department*
21 *of the Treasury—Departmental Offices—Salaries and*
22 *Expenses*” shall be for carrying out *section 1109 of*
23 *this Act.*

24 (b) *SECONDARY MARKET.—During the period begin-*
25 *ning on the date of enactment of this Act and ending on*

1 *September 30, 2021, guarantees of trust certificates author-*
2 *ized by section 5(g) of the Small Business Act (15 U.S.C.*
3 *635(g)) shall not exceed a principal amount of*
4 *\$100,000,000,000.*

5 *(c) REPORTS.—Not later than 180 days after the date*
6 *of enactment of this Act, the Administrator shall submit*
7 *to the Committee on Appropriations of the Senate and the*
8 *Committee on Appropriations of the House of Representa-*
9 *tives a detailed expenditure plan for using the amounts ap-*
10 *propriated to the Administration under subsection (a).*

11 **SEC. 1108. MINORITY BUSINESS DEVELOPMENT AGENCY.**

12 *(a) DEFINITIONS.—In this section—*

13 *(1) the term “Agency” means the Minority Busi-*
14 *ness Development Agency of the Department of Com-*
15 *merce;*

16 *(2) the term “minority business center” means a*
17 *Business Center of the Agency;*

18 *(3) the term “minority business enterprise”*
19 *means a for-profit business enterprise—*

20 *(A) not less than 51 percent of which is*
21 *owned by 1 or more socially disadvantaged indi-*
22 *viduals, as determined by the Agency; and*

23 *(B) the management and daily business op-*
24 *erations of which are controlled by 1 or more so-*

1 cially disadvantaged individuals, as determined
2 by the Agency; and

3 (4) the term “minority chamber of commerce”
4 means a chamber of commerce developed specifically
5 to support minority business enterprises.

6 (b) *EDUCATION, TRAINING, AND ADVISING GRANTS.*—

7 (1) *IN GENERAL.*—The Agency may provide fi-
8 nancial assistance in the form of grants to minority
9 business centers and minority chambers of commerce
10 to provide education, training, and advising to mi-
11 nority business enterprises.

12 (2) *USE OF FUNDS.*—Grants under this section
13 shall be used for the education, training, and advising
14 of minority business enterprises and their employees
15 on—

16 (A) accessing and applying for resources
17 provided by the Agency and other Federal re-
18 sources relating to access to capital and business
19 resiliency;

20 (B) the hazards and prevention of the trans-
21 mission and communication of COVID–19 and
22 other communicable diseases;

23 (C) the potential effects of COVID–19 on the
24 supply chains, distribution, and sale of products

1 *of minority business enterprises and the mitiga-*
2 *tion of those effects;*

3 *(D) the management and practice of*
4 *telework to reduce possible transmission of*
5 *COVID–19;*

6 *(E) the management and practice of remote*
7 *customer service by electronic or other means;*

8 *(F) the risks of and mitigation of cyber*
9 *threats in remote customer service or telework*
10 *practices;*

11 *(G) the mitigation of the effects of reduced*
12 *travel or outside activities on minority business*
13 *enterprises during COVID–19 or similar occur-*
14 *rences; and*

15 *(H) any other relevant business practices*
16 *necessary to mitigate the economic effects of*
17 *COVID–19 or similar occurrences.*

18 *(3) NO MATCHING FUNDS REQUIRED.—Matching*
19 *funds shall not be required for any grant under this*
20 *section.*

21 *(4) GOALS AND METRICS.—*

22 *(A) IN GENERAL.—Goals and metrics for*
23 *the funds made available under this section shall*
24 *be jointly developed, negotiated, and agreed*
25 *upon, with full participation of both parties, be-*

1 *tween the minority business centers, minority*
2 *chambers of commerce, and the Agency, which*
3 *shall—*

4 *(i) take into consideration the extent of*
5 *the circumstances relating to the spread of*
6 *COVID–19, or similar occurrences, that af-*
7 *fect minority business enterprises located in*
8 *the areas covered by minority business cen-*
9 *ters and minority chambers of commerce,*
10 *particularly in rural areas or economically*
11 *distressed areas;*

12 *(ii) generally follow the use of funds*
13 *outlined in paragraph (2), but shall not re-*
14 *strict the activities of minority business*
15 *centers and minority chambers of commerce*
16 *in responding to unique situations; and*

17 *(iii) encourage minority business cen-*
18 *ters and minority chambers of commerce to*
19 *develop and provide services to minority*
20 *business enterprises.*

21 *(B) PUBLIC AVAILABILITY.—The Agency*
22 *shall make publicly available the methodology by*
23 *which the Agency, minority business centers, and*
24 *minority chambers of commerce jointly develop*

1 *the metrics and goals described in subparagraph*
2 *(A).*

3 *(c) WAIVERS.—*

4 *(1) IN GENERAL.—Notwithstanding any other*
5 *provision of law or regulation, the Agency may, dur-*
6 *ing the 3-month period that begins on the date of en-*
7 *actment of this Act, waive any matching requirement*
8 *imposed on a minority business center or a specialty*
9 *center of the Agency under a cooperative agreement*
10 *between such a center and the Agency if the applica-*
11 *ble center is unable to raise funds, or has suffered a*
12 *loss of revenue, because of the effects of COVID–19.*

13 *(2) REMAINING COMPLIANT.—Notwithstanding*
14 *any provision of a cooperative agreement between the*
15 *Agency and a minority business center, if, during the*
16 *period beginning on the date of enactment of this Act*
17 *and ending on September 30, 2021, such a center de-*
18 *cides not to collect fees because of the economic con-*
19 *sequences of COVID–19, the center shall be considered*
20 *to be in compliance with that agreement if—*

21 *(A) the center notifies the Agency with re-*
22 *spect to that decision, which the center may pro-*
23 *vide through electronic mail; and*

1 (B) the Agency, not later than 15 days after
2 the date on which the center provides notice to
3 the Agency under subparagraph (A)—

4 (i) confirms receipt of the notification
5 under subparagraph (A); and

6 (ii) accepts the decision of the center.

7 (d) *REPORT.*—Not later than 6 months after the date
8 of enactment of this Act, and annually thereafter, the Agen-
9 cy shall submit to the Committee on Small Business and
10 Entrepreneurship and the Committee on Commerce,
11 Science, and Transportation of the Senate and the Com-
12 mittee on Small Business and the Committee on Energy
13 and Commerce of the House of Representatives a report that
14 describes—

15 (1) with respect to the period covered by the ini-
16 tial report—

17 (A) the programs and services developed
18 and provided by the Agency, minority business
19 centers, and minority chambers of commerce
20 under subsection (b); and

21 (B) the initial efforts to provide those serv-
22 ices under subsection (b); and

23 (2) with respect to subsequent years covered by
24 the report—

1 (A) with respect to the grant program under
2 subsection (b)—

3 (i) the efforts of the Agency, minority
4 business centers, and minority chambers of
5 commerce to develop services to assist mi-
6 nority business enterprises;

7 (ii) the challenges faced by owners of
8 minority business enterprises in accessing
9 services provided by the Agency, minority
10 business centers, and minority chambers of
11 commerce;

12 (iii) the number of unique minority
13 business enterprises that were served by the
14 Agency, minority business centers, or mi-
15 nority chambers of commerce; and

16 (iv) other relevant outcome perform-
17 ance data with respect to minority business
18 enterprises, including the number of em-
19 ployees affected, the effect on sales, the dis-
20 ruptions of supply chains, and the efforts
21 made by the Agency, minority business cen-
22 ters, and minority chambers of commerce to
23 mitigate these effects .

1 (e) *AUTHORIZATION OF APPROPRIATIONS.*—*There is*
2 *authorized to be appropriated \$10,000,000 to carry out this*
3 *section, to remain available until expended.*

4 **SEC. 1109. UNITED STATES TREASURY PROGRAM MANAGE-**
5 **MENT AUTHORITY.**

6 (a) *DEFINITIONS.*—*In this section—*

7 (1) *the terms “appropriate Federal banking*
8 *agency” and “insured depository institution” have*
9 *the meanings given those terms in section 3 of the*
10 *Federal Deposit Insurance Act (12 U.S.C. 1813);*

11 (2) *the term “insured credit union” has the*
12 *meaning given the term in section 101 of the Federal*
13 *Credit Union Act (12 U.S.C. 1752); and*

14 (3) *the term “Secretary” means the Secretary of*
15 *the Treasury.*

16 (b) *AUTHORITY TO INCLUDE ADDITIONAL FINANCIAL*
17 *INSTITUTIONS.*—*The Department of the Treasury, in con-*
18 *sultation with the Administrator, and the Chairman of the*
19 *Farm Credit Administration shall establish criteria for in-*
20 *sured depository institutions, insured credit unions, insti-*
21 *tutions of the Farm Credit System chartered under the*
22 *Farm Credit Act of 1971 (12 U.S.C. 2001 et seq.), and other*
23 *lenders that do not already participate in lending under*
24 *programs of the Administration, to participate in the pay-*
25 *check protection program to provide loans under this sec-*

1 *tion until the date on which the national emergency de-*
2 *clared by the President under the National Emergencies Act*
3 *(50 U.S.C. 1601 et seq.) with respect to the Coronavirus*
4 *Disease 2019 (COVID–19) expires.*

5 *(c) SAFETY AND SOUNDNESS.—An insured depository*
6 *institution, insured credit union, institution of the Farm*
7 *Credit System chartered under the Farm Credit Act of 1971*
8 *(12 U.S.C. 2001 et seq.), or other lender may only partici-*
9 *pate in the program established under this section if par-*
10 *ticipation does not affect the safety and soundness of the*
11 *institution or lender, as determined by the Secretary in con-*
12 *sultation with the appropriate Federal banking agencies or*
13 *the National Credit Union Administration Board, as appli-*
14 *cable.*

15 *(d) REGULATIONS FOR LENDERS AND LOANS.—*

16 *(1) IN GENERAL.—The Secretary may issue reg-*
17 *ulations and guidance as necessary to carry out the*
18 *purposes of this section, including to—*

19 *(A) allow additional lenders to originate*
20 *loans under this section; and*

21 *(B) establish terms and conditions for loans*
22 *under this section, including terms and condi-*
23 *tions concerning compensation, underwriting*
24 *standards, interest rates, and maturity.*

1 (2) *REQUIREMENTS.*—*The terms and conditions*
2 *established under paragraph (1) shall provide for the*
3 *following:*

4 (A) *A rate of interest that does not exceed*
5 *the maximum permissible rate of interest avail-*
6 *able on a loan of comparable maturity under*
7 *paragraph (36) of section 7(a) of the Small*
8 *Business Act (15 U.S.C. 636(a)), as added by*
9 *section 1102 of this Act.*

10 (B) *Terms and conditions that, to the max-*
11 *imum extent practicable, are consistent with the*
12 *terms and conditions required under the fol-*
13 *lowing provisions of paragraph (36) of section*
14 *7(a) of the Small Business Act (15 U.S.C.*
15 *636(a)), as added by section 1102 of this Act:*

16 (i) *Subparagraph (D), pertaining to*
17 *borrower eligibility.*

18 (ii) *Subparagraph (E), pertaining to*
19 *the maximum loan amount.*

20 (iii) *Subparagraph (F)(i), pertaining*
21 *to allowable uses of program loans.*

22 (iv) *Subparagraph (H), pertaining to*
23 *fee waivers.*

24 (v) *Subparagraph (M), pertaining to*
25 *loan deferment.*

1 (C) *A guarantee percentage that, to the*
2 *maximum extent practicable, is consistent with*
3 *the guarantee percentage required under sub-*
4 *paragraph (F) of section 7(a)(2) of the Small*
5 *Business Act (15 U.S.C. 636(a)(2)), as added by*
6 *section 1102 of this Act.*

7 (D) *Loan forgiveness under terms and con-*
8 *ditions that, to the maximum extent practicable,*
9 *is consistent with the terms and conditions for*
10 *loan forgiveness under section 1106 of this Act.*

11 (e) *ADDITIONAL REGULATIONS GENERALLY.—The Sec-*
12 *retary may issue regulations and guidance as necessary to*
13 *carry out the purposes of this section, including to allow*
14 *additional lenders to originate loans under this title and*
15 *to establish terms and conditions such as compensation, un-*
16 *derwriting standards, interest rates, and maturity for*
17 *under this section.*

18 (f) *CERTIFICATION.—As a condition of receiving a*
19 *loan under this section, a borrower shall certify under terms*
20 *acceptable to the Secretary that the borrower—*

21 (1) *does not have an application pending for a*
22 *loan under section 7(a) of the Small Business Act (15*
23 *U.S.C. 636(a)) for the same purpose; and*

1 (2) *has not received such a loan during the pe-*
2 *riod beginning on February 15, 2020 and ending on*
3 *December 31, 2020.*

4 (g) *OPT-IN FOR SBA QUALIFIED LENDERS.—Lenders*
5 *qualified to participate as a lender under 7(a) of the Small*
6 *Business Act (15 U.S.C. 636(a)) may elect to participate*
7 *in the paycheck protection program under the criteria,*
8 *terms, and conditions established under this section. Such*
9 *participation shall not preclude the lenders from continuing*
10 *participation as a lender under section 7(a) of the Small*
11 *Business Act (15 U.S.C. 636(a)).*

12 (h) *PROGRAM ADMINISTRATION.—With guidance from*
13 *the Secretary, the Administrator shall administer the pro-*
14 *gram established under this section, including the making*
15 *and purchasing of guarantees on loans under the program,*
16 *until the date on which the national emergency declared*
17 *by the President under the National Emergencies Act (50*
18 *U.S.C. 1601 et seq.) with respect to the Coronavirus Disease*
19 *2019 (COVID–19) expires.*

20 (i) *CRIMINAL PENALTIES.—A loan under this section*
21 *shall be deemed to be a loan under the Small Business Act*
22 *(15 U.S.C. 631 et seq.) for purposes of section 16 of such*
23 *Act (15 U.S.C. 645).*

24 **SEC. 1110. EMERGENCY EIDL GRANTS.**

25 (a) *DEFINITIONS.—In this section—*

1 (1) *the term “covered period” means the period*
2 *beginning on January 31, 2020 and ending on De-*
3 *cember 31, 2020; and*

4 (2) *the term “eligible entity” means—*

5 (A) *a business with not more than 500 em-*
6 *ployees;*

7 (B) *any individual who operates under a*
8 *sole proprietorship, with or without employees,*
9 *or as an independent contractor;*

10 (C) *a cooperative with not more than 500*
11 *employees;*

12 (D) *an ESOP (as defined in section 3 of the*
13 *Small Business Act (15 U.S.C. 632)) with not*
14 *more than 500 employees; or*

15 (E) *a tribal small business concern, as de-*
16 *scribed in section 31(b)(2)(C) of the Small Busi-*
17 *ness Act (15 U.S.C. 657a(b)(2)(C)), with not*
18 *more than 500 employees.*

19 (b) *ELIGIBLE ENTITIES.—During the covered period,*
20 *in addition to small business concerns, private nonprofit*
21 *organizations, and small agricultural cooperatives, an eligi-*
22 *ble entity shall be eligible for a loan made under section*
23 *7(b)(2) of the Small Business Act (15 U.S.C. 636(b)(2)).*

24 (c) *TERMS; CREDIT ELSEWHERE.—With respect to a*
25 *loan made under section 7(b)(2) of the Small Business Act*

1 *(15 U.S.C. 636(b)(2)) in response to COVID–19 during the*
2 *covered period, the Administrator shall waive—*

3 *(1) any rules related the personal guarantee on*
4 *advances and loans of not more than \$200,000 during*
5 *the covered period for all applicants;*

6 *(2) the requirement that an applicant needs to be*
7 *in business for the 1-year period before the disaster,*
8 *except that no waiver may be made for a business*
9 *that was not in operation on January 31, 2020; and*

10 *(3) the requirement in the flush matter following*
11 *subparagraph (E) of section 7(b)(2) of the Small*
12 *Business Act (15 U.S.C. 636(b)(2)), as so redesignated*
13 *by subsection (f) of this section, that an applicant be*
14 *unable to obtain credit elsewhere.*

15 *(d) APPROVAL AND ABILITY TO REPAY FOR SMALL*
16 *DOLLAR LOANS.—With respect to a loan made under sec-*
17 *tion 7(b)(2) of the Small Business Act (15 U.S.C. 636(b)(2))*
18 *in response to COVID–19 during the covered period, the*
19 *Administrator may—*

20 *(1) approve an applicant based solely on the*
21 *credit score of the applicant and shall not require an*
22 *applicant to submit a tax return or a tax return*
23 *transcript for such approval; or*

24 *(2) use alternative appropriate methods to deter-*
25 *mine an applicant’s ability to repay.*

1 (e) *EMERGENCY GRANT.*—

2 (1) *IN GENERAL.*—During the covered period, an
3 entity included for eligibility in subsection (b), in-
4 cluding small business concerns, private nonprofit or-
5 ganizations, and small agricultural cooperatives, that
6 applies for a loan under section 7(b)(2) of the Small
7 Business Act (15 U.S.C. 636(b)(2)) in response to
8 COVID–19 may request that the Administrator pro-
9 vide an advance that is, subject to paragraph (3), in
10 the amount requested by such applicant to such appli-
11 cant within 3 days after the Administrator receives
12 an application from such applicant.

13 (2) *VERIFICATION.*—Before disbursing amounts
14 under this subsection, the Administrator shall verify
15 that the applicant is an eligible entity by accepting
16 a self-certification from the applicant under penalty
17 of perjury pursuant to section 1746 of title 28 United
18 States Code.

19 (3) *AMOUNT.*—The amount of an advance pro-
20 vided under this subsection shall be not more than
21 \$10,000.

22 (4) *USE OF FUNDS.*—An advance provided under
23 this subsection may be used to address any allowable
24 purpose for a loan made under section 7(b)(2) of the

1 *Small Business Act (15 U.S.C. 636(b)(2)), includ-*
2 *ing—*

3 *(A) providing paid sick leave to employees*
4 *unable to work due to the direct effect of the*
5 *COVID-19;*

6 *(B) maintaining payroll to retain employ-*
7 *ees during business disruptions or substantial*
8 *slowdowns;*

9 *(C) meeting increased costs to obtain mate-*
10 *rials unavailable from the applicant's original*
11 *source due to interrupted supply chains;*

12 *(D) making rent or mortgage payments;*
13 *and*

14 *(E) repaying obligations that cannot be met*
15 *due to revenue losses.*

16 *(5) REPAYMENT.—An applicant shall not be re-*
17 *quired to repay any amounts of an advance provided*
18 *under this subsection, even if subsequently denied a*
19 *loan under section 7(b)(2) of the Small Business Act*
20 *(15 U.S.C. 636(b)(2)).*

21 *(6) UNEMPLOYMENT GRANT.—If an applicant*
22 *that receives an advance under this subsection trans-*
23 *fers into, or is approved for, the loan program under*
24 *section 7(a) of the Small Business Act (15 U.S.C.*
25 *636(a)), the advance amount shall be reduced from*

1 *the loan forgiveness amount for a loan for payroll*
2 *costs made under such section 7(a).*

3 (7) *AUTHORIZATION OF APPROPRIATIONS.—*
4 *There is authorized to be appropriated to the Admin-*
5 *istration \$10,000,000,000 to carry out this subsection.*

6 (8) *TERMINATION.—The authority to carry out*
7 *grants under this subsection shall terminate on De-*
8 *cember 31, 2020.*

9 (f) *EMERGENCIES INVOLVING FEDERAL PRIMARY RE-*
10 *SPONSIBILITY QUALIFYING FOR SBA ASSISTANCE.—Sec-*
11 *tion 7(b)(2) of the Small Business Act (15 U.S.C. 636(b)(2))*
12 *is amended—*

13 (1) *in subparagraph (A), by striking “or” at the*
14 *end;*

15 (2) *in subparagraph (B), by striking “or” at the*
16 *end;*

17 (3) *in subparagraph (C), by striking “or” at the*
18 *end;*

19 (4) *by redesignating subparagraph (D) as sub-*
20 *paragraph (E);*

21 (5) *by inserting after subparagraph (C) the fol-*
22 *lowing:*

23 *“(D) an emergency involving Federal pri-*
24 *mary responsibility determined to exist by the*
25 *President under the section 501(b) of the Robert*

1 *T. Stafford Disaster Relief and Emergency As-*
2 *stance Act (42 U.S.C. 5191(b)); or”; and*
3 *(6) in subparagraph (E), as so redesignated—*
4 *(A) by striking “or (C)” and inserting “(C),*
5 *or (D)”;*
6 *(B) by striking “disaster declaration” each*
7 *place it appears and inserting “disaster or emer-*
8 *gency declaration”;*
9 *(C) by striking “disaster has occurred” and*
10 *inserting “disaster or emergency has occurred”;*
11 *(D) by striking “such disaster” and insert-*
12 *ing “such disaster or emergency”; and*
13 *(E) by striking “disaster stricken” and in-*
14 *serting “disaster- or emergency-stricken”; and*
15 *(7) in the flush matter following subparagraph*
16 *(E), as so redesignated, by striking the period at the*
17 *end and inserting the following: “: Provided further,*
18 *That for purposes of subparagraph (D), the Adminis-*
19 *trator shall deem that such an emergency affects each*
20 *State or subdivision thereof (including counties), and*
21 *that each State or subdivision has sufficient economic*
22 *damage to small business concerns to qualify for as-*
23 *stance under this paragraph and the Administrator*
24 *shall accept applications for such assistance imme-*
25 *diately.”.*

1 **SEC. 1111. RESOURCES AND SERVICES IN LANGUAGES**
2 **OTHER THAN ENGLISH.**

3 (a) *IN GENERAL.*—*The Administrator shall provide*
4 *the resources and services made available by the Adminis-*
5 *tration to small business concerns in the 10 most commonly*
6 *spoken languages, other than English, in the United States,*
7 *which shall include Mandarin, Cantonese, Japanese, and*
8 *Korean.*

9 (b) *AUTHORIZATION OF APPROPRIATIONS.*—*There is*
10 *authorized to be appropriated to the Administrator*
11 *\$25,000,000 to carry out this section.*

12 **SEC. 1112. SUBSIDY FOR CERTAIN LOAN PAYMENTS.**

13 (a) *DEFINITION OF COVERED LOAN.*—*In this section,*
14 *the term “covered loan” means a loan that is—*

15 (1) *guaranteed by the Administration under—*

16 (A) *section 7(a) of the Small Business Act*
17 *(15 U.S.C. 636(a))—*

18 (i) *including a loan made under the*
19 *Community Advantage Pilot Program of*
20 *the Administration; and*

21 (ii) *excluding a loan made under*
22 *paragraph (36) of such section 7(a), as*
23 *added by section 1102; or*

24 (B) *title V of the Small Business Investment*
25 *Act of 1958 (15 U.S.C. 695 et seq.); or*

1 (2) *made by an intermediary to a small business*
2 *concern using loans or grants received under section*
3 *7(m) of the Small Business Act (15 U.S.C. 636(m)).*

4 (b) *SENSE OF CONGRESS.—It is the sense of Congress*
5 *that—*

6 (1) *all borrowers are adversely affected by*
7 *COVID–19;*

8 (2) *relief payments by the Administration are*
9 *appropriate for all borrowers; and*

10 (3) *in addition to the relief provided under this*
11 *Act, the Administration should encourage lenders to*
12 *provide payment deferments, when appropriate, and*
13 *to extend the maturity of covered loans, so as to avoid*
14 *balloon payments or any requirement for increases in*
15 *debt payments resulting from deferments provided by*
16 *lenders during the period of the national emergency*
17 *declared by the President under the National Emer-*
18 *gencies Act (50 U.S.C. 1601 et seq.) with respect to*
19 *the Coronavirus Disease 2019 (COVID–19).*

20 (c) *PRINCIPAL AND INTEREST PAYMENTS.—*

21 (1) *IN GENERAL.—The Administrator shall pay*
22 *the principal, interest, and any associated fees that*
23 *are owed on a covered loan in a regular servicing sta-*
24 *tus—*

1 (A) *with respect to a covered loan made be-*
2 *fore the date of enactment of this Act and not on*
3 *deferment, for the 6-month period beginning with*
4 *the next payment due on the covered loan;*

5 (B) *with respect to a covered loan made be-*
6 *fore the date of enactment of this Act and on*
7 *deferment, for the 6-month period beginning with*
8 *the next payment due on the covered loan after*
9 *the deferment period; and*

10 (C) *with respect to a covered loan made*
11 *during the period beginning on the date of enact-*
12 *ment of this Act and ending on the date that is*
13 *6 months after such date of enactment, for the 6-*
14 *month period beginning with the first payment*
15 *due on the covered loan.*

16 (2) *TIMING OF PAYMENT.—The Administrator*
17 *shall begin making payments under paragraph (1) on*
18 *a covered loan not later than 30 days after the date*
19 *on which the first such payment is due.*

20 (3) *APPLICATION OF PAYMENT.—Any payment*
21 *made by the Administrator under paragraph (1) shall*
22 *be applied to the covered loan such that the borrower*
23 *is relieved of the obligation to pay that amount.*

24 (d) *OTHER REQUIREMENTS.—The Administrator*
25 *shall—*

1 (1) *communicate and coordinate with the Fed-*
2 *eral Deposit Insurance Corporation, the Office of the*
3 *Comptroller of the Currency, and State bank regu-*
4 *lators to encourage those entities to not require lend-*
5 *ers to increase their reserves on account of receiving*
6 *payments made by the Administrator under sub-*
7 *section (c);*

8 (2) *waive statutory limits on maximum loan*
9 *maturities for any covered loan durations where the*
10 *lender provides a deferral and extends the maturity*
11 *of covered loans during the 1-year period following*
12 *the date of enactment of this Act; and*

13 (3) *when necessary to provide more time because*
14 *of the potential of higher volumes, travel restrictions,*
15 *and the inability to access some properties during the*
16 *COVID–19 pandemic, extend lender site visit require-*
17 *ments to—*

18 (A) *not more than 60 days (which may be*
19 *extended at the discretion of the Administration)*
20 *after the occurrence of an adverse event, other*
21 *than a payment default, causing a loan to be*
22 *classified as in liquidation; and*

23 (B) *not more than 90 days after a payment*
24 *default.*

1 (e) *RULE OF CONSTRUCTION.*—*Nothing in this section*
2 *may be construed to limit the authority of the Adminis-*
3 *trator to make payments pursuant to subsection (c) with*
4 *respect to a covered loan solely because the covered loan has*
5 *been sold in the secondary market.*

6 (f) *AUTHORIZATION OF APPROPRIATIONS.*—*There is*
7 *authorized to be appropriated to the Administrator*
8 *\$17,000,000,000 to carry out this section.*

9 **SEC. 1113. BANKRUPTCY.**

10 (a) *SMALL BUSINESS DEBTOR REORGANIZATION.*—

11 (1) *IN GENERAL.*—*Section 1182(1) of title 11,*
12 *United States Code, is amended to read as follows:*

13 “(1) *DEBTOR.*—*The term ‘debtor’—*

14 “(A) *subject to subparagraph (B), means a*
15 *person engaged in commercial or business activi-*
16 *ties (including any affiliate of such person that*
17 *is also a debtor under this title and excluding a*
18 *person whose primary activity is the business of*
19 *owning single asset real estate) that has aggre-*
20 *gate noncontingent liquidated secured and unse-*
21 *cured debts as of the date of the filing of the peti-*
22 *tion or the date of the order for relief in an*
23 *amount not more than \$7,500,000 (excluding*
24 *debts owed to 1 or more affiliates or insiders) not*

1 *less than 50 percent of which arose from the com-*
2 *mercial or business activities of the debtor; and*

3 “(B) does not include—

4 “(i) any member of a group of affili-

5 *ated debtors that has aggregate noncontin-*
6 *gent liquidated secured and unsecured debts*
7 *in an amount greater than \$7,500,000 (ex-*
8 *cluding debt owed to 1 or more affiliates or*
9 *insiders);*

10 “(ii) any debtor that is a corporation

11 *subject to the reporting requirements under*
12 *section 13 or 15(d) of the Securities Ex-*
13 *change Act of 1934 (15 U.S.C. 78m,*
14 *78o(d)); or*

15 “(iii) any debtor that is an affiliate of

16 *an issuer, as defined in section 3 of the Se-*
17 *curities Exchange Act of 1934 (15 U.S.C.*
18 *78c).”.*

19 (2) *APPLICABILITY OF CHAPTERS.*—Section

20 *103(i) of title 11, United States Code, is amended by*
21 *striking “small business debtor” and inserting “debtor*
22 *(as defined in section 1182)”.*

23 (3) *APPLICATION OF AMENDMENT.*—The amend-
24 *ment made by paragraph (1) shall apply only with*
25 *respect to cases commenced under title 11, United*

1 *States Code, on or after the date of enactment of this*
2 *Act.*

3 (4) *TECHNICAL CORRECTIONS.*—

4 (A) *DEFINITION OF SMALL BUSINESS DEBT-*
5 *OR.*—*Section 101(51D)(B)(iii) of title 11,*
6 *United States Code, is amended to read as fol-*
7 *lows:*

8 “(iii) *any debtor that is an affiliate of*
9 *an issuer (as defined in section 3 of the Se-*
10 *curities Exchange Act of 1934 (15 U.S.C.*
11 *78c)).”.*

12 (B) *UNCLAIMED PROPERTY.*—*Section*
13 *347(b) of title 11, United States Code, is amend-*
14 *ed by striking “1194” and inserting “1191”.*

15 (5) *SUNSET.*—*On the date that is 1 year after*
16 *the date of enactment of this Act, section 1182(1) of*
17 *title 11, United States Code, is amended to read as*
18 *follows:*

19 “(1) *DEBTOR.*—*The term ‘debtor’ means a small*
20 *business debtor.”.*

21 (b) *BANKRUPTCY RELIEF.*—

22 (1) *IN GENERAL.*—

23 (A) *EXCLUSION FROM CURRENT MONTHLY*
24 *INCOME.*—*Section 101(10A)(B)(ii) of title 11,*
25 *United States Code, is amended—*

1 (i) in subclause (III), by striking “;
2 and” and inserting a semicolon;

3 (ii) in subclause (IV), by striking the
4 period at the end and inserting “; and”;
5 and

6 (iii) by adding at the end the fol-
7 lowing:

8 “(V) *Payments made under Fed-*
9 *eral law relating to the national emer-*
10 *gency declared by the President under*
11 *the National Emergencies Act (50*
12 *U.S.C. 1601 et seq.) with respect to the*
13 *coronavirus disease 2019 (COVID-*
14 *19).”.*

15 (B) *CONFIRMATION OF PLAN.*—Section
16 1325(b)(2) of title 11, United States Code, is
17 amended by inserting “payments made under
18 Federal law relating to the national emergency
19 declared by the President under the National
20 Emergencies Act (50 U.S.C. 1601 et seq.) with
21 respect to the coronavirus disease 2019 (COVID-
22 19),” after “other than”.

23 (C) *MODIFICATION OF PLAN AFTER CON-*
24 *FIRMATION.*—Section 1329 of title 11, United

1 *States Code, is amended by adding at end the*
2 *following:*

3 “(d)(1) *Subject to paragraph (3), for a plan confirmed*
4 *prior to the date of enactment of this subsection, the plan*
5 *may be modified upon the request of the debtor if—*

6 “(A) *the debtor is experiencing or has experi-*
7 *enced a material financial hardship due, directly or*
8 *indirectly, to the coronavirus disease 2019 (COVID-*
9 *19) pandemic; and*

10 “(B) *the modification is approved after notice*
11 *and a hearing.*

12 “(2) *A plan modified under paragraph (1) may not*
13 *provide for payments over a period that expires more than*
14 *7 years after the time that the first payment under the*
15 *original confirmed plan was due.*

16 “(3) *Sections 1322(a), 1322(b), 1323(c), and the re-*
17 *quirements of section 1325(a) shall apply to any modifica-*
18 *tion under paragraph (1).”.*

19 (D) *APPLICABILITY.—*

20 (i) *The amendments made by subpara-*
21 *graphs (A) and (B) shall apply to any case*
22 *commenced before, on, or after the date of*
23 *enactment of this Act.*

24 (ii) *The amendment made by subpara-*
25 *graph (C) shall apply to any case for which*

1 *a plan has been confirmed under section*
2 *1325 of title 11, United States Code, before*
3 *the date of enactment of this Act.*

4 (2) *SUNSET.—*

5 (A) *IN GENERAL.—*

6 (i) *EXCLUSION FROM CURRENT*
7 *MONTHLY INCOME.—Section*
8 *101(10A)(B)(ii) of title 11, United States*
9 *Code, is amended—*

10 *(I) in subclause (III), by striking*
11 *the semicolon at the end and inserting*
12 *“; and”;*

13 *(II) in subclause (IV), by striking*
14 *“; and” and inserting a period; and*

15 *(III) by striking subclause (V).*

16 (ii) *CONFIRMATION OF PLAN.—Section*
17 *1325(b)(2) of title 11, United States Code,*
18 *is amended by striking “payments made*
19 *under Federal law relating to the national*
20 *emergency declared by the President under*
21 *the National Emergencies Act (50 U.S.C.*
22 *1601 et seq.) with respect to the coronavirus*
23 *disease 2019 (COVID–19).”.*

24 (iii) *MODIFICATION OF PLAN AFTER*
25 *CONFIRMATION.—Section 1329 of title 11,*

1 *United States Code, is amended by striking*
 2 *subsection (d).*

3 *(B) EFFECTIVE DATE.—The amendments*
 4 *made by subparagraph (A) shall take effect on*
 5 *the date that is 1 year after the date of enact-*
 6 *ment of this Act.*

7 **SEC. 1114. EMERGENCY RULEMAKING AUTHORITY.**

8 *Not later than 15 days after the date of enactment of*
 9 *this Act, the Administrator shall issue regulations to carry*
 10 *out this title and the amendments made by this title without*
 11 *regard to the notice requirements under section 553(b) of*
 12 *title 5, United States Code.*

13 **TITLE II—ASSISTANCE FOR**
 14 **AMERICAN WORKERS, FAMI-**
 15 **LIES, AND BUSINESSES**
 16 **Subtitle A—Unemployment**
 17 **Insurance Provisions**

18 **SEC. 2101. SHORT TITLE.**

19 *This subtitle may be cited as the “Relief for Workers*
 20 *Affected by Coronavirus Act”.*

21 **SEC. 2102. PANDEMIC UNEMPLOYMENT ASSISTANCE.**

22 *(a) DEFINITIONS.—In this section:*

23 *(1) COVID–19.—The term “COVID–19” means*
 24 *the 2019 Novel Coronavirus or 2019-nCoV.*

1 (2) *COVID–19 PUBLIC HEALTH EMERGENCY.*—

2 *The term “COVID–19 public health emergency”*
3 *means the public health emergency declared by the*
4 *Secretary of Health and Human Services on January*
5 *27, 2020, with respect to the 2019 Novel Coronavirus.*

6 (3) *COVERED INDIVIDUAL.*—*The term “covered*
7 *individual”*—

8 (A) *means an individual who*—

9 (i) *is not eligible for regular compensa-*
10 *tion or extended benefits under State or*
11 *Federal law or pandemic emergency unem-*
12 *ployment compensation under section 2107,*
13 *including an individual who has exhausted*
14 *all rights to regular unemployment or ex-*
15 *tended benefits under State or Federal law*
16 *or pandemic emergency unemployment com-*
17 *penensation under section 2107; and*

18 (ii) *provides self-certification that the*
19 *individual*—

20 (I) *is otherwise able to work and*
21 *available for work within the meaning*
22 *of applicable State law, except the in-*
23 *dividual is unemployed, partially un-*
24 *employed, or unable or unavailable to*
25 *work because*—

1 (aa) the individual has been
2 diagnosed with COVID–19 or is
3 experiencing symptoms of
4 COVID–19 and seeking a medical
5 diagnosis;

6 (bb) a member of the individ-
7 ual’s household has been diagnosed
8 with COVID–19;

9 (cc) the individual is pro-
10 viding care for a family member
11 or a member of the individual’s
12 household who has been diagnosed
13 with COVID–19;

14 (dd) a child or other person
15 in the household for which the in-
16 dividual has primary caregiving
17 responsibility is unable to attend
18 school or another facility that is
19 closed as a direct result of the
20 COVID–19 public health emer-
21 gency and such school or facility
22 care is required for the individual
23 to work;

24 (ee) the individual is unable
25 to reach the place of employment

1 *because of a quarantine imposed*
2 *as a direct result of the COVID–*
3 *19 public health emergency;*

4 (i) *the individual is unable*
5 *to reach the place of employment*
6 *because the individual has been*
7 *advised by a health care provider*
8 *to self-quarantine due to concerns*
9 *related to COVID–19;*

10 (ii) *the individual was*
11 *scheduled to commence employ-*
12 *ment and does not have a job or*
13 *is unable to reach the job as a di-*
14 *rect result of the COVID–19 pub-*
15 *lic health emergency;*

16 (iii) *the individual has be-*
17 *come the breadwinner or major*
18 *support for a household because*
19 *the head of the household has died*
20 *as a direct result of COVID–19;*

21 (iv) *the individual has to*
22 *quit his or her job as a direct re-*
23 *sult of COVID–19;*

24 (v) *the individual’s place of*
25 *employment is closed as a direct*

1 *result of the COVID–19 public*
2 *health emergency; or*

3 *(kk) the individual meets*
4 *any additional criteria established*
5 *by the Secretary for unemploy-*
6 *ment assistance under this sec-*
7 *tion; or*

8 *(II) is self-employed, is seeking*
9 *part-time employment, does not have*
10 *sufficient work history, or otherwise*
11 *would not qualify for regular unem-*
12 *ployment or extended benefits under*
13 *State or Federal law or pandemic*
14 *emergency unemployment compensa-*
15 *tion under section 2107 and meets the*
16 *requirements of subclause (I); and*

17 *(B) does not include—*

18 *(i) an individual who has the ability*
19 *to telework with pay; or*

20 *(ii) an individual who is receiving*
21 *paid sick leave or other paid leave benefits,*
22 *regardless of whether the individual meets a*
23 *qualification described in items (aa)*
24 *through (kk) of subparagraph (A)(i)(I).*

1 (4) *SECRETARY.*—*The term “Secretary” means*
2 *the Secretary of Labor.*

3 (5) *STATE.*—*The term “State” includes the Dis-*
4 *trict of Columbia, the Commonwealth of Puerto Rico,*
5 *the Virgin Islands, Guam, American Samoa, the*
6 *Commonwealth of the Northern Mariana Islands, the*
7 *Federated States of Micronesia, the Republic of the*
8 *Marshall Islands, and the Republic of Palau.*

9 (b) *ASSISTANCE FOR UNEMPLOYMENT AS A RESULT OF*
10 *COVID–19.*—*Subject to subsection (c), the Secretary shall*
11 *provide to any covered individual unemployment benefit as-*
12 *sistance while such individual is unemployed, partially un-*
13 *employed, or unable to work for the weeks of such unemploy-*
14 *ment with respect to which the individual is not entitled*
15 *to any other unemployment compensation (as that term is*
16 *defined in section 85(b) of title 26, United States Code) or*
17 *waiting period credit.*

18 (c) *APPLICABILITY.*—

19 (1) *IN GENERAL.*—*Except as provided in para-*
20 *graph (2), the assistance authorized under subsection*
21 (i) *shall be available to a covered individual—*

22 (A) *for weeks of unemployment, partial un-*
23 *employment, or inability to work caused by*
24 *COVID–19—*

1 (i) beginning on or after January 27,
2 2020; and

3 (ii) ending on or before December 31,
4 2020; and

5 (B) subject to subparagraph (A)(ii), as long
6 as the covered individual's unemployment, par-
7 tial unemployment, or inability to work caused
8 by COVID–19 continues.

9 (2) *LIMITATION ON DURATION OF ASSISTANCE.*—

10 *The total number of weeks for which a covered indi-*
11 *vidual may receive assistance under this section shall*
12 *not exceed 39 weeks and such total shall include any*
13 *week for which the covered individual received regular*
14 *compensation or extended benefits under any Federal*
15 *or State law, except that if after the date of enactment*
16 *of this Act, the duration of extended benefits is ex-*
17 *extended, the 39-week period described in this para-*
18 *graph shall be extended by the number of weeks that*
19 *is equal to the number of weeks by which the extended*
20 *benefits were extended.*

21 (3) *ASSISTANCE FOR UNEMPLOYMENT BEFORE*
22 *DATE OF ENACTMENT.*—*The Secretary shall establish*
23 *a process for making assistance under this section*
24 *available for weeks beginning on or after January 27,*
25 *2020, and before the date of enactment of this Act.*

1 (d) *AMOUNT OF ASSISTANCE.*—

2 (1) *IN GENERAL.*—*The assistance authorized*
3 *under subsection (b) for a week of unemployment,*
4 *partial unemployment, or inability to work shall be—*

5 (A)(i) *the weekly benefit amount authorized*
6 *under the unemployment compensation law of*
7 *the State where the covered individual was em-*
8 *ployed, except that the amount may not be less*
9 *than the minimum weekly benefit amount de-*
10 *scribed in section 625.6 of title 20, Code of Fed-*
11 *eral Regulations, or any successor thereto; and*

12 (ii) *the amount of Federal Pandemic Unem-*
13 *ployment Compensation under section 2104; and*

14 (B) *in the case of an increase of the weekly*
15 *benefit amount after the date of enactment of this*
16 *Act, increased in an amount equal to such in-*
17 *crease.*

18 (2) *CALCULATIONS OF AMOUNTS FOR CERTAIN*
19 *COVERED INDIVIDUALS.*—*In the case of a covered in-*
20 *dividual who is self-employed, who lives in a territory*
21 *described in subsection (c) or (d) of section 625.6 of*
22 *title 20, Code of Federal Regulations, or who would*
23 *not otherwise qualify for unemployment compensation*
24 *under State law, the assistance authorized under sub-*
25 *section (b) for a week of unemployment shall be cal-*

1 *culated in accordance with section 625.6 of title 20,*
2 *Code of Federal Regulations, or any successor thereto,*
3 *and shall be increased by the amount of Federal Pan-*
4 *demic Unemployment Compensation under section*
5 *2104.*

6 (3) *ALLOWABLE METHODS OF PAYMENT.—Any*
7 *assistance provided for in accordance with paragraph*
8 *(1)(A)(ii) shall be payable either—*

9 (A) *as an amount which is paid at the*
10 *same time and in the same manner as the assist-*
11 *ance provided for in paragraph (1)(A)(i) is pay-*
12 *able for the week involved; or*

13 (B) *at the option of the State, by payments*
14 *which are made separately from, but on the same*
15 *weekly basis as, any assistance provided for in*
16 *paragraph (1)(A)(i).*

17 (e) *WAIVER OF STATE REQUIREMENT.—Notwith-*
18 *standing State law, for purposes of assistance authorized*
19 *under this section, compensation under this Act shall be*
20 *made to an individual otherwise eligible for such compensa-*
21 *tion without any waiting period.*

22 (f) *AGREEMENTS WITH STATES.—*

23 (1) *IN GENERAL.—The Secretary shall provide*
24 *the assistance authorized under subsection (b) through*
25 *agreements with States which, in the judgment of the*

1 *Secretary, have an adequate system for administering*
2 *such assistance through existing State agencies.*

3 (2) *PAYMENTS TO STATES.*—*There shall be paid*
4 *to each State which has entered into an agreement*
5 *under this subsection an amount equal to 100 percent*
6 *of—*

7 (A) *the total amount of assistance provided*
8 *by the State pursuant to such agreement; and*

9 (B) *any additional administrative expenses*
10 *incurred by the State by reason of such agree-*
11 *ment (as determined by the Secretary), including*
12 *any administrative expenses necessary to facili-*
13 *tate processing of applications for assistance*
14 *under this section online or by telephone rather*
15 *than in-person.*

16 (3) *TERMS OF PAYMENTS.*—*Sums payable to any*
17 *State by reason of such State's having an agreement*
18 *under this subsection shall be payable, either in ad-*
19 *vance or by way of reimbursement (as determined by*
20 *the Secretary), in such amounts as the Secretary esti-*
21 *mates the State will be entitled to receive under this*
22 *subsection for each calendar month, reduced or in-*
23 *creased, as the case may be, by any amount by which*
24 *the Secretary finds that his estimates for any prior*
25 *calendar month were greater or less than the amounts*

1 *which should have been paid to the State. Such esti-*
2 *mates may be made on the basis of such statistical,*
3 *sampling, or other method as may be agreed upon by*
4 *the Secretary and the State agency of the State in-*
5 *volved.*

6 *(g) FUNDING.—*

7 *(1) ASSISTANCE.—*

8 *(A) IN GENERAL.—Funds in the extended*
9 *unemployment compensation account (as estab-*
10 *lished by section 905(a) of the Social Security*
11 *Act (42 U.S.C. 1105(a)) of the Unemployment*
12 *Trust Fund (as established by section 904(a) of*
13 *such Act (42 U.S.C. 1104(a)) shall be used to*
14 *make payments to States pursuant to subsection*
15 *(f)(2)(A).*

16 *(B) TRANSFER OF FUNDS.—Notwith-*
17 *standing any other provision of law, the Sec-*
18 *retary of the Treasury shall transfer from the*
19 *general fund of the Treasury (from funds not*
20 *otherwise appropriated) to the extended unem-*
21 *ployment compensation account such sums as the*
22 *Secretary of Labor estimates to be necessary to*
23 *make payments described in subparagraph (A).*
24 *There are appropriated from the general fund of*
25 *the Treasury, without fiscal year limitation, the*

1 *sums referred to in the preceding sentence and*
2 *such sums shall not be required to be repaid.*

3 (2) *ADMINISTRATIVE EXPENSES.—*

4 (A) *IN GENERAL.—Funds in the employ-*
5 *ment security administration account (as estab-*
6 *lished by section 901(a) of the Social Security*
7 *Act (42 U.S.C. 1105(a)) of the Unemployment*
8 *Trust Fund (as established by section 904(a) of*
9 *such Act (42 U.S.C. 1104(a)) shall be used to*
10 *make payments to States pursuant to subsection*
11 *(f)(2)(B).*

12 (B) *TRANSFER OF FUNDS.—Notwith-*
13 *standing any other provision of law, the Sec-*
14 *retary of the Treasury shall transfer from the*
15 *general fund of the Treasury (from funds not*
16 *otherwise appropriated) to the employment secu-*
17 *rity administration account such sums as the*
18 *Secretary of Labor estimates to be necessary to*
19 *make payments described in subparagraph (A).*
20 *There are appropriated from the general fund of*
21 *the Treasury, without fiscal year limitation, the*
22 *sums referred to in the preceding sentence and*
23 *such sums shall not be required to be repaid.*

24 (3) *CERTIFICATIONS.—The Secretary of Labor*
25 *shall from time to time certify to the Secretary of the*

1 Treasury for payment to each State the sums payable
2 to such State under paragraphs (1) and (2).

3 (h) *RELATIONSHIP BETWEEN PANDEMIC UNEMPLOY-*
4 *MENT ASSISTANCE AND DISASTER UNEMPLOYMENT ASSIST-*
5 *ANCE.*—*Except as otherwise provided in this section or to*
6 *the extent there is a conflict between this section and section*
7 *625 of title 20, Code of Federal Regulations, such section*
8 *625 shall apply to this section as if—*

9 (1) *the term “COVID–19 public health emer-*
10 *gency” were substituted for the term “major disaster”*
11 *each place it appears in such section 625; and*

12 (2) *the term “pandemic” were substituted for the*
13 *term “disaster” each place it appears in such section*
14 *625.*

15 **SEC. 2103. EMERGENCY UNEMPLOYMENT RELIEF FOR GOV-**
16 **ERNMENTAL ENTITIES AND NONPROFIT OR-**
17 **GANIZATIONS.**

18 (a) *FLEXIBILITY IN PAYING REIMBURSEMENT.*—*The*
19 *Secretary of Labor may issue clarifying guidance to allow*
20 *States to interpret their State unemployment compensation*
21 *laws in a manner that would provide maximum flexibility*
22 *to reimbursing employers as it relates to timely payment*
23 *and assessment of penalties and interest pursuant to such*
24 *State laws.*

1 (b) *FEDERAL FUNDING.*—Section 903 of the Social Se-
2 curity Act (42 U.S.C. 1103) is amended by adding at the
3 end the following:

4 “*Transfers for Federal Reimbursement of State*
5 *Unemployment Funds*

6 “(i)(1)(A) *In addition to any other amounts, the Sec-*
7 *retary of Labor shall provide for the transfer of funds dur-*
8 *ing the applicable period to the accounts of the States in*
9 *the Unemployment Trust Fund, by transfer from amounts*
10 *reserved for that purpose in the Federal unemployment ac-*
11 *count, in accordance with the succeeding provisions of this*
12 *subsection.*

13 “(B) *The amount of funds transferred to the account*
14 *of a State under subparagraph (A) during the applicable*
15 *period shall, as determined by the Secretary of Labor, be*
16 *equal to one-half of the amounts of compensation (as defined*
17 *in section 3306(h) of the Internal Revenue Code of 1986)*
18 *attributable under the State law to service to which section*
19 *3309(a)(1) of such Code applies that were paid by the State*
20 *for weeks of unemployment beginning and ending during*
21 *such period. Such transfers shall be made at such times as*
22 *the Secretary of Labor considers appropriate.*

23 “(C) *Notwithstanding any other law, funds transferred*
24 *to the account of a State under subparagraph (A) shall be*
25 *used exclusively to reimburse governmental entities and*

1 *other organizations described in section 3309(a)(2) of such*
2 *Code for amounts paid (in lieu of contributions) into the*
3 *State unemployment fund pursuant to such section.*

4 “(D) For purposes of this paragraph, the term ‘appli-
5 cable period’ means the period beginning on March 13,
6 2020, and ending on December 31, 2020.

7 “(2)(A) Notwithstanding any other provision of law,
8 the Secretary of the Treasury shall transfer from the general
9 fund of the Treasury (from funds not otherwise appro-
10 priated) to the Federal unemployment account such sums
11 as the Secretary of Labor estimates to be necessary for pur-
12 poses of making the transfers described in paragraph (1).

13 “(B) There are appropriated from the general fund of
14 the Treasury, without fiscal year limitation, the sums re-
15 ferred to in subparagraph (A) and such sums shall not be
16 required to be repaid.”.

17 **SEC. 2104. EMERGENCY INCREASE IN UNEMPLOYMENT**
18 **COMPENSATION BENEFITS.**

19 (a) *FEDERAL-STATE AGREEMENTS.*—Any State which
20 desires to do so may enter into and participate in an agree-
21 ment under this section with the Secretary of Labor (in this
22 section referred to as the “Secretary”). Any State which is
23 a party to an agreement under this section may, upon pro-
24 viding 30 days’ written notice to the Secretary, terminate
25 such agreement.

1 (b) *PROVISIONS OF AGREEMENT.*—

2 (1) *FEDERAL PANDEMIC UNEMPLOYMENT COM-*
3 *PENSATION.*—*Any agreement under this section shall*
4 *provide that the State agency of the State will make*
5 *payments of regular compensation to individuals in*
6 *amounts and to the extent that they would be deter-*
7 *mined if the State law of the State were applied, with*
8 *respect to any week for which the individual is (dis-*
9 *regarding this section) otherwise entitled under the*
10 *State law to receive regular compensation, as if such*
11 *State law had been modified in a manner such that*
12 *the amount of regular compensation (including de-*
13 *pendents' allowances) payable for any week shall be*
14 *equal to—*

15 (A) *the amount determined under the State*
16 *law (before the application of this paragraph),*
17 *plus*

18 (B) *an additional amount of \$600 (in this*
19 *section referred to as “Federal Pandemic Unem-*
20 *ployment Compensation”).*

21 (2) *ALLOWABLE METHODS OF PAYMENT.*—*Any*
22 *Federal Pandemic Unemployment Compensation pro-*
23 *vided for in accordance with paragraph (1) shall be*
24 *payable either—*

1 (A) as an amount which is paid at the
2 same time and in the same manner as any reg-
3 ular compensation otherwise payable for the
4 week involved; or

5 (B) at the option of the State, by payments
6 which are made separately from, but on the same
7 weekly basis as, any regular compensation other-
8 wise payable.

9 (c) *NONREDUCTION RULE.*—

10 (1) *IN GENERAL.*—An agreement under this sec-
11 tion shall not apply (or shall cease to apply) with re-
12 spect to a State upon a determination by the Sec-
13 retary that the method governing the computation of
14 regular compensation under the State law of that
15 State has been modified in a manner such that the
16 number of weeks (the maximum benefit entitlement),
17 or the average weekly benefit amount, of regular com-
18 pensation which will be payable during the period of
19 the agreement (determined disregarding any Federal
20 Pandemic Unemployment Compensation) will be less
21 than the number of weeks, or the average weekly ben-
22 efit amount, of the average weekly benefit amount of
23 regular compensation which would otherwise have
24 been payable during such period under the State law,
25 as in effect on January 1, 2020.

1 (2) *MAXIMUM BENEFIT ENTITLEMENT.*—*In para-*
2 *graph (1), the term “maximum benefit entitlement”*
3 *means the amount of regular unemployment com-*
4 *penetration payable to an individual with respect to*
5 *the individual’s benefit year.*

6 (d) *PAYMENTS TO STATES.*—

7 (1) *IN GENERAL.*—

8 (A) *FULL REIMBURSEMENT.*—*There shall be*
9 *paid to each State which has entered into an*
10 *agreement under this section an amount equal to*
11 *100 percent of—*

12 (i) *the total amount of Federal Pan-*
13 *demic Unemployment Compensation paid*
14 *to individuals by the State pursuant to such*
15 *agreement; and*

16 (ii) *any additional administrative ex-*
17 *penses incurred by the State by reason of*
18 *such agreement (as determined by the Sec-*
19 *retary).*

20 (B) *TERMS OF PAYMENTS.*—*Sums payable*
21 *to any State by reason of such State’s having an*
22 *agreement under this section shall be payable, ei-*
23 *ther in advance or by way of reimbursement (as*
24 *determined by the Secretary), in such amounts*
25 *as the Secretary estimates the State will be enti-*

1 *tled to receive under this section for each cal-*
2 *endar month, reduced or increased, as the case*
3 *may be, by any amount by which the Secretary*
4 *finds that his estimates for any prior calendar*
5 *month were greater or less than the amounts*
6 *which should have been paid to the State. Such*
7 *estimates may be made on the basis of such sta-*
8 *tistical, sampling, or other method as may be*
9 *agreed upon by the Secretary and the State*
10 *agency of the State involved.*

11 (2) *CERTIFICATIONS.*—*The Secretary shall from*
12 *time to time certify to the Secretary of the Treasury*
13 *for payment to each State the sums payable to such*
14 *State under this section.*

15 (3) *APPROPRIATION.*—*There are appropriated*
16 *from the general fund of the Treasury, without fiscal*
17 *year limitation, such sums as may be necessary for*
18 *purposes of this subsection.*

19 (e) *APPLICABILITY.*—*An agreement entered into under*
20 *this section shall apply to weeks of unemployment—*

21 (1) *beginning after the date on which such agree-*
22 *ment is entered into; and*

23 (2) *ending on or before July 31, 2020.*

24 (f) *FRAUD AND OVERPAYMENTS.*—

1 (1) *IN GENERAL.*—*If an individual knowingly*
2 *has made, or caused to be made by another, a false*
3 *statement or representation of a material fact, or*
4 *knowingly has failed, or caused another to fail, to dis-*
5 *close a material fact, and as a result of such false*
6 *statement or representation or of such nondisclosure*
7 *such individual has received an amount of Federal*
8 *Pandemic Unemployment Compensation to which*
9 *such individual was not entitled, such individual—*

10 (A) *shall be ineligible for further Federal*
11 *Pandemic Unemployment Compensation in ac-*
12 *cordance with the provisions of the applicable*
13 *State unemployment compensation law relating*
14 *to fraud in connection with a claim for unem-*
15 *ployment compensation; and*

16 (B) *shall be subject to prosecution under*
17 *section 1001 of title 18, United States Code.*

18 (2) *REPAYMENT.*—*In the case of individuals who*
19 *have received amounts of Federal Pandemic Unem-*
20 *ployment Compensation to which they were not enti-*
21 *tled, the State shall require such individuals to repay*
22 *the amounts of such Federal Pandemic Unemploy-*
23 *ment Compensation to the State agency, except that*
24 *the State agency may waive such repayment if it de-*
25 *termines that—*

1 (A) *the payment of such Federal Pandemic*
2 *Unemployment Compensation was without fault*
3 *on the part of any such individual; and*

4 (B) *such repayment would be contrary to*
5 *equity and good conscience.*

6 (3) *RECOVERY BY STATE AGENCY.—*

7 (A) *IN GENERAL.—The State agency shall*
8 *recover the amount to be repaid, or any part*
9 *thereof, by deductions from any Federal Pan-*
10 *demic Unemployment Compensation payable to*
11 *such individual or from any unemployment com-*
12 *penetration payable to such individual under any*
13 *State or Federal unemployment compensation*
14 *law administered by the State agency or under*
15 *any other State or Federal law administered by*
16 *the State agency which provides for the payment*
17 *of any assistance or allowance with respect to*
18 *any week of unemployment, during the 3-year*
19 *period after the date such individuals received*
20 *the payment of the Federal Pandemic Unemploy-*
21 *ment Compensation to which they were not enti-*
22 *tled, in accordance with the same procedures as*
23 *apply to the recovery of overpayments of regular*
24 *unemployment benefits paid by the State.*

1 (B) *OPPORTUNITY FOR HEARING.*—No re-
2 payment shall be required, and no deduction
3 shall be made, until a determination has been
4 made, notice thereof and an opportunity for a
5 fair hearing has been given to the individual,
6 and the determination has become final.

7 (4) *REVIEW.*—Any determination by a State
8 agency under this section shall be subject to review in
9 the same manner and to the same extent as deter-
10 minations under the State unemployment compensa-
11 tion law, and only in that manner and to that extent.

12 (g) *APPLICATION TO OTHER UNEMPLOYMENT BENE-*
13 *FITS.*—Each agreement under this section shall include pro-
14 *visions to provide that the purposes of the preceding provi-*
15 *sions of this section shall be applied with respect to unem-*
16 *ployment benefits described in subsection (i)(2) to the same*
17 *extent and in the same manner as if those benefits were*
18 *regular compensation.*

19 (h) *DISREGARD OF ADDITIONAL COMPENSATION FOR*
20 *PURPOSES OF MEDICAID AND CHIP.*—The monthly equiva-
21 *lent of any Federal pandemic unemployment compensation*
22 *paid to an individual under this section shall be dis-*
23 *regarded when determining income for any purpose under*
24 *the programs established under titles XIX and title XXI of*

1 *the Social Security Act (42 U.S.C. 1396 et seq., 1397aa et*
2 *seq.) .*

3 (i) *DEFINITIONS.—For purposes of this section—*

4 (1) *the terms “compensation”, “regular com-*
5 *pen-sation”, “benefit year”, “State”, “State agency”,*
6 *“State law”, and “week” have the respective meanings*
7 *given such terms under section 205 of the Federal-*
8 *State Extended Unemployment Compensation Act of*
9 *1970 (26 U.S.C. 3304 note); and*

10 (2) *any reference to unemployment benefits de-*
11 *scribed in this paragraph shall be considered to refer*
12 *to—*

13 (A) *extended compensation (as defined by*
14 *section 205 of the Federal-State Extended Unem-*
15 *ployment Compensation Act of 1970);*

16 (B) *regular compensation (as defined by*
17 *section 85(b) of the Internal Revenue Code of*
18 *1986) provided under any program administered*
19 *by a State under an agreement with the Sec-*
20 *retary;*

21 (C) *pandemic unemployment assistance*
22 *under section 2102; and*

23 (D) *pandemic emergency unemployment*
24 *compensation under section 2107.*

1 **SEC. 2105. TEMPORARY FULL FEDERAL FUNDING OF THE**
2 **FIRST WEEK OF COMPENSABLE REGULAR UN-**
3 **EMPLOYMENT FOR STATES WITH NO WAITING**
4 **WEEK.**

5 (a) *FEDERAL-STATE AGREEMENTS.*—Any State which
6 desires to do so may enter into and participate in an agree-
7 ment under this section with the Secretary of Labor (in this
8 section referred to as the “Secretary”). Any State which is
9 a party to an agreement under this section may, upon pro-
10 viding 30 days’ written notice to the Secretary, terminate
11 such agreement.

12 (b) *REQUIREMENT THAT STATE LAW DOES NOT*
13 *APPLY A WAITING WEEK.*—A State is eligible to enter into
14 an agreement under this section if the State law (including
15 a waiver of State law) provides that compensation is paid
16 to individuals for their first week of regular unemployment
17 without a waiting week. An agreement under this section
18 shall not apply (or shall cease to apply) with respect to
19 a State upon a determination by the Secretary that the
20 State law no longer meets the requirement under the pre-
21 ceding sentence.

22 (c) *PAYMENTS TO STATES.*—

23 (1) *FULL REIMBURSEMENT.*—There shall be paid
24 to each State which has entered into an agreement
25 under this section an amount equal to 100 percent
26 of—

1 (A) *the total amount of regular compensa-*
2 *tion paid to individuals by the State for their*
3 *first week of regular unemployment; and*

4 (B) *any additional administrative expenses*
5 *incurred by the State by reason of such agree-*
6 *ment (as determined by the Secretary).*

7 (2) *TERMS OF PAYMENTS.—Sums payable to any*
8 *State by reason of such State's having an agreement*
9 *under this section shall be payable, either in advance*
10 *or by way of reimbursement (as determined by the*
11 *Secretary), in such amounts as the Secretary esti-*
12 *mates the State will be entitled to receive under this*
13 *section for each calendar month, reduced or increased,*
14 *as the case may be, by any amount by which the Sec-*
15 *retary finds that his estimates for any prior calendar*
16 *month were greater or less than the amounts which*
17 *should have been paid to the State. Such estimates*
18 *may be made on the basis of such statistical, sam-*
19 *pling, or other method as may be agreed upon by the*
20 *Secretary and the State agency of the State involved.*

21 (d) *FUNDING.—*

22 (1) *COMPENSATION.—*

23 (A) *IN GENERAL.—Funds in the Federal*
24 *unemployment account (as established by section*
25 *905(g)) of the Unemployment Trust Fund (as es-*

1 *established by section 904(a)) shall be used to*
2 *make payments under subsection (c)(1)(A).*

3 *(B) TRANSFER OF FUNDS.—Notwith-*
4 *standing any other provision of law, the Sec-*
5 *retary of the Treasury shall transfer from the*
6 *general fund of the Treasury (from funds not*
7 *otherwise appropriated) to the Federal unem-*
8 *ployment account such sums as the Secretary of*
9 *Labor estimates to be necessary to make pay-*
10 *ments described in subparagraph (A). There are*
11 *appropriated from the general fund of the Treas-*
12 *ury, without fiscal year limitation, the sums re-*
13 *ferred to in the preceding sentence and such*
14 *sums shall not be required to be repaid.*

15 *(2) ADMINISTRATIVE EXPENSES.—*

16 *(A) IN GENERAL.—Funds in the employ-*
17 *ment security administration account (as estab-*
18 *lished by section 901(a) of the Social Security*
19 *Act (42 U.S.C. 1105(a)) of the Unemployment*
20 *Trust Fund (as established by section 904(a) of*
21 *such Act (42 U.S.C. 1104(a)) shall be used to*
22 *make payments to States pursuant to subsection*
23 *(c)(1)(B).*

24 *(B) TRANSFER OF FUNDS.—Notwith-*
25 *standing any other provision of law, the Sec-*

1 *retary of the Treasury shall transfer from the*
2 *general fund of the Treasury (from funds not*
3 *otherwise appropriated) to the employment secu-*
4 *urity administration account such sums as the*
5 *Secretary of Labor estimates to be necessary to*
6 *make payments described in subparagraph (A).*
7 *There are appropriated from the general fund of*
8 *the Treasury, without fiscal year limitation, the*
9 *sums referred to in the preceding sentence and*
10 *such sums shall not be required to be repaid.*

11 *(3) CERTIFICATIONS.—The Secretary shall from*
12 *time to time certify to the Secretary of the Treasury*
13 *for payment to each State the sums payable to such*
14 *State under this section.*

15 *(e) APPLICABILITY.—An agreement entered into under*
16 *this section shall apply to weeks of unemployment—*

17 *(1) beginning after the date on which such agree-*
18 *ment is entered into; and*

19 *(2) ending on or before December 31, 2020.*

20 *(f) FRAUD AND OVERPAYMENTS.—The provisions of*
21 *section 2107(e) shall apply with respect to compensation*
22 *paid under an agreement under this section to the same*
23 *extent and in the same manner as in the case of pandemic*
24 *emergency unemployment compensation under such section.*

1 (g) *DEFINITIONS.*—*For purposes of this section, the*
 2 *terms “regular compensation”, “State”, “State agency”,*
 3 *“State law”, and “week” have the respective meanings given*
 4 *such terms under section 205 of the Federal-State Extended*
 5 *Unemployment Compensation Act of 1970 (26 U.S.C. 3304*
 6 *note).*

7 **SEC. 2106. EMERGENCY STATE STAFFING FLEXIBILITY.**

8 Section 4102(b) of the *Emergency Unemployment Sta-*
 9 *bilization and Access Act of 2020 (contained in division*
 10 *D of the Families First Coronavirus Response Act)* is
 11 *amended—*

12 (1) *by striking “or employer experience rating”*
 13 *and inserting “employer experience rating, or, subject*
 14 *to the succeeding sentence, personnel standards on a*
 15 *merit basis”; and*

16 (2) *by adding at the end the following new sen-*
 17 *tence: “The emergency flexibility for personnel stand-*
 18 *ards on a merit basis shall only apply through De-*
 19 *cember 31, 2020, and is limited to engaging of tem-*
 20 *porary staff, rehiring of retirees or former employees*
 21 *on a non-competitive basis, and other temporary ac-*
 22 *tions to quickly process applications and claims.”.*

23 **SEC. 2107. PANDEMIC EMERGENCY UNEMPLOYMENT COM-**
 24 **PENSATION.**

25 (a) *FEDERAL-STATE AGREEMENTS.*—

1 (1) *IN GENERAL.*—*Any State which desires to do*
2 *so may enter into and participate in an agreement*
3 *under this section with the Secretary of Labor (in this*
4 *section referred to as the “Secretary”). Any State*
5 *which is a party to an agreement under this section*
6 *may, upon providing 30 days’ written notice to the*
7 *Secretary, terminate such agreement.*

8 (2) *PROVISIONS OF AGREEMENT.*—*Any agree-*
9 *ment under paragraph (1) shall provide that the*
10 *State agency of the State will make payments of pan-*
11 *demic emergency unemployment compensation to in-*
12 *dividuals who—*

13 (A) *have exhausted all rights to regular*
14 *compensation under the State law or under Fed-*
15 *eral law with respect to a benefit year (excluding*
16 *any benefit year that ended before July 1, 2019);*

17 (B) *have no rights to regular compensation*
18 *with respect to a week under such law or any*
19 *other State unemployment compensation law or*
20 *to compensation under any other Federal law;*

21 (C) *are not receiving compensation with re-*
22 *spect to such week under the unemployment com-*
23 *penetration law of Canada; and*

24 (D) *are able to work, available to work, and*
25 *actively seeking work.*

1 (3) *EXHAUSTION OF BENEFITS.*—For purposes of
2 paragraph (2)(A), an individual shall be deemed to
3 have exhausted such individual’s rights to regular
4 compensation under a State law when—

5 (A) no payments of regular compensation
6 can be made under such law because such indi-
7 vidual has received all regular compensation
8 available to such individual based on employ-
9 ment or wages during such individual’s base pe-
10 riod; or

11 (B) such individual’s rights to such com-
12 pensation have been terminated by reason of the
13 expiration of the benefit year with respect to
14 which such rights existed.

15 (4) *WEEKLY BENEFIT AMOUNT, ETC.*—For pur-
16 poses of any agreement under this section—

17 (A) the amount of pandemic emergency un-
18 employment compensation which shall be pay-
19 able to any individual for any week of total un-
20 employment shall be equal to—

21 (i) the amount of the regular com-
22 pensation (including dependents’ allow-
23 ances) payable to such individual during
24 such individual’s benefit year under the

1 *State law for a week of total unemployment;*

2 *and*

3 *(ii) the amount of Federal Pandemic*

4 *Unemployment Compensation under section*

5 *2104;*

6 *(B) the terms and conditions of the State*

7 *law which apply to claims for regular compensa-*

8 *tion and to the payment thereof (including terms*

9 *and conditions relating to availability for work,*

10 *active search for work, and refusal to accept*

11 *work) shall apply to claims for pandemic emer-*

12 *gency unemployment compensation and the pay-*

13 *ment thereof, except where otherwise inconsistent*

14 *with the provisions of this section or with the*

15 *regulations or operating instructions of the Sec-*

16 *retary promulgated to carry out this section;*

17 *(C) the maximum amount of pandemic*

18 *emergency unemployment compensation payable*

19 *to any individual for whom an pandemic emer-*

20 *gency unemployment compensation account is*

21 *established under subsection (b) shall not exceed*

22 *the amount established in such account for such*

23 *individual; and*

1 (D) the allowable methods of payment under
2 section 2104(b)(2) shall apply to payments of
3 amounts described in subparagraph (A)(ii).

4 (5) COORDINATION RULE.—An agreement under
5 this section shall apply with respect to a State only
6 upon a determination by the Secretary that, under
7 the State law or other applicable rules of such State,
8 the payment of extended compensation for which an
9 individual is otherwise eligible must be deferred until
10 after the payment of any pandemic emergency unem-
11 ployment compensation under subsection (b) for
12 which the individual is concurrently eligible.

13 (6) NONREDUCTION RULE.—

14 (A) IN GENERAL.—An agreement under this
15 section shall not apply (or shall cease to apply)
16 with respect to a State upon a determination by
17 the Secretary that the method governing the com-
18 putation of regular compensation under the
19 State law of that State has been modified in a
20 manner such that the number of weeks (the max-
21 imum benefit entitlement), or the average weekly
22 benefit amount, of regular compensation which
23 will be payable during the period of the agree-
24 ment will be less than the number of weeks, or
25 the average weekly benefit amount, of the average

1 *weekly benefit amount of regular compensation*
2 *which would otherwise have been payable during*
3 *such period under the State law, as in effect on*
4 *January 1, 2020.*

5 (B) *MAXIMUM BENEFIT ENTITLEMENT.*—*In*
6 *subparagraph (A), the term “maximum benefit*
7 *entitlement” means the amount of regular unem-*
8 *ployment compensation payable to an individual*
9 *with respect to the individual’s benefit year.*

10 (7) *ACTIVELY SEEKING WORK.*—

11 (A) *IN GENERAL.*—*Subject to subparagraph*
12 *(C), for purposes of paragraph (2)(D), the term*
13 *“actively seeking work” means, with respect to*
14 *any individual, that such individual—*

15 (i) *is registered for employment serv-*
16 *ices in such a manner and to such extent as*
17 *prescribed by the State agency;*

18 (ii) *has engaged in an active search for*
19 *employment that is appropriate in light of*
20 *the employment available in the labor mar-*
21 *ket, the individual’s skills and capabilities,*
22 *and includes a number of employer contacts*
23 *that is consistent with the standards com-*
24 *municated to the individual by the State;*

1 (iii) has maintained a record of such
 2 work search, including employers contacted,
 3 method of contact, and date contacted; and
 4 (iv) when requested, has provided such
 5 work search record to the State agency.

6 (B) *FLEXIBILITY*.—Notwithstanding the re-
 7 quirements under subparagraph (A) and para-
 8 graph (2)(D), a State shall provide flexibility in
 9 meeting such requirements in case of individuals
 10 unable to search for work because of COVID–19,
 11 including because of illness, quarantine, or move-
 12 ment restriction.

13 (b) *PANDEMIC EMERGENCY UNEMPLOYMENT COM-*
 14 *PENSATION ACCOUNT*.—

15 (1) *IN GENERAL*.—Any agreement under this sec-
 16 tion shall provide that the State will establish, for
 17 each eligible individual who files an application for
 18 pandemic emergency unemployment compensation, an
 19 pandemic emergency unemployment compensation ac-
 20 count with respect to such individual’s benefit year.

21 (2) *AMOUNT IN ACCOUNT*.—The amount estab-
 22 lished in an account under subsection (a) shall be
 23 equal to 13 times the individual’s average weekly ben-
 24 efit amount, which includes the amount of Federal

1 *Pandemic Unemployment Compensation under sec-*
2 *tion 2104, for the benefit year.*

3 (3) *WEEKLY BENEFIT AMOUNT.*—*For purposes of*
4 *this subsection, an individual’s weekly benefit amount*
5 *for any week is the amount of regular compensation*
6 *(including dependents’ allowances) under the State*
7 *law payable to such individual for such week for total*
8 *unemployment plus the amount of Federal Pandemic*
9 *Unemployment Compensation under section 2104.*

10 (c) *PAYMENTS TO STATES HAVING AGREEMENTS FOR*
11 *THE PAYMENT OF PANDEMIC EMERGENCY UNEMPLOYMENT*
12 *COMPENSATION.*—

13 (1) *IN GENERAL.*—*There shall be paid to each*
14 *State that has entered into an agreement under this*
15 *section an amount equal to 100 percent of the pan-*
16 *demic emergency unemployment compensation paid*
17 *to individuals by the State pursuant to such agree-*
18 *ment.*

19 (2) *TREATMENT OF REIMBURSABLE COMPENSA-*
20 *TION.*—*No payment shall be made to any State under*
21 *this section in respect of any compensation to the ex-*
22 *tent the State is entitled to reimbursement in respect*
23 *of such compensation under the provisions of any*
24 *Federal law other than this section or chapter 85 of*
25 *title 5, United States Code. A State shall not be enti-*

1 *tled to any reimbursement under such chapter 85 in*
2 *respect of any compensation to the extent the State is*
3 *entitled to reimbursement under this section in re-*
4 *spect of such compensation.*

5 (3) *DETERMINATION OF AMOUNT.*—*Sums pay-*
6 *able to any State by reason of such State having an*
7 *agreement under this section shall be payable, either*
8 *in advance or by way of reimbursement (as may be*
9 *determined by the Secretary), in such amounts as the*
10 *Secretary estimates the State will be entitled to re-*
11 *ceive under this section for each calendar month, re-*
12 *duced or increased, as the case may be, by any*
13 *amount by which the Secretary finds that the Sec-*
14 *retary's estimates for any prior calendar month were*
15 *greater or less than the amounts which should have*
16 *been paid to the State. Such estimates may be made*
17 *on the basis of such statistical, sampling, or other*
18 *method as may be agreed upon by the Secretary and*
19 *the State agency of the State involved.*

20 (d) *FINANCING PROVISIONS.*—

21 (1) *COMPENSATION.*—

22 (A) *IN GENERAL.*—*Funds in the extended*
23 *unemployment compensation account (as estab-*
24 *lished by section 905(a) of the Social Security*
25 *Act (42 U.S.C. 1105(a)) of the Unemployment*

1 *Trust Fund (as established by section 904(a) of*
2 *such Act (42 U.S.C. 1104(a)) shall be used for*
3 *the making of payments to States having agree-*
4 *ments entered into under this section.*

5 (B) *TRANSFER OF FUNDS.—Notwith-*
6 *standing any other provision of law, the Sec-*
7 *retary of the Treasury shall transfer from the*
8 *general fund of the Treasury (from funds not*
9 *otherwise appropriated) to the extended unem-*
10 *ployment compensation account such sums as the*
11 *Secretary of Labor estimates to be necessary to*
12 *make payments described in subparagraph (A).*
13 *There are appropriated from the general fund of*
14 *the Treasury, without fiscal year limitation, the*
15 *sums referred to in the preceding sentence and*
16 *such sums shall not be required to be repaid.*

17 (2) *ADMINISTRATION.—*

18 (A) *IN GENERAL.—There are appropriated*
19 *out of the employment security administration*
20 *account (as established by section 901(a) of the*
21 *Social Security Act (42 U.S.C. 1101(a)) of the*
22 *Unemployment Trust Fund, without fiscal year*
23 *limitation, such funds as may be necessary for*
24 *purposes of assisting States (as provided in title*
25 *III of the Social Security Act (42 U.S.C. 501 et*

1 *seq.)) in meeting the costs of administration of*
2 *agreements under this section.*

3 (B) *TRANSFER OF FUNDS.—Notwith-*
4 *standing any other provision of law, the Sec-*
5 *retary of the Treasury shall transfer from the*
6 *general fund of the Treasury (from funds not*
7 *otherwise appropriated) to the employment secu-*
8 *rity administration account such sums as the*
9 *Secretary of Labor estimates to be necessary to*
10 *make payments described in subparagraph (A).*
11 *There are appropriated from the general fund of*
12 *the Treasury, without fiscal year limitation, the*
13 *sums referred to in the preceding sentence and*
14 *such sums shall not be required to be repaid.*

15 (3) *CERTIFICATION.—The Secretary shall from*
16 *time to time certify to the Secretary of the Treasury*
17 *for payment to each State the sums payable to such*
18 *State under this subsection. The Secretary of the*
19 *Treasury, prior to audit or settlement by the Govern-*
20 *ment Accountability Office, shall make payments to*
21 *the State in accordance with such certification, by*
22 *transfers from the extended unemployment compensa-*
23 *tion account (as so established) to the account of such*
24 *State in the Unemployment Trust Fund (as so estab-*
25 *lished).*

1 (e) *FRAUD AND OVERPAYMENTS.*—

2 (1) *IN GENERAL.*—*If an individual knowingly*
3 *has made, or caused to be made by another, a false*
4 *statement or representation of a material fact, or*
5 *knowingly has failed, or caused another to fail, to dis-*
6 *close a material fact, and as a result of such false*
7 *statement or representation or of such nondisclosure*
8 *such individual has received an amount of pandemic*
9 *emergency unemployment compensation under this*
10 *section to which such individual was not entitled,*
11 *such individual—*

12 (A) *shall be ineligible for further pandemic*
13 *emergency unemployment compensation under*
14 *this section in accordance with the provisions of*
15 *the applicable State unemployment compensa-*
16 *tion law relating to fraud in connection with a*
17 *claim for unemployment compensation; and*

18 (B) *shall be subject to prosecution under*
19 *section 1001 of title 18, United States Code.*

20 (2) *REPAYMENT.*—*In the case of individuals who*
21 *have received amounts of pandemic emergency unem-*
22 *ployment compensation under this section to which*
23 *they were not entitled, the State shall require such in-*
24 *dividuals to repay the amounts of such pandemic*
25 *emergency unemployment compensation to the State*

1 *agency, except that the State agency may waive such*
2 *repayment if it determines that—*

3 *(A) the payment of such pandemic emer-*
4 *gency unemployment compensation was without*
5 *fault on the part of any such individual; and*

6 *(B) such repayment would be contrary to*
7 *equity and good conscience.*

8 *(3) RECOVERY BY STATE AGENCY.—*

9 *(A) IN GENERAL.—The State agency shall*
10 *recover the amount to be repaid, or any part*
11 *thereof, by deductions from any pandemic emer-*
12 *gency unemployment compensation payable to*
13 *such individual under this section or from any*
14 *unemployment compensation payable to such in-*
15 *dividual under any State or Federal unemploy-*
16 *ment compensation law administered by the*
17 *State agency or under any other State or Fed-*
18 *eral law administered by the State agency which*
19 *provides for the payment of any assistance or al-*
20 *lowance with respect to any week of unemploy-*
21 *ment, during the 3-year period after the date*
22 *such individuals received the payment of the*
23 *pandemic emergency unemployment compensa-*
24 *tion to which they were not entitled, in accord-*
25 *ance with the same procedures as apply to the*

1 *recovery of overpayments of regular unemploy-*
2 *ment benefits paid by the State.*

3 (B) *OPPORTUNITY FOR HEARING.*—*No re-*
4 *payment shall be required, and no deduction*
5 *shall be made, until a determination has been*
6 *made, notice thereof and an opportunity for a*
7 *fair hearing has been given to the individual,*
8 *and the determination has become final.*

9 (4) *REVIEW.*—*Any determination by a State*
10 *agency under this section shall be subject to review in*
11 *the same manner and to the same extent as deter-*
12 *minations under the State unemployment compensa-*
13 *tion law, and only in that manner and to that extent.*

14 (f) *DEFINITIONS.*—*In this section, the terms “com-*
15 *ensation”, “regular compensation”, “extended compensa-*
16 *tion”, “benefit year”, “base period”, “State”, “State agen-*
17 *cy”, “State law”, and “week” have the respective meanings*
18 *given such terms under section 205 of the Federal-State Ex-*
19 *tended Unemployment Compensation Act of 1970 (26*
20 *U.S.C. 3304 note).*

21 (g) *APPLICABILITY.*—*An agreement entered into under*
22 *this section shall apply to weeks of unemployment—*

23 (1) *beginning after the date on which such agree-*
24 *ment is entered into; and*

25 (2) *ending on or before December 31, 2020.*

1 **SEC. 2108. TEMPORARY FINANCING OF SHORT-TIME COM-**
2 **PENSATION PAYMENTS IN STATES WITH PRO-**
3 **GRAMS IN LAW.**

4 (a) *PAYMENTS TO STATES.*—

5 (1) *IN GENERAL.*—*Subject to paragraph (3),*
6 *there shall be paid to a State an amount equal to 100*
7 *percent of the amount of short-time compensation*
8 *paid under a short-time compensation program (as*
9 *defined in section 3306(v) of the Internal Revenue*
10 *Code of 1986) under the provisions of the State law.*

11 (2) *TERMS OF PAYMENTS.*—*Payments made to a*
12 *State under paragraph (1) shall be payable by way*
13 *of reimbursement in such amounts as the Secretary*
14 *estimates the State will be entitled to receive under*
15 *this section for each calendar month, reduced or in-*
16 *creased, as the case may be, by any amount by which*
17 *the Secretary finds that the Secretary's estimates for*
18 *any prior calendar month were greater or less than*
19 *the amounts which should have been paid to the*
20 *State. Such estimates may be made on the basis of*
21 *such statistical, sampling, or other method as may be*
22 *agreed upon by the Secretary and the State agency of*
23 *the State involved.*

24 (3) *LIMITATIONS ON PAYMENTS.*—

25 (A) *GENERAL PAYMENT LIMITATIONS.*—*No*
26 *payments shall be made to a State under this*

1 *section for short-time compensation paid to an*
2 *individual by the State during a benefit year in*
3 *excess of 26 times the amount of regular com-*
4 *ensation (including dependents' allowances)*
5 *under the State law payable to such individual*
6 *for a week of total unemployment.*

7 (B) *EMPLOYER LIMITATIONS.*—*No pay-*
8 *ments shall be made to a State under this section*
9 *for benefits paid to an individual by the State*
10 *under a short-time compensation program if*
11 *such individual is employed by the participating*
12 *employer on a seasonal, temporary, or intermit-*
13 *tent basis.*

14 (b) *APPLICABILITY.*—*Payments to a State under sub-*
15 *section (a) shall be available for weeks of unemployment—*

16 (1) *beginning on or after the date of the enact-*
17 *ment of this Act; and*

18 (2) *ending on or before December 31, 2020.*

19 (c) *NEW PROGRAMS.*—*Subject to subsection (b)(2), if*
20 *at any point after the date of the enactment of this Act*
21 *the State enacts a State law providing for the payment of*
22 *short-time compensation under a short-time compensation*
23 *program that meets the definition of such a program under*
24 *section 3306(v) of the Internal Revenue Code of 1986, the*

1 *State shall be eligible for payments under this section after*
2 *the effective date of such enactment.*

3 *(d) FUNDING AND CERTIFICATIONS.—*

4 *(1) FUNDING.—There are appropriated, out of*
5 *moneys in the Treasury not otherwise appropriated,*
6 *such sums as may be necessary for purposes of car-*
7 *rying out this section.*

8 *(2) CERTIFICATIONS.—The Secretary shall from*
9 *time to time certify to the Secretary of the Treasury*
10 *for payment to each State the sums payable to such*
11 *State under this section.*

12 *(e) DEFINITIONS.—In this section:*

13 *(1) SECRETARY.—The term “Secretary” means*
14 *the Secretary of Labor.*

15 *(2) STATE; STATE AGENCY; STATE LAW.—The*
16 *terms “State”, “State agency”, and “State law” have*
17 *the meanings given those terms in section 205 of the*
18 *Federal-State Extended Unemployment Compensation*
19 *Act of 1970 (26 U.S.C. 3304 note).*

20 *(f) TECHNICAL CORRECTION TO DEFINITION.—Section*
21 *3306(v)(6) of the Internal Revenue Code of 1986 (26 U.S.C.*
22 *3306) is amended by striking “Workforce Investment Act*
23 *of 1998” and inserting “Workforce Innovation and Oppor-*
24 *tunity Act”.*

1 **SEC. 2109. TEMPORARY FINANCING OF SHORT-TIME COM-**
2 **PENSATION AGREEMENTS.**

3 (a) *FEDERAL-STATE AGREEMENTS.*—

4 (1) *IN GENERAL.*—*Any State which desires to do*
5 *so may enter into, and participate in, an agreement*
6 *under this section with the Secretary provided that*
7 *such State's law does not provide for the payment of*
8 *short-time compensation under a short-time com-*
9 *pen- sation program (as defined in section 3306(v) of*
10 *the Internal Revenue Code of 1986).*

11 (2) *ABILITY TO TERMINATE.*—*Any State which*
12 *is a party to an agreement under this section may,*
13 *upon providing 30 days' written notice to the Sec-*
14 *retary, terminate such agreement.*

15 (b) *PROVISIONS OF FEDERAL-STATE AGREEMENT.*—

16 (1) *IN GENERAL.*—*Any agreement under this sec-*
17 *tion shall provide that the State agency of the State*
18 *will make payments of short-time compensation under*
19 *a plan approved by the State. Such plan shall pro-*
20 *vide that payments are made in accordance with the*
21 *requirements under section 3306(v) of the Internal*
22 *Revenue Code of 1986.*

23 (2) *LIMITATIONS ON PLANS.*—

24 (A) *GENERAL PAYMENT LIMITATIONS.*—*A*
25 *short-time compensation plan approved by a*
26 *State shall not permit the payment of short-time*

1 *compensation to an individual by the State dur-*
2 *ing a benefit year in excess of 26 times the*
3 *amount of regular compensation (including de-*
4 *pendents' allowances) under the State law pay-*
5 *able to such individual for a week of total unem-*
6 *ployment.*

7 (B) *EMPLOYER LIMITATIONS.*—*A short-time*
8 *compensation plan approved by a State shall not*
9 *provide payments to an individual if such indi-*
10 *vidual is employed by the participating em-*
11 *ployer on a seasonal, temporary, or intermittent*
12 *basis.*

13 (3) *EMPLOYER PAYMENT OF COSTS.*—*Any short-*
14 *time compensation plan entered into by an employer*
15 *must provide that the employer will pay the State an*
16 *amount equal to one-half of the amount of short-time*
17 *compensation paid under such plan. Such amount*
18 *shall be deposited in the State's unemployment fund*
19 *and shall not be used for purposes of calculating an*
20 *employer's contribution rate under section 3303(a)(1)*
21 *of the Internal Revenue Code of 1986.*

22 (c) *PAYMENTS TO STATES.*—

23 (1) *IN GENERAL.*—*There shall be paid to each*
24 *State with an agreement under this section an*
25 *amount equal to—*

1 (A) *one-half of the amount of short-time*
2 *compensation paid to individuals by the State*
3 *pursuant to such agreement; and*

4 (B) *any additional administrative expenses*
5 *incurred by the State by reason of such agree-*
6 *ment (as determined by the Secretary).*

7 (2) *TERMS OF PAYMENTS.—Payments made to a*
8 *State under paragraph (1) shall be payable by way*
9 *of reimbursement in such amounts as the Secretary*
10 *estimates the State will be entitled to receive under*
11 *this section for each calendar month, reduced or in-*
12 *creased, as the case may be, by any amount by which*
13 *the Secretary finds that the Secretary's estimates for*
14 *any prior calendar month were greater or less than*
15 *the amounts which should have been paid to the*
16 *State. Such estimates may be made on the basis of*
17 *such statistical, sampling, or other method as may be*
18 *agreed upon by the Secretary and the State agency of*
19 *the State involved.*

20 (3) *FUNDING.—There are appropriated, out of*
21 *moneys in the Treasury not otherwise appropriated,*
22 *such sums as may be necessary for purposes of car-*
23 *rying out this section.*

24 (4) *CERTIFICATIONS.—The Secretary shall from*
25 *time to time certify to the Secretary of the Treasury*

1 for payment to each State the sums payable to such
2 State under this section.

3 (d) *APPLICABILITY.*—An agreement entered into under
4 this section shall apply to weeks of unemployment—

5 (1) beginning on or after the date on which such
6 agreement is entered into; and

7 (2) ending on or before December 31, 2020.

8 (e) *SPECIAL RULE.*—If a State has entered into an
9 agreement under this section and subsequently enacts a
10 State law providing for the payment of short-time com-
11 pensation under a short-time compensation program that
12 meets the definition of such a program under section
13 3306(v) of the Internal Revenue Code of 1986, the State—

14 (1) shall not be eligible for payments under this
15 section for weeks of unemployment beginning after the
16 effective date of such State law; and

17 (2) subject to section 2108(b)(2), shall be eligible
18 to receive payments under section 2108 after the effec-
19 tive date of such State law.

20 (f) *DEFINITIONS.*—In this section:

21 (1) *SECRETARY.*—The term “Secretary” means
22 the Secretary of Labor.

23 (2) *STATE; STATE AGENCY; STATE LAW.*—The
24 terms “State”, “State agency”, and “State law” have
25 the meanings given those terms in section 205 of the

1 *Federal-State Extended Unemployment Compensation*
2 *Act of 1970 (26 U.S.C. 3304 note).*

3 **SEC. 2110. GRANTS FOR SHORT-TIME COMPENSATION PRO-**
4 **GRAMS.**

5 (a) GRANTS.—

6 (1) FOR IMPLEMENTATION OR IMPROVED ADMIN-
7 ISTRATION.—*The Secretary shall award grants to*
8 *States that enact short-time compensation programs*
9 *(as defined in subsection (i)(2)) for the purpose of im-*
10 *plementation or improved administration of such*
11 *programs.*

12 (2) FOR PROMOTION AND ENROLLMENT.—*The*
13 *Secretary shall award grants to States that are eligi-*
14 *ble and submit plans for a grant under paragraph (1)*
15 *for such States to promote and enroll employers in*
16 *short-time compensation programs (as so defined).*

17 (3) ELIGIBILITY.—

18 (A) IN GENERAL.—*The Secretary shall de-*
19 *termine eligibility criteria for the grants under*
20 *paragraphs (1) and (2).*

21 (B) CLARIFICATION.—*A State admin-*
22 *istering a short-time compensation program that*
23 *does not meet the definition of a short-time com-*
24 *ensation program under section 3306(v) of the*
25 *Internal Revenue Code of 1986, and a State with*

1 *an agreement under section 2109, shall not be el-*
2 *igible to receive a grant under this section until*
3 *such time as the State law of the State provides*
4 *for payments under a short-time compensation*
5 *program that meets such definition and such*
6 *law.*

7 *(b) AMOUNT OF GRANTS.—*

8 *(1) IN GENERAL.—The maximum amount avail-*
9 *able for making grants to a State under paragraphs*
10 *(1) and (2) shall be equal to the amount obtained by*
11 *multiplying \$100,000,000 (less the amount used by*
12 *the Secretary under subsection (e)) by the same ratio*
13 *as would apply under subsection (a)(2)(B) of section*
14 *903 of the Social Security Act (42 U.S.C. 1103) for*
15 *purposes of determining such State's share of any ex-*
16 *cess amount (as described in subsection (a)(1) of such*
17 *section) that would have been subject to transfer to*
18 *State accounts, as of October 1, 2019, under the pro-*
19 *visions of subsection (a) of such section.*

20 *(2) AMOUNT AVAILABLE FOR DIFFERENT*
21 *GRANTS.—Of the maximum incentive payment deter-*
22 *mined under paragraph (1) with respect to a State—*

23 *(A) one-third shall be available for a grant*
24 *under subsection (a)(1); and*

1 (B) *two-thirds shall be available for a grant*
2 *under subsection (a)(2).*

3 (c) *GRANT APPLICATION AND DISBURSAL.—*

4 (1) *APPLICATION.—Any State seeking a grant*
5 *under paragraph (1) or (2) of subsection (a) shall*
6 *submit an application to the Secretary at such time,*
7 *in such manner, and complete with such information*
8 *as the Secretary may require. In no case may the*
9 *Secretary award a grant under this section with re-*
10 *spect to an application that is submitted after Decem-*
11 *ber 31, 2023.*

12 (2) *NOTICE.—The Secretary shall, within 30*
13 *days after receiving a complete application, notify the*
14 *State agency of the State of the Secretary’s findings*
15 *with respect to the requirements for a grant under*
16 *paragraph (1) or (2) (or both) of subsection (a).*

17 (3) *CERTIFICATION.—If the Secretary finds that*
18 *the State law provisions meet the requirements for a*
19 *grant under subsection (a), the Secretary shall there-*
20 *upon make a certification to that effect to the Sec-*
21 *retary of the Treasury, together with a certification as*
22 *to the amount of the grant payment to be transferred*
23 *to the State account in the Unemployment Trust*
24 *Fund (as established in section 904(a) of the Social*
25 *Security Act (42 U.S.C. 1104(a))) pursuant to that*

1 *finding. The Secretary of the Treasury shall make the*
2 *appropriate transfer to the State account within 7*
3 *days after receiving such certification.*

4 (4) *REQUIREMENT.*—*No certification of compli-*
5 *ance with the requirements for a grant under para-*
6 *graph (1) or (2) of subsection (a) may be made with*
7 *respect to any State whose—*

8 (A) *State law is not otherwise eligible for*
9 *certification under section 303 of the Social Se-*
10 *curity Act (42 U.S.C. 503) or approvable under*
11 *section 3304 of the Internal Revenue Code of*
12 *1986; or*

13 (B) *short-time compensation program is*
14 *subject to discontinuation or is not scheduled to*
15 *take effect within 12 months of the certification.*

16 (d) *USE OF FUNDS.*—*The amount of any grant award-*
17 *ed under this section shall be used for the implementation*
18 *of short-time compensation programs and the overall ad-*
19 *ministration of such programs and the promotion and en-*
20 *rollment efforts associated with such programs, such as*
21 *through—*

22 (1) *the creation or support of rapid response*
23 *teams to advise employers about alternatives to lay-*
24 *offs;*

1 (2) *the provision of education or assistance to*
2 *employers to enable them to assess the feasibility of*
3 *participating in short-time compensation programs;*
4 *and*

5 (3) *the development or enhancement of systems to*
6 *automate—*

7 (A) *the submission and approval of plans;*
8 *and*

9 (B) *the filing and approval of new and on-*
10 *going short-time compensation claims.*

11 (e) *ADMINISTRATION.—The Secretary is authorized to*
12 *use 0.25 percent of the funds available under subsection (g)*
13 *to provide for outreach and to share best practices with re-*
14 *spect to this section and short-time compensation programs.*

15 (f) *RECOUPMENT.—The Secretary shall establish a*
16 *process under which the Secretary shall recoup the amount*
17 *of any grant awarded under paragraph (1) or (2) of sub-*
18 *section (a) if the Secretary determines that, during the 5-*
19 *year period beginning on the first date that any such grant*
20 *is awarded to the State, the State—*

21 (1) *terminated the State’s short-time compensa-*
22 *tion program; or*

23 (2) *failed to meet appropriate requirements with*
24 *respect to such program (as established by the Sec-*
25 *retary).*

1 (g) *FUNDING.*—*There are appropriated, out of moneys*
 2 *in the Treasury not otherwise appropriated, to the Sec-*
 3 *retary, \$100,000,000 to carry out this section, to remain*
 4 *available without fiscal year limitation.*

5 (h) *REPORTING.*—*The Secretary may establish report-*
 6 *ing requirements for States receiving a grant under this*
 7 *section in order to provide oversight of grant funds.*

8 (i) *DEFINITIONS.*—*In this section:*

9 (1) *SECRETARY.*—*The term “Secretary” means*
 10 *the Secretary of Labor.*

11 (2) *SHORT-TIME COMPENSATION PROGRAM.*—*The*
 12 *term “short-time compensation program” has the*
 13 *meaning given such term in section 3306(v) of the In-*
 14 *ternal Revenue Code of 1986.*

15 (3) *STATE; STATE AGENCY; STATE LAW.*—*The*
 16 *terms “State”, “State agency”, and “State law” have*
 17 *the meanings given those terms in section 205 of the*
 18 *Federal-State Extended Unemployment Compensation*
 19 *Act of 1970 (26 U.S.C. 3304 note).*

20 **SEC. 2111. ASSISTANCE AND GUIDANCE IN IMPLEMENTING**
 21 **PROGRAMS.**

22 (a) *IN GENERAL.*—*In order to assist States in estab-*
 23 *lishing, qualifying, and implementing short-time com-*
 24 *pensation programs (as defined in section 3306(v) of the*

1 *Internal Revenue Code of 1986), the Secretary of Labor (in*
2 *this section referred to as the “Secretary”) shall—*

3 (1) *develop model legislative language, or dis-*
4 *seminate existing model legislative language, which*
5 *may be used by States in developing and enacting*
6 *such programs, and periodically review and revise*
7 *such model legislative language;*

8 (2) *provide technical assistance and guidance in*
9 *developing, enacting, and implementing such pro-*
10 *grams; and*

11 (3) *establish reporting requirements for States,*
12 *including reporting on—*

13 (A) *the number of estimated averted layoffs;*

14 (B) *the number of participating employers*
15 *and workers; and*

16 (C) *such other items as the Secretary of*
17 *Labor determines are appropriate.*

18 (b) *MODEL LANGUAGE AND GUIDANCE.—The model*
19 *language and guidance developed under subsection (a) shall*
20 *allow sufficient flexibility by States and participating em-*
21 *ployers while ensuring accountability and program integ-*
22 *riety.*

23 (c) *CONSULTATION.—In developing the model legisla-*
24 *tive language and guidance under subsection (a), and in*
25 *order to meet the requirements of subsection (b), the Sec-*

1 *retary shall consult with employers, labor organizations,*
 2 *State workforce agencies, and other program experts. Exist-*
 3 *ing model legislative language that has been developed*
 4 *through such a consultative process shall be deemed to meet*
 5 *the consultation requirement of this subsection.*

6 (d) *REPEAL.—Section 4104 of the Emergency Unem-*
 7 *ployment Stabilization and Access Act of 2020 (contained*
 8 *in division D of the Families First Coronavirus Response*
 9 *Act) is repealed.*

10 **SEC. 2112. WAIVER OF THE 7-DAY WAITING PERIOD FOR**
 11 **BENEFITS UNDER THE RAILROAD UNEMPLOY-**
 12 **MENT INSURANCE ACT.**

13 (a) *NO WAITING WEEK.—With respect to any registra-*
 14 *tion period beginning after the date of enactment of this*
 15 *Act and ending on or before December 31, 2020, subpara-*
 16 *graphs (A)(ii) and (B)(ii) of section 2(a)(1) of the Railroad*
 17 *Unemployment Insurance Act (45 U.S.C. 352(a)(1)) shall*
 18 *not apply.*

19 (b) *OPERATING INSTRUCTIONS AND REGULATIONS.—*
 20 *The Railroad Retirement Board may prescribe any oper-*
 21 *ating instructions or regulations necessary to carry out this*
 22 *section.*

23 (c) *FUNDING.—Out of any funds in the Treasury not*
 24 *otherwise appropriated, there are appropriated \$50,000,000*
 25 *to cover the costs of additional benefits payable due to the*

1 application of subsection (a). Upon the exhaustion of the
2 funds appropriated under this subsection, subsection (a)
3 shall no longer apply with respect to any registration pe-
4 riod beginning after the date of exhaustion of funds.

5 (d) *DEFINITION OF REGISTRATION PERIOD.*—For pur-
6 poses of this section, the term “registration period” has the
7 meaning given such term under section 1 of the Railroad
8 Unemployment Insurance Act (45 U.S.C. 351).

9 **SEC. 2113. ENHANCED BENEFITS UNDER THE RAILROAD**
10 **UNEMPLOYMENT INSURANCE ACT.**

11 Section 2(a) of the Railroad Unemployment Insurance
12 Act (45 U.S.C. § 352(a)) is amended by adding at the end
13 the following:

14 “(5)(A) Notwithstanding paragraph (3), subsection
15 (c)(1)(B), and any other limitation on total benefits in this
16 Act, for registration periods beginning on or after April 1,
17 2020, but on or before July 31, 2020, a recovery benefit
18 in the amount of \$1,200 shall be payable to a qualified em-
19 ployee with respect to any registration period in which the
20 employee received unemployment benefits under paragraph
21 (1)(A), and in any registration period in which the em-
22 ployee did not receive unemployment benefits due to the
23 limitation in subsection (c)(1)(B) or due to reaching the
24 maximum number of days of benefits in the benefit year
25 beginning July 1, 2019, under subsection (c)(1)(A). No re-

1 *covery benefits shall be payable under this section upon the*
 2 *exhaustion of the funds appropriated under subparagraph*
 3 *(B) for payment of benefits under this subparagraph.*

4 “(B) Out of any funds in the Treasury not otherwise
 5 appropriated, there are appropriated \$425,000,000 to cover
 6 the cost of recovery benefits provided under subparagraph
 7 (A), to remain available until expended.”.

8 **SEC. 2114. EXTENDED UNEMPLOYMENT BENEFITS UNDER**
 9 **THE RAILROAD UNEMPLOYMENT INSURANCE**
 10 **ACT.**

11 (a) *EXTENSION.*—Section 2(c)(2)(D)(iii) of the Rail-
 12 road Unemployment Insurance Act (45 U.S.C.
 13 352(c)(2)(D)(iii) is amended—

14 (1) by striking “July 1, 2008” and inserting
 15 “July 1, 2019”;

16 (2) by striking “June 30, 2013” and inserting
 17 “June 30, 2020”; and

18 (3) by striking “December 31, 2013” and insert-
 19 ing “December 31, 2020”.

20 (b) *CLARIFICATION ON AUTHORITY TO USE FUNDS.*—
 21 Funds appropriated under either the first or second sen-
 22 tence of clause (iv) of section 2(c)(2)(D) of the Railroad Un-
 23 employment Insurance Act shall be available to cover the
 24 cost of additional extended unemployment benefits provided
 25 under such section 2(c)(2)(D) by reason of the amendments

1 *made by subsection (a) as well as to cover the cost of such*
 2 *benefits provided under such section 2(c)(2)(D) as in effect*
 3 *on the day before the date of enactment of this Act.*

4 **SEC. 2115. FUNDING FOR THE DOL OFFICE OF INSPECTOR**
 5 **GENERAL FOR OVERSIGHT OF UNEMPLOY-**
 6 **MENT PROVISIONS.**

7 *There are appropriated, out of moneys in the Treasury*
 8 *not otherwise appropriated, to the Office of the Inspector*
 9 *General of the Department of Labor, \$25,000,000 to carry*
 10 *out audits, investigations, and other oversight activities au-*
 11 *thorized under the Inspector General Act of 1978 (5 U.S.C.*
 12 *App.) that are related to the provisions of, and amendments*
 13 *made by, this subtitle, to remain available without fiscal*
 14 *year limitation.*

15 **SEC. 2116. IMPLEMENTATION.**

16 *(a) NON-APPLICATION OF THE PAPERWORK REDUC-*
 17 *TION ACT.—Chapter 35 of title 44, United States Code*
 18 *(commonly referred to as the “Paperwork Reduction Act of*
 19 *1995”), shall not apply to the provisions of, and the amend-*
 20 *ments made by, this subtitle.*

21 *(b) OPERATING INSTRUCTIONS OR OTHER GUID-*
 22 *ANCE.—Notwithstanding any other provision of law, the*
 23 *Secretary of Labor may issue any operating instructions*
 24 *or other guidance necessary to carry out the provisions of,*
 25 *or the amendments made by, this subtitle.*

1 ***Subtitle B—Rebates and Other***
2 ***Individual Provisions***

3 **SEC. 2201. 2020 RECOVERY REBATES FOR INDIVIDUALS.**

4 (a) *IN GENERAL.*—Subchapter B of chapter 65 of sub-
5 title F of the Internal Revenue Code of 1986 is amended
6 by inserting after section 6427 the following new section:

7 **“SEC. 6428. 2020 RECOVERY REBATES FOR INDIVIDUALS.**

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

12 “(1) \$1,200 (\$2,400 in the case of eligible indi-
13 viduals filing a joint return), plus

14 “(2) an amount equal to the product of \$500
15 multiplied by the number of qualifying children
16 (within the meaning of section 24(c)) of the taxpayer.

17 “(b) *TREATMENT OF CREDIT.*—The credit allowed by
18 subsection (a) shall be treated as allowed by subpart C of
19 part IV of subchapter A of chapter 1.

20 “(c) *LIMITATION BASED ON ADJUSTED GROSS IN-*
21 *COME.*—The amount of the credit allowed by subsection (a)
22 (determined without regard to this subsection and sub-
23 section (e)) shall be reduced (but not below zero) by 5 per-
24 cent of so much of the taxpayer’s adjusted gross income as
25 exceeds—

1 “(1) \$150,000 in the case of a joint return,

2 “(2) \$112,500 in the case of a head of household,

3 and

4 “(3) \$75,000 in the case of a taxpayer not de-
5 scribed in paragraph (1) or (2).

6 “(d) *ELIGIBLE INDIVIDUAL*.—For purposes of this sec-
7 tion, the term ‘eligible individual’ means any individual
8 other than—

9 “(1) any nonresident alien individual,

10 “(2) any individual with respect to whom a de-
11 duction under section 151 is allowable to another tax-
12 payer for a taxable year beginning in the calendar
13 year in which the individual’s taxable year begins,
14 and

15 “(3) an estate or trust.

16 “(e) *COORDINATION WITH ADVANCE REFUNDS OF*
17 *CREDIT*.—

18 “(1) *IN GENERAL*.—The amount of credit which
19 would (but for this paragraph) be allowable under
20 this section shall be reduced (but not below zero) by
21 the aggregate refunds and credits made or allowed to
22 the taxpayer under subsection (f). Any failure to so
23 reduce the credit shall be treated as arising out of a
24 mathematical or clerical error and assessed according
25 to section 6213(b)(1).

1 “(2) *JOINT RETURNS.*—*In the case of a refund or*
2 *credit made or allowed under subsection (f) with re-*
3 *spect to a joint return, half of such refund or credit*
4 *shall be treated as having been made or allowed to*
5 *each individual filing such return.*

6 “(f) *ADVANCE REFUNDS AND CREDITS.*—

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

14 “(2) *ADVANCE REFUND AMOUNT.*—*For purposes*
15 *of paragraph (1), the advance refund amount is the*
16 *amount that would have been allowed as a credit*
17 *under this section for such taxable year if this section*
18 *(other than subsection (e) and this subsection) had*
19 *applied to such taxable year.*

20 “(3) *TIMING AND MANNER OF PAYMENTS.*—

21 “(A) *TIMING.*—*The Secretary shall, subject*
22 *to the provisions of this title, refund or credit*
23 *any overpayment attributable to this section as*
24 *rapidly as possible. No refund or credit shall be*

1 *made or allowed under this subsection after De-*
2 *cember 31, 2020.*

3 “(B) *DELIVERY OF PAYMENTS.*—*Notwith-*
4 *standing any other provision of law, the Sec-*
5 *retary may certify and disburse refunds payable*
6 *under this subsection electronically to any ac-*
7 *count to which the payee authorized, on or after*
8 *January 1, 2018, the delivery of a refund of*
9 *taxes under this title or of a Federal payment*
10 *(as defined in section 3332 of title 31, United*
11 *States Code).*

12 “(C) *WAIVER OF CERTAIN RULES.*—*Not-*
13 *withstanding section 3325 of title 31, United*
14 *States Code, or any other provision of law, with*
15 *respect to any payment of a refund under this*
16 *subsection, a disbursing official in the executive*
17 *branch of the United States Government may*
18 *modify payment information received from an*
19 *officer or employee described in section*
20 *3325(a)(1)(B) of such title for the purpose of fa-*
21 *ilitating the accurate and efficient delivery of*
22 *such payment. Except in cases of fraud or reck-*
23 *less neglect, no liability under sections 3325,*
24 *3527, 3528, or 3529 of title 31, United States*

1 Code, shall be imposed with respect to payments
2 made under this subparagraph.

3 “(4) *NO INTEREST.*—No interest shall be allowed
4 on any overpayment attributable to this section.

5 “(5) *ALTERNATE TAXABLE YEAR.*—In the case of
6 an individual who, at the time of any determination
7 made pursuant to paragraph (3), has not filed a tax
8 return for the year described in paragraph (1), the
9 Secretary may—

10 “(A) apply such paragraph by substituting
11 ‘2018’ for ‘2019’, and

12 “(B) if the individual has not filed a tax re-
13 turn for such individual’s first taxable year be-
14 ginning in 2018, use information with respect to
15 such individual for calendar year 2019 provided
16 in—

17 “(i) Form SSA-1099, Social Security
18 Benefit Statement, or

19 “(ii) Form RRB-1099, Social Security
20 Equivalent Benefit Statement.

21 “(6) *NOTICE TO TAXPAYER.*—Not later than 15
22 days after the date on which the Secretary distributed
23 any payment to an eligible taxpayer pursuant to this
24 subsection, notice shall be sent by mail to such tax-
25 payer’s last known address. Such notice shall indicate

1 *the method by which such payment was made, the*
2 *amount of such payment, and a phone number for the*
3 *appropriate point of contact at the Internal Revenue*
4 *Service to report any failure to receive such payment.*

5 *“(g) IDENTIFICATION NUMBER REQUIREMENT.—*

6 *“(1) IN GENERAL.—No credit shall be allowed*
7 *under subsection (a) to an eligible individual who*
8 *does not include on the return of tax for the taxable*
9 *year—*

10 *“(A) such individual’s valid identification*
11 *number,*

12 *“(B) in the case of a joint return, the valid*
13 *identification number of such individual’s*
14 *spouse, and*

15 *“(C) in the case of any qualifying child*
16 *taken into account under subsection (a)(2), the*
17 *valid identification number of such qualifying*
18 *child.*

19 *“(2) VALID IDENTIFICATION NUMBER.—*

20 *“(A) IN GENERAL.—For purposes of para-*
21 *graph (1), the term ‘valid identification number’*
22 *means a social security number (as such term is*
23 *defined in section 24(h)(7)).*

24 *“(B) ADOPTION TAXPAYER IDENTIFICATION*
25 *NUMBER.—For purposes of paragraph (1)(C), in*

1 *the case of a qualifying child who is adopted or*
2 *placed for adoption, the term ‘valid identifica-*
3 *tion number’ shall include the adoption taxpayer*
4 *identification number of such child.*

5 “(3) *SPECIAL RULE FOR MEMBERS OF THE*
6 *ARMED FORCES.—Paragraph (1)(B) shall not apply*
7 *in the case where at least 1 spouse was a member of*
8 *the Armed Forces of the United States at any time*
9 *during the taxable year and at least 1 spouse satisfies*
10 *paragraph (1)(A).*

11 “(4) *MATHEMATICAL OR CLERICAL ERROR AU-*
12 *THORITY.—Any omission of a correct valid identifica-*
13 *tion number required under this subsection shall be*
14 *treated as a mathematical or clerical error for pur-*
15 *poses of applying section 6213(g)(2) to such omission.*

16 “(h) *REGULATIONS.—The Secretary shall prescribe*
17 *such regulations or other guidance as may be necessary to*
18 *carry out the purposes of this section, including any such*
19 *measures as are deemed appropriate to avoid allowing mul-*
20 *tiple credits or rebates to a taxpayer.”.*

21 (b) *ADMINISTRATIVE AMENDMENTS.—*

22 (1) *DEFINITION OF DEFICIENCY.—Section*
23 *6211(b)(4)(A) of the Internal Revenue Code of 1986*
24 *is amended by striking “and 36B, 168(k)(4)” and in-*
25 *serting “36B, and 6428”.*

1 (2) *MATHEMATICAL OR CLERICAL ERROR AU-*
2 *THORITY.*—Section 6213(g)(2)(L) of such Code is
3 *amended by striking “or 32” and inserting “32, or*
4 *6428”.*

5 *(c) TREATMENT OF POSSESSIONS.*—

6 (1) *PAYMENTS TO POSSESSIONS.*—

7 (A) *MIRROR CODE POSSESSION.*—*The Sec-*
8 *retary of the Treasury shall pay to each posses-*
9 *sion of the United States which has a mirror*
10 *code tax system amounts equal to the loss (if*
11 *any) to that possession by reason of the amend-*
12 *ments made by this section. Such amounts shall*
13 *be determined by the Secretary of the Treasury*
14 *based on information provided by the govern-*
15 *ment of the respective possession.*

16 (B) *OTHER POSSESSIONS.*—*The Secretary*
17 *of the Treasury shall pay to each possession of*
18 *the United States which does not have a mirror*
19 *code tax system amounts estimated by the Sec-*
20 *retary of the Treasury as being equal to the ag-*
21 *gregate benefits (if any) that would have been*
22 *provided to residents of such possession by reason*
23 *of the amendments made by this section if a mir-*
24 *ror code tax system had been in effect in such*
25 *possession. The preceding sentence shall not*

1 *apply unless the respective possession has a plan,*
 2 *which has been approved by the Secretary of the*
 3 *Treasury, under which such possession will*
 4 *promptly distribute such payments to its resi-*
 5 *dents.*

6 (2) *COORDINATION WITH CREDIT ALLOWED*
 7 *AGAINST UNITED STATES INCOME TAXES.—No credit*
 8 *shall be allowed against United States income taxes*
 9 *under section 6428 of the Internal Revenue Code of*
 10 *1986 (as added by this section) to any person—*

11 (A) *to whom a credit is allowed against*
 12 *taxes imposed by the possession by reason of the*
 13 *amendments made by this section, or*

14 (B) *who is eligible for a payment under a*
 15 *plan described in paragraph (1)(B).*

16 (3) *DEFINITIONS AND SPECIAL RULES.—*

17 (A) *POSSESSION OF THE UNITED STATES.—*
 18 *For purposes of this subsection, the term “posses-*
 19 *sion of the United States” includes the Common-*
 20 *wealth of Puerto Rico and the Commonwealth of*
 21 *the Northern Mariana Islands.*

22 (B) *MIRROR CODE TAX SYSTEM.—For pur-*
 23 *poses of this subsection, the term “mirror code*
 24 *tax system” means, with respect to any posses-*
 25 *sion of the United States, the income tax system*

1 *of such possession if the income tax liability of*
2 *the residents of such possession under such sys-*
3 *tem is determined by reference to the income tax*
4 *laws of the United States as if such possession*
5 *were the United States.*

6 (C) *TREATMENT OF PAYMENTS.—For pur-*
7 *poses of section 1324 of title 31, United States*
8 *Code, the payments under this subsection shall be*
9 *treated in the same manner as a refund due*
10 *from a credit provision referred to in subsection*
11 *(b)(2) of such section.*

12 (d) *EXCEPTION FROM REDUCTION OR OFFSET.—Any*
13 *credit or refund allowed or made to any individual by rea-*
14 *son of section 6428 of the Internal Revenue Code of 1986*
15 *(as added by this section) or by reason of subsection (c)*
16 *of this section shall not be—*

17 (1) *subject to reduction or offset pursuant to sec-*
18 *tion 3716 or 3720A of title 31, United States Code,*

19 (2) *subject to reduction or offset pursuant to sub-*
20 *section (d), (e), or (f) of section 6402 of the Internal*
21 *Revenue Code of 1986, or*

22 (3) *reduced or offset by other assessed Federal*
23 *taxes that would otherwise be subject to levy or collec-*
24 *tion.*

1 (e) *PUBLIC AWARENESS CAMPAIGN.*—*The Secretary of*
2 *the Treasury (or the Secretary’s delegate) shall conduct a*
3 *public awareness campaign, in coordination with the Com-*
4 *missioner of Social Security and the heads of other relevant*
5 *Federal agencies, to provide information regarding the*
6 *availability of the credit and rebate allowed under section*
7 *6428 of the Internal Revenue Code of 1986 (as added by*
8 *this section), including information with respect to individ-*
9 *uals who may not have filed a tax return for taxable year*
10 *2018 or 2019.*

11 (f) *APPROPRIATIONS TO CARRY OUT REBATES.*—

12 (1) *IN GENERAL.*—*Immediately upon the enact-*
13 *ment of this Act, the following sums are appropriated,*
14 *out of any money in the Treasury not otherwise ap-*
15 *propriated, for the fiscal year ending September 30,*
16 *2020:*

17 (A) *DEPARTMENT OF THE TREASURY.*—

18 (i) *For an additional amount for “De-*
19 *partment of the Treasury—Bureau of the*
20 *Fiscal Service—Salaries and Expenses”,*
21 *\$78,650,000, to remain available until Sep-*
22 *tember 30, 2021.*

23 (ii) *For an additional amount for*
24 *“Department of the Treasury—Internal*
25 *Revenue Service—Taxpayer Services”,*

1 \$293,500,000, to remain available until
2 September 30, 2021.

3 (iii) For an additional amount for
4 “Department of the Treasury—Internal
5 Revenue Service—Operations Support”,
6 \$170,000,000, to remain available until
7 September 30, 2021.

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

13 Amounts made available in appropriations
14 under clauses (ii), (iii), and (iv) of this subpara-
15 graph may be transferred between such appro-
16 priations upon the advance notification of the
17 Committees on Appropriations of the House of
18 Representatives and the Senate. Such transfer
19 authority is in addition to any other transfer
20 authority provided by law.

21 (B) SOCIAL SECURITY ADMINISTRATION.—
22 For an additional amount for “Social Security
23 Administration—Limitation on Administrative
24 Expenses”, \$38,000,000, to remain available
25 until September 30, 2021.

1 (2) *REPORTS.*—No later than 15 days after en-
2 actment of this Act, the Secretary of the Treasury
3 shall submit a plan to the Committees on Appropria-
4 tions of the House of Representatives and the Senate
5 detailing the expected use of the funds provided by
6 paragraph (1)(A). Beginning 90 days after enactment
7 of this Act, the Secretary of the Treasury shall submit
8 a quarterly report to the Committees on Appropria-
9 tions of the House of Representatives and the Senate
10 detailing the actual expenditure of funds provided by
11 paragraph (1)(A) and the expected expenditure of
12 such funds in the subsequent quarter.

13 (g) *CONFORMING AMENDMENTS.*—

14 (1) Paragraph (2) of section 1324(b) of title 31,
15 United States Code, is amended by inserting “6428,”
16 after “54B(h),”.

17 (2) The table of sections for subchapter B of
18 chapter 65 of subtitle F of the Internal Revenue Code
19 of 1986 is amended by inserting after the item relat-
20 ing to section 6427 the following:

“Sec. 6428. 2020 Recovery Rebates for individuals.”.

