

Calendar No. 581

116TH CONGRESS
2D SESSION**S. 4800**To provide Coronavirus relief.

IN THE SENATE OF THE UNITED STATES

OCTOBER 19, 2020

Mr. SCHUMER introduced the following bill; which was read the first time

NOVEMBER 9, 2020

Read the second time and placed on the calendar

A BILL

To provide Coronavirus relief.

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

3 **SECTION 1. SHORT TITLE.**

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

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

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

Sec. 1. Short Title.

Sec. 2. Table of Contents.

Sec. 3. References.

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DIVISION U—OTHER MATTERS

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Title II—Coronavirus Relief Fund Amendments

Title III—Energy and Environment Provisions

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1 **SEC. 3. REFERENCES.**

2 Except as expressly provided otherwise, any reference

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

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

3 **DIVISION A—CORONAVIRUS RECOVERY**
 4 **SUPPLEMENTAL APPROPRIATIONS**
 5 **ACT, 2021**

6 The following sums are hereby appropriated, out of
 7 any money in the Treasury not otherwise appropriated,
 8 for the fiscal year ending September 30, 2021, and for
 9 other purposes, namely:

10 **TITLE I**
 11 **AGRICULTURE, RURAL DEVELOPMENT, FOOD**
 12 **AND DRUG ADMINISTRATION, AND RE-**
 13 **LATED AGENCIES**
 14 **DEPARTMENT OF AGRICULTURE**
 15 **AGRICULTURAL PROGRAMS**
 16 **OFFICE OF INSPECTOR GENERAL**

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

1 *vided further*, That such amounts shall be in addition to
 2 any other amounts available for such purposes: *Provided*
 3 *further*, That such amount is designated by the Congress
 4 as being for an emergency requirement pursuant to sec-
 5 tion 251(b)(2)(A)(i) of the Balanced Budget and Emer-
 6 gency Deficit Control Act of 1985.

7 RURAL DEVELOPMENT PROGRAMS

8 RURAL HOUSING SERVICE

9 SALARIES AND EXPENSES

10 For an additional amount for “Salaries and Ex-
 11 penses”, \$10,000,000, to prevent, prepare for, and re-
 12 spond to coronavirus, domestically or internationally, in-
 13 cluding administrative expenses: *Provided*, That such
 14 amounts shall be in addition to any other amounts avail-
 15 able for such purposes: *Provided further*, That such
 16 amount is designated by the Congress as being for an
 17 emergency requirement pursuant to section
 18 251(b)(2)(A)(i) of the Balanced Budget and Emergency
 19 Deficit Control Act of 1985.

20 RENTAL ASSISTANCE PROGRAM

21 For an additional amount for “Rental Assistance
 22 Program”, \$309,000,000, to prevent, prepare for, and re-
 23 spond to coronavirus, including for temporary adjustment
 24 of wage income losses for residents of housing financed
 25 or assisted under section 514, 515, or 516 of the Housing

1 Act of 1949, without regard to any existing eligibility re-
 2 quirements based on income: *Provided*, That such amount
 3 is designated by the Congress as being for an emergency
 4 requirement pursuant to section 251(b)(2)(A)(i) of the
 5 Balanced Budget and Emergency Deficit Control Act of
 6 1985.

7 DOMESTIC FOOD PROGRAMS

8 FOOD AND NUTRITION SERVICE

9 SPECIAL SUPPLEMENTAL NUTRITION PROGRAM FOR

10 WOMEN, INFANTS, AND CHILDREN (WIC)

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

17 SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM

18 For an additional amount for “Supplemental Nutri-
 19 tion Assistance Program”, \$10,000,000,000, to prevent,
 20 prepare for, and respond to coronavirus: *Provided*, That
 21 such amounts shall be in addition to any other amounts
 22 available for such purposes: *Provided further*, That such
 23 amount is designated by the Congress as being for an
 24 emergency requirement pursuant to section

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

3 COMMODITY ASSISTANCE PROGRAM

4 For an additional amount for “Commodity Assistance
 5 Program”, \$450,000,000, for the emergency food assist-
 6 ance program as authorized by section 27(a) of the Food
 7 and Nutrition Act of 2008 (7 U.S.C. 2036(a)) and section
 8 204(a)(1) of the Emergency Food Assistance Act of 1983
 9 (7 U.S.C. 7508(a)(1)): *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 HEALTH AND HUMAN
 14 SERVICES

15 FOOD AND DRUG ADMINISTRATION

16 SALARIES AND EXPENSES

17 For an additional amount for “Salaries and Ex-
 18 penses”, \$1,500,000, to remain available until expended,
 19 to prevent, prepare for, and respond to coronavirus, do-
 20 mestically or internationally, for the purposes of holding
 21 one or more advisory committee meetings to discuss re-
 22 quests for authorization or applications for approval of
 23 vaccines for coronavirus: *Provided*, That such amount is
 24 designated by the Congress as being for an emergency re-

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

3 GENERAL PROVISIONS—THIS TITLE

4 SEC. 101. For an additional amount for grants to
 5 Rural Utilities Service borrowers, as authorized in section
 6 701 of division N of this Act, to prevent, prepare for, and
 7 respond to coronavirus, \$2,600,000,000, to remain avail-
 8 able until September 30, 2022: *Provided*, That such
 9 amount is designated by 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 SEC. 102. For an additional amount for the Common-
 14 wealth of the Northern Mariana Islands, \$14,000,000, for
 15 nutrition assistance to prevent, prepare for, and respond
 16 to coronavirus: *Provided*, That such amounts shall be in
 17 addition to any other amounts available for such purposes:
 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 SEC. 103. For an additional amount for the Common-
 23 wealth of Puerto Rico, \$1,236,000,000, for nutrition as-
 24 sistance to prevent, prepare for, and respond to
 25 coronavirus: *Provided*, That such amounts shall be in ad-

dition to any other amounts available for such purposes:
Provided further, 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.

SEC. 104. For an additional amount for American
Samoa, \$9,117,000, for nutrition assistance to prevent,
prepare for, and respond to coronavirus: *Provided*, That
such amounts shall be in addition to any other amounts
available for such purposes: *Provided further*, 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.

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

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

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

12 SEC. 107. Section 11004 in title I of division B of
13 the Coronavirus Aid, Relief, and Economic Security Act
14 (Public Law 116–136) is amended by inserting after the
15 fourth proviso the following: “*Provided further*, That the
16 condition set forth in section 9003(f) of the Farm Security
17 and Rural Investment Act of 2002 shall apply with respect
18 to all construction, alteration, or repair work carried out,
19 in whole or in part, with funds made available by this sec-
20 tion.”: *Provided*, That amounts repurposed pursuant to
21 the amendments made pursuant to this section are des-
22 ignated 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 SEC. 108. For necessary expenses for salary and re-
2 lated costs associated with Agriculture Quarantine and In-
3 spection Services activities pursuant to 21 U.S.C. 136a(6),
4 and in addition to any other funds made available for this
5 purpose, there is appropriated, out of any money in the
6 Treasury not otherwise appropriated, \$350,000,000, to re-
7 main available until September 30, 2022, to offset the loss
8 resulting from the coronavirus pandemic of quarantine
9 and inspection fees collected pursuant to sections 2508
10 and 2509 of the Food, Agriculture, Conservation, and
11 Trade Act of 1990 (21 U.S.C. 136, 136a): *Provided*, That
12 amounts made available in this section and under the
13 heading “Animal and Plant Health Inspection Service—
14 Salaries and Expenses” in the Coronavirus Aid, Relief,
15 and Economic Security Act (Public Law 116–136) shall
16 be treated as funds collected by fees authorized under sec-
17 tions 2508 and 2509 of the Food, Agriculture, Conserva-
18 tion, and Trade Act of 1990 (21 U.S.C. 136, 136a) for
19 purposes of section 421(f) of the Homeland Security Act
20 of 2002 (6 U.S.C. 231(f)): *Provided further*, That, the
21 amounts repurposed in this section that were previously
22 designated by the Congress as an emergency requirement
23 pursuant to the Balanced Budget and Emergency Deficit
24 Control Act of 1985 are designated by the Congress as
25 an emergency requirement pursuant to section

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

7 TITLE II

8 COMMERCE, JUSTICE, SCIENCE, AND RELATED 9 AGENCIES

10 DEPARTMENT OF COMMERCE

11 INTERNATIONAL TRADE ADMINISTRATION

12 OPERATIONS AND ADMINISTRATION

13 For an additional amount for “Operations and Ad-
 14 ministration”, \$20,000,000, to prevent, prepare for, and
 15 respond to coronavirus: *Provided*, 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 MINORITY BUSINESS DEVELOPMENT AGENCY

20 MINORITY BUSINESS DEVELOPMENT

21 For an additional amount for “Minority Business De-
 22 velopment”, \$25,000,000, for necessary expenses for the
 23 Business Centers and Specialty Centers, including any
 24 cost sharing requirements that may exist, for assisting mi-
 25 nority business enterprises to prevent, prepare for, and re-

1 spond to coronavirus, including identifying and accessing
 2 local, State, and Federal government assistance related to
 3 such virus: *Provided*, That such amount is designated by
 4 the Congress as being for an emergency requirement pur-
 5 suant to section 251(b)(2)(A)(i) of the Balanced Budget
 6 and Emergency Deficit Control Act of 1985.

7 BUREAU OF THE CENSUS

8 CURRENT SURVEYS AND PROGRAMS

9 (INCLUDING TRANSFER OF FUNDS)

10 For an additional amount for “Current Surveys and
 11 Programs”, \$10,000,000: *Provided*, That such sums may
 12 be transferred to the Bureau of the Census Working Cap-
 13 ital Fund for necessary expenses incurred as a result of
 14 the coronavirus, including for payment of salaries and
 15 leave to Bureau of the Census staff resulting from the sus-
 16 pension of data collection for reimbursable surveys con-
 17 ducted for other Federal agencies: *Provided*, That such
 18 transfer authority is in addition to any other transfer au-
 19 thority provided by law: *Provided further*, That such
 20 amount is designated by the Congress as being for an
 21 emergency requirement pursuant to section
 22 251(b)(2)(A)(i) of the Balanced Budget and Emergency
 23 Deficit Control Act of 1985.

1 PERIODIC CENSUSES AND PROGRAMS

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

9 UNITED STATES PATENT AND TRADEMARK OFFICE

10 SALARIES AND EXPENSES

11 For an additional amount for “United States Patent
12 and Trademark Office, Salaries and Expenses”,
13 \$95,000,000, to prevent, prepare for, and respond to
14 coronavirus: *Provided*, That such amount is designated by
15 the Congress as being for an emergency requirement pur-
16 suant to section 251(b)(2)(A)(i) of the Balanced Budget
17 and Emergency Deficit Control Act of 1985.

18 NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY

19 INDUSTRIAL TECHNOLOGY SERVICES

20 For an additional amount for “Industrial Technology
21 Services”, \$70,000,000, of which \$50,000,000 shall be for
22 the Hollings Manufacturing Extension Partnership to as-
23 sist manufacturers to prevent, prepare for, and respond
24 to coronavirus, and \$20,000,000 shall be for the National
25 Network for Manufacturing Innovation (also known as

1 “Manufacturing USA”) to prevent, prepare for, and re-
 2 spond to coronavirus, including to support development
 3 and manufacturing of medical countermeasures and bio-
 4 medical equipment and supplies: *Provided*, That none of
 5 the funds provided under this heading in this Act shall
 6 be subject to cost share requirements under section
 7 34(e)(7)(A) of the National Institute of Standards and
 8 Technology Act (15 U.S.C. 278s(e)(7)(A)): *Provided fur-*
 9 *ther*, That such amount is designated by the Congress as
 10 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 NATIONAL OCEANIC AND ATMOSPHERIC

14 ADMINISTRATION

15 PROCUREMENT, ACQUISITION AND CONSTRUCTION

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

FISHERIES PROMOTION FUND

For an additional amount for “Fisheries Promotion Fund”, \$100,000,000, to remain available until September 30, 2022, to prevent, prepare for, and respond to coronavirus, for grants authorized by the Saltonstall-Kennedy Act of 1954 (15 U.S.C. 713c): *Provided*, That within the amount appropriated under this heading in this Act, up to 2 percent of funds may be transferred to the “Operations, Research, and Facilities” account for management, administration, and oversight of funds provided under this heading in this Act: *Provided further*, That such transfer authority is in addition to any other transfer authority provided by law: *Provided further*, 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.

FISHERIES DISASTER ASSISTANCE

For an additional amount for “Fisheries Disaster Assistance”, \$250,000,000, for activities authorized under section 12005 of the Coronavirus Aid, Relief, and Economic Security Act of 2020 (Public Law 116–136), including for necessary expenses to provide assistance to Tribal, subsistence, commercial, and charter fishery participants affected by the novel coronavirus (COVID–19), which may include direct relief payments: *Provided*, That

1 of the funds provided under this heading in this Act,
2 \$25,000,000 shall be for Tribal fishery participants who
3 belong to Federally recognized Tribes in any of the Na-
4 tion's States and territories: *Provided further*, That such
5 amount is designated by the Congress as being for an
6 emergency requirement pursuant to section
7 251(b)(2)(A)(i) of the Balanced Budget and Emergency
8 Deficit Control Act of 1985.

9 DEPARTMENTAL MANAGEMENT

10 OFFICE OF INSPECTOR GENERAL

11 For an additional amount for "Office of Inspector
12 General", \$2,000,000, to remain available until expended
13 to prevent, prepare for, and respond to coronavirus, in-
14 cluding the impact of coronavirus on the work of the De-
15 partment of Commerce and to carry out investigations and
16 audits related to the funding made available for the De-
17 partment of Commerce in this Act and in title II of divi-
18 sion B of Public Law 116–136: *Provided*, That such
19 amount is designated by the Congress as being for an
20 emergency requirement pursuant to section
21 251(b)(2)(A)(i) of the Balanced Budget and Emergency
22 Deficit Control Act of 1985.

1 ADMINISTRATIVE PROVISIONS—DEPARTMENT OF
2 COMMERCE

3 SEC. 201. Notwithstanding any other provision of
4 law, the Federal share for grants provided by the Eco-
5 nomic Development Administration under Public Law
6 116–93 and Public Law 116–136 shall be 100 percent:
7 *Provided*, That the amounts repurposed in this section
8 that were previously designated by the Congress as an
9 emergency requirement pursuant to the Balanced Budget
10 and Emergency Deficit Control Act of 1985 are des-
11 ignated by the Congress as an emergency requirement
12 pursuant to section 251(b)(2)(A)(i) of the Balanced Budg-
13 et and Emergency Deficit Control Act of 1985.

14 SEC. 202. The Secretary of Commerce may waive, in
15 whole or in part, the matching requirements under section
16 306 and 306A, and the cost sharing requirements under
17 section 315, of the Coastal Zone Management Act of 1972
18 (16 U.S.C. 1455, 1455a, and 1461 respectively) as nec-
19 essary for fiscal years 2020, 2021, and 2022 upon written
20 request by a coastal State.

21 SEC. 203. Amounts provided by this Act, or any other
22 Act making appropriations for fiscal year 2021, for the
23 Hollings Manufacturing Extension Partnership under the
24 heading “National Institute of Standards and Tech-
25 nology—Industrial Technology Services” shall not be sub-

1 ject to cost share requirements under section 25(e)(2) of
 2 the National Institute of Standards and Technology Act
 3 (15 U.S.C. 278k(e)(2)): *Provided*, That the authority
 4 made available pursuant to this section shall be elective
 5 for any Manufacturing Extension Partnership Center that
 6 also receives funding from a State that is conditioned upon
 7 the application of a Federal cost sharing requirement.

8 DEPARTMENT OF JUSTICE

9 FEDERAL PRISON SYSTEM

10 SALARIES AND EXPENSES

11 For an additional amount for “Salaries and Ex-
 12 penses”, \$620,000,000, to prevent, prepare for, and re-
 13 spond to coronavirus, including the impact of coronavirus
 14 on the work of the Department of Justice, to include fund-
 15 ing for medical testing and services, personal protective
 16 equipment, hygiene supplies and services, and sanitation
 17 services: *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”, \$3,000,000, to remain available until expended
 24 to prevent, prepare for, and respond to coronavirus, in-
 25 cluding the impact of coronavirus on the work of the De-

1 partment of Justice and to carry out investigations and
 2 audits related to the funding made available for the De-
 3 partment of Justice in this Act and in title II of division
 4 B of Public Law 116–136: *Provided*, That such amount
 5 is designated by the Congress as being for an emergency
 6 requirement pursuant to section 251(b)(2)(A)(i) of the
 7 Balanced Budget and Emergency Deficit Control Act of
 8 1985.

9 STATE AND LOCAL LAW ENFORCEMENT ACTIVITIES

10 OFFICE ON VIOLENCE AGAINST WOMEN

11 VIOLENCE AGAINST WOMEN PREVENTION AND

12 PROSECUTION PROGRAMS

13 For an additional amount for “Violence Against
 14 Women Prevention and Prosecution Programs”,
 15 \$375,000,000, to remain available until expended, of
 16 which—

17 (1) \$100,000,000 is for formula grants to
 18 States and territories to combat violence against
 19 women, as authorized by part T of title I of the Om-
 20 nibus Crime Control and Safe Streets Acts of 1968;

21 (2) \$40,000,000 is for transitional housing as-
 22 sistance grants for victims of domestic violence, dat-
 23 ing violence, stalking, or sexual assault, as author-
 24 ized by section 40299 of the Violent Crime Control

1 and Law Enforcement Act of 1994 (Public Law
2 103–322; “1994 Act”);

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

7 (4) \$20,000,000 is for rural domestic violence
8 and child abuse enforcement assistance grants, as
9 authorized by section 40295 of the 1994 Act;

10 (5) \$15,000,000 is for grants to support fami-
11 lies in the justice system, as authorized by section
12 1301 of the Victims of Trafficking and Violence Pro-
13 tection Act of 2000 (Public Law 106–386);

14 (6) \$50,000,000 is for grants to Tribal govern-
15 ments, Tribal coalitions, Tribal non-profit organiza-
16 tions and Tribal organizations that serve Native vic-
17 tims for purposes authorized under 34 U.S.C.
18 10441(d), 34 U.S.C. 12511(d), 34 U.S.C. 10452
19 and 34 U.S.C. 12511(e);

20 (7) \$25,000,000 is for grants to enhance cul-
21 turally specific services for victims of domestic vio-
22 lence, dating violence, sexual assault, and stalking,
23 as authorized under 34 U.S.C. 20124 (commonly re-
24 ferred to as the “Culturally Specific Services Pro-
25 gram”); and

1 (8) \$25,000,000 is for grants for outreach and
 2 services to underserved populations as authorized
 3 under 34 U.S.C. 20123 (commonly referred to as
 4 the “Underserved Program”):

5 *Provided*, That a recipient of such funds shall not be sub-
 6 ject, as a condition for receiving the funds, to any other-
 7 wise-applicable requirement to provide or obtain other
 8 Federal or non-Federal funds: *Provided further*, That such
 9 amount is designated by the Congress as being for an
 10 emergency requirement pursuant to section
 11 251(b)(2)(A)(i) of the Balanced Budget and Emergency
 12 Deficit Control Act of 1985.

13 OFFICE OF JUSTICE PROGRAMS

14 STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE

15 For an additional amount for “State and Local Law
 16 Enforcement Assistance”, \$250,000,000, to remain avail-
 17 able until expended, for offender reentry programs and re-
 18 search, as authorized by the Second Chance Act of 2007
 19 (Public Law 110–199) and by the Second Chance Reau-
 20 thorization Act of 2018 (Public Law 115–391), without
 21 regard to the time limitations specified at section 6(1) of
 22 such Act, to prevent, prepare for, and respond to
 23 coronavirus: *Provided*, That a recipient of funds made
 24 available under this heading in this Act shall not be sub-
 25 ject, as a condition for receiving the funds, to any other-

1 wise-applicable requirement to provide or obtain other
2 Federal or non-Federal funds: *Provided further*, That such
3 amount is designated by the Congress as being for an
4 emergency requirement pursuant to section
5 251(b)(2)(A)(i) of the Balanced Budget and Emergency
6 Deficit Control Act of 1985.

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

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

6 JUVENILE JUSTICE PROGRAMS

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

1 SCIENCE
2 NATIONAL SCIENCE FOUNDATION
3 RESEARCH AND RELATED ACTIVITIES
4 (INCLUDING TRANSFER OF FUNDS)

5 For an additional amount for “Research and Related
6 Activities”, \$2,587,000,000, to remain available until Sep-
7 tember 30, 2022, to prevent, prepare for, and respond to
8 coronavirus, including to fund research grants: *Provided*,
9 That up to \$2,537,000,000 shall be for necessary ex-
10 penses, including extensions of existing research grants,
11 cooperative agreements, scholarships, fellowships, and ap-
12 prenticeships: *Provided further*, That \$1,000,000 shall be
13 for a study on the spread of COVID–19 related
14 disinformation, as described in section 204 of this Act:
15 *Provided further*, That, of the amount appropriated under
16 this heading in this Act, up to 2 percent of funds may
17 be transferred to the “Agency Operations and Award
18 Management” account for management, administration,
19 and oversight of funds provided under this heading in this
20 Act: *Provided further*, That such transfer authority is in
21 addition to any other transfer authority provided by law:
22 *Provided further*, That such amount is designated by the
23 Congress as being for an emergency requirement pursuant
24 to section 251(b)(2)(A)(i) of the Balanced Budget and
25 Emergency Deficit Control Act of 1985.

1 EDUCATION AND HUMAN RESOURCES

2 For an additional amount for “Education and
3 Human Resources”, \$300,000,000, to remain available
4 until September 30, 2022, to prevent, prepare for, and re-
5 spond to coronavirus, including extensions of existing re-
6 search grants, cooperative agreements, scholarships, fel-
7 lowships, and apprenticeships: *Provided*, That, of the
8 amount appropriated under this heading in this Act, up
9 to 2 percent of funds may be transferred to the “Agency
10 Operations and Award Management” account for manage-
11 ment, administration, and oversight of funds provided
12 under this heading in this Act: *Provided further*, That such
13 transfer authority is in addition to any other transfer au-
14 thority provided by law: *Provided further*, That such
15 amount is designated by the Congress as being for an
16 emergency requirement pursuant to section
17 251(b)(2)(A)(i) of the Balanced Budget and Emergency
18 Deficit Control Act of 1985.

19 ADMINISTRATIVE PROVISION—SCIENCE

20 STUDY ON COVID—19 DISINFORMATION

21 SEC. 204. (a) STUDY.—No later than 30 days after
22 the date of enactment of this Act, the Director of the Na-
23 tional Science Foundation shall enter into an arrangement
24 with the National Academies of Science, Engineering, and
25 Medicine (National Academies) to conduct a study on the

1 current understanding of the spread of COVID–19-related
2 disinformation on the internet and social media platforms.

3 The study shall address the following:

4 (1) the role disinformation and misinformation
5 has played in the public response to COVID–19;

6 (2) the sources of COVID–19-related
7 disinformation—both foreign and domestic—and the
8 mechanisms by which that disinformation influences
9 the public debate;

10 (3) the role social media plays in the dissemina-
11 tion and promotion of COVID–19 disinformation
12 and misinformation content and the role social
13 media platforms play in the organization of groups
14 seeking to spread COVID–19 disinformation;

15 (4) the potential financial returns for creators
16 or distributors of COVID–19 disinformation, and
17 the role such financial incentives play in the propa-
18 gation of COVID–19 disinformation;

19 (5) potential strategies to mitigate the dissemi-
20 nation and negative impacts of COVID–19
21 disinformation, including specifically, the dissemina-
22 tion of disinformation on social media, including
23 through improved disclosures; and

24 (6) an analysis of the limitations of these miti-
25 gation strategies, and an analysis of how these strat-

1 egies can be implemented without infringing on
2 Americans’ Constitutional rights and civil liberties.

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

8 (c) AUTHORIZATION.—There is authorized to be ap-
9 propriated for the purposes of conducting the study in this
10 section \$1,000,000.

11 RELATED AGENCIES

12 LEGAL SERVICES CORPORATION

13 PAYMENT TO THE LEGAL SERVICES CORPORATION

14 For an additional amount for “Payment to the Legal
15 Services Corporation”, \$100,000,000, for the same pur-
16 poses and subject to the same conditions as the appropria-
17 tions for fiscal year 2020 under this heading in title II
18 of division B of the CARES Act (Public Law 116–136):
19 *Provided*, That such amount is designated by the Congress
20 as being for an emergency requirement pursuant to sec-
21 tion 251(b)(2)(A)(i) of the Balanced Budget and Emer-
22 gency Deficit Control Act of 1985.

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

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

12 OPERATION AND MAINTENANCE, NAVY

13 For an additional amount for “Operation and Main-
14 tenance, Navy”, \$100,000,000, to prevent, prepare for,
15 and respond to coronavirus, domestically or internation-
16 ally: *Provided*, That such amount is designated by the
17 Congress as being for an emergency requirement pursuant
18 to section 251(b)(2)(A)(i) of the Balanced Budget and
19 Emergency Deficit Control Act of 1985.

20 OPERATION AND MAINTENANCE, MARINE CORPS

21 For an additional amount for “Operation and Main-
22 tenance, Marine Corps”, \$10,000,000, to prevent, prepare
23 for, and respond to coronavirus, domestically or inter-
24 nationally: *Provided*, That such amount is designated by
25 the Congress as being for an emergency requirement pur-

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

3 OPERATION AND MAINTENANCE, AIR FORCE

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

11 OPERATION AND MAINTENANCE, DEFENSE-WIDE

12 For an additional amount for “Operation and Main-
13 tenance, Defense-Wide”, \$10,000,000, to prevent, prepare
14 for, and respond to coronavirus, domestically or inter-
15 nationally: *Provided*, That such amount is designated by
16 the Congress as being for an emergency requirement pur-
17 suant to section 251(b)(2)(A)(i) of the Balanced Budget
18 and Emergency Deficit Control Act of 1985.

19 OTHER DEPARTMENT OF DEFENSE PROGRAMS

20 DEFENSE HEALTH PROGRAM

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

1 internationally: *Provided*, That prior to the obligation of
 2 such funds the Assistant Secretary of Defense (Health Af-
 3 fairs) shall submit to the Committees on Appropriations
 4 of the House of Representatives and the Senate a spend
 5 plan on the use of funds made available under this heading
 6 in this Act: *Provided further*, That such amount is des-
 7 ignated by the Congress as being for an emergency re-
 8 quirement pursuant to section 251(b)(2)(A)(i) of the Bal-
 9 anced Budget and Emergency Deficit Control Act of 1985.

10 GENERAL PROVISIONS—THIS TITLE

11 SEC. 301. For an additional amount for “Operation
 12 and Maintenance, Army”, \$400,000,000, to prevent, pre-
 13 pare for, and respond to coronavirus, domestically or
 14 internationally: *Provided*, That such amount shall be used
 15 for necessary expenses, including salaries, cleaning, utili-
 16 ties and personal protective equipment, for recreational
 17 entities, childcare development centers and other entities
 18 affected by the coronavirus that derive funding from non-
 19 appropriated accounts: *Provided*, That prior to the obliga-
 20 tion of such funds the Secretary of the Army shall submit
 21 to the Committees on Appropriations of the House of Rep-
 22 resentatives and the Senate a spend plan on the use of
 23 funds made available by this section: *Provided further*,
 24 That such amount is designated by the Congress as being
 25 for an emergency requirement pursuant to section

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

3 SEC. 302. For an additional amount for “Operation
4 and Maintenance, Navy”, \$400,000,000, to prevent, pre-
5 pare for, and respond to coronavirus, domestically or
6 internationally: *Provided*, That such amount shall be used
7 for necessary expenses, including salaries, cleaning, utili-
8 ties and personal protective equipment, for recreational
9 entities, childcare development centers and other entities
10 affected by the coronavirus that derive funding from non-
11 appropriated accounts: *Provided*, That prior to the obliga-
12 tion of such funds the Secretary of the Navy shall submit
13 to the Committees on Appropriations of the House of Rep-
14 resentatives and the Senate a spend plan on the use of
15 funds made available by this section: *Provided further*,
16 That such amount is designated by the Congress as being
17 for an emergency requirement pursuant to section
18 251(b)(2)(A)(i) of the Balanced Budget and Emergency
19 Deficit Control Act of 1985.

20 SEC. 303. For an additional amount for “Operation
21 and Maintenance, Air Force”, \$500,000,000, to prevent,
22 prepare for, and respond to coronavirus, domestically or
23 internationally: *Provided*, That such amount shall be used
24 for necessary expenses, including salaries, cleaning, utili-
25 ties and personal protective equipment, for recreational

1 entities, childcare development centers and other entities
2 affected by the coronavirus that derive funding from non-
3 appropriated accounts: *Provided*, That prior to the obliga-
4 tion of such funds the Secretary of the Air Force shall
5 submit to the Committees on Appropriations of the House
6 of Representatives and the Senate a spend plan on the
7 use of funds made available by this section: *Provided fur-*
8 *ther*, That such amount is designated by the Congress as
9 being for an emergency requirement pursuant to section
10 251(b)(2)(A)(i) of the Balanced Budget and Emergency
11 Deficit Control Act of 1985.

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

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

4 TITLE IV

5 ENERGY AND WATER

6 DEPARTMENT OF THE INTERIOR

7 BUREAU OF RECLAMATION

8 WATER AND RELATED RESOURCES

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

16 DEPARTMENT OF ENERGY

17 ENERGY PROGRAMS

18 SCIENCE

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

24 (1) Core Facility Revitalization,

25 (2) Large Synoptic Survey Telescope Camera,

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

9 DEPARTMENTAL ADMINISTRATION

10 For an additional amount for “Departmental Admin-
 11 istration”, \$1,300,000, to prevent, prepare for, and re-
 12 spond to coronavirus, domestically or internationally, in-
 13 cluding for necessary expenses related to personal protec-
 14 tive equipment: *Provided*, That such amount is designated
 15 by the Congress as being for an emergency requirement
 16 pursuant to section 251(b)(2)(A)(i) of the Balanced Budg-
 17 et and Emergency Deficit Control Act of 1985.

18 GENERAL PROVISIONS—THIS TITLE

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

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

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

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

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

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

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

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

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

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

4 TREASURY INSPECTOR GENERAL FOR TAX

5 ADMINISTRATION

6 SALARIES AND EXPENSES

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

15 HOMEOWNER ASSISTANCE FUND

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

22 CORONAVIRUS STATE FISCAL RELIEF FUND

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

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

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

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

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

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

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

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

(3) \$238,000,000,000 shall be for making payments to each of the 50 States and the District of Columbia, of which—

(A) an amount equal to \$1,250,000,000 less the amount allocated for the District of Columbia pursuant to section 601(c)(6) of the Social Security Act, shall only be for payment to the District of Columbia, in addition to any other funding available for such purpose (including payments under subparagraph (B) of this paragraph): *Provided*, That the Secretary of the Treasury shall pay all amounts provided by this section directly to the District of Columbia not less than 5 days after the date of enactment of this Act; and

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

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

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

1 the CARES Act (Public Law 116–136) and amended by
 2 section 201 of division U of this Act, and the term “State”
 3 means one of the 50 States: *Provided further*, That the
 4 Secretary of Treasury shall make all payments prescribed
 5 under this heading in this Act not later than 30 days after
 6 the date of enactment of this Act: *Provided further*, That
 7 such amount is designated by the Congress as being for
 8 an emergency requirement pursuant to section
 9 251(b)(2)(A)(i) of the Balanced Budget and Emergency
 10 Deficit Control Act of 1985.

11 CORONAVIRUS LOCAL FISCAL RELIEF FUND

12 For making payments to metropolitan cities, coun-
 13 ties, and other units of general local government to miti-
 14 gate the fiscal effects stemming from the public health
 15 emergency with respect to the Coronavirus Disease
 16 (COVID–19), \$179,000,000,000, to remain available until
 17 expended, which shall be in addition to any other amounts
 18 available for making payments to metropolitan cities,
 19 counties, and other units of general local government (in-
 20 cluding payments made under section 601 of the Social
 21 Security Act), of which—

22 (1) \$89,500,000,000 shall be for making pay-
 23 ments to metropolitan cities and other units of gen-
 24 eral local government (as those terms are defined in

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

3 (A) \$62,650,000,000 shall be allocated
4 pursuant to the formula under section
5 106(b)(1) of the Housing and Community De-
6 velopment Act of 1974 (42 U.S.C. 5306(b)(1))
7 to metropolitan cities (as defined in section
8 102(a)(4) of such Act (42 U.S.C. 5302(a)(4)),
9 including metropolitan cities that have relin-
10 quished or deferred their status as a metropoli-
11 tan city as of the date of enactment of this Act;
12 and

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

1 *Provided*, That a State shall pass-through the
 2 amounts received under this subparagraph,
 3 within 30 days of receipt, to each such unit of
 4 general local government in an amount that
 5 bears the same proportion to the amount dis-
 6 tributed to each such State as the population of
 7 such unit of general local government bears to
 8 the total population of all such units of general
 9 local government within each such State: *Pro-*
 10 *vided further*, That if a State has not elected to
 11 distribute amounts allocated under this para-
 12 graph, the Secretary of the Treasury shall pay
 13 the applicable amounts under this subpara-
 14 graph to such units of general local government
 15 in the State not later than 30 days after the
 16 date on which the State would otherwise have
 17 received the amounts from the Secretary; and
 18 (2) \$89,500,000,000 shall be paid directly to
 19 counties within the 50 States, the District of Colum-
 20 bia, the Commonwealth of Puerto Rico, the United
 21 States Virgin Islands, Guam, the Commonwealth of
 22 the Northern Mariana Islands, and American Samoa
 23 in an amount which bears the same proportion to
 24 the total amount provided under this paragraph as
 25 the relative population of each such county bears to

1 the total population of all such entities: *Provided*,
2 That no county that is an “urban county” (as de-
3 fined in section 102 of the Housing and Community
4 Development Act of 1974 (42 U.S.C. 5302)) shall
5 receive less than the amount the county would other-
6 wise receive if the amount distributed under this
7 paragraph were allocated to metropolitan cities and
8 urban counties under section 106(b) of the Housing
9 and Community Development Act of 1974 (42
10 U.S.C. 5306(b)): *Provided further*, That in the case
11 of an amount to be paid to a county that is not a
12 unit of general local government, the amount shall
13 instead be paid to the State in which such county is
14 located, and such State shall distribute such amount
15 to units of general local government within such
16 county in an amounts that bear the same proportion
17 as the population of such units of general local gov-
18 ernment bear to the total population of such county:
19 *Provided further*, That for purposes of this para-
20 graph, the District of Columbia shall be considered
21 to consist of a single county that is a unit of general
22 local government:
23 *Provided further*, That any entity receiving a payment
24 from funds made available under this heading in this Act
25 shall only use such amounts to respond to, mitigate, cover

1 costs or replace foregone revenues not projected on Janu-
2 ary 31, 2020 stemming from the public health emergency,
3 or its negative economic impacts, with respect to the
4 Coronavirus Disease (COVID–19): *Provided further*, That
5 if the Inspector General of the Department of the Treas-
6 ury determines that an entity receiving a payment from
7 amounts provided under this heading has failed to comply
8 with the preceding proviso, the amount equal to the
9 amount of funds used in violation of such proviso shall
10 be booked as a debt of such entity owed to the Federal
11 Government, and any amounts recovered shall be depos-
12 ited into the general fund of the Treasury as discretionary
13 offsetting receipts: *Provided further*, That for purposes of
14 the preceding provisos under this heading in this Act, the
15 population of each entity described in any such proviso
16 shall be determined based on the most recent year for
17 which data are available from the Bureau of the Census,
18 or in the case of an Indian tribe, shall be determined based
19 on data certified by the Tribal government: *Provided fur-*
20 *ther*, That an entity receiving a payment from amounts
21 provided under this heading may transfer funds to a pri-
22 vate nonprofit organization (as that term is defined in
23 paragraph (17) of section 401 of the McKinney-Vento
24 Homeless Assistance Act (42 U.S.C. 11360(17)), or to a
25 special-purpose unit of local government or a multi-state

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

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

4 COVID-19 MULTI-STATE AGENCY FISCAL RELIEF FUND

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

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

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

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

9 *Provided further*, That neither a State nor local govern-
 10 ment may serve as a pass-through for any amounts re-
 11 ceived by a multi-State entity: *Provided further*, That such
 12 sums shall be distributed directly by the Secretary to each
 13 multi-State entity not later than December 31, 2020: *Pro-*
 14 *vided further*, That such amount is designated by the Con-
 15 gress as being for an emergency requirement pursuant to
 16 section 251(b)(2)(A)(i) of the Balanced Budget and
 17 Emergency Deficit Control Act of 1985.

18 COMMUNITY DEVELOPMENT FINANCIAL INSTITUTIONS

19 FUND PROGRAM ACCOUNT

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

1 takes into account criteria such as certification status, fi-
 2 nancial and compliance performance, portfolio and balance
 3 sheet strength, and program capacity: *Provided further*,
 4 That not less than \$25,000,000 shall be for financial as-
 5 sistance, technical assistance, and training and outreach
 6 programs designed to benefit Native American, Native
 7 Hawaiian, and Alaska Native communities: *Provided fur-*
 8 *ther*, That the CDFI Fund shall make funds provided
 9 under this heading in this Act available to grantees not
 10 later than 60 days after the date of enactment of this Act:
 11 *Provided further*, That funds made available under this
 12 heading may be used for administrative expenses, includ-
 13 ing administration of CDFI Fund programs and the New
 14 Markets Tax Credit Program: *Provided further*, That such
 15 amount is designated by the Congress as being for an
 16 emergency requirement pursuant to section
 17 251(b)(2)(A)(i) of the Balanced Budget and Emergency
 18 Deficit Control Act of 1985.

19 ADMINISTRATIVE PROVISION—INTERNAL REVENUE

20 SERVICE

21 (INCLUDING TRANSFER OF FUNDS)

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

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

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

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

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

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

1 States, the District of Columbia, the Commonwealth of
 2 Puerto Rico, Guam, American Samoa, the United States
 3 Virgin Islands, and the Commonwealth of the Northern
 4 Mariana Islands: *Provided further*, That the amount of the
 5 payments made to a State under this heading shall be con-
 6 sistent with sections 101(d) and 103 of the Help America
 7 Vote Act of 2002 (52 U.S.C. 20903): *Provided further*,
 8 That not later than 30 days after the date of enactment
 9 of this Act, the Election Assistance Commission shall obli-
 10 gate the funds to States under this heading in this Act:
 11 *Provided further*, That not less than 50 percent of the
 12 amount of the payment made to a State under this head-
 13 ing in this Act shall be allocated in cash or in kind to
 14 the units of local government which are responsible for
 15 the administration of elections for Federal office in the
 16 State: *Provided further*, That such amount is designated
 17 by the Congress as being for an emergency requirement
 18 pursuant to section 251(b)(2)(A)(i) of the Balanced Budg-
 19 et and Emergency Deficit Control Act of 1985.

20 ADMINISTRATIVE PROVISION—ELECTION ASSISTANCE

21 COMMISSION

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

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

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

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

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

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

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

12 (f) The amounts repurposed pursuant to this section
 13 that were previously designated by the Congress as an
 14 emergency requirement pursuant to the Balanced Budget
 15 and Emergency Deficit Control Act of 1985 are des-
 16 ignated by the Congress as an emergency requirement
 17 pursuant to section 251(b)(2)(A)(i) of the Balanced Budg-
 18 et and Emergency Deficit Control Act of 1985.

19 FEDERAL COMMUNICATIONS COMMISSION

20 SALARIES AND EXPENSES

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

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

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

1 eral shall report to the Committees on Appropriations of
 2 the House of Representatives and the Senate, the Com-
 3 mittee on Energy and Commerce of the House of Rep-
 4 resentatives, and the Committee on Commerce, Science,
 5 and Transportation of the Senate each month, until all
 6 emergency telehealth funding has been obligated, on the
 7 status of approved applications, pending applications, and
 8 rejected applications for such funding, and on rec-
 9 ommendations to improve the transparency and fairness
 10 of distribution of such funding: *Provided further*, That
 11 such amount is designated by the Congress as being for
 12 an emergency requirement pursuant to section
 13 251(b)(2)(A)(i) of the Balanced Budget and Emergency
 14 Deficit Control Act of 1985.

15 EMERGENCY CONNECTIVITY FUND

16 For an additional amount for the “Emergency
 17 Connectivity Fund”, \$12,000,000,000, to remain available
 18 until September 30, 2022, to prevent, prepare for, and re-
 19 spond to coronavirus, domestically or internationally,
 20 through the provision of funding for Wi-fi hotspots, other
 21 equipment, connected devices, and advanced telecommuni-
 22 cations and information services to schools and libraries
 23 as authorized in section 201 of division M of this Act: *Pro-*
 24 *vided*, That such amount is designated by the Congress
 25 as being for an emergency requirement pursuant to sec-

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

EMERGENCY BROADBAND CONNECTIVITY FUND

For an additional amount for the “Emergency Broadband Connectivity Fund”, \$3,000,000,000, to prevent, prepare for, and respond to coronavirus, domestically or internationally, through the provision of an emergency benefit for broadband service as authorized in section 301 of division M of this Act: *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.

GENERAL SERVICES ADMINISTRATION

TECHNOLOGY MODERNIZATION FUND

For an additional amount for the “Technology Modernization Fund”, \$1,000,000,000, to remain available until September 30, 2022, for technology-related modernization activities 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.

1 NATIONAL ARCHIVES AND RECORDS ADMINISTRATION
2 RECORDS CENTER REVOLVING FUND

3 For an additional amount for the “Records Center
4 Revolving Fund” for the Federal Record Centers Pro-
5 gram, \$92,000,000, to prevent, prepare for, and respond
6 to coronavirus, domestically or internationally, which shall
7 be for offsetting the loss resulting from the coronavirus
8 pandemic of the user charges collected by such Fund pur-
9 suant to subsection (c) under the heading “Records Center
10 Revolving Fund” in Public Law 106–58, as amended (44
11 U.S.C. 2901 note): *Provided*, That the amount provided
12 under this heading in this Act may be used to reimburse
13 the Fund for obligations incurred for this purpose prior
14 to the date of the enactment of this Act: *Provided further*,
15 That such amount is provided without regard to the limi-
16 tation in subsection (d) under the heading “Records Cen-
17 ter Revolving Fund” in Public Law 106–58, as amended
18 (44 U.S.C. 2901 note): *Provided further*, That such
19 amount is designated by the Congress as being for an
20 emergency requirement pursuant to section
21 251(b)(2)(A)(i) of the Balanced Budget and Emergency
22 Deficit Control Act of 1985.