21 **SEC. 2202. SPECIAL RULES FOR USE OF RETIREMENT**
22 **FUNDS.**

23 (a) *TAX-FAVORED WITHDRAWALS FROM RETIREMENT*

24 *PLANS.*—

1 (1) *IN GENERAL.*—Section 72(t) of the Internal
2 *Revenue Code of 1986 shall not apply to any*
3 *coronavirus-related distribution.*

4 (2) *AGGREGATE DOLLAR LIMITATION.*—

5 (A) *IN GENERAL.*—For purposes of this sub-
6 *section, the aggregate amount of distributions re-*
7 *ceived by an individual which may be treated as*
8 *coronavirus-related distributions for any taxable*
9 *year shall not exceed \$100,000.*

10 (B) *TREATMENT OF PLAN DISTRIBUTIONS.*—If a distribution to an individual would
11 *(without regard to subparagraph (A)) be a*
12 *coronavirus-related distribution, a plan shall not*
13 *be treated as violating any requirement of the*
14 *Internal Revenue Code of 1986 merely because*
15 *the plan treats such distribution as a*
16 *coronavirus-related distribution, unless the ag-*
17 *gregate amount of such distributions from all*
18 *plans maintained by the employer (and any*
19 *member of any controlled group which includes*
20 *the employer) to such individual exceeds*
21 *\$100,000.*

22 (C) *CONTROLLED GROUP.*—For purposes of
23 *subparagraph (B), the term “controlled group”*
24 *means any group treated as a single employer*
25

1 *under subsection (b), (c), (m), or (o) of section*
2 *414 of the Internal Revenue Code of 1986.*

3 (3) *AMOUNT DISTRIBUTED MAY BE REPAID.—*

4 (A) *IN GENERAL.—Any individual who re-*
5 *ceives a coronavirus-related distribution may, at*
6 *any time during the 3-year period beginning on*
7 *the day after the date on which such distribution*
8 *was received, make 1 or more contributions in*
9 *an aggregate amount not to exceed the amount*
10 *of such distribution to an eligible retirement*
11 *plan of which such individual is a beneficiary*
12 *and to which a rollover contribution of such dis-*
13 *tribution could be made under section 402(c),*
14 *403(a)(4), 403(b)(8), 408(d)(3), or 457(e)(16), of*
15 *the Internal Revenue Code of 1986, as the case*
16 *may be.*

17 (B) *TREATMENT OF REPAYMENTS OF DIS-*
18 *TRIBUTIONS FROM ELIGIBLE RETIREMENT PLANS*
19 *OTHER THAN IRAS.—For purposes of the Inter-*
20 *nal Revenue Code of 1986, if a contribution is*
21 *made pursuant to subparagraph (A) with respect*
22 *to a coronavirus-related distribution from an eli-*
23 *gible retirement plan other than an individual*
24 *retirement plan, then the taxpayer shall, to the*
25 *extent of the amount of the contribution, be*

1 *treated as having received the coronavirus-re-*
2 *lated distribution in an eligible rollover distribu-*
3 *tion (as defined in section 402(c)(4) of such*
4 *Code) and as having transferred the amount to*
5 *the eligible retirement plan in a direct trustee to*
6 *trustee transfer within 60 days of the distribu-*
7 *tion.*

8 (C) *TREATMENT OF REPAYMENTS OF DIS-*
9 *TRIBUTIONS FROM IRAS.—For purposes of the*
10 *Internal Revenue Code of 1986, if a contribution*
11 *is made pursuant to subparagraph (A) with re-*
12 *spect to a coronavirus-related distribution from*
13 *an individual retirement plan (as defined by sec-*
14 *tion 7701(a)(37) of such Code), then, to the ex-*
15 *tent of the amount of the contribution, the*
16 *coronavirus-related distribution shall be treated*
17 *as a distribution described in section 408(d)(3)*
18 *of such Code and as having been transferred to*
19 *the eligible retirement plan in a direct trustee to*
20 *trustee transfer within 60 days of the distribu-*
21 *tion.*

22 (4) *DEFINITIONS.—For purposes of this sub-*
23 *section—*

24 (A) *CORONAVIRUS-RELATED DISTRIBUTION.—Except as provided in paragraph (2), the*
25

1 *term “coronavirus-related distribution” means*
2 *any distribution from an eligible retirement plan*
3 *made—*

4 *(i) on or after January 1, 2020, and*
5 *before December 31, 2020,*

6 *(ii) to an individual—*

7 *(I) who is diagnosed with the*
8 *virus SARS-CoV-2 or with*
9 *coronavirus disease 2019 (COVID-19)*
10 *by a test approved by the Centers for*
11 *Disease Control and Prevention,*

12 *(II) whose spouse or dependent (as*
13 *defined in section 152 of the Internal*
14 *Revenue Code of 1986) is diagnosed*
15 *with such virus or disease by such a*
16 *test, or*

17 *(III) who experiences adverse fi-*
18 *nancial consequences as a result of*
19 *being quarantined, being furloughed or*
20 *laid off or having work hours reduced*
21 *due to such virus or disease, being un-*
22 *able to work due to lack of child care*
23 *due to such virus or disease, closing or*
24 *reducing hours of a business owned or*
25 *operated by the individual due to such*

1 *virus or disease, or other factors as de-*
2 *termined by the Secretary of the Treas-*
3 *ury (or the Secretary’s delegate).*

4 (B) *EMPLOYEE CERTIFICATION.*—*The ad-*
5 *ministrator of an eligible retirement plan may*
6 *rely on an employee’s certification that the em-*
7 *ployee satisfies the conditions of subparagraph*
8 *(A)(ii) in determining whether any distribution*
9 *is a coronavirus-related distribution.*

10 (C) *ELIGIBLE RETIREMENT PLAN.*—*The*
11 *term “eligible retirement plan” has the meaning*
12 *given such term by section 402(c)(8)(B) of the*
13 *Internal Revenue Code of 1986.*

14 (5) *INCOME INCLUSION SPREAD OVER 3-YEAR PE-*
15 *RIOD.*—

16 (A) *IN GENERAL.*—*In the case of any*
17 *coronavirus-related distribution, unless the tax-*
18 *payer elects not to have this paragraph apply for*
19 *any taxable year, any amount required to be in-*
20 *cluded in gross income for such taxable year*
21 *shall be so included ratably over the 3-taxable-*
22 *year period beginning with such taxable year.*

23 (B) *SPECIAL RULE.*—*For purposes of sub-*
24 *paragraph (A), rules similar to the rules of sub-*

1 paragraph (E) of section 408A(d)(3) of the Inter-
2 nal Revenue Code of 1986 shall apply.

3 (6) SPECIAL RULES.—

4 (A) EXEMPTION OF DISTRIBUTIONS FROM
5 TRUSTEE TO TRUSTEE TRANSFER AND WITH-
6 HOLDING RULES.—For purposes of sections
7 401(a)(31), 402(f), and 3405 of the Internal Rev-
8 enue Code of 1986, coronavirus-related distribu-
9 tions shall not be treated as eligible rollover dis-
10 tributions.

11 (B) CORONAVIRUS-RELATED DISTRIBUTIONS
12 TREATED AS MEETING PLAN DISTRIBUTION RE-
13 QUIREMENTS.—For purposes of the Internal Rev-
14 enue Code of 1986, a coronavirus-related dis-
15 tribution shall be treated as meeting the require-
16 ments of sections 401(k)(2)(B)(i),
17 403(b)(7)(A)(i), 403(b)(11), and 457(d)(1)(A) of
18 such Code and section 8433(h)(1) of title 5,
19 United States Code.

20 (b) LOANS FROM QUALIFIED PLANS.—

21 (1) INCREASE IN LIMIT ON LOANS NOT TREATED
22 AS DISTRIBUTIONS.—In the case of any loan from a
23 qualified employer plan (as defined under section
24 72(p)(4) of the Internal Revenue Code of 1986) to a

1 *qualified individual made during the 180-day period*
2 *beginning on the date of the enactment of this Act—*

3 *(A) clause (i) of section 72(p)(2)(A) of such*
4 *Code shall be applied by substituting “\$100,000”*
5 *for “\$50,000”, and*

6 *(B) clause (ii) of such section shall be ap-*
7 *plied by substituting “the present value of the*
8 *nonforfeitable accrued benefit of the employee*
9 *under the plan” for “one-half of the present*
10 *value of the nonforfeitable accrued benefit of the*
11 *employee under the plan”.*

12 *(2) DELAY OF REPAYMENT.—In the case of a*
13 *qualified individual with an outstanding loan (on or*
14 *after the date of the enactment of this Act) from a*
15 *qualified employer plan (as defined in section*
16 *72(p)(4) of the Internal Revenue Code of 1986)—*

17 *(A) if the due date pursuant to subpara-*
18 *graph (B) or (C) of section 72(p)(2) of such Code*
19 *for any repayment with respect to such loan oc-*
20 *curs during the period beginning on the date of*
21 *the enactment of this Act and ending on Decem-*
22 *ber 31, 2020, such due date shall be delayed for*
23 *1 year,*

24 *(B) any subsequent repayments with respect*
25 *to any such loan shall be appropriately adjusted*

1 to reflect the delay in the due date under sub-
2 paragraph (A) and any interest accruing during
3 such delay, and

4 (C) in determining the 5-year period and
5 the term of a loan under subparagraph (B) or
6 (C) of section 72(p)(2) of such Code, the period
7 described in subparagraph (A) of this paragraph
8 shall be disregarded.

9 (3) *QUALIFIED INDIVIDUAL.*—For purposes of
10 this subsection, the term “qualified individual” means
11 any individual who is described in subsection
12 (a)(4)(A)(ii).

13 (c) *PROVISIONS RELATING TO PLAN AMENDMENTS.*—

14 (1) *IN GENERAL.*—If this subsection applies to
15 any amendment to any plan or annuity contract—

16 (A) such plan or contract shall be treated as
17 being operated in accordance with the terms of
18 the plan during the period described in para-
19 graph (2)(B)(i), and

20 (B) except as provided by the Secretary of
21 the Treasury (or the Secretary’s delegate), such
22 plan or contract shall not fail to meet the re-
23 quirements of section 411(d)(6) of the Internal
24 Revenue Code of 1986 and section 204(g) of the

1 *Employee Retirement Income Security Act of*
2 *1974 by reason of such amendment.*

3 (2) *AMENDMENTS TO WHICH SUBSECTION AP-*
4 *PLIES.—*

5 (A) *IN GENERAL.—This subsection shall*
6 *apply to any amendment to any plan or annu-*
7 *ity contract which is made—*

8 (i) *pursuant to any provision of this*
9 *section, or pursuant to any regulation*
10 *issued by the Secretary of the Treasury or*
11 *the Secretary of Labor (or the delegate of ei-*
12 *ther such Secretary) under any provision of*
13 *this section, and*

14 (ii) *on or before the last day of the first*
15 *plan year beginning on or after January 1,*
16 *2022, or such later date as the Secretary of*
17 *the Treasury (or the Secretary's delegate)*
18 *may prescribe.*

19 *In the case of a governmental plan (as defined*
20 *in section 414(d) of the Internal Revenue Code*
21 *of 1986), clause (ii) shall be applied by sub-*
22 *stituting the date which is 2 years after the date*
23 *otherwise applied under clause (ii).*

24 (B) *CONDITIONS.—This subsection shall not*
25 *apply to any amendment unless—*

- 1 (i) *during the period—*
- 2 (I) *beginning on the date that this*
- 3 *section or the regulation described in*
- 4 *subparagraph (A)(i) takes effect (or in*
- 5 *the case of a plan or contract amend-*
- 6 *ment not required by this section or*
- 7 *such regulation, the effective date speci-*
- 8 *fied by the plan), and*
- 9 (II) *ending on the date described*
- 10 *in subparagraph (A)(ii) (or, if earlier,*
- 11 *the date the plan or contract amend-*
- 12 *ment is adopted),*
- 13 *the plan or contract is operated as if such*
- 14 *plan or contract amendment were in effect,*
- 15 *and*
- 16 (ii) *such plan or contract amendment*
- 17 *applies retroactively for such period.*

18 **SEC. 2203. TEMPORARY WAIVER OF REQUIRED MINIMUM**

19 **DISTRIBUTION RULES FOR CERTAIN RETIRE-**

20 **MENT PLANS AND ACCOUNTS.**

21 (a) *IN GENERAL.*—*Section 401(a)(9) of the Internal*

22 *Revenue Code of 1986 is amended by adding at the end*

23 *the following new subparagraph:*

24 “(I) *TEMPORARY WAIVER OF MINIMUM RE-*

25 *QUIRED DISTRIBUTION.*—

1 “(i) *IN GENERAL.*—*The requirements*
2 *of this paragraph shall not apply for cal-*
3 *endar year 2020 to—*

4 “(I) *a defined contribution plan*
5 *which is described in this subsection or*
6 *in section 403(a) or 403(b),*

7 “(II) *a defined contribution plan*
8 *which is an eligible deferred compensa-*
9 *tion plan described in section 457(b)*
10 *but only if such plan is maintained by*
11 *an employer described in section*
12 *457(e)(1)(A), or*

13 “(III) *an individual retirement*
14 *plan.*

15 “(ii) *SPECIAL RULE FOR REQUIRED*
16 *BEGINNING DATES IN 2020.*—*Clause (i) shall*
17 *apply to any distribution which is required*
18 *to be made in calendar year 2020 by reason*
19 *of—*

20 “(I) *a required beginning date oc-*
21 *curring in such calendar year, and*

22 “(II) *such distribution not having*
23 *been made before January 1, 2020.*

1 “(iii) *SPECIAL RULES REGARDING*
2 *WAIVER PERIOD.—For purposes of this*
3 *paragraph—*

4 “(I) *the required beginning date*
5 *with respect to any individual shall be*
6 *determined without regard to this sub-*
7 *paragraph for purposes of applying*
8 *this paragraph for calendar years after*
9 *2020, and*

10 “(II) *if clause (ii) of subpara-*
11 *graph (B) applies, the 5-year period*
12 *described in such clause shall be deter-*
13 *mined without regard to calendar year*
14 *2020.”.*

15 (b) *ELIGIBLE ROLLOVER DISTRIBUTIONS.—Section*
16 *402(c)(4) of the Internal Revenue Code of 1986 is amended*
17 *by striking “2009” each place it appears in the last sentence*
18 *and inserting “2020”.*

19 (c) *EFFECTIVE DATES.—*

20 (1) *IN GENERAL.—The amendments made by*
21 *this section shall apply for calendar years beginning*
22 *after December 31, 2019.*

23 (2) *PROVISIONS RELATING TO PLAN OR CON-*
24 *TRACT AMENDMENTS.—*

1 (A) *IN GENERAL.*—*If this paragraph ap-*
2 *plies to any plan or contract amendment—*

3 (i) *such plan or contract shall not fail*
4 *to be treated as being operated in accord-*
5 *ance with the terms of the plan during the*
6 *period described in subparagraph (B)(ii)*
7 *solely because the plan operates in accord-*
8 *ance with this section, and*

9 (ii) *except as provided by the Secretary*
10 *of the Treasury (or the Secretary's delegate),*
11 *such plan or contract shall not fail to meet*
12 *the requirements of section 411(d)(6) of the*
13 *Internal Revenue Code of 1986 and section*
14 *204(g) of the Employee Retirement Income*
15 *Security Act of 1974 by reason of such*
16 *amendment.*

17 (B) *AMENDMENTS TO WHICH PARAGRAPH*
18 *APPLIES.—*

19 (i) *IN GENERAL.*—*This paragraph*
20 *shall apply to any amendment to any plan*
21 *or annuity contract which—*

22 (I) *is made pursuant to the*
23 *amendments made by this section, and*

1 (ii) is made on or before the last
2 day of the first plan year beginning on
3 or after January 1, 2022.

4 In the case of a governmental plan, sub-
5 clause (II) shall be applied by substituting
6 “2024” for “2022”.

7 (ii) *CONDITIONS.*—This paragraph
8 shall not apply to any amendment unless
9 during the period beginning on the effective
10 date of the amendment and ending on De-
11 cember 31, 2020, the plan or contract is op-
12 erated as if such plan or contract amend-
13 ment were in effect.

14 **SEC. 2204. ALLOWANCE OF PARTIAL ABOVE THE LINE DE-**
15 **DUCTION FOR CHARITABLE CONTRIBUTIONS.**

16 (a) *IN GENERAL.*—Section 62(a) of the Internal Rev-
17 *enue Code of 1986 is amended by inserting after paragraph*
18 *(21) the following new paragraph:*

19 “(22) *CHARITABLE CONTRIBUTIONS.*—In the case
20 *of taxable years beginning in 2020, the amount (not*
21 *to exceed \$300) of qualified charitable contributions*
22 *made by an eligible individual during the taxable*
23 *year.”.*

24 (b) *DEFINITIONS.*—Section 62 of such Code is amended
25 *by adding at the end the following new subsection:*

1 “(f) *DEFINITIONS RELATING TO QUALIFIED CHARITABLE CONTRIBUTIONS.*—For purposes of subsection
2 *TABLE CONTRIBUTIONS.*—For purposes of subsection
3 (a)(22)—

4 “(1) *ELIGIBLE INDIVIDUAL.*—The term ‘eligible
5 *individual*’ means any individual who does not elect
6 *to itemize deductions.*

7 “(2) *QUALIFIED CHARITABLE CONTRIBUTIONS.*—
8 *The term ‘qualified charitable contribution’ means a*
9 *charitable contribution (as defined in section*
10 *170(c))—*

11 “(A) *which is made in cash,*

12 “(B) *for which a deduction is allowable*
13 *under section 170 (determined without regard to*
14 *subsection (b) thereof), and*

15 “(C) *which is—*

16 “(i) *made to an organization described*
17 *in section 170(b)(1)(A), and*

18 “(ii) *not—*

19 “(I) *to an organization described*
20 *in section 509(a)(3), or*

21 “(II) *for the establishment of a*
22 *new, or maintenance of an existing,*
23 *donor advised fund (as defined in sec-*
24 *tion 4966(d)(2)).*

1 *Such term shall not include any amount*
 2 *which is treated as a charitable contribu-*
 3 *tion made in such taxable year by reason of*
 4 *subsection (b)(1)(G)(ii) or (d)(1) of section*
 5 *170.”.*

6 (c) *EFFECTIVE DATE.*—*The amendments made by this*
 7 *section shall apply to taxable years beginning after Decem-*
 8 *ber 31, 2019.*

9 **SEC. 2205. MODIFICATION OF LIMITATIONS ON CHAR-**
 10 **TABLE CONTRIBUTIONS DURING 2020.**

11 (a) *TEMPORARY SUSPENSION OF LIMITATIONS ON*
 12 *CERTAIN CASH CONTRIBUTIONS.*—

13 (1) *IN GENERAL.*—*Except as otherwise provided*
 14 *in paragraph (2), qualified contributions shall be dis-*
 15 *regarded in applying subsections (b) and (d) of sec-*
 16 *tion 170 of the Internal Revenue Code of 1986.*

17 (2) *TREATMENT OF EXCESS CONTRIBUTIONS.*—
 18 *For purposes of section 170 of the Internal Revenue*
 19 *Code of 1986—*

20 (A) *INDIVIDUALS.*—*In the case of an indi-*
 21 *vidual—*

22 (i) *LIMITATION.*—*Any qualified con-*
 23 *tribution shall be allowed as a deduction*
 24 *only to the extent that the aggregate of such*
 25 *contributions does not exceed the excess of*

1 the taxpayer's contribution base (as defined
2 in subparagraph (H) of section 170(b)(1) of
3 such Code) over the amount of all other
4 charitable contributions allowed under sec-
5 tion 170(b)(1) of such Code.

6 (ii) CARRYOVER.—If the aggregate
7 amount of qualified contributions made in
8 the contribution year (within the meaning
9 of section 170(d)(1) of such Code) exceeds
10 the limitation of clause (i), such excess shall
11 be added to the excess described in section
12 170(b)(1)(G)(ii).

13 (B) CORPORATIONS.—In the case of a cor-
14 poration—

15 (i) LIMITATION.—Any qualified con-
16 tribution shall be allowed as a deduction
17 only to the extent that the aggregate of such
18 contributions does not exceed the excess of
19 25 percent of the taxpayer's taxable income
20 (as determined under paragraph (2) of sec-
21 tion 170(b) of such Code) over the amount
22 of all other charitable contributions allowed
23 under such paragraph.

24 (ii) CARRYOVER.—If the aggregate
25 amount of qualified contributions made in

1 *the contribution year (within the meaning*
2 *of section 170(d)(2) of such Code) exceeds*
3 *the limitation of clause (i), such excess shall*
4 *be appropriately taken into account under*
5 *section 170(d)(2) subject to the limitations*
6 *thereof.*

7 (3) *QUALIFIED CONTRIBUTIONS.—*

8 (A) *IN GENERAL.—For purposes of this sub-*
9 *section, the term “qualified contribution” means*
10 *any charitable contribution (as defined in sec-*
11 *tion 170(c) of the Internal Revenue Code of*
12 *1986) if—*

13 (i) *such contribution is paid in cash*
14 *during calendar year 2020 to an organiza-*
15 *tion described in section 170(b)(1)(A) of*
16 *such Code, and*

17 (ii) *the taxpayer has elected the appli-*
18 *cation of this section with respect to such*
19 *contribution.*

20 (B) *EXCEPTION.—Such term shall not in-*
21 *clude a contribution by a donor if the contribu-*
22 *tion is—*

23 (i) *to an organization described in sec-*
24 *tion 509(a)(3) of the Internal Revenue Code*
25 *of 1986, or*

1 *(ii) for the establishment of a new, or*
 2 *maintenance of an existing, donor advised*
 3 *fund (as defined in section 4966(d)(2) of*
 4 *such Code).*

5 *(C) APPLICATION OF ELECTION TO PART-*
 6 *NERSHIPS AND S CORPORATIONS.—In the case of*
 7 *a partnership or S corporation, the election*
 8 *under subparagraph (A)(ii) shall be made sepa-*
 9 *rately by each partner or shareholder.*

10 *(b) INCREASE IN LIMITS ON CONTRIBUTIONS OF FOOD*
 11 *INVENTORY.—In the case of any charitable contribution of*
 12 *food during 2020 to which section 170(e)(3)(C) of the Inter-*
 13 *nal Revenue Code of 1986 applies, subclauses (I) and (II)*
 14 *of clause (ii) thereof shall each be applied by substituting*
 15 *“25 percent” for “15 percent.”*

16 *(c) EFFECTIVE DATE.—This section shall apply to tax-*
 17 *able years ending after December 31, 2019.*

18 **SEC. 2206. EXCLUSION FOR CERTAIN EMPLOYER PAYMENTS**
 19 **OF STUDENT LOANS.**

20 *(a) IN GENERAL.—Paragraph (1) of section 127(c) of*
 21 *the Internal Revenue Code of 1986 is amended by striking*
 22 *“and” at the end of subparagraph (A), by redesignating*
 23 *subparagraph (B) as subparagraph (C), and by inserting*
 24 *after subparagraph (A) the following new subparagraph:*

1 “(B) *in the case of payments made before*
2 *January 1, 2021, the payment by an employer,*
3 *whether paid to the employee or to a lender, of*
4 *principal or interest on any qualified education*
5 *loan (as defined in section 221(d)(1)) incurred*
6 *by the employee for education of the employee,*
7 *and”.*

8 (b) *CONFORMING AMENDMENT; DENIAL OF DOUBLE*
9 *BENEFIT.—The first sentence of paragraph (1) of section*
10 *221(e) of the Internal Revenue Code of 1986 is amended*
11 *by inserting before the period the following: “, or for which*
12 *an exclusion is allowable under section 127 to the taxpayer*
13 *by reason of the payment by the taxpayer’s employer of any*
14 *indebtedness on a qualified education loan of the taxpayer”.*

15 (c) *EFFECTIVE DATE.—The amendments made by this*
16 *section shall apply to payments made after the date of the*
17 *enactment of this Act.*

18 ***Subtitle C—Business Provisions***

19 ***SEC. 2301. EMPLOYEE RETENTION CREDIT FOR EMPLOYERS*** 20 ***SUBJECT TO CLOSURE DUE TO COVID-19.***

21 (a) *IN GENERAL.—In the case of an eligible employer,*
22 *there shall be allowed as a credit against applicable employ-*
23 *ment taxes for each calendar quarter an amount equal to*
24 *50 percent of the qualified wages with respect to each em-*
25 *ployee of such employer for such calendar quarter.*

1 **(b) LIMITATIONS AND REFUNDABILITY.—**

2 **(1) WAGES TAKEN INTO ACCOUNT.—***The amount*
3 *of qualified wages with respect to any employee which*
4 *may be taken into account under subsection (a) by the*
5 *eligible employer for all calendar quarters shall not*
6 *exceed \$10,000.*

7 **(2) CREDIT LIMITED TO EMPLOYMENT TAXES.—**
8 *The credit allowed by subsection (a) with respect to*
9 *any calendar quarter shall not exceed the applicable*
10 *employment taxes (reduced by any credits allowed*
11 *under subsections (e) and (f) of section 3111 of the In-*
12 *ternal Revenue Code of 1986 and sections 7001 and*
13 *7003 of the Families First Coronavirus Response Act)*
14 *on the wages paid with respect to the employment of*
15 *all the employees of the eligible employer for such cal-*
16 *endar quarter.*

17 **(3) REFUNDABILITY OF EXCESS CREDIT.—**

18 **(A) IN GENERAL.—***If the amount of the*
19 *credit under subsection (a) exceeds the limitation*
20 *of paragraph (2) for any calendar quarter, such*
21 *excess shall be treated as an overpayment that*
22 *shall be refunded under sections 6402(a) and*
23 *6413(b) of the Internal Revenue Code of 1986.*

24 **(B) TREATMENT OF PAYMENTS.—***For pur-*
25 *poses of section 1324 of title 31, United States*

1 Code, any amounts due to the employer under
2 this paragraph shall be treated in the same man-
3 ner as a refund due from a credit provision re-
4 ferred to in subsection (b)(2) of such section.

5 (c) *DEFINITIONS.*—For purposes of this section—

6 (1) *APPLICABLE EMPLOYMENT TAXES.*—The term
7 “applicable employment taxes” means the following:

8 (A) The taxes imposed under section
9 3111(a) of the Internal Revenue Code of 1986.

10 (B) So much of the taxes imposed under
11 section 3221(a) of such Code as are attributable
12 to the rate in effect under section 3111(a) of such
13 Code.

14 (2) *ELIGIBLE EMPLOYER.*—

15 (A) *IN GENERAL.*—The term “eligible em-
16 ployer” means any employer—

17 (i) which was carrying on a trade or
18 business during calendar year 2020, and

19 (ii) with respect to any calendar quar-
20 ter, for which—

21 (I) the operation of the trade or
22 business described in clause (i) is fully
23 or partially suspended during the cal-
24 endar quarter due to orders from an
25 appropriate governmental authority

1 *limiting commerce, travel, or group*
2 *meetings (for commercial, social, reli-*
3 *gious, or other purposes) due to the*
4 *coronavirus disease 2019 (COVID–19),*
5 *or*

6 *(II) such calendar quarter is*
7 *within the period described in sub-*
8 *paragraph (B).*

9 *(B) SIGNIFICANT DECLINE IN GROSS RE-*
10 *CEIPTS.—The period described in this subpara-*
11 *graph is the period—*

12 *(i) beginning with the first calendar*
13 *quarter beginning after December 31, 2019,*
14 *for which gross receipts (within the mean-*
15 *ing of section 448(c) of the Internal Rev-*
16 *enue Code of 1986) for the calendar quarter*
17 *are less than 50 percent of gross receipts for*
18 *the same calendar quarter in the prior year,*
19 *and*

20 *(ii) ending with the calendar quarter*
21 *following the first calendar quarter begin-*
22 *ning after a calendar quarter described in*
23 *clause (i) for which gross receipts of such*
24 *employer are greater than 80 percent of*

1 *gross receipts for the same calendar quarter*
2 *in the prior year.*

3 (C) *TAX-EXEMPT ORGANIZATIONS.*—*In the*
4 *case of an organization which is described in sec-*
5 *tion 501(c) of the Internal Revenue Code of 1986*
6 *and exempt from tax under section 501(a) of*
7 *such Code, clauses (i) and (ii)(I) of subpara-*
8 *graph (A) shall apply to all operations of such*
9 *organization.*

10 (3) *QUALIFIED WAGES.*—

11 (A) *IN GENERAL.*—*The term “qualified*
12 *wages” means—*

13 (i) *in the case of an eligible employer*
14 *for which the average number of full-time*
15 *employees (within the meaning of section*
16 *4980H of the Internal Revenue Code of*
17 *1986) employed by such eligible employer*
18 *during 2019 was greater than 100, wages*
19 *paid by such eligible employer with respect*
20 *to which an employee is not providing serv-*
21 *ices due to circumstances described in sub-*
22 *clause (I) or (II) of paragraph (2)(A)(ii), or*

23 (ii) *in the case of an eligible employer*
24 *for which the average number of full-time*
25 *employees (within the meaning of section*

1 4980H of the Internal Revenue Code of
2 1986) employed by such eligible employer
3 during 2019 was not greater than 100—

4 (I) with respect to an eligible em-
5 ployer described in subclause (I) of
6 paragraph (2)(A)(ii), wages paid by
7 such eligible employer with respect to
8 an employee during any period de-
9 scribed in such clause, or

10 (II) with respect to an eligible em-
11 ployer described in subclause (II) of
12 such paragraph, wages paid by such el-
13 igible employer with respect to an em-
14 ployee during such quarter.

15 Such term shall not include any wages taken
16 into account under section 7001 or section 7003
17 of the Families First Coronavirus Response Act.

18 (B) *LIMITATION.*—Qualified wages paid or
19 incurred by an eligible employer described in
20 subparagraph (A)(i) with respect to an employee
21 for any period described in such subparagraph
22 may not exceed the amount such employee would
23 have been paid for working an equivalent dura-
24 tion during the 30 days immediately preceding
25 such period.

1 (C) ALLOWANCE FOR CERTAIN HEALTH
2 PLAN EXPENSES.—

3 (i) IN GENERAL.—The term “qualified
4 wages” shall include so much of the eligible
5 employer’s qualified health plan expenses as
6 are properly allocable to such wages.

7 (ii) QUALIFIED HEALTH PLAN EX-
8 PENSES.—For purposes of this paragraph,
9 the term “qualified health plan expenses”
10 means amounts paid or incurred by the eli-
11 gible employer to provide and maintain a
12 group health plan (as defined in section
13 5000(b)(1) of the Internal Revenue Code of
14 1986), but only to the extent that such
15 amounts are excluded from the gross income
16 of employees by reason of section 106(a) of
17 such Code.

18 (iii) ALLOCATION RULES.—For pur-
19 poses of this paragraph, qualified health
20 plan expenses shall be allocated to qualified
21 wages in such manner as the Secretary may
22 prescribe. Except as otherwise provided by
23 the Secretary, such allocation shall be treat-
24 ed as properly made if made on the basis
25 of being pro rata among employees and pro

1 *rata on the basis of periods of coverage (rel-*
2 *ative to the periods to which such wages re-*
3 *late).*

4 (4) *SECRETARY.*—*The term “Secretary” means*
5 *the Secretary of the Treasury or the Secretary’s dele-*
6 *gate.*

7 (5) *WAGES.*—*The term “wages” means wages (as*
8 *defined in section 3121(a) of the Internal Revenue*
9 *Code of 1986) and compensation (as defined in sec-*
10 *tion 3231(e) of such Code).*

11 (6) *OTHER TERMS.*—*Any term used in this sec-*
12 *tion which is also used in chapter 21 or 22 of the In-*
13 *ternal Revenue Code of 1986 shall have the same*
14 *meaning as when used in such chapter.*

15 (d) *AGGREGATION RULE.*—*All persons treated as a*
16 *single employer under subsection (a) or (b) of section 52*
17 *of the Internal Revenue Code of 1986, or subsection (m) or*
18 *(o) of section 414 of such Code, shall be treated as one em-*
19 *ployer for purposes of this section.*

20 (e) *CERTAIN RULES TO APPLY.*—*For purposes of this*
21 *section, rules similar to the rules of sections 51(i)(1) and*
22 *280C(a) of the Internal Revenue Code of 1986 shall apply.*

23 (f) *CERTAIN GOVERNMENTAL EMPLOYERS.*—*This cred-*
24 *it shall not apply to the Government of the United States,*

1 *the government of any State or political subdivision thereof,*
2 *or any agency or instrumentality of any of the foregoing.*

3 *(g) ELECTION NOT TO HAVE SECTION APPLY.—This*
4 *section shall not apply with respect to any eligible employer*
5 *for any calendar quarter if such employer elects (at such*
6 *time and in such manner as the Secretary may prescribe)*
7 *not to have this section apply.*

8 *(h) SPECIAL RULES.—*

9 *(1) EMPLOYEE NOT TAKEN INTO ACCOUNT MORE*
10 *THAN ONCE.—An employee shall not be included for*
11 *purposes of this section for any period with respect to*
12 *any employer if such employer is allowed a credit*
13 *under section 51 of the Internal Revenue Code of 1986*
14 *with respect to such employee for such period.*

15 *(2) DENIAL OF DOUBLE BENEFIT.—Any wages*
16 *taken into account in determining the credit allowed*
17 *under this section shall not be taken into account for*
18 *purposes of determining the credit allowed under sec-*
19 *tion 45S of such Code.*

20 *(3) THIRD PARTY PAYORS.—Any credit allowed*
21 *under this section shall be treated as a credit de-*
22 *scribed in section 3511(d)(2) of such Code.*

23 *(i) TRANSFERS TO FEDERAL OLD-AGE AND SUR-*
24 *VIVORS INSURANCE TRUST FUND.—There are hereby ap-*
25 *propriated to the Federal Old-Age and Survivors Insurance*

1 *Trust Fund and the Federal Disability Insurance Trust*
2 *Fund established under section 201 of the Social Security*
3 *Act (42 U.S.C. 401) and the Social Security Equivalent*
4 *Benefit Account established under section 15A(a) of the*
5 *Railroad Retirement Act of 1974 (45 U.S.C. 14 231n–1(a))*
6 *amounts equal to the reduction in revenues to the Treasury*
7 *by reason of this section (without regard to this subsection).*
8 *Amounts appropriated by the preceding sentence shall be*
9 *transferred from the general fund at such times and in such*
10 *manner as to replicate to the extent possible the transfers*
11 *which would have occurred to such Trust Fund or Account*
12 *had this section not been enacted.*

13 (j) *RULE FOR EMPLOYERS TAKING SMALL BUSINESS*
14 *INTERRUPTION LOAN.—If an eligible employer receives a*
15 *covered loan under paragraph (36) of section 7(a) of the*
16 *Small Business Act (15 U.S.C. 636(a)), as added by section*
17 *1102 of this Act, such employer shall not be eligible for the*
18 *credit under this section.*

19 (k) *TREATMENT OF DEPOSITS.—The Secretary shall*
20 *wave any penalty under section 6656 of the Internal Rev-*
21 *enue Code of 1986 for any failure to make a deposit of any*
22 *applicable employment taxes if the Secretary determines*
23 *that such failure was due to the reasonable anticipation of*
24 *the credit allowed under this section.*

1 (l) *REGULATIONS AND GUIDANCE.*—*The Secretary*
2 *shall issue such forms, instructions, regulations, and guid-*
3 *ance as are necessary—*

4 (1) *to allow the advance payment of the credit*
5 *under subsection (a), subject to the limitations pro-*
6 *vided in this section, based on such information as*
7 *the Secretary shall require,*

8 (2) *to provide for the reconciliation of such ad-*
9 *vance payment with the amount advanced at the time*
10 *of filing the return of tax for the applicable calendar*
11 *quarter or taxable year,*

12 (3) *to provide for the recapture of the credit*
13 *under this section if such credit is allowed to a tax-*
14 *payer which receives a loan described in subsection (j)*
15 *during a subsequent quarter,*

16 (4) *with respect to the application of the credit*
17 *under subsection (a) to third party payors (including*
18 *professional employer organizations, certified profes-*
19 *sional employer organizations, or agents under sec-*
20 *tion 3504 of the Internal Revenue Code of 1986), in-*
21 *cluding regulations or guidance allowing such payors*
22 *to submit documentation necessary to substantiate the*
23 *eligible employer status of employers that use such*
24 *payors, and*

1 (5) *for application of subparagraphs (A)(ii)(II)*
2 *and (B) of subsection (c)(2) in the case of any em-*
3 *ployer which was not carrying on a trade or business*
4 *for all or part of the same calendar quarter in the*
5 *prior year.*

6 (m) *APPLICATION.—This section shall only apply to*
7 *wages paid after March 12, 2020, and before January 1,*
8 *2021.*

9 **SEC. 2302. DELAY OF PAYMENT OF EMPLOYER PAYROLL**
10 **TAXES.**

11 (a) *IN GENERAL.—*

12 (1) *TAXES.—Notwithstanding any other provi-*
13 *sion of law, the payment for applicable employment*
14 *taxes for the payroll tax deferral period shall not be*
15 *due before the applicable date.*

16 (2) *DEPOSITS.—Notwithstanding section 6302 of*
17 *the Internal Revenue Code of 1986, an employer shall*
18 *be treated as having timely made all deposits of ap-*
19 *plicable employment taxes that are required to be*
20 *made (without regard to this section) for such taxes*
21 *during the payroll tax deferral period if all such de-*
22 *posits are made not later than the applicable date.*

23 (3) *EXCEPTION.—This subsection shall not apply*
24 *to any taxpayer if such taxpayer has had indebted-*
25 *ness forgiven under section 1106 of this Act with re-*

1 *spect to a loan under paragraph (36) of section 7(a)*
2 *of the Small Business Act (15 U.S.C. 636(a)), as*
3 *added by section 1102 of this Act, or indebtedness for-*
4 *given under section 1109 of this Act.*

5 ***(b) SECA.—***

6 ***(1) IN GENERAL.—****Notwithstanding any other*
7 *provision of law, the payment for 50 percent of the*
8 *taxes imposed under section 1401(a) of the Internal*
9 *Revenue Code of 1986 for the payroll tax deferral pe-*
10 *riod shall not be due before the applicable date.*

11 ***(2) ESTIMATED TAXES.—****For purposes of apply-*
12 *ing section 6654 of the Internal Revenue Code of 1986*
13 *to any taxable year which includes any part of the*
14 *payroll tax deferral period, 50 percent of the taxes*
15 *imposed under section 1401(a) of such Code for the*
16 *payroll tax deferral period shall not be treated as*
17 *taxes to which such section 6654 applies.*

18 ***(c) LIABILITY OF THIRD PARTIES.—***

19 ***(1) ACTS TO BE PERFORMED BY AGENTS.—****For*
20 *purposes of section 3504 of the Internal Revenue Code*
21 *of 1986, in the case of any person designated pursu-*
22 *ant to such section (and any regulations or other*
23 *guidance issued by the Secretary with respect to such*
24 *section) to perform acts otherwise required to be per-*
25 *formed by an employer under such Code, if such em-*

1 *ployer directs such person to defer payment of any*
2 *applicable employment taxes during the payroll tax*
3 *deferral period under this section, such employer shall*
4 *be solely liable for the payment of such applicable em-*
5 *ployment taxes before the applicable date for any*
6 *wages paid by such person on behalf of such employer*
7 *during such period.*

8 (2) *CERTIFIED PROFESSIONAL EMPLOYER ORGA-*
9 *NIZATIONS.—For purposes of section 3511, in the case*
10 *of a certified professional employer organization (as*
11 *defined in subsection (a) of section 7705 of the Inter-*
12 *nal Revenue Code of 1986) that has entered into a*
13 *service contract described in subsection (e)(2) of such*
14 *section with a customer, if such customer directs such*
15 *organization to defer payment of any applicable em-*
16 *ployment taxes during the payroll tax deferral period*
17 *under this section, such customer shall, notwith-*
18 *standing subsections (a) and (c) of section 3511, be*
19 *solely liable for the payment of such applicable em-*
20 *ployment taxes before the applicable date for any*
21 *wages paid by such organization to any work site em-*
22 *ployee performing services for such customer during*
23 *such period.*

24 (d) *DEFINITIONS.—For purposes of this section—*

1 (1) *APPLICABLE EMPLOYMENT TAXES.*—*The term*
2 “*applicable employment taxes*” *means the following:*

3 (A) *The taxes imposed under section*
4 3111(a) *of the Internal Revenue Code of 1986.*

5 (B) *So much of the taxes imposed under*
6 *section 3211(a) of such Code as are attributable*
7 *to the rate in effect under section 3111(a) of such*
8 *Code.*

9 (C) *So much of the taxes imposed under sec-*
10 *tion 3221(a) of such Code as are attributable to*
11 *the rate in effect under section 3111(a) of such*
12 *Code.*

13 (2) *PAYROLL TAX DEFERRAL PERIOD.*—*The term*
14 “*payroll tax deferral period*” *means the period begin-*
15 *ning on the date of the enactment of this Act and end-*
16 *ing before January 1, 2021.*

17 (3) *APPLICABLE DATE.*—*The term “applicable*
18 *date” means—*

19 (A) *December 31, 2021, with respect to 50*
20 *percent of the amounts to which subsection (a) or*
21 *(b), as the case may be, apply, and*

22 (B) *December 31, 2022, with respect to the*
23 *remaining such amounts.*

1 (4) *SECRETARY.*—*The term “Secretary” means*
2 *the Secretary of the Treasury (or the Secretary’s dele-*
3 *gate).*

4 (e) *TRUST FUNDS HELD HARMLESS.*—*There are here-*
5 *by appropriated (out of any money in the Treasury not*
6 *otherwise appropriated) for each fiscal year to the Federal*
7 *Old-Age and Survivors Insurance Trust Fund and the Fed-*
8 *eral Disability Insurance Trust Fund established under sec-*
9 *tion 201 of the Social Security Act (42 U.S.C. 401) and*
10 *the Social Security Equivalent Benefit Account established*
11 *under section 15A(a) of the Railroad Retirement Act of*
12 *1974 (45 U.S.C. 231n–1(a)) an amount equal to the reduc-*
13 *tion in the transfers to such fund for such fiscal year by*
14 *reason of this section. Amounts appropriated by the pre-*
15 *ceding sentence shall be transferred from the general fund*
16 *at such times and in such manner as to replicate to the*
17 *extent possible the transfers which would have occurred to*
18 *such Trust Fund had such amendments not been enacted.*

19 (f) *REGULATORY AUTHORITY.*—*The Secretary shall*
20 *issue such regulations or other guidance as necessary to*
21 *carry out the purposes of this section, including rules for*
22 *the administration and enforcement of subsection (c).*

23 **SEC. 2303. MODIFICATIONS FOR NET OPERATING LOSSES.**

24 (a) *TEMPORARY REPEAL OF TAXABLE INCOME LIM-*
25 *TATION.*—

1 (1) *IN GENERAL.*—*The first sentence of section*
2 *172(a) of the Internal Revenue Code of 1986 is*
3 *amended by striking “an amount equal to” and all*
4 *that follows and inserting “an amount equal to—*

5 *“(1) in the case of a taxable year beginning be-*
6 *fore January 1, 2021, the aggregate of the net oper-*
7 *ating loss carryovers to such year, plus the net oper-*
8 *ating loss carrybacks to such year, and*

9 *“(2) in the case of a taxable year beginning after*
10 *December 31, 2020, the sum of—*

11 *“(A) the aggregate amount of net operating*
12 *losses arising in taxable years beginning before*
13 *January 1, 2018, carried to such taxable year,*
14 *plus*

15 *“(B) the lesser of—*

16 *“(i) the aggregate amount of net oper-*
17 *ating losses arising in taxable years begin-*
18 *ning after December 31, 2017, carried to*
19 *such taxable year, or*

20 *“(ii) 80 percent of the excess (if any)*
21 *of—*

22 *“(I) taxable income computed*
23 *without regard to the deductions under*
24 *this section and sections 199A and*
25 *250, over*

1 “(II) the amount determined
2 under subparagraph (A).”.

3 (2) *CONFORMING AMENDMENTS.*—

4 (A) Section 172(b)(2)(C) of such Code is
5 amended to read as follows:

6 “(C) for taxable years beginning after De-
7 cember 31, 2020, be reduced by 20 percent of the
8 excess (if any) described in subsection
9 (a)(2)(B)(ii) for such taxable year.”.

10 (B) Section 172(d)(6)(C) of such Code is
11 amended by striking “subsection (a)(2)” and in-
12 serting “subsection (a)(2)(B)(ii)(I)”.

13 (C) Section 860E(a)(3)(B) of such Code is
14 amended by striking all that follows “for pur-
15 poses of” and inserting “subsection
16 (a)(2)(B)(ii)(I) and the second sentence of sub-
17 section (b)(2) of section 172.”.

18 (b) *MODIFICATIONS OF RULES RELATING TO*
19 *CARRYBACKS.*—

20 (1) *IN GENERAL.*—Section 172(b)(1) of the Inter-
21 nal Revenue Code of 1986 is amended by adding at
22 the end the following new subparagraph:

23 “(D) *SPECIAL RULE FOR LOSSES ARISING*
24 *IN 2018, 2019, AND 2020.*—

1 “(i) *IN GENERAL.*—*In the case of any*
2 *net operating loss arising in a taxable year*
3 *beginning after December 31, 2017, and be-*
4 *fore January 1, 2021—*

5 “(I) *such loss shall be a net oper-*
6 *ating loss carryback to each of the 5*
7 *taxable years preceding the taxable*
8 *year of such loss, and*

9 “(II) *subparagraphs (B) and*
10 *(C)(i) shall not apply.*

11 “(ii) *SPECIAL RULES FOR REITS.*—*For*
12 *purposes of this subparagraph—*

13 “(I) *IN GENERAL.*—*A net oper-*
14 *ating loss for a REIT year shall not be*
15 *a net operating loss carryback to any*
16 *taxable year preceding the taxable year*
17 *of such loss.*

18 “(II) *SPECIAL RULE.*—*In the case*
19 *of any net operating loss for a taxable*
20 *year which is not a REIT year, such*
21 *loss shall not be carried to any pre-*
22 *ceding taxable year which is a REIT*
23 *year.*

24 “(III) *REIT YEAR.*—*For purposes*
25 *of this subparagraph, the term ‘REIT*

1 *year’ means any taxable year for*
2 *which the provisions of part II of sub-*
3 *chapter M (relating to real estate in-*
4 *vestment trusts) apply to the taxpayer.*

5 “(iii) *SPECIAL RULE FOR LIFE INSUR-*
6 *ANCE COMPANIES.— In the case of a life in-*
7 *surance company, if a net operating loss is*
8 *carried pursuant to clause (i)(I) to a life*
9 *insurance company taxable year beginning*
10 *before January 1, 2018, such net operating*
11 *loss carryback shall be treated in the same*
12 *manner as an operations loss carryback*
13 *(within the meaning of section 810 as in ef-*
14 *fect before its repeal) of such company to*
15 *such taxable year.*

16 “(iv) *RULE RELATING TO CARRYBACKS*
17 *TO YEARS TO WHICH SECTION 965 AP-*
18 *PLIES.—If a net operating loss of a tax-*
19 *payer is carried pursuant to clause (i)(I) to*
20 *any taxable year in which an amount is in-*
21 *cludible in gross income by reason of section*
22 *965(a), the taxpayer shall be treated as hav-*
23 *ing made the election under section 965(n)*
24 *with respect to each such taxable year.*

1 “(v) *SPECIAL RULES FOR ELECTIONS*
2 *UNDER PARAGRAPH (3).*—

3 “(I) *SPECIAL ELECTION TO EX-*
4 *CLUDE SECTION 965 YEARS.*— *If the 5-*
5 *year carryback period under clause*
6 *(i)(I) with respect to any net operating*
7 *loss of a taxpayer includes 1 or more*
8 *taxable years in which an amount is*
9 *includible in gross income by reason of*
10 *section 965(a), the taxpayer may, in*
11 *lieu of the election otherwise available*
12 *under paragraph (3), elect under such*
13 *paragraph to exclude all such taxable*
14 *years from such carryback period.*

15 “(II) *TIME OF ELECTIONS.*—*An*
16 *election under paragraph (3) (includ-*
17 *ing an election described in subclause*
18 *(I)) with respect to a net operating loss*
19 *arising in a taxable year beginning in*
20 *2018 or 2019 shall be made by the due*
21 *date (including extensions of time) for*
22 *filing the taxpayer’s return for the first*
23 *taxable year ending after the date of*
24 *the enactment of this subparagraph.”.*

1 (2) *CONFORMING AMENDMENT.*—Section
2 172(b)(1)(A) of such Code, as amended by subsection
3 (c)(2), is amended by striking “and (C)(i)” and in-
4 serting “, (C)(i), and (D)”.

5 (c) *TECHNICAL AMENDMENT RELATING TO SECTION*
6 13302 OF PUBLIC LAW 115–97.—

7 (1) Section 13302(e) of Public Law 115–97 is
8 amended to read as follows:

9 “(e) *EFFECTIVE DATES.*—

10 “(1) *NET OPERATING LOSS LIMITATION.*—The
11 amendments made by subsections (a) and (d)(2) shall
12 apply to—

13 “(A) taxable years beginning after Decem-
14 ber 31, 2017, and

15 “(B) taxable years beginning on or before
16 such date to which net operating losses arising
17 in taxable years beginning after such date are
18 carried.

19 “(2) *CARRYOVERS AND CARRYBACKS.*—The
20 amendments made by subsections (b), (c), and (d)(1)
21 shall apply to net operating losses arising in taxable
22 years beginning after December 31, 2017.”.

23 (2) Section 172(b)(1)(A) of the Internal Revenue
24 Code of 1986 is amended to read as follows:

1 “(A) *GENERAL RULE.*—*A net operating loss*
2 *for any taxable year—*

3 “(i) *shall be a net operating loss*
4 *carryback to the extent provided in sub-*
5 *paragraphs (B) and (C)(i), and*

6 “(ii) *except as provided in subpara-*
7 *graph (C)(ii), shall be a net operating loss*
8 *carryover—*

9 “(I) *in the case of a net operating*
10 *loss arising in a taxable year begin-*
11 *ning before January 1, 2018, to each of*
12 *the 20 taxable years following the tax-*
13 *able year of the loss, and*

14 “(II) *in the case of a net oper-*
15 *ating loss arising in a taxable year be-*
16 *ginning after December 31, 2017, to*
17 *each taxable year following the taxable*
18 *year of the loss.”.*

19 (d) *EFFECTIVE DATES.*—

20 (1) *NET OPERATING LOSS LIMITATION.*—*The*
21 *amendments made by subsection (a) shall apply—*

22 (A) *to taxable years beginning after Decem-*
23 *ber 31, 2017, and*

24 (B) *to taxable years beginning on or before*
25 *December 31, 2017, to which net operating losses*

1 *arising in taxable years beginning after Decem-*
2 *ber 31, 2017, are carried.*

3 (2) *CARRYOVERS AND CARRYBACKS.—The*
4 *amendment made by subsection (b) shall apply to—*

5 (A) *net operating losses arising in taxable*
6 *years beginning after December 31, 2017, and*

7 (B) *taxable years beginning before, on, or*
8 *after such date to which such net operating losses*
9 *are carried.*

10 (3) *TECHNICAL AMENDMENTS.—The amendments*
11 *made by subsection (c) shall take effect as if included*
12 *in the provisions of Public Law 115–97 to which they*
13 *relate.*

14 (4) *SPECIAL RULE.—In the case of a net oper-*
15 *ating loss arising in a taxable year beginning before*
16 *January 1, 2018, and ending after December 31,*
17 *2017—*

18 (A) *an application under section 6411(a) of*
19 *the Internal Revenue Code of 1986 with respect*
20 *to the carryback of such net operating loss shall*
21 *not fail to be treated as timely filed if filed not*
22 *later than the date which is 120 days after the*
23 *date of the enactment of this Act, and*

24 (B) *an election to—*

1 (i) forgo any carryback of such net op-
2 erating loss,

3 (ii) reduce any period to which such
4 net operating loss may be carried back, or

5 (iii) revoke any election made under
6 section 172(b) to forgo any carryback of
7 such net operating loss,

8 shall not fail to be treated as timely made if
9 made not later than the date which is 120 days
10 after the date of the enactment of this Act.

11 **SEC. 2304. MODIFICATION OF LIMITATION ON LOSSES FOR**
12 **TAXPAYERS OTHER THAN CORPORATIONS.**

13 (a) *IN GENERAL.*—Section 461(l)(1) of the Internal
14 *Revenue Code of 1986 is amended to read as follows:*

15 “(1) *LIMITATION.*—In the case of a taxpayer
16 other than a corporation—

17 “(A) for any taxable year beginning after
18 December 31, 2017, and before January 1, 2026,
19 subsection (j) (relating to limitation on excess
20 farm losses of certain taxpayers) shall not apply,
21 and

22 “(B) for any taxable year beginning after
23 December 31, 2020, and before January 1, 2026,
24 any excess business loss of the taxpayer for the
25 taxable year shall not be allowed.”.

1 (b) *TECHNICAL AMENDMENTS RELATING TO SECTION*
2 *11012 OF PUBLIC LAW 115–97.—*

3 (1) *Section 461(l)(2) of the Internal Revenue*
4 *Code of 1986 is amended by striking “a net operating*
5 *loss carryover to the following taxable year under sec-*
6 *tion 172” and inserting “a net operating loss for the*
7 *taxable year for purposes of determining any net op-*
8 *erating loss carryover under section 172(b) for subse-*
9 *quent taxable years”.*

10 (2) *Section 461(l)(3)(A) of such Code is amend-*
11 *ed—*

12 (A) *in clause (i), by inserting “and without*
13 *regard to any deduction allowable under section*
14 *172 or 199A” after “under paragraph (1)”, and*

15 (B) *by adding at the end the following flush*
16 *sentence:*

17 *“Such excess shall be determined without regard to*
18 *any deductions, gross income, or gains attributable to*
19 *any trade or business of performing services as an*
20 *employee.”.*

21 (3) *Section 461(l)(3) of such Code is amended by*
22 *redesignating subparagraph (B) as subparagraph (C)*
23 *and by inserting after subparagraph (A) the following*
24 *new subparagraph:*

1 “(B) *TREATMENT OF CAPITAL GAINS AND*
2 *LOSSES.—*

3 “(i) *LOSSES.—Deductions for losses*
4 *from sales or exchanges of capital assets*
5 *shall not be taken into account under sub-*
6 *paragraph (A)(i).*

7 “(ii) *GAINS.—The amount of gains*
8 *from sales or exchanges of capital assets*
9 *taken into account under subparagraph*
10 *(A)(ii) shall not exceed the lesser of—*

11 “(I) *the capital gain net income*
12 *determined by taking into account only*
13 *gains and losses attributable to a trade*
14 *or business, or*

15 “(II) *the capital gain net in-*
16 *come.”.*

17 “(c) *EFFECTIVE DATES.—*

18 “(1) *IN GENERAL.—The amendments made by*
19 *subsection (a) shall apply to taxable years beginning*
20 *after December 31, 2017.*

21 “(2) *TECHNICAL AMENDMENTS.—The amendments*
22 *made by subsection (b) shall take effect as if included*
23 *in the provisions of Public Law 115–97 to which they*
24 *relate.*

1 **SEC. 2305. MODIFICATION OF CREDIT FOR PRIOR YEAR MIN-**
 2 **IMUM TAX LIABILITY OF CORPORATIONS.**

3 (a) *IN GENERAL.*—Section 53(e) of the Internal Rev-
 4 enue Code of 1986 is amended—

5 (1) by striking “2018, 2019, 2020, or 2021” in
 6 paragraph (1) and inserting “2018 or 2019”, and

7 (2) by striking “2021” in paragraph (2) and in-
 8 serting “2019”.

9 (b) *ELECTION TO TAKE ENTIRE REFUNDABLE CREDIT*
 10 *AMOUNT IN 2018.*—

11 (1) *IN GENERAL.*—Section 53(e) of such Code is
 12 amended by adding at the end the following new
 13 paragraph:

14 “(5) *SPECIAL RULE.*—In the case of a corpora-
 15 tion making an election under this paragraph—

16 “(A) paragraph (1) shall not apply, and

17 “(B) subsection (c) shall not apply to the
 18 first taxable year of such corporation beginning
 19 in 2018.”.

20 (c) *EFFECTIVE DATE.*—The amendments made by this
 21 section shall apply to taxable years beginning after Decem-
 22 ber 31, 2017.

23 (d) *SPECIAL RULE.*—

24 (1) *IN GENERAL.*—For purposes of the Internal
 25 Revenue Code of 1986, a credit or refund for which
 26 an application described in paragraph (2)(A) is filed

1 *shall be treated as made under section 6411 of such*
2 *Code.*

3 (2) *TENTATIVE REFUND.*—

4 (A) *APPLICATION.*—*A taxpayer may file an*
5 *application for a tentative refund of any amount*
6 *for which a refund is due by reason of an elec-*
7 *tion under section 53(e)(5) of the Internal Rev-*
8 *enue Code of 1986. Such application shall be in*
9 *such manner and form as the Secretary of the*
10 *Treasury (or the Secretary's delegate) may pre-*
11 *scribe and shall—*

12 (i) *be verified in the same manner as*
13 *an application under section 6411(a) of*
14 *such Code,*

15 (ii) *be filed prior to December 31,*
16 *2020, and*

17 (iii) *set forth—*

18 (I) *the amount of the refundable*
19 *credit claimed under section 53(e) of*
20 *such Code for such taxable year,*

21 (II) *the amount of the refundable*
22 *credit claimed under such section for*
23 *any previously filed return for such*
24 *taxable year, and*

1 (III) *the amount of the refund*
2 *claimed.*

3 (B) *ALLOWANCE OF ADJUSTMENTS.*—*With-*
4 *in a period of 90 days from the date on which*
5 *an application is filed under subparagraph (A),*
6 *the Secretary of the Treasury (or the Secretary’s*
7 *delegate) shall—*

8 (i) *review the application,*

9 (ii) *determine the amount of the over-*
10 *payment, and*

11 (iii) *apply, credit, or refund such over-*
12 *payment,*

13 *in a manner similar to the manner provided in*
14 *section 6411(b) of the Internal Revenue Code of*
15 *1986.*

16 (C) *CONSOLIDATED RETURNS.*—*The provi-*
17 *sions of section 6411(c) of the Internal Revenue*
18 *Code of 1986 Code shall apply to an adjustment*
19 *under this paragraph to the same extent and*
20 *manner as the Secretary of the Treasury (or the*
21 *Secretary’s delegate) may provide.*

22 **SEC. 2306. MODIFICATIONS OF LIMITATION ON BUSINESS**
23 **INTEREST.**

24 (a) *IN GENERAL.*—*Section 163(j) of the Internal Rev-*
25 *enue Code of 1986 is amended by redesignating paragraph*

1 *(10) as paragraph (11) and by inserting after paragraph*
2 *(9) the following new paragraph:*

3 “(10) *SPECIAL RULE FOR TAXABLE YEARS BE-*
4 *GINNING IN 2019 AND 2020.—*

5 “(A) *IN GENERAL.—*

6 “(i) *IN GENERAL.—Except as provided*
7 *in clause (ii) or (iii), in the case of any*
8 *taxable year beginning in 2019 or 2020,*
9 *paragraph (1)(B) shall be applied by sub-*
10 *stituting ‘50 percent’ for ‘30 percent’.*

11 “(ii) *SPECIAL RULE FOR PARTNER-*
12 *SHIPS.—In the case of a partnership—*

13 “(I) *clause (i) shall not apply to*
14 *any taxable year beginning in 2019,*
15 *but*

16 “(II) *unless a partner elects not to*
17 *have this subclause apply, in the case*
18 *of any excess business interest of the*
19 *partnership for any taxable year be-*
20 *ginning in 2019 which is allocated to*
21 *the partner under paragraph*
22 *(4)(B)(i)(II)—*

23 “(aa) *50 percent of such ex-*
24 *cess business interest shall be*
25 *treated as business interest which,*

1 *notwithstanding paragraph*
2 *(4)(B)(ii), is paid or accrued by*
3 *the partner in the partner's first*
4 *taxable year beginning in 2020*
5 *and which is not subject to the*
6 *limits of paragraph (1), and*

7 *“(bb) 50 percent of such ex-*
8 *cess business interest shall be sub-*
9 *ject to the limitations of para-*
10 *graph (4)(B)(ii) in the same man-*
11 *ner as any other excess business*
12 *interest so allocated.*

13 *“(iii) ELECTION OUT.—A taxpayer*
14 *may elect, at such time and in such manner*
15 *as the Secretary may prescribe, not to have*
16 *clause (i) apply to any taxable year. Such*
17 *an election, once made, may be revoked only*
18 *with the consent of the Secretary. In the*
19 *case of a partnership, any such election*
20 *shall be made by the partnership and may*
21 *be made only for taxable years beginning in*
22 *2020.*

23 *“(B) ELECTION TO USE 2019 ADJUSTED*
24 *TAXABLE INCOME FOR TAXABLE YEARS BEGIN-*
25 *NING IN 2020.—*

1 “(i) *IN GENERAL.*—Subject to clause
2 (ii), in the case of any taxable year begin-
3 ning in 2020, the taxpayer may elect to
4 apply this subsection by substituting the ad-
5 justed taxable income of the taxpayer for the
6 last taxable year beginning in 2019 for the
7 adjusted taxable income for such taxable
8 year. In the case of a partnership, any such
9 election shall be made by the partnership.

10 “(ii) *SPECIAL RULE FOR SHORT TAX-*
11 *ABLE YEARS.*—If an election is made under
12 clause (i) for a taxable year which is a
13 short taxable year, the adjusted taxable in-
14 come for the taxpayer’s last taxable year be-
15 ginning in 2019 which is substituted under
16 clause (i) shall be equal to the amount
17 which bears the same ratio to such adjusted
18 taxable income determined without regard
19 to this clause as the number of months in
20 the short taxable year bears to 12”.

21 (b) *EFFECTIVE DATE.*—The amendments made by this
22 section shall apply to taxable years beginning after Decem-
23 ber 31, 2018.

1 **SEC. 2307. TECHNICAL AMENDMENTS REGARDING QUALI-**
 2 **FIED IMPROVEMENT PROPERTY.**

3 (a) *IN GENERAL.*—Section 168 of the Internal Revenue
 4 Code of 1986 is amended—

5 (1) *in subsection (e)*—

6 (A) *in paragraph (3)(E), by striking “and”*
 7 *at the end of clause (v), by striking the period*
 8 *at the end of clause (vi) and inserting “, and”,*
 9 *and by adding at the end the following new*
 10 *clause:*

11 “(vii) *any qualified improvement*
 12 *property.”, and*

13 (B) *in paragraph (6)(A), by inserting*
 14 *“made by the taxpayer” after “any improve-*
 15 *ment”, and*

16 (2) *in the table contained in subsection*
 17 *(g)(3)(B)*—

18 (A) *by striking the item relating to sub-*
 19 *paragraph (D)(v), and*

20 (B) *by inserting after the item relating to*
 21 *subparagraph (E)(vi) the following new item:*

“(E)(vii) 20”.

22 (b) *EFFECTIVE DATE.*—The amendments made by this
 23 section shall take effect as if included in section 13204 of
 24 Public Law 115–97.

1 **SEC. 2308. TEMPORARY EXCEPTION FROM EXCISE TAX FOR**
2 **ALCOHOL USED TO PRODUCE HAND SANI-**
3 **TIZER.**

4 (a) *IN GENERAL.*—Section 5214(a) of the Internal
5 Revenue Code of 1986 is amended—

6 (1) in paragraph (13), by striking the period at
7 the end and inserting “; or”, and

8 (2) by adding at the end the following new para-
9 graph:

10 “(14) with respect to distilled spirits removed
11 after December 31, 2019, and before January 1, 2021,
12 free of tax for use in or contained in hand sanitizer
13 produced and distributed in a manner consistent with
14 any guidance issued by the Food and Drug Adminis-
15 tration that is related to the outbreak of virus SARS-
16 CoV-2 or coronavirus disease 2019 (COVID-19).”.

17 (b) *EFFECTIVE DATE.*—The amendments made by this
18 section shall apply to distilled spirits removed after Decem-
19 ber 31, 2019.

20 (c) *APPLICATION OF OTHER LAWS.*—Any distilled
21 spirits or product described in paragraph (14) of section
22 5214(a) of the Internal Revenue Code of 1986 (as added
23 by this section) shall not be subject to any requirements re-
24 lated to labeling or bulk sales under—

25 (1) section 105 or 106 of the Federal Alcohol Ad-
26 ministration Act (27 U.S.C. 205, 206); or

1 (2) *section 204 of the Alcoholic Beverage Label-*
 2 *ing Act of 1988 (27 U.S.C. 215).*

3 **TITLE III—SUPPORTING AMER-**
 4 **ICA’S HEALTH CARE SYSTEM**
 5 **IN THE FIGHT AGAINST THE**
 6 **CORONAVIRUS**

7 **Subtitle A—Health Provisions**

8 **SEC. 3001. SHORT TITLE.**

9 *This subtitle may be cited as the “Coronavirus Aid,*
 10 *Relief, and Economic Security Act”.*

11 **PART I—ADDRESSING SUPPLY SHORTAGES**

12 **Subpart A—Medical Product Supplies**

13 **SEC. 3101. NATIONAL ACADEMIES REPORT ON AMERICA’S**
 14 **MEDICAL PRODUCT SUPPLY CHAIN SECU-**
 15 **RITY.**

16 (a) *IN GENERAL.*—*Not later than 60 days after the*
 17 *date of enactment of this Act, the Secretary of Health and*
 18 *Human Services shall enter into an agreement with the Na-*
 19 *tional Academies of Sciences, Engineering, and Medicine*
 20 *(referred to in this section as the “National Academies”)*
 21 *to examine, and, in a manner that does not compromise*
 22 *national security, report on, the security of the United*
 23 *States medical product supply chain.*

24 (b) *PURPOSES.*—*The report developed under this sec-*
 25 *tion shall—*

1 (1) *assess and evaluate the dependence of the*
2 *United States, including the private commercial sec-*
3 *tor, States, and the Federal Government, on critical*
4 *drugs and devices that are sourced or manufactured*
5 *outside of the United States, which may include an*
6 *analysis of—*

7 (A) *the supply chain of critical drugs and*
8 *devices of greatest priority to providing health*
9 *care;*

10 (B) *any potential public health security or*
11 *national security risks associated with reliance*
12 *on critical drugs and devices sourced or manu-*
13 *factured outside of the United States, which may*
14 *include responses to previous or existing short-*
15 *ages or public health emergencies, such as infec-*
16 *tious disease outbreaks, bioterror attacks, and*
17 *other public health threats;*

18 (C) *any existing supply chain information*
19 *gaps, as applicable; and*

20 (D) *potential economic impact of increased*
21 *domestic manufacturing; and*

22 (2) *provide recommendations, which may include*
23 *a plan to improve the resiliency of the supply chain*
24 *for critical drugs and devices as described in para-*
25 *graph (1), and to address any supply vulnerabilities*

1 *or potential disruptions of such products that would*
2 *significantly affect or pose a threat to public health*
3 *security or national security, as appropriate, which*
4 *may include strategies to—*

5 *(A) promote supply chain redundancy and*
6 *contingency planning;*

7 *(B) encourage domestic manufacturing, in-*
8 *cluding consideration of economic impacts, if*
9 *any;*

10 *(C) improve supply chain information gaps;*

11 *(D) improve planning considerations for*
12 *medical product supply chain capacity during*
13 *public health emergencies; and*

14 *(E) promote the accessibility of such drugs*
15 *and devices.*

16 *(c) INPUT.—In conducting the study and developing*
17 *the report under subsection (b), the National Academies*
18 *shall—*

19 *(1) consider input from the Department of*
20 *Health and Human Services, the Department of*
21 *Homeland Security, the Department of Defense, the*
22 *Department of Commerce, the Department of State,*
23 *the Department of Veterans Affairs, the Department*
24 *of Justice, and any other Federal agencies as appro-*
25 *priate; and*

1 (2) *consult with relevant stakeholders, which*
2 *may include conducting public meetings and other*
3 *forms of engagement, as appropriate, with health care*
4 *providers, medical professional societies, State-based*
5 *societies, public health experts, State and local public*
6 *health departments, State medical boards, patient*
7 *groups, medical product manufacturers, health care*
8 *distributors, wholesalers and group purchasing orga-*
9 *nizations, pharmacists, and other entities with experi-*
10 *ence in health care and public health, as appropriate.*

11 (d) *DEFINITIONS.—In this section, the terms “device”*
12 *and “drug” have the meanings given such terms in section*
13 *201 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C.*
14 *321).*

15 **SEC. 3102. REQUIRING THE STRATEGIC NATIONAL STOCK-**
16 **PILE TO INCLUDE CERTAIN TYPES OF MED-**
17 **ICAL SUPPLIES.**

18 *Section 319F–2(a)(1) of the Public Health Service Act*
19 *(42 U.S.C. 247d–6b(a)(1)) is amended by inserting “(in-*
20 *cluding personal protective equipment, ancillary medical*
21 *supplies, and other applicable supplies required for the ad-*
22 *ministration of drugs, vaccines and other biological prod-*
23 *ucts, medical devices, and diagnostic tests in the stockpile)”*
24 *after “other supplies”.*

1 **SEC. 3103. TREATMENT OF RESPIRATORY PROTECTIVE DE-**
2 **VICES AS COVERED COUNTERMEASURES.**

3 *Section 319F–3(i)(1)(D) of the Public Health Service*
4 *Act (42 U.S.C. 247d–6d(i)(1)(D)) is amended to read as*
5 *follows:*

6 *“(D) a respiratory protective device that is*
7 *approved by the National Institute for Occupa-*
8 *tional Safety and Health under part 84 of title*
9 *42, Code of Federal Regulations (or any suc-*
10 *cessor regulations), and that the Secretary deter-*
11 *mines to be a priority for use during a public*
12 *health emergency declared under section 319.”.*

13 **Subpart B—Mitigating Emergency Drug Shortages**

14 **SEC. 3111. PRIORITIZE REVIEWS OF DRUG APPLICATIONS;**
15 **INCENTIVES.**

16 *Section 506C(g) of the Federal Food, Drug, and Cos-*
17 *metic Act (21 U.S.C. 356c(g)) is amended—*

18 *(1) in paragraph (1), by striking “the Secretary*
19 *may” and inserting “the Secretary shall, as appro-*
20 *priate”;*

21 *(2) in paragraph (1), by inserting “prioritize*
22 *and” before “expedite the review”; and*

23 *(3) in paragraph (2), by inserting “prioritize*
24 *and” before “expedite an inspection”.*

1 **SEC. 3112. ADDITIONAL MANUFACTURER REPORTING RE-**
2 **QUIREMENTS IN RESPONSE TO DRUG SHORT-**
3 **AGES.**

4 (a) *EXPANSION TO INCLUDE ACTIVE PHARMA-*
5 *CEUTICAL INGREDIENTS.*—*Subsection (a) of section 506C*
6 *of the Federal Food, Drug, and Cosmetic Act (21 U.S.C.*
7 *356c) is amended—*

8 (1) *in paragraph (1)(C), by inserting “or any*
9 *such drug that is critical to the public health during*
10 *a public health emergency declared by the Secretary*
11 *under section 319 of the Public Health Service Act”*
12 *after “during surgery”; and*

13 (2) *in the flush text at the end—*

14 (A) *by inserting “, or a permanent dis-*
15 *continuance in the manufacture of an active*
16 *pharmaceutical ingredient or an interruption in*
17 *the manufacture of the active pharmaceutical in-*
18 *redient of such drug that is likely to lead to a*
19 *meaningful disruption in the supply of the active*
20 *pharmaceutical ingredient of such drug,” before*
21 *“and the reasons”; and*

22 (B) *by adding at the end the following:*
23 *“Notification under this subsection shall include*
24 *disclosure of reasons for the discontinuation or*
25 *interruption, and if applicable, an active phar-*
26 *maceutical ingredient is a reason for, or risk fac-*

1 *tor in, such discontinuation or interruption, the*
2 *source of the active pharmaceutical ingredient*
3 *and any alternative sources for the active phar-*
4 *maceutical ingredient known by the manufac-*
5 *turer; whether any associated device used for*
6 *preparation or administration included in the*
7 *drug is a reason for, or a risk factor in, such dis-*
8 *continuation or interruption; the expected dura-*
9 *tion of the interruption; and such other informa-*
10 *tion as the Secretary may require.”.*

11 *(b) RISK MANAGEMENT.—Section 506C of the Federal*
12 *Food, Drug, and Cosmetic Act (21 U.S.C. 356c) is amended*
13 *by adding at the end the following:*

14 *“(j) RISK MANAGEMENT PLANS.—Each manufacturer*
15 *of a drug described in subsection (a) or of any active phar-*
16 *maceutical ingredient or any associated medical device used*
17 *for preparation or administration included in the drug,*
18 *shall develop, maintain, and implement, as appropriate, a*
19 *redundancy risk management plan that identifies and eval-*
20 *uates risks to the supply of the drug, as applicable, for each*
21 *establishment in which such drug or active pharmaceutical*
22 *ingredient of such drug is manufactured. A risk manage-*
23 *ment plan under this section shall be subject to inspection*
24 *and copying by the Secretary pursuant to an inspection*
25 *or a request under section 704(a)(4).”.*

1 (c) *ANNUAL NOTIFICATION.*—Section 506E of the Fed-
2 *eral Food, Drug, and Cosmetic Act (21 U.S.C. 356e)* is
3 *amended by adding at the end the following:*

4 “(d) *INTERAGENCY NOTIFICATION.*—Not later than
5 *180 days after the date of enactment of this subsection, and*
6 *every 90 days thereafter, the Secretary shall transmit a re-*
7 *port regarding the drugs of the current drug shortage list*
8 *under this section to the Administrator of the Centers for*
9 *Medicare & Medicaid Services.”.*

10 (d) *REPORTING AFTER INSPECTIONS.*—Section 704(b)
11 *of the Federal Food, Drug, and Cosmetic Act (21 U.S.C.*
12 *374(b)) is amended—*

13 (1) *by redesignating paragraphs (1) and (2) and*
14 *subparagraphs (A) and (B);*

15 (2) *by striking “(b) Upon completion” and in-*
16 *serting “(b)(1) Upon completion”; and*

17 (3) *by adding at the end the following:*

18 “(2) *In carrying out this subsection with respect to*
19 *any establishment manufacturing a drug approved under*
20 *subsection (c) or (j) of section 505 for which a notification*
21 *has been submitted in accordance with section 506C is, or*
22 *has been in the last 5 years, listed on the drug shortage*
23 *list under section 506E, or that is described in section*
24 *505(j)(11)(A), a copy of the report shall be sent promptly*

1 *to the appropriate offices of the Food and Drug Administra-*
2 *tion with expertise regarding drug shortages.”.*

3 *(e) REPORTING REQUIREMENT.—Section 510(j) of the*
4 *Federal Food, Drug, Cosmetic Act (21 U.S.C. 360(j)) is*
5 *amended—*

6 *(1) by redesignating paragraphs (3) and (4) as*
7 *paragraphs (4) and (5), respectively; and*

8 *(2) by inserting after paragraph (2) the fol-*
9 *lowing:*

10 *“(3)(A) Each person who registers with the Sec-*
11 *retary under this section with regard to a drug shall*
12 *report annually to the Secretary on the amount of*
13 *each drug listed under paragraph (1) that was manu-*
14 *factured, prepared, propagated, compounded, or proc-*
15 *essed by such person for commercial distribution.*
16 *Such information may be required to be submitted in*
17 *an electronic format as determined by the Secretary.*
18 *The Secretary may require that information required*
19 *to be reported under this paragraph be submitted at*
20 *the time a public health emergency is declared by the*
21 *Secretary under section 319 of the Public Health*
22 *Service Act.*

23 *“(B) By order of the Secretary, certain biological*
24 *products or categories of biological products regulated*
25 *under section 351 of the Public Health Service Act*

1 *may be exempt from some or all of the reporting re-*
 2 *quirements under subparagraph (A), if the Secretary*
 3 *determines that applying such reporting requirements*
 4 *to such biological products or categories of biological*
 5 *products is not necessary to protect the public*
 6 *health.”.*

7 *(f) CONFIDENTIALITY.—Nothing in the amendments*
 8 *made by this section shall be construed as authorizing the*
 9 *Secretary to disclose any information that is a trade secret*
 10 *or confidential information subject to section 552(b)(4) of*
 11 *title 5, United States Code, or section 1905 of title 18,*
 12 *United States Code.*

13 *(g) EFFECTIVE DATE.—The amendments made by this*
 14 *section and section 3111 shall take effect on the date that*
 15 *is 180 days after the date of enactment of this Act.*

16 **Subpart C—Preventing Medical Device Shortages**
 17 **SEC. 3121. DISCONTINUANCE OR INTERRUPTION IN THE**
 18 **PRODUCTION OF MEDICAL DEVICES.**

19 *Chapter V of the Federal Food, Drug, and Cosmetic*
 20 *Act (21 U.S.C. 351 et seq.) is amended by inserting after*
 21 *section 506I the following:*

22 **“SEC. 506J. DISCONTINUANCE OR INTERRUPTION IN THE**
 23 **PRODUCTION OF MEDICAL DEVICES.**

24 *“(a) IN GENERAL.—A manufacturer of a device that—*

1 “(1) is critical to public health during a public
2 health emergency, including devices that are life-sup-
3 porting, life-sustaining, or intended for use in emer-
4 gency medical care or during surgery; or

5 “(2) for which the Secretary determines that in-
6 formation on potential meaningful supply disruptions
7 of such device is needed during, or in advance of, a
8 public health emergency;
9 shall, during, or in advance of, a public health emergency
10 declared by the Secretary under section 319 of the Public
11 Health Service Act, notify the Secretary, in accordance with
12 subsection (b), of a permanent discontinuance in the manu-
13 facture of the device (except for discontinuances as a result
14 of an approved modification of the device) or an interrup-
15 tion of the manufacture of the device that is likely to lead
16 to a meaningful disruption in the supply of that device in
17 the United States, and the reasons for such discontinuance
18 or interruption.

19 “(b) *TIMING.*—A notice required under subsection (a)
20 shall be submitted to the Secretary—

21 “(1) at least 6 months prior to the date of the
22 discontinuance or interruption; or

23 “(2) if compliance with paragraph (1) is not
24 possible, as soon as practicable.

25 “(c) *DISTRIBUTION.*—

1 “(1) *PUBLIC AVAILABILITY.*—*To the maximum*
2 *extent practicable, subject to paragraph (2), the Sec-*
3 *retary shall distribute, through such means as the*
4 *Secretary determines appropriate, information on the*
5 *discontinuance or interruption of the manufacture of*
6 *devices reported under subsection (a) to appropriate*
7 *organizations, including physician, health provider,*
8 *patient organizations, and supply chain partners, as*
9 *appropriate and applicable, as described in subsection*
10 *(g).*

11 “(2) *PUBLIC HEALTH EXCEPTION.*—*The Sec-*
12 *retary may choose not to make information collected*
13 *under this section publicly available pursuant to this*
14 *section if the Secretary determines that disclosure of*
15 *such information would adversely affect the public*
16 *health, such as by increasing the possibility of unnec-*
17 *essary over purchase of product, component parts, or*
18 *other disruption of the availability of medical prod-*
19 *ucts to patients.*

20 “(d) *CONFIDENTIALITY.*—*Nothing in this section shall*
21 *be construed as authorizing the Secretary to disclose any*
22 *information that is a trade secret or confidential informa-*
23 *tion subject to section 552(b)(4) of title 5, United States*
24 *Code, or section 1905 of title 18, United States Code.*

1 “(e) *FAILURE TO MEET REQUIREMENTS.*—If a person
2 fails to submit information required under subsection (a)
3 in accordance with subsection (b)—

4 “(1) the Secretary shall issue a letter to such
5 person informing such person of such failure;

6 “(2) not later than 30 calendar days after the
7 issuance of a letter under paragraph (1), the person
8 who receives such letter shall submit to the Secretary
9 a written response to such letter setting forth the basis
10 for noncompliance and providing information re-
11 quired under subsection (a); and

12 “(3) not later than 45 calendar days after the
13 issuance of a letter under paragraph (1), the Sec-
14 retary shall make such letter and any response to
15 such letter under paragraph (2) available to the pub-
16 lic on the internet website of the Food and Drug Ad-
17 ministration, with appropriate redactions made to
18 protect information described in subsection (d), except
19 that, if the Secretary determines that the letter under
20 paragraph (1) was issued in error or, after review of
21 such response, the person had a reasonable basis for
22 not notifying as required under subsection (a), the re-
23 quirements of this paragraph shall not apply.

24 “(f) *EXPEDITED INSPECTIONS AND REVIEWS.*—If,
25 based on notifications described in subsection (a) or any

1 *other relevant information, the Secretary concludes that*
2 *there is, or is likely to be, a shortage of an device, the Sec-*
3 *retary shall, as appropriate—*

4 “(1) *prioritize and expedite the review of a sub-*
5 *mission under section 513(f)(2), 515, review of a noti-*
6 *fication under section 510(k), or 520(m) for a device*
7 *that could help mitigate or prevent such shortage; or*

8 “(2) *prioritize and expedite an inspection or re-*
9 *inspection of an establishment that could help miti-*
10 *gate or prevent such shortage.*

11 “(g) *DEVICE SHORTAGE LIST.—*

12 “(1) *ESTABLISHMENT.—The Secretary shall es-*
13 *tablish and maintain an up-to-date list of devices*
14 *that are determined by the Secretary to be in shortage*
15 *in the United States.*

16 “(2) *CONTENTS.—For each device included on*
17 *the list under paragraph (1), the Secretary shall in-*
18 *clude the following information:*

19 “(A) *The category or name of the device in*
20 *shortage.*

21 “(B) *The name of each manufacturer of*
22 *such device.*

23 “(C) *The reason for the shortage, as deter-*
24 *mined by the Secretary, selecting from the fol-*
25 *lowing categories:*

1 “(i) *Requirements related to complying*
2 *with good manufacturing practices.*

3 “(ii) *Regulatory delay.*

4 “(iii) *Shortage or discontinuance of a*
5 *component or part.*

6 “(iv) *Discontinuance of the manufac-*
7 *ture of the device.*

8 “(v) *Delay in shipping of the device.*

9 “(vi) *Delay in sterilization of the de-*
10 *vice.*

11 “(vii) *Demand increase for the device.*

12 “(viii) *Facility closure.*

13 “(D) *The estimated duration of the shortage*
14 *as determined by the Secretary.*

15 “(3) *PUBLIC AVAILABILITY.—*

16 “(A) *IN GENERAL.—Subject to subpara-*
17 *graphs (B) and (C), the Secretary shall make the*
18 *information in the list under paragraph (1) pub-*
19 *licly available.*

20 “(B) *TRADE SECRETS AND CONFIDENTIAL*
21 *INFORMATION.—Nothing in this subsection shall*
22 *be construed to alter or amend section 1905 of*
23 *title 18, United States Code, or section 552(b)(4)*
24 *of title 5 of such Code.*

1 “(C) *PUBLIC HEALTH EXCEPTION.*—*The*
2 *Secretary may elect not to make information col-*
3 *lected under this subsection publicly available if*
4 *the Secretary determines that disclosure of such*
5 *information would adversely affect the public*
6 *health (such as by increasing the possibility of*
7 *hoarding or other disruption of the availability*
8 *of the device to patients).*

9 “(h) *RULE OF CONSTRUCTION.*—*Nothing in this sec-*
10 *tion shall be construed to affect the authority of the Sec-*
11 *retary on the date of enactment of this section to expedite*
12 *the review of devices under section 515 of the Federal Food,*
13 *Drug, and Cosmetic Act, section 515B of such Act relating*
14 *to the priority review program for devices, and section 564*
15 *of such Act relating to the emergency use authorization au-*
16 *thorities.*

17 “(i) *DEFINITIONS.*—*In this section:*

18 “(1) *MEANINGFUL DISRUPTION.*—*The term*
19 *‘meaningful disruption’—*

20 “(A) *means a change in production that is*
21 *reasonably likely to lead to a reduction in the*
22 *supply of a device by a manufacturer that is*
23 *more than negligible and affects the ability of the*
24 *manufacturer to fill orders or meet expected de-*
25 *mand for its product;*

1 “(B) does not include interruptions in man-
2 ufacturing due to matters such as routine main-
3 tenance or insignificant changes in manufac-
4 turing so long as the manufacturer expects to re-
5 sume operations in a short period of time, not to
6 exceed 6 months;

7 “(C) does not include interruptions in man-
8 ufacturing of components or raw materials so
9 long as such interruptions do not result in a
10 shortage of the device and the manufacturer ex-
11 pects to resume operations in a reasonable period
12 of time; and

13 “(D) does not include interruptions in
14 manufacturing that do not lead to a reduction in
15 procedures or diagnostic tests associated with a
16 medical device designed to perform more than
17 one procedure or diagnostic test.

18 “(2) *SHORTAGE*.—The term ‘shortage’, with re-
19 spect to a device, means a period of time when the de-
20 mand or projected demand for the device within the
21 United States exceeds the supply of the device.”.

1 **PART II—ACCESS TO HEALTH CARE FOR COVID-**
2 **19 PATIENTS**

3 **Subpart A—Coverage of Testing and Preventive**
4 **Services**

5 **SEC. 3201. COVERAGE OF DIAGNOSTIC TESTING FOR**
6 **COVID-19.**

7 *Paragraph (1) of section 6001(a) of division F of the*
8 *Families First Coronavirus Response Act (Public Law 116-*
9 *127) is amended to read as follows:*

10 *“(1) An in vitro diagnostic test defined in sec-*
11 *tion 809.3 of title 21, Code of Federal Regulations (or*
12 *successor regulations) for the detection of SARS-CoV-*
13 *2 or the diagnosis of the virus that causes COVID-*
14 *19, and the administration of such a test, that—*

15 *“(A) is approved, cleared, or authorized*
16 *under section 510(k), 513, 515, or 564 of the*
17 *Federal Food, Drug, and Cosmetic Act (21*
18 *U.S.C. 360(k), 360c, 360e, 360bbb-3);*

19 *“(B) the developer has requested, or intends*
20 *to request, emergency use authorization under*
21 *section 564 of the Federal Food, Drug, and Cos-*
22 *metic Act (21 U.S.C. 360bbb-3), unless and until*
23 *the emergency use authorization request under*
24 *such section 564 has been denied or the developer*
25 *of such test does not submit a request under such*
26 *section within a reasonable timeframe;*

1 “(C) is developed in and authorized by a
2 State that has notified the Secretary of Health
3 and Human Services of its intention to review
4 tests intended to diagnose COVID–19; or

5 “(D) other test that the Secretary deter-
6 mines appropriate in guidance.”.

7 **SEC. 3202. PRICING OF DIAGNOSTIC TESTING.**

8 (a) *REIMBURSEMENT RATES.*—A group health plan or
9 a health insurance issuer providing coverage of items and
10 services described in section 6001(a) of division F of the
11 Families First Coronavirus Response Act (Public Law 116–
12 127) with respect to an enrollee shall reimburse the provider
13 of the diagnostic testing as follows:

14 (1) If the health plan or issuer has a negotiated
15 rate with such provider in effect before the public
16 health emergency declared under section 319 of the
17 Public Health Service Act (42 U.S.C. 247d), such ne-
18 gotiated rate shall apply throughout the period of
19 such declaration.

20 (2) If the health plan or issuer does not have a
21 negotiated rate with such provider, such plan or
22 issuer shall reimburse the provider in an amount that
23 equals the cash price for such service as listed by the
24 provider on a public internet website, or such plan or

1 *issuer may negotiate a rate with such provider for*
 2 *less than such cash price.*

3 *(b) REQUIREMENT TO PUBLICIZE CASH PRICE FOR*
 4 *DIAGNOSTIC TESTING FOR COVID–19.—*

5 *(1) IN GENERAL.—During the emergency period*
 6 *declared under section 319 of the Public Health Serv-*
 7 *ice Act (42 U.S.C. 247d), each provider of a diag-*
 8 *nostic test for COVID–19 shall make public the cash*
 9 *price for such test on a public internet website of such*
 10 *provider.*

11 *(2) CIVIL MONETARY PENALTIES.—The Secretary*
 12 *of Health and Human Services may impose a civil*
 13 *monetary penalty on any provider of a diagnostic test*
 14 *for COVID–19 that is not in compliance with para-*
 15 *graph (1) and has not completed a corrective action*
 16 *plan to comply with the requirements of such para-*
 17 *graph, in an amount not to exceed \$300 per day that*
 18 *the violation is ongoing.*

19 **SEC. 3203. RAPID COVERAGE OF PREVENTIVE SERVICES**
 20 **AND VACCINES FOR CORONAVIRUS.**

21 *(a) IN GENERAL.—Notwithstanding 2713(b) of the*
 22 *Public Health Service Act (42 U.S.C. 300gg–13), the Sec-*
 23 *retary of Health and Human Services, the Secretary of*
 24 *Labor, and the Secretary of the Treasury shall require*
 25 *group health plans and health insurance issuers offering*

1 *group or individual health insurance to cover (without cost-*
2 *sharing) any qualifying coronavirus preventive service,*
3 *pursuant to section 2713(a) of the Public Health Service*
4 *Act (42 U.S.C. 300gg–13(a)) (including the regulations*
5 *under sections 2590.715–2713 of title 29, Code of Federal*
6 *Regulations, section 54.9815–2713 of title 26, Code of Fed-*
7 *eral Regulations, and section 147.130 of title 45, Code of*
8 *Federal Regulations (or any successor regulations)). The re-*
9 *quirement described in this subsection shall take effect with*
10 *respect to a qualifying coronavirus preventive service on the*
11 *specified date described in subsection (b)(2).*

12 (b) *DEFINITIONS.—For purposes of this section:*

13 (1) *QUALIFYING CORONAVIRUS PREVENTIVE*
14 *SERVICE.—The term “qualifying coronavirus preven-*
15 *tive service” means an item, service, or immunization*
16 *that is intended to prevent or mitigate coronavirus*
17 *disease 2019 and that is—*

18 (A) *an evidence-based item or service that*
19 *has in effect a rating of “A” or “B” in the cur-*
20 *rent recommendations of the United States Pre-*
21 *ventive Services Task Force; or*

22 (B) *an immunization that has in effect a*
23 *recommendation from the Advisory Committee*
24 *on Immunization Practices of the Centers for*

1 *Disease Control and Prevention with respect to*
 2 *the individual involved.*

3 (2) *SPECIFIED DATE.*—*The term “specified date”*
 4 *means the date that is 15 business days after the date*
 5 *on which a recommendation is made relating to the*
 6 *qualifying coronavirus preventive service as described*
 7 *in such paragraph.*

8 (3) *ADDITIONAL TERMS.*—*In this section, the*
 9 *terms “group health plan”, “health insurance issuer”,*
 10 *“group health insurance coverage”, and “individual*
 11 *health insurance coverage” have the meanings given*
 12 *such terms in section 2791 of the Public Health Serv-*
 13 *ice Act (42 U.S.C. 300gg–91), section 733 of the Em-*
 14 *ployee Retirement Income Security Act of 1974 (29*
 15 *U.S.C. 1191b), and section 9832 of the Internal Rev-*
 16 *enue Code, as applicable.*

17 ***Subpart B—Support for Health Care Providers***

18 ***SEC. 3211. SUPPLEMENTAL AWARDS FOR HEALTH CENTERS.***

19 (a) *SUPPLEMENTAL AWARDS.*—*Section 330(r) of the*
 20 *Public Health Service Act (42 U.S.C. 254b(r)) is amended*
 21 *by adding at the end the following:*

22 “(6) *ADDITIONAL AMOUNTS FOR SUPPLEMENTAL*
 23 *AWARDS.*—*In addition to any amounts made avail-*
 24 *able pursuant to this subsection, section 402A of this*
 25 *Act, or section 10503 of the Patient Protection and*

1 *Affordable Care Act, there is authorized to be appro-*
2 *priated, and there is appropriated, out of any monies*
3 *in the Treasury not otherwise appropriated,*
4 *\$1,320,000,000 for fiscal year 2020 for supplemental*
5 *awards under subsection (d) for the detection of*
6 *SARS-CoV-2 or the prevention, diagnosis, and treat-*
7 *ment of COVID-19.”.*

8 **(b) APPLICATION OF PROVISIONS.**—*Amounts appro-*
9 *priated pursuant to the amendment made by subsection (a)*
10 *for fiscal year 2020 shall be subject to the requirements con-*
11 *tained in Public Law 116–94 for funds for programs au-*
12 *thorized under sections 330 through 340 of the Public*
13 *Health Service Act (42 U.S.C. 254 through 256).*

14 **SEC. 3212. TELEHEALTH NETWORK AND TELEHEALTH RE-**
15 **SOURCE CENTERS GRANT PROGRAMS.**

16 *Section 330I of the Public Health Service Act (42*
17 *U.S.C. 254c–14) is amended—*

18 *(1) in subsection (d)—*

19 *(A) in paragraph (1)—*

20 *(i) in the matter preceding subpara-*
21 *graph (A), by striking “projects to dem-*
22 *onstrate how telehealth technologies can be*
23 *used through telehealth networks” and in-*
24 *serting “evidence-based projects that utilize*

1 *telehealth technologies through telehealth*
2 *networks”;*

3 (ii) *in subparagraph (A)—*

4 (I) *by striking “the quality of”*
5 *and inserting “access to, and the qual-*
6 *ity of;”;* and

7 (II) *by inserting “and” after the*
8 *semicolon;*

9 (iii) *by striking subparagraph (B);*

10 (iv) *by redesignating subparagraph (C)*
11 *as subparagraph (B); and*

12 (v) *in subparagraph (B), as so redesign-*
13 *ated, by striking “and patients and their*
14 *families, for decisionmaking” and inserting*
15 *“, patients, and their families”; and*

16 (B) *in paragraph (2)—*

17 (i) *by striking “demonstrate how tele-*
18 *health technologies can be used” and insert-*
19 *ing “support initiatives that utilize tele-*
20 *health technologies”; and*

21 (ii) *by striking “, to establish telehealth*
22 *resource centers”;*

23 (2) *in subsection (e), by striking “4 years” and*
24 *inserting “5 years”;*

25 (3) *in subsection (f)—*

1 (A) by striking paragraph (2);

2 (B) in paragraph (1)(B)—

3 (i) by redesignating clauses (i) through
4 (iii) as paragraphs (1) through (3), respec-
5 tively, and adjusting the margins accord-
6 ingly;

7 (ii) in paragraph (3), as so redesign-
8 ated by clause (i), by redesignating sub-
9 clauses (I) through (XII) as subparagraphs
10 (A) through (L), respectively, and adjusting
11 the margins accordingly; and

12 (iii) by striking “(1) TELEHEALTH
13 NETWORK GRANTS—” and all that follows
14 through “(B) TELEHEALTH NETWORKS—”;
15 and

16 (C) in paragraph (3)(I), as so redesignated,
17 by inserting “and substance use disorder” after
18 “mental health” each place such term appears;

19 (4) in subsection (g)(2), by striking “or im-
20 prove” and inserting “and improve”;

21 (5) by striking subsection (h);

22 (6) by redesignating subsections (i) through (p)
23 as subsection (h) through (o), respectively;

24 (7) in subsection (h), as so redesignated—

25 (A) in paragraph (1)—

- 1 (i) in subparagraph (B), by striking
2 “mental health, public health, long-term
3 care, home care, preventive” and inserting
4 “mental health care, public health services,
5 long-term care, home care, preventive care”;
- 6 (ii) in subparagraph (E), by inserting
7 “and regional” after “local”; and
- 8 (iii) by striking subparagraph (F);
9 and
- 10 (B) in paragraph (2)(A), by striking
11 “medically underserved areas or” and inserting
12 “rural areas, medically underserved areas, or”;
- 13 (8) in paragraph (2) of subsection (i), as so re-
14 designated, by striking “ensure that—” and all that
15 follows through the end of subparagraph (B) and in-
16 serting “ensure that not less than 50 percent of the
17 funds awarded shall be awarded for projects in rural
18 areas.”;
- 19 (9) in subsection (j), as so redesignated—
- 20 (A) in paragraph (1)(B), by striking “com-
21 puter hardware and software, audio and video
22 equipment, computer network equipment, inter-
23 active equipment, data terminal equipment, and
24 other”; and

1 (B) in paragraph (2)(F), by striking
2 “health care providers and”;

3 (10) in subsection (k), as so redesignated—

4 (A) in paragraph (2), by striking “40 per-
5 cent” and inserting “20 percent”; and

6 (B) in paragraph (3), by striking “(such as
7 laying cable or telephone lines, or purchasing or
8 installing microwave towers, satellite dishes, am-
9 plifiers, or digital switching equipment)”;

10 (11) by striking subsections (q) and (r) and in-
11 serting the following:

12 “(p) *REPORT.*—Not later than 4 years after the date
13 of enactment of the Coronavirus Aid, Relief, and Economic
14 Security Act, and every 5 years thereafter, the Secretary
15 shall prepare and submit to the Committee on Health, Edu-
16 cation, Labor, and Pensions of the Senate and the Com-
17 mittee on Energy and Commerce of the House of Represent-
18 atives a report on the activities and outcomes of the grant
19 programs under subsection (b).”;

20 (12) by redesignating subsection (s) as subsection
21 (q); and

22 (13) in subsection (q), as so redesignated, by
23 striking “this section—” and all that follows through
24 the end of paragraph (2) and inserting “this section

1 \$29,000,000 for each of fiscal years 2021 through
2 2025.”.

3 **SEC. 3213. RURAL HEALTH CARE SERVICES OUTREACH,**
4 **RURAL HEALTH NETWORK DEVELOPMENT,**
5 **AND SMALL HEALTH CARE PROVIDER QUAL-**
6 **ITY IMPROVEMENT GRANT PROGRAMS.**

7 Section 330A of the Public Health Service Act (42
8 U.S.C. 254c) is amended—

9 (1) in subsection (d)(2)—

10 (A) in subparagraph (A), by striking “es-
11 sential” and inserting “basic”; and

12 (B) in subparagraph (B)—

13 (i) in the matter preceding clause (i),
14 by inserting “to” after “grants”; and

15 (ii) in clauses (i), (ii), and (iii), by
16 striking “to” each place such term appears;

17 (2) in subsection (e)—

18 (A) in paragraph (1)—

19 (i) by inserting “improving and” after
20 “outreach by”;

21 (ii) by inserting “, through community
22 engagement and evidence-based or innova-
23 tive, evidence-informed models” before the
24 period of the first sentence; and

- 1 (iii) by striking “3 years” and insert-
2 ing “5 years”;
- 3 (B) in paragraph (2)—
- 4 (i) in the matter preceding subpara-
5 graph (A), by inserting “shall” after “enti-
6 ty”;
- 7 (ii) in subparagraph (A), by striking
8 “shall be a rural public or rural nonprofit
9 private entity” and inserting “be an entity
10 with demonstrated experience serving, or the
11 capacity to serve, rural underserved popu-
12 lations”;
- 13 (iii) in subparagraphs (B) and (C), by
14 striking “shall” each place such term ap-
15 pears; and
- 16 (iv) in subparagraph (B)—
- 17 (I) in the matter preceding clause
18 (i), by inserting “that” after “mem-
19 bers”; and
- 20 (II) in clauses (i) and (ii), by
21 striking “that” each place such term
22 appears; and
- 23 (C) in paragraph (3)(C), by striking “the
24 local community or region” and inserting “the

1 *rural underserved populations in the local com-*
2 *munity or region”;*

3 *(3) in subsection (f)—*

4 *(A) in paragraph (1)—*

5 *(i) in subparagraph (A)—*

6 *(I) in the matter preceding clause*
7 *(i), by striking “promote, through*
8 *planning and implementation, the de-*
9 *velopment of integrated health care*
10 *networks that have combined the func-*
11 *tions of the entities participating in*
12 *the networks” and inserting “plan, de-*
13 *velop, and implement integrated health*
14 *care networks that collaborate”;* and

15 *(II) in clause (ii), by striking “es-*
16 *sential health care services” and insert-*
17 *ing “basic health care services and as-*
18 *sociated health outcomes”;* and

19 *(ii) by amending subparagraph (B) to*
20 *read as follows:*

21 *“(B) GRANT PERIODS.—The Director may*
22 *award grants under this subsection for periods of*
23 *not more than 5 years.”;*

24 *(B) in paragraph (2)—*

1 (i) *in the matter preceding subpara-*
2 *graph (A), by inserting “shall” after “enti-*
3 *ty”;*

4 (ii) *in subparagraph (A), by striking*
5 *“shall be a rural public or rural nonprofit*
6 *private entity” and inserting “be an entity*
7 *with demonstrated experience serving, or the*
8 *capacity to serve, rural underserved popu-*
9 *lations”;*

10 (iii) *in subparagraph (B)—*

11 (I) *in the matter preceding clause*

12 (i)—

13 (aa) *by striking “shall”; and*

14 (bb) *by inserting “that” after*

15 “participants”; and

16 (II) *in clauses (i) and (ii), by*
17 *striking “that” each place such term*
18 *appears; and*

19 (iv) *in subparagraph (C), by striking*
20 *“shall”; and*

21 (C) *in paragraph (3)—*

22 (i) *by amending clause (iii) of sub-*
23 *paragraph (C) to read as follows:*

24 “*(iii) how the rural underserved popu-*
25 *lations in the local community or region to*

1 *be served will benefit from and be involved*
2 *in the development and ongoing operations*
3 *of the network;”*; and

4 *(ii) in subparagraph (D), by striking*
5 *“the local community or region” and insert-*
6 *ing “the rural underserved populations in*
7 *the local community or region”;*

8 *(4) in subsection (g)—*

9 *(A) in paragraph (1)—*

10 *(i) by inserting “, including activities*
11 *related to increasing care coordination, en-*
12 *hancing chronic disease management, and*
13 *improving patient health outcomes” before*
14 *the period of the first sentence; and*

15 *(ii) by striking “3 years” and insert-*
16 *ing “5 years”;*

17 *(B) in paragraph (2)—*

18 *(i) in the matter preceding subpara-*
19 *graph (A), by inserting “shall” after “enti-*
20 *ty”;*

21 *(ii) in subparagraphs (A) and (B), by*
22 *striking “shall” each place such term ap-*
23 *pears; and*

24 *(iii) in subparagraph (A)(ii), by in-*
25 *serting “or regional” after “local”; and*

1 (C) in paragraph (3)(D), by striking “the
2 local community or region” and inserting “the
3 rural underserved populations in the local com-
4 munity or region”;

5 (5) in subsection (h)(3), in the matter preceding
6 subparagraph (A), by inserting “, as appropriate,”
7 after “the Secretary”;

8 (6) by amending subsection (i) to read as fol-
9 lows:

10 “(i) *REPORT.*—Not later than 4 years after the date
11 of enactment of the Coronavirus Aid, Relief, and Economic
12 Security Act, and every 5 years thereafter, the Secretary
13 shall prepare and submit to the Committee on Health, Edu-
14 cation, Labor, and Pensions of the Senate and the Com-
15 mittee on Energy and Commerce of the House of Represent-
16 atives a report on the activities and outcomes of the grant
17 programs under subsections (e), (f), and (g), including the
18 impact of projects funded under such programs on the
19 health status of rural residents with chronic conditions.”;
20 and

21 (7) in subsection (j), by striking “\$45,000,000
22 for each of fiscal years 2008 through 2012” and in-
23 serting “\$79,500,000 for each of fiscal years 2021
24 through 2025”.

1 **SEC. 3214. UNITED STATES PUBLIC HEALTH SERVICE MOD-**
2 **ERNIZATION.**

3 (a) *COMMISSIONED CORPS AND READY RESERVE*
4 *CORPS.*—Section 203 of the Public Health Service Act (42
5 U.S.C. 204) is amended—

6 (1) in subsection (a)(1), by striking “a Ready
7 Reserve Corps for service in time of national emer-
8 gency” and inserting “, for service in time of a public
9 health or national emergency, a Ready Reserve
10 Corps”; and

11 (2) in subsection (c)—

12 (A) in the heading, by striking “RE-
13 SEARCH” and inserting “RESERVE CORPS”;

14 (B) in paragraph (1), by inserting “during
15 public health or national emergencies” before the
16 period;

17 (C) in paragraph (2)—

18 (i) in the matter preceding subpara-
19 graph (A), by inserting “, consistent with
20 paragraph (1)” after “shall”;

21 (ii) in subparagraph (C), by inserting
22 “during such emergencies” after “members”;
23 and

24 (iii) in subparagraph (D), by inserting
25 “, consistent with subparagraph (C)” before
26 the period; and

1 (D) by adding at the end the following:

2 “(3) *STATUTORY REFERENCES TO RESERVE*.—A
3 reference in any Federal statute, except in the case of
4 subsection (b), to the ‘Reserve Corps’ of the Public
5 Health Service or to the ‘reserve’ of the Public Health
6 Service shall be deemed to be a reference to the Ready
7 Reserve Corps.”.

8 (b) *DEPLOYMENT READINESS*.—Section
9 203A(a)(1)(B) of the Public Health Service Act (42 U.S.C.
10 204a(a)(1)(B)) is amended by striking “Active Reserves”
11 and inserting “Ready Reserve Corps”.

12 (c) *RETIREMENT OF COMMISSIONED OFFICERS*.—Sec-
13 tion 211 of the Public Health Service Act (42 U.S.C. 212)
14 is amended—

15 (1) by striking “the Service” each place it ap-
16 pears and inserting “the Regular Corps”;

17 (2) in subsection (a)(4), by striking “(in the case
18 of an officer in the Reserve Corps)”;

19 (3) in subsection (c)—

20 (A) in paragraph (1)—

21 (i) by striking “or an officer of the Re-
22 serve Corps”; and

23 (ii) by inserting “or under section
24 221(a)(19)” after “subsection (a)”; and

1 (B) in paragraph (2), by striking “Regular
2 or Reserve Corps” and inserting “Regular Corps
3 or Ready Reserve Corps”; and

4 (4) in subsection (f), by striking “the Regular or
5 Reserve Corps of”.

6 (d) *RIGHTS, PRIVILEGES, ETC. OF OFFICERS AND*
7 *SURVIVING BENEFICIARIES.*—Section 221 of the Public
8 *Health Service Act (42 U.S.C. 213a) is amended—*

9 (1) in subsection (a), by adding at the end the
10 *following:*

11 “(19) Chapter 1223, *Retired Pay for Non-Reg-*
12 *ular Service.*

13 “(20) Section 12601, *Compensation: Reserve on*
14 *active duty accepting from any person.*

15 “(21) Section 12684, *Reserves: separation for ab-*
16 *sence without authority or sentence to imprison-*
17 *ment.*”; and

18 (2) in subsection (b)—

19 (A) by striking “Secretary of Health, Edu-
20 cation, and Welfare or his designee” and insert-
21 ing “Secretary of Health and Human Services
22 or the designee of such secretary”;

23 (B) by striking “(b) The authority vested”
24 and inserting the following:

25 “(b)(1) The authority vested”;

1 (C) by striking “For purposes of” and in-
2 serting the following:

3 “(2) For purposes of”; and

4 (D) by adding at the end the following:

5 “(3) For purposes of paragraph (19) of subsection (a),
6 the terms ‘Military department’, ‘Secretary concerned’, and
7 ‘Armed forces’ in such title 10 shall be deemed to include,
8 respectively, the Department of Health and Human Serv-
9 ices, the Secretary of Health and Human Services, and the
10 Commissioned Corps.”.

11 (e) *TECHNICAL AMENDMENTS.*—Title II of the Public
12 Health Service Act (42 U.S.C. 202 et seq.) is amended—

13 (1) in sections 204 and 207(c), by striking “Reg-
14 ular or Reserve Corps” each place it appears and in-
15 serting “Regular Corps or Ready Reserve Corps”;

16 (2) in section 208(a), by striking “Regular and
17 Reserve Corps” each place it appears and inserting
18 “Regular Corps and Ready Reserve Corps”; and

19 (3) in section 205(c), 206(c), 210, and 219, and
20 in subsections (a), (b), and (d) of section 207, by
21 striking “Reserve Corps” each place it appears and
22 inserting “Ready Reserve Corps”.

1 **SEC. 3215. LIMITATION ON LIABILITY FOR VOLUNTEER**
2 **HEALTH CARE PROFESSIONALS DURING**
3 **COVID-19 EMERGENCY RESPONSE.**

4 (a) *LIMITATION ON LIABILITY.*—*Except as provided in*
5 *subsection (b), a health care professional shall not be liable*
6 *under Federal or State law for any harm caused by an act*
7 *or omission of the professional in the provision of health*
8 *care services during the public health emergency with re-*
9 *spect to COVID-19 declared by the Secretary of Health and*
10 *Human Services (referred to in this section as the “Sec-*
11 *retary”)* *under section 319 of the Public Health Service Act*
12 *(42 U.S.C. 247d) on January 31, 2020, if—*

13 (1) *the professional is providing health care serv-*
14 *ices in response to such public health emergency, as*
15 *a volunteer; and*

16 (2) *the act or omission occurs—*

17 (A) *in the course of providing health care*
18 *services;*

19 (B) *in the health care professional’s capac-*
20 *ity as a volunteer;*

21 (C) *in the course of providing health care*
22 *services that—*

23 (i) *are within the scope of the license,*
24 *registration, or certification of the volun-*
25 *teer, as defined by the State of licensure,*
26 *registration, or certification; and*

1 (ii) do not exceed the scope of license,
2 registration, or certification of a substan-
3 tially similar health professional in the
4 State in which such act or omission occurs;
5 and

6 (D) in a good faith belief that the indi-
7 vidual being treated is in need of health care
8 services.

9 (b) *EXCEPTIONS.*—Subsection (a) does not apply if—

10 (1) the harm was caused by an act or omission
11 constituting willful or criminal misconduct, gross
12 negligence, reckless misconduct, or a conscious fla-
13 grant indifference to the rights or safety of the indi-
14 vidual harmed by the health care professional; or

15 (2) the health care professional rendered the
16 health care services under the influence (as deter-
17 mined pursuant to applicable State law) of alcohol or
18 an intoxicating drug.

19 (c) *PREEMPTION.*—

20 (1) *IN GENERAL.*—This section preempts the
21 laws of a State or any political subdivision of a State
22 to the extent that such laws are inconsistent with this
23 section, unless such laws provide greater protection
24 from liability.

1 (2) *VOLUNTEER PROTECTION ACT.*—*Protections*
2 *afforded by this section are in addition to those pro-*
3 *vided by the Volunteer Protection Act of 1997 (Public*
4 *Law 105–19).*

5 (d) *DEFINITIONS.*—*In this section—*

6 (1) *the term “harm” includes physical, nonphys-*
7 *ical, economic, and noneconomic losses;*

8 (2) *the term “health care professional” means an*
9 *individual who is licensed, registered, or certified*
10 *under Federal or State law to provide health care*
11 *services;*

12 (3) *the term “health care services” means any*
13 *services provided by a health care professional, or by*
14 *any individual working under the supervision of a*
15 *health care professional that relate to—*

16 (A) *the diagnosis, prevention, or treatment*
17 *of COVID–19; or*

18 (B) *the assessment or care of the health of*
19 *a human being related to an actual or suspected*
20 *case of COVID–19; and*

21 (4) *the term “volunteer” means a health care*
22 *professional who, with respect to the health care serv-*
23 *ices rendered, does not receive compensation or any*
24 *other thing of value in lieu of compensation, which*
25 *compensation—*

1 (A) includes a payment under any insur-
2 ance policy or health plan, or under any Federal
3 or State health benefits program; and

4 (B) excludes—

5 (i) receipt of items to be used exclu-
6 sively for rendering health care services in
7 the health care professional’s capacity as a
8 volunteer described in subsection (a)(1); and

9 (ii) any reimbursement for travel to
10 the site where the volunteer services are ren-
11 dered and any payments in cash or kind to
12 cover room and board, if services are being
13 rendered more than 75 miles from the vol-
14 unteer’s principal place of residence.

15 (e) *EFFECTIVE DATE.*—This section shall take effect
16 upon the date of enactment of this Act, and applies to a
17 claim for harm only if the act or omission that caused such
18 harm occurred on or after the date of enactment.

19 (f) *SUNSET.*—This section shall be in effect only for
20 the length of the public health emergency declared by the
21 Secretary of Health and Human Services (referred to in
22 this section as the “Secretary”) under section 319 of the
23 Public Health Service Act (42 U.S.C. 247d) on January
24 31, 2020 with respect to COVID–19.

1 **SEC. 3216. FLEXIBILITY FOR MEMBERS OF NATIONAL**
2 **HEALTH SERVICE CORPS DURING EMER-**
3 **GENCY PERIOD.**

4 *During the public health emergency declared by the*
5 *Secretary of Health and Human Services under section 319*
6 *of the Public Health Service Act (42 U.S.C. 247d) on Janu-*
7 *ary 31, 2020, with respect to COVID–19, the Secretary*
8 *may, notwithstanding section 333 of the Public Health*
9 *Service Act (42 U.S.C. 254f), assign members of the Na-*
10 *tional Health Service Corps, with the voluntary agreement*
11 *of such corps members, to provide such health services at*
12 *such places, and for such number of hours, as the Secretary*
13 *determines necessary to respond to such emergency, pro-*
14 *vided that such places are within a reasonable distance of*
15 *the site to which such members were originally assigned,*
16 *and the total number of hours required are the same as were*
17 *required of such members prior to the date of enactment*
18 *of this Act.*

19 **Subpart C—Miscellaneous Provisions**

20 **SEC. 3221. CONFIDENTIALITY AND DISCLOSURE OF**
21 **RECORDS RELATING TO SUBSTANCE USE DIS-**
22 **ORDER.**

23 *(a) CONFORMING CHANGES RELATING TO SUBSTANCE*
24 *USE DISORDER.—Subsections (a) and (h) of section 543*
25 *of the Public Health Service Act (42 U.S.C. 290dd–2) are*

1 *each amended by striking “substance abuse” and inserting*
2 *“substance use disorder”.*

3 *(b) DISCLOSURES TO COVERED ENTITIES CONSISTENT*
4 *WITH HIPAA.—Paragraph (1) of section 543(b) of the*
5 *Public Health Service Act (42 U.S.C. 290dd–2(b)) is*
6 *amended to read as follows:*

7 *“(1) CONSENT.—The following shall apply with*
8 *respect to the contents of any record referred to in*
9 *subsection (a):*

10 *“(A) Such contents may be used or disclosed*
11 *in accordance with the prior written consent of*
12 *the patient with respect to whom such record is*
13 *maintained.*

14 *“(B) Once prior written consent of the pa-*
15 *tient has been obtained, such contents may be*
16 *used or disclosed by a covered entity, business as-*
17 *sociate, or a program subject to this section for*
18 *purposes of treatment, payment, and health care*
19 *operations as permitted by the HIPAA regula-*
20 *tions. Any information so disclosed may then be*
21 *redisclosed in accordance with the HIPAA regu-*
22 *lations. Section 13405(c) of the Health Informa-*
23 *tion Technology and Clinical Health Act (42*
24 *U.S.C. 17935(c)) shall apply to all disclosures*
25 *pursuant to subsection (b)(1) of this section.*

1 “(C) *It shall be permissible for a patient’s*
2 *prior written consent to be given once for all*
3 *such future uses or disclosures for purposes of*
4 *treatment, payment, and health care operations,*
5 *until such time as the patient revokes such con-*
6 *sent in writing.*

7 “(D) *Section 13405(a) of the Health Infor-*
8 *mation Technology and Clinical Health Act (42*
9 *U.S.C. 17935(a)) shall apply to all disclosures*
10 *pursuant to subsection (b)(1) of this section.”.*

11 *(c) DISCLOSURES OF DE-IDENTIFIED HEALTH INFOR-*
12 *MATION TO PUBLIC HEALTH AUTHORITIES.—Paragraph*
13 *(2) of section 543(b) of the Public Health Service Act (42*
14 *U.S.C. 290dd–2(b)), is amended by adding at the end the*
15 *following:*

16 “(D) *To a public health authority, so long*
17 *as such content meets the standards established*
18 *in section 164.514(b) of title 45, Code of Federal*
19 *Regulations (or successor regulations) for cre-*
20 *ating de-identified information.”.*

21 *(d) DEFINITIONS.—Section 543 of the Public Health*
22 *Service Act (42 U.S.C. 290dd–2) is amended by adding at*
23 *the end the following:*

24 “(k) *DEFINITIONS.—For purposes of this section:*

1 “(1) *BREACH*.—The term ‘breach’ has the mean-
2 ing given such term for purposes of the HIPAA regu-
3 lations.

4 “(2) *BUSINESS ASSOCIATE*.—The term ‘business
5 associate’ has the meaning given such term for pur-
6 poses of the HIPAA regulations.

7 “(3) *COVERED ENTITY*.—The term ‘covered enti-
8 ty’ has the meaning given such term for purposes of
9 the HIPAA regulations.

10 “(4) *HEALTH CARE OPERATIONS*.—The term
11 ‘health care operations’ has the meaning given such
12 term for purposes of the HIPAA regulations.

13 “(5) *HIPAA REGULATIONS*.—The term ‘HIPAA
14 regulations’ has the meaning given such term for pur-
15 poses of parts 160 and 164 of title 45, Code of Federal
16 Regulations.

17 “(6) *PAYMENT*.—The term ‘payment’ has the
18 meaning given such term for purposes of the HIPAA
19 regulations.

20 “(7) *PUBLIC HEALTH AUTHORITY*.—The term
21 ‘public health authority’ has the meaning given such
22 term for purposes of the HIPAA regulations.

23 “(8) *TREATMENT*.—The term ‘treatment’ has the
24 meaning given such term for purposes of the HIPAA
25 regulations.

1 “(9) *UNSECURED PROTECTED HEALTH INFORMA-*
2 *TION.—The term ‘unprotected health information’ has*
3 *the meaning given such term for purposes of the*
4 *HIPAA regulations.”.*

5 *(e) USE OF RECORDS IN CRIMINAL, CIVIL, OR ADMIN-*
6 *ISTRATIVE INVESTIGATIONS, ACTIONS, OR PROCEEDINGS.—*
7 *Subsection (c) of section 543 of the Public Health Service*
8 *Act (42 U.S.C. 290dd–2(c)) is amended to read as follows:*

9 “(c) *USE OF RECORDS IN CRIMINAL, CIVIL, OR ADMIN-*
10 *ISTRATIVE CONTEXTS.—Except as otherwise authorized by*
11 *a court order under subsection (b)(2)(C) or by the consent*
12 *of the patient, a record referred to in subsection (a), or testi-*
13 *mony relaying the information contained therein, may not*
14 *be disclosed or used in any civil, criminal, administrative,*
15 *or legislative proceedings conducted by any Federal, State,*
16 *or local authority, against a patient, including with respect*
17 *to the following activities:*

18 “(1) *Such record or testimony shall not be en-*
19 *tered into evidence in any criminal prosecution or*
20 *civil action before a Federal or State court.*

21 “(2) *Such record or testimony shall not form*
22 *part of the record for decision or otherwise be taken*
23 *into account in any proceeding before a Federal,*
24 *State, or local agency.*

1 “(3) Such record or testimony shall not be used
2 by any Federal, State, or local agency for a law en-
3 forcement purpose or to conduct any law enforcement
4 investigation.

5 “(4) Such record or testimony shall not be used
6 in any application for a warrant.”.

7 (f) *PENALTIES*.—Subsection (f) of section 543 of the
8 Public Health Service Act (42 U.S.C. 290dd-2) is amended
9 to read as follows:

10 “(f) *PENALTIES*.—The provisions of sections 1176 and
11 1177 of the Social Security Act shall apply to a violation
12 of this section to the extent and in the same manner as
13 such provisions apply to a violation of part C of title XI
14 of such Act. In applying the previous sentence—

15 “(1) the reference to ‘this subsection’ in sub-
16 section (a)(2) of such section 1176 shall be treated as
17 a reference to ‘this subsection (including as applied
18 pursuant to section 543(f) of the Public Health Serv-
19 ice Act)’; and

20 “(2) in subsection (b) of such section 1176—

21 “(A) each reference to ‘a penalty imposed
22 under subsection (a)’ shall be treated as a ref-
23 erence to ‘a penalty imposed under subsection
24 (a) (including as applied pursuant to section
25 543(f) of the Public Health Service Act)’; and

1 “(B) each reference to ‘no damages obtained
2 under subsection (d)’ shall be treated as a ref-
3 erence to ‘no damages obtained under subsection
4 (d) (including as applied pursuant to section
5 543(f) of the Public Health Service Act)’.”.

6 (g) *ANTIDISCRIMINATION*.—Section 543 of the Public
7 Health Service Act (42 U.S.C. 290dd–2) is amended by in-
8 serting after subsection (h) the following:

9 “(i) *ANTIDISCRIMINATION*.—

10 “(1) *IN GENERAL*.—No entity shall discriminate
11 against an individual on the basis of information re-
12 ceived by such entity pursuant to an inadvertent or
13 intentional disclosure of records, or information con-
14 tained in records, described in subsection (a) in—

15 “(A) admission, access to, or treatment for
16 health care;

17 “(B) hiring, firing, or terms of employment,
18 or receipt of worker’s compensation;

19 “(C) the sale, rental, or continued rental of
20 housing;

21 “(D) access to Federal, State, or local
22 courts; or

23 “(E) access to, approval of, or maintenance
24 of social services and benefits provided or funded
25 by Federal, State, or local governments.

1 “(2) *RECIPIENTS OF FEDERAL FUNDS.*—No re-
2 *recipient of Federal funds shall discriminate against an*
3 *individual on the basis of information received by*
4 *such recipient pursuant to an intentional or inad-*
5 *vertent disclosure of such records or information con-*
6 *tained in records described in subsection (a) in af-*
7 *fording access to the services provided with such*
8 *funds.”.*

9 *(h) NOTIFICATION IN CASE OF BREACH.*—Section 543
10 *of the Public Health Service Act (42 U.S.C. 290dd-2), as*
11 *amended by subsection (g), is further amended by inserting*
12 *after subsection (i) the following:*

13 “(j) *NOTIFICATION IN CASE OF BREACH.*—The provi-
14 *sions of section 13402 of the HITECH Act (42 U.S.C.*
15 *17932) shall apply to a program or activity described in*
16 *subsection (a), in case of a breach of records described in*
17 *subsection (a), to the same extent and in the same manner*
18 *as such provisions apply to a covered entity in the case*
19 *of a breach of unsecured protected health information.”.*

20 *(i) REGULATIONS.*—

21 (1) *IN GENERAL.*—The Secretary of Health and
22 *Human Services, in consultation with appropriate*
23 *Federal agencies, shall make such revisions to regula-*
24 *tions as may be necessary for implementing and en-*
25 *forcing the amendments made by this section, such*

1 *that such amendments shall apply with respect to*
2 *uses and disclosures of information occurring on or*
3 *after the date that is 12 months after the date of en-*
4 *actment of this Act.*

5 (2) *EASILY UNDERSTANDABLE NOTICE OF PRI-*
6 *VACY PRACTICES.—Not later than 1 year after the*
7 *date of enactment of this Act, the Secretary of Health*
8 *and Human Services, in consultation with appro-*
9 *prate legal, clinical, privacy, and civil rights experts,*
10 *shall update section 164.520 of title 45, Code of Fed-*
11 *eral Regulations, so that covered entities and entities*
12 *creating or maintaining the records described in sub-*
13 *section (a) provide notice, written in plain language,*
14 *of privacy practices regarding patient records referred*
15 *to in section 543(a) of the Public Health Service Act*
16 *(42 U.S.C. 290dd–2(a)), including—*

17 (A) *a statement of the patient’s rights, in-*
18 *cluding self-pay patients, with respect to pro-*
19 *TECTED health information and a brief description*
20 *of how the individual may exercise these rights*
21 *(as required by subsection (b)(1)(iv) of such sec-*
22 *tion 164.520); and*

23 (B) *a description of each purpose for which*
24 *the covered entity is permitted or required to use*
25 *or disclose protected health information without*

1 the patient's written authorization (as required
2 by subsection (b)(2) of such section 164.520).

3 (j) *RULES OF CONSTRUCTION.*—Nothing in this Act or
4 the amendments made by this Act shall be construed to
5 limit—

6 (1) a patient's right, as described in section
7 164.522 of title 45, Code of Federal Regulations, or
8 any successor regulation, to request a restriction on
9 the use or disclosure of a record referred to in section
10 543(a) of the Public Health Service Act (42 U.S.C.
11 290dd–2(a)) for purposes of treatment, payment, or
12 health care operations; or

13 (2) a covered entity's choice, as described in sec-
14 tion 164.506 of title 45, Code of Federal Regulations,
15 or any successor regulation, to obtain the consent of
16 the individual to use or disclose a record referred to
17 in such section 543(a) to carry out treatment, pay-
18 ment, or health care operation.

19 (k) *SENSE OF CONGRESS.*—It is the sense of the Con-
20 gress that—

21 (1) any person treating a patient through a pro-
22 gram or activity with respect to which the confiden-
23 tiality requirements of section 543 of the Public
24 Health Service Act (42 U.S.C. 290dd–2) apply is en-
25 couraged to access the applicable State-based prescrip-

1 *tion drug monitoring program when clinically appro-*
2 *priate;*

3 (2) *patients have the right to request a restric-*
4 *tion on the use or disclosure of a record referred to*
5 *in section 543(a) of the Public Health Service Act (42*
6 *U.S.C. 290dd–2(a)) for treatment, payment, or health*
7 *care operations;*

8 (3) *covered entities should make every reasonable*
9 *effort to the extent feasible to comply with a patient’s*
10 *request for a restriction regarding such use or disclo-*
11 *sure;*

12 (4) *for purposes of applying section 164.501 of*
13 *title 45, Code of Federal Regulations, the definition of*
14 *health care operations shall have the meaning given*
15 *such term in such section, except that clause (v) of*
16 *paragraph (6) shall not apply; and*

17 (5) *programs creating records referred to in sec-*
18 *tion 543(a) of the Public Health Service Act (42*
19 *U.S.C. 290dd–2(a)) should receive positive incentives*
20 *for discussing with their patients the benefits to con-*
21 *senting to share such records.*

22 **SEC. 3222. NUTRITION SERVICES.**

23 (a) *DEFINITIONS.—In this section, the terms “Assist-*
24 *ant Secretary”, “Secretary”, “State agency”, and “area*
25 *agency on aging” have the meanings given the terms in sec-*

1 *tion 102 of the Older Americans Act of 1965 (42 U.S.C.*
2 *3002).*

3 **(b) NUTRITION SERVICES TRANSFER CRITERIA.**—*Dur-*
4 *ing any portion of the COVID–19 public health emergency*
5 *declared under section 319 of the Public Health Service Act*
6 *(42 U.S.C. 247d), the Secretary shall allow a State agency*
7 *or an area agency on aging, without prior approval, to*
8 *transfer not more than 100 percent of the funds received*
9 *by the State agency or area agency on aging, respectively,*
10 *and attributable to funds appropriated under paragraph*
11 *(1) or (2) of section 303(b) of the Older Americans Act of*
12 *1965 (42 U.S.C. 3023(b)), between subpart 1 and subpart*
13 *2 of part C (42 U.S.C. 3030d–2 et seq.) for such use as*
14 *the State agency or area agency on aging, respectively, con-*
15 *siders appropriate to meet the needs of the State or area*
16 *served.*

17 **(c) HOME-DELIVERED NUTRITION SERVICES WAIV-**
18 *ER.*—*For purposes of State agencies’ determining the deliv-*
19 *ery of nutrition services under section 337 of the Older*
20 *Americans Act of 1965 (42 U.S.C. 3030g), during the period*
21 *of the COVID–19 public health emergency declared under*
22 *section 319 of the Public Health Service Act (42 U.S.C.*
23 *247d), the same meaning shall be given to an individual*
24 *who is unable to obtain nutrition because the individual*
25 *is practicing social distancing due to the emergency as is*

1 *given to an individual who is homebound by reason of ill-*
 2 *ness.*

3 (d) *DIETARY GUIDELINES WAIVER.—To facilitate im-*
 4 *plementation of subparts 1 and 2 of part C of title III of*
 5 *the Older Americans Act of 1965 (42 U.S.C. 3030d–2 et*
 6 *seq.) during any portion of the COVID–19 public health*
 7 *emergency declared under section 319 of the Public Health*
 8 *Service Act (42 U.S.C. 247d), the Assistant Secretary may*
 9 *waive the requirements for meals provided under those sub-*
 10 *parts to comply with the requirements of clauses (i) and*
 11 *(ii) of section 339(2)(A) of such Act (42 U.S.C. 3030g–*
 12 *21(2)(A)).*

13 **SEC. 3223. CONTINUITY OF SERVICE AND OPPORTUNITIES**
 14 **FOR PARTICIPANTS IN COMMUNITY SERVICE**
 15 **ACTIVITIES UNDER TITLE V OF THE OLDER**
 16 **AMERICANS ACT OF 1965.**

17 *To ensure continuity of service and opportunities for*
 18 *participants in community service activities under title V*
 19 *of the Older Americans Act of 1965 (42 U.S.C. 3056 et seq.),*
 20 *the Secretary of Labor—*

21 (1)(A) *may allow individuals participating in*
 22 *projects under such title as of March 1, 2020, to ex-*
 23 *tend their participation for a period that exceeds the*
 24 *period described in section 518(a)(3)(B)(i) of such Act*
 25 *(42 U.S.C. 3056p(a)(3)(B)(i)) if the Secretary deter-*

1 *mines such extension is appropriate due to the effects*
2 *of the COVID–19 public health emergency declared*
3 *under section 319 of the Public Health Service Act*
4 *(42 U.S.C. 247d); and*

5 *(B) may increase the average participation cap*
6 *for eligible individuals applicable to grantees as de-*
7 *scribed in section 502(b)(1)(C) of the Older Ameri-*
8 *cans Act of 1965 (42 U.S.C. 3056(b)(1)(C)) to a cap*
9 *the Secretary determines is appropriate due to the ef-*
10 *fects of the COVID–19 public health emergency de-*
11 *clared under section 319 of the Public Health Service*
12 *Act (42 U.S.C. 247d); and*

13 *(2) may increase the amount available to pay*
14 *the authorized administrative costs for a project, de-*
15 *scribed in section 502(c)(3) of the Older Americans*
16 *Act of 1965 (42 U.S.C. 3056(c)(3)) to an amount not*
17 *to exceed 20 percent of the grant amount if the Sec-*
18 *retary determines that such increase is necessary to*
19 *adequately respond to the additional administrative*
20 *needs to respond to the COVID–19 public health*
21 *emergency declared under section 319 of the Public*
22 *Health Service Act (42 U.S.C. 247d).*

1 **SEC. 3224. GUIDANCE ON PROTECTED HEALTH INFORMA-**
2 **TION.**

3 *Not later than 180 days after the date of enactment*
4 *of this Act, the Secretary of Health and Human Services*
5 *shall issue guidance on the sharing of patients' protected*
6 *health information pursuant to section 160.103 of title 45,*
7 *Code of Federal Regulations (or any successor regulations)*
8 *during the public health emergency declared by the Sec-*
9 *retary of Health and Human Services under section 319*
10 *of the Public Health Service Act (42 U.S.C. 247d) with re-*
11 *spect to COVID–19, during the emergency involving Fed-*
12 *eral primary responsibility determined to exist by the*
13 *President under section 501(b) of the Robert T. Stafford*
14 *Disaster Relief and Emergency Assistance Act (42 U.S.C.*
15 *5191(b)) with respect to COVID–19, and during the na-*
16 *tional emergency declared by the President under the Na-*
17 *tional Emergencies Act (50 U.S.C. 1601 et seq.) with respect*
18 *to COVID–19. Such guidance shall include information on*
19 *compliance with the regulations promulgated pursuant to*
20 *section 264(c) of the Health Insurance Portability and Ac-*
21 *countability Act of 1996 (42 U.S.C. 1320d–2 note) and ap-*
22 *plicable policies, including such policies that may come into*
23 *effect during such emergencies.*

1 **SEC. 3225. REAUTHORIZATION OF HEALTHY START PRO-**
2 **GRAM.**

3 *Section 330H of the Public Health Service Act (42*
4 *U.S.C. 254c–8) is amended—*

5 *(1) in subsection (a)—*

6 *(A) in paragraph (1), by striking “, during*
7 *fiscal year 2001 and subsequent years,”; and*

8 *(B) in paragraph (2), by inserting “or in-*
9 *creasing above the national average” after “areas*
10 *with high”;*

11 *(2) in subsection (b)—*

12 *(A) in paragraph (1), by striking “con-*
13 *sumers of project services, public health depart-*
14 *ments, hospitals, health centers under section*
15 *330” and inserting “participants and former*
16 *participants of project services, public health de-*
17 *partments, hospitals, health centers under section*
18 *330, State substance abuse agencies”;* and

19 *(B) in paragraph (2)—*

20 *(i) in subparagraph (A), by striking*
21 *“such as low birthweight” and inserting*
22 *“including poor birth outcomes (such as low*
23 *birthweight and preterm birth) and social*
24 *determinants of health”;*

25 *(ii) by redesignating subparagraph (B)*
26 *as subparagraph (C);*

- 1 *(iii) by inserting after subparagraph*
2 *(A), the following:*
3 *“(B) Communities with—*
4 *“(i) high rates of infant mortality or*
5 *poor perinatal outcomes; or*
6 *“(ii) high rates of infant mortality or*
7 *poor perinatal outcomes in specific sub-*
8 *populations within the community.”; and*
9 *(iv) in subparagraph (C) (as so redesi-*
10 *gnated)—*
11 *(I) by redesignating clauses (i)*
12 *and (ii) as clauses (ii) and (iii), re-*
13 *spectively;*
14 *(II) by inserting before clause (ii)*
15 *(as so redesignated) the following:*
16 *“(i) collaboration with the local com-*
17 *munity in the development of the project;”;*
18 *(III) in clause (i) (as so redesi-*
19 *gnated), by striking “and” at the end;*
20 *(IV) in clause (iii) (as so redesi-*
21 *gnated), by striking the period and in-*
22 *serting “; and”; and*
23 *(V) by adding at the end the fol-*
24 *lowing:*

1 “(iv) the use and collection of data
2 demonstrating the effectiveness of such pro-
3 gram in decreasing infant mortality rates
4 and improving perinatal outcomes, as ap-
5 plicable, or the process by which new appli-
6 cants plan to collect this data.”;

7 (3) in subsection (c)—

8 (A) by striking “Recipients of grants” and
9 inserting the following:

10 “(1) IN GENERAL.—Recipients of grants”; and

11 (B) by adding at the end the following:

12 “(2) OTHER PROGRAMS.—The Secretary shall
13 ensure coordination of the program carried out pur-
14 suant to this section with other programs and activi-
15 ties related to the reduction of the rate of infant mor-
16 tality and improved perinatal and infant health out-
17 comes supported by the Department.”;

18 (4) in subsection (e)—

19 (A) in paragraph (1), by striking “appro-
20 priated—” and all that follows through the end
21 and inserting “appropriated \$125,500,000 for
22 each of fiscal years 2021 through 2025.”; and

23 (B) in paragraph (2)(B), by adding at the
24 end the following: “Evaluations may also in-

1 *clude, to the extent practicable, information re-*
2 *lated to—*

3 “(i) *progress toward achieving any*
4 *grant metrics or outcomes related to reduc-*
5 *ing infant mortality rates, improving*
6 *perinatal outcomes, or reducing the dis-*
7 *parity in health status;*

8 “(ii) *recommendations on potential*
9 *improvements that may assist with address-*
10 *ing gaps, as applicable and appropriate;*
11 *and*

12 “(iii) *the extent to which the grantee*
13 *coordinated with the community in which*
14 *the grantee is located in the development of*
15 *the project and delivery of services, includ-*
16 *ing with respect to technical assistance and*
17 *mentorship programs.”; and*

18 (5) *by adding at the end the following:*

19 “(f) *GAO REPORT.—*

20 “(1) *IN GENERAL.—Not later than 4 years after*
21 *the date of the enactment of this subsection, the*
22 *Comptroller General of the United States shall con-*
23 *duct an independent evaluation, and submit to the*
24 *appropriate Committees of Congress a report, con-*
25 *cerning the Healthy Start program under this section.*

1 “(2) *EVALUATION.*—*In conducting the evaluation*
2 *under paragraph (1), the Comptroller General shall*
3 *consider, as applicable and appropriate, information*
4 *from the evaluations under subsection (e)(2)(B).*

5 “(3) *REPORT.*—*The report described in para-*
6 *graph (1) shall review, assess, and provide rec-*
7 *ommendations, as appropriate, on the following:*

8 “(A) *The allocation of Healthy Start pro-*
9 *gram grants by the Health Resources and Serv-*
10 *ices Administration, including considerations*
11 *made by such Administration regarding dispari-*
12 *ties in infant mortality or perinatal outcomes*
13 *among urban and rural areas in making such*
14 *awards.*

15 “(B) *Trends in the progress made toward*
16 *meeting the evaluation criteria pursuant to sub-*
17 *section (e)(2)(B), including programs which de-*
18 *crease infant mortality rates and improve*
19 *perinatal outcomes, programs that have not de-*
20 *creased infant mortality rates or improved*
21 *perinatal outcomes, and programs that have*
22 *made an impact on disparities in infant mor-*
23 *tality or perinatal outcomes.*

24 “(C) *The ability of grantees to improve*
25 *health outcomes for project participants, promote*

1 *the awareness of the Healthy Start program*
2 *services, incorporate and promote family partici-*
3 *ipation, facilitate coordination with the commu-*
4 *nity in which the grantee is located, and in-*
5 *crease grantee accountability through quality*
6 *improvement, performance monitoring, evalua-*
7 *tion, and the effect such metrics may have to-*
8 *ward decreasing the rate of infant mortality and*
9 *improving perinatal outcomes.*

10 *“(D) The extent to which such Federal pro-*
11 *grams are coordinated across agencies and the*
12 *identification of opportunities for improved co-*
13 *ordination in such Federal programs and activi-*
14 *ties.”.*

15 **SEC. 3226. IMPORTANCE OF THE BLOOD SUPPLY.**

16 *(a) IN GENERAL.—The Secretary of Health and*
17 *Human Services (referred to in this section as the “Sec-*
18 *retary”)* shall carry out a national campaign to improve
19 *awareness of, and support outreach to the public and health*
20 *care providers about the importance and safety of blood do-*
21 *nation and the need for donations for the blood supply dur-*
22 *ing the public health emergency declared by the Secretary*
23 *under section 319 of the Public Health Service Act (42*
24 *U.S.C. 247d) with respect to COVID–19.*

1 (b) *AWARENESS CAMPAIGN.*—*In carrying out sub-*
2 *section (a), the Secretary may enter into contracts with one*
3 *or more public or private nonprofit entities, to establish a*
4 *national blood donation awareness campaign that may in-*
5 *clude television, radio, internet, and newspaper public serv-*
6 *ice announcements, and other activities to provide for pub-*
7 *lic and professional awareness and education.*

8 (c) *CONSULTATION.*—*In carrying out subsection (a),*
9 *the Secretary shall consult with the Commissioner of Food*
10 *and Drugs, the Assistant Secretary for Health, the Director*
11 *of the Centers for Disease Control and Prevention, the Di-*
12 *rector of the National Institutes of Health, and the heads*
13 *of other relevant Federal agencies, and relevant accrediting*
14 *bodies and representative organizations.*

15 (d) *REPORT TO CONGRESS.*—*Not later than 2 years*
16 *after the date of enactment of this Act, the Secretary shall*
17 *submit to the Committee on Health, Education, Labor, and*
18 *Pensions of the Senate and the Committee on Energy and*
19 *Commerce of the House of Representatives, a report that*
20 *shall include—*

21 (1) *a description of the activities carried out*
22 *under subsection (a);*

23 (2) *a description of trends in blood supply dona-*
24 *tions; and*

1 (3) *an evaluation of the impact of the public*
 2 *awareness campaign, including any geographic or*
 3 *population variations.*

4 **PART III—INNOVATION**

5 **SEC. 3301. REMOVING THE CAP ON OTA DURING PUBLIC**
 6 **HEALTH EMERGENCIES.**

7 *Section 319L(c)(5)(A) of the Public Health Service Act*
 8 *(42 U.S.C. 247d–7e(c)(5)(A)) is amended—*

9 (1) *by redesignating clause (iii) as clause (iv);*
 10 *and*

11 (2) *by inserting after clause (ii) the following:*

12 “(iii) *AUTHORITY DURING A PUBLIC*
 13 *HEALTH EMERGENCY.—*

14 “(I) *IN GENERAL.—Notwith-*
 15 *standing clause (i), the Secretary,*
 16 *shall, to the maximum extent prac-*
 17 *ticable, use competitive procedures*
 18 *when entering into transactions to*
 19 *carry out projects under this subsection*
 20 *for purposes of a public health emer-*
 21 *gency declared by the Secretary under*
 22 *section 319. Any such transactions en-*
 23 *tered into during such public health*
 24 *emergency shall not be terminated sole-*
 25 *ly due to the expiration of such public*

1 *health emergency, if such public health*
2 *emergency ends before the completion*
3 *of the terms of such agreement.*

4 “(II) *REPORT.*—*After the expira-*
5 *tion of the public health emergency de-*
6 *clared by the Secretary under section*
7 *319, the Secretary shall provide a re-*
8 *port to the Committee on Health, Edu-*
9 *cation, Labor, and Pensions of the*
10 *Senate and the Committee on Energy*
11 *and Commerce of the House of Rep-*
12 *resentatives regarding the use of any*
13 *funds pursuant to the authority under*
14 *subclause (I), including any outcomes,*
15 *benefits, and risks associated with the*
16 *use of such funds, and a description of*
17 *the reasons for the use of such author-*
18 *ity for the project or projects.”.*

19 **SEC. 3302. PRIORITY ZONOTIC ANIMAL DRUGS.**

20 *Chapter V of the Federal Food, Drug, and Cosmetic*
21 *Act (21 U.S.C. 351 et seq.) is amended by inserting after*
22 *section 512 the following:*

23 **“SEC. 512A. PRIORITY ZONOTIC ANIMAL DRUGS.**

24 *“(a) IN GENERAL.—The Secretary shall, at the request*
25 *of the sponsor intending to submit an application for ap-*

1 *proval of a new animal drug under section 512(b)(1) or*
2 *an application for conditional approval of a new animal*
3 *drug under section 571, expedite the development and re-*
4 *view of such new animal drug if preliminary clinical evi-*
5 *dence indicates that the new animal drug, alone or in com-*
6 *bination with 1 or more other animal drugs, has the poten-*
7 *tial to prevent or treat a zoonotic disease in animals, in-*
8 *cluding a vector borne-disease, that has the potential to*
9 *cause serious adverse health consequences for, or serious or*
10 *life-threatening diseases in, humans.*

11 “(b) *REQUEST FOR DESIGNATION.*—*The sponsor of a*
12 *new animal drug may request the Secretary to designate*
13 *a new animal drug described in subsection (a) as a priority*
14 *zoonotic animal drug. A request for the designation may*
15 *be made concurrently with, or at any time after, the open-*
16 *ing of an investigational new animal drug file under sec-*
17 *tion 512(j) or the filing of an application under section*
18 *512(b)(1) or 571.*

19 “(c) *DESIGNATION.*—

20 “(1) *IN GENERAL.*—*Not later than 60 calendar*
21 *days after the receipt of a request under subsection*
22 *(b), the Secretary shall determine whether the new*
23 *animal drug that is the subject of the request meets*
24 *the criteria described in subsection (a). If the Sec-*
25 *retary determines that the new animal drug meets the*

1 *criteria, the Secretary shall designate the new animal*
2 *drug as a priority zoonotic animal drug and shall*
3 *take such actions as are appropriate to expedite the*
4 *development and review of the application for ap-*
5 *proval or conditional approval of such new animal*
6 *drug.*

7 *“(2) ACTIONS.—The actions to expedite the de-*
8 *velopment and review of an application under para-*
9 *graph (1) may include, as appropriate—*

10 *“(A) taking steps to ensure that the design*
11 *of clinical trials is as efficient as practicable,*
12 *when scientifically appropriate, such as by uti-*
13 *lizing novel trial designs or drug development*
14 *tools (including biomarkers) that may reduce the*
15 *number of animals needed for studies;*

16 *“(B) providing timely advice to, and inter-*
17 *active communication with, the sponsor (which*
18 *may include meetings with the sponsor and re-*
19 *view team) regarding the development of the new*
20 *animal drug to ensure that the development pro-*
21 *gram to gather the nonclinical and clinical data*
22 *necessary for approval is as efficient as prac-*
23 *ticable;*

24 *“(C) involving senior managers and review*
25 *staff with experience in zoonotic or vector-borne*

1 *disease to facilitate collaborative, cross-discipli-*
 2 *nary review, including, as appropriate, across*
 3 *agency centers; and*

4 *“(D) implementing additional administra-*
 5 *tive or process enhancements, as necessary, to fa-*
 6 *cilitate an efficient review and development pro-*
 7 *gram.”.*

8 **PART IV—HEALTH CARE WORKFORCE**

9 **SEC. 3401. REAUTHORIZATION OF HEALTH PROFESSIONS**
 10 **WORKFORCE PROGRAMS.**

11 *Title VII of the Public Health Service Act (42 U.S.C.*
 12 *292 et seq.) is amended—*

13 *(1) in section 736 (42 U.S.C. 293), by striking*
 14 *subsection (i) and inserting the following:*

15 *“(i) AUTHORIZATION OF APPROPRIATIONS.—To carry*
 16 *out this section, there is authorized to be appropriated*
 17 *\$23,711,000 for each of fiscal years 2021 through 2025.”;*

18 *(2) in section 740 (42 U.S.C. 293d)—*

19 *(A) in subsection (a), by striking*
 20 *“\$51,000,000 for fiscal year 2010, and such sums*
 21 *as may be necessary for each of the fiscal years*
 22 *2011 through 2014” and inserting “\$51,470,000*
 23 *for each of fiscal years 2021 through 2025”;*

24 *(B) in subsection (b), by striking*
 25 *“\$5,000,000 for each of the fiscal years 2010*

1 *through 2014” and inserting “\$1,190,000 for*
2 *each of fiscal years 2021 through 2025”;*

3 (C) *in subsection (c), by striking*
4 *“\$60,000,000 for fiscal year 2010 and such sums*
5 *as may be necessary for each of the fiscal years*
6 *2011 through 2014” and inserting “\$15,000,000*
7 *for each of fiscal years 2021 through 2025”;* and

8 (D) *in subsection (d), by striking “Not*
9 *Later than 6 months after the date of enactment*
10 *of this part, the Secretary shall prepare and sub-*
11 *mit to the appropriate committees of Congress”*
12 *and inserting: “Not later than September 30,*
13 *2025, and every five years thereafter, the Sec-*
14 *retary shall prepare and submit to the Com-*
15 *mittee on Health, Education, Labor, and Pen-*
16 *sions of the Senate, and the Committee on En-*
17 *ergy and Commerce of the House of Representa-*
18 *tives,”;*

19 (3) *in section 747 (42 U.S.C. 293k)—*

20 (A) *in subsection (a)—*

21 (i) *in paragraph (1)(G), by striking*
22 *“to plan, develop, and operate a demonstra-*
23 *tion program that provides training” and*
24 *inserting: “to plan, develop, and operate a*
25 *program that identifies or develops innova-*

1 *tive models of providing care, and trains*
2 *primary care physicians on such models*
3 *and”; and*

4 *(ii) by adding at the end the following:*

5 *“(3) PRIORITIES IN MAKING AWARDS.—In*
6 *awarding grants or contracts under paragraph (1),*
7 *the Secretary may give priority to qualified appli-*
8 *cants that train residents in rural areas, including*
9 *for Tribes or Tribal Organizations in such areas.”;*

10 *(B) in subsection (b)(3)(E), by striking*
11 *“substance-related disorders” and inserting “sub-*
12 *stance use disorders”; and*

13 *(C) in subsection (c)(1), by striking*
14 *“\$125,000,000 for fiscal year 2010, and such*
15 *sums as may be necessary for each of fiscal years*
16 *2011 through 2014” and inserting “\$48,924,000*
17 *for each of fiscal years 2021 through 2025”;*

18 *(4) in section 748 (42 U.S.C. 293k-2)—*

19 *(A) in subsection (c)(5), by striking “sub-*
20 *stance-related disorders” and inserting “sub-*
21 *stance use disorders”; and*

22 *(B) in subsection (f), by striking*
23 *“\$30,000,000 for fiscal year 2010 and such sums*
24 *as may be necessary for each of fiscal years 2011*

1 *through 2015” and inserting “\$28,531,000 for*
2 *each of fiscal years 2021 through 2025”;*

3 (5) *in section 749(d)(2) (42 U.S.C. 293l(d)(2)),*
4 *by striking “Committee on Labor and Human Re-*
5 *sources of the Senate, and the Committee on Com-*
6 *merce of the House of Representatives” and inserting*
7 *“Committee on Health, Education, Labor, and Pen-*
8 *sions of the Senate, and the Committee on Energy*
9 *and Commerce of the House of Representatives”;*

10 (6) *in section 751(j)(1) (42 U.S.C. 294a(j)(1)),*
11 *by striking “\$125,000,000 for each of the fiscal years*
12 *2010 through 2014” and inserting “\$41,250,000 for*
13 *each of fiscal years 2021 through 2025”;*

14 (7) *in section 754(b)(1)(A) (42 U.S.C.*
15 *294d(b)(1)(A)), by striking “new and innovative”*
16 *and inserting “innovative or evidence-based”;*

17 (8) *in section 755(b)(1)(A) (42 U.S.C.*
18 *294e(b)(1)(A)), by striking “the elderly” and insert-*
19 *ing “geriatric populations or for maternal and child*
20 *health”;*

21 (9) *in section 761(e) (42 U.S.C. 294n(e))—*

22 (A) *in paragraph (1)(A), by striking*
23 *“\$7,500,000 for each of fiscal years 2010 through*
24 *2014” and inserting “\$5,663,000 for each of fis-*
25 *cal years 2021 through 2025”;* *and*

1 (B) in paragraph (2), by striking “sub-
2 section (a)” and inserting “paragraph (1)”;

3 (10) in section 762 (42 U.S.C. 294o)—

4 (A) in subsection (a)(1), by striking “Com-
5 mittee on Labor and Human Resources” and in-
6 serting “Committee on Health, Education,
7 Labor, and Pensions”;

8 (B) in subsection (b)—

9 (i) in paragraph (2), by striking
10 “Health Care Financing Administration”
11 and inserting “Centers for Medicare & Med-
12 icaid Services”;

13 (ii) by redesignating paragraphs (4)
14 through (6) as paragraphs (5) through (7),
15 respectively; and

16 (iii) by inserting after paragraph (3),
17 the following:

18 “(4) the Administrator of the Health Resources
19 and Services Administration;”;

20 (C) by striking subsections (i), (j), and (k)
21 and inserting the following:

22 “(i) *REPORTS*.—Not later than September 30, 2023,
23 and not less than every 5 years thereafter, the Council shall
24 submit to the Secretary, and to the Committee on Health,
25 Education, Labor, and Pensions of the Senate and the Com-

1 *mittee on Energy and Commerce of the House of Represent-*
 2 *atives, a report on the recommendations described in sub-*
 3 *section (a).”; and*

4 *(D) by redesignating subsection (l) as sub-*
 5 *section (j);*

6 *(11) in section 766(b)(1) (42 U.S.C. 295a(b)(1)),*
 7 *by striking “that plans” and all that follows through*
 8 *the period and inserting “that plans, develops, oper-*
 9 *ates, and evaluates projects to improve preventive*
 10 *medicine, health promotion and disease prevention, or*
 11 *access to and quality of health care services in rural*
 12 *or medically underserved communities.”;*

13 *(12) in section 770(a) (42 U.S.C. 295e(a)), by*
 14 *striking “\$43,000,000 for fiscal year 2011, and such*
 15 *sums as may be necessary for each of the fiscal years*
 16 *2012 through 2015” and inserting “\$17,000,000 for*
 17 *each of fiscal years 2021 through 2025”; and*

18 *(13) in section 775(e) (42 U.S.C. 295f(e)), by*
 19 *striking “\$30,000,000” and all that follows through*
 20 *the period and inserting “such sums as may be nec-*
 21 *essary for each of fiscal years 2021 through 2025.”.*

22 **SEC. 3402. HEALTH WORKFORCE COORDINATION.**

23 *(a) STRATEGIC PLAN.—*

24 *(1) IN GENERAL.—Not later than 1 year after*
 25 *the date of enactment of this Act, the Secretary of*

1 *Health and Human Services (referred to in this Act*
2 *as the “Secretary”), in consultation with the Advisory*
3 *Committee on Training in Primary Care Medicine*
4 *and Dentistry and the Advisory Council on Graduate*
5 *Medical Education, shall develop a comprehensive*
6 *and coordinated plan with respect to the health care*
7 *workforce development programs of the Department of*
8 *Health and Human Services, including education*
9 *and training programs.*

10 (2) *REQUIREMENTS.—The plan under para-*
11 *graph (1) shall—*

12 (A) *include performance measures to deter-*
13 *mine the extent to which the programs described*
14 *in paragraph (1) are strengthening the Nation’s*
15 *health care system;*

16 (B) *identify any gaps that exist between the*
17 *outcomes of programs described in paragraph (1)*
18 *and projected health care workforce needs identi-*
19 *fied in workforce projection reports conducted by*
20 *the Health Resources and Services Administra-*
21 *tion;*

22 (C) *identify actions to address the gaps de-*
23 *scribed in subparagraph (B); and*

1 (D) identify barriers, if any, to imple-
2 menting the actions identified under subpara-
3 graph (C).

4 (b) COORDINATION WITH OTHER AGENCIES.—The
5 Secretary shall coordinate with the heads of other Federal
6 agencies and departments that fund or administer health
7 care workforce development programs, including education
8 and training programs, to—

9 (1) evaluate the performance of such programs,
10 including the extent to which such programs are effi-
11 cient and effective and are meeting the nation’s health
12 workforce needs; and

13 (2) identify opportunities to improve the quality
14 and consistency of the information collected to evalu-
15 ate within and across such programs, and to imple-
16 ment such improvements.

17 (c) REPORT.—Not later than 2 years after the date of
18 enactment of this Act, the Secretary shall submit to the
19 Committee on Health, Education, Labor, and Pensions of
20 the Senate, and the Committee on Energy and Commerce
21 of the House of Representatives, a report describing the plan
22 developed under subsection (a) and actions taken to imple-
23 ment such plan.

1 **SEC. 3403. EDUCATION AND TRAINING RELATING TO GERI-**
2 **ATRICS.**

3 *Section 753 of the Public Health Service Act (42*
4 *U.S.C. 294c) is amended to read as follows:*

5 **“SEC. 753. EDUCATION AND TRAINING RELATING TO GERI-**
6 **ATRICS.**

7 *“(a) GERIATRICS WORKFORCE ENHANCEMENT PRO-*
8 *GRAM.—*

9 *“(1) IN GENERAL.—The Secretary shall award*
10 *grants, contracts, or cooperative agreements under*
11 *this subsection to entities described in paragraph (1),*
12 *(3), or (4) of section 799B, section 801(2), or section*
13 *865(d), or other health professions schools or pro-*
14 *grams approved by the Secretary, for the establish-*
15 *ment or operation of Geriatrics Workforce Enhance-*
16 *ment Programs that meet the requirements of para-*
17 *graph (2).*

18 *“(2) REQUIREMENTS.—*

19 *“(A) IN GENERAL.—A Geriatrics Workforce*
20 *Enhancement Program receiving an award*
21 *under this section shall support the training of*
22 *health professionals in geriatrics, including*
23 *traineeships or fellowships. Such programs shall*
24 *emphasize, as appropriate, patient and family*
25 *engagement, integration of geriatrics with pri-*
26 *mary care and other appropriate specialties, and*

1 *collaboration with community partners to ad-*
2 *dress gaps in health care for older adults.*

3 “(B) *ACTIVITIES.*—*Activities conducted by*
4 *a program under this section may include the*
5 *following:*

6 “(i) *Clinical training on providing in-*
7 *tegrated geriatrics and primary care deliv-*
8 *ery services.*

9 “(ii) *Interprofessional training to*
10 *practitioners from multiple disciplines and*
11 *specialties, including training on the provi-*
12 *sion of care to older adults.*

13 “(iii) *Establishing or maintaining*
14 *training-related community-based programs*
15 *for older adults and caregivers to improve*
16 *health outcomes for older adults.*

17 “(iv) *Providing education on Alz-*
18 *heimer’s disease and related dementias to*
19 *families and caregivers of older adults, di-*
20 *rect care workers, and health professions*
21 *students, faculty, and providers.*

22 “(3) *DURATION.*—*Each grant, contract, or coop-*
23 *erative agreement or contract awarded under para-*
24 *graph (1) shall be for a period not to exceed 5 years.*

1 “(4) *APPLICATIONS.*—*To be eligible to receive a*
2 *grant, contract, or cooperative agreement under para-*
3 *graph (1), an entity described in such paragraph*
4 *shall submit to the Secretary an application at such*
5 *time, in such manner, and containing such informa-*
6 *tion as the Secretary may require.*

7 “(5) *PROGRAM REQUIREMENTS.*—

8 “(A) *IN GENERAL.*—*In awarding grants,*
9 *contracts, and cooperative agreements under*
10 *paragraph (1), the Secretary—*

11 “(i) *shall give priority to programs*
12 *that demonstrate coordination with another*
13 *Federal or State program or another public*
14 *or private entity;*

15 “(ii) *shall give priority to applicants*
16 *with programs or activities that are ex-*
17 *pected to substantially benefit rural or*
18 *medically underserved populations of older*
19 *adults, or serve older adults in Indian*
20 *Tribes or Tribal organizations; and*

21 “(iii) *may give priority to any pro-*
22 *gram that—*

23 “(I) *integrates geriatrics into pri-*
24 *mary care practice;*

1 “(II) provides training to inte-
2 grate geriatric care into other special-
3 ties across care settings, including
4 practicing clinical specialists, health
5 care administrators, faculty without
6 backgrounds in geriatrics, and students
7 from all health professions;

8 “(III) emphasizes integration of
9 geriatric care into existing service de-
10 livery locations and care across set-
11 tings, including primary care clinics,
12 medical homes, Federally qualified
13 health centers, ambulatory care clinics,
14 critical access hospitals, emergency
15 care, assisted living and nursing facili-
16 ties, and home- and community-based
17 services, which may include adult
18 daycare;

19 “(IV) supports the training and
20 retraining of faculty, primary care
21 providers, other direct care providers,
22 and other appropriate professionals on
23 geriatrics;

24 “(V) emphasizes education and
25 engagement of family caregivers on

1 *disease management and strategies to*
2 *meet the needs of caregivers of older*
3 *adults; or*

4 “(VI) *proposes to conduct out-*
5 *reach to communities that have a*
6 *shortage of geriatric workforce profes-*
7 *sionals.*

8 “(B) *SPECIAL CONSIDERATION.—In award-*
9 *ing grants, contracts, and cooperative agreements*
10 *under this section, the Secretary shall give spe-*
11 *cial consideration to entities that provide serv-*
12 *ices in areas with a shortage of geriatric work-*
13 *force professionals.*

14 “(6) *PRIORITY.—The Secretary may provide*
15 *awardees with additional support for activities in*
16 *areas of demonstrated need, which may include edu-*
17 *cation and training for home health workers, family*
18 *caregivers, and direct care workers on care for older*
19 *adults.*

20 “(7) *REPORTING.—*

21 “(A) *REPORTS FROM ENTITIES.—Each enti-*
22 *ty awarded a grant, contract, or cooperative*
23 *agreement under this section shall submit an an-*
24 *nual report to the Secretary on the activities*
25 *conducted under such grant, contract, or cooper-*

1 *ative agreement, which may include information*
2 *on the number of trainees, the number of profes-*
3 *sions and disciplines, the number of partnerships*
4 *with health care delivery sites, the number of fac-*
5 *ulty and practicing professionals who partici-*
6 *ipated in such programs, and other information,*
7 *as the Secretary may require.*

8 “(B) *REPORT TO CONGRESS.*—*Not later*
9 *than 4 years after the date of enactment of the*
10 *Title VII Health Care Workforce Reauthorization*
11 *Act of 2019 and every 5 years thereafter, the Sec-*
12 *retary shall submit to the Committee on Health,*
13 *Education, Labor, and Pensions of the Senate*
14 *and the Committee on Energy and Commerce of*
15 *the House of Representatives a report that pro-*
16 *vides a summary of the activities and outcomes*
17 *associated with grants, contracts, and coopera-*
18 *tive agreements made under this section. Such*
19 *reports shall include—*

20 “(i) *information on the number of*
21 *trainees, faculty, and professionals who par-*
22 *ticipated in programs under this section;*

23 “(ii) *information on the impact of the*
24 *program conducted under this section on the*
25 *health status of older adults, including in*

1 *areas with a shortage of health profes-*
2 *sionals; and*

3 *“(iii) information on outreach and*
4 *education provided under this section to*
5 *families and caregivers of older adults.*

6 *“(C) PUBLIC AVAILABILITY.—The Secretary*
7 *shall make reports submitted under paragraph*
8 *(B) publically available on the internet website*
9 *of the Department of Health and Human Serv-*
10 *ices.*

11 *“(b) GERIATRIC ACADEMIC CAREER AWARDS.—*

12 *“(1) ESTABLISHMENT OF PROGRAM.—The Sec-*
13 *retary shall, as appropriate, establish or maintain a*
14 *program to provide geriatric academic career awards*
15 *to eligible entities applying on behalf of eligible indi-*
16 *viduals to promote the career development of such in-*
17 *dividuals as academic geriatricians or other academic*
18 *geriatrics health professionals.*

19 *“(2) ELIGIBILITY.—*

20 *“(A) ELIGIBLE ENTITY.—For purposes of*
21 *this subsection, the term ‘eligible entity’ means—*

22 *“(i) an entity described in paragraph*
23 *(1), (3), or (4) of section 799B or section*
24 *801(2); or*

1 “(ii) another accredited health profes-
2 sions school or graduate program approved
3 by the Secretary.

4 “(B) *ELIGIBLE INDIVIDUAL*.—For purposes
5 of this subsection, the term ‘eligible individual’
6 means an individual who—

7 “(i)(I) is board certified or board eligi-
8 ble in internal medicine, family practice,
9 psychiatry, or licensed dentistry, or has
10 completed required training in a discipline
11 and is employed in an accredited health
12 professions school or graduate program that
13 is approved by the Secretary; or

14 “(II) has completed an approved fel-
15 lowship program in geriatrics, or has com-
16 pleted specialty training in geriatrics as re-
17 quired by the discipline and any additional
18 geriatrics training as required by the Sec-
19 retary; and

20 “(ii) has a junior, nontenured, faculty
21 appointment at an accredited health profes-
22 sions school or graduate program in geri-
23 iatrics or a geriatrics health profession.

24 “(C) *CLARIFICATION*.—If an eligible indi-
25 vidual is promoted during the period of an

1 *award under this subsection and thereby no*
2 *longer meets the criteria of subparagraph (B)(ii),*
3 *the individual shall continue to be treated as an*
4 *eligible individual through the term of the*
5 *award.*

6 “(3) *APPLICATION REQUIREMENTS.*—*In order to*
7 *receive an award under paragraph (1), an eligible en-*
8 *tity, on behalf of an eligible individual, shall—*

9 “(A) *submit to the Secretary an applica-*
10 *tion, at such time, in such manner, and con-*
11 *taining such information as the Secretary may*
12 *require;*

13 “(B) *provide, in such form and manner as*
14 *the Secretary may require, assurances that the*
15 *eligible individual will meet the service require-*
16 *ment described in paragraph (6); and*

17 “(C) *provide, in such form and manner as*
18 *the Secretary may require, assurances that the*
19 *individual has a full-time faculty appointment*
20 *in a health professions institution and docu-*
21 *mented commitment from such eligible entity*
22 *that the individual will spend 75 percent of the*
23 *individual’s time that is supported by the award*
24 *on teaching and developing skills in inter-*
25 *disciplinary education in geriatrics.*

1 “(4) *EQUITABLE DISTRIBUTION.*—*In making*
2 *awards under this subsection, the Secretary shall seek*
3 *to ensure geographical distribution among award re-*
4 *ipients, including among rural or medically under-*
5 *served areas of the United States.*

6 “(5) *AMOUNT AND DURATION.*—

7 “(A) *AMOUNT.*—*The amount of an award*
8 *under this subsection shall be at least \$75,000 for*
9 *fiscal year 2021, adjusted for subsequent years in*
10 *accordance with the consumer price index. The*
11 *Secretary shall determine the amount of an*
12 *award under this subsection for individuals who*
13 *are not physicians.*

14 “(B) *DURATION.*—*The Secretary shall make*
15 *awards under paragraph (1) for a period not to*
16 *exceed 5 years.*

17 “(6) *SERVICE REQUIREMENT.*—*An individual*
18 *who receives an award under this subsection shall*
19 *provide training in clinical geriatrics, including the*
20 *training of interprofessional teams of health care pro-*
21 *essionals. The provision of such training shall con-*
22 *stitute at least 75 percent of the obligations of such*
23 *individual under the award.*

1 “(c) *NONAPPLICABILITY OF PROVISION.*—*Notwith-*
2 *standing any other provision of this title, section 791(a)*
3 *shall not apply to awards made under this section.*

4 “(d) *AUTHORIZATION OF APPROPRIATIONS.*—*There is*
5 *authorized to be appropriated \$40,737,000 for each of fiscal*
6 *years 2021 through 2025 for purposes of carrying out this*
7 *section.*”.

8 **SEC. 3404. NURSING WORKFORCE DEVELOPMENT.**

9 (a) *IN GENERAL.*—*Title VIII of the Public Health*
10 *Service Act (42 U.S.C. 296 et seq.) is amended—*

11 (1) *in section 801 (42 U.S.C. 296), by adding at*
12 *the end the following:*

13 “(18) *NURSE MANAGED HEALTH CLINIC.*—*The*
14 *term ‘nurse managed health clinic’ means a nurse-*
15 *practice arrangement, managed by advanced practice*
16 *nurses, that provides primary care or wellness serv-*
17 *ices to underserved or vulnerable populations and*
18 *that is associated with a school, college, university or*
19 *department of nursing, federally qualified health cen-*
20 *ter, or independent nonprofit health or social services*
21 *agency.*”;

22 (2) *in section 802(c) (42 U.S.C. 296a(c)), by in-*
23 *serting “, and how such project aligns with the goals*
24 *in section 806(a)” before the period in the second sen-*
25 *tence;*

1 (3) in section 803(b) (42 U.S.C. 296b(b)), by
2 adding at the end the following: “Such Federal funds
3 are intended to supplement, not supplant, existing
4 non-Federal expenditures for such activities.”;

5 (4) in section 806 (42 U.S.C. 296e)—

6 (A) in subsection (a), by striking “as needed
7 to” and all that follows and inserting the fol-
8 lowing: “as needed to address national nursing
9 needs, including—

10 “(1) addressing challenges, including through
11 supporting training and education of nursing stu-
12 dents, related to the distribution of the nursing work-
13 force and existing or projected nursing workforce
14 shortages in geographic areas that have been identi-
15 fied as having, or that are projected to have, a nurs-
16 ing shortage;

17 “(2) increasing access to and the quality of
18 health care services, including by supporting the
19 training of professional registered nurses, advanced
20 practice registered nurses, and advanced education
21 nurses within community based settings and in a va-
22 riety of health delivery system settings; or

23 “(3) addressing the strategic goals and priorities
24 identified by the Secretary and that are in accord-
25 ance with this title.

1 *Contracts may be entered into under this title with public*
2 *or private entities as determined necessary by the Sec-*
3 *retary.”;*

4 *(B) in subsection (b)(2), by striking “a*
5 *demonstration” and all that follows and insert-*
6 *ing the following: “the reporting of data and in-*
7 *formation demonstrating that satisfactory*
8 *progress has been made by the program or*
9 *project in meeting the performance outcome*
10 *standards (as described in section 802) of such*
11 *program or project.”;*

12 *(C) in subsection (e)(2), by inserting “, and*
13 *have relevant expertise and experience” before the*
14 *period at the end of the first sentence; and*

15 *(D) by adding at the end the following:*

16 *“(i) BIENNIAL REPORT ON NURSING WORKFORCE*
17 *PROGRAM IMPROVEMENTS.—Not later than September 30,*
18 *2020, and biennially thereafter, the Secretary shall submit*
19 *to the Committee on Health, Education, Labor, and Pen-*
20 *sions of the Senate and the Committee on Energy and Com-*
21 *merce of the House of Representatives, a report that con-*
22 *tains an assessment of the programs and activities of the*
23 *Department of Health and Human Services related to en-*
24 *hancing the nursing workforce, including the extent to*
25 *which programs and activities under this title meet the*

1 *identified goals and performance measures developed for the*
2 *respective programs and activities, and the extent to which*
3 *the Department coordinates with other Federal departments*
4 *regarding programs designed to improve the nursing work-*
5 *force.”;*

6 (5) *in section 811 (42 U.S.C. 296j)—*

7 (A) *in subsection (b)—*

8 (i) *by striking “Master’s” and insert-*
9 *ing “graduate”; and*

10 (ii) *by inserting “clinical nurse lead-*
11 *ers,” after “nurse administrators,”;*

12 (B) *by redesignating subsections (f) and (g)*
13 *as subsections (g) and (h), respectively; and*

14 (C) *by inserting after subsection (e), the fol-*
15 *lowing:*

16 “(f) *AUTHORIZED CLINICAL NURSE SPECIALIST PRO-*
17 *GRAMS.—Clinical nurse specialist programs eligible for*
18 *support under this section are education programs that—*

19 (1) *provide registered nurses with full-time*
20 *clinical nurse specialist education; and*

21 (2) *have as their objective the education of clin-*
22 *ical nurse specialists who will, upon completion of*
23 *such a program, be qualified to effectively provide*
24 *care through the wellness and illness continuum to in-*

1 *patients and outpatients experiencing acute and*
2 *chronic illness.”; and*

3 *(6) in section 831 (42 U.S.C. 296p)—*

4 *(A) in the section heading, by striking*
5 *“AND QUALITY GRANTS” and inserting*
6 *“QUALITY, AND RETENTION GRANTS”;*

7 *(B) in subsection (b)(2), by striking “other*
8 *high-risk groups such as the elderly, individuals*
9 *with HIV/AIDS, substance abusers, the homeless,*
10 *and victims” and inserting “high risk groups,*
11 *such as the elderly, individuals with HIV/AIDS,*
12 *individuals with mental health or substance use*
13 *disorders, individuals who are homeless, and sur-*
14 *vivors”;*

15 *(C) in subsection (c)(1)—*

16 *(i) in subparagraph (A)—*

17 *(I) by striking “advancement for*
18 *nursing personnel” and inserting the*
19 *following: “advancement for—*
20 *“(i) nursing”;*

21 *(II) by striking “professional*
22 *nurses, advanced education nurses, li-*
23 *icensed practical nurses, certified nurse*
24 *assistants, and home health aides” and*
25 *inserting “professional registered*

1 *nurses, advanced practice registered*
2 *nurses, and nurses with graduate nurs-*
3 *ing education”;* and

4 (III) *by adding at the end the fol-*
5 *lowing:*

6 “(ii) *individuals including licensed*
7 *practical nurses, licensed vocational nurses,*
8 *certified nurse assistants, home health aides,*
9 *diploma degree or associate degree nurses,*
10 *and other health professionals, such as*
11 *health aides or community health practi-*
12 *tioners certified under the Community*
13 *Health Aide Program of the Indian Health*
14 *Service, to become registered nurses with*
15 *baccalaureate degrees or nurses with grad-*
16 *uate nursing education;”;*

17 (ii) *in subparagraph (B), by striking*
18 *the period and inserting “; and”;* and

19 (iii) *by adding at the end the fol-*
20 *lowing:*

21 “(C) *developing and implementing intern-*
22 *ships, accredited fellowships, and accredited resi-*
23 *dency programs in collaboration with one or*
24 *more accredited schools of nursing, to encourage*
25 *the mentoring and development of specialties.”;*

1 (D) by striking subsections (e) and (h);

2 (E) by redesignating subsections (f) and (g),
3 as subsections (e) and (f), respectively;

4 (F) in subsection (e) (as so redesignated),
5 by striking “The Secretary shall submit to the
6 Congress before the end of each fiscal year” and
7 inserting “As part of the report on nursing
8 workforce programs described in section 806(i),
9 the Secretary shall include”; and

10 (G) in subsection (f) (as so redesignated), by
11 striking “a school of nursing, as defined in sec-
12 tion 801(2),,” and inserting “an accredited
13 school of nursing, as defined in section 801(2), a
14 health care facility, including federally qualified
15 health centers or nurse-managed health clinics,
16 or a partnership of such a school and facility”;
17 (7) by striking section 831A (42 U.S.C. 296p–1);
18 (8) in section 846 (42 U.S.C. 297n)—

19 (A) by striking the last sentence of sub-
20 section (a);

21 (B) in subsection (b)(1), by striking “he
22 began such practice” and inserting “the indi-
23 vidual began such practice”; and

24 (C) in subsection (i), by striking “FUND-
25 ING” in the subsection heading and all that fol-

1 *lows through “paragraph (1)” in paragraph (2),*
2 *and inserting the following: “ALLOCATIONS.—Of*
3 *the amounts appropriated under section*
4 *871(b),”;*
5 *(9) in section 846A (42 U.S.C. 247n–1), by*
6 *striking subsection (f);*
7 *(10) in section 847 (42 U.S.C. 297o), by striking*
8 *subsection (g);*
9 *(11) in section 851 (42 U.S.C. 297t)—*
10 *(A) in subsection (b)(1)(A)(iv), by striking*
11 *“and nurse anesthetists” and inserting “nurse*
12 *anesthetists, and clinical nurse specialists”;*
13 *(B) in subsection (d)(3)—*
14 *(i) by striking “3 years after the date*
15 *of enactment of this section” and inserting*
16 *“2 years after the date of enactment of the*
17 *Title VIII Nursing Reauthorization Act”;*
18 *(ii) by striking “Labor and Human*
19 *Resources” and inserting “Health, Edu-*
20 *cation, Labor, and Pensions”; and*
21 *(iii) by inserting “Energy and” before*
22 *“Commerce”; and*
23 *(C) in subsection (g), by striking “under*
24 *this title” and inserting “for carrying out parts*
25 *B, C, and D”;*

1 (12) *by striking sections 861 and 862 (42 U.S.C.*
2 *297w and 297x); and*

3 (13) *in section 871 (42 U.S.C. 298d)—*

4 (A) *by striking “For the purpose of” and*
5 *inserting the following:*

6 “(a) *IN GENERAL.—For the purpose of*”;

7 (B) *by striking “\$338,000,000 for fiscal*
8 *year 2010, and such sums as may be necessary*
9 *for each of the fiscal years 2011 through 2016”*
10 *and inserting “\$137,837,000 for each of fiscal*
11 *years 2021 through 2025”; and*

12 (C) *by adding at the end the following:*

13 “(b) *PART E.—For the purpose of carrying out part*
14 *E, there are authorized to be appropriated \$117,135,000 for*
15 *each of the fiscal years 2021 through 2025.”.*

16 (b) *EVALUATION AND REPORT ON NURSE LOAN RE-*
17 *PAYMENT PROGRAMS.—*

18 (1) *EVALUATION.—The Comptroller General*
19 *shall conduct an evaluation of the nurse loan repay-*
20 *ment programs administered by the Health Resources*
21 *and Services Administration. Such evaluation shall*
22 *include—*

23 (A) *the manner in which payments are*
24 *made under such programs;*

1 (B) *the existing oversight functions nec-*
2 *essary to ensure the proper use of such programs,*
3 *including payments made as part of such pro-*
4 *grams;*

5 (C) *the identification of gaps, if any, in*
6 *oversight functions; and*

7 (D) *information on the number of nurses*
8 *assigned to facilities pursuant to such programs,*
9 *including the type of facility to which nurses are*
10 *assigned and the impact of modifying the eligi-*
11 *bility requirements for programs under section*
12 *846 of the Public Health Service Act (42 U.S.C.*
13 *297n), such as the impact on entities to which*
14 *nurses had previously been assigned prior to fis-*
15 *cal year 2019 (such as federally qualified health*
16 *centers and facilities affiliated with the Indian*
17 *Health Service).*

18 (2) *REPORT.—Not later than 18 months after the*
19 *enactment of this Act, the Comptroller General shall*
20 *submit to the Committee on Health, Education,*
21 *Labor, and Pensions of the Senate and the Committee*
22 *on Energy and Commerce of the House of Representa-*
23 *tives, a report on the evaluation under paragraph (1),*
24 *which may include recommendations to improve rel-*
25 *evant nursing workforce loan repayment programs.*

1 **Subtitle B—Education Provisions**

2 **SEC. 3501. SHORT TITLE.**

3 *This subtitle may be cited as the “COVID–19 Pan-*
4 *demic Education Relief Act of 2020”.*

5 **SEC. 3502. DEFINITIONS.**

6 *(a) DEFINITIONS.—In this subtitle:*

7 *(1) CORONAVIRUS.—The term “coronavirus” has*
8 *the meaning given the term in section 506 of the*
9 *Coronavirus Preparedness and Response Supple-*
10 *mental Appropriations Act, 2020 (Public Law 116–*
11 *123).*

12 *(2) FOREIGN INSTITUTION.—The term “foreign*
13 *institution” means an institution of higher education*
14 *located outside the United States that is described in*
15 *paragraphs (1)(C) and (2) of section 102(a) of the*
16 *Higher Education Act of 1965 (20 U.S.C. 1002(a)).*

17 *(3) INSTITUTION OF HIGHER EDUCATION.—The*
18 *term “institution of higher education” has the mean-*
19 *ing of the term under section 102 of the Higher Edu-*
20 *cation Act of 1965 (20 U.S.C. 1002).*

21 *(4) QUALIFYING EMERGENCY.—The term “quali-*
22 *fying emergency” means—*

23 *(A) a public health emergency related to the*
24 *coronavirus declared by the Secretary of Health*

1 *and Human Services pursuant to section 319 of*
2 *the Public Health Service Act (42 U.S.C. 247d);*

3 *(B) an event related to the coronavirus for*
4 *which the President declared a major disaster or*
5 *an emergency under section 401 or 501, respec-*
6 *tively, of the Robert T. Stafford Disaster Relief*
7 *and Emergency Assistance Act (42 U.S.C. 5170*
8 *and 5191); or*

9 *(C) a national emergency related to the*
10 *coronavirus declared by the President under sec-*
11 *tion 201 of the National Emergencies Act (50*
12 *U.S.C. 1601 et seq.).*

13 (5) *SECRETARY.*—*The term “Secretary” means*
14 *the Secretary of Education.*

15 **SEC. 3503. CAMPUS-BASED AID WAIVERS.**

16 (a) *WAIVER OF NON-FEDERAL SHARE REQUIRE-*
17 *MENT.*—*Notwithstanding sections 413C(a)(2) and 443(b)(5)*
18 *of the Higher Education Act of 1965 (20 U.S.C. 1070b–*
19 *2(a)(2) and 1087–53(b)(5)), with respect to funds made*
20 *available for award years 2019–2020 and 2020–2021, the*
21 *Secretary shall waive the requirement that a participating*
22 *institution of higher education provide a non-Federal share*
23 *to match Federal funds provided to the institution for the*
24 *programs authorized pursuant to subpart 3 of part A and*
25 *part C of title IV of the Higher Education Act of 1965 (20*

1 *U.S.C. 1070b et seq. and 1087–51 et seq.) for all awards*
2 *made under such programs during such award years, except*
3 *nothing in this subsection shall affect the non-Federal share*
4 *requirement under section 443(c)(3) that applies to private*
5 *for-profit organizations.*

6 (b) *AUTHORITY TO REALLOCATE.—Notwithstanding*
7 *sections 413D, 442, and 488 of the Higher Education Act*
8 *of 1965 (20 U.S.C. 1070b–3, 1087–52, and 1095), during*
9 *a period of a qualifying emergency, an institution may*
10 *transfer up to 100 percent of the institution’s unexpended*
11 *allotment under section 442 of such Act to the institution’s*
12 *allotment under section 413D of such Act, but may not*
13 *transfer any funds from the institution’s unexpended allot-*
14 *ment under section 413D of such Act to the institution’s*
15 *allotment under section 442 of such Act.*

16 **SEC. 3504. USE OF SUPPLEMENTAL EDUCATIONAL OPPOR-**
17 **TUNITY GRANTS FOR EMERGENCY AID.**

18 (a) *IN GENERAL.—Notwithstanding section 413B of*
19 *the Higher Education Act of 1965 (20 U.S.C. 1070b–1), an*
20 *institution of higher education may reserve any amount of*
21 *an institution’s allocation under subpart 3 of part A of title*
22 *IV of the Higher Education Act of 1965 (20 U.S.C. 1070b*
23 *et seq.) for a fiscal year to award, in such fiscal year, emer-*
24 *gency financial aid grants to assist undergraduate or grad-*

1 uate students for unexpected expenses and unmet financial
2 need as the result of a qualifying emergency.

3 (b) *DETERMINATIONS.*—*In determining eligibility for*
4 *and awarding emergency financial aid grants under this*
5 *section, an institution of higher education may—*

6 (1) *waive the amount of need calculation under*
7 *section 471 of the Higher Education Act of 1965 (20*
8 *U.S.C. 1087kk);*

9 (2) *allow for a student affected by a qualifying*
10 *emergency to receive funds in an amount that is not*
11 *more than the maximum Federal Pell Grant for the*
12 *applicable award year; and*

13 (3) *utilize a contract with a scholarship-granting*
14 *organization designated for the sole purpose of accept-*
15 *ing applications from or disbursing funds to students*
16 *enrolled in the institution of higher education, if such*
17 *scholarship-granting organization disburses the full*
18 *allocated amount provided to the institution of higher*
19 *education to the recipients.*

20 (c) *SPECIAL RULE.*—*Any emergency financial aid*
21 *grants to students under this section shall not be treated*
22 *as other financial assistance for the purposes of section 471*
23 *of the Higher Education Act of 1965 (20 U.S.C. 1087kk).*

1 **SEC. 3505. FEDERAL WORK-STUDY DURING A QUALIFYING**
2 **EMERGENCY.**

3 (a) *IN GENERAL.*—*In the event of a qualifying emer-*
4 *gency, an institution of higher education participating in*
5 *the program under part C of title IV of the Higher Edu-*
6 *cation Act of 1965 (20 U.S.C. 1087–51 et seq.) may make*
7 *payments under such part to affected work-study students,*
8 *for the period of time (not to exceed one academic year)*
9 *in which affected students were unable to fulfill the students’*
10 *work-study obligation for all or part of such academic year*
11 *due to such qualifying emergency, as follows:*

12 (1) *Payments may be made under such part to*
13 *affected work-study students in an amount equal to or*
14 *less than the amount of wages such students would*
15 *have been paid under such part had the students been*
16 *able to complete the work obligation necessary to re-*
17 *ceive work study funds, as a one time grant or as*
18 *multiple payments.*

19 (2) *Payments shall not be made to any student*
20 *who was not eligible for work study or was not com-*
21 *pleting the work obligation necessary to receive work*
22 *study funds under such part prior to the occurrence*
23 *of the qualifying emergency.*

24 (3) *Any payments made to affected work-study*
25 *students under this subsection shall meet the matching*
26 *requirements of section 443 of the Higher Education*

1 *Act of 1965 (20 U.S.C. 1087–53), unless such match-*
2 *ing requirements are waived by the Secretary.*

3 *(b) DEFINITION OF AFFECTED WORK-STUDY STU-*
4 *DENT.—In this section, the term “affected work-study stu-*
5 *dent” means a student enrolled at an eligible institution*
6 *participating in the program under part C of title IV of*
7 *the Higher Education Act of 1965 (20 U.S.C. 1087–51 et*
8 *seq.) who—*

9 *(1) received a work-study award under section*
10 *443 of the Higher Education Act of 1965 (20 U.S.C.*
11 *1087–53) for the academic year during which a*
12 *qualifying emergency occurred;*

13 *(2) earned Federal work-study wages from such*
14 *eligible institution for such academic year; and*

15 *(3) was prevented from fulfilling the student’s*
16 *work-study obligation for all or part of such academic*
17 *year due to such qualifying emergency.*

18 **SEC. 3506. ADJUSTMENT OF SUBSIDIZED LOAN USAGE LIM-**
19 **ITS.**

20 *Notwithstanding section 455(q)(3) of the Higher Edu-*
21 *cation Act of 1965 (20 U.S.C. 1087e(q)(3)), the Secretary*
22 *shall exclude from a student’s period of enrollment for pur-*
23 *poses of loans made under part D of title IV of the Higher*
24 *Education Act of 1965 (20 U.S.C. 1087a et seq.) any semes-*
25 *ter (or the equivalent) that the student does not complete*

1 *due to a qualifying emergency, if the Secretary is able to*
 2 *administer such policy in a manner that limits complexity*
 3 *and the burden on the student.*

4 **SEC. 3507. EXCLUSION FROM FEDERAL PELL GRANT DURA-**
 5 **TION LIMIT.**

6 *The Secretary shall exclude from a student's Federal*
 7 *Pell Grant duration limit under section 401(c)(5) of the*
 8 *Higher Education Act of 1965 (2 U.S.C. 1070a(c)(5)) any*
 9 *semester (or the equivalent) that the student does not com-*
 10 *plete due to a qualifying emergency if the Secretary is able*
 11 *to administer such policy in a manner that limits com-*
 12 *plexity and the burden on the student.*

13 **SEC. 3508. INSTITUTIONAL REFUNDS AND FEDERAL STU-**
 14 **DENT LOAN FLEXIBILITY.**

15 *(a) INSTITUTIONAL WAIVER.—*

16 *(1) IN GENERAL.—The Secretary shall waive the*
 17 *institutional requirement under section 484B of the*
 18 *Higher Education Act of 1965 (20 U.S.C. 1091b)*
 19 *with respect to the amount of grant or loan assistance*
 20 *(other than assistance received under part C of title*
 21 *IV of such Act) to be returned under such section if*
 22 *a recipient of assistance under title IV of the Higher*
 23 *Education Act of 1965 (20 U.S.C. 1070 et seq.) with-*
 24 *draws from the institution of higher education during*

1 *the payment period or period of enrollment as a re-*
2 *sult of a qualifying emergency.*

3 (2) *WAIVERS.—The Secretary shall require each*
4 *institution using a waiver relating to the withdrawal*
5 *of recipients under this subsection to report the num-*
6 *ber of such recipients, the amount of grant or loan as-*
7 *sistance (other than assistance received under part C*
8 *of title IV of such Act) associated with each such re-*
9 *recipient, and the total amount of grant or loan assist-*
10 *ance (other than assistance received under part C of*
11 *title IV of such Act) for which each institution has*
12 *not returned assistance under title IV to the Sec-*
13 *retary.*

14 (b) *STUDENT WAIVER.—The Secretary shall waive the*
15 *amounts that students are required to return under section*
16 *484B of the Higher Education Act of 1965 (20 U.S.C.*
17 *1091b) with respect to Federal Pell Grants or other grant*
18 *assistance if the withdrawals on which the returns are*
19 *based, are withdrawals by students who withdrew from the*
20 *institution of higher education as a result of a qualifying*
21 *emergency.*

22 (c) *CANCELING LOAN OBLIGATION.—Notwithstanding*
23 *any other provision of the Higher Education Act of 1965*
24 *(20 U.S.C. 1001 et seq.), the Secretary shall cancel the bor-*
25 *rower's obligation to repay the entire portion of a loan*

1 *made under part D of title IV of such Act (20 U.S.C. 1087a*
2 *et seq.) associated with a payment period for a recipient*
3 *of such loan who withdraws from the institution of higher*
4 *education during the payment period as a result of a quali-*
5 *fying emergency.*

6 *(d) APPROVED LEAVE OF ABSENCE.—Notwithstanding*
7 *any other provision of the Higher Education Act of 1965*
8 *(20 U.S.C. 1001 et seq.), for purposes of receiving assistance*
9 *under title IV of the Higher Education Act of 1965 (20*
10 *U.S.C. 1070 et seq.), an institution of higher education*
11 *may, as a result of a qualifying emergency, provide a stu-*
12 *dent with an approved leave of absence that does not require*
13 *the student to return at the same point in the academic*
14 *program that the student began the leave of absence if the*
15 *student returns within the same semester (or the equiva-*
16 *lent).*

17 **SEC. 3509. SATISFACTORY ACADEMIC PROGRESS.**

18 *Notwithstanding section 484 of the Higher Education*
19 *Act of 1965 (20 U.S.C. 1091), in determining whether a*
20 *student is maintaining satisfactory academic progress for*
21 *purposes of title IV of the Higher Education Act of 1965*
22 *(20 U.S.C. 1070 et seq.), an institution of higher education*
23 *may, as a result of a qualifying emergency, exclude from*
24 *the quantitative component of the calculation any at-*

1 *tempted credits that were not completed by such student*
2 *without requiring an appeal by such student.*

3 **SEC. 3510. CONTINUING EDUCATION AT AFFECTED FOR-**
4 **EIGN INSTITUTIONS.**

5 *(a) IN GENERAL.—Notwithstanding section 481(b) of*
6 *the Higher Education Act of 1965 (20 U.S.C. 1088(b)), with*
7 *respect to a foreign institution, in the case of a public health*
8 *emergency, major disaster or emergency, or national emer-*
9 *gency declared by the applicable government authorities in*
10 *the country in which the foreign institution is located, the*
11 *Secretary may permit any part of an otherwise eligible pro-*
12 *gram to be offered via distance education for the duration*
13 *of such emergency or disaster and the following payment*
14 *period for purposes of title IV of the Higher Education Act*
15 *of 1965 (20 U.S.C. 1070 et seq.).*

16 *(b) ELIGIBILITY.—An otherwise eligible program that*
17 *is offered in whole or in part through distance education*
18 *by a foreign institution between March 1, 2020, and the*
19 *date of enactment of this Act shall be deemed eligible for*
20 *the purposes of part D of title IV of the Higher Education*
21 *Act of 1965 (20 U.S.C. 1087a et seq.) for the duration of*
22 *the qualifying emergency and the following payment period*
23 *for purposes of title IV of the Higher Education Act of 1965*
24 *(20 U.S.C. 1070 et seq.). An institution of higher education*

1 *that uses the authority provided in the previous sentence*
2 *shall report such use to the Secretary—*

3 *(1) for the 2019–2020 award year, not later than*
4 *June 30, 2020; and*

5 *(2) for an award year subsequent to the 2019–*
6 *2020 award year, not later than 30 days after such*
7 *use.*

8 *(c) REPORT.—Not later than 180 days after the date*
9 *of enactment of this Act, and every 180 days thereafter for*
10 *the duration of the qualifying emergency and the following*
11 *payment period, the Secretary shall submit to the author-*
12 *izing committees (as defined in section 103 of the Higher*
13 *Education Act of 1965 (20 U.S.C. 1003)) a report that*
14 *identifies each foreign institution that carried out a dis-*
15 *tance education program authorized under this section.*

16 *(d) WRITTEN ARRANGEMENTS.—*

17 *(1) IN GENERAL.—Notwithstanding section 102*
18 *of the Higher Education Act of 1965 (20 U.S.C.*
19 *1002), for the duration of a qualifying emergency and*
20 *the following payment period, the Secretary may*
21 *allow a foreign institution to enter into a written ar-*
22 *rangement with an institution of higher education lo-*
23 *cated in the United States that participates in the*
24 *Federal Direct Loan Program under part D of title*
25 *IV of the Higher Education Act of 1965 (20 U.S.C.*

1 1087a et seq.) for the purpose of allowing a student
2 of the foreign institution who is a borrower of a loan
3 made under such part to take courses from the insti-
4 tution of higher education located in the United
5 States.

6 (2) *FORM OF ARRANGEMENTS.*—

7 (A) *PUBLIC OR OTHER NONPROFIT INSTITU-*
8 *TIONS.*—A foreign institution that is a public or
9 other nonprofit institution may enter into a
10 written arrangement under subsection (a) only
11 with an institution of higher education described
12 in section 101 of such Act (20 U.S.C. 1001).

13 (B) *OTHER INSTITUTIONS.*—A foreign insti-
14 tution that is a graduate medical school, nursing
15 school, or a veterinary school and that is not a
16 public or other nonprofit institution may enter
17 into a written arrangement under subsection (a)
18 with an institution of higher education described
19 in section 101 or section 102 of such Act (20
20 U.S.C. 1001 and 1002).

21 (3) *REPORT ON USE.*—An institution of higher
22 education that uses the authority described in para-
23 graph (2) shall report such use to the Secretary—

24 (A) for the 2019–2020 award year, not later
25 than June 30, 2020; and

1 (B) for an award year subsequent to the
2 2019–2020 award year, not later than 30 days
3 after such use.

4 (4) *REPORT FROM THE SECRETARY.*—Not later
5 than 180 days after the date of enactment of this Act,
6 and every 180 days thereafter for the duration of the
7 qualifying emergency and the following payment pe-
8 riod, the Secretary shall submit to the authorizing
9 committees (as defined in section 103 of the Higher
10 Education Act of 1965 (20 U.S.C. 1003)) a report
11 that identifies each foreign institution that entered
12 into a written arrangement authorized under sub-
13 section (a).

14 **SEC. 3511. NATIONAL EMERGENCY EDUCATIONAL WAIVERS.**

15 (a) *IN GENERAL.*—Notwithstanding any other provi-
16 sion of law, the Secretary may, upon the request of a State
17 educational agency or Indian tribe, waive any statutory or
18 regulatory provision described under paragraphs (1) and
19 (2) of subsection (b), and upon the request of a local edu-
20 cational agency, waive any statutory or regulatory provi-
21 sion described under paragraph (2) of subsection (b), if the
22 Secretary determines that such a waiver is necessary and
23 appropriate due to the emergency involving Federal pri-
24 mary responsibility determined to exist by the President
25 under the section 501(b) of the Robert T. Stafford Disaster

1 *Relief and Emergency Assistance Act (42 U.S.C. 5191(b))*
2 *with respect to the Coronavirus Disease 2019 (COVID–19).*

3 (b) *APPLICABLE PROVISIONS OF LAW.—*

4 (1) *STREAMLINED WAIVERS.—The Secretary*
5 *shall create an expedited application process to re-*
6 *quest a waiver and the Secretary may waive any*
7 *statutory or regulatory requirements for a State edu-*
8 *cational agency (related to assessments, account-*
9 *ability, and reporting requirements related to assess-*
10 *ments and accountability), if the Secretary deter-*
11 *mines that such a waiver is necessary and appro-*
12 *priate as described in subsection (a), under the fol-*
13 *lowing provisions of law:*

14 (A) *The following provisions under section*
15 *1111 of the Elementary and Secondary Edu-*
16 *cation Act of 1965 (20 U.S.C. 6311):*

17 (i) *Paragraphs (2) and (3) of sub-*
18 *section (b).*

19 (ii) *Subsection (c)(4).*

20 (iii) *Subparagraphs (C) and (D) of*
21 *subsection (d)(2).*

22 (iv) *The following provisions under*
23 *subsection (h) of such section 1111:*

1 (I) Clauses (i), (ii), (iii)(I), (iv),
2 (v), (vi), (vii), and (xi) of paragraph
3 (1)(C).

4 (II) Paragraph (2)(C) with re-
5 spect to the waived requirements under
6 subclause (I).

7 (III) Clauses (i) and (ii) of para-
8 graph (2)(C).

9 (B) Section 421(b) of the General Edu-
10 cation Provisions Act (20 U.S.C. 1225(b)).

11 (2) STATE AND LOCALLY-REQUESTED WAIV-
12 ERS.—For a State educational agency, local edu-
13 cational agency, or Indian tribe that receives funds
14 under a program authorized under the Elementary
15 and Secondary Education Act of 1965 (20 U.S.C.
16 6301 et seq.) that requests a waiver under subsection
17 (c), the Secretary may waive statutory and regulatory
18 requirements under any of the following provisions of
19 such Act:

20 (A) Section 1114(a)(1).

21 (B) Section 1118(a) and section 8521.

22 (C) Section 1127.

23 (D) Section 4106(d).

24 (E) Subparagraphs (C), (D), and (E) of
25 section 4106(e)(2).

1 (F) Section 4109(b).

2 (G) *The definition under section 8101(42)*
3 *for purposes of the Elementary and Secondary*
4 *Education Act of 1965 (20 U.S.C. 6301 et seq.).*

5 (3) *APPLICABILITY TO CHARTER SCHOOLS.—Any*
6 *waivers issued by the Secretary under this section*
7 *shall be implemented, as applicable—*

8 (A) *for all public schools, including public*
9 *charter schools within the boundaries of the re-*
10 *cipient of the waiver;*

11 (B) *in accordance with State charter school*
12 *law; and*

13 (C) *pursuant to section 1111(c)(5) of the*
14 *Elementary and Secondary Education Act of*
15 *1965 (20 U.S.C. 6311(c)(5)).*

16 (4) *LIMITATION.—Nothing in this section shall*
17 *be construed to allow the Secretary to waive any stat-*
18 *utory or regulatory requirements under applicable*
19 *civil rights laws.*

20 (5) *ACCOUNTABILITY AND IMPROVEMENT.—Any*
21 *school located in a State that receives a waiver under*
22 *paragraph (1) and that is identified for comprehen-*
23 *sive support and improvement, targeted support and*
24 *improvement, or additional targeted support in the*
25 *2019–2020 school year under section 1111(c)(4)(D) or*

1 *section 1111(d)(2) of the Elementary and Secondary*
2 *Education Act of 1965 (20 U.S.C. 6311(c)(4)(D) or*
3 *(d)(2)) shall maintain that identification status in*
4 *the 2020–2021 school year and continue to receive*
5 *supports and interventions consistent with the school’s*
6 *support and improvement plan in the 2020–2021*
7 *school year.*

8 *(c) STATE AND LOCAL REQUESTS FOR WAIVERS.—*

9 *(1) IN GENERAL.—A State educational agency,*
10 *local educational agency, or Indian tribe that desires*
11 *a waiver from any statutory or regulatory provision*
12 *described under subsection (b)(2), may submit a*
13 *waiver request to the Secretary in accordance with*
14 *this subsection.*

15 *(2) REQUESTS SUBMITTED.—A request for a*
16 *waiver under this subsection shall—*

17 *(A) identify the Federal programs affected*
18 *by the requested waiver;*

19 *(B) describe which Federal statutory or reg-*
20 *ulatory requirements are to be waived;*

21 *(C) describe how the emergency involving*
22 *Federal primary responsibility determined to*
23 *exist by the President under the section 501(b) of*
24 *the Robert T. Stafford Disaster Relief and Emer-*
25 *gency Assistance Act (42 U.S.C. 5191(b)) with*

1 *respect to the Coronavirus Disease 2019*
2 *(COVID–19) prevents or otherwise restricts the*
3 *ability of the State, State educational agency,*
4 *local educational agency, Indian tribe, or school*
5 *to comply with such statutory or regulatory re-*
6 *quirements; and*

7 *(D) provide an assurance that the State*
8 *educational agency, local educational agency, or*
9 *Indian tribe will work to mitigate any negative*
10 *effects, if any, that may occur as a result of the*
11 *requested waiver.*

12 (3) *SECRETARY APPROVAL.—*

13 *(A) IN GENERAL.—Except as provided*
14 *under subparagraph (B), the Secretary shall ap-*
15 *prove or disapprove a waiver request submitted*
16 *under paragraph (1) not more than 30 days*
17 *after the date on which such request is submitted.*

18 *(B) EXCEPTIONS.—The Secretary may dis-*
19 *approve a waiver request submitted under para-*
20 *graph (1), only if the Secretary determines*
21 *that—*

22 *(i) the waiver request does not meet the*
23 *requirements of this section;*

24 *(ii) the waiver is not permitted pursu-*
25 *ant to subsection (b)(2); or*

1 (iii) the description required under
2 paragraph (2)(C) provides insufficient in-
3 formation to demonstrate that the waiving
4 of such requirements is necessary or appro-
5 priate consistent with subsection (a).

6 (4) *DURATION.*—A waiver approved by the Sec-
7 retary under this section may be for a period not to
8 exceed the 2019–2020 academic year, except to carry
9 out full implementation of any maintenance of effort
10 waivers granted during the 2019–2020 academic
11 year.

12 (d) *REPORTING AND PUBLICATION.*—

13 (1) *PUBLIC NOTICE.*—A State educational agen-
14 cy, Indian Tribe, or local educational agency request-
15 ing a waiver under subsection (b)(2) shall provide the
16 public and all local educational agencies in the State
17 with notice of, and the opportunity to comment on,
18 the request by posting information regarding the
19 waiver request and the process for commenting on the
20 State website.

21 (2) *NOTIFYING CONGRESS.*—Not later than 7
22 days after granting a waiver under this section, the
23 Secretary shall notify the Committee on Health, Edu-
24 cation, Labor, and Pensions of the Senate, the Com-
25 mittee on Appropriations of the Senate, the Com-

1 *mittee on Education and Labor of the House of Rep-*
2 *resentatives, and the Committee on Appropriations of*
3 *the House of Representatives of such waiver.*

4 (3) *PUBLICATION.*—*Not later than 30 days after*
5 *granting a waiver under this section, the Secretary*
6 *shall publish a notice of the Secretary’s decision (in-*
7 *cluding which waiver was granted and the reason for*
8 *granting the waiver) in the Federal Register and on*
9 *the website of the Department of Education.*

10 (4) *REPORT.*—*Not later than 30 days after the*
11 *date of enactment of this Act, the Secretary shall pre-*
12 *pare and submit a report to the Committee on*
13 *Health, Education, Labor, and Pensions and the*
14 *Committee on Appropriations of the Senate, and the*
15 *Committee on Education and Labor and the Com-*
16 *mittee on Appropriations of the House of Representa-*
17 *tives, with recommendations on any additional waiv-*
18 *ers under the Individuals with Disabilities Education*
19 *Act (20 U.S.C. 1401 et seq.), the Rehabilitation Act*
20 *of 1973 (29 U.S.C. 701 et seq.), the Elementary and*
21 *Secondary Education Act of 1965 (20 U.S.C. 6301 et*
22 *seq.), and the Carl D. Perkins Career and Technical*
23 *Education Act of 2006 (20 U.S.C. 2301 et seq.) the*
24 *Secretary believes are necessary to be enacted into law*
25 *to provide limited flexibility to States and local edu-*

1 *ational agencies to meet the needs of students during*
2 *the emergency involving Federal primary responsi-*
3 *bility determined to exist by the President under sec-*
4 *tion 501(b) of the Robert T. Stafford Disaster Relief*
5 *and Emergency Assistance Act (42 U.S.C. 5191(b))*
6 *with respect to the Coronavirus Disease 2019*
7 *(COVID–19).*

8 *(e) TERMS.—In this section, the term “State edu-*
9 *ational agency” includes the Bureau of Indian Education,*
10 *and the term “local educational agency” includes Bureau*
11 *of Indian Education funded schools operated pursuant to*
12 *a grant under the Tribally Controlled Schools Act of 1988*
13 *(25 U.S.C. 2501 et seq.), or a contract under the Indian*
14 *Self-Determination and Education Assistance Act (25*
15 *U.S.C. 5301 et seq.).*

16 **SEC. 3512. HBCU CAPITAL FINANCING.**

17 *(a) DEFERMENT PERIOD.—*

18 *(1) IN GENERAL.—Notwithstanding any provi-*
19 *sion of title III of the Higher Education Act of 1965*
20 *(20 U.S.C. 1051 et seq.), or any regulation promul-*
21 *gated under such title, the Secretary may grant a*
22 *deferral, for the duration of a qualifying emergency,*
23 *to an institution that has received a loan under part*
24 *D of title III of such Act (20 U.S.C. 1066 et seq.).*

1 (2) *TERMS.*—*During the deferment period granted*
2 *under this subsection—*

3 (A) *the institution shall not be required to*
4 *pay any periodic installment of principal or in-*
5 *terest required under the loan agreement for such*
6 *loan; and*

7 (B) *the Secretary shall make principal and*
8 *interest payments otherwise due under the loan*
9 *agreement.*

10 (3) *CLOSING.*—*At the closing of a loan deferred*
11 *under this subsection, terms shall be set under which*
12 *the institution shall be required to repay the Sec-*
13 *retary for the payments of principal and interest*
14 *made by the Secretary during the deferment, on a*
15 *schedule that begins upon repayment to the lender in*
16 *full on the loan agreement, except in no case shall re-*
17 *payment be required to begin before the date that is*
18 *1 full fiscal year after the date that is the end of the*
19 *qualifying emergency.*

20 (b) *TERMINATION DATE.*—

21 (1) *IN GENERAL.*—*The authority provided under*
22 *this section to grant a loan deferment under sub-*
23 *section (a) shall terminate on the date on which the*
24 *qualifying emergency is no longer in effect.*

1 (2) *DURATION.*—Any provision of a loan agree-
 2 ment or insurance agreement modified by the author-
 3 ity under this section shall remain so modified for the
 4 duration of the period covered by the loan agreement
 5 or insurance agreement.

6 (c) *REPORT.*—Not later than 180 days after the date
 7 of enactment of this Act, and every 180 days thereafter dur-
 8 ing the period beginning on the first day of the qualifying
 9 emergency and ending on September 30 of the fiscal year
 10 following the end of the qualifying emergency, the Secretary
 11 shall submit to the authorizing committees (as defined in
 12 section 103 of the Higher Education Act of 1965 (20 U.S.C.
 13 1003)) a report that identifies each institution that received
 14 assistance under this section.

15 (d) *FUNDING.*—There is hereby appropriated, out of
 16 any money in the Treasury not otherwise appropriated,
 17 \$62,000,000 to carry out this section.

18 **SEC. 3513. TEMPORARY RELIEF FOR FEDERAL STUDENT**
 19 **LOAN BORROWERS.**

20 (a) *IN GENERAL.*—The Secretary shall suspend all
 21 payments due for loans made under part D and part B
 22 (that are held by the Department of Education) of title IV
 23 of the Higher Education Act of 1965 (20 U.S.C. 1087a et
 24 seq.; 1071 et seq.) through September 30, 2020.

1 (b) *NO ACCRUAL OF INTEREST.*—Notwithstanding any
2 other provision of the Higher Education Act of 1965 (20
3 U.S.C. 1001 et seq.), interest shall not accrue on a loan
4 described under subsection (a) for which payment was sus-
5 pended for the period of the suspension.

6 (c) *CONSIDERATION OF PAYMENTS.*—Notwithstanding
7 any other provision of the Higher Education Act of 1965
8 (20 U.S.C. 1001 et seq.), the Secretary shall deem each
9 month for which a loan payment was suspended under this
10 section as if the borrower of the loan had made a payment
11 for the purpose of any loan forgiveness program or loan
12 rehabilitation program authorized under part D or B of
13 title IV of the Higher Education Act of 1965 (20 U.S.C.
14 1087a et seq.; 1071 et seq.) for which the borrower would
15 have otherwise qualified.

16 (d) *REPORTING TO CONSUMER REPORTING AGEN-*
17 *CIES.*—During the period in which the Secretary suspends
18 payments on a loan under subsection (a), the Secretary
19 shall ensure that, for the purpose of reporting information
20 about the loan to a consumer reporting agency, any pay-
21 ment that has been suspended is treated as if it were a regu-
22 larly scheduled payment made by a borrower.

23 (e) *SUSPENDING INVOLUNTARY COLLECTION.*—During
24 the period in which the Secretary suspends payments on

1 *a loan under subsection (a), the Secretary shall suspend all*
2 *involuntary collection related to the loan, including—*

3 *(1) a wage garnishment authorized under section*
4 *488A of the Higher Education Act of 1965 (20 U.S.C.*
5 *1095a) or section 3720D of title 31, United States*
6 *Code;*

7 *(2) a reduction of tax refund by amount of debt*
8 *authorized under section 3720A of title 31, United*
9 *States Code, or section 6402(d) of the Internal Rev-*
10 *enue Code of 1986;*

11 *(3) a reduction of any other Federal benefit pay-*
12 *ment by administrative offset authorized under sec-*
13 *tion 3716 of title 31, United States Code (including*
14 *a benefit payment due to an individual under the So-*
15 *cial Security Act or any other provision described in*
16 *subsection (c)(3)(A)(i) of such section); and*

17 *(4) any other involuntary collection activity by*
18 *the Secretary.*

19 *(f) WAIVERS.—In carrying out this section, the Sec-*
20 *retary may waive the application of—*

21 *(1) subchapter I of chapter 35 of title 44, United*
22 *States Code (commonly known as the “Paperwork Re-*
23 *duction Act”);*

1 (2) *the master calendar requirements under sec-*
2 *tion 482 of the Higher Education Act of 1965 (20*
3 *U.S.C. 1089);*

4 (3) *negotiated rulemaking under section 492 of*
5 *the Higher Education Act of 1965 (20 U.S.C. 1098a);*
6 *and*

7 (4) *the requirement to publish the notices related*
8 *to the system of records of the agency before imple-*
9 *mentation required under paragraphs (4) and (11) of*
10 *section 552a(e) of title 5, United States Code (com-*
11 *monly known as the “Privacy Act of 1974”), except*
12 *that the notices shall be published not later than 180*
13 *days after the date of enactment of this Act.*

14 (g) *NOTICE TO BORROWERS AND TRANSITION PE-*
15 *RIOD.—To inform borrowers of the actions taken in accord-*
16 *ance with this section and ensure an effective transition,*
17 *the Secretary shall—*

18 (1) *not later than 15 days after the date of en-*
19 *actment of this Act, notify borrowers—*

20 (A) *of the actions taken in accordance with*
21 *subsections (a) and (b) for whom payments have*
22 *been suspended and interest waived;*

23 (B) *of the actions taken in accordance with*
24 *subsection (e) for whom collections have been sus-*
25 *pended;*

1 (C) of the option to continue making pay-
2 ments toward principal; and

3 (D) that the program under this section is
4 a temporary program.

5 (2) beginning on August 1, 2020, carry out a
6 program to provide not less than 6 notices by postal
7 mail, telephone, or electronic communication to bor-
8 rowers indicating—

9 (A) when the borrower's normal payment
10 obligations will resume; and

11 (B) that the borrower has the option to en-
12 roll in income-driven repayment, including a
13 brief description of such options.

14 **SEC. 3514. PROVISIONS RELATED TO THE CORPORATION**
15 **FOR NATIONAL AND COMMUNITY SERVICE.**

16 (a) **ACCRUAL OF SERVICE HOURS.**—

17 (1) **ACCRUAL THROUGH OTHER SERVICE**
18 **HOURS.**—

19 (A) **IN GENERAL.**—Notwithstanding any
20 other provision of the Domestic Volunteer Service
21 Act of 1973 (42 U.S.C. 4950 et seq.) or the Na-
22 tional and Community Service Act of 1990 (42
23 U.S.C. 12501 et seq.), the Corporation for Na-
24 tional and Community Service shall allow an
25 individual described in subparagraph (B) to ac-

1 *crue other service hours that will count toward*
2 *the number of hours needed for the individual's*
3 *education award.*

4 (B) *AFFECTED INDIVIDUALS.*—Subpara-
5 *graph (A) shall apply to any individual serving*
6 *in a position eligible for an educational award*
7 *under subtitle D of title I of the National and*
8 *Community Service Act of 1990 (42 U.S.C.*
9 *12601 et seq.)—*

10 *(i) who is performing limited service*
11 *due to COVID–19; or*

12 *(ii) whose position has been suspended*
13 *or placed on hold due to COVID–19.*

14 (2) *PROVISIONS IN CASE OF EARLY EXIT.*—*In*
15 *any case where an individual serving in a position*
16 *eligible for an educational award under subtitle D of*
17 *title I of the National and Community Service Act of*
18 *1990 (42 U.S.C. 12601 et seq.) was required to exit*
19 *the position early at the direction of the Corporation*
20 *for National and Community Service, the Chief Exec-*
21 *utive Officer of the Corporation for National and*
22 *Community Service may—*

23 *(A) deem such individual as having met the*
24 *requirements of the position; and*

1 (B) award the individual the full value of
2 the educational award under such subtitle for
3 which the individual would otherwise have been
4 eligible.

5 (b) *AVAILABILITY OF FUNDS.*—Notwithstanding any
6 other provision of law, all funds made available to the Cor-
7 poration for National and Community Service under any
8 Act, including the amounts appropriated to the Corporation
9 under the headings “OPERATING EXPENSES”, “SALARIES
10 AND EXPENSES”, and “OFFICE OF THE INSPECTOR GEN-
11 ERAL” under the heading “CORPORATION FOR NATIONAL
12 AND COMMUNITY SERVICE” under title IV of Division A
13 of the Further Consolidated Appropriations Act, 2020 (Pub-
14 lic Law 116–94), shall remain available for the fiscal year
15 ending September 30, 2021.

16 (c) *NO REQUIRED RETURN OF GRANT FUNDS.*—Not-
17 withstanding section 129(l)(3)(A)(i) of the National and
18 Community Service Act of 1990 (42 U.S.C.
19 12581(l)(3)(A)(i)), the Chief Executive Officer of the Cor-
20 poration for National and Community Service may permit
21 fixed-amount grant recipients under such section 129(l) to
22 maintain a pro rata amount of grant funds, at the discre-
23 tion of the Corporation for National and Community Serv-
24 ice, for participants who exited, were suspended, or are
25 serving in a limited capacity due to COVID–19, to enable

1 *the grant recipients to maintain operations and to accept*
2 *participants.*

3 (d) *EXTENSION OF TERMS AND AGE LIMITS.*—Not-
4 *withstanding any other provision of law, the Corporation*
5 *for National and Community Service may extend the term*
6 *of service (for a period not to exceed the 1-year period im-*
7 *mediately following the end of the national emergency) or*
8 *waive any upper age limit (except in no case shall the max-*
9 *imum age exceed 26 years of age) for national service pro-*
10 *grams carried out by the National Civilian Community*
11 *Corps under subtitle E of title I of the National and Com-*
12 *munity Service Act of 1990 (42 U.S.C. 12611 et seq.), and*
13 *the participants in such programs, for the purposes of—*

14 (1) *addressing disruptions due to COVID–19;*

15 *and*

16 (2) *minimizing the difficulty in returning to full*
17 *operation due to COVID–19 on such programs and*
18 *participants.*

19 **SEC. 3515. WORKFORCE RESPONSE ACTIVITIES.**

20 (a) *ADMINISTRATIVE COSTS.*—*Notwithstanding sec-*
21 *tion 128(b)(4) of the Workforce Innovation Opportunity Act*
22 *(29 U.S.C. 3163(b)(4)), of the total amount allocated to a*
23 *local area (including the total amount allotted to a single*
24 *State local area) under subtitle B of title I of such Act (29*
25 *U.S.C. 3151 et seq.) for program year 2019, not more than*

1 20 percent of the total amount may be used for the adminis-
2 trative costs of carrying out local workforce investment ac-
3 tivities under chapter 2 or chapter 3 of subtitle B of title
4 I of such Act, if the portion of the total amount that exceeds
5 10 percent of the total amount is used to respond to a quali-
6 fying emergency.

7 (b) *RAPID RESPONSE ACTIVITIES.*—

8 (1) *STATEWIDE RAPID RESPONSE.*—Of the funds
9 reserved by a Governor for program year 2019 for
10 statewide activities under section 128(a) of the Work-
11 force Innovation and Opportunity Act (29 U.S.C.
12 3163(a)) that remain unobligated, such funds may be
13 used for statewide rapid response activities as de-
14 scribed in section 134(a)(2)(A) of such Act (29 U.S.C.
15 3174(a)(2)(A)) for responding to a qualifying emer-
16 gency.

17 (2) *LOCAL BOARDS.*—Of the funds reserved by a
18 Governor for program year 2019 under section
19 133(a)(2) of such Act (29 U.S.C. 3173(a)(2)) that re-
20 main unobligated, such funds may be released within
21 30 days after the date of enactment of this Act to the
22 local boards most impacted by the coronavirus at the
23 determination of the Governor for rapid response ac-
24 tivities related to responding to a qualifying emer-
25 gency.

1 (c) *DEFINITIONS.*—*Except as otherwise provided, the*
2 *terms in this section have the meanings given the terms in*
3 *section 3 of the Workforce Innovation and Opportunity Act*
4 *(29 U.S.C. 3102).*

5 **SEC. 3516. TECHNICAL AMENDMENTS.**

6 (a) *IN GENERAL.*—

7 (1) *Section 6103(a)(3) of the Internal Revenue*
8 *Code of 1986, as amended by the FUTURE Act (Pub-*
9 *lic Law 116–91), is further amended by striking*
10 *“(13), (16)” and inserting “(13)(A), (13)(B), (13)(C),*
11 *(13)(D)(i), (16)”.*

12 (2) *Section 6103(p)(3)(A) of such Code, as so*
13 *amended, is further amended by striking “(12),” and*
14 *inserting “(12), (13)(A), (13)(B), (13)(C),*
15 *(13)(D)(i)”.*

16 (3) *Section 6103(p)(4) of such Code, as so*
17 *amended, is further amended by striking “(13) or*
18 *(16)” each place it appears and inserting “(13), or*
19 *(16)”.*

20 (4) *Section 6103(p)(4) of such Code, as so*
21 *amended and as amended by paragraph (3), is fur-*
22 *ther amended by striking “(13)” each place it appears*
23 *and inserting “(13)(A), (13)(B), (13)(C), (13)(D)(i)”.*

24 (5) *Section 6103(l)(13)(C)(ii) of such Code, as*
25 *added by the FUTURE Act (Public Law 116–91), is*

1 *amended by striking “section 236A(e)(4)” and insert-*
 2 *ing “section 263A(e)(4)”.*

3 *(b) EFFECTIVE DATE.—The amendments made by this*
 4 *section shall apply as if included in the enactment of the*
 5 *FUTURE Act (Public Law 116–91).*

6 **SEC. 3517. WAIVER AUTHORITY AND REPORTING REQUIRE-**
 7 **MENT FOR INSTITUTIONAL AID.**

8 *(a) WAIVER AUTHORITY.—Notwithstanding any other*
 9 *provision of the Higher Education Act of 1965 (U.S.C. 1001*
 10 *et seq.), unless enacted with specific reference to this section,*
 11 *for any institution of higher education that was receiving*
 12 *assistance under title III, title V, or subpart 4 of part A*
 13 *of title VII of such Act (20 U.S.C. 1051 et seq.; 1101 et*
 14 *seq.; 1136a et seq.) at the time of a qualifying emergency,*
 15 *the Secretary may, for the period beginning on the first day*
 16 *of the qualifying emergency and ending on September 30*
 17 *of the fiscal year following the end of the qualifying emer-*
 18 *gency—*

19 *(1) waive—*

20 *(A) the eligibility data requirements set*
 21 *forth in section 391(d) and 521(e) of the Higher*
 22 *Education Act of 1965 (20 U.S.C. 1068(d);*
 23 *1103(e));*

1 (B) the wait-out period set forth in section
2 313(d) of the Higher Education Act of 1965 (20
3 U.S.C. 1059(d));

4 (C) the allotment requirements under para-
5 graphs (2) and (3) of subsection 318(e) of the
6 Higher Education Act of 1965 (20 U.S.C.
7 1059e(e)), and the reference to “the academic
8 year preceding the beginning of that fiscal year”
9 under such section 318(e)(1);

10 (D) the allotment requirements under sub-
11 sections (b), (c), and (g) of section 324 of the
12 Higher Education Act of 1965 (20 U.S.C. 1063),
13 the reference to “the end of the school year pre-
14 ceding the beginning of that fiscal year” under
15 such section 324(a), and the reference to “the
16 academic year preceding such fiscal year” under
17 such section 324(h);

18 (E) subparagraphs (A), (C), (D), and (E) of
19 section 326(f)(3) of the Higher Education Act of
20 1965 (20 U.S.C. 1063b(f)(3)), and references to
21 “previous year” under such section 326(f)(3)(B);

22 (F) subparagraphs (A), (C), (D), and (E) of
23 section 723(f)(3) and subparagraphs (A), (C),
24 (D), and (E) of section 724(f)(3) of the Higher
25 Education Act of 1965 (20 U.S.C. 1136a(f)(3));

1 1136b(f)(3)), and references to “previous aca-
2 ademic year” under subparagraph (B) of such sec-
3 tions 723(f)(3) and 724(f)(3); and

4 (G) the allotment restriction set forth in sec-
5 tion 318(d)(4) and section 323(c)(2) of the High-
6 er Education Act of 1965 (20 U.S.C.
7 1059e(d)(4); 1062(c)(2)); and

8 (2) waive or modify any statutory or regulatory
9 provision to ensure that institutions that were receiv-
10 ing assistance under title III, title V, or subpart 4 of
11 part A of title VII of such Act (20 U.S.C. 1051 et seq.;
12 1101 et seq.; 1136a et seq.) at the time of a qualifying
13 emergency are not adversely affected by any formula
14 calculation for fiscal year 2020 and for the period be-
15 ginning on the first day of the qualifying emergency
16 and ending on September 30 of the fiscal year fol-
17 lowing the end of the qualifying emergency, as nec-
18 essary.

19 (b) *USE OF UNEXPENDED FUNDS.*—Any funds paid
20 to an institution under title III, title V, or subpart 4 of
21 part A of title VII of the Higher Education Act of 1965
22 (20 U.S.C. 1051 et seq.; 1101 et seq.; 1136a et seq.) and
23 not expended or used for the purposes for which the funds
24 were paid to the institution during the 5-year period fol-
25 lowing the date on which the funds were first paid to the

1 *institution, may be carried over and expended during the*
 2 *succeeding 5-year period.*

3 *(c) REPORT.—Not later than 180 days after the date*
 4 *of enactment of this Act, and every 180 days thereafter for*
 5 *the period beginning on the first day of the qualifying emer-*
 6 *gency and ending on September 30 of the fiscal year fol-*
 7 *lowing the end of the qualifying emergency, the Secretary*
 8 *shall submit to the authorizing committees (as defined in*
 9 *section 103 of the Higher Education Act of 1965 (20 U.S.C.*
 10 *1003)) a report that identifies each institution that received*
 11 *a waiver or modification under this section.*

12 **SEC. 3518. AUTHORIZED USES AND OTHER MODIFICATIONS**
 13 **FOR GRANTS.**

14 *(a) IN GENERAL.—The Secretary is authorized to*
 15 *modify the required and allowable uses of funds for grants*
 16 *awarded under part A or B of title III, chapter I or II*
 17 *of subpart 2 of part A of title IV, title V, or subpart 4*
 18 *of part A of title VII of the Higher Education Act of 1965*
 19 *(20 U.S.C. 1057 et seq.; 1060 et seq.; 1070a–11 et seq.;*
 20 *1070a–21 et seq.; 1101 et seq.; 1136a et seq.) to an institu-*
 21 *tion of higher education or other grant recipient (not in-*
 22 *cluding individual recipients of Federal student financial*
 23 *assistance), at the request of an institution of higher edu-*
 24 *cation or other recipient of a grant (not including indi-*
 25 *vidual recipients of Federal student financial assistance) as*

1 *a result of a qualifying emergency, for the period beginning*
2 *on the first day of the qualifying emergency and ending*
3 *on September 30 of the fiscal year following the end of the*
4 *qualifying emergency.*

5 (b) *MATCHING REQUIREMENT MODIFICATIONS.—Not-*
6 *withstanding any other provision of the Higher Education*
7 *Act of 1965 (20 U.S.C. 1001 et seq.), the Secretary is au-*
8 *thorized to modify any Federal share or other financial*
9 *matching requirement for a grant awarded on a competitive*
10 *basis or a grant awarded under part A or B of title III*
11 *or subpart 4 of part A of title VII of the Higher Education*
12 *Act of 1965 (20 U.S.C. 1057 et seq.; 1060 et seq.; 1136a*
13 *et seq.) at the request of an institution of higher education*
14 *or other grant recipient as a result of a qualifying emer-*
15 *gency, for the period beginning on the first day of the quali-*
16 *fying emergency and ending on September 30 of the fiscal*
17 *year following the end of the qualifying emergency.*

18 (c) *REPORTS.—Not later than 180 days after the date*
19 *of enactment of this Act, and every 180 days thereafter for*
20 *the duration of the period beginning on the first day of the*
21 *qualifying emergency and ending on September 30 of the*
22 *fiscal year following the end of the qualifying emergency,*
23 *the Secretary shall submit to the authorizing committees (as*
24 *defined in section 103 of the Higher Education Act of 1965*
25 *(20 U.S.C. 1003)) a report that identifies each institution*

1 of higher education or other grant recipient that received
 2 a modification under this section.

3 **SEC. 3519. SERVICE OBLIGATIONS FOR TEACHERS.**

4 (a) *TEACH GRANTS.*—For the purpose of section 420N
 5 of the Higher Education Act of 1965 (20 U.S.C. 1070g–
 6 2), during a qualifying emergency, the Secretary—

7 (1) may modify the categories of extenuating cir-
 8 cumstances under which a recipient of a grant under
 9 subpart 9 of part A of title IV of the Higher Edu-
 10 cation Act of 1965 (20 U.S.C. 1070g et seq.) who is
 11 unable to fulfill all or part of the recipient’s service
 12 obligation may be excused from fulfilling that portion
 13 of the service obligation; and

14 (2) shall consider teaching service that, as a re-
 15 sult of a qualifying emergency, is part-time or tempo-
 16 rarily interrupted, to be full-time service and to fulfill
 17 the service obligations under such section 420N.

18 (b) *TEACHER LOAN FORGIVENESS.*—Notwithstanding
 19 section 428J or 460 of the Higher Education Act of 1965
 20 (20 U.S.C. 1078–10; 1087j), the Secretary shall waive the
 21 requirements under such sections that years of teaching
 22 service shall be consecutive if—

23 (1) the teaching service of a borrower is tempo-
 24 rarily interrupted due to a qualifying emergency; and

1 (2) after the temporary interruption due to a
 2 qualifying emergency, the borrower resumes teaching
 3 service and completes a total of 5 years of qualifying
 4 teaching service under such sections, including quali-
 5 fying teaching service performed before, during, and
 6 after such qualifying emergency.

7 **Subtitle C—Labor Provisions**

8 **SEC. 3601. LIMITATION ON PAID LEAVE.**

9 Section 110(b)(2)(B) of the Family and Medical Leave
 10 Act of 1993 (as added by the Emergency Family and Med-
 11 ical Leave Expansion Act) is amended by striking clause
 12 (ii) and inserting the following:

13 “(ii) *LIMITATION.*—An employer shall
 14 not be required to pay more than \$200 per
 15 day and \$10,000 in the aggregate for each
 16 employee for paid leave under this section.”.

17 **SEC. 3602. EMERGENCY PAID SICK LEAVE ACT LIMITATION.**

18 Section 5102 of the Emergency Paid Sick Leave Act
 19 (division E of the Families First Coronavirus Response
 20 Act) is amended by adding at the end the following:

21 “(f) *LIMITATIONS.*—An employer shall not be required
 22 to pay more than either—

23 “(1) \$511 per day and \$5,110 in the aggregate
 24 for each employee, when the employee is taking leave

1 for a reason described in paragraph (1), (2), or (3)
2 of section 5102(a); or

3 “(2) \$200 per day and \$2,000 in the aggregate
4 for each employee, when the employee is taking leave
5 for a reason described in paragraph (4), (5), or (6)
6 of section 5102(a).”.

7 **SEC. 3603. UNEMPLOYMENT INSURANCE.**

8 Section 903(h)(2)(B) of the Social Security Act (42
9 U.S.C. 1103(h)(2)(B)), as added by section 4102 of the
10 Emergency Unemployment Insurance Stabilization and Ac-
11 cess Act of 2020, is amended to read as follows:

12 “(B) The State ensures that applications for
13 unemployment compensation, and assistance
14 with the application process, are accessible, to
15 the extent practicable in at least two of the fol-
16 lowing: in person, by phone, or online.”.

17 **SEC. 3604. OMB WAIVER OF PAID FAMILY AND PAID SICK**
18 **LEAVE.**

19 (a) FAMILY AND MEDICAL LEAVE ACT OF 1993.—Sec-
20 tion 110(a) of title I of the Family and Medical Leave Act
21 of 1993 (29 U.S.C. 2611 et seq.) (as added by division C
22 of the Families First Coronavirus Response Act) is amended
23 by adding at the end the following new paragraph:

24 “(4) The Director of the Office of Management
25 and Budget shall have the authority to exclude for

1 *good cause from the requirements under subsection (b)*
 2 *certain employers of the United States Government*
 3 *with respect to certain categories of Executive Branch*
 4 *employees.”.*

5 **(b) EMERGENCY PAID SICK LEAVE ACT.**—*The Emer-*
 6 *gency Paid Sick Leave Act (division E of the Families First*
 7 *Coronavirus Response Act) is amended by adding at the*
 8 *end the following new section:*

9 **“SEC. 5112. AUTHORITY TO EXCLUDE CERTAIN EMPLOYEES.**

10 *“The Director of the Office of Management and Budget*
 11 *shall have the authority to exclude for good cause from the*
 12 *definition of employee under section 5110(1) certain em-*
 13 *ployees described in subparagraphs (E) and (F) of such sec-*
 14 *tion, including by exempting certain United States Govern-*
 15 *ment employers covered by section 5110(2)(A)(i)(V) from*
 16 *the requirements of this title with respect to certain cat-*
 17 *egories of Executive Branch employees.”.*

18 **SEC. 3605. PAID LEAVE FOR REHIRED EMPLOYEES.**

19 *Section 110(a)(1)(A) of the Family and Medical Leave*
 20 *Act of 1993, as added by section 3102 of the Emergency*
 21 *Family and Medical Leave Expansion Act, is amended to*
 22 *read as follows:*

23 **“(A) ELIGIBLE EMPLOYEE.—**

24 **“(i) IN GENERAL.—***In lieu of the defi-*
 25 *inition in sections 101(2)(A) and*

1 101(2)(B)(ii), the term ‘eligible employee’
 2 means an employee who has been employed
 3 for at least 30 calendar days by the em-
 4 ployer with respect to whom leave is re-
 5 quested under section 102(a)(1)(F).

6 “(ii) *RULE REGARDING REHIRED EM-*
 7 *PLOYEES.—For purposes of clause (i), the*
 8 *term ‘employed for at least 30 calendar*
 9 *days’, used with respect to an employee and*
 10 *an employer described in clause (i), in-*
 11 *cludes an employee who was laid off by that*
 12 *employer not earlier than March 1, 2020,*
 13 *had worked for the employer for not less*
 14 *than 30 of the last 60 calendar days prior*
 15 *to the employee’s layoff, and was rehired by*
 16 *the employer.’”.*

17 **SEC. 3606. ADVANCE REFUNDING OF CREDITS.**

18 (a) *PAYROLL CREDIT FOR REQUIRED PAID SICK*
 19 *LEAVE.—Section 7001 of division G of the Families First*
 20 *Coronavirus Response Act is amended—*

21 (1) *in subsection (b)(4)(A)—*

22 (A) *by striking “(A) In general.—If the*
 23 *amount” and inserting “(A)(i) Credit is refund-*
 24 *able.—If the amount”; and*

25 (B) *by adding at the end the following:*

1 “(ii) *ADVANCING CREDIT.*—*In antici-*
2 *pation of the credit, including the refund-*
3 *able portion under clause (i), the credit*
4 *may be advanced, according to forms and*
5 *instructions provided by the Secretary, up*
6 *to an amount calculated under subsection*
7 *(a), subject to the limits under subsection*
8 *(b), both calculated through the end of the*
9 *most recent payroll period in the quarter.”;*
10 (2) *in subsection (f)—*
11 (A) *in paragraph (4), by striking “, and”*
12 *and inserting a comma;*
13 (B) *in paragraph (5), by striking the period*
14 *at the end and inserting “, and”; and*
15 (C) *by adding at the end the following:*
16 “(6) *regulations or other guidance to permit the*
17 *advancement of the credit determined under sub-*
18 *section (a).”;* and
19 (3) *by inserting after subsection (h) the following*
20 *new subsection:*
21 “(i) *TREATMENT OF DEPOSITS.*—*The Secretary of the*
22 *Treasury (or the Secretary’s delegate) shall waive any pen-*
23 *alty under section 6656 of the Internal Revenue Code of*
24 *1986 for any failure to make a deposit of the tax imposed*
25 *by section 3111(a) or 3221(a) of such Code if the Secretary*

1 *determines that such failure was due to the anticipation*
2 *of the credit allowed under this section.”.*

3 **(b) PAYROLL CREDIT FOR REQUIRED PAID FAMILY**
4 *LEAVE.—Section 7003 of division G of the Families First*
5 *Coronavirus Response Act is amended—*

6 (1) *in subsection (b)(3)—*

7 (A) *by striking “If the amount” and insert-*
8 *ing “(A) Credit is refundable.—If the amount”;*
9 *and*

10 (B) *by adding at the end the following:*

11 “(B) *ADVANCING CREDIT.—In anticipation*
12 *of the credit, including the refundable portion*
13 *under subparagraph (A), the credit may be ad-*
14 *vanced, according to forms and instructions pro-*
15 *vided by the Secretary, up to an amount cal-*
16 *culated under subsection (a), subject to the limits*
17 *under subsection (b), both calculated through the*
18 *end of the most recent payroll period in the*
19 *quarter.”;*

20 (2) *in subsection (f)—*

21 (A) *in paragraph (4), by striking “, and”*
22 *and inserting a comma;*

23 (B) *in paragraph (5), by striking the period*
24 *at the end and inserting “, and”;* and

25 (C) *by adding at the end the following:*

1 “(6) regulations or other guidance to permit the
2 advancement of the credit determined under sub-
3 section (a).”; and

4 (c) by inserting after subsection (h) the following new
5 subsection:

6 “(i) *TREATMENT OF DEPOSITS.*—The Secretary of the
7 Treasury (or the Secretary’s delegate) shall waive any pen-
8 alty under section 6656 of the Internal Revenue Code of
9 1986 for any failure to make a deposit of the tax imposed
10 by section 3111(a) or 3221(a) of such Code if the Secretary
11 determines that such failure was due to the anticipation
12 of the credit allowed under this section.”.

13 **SEC. 3607. EXPANSION OF DOL AUTHORITY TO POSTPONE**
14 **CERTAIN DEADLINES.**

15 Section 518 of the Employee Retirement Income Secu-
16 rity Act of 1974 (29 U.S.C. 1148) is amended by striking
17 “or a terroristic or military action (as defined in section
18 692(c)(2) of such Code), the Secretary may” and inserting
19 “a terroristic or military action (as defined in section
20 692(c)(2) of such Code), or a public health emergency de-
21 clared by the Secretary of Health and Human Services pur-
22 suant to section 319 of the Public Health Service Act, the
23 Secretary may”.

1 **SEC. 3608. SINGLE-EMPLOYER PLAN FUNDING RULES.**

2 (a) *DELAY IN PAYMENT OF MINIMUM REQUIRED CON-*
3 *TRIBUTIONS.*—*In the case of any minimum required con-*
4 *tribution (as determined under section 430(a) of the Inter-*
5 *nal Revenue Code of 1986 and section 303(a) of the Em-*
6 *ployee Retirement Income Security Act of 1974 (29 U.S.C.*
7 *1083(a))) which (but for this section) would otherwise be*
8 *due under section 430(j) of such Code (including quarterly*
9 *contributions under paragraph (3) thereof) and section*
10 *303(j) of such Act (29 U.S.C. 1083(j)) (including quarterly*
11 *contributions under paragraph (3) thereof) during calendar*
12 *year 2020—*

13 (1) *the due date for such contributions shall be*
14 *January 1, 2021, and*

15 (2) *the amount of each such minimum required*
16 *contribution shall be increased by interest accruing*
17 *for the period between the original due date (without*
18 *regard to this section) for the contribution and the*
19 *payment date, at the effective rate of interest for the*
20 *plan for the plan year which includes such payment*
21 *date.*

22 (b) *BENEFIT RESTRICTION STATUS.*—*For purposes of*
23 *section 436 of the Internal Revenue Code of 1986 and sec-*
24 *tion 206(g) of the Employee Retirement Income Security*
25 *Act of 1974 (29 U.S.C. 1056(g)), a plan sponsor may elect*
26 *to treat the plan's adjusted funding target attainment per-*

1 *centage for the last plan year ending before January 1,*
 2 *2020, as the adjusted funding target attainment percentage*
 3 *for plan years which include calendar year 2020.*

4 **SEC. 3609. APPLICATION OF COOPERATIVE AND SMALL EM-**
 5 ****PLOYER CHARITY PENSION PLAN RULES TO****
 6 ****CERTAIN CHARITABLE EMPLOYERS WHOSE****
 7 ****PRIMARY EXEMPT PURPOSE IS PROVIDING****
 8 ****SERVICES WITH RESPECT TO MOTHERS AND****
 9 ****CHILDREN.****

10 *(a) EMPLOYEE RETIREMENT INCOME SECURITY ACT*
 11 *OF 1974.—Section 210(f)(1) of the Employee Retirement*
 12 *Income Security Act of 1974 (29 U.S.C. 1060(f)(1)) is*
 13 *amended—*

14 *(1) by striking “or” at the end of subparagraph*
 15 *(B);*

16 *(2) by striking the period at the end of subpara-*
 17 *graph (C)(iv) and inserting “; or”; and*

18 *(3) by inserting after subparagraph (C) the fol-*
 19 *lowing new subparagraph:*

20 *“(D) that, as of January 1, 2000, was*
 21 *maintained by an employer—*

22 *“(i) described in section 501(c)(3) of*
 23 *the Internal Revenue Code of 1986,*

24 *“(ii) who has been in existence since at*
 25 *least 1938,*

1 “(iii) who conducts medical research
2 directly or indirectly through grant making,
3 and

4 “(iv) whose primary exempt purpose is
5 to provide services with respect to mothers
6 and children.”.

7 (b) *INTERNAL REVENUE CODE OF 1986*.—Section
8 414(y)(1) of the *Internal Revenue Code of 1986* is amend-
9 ed—

10 (1) by striking “or” at the end of subparagraph
11 (B);

12 (2) by striking the period at the end of subpara-
13 graph (C)(iv) and inserting “; or”; and

14 (3) by inserting after subparagraph (C) the fol-
15 lowing new subparagraph:

16 “(D) that, as of January 1, 2000, was
17 maintained by an employer—

18 “(i) described in section 501(c)(3),

19 “(ii) who has been in existence since at
20 least 1938,

21 “(iii) who conducts medical research
22 directly or indirectly through grant making,
23 and

1 “(iv) whose primary exempt purpose is
2 to provide services with respect to mothers
3 and children.”.

4 (c) *EFFECTIVE DATE.*—The amendments made by this
5 section shall apply to plan years beginning after December
6 31, 2018.