1 OFFICE OF PERSONNEL MANAGEMENT

2 OFFICE OF INSPECTOR GENERAL

3 SALARIES AND EXPENSES

4 For an additional amount for “Salaries and Ex-
5 penses”, \$1,000,000, to remain available until expended
6 to prevent, prepare for, and respond to coronavirus, do-
7 mestically or internationally: *Provided*, That such amount
8 is designated by the Congress as being for an emergency
9 requirement pursuant to section 251(b)(2)(A)(i) of the
10 Balanced Budget and Emergency Deficit Control Act of
11 1985.

12 SMALL BUSINESS ADMINISTRATION

13 EMERGENCY EIDL GRANTS

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

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

3 ADMINISTRATIVE PROVISION—SMALL BUSINESS

4 ADMINISTRATION

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

11 UNITED STATES POSTAL SERVICE

12 PAYMENT TO POSTAL SERVICE FUND

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

OFFICE OF INSPECTOR GENERAL

SALARIES AND EXPENSES

For an additional amount for “Salaries and Expenses”, \$15,000,000, to remain available until expended, 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.

GENERAL PROVISIONS—THIS TITLE

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

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

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

5 (2) by striking subparagraph (D) and inserting:
 6 “(D) the Paycheck Protection Program
 7 and Health Care Enhancement Act (Public Law
 8 116–139);

9 “(E) all divisions of this Act; or

10 “(F) The Heroes Act; and”.

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

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

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

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

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

1 (2) GUIDANCE.—

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

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

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

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

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

17 SEC. 505. Title V of division B of the CARES Act
18 (Public Law 116–136) is amended by striking the fifth
19 proviso under the heading “General Services Administra-
20 tion—Real Property Activities—Federal Buildings
21 Fund”: *Provided*, That the amounts repurposed pursuant
22 to this section that were previously designated by the Con-
23 gress as an emergency requirement pursuant to the Bal-
24 anced Budget and Emergency Deficit Control Act of 1985
25 are designated by the Congress as an emergency require-

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

3 TITLE VI

4 HOMELAND SECURITY

5 OFFICE OF INSPECTOR GENERAL

6 OPERATIONS AND SUPPORT

7 For an additional amount for “Operations and Sup-
 8 port”, \$3,000,000, for oversight of activities supported by
 9 funds provided under “Federal Emergency Management
 10 Agency—Disaster Relief Fund” in title VI of division B
 11 of Public Law 116–136, in addition to amounts otherwise
 12 available for such purposes: *Provided*, That such amount
 13 is designated by the Congress as being for an emergency
 14 requirement pursuant to section 251(b)(2)(A)(i) of the
 15 Balanced Budget and Emergency Deficit Control Act of
 16 1985.

17 FEDERAL EMERGENCY MANAGEMENT AGENCY

18 FEDERAL ASSISTANCE

19 For an additional amount for “Federal Assistance”,
 20 \$1,300,000,000, to prevent, prepare for, and respond to
 21 coronavirus, of which \$500,000,000 shall be for Assist-
 22 ance to Firefighter Grants for the purchase of personal
 23 protective equipment and related supplies, mental health
 24 evaluations, training, and temporary infectious disease de-
 25 contamination or sanitizing facilities and equipment; of

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

10 GENERAL PROVISIONS—THIS TITLE

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

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

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

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

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

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

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

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

19 NATIONAL PARK SERVICE
20 NATIONAL RECREATION AND PRESERVATION

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

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

4 BUREAU OF INDIAN AFFAIRS

5 OPERATION OF INDIAN PROGRAMS

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

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

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

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

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

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

21 DEPARTMENTAL OFFICES

22 INSULAR AFFAIRS

23 ASSISTANCE TO TERRITORIES

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

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

1 OFFICE OF INSPECTOR GENERAL

2 SALARIES AND EXPENSES

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

9 ENVIRONMENTAL PROTECTION AGENCY

10 ENVIRONMENTAL PROGRAMS AND MANAGEMENT

11 For an additional amount for “Environmental Pro-
12 grams and Management”, \$50,000,000, for environmental
13 justice grants as described in section 302 of division U
14 of this Act: *Provided*, That such amounts shall be in addi-
15 tion to any other amounts available for such purposes:
16 *Provided further*, That such amount is designated by the
17 Congress as being for an emergency requirement pursuant
18 to section 251(b)(2)(A)(i) of the Balanced Budget and
19 Emergency Deficit Control Act of 1985.

20 DEPARTMENT OF HEALTH AND HUMAN

21 SERVICES

22 INDIAN HEALTH SERVICE

23 INDIAN HEALTH SERVICES

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

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

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

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

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

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

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

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

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

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

INDIAN HEALTH FACILITIES

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

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

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

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

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

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

3 NATIONAL ENDOWMENT FOR THE HUMANITIES

4 GRANTS AND ADMINISTRATION

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

1 TITLE VIII
2 DEPARTMENTS OF LABOR, HEALTH AND
3 HUMAN SERVICES, AND EDUCATION, AND
4 RELATED AGENCIES
5 DEPARTMENT OF LABOR
6 EMPLOYMENT AND TRAINING ADMINISTRATION
7 TRAINING AND EMPLOYMENT SERVICES
8 (INCLUDING TRANSFER OF FUNDS)

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

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

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

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

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

(3) \$597,000,000 for grants to States for dislocated worker employment and training activities, including incumbent worker trainings, transitional jobs, on-the-job training, individualized career services, supportive services, needs-related payments, and to facilitate remote access to training services provided through a one-stop delivery system through the use of technology: *Provided*, That a dislocated worker shall not be required to meet the requirements of section 134(c)(3)(B) of the WIOA: *Provided further*, That a dislocated worker who meets the requirements described in section 2102(a)(3)(A) of Public Law 116–136 may be eligible for participation;

(4) \$500,000,000 for the dislocated workers assistance national reserve; and

15 STATE UNEMPLOYMENT INSURANCE AND EMPLOYMENT
16 SERVICE OPERATIONS

(1) \$38,500,000 from the Trust Fund is for national activities necessary to support the administrative

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

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

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

10 WAGE AND HOUR DIVISION

11 SALARIES AND EXPENSES

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

1 OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION
2 SALARIES AND EXPENSES

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

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

10 OFFICE OF INSPECTOR GENERAL

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

18 ADMINISTRATIVE PROVISIONS—DEPARTMENT OF LABOR

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

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

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

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

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

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

8 DEPARTMENT OF HEALTH AND HUMAN
 9 SERVICES

10 HEALTH RESOURCES AND SERVICES ADMINISTRATION

11 PRIMARY HEALTH CARE

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

1 Act may be used to (1) purchase equipment and supplies
 2 to conduct mobile testing for SARS-CoV-2 or COVID-
 3 19; (2) purchase and maintain mobile vehicles and equip-
 4 ment to conduct such testing; and (3) hire and train lab-
 5 oratory personnel and other staff to conduct such mobile
 6 testing: *Provided further*, That such amount is designated
 7 by the Congress as being for an emergency requirement
 8 pursuant to section 251(b)(2)(A)(i) of the Balanced Budg-
 9 et and Emergency Deficit Control Act of 1985.

10 HEALTH WORKFORCE

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

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

18 MATERNAL AND CHILD HEALTH

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

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

7 RYAN WHITE HIV/AIDS PROGRAM

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

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

5 CENTERS FOR DISEASE CONTROL AND PREVENTION

6 CDC-WIDE ACTIVITIES AND PROGRAM SUPPORT

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

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

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

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

7 NATIONAL INSTITUTES OF HEALTH

8 NATIONAL INSTITUTE OF ALLERGY AND INFECTIOUS
 9 DISEASES

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

18 NATIONAL INSTITUTE OF MENTAL HEALTH

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

OFFICE OF THE DIRECTOR

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for “Office of the Director”, \$4,021,000,000, to remain available until September 30, 2024, to prevent, prepare for, and respond to coronavirus, domestically or internationally: *Provided*, That not less than \$3,000,000,000 of the amount provided under this heading in this Act shall be for offsetting the costs related to reductions in lab productivity resulting from the coronavirus pandemic or public health measures related to the coronavirus pandemic: *Provided further*, That up to \$1,021,000,000 of the amount provided under this heading in this Act shall be to support additional scientific research or the programs and platforms that support research: *Provided further*, That funds made available under this heading in this Act may be transferred to the accounts of the Institutes and Centers of the National Institutes of Health (“NIH”): *Provided further*, That this transfer authority is in addition to any other transfer authority available to the NIH: *Provided further*, 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.

1 SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES

2 ADMINISTRATION

3 HEALTH SURVEILLANCE AND PROGRAM SUPPORT

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

1 *vided further*, That of the funds made available under this
2 heading in this Act, \$100,000,000 shall be for activities
3 and services under Project AWARE: *Provided further*,
4 That of the funds made available under this heading in
5 this Act, \$10,000,000 shall be for the National Child
6 Traumatic Stress Network: *Provided further*, That of the
7 amount made available under this heading in this Act,
8 \$240,000,000 is available for activities authorized under
9 section 501(o) of the PHS Act: *Provided further*, That of
10 the amount made available under this heading in this Act
11 for specified programs, not less than \$150,000,000 shall
12 be allocated to tribes, tribal organizations, urban Indian
13 health organizations, or health or behavioral health service
14 providers to tribes: *Provided further*, That with respect to
15 the amount appropriated under this heading in this Act
16 the Substance Abuse and Mental Health Services Admin-
17 istration may waive requirements with respect to allowable
18 activities, timelines, or reporting requirements for the
19 Substance Abuse Prevention and Treatment Block Grant
20 and the Community Mental Health Services Block Grant
21 as deemed necessary to facilitate a grantee's response to
22 coronavirus: *Provided further*, That such amount is des-
23 ignated by the Congress as being for an emergency re-
24 quirement pursuant to section 251(b)(2)(A)(i) of the Bal-
25 anced Budget and Emergency Deficit Control Act of 1985.

1 CENTERS FOR MEDICARE & MEDICAID SERVICES

2 PROGRAM MANAGEMENT

3 For an additional amount for “Program Manage-
4 ment”, \$500,000,000, to prevent, prepare for, and re-
5 spond to coronavirus, for State strike teams for resident
6 and employee safety in skilled nursing facilities and nurs-
7 ing facilities, including activities to support clinical care,
8 infection control, and staffing pursuant to section 208 of
9 division K of this Act: *Provided*, That such amount is des-
10 ignated 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 ADMINISTRATION FOR CHILDREN AND FAMILIES

14 LOW INCOME HOME ENERGY ASSISTANCE

15 For an additional amount for “Low Income Home
16 Energy Assistance”, \$4,500,000,000, to prevent, prepare
17 for, and respond to coronavirus, for making payments
18 under subsection (b) of section 2602 of the Low-Income
19 Home Energy Assistance Act of 1981 (42 U.S.C. 8621
20 et seq.): *Provided*, That of the amount provided under this
21 heading in this Act, \$2,250,000,000 shall be allocated as
22 though the total appropriation for such payments for fiscal
23 year 2021 was less than \$1,975,000,000: *Provided further*,
24 That section 2607(b)(2)(B) of such Act (42 U.S.C.
25 8626(b)(2)(B)) shall not apply to funds made available

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

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

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

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

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

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

19 For an additional amount for “Payments to States
 20 for the Child Care and Development Block Grant”,
 21 \$50,000,000,000, for necessary expenses to carry out the
 22 Child Care Stabilization Fund program, as authorized by
 23 section 803 of this Act: *Provided*, That such funds shall
 24 be available without regard to the requirements in sub-
 25 paragraphs (C) through (E) of section 658E(c)(3) or sec-

tion 658G of the Child Care and Development Block Grant Act: *Provided further*, That funds made available under this heading in this Act may be made available to restore amounts, either directly or through reimbursement, for obligations incurred prior to the date of enactment of this Act for the purposes provided herein: *Provided further*, 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.

CHILD CARE STABILIZATION FUND

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

(1) CCDBG TERMS.—The terms “eligible child care provider”, “Indian tribe”, “lead agency”, “tribal organization”, “Secretary”, and “State” have the meanings given the terms in section 658P of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858n) except as otherwise provided in this section.

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

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

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

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

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

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

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

6 (d) STATE RESERVATIONS AND SUBGRANTS.—

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

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

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

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

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

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

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

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

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

1 (B) QUALIFIED CHILD CARE PROVIDER.—

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

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

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

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

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

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

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

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

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

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

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

5 (D) APPLICATION.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

18 (E) MATERIALS.—

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

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

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

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

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

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

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

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

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

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

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

1 (e) USES OF FUNDS.—

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

5 (A) payroll;

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

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

16 (D) employee recruitment and retention;

17 (E) payment on any mortgage obligation;

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

20 (G) utilities and facility maintenance;

21 (H) insurance;

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

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

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

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

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

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

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

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

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

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

10 (f) REPORTING.—

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

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

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

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

1 characteristics of such applicants and re-
2 cipients associated with the priority;

3 (iii) the number and proportion of
4 such applicants and recipients that are—

5 (I) center-based child care pro-
6 viders;

7 (II) family child care providers;

8 (III) group home child care pro-
9 viders; or

10 (IV) other non-center-based child
11 care providers; and

12 (iv) within each of the groups listed in
13 clause (iii), the number of such applicants
14 and recipients that are, on the date of sub-
15 mission of the application—

16 (I) open and available to provide
17 child care services; or

18 (II) closed due to the COVID-19
19 public health emergency;

20 (B) the total capacity of child care pro-
21 viders that are licensed, regulated, or registered
22 in the State on the date of the submission of
23 the report;

24 (C) a description of—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

24 (i) center-based child care providers;

25 (ii) family child care providers;

1 (iii) group home child care providers;

2 or

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

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

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

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

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

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

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

20 (4) REPORTS TO CONGRESS.—

21 (A) FINDINGS FROM INITIAL REPORTS.—

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

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

7 (B) FINDINGS FROM FINAL REPORTS.—

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

17 (g) SUPPLEMENT NOT SUPPLANT.—Amounts made

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

24 (h) REALLOTMENT OF UNOBLIGATED FUNDS.—

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

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

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

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

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

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

1 CHILDREN AND FAMILIES SERVICES PROGRAMS

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

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

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

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

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

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

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

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

6 *Provided*, That funds made available under this heading
 7 in this Act may be used for the purposes provided herein
 8 to reimburse costs incurred between January 20, 2020,
 9 and the date of award: *Provided further*, That such
 10 amount is designated by the Congress as being for an
 11 emergency requirement pursuant to section
 12 251(b)(2)(A)(i) of the Balanced Budget and Emergency
 13 Deficit Control Act of 1985.

14 ADMINISTRATION FOR COMMUNITY LIVING

15 AGING AND DISABILITY SERVICES PROGRAMS

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

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

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

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

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

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

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

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

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

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

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

7 OFFICE OF THE SECRETARY
8 PUBLIC HEALTH AND SOCIAL SERVICES EMERGENCY
9 FUND

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

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

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

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

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

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

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

For an additional amount for “Public Health and Social Services Emergency Fund”, \$75,000,000,000, to remain available until expended, to prevent, prepare for, and respond to coronavirus, for necessary expenses to carry out the COVID–19 National Testing and Contact Tracing Initiative, as described in subtitle D of title V of division K of this Act: *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.

DEPARTMENT OF EDUCATION

STATE FISCAL STABILIZATION FUND

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

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

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

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

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

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

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

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

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

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

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

5 ELEMENTARY AND SECONDARY SCHOOL EMERGENCY
 6 FACILITIES AID

7 For an additional amount for “Elementary and Sec-
 8 ondary School Emergency Facilities Aid”, \$5,000,000,000
 9 to prevent, prepare for, and respond to coronavirus: *Pro-*
 10 *vided*, That such amount is designated by the Congress
 11 as being for an emergency requirement pursuant to sec-
 12 tion 251(b)(2)(A)(i) of the Balanced Budget and Emer-
 13 gency Deficit Control Act of 1985.

14 ADMINISTRATIVE PROVISION—ELEMENTARY AND
 15 SECONDARY SCHOOL EMERGENCY FACILITIES AID

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

5 HIGHER EDUCATION

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 tion and the ways that the institution will use the funds
 2 to ameliorate such impact: *Provided further*, That the Sec-
 3 retary shall reallocate any funds received from an institu-
 4 tion to remaining institutions in accordance with para-
 5 graph 2(A): *Provided further*, That the Secretary shall
 6 brief the Committees on Appropriations fifteen days in ad-
 7 vance of making any application available for funds under
 8 paragraph (2)(B): *Provided further*, That such amount is
 9 designated by the Congress as being for an emergency re-
 10 quirement pursuant to section 251(b)(2)(A)(i) of the Bal-
 11 anced Budget and Emergency Deficit Control Act of 1985.

12 INSTITUTE OF EDUCATION SCIENCES

13 For an additional amount for “Institute of Education
 14 Sciences”, \$32,000,000 to prevent, prepare for, and re-
 15 spond to coronavirus for carrying out the National Assess-
 16 ment of Educational Progress Authorization Act (title III
 17 of Public Law 107–279): *Provided*, That such amount is
 18 designated by the Congress as being for an emergency re-
 19 quirement pursuant to section 251(b)(2)(A)(i) of the Bal-
 20 anced Budget and Emergency Deficit Control Act of 1985.

21 DEPARTMENTAL MANAGEMENT

22 OFFICE OF INSPECTOR GENERAL

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

1 cluding for salaries and expenses necessary for oversight,
 2 investigations and audits of programs, grants, and
 3 projects funded in this Act to respond to coronavirus: *Pro-*
 4 *vided*, That such amount is designated by the Congress
 5 as being for an emergency requirement pursuant to sec-
 6 tion 251(b)(2)(A)(i) of the Balanced Budget and Emer-
 7 gency Deficit Control Act of 1985.

8 GENERAL PROVISIONS—DEPARTMENT OF EDUCATION

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

10

11

12

For an additional amount for the “Corporation for National and Community Service” (referred to under this heading as “CNCS”), \$336,000,000, to prevent, prepare for, and respond to coronavirus, including to carry out the Domestic Volunteer Service Act of 1973 (“1973 Act”) and the National and Community Service Act of 1990 (“1990 Act”): *Provided*, That \$228,000,000 of the funds made available in this paragraph may be used to make new and additional awards to new and existing AmeriCorps grantees and may be used to provide adjustments to awards under subtitle C of title I of the 1990 Act for which the Chief Executive Officer of CNCS determines that a waiver of the Federal share limitation is warranted under section

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

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

7 PAYMENT TO THE NATIONAL SERVICE TRUST

8 (INCLUDING TRANSFER OF FUNDS)

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

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

3 CORPORATION FOR PUBLIC BROADCASTING

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

16 INSTITUTE OF MUSEUM AND LIBRARY SERVICES

17 OFFICE OF MUSEUM AND LIBRARY SERVICES: GRANTS

18 AND ADMINISTRATION

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

1 requirements for States, tribes, libraries, and museums are
2 waived for grants provided with funds made available
3 under this heading in this Act: *Provided further*, That such
4 amount is designated by the Congress as being for an
5 emergency requirement pursuant to section
6 251(b)(2)(A)(i) of the Balanced Budget and Emergency
7 Deficit Control Act of 1985.

8 RAILROAD RETIREMENT BOARD

9 LIMITATION ON ADMINISTRATION

10 For an additional amount for “Limitation on Admin-
11 istration”, \$4,500,000 to prevent, prepare for, and re-
12 spond to coronavirus, including the expeditious dispensa-
13 tion of railroad unemployment insurance benefits, and to
14 support full-time equivalents and overtime hours as need-
15 ed to administer the Railroad Unemployment Insurance
16 Act, and of which \$8,300 shall be for administrative costs
17 related to implementing rebate payments: *Provided*, That
18 such amount is designated by the Congress as being for
19 an emergency requirement pursuant to section
20 251(b)(2)(A)(i) of the Balanced Budget and Emergency
21 Deficit Control Act of 1985.

22 LIMITATION ON THE OFFICE OF INSPECTOR GENERAL

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

1 cluding salaries and expenses necessary for oversight, in-
 2 vestigations and audits of the Railroad Retirement Board
 3 and railroad unemployment insurance benefits funded in
 4 this Act and Public Law 116–136: *Provided*, That such
 5 amount is designated by the Congress as being for an
 6 emergency requirement pursuant to section
 7 251(b)(2)(A)(i) of the Balanced Budget and Emergency
 8 Deficit Control Act of 1985.

9 SOCIAL SECURITY ADMINISTRATION

10 LIMITATION ON ADMINISTRATIVE EXPENSES

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

1 GENERAL PROVISIONS—THIS TITLE

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

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

12 (1) public notice has been given; and

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

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

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

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

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

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

6 TITLE IX

7 LEGISLATIVE BRANCH

8 SENATE

9 CONTINGENT EXPENSES OF THE SENATE

10 SERGEANT AT ARMS AND DOORKEEPER OF THE SENATE

11 For an additional amount for “Sergeant at Arms and
 12 Doorkeeper of the Senate”, \$6,345,000, to remain avail-
 13 able until expended, to prevent, prepare for, and respond
 14 to coronavirus, which shall be allocated in accordance with
 15 a spend plan submitted to the Committee on Appropria-
 16 tions of the Senate: *Provided*, That such amount is des-
 17 ignated 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 HOUSE OF REPRESENTATIVES

21 ALLOWANCES AND EXPENSES

22 For an additional amount for “Allowances and Ex-
 23 penses”, \$37,000,000, to remain available until expended,
 24 for necessary expenses for Business Continuity and Dis-
 25 aster Recovery, to prevent, prepare for, and respond to

1 coronavirus, to be allocated in accordance with a spend
 2 plan submitted to the Committee on Appropriations of the
 3 House of Representatives by the Chief Administrative Of-
 4 ficer and approved by such Committee: *Provided*, That
 5 such amount is designated by the Congress as being for
 6 an emergency requirement pursuant to section
 7 251(b)(2)(A)(i) of the Balanced Budget and Emergency
 8 Deficit Control Act of 1985.

9 JOINT ITEMS

10 OFFICE OF THE ATTENDING PHYSICIAN

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

18 CAPITOL POLICE

19 SALARIES

20 (INCLUDING TRANSFER OF FUNDS)

21 For an additional amount for “Salaries”,
 22 \$12,000,000, to prevent, prepare for, and respond to
 23 coronavirus: *Provided*, That amounts provided under this
 24 heading in this Act may be transferred between Capitol
 25 Police “Salaries” and “General Expenses” for the pur-

1 poses provided herein without the approval requirement of
 2 section 1001 of the Legislative Branch Appropriations
 3 Act, 2014 (2 U.S.C. 1907a); *Provided further*, That such
 4 amount is designated by the Congress as being for an
 5 emergency requirement pursuant to section
 6 251(b)(2)(A)(i) of the Balanced Budget and Emergency
 7 Deficit Control Act of 1985.

8 CONGRESSIONAL BUDGET OFFICE

9 SALARIES AND EXPENSES

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

16 ARCHITECT OF THE CAPITOL

17 CAPITAL CONSTRUCTION AND OPERATIONS

18 For an additional amount for “Capital Construction
 19 and Operations”, \$150,000,000, to remain available until
 20 expended, to supplement the funding made available to the
 21 Architect for the purposes described in title IX of division
 22 B of the CARES Act (Public Law 116–136): *Provided*,
 23 That this additional amount also may be used for the pur-
 24 chase and distribution of supplies to respond to
 25 coronavirus including, but not limited to, cleaning and

1 sanitation supplies, masks and/or face coverings to Con-
 2 gressional offices, committees, and visitors, including pro-
 3 visions for travel and other necessary work carried out by
 4 staff in their Congressional Districts and State Offices,
 5 wherever located: *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 LIBRARY OF CONGRESS

10 SALARIES AND EXPENSES

11 (INCLUDING TRANSFER OF FUNDS)

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

1 priations of the Library of Congress to prevent, prepare
 2 for, and respond to coronavirus: *Provided further*, That
 3 such amount is designated by the Congress as being for
 4 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 GOVERNMENT PUBLISHING OFFICE

8 GOVERNMENT PUBLISHING OFFICE BUSINESS

9 OPERATIONS REVOLVING FUND

10 For an additional amount for “Government Pub-
 11 lishing Office Business Operations Revolving Fund”,
 12 \$7,000,000, to prevent, prepare for, and respond to
 13 coronavirus, which shall be for offsetting losses resulting
 14 from the coronavirus pandemic of amounts collected pur-
 15 suant to section 309 of title 44, United States Code: *Pro-*
 16 *vided*, That funds appropriated under this heading in this
 17 Act may be made available to restore amounts, either di-
 18 rectly or through reimbursement, for obligations incurred
 19 to prevent, prepare for, and respond to coronavirus, do-
 20 mestically or internationally, prior to the date of enact-
 21 ment of this Act: *Provided further*, That such amount is
 22 designated by the Congress as being for an emergency re-
 23 quirement pursuant to section 251(b)(2)(A)(i) of the Bal-
 24 anced Budget and Emergency Deficit Control Act of 1985.

1 GOVERNMENT ACCOUNTABILITY OFFICE

2 SALARIES AND EXPENSES

3 For an additional amount for “Salaries and Ex-
4 penses”, \$88,500,000, to remain available until expended,
5 to prevent, prepare for, and respond to coronavirus, which
6 shall be for audits and investigations and for reimburse-
7 ment of the Tiny Findings Child Development Center for
8 salaries for employees, as authorized by this title: *Pro-*
9 *vided*, That not later than 90 days after the date of enact-
10 ment 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 au-
14 dits and investigations: *Provided further*, That such
15 amount is designated by the Congress as being for an
16 emergency requirement pursuant to section
17 251(b)(2)(A)(i) of the Balanced Budget and Emergency
18 Deficit Control Act of 1985.

19 GENERAL PROVISIONS—THIS TITLE

20 SOURCE OF FUNDS USED FOR PAYMENT OF SALARIES

21 AND EXPENSES OF SENATE EMPLOYEE CHILD CARE

22 CENTER

23 SEC. 901. The Secretary of the Senate shall reim-
24 burse the Senate Employee Child Care Center for per-
25 sonnel costs incurred until September 30, 2021, for em-

1 ployees of such Center who have been ordered to cease
 2 working due to measures taken in the Capitol complex to
 3 combat coronavirus, from amounts in the appropriations
 4 account “Miscellaneous Items” within the contingent fund
 5 of the Senate.

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

14 AUTHORITY OF ARCHITECT OF THE CAPITOL TO MAKE
 15 EXPENDITURES IN RESPONSE TO EMERGENCIES

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

23 (b) AUTHORITY TO PROVIDE SUPPLIES AND
 24 SERVICES THROUGHOUT FACILITIES AND
 25 GROUNDS UNDER THE ARCHITECT OF THE CAP-
 26 ITOL’S CARE.—Section 1305 of the Legislative Branch

1 Appropriations Act, 2010 (2 U.S.C. 1827) is further
2 amended by inserting after subsection (a)(2), the fol-
3 lowing: “(3) May accept contributions of, and incur obliga-
4 tions and make expenditures for, supplies, products, serv-
5 ices, and operational costs necessary to respond to the
6 emergency, which may be provided throughout all facilities
7 and grounds under the care of the Architect of the Capitol
8 wherever located, on a reimbursable or non-reimbursable
9 basis subject to the availability of funds.”.

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

13 SEC. 904. Notwithstanding the provisions of section
14 6304(c) of title 5, United States Code, any annual leave
15 accumulated by an employee of the Government Pub-
16 lishing Office in excess of the limits prescribed in section
17 6304(a) of title 5, United States Code, remains to the
18 credit of the employee until December 31, 2021.

1 TITLE X
2 MILITARY CONSTRUCTION, VETERANS AFFAIRS,
3 AND RELATED AGENCIES
4 DEPARTMENT OF VETERANS AFFAIRS
5 VETERANS BENEFITS ADMINISTRATION
6 GENERAL OPERATING EXPENSES, VETERANS BENEFITS
7 ADMINISTRATION

8 For an additional amount for “General Operating
9 Expenses, Veterans Benefits Administration”,
10 \$338,000,000, to prevent, prepare for, and respond to
11 coronavirus, including the elimination of backlogs that
12 may have occurred: *Provided*, That amounts provided
13 under this heading in this Act made available for the elimi-
14 nation of backlogs may not be used to increase the number
15 of permanent positions: *Provided further*, That of the
16 amounts provided under this heading, up to \$198,000,000
17 shall be to improve the Veteran Benefits Administration’s
18 education systems, including implementation of changes to
19 chapters 30 through 36 of part III of title 38, United
20 States Code in the Harry W. Colmery Veterans Edu-
21 cational Assistance Act of 2017 (Public Law 115–48), in
22 a bill to authorize the Secretary of Veterans Affairs to
23 treat certain programs of education converted to distance
24 learning by reason of emergencies and health-related situ-
25 ations in the same manner as programs of education pur-

1 sued at educational institutions, and for other purposes
 2 (Public Law 116–128), and in the Student Veteran
 3 Coronavirus Response Act of 2020 (Public Law 116–140):
 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 VETERANS HEALTH ADMINISTRATION

9 MEDICAL COMMUNITY CARE

10 For an additional amount for “Medical Community
 11 Care”, \$100,000,000, for a one-time emergency payment
 12 to existing State Extended Care Facilities for Veterans,
 13 to prevent, prepare for, and respond to coronavirus: *Pro-*
 14 *vided*, That such payments shall be in proportion to each
 15 State’s share of the total resident capacity in such facili-
 16 ties as of January 4, 2020 where such capacity includes
 17 only veterans on whose behalf the Department pays a per
 18 diem amount pursuant to 38 United States Code 1741
 19 or 1745: *Provided further*, That amounts made available
 20 to “Veterans Health Administration—Medical Services”
 21 in division B of Public Law 116–136, may be transferred
 22 to and merged with the Medical Community Care account
 23 to be used for the purposes provided under this heading
 24 in this Act, and shall be in addition to any other
 25 amounts available for such purposes: *Provided further*,

1 That amounts transferred pursuant to the preceding pro-
 2 viso that were previously designated by the Congress as
 3 an emergency requirement pursuant to the Balanced
 4 Budget and Emergency Deficit Control Act of 1985 are
 5 designated by the Congress as an emergency requirement
 6 pursuant to section 251(b)(2)(A)(i) of the Balanced Budg-
 7 et and Emergency Deficit Control Act of 1985: *Provided*
 8 *further*, That such amount is designated by the Congress
 9 as being for an emergency requirement pursuant to sec-
 10 tion 251(b)(2)(A)(i) of the Balanced Budget and Emer-
 11 gency Deficit Control Act of 1985.

12 NATIONAL CEMETERY ADMINISTRATION

13 For an additional amount for “National Cemetery
 14 Administration”, \$26,000,000, to prevent, prepare for,
 15 and respond to coronavirus: *Provided*, That such amount
 16 is designated by the Congress as being for an emergency
 17 requirement pursuant to section 251(b)(2)(A)(i) of the
 18 Balanced Budget and Emergency Deficit Control Act of
 19 1985.

20 DEPARTMENTAL ADMINISTRATION

21 BOARD OF VETERANS APPEALS

22 For an additional amount for “Board of Veterans Ap-
 23 peals”, \$4,000,000, to prevent, prepare for, and respond
 24 to coronavirus: *Provided*, That such amount is designated
 25 by the Congress as being for an emergency requirement

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

3 INFORMATION TECHNOLOGY SYSTEMS

4 For an additional amount for “Information Tech-
5 nology Systems”, \$45,000,000, to remain available until
6 September 30, 2021, to prevent, prepare for, and respond
7 to coronavirus: *Provided*, That amounts provided under
8 this heading shall be to improve the Veteran Benefits Ad-
9 ministration’s education systems, including implementa-
10 tion of changes to chapters 30 through 36 of part III of
11 title 38, United States Code in the Harry W. Colmery Vet-
12 erans Educational Assistance Act of 2017 (Public Law
13 115–48), in a bill to authorize the Secretary of Veterans
14 Affairs to treat certain programs of education converted
15 to distance learning by reason of emergencies and health-
16 related situations in the same manner as programs of edu-
17 cation pursued at educational institutions, and for other
18 purposes (Public Law 116–128), and in the Student Vet-
19 eran Coronavirus Response Act of 2020 (Public Law 116–
20 140): *Provided further*, That such amount is designated
21 by the Congress as being for an emergency requirement
22 pursuant to section 251(b)(2)(A)(i) of the Balanced Budg-
23 et and Emergency Deficit Control Act of 1985.

1 RELATED AGENCIES

2 DEPARTMENT OF DEFENSE—CIVIL

3 CEMETERIAL EXPENSES, ARMY

4 SALARIES AND EXPENSES

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

11 AMERICAN BATTLE MONUMENTS COMMISSION

12 SALARIES AND EXPENSES

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

19 GENERAL PROVISIONS—THIS TITLE

20 (INCLUDING TRANSFER OF FUNDS)

21 SEC. 1001. Title X of division B of the Coronavirus
22 Aid, Relief, and Economic Security Act (Public Law 116–
23 136) is amended under the heading “Department of Vet-
24 erans Affairs—Departmental Administration—Grants for
25 Construction of State Extended Care Facilities” by strik-

1 ing “including to modify or alter existing hospital, nursing
 2 home, and domiciliary facilities in State homes: *Provided*,”
 3 and inserting in lieu thereof the following: “which shall
 4 be for modifying or altering existing hospital, nursing
 5 home, and domiciliary facilities in State homes: *Provided*,
 6 That the Secretary shall conduct a new competition or
 7 competitions to award grants to States using funds pro-
 8 vided under this heading in this Act: *Provided further*,
 9 That such grants may be made to reimburse States for
 10 the costs of modifications or alterations that have been
 11 initiated or completed before an application for a grant
 12 under this section is approved by the Secretary: *Provided*
 13 *further*, That the use of funds provided under this heading
 14 in this Act shall not be subject to state matching fund
 15 requirement, application requirements, cost thresholds,
 16 the priority list, deadlines, award dates under sections
 17 8134 and 8135 of title 38, United States Code, and part
 18 59 of chapter I of title 38, Code of Federal Regulations,
 19 and shall not be subject to requirements of section 501(d)
 20 of title 38, United States Code: *Provided further*, That the
 21 Secretary may establish and adjust rolling deadlines for
 22 applications for such grants and may issue multiple
 23 rounds of application periods for the award of such grants
 24 under this section: *Provided further*,”: *Provided*, That
 25 amounts repurposed pursuant to this section that were

1 previously designated by the Congress as an emergency
2 requirement pursuant to the Balanced Budget and Emer-
3 gency Deficit Control Act of 1985 are designated by the
4 Congress as an emergency requirement pursuant to sec-
5 tion 251(b)(2)(A)(i) of the Balanced Budget and Emer-
6 gency Deficit Control Act of 1985.

7 SEC. 1002. Of the unobligated balances available to
8 the Department of Veterans Affairs from title X of divi-
9 sion B of the Coronavirus Aid, Relief, and Economic Secu-
10 rity Act (Public Law 116–136) for “Veterans Health Ad-
11 ministration, Medical Services”, up to \$100,000,000 may
12 be transferred to “Departmental Administration, Informa-
13 tion Technology Systems” to prevent, prepare for, and re-
14 spond to coronavirus, domestically or internationally, for
15 improvements to supply chain systems including the De-
16 fense Medical Logistics Standard Support system: *Pro-*
17 *vided*, That not more than \$50,000,000 may be trans-
18 ferred to development subaccount for the Supply Chain
19 Management project: *Provided further*, That the trans-
20 ferred funds shall be in addition to any other funds made
21 available for this purpose: *Provided further*, That the
22 amounts transferred in this section that were previously
23 designated by the Congress as an emergency requirement
24 pursuant to the Balanced Budget and Emergency Deficit
25 Control Act of 1985 are designated by the Congress as

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

4 TITLE XI

5 DEPARTMENT OF STATE, FOREIGN

6 OPERATIONS, AND RELATED PROGRAMS

7 DEPARTMENT OF STATE

8 ADMINISTRATION OF FOREIGN AFFAIRS

9 DIPLOMATIC PROGRAMS

10 For an additional amount for “Diplomatic Pro-
11 grams”, \$500,000,000, for necessary expenses to prevent,
12 prepare for, and respond to coronavirus, including for
13 evacuation expenses, emergency preparedness, maintain-
14 ing consular operations, and other operations and mainte-
15 nance requirements related to the consequences of
16 coronavirus, domestically or internationally, of which
17 \$425,000,000 shall be for Consular and Border Security
18 Programs, to remain available until expended, for offset-
19 ting losses resulting from the coronavirus pandemic of fees
20 collected and deposited into such account pursuant to sec-
21 tion 7081 of Public Law 115–31: *Provided*, That such
22 amount is designated by the Congress as being for an
23 emergency requirement pursuant to section
24 251(b)(2)(A)(i) of the Balanced Budget and Emergency
25 Deficit Control Act of 1985.

1 OFFICE OF INSPECTOR GENERAL

2 For an additional amount for “Office of Inspector
3 General”, \$4,400,000, for oversight of activities conducted
4 by the Department of State and made available to prevent,
5 prepare for, and respond to coronavirus by this title and
6 by prior acts: *Provided*, That such amount is designated
7 by the Congress as being for an emergency requirement
8 pursuant to section 251(b)(2)(A)(i) of the Balanced Budg-
9 et and Emergency Deficit Control Act of 1985.

10 UNITED STATES AGENCY FOR INTERNATIONAL
11 DEVELOPMENT

12 FUNDS APPROPRIATED TO THE PRESIDENT

13 OPERATING EXPENSES

14 For an additional amount for “Operating Expenses”,
15 \$50,000,000, to prevent, prepare for, and respond to
16 coronavirus and for other operations and maintenance re-
17 quirements related to the consequences of coronavirus:
18 *Provided*, That such amount is designated by the Congress
19 as being for an emergency requirement pursuant to sec-
20 tion 251(b)(2)(A)(i) of the Balanced Budget and Emer-
21 gency Deficit Control Act of 1985.

22 OFFICE OF INSPECTOR GENERAL

23 For an additional amount for “Office of Inspector
24 General”, \$3,500,000, for oversight of activities conducted
25 by the United States Agency for International Develop-

1 ment and made available to prevent, prepare for, and re-
 2 spond to coronavirus by this title and by prior acts: *Pro-*
 3 *vided*, That such amount is designated by the Congress
 4 as being for an emergency requirement pursuant to sec-
 5 tion 251(b)(2)(A)(i) of the Balanced Budget and Emer-
 6 gency Deficit Control Act of 1985

7 BILATERAL ECONOMIC ASSISTANCE

8 FUNDS APPROPRIATED TO THE PRESIDENT

9 GLOBAL HEALTH PROGRAMS

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

1 in this title shall be made available for a contribution to
2 a multilateral vaccine development partnership to support
3 epidemic preparedness: *Provided further*, That of the
4 funds appropriated by this paragraph in this title, not less
5 than \$3,500,000,000 shall be made available for a United
6 States Contribution to The GAVI Alliance: *Provided fur-*
7 *ther*, That funds appropriated by this paragraph in this
8 title shall be allocated and allotted within 60 days of the
9 date of enactment of this Act: *Provided further*, That such
10 amount is designated by the Congress as being for an
11 emergency requirement pursuant to section
12 251(b)(2)(A)(i) of the Balanced Budget and Emergency
13 Deficit Control Act of 1985.

14 For an additional amount for “Global Health Pro-
15 grams”, \$4,535,925,000, for necessary expenses to pre-
16 vent, prepare for, and respond to coronavirus: *Provided*,
17 That such funds shall be administered by the United
18 States Global AIDS Coordinator: *Provided further*, That
19 not less than \$3,500,000,000 shall be made available as
20 a United States contribution to the Global Fund to Fight
21 AIDS, Tuberculosis and Malaria (Global Fund): *Provided*
22 *further*, That funds made available to the Global Fund
23 pursuant to the previous proviso shall be made available
24 notwithstanding section 202(d)(4)(A)(i) of the United
25 States Leadership Against HIV/AIDS, Tuberculosis, and

1 Malaria Act of 2003 (22 U.S.C. 7622(d)(4)(A)(i)): *Pro-*
 2 *vided further*, That funds appropriated under this heading
 3 for fiscal years 2020 and 2021 which are designated 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 and made available as a
 7 United States contribution to the Global Fund shall not
 8 be considered a contribution for the purpose of applying
 9 section 202(d)(4)(A)(i): *Provided further*, That funds ap-
 10 propriated by this paragraph in this title shall be allocated
 11 and allotted within 60 days of the date of enactment of
 12 this Act: *Provided further*, That such amount is designated
 13 by the Congress as being for an emergency requirement
 14 pursuant to section 251(b)(2)(A)(i) of the Balanced Budg-
 15 et and Emergency Deficit Control Act of 1985.

16 DEVELOPMENT ASSISTANCE

17 For an additional amount for “Development Assist-
 18 ance”, \$250,000,000, for necessary expenses to prevent,
 19 prepare for, and respond to coronavirus, including to ad-
 20 dress related economic, and stabilization requirements, of
 21 which not less than \$150,000,000 shall be made available
 22 to maintain access to basic education and not less than
 23 \$45,000,000 shall be to maintain access to not-for-profit
 24 institutions of higher education for costs related to the
 25 consequences of coronavirus: *Provided*, That such institu-

1 tions of higher education shall meet standards equivalent
 2 to those required for United States institutional accredita-
 3 tion by a regional accreditation agency recognized by the
 4 United States Department of Education: *Provided further*,
 5 That funds made available under this heading in this title
 6 shall be allocated and allotted within 60 days of the date
 7 of enactment of this Act: *Provided further*, That such
 8 amount is designated by the Congress as being for an
 9 emergency requirement pursuant to section
 10 251(b)(2)(A)(i) of the Balanced Budget and Emergency
 11 Deficit Control Act of 1985.