7 **SEC. 3610. FEDERAL CONTRACTOR AUTHORITY.**

8 Notwithstanding any other provision of law, and sub-
9 ject to the availability of appropriations, funds made avail-
10 able to an agency by this Act or any other Act may be used
11 by such agency to modify the terms and conditions of a
12 contract, or other agreement, without consideration, to re-
13 imburse at the minimum applicable contract billing rates
14 not to exceed an average of 40 hours per week any paid
15 leave, including sick leave, a contractor provides to keep
16 its employees or subcontractors in a ready state, including
17 to protect the life and safety of Government and contractor
18 personnel, but in no event beyond September 30, 2020. Such
19 authority shall apply only to a contractor whose employees
20 or subcontractors cannot perform work on a site that has
21 been approved by the Federal Government, including a fed-
22 erally-owned or leased facility or site, due to facility clo-
23 sures or other restrictions, and who cannot telework because
24 their job duties cannot be performed remotely during the
25 public health emergency declared on January 31, 2020 for

1 *COVID–19: Provided, That the maximum reimbursement*
 2 *authorized by this section shall be reduced by the amount*
 3 *of credit a contractor is allowed pursuant to division G of*
 4 *Public Law 116–127 and any applicable credits a con-*
 5 *tractor is allowed under this Act.*

6 **SEC. 3611. TECHNICAL CORRECTIONS.**

7 (1) *Section 110(a)(3) of the Family and Medical*
 8 *Leave Act of 1993 (as added by the Emergency and*
 9 *Medical Leave Expansion Act) is amended by strik-*
 10 *ing “553(d)(A)” and inserting “553(d)(3)”.*

11 (2) *Section 5111 of the Emergency Paid Sick*
 12 *Leave Act (division E of the Families First*
 13 *Coronavirus Response Act) is amended by striking*
 14 *“553(d)(A)” and inserting “553(d)(3)”.*

15 (3) *Section 110(c) of the Family and Medical*
 16 *Leave Act of 1993 (as added by the Emergency and*
 17 *Medical Leave Expansion Act) is amended by strik-*
 18 *ing “subsection (a)(2)(A)(iii)” and inserting “sub-*
 19 *section (a)(2)(A)”.*

20 (4) *Section 3104 of the Emergency Family and*
 21 *Medical Leave Expansion Act (division C of the Fam-*
 22 *ilies First Coronavirus Response Act) is amended—*

23 (A) *by striking “110(a)(B)” and inserting*
 24 *“section 110(a)(1)(B) of the Family and Medical*
 25 *Leave Act of 1993”; and*

1 (B) by striking “section 107(a) for a viola-
2 tion of section 102(a)(1)(F) if the employer does
3 not meet the definition of employer set forth in
4 Section 101(4)(A)(i)” and inserting “section
5 107(a) of such Act for a violation of section
6 102(a)(1)(F) of such Act if the employer does not
7 meet the definition of employer set forth in sec-
8 tion 101(4)(A)(i) of such Act”.

9 (5) Section 5110(1) of the *Emergency Paid Sick*
10 *Leave Act (division E of the Families First*
11 *Coronavirus Response Act)* is amended—

12 (A) in the matter preceding subparagraph
13 (A), by striking “terms” and inserting “term”;
14 and

15 (B) in subparagraph (A)(i), by striking
16 “paragraph (5)(A)” and inserting “paragraph
17 (2)(A)”.

18 (6) Section 5110(2)(B)(ii) of the *Emergency*
19 *Paid Sick Leave Act (division E of the Families First*
20 *Coronavirus Response Act)* is amended by striking
21 “clause (i)(IV)” and inserting “clause (i)(III)”.

22 (7) Section 110(a)(3) of the *Family and Medical*
23 *Leave Act of 1993 (as added by the Emergency and*
24 *Medical Leave Expansion Act)* is amended—

1 (A) by striking “and” after the semicolon at
2 the end of subparagraph (A);

3 (B) by striking the period at end of sub-
4 paragraph (B) and inserting “; and”; and

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

6 “(C) as necessary to carry out the purposes
7 of this Act, including to ensure consistency be-
8 tween this Act and Division E and Division G
9 of the Families First Coronavirus Response
10 Act.”.

11 (8) Section 5104(1) of the Emergency Paid Sick
12 Leave Act (division E of the Families First
13 Coronavirus Response Act) is amended by striking
14 “and” after the semicolon and inserting “or”.

15 (9) Section 5105 of the Emergency Paid Sick
16 Leave Act (division E of the Families First
17 Coronavirus Response Act) is amended by adding at
18 the end the following:

19 “(c) INVESTIGATIONS AND COLLECTION OF DATA.—
20 The Secretary of Labor or his designee may investigate and
21 gather data to ensure compliance with this Act in the same
22 manner as authorized by sections 9 and 11 of the Fair
23 Labor Standards Act of 1938 (29 U.S.C. 209; 211).”.

1 ***Subtitle D—Finance Committee***

2 ***SEC. 3701. EXEMPTION FOR TELEHEALTH SERVICES.***

3 *(a) IN GENERAL.—Paragraph (2) of section 223(c) of*
4 *the Internal Revenue Code of 1986 is amended by adding*
5 *at the end the following new subparagraph:*

6 *“(E) SAFE HARBOR FOR ABSENCE OF DE-*
7 *DUCTIBLE FOR TELEHEALTH.—In the case of*
8 *plan years beginning on or before December 31,*
9 *2021, a plan shall not fail to be treated as a high*
10 *deductible health plan by reason of failing to*
11 *have a deductible for telehealth and other remote*
12 *care services.”.*

13 *(b) CERTAIN COVERAGE DISREGARDED.—Clause (ii)*
14 *of section 223(c)(1)(B) of the Internal Revenue Code of 1986*
15 *is amended by striking “or long-term care” and inserting*
16 *“long-term care, or (in the case of plan years beginning*
17 *on or before December 31, 2021) telehealth and other remote*
18 *care”.*

19 *(c) EFFECTIVE DATE.—The amendments made by this*
20 *section shall take effect on the date of the enactment of this*
21 *Act.*

1 **SEC. 3702. INCLUSION OF CERTAIN OVER-THE-COUNTER**
2 **MEDICAL PRODUCTS AS QUALIFIED MEDICAL**
3 **EXPENSES.**

4 (a) *HSAs.*—Section 223(d)(2) of the Internal Revenue
5 Code of 1986 is amended—

6 (1) by striking the last sentence of subparagraph
7 (A) and inserting the following: “For purposes of this
8 subparagraph, amounts paid for menstrual care prod-
9 ucts shall be treated as paid for medical care.”; and

10 (2) by adding at the end the following new sub-
11 paragraph:

12 “(D) *MENSTRUAL CARE PRODUCT.*—For
13 purposes of this paragraph, the term ‘menstrual
14 care product’ means a tampon, pad, liner, cup,
15 sponge, or similar product used by individuals
16 with respect to menstruation or other genital-
17 tract secretions.”.

18 (b) *ARCHER MSAs.*—Section 220(d)(2)(A) of such
19 Code is amended by striking the last sentence and inserting
20 the following: “For purposes of this subparagraph, amounts
21 paid for menstrual care products (as defined in section
22 223(d)(2)(D)) shall be treated as paid for medical care.”.

23 (c) *HEALTH FLEXIBLE SPENDING ARRANGEMENTS*
24 *AND HEALTH REIMBURSEMENT ARRANGEMENTS.*—Section
25 106 of such Code is amended by striking subsection (f) and
26 inserting the following new subsection:

1 “(f) *REIMBURSEMENTS FOR MENSTRUAL CARE PROD-*
 2 *UCTS.—For purposes of this section and section 105, ex-*
 3 *penses incurred for menstrual care products (as defined in*
 4 *section 223(d)(2)(D)) shall be treated as incurred for med-*
 5 *ical care.”.*

6 (d) *EFFECTIVE DATES.—*

7 (1) *DISTRIBUTIONS FROM SAVINGS ACCOUNTS.—*
 8 *The amendment made by subsections (a) and (b) shall*
 9 *apply to amounts paid after December 31, 2019.*

10 (2) *REIMBURSEMENTS.—The amendment made*
 11 *by subsection (c) shall apply to expenses incurred*
 12 *after December 31, 2019.*

13 **SEC. 3703. INCREASING MEDICARE TELEHEALTH FLEXIBILI-**
 14 **TIES DURING EMERGENCY PERIOD.**

15 *Section 1135 of the Social Security Act (42 U.S.C.*
 16 *1320b–5) is amended—*

17 (1) *in subsection (b)(8), by striking “to an indi-*
 18 *vidual by a qualified provider (as defined in sub-*
 19 *section (g)(3))” and all that follows through the pe-*
 20 *riod and inserting “, the requirements of section*
 21 *1834(m).”; and*

22 (2) *in subsection (g), by striking paragraph (3).*

1 **SEC. 3704. ENHANCING MEDICARE TELEHEALTH SERVICES**
2 **FOR FEDERALLY QUALIFIED HEALTH CEN-**
3 **TERS AND RURAL HEALTH CLINICS DURING**
4 **EMERGENCY PERIOD.**

5 *Section 1834(m) of the Social Security Act (42 U.S.C.*
6 *1395m(m)) is amended—*

7 *(1) in the first sentence of paragraph (1), by*
8 *striking “The Secretary” and inserting “Subject to*
9 *paragraph (8), the Secretary”;*

10 *(2) in paragraph (2)(A), by striking “The Sec-*
11 *retary” and inserting “Subject to paragraph (8), the*
12 *Secretary”;*

13 *(3) in paragraph (4)—*

14 *(A) in subparagraph (A), by striking “The*
15 *term” and inserting “Subject to paragraph (8),*
16 *the term”;* and

17 *(B) in subparagraph (F)(i), by striking*
18 *“The term” and inserting “Subject to paragraph*
19 *(8), the term”;* and

20 *(4) by adding at the end the following new para-*
21 *graph:*

22 *“(8) ENHANCING TELEHEALTH SERVICES FOR*
23 *FEDERALLY QUALIFIED HEALTH CENTERS AND RURAL*
24 *HEALTH CLINICS DURING EMERGENCY PERIOD.—*

25 *“(A) IN GENERAL.—During the emergency*
26 *period described in section 1135(g)(1)(B)—*

1 “(i) the Secretary shall pay for tele-
2 health services that are furnished via a tele-
3 communications system by a Federally
4 qualified health center or a rural health
5 clinic to an eligible telehealth individual en-
6 rolled under this part notwithstanding that
7 the Federally qualified health center or
8 rural clinic providing the telehealth service
9 is not at the same location as the bene-
10 ficiary;

11 “(ii) the amount of payment to a Fed-
12 erally qualified health center or rural health
13 clinic that serves as a distant site for such
14 a telehealth service shall be determined
15 under subparagraph (B); and

16 “(iii) for purposes of this subsection—

17 “(I) the term ‘distant site’ in-
18 cludes a Federally qualified health cen-
19 ter or rural health clinic that furnishes
20 a telehealth service to an eligible tele-
21 health individual; and

22 “(II) the term ‘telehealth services’
23 includes a rural health clinic service or
24 Federally qualified health center serv-
25 ice that is furnished using telehealth to

1 *the extent that payment codes cor-*
2 *responding to services identified by the*
3 *Secretary under clause (i) or (ii) of*
4 *paragraph (4)(F) are listed on the cor-*
5 *responding claim for such rural health*
6 *clinic service or Federally qualified*
7 *health center service.*

8 “(B) *SPECIAL PAYMENT RULE.—*

9 “(i) *IN GENERAL.—The Secretary shall*
10 *develop and implement payment methods*
11 *that apply under this subsection to a Feder-*
12 *ally qualified health center or rural health*
13 *clinic that serves as a distant site that fur-*
14 *nishes a telehealth service to an eligible tele-*
15 *health individual during such emergency*
16 *period. Such payment methods shall be*
17 *based on payment rates that are similar to*
18 *the national average payment rates for com-*
19 *parable telehealth services under the physi-*
20 *cian fee schedule under section 1848. Not-*
21 *withstanding any other provision of law,*
22 *the Secretary may implement such payment*
23 *methods through program instruction or*
24 *otherwise.*

1 “(ii) *EXCLUSION FROM FQHC PPS CAL-*
 2 *CULATION AND RHC AIR CALCULATION.—*
 3 *Costs associated with telehealth services*
 4 *shall not be used to determine the amount*
 5 *of payment for Federally qualified health*
 6 *center services under the prospective pay-*
 7 *ment system under section 1834(o) or for*
 8 *rural health clinic services under the meth-*
 9 *odology for all-inclusive rates (established*
 10 *by the Secretary) under section*
 11 *1833(a)(3).”.*

12 **SEC. 3705. TEMPORARY WAIVER OF REQUIREMENT FOR**
 13 **FACE-TO-FACE VISITS BETWEEN HOME DIALY-**
 14 **SIS PATIENTS AND PHYSICIANS.**

15 *Section 1881(b)(3)(B) of the Social Security Act (42*
 16 *U.S.C. 1395rr(b)(3)(B)) is amended—*

17 (1) *in clause (i), by striking “clause (ii)” and*
 18 *inserting “clauses (ii) and (iii)”;*

19 (2) *in clause (ii), in the matter preceding sub-*
 20 *clause (I), by striking “Clause (i)” and inserting*
 21 *“Except as provided in clause (iii), clause (i)”;* and

22 (3) *by adding at the end the following new*
 23 *clause:*

24 “(iii) *The Secretary may waive the*
 25 *provisions of clause (ii) during the emer-*

1 *gency period described in section*
 2 *1135(g)(1)(B).”.*

3 **SEC. 3706. USE OF TELEHEALTH TO CONDUCT FACE-TO-**
 4 **FACE ENCOUNTER PRIOR TO RECERTIFI-**
 5 **CATION OF ELIGIBILITY FOR HOSPICE CARE**
 6 **DURING EMERGENCY PERIOD.**

7 *Section 1814(a)(7)(D)(i) of the Social Security Act (42*
 8 *U.S.C. 1395f(a)(7)(D)(i)) is amended—*

9 *(1) by striking “a hospice” and inserting “(I*
 10 *subject to subclause (II), a hospice”;* and

11 *(2) by inserting after subclause (I), as added by*
 12 *paragraph (1), the following new subclause:*

13 *“(II) during the emergency period de-*
 14 *scribed in section 1135(g)(1)(B), a hospice*
 15 *physician or nurse practitioner may con-*
 16 *duct a face-to-face encounter required under*
 17 *this clause via telehealth, as determined ap-*
 18 *propriate by the Secretary; and”.*

19 **SEC. 3707. ENCOURAGING USE OF TELECOMMUNICATIONS**
 20 **SYSTEMS FOR HOME HEALTH SERVICES FUR-**
 21 **NISHED DURING EMERGENCY PERIOD.**

22 *With respect to home health services (as defined in sec-*
 23 *tion 1861(m) of the Social Security Act (42 U.S.C.*
 24 *1395x(m)) that are furnished during the emergency period*
 25 *described in section 1135(g)(1)(B) of such Act (42 U.S.C.*

1 1320b–5(g)(1)(B)), the Secretary of Health and Human
 2 Services shall consider ways to encourage the use of tele-
 3 communications systems, including for remote patient mon-
 4 itoring as described in section 409.46(e) of title 42, Code
 5 of Federal Regulations (or any successor regulations) and
 6 other communications or monitoring services, consistent
 7 with the plan of care for the individual, including by clari-
 8 fying guidance and conducting outreach, as appropriate.

9 **SEC. 3708. IMPROVING CARE PLANNING FOR MEDICARE**
 10 **HOME HEALTH SERVICES.**

11 (a) *PART A PROVISIONS.*—Section 1814(a) of the So-
 12 cial Security Act (42 U.S.C. 1395f(a)) is amended—

13 (1) in paragraph (2)—

14 (A) in the matter preceding subparagraph
 15 (A), by inserting “, a nurse practitioner or clin-
 16 ical nurse specialist (as such terms are defined
 17 in section 1861(aa)(5)) who is working in ac-
 18 cordance with State law, or a physician assist-
 19 ant (as defined in section 1861(aa)(5)) who is
 20 working in accordance with State law, who is”
 21 after “in the case of services described in sub-
 22 paragraph (C), a physician”; and

23 (B) in subparagraph (C)—

24 (i) by inserting “, a nurse practitioner,
 25 a clinical nurse specialist, or a physician

1 *assistant (as the case may be)” after “phy-*
2 *sician” the first 2 times it appears; and*

3 (ii) *by striking “, and, in the case of*
4 *a certification made by a physician” and*
5 *all that follows through “face-to-face en-*
6 *counter” and inserting “, and, in the case*
7 *of a certification made by a physician after*
8 *January 1, 2010, or by a nurse practi-*
9 *tioner, clinical nurse specialist, or physi-*
10 *cian assistant (as the case may be) after a*
11 *date specified by the Secretary (but in no*
12 *case later than the date that is 6 months*
13 *after the date of the enactment of the*
14 *CARES Act), prior to making such certifi-*
15 *cation a physician, nurse practitioner, clin-*
16 *ical nurse specialist, or physician assistant*
17 *must document that a physician, nurse*
18 *practitioner, clinical nurse specialist, cer-*
19 *tified nurse-midwife (as defined in section*
20 *1861(gg)) as authorized by State law, or*
21 *physician assistant has had a face-to-face*
22 *encounter”;*

23 (2) *in the third sentence—*

24 (A) *by striking “physician certification”*
25 *and inserting “certification”;*

1 (B) by inserting “(or in the case of regula-
2 tions to implement the amendments made by sec-
3 tion 3708 of the CARES Act, the Secretary shall
4 prescribe regulations, which shall become effective
5 no later than 6 months after the date of the en-
6 actment of such Act)” after “1981”; and

7 (C) by striking “a physician who” and in-
8 serting “a physician, nurse practitioner, clinical
9 nurse specialist, or physician assistant who”;

10 (3) in the fourth sentence, by inserting “, nurse
11 practitioner, clinical nurse specialist, or physician
12 assistant” after “physician”; and

13 (4) in the fifth sentence—

14 (A) by inserting “or no later than 6 months
15 after the date of the enactment of the CARES
16 Act for purposes of documentation for certifi-
17 cation and recertification made under paragraph
18 (2) by a nurse practitioner, clinical nurse spe-
19 cialist, or physician assistant,” after “January
20 1, 2019”; and

21 (B) by inserting “, nurse practitioner, clin-
22 ical nurse specialist, or physician assistant”
23 after “of the physician”.

24 (b) *PART B PROVISIONS.*—Section 1835(a) of the So-
25 cial Security Act (42 U.S.C. 1395n(a)) is amended—

1 (1) *in paragraph (2)—*

2 (A) *in the matter preceding subparagraph*
3 *(A), by inserting “, a nurse practitioner or clinical*
4 *nurse specialist (as those terms are defined*
5 *in section 1861(aa)(5)) who is working in ac-*
6 *cordance with State law, or a physician assist-*
7 *ant (as defined in section 1861(aa)(5)) who is*
8 *working in accordance with State law, who is”*
9 *after “in the case of services described in sub-*
10 *paragraph (A), a physician”; and*

11 (B) *in subparagraph (A)—*

12 (i) *in each of clauses (ii) and (iii) of*
13 *subparagraph (A) by inserting “, a nurse*
14 *practitioner, a clinical nurse specialist, or a*
15 *physician assistant (as the case may be)”*
16 *after “physician”; and*

17 (ii) *in clause (iv), by striking “after*
18 *January 1, 2010” and all that follows*
19 *through “face-to-face encounter” and insert-*
20 *ing “made by a physician after January 1,*
21 *2010, or by a nurse practitioner, clinical*
22 *nurse specialist, or physician assistant (as*
23 *the case may be) after a date specified by*
24 *the Secretary (but in no case later than the*
25 *date that is 6 months after the date of the*

1 enactment of the CARES Act), prior to
2 making such certification a physician,
3 nurse practitioner, clinical nurse specialist,
4 or physician assistant must document that
5 a physician, nurse practitioner, clinical
6 nurse specialist, certified nurse-midwife (as
7 defined in section 1861(gg)) as authorized
8 by State law, or physician assistant has
9 had a face-to-face encounter”;

10 (2) in the third sentence, by inserting “, nurse
11 practitioner, clinical nurse specialist, or physician
12 assistant (as the case may be)” after physician;

13 (3) in the fourth sentence—

14 (A) by striking “physician certification”
15 and inserting “certification”;

16 (B) by inserting “(or in the case of regula-
17 tions to implement the amendments made by sec-
18 tion 3708 of the CARES Act the Secretary shall
19 prescribe regulations which shall become effective
20 no later than 6 months after the enactment of
21 such Act)” after “1981”; and

22 (C) by striking “a physician who” and in-
23 serting “a physician, nurse practitioner, clinical
24 nurse specialist, or physician assistant who”;

1 (4) *in the fifth sentence, by inserting “, nurse*
 2 *practitioner, clinical nurse specialist, or physician*
 3 *assistant” after “physician”; and*

4 (5) *in the sixth sentence—*

5 (A) *by inserting “or no later than 6 months*
 6 *after the date of the enactment of the CARES*
 7 *Act for purposes of documentation for certifi-*
 8 *cation and recertification made under paragraph*
 9 *(2) by a nurse practitioner, clinical nurse spe-*
 10 *cialist, or physician assistant,” after “January*
 11 *1, 2019”; and*

12 (B) *by inserting “, nurse practitioner, clin-*
 13 *ical nurse specialist, or physician assistant”*
 14 *after “of the physician”.*

15 (c) *DEFINITION PROVISIONS.—*

16 (1) *HOME HEALTH SERVICES.—Section 1861(m)*
 17 *of the Social Security Act (42 U.S.C. 1395x(m)) is*
 18 *amended—*

19 (A) *in the matter preceding paragraph*

20 (1)—

21 (i) *by inserting “, a nurse practitioner*
 22 *or a clinical nurse specialist (as those terms*
 23 *are defined in subsection (aa)(5)), or a phy-*
 24 *sician assistant (as defined in subsection*

1 *(aa)(5))” after “physician” the first place it*
 2 *appears; and*

3 *(ii) by inserting “, a nurse practi-*
 4 *tioner, a clinical nurse specialist, or a phy-*
 5 *sician assistant” after “physician” the sec-*
 6 *ond place it appears; and*

7 *(B) in paragraph (3), by inserting “, a*
 8 *nurse practitioner, a clinical nurse specialist, or*
 9 *a physician assistant” after “physician”.*

10 *(2) HOME HEALTH AGENCY.—Section 1861(o)(2)*
 11 *of the Social Security Act (42 U.S.C. 1395x(o)(2)) is*
 12 *amended—*

13 *(A) by inserting “, nurse practitioners or*
 14 *clinical nurse specialists (as those terms are de-*
 15 *finied in subsection (aa)(5)), certified nurse-mid-*
 16 *wives (as defined in subsection (gg)), or physi-*
 17 *cian assistants (as defined in subsection*
 18 *(aa)(5))” after “physicians”; and*

19 *(B) by inserting “, nurse practitioner, clin-*
 20 *ical nurse specialist, certified nurse-midwife,*
 21 *physician assistant,” after “physician”.*

22 *(3) COVERED OSTEOPOROSIS DRUG.—Section*
 23 *1861(kk)(1) of the Social Security Act (42 U.S.C.*
 24 *1395x(kk)(1)) is amended by inserting “, nurse prac-*
 25 *titioner or clinical nurse specialist (as those terms are*

1 *defined in subsection (aa)(5)), certified nurse-midwife*
 2 *(as defined in subsection (gg)), or physician assistant*
 3 *(as defined in subsection (aa)(5))” after “attending*
 4 *physician”.*

5 (d) *HOME HEALTH PROSPECTIVE PAYMENT SYSTEM*
 6 *PROVISIONS.—Section 1895 of the Social Security Act (42*
 7 *U.S.C. 1395fff) is amended—*

8 (1) *in subsection (c)(1)—*

9 (A) *by striking “(provided under section*
 10 *1842(r))”; and*

11 (B) *by inserting “the nurse practitioner or*
 12 *clinical nurse specialist (as those terms are de-*
 13 *defined in section 1861(aa)(5)), or the physician*
 14 *assistant (as defined in section 1861(aa)(5))”*
 15 *after “physician”; and*

16 (2) *in subsection (e)—*

17 (A) *in paragraph (1)(A), by inserting “a*
 18 *nurse practitioner or clinical nurse specialist, or*
 19 *a physician assistant” after “physician”; and*

20 (B) *in paragraph (2)—*

21 (i) *in the heading, by striking “PHYSI-*
 22 *CIAN CERTIFICATION” and inserting “RULE*
 23 *OF CONSTRUCTION REGARDING REQUIRE-*
 24 *MENT FOR CERTIFICATION”; and*

25 (ii) *by striking “physician”.*

1 (e) *APPLICATION TO MEDICAID.*—*The amendments*
2 *made under this section shall apply under title XIX of the*
3 *Social Security Act in the same manner and to the same*
4 *extent as such requirements apply under title XVIII of such*
5 *Act or regulations promulgated thereunder.*

6 (f) *EFFECTIVE DATE.*—*The Secretary of Health and*
7 *Human Services shall prescribe regulations to apply the*
8 *amendments made by this section to items and services fur-*
9 *nished, which shall become effective no later than 6 months*
10 *after the date of the enactment of this legislation. The Sec-*
11 *retary shall promulgate an interim final rule if necessary,*
12 *to comply with the required effective date.*

13 **SEC. 3709. ADJUSTMENT OF SEQUESTRATION.**

14 (a) *TEMPORARY SUSPENSION OF MEDICARE SEQUES-*
15 *TRATION.*—*During the period beginning on May 1, 2020*
16 *and ending on December 31, 2020, the Medicare programs*
17 *under title XVIII of the Social Security Act (42 U.S.C.*
18 *1395 et seq.) shall be exempt from reduction under any se-*
19 *questration order issued before, on, or after the date of en-*
20 *actment of this Act.*

21 (b) *EXTENSION OF DIRECT SPENDING REDUCTIONS*
22 *THROUGH FISCAL YEAR 2030.*—*Section 251A(6) of the*
23 *Balanced Budget and Emergency Deficit Control Act of*
24 *1985 (2 U.S.C. 901a(6)) is amended—*

1 (1) in subparagraph (B), in the matter pre-
 2 ceding clause (i), by striking “through 2029” and in-
 3 serting “through 2030”; and

4 (2) in subparagraph (C), in the matter preceding
 5 clause (i), by striking “fiscal year 2029” and insert-
 6 ing “fiscal year 2030”.

7 **SEC. 3710. MEDICARE HOSPITAL INPATIENT PROSPECTIVE**
 8 **PAYMENT SYSTEM ADD-ON PAYMENT FOR**
 9 **COVID-19 PATIENTS DURING EMERGENCY PE-**
 10 **RIOD.**

11 (a) *IN GENERAL.*—Section 1886(d)(4)(C) of the Social
 12 Security Act (42 U.S.C. 1395ww(d)(4)(C)) is amended by
 13 adding at the end the following new clause:

14 “(iv)(I) For discharges occurring during the emer-
 15 gency period described in section 1135(g)(1)(B), in the case
 16 of a discharge of an individual diagnosed with COVID-
 17 19, the Secretary shall increase the weighting factor that
 18 would otherwise apply to the diagnosis-related group to
 19 which the discharge is assigned by 20 percent. The Sec-
 20 retary shall identify a discharge of such an individual
 21 through the use of diagnosis codes, condition codes, or other
 22 such means as may be necessary.

23 “(II) Any adjustment under subclause (I) shall not be
 24 taken into account in applying budget neutrality under
 25 clause (iii)

1 “(III) *In the case of a State for which the Secretary*
2 *has waived all or part of this section under the authority*
3 *of section 1115A, nothing in this section shall preclude such*
4 *State from implementing an adjustment similar to the ad-*
5 *justment under subclause (I).”.*

6 (b) *IMPLEMENTATION.—Notwithstanding any other*
7 *provision of law, the Secretary may implement the amend-*
8 *ment made by subsection (a) by program instruction or oth-*
9 *erwise.*

10 **SEC. 3711. INCREASING ACCESS TO POST-ACUTE CARE DUR-**
11 **ING EMERGENCY PERIOD.**

12 (a) *WAIVER OF IRF 3-HOUR RULE.—With respect to*
13 *inpatient rehabilitation services furnished by a rehabilita-*
14 *tion facility described in section 1886(j)(1) of the Social*
15 *Security Act (42 U.S.C. 1395ww(j)(1)) during the emer-*
16 *gency period described in section 1135(g)(1)(B) of the So-*
17 *cial Security Act (42 U.S.C. 1320b–5(g)(1)(B)), the Sec-*
18 *retary of Health and Human Services shall waive section*
19 *412.622(a)(3)(ii) of title 42, Code of Federal Regulations*
20 *(or any successor regulations), relating to the requirement*
21 *that patients of an inpatient rehabilitation facility receive*
22 *at least 15 hours of therapy per week.*

23 (b) *WAIVER OF SITE-NEUTRAL PAYMENT RATE PROVI-*
24 *SIONS FOR LONG-TERM CARE HOSPITALS.—With respect to*
25 *inpatient hospital services furnished by a long-term care*

1 *hospital described in section 1886(d)(1)(B)(iv) of the Social*
2 *Security Act (42 U.S.C. 1395ww(d)(1)(B)(iv)) during the*
3 *emergency period described in section 1135(g)(1)(B) of the*
4 *Social Security Act (42 U.S.C. 1320b-5(g)(1)(B)), the Sec-*
5 *retary of Health and Human Services shall waive the fol-*
6 *lowing provisions of section 1886(m)(6) of such Act (42*
7 *U.S.C. 1395ww(m)(6)):*

8 (1) *LTCH 50-PERCENT RULE.*—Subparagraph
9 (C)(ii) of such section, relating to the payment adjust-
10 ment for long-term care hospitals that do not have a
11 discharge payment percentage for the period that is at
12 least 50 percent.

13 (2) *SITE-NEUTRAL IPPS PAYMENT RATE.*—Sub-
14 paragraph (A)(i) of such section, relating to the ap-
15 plication of the site-neutral payment rate (and pay-
16 ment shall be made to a long-term care hospital with-
17 out regard to such section) for a discharge if the ad-
18 mission occurs during such emergency period and is
19 in response to the public health emergency described
20 in such section 1135(g)(1)(B).

1 **SEC. 3712. REVISING PAYMENT RATES FOR DURABLE MED-**
2 **ICAL EQUIPMENT UNDER THE MEDICARE**
3 **PROGRAM THROUGH DURATION OF EMER-**
4 **GENCY PERIOD.**

5 (a) *RURAL AND NONCONTIGUOUS AREAS.*—*The Sec-*
6 *retary of Health and Human Services shall implement sec-*
7 *tion 414.210(g)(9)(iii) of title 42, Code of Federal Regula-*
8 *tions (or any successor regulation), to apply the transition*
9 *rule described in such section to all applicable items and*
10 *services furnished in rural areas and noncontiguous areas*
11 *(as such terms are defined for purposes of such section) as*
12 *planned through December 31, 2020, and through the dura-*
13 *tion of the emergency period described in section*
14 *1135(g)(1)(B) of the Social Security Act (42 U.S.C. 1320b-*
15 *5(g)(1)(B)), if longer.*

16 (b) *AREAS OTHER THAN RURAL AND NONCONTIGUOUS*
17 *AREAS.*—*With respect to items and services furnished on*
18 *or after the date that is 30 days after the date of the enact-*
19 *ment of this Act, the Secretary of Health and Human Serv-*
20 *ices shall apply section 414.210(g)(9)(iv) of title 42, Code*
21 *of Federal Regulations (or any successor regulation), as if*
22 *the reference to “dates of service from June 1, 2018 through*
23 *December 31, 2020, based on the fee schedule amount for*
24 *the area is equal to 100 percent of the adjusted payment*
25 *amount established under this section” were instead a ref-*
26 *erence to “dates of service from March 6, 2020, through the*

1 remainder of the duration of the emergency period described
2 in section 1135(g)(1)(B) of the Social Security Act (42
3 U.S.C. 1320b–5(g)(1)(B)), based on the fee schedule amount
4 for the area is equal to 75 percent of the adjusted payment
5 amount established under this section and 25 percent of the
6 unadjusted fee schedule amount”.

7 **SEC. 3713. COVERAGE OF THE COVID–19 VACCINE UNDER**
8 **PART B OF THE MEDICARE PROGRAM WITH-**
9 **OUT ANY COST-SHARING.**

10 (a) *MEDICAL AND OTHER HEALTH SERVICES.*—Sec-
11 tion 1861(s)(10)(A) of the Social Security Act (42 U.S.C.
12 1395x(s)(10)(A)) is amended by inserting “, and COVID–
13 19 vaccine and its administration” after “influenza vaccine
14 and its administration”.

15 (b) *PART B DEDUCTIBLE.*—The first sentence of sec-
16 tion 1833(b) of the Social Security Act (42 U.S.C. 1395l(b))
17 is amended—

18 (1) in paragraph (10), by striking “and” at the
19 end; and

20 (2) in paragraph (11), by striking the period at
21 the end and inserting “, and (12) such deductible
22 shall not apply with respect a COVID–19 vaccine and
23 its administration described in section
24 1861(s)(10)(A).”.

1 (c) *MEDICARE ADVANTAGE*.—Section 1852(a)(1)(B) of
2 the Social Security Act (42 U.S.C. 1395w–22(a)(1)(B)) is
3 amended—

4 (1) in clause (iv)—

5 (A) by redesignating subclause (VI) as sub-
6 clause (VII); and

7 (B) by inserting after subclause (V) the fol-
8 lowing new subclause:

9 “(VI) A COVID–19 vaccine and
10 its administration described in section
11 1861(s)(10)(A).”; and

12 (2) in clause (v), by striking “subclauses (IV)
13 and (V)” inserting “subclauses (IV), (V), and (VI)”.

14 (d) *EFFECTIVE DATE*.—The amendments made by this
15 section shall take effect on the date of enactment of this Act
16 and shall apply with respect to a COVID–19 vaccine begin-
17 ning on the date that such vaccine is licensed under section
18 351 of the Public Health Service Act (42 U.S.C. 262).

19 (e) *IMPLEMENTATION*.—Notwithstanding any other
20 provision of law, the Secretary may implement the provi-
21 sions of, and the amendments made by, this section by pro-
22 gram instruction or otherwise.

1 **SEC. 3714. REQUIRING MEDICARE PRESCRIPTION DRUG**
2 **PLANS AND MA-PD PLANS TO ALLOW DURING**
3 **THE COVID-19 EMERGENCY PERIOD FOR**
4 **FILLS AND REFILLS OF COVERED PART D**
5 **DRUGS FOR UP TO A 3-MONTH SUPPLY.**

6 (a) *IN GENERAL.*—Section 1860D-4(b) of the Social
7 Security Act (42 U.S.C. 1395w-104(b)) is amended by add-
8 ing at the end the following new paragraph:

9 “(4) *ENSURING ACCESS DURING COVID-19 PUB-*
10 *LIC HEALTH EMERGENCY PERIOD.*—

11 “(A) *IN GENERAL.*—During the emergency
12 period described in section 1135(g)(1)(B), subject
13 to subparagraph (B), a prescription drug plan
14 or MA-PD plan shall, notwithstanding any cost
15 and utilization management, medication therapy
16 management, or other such programs under this
17 part, permit a part D eligible individual en-
18 rolled in such plan to obtain in a single fill or
19 refill, at the option of such individual, the total
20 day supply (not to exceed a 90-day supply) pre-
21 scribed for such individual for a covered part D
22 drug.

23 “(B) *SAFETY EDIT EXCEPTION.*—A pre-
24 scription drug plan or MA-PD plan may not
25 permit a part D eligible individual to obtain a

1 *single fill or refill inconsistent with an applica-*
2 *ble safety edit.”.*

3 **(b) IMPLEMENTATION.**—*Notwithstanding any other*
4 *provision of law, the Secretary of Health and Human Serv-*
5 *ices may implement the amendment made by this section*
6 *by program instruction or otherwise.*

7 **SEC. 3715. PROVIDING HOME AND COMMUNITY-BASED**
8 **SERVICES IN ACUTE CARE HOSPITALS.**

9 *Section 1902(h) of the Social Security Act (42 U.S.C.*
10 *1396a(h)) is amended—*

11 (1) *by inserting “(1)” after “(h)”;*

12 (2) *by inserting “, home and community-based*
13 *services provided under subsection (c), (d), or (i) of*
14 *section 1915 or under a waiver or demonstration*
15 *project under section 1115, self-directed personal as-*
16 *sistance services provided pursuant to a written plan*
17 *of care under section 1915(j), and home and commu-*
18 *nity-based attendant services and supports under sec-*
19 *tion 1915(k)” before the period; and*

20 (3) *by adding at the end the following:*

21 *“(2) Nothing in this title, title XVIII, or title XI shall*
22 *be construed as prohibiting receipt of any care or services*
23 *specified in paragraph (1) in an acute care hospital that*
24 *are—*

1 “(A) identified in an individual’s person-cen-
2 tered service plan (or comparable plan of care);

3 “(B) provided to meet needs of the individual
4 that are not met through the provision of hospital
5 services;

6 “(C) not a substitute for services that the hos-
7 pital is obligated to provide through its conditions of
8 participation or under Federal or State law, or under
9 another applicable requirement; and

10 “(D) designed to ensure smooth transitions be-
11 tween acute care settings and home and community-
12 based settings, and to preserve the individual’s func-
13 tional abilities.”.

14 **SEC. 3716. CLARIFICATION REGARDING UNINSURED INDI-**
15 **VIDUALS.**

16 Subsection (ss) of section 1902 of the Social Security
17 Act (42 U.S.C. 1396a), as added by section 6004(a)(3)(C)
18 of the Families First Coronavirus Response Act, is amend-
19 ed—

20 (1) in paragraph (1), by inserting “(excluding
21 subclause (VIII) of such subsection if the individual
22 is a resident of a State which does not furnish med-
23 ical assistance to individuals described in such sub-
24 clause)” before the semicolon; and

1 (2) in paragraph (2), by inserting “, except that
2 individuals who are eligible for medical assistance
3 under subsection (a)(10)(A)(ii)(XII), subsection
4 (a)(10)(A)(ii)(XVIII), subsection (a)(10)(A)(ii)(XXI),
5 or subsection (a)(10)(C) (but only to the extent such
6 an individual is considered to not have minimum es-
7 sential coverage under section 5000A(f)(1) of the In-
8 ternal Revenue Code of 1986), or who are described
9 in subsection (l)(1)(A) and are eligible for medical as-
10 sistance only because of subsection (a)(10)(A)(i)(IV)
11 or (a)(10)(A)(ii)(IX) and whose eligibility for such
12 assistance is limited by the State under clause (VII)
13 in the matter following subsection (a)(10)(G), shall
14 not be treated as enrolled in a Federal health care
15 program for purposes of this paragraph” before the
16 period at the end.

17 **SEC. 3717. CLARIFICATION REGARDING COVERAGE OF**
18 **COVID-19 TESTING PRODUCTS.**

19 Subparagraph (B) of section 1905(a)(3) of the Social
20 Security Act (42 U.S.C. 1396d(a)(3)), as added by section
21 6004(a)(1)(C) of the Families First Coronavirus Response
22 Act (Public Law 116-127), is amended by striking “that
23 are approved, cleared, or authorized under section 510(k),
24 513, 515 or 564 of the Federal Food, Drug, and Cosmetic
25 Act”.

1 **SEC. 3718. AMENDMENTS RELATING TO REPORTING RE-**
2 **QUIREMENTS WITH RESPECT TO CLINICAL DI-**
3 **AGNOSTIC LABORATORY TESTS.**

4 (a) *REVISED REPORTING PERIOD FOR REPORTING OF*
5 *PRIVATE SECTOR PAYMENT RATES FOR ESTABLISHMENT*
6 *OF MEDICARE PAYMENT RATES.*—Section 1834A(a)(1)(B)
7 *of the Social Security Act (42 U.S.C. 1395m–1(a)(1)(B))*
8 *is amended—*

9 (1) *in clause (i), by striking “December 31,*
10 *2020” and inserting “December 31, 2021”; and*

11 (2) *in clause (ii)—*

12 (A) *by striking “January 1, 2021” and in-*
13 *serting “January 1, 2022”; and*

14 (B) *by striking “March 31, 2021” and in-*
15 *serting “March 31, 2022”.*

16 (b) *REVISED PHASE-IN OF REDUCTIONS FROM PRI-*
17 *VATE PAYOR RATE IMPLEMENTATION.*—Section
18 *1834A(b)(3) of the Social Security Act (42 U.S.C. 1395m–*
19 *1(b)(3)) is amended—*

20 (1) *in subparagraph (A), by striking “through*
21 *2023” and inserting “through 2024”; and*

22 (2) *in subparagraph (B)—*

23 (A) *in clause (i), by striking “and” at the*
24 *end;*

25 (B) *by redesignating clause (ii) as clause*
26 *(iii);*

1 (C) by inserting after clause (i) the fol-
2 lowing new clause:

3 “(ii) for 2021, 0 percent; and”; and

4 (D) in clause (iii), as redesignated by sub-
5 paragraph (B), by striking “2021 through 2023”
6 and inserting “2022 through 2024”.

7 **SEC. 3719. EXPANSION OF THE MEDICARE HOSPITAL AC-**
8 **CCELERATED PAYMENT PROGRAM DURING**
9 **THE COVID-19 PUBLIC HEALTH EMERGENCY.**

10 Section 1815 of the Social Security Act (42 U.S.C.
11 1395g) is amended—

12 (1) in subsection (e)(3), by striking “In the case”
13 and inserting “Subject to subsection (f), in the case”;
14 and

15 (2) by adding at the end the following new sub-
16 section:

17 “(f)(1) During the emergency period described in sec-
18 tion 1135(g)(1)(B), the Secretary shall expand the program
19 under subsection (e)(3) pursuant to paragraph (2).

20 “(2) In expanding the program under subsection
21 (e)(3), the following shall apply:

22 “(A)(i) In addition to the hospitals described in
23 subsection (e)(3), the following hospitals shall be eligi-
24 ble to participate in the program:

1 “(I) Hospitals described in clause (iii) of
2 section 1886(d)(1)(B).

3 “(II) Hospitals described in clause (v) of
4 such section.

5 “(III) Critical access hospitals (as defined
6 in section 1861(mm)(1)).

7 “(ii) Subject to appropriate safeguards against
8 fraud, waste, and abuse, upon a request of a hospital
9 described in clause (i), the Secretary shall provide ac-
10 celerated payments under the program to such hos-
11 pital.

12 “(B) Upon the request of the hospital, the Sec-
13 retary may do any of the following:

14 “(i) Make accelerated payments on a peri-
15 odic or lump sum basis.

16 “(ii) Increase the amount of payment that
17 would otherwise be made to hospitals under the
18 program up to 100 percent (or, in the case of
19 critical access hospitals, up to 125 percent).

20 “(iii) Extend the period that accelerated
21 payments cover so that it covers up to a 6-month
22 period.

23 “(C) Upon the request of the hospital, the Sec-
24 retary shall do the following:

1 “(i) Provide up to 120 days before claims
2 are offset to recoup the accelerated payment.

3 “(ii) Allow not less than 12 months from
4 the date of the first accelerated payment before
5 requiring that the outstanding balance be paid
6 in full.

7 “(3) Nothing in this subsection shall preclude the Sec-
8 retary from carrying out the provisions described in clauses
9 (i), (ii), and (iii) of paragraph (2)(B) and clauses (i) and
10 (ii) of paragraph (2)(C) under the program under sub-
11 section (e)(3) after the period for which this subsection ap-
12 plies.

13 “(4) Notwithstanding any other provision of law, the
14 Secretary may implement the provisions of this subsection
15 by program instruction or otherwise.”.

16 **SEC. 3720. DELAYING REQUIREMENTS FOR ENHANCED**
17 **FMAP TO ENABLE STATE LEGISLATION NEC-**
18 **CESSARY FOR COMPLIANCE.**

19 Section 6008 of the Families First Coronavirus Re-
20 sponse Act is amended by adding at the end the following
21 new subsection:

22 “(d) *DELAY IN APPLICATION OF PREMIUM REQUIRE-*
23 *MENT.—During the 30 day period beginning on the date*
24 *of enactment of this Act, a State shall not be ineligible for*
25 *the increase to the Federal medical assistance percentage*

1 of the State described in subsection (a) on the basis that
 2 the State imposes a premium that violates the requirement
 3 of subsection (b)(2) if such premium was in effect on the
 4 date of enactment of this Act.”.

5 **Subtitle E—Health and Human**
 6 **Services Extenders**

7 **PART I—MEDICARE PROVISIONS**

8 **SEC. 3801. EXTENSION OF THE WORK GEOGRAPHIC INDEX**

9 **FLOOR UNDER THE MEDICARE PROGRAM.**

10 Section 1848(e)(1)(E) of the Social Security Act (42
 11 U.S.C. 1395w–4(e)(1)(E)) is amended by striking “May 23,
 12 2020” and inserting “December 1, 2020”.

13 **SEC. 3802. EXTENSION OF FUNDING FOR QUALITY MEAS-**

14 **URE ENDORSEMENT, INPUT, AND SELECTION.**

15 (a) *IN GENERAL.*—Section 1890(d)(2) of the Social Se-
 16 curity Act (42 U.S.C. 1395aaa(d)(2)) is amended—

17 (1) in the first sentence, by striking “and
 18 \$4,830,000 for the period beginning on October 1,
 19 2019, and ending on May 22, 2020” and inserting
 20 “\$20,000,000 for fiscal year 2020, and for the period
 21 beginning on October 1, 2020, and ending on Novem-
 22 ber 30, 2020, the amount equal to the pro rata por-
 23 tion of the amount appropriated for such period for
 24 fiscal year 2020”; and

1 (2) *in the third sentence, by striking “and 2019*
2 *and for the period beginning on October 1, 2019, and*
3 *ending on May 22, 2020” and inserting “, 2019, and*
4 *2020, and for the period beginning on October 1,*
5 *2020, and ending on November 30, 2020.”*

6 (b) *EFFECTIVE DATE.—The amendments made by sub-*
7 *section (a) shall take effect as if included in the enactment*
8 *of the Further Consolidated Appropriations Act, 2020 (Pub-*
9 *lic Law 116–94).*

10 **SEC. 3803. EXTENSION OF FUNDING OUTREACH AND AS-**
11 **SISTANCE FOR LOW-INCOME PROGRAMS.**

12 (a) *FUNDING EXTENSIONS.—*

13 (1) *ADDITIONAL FUNDING FOR STATE HEALTH*
14 *INSURANCE PROGRAMS.—Subsection (a)(1)(B) of sec-*
15 *tion 119 of the Medicare Improvements for Patients*
16 *and Providers Act of 2008 (42 U.S.C. 1395b–3 note),*
17 *as amended by section 3306 of the Patient Protection*
18 *and Affordable Care Act (Public Law 111–148), sec-*
19 *tion 610 of the American Taxpayer Relief Act of 2012*
20 *(Public Law 112–240), section 1110 of the Pathway*
21 *for SGR Reform Act of 2013 (Public Law 113–67),*
22 *section 110 of the Protecting Access to Medicare Act*
23 *of 2014 (Public Law 113–93), section 208 of the*
24 *Medicare Access and CHIP Reauthorization Act of*
25 *2015 (Public Law 114–10), section 50207 of division*

1 *E of the Bipartisan Budget Act of 2018 (Public Law*
2 *115–123), section 1402 of division B of the Con-*
3 *tinuing Appropriations Act, 2020, and Health Ex-*
4 *tenders Act of 2019 (Public Law 116–59), section*
5 *1402 of division B of the Further Continuing Appro-*
6 *priations Act, 2020, and Further Health Extenders*
7 *Act of 2019 (Public Law 116–69), and section 103 of*
8 *division N of the Further Consolidated Appropria-*
9 *tions Act, 2020 (Public Law 116–94) is amended by*
10 *striking clauses (x) through (xii) and inserting the*
11 *following new clauses:*

12 *“(x) for fiscal year 2020, of*
13 *\$13,000,000; and*

14 *“(xi) for the period beginning on Octo-*
15 *ber 1, 2020, and ending on November 30,*
16 *2020, the amount equal to the pro rata por-*
17 *tion of the amount appropriated for such*
18 *period for fiscal year 2020.”.*

19 *(2) ADDITIONAL FUNDING FOR AREA AGENCIES*
20 *ON AGING.—Subsection (b)(1)(B) of such section 119,*
21 *as so amended, is amended by striking clauses (x)*
22 *through (xii) and inserting the following new clauses:*

23 *“(x) for fiscal year 2020, of \$7,500,000;*
24 *and*

1 “(xi) for the period beginning on Octo-
2 ber 1, 2020, and ending on November 30,
3 2020, the amount equal to the pro rata por-
4 tion of the amount appropriated for such
5 period for fiscal year 2020.”.

6 (3) *ADDITIONAL FUNDING FOR AGING AND DIS-*
7 *ABILITY RESOURCE CENTERS.*—Subsection (c)(1)(B)
8 of such section 119, as so amended, is amended by
9 striking clauses (x) through (xii) and inserting the
10 following new clauses:

11 “(x) for fiscal year 2020, of \$5,000,000;
12 and

13 “(xi) for the period beginning on Octo-
14 ber 1, 2020, and ending on November 30,
15 2020, the amount equal to the pro rata por-
16 tion of the amount appropriated for such
17 period for fiscal year 2020.”.

18 (4) *ADDITIONAL FUNDING FOR CONTRACT WITH*
19 *THE NATIONAL CENTER FOR BENEFITS AND OUT-*
20 *REACH ENROLLMENT.*—Subsection (d)(2) of such sec-
21 tion 119, as so amended, is amended by striking
22 clauses (x) through (xii) and inserting the following
23 new clauses:

24 “(x) for fiscal year 2020, of
25 \$12,000,000; and

1 “(xi) for the period beginning on Octo-
 2 ber 1, 2020, and ending on November 30,
 3 2020, the amount equal to the pro rata por-
 4 tion of the amount appropriated for such
 5 period for fiscal year 2020.”.

6 (b) *EFFECTIVE DATE.*—The amendments made by sub-
 7 section (a) shall take effect as if included in the enactment
 8 of the *Further Consolidated Appropriations Act, 2020* (Pub-
 9 lic Law 116–94).

10 **PART II—MEDICAID PROVISIONS**

11 **SEC. 3811. EXTENSION OF THE MONEY FOLLOWS THE PER-**
 12 **SON REBALANCING DEMONSTRATION PRO-**
 13 **GRAM.**

14 Section 6071(h) of the *Deficit Reduction Act of 2005*
 15 (42 U.S.C. 1396a note) is amended—

16 (1) in paragraph (1), by striking subparagraph
 17 (G) and inserting the following:

18 “(G) subject to paragraph (3), \$337,500,000
 19 for the period beginning on January 1, 2020,
 20 and ending on September 30, 2020; and

21 “(H) subject to paragraph (3), for the pe-
 22 riod beginning on October 1, 2020, and ending
 23 on November 30, 2020, the amount equal to the
 24 pro rata portion of the amount appropriated for
 25 such period for fiscal year 2020.”; and

1 (2) in paragraph (3), by striking “and (G)” and
2 inserting “, (G), and (H)”.

3 **SEC. 3812. EXTENSION OF SPOUSAL IMPOVERISHMENT**
4 **PROTECTIONS.**

5 (a) *IN GENERAL.*—Section 2404 of Public Law 111–
6 148 (42 U.S.C. 1396r–5 note) is amended by striking “May
7 22, 2020” and inserting “November 30, 2020”.

8 (b) *RULE OF CONSTRUCTION.*—Nothing in section
9 2404 of Public Law 111–148 (42 U.S.C. 1396r–5 note) or
10 section 1902(a)(17) or 1924 of the Social Security Act (42
11 U.S.C. 1396a(a)(17), 1396r–5) shall be construed as prohib-
12 iting a State from—

13 (1) applying an income or resource disregard
14 under a methodology authorized under section
15 1902(r)(2) of such Act (42 U.S.C. 1396a(r)(2))—

16 (A) to the income or resources of an indi-
17 vidual described in section
18 1902(a)(10)(A)(ii)(VI) of such Act (42 U.S.C.
19 1396a(a)(10)(A)(ii)(VI)) (including a disregard
20 of the income or resources of such individual’s
21 spouse); or

22 (B) on the basis of an individual’s need for
23 home and community-based services authorized
24 under subsection (c), (d), (i), or (k) of section

1 1915 of such Act (42 U.S.C. 1396n) or under sec-
2 tion 1115 of such Act (42 U.S.C. 1315); or

3 (2) disregarding an individual's spousal income
4 and assets under a plan amendment to provide med-
5 ical assistance for home and community-based serv-
6 ices for individuals by reason of being determined eli-
7 gible under section 1902(a)(10)(C) of such Act (42
8 U.S.C. 1396a(a)(10)(C)) or by reason of section
9 1902(f) of such Act (42 U.S.C. 1396a(f)) or otherwise
10 on the basis of a reduction of income based on costs
11 incurred for medical or other remedial care under
12 which the State disregarded the income and assets of
13 the individual's spouse in determining the initial and
14 ongoing financial eligibility of an individual for such
15 services in place of the spousal impoverishment provi-
16 sions applied under section 1924 of such Act (42
17 U.S.C. 1396r-5).

18 **SEC. 3813. DELAY OF DSH REDUCTIONS.**

19 Section 1923(f)(7)(A) of the Social Security Act (42
20 U.S.C. 1396r-4(f)(7)(A)) is amended—

21 (1) in clause (i), in the matter preceding sub-
22 clause (I), by striking “May 23, 2020, and ending
23 September 30, 2020, and for each of fiscal years
24 2021” and inserting “December 1, 2020, and ending

1 September 30, 2021, and for each of fiscal years
2 2022”; and

3 (2) in clause (ii)—

4 (A) in subclause (I), by striking “May 23,
5 2020, and ending September 30, 2020” and in-
6 serting “December 1, 2020, and ending Sep-
7 tember 30, 2021”; and

8 (B) in subclause (II), by striking “2021”
9 and inserting “2022”.

10 **SEC. 3814. EXTENSION AND EXPANSION OF COMMUNITY**
11 **MENTAL HEALTH SERVICES DEMONSTRATION**
12 **PROGRAM.**

13 (a) *IN GENERAL.*—Section 223(d) of the Protecting
14 *Access to Medicare Act of 2014* (42 U.S.C. 1396a note) is
15 *amended*—

16 (1) in paragraph (3)—

17 (A) by striking “Not more than” and insert-
18 ing “Subject to paragraph (8), not more than”;
19 and

20 (B) by striking “May 22, 2020” and insert-
21 ing “November 30, 2020”; and

22 (2) by adding at the end the following new para-
23 *graph:*

24 “(8) *ADDITIONAL PROGRAMS.*—

1 “(A) *IN GENERAL.*—Not later than 6
2 months after the date of enactment of this para-
3 graph, in addition to the 8 States selected under
4 paragraph (1), the Secretary shall select 2 States
5 to participate in 2-year demonstration programs
6 that meet the requirements of this subsection.

7 “(B) *SELECTION OF STATES.*—

8 “(i) *IN GENERAL.*—Subject to clause
9 (ii), in selecting States under this para-
10 graph, the Secretary—

11 “(I) shall select States that—

12 “(aa) were awarded plan-
13 ning grants under subsection (c);
14 and

15 “(bb) applied to participate
16 in the demonstration programs
17 under this subsection under para-
18 graph (1) but, as of the date of en-
19 actment of this paragraph, were
20 not selected to participate under
21 paragraph (1); and

22 “(II) shall use the results of the
23 Secretary’s evaluation of each State’s
24 application under paragraph (1) to de-
25 termine which States to select, and

1 *shall not require the submission of any*
2 *additional application.*

3 “(C) *REQUIREMENTS FOR SELECTED*
4 *STATES.—Prior to services being delivered under*
5 *the demonstration authority in a State selected*
6 *under this paragraph, the State shall—*

7 *“(i) submit a plan to monitor certified*
8 *community behavioral health clinics under*
9 *the demonstration program to ensure com-*
10 *pliance with certified community behavioral*
11 *health criteria during the demonstration pe-*
12 *riod; and*

13 *“(ii) commit to collecting data, noti-*
14 *fying the Secretary of any planned changes*
15 *that would deviate from the prospective*
16 *payment system methodology outlined in*
17 *the State’s demonstration application, and*
18 *obtaining approval from the Secretary for*
19 *any such change before implementing the*
20 *change.”.*

21 (b) *LIMITATION.—Section 223(d)(5) of the Protecting*
22 *Access to Medicare Act of 2014 (42 U.S.C. 1396a note) is*
23 *amended—*

24 (1) *in subparagraph (B), in the matter pre-*
25 *ceding clause (i), by striking “The Federal matching”*

1 and inserting “Subject to subparagraph (C)(iii), the
2 Federal matching”; and

3 (2) in subparagraph (C), by adding at the end
4 the following new clause:

5 “(iii) *PAYMENTS FOR AMOUNTS EX-*
6 *PENDED AFTER 2019.—The Federal match-*
7 *ing percentage applicable under subpara-*
8 *graph (B) to amounts expended by a State*
9 *participating in the demonstration program*
10 *under this subsection shall—*

11 “(I) *in the case of a State partici-*
12 *parting in the demonstration program*
13 *as of January 1, 2020, apply to*
14 *amounts expended by the State during*
15 *the 8 fiscal quarter period (or any por-*
16 *tion of such period) that begins on*
17 *January 1, 2020; and*

18 “(II) *in the case of a State se-*
19 *lected to participate in the demonstra-*
20 *tion program under paragraph (8),*
21 *during first 8 fiscal quarter period (or*
22 *any portion of such period) that the*
23 *State participates in a demonstration*
24 *program.”.*

1 (c) *GAO STUDY AND REPORT ON THE COMMUNITY*
2 *AND MENTAL HEALTH SERVICES DEMONSTRATION PRO-*
3 *GRAM.—*

4 (1) *IN GENERAL.—Not later than 18 months*
5 *after the date of the enactment of this Act, the Comp-*
6 *troller General of the United States shall submit to*
7 *the Committee on Energy and Commerce of the House*
8 *of Representatives and the Committee on Finance of*
9 *the Senate a report on the community and mental*
10 *health services demonstration program conducted*
11 *under section 223 of the Protecting Access to Medicare*
12 *Act of 2014 (42 U.S.C. 1396a note) (referred to in*
13 *this subsection as the “demonstration program”).*

14 (2) *CONTENT OF REPORT.—The report required*
15 *under paragraph (1) shall include the following infor-*
16 *mation:*

17 (A) *Information on States’ experiences par-*
18 *ticipating in the demonstration program, includ-*
19 *ing the extent to which States—*

20 (i) *measure the effects of access to cer-*
21 *tified community behavioral health clinics*
22 *on patient health and cost of care, includ-*
23 *ing—*

24 (I) *engagement in treatment for*
25 *behavioral health conditions;*

1 (II) *relevant clinical outcomes, to*
2 *the extent collected;*

3 (III) *screening and treatment for*
4 *comorbid medical conditions; and*

5 (IV) *use of crisis stabilization,*
6 *emergency department, and inpatient*
7 *care.*

8 (B) *Information on Federal efforts to evalu-*
9 *ate the demonstration program, including—*

10 (i) *quality measures used to evaluate*
11 *the program;*

12 (ii) *assistance provided to States on*
13 *data collection and reporting;*

14 (iii) *assessments of the reliability and*
15 *usefulness of State-submitted data; and*

16 (iv) *the extent to which such efforts*
17 *provide information on the relative quality,*
18 *scope, and cost of services as compared with*
19 *services not provided under the demonstra-*
20 *tion program, and in comparison to Med-*
21 *icaid beneficiaries with mental illness and*
22 *substance use disorders not served under the*
23 *demonstration program.*

24 (C) *Recommendations for improvements to*
25 *the following:*

1 (i) *The reporting, accuracy, and vali-*
2 *dation of encounter data.*

3 (ii) *Accuracy in payments to certified*
4 *community behavioral health clinics under*
5 *State plans or waivers under title XIX of*
6 *the Social Security Act (42 U.S.C. 1396 et*
7 *seq.).*

8 **PART III—HUMAN SERVICES AND OTHER HEALTH**
9 **PROGRAMS**

10 **SEC. 3821. EXTENSION OF SEXUAL RISK AVOIDANCE EDU-**
11 **CATION PROGRAM.**

12 *Section 510 of the Social Security Act (42 U.S.C. 710)*
13 *is amended—*

14 (1) *in subsection (a)—*

15 (A) *in paragraph (1), in the matter pre-*
16 *ceding subparagraph (A)—*

17 (i) *by striking “and 2019 and for the*
18 *period beginning October 1, 2019, and end-*
19 *ing May 22, 2020” and inserting “through*
20 *2020 and for the period beginning October*
21 *1, 2020, and ending November 30, 2020”;*
22 *and*

23 (ii) *by striking “fiscal year 2020” and*
24 *inserting “fiscal year 2021”*

25 (B) *in paragraph (2)(A)—*

1 (i) by striking “and 2019 and for the
2 period beginning October 1, 2019, and end-
3 ing May 22, 2020” and inserting “through
4 2020 and for the period beginning October
5 1, 2020, and ending November 30, 2020”;
6 and

7 (ii) by striking “fiscal year 2020” and
8 inserting “fiscal year 2021”; and

9 (2) in subsection (f)(1), by striking “and 2019
10 and \$48,287,671 for the period beginning October 1,
11 2019, and ending May 22, 2020” and inserting
12 “through 2020, and for the period beginning on Octo-
13 ber 1, 2020, and ending on November 30, 2020, the
14 amount equal to the pro rata portion of the amount
15 appropriated for such period for fiscal year 2020”.

16 **SEC. 3822. EXTENSION OF PERSONAL RESPONSIBILITY EDU-**
17 **CATION PROGRAM.**

18 Section 513 of the Social Security Act (42 U.S.C. 713)
19 is amended—

20 (1) in subsection (a)—

21 (A) in paragraph (1)—

22 (i) in subparagraph (A), in the matter
23 preceding clause (i), by striking “2019 and
24 for the period beginning October 1, 2019,
25 and ending May 22, 2020” and inserting

1 “2020 and for the period beginning October
2 1, 2020, and ending November 30, 2020”;
3 and

4 (ii) in subparagraph (B)(i), by strik-
5 ing by striking “October 1, 2019, and end-
6 ing May 22, 2020” and inserting “October
7 1, 2020, and ending November 30, 2020”;

8 (2) in paragraph (4)(A), by striking “2019”
9 each place it appears and inserting “2020”; and

10 (3) in subsection (f), by striking “2019 and
11 \$48,287,671 for the period beginning October 1, 2019,
12 and ending May 22, 2020” and inserting “2020, and
13 for the period beginning on October 1, 2020, and end-
14 ing on November 30, 2020, the amount equal to the
15 pro rata portion of the amount appropriated for such
16 period for fiscal year 2020”.

17 **SEC. 3823. EXTENSION OF DEMONSTRATION PROJECTS TO**
18 **ADDRESS HEALTH PROFESSIONS WORK-**
19 **FORCE NEEDS.**

20 Activities authorized by section 2008 of the Social Se-
21 curity Act shall continue through November 30, 2020, in
22 the manner authorized for fiscal year 2019, and out of any
23 money in the Treasury of the United States not otherwise
24 appropriated, there are hereby appropriated such sums as
25 may be necessary for such purpose. Grants and payments

1 *may be made pursuant to this authority through the date*
2 *so specified at the pro rata portion of the total amount au-*
3 *thorized for such activities in fiscal year 2019.*

4 **SEC. 3824. EXTENSION OF THE TEMPORARY ASSISTANCE**
5 **FOR NEEDY FAMILIES PROGRAM AND RE-**
6 **LATED PROGRAMS.**

7 *Activities authorized by part A of title IV and section*
8 *1108(b) of the Social Security Act shall continue through*
9 *November 30, 2020, in the manner authorized for fiscal year*
10 *2019, and out of any money in the Treasury of the United*
11 *States not otherwise appropriated, there are hereby appro-*
12 *priated such sums as may be necessary for such purpose.*

13 **PART IV—PUBLIC HEALTH PROVISIONS**

14 **SEC. 3831. EXTENSION FOR COMMUNITY HEALTH CENTERS,**
15 **THE NATIONAL HEALTH SERVICE CORPS, AND**
16 **TEACHING HEALTH CENTERS THAT OPERATE**
17 **GME PROGRAMS.**

18 *(a) COMMUNITY HEALTH CENTERS.—Section*
19 *10503(b)(1)(F) of the Patient Protection and Affordable*
20 *Care Act (42 U.S.C. 254b–2(b)(1)(F)) is amended by strik-*
21 *ing “and \$2,575,342,466 for the period beginning on Octo-*
22 *ber 1, 2019, and ending on May 22, 2020” and inserting*
23 *“\$4,000,000,000 for fiscal year 2020, and \$668,493,151 for*
24 *the period beginning on October 1, 2020, and ending on*
25 *November 30, 2020”.*

1 (b) *NATIONAL HEALTH SERVICE CORPS.—Section*
2 *10503(b)(2) of the Patient Protection and Affordable Care*
3 *Act (42 U.S.C. 254b–2(b)(2)) is amended—*

4 (1) *in subparagraph (F), by striking “and” at*
5 *the end; and*

6 (2) *by striking subparagraph (G) and inserting*
7 *the following:*

8 “(G) \$310,000,000 for fiscal year 2020; and

9 “(H) \$51,808,219 for the period beginning
10 *on October 1, 2020, and ending on November 30,*
11 *2020.”.*

12 (c) *TEACHING HEALTH CENTERS THAT OPERATE*
13 *GRADUATE MEDICAL EDUCATION PROGRAMS.—Section*
14 *340H(g)(1) of the Public Health Service Act (42 U.S.C.*
15 *256h(g)(1)) is amended by striking “and 2019, and*
16 *\$81,445,205 for the period beginning on October 1, 2019,*
17 *and ending on May 22, 2020” and inserting “through fiscal*
18 *year 2020, and \$21,141,096 for the period beginning on Oc-*
19 *tober 1, 2020, and ending on November 30, 2020”.*

20 (d) *APPLICATION OF PROVISIONS.—Amounts appro-*
21 *priated pursuant to the amendments made by this section*
22 *for fiscal year 2020 and for the period beginning on October*
23 *1, 2020, and ending on November 30, 2020, shall be subject*
24 *to the requirements contained in Public Law 116–94 for*
25 *funds for programs authorized under sections 330 through*

1 *340 of the Public Health Service Act (42 U.S.C. 254*
2 *through 256).*

3 *(e) CONFORMING AMENDMENT.—Paragraph (4) of sec-*
4 *tion 3014(h) of title 18, United States Code, as amended*
5 *by section 401(e) of division N of Public Law 116–94, is*
6 *amended by striking “section 401(d) of division N of the*
7 *Further Consolidated Appropriations Act, 2020” and in-*
8 *serting “section 3831 of the CARES Act”.*

9 **SEC. 3832. DIABETES PROGRAMS.**

10 *(a) TYPE I.—Section 330B(b)(2)(D) of the Public*
11 *Health Service Act (42 U.S.C. 254c–2(b)(2)(D)) is amended*
12 *by striking “and 2019, and \$96,575,342 for the period be-*
13 *ginning on October 1, 2019, and ending on May 22, 2020”*
14 *and inserting “through 2020, and \$25,068,493 for the pe-*
15 *riod beginning on October 1, 2020, and ending on November*
16 *30, 2020”.*

17 *(b) INDIANS.—Section 330C(c)(2)(D) of the Public*
18 *Health Service Act (42 U.S.C. 254c–3(c)(2)(D)) is amended*
19 *by striking “and 2019, and \$96,575,342 for the period be-*
20 *ginning on October 1, 2019, and ending on May 22, 2020”*
21 *and inserting “through 2020, and \$25,068,493 for the pe-*
22 *riod beginning on October 1, 2020, and ending on November*
23 *30, 2020”.*

1 **PART V—MISCELLANEOUS PROVISIONS**

2 **SEC. 3841. PREVENTION OF DUPLICATE APPROPRIATIONS**
 3 **FOR FISCAL YEAR 2020.**

4 *Expenditures made under any provision of law*
 5 *amended in this title pursuant to the amendments made*
 6 *by the Continuing Appropriations Act, 2020, and Health*
 7 *Extenders Act of 2019 (Public Law 116–59), the Further*
 8 *Continuing Appropriations Act, 2020, and Further Health*
 9 *Extenders Act of 2019 (Public Law 116–69), and the Fur-*
 10 *ther Consolidated Appropriations Act, 2020 (Public Law*
 11 *116–94) for fiscal year 2020 shall be charged to the applica-*
 12 *ble appropriation or authorization provided by the amend-*
 13 *ments made by this title to such provision of law for such*
 14 *fiscal year.*

15 **Subtitle F—Over-the-Counter Drugs**

16 **PART I—OTC DRUG REVIEW**

17 **SEC. 3851. REGULATION OF CERTAIN NONPRESCRIPTION**
 18 **DRUGS THAT ARE MARKETED WITHOUT AN**
 19 **APPROVED DRUG APPLICATION.**

20 *(a) IN GENERAL.—Chapter V of the Federal Food,*
 21 *Drug, and Cosmetic Act is amended by inserting after sec-*
 22 *tion 505F of such Act (21 U.S.C. 355g) the following:*

1 **“SEC. 505G. REGULATION OF CERTAIN NONPRESCRIPTION**
 2 **DRUGS THAT ARE MARKETED WITHOUT AN**
 3 **APPROVED DRUG APPLICATION.**

4 *“(a) NONPRESCRIPTION DRUGS MARKETED WITHOUT*
 5 *AN APPROVED APPLICATION.—Nonprescription drugs mar-*
 6 *keted without an approved drug application under section*
 7 *505, as of the date of the enactment of this section, shall*
 8 *be treated in accordance with this subsection.*

9 *“(1) DRUGS SUBJECT TO A FINAL MONOGRAPH;*
 10 *CATEGORY I DRUGS SUBJECT TO A TENTATIVE FINAL*
 11 *MONOGRAPH.—A drug is deemed to be generally rec-*
 12 *ognized as safe and effective under section 201(p)(1),*
 13 *not a new drug under section 201(p), and not subject*
 14 *to section 503(b)(1), if—*

15 *“(A) the drug is—*

16 *“(i) in conformity with the require-*
 17 *ments for nonprescription use of a final*
 18 *monograph issued under part 330 of title*
 19 *21, Code of Federal Regulations (except as*
 20 *provided in paragraph (2)), the general re-*
 21 *quirements for nonprescription drugs, and*
 22 *conditions or requirements under sub-*
 23 *sections (b), (c), and (k); and*

24 *“(ii) except as permitted by an order*
 25 *issued under subsection (b) or, in the case*
 26 *of a minor change in the drug, in con-*

1 *formity with an order issued under sub-*
2 *section (c), in a dosage form that, imme-*
3 *diately prior to the date of the enactment of*
4 *this section, has been used to a material ex-*
5 *tent and for a material time under section*
6 *201(p)(2); or*

7 *“(B) the drug is—*

8 *“(i) classified in category I for safety*
9 *and effectiveness under a tentative final*
10 *monograph that is the most recently appli-*
11 *cable proposal or determination issued*
12 *under part 330 of title 21, Code of Federal*
13 *Regulations;*

14 *“(ii) in conformity with the proposed*
15 *requirements for nonprescription use of such*
16 *tentative final monograph, any applicable*
17 *subsequent determination by the Secretary,*
18 *the general requirements for nonprescription*
19 *drugs, and conditions or requirements*
20 *under subsections (b), (c), and (k); and*

21 *“(iii) except as permitted by an order*
22 *issued under subsection (b) or, in the case*
23 *of a minor change in the drug, in con-*
24 *formity with an order issued under sub-*
25 *section (c), in a dosage form that, imme-*

1 *diately prior to the date of the enactment of*
2 *this section, has been used to a material ex-*
3 *tent and for a material time under section*
4 *201(p)(2).*

5 “(2) *TREATMENT OF SUNSCREEN DRUGS.—With*
6 *respect to sunscreen drugs subject to this section, the*
7 *applicable requirements in terms of conformity with*
8 *a final monograph, for purposes of paragraph*
9 *(1)(A)(i), shall be the requirements specified in part*
10 *352 of title 21, Code of Federal Regulations, as pub-*
11 *lished on May 21, 1999, beginning on page 27687 of*
12 *volume 64 of the Federal Register, except that the ap-*
13 *plicable requirements governing effectiveness and la-*
14 *beling shall be those specified in section 201.327 of*
15 *title 21, Code of Federal Regulations.*

16 “(3) *CATEGORY III DRUGS SUBJECT TO A TEN-*
17 *TATIVE FINAL MONOGRAPH; CATEGORY I DRUGS SUB-*
18 *JECT TO PROPOSED MONOGRAPH OR ADVANCE NOTICE*
19 *OF PROPOSED RULEMAKING.—A drug that is not de-*
20 *scribed in paragraph (1), (2), or (4) is not required*
21 *to be the subject of an application approved under*
22 *section 505, and is not subject to section 503(b)(1),*
23 *if—*

24 “(A) *the drug is—*

1 “(i) classified in category III for safety
2 or effectiveness in the preamble of a pro-
3 posed rule establishing a tentative final
4 monograph that is the most recently appli-
5 cable proposal or determination for such
6 drug issued under part 330 of title 21, Code
7 of Federal Regulations;

8 “(ii) in conformity with—

9 “(I) the conditions of use, includ-
10 ing indication and dosage strength, if
11 any, described for such category III
12 drug in such preamble or in an appli-
13 cable subsequent proposed rule;

14 “(II) the proposed requirements
15 for drugs classified in such tentative
16 final monograph in category I in the
17 most recently proposed rule estab-
18 lishing requirements related to such
19 tentative final monograph and in any
20 final rule establishing requirements
21 that are applicable to the drug; and

22 “(III) the general requirements for
23 nonprescription drugs and conditions
24 or requirements under subsection (b) or
25 (k); and

1 “(iii) in a dosage form that, imme-
2 diately prior to the date of the enactment of
3 this section, had been used to a material ex-
4 tent and for a material time under section
5 201(p)(2); or

6 “(B) the drug is—

7 “(i) classified in category I for safety
8 and effectiveness under a proposed mono-
9 graph or advance notice of proposed rule-
10 making that is the most recently applicable
11 proposal or determination for such drug
12 issued under part 330 of title 21, Code of
13 Federal Regulations;

14 “(ii) in conformity with the require-
15 ments for nonprescription use of such pro-
16 posed monograph or advance notice of pro-
17 posed rulemaking, any applicable subse-
18 quent determination by the Secretary, the
19 general requirements for nonprescription
20 drugs, and conditions or requirements
21 under subsection (b) or (k); and

22 “(iii) in a dosage form that, imme-
23 diately prior to the date of the enactment of
24 this section, has been used to a material ex-

1 tent and for a material time under section
2 201(p)(2).

3 “(4) *CATEGORY II DRUGS DEEMED NEW*
4 *DRUGS.*—A drug that is classified in category II for
5 safety or effectiveness under a tentative final mono-
6 graph or that is subject to a determination to be not
7 generally recognized as safe and effective in a pro-
8 posed rule that is the most recently applicable pro-
9 posal issued under part 330 of title 21, Code of Fed-
10 eral Regulations, shall be deemed to be a new drug
11 under section 201(p), misbranded under section
12 502(ee), and subject to the requirement for an ap-
13 proved new drug application under section 505 begin-
14 ning on the day that is 180 calendar days after the
15 date of the enactment of this section, unless, before
16 such day, the Secretary determines that it is in the
17 interest of public health to extend the period during
18 which the drug may be marketed without such an ap-
19 proved new drug application.

20 “(5) *DRUGS NOT GRASE DEEMED NEW DRUGS.*—
21 A drug that the Secretary has determined not to be
22 generally recognized as safe and effective under sec-
23 tion 201(p)(1) under a final determination issued
24 under part 330 of title 21, Code of Federal Regula-
25 tions, shall be deemed to be a new drug under section

1 201(p), misbranded under section 502(ee), and subject
2 to the requirement for an approved new drug applica-
3 tion under section 505.

4 “(6) *OTHER DRUGS DEEMED NEW DRUGS.*—*Ex-*
5 *cept as provided in subsection (m), a drug is deemed*
6 *to be a new drug under section 201(p) and mis-*
7 *branded under section 502(ee) if the drug—*

8 “(A) *is not subject to section 503(b)(1); and*

9 “(B) *is not described in paragraph (1), (2),*
10 *(3), (4), or (5), or subsection (b)(1)(B).*

11 “(b) *ADMINISTRATIVE ORDERS.*—

12 “(1) *IN GENERAL.*—

13 “(A) *DETERMINATION.*—*The Secretary*
14 *may, on the initiative of the Secretary or at the*
15 *request of one or more requestors, issue an ad-*
16 *ministrative order determining whether there are*
17 *conditions under which a specific drug, a class*
18 *of drugs, or a combination of drugs, is deter-*
19 *mined to be—*

20 “(i) *not subject to section 503(b)(1);*

21 *and*

22 “(ii) *generally recognized as safe and*
23 *effective under section 201(p)(1).*

24 “(B) *EFFECT.*—*A drug or combination of*
25 *drugs shall be deemed to not require approval*

1 *under section 505 if such drug or combination of*
2 *drugs—*

3 “(i) *is determined by the Secretary to*
4 *meet the conditions specified in clauses (i)*
5 *and (ii) of subparagraph (A);*

6 “(ii) *is marketed in conformity with*
7 *an administrative order under this sub-*
8 *section;*

9 “(iii) *meets the general requirements*
10 *for nonprescription drugs; and*

11 “(iv) *meets the requirements under*
12 *subsections (c) and (k).*

13 “(C) *STANDARD.—The Secretary shall find*
14 *that a drug is not generally recognized as safe*
15 *and effective under section 201(p)(1) if—*

16 “(i) *the evidence shows that the drug is*
17 *not generally recognized as safe and effective*
18 *under section 201(p)(1); or*

19 “(ii) *the evidence is inadequate to show*
20 *that the drug is generally recognized as safe*
21 *and effective under section 201(p)(1).*

22 “(2) *ADMINISTRATIVE ORDERS INITIATED BY*
23 *THE SECRETARY.—*

1 “(A) *IN GENERAL.*—*In issuing an adminis-*
2 *trative order under paragraph (1) upon the Sec-*
3 *retary’s initiative, the Secretary shall—*

4 “(i) *make reasonable efforts to notify*
5 *informally, not later than 2 business days*
6 *before the issuance of the proposed order, the*
7 *sponsors of drugs who have a listing in ef-*
8 *fect under section 510(j) for the drugs or*
9 *combination of drugs that will be subject to*
10 *the administrative order;*

11 “(ii) *after any such reasonable efforts*
12 *of notification—*

13 “(I) *issue a proposed administra-*
14 *tive order by publishing it on the*
15 *website of the Food and Drug Adminis-*
16 *tration and include in such order the*
17 *reasons for the issuance of such order;*
18 *and*

19 “(II) *publish a notice of avail-*
20 *ability of such proposed order in the*
21 *Federal Register;*

22 “(iii) *except as provided in subpara-*
23 *graph (B), provide for a public comment*
24 *period with respect to such proposed order*
25 *of not less than 45 calendar days; and*

1 “(iv) if, after completion of the pro-
2 ceedings specified in clauses (i) through
3 (iii), the Secretary determines that it is ap-
4 propriate to issue a final administrative
5 order—

6 “(I) issue the final administrative
7 order, together with a detailed state-
8 ment of reasons, which order shall not
9 take effect until the time for requesting
10 judicial review under paragraph
11 (3)(D)(ii) has expired;

12 “(II) publish a notice of such
13 final administrative order in the Fed-
14 eral Register;

15 “(III) afford requestors of drugs
16 that will be subject to such order the
17 opportunity for formal dispute resolu-
18 tion up to the level of the Director of
19 the Center for Drug Evaluation and
20 Research, which initially must be re-
21 quested within 45 calendar days of the
22 issuance of the order, and, for subse-
23 quent levels of appeal, within 30 cal-
24 endar days of the prior decision; and

1 “(IV) *except with respect to drugs*
2 *described in paragraph (3)(B), upon*
3 *completion of the formal dispute reso-*
4 *lution procedure, inform the persons*
5 *which sought such dispute resolution of*
6 *their right to request a hearing.*

7 “(B) *EXCEPTIONS.—When issuing an ad-*
8 *ministrative order under paragraph (1) on the*
9 *Secretary’s initiative proposing to determine*
10 *that a drug described in subsection (a)(3) is not*
11 *generally recognized as safe and effective under*
12 *section 201(p)(1), the Secretary shall follow the*
13 *procedures in subparagraph (A), except that—*

14 “(i) *the proposed order shall include*
15 *notice of—*

16 “(I) *the general categories of data*
17 *the Secretary has determined necessary*
18 *to establish that the drug is generally*
19 *recognized as safe and effective under*
20 *section 201(p)(1); and*

21 “(II) *the format for submissions*
22 *by interested persons;*

23 “(ii) *the Secretary shall provide for a*
24 *public comment period of no less than 180*
25 *calendar days with respect to such proposed*

1 *order, except when the Secretary determines,*
2 *for good cause, that a shorter period is in*
3 *the interest of public health; and*

4 “(iii) *any person who submits data in*
5 *such comment period shall include a certifi-*
6 *cation that the person has submitted all evi-*
7 *dence created, obtained, or received by that*
8 *person that is both within the categories of*
9 *data identified in the proposed order and*
10 *relevant to a determination as to whether*
11 *the drug is generally recognized as safe and*
12 *effective under section 201(p)(1).*

13 “(3) *HEARINGS; JUDICIAL REVIEW.—*

14 “(A) *IN GENERAL.—Only a person who*
15 *participated in each stage of formal dispute reso-*
16 *lution under subclause (III) of paragraph*
17 *(2)(A)(iv) of an administrative order with re-*
18 *spect to a drug may request a hearing con-*
19 *cerning a final administrative order issued*
20 *under such paragraph with respect to such drug.*
21 *If a hearing is sought, such person must submit*
22 *a request for a hearing, which shall be based sole-*
23 *ly on information in the administrative record,*
24 *to the Secretary not later than 30 calendar days*

1 *after receiving notice of the final decision of the*
2 *formal dispute resolution procedure.*

3 “(B) *NO HEARING REQUIRED WITH RE-*
4 *SPECT TO ORDERS RELATING TO CERTAIN*
5 *DRUGS.—*

6 “(i) *IN GENERAL.—The Secretary shall*
7 *not be required to provide notice and an op-*
8 *portunity for a hearing pursuant to para-*
9 *graph (2)(A)(iv) if the final administrative*
10 *order involved relates to a drug—*

11 “(I) *that is described in subsection*
12 *(a)(3)(A); and*

13 “(II) *with respect to which no*
14 *human or non-human data studies rel-*
15 *evant to the safety or effectiveness of*
16 *such drug have been submitted to the*
17 *administrative record since the*
18 *issuance of the most recent tentative*
19 *final monograph relating to such drug.*

20 “(ii) *HUMAN DATA STUDIES AND NON-*
21 *HUMAN DATA DEFINED.—In this subpara-*
22 *graph:*

23 “(I) *The term ‘human data stud-*
24 *ies’ means clinical trials of safety or*
25 *effectiveness (including actual use stud-*

1 *ies), pharmacokinetics studies, or bio-*
2 *availability studies.*

3 “(II) *The term ‘non-human data’*
4 *means data from testing other than*
5 *with human subjects which provides*
6 *information concerning safety or effec-*
7 *tiveness.*

8 “(C) *HEARING PROCEDURES.—*

9 “(i) *DENIAL OF REQUEST FOR HEAR-*
10 *ING.—If the Secretary determines that in-*
11 *formation submitted in a request for a hear-*
12 *ing under subparagraph (A) with respect to*
13 *a final administrative order issued under*
14 *paragraph (2)(A)(iv) does not identify the*
15 *existence of a genuine and substantial ques-*
16 *tion of material fact, the Secretary may*
17 *deny such request. In making such a deter-*
18 *mination, the Secretary may consider only*
19 *information and data that are based on rel-*
20 *evant and reliable scientific principles and*
21 *methodologies.*

22 “(ii) *SINGLE HEARING FOR MULTIPLE*
23 *RELATED REQUESTS.—If more than one re-*
24 *quest for a hearing is submitted with re-*
25 *spect to the same administrative order*

1 *under subparagraph (A), the Secretary may*
2 *direct that a single hearing be conducted in*
3 *which all persons whose hearing requests*
4 *were granted may participate.*

5 *“(iii) PRESIDING OFFICER.—The pre-*
6 *siding officer of a hearing requested under*
7 *subparagraph (A) shall—*

8 *“(I) be designated by the Sec-*
9 *retary;*

10 *“(II) not be an employee of the*
11 *Center for Drug Evaluation and Re-*
12 *search; and*

13 *“(III) not have been previously*
14 *involved in the development of the ad-*
15 *ministrative order involved or pro-*
16 *ceedings relating to that administra-*
17 *tive order.*

18 *“(iv) RIGHTS OF PARTIES TO HEAR-*
19 *ING.—The parties to a hearing requested*
20 *under subparagraph (A) shall have the right*
21 *to present testimony, including testimony of*
22 *expert witnesses, and to cross-examine wit-*
23 *nesses presented by other parties. Where ap-*
24 *propriate, the presiding officer may require*
25 *that cross-examination by parties rep-*

1 *resenting substantially the same interests be*
2 *consolidated to promote efficiency and avoid*
3 *duplication.*

4 “(v) *FINAL DECISION.*—

5 “(I) *At the conclusion of a hear-*
6 *ing requested under subparagraph (A),*
7 *the presiding officer of the hearing*
8 *shall issue a decision containing find-*
9 *ings of fact and conclusions of law. The*
10 *decision of the presiding officer shall be*
11 *final.*

12 “(II) *The final decision may not*
13 *take effect until the period under sub-*
14 *paragraph (D)(ii) for submitting a re-*
15 *quest for judicial review of such deci-*
16 *sion expires.*

17 “(D) *JUDICIAL REVIEW OF FINAL ADMINIS-*
18 *TRATIVE ORDER.*—

19 “(i) *IN GENERAL.*—*The procedures de-*
20 *scribed in section 505(h) shall apply with*
21 *respect to judicial review of final adminis-*
22 *trative orders issued under this subsection*
23 *in the same manner and to the same extent*
24 *as such section applies to an order described*
25 *in such section except that the judicial re-*

1 *view shall be taken by filing in an appro-*
2 *priate district court of the United States in*
3 *lieu of the appellate courts specified in such*
4 *section.*

5 “(i) *PERIOD TO SUBMIT A REQUEST*
6 *FOR JUDICIAL REVIEW.*—*A person eligible*
7 *to request a hearing under this paragraph*
8 *and seeking judicial review of a final ad-*
9 *ministrative order issued under this sub-*
10 *section shall file such request for judicial re-*
11 *view not later than 60 calendar days after*
12 *the latest of—*

13 “(I) *the date on which notice of*
14 *such order is published;*

15 “(II) *the date on which a hearing*
16 *with respect to such order is denied*
17 *under subparagraph (B) or (C)(i);*

18 “(III) *the date on which a final*
19 *decision is made following a hearing*
20 *under subparagraph (C)(v); or*

21 “(IV) *if no hearing is requested,*
22 *the date on which the time for request-*
23 *ing a hearing expires.*

1 “(4) *EXPEDITED PROCEDURE WITH RESPECT TO*
2 *ADMINISTRATIVE ORDERS INITIATED BY THE SEC-*
3 *RETARY.—*

4 “(A) *IMMINENT HAZARD TO THE PUBLIC*
5 *HEALTH.—*

6 “(i) *IN GENERAL.—In the case of a de-*
7 *termination by the Secretary that a drug,*
8 *class of drugs, or combination of drugs sub-*
9 *ject to this section poses an imminent haz-*
10 *ard to the public health, the Secretary, after*
11 *first making reasonable efforts to notify, not*
12 *later than 48 hours before issuance of such*
13 *order under this subparagraph, sponsors*
14 *who have a listing in effect under section*
15 *510(j) for such drug or combination of*
16 *drugs—*

17 “(I) *may issue an interim final*
18 *administrative order for such drug,*
19 *class of drugs, or combination of drugs*
20 *under paragraph (1), together with a*
21 *detailed statement of the reasons for*
22 *such order;*

23 “(II) *shall publish in the Federal*
24 *Register a notice of availability of any*
25 *such order; and*

1 “(III) shall provide for a public
2 comment period of at least 45 calendar
3 days with respect to such interim final
4 order.

5 “(ii) NONDELEGATION.—The Secretary
6 may not delegate the authority to issue an
7 interim final administrative order under
8 this subparagraph.

9 “(B) SAFETY LABELING CHANGES.—

10 “(i) IN GENERAL.—In the case of a de-
11 termination by the Secretary that a change
12 in the labeling of a drug, class of drugs, or
13 combination of drugs subject to this section
14 is reasonably expected to mitigate a signifi-
15 cant or unreasonable risk of a serious ad-
16 verse event associated with use of the drug,
17 the Secretary may—

18 “(I) make reasonable efforts to no-
19 tify informally, not later than 48 hours
20 before the issuance of the interim final
21 order, the sponsors of drugs who have
22 a listing in effect under section 510(j)
23 for such drug or combination of drugs;

24 “(II) after reasonable efforts of no-
25 tification, issue an interim final ad-

1 *ministrative order in accordance with*
2 *paragraph (1) to require such change,*
3 *together with a detailed statement of*
4 *the reasons for such order;*

5 *“(III) publish in the Federal Reg-*
6 *ister a notice of availability of such*
7 *order; and*

8 *“(IV) provide for a public com-*
9 *ment period of at least 45 calendar*
10 *days with respect to such interim final*
11 *order.*

12 *“(ii) CONTENT OF ORDER.—An in-*
13 *terim final order issued under this subpara-*
14 *graph with respect to the labeling of a drug*
15 *may provide for new warnings and other*
16 *information required for safe use of the*
17 *drug.*

18 *“(C) EFFECTIVE DATE.—An order under*
19 *subparagraph (A) or (B) shall take effect on a*
20 *date specified by the Secretary.*

21 *“(D) FINAL ORDER.—After the completion*
22 *of the proceedings in subparagraph (A) or (B),*
23 *the Secretary shall—*

24 *“(i) issue a final order in accordance*
25 *with paragraph (1);*

1 “(ii) publish a notice of availability of
2 such final administrative order in the Fed-
3 eral Register; and

4 “(iii) afford sponsors of such drugs
5 that will be subject to such an order the op-
6 portunity for formal dispute resolution up
7 to the level of the Director of the Center for
8 Drug Evaluation and Research, which must
9 initially be within 45 calendar days of the
10 issuance of the order, and for subsequent
11 levels of appeal, within 30 calendar days of
12 the prior decision.

13 “(E) HEARINGS.—A sponsor of a drug sub-
14 ject to a final order issued under subparagraph
15 (D) and that participated in each stage of for-
16 mal dispute resolution under clause (iii) of such
17 subparagraph may request a hearing on such
18 order. The provisions of subparagraphs (A), (B),
19 and (C) of paragraph (3), other than paragraph
20 (3)(C)(v)(II), shall apply with respect to a hear-
21 ing on such order in the same manner and to the
22 same extent as such provisions apply with re-
23 spect to a hearing on an administrative order
24 issued under paragraph (2)(A)(iv).

25 “(F) TIMING.—

1 “(i) *FINAL ORDER AND HEARING.*—*The*
2 *Secretary shall—*

3 “(I) *not later than 6 months after*
4 *the date on which the comment period*
5 *closes under subparagraph (A) or (B),*
6 *issue a final order in accordance with*
7 *paragraph (1); and*

8 “(II) *not later than 12 months*
9 *after the date on which such final*
10 *order is issued, complete any hearing*
11 *under subparagraph (E).*

12 “(ii) *DISPUTE RESOLUTION RE-*
13 *QUEST.*—*The Secretary shall specify in an*
14 *interim final order issued under subpara-*
15 *graph (A) or (B) such shorter periods for*
16 *requesting dispute resolution under sub-*
17 *paragraph (D)(iii) as are necessary to meet*
18 *the requirements of this subparagraph.*

19 “(G) *JUDICIAL REVIEW.*—*A final order*
20 *issued pursuant to subparagraph (F) shall be*
21 *subject to judicial review in accordance with*
22 *paragraph (3)(D).*

23 “(5) *ADMINISTRATIVE ORDER INITIATED AT THE*
24 *REQUEST OF A REQUESTOR.*—

1 “(A) *IN GENERAL.*—*In issuing an adminis-*
2 *trative order under paragraph (1) at the request*
3 *of a requestor with respect to certain drugs,*
4 *classes of drugs, or combinations of drugs—*

5 “(i) *the Secretary shall, after receiving*
6 *a request under this subparagraph, deter-*
7 *mine whether the request is sufficiently*
8 *complete and formatted to permit a sub-*
9 *stantive review;*

10 “(ii) *if the Secretary determines that*
11 *the request is sufficiently complete and for-*
12 *matted to permit a substantive review, the*
13 *Secretary shall—*

14 “(I) *file the request; and*

15 “(II) *initiate proceedings with re-*
16 *spect to issuing an administrative*
17 *order in accordance with paragraphs*
18 *(2) and (3); and*

19 “(iii) *except as provided in paragraph*
20 *(6), if the Secretary determines that a re-*
21 *quest does not meet the requirements for fil-*
22 *ing or is not sufficiently complete and for-*
23 *matted to permit a substantive review, the*
24 *requestor may demand that the request be*
25 *filed over protest, and the Secretary shall*

1 *initiate proceedings to review the request in*
2 *accordance with paragraph (2)(A).*

3 “(B) *REQUEST TO INITIATE PRO-*
4 *CEEDINGS.—*

5 “(i) *IN GENERAL.—A requestor seeking*
6 *an administrative order under paragraph*
7 *(1) with respect to certain drugs, classes of*
8 *drugs, or combinations of drugs, shall sub-*
9 *mit to the Secretary a request to initiate*
10 *proceedings for such order in the form and*
11 *manner as specified by the Secretary. Such*
12 *requestor may submit a request under this*
13 *subparagraph for the issuance of an admin-*
14 *istrative order—*

15 “(I) *determining whether a drug*
16 *is generally recognized as safe and ef-*
17 *fective under section 201(p)(1), exempt*
18 *from section 503(b)(1), and not re-*
19 *quired to be the subject of an approved*
20 *application under section 505; or*

21 “(II) *determining whether a*
22 *change to a condition of use of a drug*
23 *is generally recognized as safe and ef-*
24 *fective under section 201(p)(1), exempt*
25 *from section 503(b)(1), and not re-*

1 *quired to be the subject of an approved*
2 *application under section 505, if, ab-*
3 *sent such a changed condition of use,*
4 *such drug is—*

5 *“(aa) generally recognized as*
6 *safe and effective under section*
7 *201(p)(1) in accordance with sub-*
8 *section (a)(1), (a)(2), or an order*
9 *under this subsection; or*

10 *“(bb) subject to subsection*
11 *(a)(3), but only if such requestor*
12 *initiates such request in conjunc-*
13 *tion with a request for the Sec-*
14 *retary to determine whether such*
15 *drug is generally recognized as*
16 *safe and effective under section*
17 *201(p)(1), which is filed by the*
18 *Secretary under subparagraph*
19 *(A)(ii).*

20 *“(ii) EXCEPTION.—The Secretary is*
21 *not required to complete review of a request*
22 *for a change described in clause (i)(II) if*
23 *the Secretary determines that there is an*
24 *inadequate basis to find the drug is gen-*
25 *erally recognized as safe and effective under*

1 *section 201(p)(1) under paragraph (1) and*
2 *issues a final order announcing that deter-*
3 *mination.*

4 “(iii) *WITHDRAWAL.—The requestor*
5 *may withdraw a request under this para-*
6 *graph, according to the procedures set forth*
7 *pursuant to subsection (d)(2)(B). Notwith-*
8 *standing any other provision of this section,*
9 *if such request is withdrawn, the Secretary*
10 *may cease proceedings under this subpara-*
11 *graph.*

12 “(C) *EXCLUSIVITY.—*

13 “(i) *IN GENERAL.—A final adminis-*
14 *trative order issued in response to a request*
15 *under this section shall have the effect of au-*
16 *thorizing solely the order requestor (or the*
17 *licensees, assignees, or successors in interest*
18 *of such requestor with respect to the subject*
19 *of such order), for a period of 18 months*
20 *following the effective date of such final*
21 *order and beginning on the date the re-*
22 *questor may lawfully market such drugs*
23 *pursuant to the order, to market drugs—*

24 “(I) *incorporating changes de-*
25 *scribed in clause (ii); and*

1 “(II) subject to the limitations
2 under clause (iv).

3 “(ii) *CHANGES DESCRIBED.*—A change
4 described in this clause is a change subject
5 to an order specified in clause (i), which—

6 “(I) provides for a drug to con-
7 tain an active ingredient (including
8 any ester or salt of the active ingre-
9 dient) not previously incorporated in a
10 drug described in clause (iii); or

11 “(II) provides for a change in the
12 conditions of use of a drug, for which
13 new human data studies conducted or
14 sponsored by the requestor (or for
15 which the requestor has an exclusive
16 right of reference) were essential to the
17 issuance of such order.

18 “(iii) *DRUGS DESCRIBED.*—The drugs
19 described in this clause are drugs—

20 “(I) specified in subsection (a)(1),
21 (a)(2), or (a)(3);

22 “(II) subject to a final order
23 issued under this section;

1 “(III) subject to a final sunscreen
2 order (as defined in section 586(2)(A));
3 or

4 “(IV) described in subsection
5 (m)(1), other than drugs subject to an
6 active enforcement action under chap-
7 ter III of this Act.

8 “(iv) *LIMITATIONS ON EXCLUSIVITY.*—

9 “(I) *IN GENERAL.*—Only one 18-
10 month period under this subparagraph
11 shall be granted, under each order de-
12 scribed in clause (i), with respect to
13 changes (to the drug subject to such
14 order) which are either—

15 “(aa) changes described in
16 clause (ii)(I), relating to active
17 ingredients; or

18 “(bb) changes described in
19 clause (ii)(II), relating to condi-
20 tions of use.

21 “(II) *NO EXCLUSIVITY AL-*
22 *LOWED.*—No exclusivity shall apply to
23 changes to a drug which are—

1 “(aa) the subject of a Tier 2
2 OTC monograph order request (as
3 defined in section 744L);

4 “(bb) safety-related changes,
5 as defined by the Secretary, or
6 any other changes the Secretary
7 considers necessary to assure safe
8 use; or

9 “(cc) changes related to
10 methods of testing safety or effi-
11 cacy.

12 “(v) *NEW HUMAN DATA STUDIES DE-*
13 *FINED.—In this subparagraph, the term*
14 *‘new human data studies’ means clinical*
15 *trials of safety or effectiveness (including*
16 *actual use studies), pharmacokinetics stud-*
17 *ies, or bioavailability studies, the results of*
18 *which—*

19 “(I) have not been relied on by the
20 Secretary to support—

21 “(aa) a proposed or final de-
22 termination that a drug described
23 in subclause (I), (II), or (III) of
24 clause (iii) is generally recognized

1 *as safe and effective under section*

2 *201(p)(1); or*

3 *“(bb) approval of a drug that*

4 *was approved under section 505;*

5 *and*

6 *“(II) do not duplicate the results*

7 *of another study that was relied on by*

8 *the Secretary to support—*

9 *“(aa) a proposed or final de-*

10 *termination that a drug described*

11 *in subclause (I), (II), or (III) of*

12 *clause (iii) is generally recognized*

13 *as safe and effective under section*

14 *201(p)(1); or*

15 *“(bb) approval of a drug that*

16 *was approved under section 505.*

17 *“(vi) NOTIFICATION OF DRUG NOT*

18 *AVAILABLE FOR SALE.—A requestor that is*

19 *granted exclusivity with respect to a drug*

20 *under this subparagraph shall notify the*

21 *Secretary in writing within 1 year of the*

22 *issuance of the final administrative order if*

23 *the drug that is the subject of such order*

24 *will not be available for sale within 1 year*

1 of the date of issuance of such order. The re-
2 questor shall include with such notice the—

3 “(I) identity of the drug by estab-
4 lished name and by proprietary name,
5 if any;

6 “(II) strength of the drug;

7 “(III) date on which the drug will
8 be available for sale, if known; and

9 “(IV) reason for not marketing
10 the drug after issuance of the order.

11 “(6) INFORMATION REGARDING SAFE NON-
12 PRESCRIPTION MARKETING AND USE AS CONDITION
13 FOR FILING A GENERALLY RECOGNIZED AS SAFE AND
14 EFFECTIVE REQUEST.—

15 “(A) IN GENERAL.—In response to a request
16 under this section that a drug described in sub-
17 paragraph (B) be generally recognized as safe
18 and effective, the Secretary—

19 “(i) may file such request, if the re-
20 quest includes information specified under
21 subparagraph (C) with respect to safe non-
22 prescription marketing and use of such
23 drug; or

24 “(ii) if the request fails to include in-
25 formation specified under subparagraph

1 (C), shall refuse to file such request and re-
2 quire that nonprescription marketing of the
3 drug be pursuant to a new drug application
4 as described in subparagraph (D).

5 “(B) *DRUG DESCRIBED.*—A drug described
6 in this subparagraph is a nonprescription drug
7 which contains an active ingredient not pre-
8 viously incorporated in a drug—

9 “(i) specified in subsection (a)(1),
10 (a)(2), or (a)(3);

11 “(ii) subject to a final order under this
12 section; or

13 “(iii) subject to a final sunscreen order
14 (as defined in section 586(2)(A)).

15 “(C) *INFORMATION DEMONSTRATING PRIMA*
16 *FACIE SAFE NONPRESCRIPTION MARKETING AND*
17 *USE.*—Information specified in this subpara-
18 graph, with respect to a request described in sub-
19 paragraph (A)(i), is—

20 “(i) information sufficient for a *prima*
21 *facie* demonstration that the drug subject to
22 such request has a verifiable history of being
23 marketed and safely used by consumers in
24 the United States as a nonprescription drug
25 under comparable conditions of use;

1 “(ii) if the drug has not been pre-
2 viously marketed in the United States as a
3 nonprescription drug, information sufficient
4 for a prima facie demonstration that the
5 drug was marketed and safely used under
6 comparable conditions of marketing and use
7 in a country listed in section 802(b)(1)(A)
8 or designated by the Secretary in accord-
9 ance with section 802(b)(1)(B)—

10 “(I) for such period as needed to
11 provide reasonable assurances con-
12 cerning the safe nonprescription use of
13 the drug; and

14 “(II) during such time was sub-
15 ject to sufficient monitoring by a regu-
16 latory body considered acceptable by
17 the Secretary for such monitoring pur-
18 poses, including for adverse events as-
19 sociated with nonprescription use of
20 the drug; or

21 “(iii) if the Secretary determines that
22 information described in clause (i) or (ii) is
23 not needed to provide a prima facie dem-
24 onstration that the drug can be safely mar-
25 keted and used as a nonprescription drug,

1 *such other information the Secretary deter-*
2 *mines is sufficient for such purposes.*

3 “(D) *MARKETING PURSUANT TO NEW DRUG*
4 *APPLICATION.—In the case of a request described*
5 *in subparagraph (A)(ii), the drug subject to such*
6 *request may be resubmitted for filing only if—*

7 “(i) *the drug is marketed as a non-*
8 *prescription drug, under conditions of use*
9 *comparable to the conditions specified in*
10 *the request, for such period as the Secretary*
11 *determines appropriate (not to exceed 5*
12 *consecutive years) pursuant to an applica-*
13 *tion approved under section 505; and*

14 “(ii) *during such period, 1,000,000 re-*
15 *tail packages of the drug, or an equivalent*
16 *quantity as determined by the Secretary,*
17 *were distributed for retail sale, as deter-*
18 *mined in such manner as the Secretary*
19 *finds appropriate.*

20 “(E) *RULE OF APPLICATION.—Except in*
21 *the case of a request involving a drug described*
22 *in section 586(9), as in effect on January 1,*
23 *2017, if the Secretary refuses to file a request*
24 *under this paragraph, the requestor may not file*

1 *such request over protest under paragraph*
2 *(5)(A)(iii).*

3 “(7) *PACKAGING.*—*An administrative order*
4 *issued under paragraph (2), (4)(A), or (5) may in-*
5 *clude requirements for the packaging of a drug to en-*
6 *courage use in accordance with labeling. Such re-*
7 *quirements may include unit dose packaging, require-*
8 *ments for products intended for use by pediatric pop-*
9 *ulations, requirements to reduce risk of harm from*
10 *unsupervised ingestion, and other appropriate re-*
11 *quirements. This paragraph does not authorize the*
12 *Food and Drug Administration to require standards*
13 *or testing procedures as described in part 1700 of title*
14 *16, Code of Federal Regulations.*

15 “(8) *FINAL AND TENTATIVE FINAL MONOGRAPHS*
16 *FOR CATEGORY I DRUGS DEEMED FINAL ADMINISTRA-*
17 *TIVE ORDERS.*—

18 “(A) *IN GENERAL.*—*A final monograph or*
19 *tentative final monograph described in subpara-*
20 *graph (B) shall be deemed to be a final adminis-*
21 *trative order under this subsection and may be*
22 *amended, revoked, or otherwise modified in ac-*
23 *cordance with the procedures of this subsection.*

24 “(B) *MONOGRAPHS DESCRIBED.*—*For pur-*
25 *poses of subparagraph (A), a final monograph or*

1 tentative final monograph is described in this
2 subparagraph if it—

3 “(i) establishes conditions of use for a
4 drug described in paragraph (1) or (2) of
5 subsection (a); and

6 “(ii) represents the most recently pro-
7 mulgated version of such conditions, includ-
8 ing as modified, in whole or in part, by
9 any proposed or final rule.

10 “(C) *DEEMED ORDERS INCLUDE HARMO-*
11 *NIZING TECHNICAL AMENDMENTS.*—*The deemed*
12 *establishment of a final administrative order*
13 *under subparagraph (A) shall be construed to in-*
14 *clude any technical amendments to such order as*
15 *the Secretary determines necessary to ensure that*
16 *such order is appropriately harmonized, in*
17 *terms of terminology or cross-references, with the*
18 *applicable provisions of this Act (and regulations*
19 *thereunder) and any other orders issued under*
20 *this section.*

21 “(c) *PROCEDURE FOR MINOR CHANGES.*—

22 “(1) *IN GENERAL.*—*Minor changes in the dosage*
23 *form of a drug that is described in paragraph (1) or*
24 *(2) of subsection (a) or the subject of an order issued*
25 *under subsection (b) may be made by a requestor*

1 *without the issuance of an order under subsection (b)*
2 *if—*

3 “(A) *the requestor maintains such informa-*
4 *tion as is necessary to demonstrate that the*
5 *change—*

6 “(i) *will not affect the safety or effec-*
7 *tiveness of the drug; and*

8 “(ii) *will not materially affect the ex-*
9 *tent of absorption or other exposure to the*
10 *active ingredient in comparison to a suit-*
11 *able reference product; and*

12 “(B) *the change is in conformity with the*
13 *requirements of an applicable administrative*
14 *order issued by the Secretary under paragraph*
15 *(3).*

16 “(2) *ADDITIONAL INFORMATION.—*

17 “(A) *ACCESS TO RECORDS.—A sponsor*
18 *shall submit records requested by the Secretary*
19 *relating to such a minor change under section*
20 *704(a)(4), within 15 business days of receiving*
21 *such a request, or such longer period as the Sec-*
22 *retary may provide.*

23 “(B) *INSUFFICIENT INFORMATION.—If the*
24 *Secretary determines that the information con-*
25 *tained in such records is not sufficient to dem-*

1 *onstrate that the change does not affect the safety*
2 *or effectiveness of the drug or materially affect*
3 *the extent of absorption or other exposure to the*
4 *active ingredient, the Secretary—*

5 *“(i) may so inform the sponsor of the*
6 *drug in writing; and*

7 *“(ii) if the Secretary so informs the*
8 *sponsor, shall provide the sponsor of the*
9 *drug with a reasonable opportunity to pro-*
10 *vide additional information.*

11 *“(C) FAILURE TO SUBMIT SUFFICIENT IN-*
12 *FORMATION.—If the sponsor fails to provide such*
13 *additional information within a time prescribed*
14 *by the Secretary, or if the Secretary determines*
15 *that such additional information does not dem-*
16 *onstrate that the change does not—*

17 *“(i) affect the safety or effectiveness of*
18 *the drug; or*

19 *“(ii) materially affect the extent of ab-*
20 *sorption or other exposure to the active in-*
21 *redient in comparison to a suitable ref-*
22 *erence product,*

23 *the drug as modified is a new drug under section*
24 *201(p) and shall be deemed to be misbranded*
25 *under section 502(ee).*

1 “(3) *DETERMINING WHETHER A CHANGE WILL*
2 *AFFECT SAFETY OR EFFECTIVENESS.—*

3 “(A) *IN GENERAL.—The Secretary shall*
4 *issue one or more administrative orders speci-*
5 *fying requirements for determining whether a*
6 *minor change made by a sponsor pursuant to*
7 *this subsection will affect the safety or effective-*
8 *ness of a drug or materially affect the extent of*
9 *absorption or other exposure to an active ingre-*
10 *redient in the drug in comparison to a suitable*
11 *reference product, together with guidance for ap-*
12 *plying those orders to specific dosage forms.*

13 “(B) *STANDARD PRACTICES.—The orders*
14 *and guidance issued by the Secretary under sub-*
15 *paragraph (A) shall take into account relevant*
16 *public standards and standard practices for*
17 *evaluating the quality of drugs, and may take*
18 *into account the special needs of populations, in-*
19 *cluding children.*

20 “(d) *CONFIDENTIALITY OF INFORMATION SUBMITTED*
21 *TO THE SECRETARY.—*

22 “(1) *IN GENERAL.—Subject to paragraph (2),*
23 *any information, including reports of testing con-*
24 *ducted on the drug or drugs involved, that is sub-*
25 *mitted by a requestor in connection with proceedings*

1 on an order under this section (including any minor
2 change under subsection (c)) and is a trade secret or
3 confidential information subject to section 552(b)(4)
4 of title 5, United States Code, or section 1905 of title
5 18, United States Code, shall not be disclosed to the
6 public unless the requestor consents to that disclosure.

7 “(2) PUBLIC AVAILABILITY.—

8 “(A) IN GENERAL.—Except as provided in
9 subparagraph (B), the Secretary shall—

10 “(i) make any information submitted
11 by a requestor in support of a request under
12 subsection (b)(5)(A) available to the public
13 not later than the date on which the pro-
14 posed order is issued; and

15 “(ii) make any information submitted
16 by any other person with respect to an
17 order requested (or initiated by the Sec-
18 retary) under subsection (b), available to
19 the public upon such submission.

20 “(B) LIMITATIONS ON PUBLIC AVAIL-
21 ABILITY.—Information described in subpara-
22 graph (A) shall not be made public if—

23 “(i) the information pertains to phar-
24 maceutical quality information, unless such
25 information is necessary to establish stand-

1 *ards under which a drug is generally recog-*
2 *nized as safe and effective under section*
3 *201(p)(1);*

4 *“(ii) the information is submitted in a*
5 *requestor-initiated request, but the requestor*
6 *withdraws such request, in accordance with*
7 *withdrawal procedures established by the*
8 *Secretary, before the Secretary issues the*
9 *proposed order;*

10 *“(iii) the Secretary requests and ob-*
11 *tains the information under subsection (c)*
12 *and such information is not submitted in*
13 *relation to an order under subsection (b); or*

14 *“(iv) the information is of the type*
15 *contained in raw datasets.*

16 *“(e) UPDATES TO DRUG LISTING INFORMATION.—A*
17 *sponsor who makes a change to a drug subject to this section*
18 *shall submit updated drug listing information for the drug*
19 *in accordance with section 510(j) within 30 calendar days*
20 *of the date when the drug is first commercially marketed,*
21 *except that a sponsor who was the order requestor with re-*
22 *spect to an order subject to subsection (b)(5)(C) (or a li-*
23 *censee, assignee, or successor in interest of such requestor)*
24 *shall submit updated drug listing information on or before*
25 *the date when the drug is first commercially marketed.*

1 “(f) *APPROVALS UNDER SECTION 505.*—The provi-
2 sions of this section shall not be construed to preclude a
3 person from seeking or maintaining the approval of an ap-
4 plication for a drug under sections 505(b)(1), 505(b)(2),
5 and 505(j). A determination under this section that a drug
6 is not subject to section 503(b)(1), is generally recognized
7 as safe and effective under section 201(p)(1), and is not
8 a new drug under section 201(p) shall constitute a finding
9 that the drug is safe and effective that may be relied upon
10 for purposes of an application under section 505(b)(2), so
11 that the applicant shall be required to submit for purposes
12 of such application only information needed to support any
13 modification of the drug that is not covered by such deter-
14 mination under this section.

15 “(g) *PUBLIC AVAILABILITY OF ADMINISTRATIVE OR-*
16 *DERS.*—The Secretary shall establish, maintain, update (as
17 determined necessary by the Secretary but no less frequently
18 than annually), and make publicly available, with respect
19 to orders issued under this section—

20 “(1) a repository of each final order and interim
21 final order in effect, including the complete text of the
22 order; and

23 “(2) a listing of all orders proposed and under
24 development under subsection (b)(2), including—

1 “(A) a brief description of each such order;

2 and

3 “(B) the Secretary’s expectations, if re-
4 sources permit, for issuance of proposed orders
5 over a 3-year period.

6 “(h) *DEVELOPMENT ADVICE TO SPONSORS OR RE-*
7 *QUESTORS.*—The Secretary shall establish procedures under
8 which sponsors or requestors may meet with appropriate
9 officials of the Food and Drug Administration to obtain
10 advice on the studies and other information necessary to
11 support submissions under this section and other matters
12 relevant to the regulation of nonprescription drugs and the
13 development of new nonprescription drugs under this sec-
14 tion.

15 “(i) *PARTICIPATION OF MULTIPLE SPONSORS OR RE-*
16 *QUESTORS.*—The Secretary shall establish procedures to fa-
17 cilitate efficient participation by multiple sponsors or re-
18 questors in proceedings under this section, including provi-
19 sion for joint meetings with multiple sponsors or requestors
20 or with organizations nominated by sponsors or requestors
21 to represent their interests in a proceeding.

22 “(j) *ELECTRONIC FORMAT.*—All submissions under
23 this section shall be in electronic format.

24 “(k) *EFFECT ON EXISTING REGULATIONS GOVERNING*
25 *NONPRESCRIPTION DRUGS.*—

1 “(1) *REGULATIONS OF GENERAL APPLICABILITY*
2 *TO NONPRESCRIPTION DRUGS.*—*Except as provided in*
3 *this subsection, nothing in this section supersedes reg-*
4 *ulations establishing general requirements for non-*
5 *prescription drugs, including regulations of general*
6 *applicability contained in parts 201, 250, and 330 of*
7 *title 21, Code of Federal Regulations, or any successor*
8 *regulations. The Secretary shall establish or modify*
9 *such regulations by means of rulemaking in accord-*
10 *ance with section 553 of title 5, United States Code.*

11 “(2) *REGULATIONS ESTABLISHING REQUIRE-*
12 *MENTS FOR SPECIFIC NONPRESCRIPTION DRUGS.*—

13 “(A) *The provisions of section 310.545 of*
14 *title 21, Code of Federal Regulations, as in effect*
15 *on the day before the date of the enactment of*
16 *this section, shall be deemed to be a final order*
17 *under subsection (b).*

18 “(B) *Regulations in effect on the day before*
19 *the date of the enactment of this section, estab-*
20 *lishing requirements for specific nonprescription*
21 *drugs marketed pursuant to this section (includ-*
22 *ing such requirements in parts 201 and 250 of*
23 *title 21, Code of Federal Regulations), shall be*
24 *deemed to be final orders under subsection (b),*
25 *only as they apply to drugs—*

1 “(i) subject to paragraph (1), (2), (3),
2 or (4) of subsection (a); or

3 “(ii) otherwise subject to an order
4 under this section.

5 “(3) *WITHDRAWAL OF REGULATIONS.*—*The Sec-*
6 *retary shall withdraw regulations establishing final*
7 *monographs and the procedures governing the over-*
8 *the-counter drug review under part 330 and other rel-*
9 *evant parts of title 21, Code of Federal Regulations*
10 *(as in effect on the day before the date of the enact-*
11 *ment of this section), or make technical changes to*
12 *such regulations to ensure conformity with appro-*
13 *priate terminology and cross references. Notwith-*
14 *standing subchapter II of chapter 5 of title 5, United*
15 *States Code, any such withdrawal or technical*
16 *changes shall be made without public notice and com-*
17 *ment and shall be effective upon publication through*
18 *notice in the Federal Register (or upon such date as*
19 *specified in such notice).*

20 “(l) *GUIDANCE.*—*The Secretary shall issue guidance*
21 *that specifies—*

22 “(1) *the procedures and principles for formal*
23 *meetings between the Secretary and sponsors or re-*
24 *questors for drugs subject to this section;*

1 “(2) *the format and content of data submissions*
2 *to the Secretary under this section;*

3 “(3) *the format of electronic submissions to the*
4 *Secretary under this section;*

5 “(4) *consolidated proceedings for appeal and the*
6 *procedures for such proceedings where appropriate;*
7 *and*

8 “(5) *for minor changes in drugs, recommenda-*
9 *tions on how to comply with the requirements in or-*
10 *ders issued under subsection (c)(3).*

11 “(m) *RULE OF CONSTRUCTION.—*

12 “(1) *IN GENERAL.—This section shall not affect*
13 *the treatment or status of a nonprescription drug—*

14 “(A) *that is marketed without an applica-*
15 *tion approved under section 505 as of the date*
16 *of the enactment of this section;*

17 “(B) *that is not subject to an order issued*
18 *under this section; and*

19 “(C) *to which paragraph (1), (2), (3), (4),*
20 *or (5) of subsection (a) do not apply.*

21 “(2) *TREATMENT OF PRODUCTS PREVIOUSLY*
22 *FOUND TO BE SUBJECT TO TIME AND EXTENT RE-*
23 *QUIREMENTS.—*

24 “(A) *Notwithstanding subsection (a), a drug*
25 *described in subparagraph (B) may only be law-*

1 *fully marketed, without an application approved*
2 *under section 505, pursuant to an order issued*
3 *under this section.*

4 “(B) *A drug described in this subparagraph*
5 *is a drug which, prior to the date of the enact-*
6 *ment of this section, the Secretary determined in*
7 *a proposed or final rule to be ineligible for re-*
8 *view under the OTC drug review (as such phrase*
9 *‘OTC drug review’ was used in section 330.14 of*
10 *title 21, Code of Federal Regulations, as in effect*
11 *on the day before the date of the enactment of*
12 *this section).*

13 “(3) *PRESERVATION OF AUTHORITY.—*

14 “(A) *Nothing in paragraph (1) shall be con-*
15 *strued to preclude or limit the applicability of*
16 *any provision of this Act other than this section.*

17 “(B) *Nothing in subsection (a) shall be con-*
18 *strued to prohibit the Secretary from issuing an*
19 *order under this section finding a drug to be not*
20 *generally recognized as safe and effective under*
21 *section 201(p)(1), as the Secretary determines*
22 *appropriate.*

23 “(n) *INVESTIGATIONAL NEW DRUGS.—A drug is not*
24 *subject to this section if an exemption for investigational*
25 *use under section 505(i) is in effect for such drug.*

1 “(o) *INAPPLICABILITY OF PAPERWORK REDUCTION*
 2 *ACT.*—Chapter 35 of title 44, United States Code, shall not
 3 apply to collections of information made under this section.

4 “(p) *INAPPLICABILITY OF NOTICE AND COMMENT*
 5 *RULEMAKING AND OTHER REQUIREMENTS.*—The require-
 6 ments of subsection (b) shall apply with respect to orders
 7 issued under this section instead of the requirements of sub-
 8 chapter II of chapter 5 of title 5, United States Code.

9 “(q) *DEFINITIONS.*—In this section:

10 “(1) The term ‘nonprescription drug’ refers to a
 11 drug not subject to the requirements of section
 12 503(b)(1).

13 “(2) The term ‘sponsor’ refers to any person
 14 marketing, manufacturing, or processing a drug
 15 that—

16 “(A) is listed pursuant to section 510(j);

17 and

18 “(B) is or will be subject to an administra-
 19 tive order under this section of the Food and
 20 Drug Administration.

21 “(3) The term ‘requestor’ refers to any person or
 22 group of persons marketing, manufacturing, proc-
 23 essing, or developing a drug.”.

24 (b) *GAO STUDY.*—Not later than 4 years after the date
 25 of enactment of this Act, the Comptroller General of the

1 *United States shall submit a study to the Committee on*
2 *Energy and Commerce of the House of Representatives and*
3 *the Committee on Health, Education, Labor, and Pensions*
4 *of the Senate addressing the effectiveness and overall impact*
5 *of exclusivity under section 505G of the Federal Food, Drug,*
6 *and Cosmetic Act, as added by subsection (a), and section*
7 *586C of such Act (21 U.S.C. 360fff-3), including the impact*
8 *of such exclusivity on consumer access. Such study shall in-*
9 *clude—*

10 *(1) an analysis of the impact of exclusivity*
11 *under such section 505G for nonprescription drug*
12 *products, including—*

13 *(A) the number of nonprescription drug*
14 *products that were granted exclusivity and the*
15 *indication for which the nonprescription drug*
16 *products were determined to be generally recog-*
17 *nized as safe and effective;*

18 *(B) whether the exclusivity for such drug*
19 *products was granted for—*

20 *(i) a new active ingredient (including*
21 *any ester or salt of the active ingredient); or*

22 *(ii) changes in the conditions of use of*
23 *a drug, for which new human data studies*
24 *conducted or sponsored by the requestor*
25 *were essential;*

1 (C) *whether, and to what extent, the exclu-*
2 *sivity impacted the requestor's or sponsor's deci-*
3 *sion to develop the drug product;*

4 (D) *an analysis of the implementation of*
5 *the exclusivity provision in such section 505G,*
6 *including—*

7 (i) *the resources used by the Food and*
8 *Drug Administration;*

9 (ii) *the impact of such provision on in-*
10 *novation, as well as research and develop-*
11 *ment in the nonprescription drug market;*

12 (iii) *the impact of such provision on*
13 *competition in the nonprescription drug*
14 *market;*

15 (iv) *the impact of such provision on*
16 *consumer access to nonprescription drug*
17 *products;*

18 (v) *the impact of such provision on the*
19 *prices of nonprescription drug products;*
20 *and*

21 (vi) *whether the administrative orders*
22 *initiated by requestors under such section*
23 *505G have been sufficient to encourage the*
24 *development of nonprescription drug prod-*
25 *ucts that would likely not be otherwise de-*

1 *veloped, or developed in as timely a man-*
2 *ner; and*

3 *(E) whether the administrative orders initi-*
4 *ated by requestors under such section 505G have*
5 *been sufficient incentive to encourage innovation*
6 *in the nonprescription drug market; and*

7 *(2) an analysis of the impact of exclusivity*
8 *under such section 586C for sunscreen ingredients, in-*
9 *cluding—*

10 *(A) the number of sunscreen ingredients*
11 *that were granted exclusivity and the specific in-*
12 *gredient that was determined to be generally rec-*
13 *ognized as safe and effective;*

14 *(B) whether, and to what extent, the exclu-*
15 *sivity impacted the requestor's or sponsor's deci-*
16 *sion to develop the sunscreen ingredient;*

17 *(C) whether, and to what extent, the sun-*
18 *screen ingredient granted exclusivity had pre-*
19 *viously been available outside of the United*
20 *States;*

21 *(D) an analysis of the implementation of*
22 *the exclusivity provision in such section 586C,*
23 *including—*

24 *(i) the resources used by the Food and*
25 *Drug Administration;*

1 (ii) the impact of such provision on in-
2 novation, as well as research and develop-
3 ment in the sunscreen market;

4 (iii) the impact of such provision on
5 competition in the sunscreen market;

6 (iv) the impact of such provision on
7 consumer access to sunscreen products;

8 (v) the impact of such provision on the
9 prices of sunscreen products; and

10 (vi) whether the administrative orders
11 initiated by requestors under such section
12 505G have been utilized by sunscreen ingre-
13 dient sponsors and whether such process has
14 been sufficient to encourage the development
15 of sunscreen ingredients that would likely
16 not be otherwise developed, or developed in
17 as timely a manner; and

18 (E) whether the administrative orders initi-
19 ated by requestors under such section 586C have
20 been sufficient incentive to encourage innovation
21 in the sunscreen market.

22 (c) *CONFORMING AMENDMENT.*—Section 751(d)(1) of
23 the Federal Food, Drug, and Cosmetic Act (21 U.S.C.
24 379r(d)(1)) is amended—

25 (1) in the matter preceding subparagraph (A)—

1 (A) by striking “final regulation promul-
2 gated” and inserting “final order under section
3 505G”; and

4 (B) by striking “and not misbranded”; and
5 (2) in subparagraph (A), by striking “regulation
6 in effect” and inserting “regulation or order in ef-
7 fect”.

8 **SEC. 3852. MISBRANDING.**

9 Section 502 of the Federal Food, Drug, and Cosmetic
10 Act (21 U.S.C. 352) is amended by adding at the end the
11 following:

12 “(ee) If it is a nonprescription drug that is subject to
13 section 505G, is not the subject of an application approved
14 under section 505, and does not comply with the require-
15 ments under section 505G.

16 “(ff) If it is a drug and it was manufactured, pre-
17 pared, propagated, compounded, or processed in a facility
18 for which fees have not been paid as required by section
19 744M.”.

20 **SEC. 3853. DRUGS EXCLUDED FROM THE OVER-THE-**
21 **COUNTER DRUG REVIEW.**

22 (a) *IN GENERAL.*—Nothing in this Act (or the amend-
23 ments made by this Act) shall apply to any nonprescription
24 drug (as defined in section 505G(q) of the Federal Food,
25 Drug, and Cosmetic Act, as added by section 3851 of this

1 subtitle) which was excluded by the Food and Drug Admin-
2 istration from the Over-the-Counter Drug Review in accord-
3 ance with the paragraph numbered 25 on page 9466 of vol-
4 ume 37 of the Federal Register, published on May 11, 1972.

5 (b) *RULE OF CONSTRUCTION.*—Nothing in this section
6 shall be construed to preclude or limit the applicability of
7 any other provision of the Federal Food, Drug, and Cos-
8 metic Act (21 U.S.C. 301 et seq.).

9 **SEC. 3854. TREATMENT OF SUNSCREEN INNOVATION ACT.**

10 (a) *REVIEW OF NONPRESCRIPTION SUNSCREEN AC-*
11 *TIVE INGREDIENTS.*—

12 (1) *APPLICABILITY OF SECTION 505G FOR PEND-*
13 *ING SUBMISSIONS.*—

14 (A) *IN GENERAL.*—A sponsor of a non-
15 prescription sunscreen active ingredient or com-
16 bination of nonprescription sunscreen active in-
17 gredients that, as of the date of enactment of this
18 Act, is subject to a proposed sunscreen order
19 under section 586C of the Federal Food, Drug,
20 and Cosmetic Act (21 U.S.C. 360fff-3) may elect,
21 by means of giving written notification to the
22 Secretary of Health and Human Services within
23 180 calendar days of the enactment of this Act,
24 to transition into the review of such ingredient
25 or combination of ingredients pursuant to the

1 *process set out in section 505G of the Federal*
2 *Food, Drug, and Cosmetic Act, as added by sec-*
3 *tion 3851 of this subtitle.*

4 (B) *ELECTION EXERCISED.*—*Upon receipt*
5 *by the Secretary of Health and Human Services*
6 *of a timely notification under subparagraph*
7 *(A)—*

8 (i) *the proposed sunscreen order in-*
9 *volved is deemed to be a request for an order*
10 *under subsection (b) of section 505G of the*
11 *Federal Food, Drug, and Cosmetic Act, as*
12 *added by section 3851 of this subtitle; and*

13 (ii) *such order is deemed to have been*
14 *accepted for filing under subsection*
15 *(b)(6)(A)(i) of such section 505G.*

16 (C) *ELECTION NOT EXERCISED.*—*If a noti-*
17 *fication under subparagraph (A) is not received*
18 *by the Secretary of Health and Human Services*
19 *within 180 calendar days of the date of enact-*
20 *ment of this Act, the review of the proposed sun-*
21 *screen order described in subparagraph (A)—*

22 (i) *shall continue under section 586C*
23 *of the Federal Food, Drug, and Cosmetic*
24 *Act (21 U.S.C. 360fff-3); and*

1 (ii) shall not be eligible for review
2 under section 505G, added by section 3851
3 of this subtitle.

4 (2) *DEFINITIONS.*—In this subsection, the terms
5 “sponsor”, “nonprescription”, “sunscreen active in-
6 gredient”, and “proposed sunscreen order” have the
7 meanings given to those terms in section 586 of the
8 Federal Food, Drug, and Cosmetic Act (21 U.S.C.
9 360fff).

10 (b) *AMENDMENTS TO SUNSCREEN PROVISIONS.*—

11 (1) *FINAL SUNSCREEN ORDERS.*—Paragraph (3)
12 of section 586C(e) of the Federal Food, Drug, and
13 Cosmetic Act (21 U.S.C. 360fff–3(e)) is amended to
14 read as follows:

15 “(3) *RELATIONSHIP TO ORDERS UNDER SECTION*
16 *505G.*—A final sunscreen order shall be deemed to be
17 a final order under section 505G.”

18 (2) *MEETINGS.*—Paragraph (7) of section
19 586C(b) of the Federal Food, Drug, and Cosmetic Act
20 (21 U.S.C. 360fff–3(b)) is amended—

21 (A) by striking “A sponsor may request”
22 and inserting the following:

23 “(A) *IN GENERAL.*—A sponsor may re-
24 quest”; and

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

1 “(B) *CONFIDENTIAL MEETINGS.*—*A sponsor*
2 *may request one or more confidential meetings*
3 *with respect to a proposed sunscreen order, in-*
4 *cluding a letter deemed to be a proposed sun-*
5 *screen order under paragraph (3), to discuss*
6 *matters relating to data requirements to support*
7 *a general recognition of safety and effectiveness*
8 *involving confidential information and public*
9 *information related to such proposed sunscreen*
10 *order, as appropriate. The Secretary shall con-*
11 *vene a confidential meeting with such sponsor in*
12 *a reasonable time period. If a sponsor requests*
13 *more than one confidential meeting for the same*
14 *proposed sunscreen order, the Secretary may*
15 *refuse to grant an additional confidential meet-*
16 *ing request if the Secretary determines that such*
17 *additional confidential meeting is not reasonably*
18 *necessary for the sponsor to advance its proposed*
19 *sunscreen order, or if the request for a confiden-*
20 *tial meeting fails to include sufficient informa-*
21 *tion upon which to base a substantive discussion.*
22 *The Secretary shall publish a post-meeting sum-*
23 *mary of each confidential meeting under this*
24 *subparagraph that does not disclose confidential*
25 *commercial information or trade secrets. This*

1 *subparagraph does not authorize the disclosure of*
2 *confidential commercial information or trade se-*
3 *crets subject to 552(b)(4) of title 5, United States*
4 *Code, or section 1905 of title 18, United States*
5 *Code.”.*

6 (3) *EXCLUSIVITY.—Section 586C of the Federal*
7 *Food, Drug, and Cosmetic Act (21 U.S.C. 360fff–3) is*
8 *amended by adding at the end the following:*

9 “(f) *EXCLUSIVITY.—*

10 “(1) *IN GENERAL.—A final sunscreen order shall*
11 *have the effect of authorizing solely the order requestor*
12 *(or the licensees, assignees, or successors in interest of*
13 *such requestor with respect to the subject of such re-*
14 *quest and listed under paragraph (5)) for a period of*
15 *18 months, to market a sunscreen ingredient under*
16 *this section incorporating changes described in para-*
17 *graph (2) subject to the limitations under paragraph*
18 *(4), beginning on the date the requestor (or any li-*
19 *cencees, assignees, or successors in interest of such re-*
20 *questor with respect to the subject of such request and*
21 *listed under paragraph (5)) may lawfully market*
22 *such sunscreen ingredient pursuant to the order.*

23 “(2) *CHANGES DESCRIBED.—A change described*
24 *in this paragraph is a change subject to an order*
25 *specified in paragraph (1) that permits a sunscreen*

1 to contain an active sunscreen ingredient not pre-
2 viously incorporated in a marketed sunscreen listed
3 in paragraph (3).

4 “(3) *MARKETED SUNSCREEN.*—The marketed
5 sunscreen ingredients described in this paragraph are
6 sunscreen ingredients—

7 “(A) marketed in accordance with a final
8 monograph for sunscreen drug products set forth
9 at part 352 of title 21, Code of Federal Regula-
10 tions (as published at 64 Fed. Reg. 27687); or

11 “(B) marketed in accordance with a final
12 order issued under this section.

13 “(4) *LIMITATIONS ON EXCLUSIVITY.*—Only one
14 18-month period may be granted per ingredient under
15 paragraph (1).

16 “(5) *LISTING OF LICENSEES, ASSIGNEES, OR*
17 *SUCCESSORS IN INTEREST.*—Requestors shall submit
18 to the Secretary at the time when a drug subject to
19 such request is introduced or delivered for introduc-
20 tion into interstate commerce, a list of licensees, as-
21 signees, or successors in interest under paragraph
22 (1).”.

23 “(4) *SUNSET PROVISION.*—Subchapter I of chap-
24 ter V of the Federal Food, Drug, and Cosmetic Act

1 (21 U.S.C. 360fff et seq.) is amended by adding at the
2 end the following:

3 **“SEC. 586H. SUNSET.**

4 *“This subchapter shall cease to be effective at the end
5 of fiscal year 2022.”.*

6 (5) *TREATMENT OF FINAL SUNSCREEN ORDER.—*

7 *The Federal Food, Drug, and Cosmetic Act is amend-*
8 *ed by striking section 586E of such Act (21 U.S.C.*
9 *360fff-5).*

10 (c) *TREATMENT OF AUTHORITY REGARDING FINALIZA-*
11 *TION OF SUNSCREEN MONOGRAPH.—*

12 (1) *IN GENERAL.—*

13 (A) *REVISION OF FINAL SUNSCREEN*
14 *ORDER.—The Secretary of Health and Human*
15 *Services (referred to in this subsection as the*
16 *“Secretary”) shall amend and revise the final*
17 *administrative order concerning nonprescription*
18 *sunscreen (referred to in this subsection as the*
19 *“sunscreen order”) for which the content, prior*
20 *to the date of enactment of this Act, was rep-*
21 *resented by the final monograph for sunscreen*
22 *drug products set forth in part 352 of title 21,*
23 *Code of Federal Regulations (as in effect on May*
24 *21, 1999).*

1 (B) *ISSUANCE OF REVISED SUNSCREEN*
2 *ORDER; EFFECTIVE DATE.*—*A revised sunscreen*
3 *order described in subparagraph (A) shall be—*

4 (i) *issued in accordance with the proce-*
5 *dures described in section 505G(b)(2) of the*
6 *Federal Food, Drug, and Cosmetic Act;*

7 (ii) *issued in proposed form not later*
8 *than 18 months after the date of enactment*
9 *of this Act; and*

10 (iii) *issued by the Secretary at least 1*
11 *year prior to the effective date of the revised*
12 *order.*

13 (2) *REPORTS.*—*If a revised sunscreen order*
14 *issued under paragraph (1) does not include provi-*
15 *sions related to the effectiveness of various sun protec-*
16 *tion factor levels, and does not address all dosage*
17 *forms known to the Secretary to be used in sunscreens*
18 *marketed in the United States without a new drug*
19 *application approved under section 505 of the Federal*
20 *Food, Drug, and Cosmetic Act (21 U.S.C. 355), the*
21 *Secretary shall submit a report to the Committee on*
22 *Energy and Commerce of the House of Representa-*
23 *tives and the Committee on Health, Education,*
24 *Labor, and Pensions of the Senate on the rationale*
25 *for omission of such provisions from such order, and*

1 *a plan and timeline to compile any information nec-*
2 *essary to address such provisions through such order.*

3 *(d) TREATMENT OF NON-SUNSCREEN TIME AND EX-*
4 *TENT APPLICATIONS.—*

5 *(1) IN GENERAL.—Any application described in*
6 *section 586F of the Federal Food, Drug, and Cosmetic*
7 *Act (21 U.S.C. 360fff–6) that was submitted to the*
8 *Secretary pursuant to section 330.14 of title 21, Code*
9 *of Federal Regulations, as such provisions were in ef-*
10 *fect immediately prior to the date of enactment date*
11 *of this Act, shall be extinguished as of such date of en-*
12 *actment, subject to paragraph (2).*

13 *(2) ORDER REQUEST.—Nothing in paragraph*
14 *(1) precludes the submission of an order request under*
15 *section 505G(b) of the Federal Food, Drug, and Cos-*
16 *metic Act, as added by section 3851 of this subtitle,*
17 *with respect to a drug that was the subject of an ap-*
18 *plication extinguished under paragraph (1).*

19 **SEC. 3855. ANNUAL UPDATE TO CONGRESS ON APPRO-**
20 **PRIATE PEDIATRIC INDICATION FOR CER-**
21 **TAIN OTC COUGH AND COLD DRUGS.**

22 *(a) IN GENERAL.—Subject to subsection (c), the Sec-*
23 *retary of Health and Human Services shall, beginning not*
24 *later than 1 year after the date of enactment of this Act,*
25 *annually submit to the Committee on Energy and Com-*

1 *merce of the House of Representatives and the Committee*
2 *on Health, Education, Labor, and Pensions of the Senate*
3 *a letter describing the progress of the Food and Drug Ad-*
4 *ministration—*

5 *(1) in evaluating the cough and cold monograph*
6 *described in subsection (b) with respect to children*
7 *under age 6; and*

8 *(2) as appropriate, revising such cough and cold*
9 *monograph to address such children through the order*
10 *process under section 505G(b) of the Federal Food,*
11 *Drug, and Cosmetic Act, as added by section 3851 of*
12 *this subtitle.*

13 *(b) COUGH AND COLD MONOGRAPH DESCRIBED.—The*
14 *cough and cold monograph described in this subsection con-*
15 *sists of the conditions under which nonprescription drugs*
16 *containing antitussive, expectorant, nasal decongestant, or*
17 *antihistamine active ingredients (or combinations thereof)*
18 *are generally recognized as safe and effective, as specified*
19 *in part 341 of title 21, Code of Federal Regulations (as*
20 *in effect immediately prior to the date of enactment of this*
21 *Act), and included in an order deemed to be established*
22 *under section 505G(b) of the Federal Food, Drug, and Cos-*
23 *metic Act, as added by section 3851 of this subtitle.*

24 *(c) DURATION OF AUTHORITY.—The requirement*
25 *under subsection (a) shall terminate as of the date of a letter*

1 *submitted by the Secretary of Health and Human Services*
2 *pursuant to such subsection in which the Secretary indi-*
3 *cates that the Food and Drug Administration has completed*
4 *its evaluation and revised, in a final order, as applicable,*
5 *the cough and cold monograph as described in subsection*
6 *(a)(2).*

7 **SEC. 3856. TECHNICAL CORRECTIONS.**

8 (a) *IMPORTS AND EXPORTS.—Section*
9 *801(e)(4)(E)(iii) of the Federal Food, Drug, and Cosmetic*
10 *Act (21 U.S.C. 381(e)(4)(E)(iii)) is amended by striking*
11 *“subparagraph” each place such term appears and insert-*
12 *ing “paragraph”.*

13 (b) *FDA REAUTHORIZATION ACT OF 2017.—*

14 (1) *IN GENERAL.—Section 905(b)(4) of the FDA*
15 *Reauthorization Act of 2017 (Public Law 115–52) is*
16 *amended by striking “Section 744H(e)(2)(B)” and*
17 *inserting “Section 744H(f)(2)(B)”.*

18 (2) *EFFECTIVE DATE.—The amendment made by*
19 *paragraph (1) shall take effect as of the enactment of*
20 *the FDA Reauthorization Act of 2017 (Public Law*
21 *115–52).*

22 **PART II—USER FEES**

23 **SEC. 3861. FINDING.**

24 *The Congress finds that the fees authorized by the*
25 *amendments made in this part will be dedicated to OTC*

1 *monograph drug activities, as set forth in the goals identi-*
 2 *fied for purposes of part 10 of subchapter C of chapter VII*
 3 *of the Federal Food, Drug, and Cosmetic Act, in the letters*
 4 *from the Secretary of Health and Human Services to the*
 5 *Chairman of the Committee on Health, Education, Labor,*
 6 *and Pensions of the Senate and the Chairman of the Com-*
 7 *mittee on Energy and Commerce of the House of Represent-*
 8 *atives, as set forth in the Congressional Record.*

9 **SEC. 3862. FEES RELATING TO OVER-THE-COUNTER DRUGS.**

10 *Subchapter C of chapter VII of the Federal Food,*
 11 *Drug, and Cosmetic Act (21 U.S.C. 379f et seq.) is amended*
 12 *by inserting after part 9 the following:*

13 **“PART 10—FEES RELATING TO OVER-THE-**
 14 **COUNTER DRUGS**

15 **“SEC. 744L. DEFINITIONS.**

16 *“In this part:*

17 *“(1) The term ‘affiliate’ means a business entity*
 18 *that has a relationship with a second business entity*
 19 *if, directly or indirectly—*

20 *“(A) one business entity controls, or has the*
 21 *power to control, the other business entity; or*

22 *“(B) a third party controls, or has power to*
 23 *control, both of the business entities.*

24 *“(2) The term ‘contract manufacturing organiza-*
 25 *tion facility’ means an OTC monograph drug facility*

1 *where neither the owner of such manufacturing facil-*
2 *ity nor any affiliate of such owner or facility sells the*
3 *OTC monograph drug produced at such facility di-*
4 *rectly to wholesalers, retailers, or consumers in the*
5 *United States.*

6 *“(3) The term ‘costs of resources allocated for*
7 *OTC monograph drug activities’ means the expenses*
8 *in connection with OTC monograph drug activities*
9 *for—*

10 *“(A) officers and employees of the Food and*
11 *Drug Administration, contractors of the Food*
12 *and Drug Administration, advisory committees,*
13 *and costs related to such officers, employees, and*
14 *committees and costs related to contracts with*
15 *such contractors;*

16 *“(B) management of information, and the*
17 *acquisition, maintenance, and repair of com-*
18 *puter resources;*

19 *“(C) leasing, maintenance, renovation, and*
20 *repair of facilities and acquisition, maintenance,*
21 *and repair of fixtures, furniture, scientific equip-*
22 *ment, and other necessary materials and sup-*
23 *plies; and*

1 “(D) collecting fees under section 744M and
2 accounting for resources allocated for OTC mono-
3 graph drug activities.

4 “(4) The term ‘FDA establishment identifier’ is
5 the unique number automatically generated by Food
6 and Drug Administration’s Field Accomplishments
7 and Compliance Tracking System (FACTS) (or any
8 successor system).

9 “(5) The term ‘OTC monograph drug’ means a
10 nonprescription drug without an approved new drug
11 application which is governed by the provisions of
12 section 505G.

13 “(6) The term ‘OTC monograph drug activities’
14 means activities of the Secretary associated with OTC
15 monograph drugs and inspection of facilities associ-
16 ated with such products, including the following ac-
17 tivities:

18 “(A) The activities necessary for review and
19 evaluation of OTC monographs and OTC mono-
20 graph order requests, including—

21 “(i) orders proposing or finalizing ap-
22 plicable conditions of use for OTC mono-
23 graph drugs;

24 “(ii) orders affecting status regarding
25 general recognition of safety and effective-

1 *ness of an OTC monograph ingredient or*
2 *combination of ingredients under specified*
3 *conditions of use;*

4 “(iii) *all OTC monograph drug devel-*
5 *opment and review activities, including*
6 *intra-agency collaboration;*

7 “(iv) *regulation and policy develop-*
8 *ment activities related to OTC monograph*
9 *drugs;*

10 “(v) *development of product standards*
11 *for products subject to review and evalua-*
12 *tion;*

13 “(vi) *meetings referred to in section*
14 *505G(i);*

15 “(vii) *review of labeling prior to*
16 *issuance of orders related to OTC mono-*
17 *graph drugs or conditions of use; and*

18 “(viii) *regulatory science activities re-*
19 *lated to OTC monograph drugs.*

20 “(B) *Inspections related to OTC monograph*
21 *drugs.*

22 “(C) *Monitoring of clinical and other re-*
23 *search conducted in connection with OTC mono-*
24 *graph drugs.*

1 “(D) Safety activities with respect to OTC
2 monograph drugs, including—

3 “(i) collecting, developing, and review-
4 ing safety information on OTC monograph
5 drugs, including adverse event reports;

6 “(ii) developing and using improved
7 adverse event data-collection systems, in-
8 cluding information technology systems;
9 and

10 “(iii) developing and using improved
11 analytical tools to assess potential safety
12 risks, including access to external databases.

13 “(E) Other activities necessary for imple-
14 mentation of section 505G.

15 “(7) The term ‘OTC monograph order request’
16 means a request for an order submitted under section
17 505G(b)(5).

18 “(8) The term ‘Tier 1 OTC monograph order re-
19 quest’ means any OTC monograph order request not
20 determined to be a Tier 2 OTC monograph order re-
21 quest.

22 “(9)(A) The term ‘Tier 2 OTC monograph order
23 request’ means, subject to subparagraph (B), an OTC
24 monograph order request for—

1 “(i) the reordering of existing information
2 in the drug facts label of an OTC monograph
3 drug;

4 “(ii) the addition of information to the
5 other information section of the drug facts label
6 of an OTC monograph drug, as limited by sec-
7 tion 201.66(c)(7) of title 21, Code of Federal
8 Regulations (or any successor regulations);

9 “(iii) modification to the directions for use
10 section of the drug facts label of an OTC mono-
11 graph drug, if such changes conform to changes
12 made pursuant to section 505G(c)(3)(A);

13 “(iv) the standardization of the concentra-
14 tion or dose of a specific finalized ingredient
15 within a particular finalized monograph;

16 “(v) a change to ingredient nomenclature to
17 align with nomenclature of a standards-setting
18 organization; or

19 “(vi) addition of an interchangeable term in
20 accordance with section 330.1 of title 21, Code of
21 Federal Regulations (or any successor regula-
22 tions).

23 “(B) The Secretary may, based on program im-
24 plementation experience or other factors found appro-
25 priate by the Secretary, characterize any OTC mono-

1 *graph order request as a Tier 2 OTC monograph*
2 *order request (including recharacterizing a request*
3 *from Tier 1 to Tier 2) and publish such determina-*
4 *tion in a proposed order issued pursuant to section*
5 *505G.*

6 “(10)(A) *The term ‘OTC monograph drug facil-*
7 *ity’ means a foreign or domestic business or other en-*
8 *tity that—*

9 “(i) *is—*

10 “(I) *under one management, either di-*
11 *rect or indirect; and*

12 “(II) *at one geographic location or ad-*
13 *dress engaged in manufacturing or proc-*
14 *essing the finished dosage form of an OTC*
15 *monograph drug;*

16 “(ii) *includes a finished dosage form manu-*
17 *facturer facility in a contractual relationship*
18 *with the sponsor of one or more OTC monograph*
19 *drugs to manufacture or process such drugs; and*

20 “(iii) *does not include a business or other*
21 *entity whose only manufacturing or processing*
22 *activities are one or more of the following: pro-*
23 *duction of clinical research supplies, testing, or*
24 *placement of outer packaging on packages con-*
25 *taining multiple products, for such purposes as*

1 *creating multipacks, when each monograph drug*
2 *product contained within the overpackaging is*
3 *already in a final packaged form prior to place-*
4 *ment in the outer overpackaging.*

5 “(B) *For purposes of subparagraph (A)(i)(II),*
6 *separate buildings or locations within close proximity*
7 *are considered to be at one geographic location or ad-*
8 *dress if the activities conducted in such buildings or*
9 *locations are—*

10 “(i) *closely related to the same business en-*
11 *terprise;*

12 “(ii) *under the supervision of the same local*
13 *management; and*

14 “(iii) *under a single FDA establishment*
15 *identifier and capable of being inspected by the*
16 *Food and Drug Administration during a single*
17 *inspection.*

18 “(C) *If a business or other entity would meet cri-*
19 *teria specified in subparagraph (A), but for being*
20 *under multiple management, the business or other en-*
21 *tity is deemed to constitute multiple facilities, one per*
22 *management entity, for purposes of this paragraph.*

23 “(11) *The term ‘OTC monograph drug meeting’*
24 *means any meeting regarding the content of a pro-*
25 *posed OTC monograph order request.*

1 “(12) *The term ‘person’ includes an affiliate of*
2 *a person.*

3 “(13) *The terms ‘requestor’ and ‘sponsor’ have*
4 *the meanings given such terms in section 505G.*

5 **“SEC. 744M. AUTHORITY TO ASSESS AND USE OTC MONO-**
6 **GRAPH FEES.**

7 “(a) *TYPES OF FEES.—Beginning with fiscal year*
8 *2021, the Secretary shall assess and collect fees in accord-*
9 *ance with this section as follows:*

10 “(1) *FACILITY FEE.—*

11 “(A) *IN GENERAL.—Each person that owns*
12 *a facility identified as an OTC monograph drug*
13 *facility on December 31 of the fiscal year or at*
14 *any time during the preceding 12-month period*
15 *shall be assessed an annual fee for each such fa-*
16 *ility as determined under subsection (c).*

17 “(B) *EXCEPTIONS.—*

18 “(i) *FACILITIES THAT CEASE ACTIVI-*
19 *TIES.—A fee shall not be assessed under*
20 *subparagraph (A) if the identified OTC*
21 *monograph drug facility—*

22 “(I) *has ceased all activities re-*
23 *lated to OTC monograph drugs prior*
24 *to December 31 of the year imme-*

1 *diately preceding the applicable fiscal*
2 *year; and*

3 “(II) *has updated its registration*
4 *to reflect such change under the re-*
5 *quirements for drug establishment reg-*
6 *istration set forth in section 510.*

7 “(ii) *CONTRACT MANUFACTURING OR-*
8 *GANIZATIONS.—The amount of the fee for a*
9 *contract manufacturing organization facil-*
10 *ity shall be equal to two-thirds of the*
11 *amount of the fee for an OTC monograph*
12 *drug facility that is not a contract manu-*
13 *facturing organization facility.*

14 “(C) *AMOUNT.—The amount of fees estab-*
15 *lished under subparagraph (A) shall be estab-*
16 *lished under subsection (c).*

17 “(D) *DUE DATE.—*

18 “(i) *FOR FIRST PROGRAM YEAR.—For*
19 *fiscal year 2021, the facility fees required*
20 *under subparagraph (A) shall be due on the*
21 *later of—*

22 “(I) *the first business day of July*
23 *of 2020; or*

24 “(II) *45 calendar days after pub-*
25 *lication of the Federal Register notice*

1 *provided for under subsection*
2 *(c)(4)(A).*

3 “(ii) *SUBSEQUENT FISCAL YEARS.—*
4 *For each fiscal year after fiscal year 2021,*
5 *the facility fees required under subpara-*
6 *graph (A) shall be due on the later of—*

7 “(I) *the first business day of June*
8 *of such year; or*

9 “(II) *the first business day after*
10 *the enactment of an appropriations*
11 *Act providing for the collection and ob-*
12 *ligation of fees under this section for*
13 *such year.*

14 “(2) *OTC MONOGRAPH ORDER REQUEST FEE.—*

15 “(A) *IN GENERAL.—Each person that sub-*
16 *mits an OTC monograph order request shall be*
17 *subject to a fee for an OTC monograph order re-*
18 *quest. The amount of such fee shall be—*

19 “(i) *for a Tier 1 OTC monograph*
20 *order request, \$500,000, adjusted for infla-*
21 *tion for the fiscal year (as determined under*
22 *subsection (c)(1)(B)); and*

23 “(ii) *for a Tier 2 OTC monograph*
24 *order request, \$100,000, adjusted for infla-*

1 *tion for the fiscal year (as determined under*
2 *subsection (c)(1)(B)).*

3 *“(B) DUE DATE.—The OTC monograph*
4 *order request fees required under subparagraph*
5 *(A) shall be due on the date of submission of the*
6 *OTC monograph order request.*

7 *“(C) EXCEPTION FOR CERTAIN SAFETY*
8 *CHANGES.—A person who is named as the re-*
9 *questor in an OTC monograph order shall not be*
10 *subject to a fee under subparagraph (A) if the*
11 *Secretary finds that the OTC monograph order*
12 *request seeks to change the drug facts labeling of*
13 *an OTC monograph drug in a way that would*
14 *add to or strengthen—*

15 *“(i) a contraindication, warning, or*
16 *precaution;*

17 *“(ii) a statement about risk associated*
18 *with misuse or abuse; or*

19 *“(iii) an instruction about dosage and*
20 *administration that is intended to increase*
21 *the safe use of the OTC monograph drug.*

22 *“(D) REFUND OF FEE IF ORDER REQUEST*
23 *IS RECATEGORIZED AS A TIER 2 OTC MONO-*
24 *GRAPH ORDER REQUEST.—If the Secretary deter-*
25 *mines that an OTC monograph request initially*

1 *characterized as Tier 1 shall be re-characterized*
2 *as a Tier 2 OTC monograph order request, and*
3 *the requestor has paid a Tier 1 fee in accordance*
4 *with subparagraph (A)(i), the Secretary shall re-*
5 *fund the requestor the difference between the Tier*
6 *1 and Tier 2 fees determined under subpara-*
7 *graphs (A)(i) and (A)(ii), respectively.*

8 “(E) *REFUND OF FEE IF ORDER REQUEST*
9 *REFUSED FOR FILING OR WITHDRAWN BEFORE*
10 *FILING.—The Secretary shall refund 75 percent*
11 *of the fee paid under subparagraph (B) for any*
12 *order request which is refused for filing or was*
13 *withdrawn before being accepted or refused for*
14 *filing.*

15 “(F) *FEEES FOR ORDER REQUESTS PRE-*
16 *VIOUSLY REFUSED FOR FILING OR WITHDRAWN*
17 *BEFORE FILING.—An OTC monograph order re-*
18 *quest that was submitted but was refused for fil-*
19 *ing, or was withdrawn before being accepted or*
20 *refused for filing, shall be subject to the full fee*
21 *under subparagraph (A) upon being resubmitted*
22 *or filed over protest.*

23 “(G) *REFUND OF FEE IF ORDER REQUEST*
24 *WITHDRAWN.—If an order request is withdrawn*
25 *after the order request was filed, the Secretary*

1 *may refund the fee or a portion of the fee if no*
2 *substantial work was performed on the order re-*
3 *quest after the application was filed. The Sec-*
4 *retary shall have the sole discretion to refund a*
5 *fee or a portion of the fee under this subpara-*
6 *graph. A determination by the Secretary con-*
7 *cerning a refund under this subparagraph shall*
8 *not be reviewable.*

9 “(3) *REFUNDS.*—

10 “(A) *IN GENERAL.*—*Other than refunds*
11 *provided pursuant to any of subparagraphs (D)*
12 *through (G) of paragraph (2), the Secretary shall*
13 *not refund any fee paid under paragraph (1) ex-*
14 *cept as provided in subparagraph (B).*

15 “(B) *DISPUTES CONCERNING FEES.*—*To*
16 *qualify for the return of a fee claimed to have*
17 *been paid in error under paragraph (1) or (2),*
18 *a person shall submit to the Secretary a written*
19 *request justifying such return within 180 cal-*
20 *endar days after such fee was paid.*

21 “(4) *NOTICE.*—*Within the timeframe specified in*
22 *subsection (c), the Secretary shall publish in the Fed-*
23 *eral Register the amount of the fees under paragraph*
24 *(1) for such fiscal year.*

25 “(b) *FEE REVENUE AMOUNTS.*—

1 “(1) *FISCAL YEAR 2021.*—*For fiscal year 2021,*
2 *fees under subsection (a)(1) shall be established to*
3 *generate a total facility fee revenue amount equal to*
4 *the sum of—*

5 “(A) *the annual base revenue for fiscal year*
6 *2021 (as determined under paragraph (3));*

7 “(B) *the dollar amount equal to the oper-*
8 *ating reserve adjustment for the fiscal year, if*
9 *applicable (as determined under subsection*
10 *(c)(2)); and*

11 “(C) *additional direct cost adjustments (as*
12 *determined under subsection (c)(3)).*

13 “(2) *SUBSEQUENT FISCAL YEARS.*—*For each of*
14 *the fiscal years 2022 through 2025, fees under sub-*
15 *section (a)(1) shall be established to generate a total*
16 *facility fee revenue amount equal to the sum of—*

17 “(A) *the annual base revenue for the fiscal*
18 *year (as determined under paragraph (3));*

19 “(B) *the dollar amount equal to the infla-*
20 *tion adjustment for the fiscal year (as deter-*
21 *mined under subsection (c)(1));*

22 “(C) *the dollar amount equal to the oper-*
23 *ating reserve adjustment for the fiscal year, if*
24 *applicable (as determined under subsection*
25 *(c)(2));*

1 “(D) additional direct cost adjustments (as
2 determined under subsection (c)(3)); and

3 “(E) additional dollar amounts for each fis-
4 cal year as follows:

5 “(i) \$7,000,000 for fiscal year 2022.

6 “(ii) \$6,000,000 for fiscal year 2023.

7 “(iii) \$7,000,000 for fiscal year 2024.

8 “(iv) \$3,000,000 for fiscal year 2025.

9 “(3) ANNUAL BASE REVENUE.—For purposes of
10 paragraphs (1)(A) and (2)(A), the dollar amount of
11 the annual base revenue for a fiscal year shall be—

12 “(A) for fiscal year 2021, \$8,000,000; and

13 “(B) for fiscal years 2022 through 2025, the
14 dollar amount of the total revenue amount estab-
15 lished under this subsection for the previous fis-
16 cal year, not including any adjustments made
17 under subsection (c)(2) or (c)(3).

18 “(c) ADJUSTMENTS; ANNUAL FEE SETTING.—

19 “(1) INFLATION ADJUSTMENT.—

20 “(A) IN GENERAL.—For purposes of sub-
21 section (b)(2)(B), the dollar amount of the infla-
22 tion adjustment to the annual base revenue for
23 fiscal year 2022 and each subsequent fiscal year
24 shall be equal to the product of—

1 “(i) such annual base revenue for the
2 fiscal year under subsection (b)(2); and

3 “(ii) the inflation adjustment percent-
4 age under subparagraph (C).

5 “(B) OTC MONOGRAPH ORDER REQUEST
6 FEES.—For purposes of subsection (a)(2), the
7 dollar amount of the inflation adjustment to the
8 fee for OTC monograph order requests for fiscal
9 year 2022 and each subsequent fiscal year shall
10 be equal to the product of—

11 “(i) the applicable fee under subsection
12 (a)(2) for the preceding fiscal year; and

13 “(ii) the inflation adjustment percent-
14 age under subparagraph (C).

15 “(C) INFLATION ADJUSTMENT PERCENT-
16 AGE.—The inflation adjustment percentage
17 under this subparagraph for a fiscal year is
18 equal to—

19 “(i) for each of fiscal years 2022 and
20 2023, the average annual percent change
21 that occurred in the Consumer Price Index
22 for urban consumers (Washington-Balti-
23 more, DC–MD–VA–WV; Not Seasonally Ad-
24 justed; All items; Annual Index) for the first

1 *3 years of the preceding 4 years of available*
2 *data; and*

3 “*(ii) for each of fiscal years 2024 and*
4 *2025, the sum of—*

5 “*(I) the average annual percent*
6 *change in the cost, per full-time equiv-*
7 *alent position of the Food and Drug*
8 *Administration, of all personnel com-*
9 *penetration and benefits paid with re-*
10 *spect to such positions for the first 3*
11 *years of the preceding 4 fiscal years,*
12 *multiplied by the proportion of per-*
13 *sonnel compensation and benefits costs*
14 *to total costs of OTC monograph drug*
15 *activities for the first 3 years of the*
16 *preceding 4 fiscal years; and*

17 “*(II) the average annual percent*
18 *change that occurred in the Consumer*
19 *Price Index for urban consumers*
20 *(Washington-Baltimore, DC–MD–VA–*
21 *WV; Not Seasonally Adjusted; All*
22 *items; Annual Index) for the first 3*
23 *years of the preceding 4 years of avail-*
24 *able data multiplied by the proportion*
25 *of all costs other than personnel com-*

1 *pensation and benefits costs to total*
2 *costs of OTC monograph drug activi-*
3 *ties for the first 3 years of the pre-*
4 *ceding 4 fiscal years.*

5 *“(2) OPERATING RESERVE ADJUSTMENT.—*

6 *“(A) IN GENERAL.—For fiscal year 2021*
7 *and subsequent fiscal years, for purposes of sub-*
8 *sections (b)(1)(B) and (b)(2)(C), the Secretary*
9 *may, in addition to adjustments under para-*
10 *graph (1), further increase the fee revenue and*
11 *fees if such an adjustment is necessary to provide*
12 *operating reserves of carryover user fees for OTC*
13 *monograph drug activities for not more than the*
14 *number of weeks specified in subparagraph (B).*

15 *“(B) NUMBER OF WEEKS.—The number of*
16 *weeks specified in this subparagraph is—*

17 *“(i) 3 weeks for fiscal year 2021;*

18 *“(ii) 7 weeks for fiscal year 2022;*

19 *“(iii) 10 weeks for fiscal year 2023;*

20 *“(iv) 10 weeks for fiscal year 2024;*

21 *and*

22 *“(v) 10 weeks for fiscal year 2025.*

23 *“(C) DECREASE.—If the Secretary has car-*
24 *ryover balances for such process in excess of 10*
25 *weeks of the operating reserves referred to in sub-*

1 *paragraph (A), the Secretary shall decrease the*
2 *fee revenue and fees referred to in such subpara-*
3 *graph to provide for not more than 10 weeks of*
4 *such operating reserves.*

5 “(D) *RATIONALE FOR ADJUSTMENT.*—*If an*
6 *adjustment under this paragraph is made, the*
7 *rationale for the amount of the increase or de-*
8 *crease (as applicable) in fee revenue and fees*
9 *shall be contained in the annual Federal Reg-*
10 *ister notice under paragraph (4) establishing fee*
11 *revenue and fees for the fiscal year involved.*

12 “(3) *ADDITIONAL DIRECT COST ADJUSTMENT.*—
13 *The Secretary shall, in addition to adjustments under*
14 *paragraphs (1) and (2), further increase the fee rev-*
15 *enue and fees for purposes of subsection (b)(2)(D) by*
16 *an amount equal to—*

17 “(A) *\$14,000,000 for fiscal year 2021;*

18 “(B) *\$7,000,000 for fiscal year 2022;*

19 “(C) *\$4,000,000 for fiscal year 2023;*

20 “(D) *\$3,000,000 for fiscal year 2024; and*

21 “(E) *\$3,000,000 for fiscal year 2025.*

22 “(4) *ANNUAL FEE SETTING.*—

23 “(A) *FISCAL YEAR 2021.*—*The Secretary*
24 *shall, not later than the second Monday in May*
25 *of 2020—*

1 “(i) establish OTC monograph drug fa-
2 cility fees for fiscal year 2021 under sub-
3 section (a), based on the revenue amount for
4 such year under subsection (b) and the ad-
5 justments provided under this subsection;
6 and

7 “(ii) publish fee revenue, facility fees,
8 and OTC monograph order requests in the
9 *Federal Register*.

10 “(B) *SUBSEQUENT FISCAL YEARS*.—The
11 Secretary shall, for each fiscal year that begins
12 after September 30, 2021, not later than the sec-
13 ond Monday in March that precedes such fiscal
14 year—

15 “(i) establish for such fiscal year, based
16 on the revenue amounts under subsection
17 (b) and the adjustments provided under this
18 subsection—

19 “(I) OTC monograph drug facil-
20 ity fees under subsection (a)(1); and

21 “(II) OTC monograph order re-
22 quest fees under subsection (a)(2); and

23 “(ii) publish such fee revenue amounts,
24 facility fees, and OTC monograph order re-
25 quest fees in the *Federal Register*.

1 “(d) *IDENTIFICATION OF FACILITIES.*—Each person
2 that owns an OTC monograph drug facility shall submit
3 to the Secretary the information required under this sub-
4 section each year. Such information shall, for each fiscal
5 year—

6 “(1) be submitted as part of the requirements for
7 drug establishment registration set forth in section
8 510; and

9 “(2) include for each such facility, at a min-
10 imum, identification of the facility’s business oper-
11 ation as that of an OTC monograph drug facility.

12 “(e) *EFFECT OF FAILURE TO PAY FEES.*—

13 “(1) *OTC MONOGRAPH DRUG FACILITY FEE.*—

14 “(A) *IN GENERAL.*—Failure to pay the fee
15 under subsection (a)(1) within 20 calendar days
16 of the due date as specified in subparagraph (D)
17 of such subsection shall result in the following:

18 “(i) The Secretary shall place the facil-
19 ity on a publicly available arrears list.

20 “(ii) All OTC monograph drugs manu-
21 factured in such a facility or containing an
22 ingredient manufactured in such a facility
23 shall be deemed misbranded under section
24 502(ff).

1 “(B) *APPLICATION OF PENALTIES.*—The
2 penalties under this paragraph shall apply until
3 the fee established by subsection (a)(1) is paid.

4 “(2) *ORDER REQUESTS.*—An OTC monograph
5 order request submitted by a person subject to fees
6 under subsection (a) shall be considered incomplete
7 and shall not be accepted for filing by the Secretary
8 until all fees owed by such person under this section
9 have been paid.

10 “(3) *MEETINGS.*—A person subject to fees under
11 this section shall be considered ineligible for OTC
12 monograph drug meetings until all such fees owed by
13 such person have been paid.

14 “(f) *CREDITING AND AVAILABILITY OF FEES.*—

15 “(1) *IN GENERAL.*—Fees authorized under sub-
16 section (a) shall be collected and available for obliga-
17 tion only to the extent and in the amount provided
18 in advance in appropriations Acts. Such fees are au-
19 thorized to remain available until expended. Such
20 sums as may be necessary may be transferred from
21 the Food and Drug Administration salaries and ex-
22 penses appropriation account without fiscal year lim-
23 itation to such appropriation account for salaries and
24 expenses with such fiscal year limitation. The sums

1 *transferred shall be available solely for OTC mono-*
2 *graph drug activities.*

3 “(2) *COLLECTIONS AND APPROPRIATION ACTS.—*

4 “(A) *IN GENERAL.—Subject to subpara-*
5 *graph (C), the fees authorized by this section*
6 *shall be collected and available in each fiscal*
7 *year in an amount not to exceed the amount*
8 *specified in appropriation Acts, or otherwise*
9 *made available for obligation, for such fiscal*
10 *year.*

11 “(B) *USE OF FEES AND LIMITATION.—The*
12 *fees authorized by this section shall be available*
13 *to defray increases in the costs of the resources*
14 *allocated for OTC monograph drug activities*
15 *(including increases in such costs for an addi-*
16 *tional number of full-time equivalent positions*
17 *in the Department of Health and Human Serv-*
18 *ices to be engaged in such activities), only if the*
19 *Secretary allocates for such purpose an amount*
20 *for such fiscal year (excluding amounts from fees*
21 *collected under this section) no less than*
22 *\$12,000,000, multiplied by the adjustment factor*
23 *applicable to the fiscal year involved under sub-*
24 *section (c)(1).*

1 “(C) COMPLIANCE.—The Secretary shall be
2 considered to have met the requirements of sub-
3 paragraph (B) in any fiscal year if the costs
4 funded by appropriations and allocated for OTC
5 monograph drug activities are not more than 15
6 percent below the level specified in such subpara-
7 graph.

8 “(D) PROVISION FOR EARLY PAYMENTS IN
9 SUBSEQUENT YEARS.—Payment of fees author-
10 ized under this section for a fiscal year (after fis-
11 cal year 2021), prior to the due date for such
12 fees, may be accepted by the Secretary in accord-
13 ance with authority provided in advance in a
14 prior year appropriations Act.

15 “(3) AUTHORIZATION OF APPROPRIATIONS.—For
16 each of the fiscal years 2021 through 2025, there is
17 authorized to be appropriated for fees under this sec-
18 tion an amount equal to the total amount of fees as-
19 sessed for such fiscal year under this section.

20 “(g) COLLECTION OF UNPAID FEES.—In any case
21 where the Secretary does not receive payment of a fee as-
22 sessed under subsection (a) within 30 calendar days after
23 it is due, such fee shall be treated as a claim of the United
24 States Government subject to subchapter II of chapter 37
25 of title 31, United States Code.

1 “(h) *CONSTRUCTION.*—*This section may not be con-*
 2 *strued to require that the number of full-time equivalent*
 3 *positions in the Department of Health and Human Serv-*
 4 *ices, for officers, employers, and advisory committees not*
 5 *engaged in OTC monograph drug activities, be reduced to*
 6 *offset the number of officers, employees, and advisory com-*
 7 *mittees so engaged.*

8 “**SEC. 744N. REAUTHORIZATION; REPORTING REQUIRE-**
 9 **MENTS.**

10 “(a) *PERFORMANCE REPORT.*—*Beginning with fiscal*
 11 *year 2021, and not later than 120 calendar days after the*
 12 *end of each fiscal year thereafter for which fees are collected*
 13 *under this part, the Secretary shall prepare and submit to*
 14 *the Committee on Energy and Commerce of the House of*
 15 *Representatives and the Committee on Health, Education,*
 16 *Labor, and Pensions of the Senate a report concerning the*
 17 *progress of the Food and Drug Administration in achieving*
 18 *the goals identified in the letters described in section*
 19 *3861(b) of the CARES Act during such fiscal year and the*
 20 *future plans of the Food and Drug Administration for meet-*
 21 *ing such goals.*

22 “(b) *FISCAL REPORT.*—*Not later than 120 calendar*
 23 *days after the end of fiscal year 2021 and each subsequent*
 24 *fiscal year for which fees are collected under this part, the*
 25 *Secretary shall prepare and submit to the Committee on*

1 *Energy and Commerce of the House of Representatives and*
2 *the Committee on Health, Education, Labor, and Pensions*
3 *of the Senate a report on the implementation of the author-*
4 *ity for such fees during such fiscal year and the use, by*
5 *the Food and Drug Administration, of the fees collected for*
6 *such fiscal year.*

7 “(c) *PUBLIC AVAILABILITY.*—*The Secretary shall make*
8 *the reports required under subsections (a) and (b) available*
9 *to the public on the internet website of the Food and Drug*
10 *Administration.*

11 “(d) *REAUTHORIZATION.*—

12 “(1) *CONSULTATION.*—*In developing rec-*
13 *ommendations to present to the Congress with respect*
14 *to the goals described in subsection (a), and plans for*
15 *meeting the goals, for OTC monograph drug activities*
16 *for the first 5 fiscal years after fiscal year 2025, and*
17 *for the reauthorization of this part for such fiscal*
18 *years, the Secretary shall consult with—*

19 “(A) *the Committee on Energy and Com-*
20 *merce of the House of Representatives;*

21 “(B) *the Committee on Health, Education,*
22 *Labor, and Pensions of the Senate;*

23 “(C) *scientific and academic experts;*

24 “(D) *health care professionals;*

1 “(E) representatives of patient and con-
2 sumer advocacy groups; and

3 “(F) the regulated industry.

4 “(2) PUBLIC REVIEW OF RECOMMENDATIONS.—
5 After negotiations with the regulated industry, the
6 Secretary shall—

7 “(A) present the recommendations developed
8 under paragraph (1) to the congressional com-
9 mittees specified in such paragraph;

10 “(B) publish such recommendations in the
11 Federal Register;

12 “(C) provide for a period of 30 calendar
13 days for the public to provide written comments
14 on such recommendations;

15 “(D) hold a meeting at which the public
16 may present its views on such recommendations;
17 and

18 “(E) after consideration of such public
19 views and comments, revise such recommenda-
20 tions as necessary.

21 “(3) TRANSMITTAL OF RECOMMENDATIONS.—Not
22 later than January 15, 2025, the Secretary shall
23 transmit to the Congress the revised recommendations
24 under paragraph (2), a summary of the views and
25 comments received under such paragraph, and any

1 *changes made to the recommendations in response to*
2 *such views and comments.”.*

3 ***TITLE IV—ECONOMIC STABILIZA-***
4 ***TION AND ASSISTANCE TO SE-***
5 ***VERELY DISTRESSED SEC-***
6 ***TORS OF THE UNITED STATES***
7 ***ECONOMY***

8 ***Subtitle A—Coronavirus Economic***
9 ***Stabilization Act of 2020***

10 ***SEC. 4001. SHORT TITLE.***

11 *This subtitle may be cited as the “Coronavirus Eco-*
12 *nomics Stabilization Act of 2020”.*

13 ***SEC. 4002. DEFINITIONS.***

14 *In this subtitle:*

15 (1) *AIR CARRIER.*—*The term “air carrier” has*
16 *the meaning such term has under section 40102 of*
17 *title 49, United States Code.*

18 (2) *CORONAVIRUS.*—*The term “coronavirus”*
19 *means SARS-CoV-2 or another coronavirus with*
20 *pandemic potential.*

21 (3) *COVERED LOSS.*—*The term “covered loss” in-*
22 *cludes losses incurred directly or indirectly as a result*
23 *of coronavirus, as determined by the Secretary.*

24 (4) *ELIGIBLE BUSINESS.*—*The term “eligible*
25 *business” means—*

1 (A) *an air carrier; or*

2 (B) *a United States business that has not*
3 *otherwise received adequate economic relief in the*
4 *form of loans or loan guarantees provided under*
5 *this Act.*

6 (5) *EMPLOYEE.*—*Except where the context other-*
7 *wise requires, the term “employee”—*

8 (A) *has the meaning given the term in sec-*
9 *tion 2 of the National Labor Relations Act (29*
10 *U.S.C. 152); and*

11 (B) *includes any individual employed by*
12 *an employer subject to the Railway Labor Act*
13 *(45 U.S.C. 151 et seq.).*

14 (6) *EQUITY SECURITY; EXCHANGE.*—*The terms*
15 *“equity security” and “exchange” have the meanings*
16 *given the terms in section 3(a) of the Securities Ex-*
17 *change Act of 1934 (15 U.S.C. 78c(a)).*

18 (7) *MUNICIPALITY.*—*The term “municipality”*
19 *includes—*

20 (A) *a political subdivision of a State, and*

21 (B) *an instrumentality of a municipality, a*
22 *State, or a political subdivision of a State.*

23 (8) *NATIONAL SECURITIES EXCHANGE.*—*The*
24 *term “national securities exchange” means an ex-*
25 *change registered as a national securities exchange*

1 *under section 6 of the Securities Exchange Act of*
2 *1934 (15 U.S.C. 78f).*

3 (9) *SECRETARY.*—*The term “Secretary” means*
4 *the Secretary of the Treasury, or the designee of the*
5 *Secretary of the Treasury.*

6 (10) *STATE.*—*The term “State” means—*

7 (A) *any of the several States;*

8 (B) *the District of Columbia;*

9 (C) *any of the territories and possessions of*
10 *the United States;*

11 (D) *any bi-State or multi-State entity; and*

12 (E) *any Indian Tribe.*

13 **SEC. 4003. EMERGENCY RELIEF AND TAXPAYER PROTEC-**
14 **TIONS.**

15 (a) *IN GENERAL.*—*Notwithstanding any other provi-*
16 *sion of law, to provide liquidity to eligible businesses,*
17 *States, and municipalities related to losses incurred as a*
18 *result of coronavirus, the Secretary is authorized to make*
19 *loans, loan guarantees, and other investments in support*
20 *of eligible businesses, States, and municipalities that do not,*
21 *in the aggregate, exceed \$500,000,000,000 and provide the*
22 *subsidy amounts necessary for such loans, loan guarantees,*
23 *and other investments in accordance with the provisions of*
24 *the Federal Credit Reform Act of 1990 (2 U.S.C. 661 et*
25 *seq.).*

1 (b) *LOANS, LOAN GUARANTEES, AND OTHER INVEST-*
2 *MENTS.—Loans, loan guarantees, and other investments*
3 *made pursuant to subsection (a) shall be made available*
4 *as follows:*

5 (1) *Not more than \$25,000,000,000 shall be*
6 *available to make loans and loan guarantees for pas-*
7 *senger air carriers, eligible businesses that are cer-*
8 *tified under part 145 of title 14, Code of Federal Reg-*
9 *ulations, and approved to perform inspection, repair,*
10 *replace, or overhaul services, and ticket agents (as de-*
11 *finied in section 40102 of title 49, United States*
12 *Code).*

13 (2) *Not more than \$4,000,000,000 shall be avail-*
14 *able to make loans and loan guarantees for cargo air*
15 *carriers.*

16 (3) *Not more than \$17,000,000,000 shall be*
17 *available to make loans and loan guarantees for busi-*
18 *nesses critical to maintaining national security.*

19 (4) *Not more than the sum of \$454,000,000,000*
20 *and any amounts available under paragraphs (1),*
21 *(2), and (3) that are not used as provided under those*
22 *paragraphs shall be available to make loans and loan*
23 *guarantees to, and other investments in, programs or*
24 *facilities established by the Board of Governors of the*
25 *Federal Reserve System for the purpose of providing*

1 *liquidity to the financial system that supports lend-*
2 *ing to eligible businesses, States, or municipalities*
3 *by—*

4 *(A) purchasing obligations or other interests*
5 *directly from issuers of such obligations or other*
6 *interests;*

7 *(B) purchasing obligations or other interests*
8 *in secondary markets or otherwise; or*

9 *(C) making loans, including loans or other*
10 *advances secured by collateral.*

11 *(c) TERMS AND CONDITIONS.—*

12 *(1) IN GENERAL.—*

13 *(A) FORMS; TERMS AND CONDITIONS.—A*
14 *loan, loan guarantee, or other investment by the*
15 *Secretary shall be made under this section in*
16 *such form and on such terms and conditions and*
17 *contain such covenants, representations, warran-*
18 *ties, and requirements (including requirements*
19 *for audits) as the Secretary determines appro-*
20 *priate. Any loans made by the Secretary under*
21 *this section shall be at a rate determined by the*
22 *Secretary based on the risk and the current aver-*
23 *age yield on outstanding marketable obligations*
24 *of the United States of comparable maturity.*

1 (B) *PROCEDURES*.—As soon as practicable,
2 but in no case later than 10 days after the date
3 of enactment of this Act, the Secretary shall pub-
4 lish procedures for application and minimum re-
5 quirements, which may be supplemented by the
6 Secretary in the Secretary’s discretion, for mak-
7 ing loans, loan guarantees, or other investments
8 under paragraphs (1), (2) and (3) of subsection
9 (b) .

10 (2) *LOANS AND LOAN GUARANTEES* .—The Sec-
11 retary may enter into agreements to make loans or
12 loan guarantees to 1 or more eligible businesses under
13 paragraphs (1), (2) and (3) of subsection (b) if the
14 Secretary determines that, in the Secretary’s discre-
15 tion—

16 (A) *the applicant is an eligible business for*
17 *which credit is not reasonably available at the*
18 *time of the transaction;*

19 (B) *the intended obligation by the applicant*
20 *is prudently incurred;*

21 (C) *the loan or loan guarantee is suffi-*
22 *ciently secured or is made at a rate that—*

23 (i) *reflects the risk of the loan or loan*
24 *guarantee; and*

1 (ii) is to the extent practicable, not less
2 than an interest rate based on market con-
3 ditions for comparable obligations prevalent
4 prior to the outbreak of the coronavirus dis-
5 ease 2019 (COVID-19);

6 (D) the duration of the loan or loan guar-
7 antee is as short as practicable and in any case
8 not longer than 5 years;

9 (E) the agreement provides that, until the
10 date 12 months after the date the loan or loan
11 guarantee is no longer outstanding, neither the
12 eligible business nor any affiliate of the eligible
13 business may purchase an equity security that is
14 listed on a national securities exchange of the eli-
15 gible business or any parent company of the eli-
16 gible business, except to the extent required under
17 a contractual obligation in effect as of the date
18 of enactment of this Act;

19 (F) the agreement provides that, until the
20 date 12 months after the date the loan or loan
21 guarantee is no longer outstanding, the eligible
22 business shall not pay dividends or make other
23 capital distributions with respect to the common
24 stock of the eligible business;

1 (G) the agreement provides that, until Sep-
2 tember 30, 2020, the eligible business shall main-
3 tain its employment levels as of March 24, 2020,
4 to the extent practicable, and in any case shall
5 not reduce its employment levels by more than
6 10 percent from the levels on such date;

7 (H) the agreement includes a certification
8 by the eligible business that it is created or orga-
9 nized in the United States or under the laws of
10 the United States and has significant operations
11 in and a majority of its employees based in the
12 United States; and

13 (I) for purposes of a loan or loan guarantee
14 under paragraphs (1), (2), and (3) of subsection
15 (b), the eligible business must have incurred or
16 is expected to incur covered losses such that the
17 continued operations of the business are jeopard-
18 ized, as determined by the Secretary.

19 (3) *FEDERAL RESERVE PROGRAMS OR FACILI-*
20 *TIES.*—

21 (A) *TERMS AND CONDITIONS.*—

22 (i) *DEFINITION.*—*In this paragraph,*
23 *the term “direct loan” means a loan under*
24 *a bilateral loan agreement that is —*

1 (I) entered into directly with an
2 eligible business as borrower; and

3 (II) not part of a syndicated loan,
4 a loan originated by a financial insti-
5 tution in the ordinary course of busi-
6 ness, or a securities or capital markets
7 transaction.

8 (ii) *RESTRICTIONS.*—The Secretary
9 may make a loan, loan guarantee, or other
10 investment under subsection (b)(4) as part
11 of a program or facility that provides direct
12 loans only if the applicable eligible busi-
13 nesses agree—

14 (I) until the date 12 months after
15 the date on which the direct loan is no
16 longer outstanding, not to repurchase
17 an equity security that is listed on a
18 national securities exchange of the eli-
19 gible business or any parent company
20 of the eligible business while the direct
21 loan is outstanding, except to the ex-
22 tent required under a contractual obli-
23 gation that is in effect as of the date
24 of enactment of this Act;

1 (II) until the date 12 months after
2 the date on which the direct loan is no
3 longer outstanding, not to pay divi-
4 dends or make other capital distribu-
5 tions with respect to the common stock
6 of the eligible business; and

7 (III) to comply with the limita-
8 tions on compensation set forth in sec-
9 tion 4004.

10 (iii) *WAIVER.*—The Secretary may
11 waive the requirement under clause (ii)
12 with respect to any program or facility
13 upon a determination that such waiver is
14 necessary to protect the interests of the Fed-
15 eral Government. If the Secretary exercises
16 a waiver under this clause, the Secretary
17 shall make himself available to testify before
18 the Committee on Banking, Housing, and
19 Urban Affairs of the Senate and the Com-
20 mittee on Financial Services of the House of
21 Representatives regarding the reasons for
22 the waiver.

23 (B) *FEDERAL RESERVE ACT TAXPAYER PRO-*
24 *TECTIONS AND OTHER REQUIREMENTS APPLY.*—
25 For the avoidance of doubt, any applicable re-

1 *quirements under section 13(3) of the Federal*
2 *Reserve Act (12 U.S.C. 343(3)), including re-*
3 *quirements relating to loan collateralization, tax-*
4 *payer protection, and borrower solvency, shall*
5 *apply with respect to any program or facility*
6 *described in subsection (b)(4).*

7 *(C) UNITED STATES BUSINESSES.—A pro-*
8 *gram or facility in which the Secretary makes a*
9 *loan, loan guarantee, or other investment under*
10 *subsection (b)(4) shall only purchase obligations*
11 *or other interests (other than securities that are*
12 *based on an index or that are based on a diversi-*
13 *fied pool of securities) from, or make loans or*
14 *other advances to, businesses that are created or*
15 *organized in the United States or under the laws*
16 *of the United States and that have significant*
17 *operations in and a majority of its employees*
18 *based in the United States.*

19 *(D) ASSISTANCE FOR MID-SIZED BUSI-*
20 *NESSES.—*

21 *(i) IN GENERAL.—Without limiting the*
22 *terms and conditions of the programs and*
23 *facilities that the Secretary may otherwise*
24 *provide financial assistance to under sub-*
25 *section (b)(4), the Secretary shall endeavor*

1 to seek the implementation of a program or
2 facility described in subsection (b)(4) that
3 provides financing to banks and other lend-
4 ers that make direct loans to eligible busi-
5 nesses including, to the extent practicable,
6 nonprofit organizations, with between 500
7 and 10,000 employees, with such direct
8 loans being subject to an annualized interest
9 rate that is not higher than 2 percent per
10 annum. For the first 6 months after any
11 such direct loan is made, or for such longer
12 period as the Secretary may determine in
13 his discretion, no principal or interest shall
14 be due and payable. Any eligible borrower
15 applying for a direct loan under this pro-
16 gram shall make a good-faith certification
17 that—

18 (I) the uncertainty of economic
19 conditions as of the date of the appli-
20 cation makes necessary the loan request
21 to support the ongoing operations of
22 the recipient;

23 (II) the funds it receives will be
24 used to retain at least 90 percent of the
25 recipient's workforce, at full compensa-

1 *tion and benefits, until September 30,*
2 *2020;*

3 *(III) the recipient intends to re-*
4 *store not less than 90 percent of the*
5 *workforce of the recipient that existed*
6 *as of February 1, 2020, and to restore*
7 *all compensation and benefits to the*
8 *workers of the recipient no later than*
9 *4 months after the termination date of*
10 *the public health emergency declared*
11 *by the Secretary of Health and Human*
12 *Services on January 31, 2020, under*
13 *section 319 of the Public Health Serv-*
14 *ices Act (42 U.S.C. 247d) in response*
15 *to COVID–19;*

16 *(IV) the recipient is an entity or*
17 *business that is domiciled in the*
18 *United States with significant oper-*
19 *ations and employees located in the*
20 *United States;*

21 *(V) the recipient is not a debtor*
22 *in a bankruptcy proceeding;*

23 *(VI) the recipient is created or or-*
24 *ganized in the United States or under*
25 *the laws of the United States and has*

1 *significant operations in and a major-*
2 *ity of its employees based in the*
3 *United States;*

4 *(VII) the recipient will not pay*
5 *dividends with respect to the common*
6 *stock of the eligible business, or repur-*
7 *chase an equity security that is listed*
8 *on a national securities exchange of the*
9 *recipient or any parent company of*
10 *the recipient while the direct loan is*
11 *outstanding, except to the extent re-*
12 *quired under a contractual obligation*
13 *that is in effect as of the date of enact-*
14 *ment of this Act;*

15 *(VIII) the recipient will not*
16 *outsource or offshore jobs for the term*
17 *of the loan and 2 years after com-*
18 *pleting repayment of the loan;*

19 *(IX) the recipient will not abro-*
20 *gate existing collective bargaining*
21 *agreements for the term of the loan and*
22 *2 years after completing repayment of*
23 *the loan; and*

1 (X) that the recipient will remain
2 neutral in any union organizing effort
3 for the term of the loan.

4 (ii) MAIN STREET LENDING PRO-
5 GRAM.—Nothing in this subparagraph shall
6 limit the discretion of the Board of Gov-
7 ernors of the Federal Reserve System to es-
8 tablish a Main Street Lending Program or
9 other similar program or facility that sup-
10 ports lending to small and mid-sized busi-
11 nesses on such terms and conditions as the
12 Board may set consistent with section 13(3)
13 of the Federal Reserve Act (12 U.S.C.
14 343(3)), including any such program in
15 which the Secretary makes a loan, loan
16 guarantee, or other investment under sub-
17 section (b)(4).

18 (E) GOVERNMENT PARTICIPANTS.—The Sec-
19 retary shall endeavor to seek the implementation
20 of a program or facility in accordance with sub-
21 section (b)(4) that provides liquidity to the fi-
22 nancial system that supports lending to States
23 and municipalities.

24 (d) FINANCIAL PROTECTION OF GOVERNMENT.—

1 (1) *WARRANT OR SENIOR DEBT INSTRUMENT.*—

2 *The Secretary may not issue a loan to, or a loan*
3 *guarantee for, an eligible business under paragraph*
4 *(1), (2), or (3) of subsection (b) unless—*

5 (A)(i) *the eligible business has issued securi-*
6 *ties that are traded on a national securities ex-*
7 *change; and*

8 (ii) *the Secretary receives a warrant or eq-*
9 *uity interest in the eligible business; or*

10 (B) *in the case of any eligible business other*
11 *than an eligible business described in subpara-*
12 *graph (A), the Secretary receives, in the discre-*
13 *tion of the Secretary—*

14 (i) *a warrant or equity interest in the*
15 *eligible business; or*

16 (ii) *a senior debt instrument issued by*
17 *the eligible business.*

18 (2) *TERMS AND CONDITIONS.*—*The terms and*
19 *conditions of any warrant, equity interest, or senior*
20 *debt instrument received under paragraph (1) shall be*
21 *set by the Secretary and shall meet the following re-*
22 *quirements:*

23 (A) *PURPOSES.*—*Such terms and conditions*
24 *shall be designed to provide for a reasonable par-*
25 *ticipation by the Secretary, for the benefit of tax-*

1 *payers, in equity appreciation in the case of a*
2 *warrant or other equity interest, or a reasonable*
3 *interest rate premium, in the case of a debt in-*
4 *strument.*

5 (B) *AUTHORITY TO SELL, EXERCISE, OR*
6 *SURRENDER.—For the primary benefit of tax-*
7 *payers, the Secretary may sell, exercise, or sur-*
8 *render a warrant or any senior debt instrument*
9 *received under this subsection. The Secretary*
10 *shall not exercise voting power with respect to*
11 *any shares of common stock acquired under this*
12 *section.*

13 (C) *SUFFICIENCY.—If the Secretary deter-*
14 *mines that the eligible business cannot feasibly*
15 *issue warrants or other equity interests as re-*
16 *quired by this subsection, the Secretary may ac-*
17 *cept a senior debt instrument in an amount and*
18 *on such terms as the Secretary deems appro-*
19 *priate.*

20 (3) *PROHIBITION ON LOAN FORGIVENESS.—The*
21 *principal amount of any obligation issued by an eli-*
22 *gible business, State, or municipality under a pro-*
23 *gram described in subsection (b) shall not be reduced*
24 *through loan forgiveness.*

1 (e) *DEPOSIT OF PROCEEDS.*—Amounts collected under
2 subsection (b) shall be deposited in the following order of
3 priority:

4 (1) *Into the financing accounts established under*
5 *section 505 of the Federal Credit Reform Act of 1990*
6 *(2 U.S.C. 661d) to implement this subtitle, up to an*
7 *amount equal to the sum of—*

8 (A) *the amount transferred from the appro-*
9 *priation made under section 4027 to the financ-*
10 *ing accounts; and*

11 (B) *the amount necessary to repay any*
12 *amount lent from the Treasury to such financing*
13 *accounts.*

14 (2) *After the deposits specified in paragraph (1)*
15 *of this subsection have been made, into the Federal*
16 *Old-Age and Survivors Insurance Trust Fund estab-*
17 *lished under section 201(a) of the Social Security Act*
18 *(42 U.S.C. 401).*

19 (f) *ADMINISTRATIVE PROVISIONS.*—Notwithstanding
20 any other provision of law, the Secretary may use not great-
21 er than \$100,000,000 of the funds made available under sec-
22 tion 4027 to pay costs and administrative expenses associ-
23 ated with the loans, loan guarantees, and other investments
24 authorized under this section. The Secretary is authorized
25 to take such actions as the Secretary deems necessary to

1 *carry out the authorities in this subtitle, including, without*
2 *limitation—*

3 (1) *using direct hiring authority to hire employ-*
4 *ees to administer this subtitle;*

5 (2) *entering into contracts, including contracts*
6 *for services authorized by this subtitle;*

7 (3) *establishing vehicles that are authorized, sub-*
8 *ject to supervision by the Secretary, to purchase, hold,*
9 *and sell assets and issue obligations; and*

10 (4) *issuing such regulations and other guidance*
11 *as may be necessary or appropriate to carry out the*
12 *authorities or purposes of this subtitle.*

13 (g) *FINANCIAL AGENTS.—The Secretary is authorized*
14 *to designate financial institutions, including but not lim-*
15 *ited to, depositories, brokers, dealers, and other institutions,*
16 *as financial agents of the United States. Such institutions*
17 *shall—*

18 (1) *perform all reasonable duties the Secretary*
19 *determines necessary to respond to the coronavirus;*
20 *and*

21 (2) *be paid for such duties using appropriations*
22 *available to the Secretary to reimburse financial in-*
23 *stitutions in their capacity as financial agents of the*
24 *United States.*

1 (h) *LOANS MADE BY OR GUARANTEED BY THE DE-*
2 *PARTMENT OF THE TREASURY TREATED AS INDEBTEDNESS*
3 *FOR TAX PURPOSES.—*

4 (1) *IN GENERAL.—Any loan made by or guaran-*
5 *teed by the Department of the Treasury under this*
6 *section shall be treated as indebtedness for purposes of*
7 *the Internal Revenue Code of 1986, shall be treated as*
8 *issued for its stated principal amount, and stated in-*
9 *terest on such loans shall be treated as qualified stat-*
10 *ed interest.*

11 (2) *REGULATIONS OR GUIDANCE.—The Secretary*
12 *of the Treasury (or the Secretary's delegate) shall pre-*
13 *scribe such regulations or guidance as may be nec-*
14 *essary or appropriate to carry out the purposes of*
15 *this section, including guidance providing that the*
16 *acquisition of warrants, stock options, common or*
17 *preferred stock or other equity under this section does*
18 *not result in an ownership change for purposes of sec-*
19 *tion 382 of the Internal Revenue Code of 1986.*

20 **SEC. 4004. LIMITATION ON CERTAIN EMPLOYEE COMPENSA-**
21 **TION.**

22 (a) *IN GENERAL.—The Secretary may only enter into*
23 *an agreement with an eligible business to make a loan or*
24 *loan guarantee under paragraph (1), (2) or (3) of section*
25 *4003(b) if such agreement provides that, during the period*

1 *beginning on the date on which the agreement is executed*
2 *and ending on the date that is 1 year after the date on*
3 *which the loan or loan guarantee is no longer out-*
4 *standing—*

5 *(1) no officer or employee of the eligible business*
6 *whose total compensation exceeded \$425,000 in cal-*
7 *endar year 2019 (other than an employee whose com-*
8 *penetration is determined through an existing collective*
9 *bargaining agreement entered into prior to March 1,*
10 *2020)—*

11 *(A) will receive from the eligible business*
12 *total compensation which exceeds, during any 12*
13 *consecutive months of such period, the total com-*
14 *penetration received by the officer or employee*
15 *from the eligible business in calendar year 2019;*
16 *or*

17 *(B) will receive from the eligible business*
18 *severance pay or other benefits upon termination*
19 *of employment with the eligible business which*
20 *exceeds twice the maximum total compensation*
21 *received by the officer or employee from the eligi-*
22 *ble business in calendar year 2019; and*

23 *(2) no officer or employee of the eligible business*
24 *whose total compensation exceeded \$3,000,000 in cal-*
25 *endar year 2019 may receive during any 12 consec-*

1 *tive months of such period total compensation in ex-*
2 *cess of the sum of—*

3 *(A) \$3,000,000; and*

4 *(B) 50 percent of the excess over \$3,000,000*
5 *of the total compensation received by the officer*
6 *or employee from the eligible business in cal-*
7 *endar year 2019.*

8 *(b) TOTAL COMPENSATION DEFINED.—In this section,*
9 *the term “total compensation” includes salary, bonuses,*
10 *awards of stock, and other financial benefits provided by*
11 *an eligible business to an officer or employee of the eligible*
12 *business.*

13 **SEC. 4005. CONTINUATION OF CERTAIN AIR SERVICE.**

14 *The Secretary of Transportation is authorized to re-*
15 *quire, to the extent reasonable and practicable, an air car-*
16 *rier receiving loans and loan guarantees under section 4003*
17 *to maintain scheduled air transportation service as the Sec-*
18 *retary of Transportation deems necessary to ensure services*
19 *to any point served by that carrier before March 1, 2020.*
20 *When considering whether to exercise the authority granted*
21 *by this section, the Secretary of Transportation shall take*
22 *into consideration the air transportation needs of small and*
23 *remote communities and the need to maintain well-func-*
24 *tioning health care and pharmaceutical supply chains, in-*
25 *cluding for medical devices and supplies. The authority*

1 *under this section, including any requirement issued by the*
2 *Secretary under this section, shall terminate on March 1,*
3 *2022.*

4 **SEC. 4006. COORDINATION WITH SECRETARY OF TRANS-**
5 **PORTATION.**

6 *In implementing this subtitle with respect to air car-*
7 *riers, the Secretary shall coordinate with the Secretary of*
8 *Transportation.*

9 **SEC. 4007. SUSPENSION OF CERTAIN AVIATION EXCISE**
10 **TAXES.**

11 *(a) TRANSPORTATION BY AIR.—In the case of any*
12 *amount paid for transportation by air (including any*
13 *amount treated as paid for transportation by air by reason*
14 *of section 4261(e)(3) of the Internal Revenue Code of 1986)*
15 *during the excise tax holiday period, no tax shall be im-*
16 *posed under section 4261 or 4271 of such Code. The pre-*
17 *ceding sentence shall not apply to amounts paid on or be-*
18 *fore the date of the enactment of this Act.*

19 *(b) USE OF KEROSENE IN COMMERCIAL AVIATION.—*
20 *In the case of kerosene used in commercial aviation (as de-*
21 *finied in section 4083 of the Internal Revenue Code of 1986)*
22 *during the excise tax holiday period—*

23 *(1) no tax shall be imposed on such kerosene*
24 *under—*

1 (A) section 4041(c) of the Internal Revenue
2 Code of 1986, or

3 (B) section 4081 of such Code (other than at
4 the rate provided in subsection (a)(2)(B) there-
5 of), and

6 (2) section 6427(l) of such Code shall be ap-
7 plied—

8 (A) by treating such use as a nontaxable
9 use, and

10 (B) without regard to paragraph (4)(A)(ii)
11 thereof.

12 (c) *EXCISE TAX HOLIDAY PERIOD.*—For purposes of
13 this section, the term “excise tax holiday period” means the
14 period beginning after the date of the enactment of this sec-
15 tion and ending before January 1, 2021.

16 **SEC. 4008. DEBT GUARANTEE AUTHORITY.**

17 (a) Section 1105 of the Dodd-Frank Wall Street Re-
18 form and Consumer Protection Act (12 U.S.C. 5612) is
19 amended—

20 (1) in subsection (f)—

21 (A) by inserting “in noninterest-bearing
22 transaction accounts” after “institutions”; and

23 (B) by striking “shall not” and inserting
24 “may”; and

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

1 “(h) *APPROVAL OF GUARANTEE PROGRAM DURING*
2 *THE COVID-19 CRISIS.*—

3 “(1) *IN GENERAL.*—*For purposes of the congres-*
4 *sional joint resolution of approval provided for in*
5 *subsections (c)(1) and (2) and (d), notwithstanding*
6 *any other provision of this section, the Federal De-*
7 *posit Insurance Corporation is approved upon enact-*
8 *ment of this Act to establish a program provided for*
9 *in subsection (a), provided that any such program*
10 *and any such guarantee shall terminate not later*
11 *than December 31, 2020.*

12 “(2) *MAXIMUM AMOUNT.*—*Any debt guarantee*
13 *program authorized by this subsection shall include a*
14 *maximum amount of outstanding debt that is guar-*
15 *anteed.”.*

16 “(b) *FEDERAL CREDIT UNION TRANSACTION ACCOUNT*
17 *GUARANTEES.*—*Notwithstanding any other provision of*
18 *law and in coordination with the Federal Deposit Insur-*
19 *ance Corporation, the National Credit Union Administra-*
20 *tion Board may by a vote of the Board increase to unlim-*
21 *ited, or such lower amount as the Board approves, the share*
22 *insurance coverage provided by the National Credit Union*
23 *Share Insurance Fund on any noninterest-bearing trans-*
24 *action account in any federally insured credit union with-*

1 *out exception, provided that any such increase shall termi-*
2 *nate not later than December 31, 2020.*

3 **SEC. 4009. TEMPORARY GOVERNMENT IN THE SUNSHINE**
4 **ACT RELIEF.**

5 (a) *IN GENERAL.*—*Except as provided in subsection*
6 *(b), notwithstanding any other provision of law, if the*
7 *Chairman of the Board of Governors of the Federal Reserve*
8 *System determines, in writing, that unusual and exigent*
9 *circumstances exist, the Board may conduct meetings with-*
10 *out regard to the requirements of section 552b of title 5,*
11 *United States Code, during the period beginning on the date*
12 *of enactment of this Act and ending on the earlier of—*

13 (1) *the date on which the national emergency*
14 *concerning the novel coronavirus disease (COVID–19)*
15 *outbreak declared by the President on March 13, 2020*
16 *under the National Emergencies Act (50 U.S.C. 1601*
17 *et seq.) terminates; or*

18 (2) *December 31, 2020.*

19 (b) *RECORDS.*—*The Board of Governors of the Federal*
20 *Reserve System shall keep a record of all Board votes and*
21 *the reasons for such votes during the period described in*
22 *subsection (a).*

1 **SEC. 4010. TEMPORARY HIRING FLEXIBILITY.**

2 (a) *DEFINITION.*—*In this section, the term “covered*
 3 *period” means the period beginning on the date of enact-*
 4 *ment of this Act and ending on the sooner of—*

5 (1) *the termination date of the national emer-*
 6 *gency concerning the novel coronavirus disease*
 7 *(COVID–19) outbreak declared by the President on*
 8 *March 13, 2020 under the National Emergencies Act*
 9 *(50 U.S.C. 1601 et seq.); or*

10 (2) *December 31, 2020.*

11 (b) *AUTHORITY.*—*During the covered period, the Sec-*
 12 *retary of Housing and Urban Development, the Securities*
 13 *and Exchange Commission, and the Commodity Futures*
 14 *Trading Commission may, without regard to sections 3309*
 15 *through 3318 of title 5, United States Code, recruit and*
 16 *appoint candidates to fill temporary and term appoint-*
 17 *ments within their respective agencies upon a determina-*
 18 *tion that those expedited procedures are necessary and ap-*
 19 *propriate to enable the respective agencies to prevent, pre-*
 20 *pare for, or respond to COVID–19.*

21 **SEC. 4011. TEMPORARY LENDING LIMIT WAIVER.**

22 (a) *IN GENERAL.*—*Section 5200 of the Revised Stat-*
 23 *utes of the United States (12 U.S.C. 84) is amended—*

24 (1) *in subsection (c)(7)—*

25 (A) *by inserting “any nonbank financial*
 26 *company (as that term is defined in section 102*

1 *of the Financial Stability Act of 2010 (12 U.S.C.*
2 *5311)),” after “Loans or extensions of credit to”;*
3 *and*

4 *(B) by striking “financial institution or to”*
5 *and inserting “financial institution, or to”; and*

6 *(2) in subsection (d), by adding at the end of*
7 *paragraph (1) the following: “The Comptroller of the*
8 *Currency may, by order, exempt any transaction or*
9 *series of transactions from the requirements of this*
10 *section upon a finding by the Comptroller that such*
11 *exemption is in the public interest and consistent*
12 *with the purposes of this section.”.*

13 *(b) EFFECTIVE PERIOD.—This section, and the*
14 *amendments made by this section, shall be effective during*
15 *the period beginning on the date of enactment of this Act*
16 *and ending on the sooner of—*

17 *(1) the termination date of the national emer-*
18 *gency concerning the novel coronavirus disease*
19 *(COVID–19) outbreak declared by the President on*
20 *March 13, 2020 under the National Emergencies Act*
21 *(50 U.S.C. 1601 et seq.); or*

22 *(2) December 31, 2020.*

23 **SEC. 4012. TEMPORARY RELIEF FOR COMMUNITY BANKS.**

24 *(a) DEFINITIONS.—In this section—*

1 (1) *the term “appropriate Federal banking agen-*
2 *cy” has the meaning given the term in section 2 of*
3 *the Economic Growth, Regulatory Relief, and Con-*
4 *sumer Protection Act (12 U.S.C. 5365 note); and*

5 (2) *the terms “Community Bank Leverage*
6 *Ratio” and “qualifying community bank” have the*
7 *meanings given the terms in section 201(a) of the*
8 *Economic Growth, Regulatory Relief, and Consumer*
9 *Protection Act (12 U.S.C. 5371 note).*

10 **(b) INTERIM RULE.—**

11 (1) *IN GENERAL.—Notwithstanding any other*
12 *provision of law or regulation, the appropriate Fed-*
13 *eral banking agencies shall issue an interim final rule*
14 *that provides that, for the purposes of section 201 of*
15 *the Economic Growth, Regulatory Relief, and Con-*
16 *sumer Protection Act (12 U.S.C. 5371 note)—*

17 (A) *the Community Bank Leverage Ratio*
18 *shall be 8 percent; and*

19 (B) *a qualifying community bank that falls*
20 *below the Community Bank Leverage Ratio es-*
21 *tablished under subparagraph (A) shall have a*
22 *reasonable grace period to satisfy the Commu-*
23 *nity Bank Leverage Ratio.*

24 (2) *EFFECTIVE PERIOD.—The interim rule*
25 *issued under paragraph (1) shall be effective during*

1 *the period beginning on the date on which the appro-*
 2 *priate Federal banking agencies issue the rule and*
 3 *ending on the sooner of—*

4 (A) *the termination date of the national*
 5 *emergency concerning the novel coronavirus dis-*
 6 *ease (COVID–19) outbreak declared by the Presi-*
 7 *dent on March 13, 2020 under the National*
 8 *Emergencies Act (50 U.S.C. 1601 et seq.); or*

9 (B) *December 31, 2020.*

10 (c) *GRACE PERIOD.—During a grace period described*
 11 *in subsection (b)(1)(B), a qualifying community bank to*
 12 *which the grace period applies may continue to be treated*
 13 *as a qualifying community bank and shall be presumed to*
 14 *satisfy the capital and leverage requirements described in*
 15 *section 201(c) of the Economic Growth, Regulatory Relief,*
 16 *and Consumer Protection Act (12 U.S.C. 5371 note).*

17 **SEC. 4013. TEMPORARY RELIEF FROM TROUBLED DEBT**
 18 **RESTRUCTURINGS.**

19 (a) *DEFINITIONS.—In this section:*

20 (1) *APPLICABLE PERIOD.—The term “applicable*
 21 *period” means the period beginning on March 1, 2020*
 22 *and ending on the earlier of December 31, 2020, or*
 23 *the date that is 60 days after the date on which the*
 24 *national emergency concerning the novel coronavirus*
 25 *disease (COVID–19) outbreak declared by the Presi-*

1 *dent on March 13, 2020 under the National Emer-*
2 *gencies Act (50 U.S.C. 1601 et seq.) terminates.*

3 (2) *APPROPRIATE FEDERAL BANKING AGENCY.—*

4 *The term “appropriate Federal banking agency”—*

5 (A) *has the meaning given the term in sec-*

6 *tion 3 of the Federal Deposit Insurance Act (12*

7 *U.S.C. 1813); and*

8 (B) *includes the National Credit Union Ad-*

9 *ministration.*

10 (b) *SUSPENSION.—*

11 (1) *IN GENERAL.—During the applicable period,*

12 *a financial institution may elect to—*

13 (A) *suspend the requirements under United*

14 *States generally accepted accounting principles*

15 *for loan modifications related to the coronavirus*

16 *disease 2019 (COVID–19) pandemic that would*

17 *otherwise be categorized as a troubled debt re-*

18 *structuring; and*

19 (B) *suspend any determination of a loan*

20 *modified as a result of the effects of the*

21 *coronavirus disease 2019 (COVID–19) pandemic*

22 *as being a troubled debt restructuring, including*

23 *impairment for accounting purposes.*

24 (2) *APPLICABILITY.—Any suspension under*

25 *paragraph (1)—*

1 (A) shall be applicable for the term of the
2 loan modification, but solely with respect to any
3 modification, including a forbearance arrange-
4 ment, an interest rate modification, a repayment
5 plan, and any other similar arrangement that
6 defers or delays the payment of principal or in-
7 terest, that occurs during the applicable period
8 for a loan that was not more than 30 days past
9 due as of December 31, 2019; and

10 (B) shall not apply to any adverse impact
11 on the credit of a borrower that is not related to
12 the coronavirus disease 2019 (COVID-19) pan-
13 demic.

14 (c) *DEFERENCE.*—The appropriate Federal banking
15 agency of the financial institution shall defer to the deter-
16 mination of the financial institution to make a suspension
17 under this section.

18 (d) *RECORDS.*—For modified loans for which suspen-
19 sions under subsection (a) apply—

20 (1) financial institutions should continue to
21 maintain records of the volume of loans involved; and

22 (2) the appropriate Federal banking agencies
23 may collect data about such loans for supervisory
24 purposes.

1 **SEC. 4014. OPTIONAL TEMPORARY RELIEF FROM CURRENT**
2 **EXPECTED CREDIT LOSSES.**

3 (a) *DEFINITIONS.—In this section:*

4 (1) *APPROPRIATE FEDERAL BANKING AGENCY.—*

5 *The term “appropriate Federal banking agency”—*

6 (A) *has the meaning given the term in sec-*
7 *tion 3 of the Federal Deposit Insurance Act (12*
8 *U.S.C. 1813); and*

9 (B) *includes the National Credit Union Ad-*
10 *ministration.*

11 (2) *INSURED DEPOSITORY INSTITUTION.—The*
12 *term “insured depository institution”—*

13 (A) *has the meaning given the term in sec-*
14 *tion 3 of the Federal Deposit Insurance Act (12*
15 *U.S.C. 1813); and*

16 (B) *includes a credit union.*

17 (b) *TEMPORARY RELIEF FROM CECL STANDARDS.—*

18 *Notwithstanding any other provision of law, no insured de-*
19 *pository institution, bank holding company, or any affiliate*
20 *thereof shall be required to comply with the Financial Ac-*
21 *counting Standards Board Accounting Standards Update*
22 *No. 2016–13 (“Measurement of Credit Losses on Financial*
23 *Instruments”), including the current expected credit losses*
24 *methodology for estimating allowances for credit losses, dur-*
25 *ing the period beginning on the date of enactment of this*
26 *Act and ending on the earlier of—*

1 (1) *the date on which the national emergency*
2 *concerning the novel coronavirus disease (COVID–19)*
3 *outbreak declared by the President on March 13, 2020*
4 *under the National Emergencies Act (50 U.S.C. 1601*
5 *et seq.) terminates; or*

6 (2) *December 31, 2020.*

7 **SEC. 4015. NON-APPLICABILITY OF RESTRICTIONS ON ESF**
8 **DURING NATIONAL EMERGENCY.**

9 (a) *IN GENERAL.*—*Section 131 of the Emergency Eco-*
10 *nomie Stabilization Act of 2008 (12 U.S.C. 5236) shall not*
11 *apply during the period beginning on the date of enactment*
12 *of this Act and ending on December 31, 2020. Any guar-*
13 *antee established as a result of the application of subsection*
14 *(a) shall—*

15 (1) *be limited to a guarantee of the total value*
16 *of a shareholder’s account in a participating fund as*
17 *of the close of business on the day before the an-*
18 *nouncement of the guarantee; and*

19 (2) *terminate not later than December 31, 2020.*

20 (b) *DIRECT APPROPRIATION.*—*Upon the expiration of*
21 *the period described in subsection (a), there is appropriated,*
22 *out of amounts in the Treasury not otherwise appropriated,*
23 *such sums as may be necessary to reimburse the fund estab-*
24 *lished under section 5302(a)(1) of title 31, United States*
25 *Code, for any funds that are used for the Treasury Money*

1 *Market Funds Guaranty Program for the United States*
2 *money market mutual fund industry to the extent a claim*
3 *payment made exceeds the balance of fees collected by the*
4 *fund.*

5 **SEC. 4016. TEMPORARY CREDIT UNION PROVISIONS.**

6 (a) *IN GENERAL.*—

7 (1) *DEFINITIONS.*—Section 302(1) of the Federal
8 *Credit Union Act (12 U.S.C. 1795a(1)) is amended,*
9 *in the matter preceding subparagraph (A), by strik-*
10 *ing “primarily serving natural persons”.*

11 (2) *MEMBERSHIP.*—Section 304(b)(2) of the Fed-
12 *eral Credit Union Act (12 U.S.C. 1795c(b)(2)) is*
13 *amended by striking “all those credit unions” and in-*
14 *serting “such credit unions as the Board may in its*
15 *discretion determine”.*

16 (3) *EXTENSIONS OF CREDIT.*—Section 306(a)(1)
17 *of the Federal Credit Union Act (12 U.S.C.*
18 *1795e(a)(1)) is amended, in the second sentence, by*
19 *striking “the intent of which is to expand credit*
20 *union portfolios” and inserting “without first having*
21 *obtained evidence from the applicant that the appli-*
22 *cant has made reasonable efforts to first use primary*
23 *sources of liquidity of the applicant, including bal-*
24 *ance sheet and market funding sources, to address the*
25 *liquidity needs of the applicant”.*

1 (4) *POWERS OF THE BOARD.*—Section
2 307(a)(4)(A) of the Federal Credit Union Act (12
3 U.S.C. 1795f(a)(4)(A)) is amended by inserting “,
4 provided that, the total face value of such obligations
5 shall not exceed 16 times the subscribed capital stock
6 and surplus of the Facility for the period beginning
7 on the date of enactment of the Coronavirus Economic
8 Stabilization Act of 2020 and ending on December
9 31, 2020” after “Facility”.

10 (b) *SUNSET.*—

11 (1) *IN GENERAL.*—

12 (A) *DEFINITIONS.*—Section 302(1) of the
13 Federal Credit Union Act (12 U.S.C. 1795a(1))
14 is amended, in the matter preceding subpara-
15 graph (A), by inserting “primarily serving nat-
16 ural persons” after “credit unions”.

17 (B) *MEMBERSHIP.*—Section 304(b)(2) of the
18 Federal Credit Union Act (12 U.S.C.
19 1795c(b)(2)) is amended by striking “such credit
20 unions as the Board may in its discretion deter-
21 mine” and inserting “all those credit unions”.

22 (C) *EXTENSIONS OF CREDIT.*—Section
23 306(a)(1) of the Federal Credit Union Act (12
24 U.S.C. 1795e(a)(1)) is amended, in the second
25 sentence, by striking “without first having ob-

1 *tained evidence from the applicant that the ap-*
2 *plicant has made reasonable efforts to first use*
3 *primary sources of liquidity of the applicant, in-*
4 *cluding balance sheet and market funding*
5 *sources, to address the liquidity needs of the ap-*
6 *plicant” and inserting “the intent of which is to*
7 *expand credit union portfolios”.*

8 (2) *EFFECTIVE DATE.*—*The amendments made*
9 *by paragraph (1) shall take effect on December 31,*
10 *2020.*

11 **SEC. 4017. INCREASING ACCESS TO MATERIALS NECESSARY**
12 **FOR NATIONAL SECURITY AND PANDEMIC RE-**
13 **COVERY.**

14 *Notwithstanding any other provision of law—*

15 (1) *during the 2-year period beginning on the*
16 *date of enactment of this Act, the requirements de-*
17 *scribed in sections 303(a)(6)(C) and 304(e) of the De-*
18 *fense Production Act of 1950 (50 U.S.C.*
19 *4533(a)(6)(C), 4534(e)) shall not apply; and*

20 (2) *during the 1-year period beginning on the*
21 *date of enactment of this Act, the requirements de-*
22 *scribed in sections 302(d)(1) and 303 (a)(6)(B) of the*
23 *Defense Production Act of 1950 (50 U.S.C.*
24 *4532(d)(1), 4533(a)(6)(B)) shall not apply.*

1 **SEC. 4018. SPECIAL INSPECTOR GENERAL FOR PANDEMIC**
2 **RECOVERY.**

3 (a) *OFFICE OF INSPECTOR GENERAL.*—*There is hereby*
4 *established within the Department of the Treasury the Of-*
5 *fice of the Special Inspector General for Pandemic Recov-*
6 *ery.*

7 (b) *APPOINTMENT OF INSPECTOR GENERAL; RE-*
8 *MOVAL.*—

9 (1) *IN GENERAL.*—*The head of the Office of the*
10 *Special Inspector General for Pandemic Recovery*
11 *shall be the Special Inspector General for Pandemic*
12 *Recovery (referred to in this section as the “Special*
13 *Inspector General”), who shall be appointed by the*
14 *President, by and with the advice and consent of the*
15 *Senate.*

16 (2) *NOMINATION.*—*The nomination of the Spe-*
17 *cial Inspector General shall be made on the basis of*
18 *integrity and demonstrated ability in accounting, au-*
19 *diting, financial analysis, law, management analysis,*
20 *public administration, or investigations. The nomina-*
21 *tion of an individual as Special Inspector General*
22 *shall be made as soon as practicable after any loan,*
23 *loan guarantee, or other investment is made under*
24 *section 4003.*

25 (3) *REMOVAL.*—*The Special Inspector General*
26 *shall be removable from office in accordance with the*

1 *provisions of section 3(b) of the Inspector General Act*
2 *of 1978 (5 U.S.C. App.).*

3 (4) *POLITICAL ACTIVITY.*—*For purposes of sec-*
4 *tion 7324 of title 5, United States Code, the Special*
5 *Inspector General shall not be considered an employee*
6 *who determines policies to be pursued by the United*
7 *States in the nationwide administration of Federal*
8 *law.*

9 (5) *BASIC PAY.*—*The annual rate of basic pay of*
10 *the Special Inspector General shall be the annual rate*
11 *of basic pay for an Inspector General under section*
12 *3(e) of the Inspector General Act of 1978 (5 U.S.C.*
13 *App.).*

14 (c) *DUTIES.*—

15 (1) *IN GENERAL.*—*It shall be the duty of the*
16 *Special Inspector General to, in accordance with sec-*
17 *tion 4(b)(1) of the Inspector General Act of 1978 (5*
18 *U.S.C. App.), conduct, supervise, and coordinate au-*
19 *ditions and investigations of the making, purchase, man-*
20 *agement, and sale of loans, loan guarantees, and other*
21 *investments made by the Secretary of the Treasury*
22 *under any program established by the Secretary*
23 *under this Act, and the management by the Secretary*
24 *of any program established under this Act, including*

1 *by collecting and summarizing the following informa-*
2 *tion:*

3 *(A) A description of the categories of the*
4 *loans, loan guarantees, and other investments*
5 *made by the Secretary.*

6 *(B) A listing of the eligible businesses re-*
7 *ceiving loan, loan guarantees, and other invest-*
8 *ments made under each category described in*
9 *subparagraph (A).*

10 *(C) An explanation of the reasons the Sec-*
11 *retary determined it to be appropriate to make*
12 *each loan or loan guarantee under this Act, in-*
13 *cluding a justification of the price paid for, and*
14 *other financial terms associated with, the appli-*
15 *cable transaction.*

16 *(D) A listing of, and detailed biographical*
17 *information with respect to, each person hired to*
18 *manage or service each loan, loan guarantee, or*
19 *other investment made under section 4003.*

20 *(E) A current, as of the date on which the*
21 *information is collected, estimate of the total*
22 *amount of each loan, loan guarantee, and other*
23 *investment made under this Act that is out-*
24 *standing, the amount of interest and fees accrued*
25 *and received with respect to each loan or loan*

1 *guarantee, the total amount of matured loans,*
2 *the type and amount of collateral, if any, and*
3 *any losses or gains, if any, recorded or accrued*
4 *for each loan, loan guarantee, or other invest-*
5 *ment.*

6 (2) *MAINTENANCE OF SYSTEMS.—The Special*
7 *Inspector General shall establish, maintain, and over-*
8 *see such systems, procedures, and controls as the Spe-*
9 *cial Inspector General considers appropriate to dis-*
10 *charge the duties of the Special Inspector General*
11 *under paragraph (1).*

12 (3) *ADDITIONAL DUTIES AND RESPONSIBIL-*
13 *ITIES.—In addition to the duties described in para-*
14 *graphs (1) and (2), the Special Inspector General*
15 *shall also have the duties and responsibilities of in-*
16 *spectors general under the Inspector General Act of*
17 *1978 (5 U.S.C. App.).*

18 (d) *POWERS AND AUTHORITIES.—*

19 (1) *IN GENERAL.—In carrying out the duties of*
20 *the Special Inspector General under subsection (c),*
21 *the Special Inspector General shall have the authori-*
22 *ties provided in section 6 of the Inspector General Act*
23 *of 1978 (5 U.S.C. App.).*

24 (2) *TREATMENT OF OFFICE.—The Office of the*
25 *Special Inspector General for Pandemic Recovery*

1 *shall be considered to be an office described in section*
2 *6(f)(3) of the Inspector General Act of 1978 (5 U.S.C.*
3 *App.) and shall be exempt from an initial determina-*
4 *tion by the Attorney General under section 6(f)(2) of*
5 *that Act.*

6 (e) *PERSONNEL, FACILITIES, AND OTHER RE-*
7 *SOURCES.—*

8 (1) *APPOINTMENT OF OFFICERS AND EMPLOY-*
9 *EES.—The Special Inspector General may select, ap-*
10 *point, and employ such officers and employees as may*
11 *be necessary for carrying out the duties of the Special*
12 *Inspector General, subject to the provisions of title 5,*
13 *United States Code, governing appointments in the*
14 *competitive service, and the provisions of chapter 51*
15 *and subchapter III of chapter 53 of that title, relating*
16 *to classification and General Schedule pay rates.*

17 (2) *EXPERTS AND CONSULTANTS.—The Special*
18 *Inspector General may obtain services as authorized*
19 *under section 3109 of title 5, United States Code, at*
20 *daily rates not to exceed the equivalent rate prescribed*
21 *for grade GS–15 of the General Schedule by section*
22 *5332 of that title.*

23 (3) *CONTRACTS.—The Special Inspector General*
24 *may enter into contracts and other arrangements for*
25 *audits, studies, analyses, and other services with pub-*

1 *lic agencies and with private persons, and make such*
2 *payments as may be necessary to carry out the duties*
3 *of the Inspector General.*

4 (4) *REQUESTS FOR INFORMATION.—*

5 (A) *IN GENERAL.—*Upon request of the *Spe-*
6 *cial Inspector General for information or assist-*
7 *ance from any department, agency, or other enti-*
8 *ty of the Federal Government, the head of that*
9 *department, agency, or entity shall, to the extent*
10 *practicable and not in contravention of any ex-*
11 *isting law, furnish that information or assist-*
12 *ance to the Special Inspector General, or an au-*
13 *thorized designee.*

14 (B) *REFUSAL TO PROVIDE REQUESTED IN-*
15 *FORMATION.—*Whenever information or assist-
16 *ance requested by the Special Inspector General*
17 *is, in the judgment of the Special Inspector Gen-*
18 *eral, unreasonably refused or not provided, the*
19 *Special Inspector General shall report the cir-*
20 *cumstances to the appropriate committees of*
21 *Congress without delay.*

22 (f) *REPORTS.—*

23 (1) *QUARTERLY REPORTS.—*

24 (A) *IN GENERAL.—*Not later than 60 days
25 *after the date on which the Special Inspector*

1 *General is confirmed, and once every calendar*
2 *quarter thereafter, the Special Inspector General*
3 *shall submit to the appropriate committees of*
4 *Congress a report summarizing the activities of*
5 *the Special Inspector General during the 3-*
6 *month period ending on the date on which the*
7 *Special Inspector General submits the report.*

8 (B) *CONTENTS.—Each report submitted*
9 *under subparagraph (A) shall include, for the pe-*
10 *riod covered by the report, a detailed statement*
11 *of all loans, loan guarantees, other transactions,*
12 *obligations, expenditures, and revenues associ-*
13 *ated with any program established by the Sec-*
14 *retary under section 4003, as well as the infor-*
15 *mation collected under subsection (c)(1).*

16 (2) *RULE OF CONSTRUCTION.—Nothing in this*
17 *subsection may be construed to authorize the public*
18 *disclosure of information that is—*

19 (A) *specifically prohibited from disclosure*
20 *by any other provision of law;*

21 (B) *specifically required by Executive order*
22 *to be protected from disclosure in the interest of*
23 *national defense or national security or in the*
24 *conduct of foreign affairs; or*

1 (C) *a part of an ongoing criminal inves-*
2 *tigation.*

3 (g) *FUNDING.—*

4 (1) *IN GENERAL.—Of the amounts made avail-*
5 *able to the Secretary under section 4027, \$25,000,000*
6 *shall be made available to the Special Inspector Gen-*
7 *eral to carry out this section.*

8 (2) *AVAILABILITY.—The amounts made available*
9 *to the Special Inspector General under paragraph (1)*
10 *shall remain available until expended.*

11 (h) *TERMINATION.—The Office of the Special Inspector*
12 *General shall terminate on the date 5 years after the enact-*
13 *ment of this Act.*

14 (i) *COUNCIL OF THE INSPECTORS GENERAL ON INTEG-*
15 *RITY AND EFFICIENCY.—The Special Inspector General*
16 *shall be a member of the Council of the Inspectors General*
17 *on Integrity and Efficiency established under section 11 of*
18 *the Inspector General Act of 1978 (5 U.S.C. App.) until*
19 *the date of termination of the Office of the Special Inspector*
20 *General.*

21 (j) *CORRECTIVE RESPONSES TO AUDIT PROBLEMS.—*
22 *The Secretary shall—*

23 (1) *take action to address deficiencies identified*
24 *by a report or investigation of the Special Inspector*
25 *General; or*

1 (2) *with respect to a deficiency identified under*
2 *paragraph (1), certify to the Committee on Banking,*
3 *Housing, and Urban Affairs of the Senate, the Com-*
4 *mittee on Finance of the Senate, the Committee on*
5 *Financial Services of the House of Representatives,*
6 *and the Committee on Ways and Means of the House*
7 *of Representatives that no action is necessary or ap-*
8 *propriate.*

9 **SEC. 4019. CONFLICTS OF INTEREST.**

10 (a) *DEFINITIONS.—In this section:*

11 (1) *CONTROLLING INTEREST.—The term “con-*
12 *trolling interest” means owning, controlling, or hold-*
13 *ing not less than 20 percent, by vote or value, of the*
14 *outstanding amount of any class of equity interest in*
15 *an entity.*

16 (2) *COVERED ENTITY.—The term “covered enti-*
17 *ty” means an entity in which a covered individual*
18 *directly or indirectly holds a controlling interest. For*
19 *the purpose of determining whether an entity is a*
20 *covered entity, the securities owned, controlled, or held*
21 *by 2 or more individuals who are related as described*
22 *in paragraph (3)(B) shall be aggregated.*

23 (3) *COVERED INDIVIDUAL.—The term “covered*
24 *individual” means—*

1 (A) *the President, the Vice President, the*
2 *head of an Executive department, or a Member*
3 *of Congress; and*

4 (B) *the spouse, child, son-in-law, or daugh-*
5 *ter-in-law, as determined under applicable com-*
6 *mon law, of an individual described in subpara-*
7 *graph (A).*

8 (4) *EXECUTIVE DEPARTMENT.*—*The term “Exec-*
9 *utive department” has the meaning given the term in*
10 *section 101 of title 5, United States Code.*

11 (5) *MEMBER OF CONGRESS.*—*The term “member*
12 *of Congress” means a member of the Senate or House*
13 *of Representatives, a Delegate to the House of Rep-*
14 *resentatives, and the Resident Commissioner from*
15 *Puerto Rico.*

16 (6) *EQUITY INTEREST.*—*The term “equity inter-*
17 *est” means—*

18 (A) *a share in an entity, without regard to*
19 *whether the share is—*

20 (i) *transferable; or*

21 (ii) *classified as stock or anything*
22 *similar;*

23 (B) *a capital or profit interest in a limited*
24 *liability company or partnership; or*

1 (C) a warrant or right, other than a right
2 to convert, to purchase, sell, or subscribe to a
3 share or interest described in subparagraph (A)
4 or (B), respectively.

5 (b) *PROHIBITION.*—Notwithstanding any other provi-
6 sion of this subtitle, no covered entity may be eligible for
7 any transaction described in section 4003.

8 (c) *REQUIREMENT.*—The principal executive officer
9 and the principal financial officer, or individuals per-
10 forming similar functions, of an entity seeking to enter a
11 transaction under section 4003 shall, before that trans-
12 action is approved, certify to the Secretary and the Board
13 of Governors of the Federal Reserve System that the entity
14 is eligible to engage in that transaction, including that the
15 entity is not a covered entity.

16 **SEC. 4020. CONGRESSIONAL OVERSIGHT COMMISSION.**

17 (a) *ESTABLISHMENT.*—There is hereby established the
18 Congressional Oversight Commission (hereafter in this sec-
19 tion referred to as the “Oversight Commission”) as an es-
20 tablishment in the legislative branch.

21 (b) *DUTIES.*—

22 (1) *IN GENERAL.*—The Oversight Commission
23 shall—

24 (A) conduct oversight of the implementation
25 of this subtitle by the Department of the Treas-

1 *ury and the Board of Governors of the Federal*
2 *Reserve System, including efforts of the Depart-*
3 *ment and the Board to provide economic sta-*
4 *bility as a result of the coronavirus disease 2019*
5 *(COVID–19) pandemic of 2020;*

6 *(B) submit to Congress reports under para-*
7 *graph (2); and*

8 *(C) review the implementation of this sub-*
9 *title by the Federal Government.*

10 (2) *REGULAR REPORTS.—*

11 *(A) IN GENERAL.—Reports of the Oversight*
12 *Commission shall include the following:*

13 *(i) The use by the Secretary and the*
14 *Board of Governors of the Federal Reserve*
15 *System of authority under this subtitle, in-*
16 *cluding with respect to the use of con-*
17 *tracting authority and administration of*
18 *the provisions of this subtitle.*

19 *(ii) The impact of loans, loan guaran-*
20 *tees, and investments made under this sub-*
21 *title on the financial well-being of the peo-*
22 *ple of the United States and the United*
23 *States economy, financial markets, and fi-*
24 *nancial institutions.*

1 (iii) *The extent to which the informa-*
2 *tion made available on transactions under*
3 *this subtitle has contributed to market*
4 *transparency.*

5 (iv) *The effectiveness of loans, loan*
6 *guarantees, and investments made under*
7 *this subtitle of minimizing long-term costs*
8 *to the taxpayers and maximizing the bene-*
9 *fits for taxpayers.*

10 (B) *TIMING.—The reports required under*
11 *this paragraph shall be submitted not later than*
12 *30 days after the first exercise by the Secretary*
13 *and the Board of Governors of the Federal Re-*
14 *serve System of the authority under this subtitle*
15 *and every 30 days thereafter.*

16 (c) *MEMBERSHIP.—*

17 (1) *IN GENERAL.—The Oversight Commission*
18 *shall consist of 5 members as follows:*

19 (A) *1 member appointed by the Speaker of*
20 *the House of Representatives.*

21 (B) *1 member appointed by the minority*
22 *leader of the House of Representatives.*

23 (C) *1 member appointed by the majority*
24 *leader of the Senate.*

1 (D) 1 member appointed by the minority
2 leader of the Senate.

3 (E) 1 member appointed as Chairperson by
4 the Speaker of the House of Representatives and
5 the majority leader of the Senate, after consulta-
6 tion with the minority leader of the Senate and
7 the minority leader of the House of Representa-
8 tives

9 (2) *PAY.*—Each member of the Oversight Com-
10 mission shall be paid at a rate equal to the daily
11 equivalent of the annual rate of basic pay for level I
12 of the Executive Schedule for each day (including
13 travel time) during which such member is engaged in
14 the actual performance of duties vested in the Over-
15 sight Commission.

16 (3) *PROHIBITION OF COMPENSATION OF FED-*
17 *ERAL EMPLOYEES.*—Members of the Oversight Com-
18 mission who are full-time officers or employees of the
19 United States may not receive additional pay, allow-
20 ances, or benefits by reason of their service on the
21 Oversight Commission.

22 (4) *TRAVEL EXPENSES.*—Each member shall re-
23 ceive travel expenses, including per diem in lieu of
24 subsistence, in accordance with applicable provisions

1 *under subchapter I of chapter 57 of title 5, United*
2 *States Code.*

3 (5) *QUORUM.—Four members of the Oversight*
4 *Commission shall constitute a quorum but a lesser*
5 *number may hold hearings.*

6 (6) *VACANCIES.—A vacancy on the Oversight*
7 *Commission shall be filled in the manner in which*
8 *the original appointment was made.*

9 (7) *MEETINGS.—The Oversight Commission shall*
10 *meet at the call of the Chairperson or a majority of*
11 *its members.*

12 (d) *STAFF.—*

13 (1) *IN GENERAL.—The Oversight Commission*
14 *may appoint and fix the pay of any personnel as the*
15 *Oversight Commission considers appropriate.*

16 (2) *EXPERTS AND CONSULTANTS.—The Oversight*
17 *Commission may procure temporary and intermittent*
18 *services under section 3109(b) of title 5, United States*
19 *Code.*

20 (3) *STAFF OF AGENCIES.—Upon request of the*
21 *Oversight Commission, the head of any Federal de-*
22 *partment or agency may detail, on a reimbursable*
23 *basis, any of the personnel of that department or*
24 *agency to the Oversight Commission to assist it in*
25 *carrying out its duties under the this subtitle.*

1 (e) *POWERS.*—

2 (1) *HEARINGS AND EVIDENCE.*—*The Oversight*
3 *Commission, or any subcommittee or member thereof,*
4 *may, for the purpose of carrying out this section hold*
5 *hearings, sit and act at times and places, take testi-*
6 *mony, and receive evidence as the Oversight Commis-*
7 *sion considers appropriate and may administer oaths*
8 *or affirmations to witnesses appearing before it.*

9 (2) *CONTRACTING.*—*The Oversight Commission*
10 *may, to such extent and in such amounts as are pro-*
11 *vided in appropriation Acts, enter into contracts to*
12 *enable the Oversight Commission to discharge its du-*
13 *ties under this section.*

14 (3) *POWERS OF MEMBERS AND AGENTS.*—*Any*
15 *member or agent of the Oversight Commission may,*
16 *if authorized by the Oversight Commission, take any*
17 *action which the Oversight Commission is authorized*
18 *to take by this section.*

19 (4) *OBTAINING OFFICIAL DATA.*—*The Oversight*
20 *Commission may secure directly from any depart-*
21 *ment or agency of the United States information nec-*
22 *essary to enable it to carry out this section. Upon re-*
23 *quest of the Chairperson of the Oversight Commission,*
24 *the head of that department or agency shall furnish*
25 *that information to the Oversight Commission.*

1 (5) *REPORTS.*—*The Oversight Commission shall*
2 *receive and consider all reports required to be sub-*
3 *mitted to the Oversight Commission under this sub-*
4 *title.*

5 (f) *TERMINATION.*—*The Oversight Commission shall*
6 *terminate on September 30, 2025.*

7 (g) *FUNDING FOR EXPENSES.*—

8 (1) *AUTHORIZATION OF APPROPRIATIONS.*—
9 *There is authorized to be appropriated to the Over-*
10 *sight Commission such sums as may be necessary for*
11 *any fiscal year, half of which shall be derived from*
12 *the applicable account of the House of Representa-*
13 *tives, and half of which shall be derived from the con-*
14 *tingent fund of the Senate.*

15 (2) *REIMBURSEMENT OF AMOUNTS.*—*An amount*
16 *equal to the expenses of the Oversight Commission*
17 *shall be promptly transferred by the Secretary and*
18 *the Board of Governors of the Federal Reserve System,*
19 *from time to time upon the presentment of a state-*
20 *ment of such expenses by the Chairperson of the Over-*
21 *sight Commission, from funds made available to the*
22 *Secretary under this subtitle to the applicable fund of*
23 *the House of Representatives and the contingent fund*
24 *of the Senate, as appropriate, as reimbursement for*

1 *amounts expended from such account and fund under*
2 *paragraph (1).*

3 **SEC. 4021. CREDIT PROTECTION DURING COVID-19.**

4 *Section 623(a)(1) of the Fair Credit Reporting Act (15*
5 *U.S.C. 1681s-2(a)(1)) is amended by adding at the end the*
6 *following:*

7 *“(F) REPORTING INFORMATION DURING*
8 *COVID-19 PANDEMIC.—*

9 *“(i) DEFINITIONS.—In this subsection:*

10 *“(I) ACCOMMODATION.—The term*
11 *‘accommodation’ includes an agree-*
12 *ment to defer 1 or more payments,*
13 *make a partial payment, forbear any*
14 *delinquent amounts, modify a loan or*
15 *contract, or any other assistance or re-*
16 *lief granted to a consumer who is af-*
17 *ected by the coronavirus disease 2019*
18 *(COVID-19) pandemic during the cov-*
19 *ered period.*

20 *“(II) COVERED PERIOD.—The*
21 *term ‘covered period’ means the period*
22 *beginning on January 31, 2020 and*
23 *ending on the later of—*

1 “(aa) 120 days after the date
2 of enactment of this subpara-
3 graph; or

4 “(bb) 120 days after the date
5 on which the national emergency
6 concerning the novel coronavirus
7 disease (COVID–19) outbreak de-
8 clared by the President on March
9 13, 2020 under the National
10 Emergencies Act (50 U.S.C. 1601
11 et seq.) terminates.

12 “(ii) *REPORTING.*—Except as provided
13 in clause (iii), if a furnisher makes an ac-
14 commodation with respect to 1 or more
15 payments on a credit obligation or account
16 of a consumer, and the consumer makes the
17 payments or is not required to make 1 or
18 more payments pursuant to the accommo-
19 dation, the furnisher shall—

20 “(I) report the credit obligation or
21 account as current; or

22 “(II) if the credit obligation or ac-
23 count was delinquent before the accom-
24 modation—

1 “(aa) maintain the delin-
2 quent status during the period in
3 which the accommodation is in ef-
4 fect; and

5 “(bb) if the consumer brings
6 the credit obligation or account
7 current during the period de-
8 scribed in item (aa), report the
9 credit obligation or account as
10 current.

11 “(iii) *EXCEPTION.*—Clause (ii) shall
12 not apply with respect to a credit obligation
13 or account of a consumer that has been
14 charged-off.”.

15 **SEC. 4022. FORECLOSURE MORATORIUM AND CONSUMER**
16 **RIGHT TO REQUEST FORBEARANCE.**

17 (a) *DEFINITIONS.*—In this section:

18 (1) *COVID-19 EMERGENCY.*—The term “COVID-
19 19 emergency” means the national emergency con-
20 cerning the novel coronavirus disease (COVID-19)
21 outbreak declared by the President on March 13, 2020
22 under the National Emergencies Act (50 U.S.C. 1601
23 et seq.).

24 (2) *FEDERALLY BACKED MORTGAGE LOAN.*—The
25 term “Federally backed mortgage loan” includes any

1 *loan which is secured by a first or subordinate lien*
2 *on residential real property (including individual*
3 *units of condominiums and cooperatives) designed*
4 *principally for the occupancy of from 1- to 4- fami-*
5 *lies that is—*

6 *(A) insured by the Federal Housing Admin-*
7 *istration under title II of the National Housing*
8 *Act (12 U.S.C. 1707 et seq.);*

9 *(B) insured under section 255 of the Na-*
10 *tional Housing Act (12 U.S.C. 1715z–20);*

11 *(C) guaranteed under section 184 or 184A*
12 *of the Housing and Community Development Act*
13 *of 1992 (12 U.S.C. 1715z–13a, 1715z–13b);*

14 *(D) guaranteed or insured by the Depart-*
15 *ment of Veterans Affairs;*

16 *(E) guaranteed or insured by the Depart-*
17 *ment of Agriculture;*

18 *(F) made by the Department of Agriculture;*

19 *or*

20 *(G) purchased or securitized by the Federal*
21 *Home Loan Mortgage Corporation or the Federal*
22 *National Mortgage Association.*

23 *(b) FORBEARANCE.—*

24 *(1) IN GENERAL.—During the covered period, a*
25 *borrower with a Federally backed mortgage loan expe-*

1 *riencing a financial hardship due, directly or indi-*
2 *rectly, to the COVID–19 emergency may request forbearance on the Federally backed mortgage loan, re-*
3 *gardless of delinquency status, by—*

5 (A) *submitting a request to the borrower’s*
6 *servicer; and*

7 (B) *affirming that the borrower is experi-*
8 *encing a financial hardship during the COVID–*
9 *19 emergency.*

10 (2) *DURATION OF FORBEARANCE.—Upon a re-*
11 *quest by a borrower for forbearance under paragraph*
12 *(1), such forbearance shall be granted for up to 180*
13 *days, and shall be extended for an additional period*
14 *of up to 180 days at the request of the borrower, pro-*
15 *vided that, at the borrower’s request, either the initial*
16 *or extended period of forbearance may be shortened.*

17 (3) *ACCRUAL OF INTEREST OR FEES.—During a*
18 *period of forbearance described in this subsection, no*
19 *fees, penalties, or interest beyond the amounts sched-*
20 *uled or calculated as if the borrower made all contrac-*
21 *tual payments on time and in full under the terms*
22 *of the mortgage contract, shall accrue on the bor-*
23 *rower’s account.*

24 (c) *REQUIREMENTS FOR SERVICERS.—*

1 (1) *IN GENERAL.*—Upon receiving a request for
2 forbearance from a borrower under subsection (b), the
3 servicer shall with no additional documentation re-
4 quired other than the borrower’s attestation to a fi-
5 nancial hardship caused by the COVID–19 emergency
6 and with no fees, penalties, or interest (beyond the
7 amounts scheduled or calculated as if the borrower
8 made all contractual payments on time and in full
9 under the terms of the mortgage contract) charged to
10 the borrower in connection with the forbearance, pro-
11 vide the forbearance for up to 180 days, which may
12 be extended for an additional period of up to 180
13 days at the request of the borrower, provided that, the
14 borrower’s request for an extension is made during
15 the covered period, and, at the borrower’s request, ei-
16 ther the initial or extended period of forbearance may
17 be shortened.