12 INDEPENDENT AGENCIES

13 INTER-AMERICAN FOUNDATION

14 For an additional amount for “Inter-American Foun-
 15 dation”, \$15,000,000, for necessary expenses to prevent,
 16 prepare for, and respond to coronavirus, including to ad-
 17 dress related economic and stabilization requirements:
 18 *Provided*, That funds made available under this heading
 19 in this title shall be allocated and allotted within 60 days
 20 of the enactment of this Act: *Provided further*, That such
 21 amount is designated by the Congress as being for an
 22 emergency requirement pursuant to section
 23 251(b)(2)(A)(i) of the Balanced Budget and Emergency
 24 Deficit Control Act of 1985.

1 UNITED STATES AFRICAN DEVELOPMENT FOUNDATION

2 For an additional amount for “United States African
 3 Development Foundation”, \$15,000,000, for necessary ex-
 4 penses to prevent, prepare for, and respond to
 5 coronavirus, including to address related economic and
 6 stabilization requirements: *Provided*, That funds made
 7 available under this heading in this title shall be allocated
 8 and allotted within 60 days of the enactment of this Act:
 9 *Provided further*, That such amount is designated by the
 10 Congress as being for an emergency requirement pursuant
 11 to section 251(b)(2)(A)(i) of the Balanced Budget and
 12 Emergency Deficit Control Act of 1985.

13 MULTILATERAL ASSISTANCE

14 FUNDS APPROPRIATED TO THE PRESIDENT

15 INTERNATIONAL ORGANIZATIONS AND PROGRAMS

16 For an additional amount for “International Organi-
 17 zations and Programs”, \$935,250,000, to remain available
 18 until September 30, 2022, for necessary expenses to pre-
 19 vent, prepare for, and respond to coronavirus and to sup-
 20 port the United Nations Global Humanitarian Response
 21 Plan COVID–19, of which not less than \$750,000,000
 22 shall be for the World Food Programme, and not less than
 23 \$185,250,000 shall be for the United Nations Children’s
 24 Fund: *Provided*, That funds made available under this
 25 heading in this title shall be allocated and allotted within

1 60 days of the date of enactment of this Act: *Provided*
 2 *further*, That such amount is designated by the Congress
 3 as being for an emergency requirement pursuant to sec-
 4 tion 251(b)(2)(A)(i) of the Balanced Budget and Emer-
 5 gency Deficit Control Act of 1985.

6 GENERAL PROVISIONS—THIS TITLE

7 (INCLUDING TRANSFER OF FUNDS)

8 SEC. 1101. The authorities and limitations of section
 9 402 of the Coronavirus Preparedness and Response Sup-
 10 plemental Appropriations Act (division A of Public Law
 11 116–123) shall apply to funds appropriated by this title
 12 as follows:

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 “Global Health Pro-
 18 grams”, and “Development Assistance”.

19 SEC. 1102. Funds appropriated by this title under
 20 the headings “Diplomatic Programs”, “Operating Ex-
 21 penses”, “Global Health Programs”, and “Development
 22 Assistance” may be used to reimburse such accounts ad-
 23 ministered by the Department of State and the United
 24 States Agency for International Development, for obliga-

1 tions incurred to prevent, prepare for, and respond to
2 coronavirus prior to the date of enactment of this Act.

3 SEC. 1103. The reporting requirements of section
4 406(b) of the Coronavirus Preparedness and Response
5 Supplemental Appropriations Act, 2020 (division A of
6 Public Law 116–123) shall apply to funds appropriated
7 by this title.

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

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

24 SEC. 1106. The Secretary of State and the heads of
25 other Federal agencies may rely upon the authority of sec-

1 tion 5924 of title 5, United States Code, without regard
2 to the foreign area limitations referenced therein, to make
3 payments for education allowances to employees who are
4 in the United States on ordered or authorized departure,
5 or for whom travel to a post in a foreign area has been
6 delayed, to prevent, prepare for, or respond to coronavirus:
7 *Provided*, That the authority under this section shall ex-
8 pire on December 31, 2024.

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

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

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

22 ESSENTIAL AIR SERVICE

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

1 through 41742 of title 49, United States Code,
2 \$75,000,000, to be derived from the general fund of the
3 Treasury, and to be made available to the Essential Air
4 Service and Rural Improvement Fund, to prevent, prepare
5 for, and respond to coronavirus: *Provided*, That such
6 amount is designated by the Congress as being for an
7 emergency requirement pursuant to section
8 251(b)(2)(A)(i) of the Balanced Budget and Emergency
9 Deficit Control Act of 1985.

10 FEDERAL AVIATION ADMINISTRATION

11 OPERATIONS

12 For an additional amount for “Operations”,
13 \$50,000,000, to be derived from the general fund, for nec-
14 essary expenses to provide Federal Aviation Administra-
15 tion (FAA) employees with masks or protective face cov-
16 erings, gloves, and sanitizer and wipes with sufficient alco-
17 hol content and to ensure FAA facilities are cleaned, dis-
18 infected, and sanitized in accordance with Centers for Dis-
19 ease Control and Prevention guidance: *Provided further*,
20 That such amount is designated by the Congress as being
21 for an emergency requirement pursuant to section
22 251(b)(2)(A)(i) of the Balanced Budget and Emergency
23 Deficit Control Act of 1985.

GRANTS-IN-AID FOR AIRPORTS

1
2 For an additional amount for “Grants-In-Aid for Air-
3 ports”, \$13,500,000,000, to prevent, prepare for, and re-
4 spond to coronavirus, to remain available until September
5 30, 2026: *Provided*, That amounts made available under
6 this heading in this Act shall be derived from the general
7 fund of the Treasury: *Provided further*, That funds pro-
8 vided under this heading in this Act shall only be available
9 to sponsors of airports in categories defined in section
10 47102 of title 49, United States Code: *Provided further*,
11 That the requirements of chapter 471 of such title, except
12 for project eligibility, shall apply to funds provided for any
13 contract awarded (after the date of enactment of this Act)
14 for airport development and funded under this heading:
15 *Provided further*, That funds provided under this heading
16 in this Act may not be used for any purpose not directly
17 related to the airport: *Provided further*, That of the
18 amounts appropriated under this heading in this Act—

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

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

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

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

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

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

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

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

3 FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION

4 MOTOR CARRIER SAFETY OPERATIONS AND PROGRAMS

5 Of prior year unobligated contract authority and liq-
 6 uidating cash provided for Motor Carrier Safety in the
 7 Transportation Equity Act for the 21st Century (Public
 8 Law 105–178), SAFETEA–LU (Public Law 109–59), or
 9 other appropriations or authorization acts, in addition to
 10 amounts already appropriated in fiscal year 2020 for
 11 “Motor Carrier Safety Operations and Programs”,
 12 \$238,500 in additional obligation limitation is provided
 13 and repurposed for obligations incurred to support activi-
 14 ties to prevent, prepare for, and respond to coronavirus:
 15 *Provided*, That such amount is designated by the Congress
 16 as being for an emergency requirement pursuant to sec-
 17 tion 251(b)(2)(A)(i) of the Balanced Budget and Emer-
 18 gency Deficit Control Act of 1985.

19 FEDERAL RAILROAD ADMINISTRATION

20 NORTHEAST CORRIDOR GRANTS TO THE NATIONAL

21 RAILROAD PASSENGER CORPORATION

22 (INCLUDING TRANSFER OF FUNDS)

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

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

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

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

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

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

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

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

3 FEDERAL TRANSIT ADMINISTRATION

4 TRANSIT INFRASTRUCTURE GRANTS

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

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

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

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

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

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

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

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

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

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

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

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

17 (5) \$10,000,000,000 shall be for grants to eligi-
18 ble recipients or subrecipients of funds under chap-
19 ter 53 of title 49, United States Code, that, as a re-
20 sult of coronavirus, require additional assistance to
21 maintain operations: *Provided*, That such funds shall
22 be administered as if they were provided under sec-
23 tion 5324 of title 49, United States Code: *Provided*
24 *further*, That any recipient or subrecipient of funds
25 under chapter 53 of title 49, United States Code, or

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

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

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

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

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

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

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

5 SAINT LAWRENCE SEAWAY DEVELOPMENT

6 CORPORATION

7 OPERATIONS AND MAINTENANCE

8 (HARBOR MAINTENANCE TRUST FUND)

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

19 OFFICE OF INSPECTOR GENERAL

20 SALARIES AND EXPENSES

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

1 tigungen of projects and activities carried out by the De-
 2 partment of Transportation to prevent, prepare for, and
 3 respond to coronavirus: *Provided further*, That such
 4 amount is designated by the Congress as being for an
 5 emergency requirement pursuant to section
 6 251(b)(2)(A)(i) of the Balanced Budget and Emergency
 7 Deficit Control Act of 1985.

8 DEPARTMENT OF HOUSING AND URBAN
 9 DEVELOPMENT

10 PUBLIC AND INDIAN HOUSING

11 TENANT-BASED RENTAL ASSISTANCE

12 (INCLUDING TRANSFER OF FUNDS)

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

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

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

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

22 PUBLIC HOUSING OPERATING FUND

23 (INCLUDING TRANSFER OF FUNDS)

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

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

1 NATIVE AMERICAN PROGRAMS

2 (INCLUDING TRANSFER OF FUNDS)

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

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

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

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

1 B of the Coronavirus Aid, Relief, and Economic Security
2 Act (Public Law 116–136) which are allocated to Indian
3 tribes or tribally designated housing entities, and which
4 are not accepted, are voluntarily returned, or otherwise re-
5 captured for any reason, may be used by the Secretary
6 to make awards under paragraph (2) under this heading
7 in title XII of division B of the Coronavirus Aid, Relief,
8 and Economic Security Act (Public Law 116–136), in ad-
9 dition to amounts otherwise available for such purposes:
10 *Provided further*, That up to one-half of 1 percent of the
11 amounts made available under this heading in this Act
12 may be transferred, in aggregate, to “Department of
13 Housing and Urban Development, Program Offices—Pub-
14 lic and Indian Housing” for necessary costs of admin-
15 istering and overseeing the obligation and expenditure of
16 such amounts and of amounts made available under this
17 heading in title XII of division B of the Coronavirus Aid,
18 Relief, and Economic Security Act (Public Law 116–136),
19 to remain available until September 30, 2029, in addition
20 to any other amounts made available for such purposes:
21 *Provided further*, That such amount is designated by the
22 Congress as being for an emergency requirement pursuant
23 to section 251(b)(2)(A)(i) of the Balanced Budget and
24 Emergency Deficit Control Act of 1985.

1 COMMUNITY PLANNING AND DEVELOPMENT

2 HOUSING OPPORTUNITIES FOR PERSONS WITH AIDS

3 (INCLUDING TRANSFER OF FUNDS)

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

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

5 COMMUNITY DEVELOPMENT FUND
 6 (INCLUDING TRANSFER OF FUNDS)

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

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

13 HOMELESS ASSISTANCE GRANTS

14 (INCLUDING TRANSFER OF FUNDS)

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

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

1 determines to be critical in order to assist survivors of do-
2 mestic violence, sexual assault, dating violence, and stalk-
3 ing or to assist homeless youth, age 24 and under: *Pro-*
4 *vided further*, That a grantee, when contracting with serv-
5 ice providers engaged directly in the provision of services
6 to homeless persons served by the program, shall, to the
7 extent practicable, enter into contracts in amounts that
8 cover the actual total program costs and administrative
9 overhead to provide the services contracted: *Provided fur-*
10 *ther*, That amounts repurposed by this paragraph that
11 were previously designated by the Congress as an emer-
12 gency requirement pursuant to the Balanced Budget and
13 Emergency Deficit Control Act of 1985 are designated by
14 the Congress as an emergency requirement pursuant to
15 section 251(b)(2)(A)(i) of the Balanced Budget and
16 Emergency Deficit Control Act of 1985: *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 EMERGENCY RENTAL ASSISTANCE

22 For activities and assistance authorized in section
23 201 of division O of this Act (the “COVID–19 HERO
24 ACT”), \$50,000,000,000, to remain available until ex-
25 pended: *Provided*, That such amount is designated by the

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

4 HOUSING PROGRAMS

5 PROJECT-BASED RENTAL ASSISTANCE

6 (INCLUDING TRANSFER OF FUNDS)

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

HOUSING FOR THE ELDERLY

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for “Housing for the Elderly”, \$500,000,000, to remain available until September 30, 2023, and to be used under the same authority and conditions as the additional appropriations for fiscal year 2020 under this heading in title XII of division B of the CARES Act (Public Law 116–136): *Provided*, That notwithstanding the first proviso under this heading in the CARES Act, \$300,000,000 of the amount made available under this heading in this Act shall be for one-time grants for service coordinators, as authorized under section 676 of the Housing and Community Development Act of 1992 (42 U.S.C. 13632), and the continuation of existing congregate service grants for residents of assisted housing projects: *Provided further*, That up to 0.5 percent of the amounts made available under this heading in this Act may be transferred to “Department of Housing and Urban Development—Program Offices—Office of Housing” for necessary costs of administering and overseeing the obligation and expenditure of amounts under this heading in this Act, to remain available until September 30, 2030: *Provided further*, That such amount is 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 HOUSING FOR PERSONS WITH DISABILITIES

4 (INCLUDING TRANSFER OF FUNDS)

5 For an additional amount for “Housing for Persons
6 with Disabilities”, \$45,000,000, to remain available until
7 September 30, 2023, and to be used under the same au-
8 thority and conditions as the additional appropriations for
9 fiscal year 2020 under this heading in title XII of division
10 B of the CARES Act (Public Law 116–136): *Provided*,
11 That up to 0.5 percent of the amounts made available
12 under this heading in this Act may be transferred to “De-
13 partment of Housing and Urban Development—Program
14 Offices—Office of Housing” for necessary costs of admin-
15 istering and overseeing the obligation and expenditure of
16 amounts under this heading in this Act, to remain avail-
17 able until September 30, 2030: *Provided further*, That
18 such amount is designated by the Congress as being for
19 an emergency requirement pursuant to section
20 251(b)(2)(A)(i) of the Balanced Budget and Emergency
21 Deficit Control Act of 1985.

1 FAIR HOUSING AND EQUAL OPPORTUNITY

2 FAIR HOUSING ACTIVITIES

3 (INCLUDING TRANSFER OF FUNDS)

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

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

15 OFFICE OF INSPECTOR GENERAL

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

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

3 RELATED AGENCY

4 NEIGHBORHOOD REINVESTMENT CORPORATION

5 PAYMENT TO THE NEIGHBORHOOD REINVESTMENT

6 CORPORATION

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

7 GENERAL PROVISIONS—THIS TITLE

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

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

1 to provide additional funds to maintain operations for
2 such housing, for providing supportive services, and for
3 taking other necessary actions to prevent, prepare for, and
4 respond to coronavirus, including to actions to self-isolate,
5 quarantine, or to provide other coronavirus infection con-
6 trol services as recommended by the Centers for Disease
7 Control and Prevention, including providing relocation
8 services for residents of such housing to provide lodging
9 at hotels, motels, or other locations: *Provided*, That the
10 amounts repurposed pursuant to this section that were
11 previously designated by the Congress as an emergency
12 requirement pursuant to the Balanced Budget and Emer-
13 gency Deficit Control Act of 1985 are designated by the
14 Congress as an emergency requirement pursuant to sec-
15 tion 251(b)(2)(A)(i) of the Balanced Budget and Emer-
16 gency Deficit Control Act of 1985.

17 SEC. 1203. Amounts made available in this Act under
18 the headings “Northeast Corridor Grants to the National
19 Railroad Passenger Corporation” and “National Network
20 Grants to the National Railroad Passenger Corporation”
21 shall be used under the same conditions as section 22002
22 of title XII of division B of the Coronavirus Aid, Relief,
23 and Economic Security Act (Public Law 116–136): *Pro-*
24 *vided*, That the amounts made available in this Act under
25 such headings shall be used by the National Railroad Pas-

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

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

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

GENERAL PROVISIONS—THIS DIVISION

•S 4800 PCS

1 amount of funding apportioned, allotted, obligated, and
2 expended, to date: *Provided further*, That each such report
3 shall be updated and submitted to such Committees every
4 60 days until all funds are expended or expire: *Provided*
5 *further*, That reports submitted pursuant to this section
6 shall satisfy the requirements of section 1701 of division
7 A of Public Law 116–127.

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

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

14 SEC. 1304. Unless otherwise provided for by this Act,
15 the additional amounts appropriated by this Act to appro-
16 priations accounts shall be available under the authorities
17 and conditions applicable to such appropriations accounts
18 for fiscal year 2021.

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

1 SEC. 1306. (a) STATUTORY PAYGO EMERGENCY
2 DESIGNATION.—The amounts provided under division B
3 and each succeeding division are designated as an emer-
4 gency requirement pursuant to section 4(g) of the Statu-
5 tory Pay-As-You-Go Act of 2010 (2 U.S.C. 933(g)), and
6 the budgetary effects shall not be entered on either
7 PAYGO scorecard maintained pursuant to section 4(d) of
8 such Act.

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

14 (c) CLASSIFICATION OF BUDGETARY EFFECTS.—
15 Notwithstanding Rule 3 of the Budget Scorekeeping
16 Guidelines set forth in the joint explanatory statement of
17 the committee of conference accompanying Conference Re-
18 port 105–217 and section 250(c)(8) of the Balanced
19 Budget and Emergency Deficit Control Act of 1985, the
20 budgetary effects of division B and each succeeding divi-
21 sion—

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

24 (2) shall not be estimated for purposes of para-
25 graph (4)(C) of section 3 of the Statutory Pay As-

1 You-Go Act of 2010 as being included in an appro-
2 priation Act; and

3 (3) shall be treated as if they were contained in
4 a PAYGO Act, as defined by section 3(7) of the
5 Statutory Pay-As-You-Go Act of 2010 (2 U.S.C.
6 932(7)).

7 SEC. 1307. (a) Any contract or agreement entered
8 into by an agency with a State or local government or any
9 other non-Federal entity for the purposes of providing cov-
10 ered assistance, including any information and documents
11 related to the performance of and compliance with such
12 contract or agreement, shall be—

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

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

18 (b) In this section—

19 (1) the term “agency” has the meaning given
20 the term in section 551 of title 5, United States
21 Code; and

22 (2) the term “covered assistance”—

23 (A) means any assistance provided by an
24 agency in accordance with an Act or amend-
25 ments made by an Act to provide aid, assist-

1 ance, or funding related to the outbreak of
2 COVID–19 that is enacted before, on, or after
3 the date of enactment of this Act; and

4 (B) includes any such assistance made
5 available by an agency under—

6 (i) any division of this Act;

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

11 (iii) the CARES Act (Public Law
12 116–136), or an amendment made by that
13 Act;

14 (iv) the Families First Coronavirus
15 Response Act (Public Law 116–127), or an
16 amendment made by that Act; or

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

21 SEC. 1308. (a) Notwithstanding any other provision
22 of law and in a manner consistent with other provisions
23 in any division of this Act, all laborers and mechanics em-
24 ployed by contractors and subcontractors on projects fund-
25 ed directly by or assisted in whole or in part by and

1 through the Federal Government pursuant to any division
2 of this Act shall be paid wages at rates not less than those
3 prevailing on projects of a character similar in the locality
4 as determined by the Secretary of Labor in accordance
5 with subchapter IV of chapter 31 of title 40, United States
6 Code. With respect to the labor standards specified in this
7 section, the Secretary of Labor shall have the authority
8 and functions set forth in Reorganization Plan Numbered
9 14 of 1950 (64 Stat. 1267; 5 U.S.C. App.) and section
10 3145 of title 40, United States Code.

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

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

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

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

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

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

13 **SEC. 101. DEFINITIONS.**

14 In this title:

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

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

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

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

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

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

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

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

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

19 **Subtitle A—Cares Act Amendments**

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

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

23 (1) in subsection (a)—

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

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

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

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

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

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

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

23 (2) by striking subsection (c).

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

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

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

9 (1) in subsection (a)—

10 (A) in the matter preceding paragraph

11 (1)—

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

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

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

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

6 (2) in subsection (b)—

7 (A) in paragraph (1)—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

9 (4) in subsection (d)—

10 (A) in paragraph (1)—

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

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

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

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

24 (D) in paragraph (4)—

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

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

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

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

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

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

22 “(e) DEFINITION OF COVERED PERIOD.—

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

1 “(A) beginning on the first day of—

2 “(i) a qualifying emergency; or

3 “(ii) a public health emergency, major
4 disaster or emergency, or national emer-
5 gency declared by the applicable govern-
6 ment authorities in the country in which
7 the foreign institution is located; and

8 “(B) ending on the later of—

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

17 “(ii) June 30, 2022.

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

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

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

6 (a) FUNDING FOR HBCU CAPITAL FINANCING.—

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

10 (A) in subsection (a)—

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

13 (ii) in paragraph (2)—

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

18 (II) in subparagraph (B)—

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

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

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

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

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

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

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

25 (1) for any educational purpose; or

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

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

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

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

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

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

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

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

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

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

6 “(1) IN GENERAL.—Notwithstanding”;

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

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

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

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

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

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

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

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

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

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

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

4 **Subtitle B—Financial Aid Access**

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

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

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

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

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

1 (1) an emergency financial aid grant awarded
 2 by an institution of higher education under section
 3 3504 of the CARES Act (Public Law 116–136);

4 (2) an emergency financial aid grant from an
 5 institution of higher education made with funds
 6 made available under section 18004 of the CARES
 7 Act (Public Law 116–136); and

8 (3) any other emergency financial aid grant to
 9 a student from a Federal agency, a State, an Indian
 10 tribe, an institution of higher education, or a schol-
 11 arship-granting organization (including a tribal or-
 12 ganization, as defined in section 4 of the Indian
 13 Self-Determination and Education Assistance Act
 14 (25 U.S.C. 5304)) for the purpose of providing fi-
 15 nancial relief to students enrolled at institutions of
 16 higher education in response to a qualifying emer-
 17 gency.

18 **SEC. 122. FACILITATING ACCESS TO FINANCIAL AID FOR**

19 **RECENTLY UNEMPLOYED STUDENTS.**

20 (a) TREATMENT AS DISLOCATED WORKER.—

21 (1) IN GENERAL.—Notwithstanding section
 22 479(d)(1) of the Higher Education Act of 1965 (20
 23 U.S.C. 1087ss(d)(1)), any individual who has ap-
 24 plied for, or who is receiving, unemployment benefits
 25 at the time of the submission of a FAFSA for a cov-

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

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

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

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

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

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

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

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

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

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

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

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

5 (C) shall carry out activities to inform in-
6 stitutions of higher education of the authority
7 of such institutions, with explicit written con-
8 sent of an applicant for Federal student finan-
9 cial aid under the Higher Education Act of
10 1965 (20 U.S.C. 1001 et seq.), to provide infor-
11 mation collected from such applicant's FAFSA
12 to an organization assisting the applicant in ap-
13 plying for and receiving Federal, State, local, or
14 tribal assistance in accordance with section 312
15 of the Department of Defense and Labor,
16 Health and Human Services, and Education
17 Appropriations Act, 2019 and Continuing Ap-
18 propriations Act, 2019 (Public Law 115– 245);
19 and

20 (D) in consultation with the Secretary of
21 Labor, shall carry out activities to inform appli-
22 cants for, and recipients of, unemployment ben-
23 efits of the availability of Federal student finan-
24 cial aid under the Higher Education Act of
25 1965 (20 U.S.C. 1001 et seq.) and the treat-

1 ment of such applicants and recipients as dis-
2 located workers under paragraph (1).

3 (3) IMPLEMENTATION.—The Secretary shall
4 implement this subsection not later than 30 days
5 after the date of enactment of this Act.

6 (4) APPLICABILITY.—Paragraph (1) shall apply
7 with respect to a FAFSA submitted on or after the
8 earlier of—

9 (A) the date on which the Secretary imple-
10 ments this subsection under paragraph (3); or

11 (B) the date that is 30 days after the date
12 of enactment of this Act.

13 (b) PROFESSIONAL JUDGMENT OF FINANCIAL AID
14 ADMINISTRATORS.—For the purposes of making a profes-
15 sional judgment as authorized under section 479A of the
16 Higher Education Act of 1965 (20 U.S.C. 1087tt), a fi-
17 nancial aid administrator may, during a covered award
18 year—

19 (1) determine that the income earned from
20 work for a student, or a parent or spouse of a stu-
21 dent, as applicable, is zero, if the student, parent, or
22 spouse provides paper or electronic documentation of
23 receipt of unemployment benefits or confirmation
24 that an application for unemployment benefits was
25 submitted;

1 (2) consider the value of unemployment benefits
2 for such student, parent, or spouse to be zero; and

3 (3) make appropriate adjustments to the data
4 items on the FAFSA for a student, parent, or
5 spouse, as applicable, based on the totality of the
6 family's situation.

7 (c) UNEMPLOYMENT DOCUMENTATION.—For the
8 purposes of documenting unemployment benefits or appli-
9 cation for such benefits under subsection (b), such docu-
10 mentation shall be accepted if such documentation is sub-
11 mitted not more than 90 days from the date on which such
12 documentation was issued, unless a financial aid adminis-
13 trator knows that the student, parent, or spouse, as appli-
14 cable, has already obtained other employment.

15 (d) ADJUSTMENTS TO PROGRAM REVIEW MODEL.—
16 The Secretary shall make adjustments to the model used
17 to select institutions of higher education participating in
18 title IV of the Higher Education Act of 1965 (20 U.S.C.
19 1070 et seq.) for program reviews, in order to—

20 (1) account for any rise in the use of profes-
21 sional judgment as authorized under section 479A of
22 such Act (20 U.S.C. 1087tt) during the 2020–2021
23 and 2021–2022 award years; and

1 (2) ensure that institutions are not penalized
2 for an increase in the use of professional judgment
3 during such award years.

4 (e) DEFINITIONS.—In this section:

5 (1) COVERED AWARD YEAR.—The term “cov-
6 ered award year” means—

7 (A) an award year during which there is a
8 qualifying emergency; and

9 (B) the first award year beginning after
10 the end of such qualifying emergency.

11 (2) MEANS-TESTED FEDERAL BENEFIT.—The
12 term “means-tested Federal benefit” includes the
13 following:

14 (A) The supplemental security income pro-
15 gram under title XVI of the Social Security Act
16 (42 U.S.C. 1381 et seq.).

17 (B) The supplemental nutrition assistance
18 program under the Food and Nutrition Act of
19 2008 (7 U.S.C. 2011 et seq.).

20 (C) The free and reduced price school
21 lunch program established under the Richard
22 B. Russell National School Lunch Act (42
23 U.S.C. 1751 et seq.).

24 (D) The program of block grants for
25 States for temporary assistance for needy fami-

1 lies established under part A of title IV of the
2 Social Security Act (42 U.S.C. 601 et seq.).

3 (E) The special supplemental nutrition
4 program for women, infants, and children es-
5 tablished by section 17 of the Child Nutrition
6 Act of 1966 (42 U.S.C. 1786).

7 (F) The Medicaid program under title XIX
8 of the Social Security Act (42 U.S.C. 1396 et
9 seq.).

10 (G) The tax credits provided under the fol-
11 lowing sections of the Internal Revenue Code of
12 1986 (title 26, United States Code):

13 (i) Section 25A (relating to American
14 Opportunity and Lifetime Learning cred-
15 its).

16 (ii) Section 32 (relating to earned in-
17 come).

18 (iii) Section 36B (relating to refund-
19 able credit for coverage under a qualified
20 health plan).

21 (iv) Section 6428 (relating to 2020 re-
22 covery rebates for individuals).

23 (H) Federal housing assistance programs,
24 including tenant-based assistance under section
25 8(o) of the United States Housing Act of 1937

1 (42 U.S.C. 1437f(o)), and public housing, as
 2 defined in section 3(b)(1) of such Act (42
 3 U.S.C. 1437a(b)(1)).

4 (I) Such other Federal means-tested bene-
 5 fits as may be identified by the Secretary.

6 **SEC. 123. STUDENT ELIGIBILITY FOR HIGHER EDUCATION**
 7 **EMERGENCY RELIEF FUND AND OTHER**
 8 **HIGHER EDUCATION FUNDS.**

9 (a) IN GENERAL.—With respect to student eligibility
 10 for receipt of funds provided under section 18004 of the
 11 CARES Act (Public Law 116–136) and under title VIII
 12 of division A of this Act—

13 (1) the Secretary is prohibited from imposing
 14 any restriction on, or defining, the populations of
 15 students who may receive such funds other than a
 16 restriction based solely on the student’s enrollment
 17 at the institution of higher education; and

18 (2) section 401(a) the Personal Responsibility
 19 and Work Opportunity Reconciliation Act of 1996 (8
 20 U.S.C. 1611(a)) shall not apply.

21 (b) EFFECTIVE DATE.—Subsection (a) shall take ef-
 22 fect as if included in the enactment of the CARES Act
 23 (Public Law 116–136), and an institution of higher edu-
 24 cation that provided funds to a student before the date
 25 of enactment of this Act shall not be penalized if such

1 provision is consistent with such subsection and section
2 18004 of the CARES Act (Public Law 116–136).

3 **SEC. 124. DISTANCE EDUCATION.**

4 (a) DEFINITION OF DISTANCE EDUCATION.—

5 (1) IN GENERAL.—Notwithstanding section
6 103(7) of the Higher Education Act of 1965 (20
7 U.S.C. 1003(7)) and except as otherwise specified in
8 section 486 of the Higher Education Act of 1965
9 (20 U.S.C. 1093), the term “distance education” as
10 used in title IV of the Higher Education Act of 1965
11 (20 U.S.C. 1070 et seq.) shall have the meaning
12 given that term in section 600.2 of title 34, Code of
13 Federal Regulations, as amended by the final regula-
14 tions entitled “Distance Education and Innovation”
15 published by the Department of Education in the
16 Federal Register on September 2, 2020 (85 Fed.
17 Reg. 54809), or any succeeding regulations.

18 (2) INFORMATION TO ACCREDITING AGENCY.—

19 Not later than 90 days after the date of enactment
20 of this Act, each institution of higher education that
21 participates in a program under title IV of the High-
22 er Education Act of 1965 (20 U.S.C. 1070 et seq.)
23 and that provides one or more educational programs
24 through distance education shall submit to the insti-
25 tution’s accrediting agency or association, a descrip-

1 tion of how the institution plans to meet the require-
2 ments of this subsection.

3 (3) EFFECTIVE DATE.—This subsection shall
4 take effect with respect to any semester (or the
5 equivalent) that begins on or after December 1,
6 2020.

7 (b) APPROVAL FOR EXPANDED DISTANCE EDU-
8 CATION.—

9 (1) IN GENERAL.—

10 (A) IN GENERAL.—Notwithstanding sec-
11 tion 481(b)(3) of the Higher Education Act of
12 1965 (20 U.S.C. 1088(b)(3)), an institution of
13 higher education described in subparagraph (B)
14 may deliver distance education by offering pro-
15 grams in whole or in part through telecommuni-
16 cations and be eligible to participate in a pro-
17 gram under title IV if such institution meets
18 the requirements of paragraphs (2) through
19 (4).

20 (B) INSTITUTION OF HIGHER EDU-
21 CATION.—An institution of higher education de-
22 scribed in this subparagraph is an institution of
23 higher education that uses or expands distance
24 education—

(i) in accordance with the flexibilities and waivers provided under the guidance of the Secretary on distance education; and

(ii) without following—

(I) the standard approval process for distance education (as in effect before March 5, 2020) of the Secretary; or

(II) the evaluation process of institution's accrediting agency or association described in paragraph (2)(A).

(2) COMMENCEMENT OF EVALUATION PROCESS WITH THE INSTITUTION'S ACCREDITING AGENCY.—

(A) IN GENERAL.—Not later than December 31, 2020, each institution described in paragraph (1)(B) shall demonstrate to the Secretary that such institution has commenced the evaluation process with its accrediting agency or association for the purpose of evaluating distance education to determine whether such institution has the capability to—

(i) effectively deliver distance education programs; and

(ii) meet the applicable policies and procedures of the accrediting agency or as-

sociation (as such policies and procedures were in effect before March 5, 2020).

(B) ACCREDITING AGENCY OR ASSOCIATION.—In a case in which an accrediting agency or association does not have distance education in the scope of its recognition at the time an institution commences the evaluation process described in this paragraph, and such agency expands its scope of accreditation to include distance education, not later than 30 days after such change in scope, such agency shall notify the Secretary, in writing, of the change in scope to include distance education, in accordance with section 496(a)(4)(B)(i)(II) of the Higher Education Act of 1965 (20 U.S.C. 1099b(a)(4)(B)(i)(II)).

(3) COMMENCEMENT OF APPROVAL PROCESS WITH THE SECRETARY.—Not later than December 31, 2020, each institution described in paragraph (1)(B) shall commence, with the Secretary, the standard approval process for distance education of the Secretary referred to in paragraph (1)(B)(ii)(I).

(4) COMPLETION OF EVALUATION AND APPROVAL PROCESS.—

1 (A) IN GENERAL.—Not later than July 1,
2 2021, an institution of higher education de-
3 scribed in paragraph (1)(B) shall demonstrate
4 to the Secretary that—

5 (i) the institution has completed the
6 evaluation process and standard approval
7 process for distance education under para-
8 graphs (2) and (3), respectively, for each
9 of its applicable programs; and

10 (ii) each such program meets the ap-
11 plicable policies and procedures to offer
12 distance education that are required by the
13 Secretary and the institution’s accrediting
14 agency or association under such para-
15 graphs.

16 (B) LOSS OF ELIGIBILITY.—An institution
17 of higher education that does not meet the re-
18 quirements of subparagraph (A) shall cease of-
19 fering distance education programs until such
20 time that such institution demonstrates to the
21 Secretary that the institution and each of its
22 applicable programs meet the requirements of
23 subparagraph (A).

24 (c) REQUIREMENTS FOR CERTAIN COVERED AR-
25 RANGEMENTS.—

1 (1) ACCREDITOR REVIEW FOR COVERED AR-
2 RANGEMENTS WITH FOREIGN INSTITUTIONS.—An
3 institution of higher education with a covered ar-
4 rangement with a foreign institution shall dem-
5 onstrate to the Secretary that the institution has
6 commenced the evaluation process with the institu-
7 tion’s accrediting agency or association to determine,
8 in a case in which the accrediting agency or associa-
9 tion has standards for the provision of educational
10 services to another institution, whether such covered
11 arrangement meets the standards.

12 (2) REPORTING TO THE SECRETARY.—Begin-
13 ning not later than 30 days after the date of enact-
14 ment of this Act, the Secretary shall require the fol-
15 lowing:

16 (A) INSTITUTIONS WITH COVERED AR-
17 RANGEMENTS WITH NON-TITLE-IV INSTITU-
18 TIONS OR ORGANIZATIONS.—An institution of
19 higher education with a covered arrangement
20 with a non-title-IV institution or organization
21 shall report to the Secretary not later than 10
22 days after the institution of higher education
23 establishes or modifies such covered arrange-
24 ment—

1 (i) the name of the institution or or-
2 ganization that is not eligible to participate
3 in a program under title IV;

4 (ii) a summary of such arrangement,
5 including the percentages and components
6 of the educational program to be offered
7 by the institution of higher education and
8 such institution or organization; and

9 (iii) an attestation that the institution
10 of higher education and such institution or
11 organization meet the requirements of sec-
12 tion 668.5(c) of title 34, Code of Federal
13 Regulations (as such section is in effect on
14 the date of enactment of this Act), includ-
15 ing the specific determination from the in-
16 stitution of higher education's accrediting
17 agency or association that the institution's
18 arrangement meets the agency or associa-
19 tion's standards for the contracting out of
20 educational services.

21 (B) INSTITUTIONS WITH COVERED AR-
22 RANGEMENTS WITH FOREIGN INSTITUTIONS.—
23 An institution of higher education with a cov-
24 ered arrangement with a foreign institution
25 shall report to the Secretary—

1 (i) not later than 10 days after such
2 institution establishes such covered ar-
3 rangement—

4 (I) the name of the foreign insti-
5 tution; and

6 (II) a summary of such arrange-
7 ment, including the percentages and
8 components of the educational pro-
9 gram to be offered by the institution
10 of higher education and the foreign
11 institution; and

12 (ii) if applicable, not later than 10
13 days after the date on which the institu-
14 tion's accrediting agency or association
15 provides its determination to the institu-
16 tion in accordance with paragraph (1), the
17 determination made by the institution's ac-
18 crediting agency or association.

19 (3) INFORMATION MADE AVAILABLE TO STU-
20 DENTS.—

21 (A) INSTITUTIONS WITH COVERED AR-
22 RANGEMENTS WITH NON-TITLE-IV INSTITU-
23 TIONS OR ORGANIZATIONS.—An institution of
24 higher education with a covered arrangement
25 with a non-title-IV institution or organization

1 shall provide directly to enrolled and prospective
2 students, and make available on a publicly ac-
3 cessible website of the institution, a description
4 of each covered arrangement with a non-title-IV
5 institution or organization, including informa-
6 tion on—

7 (i) the portion of the educational pro-
8 gram that the institution of higher edu-
9 cation is not providing;

10 (ii) the name and location of the non-
11 title-IV institution or organization that is
12 providing such portion of the educational
13 program;

14 (iii) the method of delivery of such
15 portion of the educational program; and

16 (iv) the estimated additional costs stu-
17 dents may incur as the result of enrolling
18 in an educational program that is provided
19 under the covered arrangement.

20 (B) INSTITUTIONS WITH COVERED AR-
21 RANGEMENTS WITH FOREIGN INSTITUTIONS.—

22 In the case of an institution of higher education
23 with a covered arrangement with a foreign in-
24 stitution, the foreign institution in such ar-
25 rangement shall provide the information de-

scribed in subparagraph (A) regarding the covered arrangement in the same manner as applies to an institution of higher education with a covered arrangement with a non-title-IV institution or organization subject to such subparagraph.

(4) ENFORCEMENT.—The Secretary shall take such enforcement actions under section 487(c) of the Higher Education Act of 1965 (20 U.S.C. 1094(c)) as necessary until such time as an institution of higher education with a covered arrangement subject to this subsection can demonstrate that the institution meets—

(A) the standards of the institution’s accrediting agency or association for the contracting out of educational services; and

(B) in the case of an institution with a covered arrangement with a foreign institution, the standards, if applicable, of the accrediting agency or association for the provision of educational services to another institution.

(d) REQUIRED REPORTS.—

(1) REPORTS BY ACCREDITING AGENCY OR ASSOCIATION.—

1 (A) IN GENERAL.—Not later than 15 busi-
2 ness days after an accrediting agency or asso-
3 ciation completes the review of an institution of
4 higher education subject to the requirements of
5 subsection (b) or (c), the accrediting agency or
6 association shall publish a report regarding the
7 review.

8 (B) REQUIREMENTS.—The report under
9 subparagraph (A) shall—

10 (i) be published on the website of the
11 accrediting agency or association; and

12 (ii) include a summary of the conclu-
13 sion and the relevant findings that such
14 agency or association provided such insti-
15 tution of higher education in granting, as
16 applicable—

17 (I) the approval or denial for an
18 institution of higher education to de-
19 liver distance education under sub-
20 section (b); or

21 (II) the approval or denial of an
22 institution of higher education to
23 enter into or modify a written ar-
24 rangement in accordance with sub-
25 section (c).

1 (2) REPORTS BY SECRETARY.—By March 31,
2 2021, and quarterly thereafter, the Secretary shall
3 provide the Committee on Health, Education, Labor,
4 and Pensions of the Senate and the Committee on
5 Education and Labor of the House of Representa-
6 tives, and publish on a publicly available website, a
7 report of the information collected under paragraph
8 (1) and subsection (c)(2).

9 (e) OTHER DEFINITIONS.—In this section:

10 (1) ACCREDITING AGENCY OR ASSOCIATION.—
11 The term “accrediting agency or association”
12 means—

13 (A) an accrediting agency or association
14 that is recognized by the Secretary under sub-
15 part 2 of part H of title IV of the Higher Edu-
16 cation Act of 1965 (20 U.S.C. 1099b); or

17 (B) in the case of a public postsecondary
18 vocational institution whose eligibility for Fed-
19 eral student assistance programs is being deter-
20 mined by a State agency listed under section
21 487(c)(4) of the Higher Education Act of 1965
22 (20 U.S.C. 1094(c)(4)), such a State agency.

23 (2) COVERED ARRANGEMENT WITH A FOREIGN
24 INSTITUTION.—The term “covered arrangement with
25 a foreign institution” means a written arrangement

1 entered into between an institution of higher edu-
2 cation and a foreign institution, on or after March
3 13, 2020, to provide an educational program.

4 (3) COVERED ARRANGEMENT WITH A NON-
5 TITLE-IV INSTITUTION OR ORGANIZATION.—The
6 term “covered arrangement with a non-title-IV insti-
7 tution or organization” means a written arrange-
8 ment—

9 (A) to provide an educational program that
10 satisfies the requirements of section 668.8 of
11 title 34, Code of Federal Regulations (as such
12 section is in effect on the date of enactment of
13 this Act) between an institution of higher edu-
14 cation and an institution or organization that is
15 not eligible to participate in a program under
16 title IV;

17 (B) entered into, or modified, on or after
18 March 13, 2020; and

19 (C) through which the institution or orga-
20 nization that is not eligible to participate in a
21 program under title IV will provide more than
22 25 percent, but less than 50 percent of the edu-
23 cational program subject to the arrangement.

24 (4) FOREIGN INSTITUTION.—The term “foreign
25 institution” means an institution located outside the

1 United States that is described in paragraphs (1)(C)
2 and (2) of section 102(a) of the Higher Education
3 Act of 1965 (20 U.S.C. 1002(a)).

4 (5) GUIDANCE OF THE SECRETARY ON DIS-
5 TANCE EDUCATION.—The term “guidance of the
6 Secretary on distance education” means the guid-
7 ance of the Secretary entitled “UPDATED Guid-
8 ance for interruptions of study related to
9 Coronavirus (COVID–19)” dated June 16, 2020 (or
10 prior or succeeding guidance).

11 (6) INSTITUTION OF HIGHER EDUCATION.—The
12 term “institution of higher education” has the
13 meaning given that term in section 102 of the High-
14 er Education Act of 1965 (20 U.S.C. 1002).

15 (7) PROGRAM UNDER TITLE IV.—The term
16 “program under title IV” means the following pro-
17 grams under title IV of the Higher Education Act
18 of 1965 (20 U.S.C. 1070 et seq.):

19 (A) The Federal Pell Grant program under
20 section 401 of such Act (20 U.S.C. 1070a).