18 (2) *FORECLOSURE MORATORIUM.*—Except with
19 respect to a vacant or abandoned property, a servicer
20 of a Federally backed mortgage loan may not initiate
21 any judicial or non-judicial foreclosure process, move
22 for a foreclosure judgment or order of sale, or execute
23 a foreclosure-related eviction or foreclosure sale for not
24 less than the 60-day period beginning on March 18,
25 2020.

1 **SEC. 4023. FORBEARANCE OF RESIDENTIAL MORTGAGE**
2 **LOAN PAYMENTS FOR MULTIFAMILY PROP-**
3 **ERTIES WITH FEDERALLY BACKED LOANS.**

4 (a) *IN GENERAL.*—During the covered period, a multi-
5 family borrower with a Federally backed multifamily mort-
6 gage loan experiencing a financial hardship due, directly
7 or indirectly, to the COVID–19 emergency may request a
8 forbearance under the terms set forth in this section.

9 (b) *REQUEST FOR RELIEF.*—A multifamily borrower
10 with a Federally backed multifamily mortgage loan that
11 was current on its payments as of February 1, 2020, may
12 submit an oral or written request for forbearance under sub-
13 section (a) to the borrower’s servicer affirming that the mul-
14 tifamily borrower is experiencing a financial hardship dur-
15 ing the COVID–19 emergency.

16 (c) *FORBEARANCE PERIOD.*—

17 (1) *IN GENERAL.*—Upon receipt of an oral or
18 written request for forbearance from a multifamily
19 borrower, a servicer shall—

20 (A) document the financial hardship;

21 (B) provide the forbearance for up to 30
22 days; and

23 (C) extend the forbearance for up to 2 addi-
24 tional 30 day periods upon the request of the
25 borrower provided that, the borrower’s request for
26 an extension is made during the covered period,

1 *and, at least 15 days prior to the end of the for-*
2 *bearance period described under subparagraph*
3 *(B).*

4 (2) *RIGHT TO DISCONTINUE.*—*A multifamily*
5 *borrower shall have the option to discontinue the for-*
6 *bearance at any time.*

7 (d) *RENTER PROTECTIONS DURING FORBEARANCE*
8 *PERIOD.*—*A multifamily borrower that receives a forbear-*
9 *ance under this section may not, for the duration of the*
10 *forbearance—*

11 (1) *evict or initiate the eviction of a tenant from*
12 *a dwelling unit located in or on the applicable prop-*
13 *erty solely for nonpayment of rent or other fees or*
14 *charges; or*

15 (2) *charge any late fees, penalties, or other*
16 *charges to a tenant described in paragraph (1) for*
17 *late payment of rent.*

18 (e) *NOTICE.*—*A multifamily borrower that receives a*
19 *forbearance under this section—*

20 (1) *may not require a tenant to vacate a dwell-*
21 *ing unit located in or on the applicable property be-*
22 *fore the date that is 30 days after the date on which*
23 *the borrower provides the tenant with a notice to va-*
24 *cate; and*

1 (2) *may not issue a notice to vacate under para-*
2 *graph (1) until after the expiration of the forbearance.*

3 (f) *DEFINITIONS.—In this section:*

4 (1) *APPLICABLE PROPERTY.—The term “applica-*
5 *ble property”, with respect to a Federally backed mul-*
6 *tifamily mortgage loan, means the residential multi-*
7 *family property against which the mortgage loan is*
8 *secured by a lien.*

9 (2) *FEDERALLY BACKED MULTIFAMILY MORT-*
10 *GAGE LOAN.—The term “Federally backed multi-*
11 *family mortgage loan” includes any loan (other than*
12 *temporary financing such as a construction loan)*
13 *that—*

14 (A) *is secured by a first or subordinate lien*
15 *on residential multifamily real property de-*
16 *signed principally for the occupancy of 5 or*
17 *more families, including any such secured loan,*
18 *the proceeds of which are used to prepay or pay*
19 *off an existing loan secured by the same prop-*
20 *erty; and*

21 (B) *is made in whole or in part, or insured,*
22 *guaranteed, supplemented, or assisted in any*
23 *way, by any officer or agency of the Federal*
24 *Government or under or in connection with a*
25 *housing or urban development program adminis-*

1 *tered by the Secretary of Housing and Urban*
2 *Development or a housing or related program*
3 *administered by any other such officer or agency,*
4 *or is purchased or securitized by the Federal*
5 *Home Loan Mortgage Corporation or the Federal*
6 *National Mortgage Association.*

7 (3) *MULTIFAMILY BORROWER.*—*the term “multi-*
8 *family borrower” means a borrower of a residential*
9 *mortgage loan that is secured by a lien against a*
10 *property comprising 5 or more dwelling units.*

11 (4) *COVID–19 EMERGENCY.*—*The term “COVID–*
12 *19 emergency” means the national emergency con-*
13 *cerning the novel coronavirus disease (COVID–19)*
14 *outbreak declared by the President on March 13, 2020*
15 *under the National Emergencies Act (50 U.S.C. 1601*
16 *et seq.).*

17 (5) *COVERED PERIOD.*—*The term “covered pe-*
18 *riod” means the period beginning on the date of en-*
19 *actment of this Act and ending on the sooner of—*

20 (A) *the termination date of the national*
21 *emergency concerning the novel coronavirus dis-*
22 *ease (COVID–19) outbreak declared by the Presi-*
23 *dent on March 13, 2020 under the National*
24 *Emergencies Act (50 U.S.C. 1601 et seq.); or*

25 (B) *December 31, 2020.*

1 **SEC. 4024. TEMPORARY MORATORIUM ON EVICTION FIL-**
2 **INGS.**

3 (a) *DEFINITIONS.—In this section:*

4 (1) *COVERED DWELLING.—The term “covered*
5 *dwelling” means a dwelling that—*

6 (A) *is occupied by a tenant—*

7 (i) *pursuant to a residential lease; or*

8 (ii) *without a lease or with a lease ter-*
9 *minable under State law; and*

10 (B) *is on or in a covered property.*

11 (2) *COVERED PROPERTY.—The term “covered*
12 *property” means any property that—*

13 (A) *participates in—*

14 (i) *a covered housing program (as de-*
15 *defined in section 41411(a) of the Violence*
16 *Against Women Act of 1994 (34 U.S.C.*
17 *12491(a)); or*

18 (ii) *the rural housing voucher program*
19 *under section 542 of the Housing Act of*
20 *1949 (42 U.S.C. 1490r); or*

21 (B) *has a—*

22 (i) *Federally backed mortgage loan; or*

23 (ii) *Federally backed multifamily*
24 *mortgage loan.*

25 (3) *DWELLING.—The term “dwelling”—*

1 (A) has the meaning given the term in sec-
2 tion 802 of the Fair Housing Act (42 U.S.C.
3 3602); and

4 (B) includes houses and dwellings described
5 in section 803(b) of such Act (42 U.S.C.
6 3603(b)).

7 (4) *FEDERALLY BACKED MORTGAGE LOAN*.—The
8 term “Federally backed mortgage loan” includes any
9 loan (other than temporary financing such as a con-
10 struction loan) that—

11 (A) is secured by a first or subordinate lien
12 on residential real property (including indi-
13 vidual units of condominiums and cooperatives)
14 designed principally for the occupancy of from 1
15 to 4 families, including any such secured loan,
16 the proceeds of which are used to prepay or pay
17 off an existing loan secured by the same prop-
18 erty; and

19 (B) is made in whole or in part, or insured,
20 guaranteed, supplemented, or assisted in any
21 way, by any officer or agency of the Federal
22 Government or under or in connection with a
23 housing or urban development program adminis-
24 tered by the Secretary of Housing and Urban
25 Development or a housing or related program

1 *administered by any other such officer or agency,*
2 *or is purchased or securitized by the Federal*
3 *Home Loan Mortgage Corporation or the Federal*
4 *National Mortgage Association.*

5 (5) *FEDERALLY BACKED MULTIFAMILY MORT-*
6 *GAGE LOAN.—The term “Federally backed multi-*
7 *family mortgage loan” includes any loan (other than*
8 *temporary financing such as a construction loan)*
9 *that—*

10 (A) *is secured by a first or subordinate lien*
11 *on residential multifamily real property de-*
12 *signed principally for the occupancy of 5 or*
13 *more families, including any such secured loan,*
14 *the proceeds of which are used to prepay or pay*
15 *off an existing loan secured by the same prop-*
16 *erty; and*

17 (B) *is made in whole or in part, or insured,*
18 *guaranteed, supplemented, or assisted in any*
19 *way, by any officer or agency of the Federal*
20 *Government or under or in connection with a*
21 *housing or urban development program adminis-*
22 *tered by the Secretary of Housing and Urban*
23 *Development or a housing or related program*
24 *administered by any other such officer or agency,*
25 *or is purchased or securitized by the Federal*

1 *Home Loan Mortgage Corporation or the Federal*
2 *National Mortgage Association.*

3 (b) *MORATORIUM.*—*During the 120-day period begin-*
4 *ning on the date of enactment of this Act, the lessor of a*
5 *covered dwelling may not—*

6 (1) *make, or cause to be made, any filing with*
7 *the court of jurisdiction to initiate a legal action to*
8 *recover possession of the covered dwelling from the*
9 *tenant for nonpayment of rent or other fees or*
10 *charges; or*

11 (2) *charge fees, penalties, or other charges to the*
12 *tenant related to such nonpayment of rent.*

13 (c) *NOTICE.*—*The lessor of a covered dwelling unit—*

14 (1) *may not require the tenant to vacate the cov-*
15 *ered dwelling unit before the date that is 30 days*
16 *after the date on which the lessor provides the tenant*
17 *with a notice to vacate; and*

18 (2) *may not issue a notice to vacate under para-*
19 *graph (1) until after the expiration of the period de-*
20 *scribed in subsection (b).*

21 **SEC. 4025. PROTECTION OF COLLECTIVE BARGAINING**
22 **AGREEMENT.**

23 (a) *IN GENERAL.*—*Neither the Secretary, nor any*
24 *other actor, department, or agency of the Federal Govern-*
25 *ment, shall condition the issuance of a loan or loan guar-*

1 *antee under paragraph (1), (2), or (3) of section 4003(b)*
2 *of this subtitle on an air carrier's or eligible business's im-*
3 *plementation of measures to enter into negotiations with*
4 *the certified bargaining representative of a craft or class*
5 *of employees of the air carrier or eligible business under*
6 *the Railway Labor Act (45 U.S.C. 151 et seq.) or the Na-*
7 *tional Labor Relations Act (29 U.S.C. 151 et seq.), regard-*
8 *ing pay or other terms and conditions of employment.*

9 **(b) PERIOD OF EFFECT.**—*With respect to an air car-*
10 *rier or eligible business to which the loan or loan guarantee*
11 *is provided under this subtitle, this section shall be in effect*
12 *with respect to the air carrier or eligible business beginning*
13 *on the date on which the air carrier or eligible business*
14 *is first issued such loan or loan guarantee and ending on*
15 *the date that is 1 year after the loan or loan guarantee*
16 *is no longer outstanding.*

17 **SEC. 4026. REPORTS.**

18 **(a) DISCLOSURE OF TRANSACTIONS.**—*Not later than*
19 *72 hours after any transaction by the Secretary under*
20 *paragraph (1), (2), or (3) of section 4003(b), the Secretary*
21 *shall publish on the website of the Department of the Treas-*
22 *ury—*

23 **(1)** *a plain-language description of the trans-*
24 *action, including the date of application, date of ap-*
25 *plication approval, and identity of the counterparty;*

1 (2) *the amount of the loan or loan guarantee;*

2 (3) *the interest rate, conditions, and any other*
3 *material or financial terms associated with the trans-*
4 *action, if applicable; and*

5 (4) *a copy of the relevant and final term sheet,*
6 *if applicable, and contract or other relevant docu-*
7 *mentation regarding the transaction.*

8 (b) *REPORTS.—*

9 (1) *TO CONGRESS.—*

10 (A) *IN GENERAL.—In addition to such re-*
11 *ports as are required under section 5302(c) of*
12 *title 31, United States Code, not later than 7*
13 *days after the Secretary makes any loan or loan*
14 *guarantee under paragraph (1), (2), or (3) of*
15 *section 4003(b), the Secretary shall submit to the*
16 *Chairmen and Ranking Members of the Com-*
17 *mittee on Banking, Housing, and Urban Affairs*
18 *and the Committee on Finance of the Senate and*
19 *the Chairmen and Ranking Members of the Com-*
20 *mittee on Financial Services and the Committee*
21 *on Ways and Means of the House of Representa-*
22 *tives a report summarizing—*

23 (i) *an overview of actions taken by the*
24 *Secretary under paragraph (1), (2) or (3) of*
25 *section 4003(b) during such period;*

1 (ii) the actual obligation, expenditure,
2 and disbursements of the funds during such
3 period; and

4 (iii) a detailed financial statement
5 with respect to the exercise of authority
6 under paragraph (1), (2) or (3) of section
7 4003(b) showing—

8 (I) all loans and loan guarantees
9 made, renewed, or restructured;

10 (II) all transactions during such
11 period, including the types of parties
12 involved;

13 (III) the nature of the assets pur-
14 chased;

15 (IV) a description of the vehicles
16 established to exercise such authority;
17 and

18 (V) any or all repayment activity,
19 delinquencies or defaults on loans and
20 loan guarantees issued under para-
21 graph (1), (2) or (3) of section 4003(b).

22 (B) PUBLICATION.—Not later than 7 days
23 after the date on which the Secretary submits a
24 report under subparagraph (A) to the committees
25 of Congress described in such subparagraph, the

1 *Secretary shall publish such report on the*
2 *website of the Department of the Treasury.*

3 *(C) 30-DAY REPORTS.—Every 30 days dur-*
4 *ing such time as a loan or loan guarantee under*
5 *paragraph (1), (2), or (3) of section 4003(b) is*
6 *outstanding, the Secretary shall publish on the*
7 *website of the Department of the Treasury a re-*
8 *port summarizing the information set forth in*
9 *subparagraph (A).*

10 *(2) BOARD OF GOVERNORS.—*

11 *(A) IN GENERAL.—With respect to any pro-*
12 *gram or facility described in paragraph (4) of*
13 *section 4003(b), the Board of Governors of the*
14 *Federal Reserve System shall provide to the*
15 *Committee on Banking, Housing, and Urban Af-*
16 *airs of the Senate and the Committee on Finan-*
17 *cial Services of the House of Representatives such*
18 *reports as are required to be provided under sec-*
19 *tion 13(3) of the Federal Reserve Act (12 U.S.C.*
20 *343(3))—*

21 *(i) not later than 7 days after the*
22 *Board authorizes a new facility or other fi-*
23 *nancial assistance in accordance with sec-*
24 *tion 13(3)(C)(i) of the Federal Reserve Act*
25 *(12 U.S.C. 343(3)(C)(i)); and*

1 (ii) once every 30 days with respect to
2 outstanding loans or financial assistance in
3 accordance with section 13(3)(C)(ii) of the
4 Federal Reserve Act (12 U.S.C.
5 343(3)(C)(ii)).

6 (B) PUBLICATION.—Not later than 7 days
7 after the Board of Governors of the Federal Re-
8 serve System submits a report under subpara-
9 graph (A) to the committees of Congress de-
10 scribed in subparagraph (A), the Board shall
11 publish on its website such report.

12 (c) TESTIMONY.—The Secretary and the Chairman of
13 the Board of Governors of the Federal Reserve System shall
14 testify, on a quarterly basis, before the Committee on Bank-
15 ing, Housing, and Urban Affairs of the Senate and the
16 Committee on Financial Services of the House of Represent-
17 atives regarding the obligations of the Department of the
18 Treasury and the Federal Reserve System, and transactions
19 entered into, under this Act.

20 (d) PROGRAM DESCRIPTIONS.—The Secretary shall
21 post on the website of the Department of the Treasury all
22 criteria, guidelines, eligibility requirements, and applica-
23 tion materials for the making of any loan or loan guarantee
24 under paragraph (1), (2), or (3) of section 4003(b).

1 (e) *ADMINISTRATIVE CONTRACTS.*—Not later than 24
2 hours after the Secretary enters into a contract in connec-
3 tion with the administration of any loan or loan guarantee
4 authorized to be made under paragraph (1), (2), or (3) of
5 section 4003(b), the Secretary shall post on the website of
6 the Department of the Treasury a copy of the contract.

7 (f) *GOVERNMENT ACCOUNTABILITY OFFICE.*—

8 (1) *STUDY.*—The Comptroller General of the
9 United States shall conduct a study on the loans, loan
10 guarantees, and other investments provided under sec-
11 tion 4003.

12 (2) *REPORT.*—Not later than 9 months after the
13 date of enactment of this Act, and annually thereafter
14 through the year succeeding the last year for which
15 loans, loan guarantees, or other investments made
16 under section 4003 are outstanding, the Comptroller
17 General shall submit to the Committee on Financial
18 Services, the Committee on Transportation and Infra-
19 structure, the Committee on Appropriations, and the
20 Committee on the Budget of the House of Representa-
21 tives and the Committee on Banking, Housing, and
22 Urban Affairs, the Committee on Commerce, Science,
23 and Transportation, the Committee on Appropria-
24 tions, and the Committee on the Budget of the Senate

1 *a report on the loans, loan guarantees, and other in-*
2 *vestments made under section 4003.*

3 **SEC. 4027. DIRECT APPROPRIATION.**

4 (a) *IN GENERAL.*—*Notwithstanding any other provi-*
5 *sion of law, there is appropriated, out of amounts in the*
6 *Treasury not otherwise appropriated, to the fund estab-*
7 *lished under section 5302(a)(1) of title 31, United States*
8 *Code, \$500,000,000,000 to carry out this subtitle.*

9 (b) *TECHNICAL AND CONFORMING AMENDMENT.*—*Sec-*
10 *tion 5302(a) of title 31, United States Code, is amended—*

11 (1) *by striking “and” before “section 3”; and*

12 (2) *by inserting “and the Coronavirus Economic*
13 *Stabilization Act of 2020,” before “and for investing”.*

14 (c) *CLARIFICATION.*—

15 (1) *IN GENERAL.*—*On or after January 1, 2021,*
16 *any remaining funds made available under section*
17 *4003(b) may be used only for—*

18 (A) *modifications, restructurings, or other*
19 *amendments of loans, loan guarantees, or other*
20 *investments in accordance with section*
21 *4029(b)(1); and*

22 (B) *exercising any options, warrants, or*
23 *other investments made prior to January 1,*
24 *2021; and*

1 (C) *paying costs and administrative ex-*
2 *penses as provided in section 4003(f).*

3 (2) *DEFICIT REDUCTION.—On January 1, 2026,*
4 *any funds described in paragraph (1) that are re-*
5 *maining shall be transferred to the general fund of the*
6 *Treasury to be used for deficit reduction.*

7 **SEC. 4028. RULE OF CONSTRUCTION.**

8 *Nothing in this subtitle shall be construed to allow the*
9 *Secretary to provide relief to eligible businesses, States, and*
10 *municipalities except in the form of loans, loan guarantees,*
11 *and other investments as provided in this subtitle and*
12 *under terms and conditions that are in the interest of the*
13 *Federal Government.*

14 **SEC. 4029. TERMINATION OF AUTHORITY.**

15 (a) *IN GENERAL.—Except as provided in subsection*
16 *(b), on December 31, 2020, the authority provided under*
17 *this subtitle to make new loans, loan guarantees, or other*
18 *investments shall terminate.*

19 (b) *OUTSTANDING.—*

20 (1) *IN GENERAL.—Except as provided in para-*
21 *graph (2), any loan, loan guarantee, or other invest-*
22 *ment outstanding on the date described in subsection*

23 (a)—

24 (A) *may be modified, restructured, or other-*
25 *wise amended; and*

1 (B) may not be forgiven.

2 (2) *DURATION.*—*The duration of any loan or*
3 *loan guarantee made under section 4003(b)(1) that is*
4 *modified, restructured, or otherwise amended under*
5 *paragraph (1) shall not be extended beyond 5 years*
6 *from the initial origination date of the loan or loan*
7 *guarantee.*

8 ***Subtitle B—Air Carrier Worker***
9 ***Support***

10 ***SEC. 4111. DEFINITIONS.***

11 *Unless otherwise specified, the terms in section*
12 *40102(a) of title 49, United States Code, shall apply to this*
13 *subtitle, except that—*

14 (1) *the term “airline catering employee” means*
15 *an employee who performs airline catering services;*

16 (2) *the term “airline catering services” means*
17 *preparation, assembly, or both, of food, beverages, pro-*
18 *visions and related supplies for delivery, and the de-*
19 *livery of such items, directly to aircraft or to a loca-*
20 *tion on or near airport property for subsequent deliv-*
21 *ery to aircraft;*

22 (3) *the term “contractor” means—*

23 (A) *a person that performs, under contract*
24 *with a passenger air carrier conducting oper-*

1 *ations under part 121 of title 14, Code of Fed-*
2 *eral Regulations—*

3 *(i) catering functions; or*

4 *(ii) functions on the property of an*
5 *airport that are directly related to the air*
6 *transportation of persons, property, or*
7 *mail, including but not limited to the load-*
8 *ing and unloading of property on aircraft;*
9 *assistance to passengers under part 382 of*
10 *title 14, Code of Federal Regulations; secu-*
11 *rity; airport ticketing and check-in func-*
12 *tions; ground-handling of aircraft; or air-*
13 *craft cleaning and sanitization functions*
14 *and waste removal; or*

15 *(B) a subcontractor that performs such*
16 *functions;*

17 *(4) the term “employee” means an individual,*
18 *other than a corporate officer, who is employed by an*
19 *air carrier or a contractor; and*

20 *(5) the term “Secretary” means the Secretary of*
21 *the Treasury.*

22 **SEC. 4112. PANDEMIC RELIEF FOR AVIATION WORKERS.**

23 *(a) FINANCIAL ASSISTANCE FOR EMPLOYEE WAGES,*
24 *SALARIES, AND BENEFITS.—Notwithstanding any other*
25 *provision of law, to preserve aviation jobs and compensate*

1 *air carrier industry workers, the Secretary shall provide fi-*
2 *nancial assistance that shall exclusively be used for the con-*
3 *tinuation of payment of employee wages, salaries, and bene-*
4 *fits to—*

5 (1) *passenger air carriers, in an aggregate*
6 *amount up to \$25,000,000,000;*

7 (2) *cargo air carriers, in the aggregate amount*
8 *up to \$4,000,000,000; and*

9 (3) *contractors, in an aggregate amount up to*
10 *\$3,000,000,000.*

11 (b) *ADMINISTRATIVE EXPENSES.—Notwithstanding*
12 *any other provision of law, the Secretary, may use*
13 *\$100,000,000 of the funds made available under section*
14 *4120(a) for costs and administrative expenses associated*
15 *with providing financial assistance under this subtitle.*

16 **SEC. 4113. PROCEDURES FOR PROVIDING PAYROLL SUP-**
17 **PORT.**

18 (a) *AWARDABLE AMOUNTS.—The Secretary shall pro-*
19 *vide financial assistance under this subtitle—*

20 (1) *to an air carrier in an amount equal to the*
21 *salaries and benefits reported by the air carrier to the*
22 *Department of Transportation pursuant to part 241*
23 *of title 14, Code of Federal Regulations, for the period*
24 *from April 1, 2019, through September 30, 2019; and*

1 (2) to an air carrier that does not transmit re-
2 ports under such part 241, in an amount that such
3 air carrier certifies, using sworn financial statements
4 or other appropriate data, as the amount of wages,
5 salaries, benefits, and other compensation that such
6 air carrier paid the employees of such air carrier
7 during the period from April 1, 2019, through Sep-
8 tember 30, 2019; and

9 (3) to a contractor, in an amount that the con-
10 tractor certifies, using sworn financial statements or
11 other appropriate data, as the amount of wages, sala-
12 ries, benefits, and other compensation that such con-
13 tractor paid the employees of such contractor during
14 the period from April 1, 2019, through September 30,
15 2019.

16 (b) *DEADLINES AND PROCEDURES.*—

17 (1) *IN GENERAL.*—

18 (A) *FORMS; TERMS AND CONDITIONS.*—*Fi-*
19 *ancial assistance provided to an air carrier or*
20 *contractor under this subtitle shall be in such*
21 *form, on such terms and conditions (including*
22 *requirements for audits and the clawback of any*
23 *financial assistance provided upon failure by a*
24 *passenger air carrier, cargo air carrier, or con-*
25 *tractor to honor the assurances specified in sec-*

1 tion 4114), as the Secretary determines appro-
2 priate.

3 (B) *PROCEDURES.*—The Secretary shall
4 publish streamlined and expedited procedures
5 not later than 5 days after the date of enactment
6 of this Act for air carriers and contractors to
7 submit requests for financial assistance under
8 this subtitle.

9 (2) *DEADLINE FOR IMMEDIATE PAYROLL ASSIST-*
10 *ANCE.*—Not later than 10 days after the date of enact-
11 ment of this Act, the Secretary shall make initial
12 payments to air carriers and contractors that submit
13 requests for financial assistance approved by to the
14 Secretary.

15 (3) *SUBSEQUENT PAYMENTS.*—The Secretary
16 shall determine an appropriate method for timely dis-
17 tribution of payments to air carriers and contractors
18 with approved requests for financial assistance from
19 any funds remaining available after providing initial
20 financial assistance payments under paragraph (2).

21 (c) *PRO RATA AUTHORITY.*—The Secretary shall have
22 the authority to reduce, on a pro rata basis, the amounts
23 due to air carriers and contractors under the applicable
24 paragraph of section 4112 in order to address any shortfall

1 *in assistance that would otherwise be provided under such*
2 *section.*

3 (d) *AUDITS.*—*The Inspector General of the Depart-*
4 *ment of the Treasury shall audit certifications made under*
5 *subsection (a).*

6 **SEC. 4114. REQUIRED ASSURANCES.**

7 (a) *IN GENERAL.*—*To be eligible for financial assist-*
8 *ance under this subtitle, an air carrier or contractor shall*
9 *enter into an agreement with the Secretary, or otherwise*
10 *certify in such form and manner as the Secretary shall pre-*
11 *scribe, that the air carrier or contractor shall—*

12 (1) *refrain from conducting involuntary fur-*
13 *loughs or reducing pay rates and benefits until Sep-*
14 *tember 30, 2020;*

15 (2) *through September 30, 2021, ensure that nei-*
16 *ther the air carrier or contractor nor any affiliate of*
17 *the air carrier or contractor may, in any transaction,*
18 *purchase an equity security of the air carrier or con-*
19 *tractor or the parent company of the air carrier or*
20 *contractor that is listed on a national securities ex-*
21 *change;*

22 (3) *through September 30, 2021, ensure that the*
23 *air carrier or contractor shall not pay dividends, or*
24 *make other capital distributions, with respect to the*

1 *common stock (or equivalent interest) of the air car-*
2 *rier or contractor; and*

3 *(4) meet the requirements of sections 4115 and*
4 *4116.*

5 *(b) DEPARTMENT OF TRANSPORTATION AUTHORITY TO*
6 *CONDITION ASSISTANCE ON CONTINUATION OF SERVICE.—*

7 *(1) IN GENERAL.—The Secretary of Transpor-*
8 *tation is authorized to require, to the extent reason-*
9 *able and practicable, an air carrier provided finan-*
10 *cial assistance under this subtitle to maintain sched-*
11 *uled air transportation service, as the Secretary of*
12 *Transportation deems necessary, to ensure services to*
13 *any point served by that carrier before March 1,*
14 *2020.*

15 *(2) REQUIRED CONSIDERATIONS.—When consid-*
16 *ering whether to exercise the authority provided by*
17 *this section, the Secretary of Transportation shall*
18 *take into consideration the air transportation needs of*
19 *small and remote communities and the need to main-*
20 *tain well-functioning health care supply chains, in-*
21 *cluding medical devices and supplies, and pharma-*
22 *ceutical supply chains.*

23 *(3) SUNSET.—The authority provided under this*
24 *subsection shall terminate on March 1, 2022, and any*
25 *requirements issued by the Secretary of Transpor-*

1 *agreement with the Secretary which provides that, during*
2 *the 2-year period beginning March 24, 2020, and ending*
3 *March 24, 2022, no officer or employee of the air carrier*
4 *or contractor whose total compensation exceeded \$425,000*
5 *in calendar year 2019 (other than an employee whose com-*
6 *penensation is determined through an existing collective bar-*
7 *gaining agreement entered into prior to enactment of this*
8 *Act)—*

9 (1) *will receive from the air carrier or contractor*
10 *total compensation which exceeds, during any 12 con-*
11 *secutive months of such 2-year period, the total com-*
12 *penensation received by the officer or employee from the*
13 *air carrier or contractor in calendar year 2019;*

14 (2) *will receive from the air carrier or contractor*
15 *severance pay or other benefits upon termination of*
16 *employment with the air carrier or contractor which*
17 *exceeds twice the maximum total compensation re-*
18 *ceived by the officer or employee from the air carrier*
19 *or contractor in calendar year 2019; and*

20 (3) *no officer or employee of the eligible business*
21 *whose total compensation exceeded \$3,000,000 in cal-*
22 *endar year 2019 may receive during any 12 consec-*
23 *utive months of such period total compensation in ex-*
24 *cess of the sum of—*

25 (A) *\$3,000,000; and*

1 (B) 50 percent of the excess over \$3,000,000
2 of the total compensation received by the officer
3 or employee from the eligible business in cal-
4 endar year 2019.

5 (b) *TOTAL COMPENSATION DEFINED.*—In this section,
6 the term “total compensation” includes salary, bonuses,
7 awards of stock, and other financial benefits provided by
8 an air carrier or contractor to an officer or employee of
9 the air carrier or contractor.

10 **SEC. 4117. TAX PAYER PROTECTION.**

11 The Secretary may receive warrants, options, preferred
12 stock, debt securities, notes, or other financial instruments
13 issued by recipients of financial assistance under this sub-
14 title which, in the sole determination of the Secretary, pro-
15 vide appropriate compensation to the Federal Government
16 for the provision of the financial assistance.

17 **SEC. 4118. REPORTS.**

18 (a) *REPORT.*—Not later than November 1, 2020, the
19 Secretary shall submit to the Committee on Transportation
20 and Infrastructure and the Committee on Financial Serv-
21 ices of the House of Representatives and the Committee on
22 Commerce, Science, and Transportation and the Committee
23 on Banking, Housing, and Urban Affairs of the Senate a
24 report on the financial assistance provided to air carriers

1 *and contractors under this subtitle, including a description*
2 *of any financial assistance provided.*

3 (b) *UPDATE.*—*Not later than the last day of the 1-year*
4 *period following the date of enactment of this Act, the Sec-*
5 *retary shall update and submit to the Committee on Trans-*
6 *portation and the Committee on Financial Services and In-*
7 *frastructure of the House of Representatives and the Com-*
8 *mittee on Commerce, Science, and Transportation and the*
9 *Committee on Banking, Housing, and Urban Affairs of the*
10 *Senate the report described in subsection (a).*

11 **SEC. 4119. COORDINATION.**

12 *In implementing this subtitle the Secretary shall co-*
13 *ordinate with the Secretary of Transportation.*

14 **SEC. 4120. DIRECT APPROPRIATION.**

15 *Notwithstanding any other provision of law, there is*
16 *appropriated, out of amounts in the Treasury not otherwise*
17 *appropriated, \$32,000,000,000 to carry out this subtitle.*

18 **TITLE V—CORONAVIRUS RELIEF**
19 **FUNDS**

20 **SEC. 5001. CORONAVIRUS RELIEF FUND.**

21 (a) *IN GENERAL.*—*The Social Security Act (42 U.S.C.*
22 *301 et seq.) is amended by inserting after title V the fol-*
23 *lowing:*

1 **“TITLE VI—CORONAVIRUS**
2 **RELIEF FUND**

3 **“SEC. 601. CORONAVIRUS RELIEF FUND.**

4 “(a) *APPROPRIATION.*—

5 “(1) *IN GENERAL.*—*Out of any money in the*
6 *Treasury of the United States not otherwise appro-*
7 *priated, there are appropriated for making payments*
8 *to States, Tribal governments, and units of local gov-*
9 *ernment under this section, \$150,000,000,000 for fis-*
10 *cal year 2020.*

11 “(2) *RESERVATION OF FUNDS.*—*Of the amount*
12 *appropriated under paragraph (1), the Secretary*
13 *shall reserve—*

14 “(A) *\$3,000,000,000 of such amount for*
15 *making payments to the District of Columbia,*
16 *the Commonwealth of Puerto Rico, the United*
17 *States Virgin Islands, Guam, the Commonwealth*
18 *of the Northern Mariana Islands, and American*
19 *Samoa; and*

20 “(B) *\$8,000,000,000 of such amount for*
21 *making payments to Tribal governments.*

22 “(b) *AUTHORITY TO MAKE PAYMENTS.*—

23 “(1) *IN GENERAL.*—*Subject to paragraph (2),*
24 *not later than 30 days after the date of enactment of*
25 *this section, the Secretary shall pay each State and*

1 *Tribal government, and each unit of local government*
2 *that meets the condition described in paragraph (2),*
3 *the amount determined for the State, Tribal govern-*
4 *ment, or unit of local government, for fiscal year 2020*
5 *under subsection (c).*

6 “(2) *DIRECT PAYMENTS TO UNITS OF LOCAL*
7 *GOVERNMENT.—If a unit of local government of a*
8 *State submits the certification required by subsection*
9 *(e) for purposes of receiving a direct payment from*
10 *the Secretary under the authority of this paragraph,*
11 *the Secretary shall reduce the amount determined for*
12 *that State by the relative unit of local government*
13 *population proportion amount described in subsection*
14 *(c)(5) and pay such amount directly to such unit of*
15 *local government.*

16 “(c) *PAYMENT AMOUNTS.—*

17 “(1) *IN GENERAL.—Subject to paragraph (2), the*
18 *amount paid under this section for fiscal year 2020*
19 *to a State that is 1 of the 50 States shall be the*
20 *amount equal to the relative population proportion*
21 *amount determined for the State under paragraph (3)*
22 *for such fiscal year.*

23 “(2) *MINIMUM PAYMENT.—*

24 “(A) *IN GENERAL.—No State that is 1 of*
25 *the 50 States shall receive a payment under this*

1 *section for fiscal year 2020 that is less than*
2 *\$1,250,000,000.*

3 “(B) *PRO RATA ADJUSTMENTS.*—*The Sec-*
4 *retary shall adjust on a pro rata basis the*
5 *amount of the payments for each of the 50 States*
6 *determined under this subsection without regard*
7 *to this subparagraph to the extent necessary to*
8 *comply with the requirements of subparagraph*
9 *(A).*

10 “(3) *RELATIVE POPULATION PROPORTION*
11 *AMOUNT.*—*For purposes of paragraph (1), the relative*
12 *population proportion amount determined under this*
13 *paragraph for a State for fiscal year 2020 is the*
14 *product of—*

15 “(A) *the amount appropriated under para-*
16 *graph (1) of subsection (a) for fiscal year 2020*
17 *that remains after the application of paragraph*
18 *(2) of that subsection; and*

19 “(B) *the relative State population propor-*
20 *tion (as defined in paragraph (4)).*

21 “(4) *RELATIVE STATE POPULATION PROPORTION*
22 *DEFINED.*—*For purposes of paragraph (3)(B), the*
23 *term ‘relative State population proportion’ means,*
24 *with respect to a State, the quotient of—*

25 “(A) *the population of the State; and*

1 “(B) the total population of all States (ex-
2 cluding the District of Columbia and territories
3 specified in subsection (a)(2)(A)).

4 “(5) *RELATIVE UNIT OF LOCAL GOVERNMENT*
5 *POPULATION PROPORTION AMOUNT.*—For purposes of
6 subsection (b)(2), the term ‘relative unit of local gov-
7 ernment population proportion amount’ means, with
8 respect to a unit of local government and a State, the
9 amount equal to the product of—

10 “(A) 45 percent of the amount of the pay-
11 ment determined for the State under this sub-
12 section (without regard to this paragraph); and

13 “(B) the amount equal to the quotient of—

14 “(i) the population of the unit of local
15 government; and

16 “(ii) the total population of the State
17 in which the unit of local government is lo-
18 cated.

19 “(6) *DISTRICT OF COLUMBIA AND TERRI-*
20 *TORIES.*—The amount paid under this section for fis-
21 cal year 2020 to a State that is the District of Colum-
22 bia or a territory specified in subsection (a)(2)(A)
23 shall be the amount equal to the product of—

24 “(A) the amount set aside under subsection
25 (a)(2)(A) for such fiscal year; and

1 “(B) *each such District’s and territory’s*
2 *share of the combined total population of the*
3 *District of Columbia and all such territories, as*
4 *determined by the Secretary.*

5 “(7) *TRIBAL GOVERNMENTS.—From the amount*
6 *set aside under subsection (a)(2)(B) for fiscal year*
7 *2020, the amount paid under this section for fiscal*
8 *year 2020 to a Tribal government shall be the amount*
9 *the Secretary shall determine, in consultation with*
10 *the Secretary of the Interior and Indian Tribes, that*
11 *is based on increased expenditures of each such Tribal*
12 *government (or a tribally-owned entity of such Tribal*
13 *government) relative to aggregate expenditures in fis-*
14 *cal year 2019 by the Tribal government (or tribally-*
15 *owned entity) and determined in such manner as the*
16 *Secretary determines appropriate to ensure that all*
17 *amounts available under subsection (a)(2)(B) for fis-*
18 *cal year 2020 are distributed to Tribal governments.*

19 “(8) *DATA.—For purposes of this subsection, the*
20 *population of States and units of local governments*
21 *shall be determined based on the most recent year for*
22 *which data are available from the Bureau of the Cen-*
23 *sus.*

24 “(d) *USE OF FUNDS.—A State, Tribal government,*
25 *and unit of local government shall use the funds provided*

1 *under a payment made under this section to cover only*
2 *those costs of the State, Tribal government, or unit of local*
3 *government that—*

4 “(1) *are necessary expenditures incurred due to*
5 *the public health emergency with respect to the*
6 *Coronavirus Disease 2019 (COVID–19);*

7 “(2) *were not accounted for in the budget most*
8 *recently approved as of the date of enactment of this*
9 *section for the State or government; and*

10 “(3) *were incurred during the period that begins*
11 *on March 1, 2020, and ends on December 30, 2020.*

12 “(e) *CERTIFICATION.—In order to receive a payment*
13 *under this section, a unit of local government shall provide*
14 *the Secretary with a certification signed by the Chief Exec-*
15 *utive for the unit of local government that the local govern-*
16 *ment’s proposed uses of the funds are consistent with sub-*
17 *section (d).*

18 “(f) *INSPECTOR GENERAL OVERSIGHT;*
19 *RECOUPMENT.—*

20 “(1) *OVERSIGHT AUTHORITY.—The Inspector*
21 *General of the Department of the Treasury shall con-*
22 *duct monitoring and oversight of the receipt, disburse-*
23 *ment, and use of funds made available under this sec-*
24 *tion.*

1 “(2) *RECOUPMENT.*—*If the Inspector General of*
2 *the Department of the Treasury determines that a*
3 *State, Tribal government, or unit of local government*
4 *has failed to comply with subsection (d), the amount*
5 *equal to the amount of funds used in violation of such*
6 *subsection shall be booked as a debt of such entity*
7 *owed to the Federal Government. Amounts recovered*
8 *under this subsection shall be deposited into the gen-*
9 *eral fund of the Treasury.*

10 “(3) *APPROPRIATION.*—*Out of any money in the*
11 *Treasury of the United States not otherwise appro-*
12 *propriated, there are appropriated to the Office of the In-*
13 *pector General of the Department of the Treasury,*
14 *\$35,000,000 to carry out oversight and recoupment*
15 *activities under this subsection. Amounts appro-*
16 *propriated under the preceding sentence shall remain*
17 *available until expended.*

18 “(4) *AUTHORITY OF INSPECTOR GENERAL.*—
19 *Nothing in this subsection shall be construed to di-*
20 *minish the authority of any Inspector General, in-*
21 *cluding such authority as provided in the Inspector*
22 *General Act of 1978 (5 U.S.C. App.).*

23 “(g) *DEFINITIONS.*—*In this section:*

24 “(1) *INDIAN TRIBE.*—*The term ‘Indian Tribe’*
25 *has the meaning given that term in section 4(e) of the*

1 *Indian Self-Determination and Education Assistance*
2 *Act (25 U.S.C. 5304(e)).*

3 “(2) *LOCAL GOVERNMENT.*—*The term ‘unit of*
4 *local government’ means a county, municipality,*
5 *town, township, village, parish, borough, or other unit*
6 *of general government below the State level with a*
7 *population that exceeds 500,000.*

8 “(3) *SECRETARY.*—*The term ‘Secretary’ means*
9 *the Secretary of the Treasury.*

10 “(4) *STATE.*—*The term ‘State’ means the 50*
11 *States, the District of Columbia, the Commonwealth*
12 *of Puerto Rico, the United States Virgin Islands,*
13 *Guam, the Commonwealth of the Northern Mariana*
14 *Islands, and American Samoa.*

15 “(5) *TRIBAL GOVERNMENT.*—*The term ‘Tribal*
16 *government’ means the recognized governing body of*
17 *an Indian Tribe.”.*

18 “(b) *APPLICATION OF PROVISIONS.*—*Amounts appro-*
19 *priated for fiscal year 2020 under section 601(a)(1) of the*
20 *Social Security Act (as added by subsection (a)) shall be*
21 *subject to the requirements contained in Public Law 116–*
22 *94 for funds for programs authorized under sections 330*
23 *through 340 of the Public Health Service Act (42 U.S.C.*
24 *254 through 256).*

1 **TITLE VI—MISCELLANEOUS**
2 **PROVISIONS**

3 **SEC. 6001. COVID-19 BORROWING AUTHORITY FOR THE**
4 **UNITED STATES POSTAL SERVICE.**

5 (a) *DEFINITIONS.*—*In this section—*

6 (1) *the term “COVID-19 emergency” means the*
7 *emergency involving Federal primary responsibility*
8 *determined to exist by the President under section*
9 *501(b) of the Robert T. Stafford Disaster Relief and*
10 *Emergency Assistance Act (42 U.S.C. 5191(b)) with*
11 *respect to the Coronavirus Disease 2019 (COVID-19);*
12 *and*

13 (2) *the term “Postal Service” means the United*
14 *States Postal Service.*

15 (b) *ADDITIONAL BORROWING AUTHORITY.*—*Notwith-*
16 *standing section 2005 of title 39, United States Code, or*
17 *any other provision of law, if the Postal Service determines*
18 *that, due to the COVID-19 emergency, the Postal Service*
19 *will not be able to fund operating expenses without bor-*
20 *rowing money—*

21 (1) *the Postal Service may borrow money from*
22 *the Treasury in an amount not to exceed*
23 *\$10,000,000,000—*

24 (A) *to be used for such operating expenses;*

25 *and*

1 (B) which may not be used to pay any out-
2 standing debt of the Postal Service; and

3 (2) the Secretary of the Treasury may lend up
4 to the amount described in paragraph (1) at the re-
5 quest of the Postal Service, upon terms and conditions
6 mutually agreed upon by the Secretary and the Postal
7 Service.

8 (c) **PRIORITIZATION OF DELIVERY FOR MEDICAL PUR-**
9 **POSES DURING COVID-19 EMERGENCY.**—Notwithstanding
10 any other provision of law, during the COVID-19 emer-
11 gency, the Postal Service—

12 (1) shall prioritize delivery of postal products for
13 medical purposes; and

14 (2) may establish temporary delivery points, in
15 such form and manner as the Postal Service deter-
16 mines necessary, to protect employees of the Postal
17 Service and individuals receiving deliveries from the
18 Postal Service.

19 **SEC. 6002. EMERGENCY DESIGNATION.**

20 (a) **IN GENERAL.**—The amounts provided under this
21 division are designated as an emergency requirement pur-
22 suant to section 4(g) of the Statutory Pay-As-You-Go Act
23 of 2010 (2 U.S.C. 933(g)).

24 (b) **DESIGNATION IN SENATE.**—In the Senate, this di-
25 vision is designated as an emergency requirement pursuant

1 *to section 4112(a) of H. Con. Res. 71 (115th Congress), the*
 2 *concurrent resolution on the budget for fiscal year 2018.*

3 ***DIVISION B—EMERGENCY AP-***
 4 ***PROPRIATIONS FOR***
 5 ***CORONAVIRUS HEALTH RE-***
 6 ***SPONSE AND AGENCY OPER-***
 7 ***ATIONS***

8 *The following sums are hereby are appropriated, out*
 9 *of any money in the Treasury not otherwise appropriated,*
 10 *for the fiscal year ending September 30, 2020, and for other*
 11 *purposes, namely:*

12 ***TITLE I***

13 ***AGRICULTURAL PROGRAMS***

14 ***OFFICE OF THE SECRETARY***

15 *For an additional amount for the “Office of the Sec-*
 16 *retary”, \$9,500,000,000, to remain available until ex-*
 17 *pendent, to prevent, prepare for, and respond to coronavirus*
 18 *by providing support for agricultural producers impacted*
 19 *by coronavirus, including producers of specialty crops, pro-*
 20 *ducers that supply local food systems, including farmers*
 21 *markets, restaurants, and schools, and livestock producers,*
 22 *including dairy producers: Provided, That such amount is*
 23 *designated 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 *OFFICE OF INSPECTOR GENERAL*

2 *For an additional amount for “Office of Inspector*
3 *General”, \$750,000, to remain available until September*
4 *30, 2021, to prevent, prepare for, and respond to*
5 *coronavirus, domestically or internationally: Provided,*
6 *That the funding made available under this heading in this*
7 *Act shall be used for conducting audits and investigations*
8 *of projects and activities carried out with funds made avail-*
9 *able in this Act to the Department of Agriculture to prevent,*
10 *prepare for, and respond to coronavirus, domestically or*
11 *internationally: Provided further, That such amount is des-*
12 *ignated by the Congress as being for an emergency require-*
13 *ment pursuant to section 251(b)(2)(A)(i) of the Balanced*
14 *Budget and Emergency Deficit Control Act of 1985.*

15 *ANIMAL AND PLANT HEALTH INSPECTION SERVICE*16 *SALARIES AND EXPENSES*

17 *For an additional amount for “Salaries and Ex-*
18 *penses”, \$55,000,000, to remain available until September*
19 *30, 2021, to prevent, prepare for, and respond to*
20 *coronavirus, domestically or internationally, including for*
21 *necessary expenses for salary costs associated with the Agri-*
22 *culture Quarantine and Inspection Program: Provided,*
23 *That such amount is designated by the Congress as being*
24 *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 *AGRICULTURAL MARKETING SERVICE*

4 *MARKETING SERVICES*

5 *For an additional amount for “Marketing Services”,*
6 *\$45,000,000, to remain available until September 30, 2021,*
7 *to prevent, prepare for, and respond to coronavirus, domes-*
8 *tically or internationally, including necessary expenses for*
9 *salary costs associated with commodity grading, inspection,*
10 *and audit activities: Provided, That such amount is des-*
11 *ignated by the Congress as being for an emergency require-*
12 *ment pursuant to section 251(b)(2)(A)(i) of the Balanced*
13 *Budget and Emergency Deficit Control Act of 1985.*

14 *FOOD SAFETY AND INSPECTION SERVICE*

15 *For an additional amount for “Food Safety and In-*
16 *spection Service”, \$33,000,000, to remain available until*
17 *September 30, 2021, to prevent, prepare for, and respond*
18 *to coronavirus, domestically or internationally, including*
19 *for support of temporary and intermittent workers, reloca-*
20 *tion of inspectors, and, notwithstanding 21 U.S.C. 468, 695*
21 *and 1053 and 7 U.S.C. 2219a, costs of overtime inspectors*
22 *under the Federal Meat Inspection Act, the Poultry Prod-*
23 *ucts Inspection Act, and the Egg Products Inspection Act:*
24 *Provided, That such amount is designated by the Congress*
25 *as being 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 *FARM PRODUCTION AND CONSERVATION*

4 *PROGRAMS*

5 *FARM SERVICE AGENCY*

6 *For an additional amount for “Salaries and Ex-*
7 *penses”, \$3,000,000, to remain available until September*
8 *30, 2021, to prevent, prepare for, and respond to*
9 *coronavirus, domestically or internationally, including nec-*
10 *essary expenses to hire temporary staff and overtime ex-*
11 *penses: Provided, That such amount is designated by the*
12 *Congress as being for an emergency requirement pursuant*
13 *to section 251(b)(2)(A)(i) of the Balanced Budget and*
14 *Emergency Deficit Control Act of 1985.*

15 *RURAL DEVELOPMENT PROGRAMS*

16 *RURAL BUSINESS—COOPERATIVE SERVICE*

17 *RURAL BUSINESS PROGRAM ACCOUNT*

18 *For an additional amount for “Rural Business Pro-*
19 *gram Account”, \$20,500,000, to remain available until Sep-*
20 *tember 30, 2021, to prevent, prepare for, and respond to*
21 *coronavirus, for the cost of loans for rural business develop-*
22 *ment programs authorized by section 310B and described*
23 *in subsection (g) of section 310B of the Consolidated Farm*
24 *and Rural Development Act: Provided, That such amount*
25 *is designated by the Congress as being for an emergency*

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

3 *RURAL UTILITIES SERVICE*

4 *DISTANCE LEARNING, TELEMEDICINE, AND BROADBAND*

5 *PROGRAM*

6 *For an additional amount for “Distance Learning,*
 7 *Telemedicine, and Broadband Program”, \$25,000,000, to*
 8 *remain available until expended, to prevent, prepare for,*
 9 *and respond to coronavirus, domestically or internation-*
 10 *ally, for telemedicine and distance learning services in*
 11 *rural areas, as authorized by 7 U.S.C. 950aaa et seq.: Pro-*
 12 *vided, That such amount is designated by the Congress as*
 13 *being for an emergency requirement pursuant to section*
 14 *251(b)(2)(A)(i) of the Balanced Budget and Emergency*
 15 *Deficit Control Act of 1985.*

16 *DOMESTIC FOOD PROGRAMS*

17 *FOOD AND NUTRITION SERVICE*

18 *CHILD NUTRITION PROGRAMS*

19 *For an additional amount for “Child Nutrition Pro-*
 20 *grams”, \$8,800,000,000 to remain available until Sep-*
 21 *tember 30, 2021, to prevent, prepare for, and respond to*
 22 *coronavirus, domestically or internationally: Provided,*
 23 *That such amount is designated by the Congress as being*
 24 *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 *SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM*

4 *For an additional amount for “Supplemental Nutri-*
5 *tion Assistance Program”, \$15,810,000,000, to remain*
6 *available until September 30, 2021, to prevent, prepare for,*
7 *and respond to coronavirus, domestically or internation-*
8 *ally: Provided, That of the amount provided under this*
9 *heading in this Act, \$15,510,000,000 shall be placed in a*
10 *contingency reserve to be allocated as the Secretary deems*
11 *necessary to support participation should cost or participa-*
12 *tion exceed budget estimates to prevent, prepare for, and*
13 *respond to coronavirus: Provided further, That of the*
14 *amount provided under this heading in this Act,*
15 *\$100,000,000 shall be for the food distribution program on*
16 *Indian reservations program as authorized by Section 4(b)*
17 *of the Food and Nutrition Act of 2008 (7 U.S.C. 2013) and*
18 *Section 4(a) of the Agriculture and Consumer Protection*
19 *Act of 1973 (7 U.S.C. 1431) to prevent, prepare for, and*
20 *respond to coronavirus, of which \$50,000,000 shall be for*
21 *facility improvements and equipment upgrades and of*
22 *which \$50,000,000 shall be for the costs relating to addi-*
23 *tional food purchases: Provided further, That of the amount*
24 *provided under this heading in this Act, \$200,000,000 to*
25 *remain available through September 30, 2021, shall be*

1 available for the Secretary of Agriculture to provide grants
2 to the Commonwealth of the Northern Mariana Islands,
3 Puerto Rico, and American Samoa for nutrition assistance
4 to prevent, prepare for, and respond to coronavirus, domes-
5 tically or internationally: Provided further, That such
6 amount is designated by the Congress as being for an emer-
7 gency requirement pursuant to section 251(b)(2)(A)(i) of
8 the Balanced Budget and Emergency Deficit Control Act
9 of 1985.

10 **COMMODITY ASSISTANCE PROGRAM**

11 *For an additional amount for “Commodity Assistance*
12 *Program”, \$450,000,000, to remain available through Sep-*
13 *tember 30, 2021, to prevent, prepare for, and respond to*
14 *coronavirus, domestically or internationally, for the emer-*
15 *gency food assistance program as authorized by section*
16 *27(a) of the Food and Nutrition Act of 2008 (7 U.S.C.*
17 *2036(a)) and section 204(a)(1) of the Emergency Food As-*
18 *sistance Act of 1983 (7 U.S.C. 7508(a)(1)): Provided, That*
19 *of the funds made available, the Secretary may use up to*
20 *\$150,000,000 for costs associated with the distribution of*
21 *commodities: Provided further, That such amount is des-*
22 *ignated by the Congress as being for an emergency require-*
23 *ment pursuant to section 251(b)(2)(A)(i) of the Balanced*
24 *Budget and Emergency Deficit Control Act of 1985.*

1 *FOREIGN ASSISTANCE AND RELATED PROGRAMS*2 *FOREIGN AGRICULTURAL SERVICE*3 *SALARIES AND EXPENSES*

4 *For an additional amount for “Salaries and Ex-*
5 *penses”, \$4,000,000, to remain available until September*
6 *30, 2021, to prevent, prepare for, and respond to*
7 *coronavirus, domestically or internationally, including nec-*
8 *essary expenses to relocate employees and their dependents*
9 *back from overseas posts: 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 *RELATED AGENCIES AND FOOD AND DRUG*14 *ADMINISTRATION*15 *DEPARTMENT OF HEALTH AND HUMAN SERVICES*16 *FOOD AND DRUG ADMINISTRATION*17 *SALARIES AND EXPENSES*

18 *For an additional amount for “Salaries and Ex-*
19 *penses”, \$80,000,000, to remain available until expended,*
20 *to prevent, prepare for, and respond to coronavirus, domes-*
21 *tically or internationally, including funds for the develop-*
22 *ment of necessary medical countermeasures and vaccines,*
23 *advanced manufacturing for medical products, the moni-*
24 *toring of medical product supply chains, and related ad-*
25 *ministrative activities: Provided, That such amount is des-*

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

4 **GENERAL PROVISIONS—THIS TITLE**

5 *(INCLUDING TRANSFER OF FUNDS)*

6 *SEC. 11001. Of the funds made available to the Rural*
7 *Development mission area in this title, and in addition to*
8 *funds otherwise made available for such purpose, not more*
9 *than 3 percent may be used for administrative costs to*
10 *carry out loan, loan guarantee and grant activities funded*
11 *in this title to prevent, prepare for, and respond to*
12 *coronavirus, domestically or internationally: Provided,*
13 *That such funds shall be transferred to, and merged with,*
14 *the appropriation for “Rural Development, Salaries and*
15 *Expenses” and, once transferred, shall be used only to pre-*
16 *vent, prepare for, and respond to coronavirus, domestically*
17 *or internationally: Provided further, that this transfer au-*
18 *thority is in addition to any other transfer authority pro-*
19 *vided by law.*

20 **COMMODITY CREDIT CORPORATION**

21 **REIMBURSEMENT OF PRESENT NET REALIZED LOSSES**

22 *SEC. 11002. Of the amounts provided in the Further*
23 *Consolidated Appropriations Act, 2020 (Public Law 116–*
24 *94) under the heading “Commodity Credit Corporation*
25 *Fund—Reimbursement for Net Realized Losses”,*

1 \$14,000,000,000, may be used, prior to the completion of
2 the report described in 15 U.S.C. 713a–11, to reimburse the
3 Commodity Credit Corporation for net realized losses sus-
4 tained, but not previously reimbursed, as reflected in the
5 June 2020 report of its financial condition: Provided, That
6 such amount is designated by the Congress as being for an
7 emergency requirement pursuant to section 251(b)(2)(A)(i)
8 of the Balanced Budget and Emergency Deficit Control Act
9 of 1985.

10 *SEC. 11003. The Secretary may extend the term of a*
11 *marketing assistance loan authorized by section 1201 of the*
12 *Agricultural Act of 2014 (7 U.S.C. 9033) for any loan com-*
13 *modity to 12 months: Provided, That the authority made*
14 *available pursuant to this section shall expire on September*
15 *30, 2020: Provided further, That the amount provided by*
16 *this section is designated by the Congress as being for an*
17 *emergency requirement pursuant to section 251(b)(2)(A)(i)*
18 *of the Balanced Budget and Emergency Deficit Control Act*
19 *of 1985.*

20 *SEC. 11004. For an additional amount for grants*
21 *under the pilot program established under section 779 of*
22 *Public Law 115–141, to prevent, prepare for, and respond*
23 *to coronavirus, \$100,000,000, to remain available until*
24 *September 30, 2021: Provided, That at least 90 percent of*
25 *the households to be served by a project receiving a grant*

1 *shall be in a rural area without sufficient access to*
2 *broadband: Provided further, That for purposes of such pilot*
3 *program, a rural area without sufficient access to*
4 *broadband shall be defined as 10 Mbps downstream and 1*
5 *Mbps upstream, and such definition shall be reevaluated*
6 *and redefined, as necessary, on an annual basis by the Sec-*
7 *retary of Agriculture: Provided further, That an entity to*
8 *which a grant is made under the pilot program shall not*
9 *use a grant to overbuild or duplicate broadband expansion*
10 *efforts made by any entity that has received a broadband*
11 *loan from the Rural Utilities Service: Provided further,*
12 *That priority consideration for grants shall be given to pre-*
13 *vious applicants now eligible as a result of adjusted eligi-*
14 *bility requirements: Provided further, That such amount is*
15 *designated by the Congress as being for an emergency re-*
16 *quirement pursuant to section 251(b)(2)(A)(i) of the Bal-*
17 *anced Budget and Emergency Deficit Control Act of 1985.*

18 *TITLE II*

19 *DEPARTMENT OF COMMERCE*

20 *ECONOMIC DEVELOPMENT ADMINISTRATION*

21 *ECONOMIC DEVELOPMENT ASSISTANCE PROGRAMS*

22 *(INCLUDING TRANSFERS OF FUNDS)*

23 *Pursuant to section 703 of the Public Works and Eco-*
24 *nomics Development Act (42 U.S.C. 3233), for an additional*
25 *amount for “Economic Development Assistance Programs”,*

1 \$1,500,000,000, to remain available until September 30,
2 2022, to prevent, prepare for, and respond to coronavirus,
3 domestically or internationally, including for necessary ex-
4 penses for responding to economic injury as a result of
5 coronavirus: Provided, That such amount shall be for eco-
6 nomic adjustment assistance as authorized by section 209
7 of the Public Works and Economic Development Act of 1965
8 (42 U.S.C. 3149): Provided further, That within the
9 amount appropriated under this heading in this Act, up
10 to 2 percent of funds may be transferred to the “Salaries
11 and Expenses” account for administration and oversight
12 activities related to preventing, preparing for, and respond-
13 ing to coronavirus: Provided further, That the Secretary of
14 Commerce is authorized to appoint and fix the compensa-
15 tion of such temporary personnel as may be necessary to
16 implement the requirements under this heading in this Act
17 to prevent, prepare for, and respond to coronavirus, without
18 regard to the provisions of title 5, United States Code, gov-
19 erning appointments in competitive service: Provided fur-
20 ther, That the Secretary of Commerce is authorized to ap-
21 point such temporary personnel, after serving continuously
22 for 2 years, to positions in the Economic Development Ad-
23 ministration in the same manner that competitive service
24 employees with competitive status are considered for trans-
25 fer, reassignment, or promotion to such positions and an

1 *individual appointed under this provision shall become a*
2 *career-conditional employee, unless the employee has al-*
3 *ready completed the service requirements for career tenure:*
4 *Provided further, That within the amount appropriated*
5 *under this heading in this Act, \$3,000,000 shall be trans-*
6 *ferred to the “Office of Inspector General” account for car-*
7 *rying out investigations and audits related to the funding*
8 *provided to prevent, prepare for, and respond to*
9 *coronavirus under this heading in this Act: Provided fur-*
10 *ther, That such amount is designated by the Congress as*
11 *being for an emergency requirement pursuant to section*
12 *251(b)(2)(A)(i) of the Balanced Budget and Emergency*
13 *Deficit Control Act of 1985.*

14 *NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY*
15 *SCIENTIFIC AND TECHNICAL RESEARCH AND SERVICES*

16 *For an additional amount for “Scientific and Tech-*
17 *nical Research and Services”, \$6,000,000, to remain avail-*
18 *able until September, 30, 2021, to prevent, prepare for, and*
19 *respond to coronavirus, domestically or internationally, by*
20 *supporting continuity of operations, including measure-*
21 *ment science to support viral testing and biomanufacturing:*
22 *Provided, That such amount is designated by the Congress*
23 *as 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 *INDUSTRIAL TECHNOLOGY SERVICES*

2 *For an additional amount for “Industrial Technology*
3 *Services”, \$60,000,000, to remain available until September*
4 *30, 2021, to prevent, prepare for, and respond to*
5 *coronavirus, domestically or internationally: Provided,*
6 *That of the amount provided under this heading in this*
7 *Act, \$50,000,000 shall be for the Hollings Manufacturing*
8 *Extension Partnership to assist manufacturers to prevent,*
9 *prepare for, and respond to coronavirus and \$10,000,000*
10 *shall be for the National Network for Manufacturing Inno-*
11 *vation (also known as “Manufacturing USA”) to prevent,*
12 *prepare for, and respond to coronavirus, including to sup-*
13 *port development and manufacturing of medical counter-*
14 *measures and biomedical equipment and supplies: Provided*
15 *further, That none of the funds provided under this heading*
16 *in this Act shall be subject to cost share requirements under*
17 *15 U.S.C. 278k(e)(2) or 15 U.S.C. 278s(e)(7)(A): Provided*
18 *further, That such amount is designated by the Congress*
19 *as being for 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 *NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION*
23 *OPERATIONS, RESEARCH, AND FACILITIES*

24 *For an additional amount for “Operations, Research,*
25 *and Facilities”, \$20,000,000, to remain available until Sep-*

1 *tember, 30, 2021, to prevent, prepare for, and respond to*
2 *coronavirus, domestically or internationally, by supporting*
3 *continuity of operations, including National Weather Serv-*
4 *ice life and property related operations: Provided, That*
5 *such amount is designated by the Congress as being for an*
6 *emergency requirement pursuant to section 251(b)(2)(A)(i)*
7 *of the Balanced Budget and Emergency Deficit Control Act*
8 *of 1985.*

9 *DEPARTMENT OF JUSTICE*

10 *GENERAL ADMINISTRATION*

11 *JUSTICE INFORMATION SHARING TECHNOLOGY*

12 *For an additional amount for “Justice Information*
13 *Sharing Technology”, \$2,000,000, to remain available until*
14 *expended, to prevent, prepare for, and respond to*
15 *coronavirus, domestically or internationally, including the*
16 *impact of coronavirus on the work of the Department of*
17 *Justice: Provided, 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 *OFFICE OF INSPECTOR GENERAL*

22 *For an additional amount for “Office of Inspector*
23 *General”, \$2,000,000, to remain available until expended*
24 *to prevent, prepare for, and respond to coronavirus, domes-*
25 *tically or internationally, including the impact of*

1 *coronavirus on the work of the Department of Justice and*
2 *to carry out investigations and audits related to the funding*
3 *made available for the Department of Justice in this Act:*
4 *Provided, That such amount is designated by the Congress*
5 *as 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 *LEGAL ACTIVITIES*

9 *SALARIES AND EXPENSES, UNITED STATES ATTORNEYS*

10 *For an additional amount for “Salaries and Expenses,*
11 *United States Attorneys”, \$3,000,000, to prevent, prepare*
12 *for, and respond to coronavirus, domestically or inter-*
13 *nationally, including the impact of coronavirus on the work*
14 *of the Department of Justice: Provided, That such amount*
15 *is designated by the Congress as being for an emergency*
16 *requirement pursuant to section 251(b)(2)(A)(i) of the Bal-*
17 *anced Budget and Emergency Deficit Control Act of 1985.*

18 *UNITED STATES MARSHALS SERVICE*

19 *SALARIES AND EXPENSES*

20 *For an additional amount for “United States Mar-*
21 *shals Service, Salaries and Expenses”, \$15,000,000, to pre-*
22 *vent, prepare for, and respond to coronavirus, domestically*
23 *or internationally, including the impact of coronavirus on*
24 *the work of the Department of Justice: Provided, That such*
25 *amount is designated by the Congress as being for an emer-*

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

4 *FEDERAL BUREAU OF INVESTIGATION*

5 *SALARIES AND EXPENSES*

6 *For an additional amount for “Federal Bureau of In-*
7 *vestigation, Salaries and Expenses”, \$20,000,000, to pre-*
8 *vent, prepare for, and respond to coronavirus, domestically*
9 *or internationally, including the impact of coronavirus on*
10 *the work of the Department of Justice: Provided, That such*
11 *amount is designated by the Congress as being for an emer-*
12 *gency requirement pursuant to section 251(b)(2)(A)(i) of*
13 *the Balanced Budget and Emergency Deficit Control Act*
14 *of 1985.*

15 *DRUG ENFORCEMENT ADMINISTRATION*

16 *SALARIES AND EXPENSES*

17 *For an additional amount for “Drug Enforcement Ad-*
18 *ministration, Salaries and Expenses”, \$15,000,000, to pre-*
19 *vent, prepare for, and respond to coronavirus, domestically*
20 *or internationally, including the impact of coronavirus on*
21 *the work of the Department of Justice: Provided, That such*
22 *amount is designated by the Congress as being for an emer-*
23 *gency requirement pursuant to section 251(b)(2)(A)(i) of*
24 *the Balanced Budget and Emergency Deficit Control Act*
25 *of 1985.*

1 *FEDERAL PRISON SYSTEM*

2 *SALARIES AND EXPENSES*

3 *For an additional amount for “Federal Prison Sys-*
4 *tem, Salaries and Expenses”, \$100,000,000, to prevent, pre-*
5 *pare for, and respond to coronavirus, domestically or inter-*
6 *nationally, including the impact of coronavirus on the work*
7 *of the Department of Justice: 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 Bal-*
10 *anced Budget and Emergency Deficit Control Act of 1985.*

11 *STATE AND LOCAL LAW ENFORCEMENT ACTIVITIES*

12 *OFFICE OF JUSTICE PROGRAMS*

13 *STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE*

14 *For an additional amount for “State and Local Law*
15 *Enforcement Assistance”, \$850,000,000, to remain avail-*
16 *able until expended, to prevent, prepare for, and respond*
17 *to coronavirus, domestically or internationally, to be*
18 *awarded pursuant to the formula allocation (adjusted in*
19 *proportion to the relative amounts statutorily designated*
20 *therefor) that was used in fiscal year 2019 for the Edward*
21 *Byrne Memorial Justice Assistance Grant program as au-*
22 *thorized by subpart 1 of part E of title I of the Omnibus*
23 *Crime Control and Safe Streets Acts of 1968 (“1968 Act”):*
24 *Provided, That the allocation provisions under sections*
25 *505(a) through (e) and the special rules for Puerto Rico*

1 *under section 505(g), and section 1001(c), of the 1968 Act,*
2 *shall not apply to the amount provided under this heading*
3 *in this Act: Provided further, That awards hereunder, shall*
4 *not be subject to restrictions or special conditions that are*
5 *the same as (or substantially similar to) those, imposed on*
6 *awards under such subpart in fiscal year 2018, that forbid*
7 *interference with Federal law enforcement: 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

SCIENCE

13 *NATIONAL AERONAUTICS AND SPACE ADMINISTRATION*14 *SAFETY, SECURITY AND MISSION SERVICES*

15 *For an additional amount for “Safety, Security and*
16 *Mission Services”, \$60,000,000, to remain available until*
17 *September 30, 2021, to prevent, prepare for, and respond*
18 *to coronavirus, domestically or internationally: Provided,*
19 *That such amount is designated by the Congress as being*
20 *for 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 *NATIONAL SCIENCE FOUNDATION*2 *RESEARCH AND RELATED ACTIVITIES*

3 *For an additional amount for “Research and Related*
4 *Activities”, \$75,000,000, to remain available until Sep-*
5 *tember 30, 2021, to prevent, prepare for, and respond to*
6 *coronavirus, domestically or internationally, including to*
7 *fund research grants and other necessary expenses: Pro-*
8 *vided, 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 *AGENCY OPERATIONS AND AWARD MANAGEMENT*

13 *For an additional amount for “Agency Operations*
14 *and Award Management”, \$1,000,000, to prevent, prepare*
15 *for, and respond to coronavirus, domestically or inter-*
16 *nationally, including to administer research grants and*
17 *other necessary expenses: 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 *RELATED AGENCIES*22 *LEGAL SERVICES CORPORATION*23 *PAYMENT TO THE LEGAL SERVICES CORPORATION*

24 *For an additional amount for “Payment to the Legal*
25 *Services Corporation”, \$50,000,000, to prevent, prepare for,*

1 *and respond to coronavirus, domestically or internation-*
2 *ally: Provided, That none of the funds appropriated under*
3 *this heading in this Act to the Legal Services Corporation*
4 *shall be expended for any purpose prohibited or limited by,*
5 *or contrary to any of the provisions of, sections 501, 502,*
6 *503, 504, 505, and 506 of Public Law 105–119, and all*
7 *funds appropriated in this Act to the Legal Services Cor-*
8 *poration shall be subject to the same terms and conditions*
9 *set forth in such sections, except that all references in sec-*
10 *tions 502 and 503 to 1997 and 1998 shall be deemed to*
11 *refer instead to 2019 and 2020, respectively, and except that*
12 *sections 501 and 503 of Public Law 104–134 (referenced*
13 *by Public Law 105–119) shall not apply to the amount*
14 *made available under this heading: Provided further, That*
15 *for the purposes of this Act, the Legal Services Corporation*
16 *shall be considered an agency of the United States Govern-*
17 *ment: Provided further, That such amount is designated by*
18 *the Congress as being for an emergency requirement pursu-*
19 *ant to section 251(b)(2)(A)(i) of the Balanced Budget and*
20 *Emergency Deficit Control Act of 1985.*

21 **GENERAL PROVISIONS—THIS TITLE**

22 *SEC. 12001. Amounts provided by the Consolidated*
23 *Appropriations Act, 2020, (Public Law 116–93) for the*
24 *Hollings Manufacturing Extension Partnership under the*
25 *heading “National Institute of Standards and Tech-*

1 *nology—Industrial Technology Services” shall not be sub-*
2 *ject to cost share requirements under 15 U.S.C. 278k(e)(2):*
3 *Provided, That the authority made available pursuant to*
4 *this section shall be elective for any Manufacturing Exten-*
5 *sion Partnership Center that also receives funding from a*
6 *State that is conditioned upon the application of a Federal*
7 *cost sharing requirement.*

8 *SEC. 12002. (a) Funds appropriated in this title for*
9 *the National Science Foundation may be made available*
10 *to restore amounts, either directly or through reimburse-*
11 *ment, for obligations incurred by the National Science*
12 *Foundation for research grants and other necessary ex-*
13 *penses to prevent, prepare for, and respond to coronavirus,*
14 *domestically or internationally, prior to the date of enact-*
15 *ment of this Act.*

16 *(b) Grants or cooperative agreements made by the Na-*
17 *tional Science Foundation under this title, to carry out re-*
18 *search grants and other necessary expenses to prevent, pre-*
19 *pare for, and respond to coronavirus, domestically or inter-*
20 *nationally, shall include amounts to reimburse costs for*
21 *these purposes incurred between January 20, 2020, and the*
22 *date of issuance of such grants or agreements.*

23 *BUREAU OF PRISONS*

24 *SEC. 12003. (a) DEFINITIONS.—In this section—*

1 (1) *the term “Bureau” means the Bureau of*
2 *Prisons;*

3 (2) *the term “covered emergency period” means*
4 *the period beginning on the date on which the Presi-*
5 *dent declared a national emergency under the Na-*
6 *tional Emergencies Act (50 U.S.C. 1601 et seq.) with*
7 *respect to the Coronavirus Disease 2019 (COVID–19)*
8 *and ending on the date that is 30 days after the date*
9 *on which the national emergency declaration termi-*
10 *nates; and*

11 (3) *the term “Secretary” means the Secretary of*
12 *Health and Human Services.*

13 (b) *SUPPLY OF PERSONAL PROTECTIVE EQUIPMENT*
14 *AND TEST KITS TO BUREAU OF PRISONS; HOME CONFINEMENT*
15 *AUTHORITY.—*

16 (1) *PERSONAL PROTECTIVE EQUIPMENT AND*
17 *TEST KITS.—*

18 (A) *FINDINGS.—Congress finds the fol-*
19 *lowing:*

20 (i) *There is an urgent need for per-*
21 *sonal protective equipment and test kits to*
22 *the Bureau based on the density of the in-*
23 *mate population, the high traffic, the high*
24 *volume of inmates, the high rate of turnover*
25 *of inmates and personnel, and the number*

1 *of high-security areas, within the facilities*
2 *of the Bureau.*

3 *(ii) The inability of the Bureau to se-*
4 *cure the purchase of infectious disease per-*
5 *sonal protective equipment and related sup-*
6 *plies now and in the future is a vulner-*
7 *ability.*

8 *(iii) The Bureau is currently com-*
9 *peting in and engaging the same landscape*
10 *of vendors as all other Federal agencies and*
11 *private entities.*

12 *(iv) The ability of the Bureau to pur-*
13 *chase needed equipment and supplies is cur-*
14 *rently subject to an individual manufactur-*
15 *er's specific recognition of the Bureau as a*
16 *priority and subsequent allocation of the in-*
17 *ventory of the manufacturer to the Bureau.*

18 *(B) CONSIDERATION.—The Secretary shall*
19 *appropriately consider, relative to other prior-*
20 *ities of the Department of Health and Human*
21 *Services for high-risk and high-need populations,*
22 *the distribution of infectious disease personal*
23 *protective equipment and COVID–19 test kits to*
24 *the Bureau for use by inmates and personnel of*
25 *the Bureau.*

1 (2) *HOME CONFINEMENT AUTHORITY.*—During
2 the covered emergency period, if the Attorney General
3 finds that emergency conditions will materially affect
4 the functioning of the Bureau, the Director of the Bu-
5 reau may lengthen the maximum amount of time for
6 which the Director is authorized to place a prisoner
7 in home confinement under the first sentence of sec-
8 tion 3624(c)(2) of title 18, United States Code, as the
9 Director determines appropriate.

10 (c) *VIDEO VISITATION.*—

11 (1) *IN GENERAL.*—During the covered emergency
12 period, if the Attorney General finds that emergency
13 conditions will materially affect the functioning of the
14 Bureau, the Director of the Bureau shall promulgate
15 rules regarding the ability of inmates to conduct visi-
16 tation through video teleconferencing and tele-
17 phonically, free of charge to inmates, during the cov-
18 ered emergency period.

19 (2) *EXEMPTION FROM NOTICE-AND-COMMENT*
20 *RULEMAKING REQUIREMENTS.*—Section 553 of title 5,
21 United States Code, shall not apply to the promulga-
22 tion of rules under paragraph (1) of this subsection.

23 (d) *EMERGENCY REQUIREMENT.*—The amount pro-
24 vided by this section 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 *TEMPORARY AUTHORITY OF DIRECTOR OF THE USPTO*
4 *DURING THE COVID-19 EMERGENCY.*

5 *SEC. 12004. (a) IN GENERAL.—During the emergency*
6 *period described in subsection (e), the Director may toll,*
7 *waive, adjust, or modify, any timing deadline established*
8 *by title 35, United States Code, the Trademark Act, section*
9 *18 of the Leahy-Smith America Invents Act (35 U.S.C. 321*
10 *note), or regulations promulgated thereunder, in effect dur-*
11 *ing such period, if the Director determines that the emer-*
12 *gency related to such period—*

13 *(1) materially affects the functioning of the Pat-*
14 *ent and Trademark Office;*

15 *(2) prejudices the rights of applicants, reg-*
16 *istrants, patent owners, or others appearing before the*
17 *Office; or*

18 *(3) prevents applicants, registrants, patent own-*
19 *ers, or others appearing before the Office from filing*
20 *a document or fee with the Office.*

21 *(b) PUBLIC NOTICE.—If the Director determines that*
22 *tolling, waiving, adjusting, or modifying a timing deadline*
23 *under subsection (a) is appropriate, the Director shall pub-*
24 *lish publicly a notice to such effect.*

1 (c) *STATEMENT REQUIRED.*—Not later than 20 days
2 after the Director tolls, waives, adjusts, or modifies a timing
3 deadline under subsection (a) and such toll, waiver, adjust-
4 ment, or modification is in effect for a consecutive or cumu-
5 lative period exceeding 120 days, the Director shall submit
6 to Congress a statement describing the action taken, rel-
7 evant background, and rationale for the period of tolling,
8 waiver, adjustment, or modification.

9 (d) *OTHER LAWS.*—Notwithstanding section 301 of the
10 National Emergencies Act (50 U.S.C. 1631), the authority
11 of the Director under subsection (a) is not contingent on
12 a specification made by the President under such section
13 or any other requirement under that Act (other than the
14 emergency declaration under section 201(a) of such Act (50
15 U.S.C. 1621(a))). The authority described in this section
16 supersedes the authority of title II of the National Emer-
17 gencies Act (50 U.S.C. 1621 et seq.).

18 (e) *EMERGENCY PERIOD.*—The emergency period de-
19 scribed in this subsection includes the duration of the por-
20 tion of the emergency declared by the President pursuant
21 to the National Emergencies Act on March 13, 2020, as a
22 result of the COVID–19 outbreak (and any renewal thereof)
23 beginning on or after the date of the enactment of this sec-
24 tion and the 60 day period following such duration.

1 (f) *RULE OF CONSTRUCTION.*—*Nothing in this section*
2 *may be construed as limiting other statutory authorities the*
3 *Director may have to grant relief regarding filings or dead-*
4 *lines.*

5 (g) *SUNSET.*—*Notwithstanding subsection (a), the au-*
6 *thorities provided under this section shall expire upon the*
7 *expiration of the 2-year period after the date of the enact-*
8 *ment of this section.*

9 (h) *DEFINITIONS.*—*In this section:*

10 (1) *DIRECTOR.*—*The term “Director” means the*
11 *Under Secretary of Commerce for Intellectual Prop-*
12 *erty and Director of the United States Patent and*
13 *Trademark Office.*

14 (2) *TRADEMARK ACT.*—*The term “Trademark*
15 *Act” means the Act entitled “An Act to provide for*
16 *the registration and protection of trademarks used in*
17 *commerce, to carry out the provisions of certain inter-*
18 *national conventions, and for other purposes”, ap-*
19 *proved July 5, 1946 (15 U.S.C. 1051 et seq.).*

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

1 *ASSISTANCE TO FISHERY PARTICIPANTS*

2 *SEC. 12005. (a) IN GENERAL.—The Secretary of Com-*
3 *merce is authorized to provide assistance to Tribal, subsist-*
4 *ence, commercial, and charter fishery participants affected*
5 *by the novel coronavirus (COVID–19), which may include*
6 *direct relief payments.*

7 *(b) FISHERY PARTICIPANTS.—For the purposes of this*
8 *section, “fishery participants” include Tribes, persons, fish-*
9 *ing communities, aquaculture businesses not otherwise eli-*
10 *gible for assistance under part 1416 of title 7 of the Code*
11 *of Federal Regulations for losses related to COVID–19,*
12 *processors, or other fishery-related businesses, who have in-*
13 *curred, as a direct or indirect result of the coronavirus pan-*
14 *demic—*

15 *(1) economic revenue losses greater than 35 per-*
16 *cent as compared to the prior 5-year average revenue;*
17 *or*

18 *(2) any negative impacts to subsistence, cultural,*
19 *or ceremonial fisheries.*

20 *(c) ROLLING BASIS.—Funds may be awarded under*
21 *this section on a rolling basis, and within a fishing season,*
22 *to ensure rapid delivery of funds during the COVID–19*
23 *pandemic.*

24 *(d) APPROPRIATIONS.—In addition to funds that are*
25 *otherwise made available to assist fishery participants*

1 *under this Act, there are authorized to be appropriated, and*
 2 *there are appropriated, \$300,000,000, to remain available*
 3 *until September 30, 2021, to carry out this section, of which*
 4 *up to 2 percent may be used for administration and over-*
 5 *sight activities.*

6 (e) *EMERGENCY REQUIREMENT.—The amount pro-*
 7 *vided by this section is designated by the Congress as being*
 8 *for 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 *TITLE III*

12 *DEPARTMENT OF DEFENSE*

13 *MILITARY PERSONNEL*

14 *NATIONAL GUARD PERSONNEL, ARMY*

15 *For an additional amount for “National Guard Per-*
 16 *sonnel, Army”, \$746,591,000, to prevent, prepare for, and*
 17 *respond to coronavirus, domestically or internationally:*
 18 *Provided, That such amount is designated by the Congress*
 19 *as being for 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 *NATIONAL GUARD PERSONNEL, AIR FORCE*

23 *For an additional amount for “National Guard Per-*
 24 *sonnel, Air Force”, \$482,125,000, to prevent, prepare for,*
 25 *and respond to coronavirus, domestically or internation-*

1 *ally: Provided, That such amount is designated by the Con-*
2 *gress as being for an emergency requirement pursuant to*
3 *section 251(b)(2)(A)(i) of the Balanced Budget and Emer-*
4 *gency Deficit Control Act of 1985.*

5 *OPERATION AND MAINTENANCE*

6 *OPERATION AND MAINTENANCE, ARMY*

7 *For an additional amount for “Operation and Mainte-*
8 *nance, Army”, \$160,300,000, to prevent, prepare for, and*
9 *respond to coronavirus, domestically or internationally:*
10 *Provided, That such amount is designated by the Congress*
11 *as being for an emergency requirement pursuant to section*
12 *251(b)(2)(A)(i) of the Balanced Budget and Emergency*
13 *Deficit Control Act of 1985.*

14 *OPERATION AND MAINTENANCE, NAVY*

15 *For an additional amount for “Operation and Mainte-*
16 *nance, Navy”, \$360,308,000, to prevent, prepare for, and*
17 *respond to coronavirus, domestically or internationally:*
18 *Provided, That such amount is designated by the Congress*
19 *as being for 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 *OPERATION AND MAINTENANCE, MARINE CORPS*

23 *For an additional amount for “Operation and Mainte-*
24 *nance, Marine Corps”, \$90,000,000, to prevent, prepare for,*
25 *and respond to coronavirus, domestically or internation-*

1 *ally: Provided, That such amount is designated by the Con-*
2 *gress as being for an emergency requirement pursuant to*
3 *section 251(b)(2)(A)(i) of the Balanced Budget and Emer-*
4 *gency Deficit Control Act of 1985.*

5 *OPERATION AND MAINTENANCE, AIR FORCE*

6 *For an additional amount for “Operation and Mainte-*
7 *nance, Air Force”, \$155,000,000, to prevent, prepare for,*
8 *and respond to coronavirus, domestically or internation-*
9 *ally: Provided, 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 Emer-*
12 *gency Deficit Control Act of 1985.*

13 *OPERATION AND MAINTENANCE, ARMY RESERVE*

14 *For an additional amount for “Operation and Mainte-*
15 *nance, Army Reserve”, \$48,000,000, to prevent, prepare for,*
16 *and respond to coronavirus, domestically or internation-*
17 *ally: Provided, That such amount is designated by the Con-*
18 *gress as being for an emergency requirement pursuant to*
19 *section 251(b)(2)(A)(i) of the Balanced Budget and Emer-*
20 *gency Deficit Control Act of 1985.*

21 *OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD*

22 *For an additional amount for “Operation and Mainte-*
23 *nance, Army National Guard”, \$186,696,000, to prevent,*
24 *prepare for, and respond to coronavirus, domestically or*
25 *internationally: Provided, That such amount is designated*

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

4 *OPERATION AND MAINTENANCE, AIR NATIONAL GUARD*

5 *For an additional amount for “Operation and Mainte-*
 6 *nance, Air National Guard”, \$75,754,000, to prevent, pre-*
 7 *pare for, and respond to coronavirus, domestically or inter-*
 8 *nationally: Provided, That such amount is designated by*
 9 *the Congress as being for an emergency requirement pursu-*
 10 *ant to section 251(b)(2)(A)(i) of the Balanced Budget and*
 11 *Emergency Deficit Control Act of 1985.*

12 *OPERATION AND MAINTENANCE, DEFENSE-WIDE*

13 *For an additional amount for “Operation and Mainte-*
 14 *nance, Defense-Wide”, \$827,800,000, to prevent, prepare*
 15 *for, and respond to coronavirus, domestically or inter-*
 16 *nationally: Provided, That such amount is designated by*
 17 *the Congress as being for an emergency requirement pursu-*
 18 *ant to section 251(b)(2)(A)(i) of the Balanced Budget and*
 19 *Emergency Deficit Control Act of 1985.*

20 *PROCUREMENT*

21 *DEFENSE PRODUCTION ACT PURCHASES*

22 *For an additional amount for “Defense Production Act*
 23 *Purchases”, \$1,000,000,000, to remain available until ex-*
 24 *pendent, to prevent, prepare for, and respond to coronavirus,*
 25 *domestically or internationally: Provided, That for the two-*

1 *year period beginning with the date of enactment of this*
2 *Act, the requirements described in Section 301(a)(3)(A) and*
3 *302(c)(1) of Public Law 81–774, shall be waived: Provided*
4 *further, That such amount is designated by the Congress*
5 *as 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 **REVOLVING AND MANAGEMENT FUNDS**

9 **DEFENSE WORKING CAPITAL FUNDS**

10 *For an additional amount for “Defense Working Cap-*
11 *ital Funds”, \$1,450,000,000, to prevent, position, prepare*
12 *for, and respond to coronavirus, domestically or inter-*
13 *nationally: Provided, That of the amount provided under*
14 *this heading in this Act, \$475,000,000 shall be for the Navy*
15 *Working Capital Fund, \$475,000,000 shall be for the Air*
16 *Force Working Capital Fund, and \$500,000,000 shall be for*
17 *the Defense-Wide Working Capital Fund: Provided further,*
18 *That such amount is designated by the Congress as being*
19 *for 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 **OTHER DEPARTMENT OF DEFENSE PROGRAMS**

23 **DEFENSE HEALTH PROGRAM**

24 *For an additional amount for “Defense Health Pro-*
25 *gram”, \$3,805,600,000, of which \$3,390,600,000 shall be for*

1 operation and maintenance, and \$415,000,000 shall be for
2 research, development, test and evaluation, to remain avail-
3 able until September 30, 2021, to prevent, prepare for, and
4 respond to coronavirus, domestically or internationally:
5 Provided, That, notwithstanding that one percent of fund-
6 ing for operation and maintenance under this heading in
7 Public Law 116–93 shall remain available for obligation
8 until September 30, 2021, funding for operation and main-
9 tenance made available under this heading in this Act shall
10 only be available through September 30, 2020: Provided fur-
11 ther, That such amount is designated by the Congress as
12 being for 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 THE INSPECTOR GENERAL*

16 For an additional amount for “Office of the Inspector
17 General”, \$20,000,000, to prevent, prepare for, and respond
18 to coronavirus, domestically or internationally: Provided,
19 That the funding made available under this heading in this
20 Act shall be used for conducting audits and investigations
21 of projects and activities carried out with funds made avail-
22 able in this Act to the Department of Defense to prevent,
23 prepare for, and respond to coronavirus, domestically or
24 internationally: Provided further, That such amount is des-
25 ignated by the Congress as being for an emergency require-

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

3 **GENERAL PROVISIONS—THIS TITLE**

4 *SEC. 13001. Funds appropriated by this title may be*
5 *transferred to, and merged with, other applicable appro-*
6 *priations of the Department of Defense, except for “Drug*
7 *Interdiction and Counter-Drug Activities, Defense”, for ex-*
8 *penses incurred in preventing, preparing for, or responding*
9 *to coronavirus, including expenses of the Department of De-*
10 *fense incurred in support of other Federal Departments and*
11 *agencies, and State, local, and Indian tribal governments,*
12 *to be merged with and to be available for the same purposes,*
13 *and for the same time period, as the appropriation or fund*
14 *to which transferred: Provided, That upon a determination*
15 *that all or part of the funds transferred pursuant to this*
16 *section that are not necessary for the purposes provided*
17 *herein, such funds shall be transferred back to the original*
18 *appropriation: Provided further, That the transfer author-*
19 *ity provided by this section is in addition to any other*
20 *transfer authority provided by law.*

21 *SEC. 13002. For an additional amount for “Defense*
22 *Health Program”, \$1,095,500,000, which shall be for oper-*
23 *ation and maintenance, and of which \$1,095,500,000 may*
24 *be available for contracts entered into under the TRICARE*
25 *program: Provided, That, notwithstanding that one percent*

1 *of funding for operation and maintenance under this head-*
2 *ing in Public Law 116–93 shall remain available for obli-*
3 *gation until September 30, 2021, funding for operation and*
4 *maintenance made available under this heading in this sec-*
5 *tion shall only be available through September 30, 2020:*
6 *Provided further, That such amount is designated by the*
7 *Congress as being for an emergency requirement pursuant*
8 *to section 251(b)(2)(A)(i) of the Balanced Budget and*
9 *Emergency Deficit Control Act of 1985.*

10 *SEC. 13003. (a) Notwithstanding section 2208(l)(3) of*
11 *title 10, United States Code, during fiscal year 2020, the*
12 *total amount of the advance billings rendered or imposed*
13 *for all working-capital funds of the Department of Defense*
14 *may exceed the amount otherwise specified in such section.*

15 *(b) In this section, the term “advance billing” has the*
16 *meaning given that term in section 2208(l)(4) of title 10,*
17 *United States Code.*

18 *SEC. 13004. (a) Section 2326(b)(3) of title 10, United*
19 *States Code, shall not apply to any undefinitized contract*
20 *action of the Department of Defense related to the national*
21 *emergency for the Coronavirus Disease 2019 (COVID–19).*

22 *(b) In this section, the term “undefinitized contract ac-*
23 *tion” has the meaning given that term in section 2326(j)(6)*
24 *of title 10, United States Code.*

1 *SEC. 13005. (a) The head of an agency may waive the*
2 *provisions of section 2326(b) of title 10, United States Code,*
3 *with respect to a contract of such agency if the head of the*
4 *agency determines that the waiver is necessary due to the*
5 *national emergency for the Coronavirus Disease 2019*
6 *(COVID–19).*

7 *(b) In this section, the term “head of an agency” has*
8 *the meaning given that term in section 2302(2) of title 10,*
9 *United States Code.*

10 *SEC. 13006. (a) Notwithstanding paragraph (3) of sec-*
11 *tion 2371b(a) of title 10, United States Code, the authority*
12 *of a senior procurement executive or director of the Defense*
13 *Advanced Research Projects Agency or Missile Defense*
14 *Agency under paragraph (2)(A) of such section, and the au-*
15 *thority of the Under Secretaries of Defense under paragraph*
16 *(2)(B) of such section, for any transaction related to the*
17 *national emergency for the Coronavirus Disease 2019*
18 *(COVID–19) may be delegated to such officials in the De-*
19 *partment of Defense as the Secretary of Defense shall specify*
20 *for purposes of this section.*

21 *(b)(1) Notwithstanding clause (ii) of section*
22 *2371b(a)(2)(B) of title 10, United States Code, no advance*
23 *notice to Congress is required under that clause for transi-*
24 *tions described in that section that are related to the na-*

1 *tional emergency for the Coronavirus Disease 2019*
2 *(COVID–19).*

3 (2) *In the event a transaction covered by paragraph*
4 *(1) is carried out, the Under Secretary of Defense for Re-*
5 *search and Engineering or the Under Secretary of Defense*
6 *for Acquisition and Sustainment, as applicable, shall sub-*
7 *mit to the congressional defense committees a notice on the*
8 *carrying out of such transaction as soon as is practicable*
9 *after the commencement of the carrying out of such trans-*
10 *action.*

11 (3) *In this subsection, the term “congressional defense*
12 *committees” has the meaning given such term in section*
13 *101(a)(16) of title 10, United States Code.*

14 *SEC. 13007. (a) The President may extend the ap-*
15 *pointment of the Chief of Army Reserve as prescribed in*
16 *section 7038(c) of title 10, United States Code, for the in-*
17 *cumbent in that position as of the date of the enactment*
18 *of this Act until the date of the appointment of the successor*
19 *to such incumbent, notwithstanding any limitation other-*
20 *wise imposed on such term by such section 7038(c).*

21 *(b) The President may extend the appointment of the*
22 *Chief of Navy Reserve as prescribed in section 8083(c) of*
23 *title 10, United States Code, for the incumbent in that posi-*
24 *tion as of the date of the enactment of this Act until the*
25 *date of the appointment of the successor to such incumbent,*

1 *notwithstanding any limitation otherwise imposed on such*
2 *term by such section 8083(c).*

3 *(c) The President may extend the appointment of the*
4 *Chief of Staff of the Air Force prescribed in section*
5 *9033(a)(1) of title 10, United States Code, for the incum-*
6 *bent in that position as of the date of the enactment of this*
7 *Act until the date of the appointment of the successor to*
8 *such incumbent, notwithstanding any limitation otherwise*
9 *imposed on such term by such section 9033(a)(1).*

10 *(d) The President may extend the appointment of the*
11 *Chief of Space Operations, as prescribed in section*
12 *9082(a)(2) of title 10, United States Code, for the incum-*
13 *bent in that position as of the date of the enactment of this*
14 *Act until the date of the appointment of the successor to*
15 *such incumbent, notwithstanding any limitation otherwise*
16 *imposed on such term by such section 9082(a)(2).*

17 *(e) The President may extend the appointment of the*
18 *Chief of the National Guard Bureau as prescribed in section*
19 *10502(b) of title 10, United States Code, for the incumbent*
20 *in that position as of the date of the enactment of this Act*
21 *until the date of the appointment of the successor to such*
22 *incumbent, notwithstanding any limitation otherwise im-*
23 *posed on such term by such section 10502(b).*

24 *(f) The President may extend the appointment of Di-*
25 *rector, Army National Guard and Director, Air National*

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 *EXPENSES*

6 *For an additional amount for “Expenses”,*
 7 *\$20,000,000, to remain available until September 30, 2021,*
 8 *to prevent, prepare for, and respond to coronavirus, domes-*
 9 *tically or internationally: 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 *DEPARTMENT OF THE INTERIOR*

14 *BUREAU OF RECLAMATION*

15 *WATER AND RELATED RESOURCES*

16 *(INCLUDING TRANSFER OF FUNDS)*

17 *For an additional amount for “Water and Related Re-*
 18 *sources”, \$12,500,000, to remain available until September*
 19 *30, 2021, to prevent, prepare for, and respond to*
 20 *coronavirus, domestically or internationally: Provided,*
 21 *That \$500,000 of the funds provided under this heading in*
 22 *this Act shall be transferred to the “Central Utah Project*
 23 *Completion Account” to prevent, prepare for, and respond*
 24 *to coronavirus: Provided further, That such amount is des-*
 25 *ignated by the Congress as being for an emergency require-*

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

3 *POLICY AND ADMINISTRATION*

4 *For an additional amount for “Policy and Adminis-*
5 *tration”, \$8,100,000, to remain available until September*
6 *30, 2021, to prevent, prepare for, and respond to*
7 *coronavirus, domestically or internationally: Provided,*
8 *That such amount is designated by the Congress as being*
9 *for an emergency requirement pursuant to section*
10 *251(b)(2)(A)(i) of the Balanced Budget and Emergency*
11 *Deficit Control Act of 1985.*

12 *DEPARTMENT OF ENERGY*

13 *ENERGY PROGRAMS*

14 *SCIENCE*

15 *For an additional amount for “Science”, \$99,500,000,*
16 *to remain available until September 30, 2021, to prevent,*
17 *prepare for, and respond to coronavirus, domestically or*
18 *internationally, for necessary expenses related to providing*
19 *support and access to scientific user facilities in the Office*
20 *of Science and National Nuclear Security Administration,*
21 *including equipment, enabling technologies, and personnel*
22 *associated with the operations of those scientific user facili-*
23 *ties: Provided, That such amount is designated by the Con-*
24 *gress as being for an emergency requirement pursuant to*

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

3 *DEPARTMENTAL ADMINISTRATION*

4 *(INCLUDING TRANSFER OF FUNDS)*

5 *For an additional amount for “Departmental Admin-*
6 *istration”, \$28,000,000, to remain available until Sep-*
7 *tember 30, 2021, to prevent, prepare for, and respond to*
8 *coronavirus, domestically or internationally, including for*
9 *necessary expenses related to supporting remote access for*
10 *personnel: Provided, That funds appropriated under this*
11 *heading in this Act may be transferred to, and merged with,*
12 *other appropriation accounts of the Department of Energy*
13 *to prevent, prepare for, and respond to coronavirus, includ-*
14 *ing for necessary expenses related to supporting remote ac-*
15 *cess for personnel: Provided further, That such amount is*
16 *designated 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 *INDEPENDENT AGENCIES*

20 *NUCLEAR REGULATORY COMMISSION*

21 *SALARIES AND EXPENSES*

22 *For an additional amount for “Salaries and Ex-*
23 *penses”, \$3,300,000, to remain available until September*
24 *30, 2021, to prevent, prepare for, and respond to*
25 *coronavirus, domestically or internationally: Provided,*

1 *That, notwithstanding 42 U.S.C. 2214, such amount shall*
2 *not be derived from fee revenue: Provided further, That such*
3 *amount is designated by the Congress as being for an emer-*
4 *gency requirement pursuant to section 251(b)(2)(A)(i) of*
5 *the Balanced Budget and Emergency Deficit Control Act*
6 *of 1985.*

7 **GENERAL PROVISIONS—THIS TITLE**

8 *SEC. 14001. Funds appropriated in this title may be*
9 *made available to restore amounts, either directly or*
10 *through reimbursement, for obligations incurred to prevent,*
11 *prepare for, and respond to coronavirus prior to the date*
12 *of enactment of this Act.*

13 *SEC. 14002. (a) Section 404 of the Bipartisan Budget*
14 *Act of 2015 (42 U.S.C. 6239 note) is amended—*

15 *(1) in subsection (e), by striking “2020” and in-*
16 *serting “2022”; and*

17 *(2) in subsection (g), by striking “2020” and in-*
18 *serting “2022”.*

19 *(b) Title III of division C of the Further Consolidated*
20 *Appropriations Act, 2020 (Public Law 116–94) is amended*
21 *in the matter under the heading “Department of Energy—*
22 *Energy Programs—Strategic Petroleum Reserve” by strik-*
23 *ing the three provisos before the final period and inserting*
24 *the following:*

1 “ *Provided, That, as authorized by section 404 of the*
2 *Bipartisan Budget Act of 2015 (Public Law 114–74; 42*
3 *U.S.C. 6239 note), the Secretary of Energy shall draw down*
4 *and sell not to exceed a total of \$450,000,000 of crude oil*
5 *from the Strategic Petroleum Reserve in fiscal year 2020,*
6 *fiscal year 2021, or fiscal year 2022: Provided further, That*
7 *the proceeds from such drawdown and sale shall be depos-*
8 *ited into the ‘Energy Security and Infrastructure Mod-*
9 *ernization Fund’ during the fiscal year in which the sale*
10 *occurs and shall be made available in such fiscal year, to*
11 *remain available until expended, for necessary expenses to*
12 *carry out the Life Extension II project for the Strategic Pe-*
13 *troleum Reserve”.*

14 *(c) The amount provided by this section is designated*
15 *by the Congress as being for an emergency requirement pur-*
16 *suant to section 251(b)(2)(A)(i) of the Balanced Budget and*
17 *Emergency Deficit Control Act of 1985.*

18 *SEC. 14003. Any discretionary appropriation for the*
19 *Corps of Engineers derived from the Harbor Maintenance*
20 *Trust Fund (not to exceed the total amount deposited in*
21 *the Harbor Maintenance Trust Fund in the prior fiscal*
22 *year) shall be subtracted from the estimate of discretionary*
23 *budget authority and outlays for any estimate of an appro-*
24 *priations Act under the Congressional Budget and Im-*
25 *poundment Control Act of 1974 or the Balanced Budget and*

1 *Emergency Deficit Control Act of 1985: Provided, That the*
2 *modifications described in this section shall not take effect*
3 *until the earlier of January 1, 2021 or the date of enact-*
4 *ment of legislation authorizing the development of water re-*
5 *sources and shall remain in effect thereafter.*

6 *SEC. 14004. Section 14321(a)(2)(B)(ii) of title 40,*
7 *United States Code, is amended by inserting “, except that*
8 *a discretionary grant to respond to economic distress di-*
9 *rectly related to the impacts of the Coronavirus Disease*
10 *2019 (COVID–19) shall not be included in such aggregate*
11 *amount” before the period at the end.*

12 *TITLE V*

13 *DEPARTMENT OF THE TREASURY*

14 *INTERNAL REVENUE SERVICE*

15 *ADMINISTRATIVE PROVISION—INTERNAL REVENUE*

16 *SERVICE*

17 *(INCLUDING TRANSFER OF FUNDS)*

18 *SEC. 15001. In addition to the amounts otherwise*
19 *available to the Internal Revenue Service in fiscal year*
20 *2020, \$250,000,000, to remain available until September*
21 *30, 2021, shall be available to prevent, prepare for, and re-*
22 *spond to coronavirus, domestically or internationally, in-*
23 *cluding costs associated with the extended filing season and*
24 *implementation of the Families First Coronavirus Response*
25 *Act: Provided, That such funds may be transferred by the*

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

18

THE JUDICIARY

19

SUPREME COURT OF THE UNITED STATES

20

SALARIES AND EXPENSES

21

22 *For an additional amount for “Salaries and Ex-*
23 *penses”, \$500,000, to prevent, prepare for, and respond to*
24 *coronavirus, domestically or internationally: Provided,*
25 *That such amount is designated by the Congress as being*
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 *COURTS OF APPEALS, DISTRICT COURTS, AND OTHER*
 4 *JUDICIAL SERVICES*
 5 *SALARIES AND EXPENSES*

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

13 *DEFENDER SERVICES*

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

21 *ADMINISTRATIVE PROVISION—THE JUDICIARY*

22 *VIDEO TELECONFERENCING FOR CRIMINAL PROCEEDINGS*

23 *SEC. 15002. (a) DEFINITION.—In this section, the*
 24 *term “covered emergency period” means the period begin-*
 25 *ning on the date on which the President declared a national*

1 *emergency under the National Emergencies Act (50 U.S.C.*
2 *1601 et seq.) with respect to the Coronavirus Disease 2019*
3 *(COVID–19) and ending on the date that is 30 days after*
4 *the date on which the national emergency declaration ter-*
5 *minates.*

6 (b) *VIDEO TELECONFERENCING FOR CRIMINAL PRO-*
7 *CEEDINGS.—*

8 (1) *IN GENERAL.—Subject to paragraphs (3),*
9 *(4), and (5), if the Judicial Conference of the United*
10 *States finds that emergency conditions due to the na-*
11 *tional emergency declared by the President under the*
12 *National Emergencies Act (50 U.S.C. 1601 et seq.)*
13 *with respect to the Coronavirus Disease 2019*
14 *(COVID–19) will materially affect the functioning of*
15 *either the Federal courts generally or a particular*
16 *district court of the United States, the chief judge of*
17 *a district court covered by the finding (or, if the chief*
18 *judge is unavailable, the most senior available active*
19 *judge of the court or the chief judge or circuit justice*
20 *of the circuit that includes the district court), upon*
21 *application of the Attorney General or the designee of*
22 *the Attorney General, or on motion of the judge or*
23 *justice, may authorize the use of video teleconfer-*
24 *encing, or telephone conferencing if video teleconfer-*

1 *encing is not reasonably available, for the following*
2 *events:*

3 *(A) Detention hearings under section 3142*
4 *of title 18, United States Code.*

5 *(B) Initial appearances under Rule 5 of the*
6 *Federal Rules of Criminal Procedure.*

7 *(C) Preliminary hearings under Rule 5.1 of*
8 *the Federal Rules of Criminal Procedure.*

9 *(D) Waivers of indictment under Rule 7(b)*
10 *of the Federal Rules of Criminal Procedure.*

11 *(E) Arraignments under Rule 10 of the*
12 *Federal Rules of Criminal Procedure.*

13 *(F) Probation and supervised release rev-*
14 *ocation proceedings under Rule 32.1 of the Fed-*
15 *eral Rules of Criminal Procedure.*

16 *(G) Pretrial release revocation proceedings*
17 *under section 3148 of title 18, United States*
18 *Code.*

19 *(H) Appearances under Rule 40 of the Fed-*
20 *eral Rules of Criminal Procedure.*

21 *(I) Misdemeanor pleas and sentencings as*
22 *described in Rule 43(b)(2) of the Federal Rules*
23 *of Criminal Procedure.*

24 *(J) Proceedings under chapter 403 of title*
25 *18, United States Code (commonly known as the*

1 “*Federal Juvenile Delinquency Act*”), *except for*
2 *contested transfer hearings and juvenile delin-*
3 *quency adjudication or trial proceedings.*

4 (2) *FELONY PLEAS AND SENTENCING.*—

5 (A) *IN GENERAL.*—*Subject to paragraphs*
6 *(3), (4), and (5), if the Judicial Conference of the*
7 *United States finds that emergency conditions*
8 *due to the national emergency declared by the*
9 *President under the National Emergencies Act*
10 *(50 U.S.C. 1601 et seq.) with respect to the*
11 *Coronavirus Disease 2019 (COVID–19) will ma-*
12 *terially affect the functioning of either the Fed-*
13 *eral courts generally or a particular district*
14 *court of the United States, the chief judge of a*
15 *district court covered by the finding (or, if the*
16 *chief judge is unavailable, the most senior avail-*
17 *able active judge of the court or the chief judge*
18 *or circuit justice of the circuit that includes the*
19 *district court) specifically finds, upon applica-*
20 *tion of the Attorney General or the designee of*
21 *the Attorney General, or on motion of the judge*
22 *or justice, that felony pleas under Rule 11 of the*
23 *Federal Rules of Criminal Procedure and felony*
24 *sentencings under Rule 32 of the Federal Rules*
25 *of Criminal Procedure cannot be conducted in*

1 *person without seriously jeopardizing public*
2 *health and safety, and the district judge in a*
3 *particular case finds for specific reasons that the*
4 *plea or sentencing in that case cannot be further*
5 *delayed without serious harm to the interests of*
6 *justice, the plea or sentencing in that case may*
7 *be conducted by video teleconference, or by tele-*
8 *phone conference if video teleconferencing is not*
9 *reasonably available.*

10 (B) *APPLICABILITY TO JUVENILES.*—*The*
11 *video teleconferencing and telephone conferencing*
12 *authority described in subparagraph (A) shall*
13 *apply with respect to equivalent plea and sen-*
14 *tencing, or disposition, proceedings under chap-*
15 *ter 403 of title 18, United States Code (com-*
16 *monly known as the “Federal Juvenile Delin-*
17 *quency Act”).*

18 (3) *REVIEW.*—

19 (A) *IN GENERAL.*—*On the date that is 90*
20 *days after the date on which an authorization*
21 *for the use of video teleconferencing or telephone*
22 *conferencing under paragraph (1) or (2) is*
23 *issued, if the emergency authority has not been*
24 *terminated under paragraph (5), the chief judge*
25 *of the district court (or, if the chief judge is un-*

1 *available, the most senior available active judge*
2 *of the court or the chief judge or circuit justice*
3 *of the circuit that includes the district court) to*
4 *which the authorization applies shall review the*
5 *authorization and determine whether to extend*
6 *the authorization.*

7 *(B) ADDITIONAL REVIEW.—If an authoriza-*
8 *tion is extended under subparagraph (A), the*
9 *chief judge of the district court (or, if the chief*
10 *judge is unavailable, the most senior available*
11 *active judge of the court or the chief judge or cir-*
12 *cuit justice of the circuit that includes the dis-*
13 *trict court) to which the authorization applies*
14 *shall review the extension of authority not less*
15 *frequently than once every 90 days until the ear-*
16 *lier of—*

17 *(i) the date on which the chief judge*
18 *(or other judge or justice) determines the*
19 *authorization is no longer warranted; or*

20 *(ii) the date on which the emergency*
21 *authority is terminated under paragraph*
22 *(5).*

23 *(4) CONSENT.—Video teleconferencing or tele-*
24 *phone conferencing authorized under paragraph (1)*
25 *or (2) may only take place with the consent of the de-*

1 *fendant, or the juvenile, after consultation with coun-*
2 *sel.*

3 (5) *TERMINATION OF EMERGENCY AUTHORITY.—*
4 *The authority provided under paragraphs (1), (2),*
5 *and (3), and any specific authorizations issued under*
6 *those paragraphs, shall terminate on the earlier of—*

7 (A) *the last day of the covered emergency*
8 *period; or*

9 (B) *the date on which the Judicial Con-*
10 *ference of the United States finds that emergency*
11 *conditions due to the national emergency de-*
12 *clared by the President under the National*
13 *Emergencies Act (50 U.S.C. 1601 et seq.) with*
14 *respect to the Coronavirus Disease 2019*
15 *(COVID–19) no longer materially affect the*
16 *functioning of either the Federal courts generally*
17 *or the district court in question.*

18 (6) *NATIONAL EMERGENCIES GENERALLY.—The*
19 *Judicial Conference of the United States and the Su-*
20 *preme Court of the United States shall consider rule*
21 *amendments under chapter 131 of title 28, United*
22 *States Code (commonly known as the “Rules Ena-*
23 *bling Act”), that address emergency measures that*
24 *may be taken by the Federal courts when the Presi-*

1 *dent declares a national emergency under the Na-*
2 *tional Emergencies Act (50 U.S.C. 1601 et seq.).*

3 (7) *RULE OF CONSTRUCTION.—Nothing in this*
4 *subsection shall obviate a defendant’s right to counsel*
5 *under the Sixth Amendment to the Constitution of the*
6 *United States, any Federal statute, or the Federal*
7 *Rules of Criminal Procedure.*

8 (c) *The amount provided by this section is designated*
9 *by the Congress as being for an emergency requirement pur-*
10 *suant to section 251(b)(2)(A)(i) of the Balanced Budget and*
11 *Emergency Deficit Control Act of 1985.*

12 *DISTRICT OF COLUMBIA*

13 *FEDERAL FUNDS*

14 *FEDERAL PAYMENT FOR EMERGENCY PLANNING AND*
15 *SECURITY COSTS IN THE DISTRICT OF COLUMBIA*

16 *For an additional amount for “Federal Payment for*
17 *Emergency Planning and Security Costs in the District of*
18 *Columbia”, \$5,000,000, to remain available until expended,*
19 *to prevent, prepare for, and respond to coronavirus, domes-*
20 *tically or internationally: Provided, That such amount is*
21 *designated 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.*

1 *INDEPENDENT AGENCIES*2 *ELECTION ASSISTANCE COMMISSION*3 *ELECTION SECURITY GRANTS*

4 *For an additional amount for “Election Security*
5 *Grants”, \$400,000,000, to prevent, prepare for, and respond*
6 *to coronavirus, domestically or internationally, for the 2020*
7 *Federal election cycle: Provided, That a State receiving a*
8 *payment with funds provided under this heading in this*
9 *Act shall provide to the Election Assistance Commission,*
10 *within 20 days of each election in the 2020 Federal election*
11 *cycle in that State, a report that includes a full accounting*
12 *of the State’s uses of the payment and an explanation of*
13 *how such uses allowed the State to prevent, prepare for, and*
14 *respond to coronavirus: Provided further, That, within 3*
15 *days of its receipt of a report required in the preceding pro-*
16 *viso, the Election Assistance Commission will transmit the*
17 *report to the Committee on Appropriations and the Com-*
18 *mittee on House Administration of the House of Represent-*
19 *atives and the Committee on Appropriations and the Com-*
20 *mittee on Rules and Administration of the Senate: Provided*
21 *further, That not later than 30 days after the date of enact-*
22 *ment of this Act, the Election Assistance Commission shall*
23 *make the payments to States under this heading: Provided*
24 *further, That any portion of a payment made to a State*
25 *with funds provided under this heading in this Act which*

1 *is unobligated on December 31, 2020 shall be returned to*
2 *the Treasury: Provided further, That such amount is des-*
3 *ignated by the Congress as being for an emergency require-*
4 *ment pursuant to section 251(b)(2)(A)(i) of the Balanced*
5 *Budget and Emergency Deficit Control Act of 1985.*

6 *FEDERAL COMMUNICATIONS COMMISSION*

7 *SALARIES AND EXPENSES*

8 *For an additional amount for “Salaries and Ex-*
9 *penses”, \$200,000,000, to remain available until expended,*
10 *to prevent, prepare for, and respond to coronavirus, domes-*
11 *tically or internationally, including to support efforts of*
12 *health care providers to address coronavirus by providing*
13 *telecommunications services, information services, and de-*
14 *vices necessary to enable the provision of telehealth services*
15 *during an emergency period, as defined in section*
16 *1135(g)(1) of the Social Security Act (42 U.S.C. 1320b–*
17 *5(g)(1)): Provided, That the Federal Communications Com-*
18 *mission may rely on the rules of the Commission under part*
19 *54 of title 47, Code of Federal Regulations, in admin-*
20 *istering the amount provided under the heading in this Act*
21 *if the Commission determines that such administration is*
22 *in the public interest: Provided further, 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 Bal-*
25 *anced Budget and Emergency Deficit Control Act of 1985.*

1 *GENERAL SERVICES ADMINISTRATION*2 *REAL PROPERTY ACTIVITIES*3 *FEDERAL BUILDINGS FUND*4 *(INCLUDING TRANSFERS OF FUNDS)*

5 *For an additional amount to be deposited in the “Fed-*
6 *eral Buildings Fund”, \$275,000,000, to remain available*
7 *until expended, to prevent, prepare for, and respond to*
8 *coronavirus, domestically or internationally: Provided,*
9 *That the amount provided under this heading in this Act*
10 *may be used to reimburse the Fund for obligations incurred*
11 *for this purpose prior to the date of the enactment of this*
12 *Act: Provided further, That such amount may be trans-*
13 *ferred to, and merged with, accounts within the Federal*
14 *Buildings Fund in amounts necessary to cover costs in-*
15 *curred to prevent, prepare for, and respond to coronavirus,*
16 *domestically or internationally: Provided further, That the*
17 *Administrator of General Services shall notify the Commit-*
18 *tees on Appropriations of the House of Representatives and*
19 *the Senate quarterly on the obligations and expenditures*
20 *of the funds provided by this Act by account of the Federal*
21 *Buildings Fund: Provided further, That funds made avail-*
22 *able to the Administrator in this or any previous Act shall*
23 *not be subject to section 3307 of title 40, United States Code,*
24 *for the acquisition of space necessary to prevent, prepare*
25 *for, or respond to coronavirus, domestically or internation-*

1 *ally: Provided further, That no action taken by the Admin-*
2 *istrator to acquire real property and interests in real prop-*
3 *erty or to improve real property in response to coronavirus*
4 *shall be deemed a Federal action or undertaking and subject*
5 *to review under the National Environmental Policy Act of*
6 *1969, as amended (42 U.S.C. 4321 et seq.), or the National*
7 *Historic Preservation Act of 1966, as amended (54 U.S.C.*
8 *300101 et seq.), respectively: Provided further, That such*
9 *amount is designated by the Congress as being for an emer-*
10 *gency requirement pursuant to section 251(b)(2)(A)(i) of*
11 *the Balanced Budget and Emergency Deficit Control Act*
12 *of 1985.*

13 *GENERAL ACTIVITIES*

14 *FEDERAL CITIZEN SERVICES FUND*

15 *(INCLUDING TRANSFER OF FUNDS)*

16 *For an additional amount to be deposited in the “Fed-*
17 *eral Citizen Services Fund”, \$18,650,000, to remain avail-*
18 *able until expended, 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 *tically or internationally: Provided, That the amount pro-*
2 *vided under this heading in this Act may be used to provide*
3 *expenses of the Federal Records Center Program for pre-*
4 *venting, preparing for, and responding to coronavirus, do-*
5 *mestically or internationally: Provided further, That such*
6 *amount is designated by the Congress as being for an emer-*
7 *gency requirement pursuant to section 251(b)(2)(A)(i) of*
8 *the Balanced Budget and Emergency Deficit Control Act*
9 *of 1985.*

10 *OFFICE OF PERSONNEL MANAGEMENT*

11 *SALARIES AND EXPENSES*

12 *For an additional amount for “Salaries and Ex-*
13 *penses”, \$12,100,000, to remain available until September*
14 *30, 2021, to prevent, prepare for, and respond to*
15 *coronavirus, domestically or internationally, including*
16 *technologies for digital case management, short-term meth-*
17 *ods to allow electronic submissions of retirement applica-*
18 *tion packages in support of paper-based business oper-*
19 *ations, and increased telecommunications: Provided, That*
20 *such amount is designated by the Congress as being for an*
21 *emergency requirement pursuant to section 251(b)(2)(A)(i)*
22 *of the Balanced Budget and Emergency Deficit Control Act*
23 *of 1985.*

1 *PANDEMIC RESPONSE ACCOUNTABILITY COMMITTEE*

2 *For an additional amount for “Pandemic Response*
3 *Accountability Committee”, \$80,000,000, to remain avail-*
4 *able until expended, to promote transparency and support*
5 *oversight of funds provided in this Act 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 pursu-*
9 *ant to section 251(b)(2)(A)(i) of the Balanced Budget and*
10 *Emergency Deficit Control Act of 1985.*

11 *SMALL BUSINESS ADMINISTRATION*12 *DISASTER LOANS PROGRAM ACCOUNT*13 *(INCLUDING TRANSFERS OF FUNDS)*

14 *For an additional amount for the “Disaster Loans*
15 *Program Account”, \$562,000,000, to remain available until*
16 *expended, to prevent, prepare for, and respond to*
17 *coronavirus, domestically or internationally, for the cost of*
18 *direct loans authorized by section 7(b) of the Small Busi-*
19 *ness Act and for administrative expenses to carry out the*
20 *disaster loan program authorized by section 7(b) of the*
21 *Small Business Act: Provided, That the amounts provided*
22 *under this heading in this Act may be transferred to, and*
23 *merged with, “Small Business Administration—Salaries*
24 *and Expenses” to prevent, prepare for, and respond to*
25 *coronavirus, domestically or internationally: 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 **GENERAL PROVISIONS—THIS TITLE**

6 **PANDEMIC RESPONSE ACCOUNTABILITY COMMITTEE**

7 *SEC. 15010. (a) In this section—*

8 *(1) the term “agency” has the meaning given the*
9 *term in section 551 of title 5, United States Code;*

10 *(2) the term “appropriate congressional commit-*
11 *tees” means—*

12 *(A) the Committees on Appropriations of*
13 *the Senate and the House of Representatives;*

14 *(B) the Committee on Homeland Security*
15 *and Governmental Affairs of the Senate;*

16 *(C) the Committee on Oversight and Reform*
17 *of the House of Representatives; and*

18 *(D) any other relevant congressional com-*
19 *mittee of jurisdiction;*

20 *(3) the term “Chairperson” means the Chair-*
21 *person of the Committee;*

22 *(4) the term “Council” means the Council of the*
23 *Inspectors General on Integrity and Efficiency estab-*
24 *lished under section 11 of the Inspector General Act*
25 *of 1978 (5 U.S.C. App);*

1 (5) *the term “Committee” means the Pandemic*
2 *Response Accountability Committee established under*
3 *subsection (b);*

4 (6) *the term “covered funds” means any funds,*
5 *including loans, that are made available in any form*
6 *to any non-Federal entity, not including an indi-*
7 *vidual, under—*

8 (A) *this Act;*

9 (B) *the Coronavirus Preparedness and Re-*
10 *sponse Supplemental Appropriations Act, 2020*
11 *(Public Law 116–123);*

12 (C) *the Families First Coronavirus Re-*
13 *sponse Act (Public Law 116–127); or*

14 (D) *any other Act primarily making appro-*
15 *priations for the Coronavirus response and re-*
16 *lated activities; and*

17 (7) *the term “Coronavirus response” means the*
18 *Federal Government’s response to the nationwide pub-*
19 *lic health emergency declared by the Secretary of*
20 *Health and Human Services, retroactive to January*
21 *27, 2020, pursuant to section 319 of the Public*
22 *Health Service Act (42 U.S.C. 247d), as a result of*
23 *confirmed cases of the novel coronavirus (COVID–19)*
24 *in the United States.*

1 (b) *There is established within the Council the Pan-*
2 *demic Response Accountability Committee to promote*
3 *transparency and conduct and support oversight of covered*
4 *funds and the Coronavirus response to—*

5 (1) *prevent and detect fraud, waste, abuse, and*
6 *mismanagement; and*

7 (2) *mitigate major risks that cut across program*
8 *and agency boundaries.*

9 (c)(1) *The Chairperson of the Committee shall be se-*
10 *lected by the Chairperson of the Council from among In-*
11 *spectors General described in subparagraphs (B), (C), and*
12 *(D) of paragraph (2) with experience managing oversight*
13 *of large organizations and expenditures.*

14 (2) *The members of the Committee shall include—*

15 (A) *the Chairperson;*

16 (B) *the Inspectors General of the Departments of*
17 *Defense, Education, Health and Human Services,*
18 *Homeland Security, Justice, Labor, and the Treas-*
19 *ury;*

20 (C) *the Inspector General of the Small Business*
21 *Administration;*

22 (D) *the Treasury Inspector General for Tax Ad-*
23 *ministration; and*

24 (E) *any other Inspector General, as designated*
25 *by the Chairperson from any agency that expends or*

1 *obligates covered funds or is involved in the*
2 *Coronavirus response.*

3 *(3)(A) There shall be an Executive Director and a*
4 *Deputy Executive Director of the Committee.*

5 *(B)(i)(I) Not later than 30 days after the date of enact-*
6 *ment of this Act, the Executive Director of the Committee*
7 *shall be appointed by the Chairperson of the Council, in*
8 *consultation with the majority leader of the Senate, the*
9 *Speaker of the House of Representatives, the minority lead-*
10 *er of the Senate, and the minority leader of the House of*
11 *Representatives.*

12 *(II) Not later than 90 days after the date of enactment*
13 *of this Act, the Deputy Executive Director of the Committee*
14 *shall be appointed by the Chairperson of the Council, in*
15 *consultation with the majority leader of the Senate, the*
16 *Speaker of the House of Representatives, the minority lead-*
17 *er of the Senate, the minority leader of the House of Rep-*
18 *resentatives, and the Executive Director of the Committee.*

19 *(ii) The Executive Director and the Deputy Executive*
20 *Director of the Committee shall—*

21 *(I) have demonstrated ability in accounting, au-*
22 *ditng, and financial analysis;*

23 *(II) have experience managing oversight of large*
24 *organizations and expenditures; and*

25 *(III) be full-time employees of the Committee.*

1 (C) *The Executive Director of the Committee shall—*

2 (i) *report directly to the Chairperson;*

3 (ii) *appoint staff of the Committee, subject to the*
4 *approval of the Chairperson, consistent with sub-*
5 *section (f);*

6 (iii) *supervise and coordinate Committee func-*
7 *tions and staff; and*

8 (iv) *perform any other duties assigned to the Ex-*
9 *ecutive Director by the Committee.*

10 (4)(A) *Members of the Committee may not receive ad-*
11 *ditional compensation for services performed.*

12 (B) *The Executive Director and Deputy Executive Di-*
13 *rector of the Committee shall be compensated at the rate*
14 *of basic pay prescribed for level IV of the Executive Schedule*
15 *under section 5315 of title 5, United States Code.*

16 (d)(1)(A) *The Committee shall conduct and coordinate*
17 *oversight of covered funds and the Coronavirus response and*
18 *support Inspectors General in the oversight of covered funds*
19 *and the Coronavirus response in order to—*

20 (i) *detect and prevent fraud, waste, abuse, and*
21 *mismanagement; and*

22 (ii) *identify major risks that cut across pro-*
23 *grams and agency boundaries.*

24 (B) *The functions of the Committee shall include—*

1 (i) *developing a strategic plan to ensure coordi-*
2 *nated, efficient, and effective comprehensive oversight*
3 *by the Committee and Inspectors General over all as-*
4 *pects of covered funds and the Coronavirus response;*

5 (ii) *auditing or reviewing covered funds, includ-*
6 *ing a comprehensive audit and review of charges*
7 *made to Federal contracts pursuant to authorities*
8 *provided in the Coronavirus Aid, Relief, and Eco-*
9 *nomie Security Act, to determine whether wasteful*
10 *spending, poor contract or grant management, or*
11 *other abuses are occurring and referring matters the*
12 *Committee considers appropriate for investigation to*
13 *the Inspector General for the agency that disbursed*
14 *the covered funds, including conducting randomized*
15 *audits to identify fraud;*

16 (iii) *reviewing whether the reporting of contracts*
17 *and grants using covered funds meets applicable*
18 *standards and specifies the purpose of the contract or*
19 *grant and measures of performance;*

20 (iv) *reviewing the economy, efficiency, and effec-*
21 *tiveness in the administration of, and the detection of*
22 *fraud, waste, abuse, and mismanagement in,*
23 *Coronavirus response programs and operations;*

1 (v) reviewing whether competition requirements
2 applicable to contracts and grants using covered
3 funds have been satisfied;

4 (vi) serving as a liaison to the Director of the
5 Office of Management and Budget, the Secretary of
6 the Treasury, and other officials responsible for im-
7 plementing the Coronavirus response;

8 (vii) reviewing whether there are sufficient quali-
9 fied acquisition, grant, and other applicable personnel
10 overseeing covered funds and the Coronavirus re-
11 sponse;

12 (viii) reviewing whether personnel whose duties
13 involve the Coronavirus response or acquisitions or
14 grants made with covered funds or are otherwise re-
15 lated to the Coronavirus response receive adequate
16 training, technology support, and other resources;

17 (ix) reviewing whether there are appropriate
18 mechanisms for interagency collaboration relating to
19 the oversight of covered funds and the Coronavirus re-
20 sponse, including coordinating and collaborating to
21 the extent practicable with State and local govern-
22 ment entities;

23 (x) expeditiously reporting to the Attorney Gen-
24 eral any instance in which the Committee has reason-

1 *able grounds to believe there has been a violation of*
2 *Federal criminal law; and*

3 *(xi) coordinating and supporting Inspectors*
4 *General on matters related to oversight of covered*
5 *funds and the Coronavirus response.*

6 *(2)(A)(i) The Committee shall submit to the President*
7 *and Congress, including the appropriate congressional com-*
8 *mittees, management alerts on potential management, risk,*
9 *and funding problems that require immediate attention.*

10 *(ii) The Committee shall submit to Congress such other*
11 *reports or provide such periodic updates on the work of the*
12 *Committee as the Committee considers appropriate on the*
13 *use of covered funds and the Coronavirus response.*

14 *(B) The Committee shall submit biannual reports to*
15 *the President and Congress, including the appropriate con-*
16 *gressional committees, and may submit additional reports*
17 *as appropriate—*

18 *(i) summarizing the findings of the Committee;*
19 *and*

20 *(ii) identifying and quantifying the impact of*
21 *any tax expenditures or credits authorized under this*
22 *Act to the extent practicable.*

23 *(C)(i) All reports submitted under this paragraph*
24 *shall be made publicly available and posted on the website*
25 *established under subsection (g).*

1 (ii) Any portion of a report submitted under this para-
2 graph may be redacted when made publicly available, if
3 that portion would disclose information that is not subject
4 to disclosure under sections 552 and 552a of title 5, United
5 States Code, or is otherwise prohibited from disclosure by
6 law.