21 (B) The Federal Supplemental Edu-
22 cational Opportunity Grant program under sub-
23 part 3 of part A of such title IV (20 U.S.C.
24 1070b).

1 (C) The Federal work-study program
2 under part C of such title IV (20 U.S.C. 1087–
3 51 et seq.).

4 (D) The Federal Direct Loan program
5 under part D of such title IV (20 U.S.C. 1087a
6 et seq.).

7 **SEC. 125. REQUIREMENTS FOR TEACH-OUT PLANS AND**
8 **TEACH-OUT AGREEMENTS.**

9 (a) REQUIREMENTS.—

10 (1) IN GENERAL.—Notwithstanding section
11 487(f)(2) of the Higher Education Act of 1965 (20
12 U.S.C. 1094(f)(2)), in the event an institution of
13 higher education, during the period described in sub-
14 section (d), is required to submit to its accrediting
15 agency or association a teach-out plan (in accord-
16 ance with section 487(f) and section 496(c)(3) of
17 such Act (20 U.S.C. 1094(f); 1099b(c)(3))), or to
18 submit a teach-out agreement among institutions (in
19 accordance with section 496(c)(6) of such Act (20
20 U.S.C. 1099b(c)(6))), the following shall apply to
21 such plans and agreements:

22 (A) The definitions and requirements de-
23 scribed in this subsection.

24 (B) Any other applicable standards of the
25 institution’s accrediting agency or association.

1 (C) Any other provisions the Secretary of
2 Education determines are necessary to protect
3 the interests of the United States and to pro-
4 mote the purposes of this section.

5 (2) CLOSING INSTITUTION DEFINED.—The
6 term “closing institution” means an institution of
7 higher education—

8 (A) that ceases to operate or plans to cease
9 operations before all enrolled students have
10 completed their program of study; or

11 (B) that has an institutional location
12 that—

13 (i) provides 100 percent of at least 1
14 program offered by the institution of high-
15 er education; and

16 (ii) ceases to operate or plans to cease
17 operations before all enrolled students have
18 completed their program of study.

19 (3) TEACH-OUT PLANS.—

20 (A) TEACH-OUT PLAN DEFINED.—The
21 term “teach-out plan” means a written plan de-
22 veloped by a closing institution that provides for
23 the equitable treatment of students.

1 (B) CONTENTS OF TEACH-OUT PLANS.—A
 2 teach-out plan shall include a record-retention
 3 plan that includes—

4 (i) a plan for the custody (including
 5 by any applicable State authorizing agen-
 6 cies), and the disposition, of teach-out
 7 records that meets the requirements of
 8 paragraph (5)(B)(iii);

9 (ii) an assurance that in the event of
 10 the closure of the institution or an institu-
 11 tional location of the institution, such in-
 12 stitution—

13 (I) will meet the requirements of
 14 paragraph (5)(B)(iv); and

15 (II) will refund students the
 16 amount of any unearned tuition, ac-
 17 count balances, and student fees, and
 18 refunds due; and

19 (iii) an estimate of the costs necessary
 20 to carry out such record-retention plan.

21 (4) TEACH-OUT AGREEMENT DEFINED.—The
 22 term “teach-out agreement” means a written agree-
 23 ment between a closing institution and one or more
 24 other institutions of higher education (in this section
 25 referred to as a “teach-out institution)” that—

1 (A) provides for the equitable treatment of
2 students and a reasonable opportunity for stu-
3 dents to complete their program of study; and

4 (B) meets the requirements in section
5 496(c)(6) of the Higher Education Act of 1965
6 (20 U.S.C. 1099b(c)(6)).

7 (5) APPROVAL OF TEACH-OUT AGREEMENTS.—

8 In approving a teach-out agreement, the accrediting
9 agency or association shall determine a timeline for
10 an interim teach-out agreement and a final teach-out
11 agreement that provides for the equitable treatment
12 of students and ensures—

13 (A) that the teach-out institution—

14 (i) to the extent practicable, is an in-
15 stitution of higher education that meets
16 the requirements of section 101 or section
17 102(c) of the Higher Education Act of
18 1965 (20 U.S.C. 1001; 1002(c));

19 (ii) has the necessary experience, re-
20 sources, and support services to provide an
21 educational program that is of acceptable
22 quality and reasonably similar in content,
23 delivery modality, and scheduling to that
24 provided by the closing institution with

1 which the teach-out institution has entered
2 into the teach-out agreement;

3 (iii) has not been subject to a sanction
4 of probation or equivalent or show cause
5 by its accrediting agency or association or
6 any applicable State authorizing or licens-
7 ing agency in the past 5 years; and

8 (iv) shows no evidence of significant
9 problems (including financial stability or
10 administrative capability) that affect the
11 institution's capacity to carry out its mis-
12 sion and meet all obligations to enrolled
13 students, which shall include a showing
14 that there is no evidence of the conditions
15 described in section 602.24(c)(8) of title
16 34, Code of Federal Regulations, as in ef-
17 fect on the date of enactment of this Act;
18 and

19 (B) that the closing institution—

20 (i) provides the accrediting agency or
21 association and the Secretary a complete
22 list of all students who are enrolled in each
23 program at the institution or who have
24 withdrawn from the institution within the
25 last 180 days, including each student's

1 name, contact information, program of
2 study, the program requirements each stu-
3 dent has completed, and the estimated
4 date of completion in the absence of the
5 closure of such institution or institutional
6 location;

7 (ii) provides to the accrediting agency
8 or association and the Secretary, for each
9 program of study at the closing institution,
10 records of any agreements pertaining to
11 the acceptance of students, transfer of
12 credits, articulation agreements, or waiver
13 of program requirements between the clos-
14 ing institution and any other institutions
15 of higher education;

16 (iii) provides a record-retention plan
17 to all enrolled students that delineates the
18 final disposition of teach-out records,
19 digitally where practicable, including stu-
20 dent transcripts, billing, financial aid
21 records, and the amount of any unearned
22 tuition, account balances, student fees, and
23 refunds due to each such student;

24 (iv) releases all financial holds placed
25 on student records and, for the 3-year pe-

riod beginning on the date of the closure of
 such institution or institutional location,
 provides each student (including each stu-
 dent who withdrew from such institution
 during the 180-day period prior to the date
 of such closure) with the student's official
 transcripts and complete academic records
 at no cost to the student;

(v) provides students with informa-
 tion, using standard language developed by
 the Secretary under subsection (b), regard-
 ing—

(I) the benefits and consequences
 of choosing to—

(aa) continue the student's
 studies by transferring to a
 teach-out institution; and

(bb) receive a closed school
 discharge under section 437(c)(1)
 and section 464(g)(1) of the
 Higher Education Act of 1965
 (20 U.S.C. 1087(c)(1);
 1087dd(g)(1)); and

(II) if applicable, information on
 institutional and State refund policies;

1 (vi) provides students with informa-
2 tion about additional tuition and fee
3 charges, if any, at the teach-out institu-
4 tion; and

5 (vii) provides students with accurate
6 information on the number and types of
7 credits the teach-out institution is willing
8 to accept prior to the student's enrollment
9 in that institution or any other institution
10 of higher education with which the closing
11 institution has an articulation agreement.

12 (6) SUBMISSION OF TEACH-OUT PLANS AND
13 TEACH-OUT AGREEMENTS.—

14 (A) SUBMISSION OF NOTICE.—Not later
15 than 10 days after being required to submit a
16 teach-out plan or teach-out agreement to its ac-
17 crediting agency or association, the institution
18 of higher education shall submit a notice of
19 such plan or agreement to the Secretary of
20 Education and to any applicable State author-
21 izing agencies of such institution.

22 (B) SUBMISSION OF PLAN OR AGREE-
23 MENT.—Not later than 5 days after receiving
24 approval from its accrediting agency or associa-
25 tion of a teach-out plan or teach-out agreement,

1 as applicable, the institution of higher edu-
2 cation shall submit the approved plan or agree-
3 ment to the Secretary of Education and to any
4 applicable State authorizing agencies of such
5 institution.

6 (b) STANDARD LANGUAGE.—Not later than 60 days
7 after the date of the enactment of this section, the Sec-
8 retary of Education shall publish standard language relat-
9 ing to closed school discharges for purposes of subsection
10 (a)(5)(B)(v).

11 (c) PROHIBITION ON MISREPRESENTATIONS.—

12 (1) IN GENERAL.—An institution of higher edu-
13 cation is prohibited from engaging in misrepresenta-
14 tion about the nature of teach-out plans, teach-out
15 agreements, and transfer of credit.

16 (2) SANCTIONS.— Upon determination, after
17 reasonable notice and opportunity for a hearing, that
18 an institution of higher education is in violation of
19 this subsection, the Secretary of Education—

20 (A) shall impose a civil penalty not to ex-
21 ceed \$25,000 for each misrepresentation; and

22 (B) may impose an additional sanction de-
23 scribed in section 497(c)(3) of the Higher Edu-
24 cation Act of 1965 (20 U.S.C. 1094(c)(3)).

(d) COVERED PERIOD.—The provisions of this section shall be in effect during the period beginning on the date of enactment of this Act and ending on the date on which on which sections 487(f) of the Higher Education Act of 1965 (20 U.S.C. 1094(f)) or paragraphs (3) and (6) of section 493(c) of such Act (20 U.S.C. 1098b(c)) are amended or repealed.

Subtitle C—Federal Student Loan Relief

PART 1—TEMPORARY RELIEF FOR FEDERAL STUDENT BORROWERS

SEC. 131. EXPANDING LOAN RELIEF TO ALL FEDERAL STUDENT LOAN BORROWERS.

Section 3502(a) of division A of the Coronavirus Aid, Relief, and Economic Security Act (Public Law 116–136) is amended—

(1) by redesignating paragraphs (2) through (5) as paragraphs (3) through (6), respectively; and

(2) by inserting after paragraph (1) the following:

“(2) FEDERAL STUDENT LOAN.—The term ‘Federal student loan’ means a loan—

“(A) made under part B, part D, or part E of title IV of the Higher Education Act of 1965 (20 U.S.C. 1071 et seq., 1087a et seq.,

1 1087aa et seq.), and held by the Department of
2 Education;

3 “(B) made, insured, or guaranteed under
4 part B of such title, or made under part E of
5 such title, and not held by the Department of
6 Education; or

7 “(C) made under—

8 “(i) subpart II of part A of title VII
9 of the Public Health Service Act (42
10 U.S.C. 292q et seq.); or

11 “(ii) part E of title VIII of the Public
12 Health Service Act (42 U.S.C. 297a et
13 seq.).”.

14 **SEC. 132. EXTENDING THE LENGTH OF BORROWER RELIEF**
15 **DUE TO THE CORONAVIRUS EMERGENCY.**

16 Section 3513 of division A of the Coronavirus Aid,
17 Relief, and Economic Security Act (Public Law 116–136)
18 is amended—

19 (1) by amending subsection (a) to read as fol-
20 lows:

21 “(a) **SUSPENSION OF PAYMENTS.**—

22 “(1) **IN GENERAL.**—During the period begin-
23 ning on March 13, 2020, and ending on September
24 30, 2021, the Secretary or, as applicable, the Sec-

1 retary of Health and Human Services, shall suspend
2 all payments due on Federal student loans.

3 “(2) TRANSITION PERIOD.—For one additional
4 30-day period beginning on the day after the last
5 day of the suspension period described in subsection
6 (a), the Secretary or, as applicable, the Secretary of
7 Health and Human Services, shall ensure that any
8 missed payments on a Federal student loan by a
9 borrower during such additional 30-day period—

10 “(A) do not result in collection fees or pen-
11 alties associated with late payments; and

12 “(B) are not reported to any consumer re-
13 porting agency or otherwise impact the bor-
14 rower’s credit history.

15 “(3) DETERMINATION OF COMPENSATION.—
16 The Secretary or, as applicable, the Secretary of
17 Health and Human Services shall—

18 “(A) with respect to a holder of a Federal
19 student loan defined in subparagraph (B) or
20 (C) of section 3502(a)(2)—

21 “(i) determine any losses for such
22 holder due to the suspension of payments
23 on such loan under paragraph (1); and

24 “(ii) establish reasonable compensa-
25 tion for such losses; and

“(B) not later than 60 days after the date of enactment of the Pandemic Education Response Act, with respect to a borrower who made a payment on a Federal student loan defined in subparagraph (B) or (C) of section 3502(a)(2) during the period beginning on March 13, 2020, and ending on such date of enactment, the Secretary shall pay to the borrower, an amount equal to the lower of—

“(i) the amount paid by the borrower on such loan during such period; or

“(ii) the amount that was due on such loan during such period.

“(4) RECERTIFICATION.—A borrower who is repaying a Federal student loan pursuant to an income-contingent repayment plan under section 455(d)(1)(D) of the Higher Education Act of 1965 (20 U.S.C. 1087e(d)(1)(D)) or an income-based repayment plan under section 493C of such Act (20 U.S.C. 1098e) shall not be required to recertify the income or family size of the borrower under such plan prior to December 31, 2021.”;

(2) in subsection (c), by striking “part D or B of title IV of the Higher Education Act of 1965 (20 U.S.C. 1087a et seq.; 1071 et seq.)” and inserting

1 “part B, D, or E of title IV of the Higher Education
 2 Act of 1965 (20 U.S.C. 1087a et seq.; 1071 et seq.;
 3 1087aa et seq.)”;

4 (3) in subsection (d), by striking “During the
 5 period in which the Secretary suspends payments on
 6 a loan under subsection (a), the Secretary” and in-
 7 serting “During the period in which payments on a
 8 Federal student loan are suspended under subsection
 9 (a), the Secretary or, as applicable, the Secretary of
 10 Health and Human Services”;

11 (4) in subsection (e), by striking “During the
 12 period in which the Secretary suspends payments on
 13 a loan under subsection (a), the Secretary” and in-
 14 serting “During the period in which payments on a
 15 Federal student loan are suspended under subsection
 16 (a), the Secretary or, as applicable, the Secretary of
 17 Health and Human Services”; and

18 (5) in subsection (f), by striking “the Sec-
 19 retary” and inserting “the Secretary or, as applica-
 20 ble, the Secretary of Health and Human Services,”.

21 **SEC. 133. NO INTEREST ACCRUAL.**

22 Section 3513(b) of division A of the Coronavirus Aid,
 23 Relief, and Economic Security Act (Public Law 116–136)
 24 is amended to read as follows:

25 “(b) PROVIDING INTEREST RELIEF.—

1 “(1) NO ACCRUAL OF INTEREST.—

2 “(A) IN GENERAL.—During the period de-
3 scribed in subparagraph (D), interest on a Fed-
4 eral student loan shall not accrue or shall be
5 paid by the Secretary (or the Secretary of
6 Health and Human Services) during—

7 “(i) the repayment period of such
8 loan;

9 “(ii) any period excluded from the re-
10 payment period of such loan (including any
11 period of deferment or forbearance);

12 “(iii) any period in which the bor-
13 rower of such loan is in a grace period; or

14 “(iv) any period in which the borrower
15 of such loan is in default on such loan.

16 “(B) DIRECT LOANS AND DEPARTMENT OF
17 EDUCATION HELD FFEL AND PERKINS
18 LOANS.—For purposes of subparagraph (A), in-
19 terest shall not accrue on a Federal student
20 loan defined in section 3502(a)(2)(A).

21 “(C) FFEL AND PERKINS LOANS NOT
22 HELD BY THE DEPARTMENT OF EDUCATION
23 AND HHS LOANS.—For purposes of subpara-
24 graph (A)—

1 “(i) in the case of a Federal student
2 loan defined in section 3502(a)(2)(B), the
3 Secretary shall pay, on a monthly basis,
4 the amount of interest due on the unpaid
5 principal of such loan to the holder of such
6 loan, except that any payments made
7 under this clause shall not affect payment
8 calculations under section 438 of the High-
9 er Education Act of 1965 (20 U.S.C.
10 1087–1); and

11 “(ii) in the case of a Federal student
12 loan defined in section 3502(a)(2)(C), the
13 Secretary of Health and Human Services
14 shall pay, on a monthly basis, the amount
15 of interest due on the unpaid principal of
16 such loan to the holder of such loan.

17 “(D) PERIOD DESCRIBED.—

18 “(i) IN GENERAL.—The period de-
19 scribed in this clause is the period begin-
20 ning on March 13, 2020, and ending on
21 the later of—

22 “(I) September 30, 2021; or

23 “(II) the day following the date
24 of enactment of the Pandemic Edu-
25 cation Response Act that is 2 months

1 after the national U–5 measure of
 2 labor underutilization shows initial
 3 signs of recovery.

4 “(ii) DEFINITIONS.—In this subpara-
 5 graph:

6 “(I) NATIONAL U–5 MEASURE OF
 7 LABOR UNDERUTILIZATION.—The
 8 term ‘national U–5 measure of labor
 9 underutilization’ means the season-
 10 ally-adjusted, monthly U–5 measure
 11 of labor underutilization published by
 12 the Bureau of Labor Statistics.

13 “(II) INITIAL SIGNS OF RECOV-
 14 ERY.—The term ‘initial signs of recov-
 15 ery’ means that the average national
 16 U–5 measure of labor underutilization
 17 for months in the most recent 3-con-
 18 secutive-month period for which data
 19 are available—

20 “(aa) is lower than the high-
 21 est value of the average national
 22 U–5 measure of labor under-
 23 tilization for a 3-consecutive-
 24 month period during the period
 25 beginning in March 2020 and the

1 most recent month for which
2 data from the Bureau of Labor
3 Statistics are available by an
4 amount that is equal to or great-
5 er than one-third of the dif-
6 ference between—

7 “(AA) the highest value
8 of the average national U–5
9 measure of labor under-
10 utilization for a 3-consecu-
11 tive-month period during
12 such period; and

13 “(BB) the value of the
14 average national U–5 meas-
15 ure of labor underutilization
16 for the 3-consecutive-month
17 period ending in February
18 2020; and

19 “(bb) has decreased for each
20 month during the most recent 2
21 consecutive months for which
22 data from the Bureau of Labor
23 Statistics are available.

24 “(E) OTHER DEFINITIONS.—In this para-
25 graph:

1 “(i) DEFAULT.—The term ‘default’—

2 “(I) in the case of a Federal stu-
3 dent loan made, insured, or guaran-
4 teed under part B or D of the Higher
5 Education Act of 1965, has the mean-
6 ing given such term in section 435(l)
7 of the Higher Education Act of 1965
8 (20 U.S.C. 1085);

9 “(II) in the case of a Federal
10 student loan made under part E of
11 the Higher Education Act of 1965,
12 has the meaning given such term in
13 section 674.2 of title 34, Code of Fed-
14 eral Regulations (or successor regula-
15 tions); or

16 “(III) in the case of a Federal
17 student loan defined in section
18 3502(a)(2)(C), has the meaning given
19 such term in section 721 or 835 of
20 the Public Health Service Act (42
21 U.S.C. 292q, 297a), as applicable.

22 “(ii) GRACE PERIOD.—The term
23 ‘grace period’ means—

24 “(I) in the case of a Federal stu-
25 dent loan made, insured, or guaran-

1 teed under part B or D of the Higher
2 Education Act of 1965, the 6-month
3 period after the date the student
4 ceases to carry at least one-half the
5 normal full-time academic workload,
6 as described in section 428(b)(7) of
7 the Higher Education Act of 1965 (20
8 U.S.C. 1078(b)(7));

9 “(II) in the case of a Federal
10 student loan made under part E of
11 the Higher Education Act of 1965,
12 the 9-month period after the date on
13 which a student ceases to carry at
14 least one-half the normal full-time
15 academic workload, as described in
16 section 464(c)(1)(A) of the Higher
17 Education Act of 1965 (20 U.S.C.
18 1087dd(c)(1)(A)); and

19 “(III) in the case of a Federal
20 student loan defined in section
21 3502(a)(2)(C), the 1-year period de-
22 scribed in section 722(c) of the Public
23 Health Service Act (42 U.S.C.
24 292r(c)) or the 9-month period de-
25 scribed in section 836(b)(2) of such

1 Act (42 U.S.C. 297b(b)(2)), as appli-
2 cable.

3 “(iii) REPAYMENT PERIOD.—The
4 term ‘repayment period’ means—

5 “(I) in the case of a Federal stu-
6 dent loan made, insured, or guaran-
7 teed under part B or D of the Higher
8 Education Act of 1965, the repayment
9 period described in section 428(b)(7)
10 of the Higher Education Act of 1965
11 (20 U.S.C. 1078(b)(7));

12 “(II) in the case of a Federal
13 student loan made under part E of
14 the Higher Education Act of 1965,
15 the repayment period described in sec-
16 tion 464(c)(4) of the Higher Edu-
17 cation Act of 1965 (20 U.S.C.
18 1087dd(c)(4)); or

19 “(III) in the case of a Federal
20 student loan defined in section
21 3502(a)(2)(C), the repayment period
22 described in section 722(c) or
23 836(b)(2) of the Public Health Serv-
24 ice Act (42 U.S.C. 292r(c),
25 297b(b)(2)), as applicable.

1 “(2) INTEREST REFUND IN LIEU OF RETRO-
2 ACTIVE APPLICABILITY.—By not later than 60 days
3 after the date of enactment of the Pandemic Edu-
4 cation Response Act, the Secretary or, as applicable,
5 the Secretary of Health and Human Services, shall,
6 for each Federal student loan defined in subpara-
7 graph (B) or (C) of section 3502(a)(2) for which in-
8 terest was not paid by such Secretary pursuant to
9 paragraph (1) during the period beginning on March
10 13, 2020 and ending on such date of enactment—

11 “(A) determine the amount of interest due
12 (or that would have been due in the absence of
13 being voluntarily paid by the holder of such
14 loan) on such loan during the period beginning
15 March 13, 2020, and ending on such date of
16 enactment; and

17 “(B) refund the amount of interest cal-
18 culated under subparagraph (A), by—

19 “(i) paying the holder of the loan the
20 amount of the interest calculated under
21 subparagraph (A), to be applied to the
22 loan balance for the borrower of such loan;
23 or

24 “(ii) if there is no outstanding balance
25 or payment due on the loan as of the date

1 on which the refund is to be provided, pro-
 2 viding a payment in the amount of the in-
 3 terest calculated under subparagraph (A)
 4 directly to the borrower.

5 “(3) SUSPENSION OF INTEREST CAPITALIZA-
 6 TION.—

7 “(A) IN GENERAL.—With respect to any
 8 Federal student loan, interest that accrued but
 9 had not been paid prior to March 13, 2020, and
 10 had not been capitalized as of such date, shall
 11 not be capitalized.

12 “(B) TRANSITION.—The Secretary or, as
 13 applicable, the Secretary of Health and Human
 14 Services, shall ensure that any interest on a
 15 Federal student loan that had been capitalized
 16 in violation of subparagraph (A) is corrected
 17 and the balance of principal and interest due
 18 for the Federal student loan is adjusted accord-
 19 ingly.”.

20 **SEC. 134. NOTICE TO BORROWERS.**

21 Section 3513(g) of division A of the Coronavirus Aid,
 22 Relief, and Economic Security Act (Public Law 116–136)
 23 is amended—

24 (1) in the matter preceding paragraph (1), by
 25 striking “the Secretary” and inserting “the Sec-

1 retary or, as applicable, the Secretary of Health and
2 Human Services,”;

3 (2) in paragraph (1)(D), by striking the period
4 and inserting a semicolon;

5 (3) in paragraph (2)—

6 (A) in the matter preceding subparagraph
7 (A), by striking “August 1, 2020” and insert-
8 ing “August 1, 2021”; and

9 (B) by amending subparagraph (B) to read
10 as follows:

11 “(B) that—

12 “(i) a borrower of a Federal student
13 loan made, insured, or guaranteed under
14 part B or D of title IV of the Higher Edu-
15 cation Act of 1965 may be eligible to enroll
16 in an income-contingent repayment plan
17 under section 455(d)(1)(D) of the Higher
18 Education Act of 1965 (20 U.S.C.
19 1087e(d)(1)(D)) or an income-based repay-
20 ment plan under section 493C of such Act
21 (20 U.S.C. 1098e), including a brief de-
22 scription of such repayment plans; and

23 “(ii) in the case of a borrower of a
24 Federal student loan defined in section
25 3502(a)(2)(C) or made under part E of

1 title IV of the Higher Education of 1965,
2 the borrower may be eligible to enroll in
3 such a repayment plan if the borrower con-
4 solidates such loan with a loan described in
5 clause (i) of this subparagraph, and re-
6 ceives a Federal Direct Consolidation Loan
7 under part D of the Higher Education of
8 1965 (20 U.S.C. 1087a et seq.); and”; and
9 (C) by adding at the end the following:

10 “(3) in a case in which the accrual of interest
11 on Federal student loans is suspended under sub-
12 section (b)(1) beyond September 30, 2021, during
13 the 2-month period beginning on the date on which
14 the national U–5 measure of labor underutilization
15 shows initial signs of recovery (as such terms are de-
16 fined in subsection (b)(1)(D)) carry out a program
17 to provide not less than 6 notices by postal mail,
18 telephone, or electronic communication to bor-
19 rowers—

20 “(A) indicating when the interest on Fed-
21 eral student loans of the borrower will resume
22 accrual and capitalization; and

23 “(B) the information described in para-
24 graph (2)(B).”.

1 **SEC. 135. IMPLEMENTATION.**

2 Section 3513 of division A of the Coronavirus Aid,
3 Relief, and Economic Security Act (Public Law 116–136),
4 as amended by this part, is further amended by adding
5 at the end the following:

6 “(i) IMPLEMENTATION.—

7 “(1) INFORMATION VERIFICATION.—

8 “(A) IN GENERAL.—To facilitate imple-
9 mentation of this section, information for the
10 purposes described in subparagraph (B), shall
11 be reported—

12 “(i) by the holders of Federal student
13 loans defined in section 3502(a)(2)(B) to
14 the satisfaction of the Secretary; and

15 “(ii) by the holders of Federal student
16 loans defined in section 3502(a)(2)(C) to
17 the satisfaction of the Secretary of Health
18 and Human Services.

19 “(B) PURPOSES.—The purposes of the in-
20 formation reported under subparagraph (A) are
21 to—

22 “(i) verify, at the borrower level, the
23 payments that are provided or suspended
24 under this section; and

1 “(ii) calculate the amount of any in-
 2 terest due to the holder for reimbursement
 3 of interest under subsection (b).

4 “(2) COORDINATION.—The Secretary shall co-
 5 ordinate with the Secretary of Health and Human
 6 Services to carry out the provisions of this section
 7 with respect to Federal student loans defined in sec-
 8 tion 3502(a)(2)(C).”.

9 **SEC. 136. EFFECTIVE DATE.**

10 Except as otherwise provided, this part, and the
 11 amendments made by this part, shall take effect as if en-
 12 acted as part of the Coronavirus Aid, Relief, and Eco-
 13 nomic Security Act (Public Law 116–136).

14 **PART 2—CONSOLIDATION LOANS AND PUBLIC**
 15 **SERVICE LOAN FORGIVENESS**

16 **SEC. 137. SPECIAL RULES RELATING TO FEDERAL DIRECT**
 17 **CONSOLIDATION LOANS.**

18 (a) SPECIAL RULES RELATING TO FEDERAL DIRECT
 19 CONSOLIDATION LOANS AND PSLF.—

20 (1) PUBLIC SERVICE LOAN FORGIVENESS OP-
 21 TION ON CONSOLIDATION APPLICATION.—

22 (A) IN GENERAL.—During the period de-
 23 scribed in subsection (e), the Secretary shall—

24 (i) include, in any application for a
 25 Federal Direct Consolidation Loan under

1 part D of title IV of the Higher Education
2 Act of 1965 (20 U.S.C. 1087a et seq.), an
3 option for the borrower to indicate that the
4 borrower intends to participate in the pub-
5 lic service loan forgiveness program under
6 section 455(m) of such Act (20 U.S.C.
7 1087e(m)); and

8 (ii) for each borrower who submits an
9 application for a Federal Direct Consolida-
10 tion Loan, without regard to whether the
11 borrower indicates the intention described
12 in clause (i)—

13 (I) request that the borrower
14 submit a certification of employment;
15 and

16 (II) after receiving a complete
17 certification of employment—

18 (aa) carry out the require-
19 ments of paragraph (2); and

20 (bb) inform the borrower of
21 the number of qualifying monthly
22 payments made on the compo-
23 nent loans before consolidation
24 that shall be deemed, in accord-
25 ance with paragraph (2)(D), to

1 be qualifying monthly payments
2 made on the Federal Direct Con-
3 solidation Loan.

4 (B) HOLD HARMLESS.—The Secretary
5 may not change or otherwise rescind a calcula-
6 tion made under paragraph (2)(D) after in-
7 forming the borrower of the results of such cal-
8 culation under subparagraph (A)(ii)(II)(bb).

9 (2) PROCESS TO DETERMINE QUALIFYING PAY-
10 MENTS FOR PURPOSES OF PSLF.—Upon receipt of a
11 complete certification of employment under para-
12 graph (1)(A)(ii)(II) of a borrower who receives a
13 Federal Direct Consolidation Loan described in
14 paragraph (1)(A), the Secretary shall—

15 (A) review the borrower’s payment history
16 to identify each component loan of such Federal
17 Direct Consolidation Loan;

18 (B) for each such component loan—
19 (i) calculate the weighted factor of the
20 component loan, which shall be the factor
21 that represents the portion of such Federal
22 Direct Consolidation Loan that is attrib-
23 utable to such component loan; and

1 (ii) determine the number of quali-
2 fying monthly payments made on such
3 component loan before consolidation;

4 (C) calculate the number of qualifying
5 monthly payments determined under subpara-
6 graph (B)(ii) with respect to a component loan
7 that shall be deemed as qualifying monthly pay-
8 ments made on the Federal Direct Consolida-
9 tion Loan by multiplying—

10 (i) the weighted factor of such compo-
11 nent loan as determined under subpara-
12 graph (B)(i), by

13 (ii) the number of qualifying monthly
14 payments made on such component loan as
15 determined under subparagraph (B)(ii);
16 and

17 (D) calculate the total number of quali-
18 fying monthly payments with respect to the
19 component loans of the Federal Direct Consoli-
20 dation Loan that shall be deemed as qualifying
21 monthly payments made on such Federal Direct
22 Consolidation Loan by—

23 (i) adding together the result of each
24 calculation made under subparagraph (C)

1 with respect to each such component loan;
2 and

3 (ii) rounding the number determined
4 under clause (i) to the nearest whole num-
5 ber.

6 (3) DEFINITIONS.—For purposes of this sub-
7 section:

8 (A) CERTIFICATION OF EMPLOYMENT.—
9 The term “certification of employment”, used
10 with respect to a borrower, means a certifi-
11 cation of the employment of the borrower in a
12 public service job (as defined in section
13 455(m)(3)(B) of the Higher Education Act of
14 1965) on or after October 1, 2007.

15 (B) COMPONENT LOAN.—The term “com-
16 ponent loan”, used with respect to a Federal
17 Direct Consolidation Loan, means each loan for
18 which the liability has been discharged by the
19 proceeds of the Federal Direct Consolidation
20 Loan, which—

21 (i) may include a loan that is not an
22 eligible Federal Direct Loan (as defined in
23 section 455(m)(3)(A) of the Higher Edu-
24 cation Act of 1965); and

1 (ii) in the case of a subsequent con-
2 solidation loan, only includes loans for
3 which the liability has been directly dis-
4 charged by such subsequent consolidation
5 loan.

6 (C) FEDERAL DIRECT CONSOLIDATION
7 LOAN.—The term “Federal Direct Consolida-
8 tion Loan” means a Federal Direct Consolida-
9 tion Loan made under part D of title IV of the
10 Higher Education Act of 1965 (20 U.S.C.
11 1087a et seq.).

12 (D) QUALIFYING MONTHLY PAYMENT.—

13 (i) COMPONENT LOAN.—The term
14 “qualifying monthly payment”, used with
15 respect to a component loan, means a
16 monthly payment on such loan made by a
17 borrower, during a period of employment
18 in a public service job (as defined in sec-
19 tion 455(m)(3)(B) of the Higher Edu-
20 cation Act of 1965 (20 U.S.C.
21 1087e(m)(3)(B)) on or after October 1,
22 2007, pursuant to—

23 (I) a repayment plan under part
24 B, D, or E of title IV of the Higher
25 Education Act of 1965 (20 U.S.C.

1 1071 et seq.; 1087a et seq.; 1087aa et
2 seq.); or

3 (II) in the case of a loan made
4 under subpart II of part A of title VII
5 of the Public Health Service Act or
6 under part E of title VIII of the Pub-
7 lic Health Service Act, a repayment
8 plan under title VII or VIII of such
9 Act.

10 (ii) FEDERAL DIRECT CONSOLIDATION
11 LOAN.—The term “qualifying monthly pay-
12 ment”, used with respect to a Federal Di-
13 rect Consolidation Loan, means a monthly
14 payment on such loan that counts as 1 of
15 the 120 monthly payments described in
16 section 455(m)(1)(A) of the Higher Edu-
17 cation Act of 1965 (20 U.S.C.
18 1087e(m)(3)(B)).

19 (b) SPECIAL RULES RELATING TO FEDERAL DIRECT
20 CONSOLIDATION LOANS AND ICR AND IBR.—

21 (1) IN GENERAL.—During the period described
22 in subsection (e), with respect to a borrower who re-
23 ceives a Federal Direct Consolidation Loan and who
24 intends to repay such loan under an income-conti-
25 gent repayment plan under section 455(d)(1)(D) of

1 the Higher Education Act of 1965 (20 U.S.C.
2 1087e(d)(1)(D)) or an income-based repayment plan
3 under section 493C of such Act (20 U.S.C. 1098e),
4 the Secretary shall—

5 (A) review the borrower’s payment history
6 to identify each component loan of such Federal
7 Direct Consolidation Loan;

8 (B) for each such component loan—

9 (i) calculate the weighted factor of the
10 component loan, which shall be the factor
11 that represents the portion of such Federal
12 Direct Consolidation Loan that is attrib-
13 utable to such component loan; and

14 (ii) determine the number of quali-
15 fying monthly payments made on such
16 component loan before consolidation;

17 (C) calculate the number of qualifying
18 monthly payments determined under subpara-
19 graph (B)(ii) with respect to a component loan
20 that shall be deemed as qualifying monthly pay-
21 ments made on the Federal Direct Consolida-
22 tion Loan by multiplying—

23 (i) the weighted factor of such compo-
24 nent loan as determined under subpara-
25 graph (B)(i), by

1 (ii) the number of qualifying monthly
2 payments made on such component loan as
3 determined under subparagraph (B)(ii);
4 and

5 (D) calculate and inform the borrower of
6 the total number of qualifying monthly pay-
7 ments with respect to the component loans of
8 the Federal Direct Consolidation Loan that
9 shall be deemed as qualifying monthly payments
10 made on such Federal Direct Consolidation
11 Loan by—

12 (i) adding together the result of each
13 calculation made under subparagraph (C)
14 with respect to each such component loan;
15 and

16 (ii) rounding the number determined
17 under clause (i) to the nearest whole num-
18 ber.

19 (2) HOLD HARMLESS.—The Secretary may not
20 change or otherwise rescind a calculation made
21 under paragraph (1)(D) after informing the bor-
22 rower of the results of such calculation under such
23 paragraph.

24 (3) DEFINITIONS.—In this subsection:

1 (A) COMPONENT LOAN; FEDERAL DIRECT
2 CONSOLIDATION LOAN.—The terms “component
3 loan” and “Federal Direct Consolidation Loan”
4 have the meanings given the terms in sub-
5 section (a).

6 (B) QUALIFYING PAYMENT.—

7 (i) COMPONENT LOANS.—Subject to
8 clause (ii), the term “qualifying monthly
9 payment”, used with respect to a compo-
10 nent loan, means a monthly payment on
11 such loan made by a borrower pursuant
12 to—

13 (I) a repayment plan under part
14 B, D, or E of title IV of the Higher
15 Education Act of 1965 (20 U.S.C.
16 1071 et seq., 1087a et seq., 1087aa et
17 seq.); or

18 (II) in the case of a loan made
19 under subpart II of part A of title VII
20 of the Public Health Service Act (42
21 U.S.C. 292q et seq.) or under part E
22 of title VIII of the Public Health
23 Service Act (42 U.S.C. 297a et seq.),
24 a repayment plan under title VII or
25 VIII of such Act.

1 (ii) CLARIFICATION.—

2 (I) ICR.—For purposes of deter-
3 mining the number of qualifying
4 monthly payments made on a compo-
5 nent loan pursuant to an income-con-
6 tingent repayment plan under section
7 455(d)(1)(D) of the Higher Education
8 Act of 1965 (20 U.S.C.
9 1087e(d)(1)(D)), each month a bor-
10 rower is determined to meet the re-
11 quirements of section 455(e)(7)(B)(i)
12 of such Act with respect to such loan
13 shall be treated as such a qualifying
14 monthly payment.

15 (II) IBR.—For purposes of de-
16 termining the number of qualifying
17 monthly payments made on a compo-
18 nent loan pursuant to an income-
19 based repayment plan under section
20 493C of such Act (20 U.S.C. 1098e),
21 each month a borrower was deter-
22 mined to meet the requirements of
23 subsection (b)(7)(B) of such section
24 493C with respect to such loan shall

1 be treated as such a qualifying month-
 2 ly payment.

3 (iii) FEDERAL DIRECT CONSOLIDA-
 4 TION LOANS.—The term “qualifying
 5 monthly payment”, used with respect to a
 6 Federal Direct Consolidation Loan, means
 7 a monthly payment on such loan that
 8 counts as a monthly payment under an in-
 9 come-contingent repayment plan under sec-
 10 tion 455(d)(1)(D) of the Higher Education
 11 Act of 1965 (20 U.S.C. 1087e(d)(1)(D)),
 12 or an income-based repayment plan under
 13 section 493C of the Higher Education Act
 14 of 1965 (20 U.S.C. 1098e).

15 (c) NOTIFICATION TO BORROWERS.—

16 (1) IN GENERAL.—During the period described
 17 in subsection (e), the Secretary and the Secretary of
 18 Health and Human Services shall undertake a cam-
 19 paign to alert borrowers of a loan described in para-
 20 graph (2)—

21 (A) on the benefits of consolidating such
 22 loans into a Federal Direct Consolidation Loan,
 23 including the benefits of the special rules under
 24 subsections (a) and (b) of this section; and

1 (B) under which servicers and holders of
2 Federal student loans shall provide to bor-
3 rowers such consumer information, and in such
4 manner, as determined appropriate by the Sec-
5 retaries, based on conducting consumer testing
6 to determine how to make the information as
7 meaningful to borrowers as possible.

8 (2) FEDERAL STUDENT LOANS.—A loan de-
9 scribed in this paragraph is—

10 (A) a loan made under subpart II of part
11 A of title VII of the Public Health Service Act
12 or under part E of title VIII of such Act; or

13 (B) a loan made under part E of the High-
14 er Education Act of 1965.

15 (d) SPECIAL RULE FOR INTEREST ON FEDERAL DI-
16 RECT CONSOLIDATION LOANS.—Any Federal Direct Con-
17 solidation Loan for which the application is received dur-
18 ing the period described in subsection (e), shall bear inter-
19 est at an annual rate as calculated under section
20 455(b)(8)(D) of the Higher Education Act of 1965 (20
21 U.S.C. 1087e(b)(8)(D)), without regard to the require-
22 ment to round the weighted average of the interest rate
23 to the nearest higher one-eighth of one percent.

1 (e) PERIOD.—The period described in this clause is
2 the period beginning on the date of enactment of this Act,
3 and ending on the later of—

4 (1) September 30, 2021; or

5 (2) the day following the date of enactment of
6 this Act that is 2 months after the national U–5
7 measure of labor underutilization shows initial signs
8 of recovery (as such terms are defined in section
9 3513(b) of the Coronavirus Aid, Relief, and Eco-
10 nomic Security Act (Public Law 116–136), as
11 amended by this Act)).

12 (f) GAO STUDY ON IMPLEMENTATION OF SPECIAL
13 RULES ON CONSOLIDATION.—Not later than 6 months
14 after the date of enactment of this Act, the Comptroller
15 General of the United States shall submit a report to the
16 authorizing committees (defined in section 103 of the
17 Higher Education Act of 1965 (20 U.S.C. 1003) on the
18 implementation of this section, which shall include—

19 (1) information on borrowers who apply for or
20 receive a Federal Direct Consolidation Loan under
21 part D of the Higher Education Act of 1965 during
22 the period described in subsection (e),
23 disaggregated—

24 (A) by borrowers who intend to participate
25 in the public service loan forgiveness program

1 under section 455(m) of such Act (20 U.S.C.
2 1087e(m)); and

3 (B) by borrowers who intend to repay such
4 loans on an income-contingent repayment plan
5 under section 455(d)(1)(D) of the Higher Edu-
6 cation Act of 1965 (20 U.S.C. 1087e(d)(1)(D))
7 or an income-based repayment plan under sec-
8 tion 493C of such Act (20 U.S.C. 1098e);

9 (2) the extent to which the Secretary has estab-
10 lished procedures for carrying out subsections (a)
11 and (b);

12 (3) the extent to which the Secretary and the
13 Secretary of Health and Human Services have car-
14 ried out the notification to borrowers required under
15 subsection (c); and

16 (4) recommendations on improving the imple-
17 mentation of this section to ensure increased bor-
18 rower participation.

19 **SEC. 138. TREATMENT OF PSLF.**

20 (a) EXCEPTION FOR PURPOSES OF PSLF LOAN
21 FORGIVENESS.—Section 455(m)(1)(B) of the Higher
22 Education Act of 1965 (20 U.S.C. 1087e(m)(1)(B)) shall
23 apply as if clause (i) were struck.

24 (b) HEALTH CARE PRACTITIONER.—In section
25 455(m)(3)(B)(i) of the Higher Education Act of 1965 (20

1 U.S.C. 1087e(m)(3)(B)(i)), the term “full-time profes-
 2 sionals engaged in health care practitioner occupations”
 3 includes an individual who—

4 (1) has a full-time job as a health care practi-
 5 tioner;

6 (2) provides medical services in such full-time
 7 job at a nonprofit hospital or public hospital or other
 8 nonprofit or public health care facility; and

9 (3) is prohibited by State law from being em-
 10 ployed directly by such hospital or other health care
 11 facility.

12 **Subtitle D—Protecting Students**

13 **SEC. 141. NOTIFICATIONS AND REPORTING RELATING TO** 14 **HIGHER EDUCATION.**

15 (a) NOTIFICATION OF NON-CARES ACT FLEXIBILI-
 16 TIES.—

17 (1) NOTICE TO CONGRESS.—

18 (A) IN GENERAL.—Not later than two
 19 days before the date on which the Secretary
 20 grants a flexibility described in paragraph (4),
 21 the Secretary shall—

22 (i) submit to the authorizing commit-
 23 tees a written notification of the Sec-
 24 retary’s intent to grant such flexibility; and

1 (ii) publish the notification on a pub-
2 licly accessible website of the Department
3 of Education.

4 (B) ELEMENTS.—Each notification under
5 subparagraph (A) shall—

6 (i) identify the provision of law, regu-
7 lation, or subregulatory guidance to which
8 the flexibility will apply;

9 (ii) identify any limitations on the
10 flexibility, including any time limits;

11 (iii) identify the statutory authority
12 under which the flexibility is provided;

13 (iv) identify the class of covered enti-
14 ties to which the flexibility will apply;

15 (v) identify whether a covered entity
16 will need to request the flexibility or
17 whether the flexibility will be applied with-
18 out request;

19 (vi) in the case of a flexibility that re-
20 quires a covered entity to request the flexi-
21 bility, identify the factors the Secretary
22 will consider in approving or denying the
23 flexibility;

(vii) explain how the flexibility is expected to benefit the covered entity or class of covered entities to which it applies; and

(viii) explain the reasons the flexibility is necessary and appropriate due to COVID-19.

(2) QUARTERLY REPORTS.—Not later than 10 days after the end of each fiscal quarter for the duration of the qualifying emergency through the end of the first fiscal year beginning after the conclusion of such qualifying emergency, the Secretary shall submit to the authorizing committees a report that includes, with respect to flexibilities described in paragraph (4) that have been issued by the Secretary in the most recently ended fiscal quarter, the following:

(A) In the case of a flexibility that was issued by the Secretary without request from a covered entity, an explanation of all requirements, including reporting requirements, that the Secretary imposed on the covered entity as a condition of the flexibility.

(B) In the case of a flexibility for which a covered entity requested and received specific approval from the Secretary—

1 (i) identification of the covered entity
2 that received the flexibility;

3 (ii) an explanation of the specific rea-
4 sons for approval of the request;

5 (iii) a detailed description of the
6 terms of the flexibility, including—

7 (I) a description of any limita-
8 tions on the flexibility; and

9 (II) identification of each provi-
10 sion of law (including regulation and
11 subregulatory guidance) that is waived
12 or modified and, for each such provi-
13 sion, the statutory authority under
14 which the flexibility was provided; and

15 (iv) a copy of the final document
16 granting the flexibility.

17 (C) In the case of any request for a flexi-
18 bility that was denied by the Secretary—

19 (i) identification of the covered entity
20 or entities that were denied a flexibility;

21 (ii) a detailed description of the terms
22 of the request for the flexibility; and

23 (iii) an explanation of the specific rea-
24 sons for denial of the request.

1 (3) REPORT ON FLEXIBILITIES GRANTED BE-
2 FORE ENACTMENT.—Not later than 30 days after
3 the date of enactment of this Act, the Secretary
4 shall submit to the authorizing committees a report
5 that—

6 (A) identifies each flexibility described in
7 paragraph (4) that was granted by the Sec-
8 retary between March 13, 2020, and the date
9 of enactment of this Act; and

10 (B) with respect to each such flexibility,
11 provides the information specified in paragraph
12 (1)(B).

13 (4) FLEXIBILITY DESCRIBED.—A flexibility de-
14 scribed in this paragraph is modification or waiver
15 of any provision of the Higher Education Act of
16 1965 (20 U.S.C. 1001 et seq.) (including any regu-
17 lation or subregulatory guidance issued under such
18 a provision) that the Secretary determines to be nec-
19 essary and appropriate to modify or waive due to
20 COVID–19, other than a provision of the Higher
21 Education Act of 1965 that the Secretary is specifi-
22 cally authorized to modify or waive pursuant to the
23 CARES Act (Public Law 116–136).

24 (5) PRIVACY.—The Secretary shall ensure that
25 any report or notification submitted under this sub-

1 section does not reveal personally identifiable infor-
2 mation about an individual student.

3 (6) RULE OF CONSTRUCTION.—Nothing in this
4 subsection shall be construed to authorize the Sec-
5 retary to waive or modify any provision of law.

6 (b) REPORTS ON EXERCISE OF CARES ACT WAIV-
7 ERS BY INSTITUTIONS OF HIGHER EDUCATION.—Not
8 later than 30 days after the date of enactment of this Act,
9 each institution of higher education that exercises an au-
10 thority provided under section 3503(b), section 3504, sec-
11 tion 3505, section 3508(d), section 3509, or section
12 3517(b) of the CARES Act (Public Law 116–136) shall
13 submit to the Secretary a report that describes the nature
14 and extent of the institution’s exercise of such authorities,
15 including the number of students and amounts of aid pro-
16 vided under title IV of the Higher Education Act of 1965
17 (20 U.S.C. 1070 et seq.) affected by the exercise of such
18 authorities, as applicable.

19 (c) REPORTS ON CHANGES TO CONTRACTS AND
20 AGREEMENTS.—Not later than 10 days after the end of
21 each fiscal quarter for the duration of the qualifying emer-
22 gency through the end of the first fiscal year beginning
23 after the conclusion of such qualifying emergency, the Sec-
24 retary shall submit to the authorizing committees a report
25 that includes, for the most recently ended fiscal quarter—

1 (1) a summary of all modifications to any con-
2 tracts with Department of Education contractors re-
3 lating to Federal student loans, including—

4 (A) the contractual provisions that were
5 modified;

6 (B) the names of all contractors affected
7 by the modifications; and

8 (C) estimates of any costs or savings re-
9 sulting from the modifications;

10 (2) a summary of all amendments, addendums,
11 or other modifications to program participation
12 agreements with institutions of higher education
13 under section 487 of the Higher Education Act of
14 1965 (20 U.S.C. 1094), any provisional program
15 participation agreements entered into under such
16 section, including—

17 (A) any provisions of such agreements that
18 were modified by the Department of Education;
19 and

20 (B) the number of institutions of higher
21 education that received such modifications or
22 entered into such provisional agreements,
23 disaggregated by—

24 (i) status as a four-year, two-year, or
25 less-than-two-year public institution, pri-

1 vate nonprofit institution, or proprietary
2 institution; and

3 (ii) each category of minority-serving
4 institution described in section 371(a) of
5 the Higher Education Act (20 U.S.C.
6 1067q); and

7 (3) sample copies of program participation
8 agreements (including provisional agreements), se-
9 lected at random from among the agreements de-
10 scribed in paragraph (2), including at least one
11 agreement from each type of institution (whether a
12 public institution, private nonprofit institution, or
13 proprietary institution) that received a modified or
14 provisional agreement.

15 (d) REPORT TO CONGRESS.—

16 (1) IN GENERAL.—Not later than 90 days after
17 the date of enactment of this Act, the Secretary
18 shall submit to the authorizing committees a report
19 that includes the following:

20 (A) A summary of the reports received by
21 the Secretary under subsection (b).

22 (B) A description of—

23 (i) the Secretary's use of the authority
24 under section 3506 of the CARES Act
25 (Public Law 116–136) to adjust subsidized

1 loan usage limits, including the total num-
2 ber of students and the total amount of
3 subsidized loans under title IV of the
4 Higher Education Act of 1965 (20 U.S.C.
5 1070 et seq.) affected by the Secretary's
6 use of such authority;

7 (ii) the Secretary's use of the author-
8 ity under section 3507 of the CARES Act
9 (Public Law 116–136) to exclude certain
10 periods from the Federal Pell Grant dura-
11 tion limit, including the total number of
12 students and the total amount of Federal
13 Pell Grants under section 401 of the High-
14 er Education Act of 1965 (20 U.S.C.
15 1070a) affected by the Secretary's use of
16 such authority; and

17 (iii) the Secretary's use of the author-
18 ity under section 3508 of the CARES Act
19 (Public Law 116–136) to waive certain re-
20 quirements for the return of Federal
21 funds, including—

22 (I) in the case of waivers issued
23 to students under such section, the
24 total number of students and the total
25 amount of aid under title IV of the

1 Higher Education Act of 1965 (20
2 U.S.C. 1070 et seq.) affected by the
3 Secretary's use of such authority; and
4 (II) in the case of waivers issued
5 to institutions of higher education
6 under such section, the total number
7 of students and the total amount of
8 aid under title IV of the Higher Edu-
9 cation Act of 1965 (20 U.S.C. 1070
10 et seq.) affected by the Secretary's
11 use of such authority.

12 (C) A summary of the information re-
13 quired to be reported to the authorizing com-
14 mittees under sections 3510 and 3512 of the
15 CARES Act (Public Law 116–136), as amend-
16 ed by this Act, regardless of whether such infor-
17 mation has previously been reported to such
18 committees as of the date of the report under
19 this subsection.

20 (D) Information relating to the temporary
21 relief for Federal student loan borrowers pro-
22 vided under section 3513 of the CARES Act
23 (Public Law 116–136), including—

1 (i) with respect to the notifications re-
2 quired under subsection (g)(1) of such sec-
3 tion—

4 (I) the total number of individual
5 notifications sent to borrowers in ac-
6 cordance with such subsection,
7 disaggregated by electronic, postal,
8 and telephonic notifications;

9 (II) the total number of notifica-
10 tions described in clause (i) that were
11 sent within the 15-day period speci-
12 fied in such subsection; and

13 (III) the actual costs to the De-
14 partment of Education of making the
15 notifications under such subsection;

16 (ii) the projected costs to the Depart-
17 ment of Education of making the notifica-
18 tions required under subsection (g)(2) of
19 such section;

20 (iii) the number of Federal student
21 loan borrowers who have affirmatively
22 opted-out of payment suspension under
23 subsection (a) of such section;

24 (iv) the number of individual notifica-
25 tions sent to employers directing the em-

1 ployers to halt wage garnishment pursuant
2 to subsection (e) of such section,
3 disaggregated by electronic, postal, and tel-
4 ephonic notifications;

5 (v) the number of Federal student
6 loan borrowers who have had their wages
7 garnished pursuant to section 488A of the
8 Higher Education Act of 1965 (20 U.S.C.
9 1095a) or section 3720D of title 31,
10 United States Code, between March 13,
11 2020, and the date of the date of enact-
12 ment of this Act;

13 (vi) the number of Federal student
14 loan borrowers subject to interest capital-
15 ization as a result of consolidating Federal
16 student loans since March 13, 2020, and
17 the total amount of such interest capital-
18 ization;

19 (vii) the average daily call wait times
20 and call drop rates, disaggregated by stu-
21 dent loan servicer, for the period between
22 March 13, 2020, and the date of enact-
23 ment of this Act; and

24 (viii) the estimated or projected sav-
25 ings to the Department of Education for

1 student loan servicing activities for the pe-
2 riod beginning on March 13, 2020, and
3 ending on September 30, 2020, due to
4 lower reimbursement or contract costs per
5 account for student loan servicers and pri-
6 vate collection agencies resulting from the
7 suspension of Federal student loan pay-
8 ments and halt to collection activities
9 under the CARES Act (Public Law 116–
10 136).

11 (E) Information relating to the special
12 rules relating to Federal Direct Consolidation
13 Loans under section 137 of this Act, includ-
14 ing—

15 (i) the number of borrowers who sub-
16 mitted an application for a Federal Direct
17 Consolidation Loan;

18 (ii) the number of borrowers who re-
19 ceived a Federal Direct Consolidation
20 Loan; and

21 (iii) the wait time between submitting
22 an application and receiving a Federal Di-
23 rect Consolidation Loan.

24 (F) A summary of the information re-
25 quired to be reported to the authorizing com-

mittees under section 3517(c) and section 3518(c) of the CARES Act (Public Law 116–136), as amended by this Act, regardless of whether such information has previously been reported to such committees as of the date of the report under this subsection.

(G) A copy of any communication from the Department of Education to grantees and Federal student loan borrowers eligible for rights and benefits under section 3519 of the CARES Act (Public Law 116–136) to inform such grantees and borrowers of their eligibility for such rights and benefits.

(2) DUTY OF HHS.—The Secretary of Health and Human Services shall provide to the Secretary of Education the information necessary for the Secretary of Education to comply with paragraph (1)(D).

(e) AMENDMENTS TO CARES ACT REPORTING REQUIREMENTS.—

(1) REPORTING REQUIREMENT FOR HBCU CAPITAL FINANCING LOAN DEFERMENT.—Section 3512(c) of the CARES Act (Public Law 116–136) is amended by striking the period at the end and inserting “, the terms of the loans deferred, and the

1 schedule for repayment of the deferred loan
2 amount.”.

3 (2) REPORTING REQUIREMENT FOR INSTITU-
4 TIONAL AID MODIFICATIONS.—Section 3517(c) of
5 the CARES Act (Public Law 116–136) is amended
6 by striking the period at the end and inserting “,
7 identifies the statutory provision waived or modified,
8 and describes the terms of the waiver or modifica-
9 tion received by the institution.”.

10 (3) REPORTING REQUIREMENT FOR GRANT
11 MODIFICATIONS.—Section 3518(c) of the CARES
12 Act (Public Law 116–136) is amended by striking
13 the period at the end and inserting “and describes
14 the terms of the modification received by the institu-
15 tion or other grant recipient.”.

16 (f) DEFINITIONS.—In this section:

17 (1) The term “covered entity” means an insti-
18 tution of higher education, a Federal contractor, a
19 student, or any other entity that is subject to the
20 Higher Education Act of 1965 (20 U.S.C. 1001 et
21 seq.).

22 (2) The term “Federal student loan” means a
23 loan described in section 3502(a)(2) of the CARES
24 Act (Public Law 116–136), as amended by this Act.

1 **SEC. 142. PROTECTING STUDENTS FROM PREDATORY RE-**
2 **CRUITMENT.**

3 (a) UNDERCOVER AND AUDIT-BASED INVESTIGA-
4 TIONS.—During the covered period, in carrying out the
5 provisions of subpart 3 of part H of title IV of such Act
6 (20 U.S.C. 1099c et seq.), including paragraphs (1) and
7 (2) of section 498A(a) of the Higher Education Act of
8 1965 (20 U.S.C. 1099c–1(a)), the Secretary of Education
9 shall—

10 (1) conduct regular undercover and audit-based
11 investigations for the purpose of encouraging the
12 ethical treatment of students and prospective stu-
13 dents and detecting fraud and abuse in the Federal
14 student aid programs, including—

15 (A) violations described in section
16 487(c)(3) of the Higher Education Act of 1965
17 (20 U.S.C. 1094(c)(3));

18 (B) violations of section 487(a)(20) of
19 such Act (20 U.S.C. 1094(a)(20));

20 (C) violations described in subparagraphs
21 (A) and (B) by any entity with which the insti-
22 tution has contracted for student recruitment
23 or admission activities; and

24 (D) violations of subsection (b) of this sec-
25 tion;

1 (2) develop written guidelines for the investiga-
2 tions described in paragraph (1)—

3 (A) in accordance with commonly-accepted
4 practices for undercover operations by Office of
5 Inspector General of the Department of Edu-
6 cation; and

7 (B) in consultation with other relevant
8 agencies, including the Department of Justice,
9 Federal Trade Commission, Consumer Finan-
10 cial Protection Bureau, and the Office of In-
11 specter General of the Department of Edu-
12 cation;

13 (3) ensure that institutions found in violation of
14 the provisions under paragraph (1) shall be subject
15 to a sanction determined by the Secretary of Edu-
16 cation under section 487(c) of the Higher Education
17 Act of 1965 (20 U.S.C. 1094(c)); and

18 (4) provide to the authorizing committees (as
19 defined in section 103 of the Higher Education Act
20 of 1965 (20 U.S.C. 1003)), and make available to
21 the public, an annual report on—

22 (A) the findings of investigations described
23 in paragraph (1); and

1 (B) the applicable sanctions imposed on in-
2 stitutions found in violation of the provisions
3 described in paragraph (1).

4 (b) NOTICE OF INCENTIVE PAYMENT BAN.—During
5 the covered period, each institution of higher education
6 participating in a program under title IV of the Higher
7 Education Act of 1965 (20 U.S.C. 1070 et seq.) shall—

8 (1) provide notice of the ban on prohibited in-
9 centive payment (including commissions and bo-
10 nuses) under section 487(a)(20) of such Act (20
11 U.S.C. 1094(a)(20)) (and accompanying regulations)
12 upon hiring an employee or entering into a contract
13 with a third party contractor, and at least once per
14 calendar year to employees and third-party contrac-
15 tors of the institution; and

16 (2) publish a clear statement in all internal re-
17 cruitment materials, including guides or manuals,
18 acknowledging such ban.

19 (c) SUNSET.—For purposes of this section, the term
20 “covered period” means the period beginning on the date
21 of enactment of this Act and ending on the date on which
22 subpart 3 of part H of title IV of the Higher Education
23 (20 U.S.C. 1099c) is amended or repealed.

1 **TITLE II—IMPACT AID AND MI-**
2 **GRANT EDUCATION**
3 **CORONAVIRUS RELIEF**

4 **SEC. 201. IMPACT AID.**

5 Due to the national emergency declared by the Presi-
6 dent under the National Emergencies Act (50 U.S.C.
7 1601 et seq.) on March 13, 2020, with respect to the
8 coronavirus, and notwithstanding sections 7002(j) and
9 7003(c) of the Elementary and Secondary Education Act
10 of 1965 (20 U.S.C. 7702(j), 7703(c)), a local educational
11 agency desiring to receive a payment under section 7002
12 or 7003 of such Act (20 U.S.C. 7702, 7703) for fiscal
13 year 2022 that also submitted an application for such pay-
14 ment for fiscal year 2021 shall, in the application sub-
15 mitted under section 7005 of such Act (20 U.S.C. 7705)
16 for fiscal year 2022—

17 (1) with respect to a requested payment under
18 section 7002 of such Act (20 U.S.C. 7702)—

19 (A) use the data described in subsection (j)
20 of such section 7002 relating to calculating
21 such payment that was submitted by the local
22 educational agency in the application for fiscal
23 year 2021; or

1 (B) use the data relating to calculating
2 such payment for the fiscal year required under
3 such subsection (j); and

4 (2) with respect to a requested payment under
5 section 7003 of such Act (20 U.S.C. 7703)—

6 (A) use the student count data relating to
7 calculating such payment that was submitted by
8 the local educational agency in the application
9 for fiscal year 2021, except that payments for
10 fiscal year 2022 shall be calculated by the Sec-
11 retary using the expenditures and rates de-
12 scribed in clauses (i), (ii), (iii), and (iv) of sub-
13 section (b)(1)(C) of such section 7003 that
14 would otherwise apply for fiscal year 2022; or

15 (B) use the student count data relating to
16 calculating such payment for the fiscal year re-
17 quired under subsection (c) of such section
18 7003.

19 **SEC. 202. EDUCATION OF MIGRATORY CHILDREN.**

20 Due to the national emergency declared by the Presi-
21 dent under the National Emergencies Act (50 U.S.C.
22 1601 et seq.) on March 13, 2020, with respect to the
23 coronavirus, and notwithstanding subsections (a)(1) and
24 (f)(1) of section 1303 of the Elementary and Secondary
25 Education Act of 1965 (20 U.S.C. 6393), for the purposes

1 of making determinations under subsections (a)(1) and (f)
 2 of such section 1303 for fiscal year 2021 and all subse-
 3 quent fiscal years for which school year 2019–2020 data
 4 would be used in the calculations under section 1303(a)(1)
 5 of such Act (20 U.S.C. 6393(a)(1)) , the Secretary of
 6 Education shall use school year 2018–2019 or school year
 7 2019–2020 data, whichever data are greater, wherever
 8 school year 2019–2020 data otherwise would be required.

9 **TITLE III—CAREER, TECHNICAL,**
 10 **AND ADULT EDUCATION**

11 **SEC. 301. DEFINITIONS.**

12 In this subtitle:

13 (1) CORONAVIRUS.—The term “coronavirus”
 14 means coronavirus as defined in section 506 of the
 15 Coronavirus Preparedness and Response Supple-
 16 mental Appropriations Act, 2020 (Public Law 116–
 17 123).

18 (2) COVID–19 NATIONAL EMERGENCY.—The
 19 term “COVID–19 national emergency” means the
 20 national emergency declared by the President under
 21 the National Emergencies Act (50 U.S.C. 1601 et
 22 seq.) on March 13, 2020, with respect to the
 23 coronavirus.

1 **SEC. 302. COVID-19 CAREER AND TECHNICAL EDUCATION**
2 **RESPONSE FLEXIBILITY.**

3 (a) **POOLING OF FUNDS.**—An eligible recipient may,
4 in accordance with section 135(c) of the Carl D. Perkins
5 Career and Technical Education Act of 2006 (20 U.S.C.
6 2355(c)), pool a portion of funds received under such Act
7 with a portion of funds received under such Act available
8 to one or more eligible recipients to support the transition
9 from secondary education to postsecondary education or
10 employment for CTE participants whose academic year
11 was interrupted by the COVID-19 national emergency.

12 (b) **PROFESSIONAL DEVELOPMENT.**—During the
13 COVID-19 national emergency, section 3(40)(B) of the
14 Carl D. Perkins Career and Technical Education Act of
15 2006 (20 U.S.C. 2302(40)(B)) shall apply as if “sustained
16 (not stand-alone, 1-day, or short-term workshops), inten-
17 sive, collaborative, job-embedded, data-driven, and class-
18 room-focused,” were struck.

19 (c) **DEFINITIONS.**—Except as otherwise provided, the
20 terms in this section have the meanings given the terms
21 in section 3 of the Carl D. Perkins Career and Technical
22 Education Act of 2006 (20 U.S.C. 2302).

23 **SEC. 303. ADULT EDUCATION AND LITERACY RESPONSE AC-**
24 **TIVITIES.**

25 (a) **ONLINE SERVICE DELIVERY OF ADULT EDU-**
26 **CATION AND LITERACY ACTIVITIES.**—During the

1 COVID–19 national emergency, an eligible agency may
 2 use funds available to such agency under paragraphs (2)
 3 and (3) of section 222(a) of the Workforce Innovation and
 4 Opportunity Act (20 U.S.C. 3302(a)) for the administra-
 5 tive expenses of the eligible agency related to transitions
 6 to online service delivery of adult education and literacy
 7 activities.

8 (b) DEFINITIONS.—Except as otherwise provided, the
 9 terms in this section have the meanings given the terms
 10 in section 203 of the Workforce Innovation and Oppor-
 11 tunity Act (29 U.S.C. 3272).

12 **TITLE IV—DISABILITY** 13 **EMPLOYMENT**

14 **SEC. 401. REHABILITATION ACT WAIVERS.**

15 (a) PROVISIONS ELIGIBLE FOR WAIVER.—The fol-
 16 lowing provisions of the Rehabilitation Act of 1973 (29
 17 U.S.C. 701 et seq.) are eligible for waivers due to the na-
 18 tional emergency declared by the President under the Na-
 19 tional Emergencies Act (50 U.S.C. 1601 et seq.) on March
 20 13, 2020, with respect to the coronavirus:

21 (1) The Secretary of Education may provide a
 22 waiver of section 103(b)(1) to allow the replacement
 23 of expired or spoiled food products at vending facili-
 24 ties.

1 (2) The Secretary of Education may provide a
2 waiver of the service obligation requirement under
3 section 302(b) due to interrupted service obligations.

4 (b) DURATION.—A waiver approved by the Secretary
5 under subsection (a) shall expire on the earlier of the fol-
6 lowing dates:

7 (1) The date that is 1 year after the date of the
8 enactment of this Act.

9 (2) The last day of the national emergency re-
10 ferred to in subsection (a).

11 (c) STREAMLINED PROCESS.—The Secretary of Edu-
12 cation shall create a streamlined application process to re-
13 quest a waiver under this section, and the Secretary may
14 grant such waiver if the Secretary determines that the
15 waiver is necessary and appropriate.

16 (d) LIMITATION.—Nothing in this section shall be
17 construed to allow the Secretary to waive any statutory
18 or regulatory requirements under applicable civil rights
19 laws.

20 (e) REPORTING AND PUBLICATION.—

21 (1) PUBLIC NOTICE.—A State requesting a
22 waiver under this section shall provide the public no-
23 tice of, and the opportunity to comment on, the re-
24 quest by posting on the State website information

1 regarding the waiver request and the process for
2 commenting.

3 (2) NOTIFYING CONGRESS.—Not later than 7
4 days after—

5 (A) receiving a waiver request from a State
6 under this section, the Secretary of Education
7 shall notify the Committee on Health, Edu-
8 cation, Labor, and Pensions of the Senate, the
9 Committee on Appropriations of the Senate, the
10 Committee on Education and Labor of the
11 House of Representatives, and the Committee
12 on Appropriations of the House of Representa-
13 tives of such waiver request; and

14 (B) granting a waiver under this section,
15 the Secretary of Education shall notify the
16 Committee on Health, Education, Labor, and
17 Pensions of the Senate, the Committee on Ap-
18 propriations of the Senate, the Committee on
19 Education and Labor of the House of Rep-
20 resentatives, and the Committee on Appropria-
21 tions of the House of Representatives of such
22 waiver.

23 (3) PUBLICATION.—Not later than 30 days
24 after granting a waiver under this section, the Sec-
25 retary of Education shall publish a notice of the Sec-

1 retary’s decision (including which waiver was grant-
2 ed and the reason for granting the waiver) in the
3 Federal Register and on the website of the Depart-
4 ment of Education.

5 **DIVISION C—PROTECTION FOR**
6 **FAMILIES AND WORKERS**
7 **TITLE I—AMENDMENTS TO**
8 **EMERGENCY FAMILY AND**
9 **MEDICAL LEAVE EXPANSION**
10 **ACT AND EMERGENCY PAID**
11 **SICK LEAVE ACT**

12 **Subtitle A—Emergency Family and**
13 **Medical Leave Expansion Act**
14 **Amendments**

15 **SEC. 101. REFERENCES.**

16 Except as otherwise expressly provided, whenever in
17 this subtitle an amendment or repeal is expressed in terms
18 of an amendment to, or repeal of, a section or other provi-
19 sion, the reference shall be considered to be made to a
20 section or other provision of the Family and Medical Leave
21 Act of 1993 (29 U.S.C. 2601 et seq.), as amended by the
22 Emergency Family and Medical Leave Expansion Act
23 (Public Law 116–127).

1 **SEC. 102. EMPLOYEE ELIGIBILITY AND EMPLOYER CLARI-**
2 **FICATION.**

3 (a) EMPLOYEE ELIGIBILITY.—Section 101(2) is
4 amended by adding at the end the following:

5 “(F) ALTERNATIVE ELIGIBILITY FOR
6 COVID–19 PUBLIC HEALTH EMERGENCY .—For
7 the period beginning on the date of the enact-
8 ment of The Heroes Act and ending on Decem-
9 ber 31, 2022—

10 “(i) subparagraph (A)(i) shall be ap-
11 plied by substituting ‘90 days’ for ‘12
12 months’; and

13 “(ii) subparagraph (A)(ii) shall not
14 apply.”.

15 (b) EMPLOYER CLARIFICATION.—Section 101(4) is
16 amended by adding at the end the following:

17 “(C) CLARIFICATION.—Subparagraph
18 (A)(i) shall not apply with respect to a public
19 agency described in subparagraph (A)(iii).”.

20 **SEC. 103. EMERGENCY LEAVE EXTENSION.**

21 Section 102(a)(1)(F) is amended by striking “De-
22 cember 31, 2020” and inserting “February 28, 2021”.

23 **SEC. 104. EMERGENCY LEAVE DEFINITIONS.**

24 (a) ELIGIBLE EMPLOYEE.—Section 110(a)(1) is
25 amended in subparagraph (A), by striking “sections

1 101(2)(A) and 101(2)(B)(ii)” and inserting “section
2 101(2)”.

3 (b) EMPLOYER THRESHOLD.—Section 110(a)(1)(B)
4 is amended by striking “fewer than 500 employees” and
5 inserting “1 or more employees”.

6 (c) PARENT.—Section 110(a)(1) is amended by add-
7 ing at the end the following:

8 “(C) PARENT.—In lieu of the definition in
9 section 101(7), the term ‘parent’, with respect
10 to an employee, means any of the following:

11 “(i) A biological, foster, or adoptive
12 parent of the employee.

13 “(ii) A stepparent of the employee.

14 “(iii) A parent-in-law of the employee.

15 “(iv) A parent of a domestic partner
16 of the employee.

17 “(v) A legal guardian or other person
18 who stood in loco parentis to an employee
19 when the employee was a child.”.

20 (d) QUALIFYING NEED RELATED TO A PUBLIC
21 HEALTH EMERGENCY.—Section 110(a)(2)(A) is amended
22 to read as follows:

23 “(A) QUALIFYING NEED RELATED TO A
24 PUBLIC HEALTH EMERGENCY.—The term
25 ‘qualifying need related to a public health emer-

1 gency’, with respect to leave, means that the
2 employee is unable to perform the functions of
3 the position of such employee due to a need for
4 leave for any of the following:

5 “(i) To self-isolate because the em-
6 ployee is diagnosed with COVID–19.

7 “(ii) To obtain a medical diagnosis or
8 care if such employee is experiencing the
9 symptoms of COVID–19.

10 “(iii) To comply with a recommenda-
11 tion or order by a public official with juris-
12 diction or a health care provider to self iso-
13 late, without regard to whether such rec-
14 ommendation or order is specific to the
15 employee, on the basis that the physical
16 presence of the employee on the job would
17 jeopardize the employee’s health, the
18 health of other employees, or the health of
19 an individual in the household of the em-
20 ployee because of—

21 “(I) the possible exposure of the
22 employee to COVID–19; or

23 “(II) exhibition of symptoms of
24 COVID–19 by the employee.

1 “(iv) To care for or assist a family
2 member of the employee, without regard to
3 whether another individual other than the
4 employee is available to care for or assist
5 such family member, because—

6 “(I) such family member—

7 “(aa) is self-isolating be-
8 cause such family member has
9 been diagnosed with COVID-19;
10 or

11 “(bb) is experiencing symp-
12 toms of COVID-19 and needs to
13 obtain medical diagnosis or care;
14 or

15 “(II) a public official with juris-
16 diction or a health care provider
17 makes a recommendation or order
18 with respect to such family member,
19 without regard to whether such deter-
20 mination is specific to such family
21 member, that the presence of the fam-
22 ily member in the community would
23 jeopardize the health of other individ-
24 uals in the community because of—

1 “(aa) the possible exposure
2 of such family member to
3 COVID-19; or

4 “(bb) exhibition of symp-
5 toms of COVID-19 by such fam-
6 ily member.

7 “(v) To care for the son or daughter
8 of such employee if, due to COVID-19—

9 “(I) the child care provider of
10 such son or daughter is unavailable;

11 “(II) the school or place of care
12 of such son or daughter is closed; or

13 “(III) the school of such son or
14 daughter—

15 “(aa) requires or makes op-
16 tional a virtual learning instruc-
17 tion model; or

18 “(bb) requires or makes op-
19 tional a hybrid of in-person and
20 virtual learning instruction mod-
21 els.

22 “(vi) To care for a family member
23 who is incapable of self-care because of a
24 mental or physical disability or is a senior
25 citizen, without regard to whether another

1 individual other than the employee is avail-
2 able to care for such family member, if the
3 place of care for such family member is
4 closed or the direct care provider is un-
5 available due to COVID-19.”.

6 (e) FAMILY MEMBER.—Section 110(a)(2) is amended
7 by adding at the end the following:

8 “(E) FAMILY MEMBER.—The term ‘family
9 member’, with respect to an employee, means
10 any of the following:

11 “(i) A parent of the employee.

12 “(ii) A spouse of the employee.

13 “(iii) A sibling of the employee.

14 “(iv) Next of kin of the employee or
15 a person for whom the employee is next of
16 kin.

17 “(v) A son or daughter of the em-
18 ployee.

19 “(vi) A grandparent or grandchild of
20 the employee.

21 “(vii) A domestic partner of the em-
22 ployee.

23 “(viii) Any other individual related by
24 blood or affinity whose close association

1 with the employee is the equivalent of a
2 family relationship.

3 “(F) DOMESTIC PARTNER.—

4 “(i) IN GENERAL.—The term ‘domes-
5 tic partner’, with respect to an individual,
6 means another individual with whom the
7 individual is in a committed relationship.

8 “(ii) COMMITTED RELATIONSHIP DE-
9 FINED.—The term ‘committed relationship’
10 means a relationship between 2 individuals,
11 each at least 18 years of age, in which
12 each individual is the other individual’s
13 sole domestic partner and both individuals
14 share responsibility for a significant meas-
15 ure of each other’s common welfare. The
16 term includes any such relationship be-
17 tween 2 individuals that is granted legal
18 recognition by a State or political subdivi-
19 sion of a State as a marriage or analogous
20 relationship, including a civil union or do-
21 mestic partnership.”.

22 **SEC. 105. REGULATORY AUTHORITIES.**

23 (a) IN GENERAL.—Section 110(a) is amended by
24 striking paragraph (3).

1 (b) FORCE OR EFFECT OF REGULATIONS.—Any reg-
 2 ulation issued under section 110(a)(3), as in effect on the
 3 day before the date of the enactment of this Act, shall
 4 have no force or effect.

5 **SEC. 106. PAID LEAVE.**

6 Section 110(b) of the Family and Medical Leave Act
 7 of 1993 is amended—

8 (1) in the heading, by striking “Relationship
 9 to”;

10 (2) by amending paragraph (1) to read as fol-
 11 lows:

12 “(1) EMPLOYEE ELECTION.—

13 “(A) IN GENERAL.—An employee may
 14 elect to substitute any vacation leave, personal
 15 leave, or medical or sick leave for paid leave
 16 under section 102(a)(1)(F) in accordance with
 17 section 102(d)(2)(B).

18 “(B) EMPLOYER REQUIREMENT.—An em-
 19 ployer may not require an employee to sub-
 20 stitute any leave described in subparagraph (A)
 21 for leave under section 102(a)(1)(F).

22 “(C) RELATIONSHIP TO OTHER FAMILY
 23 AND MEDICAL LEAVE.—Leave taken under sub-
 24 paragraph (F) of section 102(a)(1) shall not
 25 count towards the 12 weeks of leave to which

1 an employee is entitled under subparagraphs
2 (A) through (E) of such section.

3 “(D) RELATIONSHIP TO LIMITATION.—
4 PRESUMPTION OF ELIGIBILITY FOR for
5 any vacation leave, personal leave, or medical or
6 sick leave that is substituted for leave under
7 section 102(a)(1)(F) shall not count toward the
8 limitation under paragraph (2)(B)(ii).”; and
9 (3) in paragraph (2)(A), by striking “that an
10 employee takes” and all that follows through “10
11 days”.

12 **SEC. 107. WAGE RATE.**

13 Section 110(b)(2)(B) is amended—

14 (1) by amending clause (i)(I) to read as follows:

15 “(I) an amount that is not less
16 than the greater of—

17 “(aa) the minimum wage
18 rate in effect under section
19 6(a)(1) of the Fair Labor Stand-
20 ards Act of 1938 (29 U.S.C.
21 206(a)(1));

22 “(bb) the minimum wage
23 rate in effect for such employee
24 in the applicable State or locality,

1 whichever is greater, in which the
2 employee is employed; or

3 “(cc) two thirds of an em-
4 ployee’s regular rate of pay (as
5 determined under section 7(e) of
6 the Fair Labor Standards Act of
7 1938 (29 U.S.C. 207(e)); and”;
8 and

9 (2) in clause (ii), by striking “\$10,000” and in-
10 serting “\$12,000”.

11 **SEC. 108. NOTICE.**

12 Section 110(c) is amended by striking “for the pur-
13 pose described in subsection (a)(2)(A)”.

14 **SEC. 109. INTERMITTENT LEAVE.**

15 Section 110 is amended by adding at the end the fol-
16 lowing:

17 “(e) LEAVE TAKEN INTERMITTENTLY OR ON A RE-
18 DUCED WORK SCHEDULE.—Leave under section
19 102(a)(1)(F) may be taken by an employee intermittently
20 or on a reduced work schedule, without regard to whether
21 the employee and the employer of the employee have an
22 agreement with respect to whether such leave may be
23 taken intermittently or on a reduced work schedule.”.

1 **SEC. 110. CERTIFICATION.**

2 Section 110 is further amended by adding at the end
3 the following:

4 “(f) CERTIFICATION.—

5 “(1) IN GENERAL.—If an employer requires
6 that a request for leave under section 102(a)(1)(F)
7 be certified, the employer may require documenta-
8 tion for certification not earlier than 5 weeks after
9 the date on which the employee takes such leave.

10 “(2) SUFFICIENT CERTIFICATION.—The fol-
11 lowing documentation shall be sufficient for certifi-
12 cation:

13 “(A) With respect to leave taken for the
14 purposes described in clauses (i) through (iv) of
15 subsection (a)(2)(A)—

16 “(i) a recommendation or order from
17 a public official having jurisdiction or a
18 health care provider that the employee or
19 relevant family member has symptoms of
20 COVID–19 or should self-isolate; or

21 “(ii) documentation or evidence, in-
22 cluding an oral or written statement from
23 an employee, that the employee or relevant
24 family member has been exposed to
25 COVID–19.

1 “(B) With respect to leave taken for the
2 purposes described in clause (v) or (vi) of sub-
3 section (a)(2)(A), notice—

4 “(i) from the school, place of care, or
5 child care or direct care provider of the son
6 or daughter or other family member of the
7 employee of closure or unavailability; or

8 “(ii) from the school of the son or
9 daughter of the requirement or option of a
10 virtual learning instruction model or a hy-
11 brid of in-person and virtual learning in-
12 struction models.”.

13 **SEC. 111. AUTHORITY OF THE DIRECTOR OF THE OFFICE**
14 **OF MANAGEMENT AND BUDGET TO EXCLUDE**
15 **CERTAIN EMPLOYEES.**

16 Section 110(a) is amended by striking paragraph (4).

17 **SEC. 112. TECHNICAL AMENDMENTS.**

18 (a) Section 110(a)(1)(A) is amended by striking
19 “(ii)” before “SPECIAL RULE” and inserting “(iii)”.

20 (b) Section 19008 of the CARES Act is amended—

21 (1) by striking “—” after “amended”;

22 (2) by striking paragraph (1); and

23 (3) by striking “(2)” before “by adding at the
24 end”.

1 **SEC. 113. AMENDMENTS TO THE EMERGENCY FAMILY AND**
 2 **MEDICAL LEAVE EXPANSION ACT.**

3 The Emergency Family and Medical Leave Expan-
 4 sion Act (Public Law 116–127) is amended—

- 5 (1) in section 3103(b), by striking “Employees”
 6 and inserting, “Notwithstanding section
 7 102(a)(1)(A) of the Family and Medical Leave Act
 8 of 1993 (29 U.S.C. 2612(a)(1)(A)), employees”; and
 9 (2) by striking sections 3104 and 3105.

10 **Subtitle B—Emergency Paid Sick**
 11 **Leave Act Amendments**

12 **SEC. 121. REFERENCES.**

13 Except as otherwise expressly provided, whenever in
 14 this subtitle an amendment or repeal is expressed in terms
 15 of an amendment to, or repeal of, a section or other provi-
 16 sion, the reference shall be considered to be made to a
 17 section or other provision of division E of the Families
 18 First Coronavirus Response Act (Public Law 116–127).

19 **SEC. 122. PAID SICK TIME REQUIREMENT.**

20 (a) USES.—Section 5102(a) is amended to read as
 21 follows:

22 “(a) IN GENERAL.—An employer shall provide to
 23 each employee employed by the employer paid sick time
 24 for any qualifying need related to a public health emer-
 25 gency (as defined in section 110(a)(2)(A) of the Family

1 and Medical Leave Act of 1993 (29 U.S.C.
2 2620(a)(2)(A)).”.

3 (b) RECURRENCE.—Section 5102(b) is amended by
4 striking “An” and inserting “During any 12-month pe-
5 riod, an”.

6 (c) EMPLOYERS WITH EXISTING POLICIES.—Section
7 5102 is amended by striking subsection (f) and inserting
8 the following:

9 “(f) EMPLOYERS WITH EXISTING POLICIES.—With
10 respect to an employer that provides paid leave on the day
11 before the date of the enactment of this Act—

12 “(1) the paid sick time under this Act shall be
13 made available to employees of the employer in addi-
14 tion to such paid leave; and

15 “(2) the employer may not change such paid
16 leave on or after such date of enactment to avoid
17 being subject to paragraph (1).”.

18 (d) INTERMITTENT LEAVE.—Section 5102 is further
19 amended by adding at the end the following:

20 “(g) LEAVE TAKEN INTERMITTENTLY OR ON A RE-
21 DUCED WORK SCHEDULE.—Leave under section 5102
22 may be taken by an employee intermittently or on a re-
23 duced work schedule, without regard to whether the em-
24 ployee and the employer of the employee have an agree-

1 ment with respect to whether such leave may be taken
2 intermittently or on a reduced work schedule.”.

3 (e) CERTIFICATION.—Section 5102 is further amend-
4 ed by adding at the end the following:

5 “(h) CERTIFICATION.—If an employer requires that
6 a request for paid sick time under this section be cer-
7 tified—

8 “(1) the documentation described in paragraph
9 (2) of section 110(f) of the Family and Medical
10 Leave Act of 1993 (29 U.S.C. 2620(f)) shall be suf-
11 ficient for certification; and

12 “(2) an employer may not require such certifi-
13 cation unless—

14 “(A) the employee takes not less than 3
15 consecutive days of paid sick time; and

16 “(B) the employer requires documents for
17 such certification not earlier than 7 workdays
18 after the employee returns to work after such
19 paid sick time.”.

20 (f) NOTICE.—Section 5102 is further amended by
21 adding at the end the following:

22 “(i) NOTICE.—In any case where the necessity for
23 leave under this section is foreseeable, an employee shall
24 provide the employer with such notice of leave as is prac-
25 ticable.”.