7 (3)(A) The Committee shall make recommendations to
8 agencies on measures to prevent or address fraud, waste,
9 abuse and mismanagement, and to mitigate risks that cut
10 across programs and agency boundaries, relating to covered
11 funds and the Coronavirus response.

12 (B) Not later than 30 days after receipt of a rec-
13 ommendation under subparagraph (A), an agency shall
14 submit a report to the President and the appropriate con-
15 gressional committees on—

16 (i) whether the agency agrees or disagrees with
17 the recommendations; and

18 (ii) any actions the agency will take to imple-
19 ment the recommendations, which shall also be in-
20 cluded in the report required under section 2(b) of the
21 GAO–IG Act (31 U.S.C. 1105 note).

22 (e)(1) The Committee shall conduct audits and reviews
23 of programs, operations, and expenditures relating to cov-
24 ered funds and the Coronavirus response and coordinate on
25 such activities with the Inspector General of the relevant

1 *agency to avoid unnecessary duplication and overlap of*
2 *work.*

3 *(2) The Committee may—*

4 *(A) conduct its own independent investigations,*
5 *audits, and reviews relating to covered funds or the*
6 *Coronavirus response;*

7 *(B) collaborate on audits and reviews relating to*
8 *covered funds with any Inspector General of an agen-*
9 *cy; and*

10 *(C) provide support to relevant agency Inspec-*
11 *tors General in conducting investigations, audits, and*
12 *reviews relating to the covered funds and Coronavirus*
13 *response.*

14 *(3)(A) In conducting and supporting investigations,*
15 *audits, and reviews under this subsection, the Committee—*

16 *(i) shall have the authorities provided under sec-*
17 *tion 6 of the Inspector General Act of 1978 (5 U.S.C.*
18 *App.);*

19 *(ii) may issue subpoenas to compel the testimony*
20 *of persons who are not Federal officers or employees;*
21 *and*

22 *(iii) may enforce such subpoenas in the event of*
23 *a refusal to obey by order of any appropriate United*
24 *States district court as provided for under section 6*
25 *of the Inspector General Act of 1978 (5 U.S.C. App).*

1 (B) *The Committee shall carry out the powers under*
2 *paragraphs (1) and (2) in accordance with section 4(b)(1)*
3 *of the Inspector General Act of 1978 (5 U.S.C. App.).*

4 (C) *Whenever information or assistance requested by*
5 *the Committee or an Inspector General is unreasonably re-*
6 *fused or not provided, the Committee shall immediately re-*
7 *port the circumstances to the appropriate congressional*
8 *committees.*

9 (D) *The Committee shall leverage existing information*
10 *technology resources within the Council, such as over-*
11 *sight.gov, to carry out the duties of the Committee.*

12 (4)(A) *The Committee may hold public hearings and*
13 *Committee personnel may conduct necessary inquiries.*

14 (B) *The head of each agency shall make all officers*
15 *and employees of that agency available to provide testimony*
16 *to the Committee and Committee personnel.*

17 (C) *The Committee may issue subpoenas to compel the*
18 *testimony of persons who are not Federal officers or employ-*
19 *ees at such public hearings, which may be enforced in the*
20 *same manner as provided for subpoenas under section 6 of*
21 *the Inspector General Act of 1978 (5 U.S.C. App.).*

22 (5) *The Committee may enter into contracts to enable*
23 *the Committee to discharge its duties, including contracts*
24 *and other arrangements for audits, studies, analyses, and*
25 *other services with public agencies and with private per-*

1 sons, and make such payments as may be necessary to carry
2 out the duties of the Committee.

3 (6) The Committee may establish subcommittees to fa-
4 cilitate the ability of the Committee to discharge its duties.

5 (7) The Committee may transfer funds appropriated
6 to the Committee for expenses to support administrative
7 support services and audits, reviews, or other activities re-
8 lated to oversight by the Committee of covered funds or the
9 Coronavirus response to any Office of the Inspector General
10 or the General Services Administration.

11 (f)(1)(A)(i) Subject to subparagraph (B), the Com-
12 mittee may exercise the authorities of subsections (b)
13 through (i) of section 3161 of title 5, United States Code
14 (without regard to subsection (a) of that section) to carry
15 out the functions of the Committee under this section.

16 (ii) For purposes of exercising the authorities described
17 under clause (i), the term “Chairperson” shall be sub-
18 stituted for the term “head of a temporary organization”.

19 (iii) In exercising the authorities described in clause
20 (i), the Chairperson shall consult with members of the Com-
21 mittee.

22 (iv) In addition to the authority provided by section
23 3161(c) of title 5, United States Code, upon the request of
24 an Inspector General, the Committee may detail, on a non-
25 reimbursable basis, any personnel of the Council to that In-

1 *spector General to assist in carrying out any audit, review,*
2 *or investigation pertaining to the oversight of covered funds*
3 *or the Coronavirus response.*

4 (B) *In exercising the employment authorities under*
5 *section 3161(b) of title 5, United States Code, as provided*
6 *under subparagraph (A) of this paragraph—*

7 (i) *section 3161(b)(2) of that title (relating to pe-*
8 *riods of appointments) shall not apply; and*

9 (ii) *no period of appointment may exceed the*
10 *date on which the Committee terminates.*

11 (C)(i) *A person employed by the Committee shall ac-*
12 *quire competitive status for appointment to any position*
13 *in the competitive service for which the employee possesses*
14 *the required qualifications upon the completion of 2 years*
15 *of continuous service as an employee under this subsection.*

16 (ii) *No person who is first employed as described in*
17 *clause (i) more than 2 years after the date of enactment*
18 *of this Act may acquire competitive status under clause (i).*

19 (2)(A) *The Committee may employ annuitants covered*
20 *by section 9902(g) of title 5, United States Code, for pur-*
21 *poses of the oversight of covered funds or the Coronavirus*
22 *response.*

23 (B) *The employment of annuitants under this para-*
24 *graph shall be subject to the provisions of section 9902(g)*

1 *of title 5, United States Code, as if the Committee was the*
2 *Department of Defense.*

3 (3) *Upon request of the Committee for information or*
4 *assistance from any agency or other entity of the Federal*
5 *Government, the head of such entity shall, insofar as is*
6 *practicable and not in contravention of any existing law,*
7 *and consistent with section 6 of the Inspector General Act*
8 *of 1978 (5 U.S.C. App.), furnish such information or assist-*
9 *ance to the Committee, or an authorized designee, including*
10 *an Inspector General designated by the Chairperson.*

11 (4) *Any Inspector General responsible for conducting*
12 *oversight related to covered funds or the Coronavirus re-*
13 *sponse may, consistent with the duties, responsibilities,*
14 *policies, and procedures of the Inspector General, provide*
15 *information requested by the Committee or an Inspector*
16 *General on the Committee relating to the responsibilities*
17 *of the Committee.*

18 (g)(1)(A) *Not later than 30 days after the date of en-*
19 *actment of this Act, the Committee shall establish and*
20 *maintain a user-friendly, public-facing website to foster*
21 *greater accountability and transparency in the use of cov-*
22 *ered funds and the Coronavirus response, which shall have*
23 *a uniform resource locator that is descriptive and memo-*
24 *orable.*

1 *(B) The Committee shall leverage existing information*
2 *technology and resources, such as oversight.gov, to the great-*
3 *est extent practicable to meet the requirements under this*
4 *section.*

5 *(2) The website established and maintained under*
6 *paragraph (1) shall be a portal or gateway to key informa-*
7 *tion relating to the oversight of covered funds and the*
8 *Coronavirus response and provide connections to other Gov-*
9 *ernment websites with related information.*

10 *(3) In establishing and maintaining the website under*
11 *paragraph (1), the Committee shall ensure the following:*

12 *(A) The website shall provide materials and in-*
13 *formation explaining the Coronavirus response and*
14 *how covered funds are being used. The materials shall*
15 *be easy to understand and regularly updated.*

16 *(i) The website shall provide accountability in-*
17 *formation, including findings from Inspectors Gen-*
18 *eral, including any progress reports, audits, inspec-*
19 *tions, or other reports, including reports from or links*
20 *to reports on the website of the Government Account-*
21 *ability Office.*

22 *(ii) The website shall provide data on relevant*
23 *operational, economic, financial, grant, subgrant,*
24 *contract, and subcontract information in user-friend-*

1 *ly visual presentations to enhance public awareness of*
2 *the use of covered funds and the Coronavirus response.*

3 *(iii) The website shall provide detailed data on*
4 *any Federal Government awards that expend covered*
5 *funds, including a unique trackable identification*
6 *number for each project, information about the proc-*
7 *ess that was used to award the covered funds, and for*
8 *any covered funds over \$150,000, a detailed expla-*
9 *nation of any associated agreement, where applicable.*

10 *(iv) The website shall include downloadable, ma-*
11 *chine-readable, open format reports on covered funds*
12 *obligated by month to each State and congressional*
13 *district, where applicable.*

14 *(v) The website shall provide a means for the*
15 *public to give feedback on the performance of any cov-*
16 *ered funds and of the Coronavirus response, including*
17 *confidential feedback.*

18 *(vi) The website shall include detailed informa-*
19 *tion on Federal Government awards that expend cov-*
20 *ered funds, including data elements required under*
21 *the Federal Funding Accountability and Trans-*
22 *parency Act of 2006 (31 U.S.C. 6101 note), allowing*
23 *aggregate reporting on awards below \$50,000, as pre-*
24 *scribed by the Director of the Office of Management*
25 *and Budget.*

1 (vii) *The website shall provide a link to esti-*
2 *mates of the jobs sustained or created by this Act to*
3 *the extent practicable.*

4 (viii) *The website shall include appropriate links*
5 *to other government websites with information con-*
6 *cerning covered funds and the Coronavirus response,*
7 *including Federal agency and State websites.*

8 (ix) *The website shall include a plan from each*
9 *Federal agency for using covered funds.*

10 (x) *The website shall provide information on*
11 *Federal allocations of mandatory and other entitle-*
12 *ment programs by State, county, or other geo-*
13 *graphical unit related to covered funds or the*
14 *Coronavirus response.*

15 (xi) *The website shall present the data such that*
16 *funds subawarded by recipients are not double count-*
17 *ed in search results, data visualizations, or other re-*
18 *ports.*

19 (xii) *The website shall include all recommenda-*
20 *tions made to agencies relating to covered funds and*
21 *the Coronavirus response, as well as the status of each*
22 *recommendation.*

23 (xiii) *The website shall be enhanced and updated*
24 *as necessary to carry out the purposes of this section.*

1 (4) *The Committee may exclude posting contractual or*
2 *other information on the website on a case-by-case basis*
3 *when necessary to protect national security or to protect*
4 *information that is not subject to disclosure under sections*
5 *552 and 552a of title 5, United States Code.*

6 (h)(1) *Nothing in this section shall affect the inde-*
7 *pendent authority of an Inspector General to determine*
8 *whether to conduct an audit or investigation of covered*
9 *funds or the Coronavirus response.*

10 (2) *If the Committee requests that an Inspector Gen-*
11 *eral of an agency conduct or refrain from conducting an*
12 *audit or investigation and the Inspector General rejects the*
13 *request in whole or in part, the Inspector General shall,*
14 *not later than 30 days after rejecting the request, submit*
15 *a report to the Committee, the head of the applicable agen-*
16 *cy, and the appropriate congressional committees, that*
17 *states the reasons that the Inspector General has rejected*
18 *the request in whole or in part.*

19 (i) *The Committee shall coordinate its oversight activi-*
20 *ties with the Comptroller General of the United States and*
21 *State auditors.*

22 (j) *For the purposes of carrying out the mission of the*
23 *Committee under this section, there are authorized to be ap-*
24 *propriated such sums as may be necessary to carry out the*
25 *duties and functions of the Committee.*

1 (k) *The Committee shall terminate on September 30,*
2 *2025.*

3 *REPORTING ON USE OF FUNDS*

4 *SEC. 15011. (a) In this section—*

5 (1) *the terms “agency”, “appropriate congress-*
6 *sional committees”, “Committee”, “covered funds”,*
7 *and “Coronavirus response” have the meanings given*
8 *those terms in section 15010;*

9 (2) *the term “covered recipient”—*

10 (A) *means any entity that receives large*
11 *covered funds; and*

12 (B) *includes any State, the District of Co-*
13 *lumbia, and any territory or possession of the*
14 *United States; and*

15 (3) *the term “large covered funds” means covered*
16 *funds that amount to more than \$150,000.*

17 (b)(1)(A) *On a monthly basis until September 30,*
18 *2021, each agency shall report to the Director of the Office*
19 *of Management and Budget, the Bureau of Fiscal Service*
20 *in the Department of the Treasury, the Committee, and the*
21 *appropriate congressional committees on any obligation or*
22 *expenditure of large covered funds, including loans and*
23 *awards.*

24 (B) *Not later than 90 days after the date of enactment*
25 *of this Act, each agency shall submit to the Committee a*
26 *plan describing how the agency will use covered funds.*

1 (2) Not later than 10 days after the end of each cal-
2 endar quarter, each covered recipient shall submit to the
3 agency and the Committee a report that contains—

4 (A) the total amount of large covered funds re-
5 ceived from the agency;

6 (B) the amount of large covered funds received
7 that were expended or obligated for each project or ac-
8 tivity;

9 (C) a detailed list of all projects or activities for
10 which large covered funds were expended or obligated,
11 including—

12 (i) the name of the project or activity;

13 (ii) a description of the project or activity;

14 and

15 (iii) the estimated number of jobs created or
16 retained by the project or activity, where appli-
17 cable; and

18 (D) detailed information on any level of sub-
19 contracts or subgrants awarded by the covered recipi-
20 ent or its subcontractors or subgrantees, to include the
21 data elements required to comply with the Federal
22 Funding Accountability and Transparency Act of
23 2006 (31 U.S.C. 6101 note) allowing aggregate re-
24 porting on awards below \$50,000 or to individuals, as

1 *prescribed by the Director of the Office of Manage-*
2 *ment and Budget.*

3 *(3) Not later than 30 days after the end of each cal-*
4 *endar quarter, the Committee, in consultation with the*
5 *agency that made large covered funds available to any cov-*
6 *ered recipient shall make the information in reports sub-*
7 *mitted under paragraph (2) publicly available by posting*
8 *the information on the website established under section*
9 *15010(g).*

10 *(4)(A) Each agency, in coordination with the Com-*
11 *mittee and the Director of the Office of Management and*
12 *Budget shall provide user-friendly means for covered recipi-*
13 *ents to meet requirements of this subsection.*

14 *(B) Federal agencies may use existing mechanisms to*
15 *ensure that information under this subsection is reported*
16 *accurately.*

17 *(c)(1) The Director of the Office of Management and*
18 *Budget, in consultation with the Secretary of the Treasury,*
19 *the Administrator of the Small Business Administration,*
20 *and the Chairperson of the Council of Economic Advisors,*
21 *shall submit to the appropriate congressional committees*
22 *and publicly release on the website established under section*
23 *15010(g) quarterly reports that detail the impact of pro-*
24 *grams funded through large covered funds on employment,*

1 *estimated economic growth, and other key economic indica-*
2 *tors, including information about impacted industries.*

3 *(2)(A) The first report submitted under paragraph (1)*
4 *shall be submitted not later than 45 days after the end of*
5 *the first full quarter following the date of enactment of this*
6 *Act.*

7 *(B) The last report required to be submitted under*
8 *paragraph (1) shall apply to the quarter in which the Com-*
9 *mittee terminates.*

10 *TITLE VI*

11 *DEPARTMENT OF HOMELAND SECURITY*

12 *MANAGEMENT DIRECTORATE*

13 *OPERATIONS AND SUPPORT*

14 *For an additional amount for “Operations and Sup-*
15 *port”, \$178,300,000, to remain available until September*
16 *30, 2021, to prevent, prepare for, and respond to*
17 *coronavirus, domestically or internationally, which shall be*
18 *for the purchase of personal protective equipment and sani-*
19 *tization materials: Provided, That funds provided under*
20 *this heading in this Act may be transferred by the Secretary*
21 *of Homeland Security between appropriations in the De-*
22 *partment only for the purchase of personal protective equip-*
23 *ment and sanitization materials to prevent, prepare for,*
24 *and respond to coronavirus, domestically or internation-*
25 *ally: Provided further, That none of the funds made avail-*

1 able under this heading may be transferred pursuant to the
2 authority in section 503 of the Department of Homeland
3 Security Appropriations Act, 2020: Provided further, That
4 the Department shall provide notice of any transfer to the
5 Committees on Appropriations of the Senate and the House
6 of Representatives not later than 5 days after executing such
7 transfer: Provided further, That such amount is designated
8 by the Congress as being for an emergency requirement pur-
9 suant to section 251(b)(2)(A)(i) of the Balanced Budget and
10 Emergency Deficit Control Act of 1985.

11 *TRANSPORTATION SECURITY ADMINISTRATION*

12 *OPERATIONS AND SUPPORT*

13 *For an additional amount for “Operations and Sup-*
14 *port”, \$100,000,000, to remain available until September*
15 *30, 2021, to prevent, prepare for, and respond to*
16 *coronavirus, domestically or internationally, which shall be*
17 *for cleaning and sanitization at checkpoints and other air-*
18 *port common areas; overtime and travel costs; and explosive*
19 *detection materials: Provided, That such amount is des-*
20 *ignated by the Congress as being for an emergency require-*
21 *ment pursuant to section 251(b)(2)(A)(i) of the Balanced*
22 *Budget and Emergency Deficit Control Act of 1985.*

1 UNITED STATES COAST GUARD

2 OPERATIONS AND SUPPORT

3 *For an additional amount for “Operations and Sup-*
4 *port”, \$140,800,000, to remain available until September*
5 *30, 2021, to prevent, prepare for, and respond to*
6 *coronavirus, domestically or internationally, which shall be*
7 *for mobilization of reservists and increasing the capability*
8 *and capacity of Coast Guard information technology sys-*
9 *tems and infrastructure: 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 CYBERSECURITY AND INFRASTRUCTURE SECURITY AGENCY

14 OPERATIONS AND SUPPORT

15 *For an additional amount for “Operations and Sup-*
16 *port”, \$9,100,000, to remain available until September 30,*
17 *2021, to prevent, prepare for, and respond to coronavirus,*
18 *domestically or internationally, which shall be for support*
19 *of interagency critical infrastructure coordination and re-*
20 *lated activities: Provided, That such amount is designated*
21 *by the Congress as being for an emergency requirement pur-*
22 *suant to section 251(b)(2)(A)(i) of the Balanced Budget and*
23 *Emergency Deficit Control Act of 1985.*

1 *FEDERAL EMERGENCY MANAGEMENT AGENCY*2 *OPERATIONS AND SUPPORT*

3 *For an additional amount for “Operations and Sup-*
4 *port”, \$44,987,000, to remain available until September 30,*
5 *2021, to prevent, prepare for, and respond to coronavirus,*
6 *domestically or internationally, which shall be for enhance-*
7 *ments to information technology and for facilities support:*
8 *Provided, That such amount is designated by the Congress*
9 *as 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 *DISASTER RELIEF FUND*

13 *For an additional amount for “Disaster Relief Fund”,*
14 *\$45,000,000,000, to remain available until expended: Pro-*
15 *vided, That of the amount provided under this heading in*
16 *this Act, \$25,000,000,000 shall be for major disasters de-*
17 *clared pursuant to the Robert T. Stafford Disaster Relief*
18 *and Emergency Assistance Act (42 U.S.C. 5121 et seq.):*
19 *Provided further, That of the amount provided under this*
20 *heading in this Act, \$15,000,000,000 may be used for all*
21 *purposes authorized under such Act and may be used in*
22 *addition to amounts designated by the Congress as being*
23 *for disaster relief pursuant to section 251(b)(2)(D) of the*
24 *Balanced Budget and Emergency Deficit Control Act of*
25 *1985: Provided further, That every 30 days the Adminis-*

1 *trator shall provide the Committees on Appropriations of*
2 *the Senate and the House of Representatives both projected*
3 *and actual costs for funds provided under this heading for*
4 *major disasters and any other expenses: Provided further,*
5 *That of the amounts provided under this heading,*
6 *\$3,000,000 shall be transferred to “Office of Inspector Gen-*
7 *eral” and shall remain available until expended for over-*
8 *sight of activities supported by funds provided under this*
9 *heading: Provided further, That such amount is designated*
10 *by the Congress as being for an emergency requirement pur-*
11 *suant to section 251(b)(2)(A)(i) of the Balanced Budget and*
12 *Emergency Deficit Control Act of 1985.*

13 *FEDERAL ASSISTANCE*

14 *For an additional amount for “Federal Assistance”,*
15 *\$400,000,000, to remain available until September 30,*
16 *2021, to prevent, prepare for, and respond to coronavirus,*
17 *domestically or internationally: Provided, That of the*
18 *amount provided under this heading in this Act,*
19 *\$100,000,000 shall be for Assistance to Firefighter Grants*
20 *for the purchase of personal protective equipment and re-*
21 *lated supplies, including reimbursements; \$100,000,000*
22 *shall be for Emergency Management Performance Grants;*
23 *and \$200,000,000 shall be for the Emergency Food and*
24 *Shelter Program: Provided further, That such amount is*
25 *designated by the Congress as being for an emergency re-*

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

3 **GENERAL PROVISIONS—THIS TITLE**

4 *SEC. 16001. Notwithstanding any other provision of*
5 *law, funds made available under each heading in this title,*
6 *except for “Federal Emergency Management Agency—Dis-*
7 *aster Relief Fund”, shall only be used for the purposes spe-*
8 *cifically described under that heading.*

9 *SEC. 16002. Notwithstanding any other provision of*
10 *law, any amounts appropriated for “Federal Emergency*
11 *Management Agency—Disaster Relief Fund” in this Act*
12 *are available only for the purposes for which they were ap-*
13 *propriated.*

14 *SEC. 16003. (a) PREMIUM PAY AUTHORITY.—If serv-*
15 *ices performed during fiscal year 2020 are determined by*
16 *the head of the agency to be primarily related to prepara-*
17 *tion, prevention, or response to coronavirus, any premium*
18 *pay that is funded, either directly or through reimburse-*
19 *ment, by the Federal Emergency Management Agency shall*
20 *be exempted from the aggregate of basic pay and premium*
21 *pay calculated under section 5547(a) of title 5, United*
22 *States Code, and any other provision of law limiting the*
23 *aggregate amount of premium pay payable on a biweekly*
24 *or calendar year basis.*

1 (b) *OVERTIME AUTHORITY.*—*Any overtime that is*
2 *funded for such services described in subsection (a), either*
3 *directly or through reimbursement, by the Federal Emer-*
4 *gency Management Agency shall be exempted from any an-*
5 *nual limit on the amount of overtime payable in a calendar*
6 *or fiscal year.*

7 (c) *APPLICABILITY OF AGGREGATE LIMITATION ON*
8 *PAY.*—*In determining whether an employee’s pay exceeds*
9 *the applicable annual rate of basic pay payable under sec-*
10 *tion 5307 of title 5, United States Code, the head of an*
11 *Executive agency shall not include pay exempted under this*
12 *section.*

13 (d) *LIMITATION OF PAY AUTHORITY.*—*Pay exempted*
14 *from otherwise applicable limits under subsection (a) shall*
15 *not cause the aggregate pay earned for the calendar year*
16 *in which the exempted pay is earned to exceed the rate of*
17 *basic pay payable for a position at level II of the Executive*
18 *Schedule under section 5313 of title 5, United States Code.*

19 (e) *EFFECTIVE DATE.*—*This section shall take effect as*
20 *if enacted on January 1, 2020.*

21 SEC. 16004. (a) *Amounts provided for “Coast*
22 *Guard—Operations and Support” in the Consolidated Ap-*
23 *propriations Act, 2020 (Public Law 116–93) may be avail-*
24 *able for pay and benefits of Coast Guard Yard and Vessel*

1 *Documentation personnel, Non-Appropriated Funds per-*
2 *sonnel, and for Morale, Welfare and Recreation Programs.*

3 *(b) No amounts may be used under this section from*
4 *amounts that were designated by the Congress for Overseas*
5 *Contingency Operations/Global War on Terrorism pursu-*
6 *ant to the Concurrent Resolution on the Budget or the Bal-*
7 *anced Budget and Emergency Deficit Control Act of 1985.*

8 *SEC. 16005. (a) Notwithstanding any other provision*
9 *of law regarding the licensure of health-care providers, a*
10 *health-care professional described in subsection (b) may*
11 *practice the health profession or professions of the health-*
12 *care professional at any location in any State, the District*
13 *of Columbia, or Commonwealth, territory, or possession of*
14 *the United States, or any location designated by the Sec-*
15 *retary, regardless of where such health-care professional or*
16 *the patient is located, so long as the practice is within the*
17 *scope of the authorized Federal duties of such health-care*
18 *professional.*

19 *(b) DEFINITION.—As used in this section, the term*
20 *“health-care professional” means an individual (other than*
21 *a member of the Coast Guard, a civilian employee of the*
22 *Coast Guard, member of the Public Health Service who is*
23 *assigned to the Coast Guard, or an individual with whom*
24 *the Secretary, pursuant to 10 U.S.C. 1091, has entered into*
25 *a personal services contract to carry out health care respon-*

1 *sibilities of the Secretary at a medical treatment facility*
2 *of the Coast Guard) who—*

3 *(1) is—*

4 *(A) an employee of the Department of*
5 *Homeland Security,*

6 *(B) a detailee to the Department from an-*
7 *other Federal agency,*

8 *(C) a personal services contractor of the De-*
9 *partment, or*

10 *(D) hired under a Contract for Services;*

11 *(2) performs health care services as part of du-*
12 *ties of the individual in that capacity;*

13 *(3) has a current, valid, and unrestricted equiva-*
14 *lent license certification that is—*

15 *(A) issued by a State, the District of Co-*
16 *lumbia, or a Commonwealth, territory, or posses-*
17 *sion of the United States; and*

18 *(B) for the practice of medicine, osteopathic*
19 *medicine, dentistry, nursing, emergency medical*
20 *services, or another health profession; and*

21 *(4) is not affirmatively excluded from practice in*
22 *the licensing or certifying jurisdiction or in any other*
23 *jurisdiction.*

24 *(c) Subsection (a) shall apply during the incident pe-*
25 *riod of the emergency declared by the President on March*

1 13, 2020, pursuant to section 501(b) of the Robert T. Staf-
2 ford Disaster Relief and Emergency Assistance Act (42
3 U.S.C. 5121(b)), and to any subsequent major declaration
4 under section 401 of such Act that supersedes such emer-
5 gency declaration.

6 SEC. 16006. *The Secretary of Homeland Security,*
7 *under the authority granted under section 205(b) of the*
8 *REAL ID Act of 2005 (Public Law 109–13; 49 U.S.C.*
9 *30301 note) shall extend the deadline by which States are*
10 *required to meet the driver license and identification card*
11 *issuance requirements under section 202(a)(1) of such Act*
12 *until not earlier than September 30, 2021.*

13 SEC. 16007. *Section 5 of the Protecting and Securing*
14 *Chemical Facilities from Terrorist Attacks Act of 2014*
15 *(Public Law 113–254; 6 U.S.C. 621 note) is amended by*
16 *striking “the date that is 5 years and 3 months after the*
17 *effective date of this Act” and inserting “July 23, 2020”:*
18 *Provided, That the amount provided by this section is des-*
19 *ignated by the Congress as being for an emergency require-*
20 *ment pursuant to section 251(b)(2)(A)(i) of the Balanced*
21 *Budget and Emergency Deficit Control Act of 1985.*

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TITLE VII

DEPARTMENT OF THE INTERIOR

INDIAN AFFAIRS

BUREAU OF INDIAN AFFAIRS

OPERATION OF INDIAN PROGRAMS

(INCLUDING TRANSFERS OF FUNDS)

For an additional amount for “Operation of Indian Programs”, \$453,000,000, to remain available until September 30, 2021, to prevent, prepare for, and respond to coronavirus, domestically or internationally, including, but not limited to, funds for public safety and justice programs, executive direction to carry out deep cleaning of facilities, purchase of personal protective equipment, purchase of information technology to improve teleworking capability, welfare assistance and social services programs (including assistance to individuals), and assistance to tribal governments, including tribal governments who participate in the “Small and Needy” program: Provided, That amounts received from funds provided under this heading in this Act for welfare assistance programs shall not be included in the statutory maximum for welfare assistance funds included in Public Law 116–94, the Further Consolidated Appropriations Act, 2020: Provided further, That assistance received from funds provided under this heading in this Act shall not be included in the calculation of funds received

1 *by those tribal governments who participate in the “Small*
2 *and Needy” program: Provided further, That of the*
3 *amounts provided under this heading in this Act, not less*
4 *than \$400,000,000 shall be made available to meet the di-*
5 *rect needs of tribes: Provided further, That amounts pro-*
6 *vided under this heading in this Act may be made available*
7 *for distribution through tribal priority allocations for tribal*
8 *response and capacity building activities: Provided further,*
9 *That funds provided under this heading in this Act, if*
10 *transferred to tribes and tribal organizations under the In-*
11 *dian Self-Determination and Education Assistance Act,*
12 *will be transferred on a one-time basis and that these non-*
13 *recurring funds are not part of the amount required by 25*
14 *U.S.C. § 5325: Provided further, That such amount is des-*
15 *ignated by the Congress as being for an emergency require-*
16 *ment pursuant to section 251(b)(2)(A)(i) of the Balanced*
17 *Budget and Emergency Deficit Control Act of 1985.*

18

BUREAU OF INDIAN EDUCATION

19

OPERATION OF INDIAN EDUCATION PROGRAMS

20 *For an additional amount for “Operation of Indian*
21 *Education Programs”, \$69,000,000, to remain available*
22 *until September 30, 2021, to prevent, prepare for, and re-*
23 *spond to coronavirus, domestically or internationally, in-*
24 *cluding, but not limited to, funding for tribal colleges and*
25 *universities, salaries, transportation, and information tech-*

1 *nology: Provided, That of the amounts provided in this*
2 *paragraph, not less than \$20,000,000 shall be for tribal col-*
3 *leges and universities: Provided further, That such amount*
4 *is designated by the Congress as being for an emergency*
5 *requirement pursuant to section 251(b)(2)(A)(i) of the Bal-*
6 *anced Budget and Emergency Deficit Control Act of 1985.*

7 *DEPARTMENTAL OFFICES*

8 *OFFICE OF THE SECRETARY*

9 *DEPARTMENTAL OPERATIONS*

10 *(INCLUDING TRANSFERS OF FUNDS)*

11 *For an additional amount for “Departmental Oper-*
12 *ations”, \$158,400,000, to remain available until September*
13 *30, 2021, to prevent, prepare for, and respond to*
14 *coronavirus, domestically or internationally, including, but*
15 *not limited to, funds for purchasing equipment and sup-*
16 *plies to disinfect and clean buildings and public areas, sup-*
17 *porting law enforcement and emergency management oper-*
18 *ations, biosurveillance of wildlife and environmental per-*
19 *sistence studies, employee overtime and special pay ex-*
20 *penses, and other response, mitigation, or recovery activi-*
21 *ties: Provided, That funds appropriated under this heading*
22 *in this Act shall be used to absorb increased operational*
23 *costs necessary to prevent, prepare for, and respond to*
24 *coronavirus, domestically or internationally: Provided fur-*
25 *ther, That the Secretary of the Interior may transfer the*

1 *funds provided under this heading in this Act to any other*
2 *account in the Department to prevent, prepare for, and re-*
3 *spond to coronavirus, domestically or internationally, and*
4 *may expend such funds directly or through cooperative*
5 *agreements: Provided further, That the Secretary shall pro-*
6 *vide a monthly report to the Committees on Appropriations*
7 *of the House of Representatives and the Senate detailing*
8 *the allocation and obligation of these funds by account, be-*
9 *ginning not later than 90 days after enactment of this Act:*
10 *Provided further, That as soon as practicable after the date*
11 *of enactment of this Act, the Secretary shall transfer*
12 *\$1,000,000 to the Office of the Inspector General, “Salaries*
13 *and Expenses” account for oversight activities related to the*
14 *implementation of programs, activities or projects funded*
15 *herein: Provided further, That such amount is designated*
16 *by the Congress as being for an emergency requirement pur-*
17 *suant to section 251(b)(2)(A)(i) of the Balanced Budget and*
18 *Emergency Deficit Control Act of 1985.*

19 *INSULAR AFFAIRS*

20 *ASSISTANCE TO TERRITORIES*

21 *For an additional amount for “Assistance to Terri-*
22 *ories”, \$55,000,000, to remain available until September*
23 *30, 2021, to prevent, prepare for, and respond to*
24 *coronavirus, domestically or internationally, for general*
25 *technical assistance: Provided, That such amount is des-*

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

4 *ENVIRONMENTAL PROTECTION AGENCY*

5 *SCIENCE AND TECHNOLOGY*

6 *For an additional amount for “Science and Tech-*
7 *nology”, \$2,250,000, to remain available until September*
8 *30, 2021, to prevent, prepare for, and respond to*
9 *coronavirus, domestically or internationally: Provided,*
10 *That of the amount provided under this heading in this*
11 *Act, \$750,000 shall be for necessary expenses for cleaning*
12 *and disinfecting equipment or facilities of, or for use by,*
13 *the Environmental Protection Agency, and \$1,500,000 shall*
14 *be for research on methods to reduce the risks from environ-*
15 *mental transmission of coronavirus via contaminated sur-*
16 *faces or materials: Provided further, That such amount is*
17 *designated by the Congress as being for an emergency re-*
18 *quirement pursuant to section 251(b)(2)(A)(i) of the Bal-*
19 *anced Budget and Emergency Deficit Control Act of 1985.*

20 *ENVIRONMENTAL PROGRAMS AND MANAGEMENT*

21 *For an additional amount for “Environmental Pro-*
22 *grams and Management”, \$3,910,000, to remain available*
23 *until September 30, 2021, to prevent, prepare for, and re-*
24 *spond to coronavirus, domestically or internationally: Pro-*
25 *vided, That of the amount provided under this heading in*

1 *this Act, \$2,410,000 shall be for necessary expenses for*
2 *cleaning and disinfecting equipment or facilities of, or for*
3 *use by, the Environmental Protection Agency, and oper-*
4 *ational continuity of Environmental Protection Agency*
5 *programs and related activities, and \$1,500,000 shall be for*
6 *expediting registration and other actions related to pes-*
7 *ticides to address coronavirus: Provided further, That such*
8 *amount is designated by the Congress as being for an emer-*
9 *gency requirement pursuant to section 251(b)(2)(A)(i) of*
10 *the Balanced Budget and Emergency Deficit Control Act*
11 *of 1985.*

12 *BUILDINGS AND FACILITIES*

13 *For an additional amount for “Buildings and Facili-*
14 *ties”, \$300,000, to remain available until September 30,*
15 *2021, to prevent, prepare for, and respond to coronavirus,*
16 *domestically or internationally: Provided, That the funds*
17 *provided under this heading in this Act shall be for nec-*
18 *essary expenses for cleaning and disinfecting equipment or*
19 *facilities of, or for use by, the Environmental Protection*
20 *Agency: Provided further, That such amount is designated*
21 *by the Congress as being for an emergency requirement pur-*
22 *suant to section 251(b)(2)(A)(i) of the Balanced Budget and*
23 *Emergency Deficit Control Act of 1985.*

1 *HAZARDOUS SUBSTANCE SUPERFUND*

2 *For an additional amount for “Hazardous Substance*
3 *Superfund”, \$770,000, to remain available until September*
4 *30, 2021, to prevent, prepare for, and respond to*
5 *coronavirus, domestically or internationally: Provided,*
6 *That the funds provided under this heading in this Act shall*
7 *be for necessary expenses for cleaning and disinfecting*
8 *equipment or facilities of, or for use by, the Environmental*
9 *Protection Agency: Provided further, 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 *RELATED AGENCIES*14 *DEPARTMENT OF AGRICULTURE*15 *FOREST SERVICE*16 *FOREST AND RANGELAND RESEARCH*

17 *For an additional amount for “Forest and Rangeland*
18 *Research”, \$3,000,000, to remain available until September*
19 *30, 2021, to prevent, prepare for, and respond to*
20 *coronavirus, domestically or internationally, including for*
21 *the reestablishment of abandoned or failed experiments asso-*
22 *ciated with employee restrictions due to the coronavirus*
23 *outbreak: Provided, That amounts provided under this*
24 *heading in this Act shall be allocated at the discretion of*
25 *the Chief of the Forest Service: Provided further, That such*

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

5 *NATIONAL FOREST SYSTEM*

6 *For an additional amount for “National Forest Sys-*
7 *tem”, \$34,000,000, to remain available until September 30,*
8 *2021, to prevent, prepare for, and respond to coronavirus,*
9 *domestically or internationally, including for cleaning and*
10 *disinfecting of public recreation amenities and for personal*
11 *protective equipment and baseline health testing for first*
12 *responders: Provided, That amounts provided under this*
13 *heading in this Act shall be allocated at the discretion of*
14 *the Chief of the Forest Service: Provided further, That such*
15 *amount is designated by the Congress as being for an emer-*
16 *gency requirement pursuant to section 251(b)(2)(A)(i) of*
17 *the Balanced Budget and Emergency Deficit Control Act*
18 *of 1985.*

19 *CAPITAL IMPROVEMENT AND MAINTENANCE*

20 *For an additional amount for “Capital Improvement*
21 *and Maintenance”, \$26,800,000, to remain available until*
22 *September 30, 2021, to prevent, prepare for, and respond*
23 *to coronavirus, domestically or internationally, including*
24 *for janitorial services: Provided, That amounts provided*
25 *under this heading in this Act shall be allocated at the dis-*

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

6 *WILDLAND FIRE MANAGEMENT*

7 *For an additional amount for “Wildland Fire Man-*
 8 *agement”, \$7,000,000, to remain available until September*
 9 *30, 2021, to prevent, prepare for, and respond to*
 10 *coronavirus, domestically or internationally, including for*
 11 *personal protective equipment and baseline health testing*
 12 *for first responders: Provided, That amounts provided*
 13 *under this heading in this Act shall be allocated at the dis-*
 14 *cretion of the Chief of the Forest Service: 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 *DEPARTMENT OF HEALTH AND HUMAN*
 20 *SERVICES*

21 *INDIAN HEALTH SERVICE*

22 *INDIAN HEALTH SERVICES*

23 *(INCLUDING TRANSFERS OF FUNDS)*

24 *For an additional amount for “Indian Health Serv-*
 25 *ices”, \$1,032,000,000, to remain available until September*

1 30, 2021, to prevent, prepare for, and respond to
2 coronavirus, domestically or internationally, including for
3 public health support, electronic health record moderniza-
4 tion, telehealth and other information technology upgrades,
5 Purchased/Referred Care, Catastrophic Health Emergency
6 Fund, Urban Indian Organizations, Tribal Epidemiology
7 Centers, Community Health Representatives, and other ac-
8 tivities to protect the safety of patients and staff: Provided,
9 That of the amount provided under this heading in this
10 Act, up to \$65,000,000 is for electronic health record sta-
11 bilization and support, including for planning and tribal
12 consultation: Provided further, That of amounts provided
13 under this heading in this Act, not less than \$450,000,000
14 shall be distributed through IHS directly operated pro-
15 grams and to tribes and tribal organizations under the In-
16 dian Self-Determination and Education Assistance Act and
17 through contracts or grants with urban Indian organiza-
18 tions under title V of the Indian Health Care Improvement
19 Act: Provided further, That any amounts provided in this
20 paragraph not allocated pursuant to the preceding proviso
21 shall be allocated at the discretion of the Director of the
22 Indian Health Service: Provided further, That of the funds
23 provided herein, up to \$125,000,000 may be transferred to
24 and merged with the “Indian Health Service, Indian
25 Health Facilities” appropriation at the discretion of the

1 *Director for the purposes specified in this Act: Provided fur-*
2 *ther, That amounts provided under this heading in this Act,*
3 *if transferred to tribes and tribal organizations under the*
4 *Indian Self-Determination and Education Assistance Act,*
5 *will be transferred on a one-time basis and that these non-*
6 *recurring funds are not part of the amount required by 25*
7 *U.S.C. § 5325, and that such amounts may only be used*
8 *for the purposes identified under this heading notwith-*
9 *standing any other provision of law: Provided further, That*
10 *such amount is designated by the Congress as being for an*
11 *emergency requirement pursuant to section 251(b)(2)(A)(i)*
12 *of the Balanced Budget and Emergency Deficit Control Act*
13 *of 1985.*

14 *AGENCY FOR TOXIC SUBSTANCES AND DISEASE REGISTRY*
15 *TOXIC SUBSTANCES AND ENVIRONMENTAL PUBLIC HEALTH*

16 *For an additional amount for “Toxic Substances and*
17 *Environmental Public Health”, \$12,500,000, to remain*
18 *available until September 30, 2021, to prevent, prepare for,*
19 *and respond to coronavirus, domestically or internation-*
20 *ally: Provided, That \$7,500,000 of the funds provided under*
21 *this heading in this Act shall be for necessary expenses of*
22 *the Geospatial Research, Analysis and Services Program to*
23 *support spatial analysis and Geographic Information Sys-*
24 *tem mapping of infectious disease hot spots, including*
25 *cruise ships: Provided further, That \$5,000,000 of the funds*

1 *provided under this heading in this Act shall be for nec-*
2 *essary expenses for awards to Pediatric Environmental*
3 *Health Specialty Units and state health departments to*
4 *provide guidance and outreach on safe practices for dis-*
5 *infection for home, school, and daycare facilities: Provided*
6 *further, That such amount is designated by the Congress*
7 *as being 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 *OTHER RELATED AGENCIES*

11 *INSTITUTE OF AMERICAN INDIAN AND ALASKA NATIVE*

12 *CULTURE AND ARTS DEVELOPMENT*

13 *PAYMENT TO THE INSTITUTE*

14 *For an additional amount for “Payment to the Insti-*
15 *tute”, \$78,000, to remain available until September 30,*
16 *2021, to prevent, prepare for, and respond to coronavirus,*
17 *domestically or internationally: Provided, That such*
18 *amount is designated by the Congress as being for an emer-*
19 *gency requirement pursuant to section 251(b)(2)(A)(i) of*
20 *the Balanced Budget and Emergency Deficit Control Act*
21 *of 1985.*

22 *SMITHSONIAN INSTITUTION*

23 *SALARIES AND EXPENSES*

24 *For an additional amount for “Salaries and Ex-*
25 *penses”, \$7,500,000, to remain available until September*

1 30, 2021, to prevent, prepare for, and respond to
2 coronavirus, domestically or internationally, including
3 funding for deep cleaning, security, information technology,
4 and staff overtime: *Provided, That such amount is des-*
5 *ignated by the Congress as being for an emergency require-*
6 *ment pursuant to section 251(b)(2)(A)(i) of the Balanced*
7 *Budget and Emergency Deficit Control Act of 1985.*

8 *JOHN F. KENNEDY CENTER FOR THE PERFORMING ARTS*
9 *OPERATIONS AND MAINTENANCE*

10 *For an additional amount for “Operations and Main-*
11 *tenance”, \$25,000,000, to remain available until September*
12 *30, 2021, to prevent, prepare for, and respond to*
13 *coronavirus, domestically or internationally, including*
14 *funding for deep cleaning and information technology to*
15 *improve telework capability and for operations and mainte-*
16 *nance requirements related to the consequences of*
17 *coronavirus: Provided, That notwithstanding the provisions*
18 *of 20 U.S.C. 76h et seq., funds provided under this heading*
19 *in this Act shall be made available to cover operating ex-*
20 *penses required to ensure the continuity of the John F. Ken-*
21 *nedy Center for the Performing Arts and its affiliates, in-*
22 *cluding for employee compensation and benefits, grants,*
23 *contracts, payments for rent or utilities, fees for artists or*
24 *performers, information technology, and other administra-*
25 *tive expenses: Provided further, That no later than October*

1 31, 2020, the Board of Trustees of the Center shall submit
2 a report to the Committees on Appropriations of the House
3 of Representatives and Senate that includes a detailed ex-
4 planation of the distribution of the funds provided herein:
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 NATIONAL FOUNDATION ON THE ARTS AND HUMANITIES

10 NATIONAL ENDOWMENT FOR THE ARTS

11 GRANTS AND ADMINISTRATION

12 For an additional amount for “Grants and Adminis-
13 tration”, \$75,000,000, to remain available until September
14 30, 2021, to prevent, prepare for, and respond to
15 coronavirus, domestically or internationally, to be distrib-
16 uted in grants: Provided, That such funds are available
17 under the same terms and conditions as grant funding ap-
18 propriated to this heading in Public Law 116–94: Provided
19 further, That 40 percent of such funds shall be distributed
20 to State arts agencies and regional arts organizations and
21 60 percent of such funds shall be for direct grants: Provided
22 further, That notwithstanding any other provision of law,
23 such funds may also be used by the recipients of such grants
24 for purposes of the general operations of such recipients:
25 Provided further, That the matching requirements under

1 subsections (e), (g)(4)(A), and (p)(3) of section 5 of the Na-
2 tional Foundation on the Arts and Humanities Act of 1965
3 (20 U.S.C. 954) may be waived with respect to such grants:
4 Provided further, That such amount is designated by the
5 Congress as being for an emergency requirement pursuant
6 to section 251(b)(2)(A)(i) of the Balanced Budget and
7 Emergency Deficit Control Act of 1985.

8 NATIONAL ENDOWMENT FOR THE HUMANITIES

9 GRANTS AND ADMINISTRATION

10 For an additional amount for “Grants and Adminis-
11 tration”, \$75,000,000, to remain available until September
12 30, 2021, to prevent, prepare for, and respond to
13 coronavirus, domestically or internationally, to be distrib-
14 uted in grants: Provided, That such funds are available
15 under the same terms and conditions as grant funding ap-
16 propriated to this heading in Public Law 116–94: Provided
17 further, That 40 percent of such funds shall be distributed
18 to state humanities councils and 60 percent of such funds
19 shall be for direct grants: Provided further, That notwith-
20 standing any other provision of law, such funds may also
21 be used by the recipients of such grants for purposes of the
22 general operations of such recipients: Provided further,
23 That the matching requirements under subsection (h)(2)(A)
24 of section 7 of the National Foundation on the Arts and
25 Humanities Act of 1965 may be waived with respect to such

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

5 *TITLE VIII*

6 *DEPARTMENT OF LABOR*

7 *EMPLOYMENT AND TRAINING ADMINISTRATION*

8 *TRAINING AND EMPLOYMENT SERVICES*

9 *For an additional amount for “Training and Employ-*
10 *ment Services”, \$345,000,000, to remain available through*
11 *September 30, 2022, to prevent, prepare for, and respond*
12 *to coronavirus, domestically or internationally, for nec-*
13 *essary expenses for the dislocated workers assistance na-*
14 *tional reserve: Provided, That the funds provided under this*
15 *heading in this Act may be used to replace grant funds pre-*
16 *viously obligated to the impacted areas: Provided further,*
17 *That such amount is designated by the Congress as being*
18 *for an emergency requirement pursuant to section*
19 *251(b)(2)(A)(i) of the Balanced Budget and Emergency*
20 *Deficit Control Act of 1985.*

21 *DEPARTMENTAL MANAGEMENT*

22 *SALARIES AND EXPENSES*

23 *(INCLUDING TRANSFER OF FUNDS)*

24 *For an additional amount for “Departmental Manage-*
25 *ment”, \$15,000,000, to remain available through September*

1 30, 2022, to prevent, prepare for, and respond to
2 coronavirus, including to enforce worker protection laws
3 and regulations, and to oversee and coordinate activities
4 related to division C, division D, division E, and division
5 F of Public Law 116–127: Provided, That the Secretary of
6 Labor may transfer the amounts provided under this head-
7 ing in this Act as necessary to “Employee Benefits Security
8 Administration”, “Wage and Hour Division”, “Occupa-
9 tional Safety and Health Administration”, and “Employ-
10 ment and Training Administration—Program Adminis-
11 tration” to prevent, prepare for, and respond to
12 coronavirus, including for enforcement, oversight, and co-
13 ordination activities in those accounts: Provided further,
14 That of the amount provided under this heading in this
15 Act, \$1,000,000, to remain available until expended, shall
16 be transferred to “Office of Inspector General” for oversight
17 of activities related to Public Law 116–127 and for over-
18 sight activities supported with funds appropriated to the
19 Department of Labor to prevent, prepare for, and respond
20 to coronavirus: Provided further, That 15 days prior to
21 transferring any funds pursuant to the previous provisos
22 under the heading in this Act, the Secretary shall provide
23 to the Committees on Appropriations of the House of Rep-
24 resentatives and the Senate an operating plan describing
25 the planned uses of each amount proposed to be transferred:

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

5 *DEPARTMENT OF HEALTH AND HUMAN*
 6 *SERVICES*
 7 *CENTERS FOR DISEASE CONTROL AND PREVENTION*
 8 *CDC-WIDE ACTIVITIES AND PROGRAM SUPPORT*
 9 *(INCLUDING TRANSFER OF FUNDS)*

10 *For an additional amount for “CDC-Wide Activities*
 11 *and Program Support”, \$4,300,000,000, to remain avail-*
 12 *able until September 30, 2024, to prevent, prepare for, and*
 13 *respond to coronavirus, domestically or internationally:*
 14 *Provided, That not less than \$1,500,000,000 of the amount*
 15 *provided under this heading in this Act shall be for grants*
 16 *to or cooperative agreements with States, localities, terri-*
 17 *ories, tribes, tribal organizations, urban Indian health or-*
 18 *ganizations, or health service providers to tribes, including*
 19 *to carry out surveillance, epidemiology, laboratory capac-*
 20 *ity, infection control, mitigation, communications, and*
 21 *other preparedness and response activities: Provided fur-*
 22 *ther, That every grantee that received a Public Health*
 23 *Emergency Preparedness grant for fiscal year 2019 shall*
 24 *receive not less than 100 percent of that grant level from*
 25 *funds provided in the first proviso under this heading in*

1 *this Act: Provided further, That of the amount in the first*
2 *proviso, not less than \$125,000,000 shall be allocated to*
3 *tribes, tribal organizations, urban Indian health organiza-*
4 *tions, or health service providers to tribes: Provided further,*
5 *That the Director of the Centers for Disease Control and*
6 *Prevention (“CDC”) may satisfy the funding thresholds*
7 *outlined in the preceding two provisos by making awards*
8 *through other grant or cooperative agreement mechanisms:*
9 *Provided further, That of the amount provided under this*
10 *heading in this Act, not less than \$500,000,000 shall be for*
11 *global disease detection and emergency response: Provided*
12 *further, That of the amount provided under this heading*
13 *in this Act, not less than \$500,000,000 shall be for public*
14 *health data surveillance and analytics infrastructure mod-*
15 *ernization: Provided further, That CDC shall report to the*
16 *Committees on Appropriations of the House of Representa-*
17 *tives and the Senate on the development of a public health*
18 *surveillance and data collection system for coronavirus*
19 *within 30 days of enactment of this Act: Provided further,*
20 *That of the amount provided under this heading in this*
21 *Act, \$300,000,000 shall be transferred to and merged with*
22 *amounts in the Infectious Diseases Rapid Response Reserve*
23 *Fund (“Reserve Fund”), established by section 231 of divi-*
24 *sion B of Public Law 115–245: Provided further, That the*
25 *Secretary of Health and Human Services, in consultation*

1 *with the Director of the CDC, shall provide a report to the*
2 *Committees on Appropriations of the House of Representa-*
3 *tives and the Senate every 14 days, for one year from the*
4 *date from any such declaration or determination described*
5 *in the third proviso of section 231 of division B of Public*
6 *Law 115–245, that details commitment and obligation in-*
7 *formation for the Reserve Fund during the prior two weeks,*
8 *as long as such report would detail obligations in excess*
9 *of \$5,000,000, and upon the request by such Committees:*
10 *Provided further, That funds appropriated under this head-*
11 *ing in this Act may be used for grants for the rent, lease,*
12 *purchase, acquisition, construction, alteration, or renova-*
13 *tion of non-federally owned facilities to improve prepared-*
14 *ness and response capability at the State and local level:*
15 *Provided further, That funds provided under this heading*
16 *in this Act may be used for purchase and insurance of offi-*
17 *cial motor vehicles in foreign countries: Provided further,*
18 *That such amount is designated by the Congress as being*
19 *for 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 *NATIONAL INSTITUTES OF HEALTH*

23 *NATIONAL HEART, LUNG, AND BLOOD INSTITUTE*

24 *For an additional amount for “National Heart, Lung,*
25 *and Blood Institute”, \$103,400,000, to remain available*

1 *until September 30, 2024, to prevent, prepare for, and re-*
2 *spond to coronavirus, domestically or internationally: Pro-*
3 *vided, That such amount is designated by the Congress as*
4 *being 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 INSTITUTE OF ALLERGY AND INFECTIOUS*
8 *DISEASES*

9 *For an additional amount for “National Institute of*
10 *Allergy and Infectious Diseases”, \$706,000,000, to remain*
11 *available until September 30, 2024, to prevent, prepare for,*
12 *and respond to coronavirus, domestically or internation-*
13 *ally: Provided, That not less than \$156,000,000 of the*
14 *amounts provided under this heading in this Act shall be*
15 *provided for the study of, construction of, demolition of, ren-*
16 *ovation of, and acquisition of equipment for, vaccine and*
17 *infectious diseases research facilities of or used by NIH, in-*
18 *cluding the acquisition of real property: Provided further,*
19 *That such amount is designated by the Congress as being*
20 *for 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 NATIONAL INSTITUTE OF BIOMEDICAL IMAGING AND
2 BIOENGINEERING

3 *For an additional amount for “National Institute of*
4 *Biomedical Imaging and Bioengineering”, \$60,000,000, to*
5 *remain available until September 30, 2024, to prevent, pre-*
6 *pare 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 pursu-*
9 *ant to section 251(b)(2)(A)(i) of the Balanced Budget and*
10 *Emergency Deficit Control Act of 1985.*

11 NATIONAL LIBRARY OF MEDICINE

12 *For an additional amount for “National Library of*
13 *Medicine”, \$10,000,000, to remain available until Sep-*
14 *tember 30, 2024, to prevent, prepare for, and respond to*
15 *coronavirus, domestically or internationally: Provided,*
16 *That such amount is designated by the Congress as being*
17 *for an emergency requirement pursuant to section*
18 *251(b)(2)(A)(i) of the Balanced Budget and Emergency*
19 *Deficit Control Act of 1985.*

20 NATIONAL CENTER FOR ADVANCING TRANSLATIONAL
21 SCIENCES

22 *For an additional amount for “National Center for*
23 *Advancing Translational Sciences”, \$36,000,000, to remain*
24 *available until September 30, 2024, to prevent, prepare for,*
25 *and respond to coronavirus, domestically or internation-*

1 *ally: Provided, That such amount is designated by the Con-*
2 *gress as being for an emergency requirement pursuant to*
3 *section 251(b)(2)(A)(i) of the Balanced Budget and Emer-*
4 *gency Deficit Control Act of 1985.*

5 *OFFICE OF THE DIRECTOR*

6 *For an additional amount for “Office of the Director”,*
7 *\$30,000,000, to remain available until September 30, 2024,*
8 *to prevent, prepare for, and respond to coronavirus, domes-*
9 *tically or internationally: Provided, That these funds shall*
10 *be available for the Common Fund established under section*
11 *402A(c)(1) of the PHS Act: Provided further, That such*
12 *amount is designated by the Congress as being for an emer-*
13 *gency requirement pursuant to section 251(b)(2)(A)(i) of*
14 *the Balanced Budget and Emergency Deficit Control Act*
15 *of 1985.*

16 *SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES*

17 *ADMINISTRATION*

18 *HEALTH SURVEILLANCE AND PROGRAM SUPPORT*

19 *For an additional amount for “Heath Surveillance*
20 *and Program Support”, \$425,000,000, to remain available*
21 *through September 30, 2021, to prevent, prepare for, and*
22 *respond to coronavirus, domestically or internationally:*
23 *Provided, That of the amount appropriated under this*
24 *heading in this Act, not less than \$250,000,000 is available*
25 *for Certified Community Behavioral Health Clinic Expan-*

1 sion Grant program: Provided further, That of the amount
 2 appropriated under this heading in this Act, not less than
 3 \$50,000,000 shall be available for suicide prevention pro-
 4 grams: Provided further, That of the amount appropriated
 5 under this heading in this Act, not less than \$100,000,000
 6 is available for activities authorized under section 501(o)
 7 of the Public Health Service Act: Provided further, That
 8 of the funding made available under this heading in this
 9 Act, not less than \$15,000,000 shall be allocated to tribes,
 10 tribal organizations, urban Indian health organizations, or
 11 health or behavioral health service providers to tribes: Pro-
 12 vided further, That such amount is designated by the Con-
 13 gress as being for an emergency requirement pursuant to
 14 section 251(b)(2)(A)(i) of the Balanced Budget and Emer-
 15 gency Deficit Control Act of 1985.

16 *CENTERS FOR MEDICARE & MEDICAID SERVICES*

17 *PROGRAM MANAGEMENT*

18 *For an additional amount for “Program Manage-*
 19 *ment”, \$200,000,000, to remain available through Sep-*
 20 *tember 30, 2023, to prevent, prepare for, and respond to*
 21 *coronavirus, domestically and internationally: Provided,*
 22 *That of the amount appropriated under this heading in this*
 23 *Act, not less than \$100,000,000 shall be available for nec-*
 24 *essary expenses of the survey and certification program,*
 25 *prioritizing nursing home facilities in localities with com-*

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

6 *ADMINISTRATION FOR CHILDREN AND FAMILIES*

7 *LOW INCOME HOME ENERGY ASSISTANCE*

8 *For an additional amount for “Low Income Home En-*
9 *ergy Assistance”, \$900,000,000, to remain available*
10 *through September 30, 2021, to prevent, prepare for, or re-*
11 *spond to coronavirus, domestically or internationally, for*
12 *making payments under subsection (b) of section 2602 of*
13 *the Low-Income Home Energy Assistance Act of 1981 (42*
14 *U.S.C. 8621 et seq.): Provided, That of the amount provided*
15 *under this heading in this Act, \$225,000,000 shall be allo-*
16 *cated as though the total appropriation for such payments*
17 *for fiscal year 2020 was less than \$1,975,000,000: Provided*
18 *further, That section 2607(b)(2)(B) of such Act (42 U.S.C.*
19 *8626(b)(2)(B)) shall not apply to funds made available*
20 *under this heading in this Act in fiscal year 2020: Provided*
21 *further, That such amount is designated by the Congress*
22 *as being for an emergency requirement pursuant to section*
23 *251(b)(2)(A)(i) of the Balanced Budget and Emergency*
24 *Deficit Control Act of 1985.*

1 *PAYMENTS TO STATES FOR THE CHILD CARE AND*
2 *DEVELOPMENT BLOCK GRANT*

3 *For an additional amount for “Payments to States for*
4 *the Child Care and Development Block Grant”,*
5 *\$3,500,000,000, to remain available through September 30,*
6 *2021, to prevent, prepare for, and respond to coronavirus,*
7 *domestically or internationally, including for federal ad-*
8 *ministrative expenses, which shall be used to supplement,*
9 *not supplant State, Territory, and Tribal general revenue*
10 *funds for child care assistance for low-income families with-*
11 *in the United States (including territories) without regard*
12 *to requirements in sections 658E(c)(3)(D)–(E) or 658G of*
13 *the Child Care and Development Block Grant Act: Pro-*
14 *vided, That funds provided under this heading in this Act*
15 *may be used to provide continued payments and assistance*
16 *to child care providers in the case of decreased enrollment*
17 *or closures related to coronavirus, and to assure they are*
18 *able to remain open or reopen as appropriate and applica-*
19 *ble: Provided further, That States, Territories, and Tribes*
20 *are encouraged to place conditions on payments to child*
21 *care providers that ensure that child care providers use a*
22 *portion of funds received to continue to pay the salaries*
23 *and wages of staff: Provided further, That the Secretary*
24 *shall remind States that CCDBG State plans do not need*
25 *to be amended prior to utilizing existing authorities in the*

1 *CCDBG Act for the purposes provided herein: Provided fur-*
2 *ther, That States, Territories, and Tribes are authorized to*
3 *use funds appropriated under this heading in this Act to*
4 *provide child care assistance to health care sector employees,*
5 *emergency responders, sanitation workers, and other work-*
6 *ers deemed essential during the response to coronavirus by*
7 *public officials, without regard to the income eligibility re-*
8 *quirements of section 658P(4) of such Act: Provided further,*
9 *That funds appropriated under this heading in this Act*
10 *shall be available to eligible child care providers under sec-*
11 *tion 658P(6) of the CCDBG Act, even if such providers were*
12 *not receiving CCDBG assistance prior to the public health*
13 *emergency as a result of the coronavirus, for the purposes*
14 *of cleaning and sanitation, and other activities necessary*
15 *to maintain or resume the operation of programs: Provided*
16 *further, That payments made under this heading in this*
17 *Act may be obligated in this fiscal year or the succeeding*
18 *two fiscal years: Provided further, That funds appropriated*
19 *under this heading in this Act may be made available to*
20 *restore amounts, either directly or through reimbursement,*
21 *for obligations incurred to prevent, prepare for, and re-*
22 *spond to coronavirus, domestically or internationally, prior*
23 *to the date of enactment of this Act: Provided further, That*
24 *such amount is designated by the Congress as being for an*
25 *emergency requirement pursuant to section 251(b)(2)(A)(i)*

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

3 *CHILDREN AND FAMILIES SERVICES PROGRAMS*

4 *For an additional amount for “Children and Families*
5 *Services Programs”, \$1,874,000,000, to remain available*
6 *through September 30, 2021, to prevent, prepare for, and*
7 *respond to coronavirus, domestically or internationally,*
8 *which shall be used as follows: (1) \$1,000,000,000 for car-*
9 *rying out activities under sections 674 through 679 of the*
10 *Community Services Block Grant Act, including for federal*
11 *administrative expenses, and of which no part shall be sub-*
12 *ject to section 674(b)(3) of such Act: Provided, That to the*
13 *extent Community Services Block Grant funds are distrib-*
14 *uted as grant funds by a State to an eligible entity as pro-*
15 *vided under such Act, and have not been expended by such*
16 *entity, they shall remain with such entity for carryover into*
17 *the next two fiscal years for expenditure by such entity con-*
18 *sistent with program purpose: Provided further, That for*
19 *services furnished under such Act during fiscal years 2020*
20 *and 2021, States may apply the last sentence of section*
21 *673(2) of such Act by substituting “200 percent” for “125*
22 *percent”;* (2) *\$750,000,000 for making payments under the*
23 *Head Start Act, including for Federal administrative ex-*
24 *penses, and allocated in an amount that bears the same*
25 *ratio to such portion as the number of enrolled children*

1 served by the agency involved bears to the number of en-
2 rolled children by all Head Start agencies: Provided further,
3 That none of the funds appropriated in this paragraph
4 shall be included in the calculation of the “base grant” in
5 subsequent fiscal years, as such term is defined in sections
6 640(a)(7)(A), 641A(h)(1)(B), or 645(d)(3) of the Head
7 Start Act: Provided further, That funds appropriated in
8 this paragraph are not subject to the allocation require-
9 ments of section 640(a) of the Head Start Act: Provided
10 further, That up to \$500,000,000 shall be available for the
11 purpose of operating supplemental summer programs
12 through non-competitive grant supplements to existing
13 grantees determined to be most ready to operate those pro-
14 grams by the Office of Head Start; (3) \$2,000,000 for the
15 National Domestic Violence Hotline as authorized by sec-
16 tion 303(b) of the Family Violence Prevention and Services
17 Act: Provided further, That the Secretary may make such
18 funds available for providing hotline services remotely; (4)
19 \$45,000,000 for Family Violence Prevention and Services
20 formula grants as authorized by section 303(a) of the Fam-
21 ily Violence and Prevention and Services Act with such
22 funds available to grantees without regard to matching re-
23 quirements under section 306(c)(4) of such Act: Provided
24 further, That the Secretary may make such funds available
25 for providing temporary housing and assistance to victims

1 of family, domestic, and dating violence; (5) \$25,000,000
2 for carrying out activities under the Runaway and Home-
3 less Youth Act: Provided further, That such amounts shall
4 be used to supplement, not supplant, existing funds and
5 shall be available without regard to matching requirements;
6 (6) \$45,000,000 shall be used for child welfare services as
7 authorized by subpart 1 of part B of title IV of the Social
8 Security Act (other than sections 426, 427, and 429 of such
9 subpart), with such funds available to grantees without re-
10 gard to matching requirements under section 424(a) of that
11 Act or any applicable reductions in federal financial par-
12 ticipation under section 424(f) of that Act; and (7)
13 \$7,000,000 for Federal administrative expenses: Provided
14 further, That funds appropriated under this heading in this
15 Act may be made available to restore amounts, either di-
16 rectly or through reimbursement, for obligations incurred
17 to prevent, prepare for, and respond to coronavirus, domes-
18 tically or internationally, prior to the date of enactment
19 of this Act: Provided further, That such amount is des-
20 ignated by the Congress as being for an emergency require-
21 ment pursuant to section 251(b)(2)(A)(i) of the Balanced
22 Budget and Emergency Deficit Control Act of 1985.

1 *ADMINISTRATION FOR COMMUNITY LIVING*2 *AGING AND DISABILITY SERVICES PROGRAMS*

3 *For an additional amount for “Aging and Disability*
4 *Services Programs”, \$955,000,000, to remain available*
5 *until September 30, 2021, to prevent, prepare for, and re-*
6 *spond to coronavirus, domestically or internationally: Pro-*
7 *vided, That of the amount made available under this head-*
8 *ing in this Act to prevent, prepare for, and respond to*
9 *coronavirus, \$820,000,000 shall be for activities authorized*
10 *under the Older Americans Act of 1965 (“OAA”), including*
11 *\$200,000,000 for supportive services under part B of title*
12 *III; \$480,000,000 for nutrition services under subparts 1*
13 *and 2 of part C of title III; \$20,000,000 for nutrition serv-*
14 *ices under title VI; \$100,000,000 for support services for*
15 *family caregivers under part E of title III; and \$20,000,000*
16 *for elder rights protection activities, including the long-term*
17 *ombudsman program under title VII of such Act: Provided*
18 *further, That of the amount made available under this head-*
19 *ing in this Act, \$50,000,000 shall be for aging and dis-*
20 *ability resource centers authorized in sections 202(b) and*
21 *411 of the OAA to prevent, prepare for, and respond to*
22 *coronavirus: Provided further, That of the amount made*
23 *available under this heading in this Act to prevent, prepare*
24 *for, and respond to coronavirus, \$85,000,000 shall be avail-*
25 *able for centers for independent living that have received*

1 *grants funded under part C of chapter I of title VII of the*
 2 *Rehabilitation Act of 1973: Provided further, That to facili-*
 3 *tate State use of funds provided under this heading in this*
 4 *Act, matching requirements under sections 304(d)(1)(D)*
 5 *and 373(g)(2) of the OAA shall not apply to funds made*
 6 *available under this heading in this Act: Provided further,*
 7 *That the transfer authority under section 308(b)(4)(A) of*
 8 *the OAA shall apply to funds made available under this*
 9 *heading in this Act by substituting “100 percent” for “40*
 10 *percent”:* *Provided further, That the State Long-Term Care*
 11 *Ombudsman shall have continuing direct access (or other*
 12 *access through the use of technology) to residents of long-*
 13 *term care facilities during any portion of the public health*
 14 *emergency relating to coronavirus beginning on the date of*
 15 *enactment of this Act and ending on September 30, 2020,*
 16 *to provide services described in section 712(a)(3)(B) of the*
 17 *OAA: Provided further, That such amount is designated by*
 18 *the Congress as being for an emergency requirement pursu-*
 19 *ant to section 251(b)(2)(A)(i) of the Balanced Budget and*
 20 *Emergency Deficit Control Act of 1985.*

21 *OFFICE OF THE SECRETARY*
 22 *PUBLIC HEALTH AND SOCIAL SERVICES EMERGENCY FUND*
 23 *(INCLUDING TRANSFER OF FUNDS)*
 24 *For an additional amount for “Public Health and So-*
 25 *cial Services Emergency Fund”, \$27,014,500,000, to re-*

1 main available until September 30, 2024, to prevent, pre-
2 pare for, and respond to coronavirus, domestically or inter-
3 nationally, including the development of necessary counter-
4 measures and vaccines, prioritizing platform-based tech-
5 nologies with U.S.-based manufacturing capabilities, the
6 purchase of vaccines, therapeutics, diagnostics, necessary
7 medical supplies, as well as medical surge capacity, ad-
8 dressing blood supply chain, workforce modernization, tele-
9 health access and infrastructure, initial advanced manufac-
10 turing, novel dispensing, enhancements to the U.S. Com-
11 missioned Corps, and other preparedness and response ac-
12 tivities: Provided, That funds appropriated under this
13 paragraph in this Act may be used to develop and dem-
14 onstrate innovations and enhancements to manufacturing
15 platforms to support such capabilities: Provided further,
16 That the Secretary of Health and Human Services shall
17 purchase vaccines developed using funds made available
18 under this paragraph in this Act to respond to an outbreak
19 or pandemic related to coronavirus in quantities deter-
20 mined by the Secretary to be adequate to address the public
21 health need: Provided further, That products purchased by
22 the Federal government with funds made available under
23 this paragraph in this Act, including vaccines, therapeutics,
24 and diagnostics, shall be purchased in accordance with Fed-
25 eral Acquisition Regulation guidance on fair and reason-

1 *able pricing: Provided further, That the Secretary may take*
2 *such measures authorized under current law to ensure that*
3 *vaccines, therapeutics, and diagnostics developed from*
4 *funds provided in this Act will be affordable in the commer-*
5 *cial market: Provided further, That in carrying out the pre-*
6 *vious proviso, the Secretary shall not take actions that delay*
7 *the development of such products: Provided further, That*
8 *products purchased with funds appropriated under this*
9 *paragraph in this Act may, at the discretion of the Sec-*
10 *retary of Health and Human Services, be deposited in the*
11 *Strategic National Stockpile under section 319F–2 of the*
12 *Public Health Service Act: Provided further, That of the*
13 *amount appropriated under this paragraph in this Act, not*
14 *more than \$16,000,000,000 shall be for the Strategic Na-*
15 *tional Stockpile under section 319F–2(a) of such Act: Pro-*
16 *vided further, That funds appropriated under this para-*
17 *graph in this Act may be transferred to, and merged with,*
18 *the fund authorized by section 319F–4, the Covered Coun-*
19 *termeasure Process Fund, of the Public Health Service Act:*
20 *Provided further, That of the amount appropriated under*
21 *this paragraph in this Act, not less than \$250,000,000 shall*
22 *be available for grants to or cooperative agreements with*
23 *entities that are either grantees or sub-grantees of the Hos-*
24 *pital Preparedness Program authorized in section 319C–*
25 *2 of the Public Health Service Act or that meet such other*

1 *criteria as the Secretary may prescribe, with such awards*
2 *issued under such section or section 311 of such Act: Pro-*
3 *vided further, That of the amount provided under this para-*
4 *graph in this Act, not less than \$3,500,000,000 shall be*
5 *available to the Biomedical Advanced Research and Devel-*
6 *opment Authority for necessary expenses of manufacturing,*
7 *production, and purchase, at the discretion of the Secretary,*
8 *of vaccines, therapeutics, diagnostics, and small molecule*
9 *active pharmaceutical ingredients, including the develop-*
10 *ment, translation, and demonstration at scale of innova-*
11 *tions in manufacturing platforms: Provided further, That*
12 *funds in the previous proviso may be used for the construc-*
13 *tion or renovation of U.S.-based next generation manufac-*
14 *turing facilities, other than facilities owned by the United*
15 *States Government: Provided further, That of the amount*
16 *appropriated under this paragraph in this Act, funds may*
17 *be used to reimburse the Department of Veterans Affairs*
18 *for expenses incurred by the Veterans Health Administra-*
19 *tion to prevent, prepare for, and respond to coronavirus,*
20 *and to provide medical care for such purposes to individ-*
21 *uals not otherwise eligible for care: Provided further, That*
22 *funds used for the preceding proviso shall be made available*
23 *to reimburse the Department of Veterans Affairs only if the*
24 *Secretary of Health and Human Services certifies to the*
25 *Committees on Appropriations of the House of Representa-*

1 *tives and the Senate that funds available for assignments*
2 *under Public Law 93–288, as amended, are insufficient and*
3 *such funds are necessary to reimburse the Department of*
4 *Veterans Affairs for expenses incurred to provide health care*
5 *to civilians: Provided further, That the Secretary shall no-*
6 *tify the Committees on Appropriations of the House of Rep-*
7 *resentatives and the Senate not less than 3 days prior to*
8 *such certification: Provided further, That of the amounts*
9 *appropriated under this paragraph in this Act, not more*
10 *than \$289,000,000 may be transferred as necessary to other*
11 *federal agencies for necessary expenses related to medical*
12 *care that are incurred to prevent, prepare for, and respond*
13 *to coronavirus for persons eligible for treatment pursuant*
14 *to section 322 of the Public Health Service Act, as amended,*
15 *as determined by the Secretary of the recipient agency: Pro-*
16 *vided further, That of the amount appropriated under this*
17 *paragraph in this Act, \$1,500,000 shall be available for the*
18 *Secretary to enter into an agreement with the National*
19 *Academies of Sciences, Engineering, and Medicine not later*
20 *than 60 days after the date of enactment of this Act to ex-*
21 *amine, and, in a manner that does not compromise na-*
22 *tional security, report on, the security of the United States*
23 *medical product supply chain: Provided further, That funds*
24 *appropriated under this paragraph in this Act may be used*
25 *for grants for the construction, alteration, or renovation of*

1 *non-federally owned facilities to improve preparedness and*
2 *response capability at the State and local level: Provided*
3 *further, That funds appropriated under this paragraph in*
4 *this Act may be used for the construction, alteration, or ren-*
5 *ovation of non-federally owned facilities for the production*
6 *of vaccines, therapeutics, and diagnostics where the Sec-*
7 *retary determines that such a contract is necessary to secure*
8 *sufficient amounts of such supplies: Provided further, That*
9 *such amount is designated by the Congress as being for an*
10 *emergency requirement pursuant to section 251(b)(2)(A)(i)*
11 *of the Balanced Budget and Emergency Deficit Control Act*
12 *of 1985.*

13 *For an additional amount for the “Public Health and*
14 *Social Services Emergency Fund”, \$275,000,000, to remain*
15 *available until September 30, 2022, to prevent, prepare for,*
16 *and respond to coronavirus, domestically or internation-*
17 *ally: Provided, That \$90,000,000 of the funds appropriated*
18 *under this paragraph shall be transferred to “Health Re-*
19 *sources and Services Administration—Ryan White HIV/*
20 *AIDS Program” to remain available until September 30,*
21 *2022 for modifications to existing contracts, and supple-*
22 *ments to existing grants and cooperative agreements under*
23 *parts A, B, C, D, and section 2692(a) of title XXVI of the*
24 *Public Health Service Act (referred to as “PHS” Act) to*
25 *respond to coronavirus, domestically or internationally:*

1 *Provided further, That supplements made in the preceding*
2 *proviso shall be awarded using a data-driven methodology*
3 *determined by the Secretary: Provided further, That sec-*
4 *tions 2604(c), 2612(b), and 2651(c) of the PHS Act shall*
5 *not apply to funds under this paragraph: Provided further,*
6 *That \$5,000,000 of the funds appropriated under this para-*
7 *graph shall be transferred to “Health Resources and Serv-*
8 *ices Administration—Health Care Systems” to remain*
9 *available until September 30, 2022, for activities under sec-*
10 *tions 1271 and 1273 of the PHS Act to improve the capac-*
11 *ity of poison control centers to respond to increased calls:*
12 *Provided further, That \$180,000,000 of the funds appro-*
13 *priated under this paragraph shall be transferred to*
14 *“Health Resources and Services Administration—Rural*
15 *Health” to remain available until September 30, 2022, to*
16 *carry out telehealth and rural health activities under sec-*
17 *tions 330A and 330I of the PHS Act and sections 711 and*
18 *1820 of the Social Security Act to prevent, prepare for, and*
19 *respond to coronavirus, domestically or internationally:*
20 *Provided further, That of the funding in the previous pro-*
21 *viso, no less than \$15,000,000 shall be allocated to tribes,*
22 *tribal organizations, urban Indian health organizations, or*
23 *health service providers to tribes: Provided further, That*
24 *section 1820(g)(3)(A), section 1820(g)(3)(D) and section*
25 *1820(g)(3)(E) of such Act shall not apply to funds in the*

1 preceding two provisos: *Provided further, That funds appro-*
2 *priated under this heading in this Act may be made avail-*
3 *able to restore amounts, either directly or through reim-*
4 *bursement, for obligations incurred to prevent, prepare for,*
5 *and respond to coronavirus, domestically or internation-*
6 *ally, prior to the date of enactment of this Act: Provided*
7 *further, That for the purposes of any funding provided for*
8 *fiscal year 2020 for the Health Centers Program pursuant*
9 *to section 330 of the PHS Act (42 U.S.C. 254b), maintain-*
10 *ing or increasing health center capacity and staffing levels*
11 *during a public health emergency related to coronavirus*
12 *shall be deemed a cost of prevention, diagnosis, and treat-*
13 *ment of coronavirus: Provided further, That such amount*
14 *is designated by the Congress as being for an emergency*
15 *requirement pursuant to section 251(b)(2)(A)(i) of the Bal-*
16 *anced Budget and Emergency Deficit Control Act of 1985.*

17 *For an additional amount for “Public Health and So-*
18 *cial Services Emergency Fund”, \$100,000,000,000, to re-*
19 *main available until expended, to prevent, prepare for, and*
20 *respond to coronavirus, domestically or internationally, for*
21 *necessary expenses to reimburse, through grants or other*
22 *mechanisms, eligible health care providers for health care*
23 *related expenses or lost revenues that are attributable to*
24 *coronavirus: Provided, That these funds may not be used*
25 *to reimburse expenses or losses that have been reimbursed*

1 *from other sources or that other sources are obligated to re-*
2 *imburse: Provided further, That recipients of payments*
3 *under this paragraph shall submit reports and maintain*
4 *documentation as the Secretary determines are needed to*
5 *ensure compliance with conditions that are imposed by this*
6 *paragraph for such payments, and such reports and docu-*
7 *mentation shall be in such form, with such content, and*
8 *in such time as the Secretary may prescribe for such pur-*
9 *pose: Provided further, That “eligible health care providers”*
10 *means public entities, Medicare or Medicaid enrolled sup-*
11 *pliers and providers, and such for-profit entities and not-*
12 *for-profit entities not otherwise described in this proviso as*
13 *the Secretary may specify, within the United States (in-*
14 *cluding territories), that provide diagnoses, testing, or care*
15 *for individuals with possible or actual cases of COVID–19:*
16 *Provided further, That the Secretary of Health and Human*
17 *Services shall, on a rolling basis, review applications and*
18 *make payments under this paragraph in this Act: Provided*
19 *further, That funds appropriated under this paragraph in*
20 *this Act shall be available for building or construction of*
21 *temporary structures, leasing of properties, medical sup-*
22 *plies and equipment including personal protective equip-*
23 *ment and testing supplies, increased workforce and*
24 *trainings, emergency operation centers, retrofitting facili-*
25 *ties, and surge capacity: Provided further, That, in this*

1 paragraph, the term “payment” means a pre-payment, pro-
2 spective payment, or retrospective payment, as determined
3 appropriate by the Secretary: Provided further, That pay-
4 ments under this paragraph shall be made in consideration
5 of the most efficient payment systems practicable to provide
6 emergency payment: Provided further, That to be eligible
7 for a payment under this paragraph, an eligible health care
8 provider shall submit to the Secretary of Health and
9 Human Services an application that includes a statement
10 justifying the need of the provider for the payment and the
11 eligible health care provider shall have a valid tax identi-
12 fication number: Provided further, That, not later than 3
13 years after final payments are made under this paragraph,
14 the Office of Inspector General of the Department of Health
15 and Human Services shall transmit a final report on audit
16 findings with respect to this program to the Committees on
17 Appropriations of the House of Representatives and the
18 Senate: Provided further, That nothing in this section lim-
19 its the authority of the Inspector General or the Comptroller
20 General to conduct audits of interim payments at an earlier
21 date: Provided further, That not later than 60 days after
22 the date of enactment of this Act, the Secretary of Health
23 and Human Services shall provide a report to the Commit-
24 tees on Appropriations of the House of Representatives and
25 the Senate on obligation of funds, including obligations to

1 *such eligible health care providers summarized by State of*
 2 *the payment receipt: Provided further, That such reports*
 3 *shall be updated and submitted to such Committees every*
 4 *60 days until funds are expended: Provided further, That*
 5 *such amount is designated by the Congress as being for an*
 6 *emergency requirement pursuant to section 251(b)(2)(A)(i)*
 7 *of the Balanced Budget and Emergency Deficit Control Act*
 8 *of 1985.*

9 *DEPARTMENT OF EDUCATION*

10 *EDUCATION STABILIZATION FUND*

11 *For an additional amount for “Education Stabiliza-*
 12 *tion Fund”, \$30,750,000,000, to remain available through*
 13 *September 30, 2021, to prevent, prepare for, and respond*
 14 *to coronavirus, domestically or internationally: Provided,*
 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 *GENERAL PROVISIONS*

20 *EDUCATION STABILIZATION FUND*

21 *SEC. 18001. (a) ALLOCATIONS.—From the amount*
 22 *made available under this heading in this Act to carry out*
 23 *the Education Stabilization Fund, the Secretary shall first*
 24 *allocate—*

1 (1) *not more than 1/2 of 1 percent to the out-*
2 *lying areas on the basis of their respective needs, as*
3 *determined by the Secretary, in consultation with the*
4 *Secretary of the Interior;*

5 (2) *one-half of 1 percent for the Secretary of In-*
6 *terior, in consultation with the Secretary of Edu-*
7 *cation, for programs operated or funded by the Bu-*
8 *reau of Indian Education; and*

9 (3) *1 percent for grants to States with the high-*
10 *est coronavirus burden to support activities under*
11 *this heading in this Act, for which the Secretary shall*
12 *issue a notice inviting applications not later than 30*
13 *days of enactment of this Act and approve or deny*
14 *applications not later than 30 days after receipt.*

15 (b) *RESERVATIONS.—After carrying out subsection*
16 *(a), the Secretary shall reserve the remaining funds made*
17 *available as follows:*

18 (1) *9.8 percent to carry out section 18002 of this*
19 *title.*

20 (2) *43.9 percent to carry out section 18003 of*
21 *this title.*

22 (3) *46.3 percent to carry out section 18004 of*
23 *this title.*

1 GOVERNOR'S EMERGENCY EDUCATION RELIEF FUND

2 SEC. 18002. (a) GRANTS.—From funds reserved under
3 section 18001(b)(1) of this title, the Secretary shall make
4 Emergency Education Relief grants to the Governor of each
5 State with an approved application. The Secretary shall
6 issue a notice inviting applications not later than 30 days
7 of enactment of this Act and shall approve or deny applica-
8 tions not later than 30 days after receipt.

9 (b) ALLOCATIONS.—The amount of each grant under
10 subsection (a) shall be allocated by the Secretary to each
11 State as follows:

12 (1) 60 percent on the basis of their relative popu-
13 lation of individuals aged 5 through 24.

14 (2) 40 percent on the basis of their relative num-
15 ber of children counted under section 1124(c) of the
16 Elementary and Secondary Education Act of 1965
17 (referred to under this heading as “ESEA”).

18 (c) USES OF FUNDS.—Grant funds awarded under
19 subsection (b) may be used to—

20 (1) provide emergency support through grants to
21 local educational agencies that the State educational
22 agency deems have been most significantly impacted
23 by coronavirus to support the ability of such local
24 educational agencies to continue to provide edu-

1 *ational services to their students and to support the*
2 *on-going functionality of the local educational agency;*

3 *(2) provide emergency support through grants to*
4 *institutions of higher education serving students with-*
5 *in the State that the Governor determines have been*
6 *most significantly impacted by coronavirus to sup-*
7 *port the ability of such institutions to continue to*
8 *provide educational services and support the on-going*
9 *functionality of the institution; and*

10 *(3) provide support to any other institution of*
11 *higher education, local educational agency, or edu-*
12 *cation related entity within the State that the Gov-*
13 *ernor deems essential for carrying out emergency edu-*
14 *cational services to students for authorized activities*
15 *described in section 18003(d)(1) of this title or the*
16 *Higher Education Act, the provision of child care and*
17 *early childhood education, social and emotional sup-*
18 *port, and the protection of education-related jobs.*

19 *(d) REALLOCATION.—Each Governor shall return to*
20 *the Secretary any funds received under this section that the*
21 *Governor does not award within one year of receiving such*
22 *funds and the Secretary shall reallocate such funds to the*
23 *remaining States in accordance with subsection (b).*

1 *ELEMENTARY AND SECONDARY SCHOOL EMERGENCY*2 *RELIEF FUND*

3 *SEC. 18003. (a) GRANTS.—From funds reserved under*
4 *section 18001(b)(2) of this title, the Secretary shall make*
5 *elementary and secondary school emergency relief grants to*
6 *each State educational agency with an approved applica-*
7 *tion. The Secretary shall issue a notice inviting applica-*
8 *tions not later than 30 days of enactment of this Act and*
9 *approve or deny applications not later than 30 days after*
10 *receipt.*

11 *(b) ALLOCATIONS TO STATES.—The amount of each*
12 *grant under subsection (a) shall be allocated by the Sec-*
13 *retary to each State in the same proportion as each State*
14 *received under part A of title I of the ESEA of 1965 in*
15 *the most recent fiscal year.*

16 *(c) SUBGRANTS TO LOCAL EDUCATIONAL AGENCIES.—*
17 *Each State shall allocate not less than 90 percent of the*
18 *grant funds awarded to the State under this section as sub-*
19 *grants to local educational agencies (including charter*
20 *schools that are local educational agencies) in the State in*
21 *proportion to the amount of funds such local educational*
22 *agencies and charter schools that are local educational*
23 *agencies received under part A of title I of the ESEA of*
24 *1965 in the most recent fiscal year.*

1 (d) *USES OF FUNDS.*—A local educational agency that
2 receives funds under this title may use the funds for any
3 of the following:

4 (1) Any activity authorized by the ESEA of
5 1965, including the Native Hawaiian Education Act
6 and the Alaska Native Educational Equity, Support,
7 and Assistance Act (20 U.S.C. 6301 et seq.), the Indi-
8 viduals with Disabilities Education Act (20 U.S.C.
9 1400 et seq.) (“IDEA”), the Adult Education and
10 Family Literacy Act (20 U.S.C. 1400 et seq.), the
11 Carl D. Perkins Career and Technical Education Act
12 of 2006 (20 U.S.C. 2301 et seq.) (“the Perkins Act”),
13 or subtitle B of title VII of the McKinney-Vento
14 Homeless Assistance Act (42 U.S.C. 11431 et seq.).

15 (2) Coordination of preparedness and response
16 efforts of local educational agencies with State, local,
17 Tribal, and territorial public health departments, and
18 other relevant agencies, to improve coordinated re-
19 sponses among such entities to prevent, prepare for,
20 and respond to coronavirus.

21 (3) Providing principals and others school lead-
22 ers with the resources necessary to address the needs
23 of their individual schools.

24 (4) Activities to address the unique needs of low-
25 income children or students, children with disabil-

1 *ities, English learners, racial and ethnic minorities,*
2 *students experiencing homelessness, and foster care*
3 *youth, including how outreach and service delivery*
4 *will meet the needs of each population.*

5 *(5) Developing and implementing procedures*
6 *and systems to improve the preparedness and re-*
7 *sponse efforts of local educational agencies.*

8 *(6) Training and professional development for*
9 *staff of the local educational agency on sanitation*
10 *and minimizing the spread of infectious diseases.*

11 *(7) Purchasing supplies to sanitize and clean the*
12 *facilities of a local educational agency, including*
13 *buildings operated by such agency.*

14 *(8) Planning for and coordinating during long-*
15 *term closures, including for how to provide meals to*
16 *eligible students, how to provide technology for online*
17 *learning to all students, how to provide guidance for*
18 *carrying out requirements under the Individuals with*
19 *Disabilities Education Act (20 U.S.C. 1401 et seq.)*
20 *and how to ensure other educational services can con-*
21 *tinue to be provided consistent with all Federal,*
22 *State, and local requirements.*

23 *(9) Purchasing educational technology (includ-*
24 *ing hardware, software, and connectivity) for students*
25 *who are served by the local educational agency that*

1 *aids in regular and substantive educational inter-*
2 *action between students and their classroom instruc-*
3 *tors, including low-income students and students with*
4 *disabilities, which may include assistive technology or*
5 *adaptive equipment.*

6 (10) *Providing mental health services and sup-*
7 *ports.*

8 (11) *Planning and implementing activities re-*
9 *lated to summer learning and supplemental after-*
10 *school programs, including providing classroom in-*
11 *struction or online learning during the summer*
12 *months and addressing the needs of low-income stu-*
13 *dents, students with disabilities, English learners, mi-*
14 *grant students, students experiencing homelessness,*
15 *and children in foster care.*

16 (12) *Other activities that are necessary to main-*
17 *tain the operation of and continuity of services in*
18 *local educational agencies and continuing to employ*
19 *existing staff of the local educational agency.*

20 (e) *STATE FUNDING.*—*With funds not otherwise allo-*
21 *cated under subsection (c), a State may reserve not more*
22 *than 1/2 of 1 percent for administrative costs and the re-*
23 *mainder for emergency needs as determined by the state*
24 *educational agency to address issues responding to*

1 *coronavirus, which may be addressed through the use of*
2 *grants or contracts.*

3 (f) *REALLOCATION.*—*A State shall return to the Sec-*
4 *retary any funds received under this section that the State*
5 *does not award within 1 year of receiving such funds and*
6 *the Secretary shall reallocate such funds to the remaining*
7 *States in accordance with subsection (b).*

8 *HIGHER EDUCATION EMERGENCY RELIEF FUND*

9 *SEC. 18004. (a) IN GENERAL.*—*The Secretary shall al-*
10 *locate funding under this section as follows:*

11 (1) *90 percent to each institution of higher edu-*
12 *cation to prevent, prepare for, and respond to*
13 *coronavirus, by apportioning it—*

14 (A) *75 percent according to the relative*
15 *share of full-time equivalent enrollment of Fed-*
16 *eral Pell Grant recipients who are not exclu-*
17 *sively enrolled in distance education courses*
18 *prior to the coronavirus emergency; and*

19 (B) *25 percent according to the relative*
20 *share of full-time equivalent enrollment of stu-*
21 *dents who were not Federal Pell Grant recipients*
22 *who are not exclusively enrolled in distance edu-*
23 *cation courses prior to the coronavirus emer-*
24 *gency.*

1 (2) 7.5 percent for additional awards under
2 parts A and B of title III, parts A and B of title V,
3 and subpart 4 of part A of title VII of the Higher
4 Education Act to address needs directly related to
5 coronavirus, that shall be in addition to awards made
6 in section 18004(a)(1) of this title, and allocated by
7 the Secretary proportionally to such programs based
8 on the relative share of funding appropriated to such
9 programs in the Further Consolidated Appropriations
10 Act, 2020 (Public Law 116–94) and which may be
11 used to defray expenses (including lost revenue, reim-
12 bursement for expenses already incurred, technology
13 costs associated with a transition to distance edu-
14 cation, faculty and staff trainings, payroll) incurred
15 by institutions of higher education and for grants to
16 students for any component of the student’s cost of at-
17 tendance (as defined under section 472 of the Higher
18 Education Act), including food, housing, course mate-
19 rials, technology, health care, and child care.

20 (3) 2.5 percent for part B of title VII of the
21 Higher Education Act for institutions of higher edu-
22 cation that the Secretary determines have the greatest
23 unmet needs related to coronavirus, which may be
24 used to defray expenses (including lost revenue, reim-
25 bursement for expenses already incurred, technology

1 *costs associated with a transition to distance edu-*
2 *cation, faculty and staff trainings, payroll) incurred*
3 *by institutions of higher education and for grants to*
4 *students for any component of the student's cost of at-*
5 *tendance (as defined under section 472 of the Higher*
6 *Education Act), including food, housing, course mate-*
7 *rials, technology, health care, and child care.*

8 *(b) DISTRIBUTION.—The funds made available to each*
9 *institution under subsection (a)(1) shall be distributed by*
10 *the Secretary using the same systems as the Secretary other-*
11 *wise distributes funding to each institution under title IV*
12 *of the Higher Education Act of 1965 (20 U.S.C. 1001 et*
13 *seq.).*

14 *(c) USES OF FUNDS.—Except as otherwise specified in*
15 *subsection (a), an institution of higher education receiving*
16 *funds under this section may use the funds received to cover*
17 *any costs associated with significant changes to the delivery*
18 *of instruction due to the coronavirus, so long as such costs*
19 *do not include payment to contractors for the provision of*
20 *pre-enrollment recruitment activities; endowments; or cap-*
21 *ital outlays associated with facilities related to athletics,*
22 *sectarian instruction, or religious worship. Institutions of*
23 *higher education shall use no less than 50 percent of such*
24 *funds to provide emergency financial aid grants to students*
25 *for expenses related to the disruption of campus operations*

1 *due to coronavirus (including eligible expenses under a stu-*
 2 *dent's cost of attendance, such as food, housing, course mate-*
 3 *rials, technology, health care, and child care).*

4 (d) *SPECIAL PROVISIONS.—(1) In awarding grants*
 5 *under section 18004(a)(3) of this title, the Secretary shall*
 6 *give priority to any institution of higher education that is*
 7 *not otherwise eligible for funding under paragraphs (1) and*
 8 *(2) of section 18004(a) of this title of at least \$500,000 and*
 9 *demonstrates significant unmet needs related to expenses as-*
 10 *sociated with coronavirus.*

11 (2) *A Historically Black College and University or a*
 12 *Minority Serving Institution may use prior awards pro-*
 13 *vided under titles III, V, and VII of the Higher Education*
 14 *Act to prevent, prepare for, and respond to coronavirus.*

15 (e) *REPORT.—An institution receiving funds under*
 16 *this section shall submit a report to the Secretary, at such*
 17 *time and in such manner as the Secretary may require,*
 18 *that describes the use of funds provided under this section.*

19 ASSISTANCE TO NON-PUBLIC SCHOOLS

20 SEC. 18005. (a) *IN GENERAL.—A local educational*
 21 *agency receiving funds under sections 18002 or 18003 of*
 22 *this title shall provide equitable services in the same man-*
 23 *ner as provided under section 1117 of the ESEA of 1965*
 24 *to students and teachers in non-public schools, as deter-*

1 *mined in consultation with representatives of non-public*
2 *schools.*

3 (b) *PUBLIC CONTROL OF FUNDS.—The control of funds*
4 *for the services and assistance provided to a non-public*
5 *school under subsection (a), and title to materials, equip-*
6 *ment, and property purchased with such funds, shall be in*
7 *a public agency, and a public agency shall administer such*
8 *funds, materials, equipment, and property and shall pro-*
9 *vide such services (or may contract for the provision of such*
10 *services with a public or private entity).*

11 *CONTINUED PAYMENT TO EMPLOYEES*

12 *SEC. 18006. A local educational agency, State, institu-*
13 *tion of higher education, or other entity that receives funds*
14 *under “Education Stabilization Fund”, shall to the greatest*
15 *extent practicable, continue to pay its employees and con-*
16 *tractors during the period of any disruptions or closures*
17 *related to coronavirus.*

18 *DEFINITIONS*

19 *SEC. 18007. Except as otherwise provided in sections*
20 *18001–18006 of this title, as used in such sections—*

21 (1) *the terms “elementary education” and “sec-*
22 *ondary education” have the meaning given such terms*
23 *under State law;*

24 (2) *the term “institution of higher education”*
25 *has the meaning given such term in title I of the*

1 *Higher Education Act of 1965 (20 U.S.C. 1001 et*
2 *seq.);*

3 *(3) the term “Secretary” means the Secretary of*
4 *Education;*

5 *(4) the term “State” means each of the 50 States,*
6 *the District of Columbia, and the Commonwealth of*
7 *Puerto Rico;*

8 *(5) the term “cost of attendance” has the mean-*
9 *ing given such term in section 472 of the Higher Edu-*
10 *cation Act of 1965.*

11 *(6) the term “Non-public school” means a non-*
12 *public elementary and secondary school that (A) is*
13 *accredited, licensed, or otherwise operates in accord-*
14 *ance with State law; and (B) was in existence prior*
15 *to the date of the qualifying emergency for which*
16 *grants are awarded under this section;*

17 *(7) the term “public school” means a public ele-*
18 *mentary or secondary school; and*

19 *(8) any other term used that is defined in section*
20 *8101 of the Elementary and Secondary Education*
21 *Act of 1965 (20 U.S.C. 7801) shall have the meaning*
22 *given the term in such section.*

23 *MAINTENANCE OF EFFORT*

24 *SEC. 18008. (a) A State’s application for funds to*
25 *carry out sections 18002 or 18003 of this title shall include*

1 *assurances that the State will maintain support for elemen-*
2 *tary and secondary education, and State support for higher*
3 *education (which shall include State funding to institutions*
4 *of higher education and state need-based financial aid, and*
5 *shall not include support for capital projects or for research*
6 *and development or tuition and fees paid by students) in*
7 *fiscal years 2020 and 2021 at least at the levels of such*
8 *support that is the average of such State’s support for ele-*
9 *mentary and secondary education and for higher education*
10 *provided in the 3 fiscal years preceding the date of enact-*
11 *ment of this Act.*

12 *(b) The secretary may waive the requirement in sub-*
13 *section (a) for the purpose of relieving fiscal burdens on*
14 *States that have experienced a precipitous decline in finan-*
15 *cial resources.*

16 *SAFE SCHOOLS AND CITIZENSHIP EDUCATION*

17 *For an additional amount for “Safe Schools and Citi-*
18 *zenship Education”, \$100,000,000, to remain available*
19 *through September 30, 2021, to prevent, prepare for, and*
20 *respond to coronavirus, domestically or internationally, to*
21 *supplement funds otherwise available for “Project SERV”,*
22 *including to help elementary, secondary and postsecondary*
23 *schools clean and disinfect affected schools, and assist in*
24 *counseling and distance learning and associated costs: Pro-*
25 *vided, That such amount is designated by the Congress 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.*

4 *GALLAUDET UNIVERSITY*

5 *For an additional amount for “Gallaudet University”,*
6 *\$7,000,000, to remain available through September 30,*
7 *2021, to prevent, prepare for, and respond to coronavirus,*
8 *domestically or internationally, including to help defray the*
9 *expenses directly caused by coronavirus and to enable*
10 *grants to students for expenses directly related to*
11 *coronavirus and the disruption of university operations:*
12 *Provided, That such amount is designated by the Congress*
13 *as being for an emergency requirement pursuant to section*
14 *251(b)(2)(A)(i) of the Balanced Budget and Emergency*
15 *Deficit Control Act of 1985.*

16 *STUDENT AID ADMINISTRATION*

17 *For an additional amount for “Student Aid Adminis-*
18 *tration”, \$40,000,000, to remain available through Sep-*
19 *tember 30, 2021, to prevent, prepare for, and respond to*
20 *coronavirus, domestically or internationally, for carrying*
21 *out part D of title I, and subparts 1, 3, 9 and 10 of part*
22 *A, and parts B, C, D, and E of title IV of the HEA, and*
23 *subpart 1 of part A of title VII of the Public Health Service*
24 *Act: Provided, That such amount is designated by the Con-*
25 *gress as being for an emergency requirement pursuant to*

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

3 *HOWARD UNIVERSITY*

4 *For an additional amount for “Howard University”,*
5 *\$13,000,000, to remain available through September 30,*
6 *2021, to prevent, prepare for, and respond to coronavirus,*
7 *domestically or internationally, including to help defray the*
8 *expenses directly caused by coronavirus and to enable*
9 *grants to students for expenses directly related to*
10 *coronavirus and the disruption of university operations:*
11 *Provided, That such amount is designated by the Congress*
12 *as being for 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 *DEPARTMENTAL MANAGEMENT*

16 *PROGRAM ADMINISTRATION*

17 *For an additional amount for “Program Administra-*
18 *tion”, \$8,000,000, to remain available through September*
19 *30, 2021 to prevent, prepare for, and respond to*
20 *coronavirus, domestically or internationally: Provided,*
21 *That such amount is designated by the Congress as being*
22 *for an emergency requirement pursuant to section*
23 *251(b)(2)(A)(i) of the Balanced Budget and Emergency*
24 *Deficit Control Act of 1985.*

1 *OFFICE OF THE INSPECTOR GENERAL*

2 *For an additional amount for “Office of the Inspector*
3 *General”, \$7,000,000, to remain available through Sep-*
4 *tember 30, 2022, to prevent, prepare for, and respond to*
5 *coronavirus, domestically or internationally, including for*
6 *salaries and expenses necessary for oversight and audit of*
7 *programs, grants, and projects funded in this Act to re-*
8 *spond to coronavirus: Provided, That such amount is des-*
9 *ignated by the Congress as being for an emergency require-*
10 *ment pursuant to section 251(b)(2)(A)(i) of the Balanced*
11 *Budget and Emergency Deficit Control Act of 1985.*

12 *CORPORATION FOR PUBLIC BROADCASTING*

13 *For an additional amount for “Corporation for Public*
14 *Broadcasting”, \$75,000,000, to remain available through*
15 *September 30, 2021, to prevent, prepare for, and respond*
16 *to coronavirus, including for fiscal stabilization grants to*
17 *public telecommunications entities, as defined by 47 U.S.C.*
18 *397(12), with no deduction for administrative or other costs*
19 *of the Corporation, to maintain programming and services*
20 *and preserve small and rural stations threatened by declines*
21 *in non-Federal revenues: 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 *ance Act: Provided, That such amount is designated by the*
2 *Congress as being for an emergency requirement pursuant*
3 *to section 251(b)(2)(A)(i) of the Balanced Budget and*
4 *Emergency Deficit Control Act of 1985.*

5 *SOCIAL SECURITY ADMINISTRATION*

6 *LIMITATION ON ADMINISTRATIVE EXPENSES*

7 *For an additional amount for “Limitation on Admin-*
8 *istrative Expenses”, \$300,000,000, to remain available*
9 *through September 30, 2021 to prevent, prepare for, and*
10 *respond to coronavirus, domestically or internationally, in-*
11 *cluding paying the salaries and benefits of all employees*
12 *affected as a result of office closures, telework, phone and*
13 *communication services for employees, overtime costs, and*
14 *supplies, and for resources necessary for processing dis-*
15 *ability and retirement workloads and backlogs: Provided,*
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 *GENERAL PROVISIONS—THIS TITLE*

21 *(INCLUDING TRANSFER OF FUNDS)*

22 *SEC. 18108. Funds appropriated by this title may be*
23 *used by the Secretary of the Department of Health and*
24 *Human Services to appoint, without regard to the provi-*
25 *sions of sections 3309 through 3319 of title 5 of the United*

1 *States Code, candidates needed for positions to perform crit-*
2 *ical work relating to coronavirus for which—*

3 *(1) public notice has been given; and*

4 *(2) the Secretary of Health and Human Services*
5 *has determined that such a public health threat exists.*

6 *SEC. 18109. Funds made available by this title may*
7 *be used to enter into contracts with individuals for the pro-*
8 *vision of personal services (as described in section 104 of*
9 *part 37 of title 48, Code of Federal Regulations (48 CFR*
10 *37.104)) to support the prevention of, preparation for, or*
11 *response to coronavirus, domestically and internationally,*
12 *subject to prior notification to the Committees on Appro-*
13 *priations of the House of Representatives and the Senate:*
14 *Provided, That such individuals may not be deemed em-*
15 *ployees of the United States for the purpose of any law ad-*
16 *ministered by the Office of Personnel Management: Pro-*
17 *vided further, That the authority made available pursuant*
18 *to this section shall expire on September 30, 2024.*

19 *SEC. 18110. (a) If services performed by an employee*
20 *during fiscal year 2020 are determined by the head of the*
21 *agency to be primarily related to preparation, prevention,*
22 *or response to coronavirus, any premium pay for such serv-*
23 *ices shall be disregarded in calculating the aggregate of such*
24 *employee's basic pay and premium pay for purposes of a*
25 *limitation under section 5547(a) of title 5, United States*

1 Code, or under any other provision of law, whether such
2 employee's pay is paid on a biweekly or calendar year
3 basis.

4 (b) Any overtime pay for such services shall be dis-
5 regarded in calculating any annual limit on the amount
6 of overtime pay payable in a calendar or fiscal year.

7 (c) With regard to such services, any pay that is dis-
8 regarded under either subsection (a) or (b) shall be dis-
9 regarded in calculating such employee's aggregate pay for
10 purposes of the limitation in section 5307 of such title 5.

11 (d)(1) Pay that is disregarded under subsection (a) or
12 (b) shall not cause the aggregate of the employee's basic pay
13 and premium pay for the applicable calendar year to exceed
14 the rate of basic pay payable for a position at level II of
15 the Executive Schedule under section 5313 of title 5, United
16 States Code, as in effect at the end of such calendar year.

17 (2) For purposes of applying this subsection to an em-
18 ployee who would otherwise be subject to the premium pay
19 limits established under section 5547 of title 5, United
20 States Code, "premium pay" means the premium pay paid
21 under the provisions of law cited in section 5547(a).

22 (3) For purposes of applying this subsection to an em-
23 ployee under a premium pay limit established under an
24 authority other than section 5547 of title 5, United States
25 Code, the agency responsible for administering such limit

1 *shall determine what payments are considered premium*
2 *pay.*

3 *(e) This section shall take effect as if enacted on Feb-*
4 *ruary 2, 2020.*

5 *(f) If application of this section results in the payment*
6 *of additional premium pay to a covered employee of a type*
7 *that is normally creditable as basic pay for retirement or*
8 *any other purpose, that additional pay shall not—*

9 *(1) be considered to be basic pay of the covered*
10 *employee for any purpose; or*

11 *(2) be used in computing a lump-sum payment*
12 *to the covered employee for accumulated and accrued*
13 *annual leave under section 5551 or section 5552 of*
14 *title 5, United States Code.*

15 *SEC. 18111. Funds appropriated by this title to the*
16 *heading “Department of Health and Human Services” may*
17 *be transferred to, and merged with, other appropriation ac-*
18 *counts under the headings “Centers for Disease Control and*
19 *Prevention”, “Public Health and Social Services Emer-*
20 *gency Fund”, “Administration for Children and Families”,*
21 *“Administration for Community Living”, and “National*
22 *Institutes of Health” to prevent, prepare for, and respond*
23 *to coronavirus following consultation with the Office of*
24 *Management and Budget: Provided, That the Committees*
25 *on Appropriations of the House of Representatives and the*

1 Senate shall be notified 10 days in advance of any such
2 transfer: Provided further, That, upon a determination that
3 all or part of the funds transferred from an appropriation
4 by this title are not necessary, such amounts may be trans-
5 ferred back to that appropriation: Provided further, That
6 none of the funds made available by this title may be trans-
7 ferred pursuant to the authority in section 205 of division
8 A of Public Law 116–94 or section 241(a) of the PHS Act.

9 SEC. 18112. Not later than 30 days after the date of
10 enactment of this Act, the Secretary of Health and Human
11 Services shall provide a detailed spend plan of anticipated
12 uses of funds made available to the Department of Health
13 and Human Services in this Act, including estimated per-
14 sonnel and administrative costs, to the Committees on Ap-
15 propriations of the House of Representatives and the Sen-
16 ate: Provided, That such plans shall be updated and sub-
17 mitted to such Committees every 60 days until September
18 30, 2024: Provided further, That the spend plans shall be
19 accompanied by a listing of each contract obligation in-
20 curred that exceeds \$5,000,000 which has not previously
21 been reported, including the amount of each such obligation.

22 SEC. 18113. Of the funds appropriated by this title
23 under the heading “Public Health and Social Services
24 Emergency Fund”, up to \$4,000,000 shall be transferred to,
25 and merged with, funds made available under the heading

1 “Office of the Secretary, Office of Inspector General”, and
2 shall remain available until expended, for oversight of ac-
3 tivities supported with funds appropriated to the Depart-
4 ment of Health and Human Services to prevent, prepare
5 for, and respond to coronavirus, domestically or inter-
6 nationally: Provided, That the Inspector General of the De-
7 partment of Health and Human Services shall consult with
8 the Committees on Appropriations of the House of Rep-
9 resentatives and the Senate prior to obligating such funds:
10 Provided further, That the transfer authority provided by
11 this section is in addition to any other transfer authority
12 provided by law.

13 SEC. 18114. (a) Funds appropriated in title III of the
14 Coronavirus Preparedness and Response Supplemental Ap-
15 propriations Act, 2020 (Public Law 116–123) shall be paid
16 to the “Department of Homeland Security—Countering
17 Weapons of Mass Destruction Office—Federal
18 Assistance” account for costs incurred, including to reim-
19 burse costs incurred prior to the enactment of this Act,
20 under other transaction authority and related to screening
21 for coronavirus, domestically or internationally.

22 (b) The term coronavirus has the meaning given the
23 term in section 506 of the Coronavirus Preparedness and
24 Response Supplemental Appropriations Act, 2020.