1 (g) LEAVE TRANSFER TO NEW EMPLOYER.—Section
 2 5102 is further amended by adding at the end the fol-
 3 lowing:

4 “(j) LEAVE TRANSFER TO NEW EMPLOYER.—A cov-
 5 ered employee who begins employment with a new covered
 6 employer shall be entitled to the full amount of leave under
 7 section 5102 with respect to such employer.”.

8 (h) RESTORATION TO POSITION.—

9 (1) IN GENERAL.—Section 5102 is further
 10 amended by adding at the end the following:

11 “(k) RESTORATION TO POSITION.—Any covered em-
 12 ployee who takes paid sick time under this section, on re-
 13 turn from such paid sick time, shall be entitled—

14 “(1) to be restored by the employer to the posi-
 15 tion of employment held by the employee when the
 16 leave commenced; or

17 “(2) if such position is not available, to be re-
 18 stored to an equivalent position with equivalent em-
 19 ployment benefits, pay, and other terms and condi-
 20 tions of employment.”.

21 (2) ENFORCEMENT.—Section 5105 is amend-
 22 ed—

23 (A) by amending subsection (a) to read as
 24 follows:

1 “(a) UNPAID SICK LEAVE.—Subject to subsection
 2 (b), a violation of section 5102 shall be deemed a violation
 3 of section 7 of the Fair Labor Standards Act of 1938 (29
 4 U.S.C. 207) and unpaid amounts shall be treated as un-
 5 paid overtime compensation under such section for the
 6 purposes of sections 15 and 16 of such Act (29 U.S.C.
 7 215 and 216).”; and

8 (B) in subsection (b), by inserting “section
 9 5102(k) or” before “section 5104”.

10 **SEC. 123. SUNSET.**

11 Section 5109 is amended by striking “December 31,
 12 2020” and inserting “February 28, 2021”.

13 **SEC. 124. DEFINITIONS.**

14 (a) EMPLOYER.—Section 5110(2)(B) is amended—

15 (1) by striking “terms” and inserting “term”;

16 (2) by amending subclause (I) of clause (i) to
 17 read as follows:

18 “(I) means any person engaged
 19 in commerce or in any industry or ac-
 20 tivity affecting commerce that employs
 21 1 or more employees;”; and

22 (3) by amending clause (ii) to read as follows:

23 “(ii) PUBLIC AGENCY AND NON-PROF-
 24 IT ORGANIZATIONS.—For purposes of
 25 clause (i)(III) and (i)(I), a public agency

1 and a nonprofit organization shall be con-
2 sidered to be a person engaged in com-
3 merce or in an industry or activity affect-
4 ing commerce.”.

5 (b) FMLA TERMS.—Section 5110(4) is amended to
6 read as follows:

7 “(4) FMLA TERMS.—

8 “(A) SECTION 101.—The terms ‘health
9 care provider’, ‘next of kin’, ‘son or daughter’,
10 and ‘spouse’ have the meanings given such
11 terms in section 101 of the Family and Medical
12 Leave Act of 1993 (29 U.S.C. 2611).

13 “(B) SECTION 110.—The terms ‘child care
14 provider’, ‘domestic partner’, ‘family member’,
15 ‘parent’, and ‘school’ have the meanings given
16 such terms in section 110(a)(2) of the Family
17 and Medical and Leave Act of 1993.”.

18 (c) PAID SICK TIME.—Section 5110(5) is amended—

19 (1) in subparagraph (A)—

20 (A) in clause (i), by striking “reason de-
21 scribed in any paragraph of section 2(a)” and
22 inserting “qualifying need related to a public
23 health emergency”; and

1 (B) in clause (ii), by striking “exceed” and
 2 all that follows and inserting “exceed \$511 per
 3 day and \$5,110 in the aggregate.”;

4 (2) in subparagraph (B)—

5 (A) by striking the following:

6 “(B) REQUIRED COMPENSATION.—

7 “(i) IN GENERAL.—Subject to sub-
 8 paragraph (A)(ii),”; and inserting the fol-
 9 lowing:

10 “(B) REQUIRED COMPENSATION.—Subject
 11 to subparagraph (A)(ii),”; and

12 (B) by striking clause (ii); and

13 (3) in subparagraph (C), by striking “ section
 14 2(a)” and inserting “section 5102(a)”.

15 (d) QUALIFYING NEED RELATED TO A PUBLIC
 16 HEALTH EMERGENCY.—Section 5110 is amended by add-
 17 ing at the end the following:

18 “(1) QUALIFYING NEED RELATED TO A PUBLIC
 19 HEALTH EMERGENCY.—The term ‘qualifying need
 20 related to a public health emergency’ has the mean-
 21 ing given such term in section 110(a)(2)(A) of the
 22 Family and Medical Leave Act of 1993 (29 U.S.C.
 23 2620(a)(2)(A)).”.

1 **SEC. 125. EMERGENCY PAID SICK LEAVE FOR EMPLOYEES**
2 **OF THE DEPARTMENT OF VETERANS AF-**
3 **FAIRS AND THE TRANSPORTATION SECURITY**
4 **ADMINISTRATION FOR PURPOSES RELATING**
5 **TO COVID-19.**

6 Section 5110(1) is further amended—

7 (1) in subparagraph (E) by striking “or” after
8 “Code;”;

9 (2) by redesignating subparagraph (F) as sub-
10 paragraph (H); and

11 (3) by inserting after subparagraph (E) the fol-
12 lowing:

13 “(F) notwithstanding sections 7421(a) or
14 7425(b) of title 38, United States Code, or any
15 other provision of law, an employee of the De-
16 partment of Veterans Affairs (including employ-
17 ees under chapter 74 of such title);

18 “(G) any employee of the Transportation
19 Security Administration, including an employee
20 under 111(d) of the Aviation and Transpor-
21 tation Security Act (49 U.S.C. 44935 note);
22 or”.

23 **SEC. 126. AUTHORITY OF THE DIRECTOR OF THE OFFICE**
24 **OF MANAGEMENT AND BUDGET TO EXCLUDE**
25 **CERTAIN EMPLOYEES.**

26 Division E is amended by striking section 5112.

1 **SEC. 127. REGULATORY AUTHORITIES.**

2 (a) IN GENERAL.—Division E is amended by striking
3 section 5111.

4 (b) FORCE OR EFFECT OF REGULATIONS.—Any reg-
5 ulation issued under section 5111 of division E of the
6 Families First Coronavirus Response Act (Public Law
7 116–127), as in effect on the day before the date of the
8 enactment of this Act, shall have no force or effect.

9 **TITLE II—COVID-19 EVERY**
10 **WORKER PROTECTION ACT**
11 **OF 2020**

12 **SEC. 201. SHORT TITLE.**

13 This title may be cited as the “COVID–19 Every
14 Worker Protection Act of 2020”.

15 **SEC. 202. EMERGENCY TEMPORARY AND PERMANENT**
16 **STANDARDS.**

17 (a) EMERGENCY TEMPORARY STANDARD.—

18 (1) IN GENERAL.—In consideration of the grave
19 danger presented by COVID–19 and the need to
20 strengthen protections for employees, not later than
21 7 days after the date of the enactment of this Act,
22 the Secretary of Labor shall promulgate an emer-
23 gency temporary standard to protect from occupa-
24 tional exposure to SARS–CoV–2—

25 (A) employees of health care sector em-
26 ployers;

1 (B) employees of employers in paramedic
2 and emergency medical services, including such
3 services provided by firefighters and other
4 emergency responders; and

5 (C) employees of employers in other sec-
6 tors or occupations, including mortuary serv-
7 ices, food processing (including poultry, meat,
8 and seafood), agriculture and crop harvesting,
9 manufacturing, indoor and outdoor construc-
10 tion, correctional centers, jails, and detention
11 centers, transportation (including airports, train
12 stations, and bus stations), retail and wholesale
13 grocery, warehousing and package and mail
14 processing and delivery services, call centers,
15 education, social service and daycare, homeless
16 shelters, hotels, restaurants and bars, drug
17 stores and pharmacies, and retail establish-
18 ments.

19 (2) CONSULTATION.—In developing the stand-
20 ard under this subsection, the Secretary of Labor—

21 (A) shall consult with—

22 (i) the Director of the Centers for
23 Disease Control and Prevention; and

1 (ii) the Director of the National Insti-
2 tute for Occupational Safety and Health;
3 and

4 (B) may consult with the professional asso-
5 ciations and representatives of the employees
6 described in paragraph (1).

7 (3) ENFORCEMENT DISCRETION.—If the Sec-
8 retary of Labor determines it is not feasible for an
9 employer to comply with a requirement of the stand-
10 ard promulgated under this subsection (such as a
11 shortage of the necessary personal protective equip-
12 ment), the Secretary may exercise discretion in the
13 enforcement of such requirement if the employer
14 demonstrates that the employer—

15 (A) is exercising due diligence to come into
16 compliance with such requirement; and

17 (B) is implementing alternative methods
18 and measures to protect employees.

19 (4) EXTENSION OF STANDARD.—Notwith-
20 standing paragraphs (2) and (3) of section 6(c) of
21 the Occupational Safety and Health Act of 1970 (29
22 U.S.C. 655(c)), the emergency temporary standard
23 promulgated under this subsection shall be in effect
24 until the date on which the final standard promul-
25 gated under subsection (b) is in effect.

1 (5) STATE PLAN ADOPTION.—With respect to a
2 State with a State plan that has been approved by
3 the Secretary of Labor under section 18 of the Oc-
4 cupational Safety and Health Act of 1970 (29
5 U.S.C. 667), not later than 14 days after the date
6 of the enactment of this Act, such State shall pro-
7 mulgate an emergency temporary standard that is at
8 least as effective in protecting from occupational ex-
9 posure to SARS-CoV-2 the employees described in
10 paragraph (1) as the emergency temporary standard
11 promulgated under this subsection.

12 (6) EMPLOYER DEFINED.—For purposes of the
13 standard promulgated under this subsection, the
14 term “employer” (as defined in section 3 of the Oc-
15 cupational Safety and Health Act of 1970 (29
16 U.S.C. 652)) includes any State or political subdivi-
17 sion of a State, except for a State or political sub-
18 division of a State already subject to the jurisdiction
19 of a State plan approved under section 18(b) of the
20 Occupational Safety and Health Act of 1970 (29
21 U.S.C. 667(b)).

22 (7) REQUIREMENTS.—The standard promul-
23 gated under this subsection shall include—

1 (A) a requirement that any employer of an
2 employee in an occupation or sector described
3 in paragraph (1)—

4 (i) conduct a hazard assessment to as-
5 sess risks of occupational exposure to
6 SARS-CoV-2;

7 (ii) develop and implement an expo-
8 sure control plan, based on the hazard as-
9 sessment mandated in clause (i), with the
10 input and involvement of employees or the
11 representatives of employees, as appro-
12 priate, to address the risk of occupational
13 exposure in such sectors and occupations;

14 (iii) provide job specific training and
15 education to such employees on such
16 standard, the plan under clause (ii), and
17 prevention of the transmission of SARS-
18 CoV-2;

19 (iv) implement, as appropriate, engi-
20 neering controls, including ventilation;
21 work practice controls (including physical
22 distancing of not less than 6 feet while on
23 the job and during paid breaks); and ap-
24 propriate respiratory protection and other
25 personal protective equipment;

1 (v) develop and implement procedures
2 for—

3 (I) sanitation of the work envi-
4 ronment;

5 (II) screening of employees for
6 signs and symptoms of COVID–19;

7 (III) the return to work for em-
8 ployees who previously tested positive
9 for COVID–19 or who showed signs
10 or symptoms of COVID–19; and

11 (IV) ensuring that subcontractors
12 comply with the procedures under
13 subclauses (I) through (III); and

14 (vi) record and report each work-re-
15 lated COVID–19 infection and death, as
16 set forth in part 1904 of title 29, Code of
17 Federal Regulations (as in effect on the
18 date of the enactment of this Act);

19 (B) no less protection for novel pathogens
20 than precautions mandated by standards adopt-
21 ed by a State plan that has been approved by
22 the Secretary of Labor under section 18 of the
23 Occupational Safety and Health Act of 1970
24 (29 U.S.C. 667);

25 (C) the incorporation, as appropriate, of—

1 (i) guidelines issued by the Centers
2 for Disease Control and Prevention, the
3 National Institute for Occupational Safety
4 and Health, and the Occupational Safety
5 and Health Administration which are de-
6 signed to prevent the transmission of infec-
7 tious agents in health care or other occu-
8 pational settings; and

9 (ii) relevant scientific research on
10 novel pathogens; and

11 (D) a requirement for each employer to—

12 (i) maintain a COVID–19 employee
13 infection log, notify its own employees and
14 report to the appropriate health depart-
15 ment of each confirmed positive COVID–
16 19 diagnosis of an employee within 24
17 hours of the employer learning of such
18 confirmed positive diagnosis, whether or
19 not the infection is work-related, consistent
20 with the confidentiality requirements of the
21 Americans with Disabilities Act of 1990
22 (42 U.S.C. 12101 et seq.), the HIPAA pri-
23 vacy regulations (defined in section
24 1180(b)(3) of the Social Security Act (42

1 U.S.C. 1320d–9(b)) and other applicable
2 Federal regulations; and

3 (ii) report to the Occupational Safety
4 and Health Administration any outbreak
5 of three or more confirmed positive
6 COVID–19 diagnoses that have occurred
7 among employees present at the place of
8 employment within a 14-day period, not
9 later than 24 hours after the employer is
10 made aware of such an outbreak.

11 (8) INAPPLICABLE PROVISIONS OF LAW AND
12 EXECUTIVE ORDER.—The following provisions of law
13 and Executive orders shall not be applicable with re-
14 spect to the standard promulgated under this sub-
15 section:

16 (A) The requirements of chapter 6 of title
17 5, United States Code (commonly referred to as
18 the “Regulatory Flexibility Act”).

19 (B) Subchapter I of chapter 35 of title 44,
20 United States Code (commonly referred to as
21 the “Paperwork Reduction Act”).

22 (C) The Unfunded Mandates Reform Act
23 of 1995 (2 U.S.C. 1501 et seq.).

1 (D) Executive Order 12866 (58 Fed. Reg.
2 190; relating to regulatory planning and re-
3 view), as amended.

4 (E) Executive Order 13771 (82 Fed. Reg.
5 9339, relating to reducing regulation and con-
6 trolling regulatory costs).

7 (b) PERMANENT STANDARD.—Not later than 24
8 months after the date of the enactment of this Act, the
9 Secretary of Labor shall, pursuant to section 6 of the Oc-
10 cupational Safety and Health Act (29 U.S.C. 655), pro-
11 mulgate a final standard—

12 (1) to protect employees described in subsection
13 (a)(1) from occupational exposure to infectious
14 pathogens, including novel pathogens; and

15 (2) that shall be effective and enforceable in the
16 same manner and to the same extent as a standard
17 promulgated under section 6(b) of the Occupational
18 Safety and Health Act of 1970 (29 U.S.C. 655(b)).

19 (c) ANTI-RETALIATION.—

20 (1) POLICY.—Each standard promulgated
21 under this section shall require employers to adopt
22 a policy prohibiting the discrimination and retalia-
23 tion described in paragraph (2) by any person (in-
24 cluding an agent of the employer).

1 (2) PROHIBITION.—No employer (including an
2 agent of the employer) shall discriminate or retaliate
3 against an employee for—

4 (A) reporting to the employer, to a local,
5 State, or Federal government agency, or to the
6 media or on a social media platform—

7 (i) a violation of a standard promul-
8 gated pursuant to this Act;

9 (ii) a violation of an infectious disease
10 exposure control plan described in sub-
11 section (c)(1); or

12 (iii) a good faith concern about a
13 workplace infectious disease hazard;

14 (B) seeking assistance or intervention from
15 the employer or a local, State, or Federal gov-
16 ernment agency with respect to such a report;

17 (C) voluntary use of personal protective
18 equipment with a higher level of protection than
19 is provided by the employer; or

20 (D) exercising any other right under the
21 Occupational Safety and Health Act of 1970
22 (29 U.S.C. 651 et seq.).

23 (3) ENFORCEMENT.—This subsection shall be
24 enforced in the same manner and to the same extent
25 as any standard promulgated under section 6(b) of

1 the Occupational Safety and Health Act of 1970 (29
2 U.S.C. 655(b)).

3 (d) EFFECT ON OTHER LAWS, REGULATIONS, OR
4 ORDERS.—

5 (1) IN GENERAL.—Nothing in this Act shall be
6 construed to—

7 (A) curtail or limit authority of the Sec-
8 retary under any other provision of law; or

9 (B) preempt the application of any other
10 statute, regulation, or order of any State or
11 local government related to SARS-CoV-2 in
12 the workplace except to the extent that such
13 provisions are inconsistent with this Act, or a
14 standard promulgated pursuant to this Act, and
15 in such case only to the extent of the inconsis-
16 tency.

17 (2) EQUAL OR GREATER PROTECTION.—A pro-
18 vision of law, regulation, or order of a State or local
19 government shall not be considered inconsistent with
20 this Act or standard promulgated under this Act
21 under paragraph (1)(B) if such provision provides
22 equal or greater health or safety protection to an
23 employee than the protection provided under this
24 Act, an Emergency Temporary Standard, or a final
25 standard promulgated under this Act.

1 **SEC. 203. REPORTING, TRACKING, INVESTIGATION AND**
2 **SURVEILLANCE OF COVID-19 INFECTIONS**
3 **AND OUTBREAKS.**

4 The Director of the Centers for Disease Control and
5 Prevention, in conjunction with the Director of the Na-
6 tional Institute for Occupational Safety and Health, in co-
7 operation with State and territorial health departments,
8 shall—

9 (1) collect and analyze case reports, including
10 information on the work status, occupation, and in-
11 dustry classification of an individual, and other data
12 on COVID-19, to identify and evaluate the extent,
13 nature, and source of COVID-19 among employees
14 described in section (a)(1);

15 (2) compile data and statistics on COVID-19
16 among such employees and provide to the public
17 periodic reports on such data and statistics; and

18 (3) based on such reports, make recommenda-
19 tions on needed actions or guidance to protect such
20 employees.

1 **TITLE III—COVID-19 PROTEC-**
 2 **TIONS UNDER LONGSHORE**
 3 **AND HARBOR WORKERS’**
 4 **COMPENSATION ACT**

5 **SEC. 301. COMPENSATION PURSUANT TO THE LONGSHORE**
 6 **AND HARBOR WORKERS’ COMPENSATION**
 7 **ACT.**

8 (a) ENTITLEMENT TO COMPENSATION.—

9 (1) IN GENERAL.—A covered employee who re-
 10 ceives a diagnosis or is subject to an order described
 11 in paragraph (2)(B) and who provides notice of or
 12 files a claim relating to such diagnosis or order
 13 under section 12 or 13 of the Longshore and Harbor
 14 Workers’ Compensation Act (33 U.S.C. 912, 913),
 15 respectively, shall—

16 (A) be deemed to have an injury arising
 17 out of or in the course of employment for which
 18 compensation is payable under the Longshore
 19 and Harbor Workers’ Compensation Act (33
 20 U.S.C. 901 et seq.); and

21 (B) be paid the compensation to which the
 22 employee is entitled under such Act (33 U.S.C.
 23 901 et seq.).

24 (2) COVERED EMPLOYEE.—In this section, the
 25 term “covered employee” means an employee who—

1 (A) at any time during the period begin-
2 ning on January 27, 2020, and ending on Jan-
3 uary 27, 2022, was engaged in maritime em-
4 ployment; and

5 (B) was—

6 (i) at any time during the period be-
7 ginning on January 27, 2020, and ending
8 on February 27, 2022, diagnosed with
9 COVID-19; or

10 (ii) at any time during the period de-
11 scribed in subparagraph (A), ordered not
12 to return to work by the employee's em-
13 ployer or by a local, State, or Federal
14 agency because of exposure, or the risk of
15 exposure, to 1 or more individuals diag-
16 nosed with COVID-19 in the workplace.

17 (b) REIMBURSEMENT.—

18 (1) IN GENERAL.—

19 (A) ENTITLEMENT.—Subject to subpara-
20 graph (B), an employer of a covered employee
21 or the employer's carrier shall be entitled to re-
22 imbursement for any compensation paid with
23 respect to a notice or claim described in sub-
24 section (a), including disability benefits, funeral
25 and burial expenses, medical or other related

1 costs for treatment and care, and reasonable
2 and necessary allocated claims expenses.

3 (B) SAFETY AND HEALTH REQUIRE-
4 MENTS.—To be entitled to reimbursement
5 under subparagraph (A)—

6 (i) an employer shall be in compliance
7 with all applicable safety and health guide-
8 lines and standards that are related to the
9 prevention of occupational exposure to the
10 novel coronavirus that causes COVID–19,
11 including such guidelines and standards
12 issued by the Occupational Safety and
13 Health Administration, State plans ap-
14 proved under section 18 of the Occupa-
15 tional Safety and Health Act of 1970 (29
16 U.S.C. 667), the Coast Guard, and Fed-
17 eral, State or local public health authori-
18 ties; and

19 (ii) a carrier—

20 (I) shall be a carrier for an em-
21 ployer that is in compliance with
22 clause (i); and

23 (II) shall not adjust the experi-
24 ence rating or the annual premium of
25 the employer based upon the com-

1 pensation paid by the carrier with re-
2 spect to a notice or claim described in
3 subparagraph (A).

4 (2) REIMBURSEMENT PROCEDURES.—To re-
5 ceive reimbursement under paragraph (1)—

6 (A) a claim for such reimbursement shall
7 be submitted to the Secretary of Labor—

8 (i) not later than one year after the
9 final payment of compensation to a covered
10 employee pursuant to this section; and

11 (ii) in the same manner as a claim for
12 reimbursement is submitted in accordance
13 with part 61 of title 20, Code of Federal
14 Regulations (as in effect on the date of the
15 enactment of this Act); and

16 (B) an employer and the employer's carrier
17 shall make, keep, and preserve such records,
18 make such reports, and provide such informa-
19 tion, as the Secretary of Labor determines nec-
20 essary or appropriate to carry out this section.

21 (c) SPECIAL FUND.—

22 (1) IN GENERAL.—A reimbursement under
23 paragraph (1) shall be paid out of the special fund
24 established in section 44 of Longshore and Harbor
25 Workers' Compensation Act (33 U.S.C. 944).

1 (2) FUNDING.—There are authorized to be ap-
2 appropriated, and there are appropriated, such funds
3 as may be necessary to reimburse the special fund
4 described in paragraph (1) for each reimbursement
5 paid out of such fund under paragraph (1).

6 (d) REPORT.—Not later than 60 days after the end
7 of fiscal year 2020, 2021, and 2022, the Secretary of
8 Labor shall submit to the Committee on Education and
9 Labor of the House of Representatives and the Committee
10 on Health, Education, Labor and Pensions of the Senate,
11 an annual report enumerating—

12 (1) the number of claims filed pursuant to sec-
13 tion (a)(1);

14 (2) of such filed claims—

15 (A) the number and types of claims ap-
16 proved under section 13 of the Longshore and
17 Harbor Workers' Compensation Act (33 U.S.C.
18 913);

19 (B) the number and types of claims denied
20 under such section;

21 (C) the number and types of claims pend-
22 ing under such section; and

23 (3) the amounts and the number of claims for
24 reimbursement paid out of the special fund under

1 subsection (c)(1) for the fiscal year for which the re-
 2 port is being submitted.

3 (e) REGULATIONS.—The Secretary of Labor may
 4 promulgate such regulations as may be necessary to carry
 5 out this section.

6 (f) DEFINITIONS.—In this section:

7 (1) LHWCA TERMS.—The terms “carrier”,
 8 “compensation”, “employee”, and “employer” have
 9 the meanings given the terms in section 2 of the
 10 Longshore and Harbor Workers’ Compensation Act
 11 (33 U.S.C. 902).

12 (2) NOVEL CORONAVIRUS.—The term “novel
 13 coronavirus” means SARS-CoV-2.

14 **TITLE IV—WORKER’S COM-**
 15 **PENSATION FOR FEDERAL**
 16 **AND POSTAL EMPLOYEES DI-**
 17 **AGNOSED WITH COVID-19**

18 **SEC. 401. PRESUMPTION OF ELIGIBILITY FOR WORKERS’**
 19 **COMPENSATION BENEFITS FOR FEDERAL**
 20 **EMPLOYEES DIAGNOSED WITH COVID-19.**

21 (a) IN GENERAL.—An employee who is diagnosed
 22 with COVID-19 during the period described in subsection
 23 (b)(2)(A) shall, with respect to any claim made by or on
 24 behalf of the employee for benefits under subchapter I of
 25 chapter 81 of title 5, United States Code, be deemed to

1 have an injury proximately caused by exposure to
2 coronavirus arising out of the nature of the employee's em-
3 ployment and be presumptively entitled to such benefits,
4 including disability compensation, medical services, and
5 survivor benefits.

6 (b) DEFINITIONS.—In this section—

7 (1) the term “coronavirus” means SARS-
8 CoV-2 or another coronavirus with pandemic poten-
9 tial; and

10 (2) the term “employee”—

11 (A) means an employee as that term is de-
12 fined in section 8101(1) of title 5, United
13 States Code, (including an employee of the
14 United States Postal Service, the Transpor-
15 tation Security Administration, or the Depart-
16 ment of Veterans Affairs, including any indi-
17 vidual appointed under chapter 73 or 74 of title
18 38, United States Code) employed in the Fed-
19 eral service at anytime during the period begin-
20 ning on January 27, 2020, and ending on Jan-
21 uary 30, 2022—

22 (i) who carried out duties requiring
23 contact with patients, members of the pub-
24 lic, or co-workers; or

1 (ii) whose duties include a risk of ex-
 2 posure to the coronavirus; and

3 (B) does not include any employee other-
 4 wise covered by subparagraph (A) who is tele-
 5 working on a full-time basis in the period de-
 6 scribed in such subparagraph prior to a diag-
 7 nosis with COVID–19.

8 **TITLE V—COVID–19 WORKFORCE**
 9 **DEVELOPMENT RESPONSE**
 10 **ACTIVITIES**

11 **SEC. 501. DEFINITIONS.**

12 (a) IN GENERAL.—Except as otherwise provided, the
 13 terms in this title have the meanings given the terms in
 14 section 3 of the Workforce Innovation and Opportunity
 15 Act (29 U.S.C. 3102).

16 (b) CORONAVIRUS.—The term “coronavirus” means
 17 coronavirus as defined in section 506 of the Coronavirus
 18 Preparedness and Response Supplemental Appropriations
 19 Act, 2020 (Public Law 116–123).

20 (c) COVID–19 NATIONAL EMERGENCY.—The term
 21 “COVID–19 national emergency” means the national
 22 emergency declared by the President under the National
 23 Emergencies Act (50 U.S.C. 1601 et seq.) on March 13,
 24 2020, with respect to the coronavirus.

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

3 **SEC. 502. JOB CORPS RESPONSE TO THE COVID-19 NA-**
4 **TIONAL EMERGENCY.**

5 In order to provide for the successful continuity of
6 services and enrollment periods during the COVID-19 na-
7 tional emergency, additional flexibility shall be provided
8 for Job Corps operators, providers of eligible activities,
9 and practitioners, including the following:

10 (1) ELIGIBILITY.—Notwithstanding the age re-
11 quirements for enrollment under section 144(a)(1)
12 of the Workforce Innovation and Opportunity Act
13 (29 U.S.C. 3194(a)(1)), an individual seeking to en-
14 roll in Job Corps and who turns 25 during the
15 COVID-19 national emergency is eligible for such
16 enrollment during or up to one year after the end
17 of the qualifying emergency.

18 (2) ENROLLMENT LENGTH.—Notwithstanding
19 section 146(b) of the Workforce Innovation and Op-
20 portunity Act (29 U.S.C. 3196(b)), an individual en-
21 rolled in Job Corps during the COVID-19 national
22 emergency may extend their period of enrollment for
23 more than 2 years as long as such extension does
24 not exceed a 2-year, continuous period of enrollment
25 after the COVID-19 national emergency.

1 (3) ADVANCED CAREER TRAINING PROGRAMS.—

2 Notwithstanding paragraph (2), with respect to ad-
3 vanced career training programs under section
4 148(c) of the Workforce Innovation and Opportunity
5 Act (29 U.S.C. 3198(c)) in which the enrollees may
6 continue to participate for a period not to exceed 1
7 year in addition to the period of participation to
8 which the enrollees would otherwise be limited, the
9 COVID–19 national emergency shall not be consid-
10 ered as any portion of such additional 1-year partici-
11 pation period.

12 (4) COUNSELING, JOB PLACEMENT, AND AS-
13 SESSMENT.—The counseling, job placement, and as-
14 sessment services described in section 149 of the
15 Workforce Innovation and Opportunity Act (29
16 U.S.C. 3199) shall be available to former enrollees—

17 (A) whose enrollment was interrupted due
18 to the COVID–19 national emergency;

19 (B) who graduated from Job Corps on or
20 after January 1, 2020; or

21 (C) who graduated from Job Corps not
22 later than 3 months after the COVID–19 na-
23 tional emergency.

24 (5) SUPPORT.—The Secretary shall provide ad-
25 ditional support for the transition periods described

1 in section 150 of the Workforce Innovation and Op-
2 portunity Act (29 U.S.C. 3200), including the fol-
3 lowing:

4 (A) TRANSITION ALLOWANCES.—The Sec-
5 retary shall provide, subject to the availability
6 of appropriations, for the provision of additional
7 transition allowances as described in subsection
8 (b) of such section for Job Corps students who
9 graduate during the periods described in sub-
10 paragraph (B) or (C) of paragraph (4).

11 (B) TRANSITION SUPPORT.—The Secretary
12 shall consider the period during the COVID–19
13 national emergency and the three month period
14 following the conclusion of the COVID–19 na-
15 tional emergency as the period in which the
16 provision of employment services as described in
17 subsection (c) of such section shall be provided
18 to graduates who have graduated in 2020.

19 (6) ENROLLMENT ELIGIBILITY.—The require-
20 ments described in sections 145(a)(2)(A) and
21 152(b)(2)(B) of the Workforce Innovation and Op-
22 portunity Act (29 U.S.C. 3195(a)(2)(A) and 29
23 U.S.C. 3202(b)(2)(B)) shall be applicable only for
24 students participating onsite or once returning to
25 onsite after participating in distance learning.

1 (7) EFFECTIVELY SUPPORTING DISTANCE
2 LEARNING.—The Secretary shall take such steps
3 necessary to modify the agreements required by Sec.
4 147(a) of the Workforce Innovation and Opportunity
5 Act (29 U.S.C. 3197(a)(1)) to enable operators and
6 service providers to purchase, within the limitations
7 of the contract values or established annual budgets
8 for Job Corps Centers, any equipment, supplies, and
9 services that the operators or service providers deter-
10 mine are necessary to facilitate effective virtual
11 learning and to protect the health of students and
12 staff on-center during the COVID–19 national emer-
13 gency, including distance learning technology for
14 students and COVID–19 testing, and shall allow
15 students to retain permanent possession of such
16 equipment and technology without financial penalty
17 regardless of their enrollment status.

18 **SEC. 503. MIGRANT AND SEASONAL FARMWORKER PRO-**
19 **GRAM RESPONSE.**

20 During the COVID–19 national emergency, for the
21 purposes of section 167(i)(3)(A) of the Workforce Innova-
22 tion and Opportunity Act (29 U.S.C. 3222(i)(3)(A)), the
23 term “low income individual” shall include an individual
24 with a total family income equal to or less than 150 per-
25 cent of the poverty line.

1 **SEC. 504. YOUTHBUILD ACTIVITIES RESPONDING TO THE**
2 **COVID-19 NATIONAL EMERGENCY.**

3 During the COVID-19 national emergency, the Sec-
4 retary shall provide for flexibility for YouthBuild partici-
5 pants and entities carrying out YouthBuild programs, in-
6 cluding the following:

7 (1) **ELIGIBILITY.**—Notwithstanding the age re-
8 quirements for enrollment under section
9 171(e)(1)(A)(i) of the Workforce Innovation and Op-
10 portunity Act (29 U.S.C. 3226(e)(1)(A)(i)), an indi-
11 vidual seeking to participate in a YouthBuild pro-
12 gram and who turns 25 during the COVID-19 na-
13 tional emergency is eligible for such participation.

14 (2) **PARTICIPATION LENGTH.**—Notwithstanding
15 section 171(e)(2) of the Workforce Innovation and
16 Opportunity Act (29 U.S.C. 3226(e)(2)), the period
17 of participation in a YouthBuild program may ex-
18 tend beyond 24 months for an individual partici-
19 pating in such program during the COVID-19 na-
20 tional emergency, as long as such extension does not
21 exceed a 24 month, continuous period of enrollment
22 after the COVID-19 national emergency.

23 **SEC. 505. APPRENTICESHIP SUPPORT DURING THE COVID-**
24 **19 NATIONAL EMERGENCY.**

25 Not later than 30 days after the date of the enact-
26 ment of this Act, the Secretary shall identify and dissemi-

1 nate strategies and tools to support virtual and online
 2 learning and training in apprenticeship programs.

3 **DIVISION D—HUMAN SERVICES** 4 **AND COMMUNITY SUPPORTS**

5 **SEC. 100. SHORT TITLE.**

6 This division may be cited as the “Human Services
 7 and Community Supports Act”.

8 **TITLE I—STRONGER CHILD** 9 **ABUSE PREVENTION AND** 10 **TREATMENT**

11 **Subtitle A—General Program**

12 **SEC. 101. REPEAL OF FINDINGS.**

13 Section 2 of the Child Abuse Prevention and Treat-
 14 ment Act (42 U.S.C. 5101 note) is repealed.

15 **SEC. 102. REPEAL OF ADVISORY BOARD ON CHILD ABUSE** 16 **AND NEGLECT.**

17 Section 102 of the Child Abuse Prevention and
 18 Treatment Act (42 U.S.C. 5102) is repealed.

19 **SEC. 103. NATIONAL CLEARINGHOUSE FOR INFORMATION** 20 **RELATING TO CHILD ABUSE.**

21 Section 103 of the Child Abuse Prevention and
 22 Treatment Act (42 U.S.C. 5104) is amended—

23 (1) in subsection (b)(1), by inserting “early
 24 learning programs and” after “including”;

25 (2) in subsection (c)(1)(C)—

1 (A) in clause (iii), by striking “and” at the
2 end;

3 (B) in clause (iv), by adding “and” at the
4 end; and

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

6 “(v) the number of child fatalities and
7 near fatalities due to maltreatment, as re-
8 ported by States in accordance with the
9 uniform standards established pursuant to
10 subsection (d), and any other relevant in-
11 formation related to such fatalities;” and

12 (3) by adding at the end the following:

13 “(d) UNIFORM STANDARDS FOR TRACKING AND RE-
14 PORTING OF CHILD FATALITIES RESULTING FROM MAL-
15 TREATMENT.—

16 “(1) REGULATIONS REQUIRED.—Not later than
17 24 months after the date of the enactment of the
18 Human Services and Community Supports Act, the
19 Secretary shall develop and issue final regulations
20 establishing uniform standards for the tracking and
21 reporting of child fatalities and near-fatalities result-
22 ing from maltreatment. As a condition on eligibility
23 for receipt of funds under section 106, the standards
24 established under this paragraph shall be used by

1 States for the tracking and reporting of such fatali-
2 ties under subsection (d) of such section.

3 “(2) MAINTENANCE OF STATE LAW.—Notwith-
4 standing the uniform standards developed under
5 paragraph (1), a State that defines or describes such
6 fatalities for any purpose other than tracking and
7 reporting under this subsection may continue to use
8 that definition or description for such purpose.

9 “(3) NEGOTIATED RULEMAKING.—In devel-
10 oping regulations under paragraph (1), the Sec-
11 retary shall submit such regulations to a negotiated
12 rulemaking process, which shall include the partici-
13 pants described in paragraph (4).

14 “(4) PARTICIPANTS DESCRIBED.—The partici-
15 pants described in this paragraph are—

16 “(A) State and county officials responsible
17 for administering the State plans under this
18 Act and parts B and E of title IV of the Social
19 Security Act (42 U.S.C. 621 et seq., 670 et
20 seq.);

21 “(B) child welfare professionals with field
22 experience;

23 “(C) child welfare researchers;

24 “(D) domestic violence researchers;

25 “(E) domestic violence professionals;

1 “(F) child development professionals;
2 “(G) mental health professionals;
3 “(H) pediatric emergency medicine physi-
4 cians;
5 “(I) child abuse pediatricians, as certified
6 by the American Board of Pediatrics, who spe-
7 cialize in treating victims of child abuse;
8 “(J) forensic pathologists;
9 “(K) public health administrators;
10 “(L) public health researchers;
11 “(M) law enforcement;
12 “(N) family court judges;
13 “(O) prosecutors;
14 “(P) medical examiners and coroners;
15 “(Q) a representative from the National
16 Center for Fatality Review and Prevention; and
17 “(R) such other individuals and entities as
18 the Secretary determines to be appropriate.”.

19 **SEC. 104. RESEARCH AND ASSISTANCE ACTIVITIES.**

20 Section 104 of the Child Abuse Prevention and
21 Treatment Act (42 U.S.C. 5105) is amended—

22 (1) in subsection (a)—

23 (A) by amending paragraph (1) to read as
24 follows:

1 “(1) TOPICS.—The Secretary shall, in consulta-
2 tion with other Federal agencies and recognized ex-
3 perts in the field, carry out a continuing inter-
4 disciplinary program of research, including longitu-
5 dinal research, that is designed to provide informa-
6 tion needed to improve primary prevention of child
7 abuse and neglect, better protect children from child
8 abuse or neglect, and improve the well-being of vic-
9 tims of child abuse or neglect, with at least a portion
10 of such research being field initiated. Such research
11 program may focus on—

12 “(A) disseminating evidence-based treat-
13 ment directed to individuals and families experi-
14 encing trauma due to child abuse and neglect,
15 including efforts to improve the scalability of
16 the treatments and programs being researched;

17 “(B) developing a set of evidence-based ap-
18 proaches to support child and family well-being
19 and developing ways to identify, relieve, and
20 mitigate stressors affecting families in rural,
21 urban, and suburban communities;

22 “(C) establishing methods to promote ra-
23 cial equity in the child welfare system, including
24 a focus on how neglect is defined, how services
25 are provided, and the unique impact on Native

1 American, Alaska Native, and Native Hawaiian
2 communities;

3 “(D) improving service delivery or out-
4 comes for child welfare service agencies engaged
5 with families experiencing domestic violence,
6 substance use disorder, or other complex needs;

7 “(E) the extent to which the number of
8 unsubstantiated, unfounded, and false reported
9 cases of child abuse or neglect have contributed
10 to the inability of a State to respond effectively
11 to serious cases of child abuse or neglect;

12 “(F) the extent to which the lack of ade-
13 quate resources and the lack of adequate pro-
14 fessional development of individuals required by
15 law to report suspected cases of child abuse and
16 neglect have contributed to the inability of a
17 State to respond effectively to serious cases of
18 child abuse and neglect;

19 “(G) the extent to which unsubstantiated
20 reports return as more serious cases of child
21 abuse or neglect;

22 “(H) the incidence and outcomes of child
23 abuse and neglect allegations reported within
24 the context of divorce, custody, or other family
25 court proceedings, and the interaction between

1 family courts and the child protective services
2 system;

3 “(I) the information on the national inci-
4 dence of child abuse and neglect specified in
5 clauses (i) through (xi) of subparagraph (J);
6 and

7 “(J) the national incidence of child abuse
8 and neglect, including—

9 “(i) the extent to which incidents of
10 child abuse and neglect are increasing or
11 decreasing in number and severity;

12 “(ii) the incidence of substantiated
13 and unsubstantiated reported child abuse
14 and neglect cases;

15 “(iii) the number of substantiated
16 cases that result in a judicial finding of
17 child abuse or neglect or related criminal
18 court convictions;

19 “(iv) the extent to which the number
20 of unsubstantiated, unfounded and false
21 reported cases of child abuse or neglect
22 have contributed to the inability of a State
23 to respond effectively to serious cases of
24 child abuse or neglect;

1 “(v) the extent to which the lack of
2 adequate resources and the lack of ade-
3 quate education of individuals required by
4 law to report suspected cases of child
5 abuse and neglect have contributed to the
6 inability of a State to respond effectively to
7 serious cases of child abuse and neglect;

8 “(vi) the number of unsubstantiated,
9 false, or unfounded reports that have re-
10 sulted in a child being placed in substitute
11 care, and the duration of such placement;

12 “(vii) the extent to which unsubstan-
13 tiated reports return as more serious cases
14 of child abuse or neglect;

15 “(viii) the incidence and prevalence of
16 physical, sexual, and emotional abuse and
17 physical and emotional neglect in sub-
18 stitute care;

19 “(ix) the incidence and prevalence of
20 child maltreatment by a wide array of de-
21 mographic characteristics such as age, sex,
22 race, family structure, household relation-
23 ship (including the living arrangement of
24 the resident parent and family size), school
25 enrollment and education attainment, dis-

ability, grandparents as caregivers, labor force status, work status in previous year, and income in previous year;

“(x) the extent to which reports of suspected or known instances of child abuse or neglect involving a potential combination of jurisdictions, such as intra-state, interstate, Federal-State, and State-Tribal, are being screened out solely on the basis of the cross-jurisdictional complications; and

“(xi) the incidence and outcomes of child abuse and neglect allegations reported within the context of divorce, custody, or other family court proceedings, and the interaction between family courts and the child protective services system.”;

(B) in paragraph (2), by striking “paragraph (1)(O)” and inserting “paragraph (1)(J)”;

(C) by amending paragraph (3) to read as follows:

“(3) REPORTING REQUIREMENTS.—

“(A) IN GENERAL.—Not later than 4 years after the date of the enactment of the Human

1 Services and Community Supports Act, the Sec-
2 retary shall prepare and submit to the Com-
3 mittee on Education and Labor of the House of
4 Representatives and the Committee on Health,
5 Education, Labor and Pensions of the Senate a
6 report that contains the results of the research
7 conducted under paragraph (2).

8 “(B) NATIONAL INCIDENCE.—The Sec-
9 retary shall ensure that research conducted,
10 and data collected, under paragraph (1)(J) are
11 reported in a way that will allow longitudinal
12 comparisons as well as comparisons to the na-
13 tional incidence studies conducted under this
14 title.”; and

15 (D) by striking the second paragraph (4);
16 (2) in subsection (b), by amending paragraph
17 (2) to read as follows:

18 “(2) AREAS OF EMPHASIS.—Such technical as-
19 sistance—

20 “(A) shall focus on—

21 “(i) implementing strategies that can
22 leverage existing community-based and
23 State funded resources to prevent child
24 abuse and neglect and providing education

1 for individuals involved in prevention ac-
2 tivities;

3 “(ii) reducing racial bias in child wel-
4 fare systems, including how such systems
5 interact with health, law enforcement, and
6 education systems;

7 “(iii) promoting best practices for
8 families experiencing domestic violence,
9 substance use disorder, or other complex
10 needs; and

11 “(iv) providing professional develop-
12 ment and other technical assistance to
13 child welfare agencies to improve the un-
14 derstanding of and to help address the ef-
15 fects of trauma and adverse childhood ex-
16 periences in parents and children in con-
17 tact with the child welfare system; and

18 “(B) may include the identification of—

19 “(i) various methods and procedures
20 for the investigation, assessment, and pros-
21 ecution of child physical and sexual abuse
22 cases;

23 “(ii) ways to mitigate psychological
24 trauma to the child victim;

1 “(iii) effective programs carried out
2 by the States under titles I and II; and

3 “(iv) effective approaches being uti-
4 lized to link child protective service agen-
5 cies with health care, mental health care,
6 and developmental services and early inter-
7 vention to improve forensic diagnosis and
8 health evaluations, and barriers and short-
9 ages to such linkages.”;

10 (3) in subsection (c), by striking paragraph (3);

11 and

12 (4) by striking subsection (e).

13 **SEC. 105. GRANTS TO STATES, INDIAN TRIBES OR TRIBAL**
14 **ORGANIZATIONS, AND PUBLIC OR PRIVATE**
15 **AGENCIES AND ORGANIZATIONS.**

16 Section 105 of the Child Abuse Prevention and
17 Treatment Act (42 U.S.C. 5106) is amended—

18 (1) in subsection (a)—

19 (A) by redesignating paragraph (7) as
20 paragraph (11);

21 (B) by striking paragraphs (1) through (6)
22 and inserting the following:

23 “(1) PREVENTION SERVICES.—The Secretary
24 may award grants under this subsection to entities
25 to establish or expand prevention services that re-

1 duce incidences of child maltreatment and strength-
2 en families.

3 “(2) TRAUMATIC STRESS.—The Secretary may
4 award grants under this subsection to entities to ad-
5 dress instances of traumatic stress in families due to
6 child abuse and neglect, especially for families with
7 complex needs or families that exhibit high levels of
8 adverse childhood experiences.

9 “(3) PROMOTING A HIGH-QUALITY WORK-
10 FORCE.—The Secretary may award grants under
11 this subsection to entities to carry out programs or
12 strategies that promote a high-quality workforce in
13 the child welfare system through—

14 “(A) improvements to recruitment, sup-
15 port, or retention efforts; or

16 “(B) education for professionals and para-
17 professionals in the prevention, identification,
18 and treatment of child abuse and neglect.

19 “(4) IMPROVING COORDINATION.—The Sec-
20 retary may award grants under this subsection to
21 entities to carry out activities to improve intrastate
22 coordination within the child welfare system. Such
23 activities may include—

24 “(A) aligning information technology sys-
25 tems;

1 “(B) improving information sharing re-
2 garding child and family referrals; or

3 “(C) creating collaborative voluntary part-
4 nerships among public and private agencies, the
5 State’s child protective services, local social
6 service agencies, community-based family sup-
7 port programs, State and local legal agencies,
8 developmental disability agencies, substance use
9 disorder treatment providers, health care pro-
10 viders and agencies, domestic violence preven-
11 tion programs, mental health services, schools
12 and early learning providers, religious entities,
13 and other community-based programs.

14 “(5) PRIMARY PREVENTION.—The Secretary
15 may award grants under this subsection to entities
16 to carry out or expand primary prevention programs
17 or strategies that address family or community pro-
18 tective factors.

19 “(6) NEGLECT DUE TO ECONOMIC INSECU-
20 RITY.—The Secretary may award grants under this
21 subsection to entities to carry out programs or strat-
22 egies that reduce findings of child neglect due in full
23 or in part to family economic insecurity.

24 “(7) EDUCATION OF MANDATORY REPORT-
25 ERS.—The Secretary may award grants under this

1 subsection to entities for projects that involve re-
2 search-based strategies for innovative education of
3 mandated child abuse and neglect reporters, and for
4 victims to understand mandatory reporting.

5 “(8) SENTINEL INJURIES.—The Secretary may
6 award grants under this subsection to entities to
7 identify and test effective practices to improve early
8 detection and management of injuries indicative of
9 potential abuse in infants to prevent future cases of
10 child abuse and related fatalities.

11 “(9) INNOVATIVE PARTNERSHIPS.—The Sec-
12 retary may award grants under this subsection to
13 entities to carry out innovative programs or strate-
14 gies to coordinate the delivery of services to help re-
15 duce child abuse and neglect via partnerships among
16 health, mental health, education (including early
17 learning and care programs as appropriate), and
18 child welfare agencies and providers.

19 “(10) REDUCING CHILD ABUSE AND NEGLECT
20 DUE TO THE SUBSTANCE USE DISORDER OF A PAR-
21 ENT OR CAREGIVER.—The Secretary may award
22 grants under this subsection to entities to carry out
23 activities to reduce child abuse and neglect due to
24 the substance use disorder of a parent or care-
25 giver.”; and

1 (C) by adding at the end the following:

2 “(12) NATIONAL CHILD ABUSE HOTLINE.—

3 “(A) IN GENERAL.—The Secretary may
4 award a grant under this subsection to a non-
5 profit entity to provide for the ongoing oper-
6 ation of a 24-hour, national, toll-free telephone
7 hotline to provide information and assistance to
8 youth victims of child abuse or neglect, parents,
9 caregivers, mandated reporters, and other con-
10 cerned community members, including through
11 alternative modalities for communications (such
12 as texting or chat services) with such victims
13 and other information seekers.

14 “(B) PRIORITY.—In awarding grants de-
15 scribed in this paragraph, the Secretary shall
16 give priority to applicants with experience in
17 operating a hotline that provides assistance to
18 victims of child abuse, parents, caregivers, and
19 mandated reporters.

20 “(C) APPLICATION.—To be eligible to re-
21 ceive a grant described in this paragraph, a
22 nonprofit entity shall submit an application to
23 the Secretary that shall—

24 “(i) contain such assurances and in-
25 formation, be in such form, and be sub-

mitted in such manner, as the Secretary shall prescribe;

“(ii) include a complete description of the entity’s plan for the operation of a national child abuse hotline, including descriptions of—

“(I) the professional development program for hotline personnel, including technology professional development to ensure that all persons affiliated with the hotline are able to effectively operate any technological systems used by the hotline;

“(II) the qualifications for hotline personnel;

“(III) the methods for the creation, maintenance, and updating of a comprehensive list of prevention and treatment service providers;

“(IV) a plan for publicizing the availability of the hotline throughout the United States;

“(V) a plan for providing service to non-English speaking callers, including service through hotline per-

1 sonnel who have non-English language
2 capability;

3 “(VI) a plan for facilitating ac-
4 cess to the hotline and alternative mo-
5 dality services by persons with hearing
6 impairments and disabilities;

7 “(VII) a plan for providing crisis
8 counseling, general assistance, and re-
9 ferrals to youth victims of child abuse;
10 and

11 “(VIII) a plan to offer alternative
12 services to calling, such as texting or
13 live chat;

14 “(iii) demonstrate that the entity has
15 the capacity and the expertise to maintain
16 a child abuse hotline and a comprehensive
17 list of service providers;

18 “(iv) demonstrate the ability to pro-
19 vide information and referrals for contacts,
20 directly connect contacts to service pro-
21 viders, and employ crisis interventions;

22 “(v) demonstrate that the entity has a
23 commitment to providing services to indi-
24 viduals in need; and

1 “(vi) demonstrate that the entity com-
2 plies with State privacy laws and has es-
3 tablished quality assurance practices.”; and
4 (2) by striking subsections (b) and (c) and in-
5 serting the following:

6 “(b) GOALS AND PERFORMANCE.—The Secretary
7 shall ensure that each entity receiving a grant under this
8 section—

9 “(1) establishes quantifiable goals for the out-
10 come of the project funded with the grant; and

11 “(2) adequately measures the performance of
12 the project relative to such goals.

13 “(c) PERFORMANCE REPORT REQUIRED.—

14 “(1) IN GENERAL.—Each entity that receives a
15 grant under this section shall submit to the Sec-
16 retary a performance report that includes—

17 “(A) an evaluation of the effectiveness of
18 the project funded with the grant relative to the
19 goals established for such project under sub-
20 section (b)(1); and

21 “(B) data supporting such evaluation.

22 “(2) SUBMISSION.—The report under para-
23 graph (1) shall be submitted to the Secretary at
24 such time, in such manner, and containing such in-
25 formation as the Secretary may require.

1 “(d) CONTINUING GRANTS.—The Secretary may only
 2 award a continuing grant to an entity under this section
 3 if such entity submits a performance report required
 4 under subsection (c) that demonstrates effectiveness of the
 5 project funded.”.

6 **SEC. 106. GRANTS TO STATES FOR CHILD ABUSE OR NE-**
 7 **GLECT PREVENTION AND TREATMENT PRO-**
 8 **GRAMS.**

9 (a) DEVELOPMENT AND OPERATION GRANTS.—Sub-
 10 section (a) of section 106 of the Child Abuse Prevention
 11 and Treatment Act (42 U.S.C. 5106a) is amended to read
 12 as follows:

13 “(a) DEVELOPMENT AND OPERATION GRANTS.—The
 14 Secretary shall make grants to the States, from allotments
 15 under subsection (f) for each State that applies for a grant
 16 under this section, for purposes of assisting the States in
 17 improving and implementing a child protective services
 18 system that is family-centered, integrates community serv-
 19 ices, and is capable of providing rapid response to high-
 20 risk cases, by carrying out the following:

21 “(1) Conducting the intake, assessment, screen-
 22 ing, and investigation of reports of child abuse or
 23 neglect.

24 “(2) Ensuring that reports concerning a child’s
 25 living arrangements or subsistence needs are ad-

1 dressed through services or benefits and that no
2 child is separated from such child's parent for rea-
3 sons of poverty.

4 “(3) Creating and improving the use of multi-
5 disciplinary teams and interagency, intra-agency,
6 interstate, and intrastate protocols to enhance fair
7 investigations; and improving legal preparation and
8 representation.

9 “(4) Complying with the assurances in section
10 106(b)(2).

11 “(5) Establishing State and local networks of
12 child and family service providers that support child
13 and family well-being, which shall—

14 “(A) include child protective services, as
15 well as agencies and service providers, that ad-
16 dress family-strengthening, parenting skills,
17 child development, early childhood care and
18 learning, child advocacy, public health, mental
19 health, substance use disorder treatment, do-
20 mestic violence, developmental disabilities, hous-
21 ing, juvenile justice, elementary and secondary
22 education, and child placement; and

23 “(B) address instances of child abuse and
24 neglect by incorporating evaluations that assess
25 the development of a child, including language

1 and communication, cognitive, physical, and so-
2 cial and emotional development, the need for
3 mental health services, including trauma-related
4 services, trauma-informed care, and parental
5 needs.

6 “(6) Ensuring child protective services is ad-
7 dressing the safety of children and responding to
8 parent and family needs, which shall include—

9 “(A) family-oriented efforts that emphasize
10 case assessment and follow up casework focused
11 on child safety and child and parent well-being,
12 which may include—

13 “(i) ensuring parents and children un-
14 dergo physical and mental health assess-
15 ments, as appropriate, and ongoing devel-
16 opmental monitoring;

17 “(ii) multidisciplinary approaches to
18 assessing family needs and connecting the
19 family with services, including prevention
20 services under section 471 of the Social Se-
21 curity Act (42 U.S.C. 671);

22 “(iii) organizing a treatment team
23 with the goal of preventing child abuse and
24 neglect, and improving parent and child
25 well-being;

1 “(iv) case monitoring that supports
2 child well-being; and

3 “(v) differential response efforts; and

4 “(B) establishing and maintaining a rapid
5 response system that responds promptly to all
6 reports of child abuse or neglect, with special
7 attention to cases involving children under 3
8 years of age.

9 “(7) Educating caseworkers, community service
10 providers, attorneys, health care professionals, par-
11 ents, and others engaged in the prevention, interven-
12 tion, and treatment of child abuse and neglect,
13 which shall include education on—

14 “(A) practices that help ensure child safety
15 and well-being;

16 “(B) approaches to family-oriented preven-
17 tion, intervention, and treatment of child abuse
18 and neglect;

19 “(C) early childhood, child, and adolescent
20 development, and the impact of adverse child-
21 hood experiences on such development;

22 “(D) the relationship between child abuse
23 and domestic violence, and support for non-
24 abusing parents;

1 “(E) strategies to work with families im-
2 pacted by substance use disorder and mental
3 health issues (and, when appropriate, be coordi-
4 nated with prevention efforts funded under sec-
5 tion 471 of the Social Security Act (42 U.S.C.
6 671));

7 “(F) effective use of multiple services to
8 address family and child needs, including needs
9 resulting from trauma;

10 “(G) efforts to improve family and child
11 well-being;

12 “(H) support for child welfare workers af-
13 fected by secondary trauma; and

14 “(I) supporting families and caregivers to
15 combat and prevent unsubstantiated, un-
16 founded, or false reports, including through
17 education on the rights of families and care-
18 givers.

19 “(8) Creating or improving data systems that
20 allow for—

21 “(A) the identification of cases requiring
22 prompt responses;

23 “(B) real-time case monitoring that tracks
24 assessments, service referrals, follow-up, case

1 reviews, and progress toward parent and child
2 goals; and

3 “(C) sharing basic identifying data with
4 law enforcement, as necessary.

5 “(9) Improving the general child protective sys-
6 tem by developing, improving, and implementing
7 safety assessment tools, providing that such tools,
8 protocols, and systems shall not authorize the sepa-
9 ration of any child from the legal parent or guardian
10 of such child solely on the basis of poverty, or with-
11 out a judicial order, except in the case of imminent
12 harm.”.

13 (b) ELIGIBILITY REQUIREMENTS.—

14 (1) STATE PLAN.—Paragraph (1) of section
15 106(b) of the Child Abuse Prevention and Treat-
16 ment Act (42 U.S.C. 5106a(b)) is amended to read
17 as follows:

18 “(1) STATE PLAN.—

19 “(A) IN GENERAL.—To be eligible to re-
20 ceive a grant under this section, a State shall
21 submit to the Secretary a State plan that—

22 “(i) specifies how the grant will be
23 used, and the State’s strategic plan, to
24 treat child abuse and neglect and enhance
25 community-based, prevention-centered ap-

proaches that attempt to prevent child abuse and neglect while strengthening and supporting families whenever possible; and

“(ii) meets the requirements of this subsection.

“(B) COORDINATION AND CONSULTATION.—

“(i) COORDINATION.—Each State, to the maximum extent practicable, shall coordinate its State plan under this subsection with its State plan under part B of title IV of the Social Security Act (42 U.S.C. 621 et seq.) relating to child and family services and, in States electing to provide services under part E of title IV of the Social Security Act (42 U.S.C. 670 et seq.) relating to foster care prevention services, its State plan under such part E.

“(ii) CONSULTATION.—In developing a State plan under this subsection, a State shall consult with community-based prevention and service agencies, parents and families affected by child abuse or neglect in the State, law enforcement, family court judges, prosecutors who handle criminal

1 child abuse cases, and medical profes-
 2 sionals engaged in the treatment of child
 3 abuse and neglect.

4 “(C) DURATION AND SUBMISSION OF
 5 PLAN.—Each State plan shall—

6 “(i) be submitted not less than every
 7 5 years; and

8 “(ii) if necessary, revised by the State
 9 to inform the Secretary of any substantive
 10 changes, including—

11 “(I) any changes to State law or
 12 regulations, relating to the prevention
 13 of child abuse and neglect that may
 14 affect the eligibility of the State under
 15 this section; or

16 “(II) any changes in the State’s
 17 activities, strategies, or programs
 18 under this section.”.

19 (2) CONTENTS.—Paragraph (2) of section
 20 106(b) of the Child Abuse Prevention and Treat-
 21 ment Act (42 U.S.C. 5106a(b)) is amended to read
 22 as follows:

23 “(2) CONTENTS.—A State plan submitted
 24 under paragraph (1) shall contain a description of
 25 the activities that the State will carry out using

1 amounts received under the grant to achieve the ob-
2 jectives of this title, including—

3 “(A) an assurance in the form of a certifi-
4 cation by the Governor of the State that the
5 State has in effect and is enforcing a State law,
6 or has in effect and is operating a statewide
7 program, relating to child abuse and neglect
8 that includes—

9 “(i) provisions or procedures for an
10 individual to report known and suspected
11 instances of child abuse and neglect, in-
12 cluding a State law for mandatory report-
13 ing by individuals required to report such
14 instances;

15 “(ii) procedures for the immediate
16 screening, risk and safety assessment, and
17 prompt investigation of such reports of al-
18 leged abuse and neglect in order to ensure
19 the well-being and safety of children;

20 “(iii) procedures for immediate steps
21 to be taken to ensure and protect the safe-
22 ty of a victim of child abuse or neglect and
23 of any other child under the same care who
24 may also be in danger of child abuse or ne-

1 neglect and ensuring their placement in a
2 safe environment;

3 “(iv) methods to preserve the con-
4 fidentiality of all records in order to pro-
5 tect the rights of the child and of the
6 child’s parents or guardians, including re-
7 quirements ensuring that reports and
8 records made and maintained pursuant to
9 the purposes of this Act shall only be made
10 available to—

11 “(I) individuals who are the sub-
12 ject of the report;

13 “(II) Federal, State, or local gov-
14 ernment entities, or any agent of such
15 entities, as described in clause (xi) of
16 this subparagraph;

17 “(III) child abuse citizen review
18 panels;

19 “(IV) child fatality review panels;

20 “(V) a grand jury or court, upon
21 a finding that information in the
22 record is necessary for the determina-
23 tion of an issue before the court or
24 grand jury; and

1 “(VI) other entities or classes of
2 individuals statutorily authorized by
3 the State to receive such information
4 pursuant to a legitimate State pur-
5 pose;

6 “(v) provisions and procedures requir-
7 ing that in every case involving a victim of
8 child abuse or neglect which results in a
9 judicial proceeding, a guardian ad litem,
10 who has received education appropriate to
11 the role, including education in early child-
12 hood, child, and adolescent development,
13 and domestic violence, and who may be an
14 attorney or a court appointed special advo-
15 cate who has received education appro-
16 priate to that role (or both), shall be ap-
17 pointed to represent the child (who, for
18 purposes of this section, shall have any age
19 limit elected by the State pursuant to sec-
20 tion 475(8)(B)(iii) of the Social Security
21 Act (42 U.S.C. 675(8)(B)(iii)) in such pro-
22 ceedings—

23 “(I) to obtain first-hand, a clear
24 understanding of the situation and
25 needs of such child; and

1 “(II) to make recommendations
2 to the court concerning the best inter-
3 ests of such child;

4 “(vi) the establishment of citizen re-
5 view panels in accordance with subsection
6 (c);

7 “(vii) provisions and procedures to re-
8 quire that a representative of the child pro-
9 tective services agency shall, at the initial
10 time of contact with the individual subject
11 to a child abuse or neglect investigation,
12 advise the individual of the complaints or
13 allegations made against the individual, in
14 a manner that is consistent with laws pro-
15 tecting the rights of the informant;

16 “(viii) provisions, procedures, and
17 mechanisms—

18 “(I) for the expedited termi-
19 nation of parental rights in the case
20 of any infant determined to be aban-
21 doned under State law; and

22 “(II) by which individuals who
23 disagree with an official finding of
24 child abuse or neglect can appeal such
25 finding;

1 “(ix) provisions addressing the profes-
2 sional development of representatives of
3 the child protective services system regard-
4 ing the legal duties of the representatives,
5 which may consist of various methods of
6 informing such representatives of such du-
7 ties (including providing such education in
8 different languages if necessary), in order
9 to protect the legal rights and safety of
10 children and their parents and caregivers
11 from the initial time of contact during in-
12 vestigation through treatment;

13 “(x) provisions for immunity from
14 civil or criminal liability under State and
15 local laws and regulations for individuals
16 making good faith reports of suspected or
17 known instances of child abuse or neglect,
18 or who otherwise provide information or
19 assistance, including medical evaluations or
20 consultations, in connection with a report,
21 investigation, or legal intervention pursu-
22 ant to a good faith report of child abuse or
23 neglect;

24 “(xi) provisions to require the State to
25 disclose confidential information to any

1 Federal, State, or local government entity,
2 or any agent of such entity, that has a
3 need for such information in order to carry
4 out its responsibilities under law to protect
5 children from child abuse and neglect;

6 “(xii) provisions requiring, and proce-
7 dures in place that facilitate the prompt
8 expungement of any records that are ac-
9 cessible to the general public or are used
10 for purposes of employment or other back-
11 ground checks in cases determined to be
12 unsubstantiated or false, except that noth-
13 ing in this section shall prevent State child
14 protective services agencies from keeping
15 information on unsubstantiated reports in
16 their casework files to assist in future risk
17 and safety assessment;

18 “(xiii) provisions and procedures for
19 requiring criminal background record
20 checks that meet the requirements of sec-
21 tion 471(a)(20) of the Social Security Act
22 (42 U.S.C. 671(a)(20)) for prospective fos-
23 ter and adoptive parents and other adult
24 relatives and non-relatives residing in the
25 household;

1 “(xiv) provisions for systems of tech-
2 nology that support the State child protec-
3 tive services system and track reports of
4 child abuse and neglect from intake
5 through final disposition;

6 “(xv) provisions and procedures re-
7 quiring identification and assessment of all
8 reports involving children known or sus-
9 pected to be victims of sex trafficking (as
10 defined in section 103(12) of the Traf-
11 ficking Victims Protection Act of 2000 (22
12 U.S.C. 7102 (12));

13 “(xvi) provisions, procedures, and
14 mechanisms that assure that the State
15 does not require reunification of a sur-
16 viving child with a parent who has been
17 found by a court of competent jurisdic-
18 tion—

19 “(I) to have committed murder
20 (which would have been an offense
21 under section 1111(a) of title 18,
22 United States Code, if the offense had
23 occurred in the special maritime or
24 territorial jurisdiction of the United

1 States) of another child of such par-
2 ent;

3 “(II) to have committed vol-
4 untary manslaughter (which would
5 have been an offense under section
6 1112(a) of title 18, United States
7 Code, if the offense had occurred in
8 the special maritime or territorial ju-
9 risdiction of the United States) of an-
10 other child of such parent;

11 “(III) to have aided or abetted,
12 attempted, conspired, or solicited to
13 commit such murder or voluntary
14 manslaughter;

15 “(IV) to have committed a felony
16 assault that results in the serious bod-
17 ily injury to the surviving child or an-
18 other child of such parent;

19 “(V) to have committed sexual
20 abuse against the surviving child or
21 another child of such parent; or

22 “(VI) to be required to register
23 with a sex offender registry under sec-
24 tion 113(a) of the Adam Walsh Child

1 Protection and Safety Act of 2006
2 (42 U.S.C. 16913(a)); and

3 “(xvii) an assurance that, upon the
4 implementation by the State of the provi-
5 sions, procedures, and mechanisms under
6 clause (xvi), conviction of any one of the
7 felonies listed in clause (xvi) constitute
8 grounds under State law for the termi-
9 nation of parental rights of the convicted
10 parent as to the surviving children (al-
11 though case-by-case determinations of
12 whether or not to seek termination of pa-
13 rental rights shall be within the sole discre-
14 tion of the State);

15 “(B) an assurance that the State has in
16 place procedures for responding to the reporting
17 of medical neglect (including instances of with-
18 holding of medically indicated treatment from
19 infants with disabilities who have life-threat-
20 ening conditions), procedures or programs, or
21 both (within the State child protective services
22 system), to provide for—

23 “(i) coordination and consultation
24 with individuals designated by and within
25 appropriate health-care facilities;

1 “(ii) prompt notification by individ-
2 uals designated by and within appropriate
3 health-care facilities of cases of suspected
4 medical neglect (including instances of
5 withholding of medically indicated treat-
6 ment from infants with disabilities who
7 have life-threatening conditions); and

8 “(iii) authority, under State law, for
9 the State child protective services system
10 to pursue any legal remedies, including the
11 authority to initiate legal proceedings in a
12 court of competent jurisdiction, as may be
13 necessary to prevent the withholding of
14 medically indicated treatment from infants
15 with disabilities who have life-threatening
16 conditions;

17 “(C) an assurance or certification that pro-
18 grams and education conducted under this title
19 address the unique needs of unaccompanied
20 homeless youth, including access to enrollment
21 and support services and that such youth are
22 eligible for under parts B and E of title IV of
23 the Social Security Act (42 U.S.C. 621 et seq.,
24 670 et seq.) and meet the requirements of the

McKinney-Vento Homeless Assistance Act (42
U.S.C. 11301 et seq.); and

“(D) a description of—

“(i) policies and procedures (including
appropriate referrals to child welfare serv-
ice systems and for other appropriate serv-
ices (including home visiting services and
mutual support and parent partner pro-
grams) determined by a family assessment)
to address the needs of infants born with
and identified as being affected by sub-
stance use or withdrawal symptoms result-
ing from prenatal drug exposure, or a
Fetal Alcohol Spectrum Disorder, includ-
ing a requirement that health care pro-
viders involved in the delivery or care of
such infants notify the child protective wel-
fare service system of the occurrence of
such condition in such infants, except
that—

“(I) child protective services shall
undertake an investigation only when
the findings of a family assessment
warrant such investigation; and

1 “(II) such notification shall not
2 be construed to—

3 “(aa) establish a definition
4 under Federal law of what con-
5 stitutes child abuse or neglect; or

6 “(bb) require prosecution for
7 any illegal action;

8 “(ii) the development of a multi-dis-
9 ciplinary plan of safe care for the infant
10 born and identified as being affected by
11 substance use or withdrawal symptoms or
12 a Fetal Alcohol Spectrum Disorder to en-
13 sure the safety and well-being of such in-
14 fant following release from the care of
15 health care providers, including through—

16 “(I) using a risk-based approach
17 to develop each plan of safe care;

18 “(II) addressing, through coordi-
19 nated service delivery, the health and
20 substance use disorder treatment
21 needs of the infant and affected fam-
22 ily or caregiver as determined by a
23 family assessment; and

24 “(III) the development and im-
25 plementation by the State of moni-

1 toring systems regarding the imple-
2 mentation of such plans of safe care
3 to determine whether and in what
4 manner local entities are providing, in
5 accordance with State requirements,
6 referrals to and delivery of appro-
7 priate services for the infant and af-
8 fected family or caregiver;

9 “(iii) policies and procedures to make
10 available to the public on the State website
11 the data, findings, and information about
12 all cases of child abuse or neglect resulting
13 in a child fatality or near fatality, includ-
14 ing a description of—

15 “(I) how the State will not create
16 an exception to such public disclosure,
17 except in a case in which—

18 “(aa) the State would like to
19 delay public release of case-spe-
20 cific findings or information (in-
21 cluding any previous reports of
22 domestic violence and subsequent
23 actions taken to assess and ad-
24 dress such reports) while a crimi-
25 nal investigation or prosecution

1 of such a fatality or near fatality
2 is pending;

3 “(bb) the State is protecting
4 the identity of a reporter of child
5 abuse or neglect; or

6 “(cc) the State is with-
7 holding identifying information of
8 members of the victim’s family
9 who are not perpetrators of the
10 fatality or near fatality; and

11 “(II) how the State will ensure
12 that in providing the public disclosure
13 required under this clause, the State
14 will include—

15 “(aa) the cause and cir-
16 cumstances of the fatality or near
17 fatality;

18 “(bb) the age and gender of
19 the child; and

20 “(cc) any previous reports of
21 child abuse or neglect investiga-
22 tions that are relevant to the
23 child abuse or neglect that led to
24 the fatality or near fatality;

1 “(iv) how the State will use data col-
2 lected on child abuse or neglect to prevent
3 child fatalities and near fatalities;

4 “(v) how the State will implement ef-
5 forts to prevent child fatalities and near
6 fatalities;

7 “(vi) the cooperation of State law en-
8 forcement officials, court of competent ju-
9 risdiction, and appropriate State agencies
10 providing human services in the investiga-
11 tion, assessment, prosecution, and treat-
12 ment of child abuse and neglect;

13 “(vii) the steps the State will take to
14 improve the professional development, re-
15 tention, and supervision of caseworkers
16 and how the State will measure the effec-
17 tiveness of such efforts;

18 “(viii) the State’s plan to ensure each
19 child under the age of 3 who is involved in
20 a substantiated case of child abuse or ne-
21 glect will be referred to the State’s child
22 find system under section 635(a)(5) of the
23 Individuals with Disabilities Education Act
24 (20 U.S.C. 1435(a)(5)) in order to deter-
25 mine if the child is an infant or toddler

1 with a disability (as defined in section
2 632(5) of such Act (20 U.S.C. 1432(5)));

3 “(ix) the State’s plan to improve, as
4 part of a comprehensive State strategy led
5 by law enforcement, professional develop-
6 ment for child protective services workers
7 and their appropriate role in identifying,
8 assessing, and providing comprehensive
9 services for children who are sex traf-
10 ficking victims, in coordination with law
11 enforcement, juvenile justice agencies, run-
12 away and homeless youth shelters, and
13 health, mental health, and other social
14 service agencies and providers;

15 “(x) the services to be provided under
16 the grant to individuals, families, or com-
17 munities, either directly or through refer-
18 rals, aimed at preventing the occurrence of
19 child abuse and neglect;

20 “(xi) the State’s efforts to ensure pro-
21 fessionals who are required to report sus-
22 pected cases of child abuse and neglect are
23 aware of their responsibilities under sub-
24 paragraph (A)(i) and receive professional
25 development relating to performing such

responsibilities that is specific to their profession and workplace;

“(xii) policies and procedures encouraging the appropriate involvement of families in decisionmaking pertaining to children who experienced child abuse or neglect;

“(xiii) the State’s efforts to improve appropriate collaboration among child protective services agencies, domestic violence services agencies, substance use disorder treatment agencies, and other agencies in investigations, interventions, and the delivery of services and treatment provided to children and families affected by child abuse or neglect, including children exposed to domestic violence, where appropriate;

“(xiv) policies and procedures regarding the use of differential response, as applicable, to improve outcomes for children; and

“(xv) the State’s efforts to reduce racial bias in its child protective services system.”.

1 (3) LIMITATIONS.—Paragraph (3) of section
 2 106(b) of the Child Abuse Prevention and Treat-
 3 ment Act (42 U.S.C. 5106a(b)) is amended—

4 (A) in the paragraph heading, by striking
 5 “LIMITATION” and inserting “LIMITATIONS”;

6 (B) by striking “With regard to clauses
 7 (vi) and (vii) of paragraph (2)(B),” and insert-
 8 ing the following:

9 “(A) DISCLOSURE OF CERTAIN IDENTI-
 10 FYING INFORMATION.—With regard to subpara-
 11 graphs (A)(iv) and (D)(iii) of paragraph (2),”;

12 (C) by striking the period at the end and
 13 inserting “; and”; and

14 (D) by adding at the end the following:

15 “(B) PUBLIC ACCESS TO COURT PRO-
 16 CEEDINGS.—Nothing in paragraph (2) shall be
 17 construed to limit the State’s flexibility to de-
 18 termine State policies relating to public access
 19 to court proceedings to determine child abuse
 20 and neglect, except that such policies shall, at
 21 a minimum, ensure the safety and well-being of
 22 the child, parents, and families.”.

23 (4) DEFINITIONS.—Paragraph (4) of section
 24 106(b) of the Child Abuse Prevention and Treat-
 25 ment Act (42 U.S.C. 5106a(b)) is amended—

1 (A) in the paragraph heading, by striking
2 “DEFINITIONS” and inserting “DEFINITION”;

3 (B) by striking “this subsection” and all
4 that follows through “means an act” and in-
5 serting the following: “this subsection, the term
6 ‘near fatality’ means an act”;

7 (C) by striking “; and” and inserting a pe-
8 riod; and

9 (D) by striking subparagraph (B).

10 (c) CITIZEN REVIEW PANELS.—Section 106(c) of the
11 Child Abuse Prevention and Treatment Act (42 U.S.C.
12 5106a(c)) is amended—

13 (1) in paragraph (1)(B), by striking “EXCEP-
14 TIONS.” and all that follows through “A State may”
15 and inserting “EXCEPTION.—A State may”;

16 (2) in paragraph (4)(A)—

17 (A) in the matter preceding clause (i), by
18 striking “and where appropriate, specific
19 cases,”; and

20 (B) in clause (iii)(I), by striking “foster
21 care and adoption programs” and inserting
22 “foster care, prevention, and permanency pro-
23 grams”; and

24 (3) by amending the first sentence of paragraph
25 (6) to read as follows: “Each panel established

1 under paragraph (1) shall prepare and make avail-
2 able to the State and the public, on an annual basis,
3 a report containing a summary of the activities of
4 the panel, the criteria used for determining which
5 activities the panel engaged in, and recommenda-
6 tions or observations to improve the child protective
7 services system at the State and local levels, and the
8 data upon which these recommendations or observa-
9 tions are based.”.

10 (d) ANNUAL STATE DATA REPORTS.—Section
11 106(d) of the Child Abuse Prevention and Treatment Act
12 (42 U.S.C. 5106a(d)) is amended—

13 (1) by amending paragraph (13) to read as fol-
14 lows:

15 “(13) The annual report containing the sum-
16 mary of the activities and recommendations of the
17 citizen review panels of the State required by sub-
18 section (c)(6), and the actions taken by the State as
19 a result of such recommendations.”;

20 (2) in paragraph (15), by striking “subsection
21 (b)(2)(B)(ii)” and inserting “subsection
22 (b)(2)(D)(i)”;

23 (3) in paragraph (16), by striking “subsection
24 (b)(2)(B)(xxi)” and inserting “subsection
25 (b)(2)(D)(viii)”;

1 (4) in paragraph (17), by striking “subsection
2 (b)(2)(B)(xxiv)” and inserting “subsection
3 (b)(2)(A)(xv)”;

4 (5) in paragraph (18)—

5 (A) in subparagraph (A), by striking “sub-
6 section (b)(2)(B)(ii)” and inserting “subsection
7 (b)(2)(D)(i)”;

8 (B) in subparagraph (B), by striking “sub-
9 section (b)(2)(B)(iii)” and inserting “subsection
10 (b)(2)(D)(ii)”;

11 (C) in subparagraph (C), by striking “sub-
12 section (b)(2)(B)(iii)” and inserting “subsection
13 (b)(2)(D)(ii)”;

14 (6) by adding at the end the following:

15 “(19) The number of child fatalities and near
16 fatalities from maltreatment and related information
17 in accordance with the uniform standards estab-
18 lished under section 103(d).”.

19 (e) ALLOTMENTS.—Section 106(f) of the Child Abuse
20 Prevention and Treatment Act (42 U.S.C. 5106a(f)) is
21 amended by adding at the end the following:

22 “(6) LIMITATION.—For any fiscal year for
23 which the amount allotted to a State or territory
24 under this subsection exceeds the amount allotted to
25 the State or territory under such subsection for fis-

1 cal year 2019, the State or territory may use not
2 more than 2 percent of such excess amount for ad-
3 ministrative expenses.”.

4 **SEC. 107. MISCELLANEOUS REQUIREMENTS.**

5 Section 108 of the Child Abuse Prevention and
6 Treatment Act (42 U.S.C. 5106d) is amended—

7 (1) in subsection (b), by inserting “Indian
8 tribes, and tribal organizations,” after “States,”;

9 (2) by redesignating subsections (c) through (e)
10 as subsections (d) through (f), respectively; and

11 (3) by inserting after subsection (b) the fol-
12 lowing:

13 “(c) PROTECTING AGAINST SYSTEMIC CHILD SEX-
14 UAL ABUSE.—

15 “(1) REPORTING AND TASK FORCE.—Not later
16 than 24 months after the date of the enactment of
17 the Human Services and Community Supports Act,
18 each State task force established under section
19 107(c) and expanded as described in paragraph (2)
20 shall study and make recommendations on the fol-
21 lowing, with a focus on preventing systemic child
22 sexual abuse:

23 “(A) How to detect systemic child sexual
24 abuse that occurs in an organization.

1 “(B) How to prevent child sexual abuse
2 and systemic child sexual abuse from occurring
3 in organizations, which shall include rec-
4 ommendations to improve—

5 “(i) practices and policies for the edu-
6 cation of parents, caregivers, and victims,
7 and age appropriate education of children,
8 about risk factors or signs of potential
9 child sexual abuse; and

10 “(ii) the efficacy of applicable State
11 laws and the role such laws play in deter-
12 ring or preventing incidences of child sex-
13 ual abuse.

14 “(C) The feasibility of making available
15 the disposition of a perpetrator within an orga-
16 nization to—

17 “(i) the child alleging sexual abuse or
18 the child’s family; or

19 “(ii) an adult who was a child at the
20 time of the sexual abuse claim in question
21 or the adult’s family.

22 “(2) TASK FORCE COMPOSITION.—For purposes
23 of this subsection, a State task force shall include—

24 “(A) the members of the State task force
25 described in section 107(c) for the State; and

1 “(B) the following:

2 “(i) Family court judges.

3 “(ii) Individuals from religious organi-
4 zations.

5 “(iii) Individuals from youth-serving
6 organizations, including youth athletics or-
7 ganizations.

8 “(3) REPORTING ON RECOMMENDATIONS.—Not
9 later than 6 months after a State task force makes
10 recommendations under paragraph (1), the State
11 maintaining such State task force shall—

12 “(A) make public the recommendations of
13 such report;

14 “(B) report to the Secretary on the status
15 of adopting such recommendations; and

16 “(C) in a case in which the State declines
17 to adopt a particular recommendation, make
18 public the explanation for such declination.

19 “(4) DEFINITIONS.—For purposes of this sub-
20 section—

21 “(A) the terms ‘child sexual abuse’ and
22 ‘sexual abuse’ shall not be limited to an act or
23 a failure to act on the part of a parent or care-
24 taker;

1 “(B) the term ‘organization’ means any
2 entity that serves children; and

3 “(C) the term ‘systemic child sexual abuse’
4 means—

5 “(i) a pattern of informal or formal
6 policy or de facto policy to not follow State
7 and local requirements to report instances
8 of child sexual abuse in violation of State
9 and local mandatory reporting laws or pol-
10 icy; or

11 “(ii) a pattern of assisting individual
12 perpetrators in maintaining their careers
13 despite substantiated evidence of child sex-
14 ual abuse.”.

15 **SEC. 108. REPORTS.**

16 (a) SCALING EVIDENCE-BASED TREATMENT OF
17 CHILD ABUSE AND NEGLECT.—Section 110 of the Child
18 Abuse Prevention and Treatment Act (42 U.S.C. 5106f)
19 is amended to read as follows:

1 **“SEC. 110. STUDY AND REPORT RELATING TO SCALING EVI-**
2 **DENCE-BASED TREATMENT OF CHILD ABUSE**
3 **AND NEGLECT; STUDY AND REPORT ON MAR-**
4 **ITAL AGE OF CONSENT; STUDY AND REPORT**
5 **ON STATE MANDATORY REPORTING LAWS.**

6 “(a) IN GENERAL.—The Secretary shall conduct a
7 study that examines challenges to, and best practices for,
8 the scalability of treatments that reduce the trauma re-
9 sulting from child abuse and neglect and reduce the risk
10 of revictimization, such as those allowable under sections
11 105 and 106.

12 “(b) CONTENT OF STUDY.—The study described in
13 subsection (a) shall be completed in a manner that con-
14 sider the variability among treatment programs and
15 among populations vulnerable to child abuse and neglect.
16 The study shall include, at minimum:

17 “(1) A detailed synthesis of the existing re-
18 search literature examining barriers and challenges
19 to, and best practices for the scalability of child wel-
20 fare programs and services as well as programs and
21 services for vulnerable children and families in re-
22 lated fields, including healthcare and education.

23 “(2) Data describing state and local providers’
24 experiences with scaling treatments that reduce the
25 trauma resulting from child abuse and neglect and
26 reduce the risk of revictimization.

1 “(3) Consultation with experts in child welfare,
2 healthcare, and education.

3 “(c) REPORT.—Not later than 3 years after the date
4 of the enactment of the Human Services and Community
5 Supports Act, the Secretary shall submit to the Committee
6 on Health, Education, Labor, and Pensions of the Senate
7 and the Committee on Education and Labor of the House
8 of Representatives a report that contains the results of
9 the study conducted under subsection (a), including rec-
10 ommendations for best practices for scaling treatments
11 that reduce the trauma resulting from child abuse and ne-
12 glect and reduce the risk of revictimization.

13 “(d) STUDY AND REPORT ON MARITAL AGE OF CON-
14 SENT.—

15 “(1) STUDY.—The Secretary shall study, with
16 respect to each State—

17 “(A) the State law regarding the minimum
18 marriage age; and

19 “(B) the prevalence of marriage involving
20 a child who is under the age of such minimum
21 marriage age.

22 “(2) FACTORS.—The study required under
23 paragraph (1) shall include an examination of—

24 “(A) the extent to which any statutory ex-
25 ceptions to the minimum marriage age in such

1 laws contribute to the prevalence of marriage
2 involving a child described in paragraph (1)(B);

3 “(B) whether such exceptions allow such a
4 child to be married without the consent of such
5 child; and

6 “(C) the impact of such exceptions on the
7 safety of such children.

8 “(3) REPORT.—Not later than 1 year after the
9 date of enactment of the Human Services and Com-
10 munity Supports Act, the Secretary shall submit to
11 the Committee on Health, Education, Labor, and
12 Pensions of the Senate and the Committee on Edu-
13 cation and Labor of the House of Representatives a
14 report containing the findings of the study required
15 by this subsection, including any best practices.