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

8 *SEC. 18115. (a) IN GENERAL.—Every laboratory that*
9 *performs or analyzes a test that is intended to detect*
10 *SARS-CoV-2 or to diagnose a possible case of COVID-19*
11 *shall report the results from each such test, to the Secretary*
12 *of Health and Human Services in such form and manner,*
13 *and at such timing and frequency, as the Secretary may*
14 *prescribe until the end of the Secretary’s Public Health*
15 *Emergency declaration with respect to COVID-19 or any*
16 *extension of such declaration.*

17 (i) *LABORATORIES COVERED.—The Secretary may*
18 *prescribe which laboratories must submit reports pursuant*
19 *to this section.*

20 (c) *IMPLEMENTATION.—The Secretary may make pre-*
21 *scriptions under this section by regulation, including by in-*
22 *terim final rule, or by guidance, and may issue such regula-*
23 *tions or guidance without regard to the procedures other-*
24 *wise required by section 553 of title 5, United States Code.*

1 *HOUSE OF REPRESENTATIVES*2 *SALARIES AND EXPENSES*

3 *For an additional amount for “Salaries and Ex-*
4 *penses”, \$25,000,000, to remain available until September*
5 *30, 2021, except that \$5,000,000 shall remain available*
6 *until expended, to prevent, prepare for, and respond to*
7 *coronavirus, domestically or internationally, to be allocated*
8 *in accordance with a spend plan submitted to the Com-*
9 *mittee on Appropriations of the House of Representatives*
10 *by the Chief Administrative Officer and approved by such*
11 *Committee: Provided, That such amount is designated by*
12 *the Congress as being for an emergency requirement pursu-*
13 *ant to section 251(b)(2)(A)(i) of the Balanced Budget and*
14 *Emergency Deficit Control Act of 1985.*

15 *JOINT ITEMS*16 *OFFICE OF THE ATTENDING PHYSICIAN*

17 *For an additional amount for “Office of the Attending*
18 *Physician”, \$400,000, to remain available until expended,*
19 *to prevent, prepare for, and respond to coronavirus, domes-*
20 *tically or internationally: Provided, That such amount is*
21 *designated 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.*

1

CAPITOL POLICE

2

SALARIES

3 *For an additional amount for “Salaries”,*
4 *\$12,000,000, to remain available until September 30, 2021,*
5 *to prevent, prepare for, and respond to coronavirus, domes-*
6 *tically or internationally: Provided, That the Capitol Police*
7 *may transfer amounts appropriated under this heading in*
8 *this Act to “General Expenses” without the approval re-*
9 *quirement of 2 U.S.C. 1907(a): Provided further, That such*
10 *amount is designated by the Congress as being for an emer-*
11 *gency requirement pursuant to section 251(b)(2)(A)(i) of*
12 *the Balanced Budget and Emergency Deficit Control Act*
13 *of 1985.*

14

ARCHITECT OF THE CAPITOL

15

CAPITAL CONSTRUCTION AND OPERATIONS

16 *For an additional amount for “Capital Construction*
17 *and Operations”, \$25,000,000, to remain available until*
18 *September 30, 2021, to prevent, prepare for, and respond*
19 *to coronavirus, domestically or internationally, including*
20 *to purchase and distribute cleaning and sanitation products*
21 *throughout all facilities and grounds under the care of the*
22 *Architect of the Capitol, wherever located, and any related*
23 *services and operational costs: Provided, That the Architect*
24 *of the Capitol shall provide a report within 30 days enact-*
25 *ment of this Act, and every 30 days thereafter, to the Com-*

1 *mittees on Appropriations of the Senate and House of Rep-*
2 *resentatives, the Senate Committee on Rules and Adminis-*
3 *tration, and the Committee on House Administration on*
4 *expenditure of funds from amounts appropriated under this*
5 *heading in this Act: Provided further, That this amount*
6 *shall be in addition to any other funds available for such*
7 *purposes in appropriations Acts for the legislative branch:*
8 *Provided further, 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 *LIBRARY OF CONGRESS*

13 *SALARIES AND EXPENSES*

14 *For an additional amount for “Salaries and Ex-*
15 *penses”, \$700,000, to remain available until September 30,*
16 *2020, to prevent, prepare for, and respond to coronavirus,*
17 *domestically or internationally, to be made available to the*
18 *Little Scholars Child Development Center, subject to ap-*
19 *proval by the Committees on Appropriations of the Senate*
20 *and House of Representatives, the Senate Committee on*
21 *Rules and Administration, and the Committee on House*
22 *Administration: Provided, That such amount is designated*
23 *by the Congress as being for an emergency requirement pur-*
24 *suant to section 251(b)(2)(A)(i) of the Balanced Budget and*
25 *Emergency Deficit Control Act of 1985.*

1 *GOVERNMENT ACCOUNTABILITY OFFICE*2 *SALARIES AND EXPENSES*

3 *For an additional amount for “Salaries and Ex-*
4 *penses”, \$20,000,000, to remain available until expended,*
5 *to prevent, prepare for, and respond to coronavirus, domes-*
6 *tically or internationally, for audits and investigations and*
7 *for reimbursement of the Tiny Findings Child Development*
8 *Center for salaries for employees, as authorized by this Act:*
9 *Provided, That not later than 90 days after the date of en-*
10 *actment of this Act, the Government Accountability Office*
11 *shall submit to the Committees on Appropriations of the*
12 *House of Representatives and the Senate a spend plan*
13 *specifying funding estimates and a timeline for such audits*
14 *and investigations: Provided further, That \$600,000 shall*
15 *be made available to the Tiny Findings Child Development*
16 *Center, subject to approval by the Committees on Appro-*
17 *priations of the Senate and House of Representatives, the*
18 *Senate Committee on Rules and Administration, and the*
19 *Committee on House Administration: 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 *GENERAL PROVISIONS—THIS TITLE*

2 *SOURCE OF FUNDS USED FOR PAYMENT OF SALARIES AND*
3 *EXPENSES OF SENATE EMPLOYEE CHILD CARE CENTER*

4 *SEC. 19001. The Secretary of the Senate shall reim-*
5 *burse the Senate Employee Child Care Center for personnel*
6 *costs incurred starting on April 1, 2020, for employees of*
7 *such Center who have been ordered to cease working due*
8 *to measures taken in the Capitol complex to combat*
9 *coronavirus, not to exceed \$84,000 per month, from*
10 *amounts in the appropriations account “Miscellaneous*
11 *Items” within the contingent fund of the Senate.*

12 *SOURCE OF FUNDS USED FOR PAYMENT OF SALARIES AND*
13 *EXPENSES OF HOUSE OF REPRESENTATIVES CHILD*
14 *CARE CENTER*

15 *SEC. 19002. (a) AUTHORIZING USE OF REVOLVING*
16 *FUND OR APPROPRIATED FUNDS.—Section 312(d)(3)(A) of*
17 *the Legislative Branch Appropriations Act, 1992 (2 U.S.C.*
18 *2062(d)(3)(A)) is amended—*

19 (1) *in subparagraph (A), by striking the period*
20 *at the end and inserting the following: “, and, at the*
21 *option of the Chief Administrative Officer during an*
22 *emergency situation, the payment of the salary of*
23 *other employees of the Center.”; and*

24 (2) *by adding at the end the following new sub-*
25 *paragraph:*

1 “(C) *During an emergency situation, the*
2 *payment of such other expenses for activities car-*
3 *ried out under this section as the Chief Adminis-*
4 *trative Officer determines appropriate.”.*

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

8 **PAYMENTS TO ENSURE CONTINUING AVAILABILITY OF**
9 **GOODS AND SERVICES DURING THE CORONAVIRUS**
10 **EMERGENCY**

11 **SEC. 19003. (a) AUTHORIZATION TO MAKE PAY-**
12 **MENTS.**—*Notwithstanding any other provision of law and*
13 *subject to subsection (b), during an emergency situation, the*
14 *Chief Administrative Officer of the House of Representa-*
15 *tives may make payments under contracts with vendors*
16 *providing goods and services to the House in amounts and*
17 *under terms and conditions other than those provided under*
18 *the contract in order to ensure that those goods and services*
19 *remain available to the House throughout the duration of*
20 *the emergency.*

21 **(b) CONDITIONS.**—

22 **(1) APPROVAL REQUIRED.**—*The Chief Adminis-*
23 *trative Officer may not make payments under the au-*
24 *thority of subsection (a) without the approval of the*
25 *Committee on House Administration of the House of*
26 *Representatives.*

1 (2) *AVAILABILITY OF APPROPRIATIONS.*—*The au-*
2 *thority of the Chief Administrative Officer to make*
3 *payments under the authority of subsection (a) is sub-*
4 *ject to the availability of appropriations to make such*
5 *payments.*

6 (c) *APPLICABILITY.*—*This section shall apply with re-*
7 *spect to fiscal year 2020 and each succeeding fiscal year.*

8 *SOURCE OF FUNDS USED FOR PAYMENT OF SALARIES AND*
9 *EXPENSES OF LITTLE SCHOLARS CHILD DEVELOP-*
10 *MENT CENTER*

11 *SEC. 19004. The Library of Congress shall reimburse*
12 *Little Scholars Child Development Center for salaries for*
13 *employees incurred from April 1, 2020, to September 30,*
14 *2020, for employees of such Center who have been ordered*
15 *to cease working due to measures taken in the Capitol com-*
16 *plex to combat coronavirus, not to exceed \$113,000 per*
17 *month, from amounts in the appropriations account “Li-*
18 *brary of Congress—Salaries and Expenses”.*

19 *AUTHORIZING PAYMENTS UNDER SERVICE CONTRACTS*
20 *DURING THE CORONAVIRUS EMERGENCY*

21 *SEC. 19005. (a) AUTHORIZING PAYMENTS.*—*Notwith-*
22 *standing section 3324(a) of title 31, United States Code,*
23 *or any other provision of law and subject to subsection (b),*
24 *if the employees of a contractor with a service contract with*
25 *the Architect of the Capitol are furloughed or otherwise un-*
26 *able to work during closures, stop work orders, or reductions*

1 *in service arising from or related to the impacts of*
 2 *coronavirus, the Architect of the Capitol may continue to*
 3 *make the payments provided for under the contract for the*
 4 *weekly salaries and benefits of such employees for not more*
 5 *than 16 weeks.*

6 (b) *AVAILABILITY OF APPROPRIATIONS.*—*The author-*
 7 *ity of the Architect of the Capitol to make payments under*
 8 *the authority of subsection (a) is subject to the availability*
 9 *of appropriations to make such payments.*

10 (c) *REGULATIONS.*—*The Architect of the Capitol shall*
 11 *promulgate such regulations as may be necessary to carry*
 12 *out this section.*

13 *MASS MAILINGS AS FRANKED MAIL*

14 *SEC. 19006. (a) WAIVER.*—*Section 3210(a)(6)(D) of*
 15 *title 39, United States Code, is amended by striking the*
 16 *period at the end of the first sentence and inserting the fol-*
 17 *lowing: “, and in the case of the Commission, to waive this*
 18 *paragraph in the case of mailings sent in response to or*
 19 *to address threats to life safety.”.*

20 (b) *EFFECTIVE DATE.*—*The amendments made by this*
 21 *subsection shall apply with respect to mailings sent on or*
 22 *after the date of the enactment of this Act.*

23 *TECHNICAL CORRECTION*

24 *SEC. 19007. In the matter preceding the first proviso*
 25 *under the heading “Library of Congress—Salaries and Ex-*
 26 *penses” in division E of the Further Consolidated Appro-*

1 *priations Act, 2020 (Public Law 116–94), strike “*
2 *\$504,164,000” and insert “ \$510,164,000”.*

3 *CONFORMING AMENDMENT*

4 *SEC. 19008. Section 110(a)(1)(A) of the Family and*
5 *Medical Leave Act of 1993 (as added by section 3102 of*
6 *the Families First Coronavirus Response Act (Public Law*
7 *116–127)) is amended—*

8 *(1) by inserting before “In lieu of” the following:*

9 *“(i) IN GENERAL.—”; and*

10 *(2) by adding at the end the following:*

11 *“(ii) SPECIAL RULE.—For purposes of*
12 *applying section 102(a)(1)(F) and this sec-*
13 *tion under the Congressional Accountability*
14 *Act of 1995, in lieu of the definition in sec-*
15 *tion 202(a)(2)(B) of that Act (2 U.S.C.*
16 *1312(a)(2)(B)), the term ‘eligible employee’*
17 *means a covered employee (as defined in*
18 *section 101 of that Act (2 U.S.C. 1301))*
19 *who has been employed for at least 30 cal-*
20 *endar days by the employing office (as so*
21 *defined) with respect to whom leave is re-*
22 *quested under section 102(a)(1)(F).”.*

1 SOURCE OF FUNDS USED FOR PAYMENT OF SALARIES AND
2 EXPENSES OF TINY FINDINGS CHILD DEVELOPMENT
3 CENTER

4 SEC. 19009. *The Government Accountability Office*
5 *may reimburse the Tiny Findings Child Development Cen-*
6 *ter for salaries for employees incurred from April 1, 2020,*
7 *to September 30, 2020, for employees of such Center who*
8 *have been ordered to cease working due to measures taken*
9 *in the Capitol complex to combat coronavirus, not to exceed*
10 *\$100,000 per month, from amounts in the appropriations*
11 *account “Government Accountability Office—Salaries and*
12 *Expenses”.*

13 OVERSIGHT AND AUDIT AUTHORITY

14 SEC. 19010. (a) DEFINITIONS.—*In this section—*

15 (1) *the term “appropriate congressional commit-*
16 *tees” means—*

17 (A) *the Committee on Appropriations of the*
18 *Senate;*

19 (B) *the Committee on Homeland Security*
20 *and Governmental Affairs of the Senate;*

21 (C) *the Committee on Health, Education,*
22 *Labor, and Pensions of the Senate;*

23 (D) *the Committee on Appropriations of the*
24 *House of Representatives;*

25 (E) *the Committee on Homeland Security*
26 *of the House of Representatives;*

1 (F) the Committee on Oversight and Reform
2 of the House of Representatives; and

3 (G) the Committee on Energy and Com-
4 merce of the House of Representatives; and

5 (2) the term “Comptroller General” means the
6 Comptroller General of the United States.

7 (b) *AUTHORITY.*—The Comptroller General shall con-
8 duct monitoring and oversight of the exercise of authorities,
9 or the receipt, disbursement, and use of funds made avail-
10 able, under this Act or any other Act to prepare for, respond
11 to, and recover from the Coronavirus 2019 pandemic and
12 the effect of the pandemic on the health, economy, and pub-
13 lic and private institutions of the United States, including
14 public health and homeland security efforts by the Federal
15 Government and the use of selected funds under this or any
16 other Act related to the Coronavirus 2019 pandemic and
17 a comprehensive audit and review of charges made to Fed-
18 eral contracts pursuant to authorities provided in the
19 Coronavirus Aid, Relief, and Economic Security Act.

20 (c) *BRIEFINGS AND REPORTS.*—In conducting moni-
21 toring and oversight under subsection (b), the Comptroller
22 General shall—

23 (1) during the period beginning on the date of
24 enactment of this Act and ending on the date on
25 which the national emergency declared by the Presi-

1 *dent under the National Emergencies Act (50 U.S.C.*
2 *1601 et seq.) with respect to the Coronavirus Disease*
3 *2019 (COVID–19) expires, offer regular briefings on*
4 *not less frequently than a monthly basis to the appro-*
5 *propriate congressional committees regarding Federal*
6 *public health and homeland security efforts;*

7 *(2) publish reports regarding the ongoing moni-*
8 *toring and oversight efforts, which, along with any*
9 *audits and investigations conducted by the Comp-*
10 *troller General, shall be submitted to the appropriate*
11 *congressional committees and posted on the website of*
12 *the Government Accountability Office—*

13 *(A) not later than 90 days after the date of*
14 *enactment of this Act, and every other month*
15 *thereafter until the date that is 1 year after the*
16 *date of enactment of this Act; and*

17 *(B) after the period described in subpara-*
18 *graph (A), on a periodic basis; and*

19 *(3) submit to the appropriate congressional com-*
20 *mittees additional reports as warranted by the find-*
21 *ings of the monitoring and oversight activities of the*
22 *Comptroller General.*

23 *(d) ACCESS TO INFORMATION.—*

24 *(1) RIGHT OF ACCESS.—In conducting moni-*
25 *toring and oversight activities under this section, the*

1 *Comptroller General shall have access to records, upon*
2 *request, of any Federal, State, or local agency, con-*
3 *tractor, grantee, recipient, or subrecipient pertaining*
4 *to any Federal effort or assistance of any type related*
5 *to the Coronavirus 2019 pandemic under this Act or*
6 *any other Act, including private entities receiving*
7 *such assistance.*

8 (2) *COPIES.—The Comptroller General may*
9 *make and retain copies of any records accessed under*
10 *paragraph (1) as the Comptroller General determines*
11 *appropriate.*

12 (3) *INTERVIEWS.—In addition to such other au-*
13 *thorities as are available, the Comptroller General or*
14 *a designee of the Comptroller General may interview*
15 *Federal, State, or local officials, contractor staff,*
16 *grantee staff, recipients, or subrecipients pertaining*
17 *to any Federal effort or assistance of any type related*
18 *to the Coronavirus 2019 pandemic under this or any*
19 *other Act, including private entities receiving such as-*
20 *sistance.*

21 (4) *INSPECTION OF FACILITIES.—As determined*
22 *necessary by the Comptroller General, the Government*
23 *Accountability Office may inspect facilities at which*
24 *Federal, State, or local officials, contractor staff,*
25 *grantee staff, or recipients or subrecipients carry out*

1 *of Federal Regulations, for no longer than the Register rea-*
2 *sonably determines to be appropriate to mitigate the impact*
3 *of the disruption caused by the national emergency. In tak-*
4 *ing such action, the Register shall consider the scope and*
5 *severity of the particular national emergency, and its spe-*
6 *cific effect with respect to the particular provision, and*
7 *shall tailor any remedy accordingly.*

8 “(b) *NOTICE AND EFFECT.*—*Any action taken by the*
9 *Register in response to a national emergency pursuant to*
10 *subsection (a) shall not be subject to section 701(e) or sub-*
11 *chapter II of chapter 5 of title 5, United States Code, and*
12 *chapter 7 of title 5, United States Code. The provision of*
13 *general public notice detailing the action being taken by*
14 *the Register in response to the national emergency under*
15 *subsection (a) is sufficient to effectuate such action. The*
16 *Register may make such action effective both prospectively*
17 *and retroactively in relation to a particular provision as*
18 *the Register determines to be appropriate based on the tim-*
19 *ing, scope, and nature of the public emergency, but any ac-*
20 *tion by the Register may only be retroactive with respect*
21 *to a deadline that has not already passed before the declara-*
22 *tion described in subsection (a).*

23 “(c) *STATEMENT REQUIRED.*—*Except as provided in*
24 *subsection (d), not later than 20 days after taking any ac-*
25 *tion that results in a provision being modified for a cumu-*

1 *lative total of longer than 120 days, the Register shall sub-*
2 *mit to Congress a statement detailing the action taken, the*
3 *relevant background, and rationale for the action.*

4 “(d) *EXCEPTIONS.—The authority of the Register to*
5 *act under subsection (a) does not extend provisions under*
6 *this title requiring the commencement of an action or pro-*
7 *ceeding in Federal court within a specified period of time,*
8 *except that if the Register adjusts the license availability*
9 *date defined in section 115(e)(15), such adjustment shall*
10 *not affect the ability to commence actions for any claim*
11 *of infringement of exclusive rights provided by paragraphs*
12 *(1) and (3) of section 106 against a digital music provider*
13 *arising from the unauthorized reproduction or distribution*
14 *of a musical work by such digital music provider in the*
15 *course of engaging in covered activities that accrued after*
16 *January 1, 2018, provided that such action is commenced*
17 *within the time periods prescribed under section*
18 *115(d)(10)(C)(i) or 115(d)(10)(C)(ii) as calculated from the*
19 *adjusted license availability date. If the Register adjusts the*
20 *license availability date, the Register must provide the*
21 *statement to Congress under subsection (c) at the same time*
22 *as the public notice of such adjustment with a detailed ex-*
23 *planation of why such adjustment is needed.*

24 “(e) *COPYRIGHT TERM EXCEPTION.—The authority of*
25 *the Register to act under subsection (a) does not extend to*

1 *provisions under chapter 3, except section 304(c), or section*
2 *1401(a)(2).*

3 “(f) *OTHER LAWS.—Notwithstanding section 301 of*
4 *the National Emergencies Act (50 U.S.C. 1631), the author-*
5 *ity of the Register under subsection (a) is not contingent*
6 *on a specification made by the President under such section*
7 *or any other requirement under that Act (other than the*
8 *emergency declaration under section 201(a) of such Act (50*
9 *U.S.C. 1621(a)). The authority described in this section*
10 *supersedes the authority of title II of the National Emer-*
11 *gencies Act (50 U.S.C. 1621 et seq.).”*

12 “(b) *TECHNICAL AND CONFORMING AMENDMENT.—The*
13 *table of sections for chapter 7 of title 17, United States*
14 *Code, is amended by adding at the end the following:*

 “710. *Emergency relief authority.*”

15 “(c) *EMERGENCY REQUIREMENT.—The amount pro-*
16 *vided by this section 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.*

1

TITLE X

2

DEPARTMENT OF VETERANS AFFAIRS

3

VETERANS BENEFITS ADMINISTRATION

4

GENERAL OPERATING EXPENSES, VETERANS BENEFITS

5

ADMINISTRATION

6

For an additional amount for “General Operating Expenses, Veterans Benefits Administration”, \$13,000,000, to remain available until September 30, 2021, to prevent, prepare for, and respond to coronavirus, domestically or internationally: 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.

14

VETERANS HEALTH ADMINISTRATION

15

MEDICAL SERVICES

16

For an additional amount for “Medical Services”, \$14,432,000,000, to remain available until September 30, 2021, to prevent, prepare for, and respond to coronavirus, domestically or internationally, including related impacts on health care delivery, and for support to veterans who are homeless or at risk of becoming homeless: 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.

25

1 *MEDICAL COMMUNITY CARE*

2 *For an additional amount for “Medical Community*
3 *Care”, \$2,100,000,000, to remain available until September*
4 *30, 2021, to prevent, prepare for, and respond to*
5 *coronavirus, domestically or internationally, including re-*
6 *lated impacts on health care delivery: Provided, That such*
7 *amount is designated by the 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 *MEDICAL SUPPORT AND COMPLIANCE*

12 *For an additional amount for “Medical Support and*
13 *Compliance”, \$100,000,000, to remain available until Sep-*
14 *tember 30, 2021, to prevent, prepare for, and respond to*
15 *coronavirus, domestically or internationally, including re-*
16 *lated impacts on health care delivery: Provided, That such*
17 *amount is designated by the Congress as being for an emer-*
18 *gency requirement pursuant to section 251(b)(2)(A)(i) of*
19 *the Balanced Budget and Emergency Deficit Control Act*
20 *of 1985.*

21 *MEDICAL FACILITIES*

22 *For an additional amount for “Medical Facilities”,*
23 *\$606,000,000, to remain available until September 30,*
24 *2021, to prevent, prepare for, and respond to coronavirus,*
25 *domestically or internationally, including related impacts*

1 *on health care delivery: Provided, That such amount is des-*
2 *ignated by the Congress as being for an emergency require-*
3 *ment pursuant to section 251(b)(2)(A)(i) of the Balanced*
4 *Budget and Emergency Deficit Control Act of 1985.*

5 *DEPARTMENTAL ADMINISTRATION*

6 *GENERAL ADMINISTRATION*

7 *For an additional amount for “General Administra-*
8 *tion”, \$6,000,000, to remain available until September 30,*
9 *2021, to prevent, prepare for, and respond to coronavirus,*
10 *domestically or internationally: Provided, That such*
11 *amount is designated by the Congress as being for an emer-*
12 *gency requirement pursuant to section 251(b)(2)(A)(i) of*
13 *the Balanced Budget and Emergency Deficit Control Act*
14 *of 1985.*

15 *INFORMATION TECHNOLOGY SYSTEMS*

16 *For an additional amount for “Information Tech-*
17 *nology Systems”, \$2,150,000,000, to remain available until*
18 *September 30, 2021, to prevent, prepare for, and respond*
19 *to coronavirus, domestically or internationally, including*
20 *related impacts on health care delivery: Provided, That the*
21 *Secretary shall transmit to the Committees on Appropria-*
22 *tions of both Houses of Congress a spend plan detailing the*
23 *allocation of such funds between pay and associated costs,*
24 *operations and maintenance, and information technology*
25 *systems development: Provided further, That after such*

1 *transmittal is provided, funds may only be reprogrammed*
2 *among the three subaccounts referenced in the previous pro-*
3 *viso after the Secretary of Veterans Affairs submits notice*
4 *to the Committees on Appropriations of both Houses of Con-*
5 *gress: Provided further, That such amount is designated by*
6 *the Congress as being for an emergency requirement pursu-*
7 *ant to section 251(b)(2)(A)(i) of the Balanced Budget and*
8 *Emergency Deficit Control Act of 1985.*

9 *OFFICE OF INSPECTOR GENERAL*

10 *For an additional amount for “Office of Inspector*
11 *General”, \$12,500,000, to remain available until September*
12 *30, 2022, to prevent, prepare for, and respond to*
13 *coronavirus, domestically or internationally, for oversight*
14 *and audit of programs, activities, grants and projects fund-*
15 *ed under this title: Provided, That such amount is des-*
16 *ignated by the Congress as being for an emergency require-*
17 *ment pursuant to section 251(b)(2)(A)(i) of the Balanced*
18 *Budget and Emergency Deficit Control Act of 1985.*

19 *GRANTS FOR CONSTRUCTION OF STATE EXTENDED CARE*
20 *FACILITIES*

21 *For an additional amount for “Grants for Construc-*
22 *tion of State Extended Care Facilities”, \$150,000,000, to*
23 *remain available until September 30, 2021, to prevent, pre-*
24 *pare for, and respond to coronavirus, domestically or inter-*
25 *nationally, including to modify or alter existing hospital,*

1 *nursing home, and domiciliary facilities in State homes:*
2 *Provided, That such amount is designated by the Congress*
3 *as being for an emergency requirement pursuant to section*
4 *251(b)(2)(A)(i) of the Balanced Budget and Emergency*
5 *Deficit Control Act of 1985.*

6 *RELATED AGENCIES*

7 *ARMED FORCES RETIREMENT HOME TRUST FUND*

8 *For an additional amount for the “Armed Forces Re-*
9 *tirement Home Trust Fund”, \$2,800,000, to remain avail-*
10 *able until September 30, 2021, to prevent, prepare for, and*
11 *respond to coronavirus, to be paid from funds available in*
12 *the Armed Forces Retirement Home Trust Fund: Provided,*
13 *That of the amounts made available under this heading*
14 *from funds available in the Armed Forces Retirement Home*
15 *Trust Fund, \$2,800,000 shall be paid from the general fund*
16 *of the Treasury to the Trust Fund: Provided further, That*
17 *the Chief Executive Officer of the Armed Forces Retirement*
18 *Home shall submit to the Committees on Appropriations*
19 *of both Houses of Congress monthly reports detailing obliga-*
20 *tions, expenditures, and planned activities: Provided fur-*
21 *ther, That such amount is designated by the Congress as*
22 *being for an emergency requirement pursuant to section*
23 *251(b)(2)(A)(i) of the Balanced Budget and Emergency*
24 *Deficit Control Act of 1985.*

1 *GENERAL PROVISIONS—THIS TITLE*2 *(INCLUDING TRANSFER OF FUNDS)*

3 *SEC. 20001. Amounts made available for the Depart-*
4 *ment of Veterans Affairs in this title, under the “Medical*
5 *Services”, “Medical Community Care”, “Medical Support*
6 *and Compliance”, and “Medical Facilities” accounts may*
7 *be transferred among the accounts to prevent, prepare for,*
8 *and respond to coronavirus, domestically and internation-*
9 *ally: Provided, That any transfers among the “Medical*
10 *Services”, “Medical Community Care”, “Medical Support*
11 *and Compliance”, and “Medical Facilities” accounts of 2*
12 *percent or less of the total amount appropriated to an ac-*
13 *count in this title may take place subject to notification*
14 *from the Secretary of Veterans Affairs to the Committees*
15 *on Appropriations of both Houses of Congress of the amount*
16 *and purpose of the transfer: Provided further, That any*
17 *transfers among the “Medical Services”, “Medical Commu-*
18 *nity Care”, “Medical Support and Compliance”, and*
19 *“Medical Facilities” accounts in excess of 2 percent of the*
20 *total amount appropriated to an account in this title, or*
21 *exceeding a cumulative 2 percent for all of the funds pro-*
22 *vided in this title, may take place only after the Secretary*
23 *requests from the Committees on Appropriations of both*
24 *Houses of Congress the authority to make the transfer and*
25 *an approval is issued.*

1 *who may not be eligible for mental health services or*
2 *other health care services delivered through telehealth*
3 *or VA Video Connect.*

4 (2) *PRIORITY.*—*For purposes of expanding eligi-*
5 *bility under paragraph (1), the Secretary shall*
6 *prioritize—*

7 (A) *veterans who are in unserved and un-*
8 *derserved areas;*

9 (B) *veterans who reside in rural and highly*
10 *rural areas, as defined in the Rural-Urban Com-*
11 *muting Areas coding system of the Department*
12 *of Agriculture;*

13 (C) *low-income veterans; and*

14 (D) *any other veterans that the Secretary*
15 *considers to be at a higher risk for suicide and*
16 *mental health concerns during isolation periods*
17 *due to a public health emergency.*

18 (c) *DEFINITIONS.*—*In this section:*

19 (1) *TELEHEALTH.*—

20 (A) *IN GENERAL.*—*The term “telehealth”*
21 *means the use of electronic information and tele-*
22 *communications technologies to support and pro-*
23 *mote long-distance clinical health care, patient*
24 *and professional health-related education, public*
25 *health, and health administration.*

1 (B) *TECHNOLOGIES.*—*For purposes of sub-*
 2 *paragraph (A), telecommunications technologies*
 3 *include videoconferencing, the internet, stream-*
 4 *ing media, and terrestrial and wireless commu-*
 5 *nications.*

6 (2) *VA VIDEO CONNECT.*—*The term “VA Video*
 7 *Connect” means the program of the Department of*
 8 *Veterans Affairs to connect veterans with their health*
 9 *care team from anywhere, using encryption to ensure*
 10 *a secure and private session.*

11 *TREATMENT OF STATE HOMES DURING PUBLIC HEALTH*
 12 *EMERGENCY*

13 *SEC. 20005. (a) WAIVER OF OCCUPANCY RATE RE-*
 14 *QUIREMENTS.*—*During a public health emergency, occu-*
 15 *pancy rate requirements for State homes for purposes of re-*
 16 *ceiving per diem payments set forth in section 51.40(c) of*
 17 *title 38, Code of Federal Regulations, or successor regula-*
 18 *tions, shall not apply.*

19 (i) *WAIVER OF VETERAN PERCENTAGE REQUIRE-*
 20 *MENTS.*—*During a public health emergency, the veteran*
 21 *percentage requirements for State homes set forth in section*
 22 *51.210(d) of title 38, Code of Regulations, or successor regu-*
 23 *lations, and in agreements for grants to construct State*
 24 *homes, shall not apply.*

25 (c) *PROVISION OF MEDICINE, EQUIPMENT, AND SUP-*
 26 *PLIES.*—

1 (1) *IN GENERAL.*—During a public health emer-
2 gency, the Secretary of Veterans Affairs may provide
3 to State homes medicines, personal protective equip-
4 ment, medical supplies, and any other equipment,
5 supplies, and assistance available to the Department
6 of Veterans Affairs.

7 (2) *PROVISION OF EQUIPMENT.*—Personal protec-
8 tive equipment may be provided under paragraph (1)
9 through the All Hazards Emergency Cache of the De-
10 partment of Veterans Affairs or any other source
11 available to the Department.

12 (d) *DEFINITIONS.*—In this section:

13 (1) *PERSONAL PROTECTIVE EQUIPMENT.*—The
14 term “personal protective equipment” means any pro-
15 tective equipment required to prevent the wearer from
16 contracting COVID–19, including gloves, N–95 res-
17 pirator masks, gowns, goggles, face shields, or other
18 equipment required for safety.

19 (2) *PUBLIC HEALTH EMERGENCY.*—The term
20 “public health emergency” means an emergency with
21 respect to COVID–19 declared by a Federal, State, or
22 local authority.

23 (3) *STATE HOME.*—The term “State home” has
24 the meaning given that term in section 101(19) of
25 title 38, United States Code.

1 *MODIFICATIONS TO VETERAN DIRECTED CARE PROGRAM OF*
2 *DEPARTMENT OF VETERANS AFFAIRS*

3 *SEC. 20006. (a) TELEPHONE OR TELEHEALTH RE-*
4 *NEWALS.—For the Veteran Directed Care program of the*
5 *Department of Veterans Affairs (in this section referred to*
6 *as the “Program”), during a public health emergency, the*
7 *Secretary of Veterans Affairs shall—*

8 *(1) waive the requirement that an area agency*
9 *on aging process new enrollments and six-month re-*
10 *newals for the Program via an in-person or home*
11 *visit; and*

12 *(2) allow new enrollments and sixth-month re-*
13 *newals for the Program to be conducted via telephone*
14 *or telehealth modality.*

15 *(b) NO SUSPENSION OR DISENROLLMENT.—During a*
16 *public health emergency, the Secretary shall not suspend or*
17 *dis-enroll a veteran or caregiver of a veteran from the Pro-*
18 *gram unless—*

19 *(1) requested to do so by the veteran or a rep-*
20 *resentative of the veteran; or*

21 *(2) a mutual decision is made between the vet-*
22 *eran and a health care provider of the veteran to sus-*
23 *pend or dis-enroll the veteran or caregiver from the*
24 *Program.*

1 (c) *WAIVER OF PAPERWORK REQUIREMENT.*—During
 2 a public health emergency, the Secretary may waive the re-
 3 quirement for signed, mailed paperwork to confirm the en-
 4 rollment or renewal of a veteran in the Program and may
 5 allow verbal consent of the veteran via telephone or tele-
 6 health modality to suffice for purposes of such enrollment
 7 or renewal.

8 (d) *WAIVER OF OTHER REQUIREMENTS.*—During a
 9 public health emergency, the Secretary shall waive—

10 (1) any penalty for late paperwork relating to
 11 the Program; and

12 (2) any requirement to stop payments for vet-
 13 erans or caregivers of veterans under the Program if
 14 they are out of State for more than 14 days.

15 (e) *AREA AGENCY ON AGING DEFINED.*—In this sec-
 16 tion, the term “area agency on aging” has the meaning
 17 given that term in section 102 of the Older Americans Act
 18 of 1965 (42 U.S.C. 3002).

19 *PROVISION BY DEPARTMENT OF VETERANS AFFAIRS OF*
 20 *PROSTHETIC APPLIANCES THROUGH NON-DEPART-*
 21 *MENT PROVIDERS DURING PUBLIC HEALTH EMER-*
 22 *GENCY*

23 *SEC. 20007. The Secretary of Veterans Affairs shall en-*
 24 *sure that, to the extent practicable, veterans who are receiv-*
 25 *ing or are eligible to receive a prosthetic appliance under*
 26 *section 1714 or 1719 of title 38, United States Code, are*

1 *able to receive such an appliance that the Secretary deter-*
2 *mines is needed from a non-Department of Veterans Affairs*
3 *provider under a contract with the Department during a*
4 *public health emergency.*

5 *WAIVER OF PAY CAPS FOR EMPLOYEES OF DEPARTMENT OF*
6 *VETERANS AFFAIRS DURING PUBLIC HEALTH EMER-*
7 *GENCIES*

8 *SEC. 20008. (a) IN GENERAL.—Notwithstanding any*
9 *other provision of law, the Secretary of Veterans Affairs*
10 *may waive any limitation on pay for an employee of the*
11 *Department of Veterans Affairs during a public health*
12 *emergency for work done in support of response to the emer-*
13 *gency.*

14 *(b) REPORTING.—*

15 *(1) IN GENERAL.—For each month that the Sec-*
16 *retary waives a limitation under subsection (a), the*
17 *Secretary shall submit to the Committee on Veterans’*
18 *Affairs of the Senate and the Committee on Veterans’*
19 *Affairs of the House of Representatives a report on*
20 *the waiver.*

21 *(2) CONTENTS.—Each report submitted under*
22 *paragraph (1) for a waiver or waivers in a month*
23 *shall include the following:*

24 *(A) Where the waiver or waivers were used,*
25 *including in which component of the Department*

1 *and, as the case may be, which medical center of*
2 *the Department.*

3 *(B) For how many employees the waiver or*
4 *waivers were used, disaggregated by component*
5 *of the Department and, if applicable, medical*
6 *center of the Department.*

7 *(C) The average amount by which each pay-*
8 *ment exceeded the waived pay limitation that*
9 *was waived, disaggregated by component of the*
10 *Department and, if applicable, medical center of*
11 *the Department.*

12 *(c) EMPLOYEE OF THE DEPARTMENT OF VETERANS*
13 *AFFAIRS DEFINED.—In this section, the term “employee of*
14 *the Department of Veterans Affairs” includes any employee*
15 *of the Department of Veterans Affairs, regardless of the au-*
16 *thority under which the employee was hired.*

17 *PROVISION BY DEPARTMENT OF VETERANS AFFAIRS OF*
18 *PERSONAL PROTECTIVE EQUIPMENT FOR HOME*
19 *HEALTH WORKERS*

20 *SEC. 20009. (a) PROVISION OF EQUIPMENT.—*

21 *(1) IN GENERAL.—During a public health emer-*
22 *gency, the Secretary of Veterans Affairs shall provide*
23 *to employees and contractors of the Department of*
24 *Veterans Affairs personal protective equipment nec-*
25 *essary to provide home care to veterans under the*
26 *laws administered by the Secretary.*

1 (2) *SOURCE OF EQUIPMENT.*—*Personal protec-*
2 *tive equipment may be provided under paragraph (1)*
3 *through the All Hazards Emergency Cache of the De-*
4 *partment or any other source available to the Depart-*
5 *ment.*

6 (b) *DEFINITIONS.*—*In this section:*

7 (1) *HOME CARE.*—*The term “home care” has the*
8 *meaning given that term in section 1803(c) of title*
9 *38, United States Code.*

10 (2) *PERSONAL PROTECTIVE EQUIPMENT.*—*The*
11 *term “personal protective equipment” means any pro-*
12 *TECTIVE EQUIPMENT required to prevent the wearer from*
13 *contracting COVID–19, including gloves, N–95 res-*
14 *pirator masks, gowns, goggles, face shields, or other*
15 *equipment required for safety.*

16 *CLARIFICATION OF TREATMENT OF PAYMENTS FOR PUR-*
17 *POSES OF ELIGIBILITY FOR VETERANS PENSION AND*
18 *OTHER VETERANS BENEFITS*

19 *SEC. 20010. Amounts paid to a person under the 2020*
20 *Recovery Rebate in the Coronavirus Aid, Relief, and Eco-*
21 *nomics Security Act shall not be treated as income or re-*
22 *sources for purposes of determining eligibility for pension*
23 *under chapter 15 of title 38, United States Code, or any*
24 *other benefit under a law administered by the Secretary of*
25 *Veterans Affairs.*

1 *AVAILABILITY OF TELEHEALTH FOR CASE MANAGERS AND*
 2 *HOMELESS VETERANS*

3 *SEC. 20011. The Secretary of Veterans Affairs shall en-*
 4 *sure that telehealth capabilities are available during a pub-*
 5 *lic health emergency for case managers of, and homeless vet-*
 6 *erans participating in, the Department of Housing and*
 7 *Urban Development–Department of Veterans Affairs Sup-*
 8 *portive Housing program (commonly referred to as “HUD–*
 9 *VASH”).*

10 *FUNDING LIMITS FOR FINANCIAL ASSISTANCE FOR SUP-*
 11 *PORTIVE SERVICES FOR VERY LOW-INCOME VETERAN*
 12 *FAMILIES IN PERMANENT HOUSING DURING A PUBLIC*
 13 *HEALTH EMERGENCY*

14 *SEC. 20012. In the case of a public health emergency,*
 15 *nothing in subsection (e)(1) of section 2044 of title 38,*
 16 *United States Code, may be construed as limiting amounts*
 17 *that may be made available for carrying out subsections*
 18 *(a), (b), and (c) of such section.*

19 *MODIFICATIONS TO COMPREHENSIVE SERVICE PROGRAMS*
 20 *FOR HOMELESS VETERANS DURING A PUBLIC HEALTH*
 21 *EMERGENCY*

22 *SEC. 20013. (a) RULE OF CONSTRUCTION.—In the*
 23 *case of a public health emergency, no authorization of ap-*
 24 *propriations in section 2014 of title 38, United States Code,*
 25 *may be construed as limiting amounts that may be appro-*

1 *priated for carrying out subchapter II of chapter 20 of such*
2 *title.*

3 (b) *GRANTS AND PER DIEM PAYMENTS.*—*In the case*
4 *of a public health emergency, the Secretary of Veterans Af-*
5 *fairs may waive any limits on—*

6 (1) *grant amounts under sections 2011 and 2061*
7 *of title 38, United States Code; and*

8 (2) *rates for per diem payments under sections*
9 *2012 and 2061 of such title.*

10 (c) *PARTICIPANT ABSENCE.*—*Notwithstanding Vet-*
11 *erans Health Administration Handbook 1162.01(1), dated*
12 *July 12, 2013, and amended June 30, 2014, and titled*
13 *“Grant and Per Diem (GPD) Program”, or any other pro-*
14 *vision of law, for the duration of a public health emergency,*
15 *the Secretary—*

16 (1) *shall waive any requirement to discharge a*
17 *veteran from the grant and per diem program of the*
18 *Veterans Health Administration after the veteran is*
19 *absent for 14 days; and*

20 (2) *may continue to pay per diem to grant re-*
21 *cipients and eligible entities under the program for*
22 *any additional days of absence when a veteran has*
23 *already been absent for more than 72 hours.*

24 *SEC. 20014. The amounts provided by sections 20003*
25 *through 20013 of this title in this Act are designated by*

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

4 *TITLE XI*

5 *DEPARTMENT OF STATE*

6 *ADMINISTRATION OF FOREIGN AFFAIRS*

7 *DIPLOMATIC PROGRAMS*

8 *For an additional amount for “Diplomatic Pro-*
9 *grams”, \$324,000,000, to remain available until September*
10 *30, 2022, to prevent, prepare for, and respond to*
11 *coronavirus, including for necessary expenses to maintain*
12 *consular operations and to provide for evacuation expenses*
13 *and emergency preparedness: Provided, That such amount*
14 *is designated by the Congress as being for an emergency*
15 *requirement pursuant to section 251(b)(2)(A)(i) of the Bal-*
16 *anced Budget and Emergency Deficit Control Act of 1985.*

17 *UNITED STATES AGENCY FOR INTERNATIONAL*

18 *DEVELOPMENT*

19 *FUNDS APPROPRIATED TO THE PRESIDENT*

20 *OPERATING EXPENSES*

21 *For an additional amount for “Operating Expenses”,*
22 *\$95,000,000, to remain available until September 30, 2022,*
23 *to prevent, prepare for, and respond to coronavirus: Pro-*
24 *vided, That such amount is designated by the Congress as*
25 *being 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 *BILATERAL ECONOMIC ASSISTANCE*

4 *FUNDS APPROPRIATED TO THE PRESIDENT*

5 *INTERNATIONAL DISASTER ASSISTANCE*

6 *For an additional amount for “International Disaster*
7 *Assistance”, \$258,000,000, to remain available until ex-*
8 *pendent, to prevent, prepare for, and respond to coronavirus:*
9 *Provided, That such amount is designated by the Congress*
10 *as being for an emergency requirement pursuant to section*
11 *251(b)(2)(A)(i) of the Balanced Budget and Emergency*
12 *Deficit Control Act of 1985.*

13 *DEPARTMENT OF STATE*

14 *MIGRATION AND REFUGEE ASSISTANCE*

15 *For an additional amount for “Migration and Refugee*
16 *Assistance”, \$350,000,000, to remain available until ex-*
17 *pendent, to prevent, prepare for, and respond to coronavirus:*
18 *Provided, That such amount is designated by the Congress*
19 *as being for 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 *INDEPENDENT AGENCIES*

23 *PEACE CORPS*

24 *For an additional amount for “Peace Corps”,*
25 *\$88,000,000, to remain available until September 30, 2022,*

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

6 **GENERAL PROVISIONS—THIS TITLE**

7 *(INCLUDING TRANSFER OF FUNDS)*

8 *SEC. 21001. The authorities and limitations of section*
9 *402 of the Coronavirus Preparedness and Response Supple-*
10 *mental Appropriations Act (division A of Public Law 116–*
11 *123) shall apply to funds appropriated by this title as fol-*
12 *lows:*

13 *(1) Subsections (a), (d), (e), and (f) shall apply*
14 *to funds under the heading “Diplomatic Programs”;*
15 *and*

16 *(2) Subsections (c), (d), (e), and (f) shall apply*
17 *to funds under the heading “International Disaster*
18 *Assistance”.*

19 *SEC. 21002. Funds appropriated by this title under*
20 *the headings “Diplomatic Programs”, “Operating Ex-*
21 *penses”, and “Peace Corps” may be used to reimburse such*
22 *accounts administered by the Department of State, the*
23 *United States Agency for International Development, and*
24 *the Peace Corps, as appropriate, for obligations incurred*

1 to prevent, prepare for, and respond to coronavirus prior
2 to the date of enactment of this Act.

3 *SEC. 21003. The reporting requirement of section*
4 *406(b) of the Coronavirus Preparedness and Response Sup-*
5 *plemental Appropriations Act, 2020 (division A of Public*
6 *Law 116–123) shall apply to funds appropriated by this*
7 *title: Provided, That the requirement to jointly submit such*
8 *report shall not apply to the Director of the Peace Corps:*
9 *Provided further, That reports required by such section may*
10 *be consolidated and shall include information on all funds*
11 *made available to such Federal agencies to prevent, prepare*
12 *for, and respond to coronavirus.*

13 *SEC. 21004. Section 7064(a) of the Department of*
14 *State, Foreign Operations, and Related Programs Appro-*
15 *priations Act, 2020 (division G of Public Law 116–94) is*
16 *amended by striking “ \$100,000,000” and inserting in lieu*
17 *thereof “ \$110,000,000”, and by adding the following before*
18 *the period at the end: “: Provided, That no amounts may*
19 *be used that were designated by the Congress for Overseas*
20 *Contingency Operations/Global War on Terrorism pursu-*
21 *ant to the Concurrent Resolution on the Budget or the Bal-*
22 *anced Budget and Emergency Deficit Control Act of 1985”.*

23 *SEC. 21005. The Department of State, Foreign Oper-*
24 *ations, and Related Programs Appropriations Act, 2020*
25 *(division G of Public Law 116–94) is amended under the*

1 heading “Emergencies in the Diplomatic and Consular
2 Service” in title I by striking “ \$1,000,000” and inserting
3 in lieu thereof “ \$5,000,000”.

4 SEC. 21006. *The Department of State, Foreign Oper-*
5 *ations, and Related Programs Appropriations Act, 2020*
6 *(division G of Public Law 116–94) is amended under the*
7 *heading “Millennium Challenge Corporation” in title III*
8 *by striking “ \$105,000,000” in the first proviso and insert-*
9 *ing in lieu thereof “ \$107,000,000”.*

10 SEC. 21007. *Notwithstanding any other provision of*
11 *law, and in addition to leave authorized under any other*
12 *provision of law, the Secretary of State and the Adminis-*
13 *trator of the United States Agency for International Devel-*
14 *opment may, in order to prevent, prepare for, and respond*
15 *to coronavirus, provide additional paid leave to address em-*
16 *ployee hardships resulting from coronavirus: Provided,*
17 *That this authority shall apply to leave taken since Janu-*
18 *ary 29, 2020, and may be provided abroad and domesti-*
19 *cally: Provided further, That the Secretary and the Admin-*
20 *istrator shall consult with the Committee on Appropria-*
21 *tions and the Committee on Foreign Relations of the Senate*
22 *and the Committee on Appropriations and the Committee*
23 *on Foreign Affairs of the House of Representatives prior*
24 *to implementation of such authority: Provided further, That*

1 *the authority made available pursuant to this section shall*
2 *expire on September 30, 2022.*

3 *SEC. 21008. The Secretary of State, to prevent, pre-*
4 *pare for, and respond to coronavirus, may exercise the au-*
5 *thorities of section 3(j) of the State Department Basic Au-*
6 *thorities Act of 1956 (22 U.S.C. 2670(j)) to provide medical*
7 *services or related support for private United States citi-*
8 *zens, nationals, and permanent resident aliens abroad, or*
9 *third country nationals connected to such persons or to the*
10 *diplomatic or development missions of the United States*
11 *abroad, who are unable to obtain such services or support*
12 *otherwise: Provided, That such assistance shall be provided*
13 *on a reimbursable basis to the extent feasible: Provided fur-*
14 *ther, That such reimbursements may be credited to the ap-*
15 *plicable Department of State appropriation and shall re-*
16 *main available until expended: Provided further, That the*
17 *Secretary shall prioritize providing medical services or re-*
18 *lated support to individuals eligible for the health program*
19 *under section 904 of the Foreign Service Act of 1980 (22*
20 *U.S.C. 4084): Provided further, That the authority made*
21 *available pursuant to this section shall expire on September*
22 *30, 2022.*

23 *SEC. 21009. Notwithstanding section 6(b) of the De-*
24 *partment of State Authorities Act of 2006 (Public Law*
25 *109–472; 120 Stat. 3556), during fiscal year 2020, passport*

1 *and immigrant visa surcharges collected in any fiscal year*
2 *pursuant to the fourth paragraph under the heading “Dip-*
3 *lomatic and Consular Programs” in the Department of*
4 *State and Related Agency Appropriations Act, 2005 (title*
5 *IV of division B of Public Law 108–447; 8 U.S.C. 1714)*
6 *may be obligated and expended for the costs of providing*
7 *consular services: Provided, That such funds should be*
8 *prioritized for United States citizen services: Provided fur-*
9 *ther, That not later than 90 days after the expiration of*
10 *this authority, the Secretary of State shall provide a report*
11 *to the Committee on Appropriations and the Committee on*
12 *Foreign Relations of the Senate and the Committee on Ap-*
13 *propriations and the Committee on Foreign Affairs of the*
14 *House of Representatives detailing the specific expenditures*
15 *made pursuant to this authority: Provided further, That the*
16 *amount provided by this section is designated by the Con-*
17 *gress as being for an emergency requirement pursuant to*
18 *section 251(b)(2)(A)(i) of the Balanced Budget and Emer-*
19 *gency Deficit Control Act of 1985.*

20 *SEC. 21010. The Department of State and the United*
21 *States Agency for International Development are author-*
22 *ized to enter into contracts with individuals for the provi-*
23 *sion of personal services (as described in section 104 of part*
24 *37 of title 48, Code of Federal Regulations and including*
25 *pursuant to section 904 of the Foreign Service Act of 1980*

1 (22 U.S.C. 4084)) to prevent, prepare for, and respond to
2 coronavirus, within the United States and abroad, subject
3 to prior consultation with, and the notification procedures
4 of, the Committee on Appropriations and the Committee on
5 Foreign Relations of the Senate and the Committee on Ap-
6 propriations and the Committee on Foreign Affairs of the
7 House of Representatives: Provided, That such individuals
8 may not be deemed employees of the United States for the
9 purpose of any law administered by the Office of Personnel
10 Management: Provided further, That not later than 15 days
11 after utilizing this authority, the Secretary of State shall
12 provide a report to the Committee on Appropriations and
13 the Committee on Foreign Relations of the Senate and the
14 Committee on Appropriations and the Committee on For-
15 eign Affairs of the House of Representatives on the overall
16 staffing needs for the Office of Medical Services: Provided
17 further, That the authority made available pursuant to this
18 section shall expire on September 30, 2022.

19 SEC. 21011. Notwithstanding any other provision of
20 law, the Secretary of State and the Administrator of the
21 United States Agency for International Development may
22 authorize any oath of office required by law to, in par-
23 ticular circumstances that could otherwise pose health risks,
24 be administered remotely, subject to appropriate
25 verification: Provided, That prior to initially exercising the

1 *authority of this section, the Secretary and the Adminis-*
2 *trator shall each submit a report to the Committee on Ap-*
3 *propriations and the Committee on Foreign Relations of*
4 *the Senate and the Committee on Appropriations and the*
5 *Committee on Foreign Affairs of the House of Representa-*
6 *tives describing the process and procedures for admin-*
7 *istering such oaths, including appropriate verification: Pro-*
8 *vided further, That the authority made available pursuant*
9 *to this section shall expire on September 30, 2021.*

10 *SEC. 21012. (a) PURPOSES.—For purposes of strength-*
11 *ening the ability of foreign countries to prevent, prepare*
12 *for, and respond to coronavirus and to the adverse economic*
13 *impacts of coronavirus, in a manner that would protect the*
14 *United States from the spread of coronavirus and mitigate*
15 *an international economic crisis resulting from coronavirus*
16 *that may pose a significant risk to the economy of the*
17 *United States, each paragraph of subsection (b) shall take*
18 *effect upon enactment of this Act.*

19 *(b) CORONAVIRUS RESPONSES.—*

20 *(1) INTERNATIONAL DEVELOPMENT ASSOCIATION*
21 *REPLENISHMENT.—The International Development*
22 *Association Act (22 U.S.C. 284 et seq.) is amended by*
23 *adding at the end the following new section:*

1 **“SEC. 31. NINETEENTH REPLENISHMENT.**

2 “(a) *IN GENERAL.*—*The United States Governor of the*
3 *International Development Association is authorized to con-*
4 *tribute on behalf of the United States \$3,004,200,000 to the*
5 *nineteenth replenishment of the resources of the Association,*
6 *subject to obtaining the necessary appropriations.*

7 “(b) *AUTHORIZATION OF APPROPRIATIONS.*—*In order*
8 *to pay for the United States contribution provided for in*
9 *subsection (a), there are authorized to be appropriated,*
10 *without fiscal year limitation, \$3,004,200,000 for payment*
11 *by the Secretary of the Treasury.”.*

12 (2) *INTERNATIONAL FINANCE CORPORATION AU-*
13 *THORIZATION.*—*The International Finance Corpora-*
14 *tion Act (22 U.S.C. 282 et seq.) is amended by adding*
15 *at the end the following new section:*

16 **“SEC. 18. CAPITAL INCREASES AND AMENDMENT TO THE**
17 **ARTICLES OF AGREEMENT.**

18 “(a) *VOTES AUTHORIZED.*—*The United States Gov-*
19 *ernor of the Corporation is authorized to vote in favor of—*

20 “(1) *a resolution to increase the authorized cap-*
21 *ital stock of the Corporation by 16,999,998 shares, to*
22 *implement the conversion of a portion of the retained*
23 *earnings of the Corporation into paid-in capital,*
24 *which will result in the United States being issued an*
25 *additional 3,771,899 shares of capital stock, without*
26 *any cash contribution;*

1 “(2) a resolution to increase the authorized cap-
2 ital stock of the Corporation on a general basis by
3 4,579,995 shares; and

4 “(3) a resolution to increase the authorized cap-
5 ital stock of the Corporation on a selective basis by
6 919,998 shares.

7 “(b) *AMENDMENT OF THE ARTICLES OF AGREE-*
8 *MENT.—The United States Governor of the Corporation is*
9 *authorized to agree to and accept an amendment to article*
10 *II, section 2(c)(ii) of the Articles of Agreement of the Cor-*
11 *poration that would increase the vote by which the Board*
12 *of Governors of the Corporation may increase the capital*
13 *stock of the Corporation from a four-fifths majority to an*
14 *eighty-five percent majority.”.*

15 (3) *AFRICAN DEVELOPMENT BANK.—The African*
16 *Development Bank Act (22 U.S.C. 290i et seq.) is*
17 *amended by adding at the end the following new sec-*
18 *tion:*

19 **“SEC. 1345. SEVENTH CAPITAL INCREASE.**

20 “(a) *SUBSCRIPTION AUTHORIZED.—*

21 “(1) *IN GENERAL.—The United States Governor*
22 *of the Bank may subscribe on behalf of the United*
23 *States to 532,023 additional shares of the capital*
24 *stock of the Bank.*

1 “(2) *LIMITATION.*—*Any subscription by the*
 2 *United States to the capital stock of the Bank shall*
 3 *be effective only to such extent and in such amounts*
 4 *as are provided in advance in appropriations Acts.*

5 “(b) *AUTHORIZATION OF APPROPRIATIONS.*—

6 “(1) *IN GENERAL.*—*In order to pay for the in-*
 7 *crease in the United States subscription to the Bank*
 8 *under subsection (a), there are authorized to be ap-*
 9 *propriated, without fiscal year limitation,*
 10 *\$7,286,587,008 for payment by the Secretary of the*
 11 *Treasury.*

12 “(2) *SHARE TYPES.*—*Of the amount authorized*
 13 *to be appropriated under paragraph (1)—*

14 “(A) *\$437,190,016 shall be for paid in*
 15 *shares of the Bank; and*

16 “(B) *\$6,849,396,992 shall be for callable*
 17 *shares of the Bank.”*

18 “(4) *AFRICAN DEVELOPMENT FUND.*—*The African*
 19 *Development Fund Act (22 U.S.C. 290g et seq.) is*
 20 *amended by adding at the end the following new sec-*
 21 *tion:*

22 “**SEC. 226. FIFTEENTH REPLENISHMENT.**

23 “(a) *IN GENERAL.*—*The United States Governor of the*
 24 *Fund is authorized to contribute on behalf of the United*
 25 *States \$513,900,000 to the fifteenth replenishment of the re-*

1 *sources of the Fund, subject to obtaining the necessary ap-*
 2 *propriations.*

3 “(b) *AUTHORIZATION OF APPROPRIATIONS.—In order*
 4 *to pay for the United States contribution provided for in*
 5 *subsection (a), there are authorized to be appropriated,*
 6 *without fiscal year limitation, \$513,900,000 for payment*
 7 *by the Secretary of the Treasury.”*

8 (5) *INTERNATIONAL MONETARY FUND AUTHOR-*
 9 *IZATION FOR NEW ARRANGEMENTS TO BORROW.—*

10 (A) *IN GENERAL.—Section 17 of the Bretton*
 11 *Woods Agreements Act (22 U.S.C. 286e–2) is*
 12 *amended—*

13 (i) *in subsection (a)—*

14 (I) *by redesignating paragraphs*
 15 *(3), (4), and (5) as paragraphs (4),*
 16 *(5), and (6), respectively;*

17 (II) *by inserting after paragraph*
 18 *(2) the following new paragraph:*

19 “(3) *In order to carry out the purposes of a one-*
 20 *time decision of the Executive Directors of the Inter-*
 21 *national Monetary Fund (the Fund) to expand the re-*
 22 *sources of the New Arrangements to Borrow, estab-*
 23 *lished pursuant to the decision of January 27, 1997,*
 24 *referred to in paragraph (1), the Secretary of the*
 25 *Treasury is authorized to make loans, in an amount*

1 *not to exceed the dollar equivalent of 28,202,470,000*
2 *of Special Drawing Rights, in addition to any*
3 *amounts previously authorized under this section, ex-*
4 *cept that prior to activation of the New Arrangements*
5 *to Borrow, the Secretary of the Treasury shall report*
6 *to Congress whether supplementary resources are*
7 *needed to forestall or cope with an impairment of the*
8 *international monetary system and whether the Fund*
9 *has fully explored other means of funding to the*
10 *Fund.”;*

11 *(III) in paragraph (5), as so re-*
12 *designated, by striking “paragraph*
13 *(3)” and inserting “paragraph (4)”;*
14 *and*

15 *(IV) in paragraph (6), as so re-*
16 *designated, by striking “December 16,*
17 *2022” and inserting “December 31,*
18 *2025”;* *and*

19 *(ii) in subsection (e)(1) by striking*
20 *“(a)(2),” each place such term appears and*
21 *inserting “(a)(2), (a)(3),”.*

22 *(B) EMERGENCY DESIGNATION.—The*
23 *amount provided by this paragraph is des-*
24 *ignated by the Congress as being for an emer-*
25 *gency requirement pursuant to section*

1 41742 of title 49, United States Code, \$56,000,000, to be
2 derived from the general fund of the Treasury, and to be
3 made available to the Essential Air Service and Rural Im-
4 provement Fund, to remain available until expended, to
5 prevent, prepare for, and respond to coronavirus: 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 *FEDERAL AVIATION ADMINISTRATION*

11 *GRANTS-IN-AID FOR AIRPORTS*

12 *For an additional amount for “Grants-In-Aid for Air-*
13 *ports”, \$10,000,000,000, to prevent, prepare for, and re-*
14 *spond to coronavirus, to remain available until expended:*
15 *Provided, That amounts made available under this heading*
16 *in this Act shall be derived from the general fund of the*
17 *Treasury: Provided further, That funds provided under this*
18 *heading in this Act shall only be available to sponsors of*
19 *airports defined in section 47102 of title 49, United States*
20 *Code: Provided further, That funds provided under this*
21 *heading in this Act shall not otherwise be subject to the re-*
22 *quirements of chapter 471 of such title: Provided further,*
23 *That notwithstanding the previous proviso, section*
24 *47112(b) of such title shall apply to funds provided for any*
25 *contract awarded (after the date of enactment) for airport*

1 *development and funded under this heading: Provided fur-*
2 *ther, That funds provided under this heading in this Act*
3 *may not be used for any purpose not directly related to*
4 *the airport: Provided further, That of the amounts appro-*
5 *riated under this heading in this Act—*

6 (1) *Not less than \$500,000,000 shall be available*
7 *to pay a Federal share of 100 percent of the costs for*
8 *which a grant is made under Public Law 116–94:*
9 *Provided, That any remaining funds after the appor-*
10 *tionment under this paragraph (1) shall be distrib-*
11 *uted as described in paragraph (2) under this head-*
12 *ing in this Act;*

13 (2) *Not less than \$7,400,000,000 shall be avail-*
14 *able for any purpose for which airport revenues may*
15 *lawfully be used: Provided, That 50 percent of such*
16 *funds shall be allocated among all commercial service*
17 *airports based on each sponsor’s calendar year 2018*
18 *enplanements as a percentage of total 2018*
19 *enplanements for all commercial service airports: Pro-*
20 *vided further, That the remaining 50 percent of such*
21 *funds shall be allocated among all commercial service*
22 *airports based on an equal combination of each spon-*
23 *sor’s fiscal year 2018 debt service as a percentage of*
24 *the combined debt service for all commercial service*
25 *airports and each sponsor’s ratio of unrestricted re-*

1 *serves to their respective debt service: Provided fur-*
2 *ther, That the Federal share payable of the costs for*
3 *which a grant is made under this paragraph shall be*
4 *100 percent:*

5 *(3) Up to \$2,000,000,000 shall be available for*
6 *any purpose for which airport revenues may lawfully*
7 *be used, and: (A) be apportioned as set forth in sec-*
8 *tion 47114(c)(1)(C)(i), 47114(c)(1)(C)(ii), or*
9 *47114(c)(1)(H) of title 49, United States Code; (B)*
10 *not be subject to the reduced apportionments of 49*
11 *U.S.C. 47114(f); and (C) have no maximum appor-*
12 *tionment limit, notwithstanding 47114(c)(1)(C)(iii)*
13 *of title 49, United States Code: Provided, That any*
14 *remaining funds after the apportionment under this*
15 *paragraph (3) shall be distributed as described in*
16 *paragraph (2) under this heading in this Act: Pro-*
17 *vided further, That the Federal share payable of the*
18 *costs for which a grant is made under this paragraph*
19 *shall be 100 percent; and*

20 *(4) Not less than \$100,000,000 shall be for gen-*
21 *eral aviation airports for any purpose for which air-*
22 *port revenues may lawfully be used, and, which the*
23 *Secretary shall apportion directly to each eligible air-*
24 *port, as defined in section 47102(8) of title 49, United*
25 *States Code, based on the categories published in the*

1 *most current National Plan of Integrated Airport*
2 *Systems, reflecting the percentage of the aggregate*
3 *published eligible development costs for each such cat-*
4 *egory, and then dividing the allocated funds evenly*
5 *among the eligible airports in each category, round-*
6 *ing up to the nearest thousand dollars: Provided,*
7 *That the Federal share payable of the costs for which*
8 *a grant is made under this paragraph shall be 100*
9 *percent:*

10 *Provided further, That the Administrator of the Federal*
11 *Aviation Administration may retain up to 0.1 percent of*
12 *the funds provided under this heading in this Act to fund*
13 *the award and oversight by the Administrator of grants*
14 *made under this heading in this Act: Provided further, That*
15 *obligations of funds under this heading in this Act shall*
16 *not be subject to any limitations on obligations provided*
17 *in Public Law 116–94: Provided further, That all airports*
18 *receiving funds under this heading in this Act shall con-*
19 *tinue to employ, through December 31, 2020, at least 90*
20 *percent of the number of individuals employed (after mak-*
21 *ing adjustments for retirements or voluntary employee sepa-*
22 *rations) by the airport as of the date of enactment of this*
23 *Act: Provided further, That the Secretary may waive the*
24 *workforce retention requirement in the previous proviso, if*
25 *the Secretary determines the airport is experiencing eco-*

1 *conomic hardship as a direct result of the requirement, or*
 2 *the requirement reduces aviation safety or security: Pro-*
 3 *vided further, That the workforce retention requirement*
 4 *shall not apply to nonhub airports or nonprimary airports*
 5 *receiving funds under this heading in this Act: Provided*
 6 *further, That such amount is designated by the Congress*
 7 *as being 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 *FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION*
 11 *MOTOR CARRIER SAFETY OPERATIONS AND PROGRAMS*

12 *Of prior year unobligated contract authority and liq-*
 13 *uidating cash provided for Motor Carrier Safety in the*
 14 *Transportation Equity Act for the 21st Century (Public*
 15 *Law 105–178), SAFETEA–LU (Public Law 109–59), or*
 16 *other appropriations or authorization acts, in addition to*
 17 *amounts already appropriated in fiscal year 2020 for*
 18 *“Motor Carrier Safety Operations and Programs”,*
 19 *\$150,000 in additional obligation limitation is provided*
 20 *and repurposed for obligations incurred to support activi-*
 21 *ties to prevent, prepare for, and respond to coronavirus.*

22 *FEDERAL RAILROAD ADMINISTRATION*
 23 *SAFETY AND OPERATIONS*

24 *For an additional amount for “Safety and Oper-*
 25 *ations”, \$250,000, to remain available until September 30,*

1 2021, to prevent, prepare for, and respond to coronavirus:
2 Provided, That such amount is designated by the Congress
3 as being for an emergency requirement pursuant to section
4 251(b)(2)(A)(i) of the *Balanced Budget and Emergency*
5 *Deficit Control Act of 1985*.

6 NORTHEAST CORRIDOR GRANTS TO THE NATIONAL
7 RAILROAD PASSENGER CORPORATION
8 (INCLUDING TRANSFER OF FUNDS)

9 For an additional amount for “Northeast Corridor
10 Grants to the National Railroad Passenger Corporation”,
11 \$492,000,000, to remain available until expended, to pre-
12 vent, prepare for, and respond to coronavirus, including to
13 enable the Secretary of Transportation to make or amend
14 existing grants to the National Railroad Passenger Cor-
15 poration for activities associated with the Northeast Cor-
16 ridor, as authorized by section 11101(a) of the *Fixing*
17 *America’s Surface Transportation Act (division A of Public*
18 *Law 114–94)*: Provided, That amounts made available
19 under this heading in this Act may be transferred to and
20 merged with “National Network Grants to the National
21 Railroad Passenger Corporation” to prevent, prepare for,
22 and respond to coronavirus: Provided further, That such
23 amount is designated by the Congress as being for an emer-
24 gency requirement pursuant to section 251(b)(2)(A)(i) of

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

3 *NATIONAL NETWORK GRANTS TO THE NATIONAL RAILROAD*
4 *PASSENGER CORPORATION*
5 *(INCLUDING TRANSFER OF FUNDS)*

6 *For an additional amount for “National Network*
7 *Grants to the National Railroad Passenger Corporation”,*
8 *\$526,000,000, to remain available until expended, to pre-*
9 *vent, prepare for, and respond to coronavirus, including to*
10 *enable the Secretary of Transportation to make or amend*
11 *existing grants to the National Railroad Passenger Cor-*
12 *poration for activities associated with the National Network*
13 *as authorized by section 11101(b) of the Fixing America’s*
14 *Surface Transportation Act (division A of Public Law 114–*
15 *94): Provided, That a State shall not be required to pay*
16 *the National Railroad Passenger Corporation more than 80*
17 *percent of the amount paid in fiscal year 2019 under sec-*
18 *tion 209 of the Passenger Rail Investment and Improve-*
19 *ment Act of 2008 (Public Law 110–432) and that not less*
20 *than \$239,000,000 of the amounts made available under*
21 *this heading in this Act shall be made available for use in*
22 *lieu of any increase in a State’s payment: Provided further,*
23 *That amounts made available under this heading in this*
24 *Act may be transferred to and merged with “Northeast Cor-*
25 *ridor Grants to the National Railroad Passenger Corpora-*

1 tion” to prevent, prepare for, and respond to coronavirus:
 2 Provided further, That such amount is designated by the
 3 Congress as being for an emergency requirement pursuant
 4 to section 251(b)(2)(A)(i) of the Balanced Budget and
 5 Emergency Deficit Control Act of 1985.

6 *FEDERAL TRANSIT ADMINISTRATION*

7 *TRANSIT INFRASTRUCTURE GRANTS*

8 *For an additional amount for “Transit Infrastructure*
 9 *Grants”, \$25,000,000,000, to remain available until ex-*
 10 *pended, to prevent, prepare for, and respond to coronavirus:*
 11 *Provided, That the Secretary of Transportation shall pro-*
 12 *vide funds appropriated under this heading in this Act as*
 13 *if such funds were provided under section 5307 of title 49,*
 14 *United States Code, and section 5311 of title 49, United*
 15 *States Code and apportion such funds in accordance with*
 16 *section 5336 of such title (other than subsections (h)(1) and*
 17 *(h)(4)), section 5311 (other than subsection (b)(3) and*
 18 *(c)(1)(A)), section 5337 and section 5340 of title 49, United*
 19 *States Code, and apportion such funds in accordance with*
 20 *such sections except that funds apportioned under section*
 21 *5337 shall be added to funds apportioned under 5307 for*
 22 *administration under 5307: Provided further, That the Sec-*
 23 *retary shall allocate the amounts provided in the preceding*
 24 *proviso under sections 5307, 5311, 5337, and 5340 of title*
 25 *49, United States Code, among such sections in the same*

1 ratio as funds were provided in the fiscal year 2020 appro-
2 priations: Provided further, That funds apportioned under
3 this heading in this Act shall be apportioned not later than
4 7 days after the date of enactment of this Act: Provided
5 further, That funds shall be apportioned using the fiscal
6 year 2020 apportionment formulas: Provided further, That
7 not more than three-quarters of 1 percent, but not to exceed
8 \$75,000,000, of the funds for transit infrastructure grants
9 provided under this heading in this Act shall be available
10 for administrative expenses and ongoing program manage-
11 ment oversight as authorized under sections 5334 and
12 5338(f)(2) of title 49, United States Code, and shall be in
13 addition to any other appropriations for such purpose: Pro-
14 vided further, That notwithstanding subsection (a)(1) or (b)
15 of section 5307 of title 49, United States Code, funds pro-
16 vided under this heading are available for the operating ex-
17 penses of transit agencies related to the response to a
18 coronavirus public health emergency as described in section
19 319 of the Public Health Service Act, including, beginning
20 on January 20, 2020, reimbursement for operating costs to
21 maintain service and lost revenue due to the coronavirus
22 public health emergency, including the purchase of personal
23 protective equipment, and paying the administrative leave
24 of operations personnel due to reductions in service: Pro-
25 vided further, That such operating expenses are not required

1 *to be included in a transportation improvement program,*
2 *long-range transportation, statewide transportation plan,*
3 *or a statewide transportation improvement program: Pro-*
4 *vided further, That the Secretary shall not waive the re-*
5 *quirements of section 5333 of title 49, United States Code,*
6 *for funds appropriated under this heading in this Act or*
7 *for funds previously made available under section 5307 of*
8 *title 49, United States Code, or sections 5311, 5337, or 5340*
9 *of such title as a result of the coronavirus: Provided further,*
10 *That unless otherwise specified, applicable requirements*
11 *under chapter 53 of title 49, United States Code, shall*
12 *apply to funding made available under this heading in this*
13 *Act, except that the Federal share of the costs for which any*
14 *grant is made under this heading in this Act shall be, at*
15 *the option of the recipient, up to 100 percent: Provided fur-*
16 *ther, That the amount made available under this heading*
17 *in this Act shall be derived from the general fund and shall*
18 *not be subject to any limitation on obligations for transit*
19 *programs set forth in any Act: Provided further, That such*
20 *amount is designated by the Congress as being for an emer-*
21 *gency requirement pursuant to section 251(b)(2)(A)(i) of*
22 *the Balanced Budget and Emergency Deficit Control Act*
23 *of 1985.*

1 *MARITIME ADMINISTRATION*2 *OPERATIONS AND TRAINING*

3 *For an additional amount for “Operations and Train-*
4 *ing”, \$3,134,000, to remain available until September 30,*
5 *2021, to prevent, prepare for, and respond to coronavirus:*
6 *Provided, That of the amounts made available under this*
7 *heading in this Act, \$1,000,000 shall be for the operations*
8 *of the United States Merchant Marine Academy: Provided*
9 *further, That such amount is designated by the Congress*
10 *as being for an emergency requirement pursuant to section*
11 *251(b)(2)(A)(i) of the Balanced Budget and Emergency*
12 *Deficit Control Act of 1985.*

13 *STATE MARITIME ACADEMY OPERATIONS*

14 *For an additional amount for “State Maritime Acad-*
15 *emy Operations”, \$1,000,000, to remain available until*
16 *September 30, 2021, to prevent, prepare for, and respond*
17 *to coronavirus: Provided, That amounts made available*
18 *under this heading in this Act shall be for direct payments*
19 *for State Maritime Academies: Provided further, That such*
20 *amount is designated by the Congress as being for an emer-*
21 *gency requirement pursuant to section 251(b)(2)(A)(i) of*
22 *the Balanced Budget and Emergency Deficit Control Act*
23 *of 1985.*

1 *OFFICE OF INSPECTOR GENERAL*2 *SALARIES AND EXPENSES*

3 *For an additional amount for “Office of Inspector*
4 *General”, \$5,000,000, to remain available until expended,*
5 *to prevent, prepare for, and respond to coronavirus: Pro-*
6 *vided, That the funding made available under this heading*
7 *in this Act shall be used for conducting audits and inves-*
8 *tigations of projects and activities carried out with funds*
9 *made available in this Act to the Department of Transpor-*
10 *tation to prevent, prepare for, and respond to coronavirus:*
11 *Provided further, That such amount is designated by the*
12 *Congress as being for an emergency requirement pursuant*
13 *to section 251(b)(2)(A)(i) of the Balanced Budget and*
14 *Emergency Deficit Control Act of 1985.*

15 *DEPARTMENT OF HOUSING AND URBAN*16 *DEVELOPMENT*17 *MANAGEMENT AND ADMINISTRATION*18 *ADMINISTRATIVE SUPPORT OFFICES*

19 *For an additional amount for “Administrative Sup-*
20 *port Offices”, \$35,000,000, to remain available until Sep-*
21 *tember 30, 2021, to prevent, prepare for, and respond to*
22 *coronavirus, for the Office of the Chief Financial Officer,*
23 *including for Department-wide salaries and expenses, In-*
24 *formation Technology purposes, and to support the Depart-*
25 *ment’s workforce in a telework environment: Provided, That*

1 *the amounts provided under this heading in this Act shall*
2 *be in addition to amounts otherwise available for such pur-*
3 *poses, including amounts made available under the heading*
4 *“Program Offices” in this Act: Provided further, That such*
5 *amount is designated by the Congress as being for an emer-*
6 *gency requirement pursuant to section 251(b)(2)(A)(i) of*
7 *the Balanced Budget and Emergency Deficit Control Act*
8 *of 1985.*

9 *PROGRAM OFFICES*

10 *For an additional amount for “Program Offices”,*
11 *\$15,000,000, to remain available until September 30, 2021,*
12 *to prevent, prepare for, and respond to coronavirus: Pro-*
13 *vided, That of the sums appropriated under this heading*
14 *in this Act—*

15 *(1) \$5,000,000 shall be available for the Office of*
16 *Public and Indian Housing; and*

17 *(2) \$10,000,000 shall be available for the Office*
18 *of Community Planning and Development:*

19 *Provided further, That such amount is designated by the*
20 *Congress as being for an emergency requirement pursuant*
21 *to section 251(b)(2)(A)(i) of the Balanced Budget and*
22 *Emergency Deficit Control Act of 1985.*

*PUBLIC AND INDIAN HOUSING**TENANT-BASED RENTAL ASSISTANCE*

1 *For an additional amount for “Tenant-Based Rental*
2 *Assistance”, \$1,250,000,000, to remain available until ex-*
3 *ended, to prevent, prepare for, and respond to coronavirus,*
4 *including to provide additional funds for public housing*
5 *agencies to maintain normal operations and take other nec-*
6 *essary actions during the period that the program is im-*
7 *pacted by coronavirus: Provided, That of the amounts made*
8 *available under this heading in this Act, \$850,000,000 shall*
9 *be available for both administrative expenses and other ex-*
10 *penses of public housing agencies for their section 8 pro-*
11 *grams, including Mainstream vouchers: Provided further,*
12 *That such other expenses shall be new eligible activities to*
13 *be defined by the Secretary and shall include activities to*
14 *support or maintain the health and safety of assisted indi-*
15 *viduals and families, and costs related to retention and sup-*
16 *port of participating owners: Provided further, That*
17 *amounts made available under paragraph (3) under this*
18 *heading in Public Law 116–94 may be used for such other*
19 *expenses, as described in the previous proviso, in addition*
20 *to their other available uses: Provided further, That of the*
21 *amounts made available under this heading in this Act,*
22 *\$400,000,000 shall be available for adjustments in the cal-*
23 *endar year 2020 section 8 renewal funding allocations, in*
24
25

1 addition to any other appropriations available for such
2 purpose, including Mainstream vouchers, for public housing
3 agencies that experience a significant increase in voucher
4 per-unit costs due to extraordinary circumstances or that,
5 despite taking reasonable cost savings measures, as deter-
6 mined by the Secretary, would otherwise be required to ter-
7 minate rental assistance for families as a result of insuffi-
8 cient funding: Provided further, That the Secretary shall
9 allocate amounts provided in the previous proviso based on
10 need, as determined by the Secretary: Provided further,
11 That the Secretary may waive, or specify alternative re-
12 quirements for, any provision of any statute or regulation
13 that the Secretary administers in connection with the use
14 of the amounts made available under this heading and the
15 same heading of Public Law 116–94 (except for require-
16 ments related to fair housing, nondiscrimination, labor
17 standards, and the environment), upon a finding by the
18 Secretary that any such waivers or alternative requirements
19 are necessary for the safe and effective administration of
20 these funds, consistent with the purposes described under
21 this heading in this Act, to prevent, prepare for, and re-
22 spond to coronavirus: Provided further, That the Secretary
23 shall notify the public through the Federal Register or other
24 appropriate means of any such waiver or alternative re-
25 quirement to ensure the most expeditious allocation of this

1 *funding, and in order for such waiver or alternative re-*
2 *quirement to take effect, and that such public notice may*
3 *be provided, at a minimum, on the Internet at the appro-*
4 *priate Government web site or through other electronic*
5 *media, as determined by the Secretary: Provided further,*
6 *That any such waivers or alternative requirements shall re-*
7 *main in effect for the time and duration specified by the*
8 *Secretary in such public notice and may be extended if nec-*
9 *essary upon additional notice by the Secretary: Provided*
10 *further, That to prevent, prepare for, and respond to*
11 *coronavirus, the notification required by section 223 of Pub-*
12 *lic Law 116–6 and section 221 of Public Law 116–94 shall*
13 *not apply to the award of amounts provided under para-*
14 *graph (2) of this heading in Public Law 116–6 or under*
15 *paragraph (7)(B) of this heading in Public Law 116–94*
16 *in support of the family unification program under section*
17 *8(x) of such Act: Provided further, That the Secretary may*
18 *award any remaining unobligated balances appropriated*
19 *under this heading in prior Acts for incremental tenant-*
20 *based assistance contracts under section 811 of the Cran-*
21 *ston-Gonzalez National Affordable Housing Act (42 U.S.C.*
22 *8013), to prevent, prepare for, and respond to coronavirus,*
23 *without competition, including for extraordinary adminis-*
24 *trative fees: Provided further, That no less than 25 percent*
25 *of such amounts shall be allocated proportionally to public*

1 *housing agencies who received awards in the 2017 and 2019*
2 *competitions for such purposes within 60 days of enactment*
3 *of this Act: Provided further, That the waiver and alter-*
4 *native requirements authority provided under this heading*
5 *in this Act shall also apply to such incremental tenant-*
6 *based assistance contract amounts: Provided further, That*
7 *such amount is designated by the Congress as being for an*
8 *emergency requirement pursuant to section 251(b)(2)(A)(i)*
9 *of the Balanced Budget and Emergency Deficit Control Act*
10 *of 1985.*

11 *PUBLIC HOUSING OPERATING FUND*

12 *For an additional amount for “Public Housing Oper-*
13 *ating Fund”, as authorized by section 9(e) of the United*
14 *States Housing Act of 1937 (42 U.S.C. 1437g(e)),*
15 *\$685,000,000, to remain available until September 30,*
16 *2021, to prevent, prepare for, and respond to coronavirus,*
17 *including to provide additional funds for public housing*
18 *agencies to maintain normal operations and take other nec-*
19 *essary actions during the period that the program is im-*
20 *pacted by coronavirus: Provided, That the amount provided*
21 *under this heading in this Act shall be combined with the*
22 *amount appropriated for the same purpose under the same*
23 *heading of Public Law 116–94, and distributed to all public*
24 *housing agencies pursuant to the Operating Fund formula*
25 *at part 990 of title 24, Code of Federal Regulations: Pro-*

1 vided further, That for the period from the enactment of
2 this Act through December 31, 2020, such combined total
3 amount may be used for eligible activities under subsections
4 (d)(1) and (e)(1) of such section 9 and for other expenses
5 related to preventing, preparing for, and responding to
6 coronavirus, including activities to support or maintain the
7 health and safety of assisted individuals and families, and
8 activities to support education and child care for impacted
9 families: Provided further, That amounts made available
10 under the headings “Public Housing Operating Fund” and
11 “Public Housing Capital Fund” in prior Acts, except for
12 any set-asides listed under such headings, may be used for
13 all of the purposes described in the previous proviso: Pro-
14 vided further, That the expanded uses and funding flexibili-
15 ties described in the previous two provisos shall be available
16 to all public housing agencies through December 31, 2020,
17 except that the Secretary may extend the period under
18 which such flexibilities shall be available in additional 12
19 month increments upon a finding that individuals and
20 families assisted by the public housing program continue
21 to require expanded services due to coronavirus: Provided
22 further, That the Secretary may waive, or specify alter-
23 native requirements for, any provision of any statute or
24 regulation that the Secretary administers in connection
25 with the use of such combined total amount or funds made

1 available under the headings “Public Housing Operating
2 Fund” and “Public Housing Capital Fund” in prior Acts
3 (except for requirements related to fair housing, non-
4 discrimination, labor standards, and the environment),
5 upon a finding by the Secretary that any such waivers or
6 alternative requirements are necessary for the safe and effec-
7 tive administration of these funds to prevent, prepare for,
8 and respond to coronavirus: Provided further, That the Sec-
9 retary shall notify the public through the Federal Register
10 or other appropriate means of any such waiver or alter-
11 native requirement, to ensure the most expeditious alloca-
12 tion of this funding, in order for such waiver or alternative
13 requirement to take effect, and that such public notice may
14 be provided, at a minimum, on the Internet at the appro-
15 priate Government web site or through other electronic
16 media, as determined by the Secretary: Provided further,
17 That any such waivers or alternative requirements shall re-
18 main in effect for the time and duration specified by the
19 Secretary in such public notice and may be extended if nec-
20 essary upon additional notice by the Secretary: Provided
21 further, That such amount is designated by the Congress
22 as being for an emergency requirement pursuant to section
23 251(b)(2)(A)(i) of the Balanced Budget and Emergency
24 Deficit Control Act of 1985.

1 *vent, prepare for, and respond to coronavirus that are*
2 *incurred by a recipient, including for costs incurred*
3 *prior to the date of enactment of this Act: Provided*
4 *further, That the Secretary may waive, or specify al-*
5 *ternative requirements for, any provision of any stat-*
6 *ute or regulation that the Secretary administers in*
7 *connection with the use of amounts made available*
8 *under this paragraph or under the same paragraph*
9 *in Public Law 116–94 (except for requirements re-*
10 *lated to fair housing, nondiscrimination, labor stand-*
11 *ards, and the environment), upon a finding by the*
12 *Secretary that any such waivers or alternative re-*
13 *quirements are necessary to expedite or facilitate the*
14 *use of such amounts to prevent, prepare for, and re-*
15 *spond to coronavirus: Provided further, That any*
16 *such waivers shall be deemed to be effective as of the*
17 *date an Indian tribe or tribally designated housing*
18 *entity began preparing for coronavirus and shall*
19 *apply to the amounts made available under this*
20 *paragraph and to the previously appropriated*
21 *amounts described in the previous proviso; and*

22 *(2) Up to \$100,000,000 shall be available for*
23 *grants to Indian tribes under the Indian Community*
24 *Development Block Grant program under title I of the*
25 *Housing and Community Development Act of 1974,*

1 *notwithstanding section 106(a)(1) of such Act, to pre-*
2 *vent, prepare for, and respond to coronavirus, for*
3 *emergencies that constitute imminent threats to health*
4 *and safety: Provided, That the Secretary shall*
5 *prioritize, without competition, allocations of these*
6 *amounts for activities and projects designed to pre-*
7 *vent, prepare for, and respond to coronavirus: Pro-*
8 *vided further, That not to exceed 20 percent of any*
9 *grant made with funds appropriated under this para-*
10 *graph shall be expended for planning and manage-*
11 *ment development and administration: Provided fur-*
12 *ther, That amounts provided under this heading in*
13 *this Act may be used to cover or reimburse allowable*
14 *costs to prevent, prepare for, and respond to*
15 *coronavirus incurred by a recipient, including for*
16 *costs incurred prior to the date of enactment of this*
17 *Act: Provided further, That, notwithstanding section*
18 *105(a)(8) of such Act (42 U.S.C. 5305(a)(8)), there*
19 *shall be no per centum limitation for the use of funds*
20 *for public services activities to prevent, prepare for,*
21 *and respond to coronavirus: Provided further, That*
22 *the previous proviso shall apply to all such activities*
23 *for grants of funds made available under this para-*
24 *graph or under paragraph (4) of this heading in Pub-*
25 *lic Law 116–94: Provided further, That the Secretary*

1 *may waive, or specify alternative requirements for,*
2 *any provision of any statute or regulation that the*
3 *Secretary administers in connection with the use of*
4 *amounts made available under this paragraph or*
5 *under paragraph (4) in Public Law 116–94 (except*
6 *for requirements related to fair housing, non-*
7 *discrimination, labor standards, and the environ-*
8 *ment), upon a finding by the Secretary that any such*
9 *waivers or alternative requirements are necessary to*
10 *expedite or facilitate the use of such amounts to pre-*
11 *vent, prepare for, and respond to coronavirus: Pro-*
12 *vided further, That any such waivers shall be deemed*
13 *to be effective as of the date an Indian tribe began*
14 *preparing for coronavirus and shall apply to the*
15 *amounts made available under this paragraph and to*
16 *the previously appropriated amounts described in the*
17 *previous proviso:*

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 *COMMUNITY PLANNING AND DEVELOPMENT*

23 *HOUSING OPPORTUNITIES FOR PERSONS WITH AIDS*

24 *For an additional amount for carrying out the “Hous-*
25 *ing Opportunities for Persons with AIDS” program, as au-*

1 *thorized by the AIDS Housing Opportunity Act (42 U.S.C.*
2 *12901 et seq.), \$65,000,000, to remain available until Sep-*
3 *tember 30, 2021, except that amounts allocated pursuant*
4 *to section 854(c)(5) of such Act shall remain available until*
5 *September 30, 2022, to provide additional funds to main-*
6 *tain operations and for rental assistance, supportive serv-*
7 *ices, and other necessary actions, in order to prevent, pre-*
8 *pare for, and respond to coronavirus: Provided, That not*
9 *less than \$50,000,000 of the amount provided under this*
10 *heading in this Act shall be allocated pursuant to the for-*
11 *mula in section 854 of such Act using the same data ele-*
12 *ments as utilized pursuant to that same formula in fiscal*
13 *year 2020: Provided further, That up to \$10,000,000 of the*
14 *amount provided under this heading in this Act shall be*
15 *to provide an additional one-time, non-renewable award to*
16 *grantees currently administering existing contracts for per-*
17 *manent supportive housing that initially were funded*
18 *under section 854(c)(5) of such Act from funds made avail-*
19 *able under this heading in fiscal year 2010 and prior years:*
20 *Provided further, That such awards shall be made propor-*
21 *tionally to their existing grants: Provided further, That*
22 *such awards are not required to be spent on permanent sup-*
23 *portive housing: Provided further, That, notwithstanding*
24 *section 859(b)(3)(B) of such Act, housing payment assist-*
25 *ance for rent, mortgage, or utilities payments may be pro-*

1 *vided for a period of up to 24 months: Provided further,*
2 *That, to protect persons who are living with HIV/AIDS,*
3 *such amounts provided under this heading in this Act may*
4 *be used to self-isolate, quarantine, or to provide other*
5 *coronavirus infection control services as recommended by*
6 *the Centers for Disease Control and Prevention for house-*
7 *hold members not living with HIV/AIDS: Provided further,*
8 *That such amounts may be used to provide relocation serv-*
9 *ices, including to provide lodging at hotels, motels, or other*
10 *locations, for persons living with HIV/AIDS and household*
11 *members not living with HIV/AIDS: Provided further,*
12 *That, notwithstanding section 856(g) of such Act (42 U.S.C.*
13 *12905(g)), a grantee may use up to 6 percent of its award*
14 *under this Act for administrative purposes, and a project*
15 *sponsor may use up to 10 percent of its sub-award under*
16 *this Act for administrative purposes: Provided further, That*
17 *such amounts provided under this heading in this Act may*
18 *be used to cover or reimburse allowable costs consistent with*
19 *the purposes of this heading incurred by a grantee or project*
20 *sponsor regardless of the date on which such costs were in-*
21 *curred: Provided further, That any regulatory waivers the*
22 *Secretary may issue may be deemed to be effective as of*
23 *the date a grantee began preparing for coronavirus: Pro-*
24 *vided further, That any additional activities or authorities*
25 *authorized pursuant to this Act may also apply at the dis-*

1 *cretion and upon notice of the Secretary to all amounts*
2 *made available under this same heading in Public Law*
3 *116–94 if such amounts are used by grantees for the pur-*
4 *poses described under this heading: Provided further, That*
5 *up to 2 percent of amounts made available under this head-*
6 *ing in this Act may be used, without competition, to in-*
7 *crease prior awards made to existing technical assistance*
8 *providers to provide an immediate increase in capacity*
9 *building and technical assistance available to grantees*
10 *under this heading and under the same heading in prior*
11 *Acts: Provided further, That such amount is designated by*
12 *the Congress as being for an emergency requirement pursu-*
13 *ant to section 251(b)(2)(A)(i) of the Balanced Budget and*
14 *Emergency Deficit Control Act of 1985.*

15 *COMMUNITY DEVELOPMENT FUND*

16 *For an additional amount for “Community Develop-*
17 *ment Fund”, \$5,000,000,000, to remain available until*
18 *September 30, 2022, to prevent, prepare for, and respond*
19 *to coronavirus: Provided, That up to \$2,000,000,000 of the*
20 *amount made available under this heading in this Act shall*
21 *be distributed pursuant to section 106 of the Housing and*
22 *Community Development Act of 1974 (42 U.S.C. 5306) to*
23 *grantees that received allocations pursuant to that same for-*
24 *mula in fiscal year 2020, and that such allocations shall*
25 *be made within 30 days of enactment of this Act: Provided*

1 *further, That, in addition to amounts allocated pursuant*
2 *to the preceding proviso, an additional \$1,000,000,000 shall*
3 *be allocated directly to States and insular areas, as defined*
4 *by 42 U.S.C. 5302(a), to prevent, prepare for, and respond*
5 *to coronavirus within the State or insular area, including*
6 *activities within entitlement and nonentitlement commu-*
7 *nities, based on public health needs, risk of transmission*
8 *of coronavirus, number of coronavirus cases compared to*
9 *the national average, and economic and housing market*
10 *disruptions, and other factors, as determined by the Sec-*
11 *retary, using best available data and that such allocations*
12 *shall be made within 45 days of enactment of this Act: Pro-*
13 *vided further, That remaining amounts shall be distributed*
14 *directly to the State or unit of general local government,*
15 *at the discretion of the Secretary, according to a formula*
16 *based on factors to be determined by the Secretary,*
17 *prioritizing risk of transmission of coronavirus, number of*
18 *coronavirus cases compared to the national average, and*
19 *economic and housing market disruptions resulting from*
20 *coronavirus: Provided further, That such allocations may*
21 *be made on a rolling basis based on the best available data*
22 *at the time of allocation: Provided further, That amounts*
23 *made available in the preceding provisos may be used to*
24 *cover or reimburse allowable costs consistent with the pur-*
25 *poses of this heading in this Act incurred by a State or*

1 *locality regardless of the date on which such costs were in-*
2 *curred: Provided further, That section 116(b) of such Act*
3 *(42 U.S.C. 5316(b)) and any implementing regulations,*
4 *which requires grantees to submit their final statements of*
5 *activities no later than August 16 of a given fiscal year,*
6 *shall not apply to final statements submitted in accordance*
7 *with sections 104(a)(2) and (a)(3) of such Act (42 U.S.C.*
8 *5304(a)(2) and (a)(3)) and comprehensive housing afford-*
9 *ability strategies submitted in accordance with section 105*
10 *of the Cranston-Gonzalez National Affordable Housing Act*
11 *(42 U.S.C. 12705) for fiscal years 2019 and 2020: Provided*
12 *further, That such final statements and comprehensive*
13 *housing affordability strategies shall instead be submitted*
14 *no later than August 16, 2021: Provided further, That the*
15 *Secretary may waive, or specify alternative requirements*
16 *for, any provision of any statute or regulation that the Sec-*
17 *retary administers in connection with the use of amounts*
18 *made available under this heading in this Act and under*
19 *the same heading in Public Law 116–94 and Public Law*
20 *116–6 (except for requirements related to fair housing, non-*
21 *discrimination, labor standards, and the environment),*
22 *upon a finding by the Secretary that any such waivers or*
23 *alternative requirements are necessary to expedite or facili-*
24 *tate the use of such amounts to prevent, prepare for, and*
25 *respond to coronavirus: Provided further, That up to*

1 \$10,000,000 of amounts made available under this heading
2 in this Act may be used to make new awards or increase
3 prior awards to existing technical assistance providers,
4 without competition, to provide an immediate increase in
5 capacity building and technical assistance to support the
6 use of amounts made available under this heading in this
7 Act and under the same heading in prior Acts to prevent,
8 prepare for, and respond to coronavirus: Provided further,
9 That, notwithstanding sections 104(a)(2), (a)(3), and (c) of
10 the Housing and Community Development Act of 1974 (42
11 U.S.C. 5304(a)(2), (a)(3), and (c)) and section 105 of the
12 Cranston-Gonzalez National Affordable Housing Act (42
13 U.S.C. 12705), a grantee may adopt and utilize expedited
14 procedures to prepare, propose, modify, or amend its state-
15 ment of activities for grants from amounts made available
16 under this heading in this Act and under the same heading
17 in Public Law 116–94 and Public Law 116–6: Provided
18 further, That under such expedited procedures, the grantee
19 need not hold in-person public hearings, but shall provide
20 citizens with notice and a reasonable opportunity to com-
21 ment of no less than 5 days: Provided further, That, for
22 as long as national or local health authorities recommend
23 social distancing and limiting public gatherings for public
24 health reasons, a grantee may create virtual public hearings
25 to fulfill applicable public hearing requirements for all

1 *grants from funds made available under this heading in*
2 *this Act and under the same heading in Public Law 116–*
3 *94 and Public Law 116–6: Provided further, That any such*
4 *virtual hearings shall provide reasonable notification and*
5 *access for citizens in accordance with the grantee’s certifi-*
6 *cations, timely responses from local officials to all citizen*
7 *questions and issues, and public access to all questions and*
8 *responses: Provided further, That, notwithstanding section*
9 *105(a)(8) of the Housing and Community Development Act*
10 *of 1974 (42 U.S.C. 5305(a)(8)), there shall be no per centum*
11 *limitation for the use of funds for public services activities*
12 *to prevent, prepare for, and respond to coronavirus: Pro-*
13 *vided further, That the previous proviso shall apply to all*
14 *such activities for grants of funds made available under this*
15 *heading in this Act and under the same heading in Public*
16 *Law 116–94 and Public Law 116–6: Provided further, That*
17 *the Secretary shall ensure there are adequate procedures in*
18 *place to prevent any duplication of benefits as required by*
19 *section 312 of the Robert T. Stafford Disaster Relief and*
20 *Emergency Assistance Act (42 U.S.C. 5155) and in accord-*
21 *ance with section 1210 of the Disaster Recovery Reform Act*
22 *of 2018 (division D of Public Law 115–254; 132 Stat.*
23 *3442), which amended section 312 of the Robert T. Stafford*
24 *Disaster Relief and Emergency Assistance Act (42 U.S.C.*
25 *5155): Provided further, That such amount is designated*

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

4 *HOMELESS ASSISTANCE GRANTS*

5 *For an additional amount for “Homeless Assistance*
6 *Grants”, \$4,000,000,000, to remain available until Sep-*
7 *tember 30, 2022, to prevent, prepare for, and respond to*
8 *coronavirus, among individuals and families who are home-*
9 *less or receiving homeless assistance and to support addi-*
10 *tional homeless assistance and homelessness prevention ac-*
11 *tivities to mitigate the impacts created by coronavirus*
12 *under the Emergency Solutions Grants program as author-*
13 *ized under subtitle B of title IV of the McKinney-Vento*
14 *Homeless Assistance Act (42 U.S.C. 11371 et seq.), as*
15 *amended: Provided, That up to \$2,000,000,000 of the*
16 *amount appropriated under this heading in this Act shall*
17 *be distributed pursuant to 24 CFR 576.3 to grantees that*
18 *received allocations pursuant to that same formula in fiscal*
19 *year 2020, and that such allocations shall be made within*
20 *30 days of enactment of this Act: Provided further, That,*
21 *remaining amounts shall be allocated directly to a State*
22 *or unit of general local government by a formula to be devel-*
23 *oped by the Secretary and that such allocations shall be*
24 *made within 90 days of enactment of this Act: Provided*
25 *further, That such formula shall allocate such amounts for*

1 *the benefit of unsheltered homeless, sheltered homeless, and*
2 *those at risk of homelessness, to geographical areas with the*
3 *greatest need based on factors to be determined by the Sec-*
4 *retary, such as risk of transmission of coronavirus, high*
5 *numbers or rates of sheltered and unsheltered homeless, and*
6 *economic and housing market conditions as determined by*
7 *the Secretary: Provided further, That individuals and fami-*
8 *lies whose income does not exceed the Very Low-Income*
9 *Limit of the area, as determined by the Secretary, shall be*
10 *considered “at risk of homelessness” and shall be eligible*
11 *for homelessness prevention if they meet the criteria in sec-*
12 *tion 401(1)(B) and (C) of such Act (42 U.S.C. 11360(1)(B)*
13 *and (C)): Provided further, That amounts provided under*
14 *this heading in this Act may be used to cover or reimburse*
15 *allowable costs to prevent, prepare for, and respond to*
16 *coronavirus that are incurred by a State or locality, includ-*
17 *ing for costs incurred prior to the date of enactment of this*
18 *Act: Provided further, That recipients may deviate from ap-*
19 *plicable procurement standards when procuring goods and*
20 *services to prevent, prepare for, and respond to coronavirus:*
21 *Provided further, That a recipient may use up to 10 percent*
22 *of its allocation for administrative purposes: Provided fur-*
23 *ther, That the use of amounts provided under this heading*
24 *in this Act shall not be subject to the consultation, citizen*
25 *participation, or match requirements that otherwise apply*

1 *to the Emergency Solutions Grants program, except that*
2 *a recipient must publish how it has and will utilize its allo-*
3 *cation, at a minimum, on the Internet at the appropriate*
4 *Government web site or through other electronic media: Pro-*
5 *vided further, That the spending cap established pursuant*
6 *to section 415(b) of such Act (42 U.S.C. 11374) shall not*
7 *apply to amounts provided under this heading in this Act:*
8 *Provided further, That amounts provided under this head-*
9 *ing in this Act may be used to provide temporary emer-*
10 *gency shelters (through leasing of existing property, tem-*
11 *porary structures, or other means) to prevent, prepare for,*
12 *and respond to coronavirus, and that such temporary emer-*
13 *gency shelters shall not be subject to the minimum periods*
14 *of use required by section 416(c)(1) of such Act (42 U.S.C.*
15 *11375(c)(1)): Provided further, That Federal habitability*
16 *and environmental review standards and requirements*
17 *shall not apply to the use of such amounts for those tem-*
18 *porary emergency shelters that have been determined by*
19 *State or local health officials to be necessary to prevent, pre-*
20 *pare for, and respond to coronavirus: Provided further,*
21 *That amounts provided under this heading in this Act may*
22 *be used for training on infectious disease prevention and*
23 *mitigation and to provide hazard pay, including for time*
24 *worked prior to the date of enactment of this Act, for staff*
25 *working directly to prevent, prepare for, and respond to*

1 *coronavirus among persons who are homeless or at risk of*
2 *homelessness, and that such activities shall not be consid-*
3 *ered administrative costs for purposes of the 10 percent cap:*
4 *Provided further, That in administering the amounts made*
5 *available under this heading in this Act, the Secretary may*
6 *waive, or specify alternative requirements for, any provi-*
7 *sion of any statute or regulation that the Secretary admin-*
8 *isters in connection with the obligation by the Secretary*
9 *or the use by the recipient of these amounts (except for re-*
10 *quirements related to fair housing, nondiscrimination,*
11 *labor standards, and the environment unless otherwise pro-*
12 *vided under this paragraph), if the Secretary finds that*
13 *good cause exists for the waiver or alternative requirement*
14 *and such waiver or alternative requirement is necessary to*
15 *prevent, prepare for, and respond to coronavirus: Provided*
16 *further, That any such waivers shall be deemed to be effec-*
17 *tive as of the date a State or unit of local government began*
18 *preparing for coronavirus and shall apply to the use of*
19 *amounts provided under this heading in this Act and*
20 *amounts provided under the same heading for the Emer-*
21 *gency Solutions Grant program in prior Acts used by re-*
22 *cipients to prevent, prepare for, and respond to coronavirus:*
23 *Provided further, That the Secretary shall notify the public*
24 *through the Federal Register or other appropriate means*
25 *of any such waiver or alternative requirement, and that*

1 *such public notice may be provided, at a minimum, on the*
2 *Internet at the appropriate Government web site or through*
3 *other electronic media, as determined by the Secretary: Pro-*
4 *vided further, That any additional activities or authorities*
5 *authorized pursuant to this Act, including any waivers and*
6 *alternative requirements established by the Secretary pursu-*
7 *ant to this Act, may also apply at the discretion and upon*
8 *notice of the Secretary with respect to all amounts made*
9 *available for the Emergency Solutions Grants program*
10 *under the heading “Homeless Assistance Grants” in any*
11 *prior Act and used by recipients to prevent, prepare for,*
12 *and respond to coronavirus: Provided further, That up to*
13 *1 percent of amounts made available under this heading*
14 *in this Act may be used to make new awards or increase*
15 *prior awards made to existing technical assistance pro-*
16 *viders with experience in providing health care services to*
17 *homeless populations, without competition, to provide an*
18 *immediate increase in capacity building and technical as-*
19 *sistance available to recipients of amounts for the Emer-*
20 *gency Solutions Grants program under this heading in this*
21 *Act and under the same heading in prior Acts: Provided*
22 *further, That none of the funds provided under this heading*
23 *in this Act may be used to require people experiencing*
24 *homelessness to receive treatment or perform any other pre-*
25 *requisite activities as a condition for receiving shelter, hous-*

1 *ing, or other services: Provided further, That such amount*
2 *is designated by the Congress as being for an emergency*
3 *requirement pursuant to section 251(b)(2)(A)(i) of the Bal-*
4 *anced Budget and Emergency Deficit Control Act of 1985.*

5 *HOUSING PROGRAMS*

6 *PROJECT-BASED RENTAL ASSISTANCE*

7 *For an additional amount for “Project-Based Rental*
8 *Assistance”, \$1,000,000,000, to remain available until ex-*
9 *pendent, to prevent, prepare for, and respond to coronavirus,*
10 *including to provide additional funds to maintain normal*
11 *operations and take other necessary actions during the pe-*
12 *riod that the program is impacted by coronavirus, for as-*
13 *sistance to owners or sponsors of properties receiving*
14 *project-based assistance pursuant to section 8 of the United*
15 *States Housing Act of 1937 (42 U.S.C. 1437f et seq.): Pro-*
16 *vided, That the Secretary may waive, or specify alternative*
17 *requirements for, any provision of any statute or regulation*
18 *that the Secretary administers in connection with the use*
19 *of amounts made available under this heading in this Act*
20 *(except for requirements related to fair housing, non-*
21 *discrimination, labor standards, and the environment),*
22 *upon a finding by the Secretary that any such waivers or*
23 *alternative requirements are necessary to expedite or facili-*
24 *tate the use of such amounts to prevent, prepare for, and*
25 *respond to coronavirus, and such waiver or alternative re-*

1 *quirement is consistent with the purposes described under*
2 *this heading in this Act: Provided further, That the Sec-*
3 *retary shall notify the public through the Federal Register*
4 *or other appropriate means of any such waiver or alter-*
5 *native requirement in order for such waiver or alternative*
6 *requirement to take effect, and that such public notice may*
7 *be provided, at a minimum, on the Internet at the appro-*
8 *priate Government web site or through other electronic*
9 *media, as determined by the Secretary: Provided further,*
10 *That such amount is designated by the Congress as being*
11 *for an emergency requirement pursuant to section*
12 *251(b)(2)(A)(i) of the Balanced Budget and Emergency*
13 *Deficit Control Act of 1985.*

14 *HOUSING FOR THE ELDERLY*

15 *For an additional amount for “Housing for the Elder-*
16 *ly”, \$50,000,000, to remain available until September 30,*
17 *2023, to prevent, prepare for, and respond to coronavirus,*
18 *including to provide additional funds to maintain normal*
19 *operations and take other necessary actions during the pe-*
20 *riod that the program is impacted by coronavirus, for as-*
21 *sistance to owners or sponsors of properties receiving*
22 *project-based assistance pursuant to section 202 of the*
23 *Housing Act of 1959 (12 U.S.C. 1701q), as amended: Pro-*
24 *vided, That of the amount provided under this heading in*
25 *this Act, up to \$10,000,000 shall be for service coordinators*

1 *and the continuation of existing congregate service grants*
2 *for residents of assisted housing projects: Provided further,*
3 *That the Secretary may waive, or specify alternative re-*
4 *quirements for, any provision of any statute or regulation*
5 *that the Secretary administers in connection with the use*
6 *of amounts made available under this heading in this Act*
7 *(except for requirements related to fair housing, non-*
8 *discrimination, labor standards, and the environment),*
9 *upon a finding by the Secretary that any such waivers or*
10 *alternative requirements are necessary to expedite or facili-*
11 *tate the use of such amounts to prevent, prepare for, and*
12 *respond to coronavirus, and such waiver or alternative re-*
13 *quirement is consistent with the purposes described under*
14 *this heading in this Act: Provided further, That the Sec-*
15 *retary shall notify the public through the Federal Register*
16 *or other appropriate means of any such waiver or alter-*
17 *native requirement in order for such waiver or alternative*
18 *requirement to take effect, and that such public notice may*
19 *be provided, at a minimum, on the Internet at the appro-*
20 *priate Government web site or through other electronic*
21 *media, as determined by the Secretary: Provided further,*
22 *That such amount is designated by the Congress as being*
23 *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 *HOUSING FOR PERSONS WITH DISABILITIES*

2 *For an additional amount for “Housing for Persons*
3 *with Disabilities”, \$15,000,000, to remain available until*
4 *September 30, 2023, to prevent, prepare for, and respond*
5 *to coronavirus, including to provide additional funds to*
6 *maintain normal operations and take other necessary ac-*
7 *tions during the period that the program is impacted by*
8 *coronavirus, for assistance to owners or sponsors of prop-*
9 *erties receiving project-based assistance pursuant to section*
10 *811 of the Cranston-Gonzalez National Affordable Housing*
11 *Act (42 U.S.C. 8013), as amended: Provided, That the Sec-*
12 *retary may waive, or specify alternative requirements for,*
13 *any provision of any statute or regulation that the Sec-*
14 *retary administers in connection with the use of amounts*
15 *made available under this heading in this Act (except for*
16 *requirements related to fair housing, nondiscrimination,*
17 *labor standards, and the environment), upon a finding by*
18 *the Secretary that any such waivers or alternative require-*
19 *ments are necessary to expedite or facilitate the use of such*
20 *amounts to prevent, prepare for, and respond to*
21 *coronavirus, and such waiver or alternative requirement is*
22 *consistent with the purposes described under this heading*
23 *in this Act: Provided further, That the Secretary shall no-*
24 *tify the public through the Federal Register or other appro-*
25 *priate means of any such waiver or alternative requirement*

1 *in order for such waiver or alternative requirement to take*
 2 *effect, and that such public notice may be provided, at a*
 3 *minimum, on the Internet at the appropriate Government*
 4 *web site or through other electronic media, as determined*
 5 *by the Secretary: Provided further, That such amount is*
 6 *designated 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 *FAIR HOUSING AND EQUAL OPPORTUNITY*

10 *FAIR HOUSING ACTIVITIES*

11 *For an additional amount for “Fair Housing Activi-*
 12 *ties”, \$2,500,000, to remain available until September 30,*
 13 *2021, for contracts, grants, and other assistance, as author-*
 14 *ized by title VIII of the Civil Rights Act of 1968, as amend-*
 15 *ed by the Fair Housing Amendments Act of 1988, and sec-*
 16 *tion 561 of the Housing and Community Development Act*
 17 *of 1987, to prevent, prepare for, and respond to coronavirus,*
 18 *of which \$1,500,000 shall be for the Fair Housing Assist-*
 19 *ance Program Partnership for Special Enforcement grants*
 20 *to address fair housing issues relating to coronavirus, and*
 21 *\$1,000,000 shall be for the Fair Housing Initiatives Pro-*
 22 *gram for education and outreach activities under such sec-*
 23 *tion 561 to educate the public about fair housing issues re-*
 24 *lated to coronavirus: Provided, That such amount is des-*
 25 *ignated by the Congress as being for an emergency require-*

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

3 *OFFICE OF INSPECTOR GENERAL*

4 *For an additional amount for “Office of Inspector*
 5 *General”, \$5,000,000, to remain available until expended,*
 6 *to prevent, prepare for, and respond to coronavirus: Pro-*
 7 *vided, That the funding made available under this heading*
 8 *in this Act shall be used for conducting audits and inves-*
 9 *tigations of projects and activities carried out with funds*
 10 *made available in this Act to the Department of Housing*
 11 *and Urban Development to prevent, prepare for, and re-*
 12 *spond to coronavirus: Provided further, 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 Bal-*
 15 *anced Budget and Emergency Deficit Control Act of 1985.*

16 *GENERAL PROVISIONS—THIS TITLE*

17 *SEC. 22001. Of the amounts made available from the*
 18 *Airport and Airway Trust Fund for “Federal Aviation Ad-*
 19 *ministration—Operations” in title XI of division B of the*
 20 *Bipartisan Budget Act of 2018 (Public Law 115–123), up*
 21 *to \$25,000,000 may be used to prevent, prepare for, and*
 22 *respond to coronavirus: Provided, That amounts repurposed*
 23 *in this section that were previously designated by the Con-*
 24 *gress as an emergency requirement pursuant to the Bal-*
 25 *anced Budget and Emergency Deficit Control Act of 1985*

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

4 *SEC. 22002. For amounts made available by this Act*
5 *under the headings “Northeast Corridor Grants to the Na-*
6 *tional Railroad Passenger Corporation” and “National*
7 *Network Grants to the National Railroad Passenger Cor-*
8 *poration”, the Secretary of Transportation may not waive*
9 *the requirements under section 24312 of title 49, United*
10 *States Code, and section 24305(f) of title 49, United States*
11 *Code: Provided, That for amounts made available by this*
12 *Act under such headings the Secretary shall require the Na-*
13 *tional Railroad Passenger Corporation to comply with the*
14 *Railway Retirement Act of 1974 (45 U.S.C. 231 et seq.),*
15 *the Railway Labor Act (45 U.S.C. 151 et seq.), and the*
16 *Railroad Unemployment Insurance Act (45 U.S.C. 351 et*
17 *seq.): Provided further, That not later than 7 days after*
18 *the date of enactment of this Act and each subsequent 7*
19 *days thereafter, the Secretary shall notify the House and*
20 *Senate Committees on Appropriations, the Committee on*
21 *Transportation and Infrastructure of the House of Rep-*
22 *resentatives, and the Committee on Commerce, Science, and*
23 *Transportation of the Senate of any National Railroad*
24 *Passenger Corporation employee furloughs as a result of ef-*
25 *forts to prevent, prepare for, and respond to coronavirus:*

1 *Provided further, That in the event of any National Rail-*
2 *road Passenger Corporation employee furloughs as a result*
3 *of efforts to prevent, prepare for, and respond to*
4 *coronavirus, the Secretary shall require the National Rail-*
5 *road Passenger Corporation to provide such employees the*
6 *opportunity to be recalled to their previously held positions*
7 *as intercity passenger rail service is restored to March 1,*
8 *2020 levels and not later than the date on which intercity*
9 *passenger rail service has been fully restored to March 1,*
10 *2020 levels.*

11 *SEC. 22003. For the duration of fiscal year 2020, sec-*
12 *tion 127(i)(1)(A) of title 23, United States Code, shall read*
13 *as if and apply to situations in which: the President has*
14 *declared an emergency or a major disaster under the Robert*
15 *T. Stafford Disaster Relief and Emergency Assistance Act*
16 *(42 U.S.C. 5121 et seq.).*

17 *SEC. 22004. No later than September 30, 2020, the re-*
18 *maining unobligated balances of funds made available for*
19 *the youth homelessness demonstration under the heading*
20 *“Department of Housing and Urban Development—Com-*
21 *munity Planning and Development—Homeless Assistance*
22 *Grants” in the Consolidated Appropriations Act, 2018*
23 *(Public Law 115–141) are hereby permanently rescinded,*
24 *and an amount of additional new budget authority equiva-*
25 *lent to the amount rescinded is hereby appropriated, to re-*

1 *main available until September 30, 2021, in addition to*
2 *other funds as may be available for such purposes, and shall*
3 *be available, without additional competition, for completing*
4 *the funding of awards made pursuant to the fiscal year*
5 *2018 youth homelessness demonstration.*

6 *HIGHWAY SAFETY GRANTS EMERGENCY AUTHORITY*

7 *SEC. 22005. (a) IN GENERAL.—The Secretary of*
8 *Transportation (referred to in this section as the “Sec-*
9 *retary”)* *may waive or postpone any requirement under sec-*
10 *tion 402, 404, 405, or 412 of title 23, United States Code,*
11 *section 4001 of the FAST Act (Public Law 114–94; 129*
12 *Stat. 1497), or part 1300 of title 23, Code of Federal Regu-*
13 *lations (or successor regulations), if the Secretary deter-*
14 *mines that—*

15 *(1) the Coronavirus Disease 2019 (COVID–19) is*
16 *having a substantial impact on—*

17 *(A) the ability of States to implement or*
18 *carry out any grant, campaign, or program*
19 *under those provisions; or*

20 *(B) the ability of the Secretary to carry out*
21 *any responsibility of the Secretary with respect*
22 *to a grant, campaign, or program under those*
23 *provisions; or*

24 *(2) the requirements of those provisions are hav-*
25 *ing a substantial impact on the ability of States or*

1 *and conditions applicable to such appropriations accounts*
2 *for fiscal year 2020.*

3 *SEC. 23004. (a) Subject to subsection (b), and notwith-*
4 *standing any other provision of law, funds made available*
5 *in this Act, or transferred pursuant to authorization grant-*
6 *ed in this Act, may only be used to prevent, prepare for,*
7 *and respond to coronavirus.*

8 *(b) Subsection (a) shall not apply to sections 11002,*
9 *13002, and 18114 of this Act, reimbursements made pursu-*
10 *ant to authority in this Act, or to funds made available*
11 *in this Act for the Emergency Reserve Fund, established*
12 *pursuant to section 7058(c)(1) of division J of Public Law*
13 *115–31, or to funds made available in this Act for the Infec-*
14 *tious Diseases Rapid Response Reserve Fund, established*
15 *pursuant to section 231 of division B of Public Law 115–*
16 *245.*

17 *(c) This section shall not apply to title VI of this Act.*

18 *SEC. 23005. In this Act, the term “coronavirus” means*
19 *SARS–CoV–2 or another coronavirus with pandemic poten-*
20 *tial.*

21 *SEC. 23006. Each amount designated in this Act by*
22 *the Congress as being for an emergency requirement pursu-*
23 *ant to section 251(b)(2)(A)(i) of the Balanced Budget and*
24 *Emergency Deficit Control Act of 1985 shall be available*
25 *(or rescinded or transferred, if applicable) only if the Presi-*

1 *dent subsequently so designates all such amounts and trans-*
 2 *mits such designations to the Congress.*

3 *SEC. 23007. Any amount appropriated by this Act,*
 4 *designated by the Congress as an emergency requirement*
 5 *pursuant to section 251(b)(2)(A)(i) of the Balanced Budget*
 6 *and Emergency Deficit Control Act of 1985 and subse-*
 7 *quently so designated by the President, and transferred pur-*
 8 *suant to transfer authorities provided by this Act shall re-*
 9 *tain such designation.*

10 *BUDGETARY EFFECTS*

11 *SEC. 23008. (a) STATUTORY PAYGO SCORECARDS.—*
 12 *The budgetary effects of this division shall not be entered*
 13 *on either PAYGO scorecard maintained pursuant to section*
 14 *4(d) of the Statutory Pay As-You-Go Act of 2010.*

15 *(b) SENATE PAYGO SCORECARDS.—The budgetary ef-*
 16 *fects of this division shall not be entered on any PAYGO*
 17 *scorecard maintained for purposes of section 4106 of H.*
 18 *Con. Res. 71 (115th Congress).*

19 *(c) CLASSIFICATION OF BUDGETARY EFFECTS.—Not-*
 20 *withstanding Rule 3 of the Budget Scorekeeping Guidelines*
 21 *set forth in the joint explanatory statement of the committee*
 22 *of conference accompanying Conference Report 105–217*
 23 *and section 250(c)(7) and (c)(8) of the Balanced Budget*
 24 *and Emergency Deficit Control Act of 1985, the budgetary*
 25 *effects of this division shall be estimated for purposes of sec-*
 26 *tion 251 of such Act.*

1 (d) *ENSURING NO WITHIN-SESSION SEQUESTRA-*
2 *TION.—Solely for the purpose of calculating a breach within*
3 *a category for fiscal year 2020 pursuant to section*
4 *251(a)(6) or section 254(g) of the Balanced Budget and*
5 *Emergency Deficit Control Act of 1985, and notwith-*
6 *standing any other provision of this division, the budgetary*
7 *effects from this division shall be counted as amounts des-*
8 *ignated as being for an emergency requirement pursuant*
9 *to section 251(b)(2)(A) of such Act.*

10 *This division may be cited as the “Emergency Appro-*
11 *priations for Coronavirus Health Response and Agency Op-*
12 *erations”.*

Attest:

Secretary.

116TH CONGRESS
2^D SESSION

H.R. 748

AMENDMENT