16 “(e) STUDY AND REPORT ON STATE MANDATORY
17 REPORTING LAWS.—

18 “(1) STUDY.—The Secretary shall collect infor-
19 mation on and otherwise study State laws for man-
20 datory reporting of incidents of child abuse or ne-
21 glect. Such study shall examine trends in referrals
22 and investigations of child abuse and neglect due to
23 differences in such State laws with respect to the in-
24 clusion, as mandatory reporters, of the following in-
25 dividuals:

1 “(A) Individuals licensed or certified to
2 practice in any health-related field licensed by
3 the State, employees of health care facilities or
4 providers licensed by the State, who are en-
5 gaged in the admission, examination, care or
6 treatment of individuals, including mental
7 health and emergency medical service providers.

8 “(B) Individuals employed by a school who
9 have direct contact with children, including
10 teachers, administrators, and independent con-
11 tractors.

12 “(C) Peace officers and law enforcement
13 personnel.

14 “(D) Clergy, including Christian Science
15 practitioners, except where prohibited on ac-
16 count of clergy-penitent privilege.

17 “(E) Day care and child care operators
18 and employees.

19 “(F) Employees of social services agencies
20 who have direct contact with children in the
21 course of employment.

22 “(G) Foster parents.

23 “(H) Court appointed special advocates
24 (employees and volunteers).

25 “(I) Camp and after-school employees.

1 “(J) An individual, paid or unpaid, who,
 2 on the basis of the individual’s role as an inte-
 3 gral part of a regularly scheduled program, ac-
 4 tivity, or service, accepts responsibility for a
 5 child.

6 “(2) REPORT.—Not later than 4 years after the
 7 date of enactment of the Human Services and Com-
 8 munity Supports Act, the Secretary shall submit to
 9 the Committee on Health, Education, Labor, and
 10 Pensions of the Senate and the Committee on Edu-
 11 cation and Labor of the House of Representatives a
 12 report containing the findings of the study required
 13 by this subsection, including any best practices re-
 14 lated to the inclusion, as mandatory reporters, of in-
 15 dividuals described in paragraph (1).”.

16 (b) REPORT ON CHILD ABUSE AND NEGLECT IN IN-
 17 DIAN TRIBAL COMMUNITIES.—

18 (1) IN GENERAL.—Not later than 2 years after
 19 the date of the enactment of this Act, the Comp-
 20 troller General, in consultation with the Indian
 21 tribes from each of the 12 regions of the Bureau of
 22 Indian Affairs, shall study child abuse and neglect in
 23 Indian Tribal communities for the purpose of identi-
 24 fying vital information and making recommendations
 25 concerning issues relating to child abuse and neglect

1 in such communities, and submit to the Committee
2 on Health, Education, Labor, and Pensions and the
3 Committee on Indian Affairs of the Senate and the
4 Committee on Education and Labor and the Com-
5 mittee on Natural Resources of the House of Rep-
6 resentatives a report on such study, which shall in-
7 clude—

8 (A) the number of Indian tribes providing
9 primary child abuse and neglect prevention ac-
10 tivities;

11 (B) the number of Indian tribes providing
12 secondary child abuse and neglect prevention
13 activities;

14 (C) promising practices of Indian tribes
15 with respect to child abuse and neglect preven-
16 tion that are culturally-based or culturally-
17 adapted;

18 (D) information and recommendations on
19 how such culturally-based or culturally-adapted
20 child abuse and neglect prevention activities
21 could become evidence-based;

22 (E) the number of Indian tribes that have
23 accessed Federal child abuse and neglect pre-
24 vention programs;

1 (F) child abuse and neglect prevention ac-
2 tivities that Indian tribes provide using State
3 funds;

4 (G) child abuse and neglect prevention ac-
5 tivities that Indian tribes provide using Tribal
6 funds;

7 (H) Tribal access to State children's trust
8 fund resources, as described in section 202 of
9 the Child Abuse Prevention and Treatment Act
10 (42 U.S.C. 5116a);

11 (I) how a children's trust fund model could
12 be used to support prevention efforts regarding
13 child abuse and neglect of American Indian and
14 Alaska Native children;

15 (J) Federal agency technical assistance ef-
16 forts to address child abuse and neglect preven-
17 tion and treatment of American Indian and
18 Alaska Native children;

19 (K) Federal agency cross-system collabora-
20 tion to address child abuse and neglect preven-
21 tion and treatment of American Indian and
22 Alaska Native children;

23 (L) Tribal access to child abuse and ne-
24 glect prevention research and demonstration

1 grants under the Child Abuse Prevention and
2 Treatment Act (42 U.S.C. 5101 et seq.); and

3 (M) an examination of child abuse and ne-
4 glect data systems to identify what Tribal data
5 is being submitted, barriers to submitting data,
6 and recommendations on improving the collec-
7 tion of data from Indian Tribes.

8 (2) DEFINITIONS.—In this subsection—

9 (A) the term “Alaska Native” has the
10 meaning given the term in section 111 of the
11 Child Abuse Prevention and Treatment Act (42
12 U.S.C. 5106g); and

13 (B) the terms “child abuse and neglect”
14 and “Indian tribe” have the meaning given the
15 terms in section 3 of the Child Abuse Preven-
16 tion and Treatment Act (42 U.S.C. 5101 note).

17 **SEC. 109. AUTHORIZATION OF APPROPRIATIONS.**

18 Section 112(a) of the Child Abuse Prevention and
19 Treatment Act (42 U.S.C. 5106h(a)) is amended—

20 (1) in paragraph (1)—

21 (A) by striking “to carry out” through
22 “fiscal year 2010” and inserting “to carry out
23 this title \$270,000,000 for fiscal year 2021”;
24 and

1 (B) by striking “2011 through 2015” and
2 inserting “2022 through 2026”; and

3 (2) by striking paragraph (2)(A) and inserting
4 the following:

5 “(A) IN GENERAL.—Of the amounts ap-
6 propriated for a fiscal year under paragraph
7 (1), the Secretary shall make available 30 per-
8 cent of such amounts, or \$100,000,000, which-
9 ever is less, to fund discretionary activities
10 under this title.”.

11 **SEC. 110. MONITORING AND OVERSIGHT.**

12 Section 114(1) of the Child Abuse Prevention and
13 Treatment Act (42 U.S.C. 5108(1)) is amended—

14 (1) in each of subparagraphs (A) and (B), by
15 striking “and” at the end; and

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

17 “(C) include written guidance and tech-
18 nical assistance to support States, which shall
19 include guidance on the requirements of this
20 Act with respect to infants born with and iden-
21 tified as being affected by substance use or
22 withdrawal symptoms, Neonatal Abstinence
23 Syndrome, or Fetal Alcohol Spectrum Disorder,
24 as described in clauses (i) and (ii) of section
25 106(b)(2)(D), including by—

1 “(i) enhancing States’ understanding
2 of requirements and flexibilities under the
3 law, including by clarifying key terms;

4 “(ii) addressing State-identified chal-
5 lenges with developing, implementing, and
6 monitoring plans of safe care; and

7 “(iii) disseminating best practices on
8 implementation of plans of safe care, on
9 such topics as differential response, col-
10 laboration and coordination, and identifica-
11 tion and delivery of services for different
12 populations, while recognizing needs of dif-
13 ferent populations and varying community
14 approaches across States; and

15 “(D) include the submission of a report to
16 the Committee on Education and Labor of the
17 House of Representatives and the Committee
18 on Health, Education, Labor, and Pensions of
19 the Senate not later than 1 year after the date
20 of the enactment of this Act that contains a de-
21 scription of the activities taken by the Secretary
22 to comply with the requirements of subpara-
23 graph (C); and”.

1 **SEC. 111. ELECTRONIC INTERSTATE DATA EXCHANGE SYS-**
2 **TEM.**

3 Title I of the Child Abuse Prevention and Treatment
4 Act (42 U.S.C. 5101 et seq.) is amended by adding at
5 the end the following:

6 **“SEC. 115. ELECTRONIC INTERSTATE DATA EXCHANGE SYS-**
7 **TEM.**

8 “(a) INTERSTATE DATA EXCHANGE SYSTEM.—

9 “(1) IN GENERAL.—The Secretary of Health
10 and Human Services shall consider the recommenda-
11 tions included in the reports required under para-
12 graph (8)(A) and subsection (b)(2) in developing an
13 electronic interstate data exchange system that al-
14 lows State entities responsible under State law for
15 maintaining child abuse and neglect registries to
16 communicate information across State lines.

17 “(2) STANDARDS.—In developing the electronic
18 interstate data exchange system under paragraph
19 (1), the Secretary shall—

20 “(A) use interoperable standards developed
21 and maintained by intergovernmental partner-
22 ships, such as the National Information Ex-
23 change Model;

24 “(B) develop policies and governance
25 standards that—

1 “(i) ensure consistency in types of in-
2 formation shared and not shared; and

3 “(ii) specify circumstances under
4 which data should be shared through the
5 interstate data exchange system; and

6 “(C) ensure that all standards and policies
7 adhere to the privacy, security, and civil rights
8 laws of each State and Federal law.

9 “(3) LIMITATION ON USE OF ELECTRONIC
10 INTERSTATE DATA EXCHANGE SYSTEM.—The elec-
11 tronic interstate data exchange system may only be
12 used for purposes relating to child safety.

13 “(4) PILOT PROGRAM.—

14 “(A) IMPLEMENTATION.—Not later than 6
15 months after the date of the enactment of this
16 section, the Secretary of Health and Human
17 Services shall begin implementation of a pilot
18 program to generate recommendations for the
19 full integration of the electronic interstate data
20 exchange system. Such pilot program shall in-
21 clude not less than 10 States and not more
22 than 15 States.

23 “(B) COMPLETION.—Not later than 30
24 months after the date of the enactment of this
25 section, the Secretary of Health and Human

1 Services shall complete the pilot program de-
2 scribed in subparagraph (A).

3 “(5) INTEGRATION.—The Secretary of Health
4 and Human Services may assist States in the inte-
5 gration of this system into the infrastructure of each
6 State using funds appropriated under this sub-
7 section.

8 “(6) PARTICIPATION.—As a condition on eligi-
9 bility for receipt of funds under section 106, each
10 State shall—

11 “(A) participate in the electronic interstate
12 data exchange system to the fullest extent pos-
13 sible in accordance with State law (as deter-
14 mined by the Secretary of Health and Human
15 Services) not later than December 31, 2027;
16 and

17 “(B) prior to the participation described in
18 subparagraph (A), provide to the Secretary of
19 Health and Human Services an assurance that
20 the child abuse and neglect registry of such
21 State provides procedural due process protec-
22 tions with respect to including individuals on
23 such registry.

24 “(7) PROHIBITION.—The Secretary of Health
25 and Human Services may not access or store data

1 from the electronic interstate data exchange system,
2 unless the State to which such data pertains volun-
3 tarily shares such data with the Secretary of Health
4 and Human Services.

5 “(8) REPORTS.—The Secretary of Health and
6 Human Services shall prepare and submit to Con-
7 gress—

8 “(A) not later than 3 years after the date
9 of the enactment of this section, a report on the
10 recommendations from the pilot program de-
11 scribed in paragraph (4); and

12 “(B) not later than January 31, 2025, a
13 report on the progress made in implementing
14 this subsection.

15 “(9) AUTHORIZATION OF APPROPRIATIONS.—Of
16 the funds appropriated under section 112 for a fiscal
17 year—

18 “(A) for each of fiscal years 2021 and
19 2022, \$2,000,000 shall be reserved to carry out
20 this section; and

21 “(B) for each of fiscal years 2023 through
22 2026, \$1,000,000 shall be reserved to carry out
23 this section.

24 “(b) WORKING GROUP.—

1 “(1) IN GENERAL.— Not later than 60 days
2 after the date of the enactment of this section, the
3 Secretary of Health and Human Services shall con-
4 vene a working group to study and make rec-
5 ommendations on the following:

6 “(A) The feasibility of making publicly
7 available on the website of each State defini-
8 tions and standards of substantiated child
9 abuse and neglect for the State.

10 “(B) Whether background check require-
11 ments under this Act, the Child Care and De-
12 velopment Block Grant Act of 1990 (42 U.S.C.
13 9858 et seq.), and part E of title IV of the So-
14 cial Security Act (42 U.S.C. 670 et seq.) are
15 complementary or if there are discrepancies
16 that need to be addressed.

17 “(C) How to improve communication be-
18 tween and across States, including through the
19 use of technology and the use of the electronic
20 interstate data exchange system established
21 under subsection (a), to allow for more accurate
22 and efficient exchange of child abuse and ne-
23 glect records.

24 “(D) How to reduce barriers and establish
25 best practices for the State to provide timely re-

1 sponses to requests from other States for infor-
2 mation contained in the State’s child abuse and
3 neglect registry through the electronic inter-
4 state data exchange system established under
5 subsection (a).

6 “(E) How to ensure due process for any
7 individual included in a State’s child abuse and
8 neglect registry, including the following:

9 “(i) The level of evidence necessary
10 for inclusion in the State’s child abuse and
11 neglect registry.

12 “(ii) The process for notifying such
13 individual of inclusion in the State’s child
14 abuse and neglect registry and the implica-
15 tions of such inclusion.

16 “(iii) The process for providing such
17 individual the opportunity to challenge
18 such inclusion, and the procedures for re-
19 solving such challenge.

20 “(iv) The length of time an individ-
21 ual’s record is to remain in the State’s
22 child abuse and neglect registry, and the
23 process for removing such individual’s
24 record.

1 “(v) The criteria for when such indi-
2 vidual’s child abuse and neglect registry
3 record may be—

4 “(I) made accessible to the gen-
5 eral public;

6 “(II) made available for purposes
7 of an employment check; and

8 “(III) be shared for the purposes
9 of participation in the electronic inter-
10 state data exchange system described
11 in subsection (a).

12 “(2) REPORT.—Not later than 18 months after
13 the date of the enactment of this section, the work-
14 ing group convened under paragraph (1) shall sub-
15 mit a report containing its recommendations to the
16 Secretary of Health and Human Services, the Com-
17 mittee on Health, Education, Labor, and Pensions
18 of the Senate, and the Committee on Education and
19 Labor of the House of Representatives.

20 “(3) CONSTRUCTION.—There shall be no re-
21 quirement for any State to adopt the recommenda-
22 tions of the working group, nor shall the Secretary
23 of Health and Human Services incentivize or coerce
24 any State to adopt any such recommendation.”.

1 **SEC. 112. TECHNICAL AND CONFORMING AMENDMENTS.**

2 (a) TECHNICAL AMENDMENTS.— The Child Abuse
3 Prevention and Treatment Act (42 U.S.C. 5101 et seq.),
4 as amended by the preceding provisions of this title, is
5 further amended—

6 (1) by striking “Committee on Education and
7 the Workforce” each place it appears and inserting
8 “Committee on Education and Labor”;

9 (2) in section 103(c)(1)(F), by striking “abused
10 and neglected children” and inserting “victims of
11 child abuse or neglect”; and

12 (3) in section 107(f), by striking “(42 U.S.C.
13 10603a)” and inserting “(34 U.S.C. 20104)”.

14 (b) CONFORMING AMENDMENTS.—

15 (1) SECTION 103.—Section 103(b)(5) (42
16 U.S.C. 5104(b)(5)) is amended by striking “section
17 106(b)(2)(B)(iii)” and inserting “section
18 106(b)(2)(D)(ii)”.

19 (2) SECTION 105.—Section 105(a)(11) (42
20 U.S.C. 5106(a)(11) (as redesignated by section
21 105(1)(A) of this title) is amended—

22 (A) in subparagraph (A), by striking “sec-
23 tion 106(b)(2)(B)(iii)” and inserting “section
24 106(b)(2)(D)(ii)”;

25 (B) in subparagraph (C)—

1 (i) in clause (i)(II), by striking “sec-
 2 tion 106(b)(2)(B)(iii)” and inserting “sec-
 3 tion 106(b)(2)(D)(ii)”;

4 (ii) in clause (i)(IV), by striking “sec-
 5 tion 106(b)(2)(B)(iii)(II)” and inserting
 6 “section 106(b)(2)(D)(ii)(II)”; and

7 (iii) in clause (ii), by striking “clauses
 8 (ii) and (iii) of section 106(b)(2)(B)” and
 9 inserting “clauses (i) and (ii) of section
 10 106(b)(2)(D)”;

11 (C) in subparagraph (D)—

12 (i) in clause (i)(I), by striking “sec-
 13 tion 106(b)(2)(B)(iii)(I)” and inserting
 14 “section 106(b)(2)(D)(ii)(I)”;

15 (ii) in clause (ii)(I), by striking “sec-
 16 tion 106(b)(2)(B)(ii)” and inserting “sec-
 17 tion 106(b)(2)(D)(i)”;

18 (iii) in clause (ii)(II), by striking “sec-
 19 tion 106(b)(2)(B)(iii)” and inserting “sec-
 20 tion 106(b)(2)(D)(ii)(I)”;

21 (iv) in clause (iii)(I), by striking “sec-
 22 tion 106(b)(2)(B)(i)” and inserting “sec-
 23 tion 106(b)(2)(A)(i)”;

1 (v) in clause (iii)(IV), by striking
 2 “section 106(b)(2)(B)(iii)” and inserting
 3 “section 106(b)(2)(D)(ii)”; and

4 (vi) in clause (v), by striking “section
 5 106(b)(2)(B)(iii)” and inserting “section
 6 106(b)(2)(D)(ii)”;

7 (D) in subparagraph (E), by striking “sec-
 8 tion 106(b)(2)(B)(ii)” and inserting “section
 9 106(b)(2)(D)(i)”; and

10 (E) in subparagraph (G)(ii), by striking
 11 “clauses (ii) and (iii) of section 106(b)(2)(B)”
 12 and inserting “clauses (i) and (ii) of section
 13 106(b)(2)(D)”.

14 (3) SECTION 114.—Section 114(1)(B) (42
 15 U.S.C. 5108(1)(B)) is amended by striking “clauses
 16 (ii) and (iii) of section 106(b)(2)(B)” and inserting
 17 “clauses (i) and (ii) of section 106(b)(2)(D)”.

18 (4) TABLE OF CONTENTS.—The table of con-
 19 tents in section 1(b) of the Child Abuse Prevention
 20 and Treatment Act is amended—

21 (A) by striking the items relating to sec-
 22 tions 2 and 102;

23 (B) by inserting after the item relating to
 24 section 114 the following:

“Sec. 115. Electronic interstate data exchange system.”; and

1 (C) by striking the item relating to section
 2 110, and inserting the following:

“Sec. 110. Study and report relating to scaling evidence-based treatment of
 child abuse and neglect; study and report on marital age of
 consent; study and report on State mandatory reporting laws.”.

3 **Subtitle B—Community-based**
 4 **Grants for the Prevention of**
 5 **Child Abuse and Neglect**

6 **SEC. 121. PURPOSE AND AUTHORITY.**

7 Section 201 of the Child Abuse Prevention and
 8 Treatment Act (42 U.S.C. 5116) is amended to read as
 9 follows:

10 **“SEC. 201. PURPOSE AND AUTHORITY.**

11 “(a) PURPOSE.—It is the purpose of this title—

12 “(1) to support community-based efforts to de-
 13 velop, operate, expand, enhance, evaluate, and co-
 14 ordinate initiatives, programs, and activities to
 15 strengthen families and prevent child abuse and ne-
 16 glect;

17 “(2) to support the development of a State
 18 strategy to address unmet need and the coordination
 19 of State, regional, and local resources and activities
 20 to better strengthen and support families to reduce
 21 the likelihood of child abuse and neglect; and

22 “(3) to support local programs in increasing the
 23 ability of diverse populations with demonstrated
 24 need, including low-income families, racial and eth-

1 nic minorities, families with children or caregivers
2 with disabilities, underserved communities, and rural
3 communities, to access a continuum of preventive
4 services that strengthen families in order to more ef-
5 fectively prevent child abuse and neglect.

6 “(b) AUTHORITY.—The Secretary shall make grants
7 under this title on a formula basis to the entity designated
8 by the State as the lead entity (referred to in this title
9 as the ‘lead entity’) under section 202(1) for the following
10 purposes—

11 “(1) supporting local programs in providing
12 community-based family strengthening services de-
13 signed to prevent child abuse and neglect that help
14 families build protective factors linked to the preven-
15 tion of child abuse and neglect, such as knowledge
16 of parenting and child development, parental resil-
17 ience, social connections, time-limited and need-
18 based concrete support, and social and emotional de-
19 velopment of children, that—

20 “(A) are effective, culturally appropriate,
21 and accessible to diverse populations with dem-
22 onstrated need;

23 “(B) build upon existing strengths;

24 “(C) offer assistance to families;

1 “(D) provide early, comprehensive support
2 for parents;

3 “(E) promote the development of healthy
4 familial relationships and parenting skills, espe-
5 cially in young parents and parents with very
6 young children;

7 “(F) increase family stability;

8 “(G) improve family access to other formal
9 and informal community-based resources, such
10 as providing referrals to early health and devel-
11 opmental services, mental health services, and
12 time-limited and need-based concrete supports,
13 including for homeless families and those at-
14 risk of homelessness;

15 “(H) support the additional needs of fami-
16 lies with children or caregivers with disabilities
17 through respite care and other services; and

18 “(I) demonstrate a commitment to the con-
19 tinued leadership of parents in the planning,
20 program implementation, and evaluation of the
21 lead entity and local programs funded under
22 this title, including involvement of parents of
23 children with disabilities, parents who are indi-
24 viduals with disabilities, racial and ethnic mi-

1 norities, and members of other underrep-
2 resented or underserved groups;

3 “(2) promoting the development of a continuum
4 of preventive services that strengthen families and
5 promote child, parent, family, and community well-
6 being, through the development of State and local
7 networks, including collaboration and coordination
8 between local programs and public agencies and pri-
9 vate entities that utilize culturally responsive pro-
10 viders;

11 “(3) financing the start-up, maintenance, ex-
12 pansion, or redesign of core services described in
13 section 205(b)(3) where communities have identified
14 and decided to address unmet need identified in the
15 inventory described in section 204(3), to the extent
16 practicable given funding levels and community pri-
17 orities;

18 “(4) maximizing funding through leveraging
19 Federal, State, local, and private funds to carry out
20 the purposes of the title;

21 “(5) financing public information activities,
22 which may include activities to increase public
23 awareness and education, and developing com-
24 prehensive outreach strategies to engage diverse pop-
25 ulations with demonstrated need, that focus on the

1 healthy and positive development of parents and
2 children; and

3 “(6) to the extent practicable—

4 “(A) promoting the development, enhance-
5 ment, expansion, and implementation of a state-
6 wide strategy to address the unmet need identi-
7 fied in the inventory described in section
8 204(3), with input from relevant stakeholders,
9 to scale evidence-based and evidence-informed
10 community-based family strengthening services
11 designed to prevent child abuse and neglect;
12 and

13 “(B) addressing and supporting the capac-
14 ity of local programs to strengthen families and
15 prevent child abuse and neglect through tech-
16 nical assistance, professional development, and
17 collaboration between local programs.”.

18 **SEC. 122. ELIGIBILITY.**

19 Section 202 of the Child Abuse Prevention and
20 Treatment Act (42 U.S.C. 5116a) is amended—

21 (1) in paragraph (1)—

22 (A) in subparagraph (A), by inserting “,
23 taking into consideration the capacity and ex-
24 pertise of eligible entities,” after “State”;

(B) in subparagraph (B), by striking “parents who are” and all that follows and inserting “parents who are or who have been consumers of preventive supports and who can provide leadership in the planning, implementation, and evaluation of programs and policy decisions of the lead entity in accomplishing the desired outcomes of such efforts; and”;

(C) in subparagraph (C)—

(i) by inserting “local,” after “State,”; and

(ii) by striking “and” at the end; and

(D) by striking subparagraph (D);

(2) in paragraph (2)—

(A) in subparagraph (A), by striking “composed of” and all that follows through the semicolon at the end and inserting “carried out by local, collaborative, public-private partnerships;”; and

(B) in subparagraph (C)—

(i) by inserting “local,” after “State,”; and

(ii) by striking “and” at the end;

(3) in paragraph (3)—

1 (A) by striking subparagraph (A) and in-
2 serting the following:

3 “(A) has demonstrated commitment to the
4 continued leadership of parents in the develop-
5 ment, operation, evaluation, and oversight of
6 State and local efforts to support community-
7 based family strengthening services designed to
8 prevent child abuse and neglect;”;

9 (B) in subparagraph (B), by striking
10 “community-based and prevention-focused pro-
11 grams and activities designed to strengthen and
12 support families” and inserting “community-
13 based family strengthening services designed”;

14 (C) in subparagraph (C)—

15 (i) by striking “community-based and
16 prevention-focused programs and activities
17 designed to strengthen and support fami-
18 lies to prevent child abuse and neglect”
19 and inserting “local programs”; and

20 (ii) by striking “and” at the end; and

21 (D) by striking subparagraph (D) and in-
22 serting the following:

23 “(D) will integrate efforts with individuals
24 and organizations experienced in working in
25 partnership with families with children with dis-

1 abilities or parents with disabilities, diverse
2 populations with demonstrated need, sexual and
3 gender minority youth, victims of domestic vio-
4 lence, and with the child abuse and neglect pre-
5 vention activities in the State, and demonstrate
6 a financial commitment to those activities; and

7 “(E) will take into consideration access for
8 diverse populations and unmet need when dis-
9 tributing funds to local programs under section
10 205; and”; and

11 (4) by adding at the end the following:

12 “(4) the Governor of the State provides an as-
13 surance that, in issuing regulations in consultation
14 with the lead entity to improve the delivery of com-
15 munity-based family strengthening services designed
16 to promote child, family, and community well-being,
17 and to prevent child abuse and neglect, the State
18 will—

19 “(A) take into account how such regula-
20 tions will impact activities funded under this
21 Act; and

22 “(B) where appropriate, attempt to avoid
23 duplication of efforts, minimize costs of compli-
24 ance with such regulations, and maximize local
25 flexibility with respect to such regulations.”.

1 **SEC. 123. AMOUNT OF GRANT.**

2 Section 203 of the Child Abuse Prevention and
3 Treatment Act (42 U.S.C. 5116b) is amended—

4 (1) by adding at the end of subsection (a) the
5 following: “For any fiscal year for which the amount
6 appropriated under section 210(a) exceeds the
7 amount appropriated under such section for fiscal
8 year 2019 by more than \$2,000,000, the Secretary
9 shall increase the reservation described in this sub-
10 section to 5 percent of the amount appropriated
11 under section 210(a) for the fiscal year for the pur-
12 pose described in the preceding sentence.”;

13 (2) in subsection (b)(1)(A), by striking
14 “\$175,000” and inserting “\$200,000”; and

15 (3) by adding at the end the following:

16 “(d) LIMITATION.—For any fiscal year for which the
17 amount allotted to a State under subsection (b) exceeds
18 the amount allotted to the State under such subsection
19 for fiscal year 2019, the State’s lead entity may use not
20 more than 10 percent of such excess amount for adminis-
21 trative expenses.”.

22 **SEC. 124. APPLICATION.**

23 Section 204 of the Child Abuse Prevention and
24 Treatment Act (42 U.S.C. 5116d) is amended to read as
25 follows:

1 **“SEC. 204. APPLICATION.**

2 “A grant may not be made to a State under this title
3 unless an application therefore is submitted by the lead
4 entity to the Secretary and such application contains the
5 types of information specified by the Secretary as essential
6 to carrying out the provisions of section 202, including—

7 “(1) a description of the lead entity that will be
8 responsible for the administration of funds provided
9 under this title and the oversight of community-
10 based family strengthening services designed to pre-
11 vent child abuse and neglect that receive assistance
12 from the lead entity in accordance with section 205;

13 “(2) a description of how community-based
14 family strengthening services designed to prevent
15 child abuse and neglect supported by the lead entity
16 will operate, including how local programs that re-
17 ceive assistance from the lead entity and public
18 agencies and private entities that promote child, par-
19 ent, family, and community well-being will be inte-
20 grated into a developing continuum of family cen-
21 tered, holistic, preventive services for children and
22 families;

23 “(3) a description of the inventory of current
24 unmet need and current community-based family
25 strengthening services designed to prevent child
26 abuse and neglect, and other family resource services

1 operating in the State, including a description of
2 how the lead entity plans to address unmet need in
3 underserved areas;

4 “(4) a budget for the development, operation,
5 and expansion of the community-based family
6 strengthening services designed to prevent child
7 abuse and neglect that verifies that the State will ex-
8 pend in non-Federal funds an amount equal to not
9 less than 20 percent of the amount received under
10 this title (in cash, not in-kind) for activities under
11 this title;

12 “(5) an assurance that funds received under
13 this title will supplement, not supplant, other State
14 and local public funds designated for the start-up,
15 maintenance, expansion, and redesign of community-
16 based family strengthening services designed to pre-
17 vent child abuse and neglect;

18 “(6) a description of the lead entity’s capacity
19 and commitment to ensure the continued leadership
20 of parents who are or have been consumers of pre-
21 ventive supports, including parents of diverse popu-
22 lations with demonstrated need, family advocates,
23 and adult former victims of child abuse or neglect,
24 in the planning, implementation, and evaluation of
25 the programs and policy decisions of the lead entity

1 in accomplishing the desired outcomes for such ef-
2 forts;

3 “(7) a description of the criteria that the lead
4 entity will use to identify communities in which to
5 provide services, and select and fund local programs
6 in accordance with section 205, including how the
7 lead entity will take into consideration the local pro-
8 gram’s ability to—

9 “(A) collaborate with other community-
10 based organizations and service providers and
11 engage in long-term and strategic planning to
12 support the development of a continuum of pre-
13 ventive services that strengthen families;

14 “(B) meaningfully partner with parents in
15 the development, implementation, and evalua-
16 tion of services;

17 “(C) reduce barriers to access to commu-
18 nity-based family strengthening services de-
19 signed to prevent child abuse and neglect, in-
20 cluding for diverse populations with dem-
21 onstrated need; and

22 “(D) incorporate evidence-based or evi-
23 dence-informed practices, to the extent prac-
24 ticable;

1 “(8) a description of outreach activities that the
2 lead entity and local programs will undertake to
3 maximize the participation of low-income families,
4 racial and ethnic minorities, children and adults with
5 disabilities, sexual and gender minority youth, vic-
6 tims of domestic violence, homeless families and
7 those at risk of homelessness, families experiencing
8 complex needs, and members of other underserved or
9 underrepresented groups;

10 “(9) a plan for providing operational support,
11 training, and technical assistance to local programs,
12 which may include coordination with public agencies
13 and private entities that promote child, parent, and
14 family well-being to support increased access to a
15 continuum of preventive services that strengthen and
16 support families to prevent child abuse and neglect;

17 “(10) a description of how the performance of
18 the lead entity and local programs will be measured
19 in accordance with section 206;

20 “(11) a description of the actions that the lead
21 entity will take to inform systemic changes in State
22 policies, practices, procedures, and regulations to im-
23 prove the delivery of community-based family
24 strengthening services designed to prevent child

1 abuse and neglect, including improved access for di-
2 verse populations with demonstrated need; and

3 “(12) an assurance that the lead entity will pro-
4 vide the Secretary with reports at such time and
5 containing such information as the Secretary may
6 require.”.

7 **SEC. 125. LOCAL PROGRAM REQUIREMENTS.**

8 Section 205 of the Child Abuse Prevention and
9 Treatment Act (42 U.S.C. 5116e) is amended to read as
10 follows:

11 **“SEC. 205. LOCAL PROGRAM REQUIREMENTS.**

12 “(a) IN GENERAL.—Grants or contracts made by the
13 lead entity under this title shall be used to develop, imple-
14 ment, operate, expand, and enhance community-based
15 family strengthening services through a continuum of pre-
16 ventive services to strengthen families and prevent child
17 abuse and neglect in a manner that—

18 “(1) helps families build protective factors that
19 are linked to the prevention of child abuse and ne-
20 glect to support child and family well-being, includ-
21 ing knowledge of parenting and child development,
22 parental resilience, social connections, time-limited
23 and need-based concrete support, and social and
24 emotional development of children;

1 “(2) takes into consideration the assets and
2 needs of communities in which they are located; and

3 “(3) promotes coordination between local pro-
4 grams and public agencies and private entities that
5 promote child, parent, and family well-being.

6 “(b) LOCAL USES OF FUNDS.—Grant funds from the
7 lead entity shall be used to develop, implement, operate,
8 expand, and enhance community-based family strength-
9 ening services designed to prevent child abuse and neglect,
10 which may include the following:

11 “(1) assessing community assets and needs
12 through a planning process that—

13 “(A) involves other community-based orga-
14 nizations or agencies that have already per-
15 formed a needs-assessment, where possible;

16 “(B) includes the meaningful involvement
17 of parents; and

18 “(C) uses information and expertise from
19 local public agencies, local nonprofit organiza-
20 tions, and private sector representatives in
21 meaningful roles;

22 “(2) developing a comprehensive strategy to
23 provide a continuum of preventive, family-centered
24 services to children and families that strengthen and
25 support families to prevent child abuse and neglect,

1 especially to young parents, to parents with young
2 children, to families in hard-to-reach areas, and to
3 parents who are adult former victims of domestic vi-
4 olence or child abuse or neglect, through public-pri-
5 vate partnerships;

6 “(3)(A) providing for core child abuse and ne-
7 glect prevention services, which may be provided di-
8 rectly by the local recipient of the grant funds or
9 through grants or agreements with other local agen-
10 cies, such as—

11 “(i) parenting support and education
12 programs, including services that help par-
13 ents and other caregivers support chil-
14 dren’s development;

15 “(ii) mutual support and self help
16 programs for parents and children;

17 “(iii) parent leadership skills develop-
18 ment programs that support parents as
19 leaders in their families and communities;

20 “(ii) respite care services;

21 “(iii) outreach and follow-up services,
22 which may include voluntary home visiting
23 services; and

24 “(iv) community and social service re-
25 ferrals; and

1 “(B) connecting individuals and families to
2 additional services, including—

3 “(i) referral to and counseling for
4 adoption services for individuals interested
5 in adopting a child or relinquishing their
6 child for adoption;

7 “(ii) child care, early childhood care
8 and education, such as Head Start and
9 Early Head Start under the Head Start
10 Act (42 U.S.C. 9831 et seq.), and early
11 intervention services, including early inter-
12 vention services for infants and toddlers
13 with disabilities eligible for such services as
14 defined in section 632 of the Individuals
15 with Disabilities Education Act (20 U.S.C.
16 1432);

17 “(iii) referral to services and supports
18 to meet the additional needs of families
19 with children with disabilities and parents
20 who are individuals with disabilities;

21 “(iv) nutrition programs, which may
22 include the special supplemental nutrition
23 programs for women, infants, and children
24 established by section 17 of the Child Nu-
25 trition Act of 1966 (42 U.S.C. 1786) and

1 the supplemental nutrition assistance pro-
2 gram under the Food and Nutrition Act of
3 2008 (7 U.S.C. 2011 et seq.);

4 “(v) referral to educational services
5 and workforce development activities, such
6 as activities described in section 134 of the
7 Workforce Innovation and Opportunity Act
8 (29 U.S.C. 3174), adult education, includ-
9 ing literacy and academic tutoring, and ac-
10 tivities as described in section 203 of the
11 Workforce Innovation and Opportunity Act
12 (29 U.S.C. 3272);

13 “(vi) self-sufficiency and life manage-
14 ment skills training;

15 “(vii) community referral services, in-
16 cluding early developmental screening of
17 children and mental health services;

18 “(viii) peer counseling; and

19 “(ix) domestic violence service pro-
20 grams that provide services and treatment
21 to children and their non-abusing care-
22 givers;

23 “(4) developing and maintaining leadership
24 roles for the meaningful involvement of parents in
25 the development, operation, evaluation, and over-

1 sight of the programs and services, including to pro-
2 mote access to such programs and services in spaces
3 familiar to families;

4 “(5) providing leadership in mobilizing local
5 public and private resources to support the provision
6 of needed child abuse and neglect prevention pro-
7 gram services; and

8 “(6) coordinating with public agencies and pri-
9 vate entities that promote child, parent, and family
10 well-being, including through the development of
11 State and local networks of programs and activities
12 to develop a continuum of preventive services to
13 strengthen families and to prevent child abuse and
14 neglect, where appropriate.

15 “(b) PRIORITY.—In awarding local grants under this
16 title, a lead entity shall give priority to effective local pro-
17 grams serving low-income communities and those serving
18 young parents or parents with young children, including
19 community-based child abuse and neglect prevention pro-
20 grams.”.

21 **SEC. 126. PERFORMANCE MEASURES.**

22 Section 206 of the Child Abuse Prevention and
23 Treatment Act (42 U.S.C. 5116f) is amended to read as
24 follows:

1 **“SEC. 206. PERFORMANCE MEASURES.**

2 “A State receiving a grant under this title, through
3 reports provided to the Secretary—

4 “(1) shall demonstrate the effective develop-
5 ment, operation, and expansion of community-based
6 family strengthening services designed to prevent
7 child abuse and neglect that meets the requirements
8 of this title;

9 “(2) shall supply an inventory and description
10 of the services provided to families by local programs
11 that meet identified community needs, including core
12 and additional services as described in section 205,
13 which description shall specify whether those services
14 are evidence-based or evidence-informed, and which
15 may include a description of barriers and challenges,
16 if any, to implementing evidence-based or evidence-
17 informed services;

18 “(3) shall demonstrate that the lead entity ad-
19 dressed unmet need identified by the inventory and
20 description of current services required under section
21 204(3) including, to the extent practicable, how the
22 lead entity utilized a statewide strategy to address
23 such unmet need;

24 “(4) shall describe the number of families
25 served, including families with children with disabil-
26 ities, and parents with disabilities, and demonstrate

1 the involvement of a diverse representation of fami-
2 lies in the design, operation, and evaluation of com-
3 munity-based family strengthening services designed
4 to prevent child abuse and neglect, and in the de-
5 sign, operation and evaluation of the networks of
6 such community-based and prevention-focused pro-
7 grams;

8 “(5) shall demonstrate a high level of satisfac-
9 tion among families who have participated in the
10 community-based family strengthening services de-
11 signed to prevent child abuse and neglect;

12 “(6) shall demonstrate the establishment or
13 maintenance of innovative funding mechanisms, at
14 the State or local level, that blend Federal, State,
15 local, and private funds, and innovative, interdisdisci-
16 plinary service delivery mechanisms, for the develop-
17 ment, operation, expansion, and enhancement of the
18 community-based family strengthening services de-
19 signed to prevent child abuse and neglect;

20 “(7) shall describe the results of evaluation, or
21 the outcomes of monitoring, conducted under the
22 State program to demonstrate the effectiveness of
23 activities conducted under this title in meeting the
24 purposes of the program, including the number of

1 local programs funded and the number of such pro-
 2 grams that collaborate with outside entities; and

3 “(8) shall demonstrate an implementation plan
 4 to ensure the continued leadership of parents in the
 5 on-going planning, implementation, and evaluation
 6 of such community-based family strengthening serv-
 7 ices designed to prevent child abuse and neglect.”.

8 **SEC. 127. NATIONAL NETWORK FOR COMMUNITY-BASED**
 9 **FAMILY RESOURCE PROGRAMS.**

10 Section 207 of the Child Abuse Prevention and
 11 Treatment Act (42 U.S.C. 5116g) is amended—

12 (1) in the matter preceding paragraph (1), by
 13 striking “such sums as may be necessary” and in-
 14 serting “not more than 5 percent”; and

15 (2) in paragraph (3), by striking “community-
 16 based and prevention-focused programs and activi-
 17 ties designed to strengthen and support families”
 18 and inserting “community-based family strength-
 19 ening services designed”.

20 **SEC. 128. DEFINITIONS.**

21 Section 208 of the Child Abuse Prevention and
 22 Treatment Act (42 U.S.C. 5116h) is amended—

23 (1) by redesignating paragraphs (1) and (2) as
 24 paragraphs (2) and (1), respectively, and transfer-

1 ring paragraph (1) as redesignated to appear before
2 paragraph (2) as redesignated; and

3 (2) by striking paragraph (1) (as so redesign-
4 nated) and inserting the following:

5 “(1) COMMUNITY-BASED FAMILY STRENGTH-
6 ENING SERVICES.—The term ‘community-based fam-
7 ily strengthening services’ includes family resource
8 programs, family support programs, voluntary home
9 visiting programs, respite care services, parenting
10 education, mutual support programs for parents and
11 children, parent partner programs, and other com-
12 munity programs or networks of such programs that
13 provide activities that are designed to prevent child
14 abuse and neglect.”.

15 **SEC. 129. RULE OF CONSTRUCTION.**

16 (a) IN GENERAL.—Title II of the Child Abuse Pre-
17 vention and Treatment Act (42 U.S.C. 5116 et seq.) is
18 amended—

19 (1) by redesignating section 209 as section 210;
20 and

21 (2) by inserting after section 208 the following:

22 **“SEC. 209. RULE OF CONSTRUCTION.**

23 “Nothing in this title shall be construed to prohibit
24 grandparents, kinship care providers, foster parents, or

1 adoptive parents from receiving or participating in services
2 and programs under this title.”.

3 (b) CONFORMING AMENDMENT.—The table of con-
4 tents in section 1(b) of the Child Abuse Prevention and
5 Treatment Act is amended by striking the item relating
6 to section 209 and inserting the following:

“Sec. 209. Rule of construction.

“Sec. 210. Authorization of appropriations.”.

7 **SEC. 130. AUTHORIZATION OF APPROPRIATIONS.**

8 Section 210 of the Child Abuse Prevention and
9 Treatment Act, as redesignated by section 129 of this
10 title, is amended—

11 (1) by striking “There are” and inserting the
12 following:

13 “(a) IN GENERAL.—There are”;

14 (2) by striking “to carry out” through “fiscal
15 year 2010” and inserting “to carry out this title
16 \$270,000,000 for fiscal year 2021”;

17 (3) by striking “2011 through 2015” and in-
18 serting “2022 through 2026”; and

19 (4) by adding at the end the following:

20 “(b) TREATMENT OF NON-FEDERAL FUNDS IN CER-
21 TAIN FISCAL YEARS.—For any fiscal year for which the
22 amount appropriated under subsection (a) exceeds the
23 amount appropriated under such subsection for fiscal year
24 2019, the Secretary shall consider non-Federal funds and

1 in-kind contributions as part of the State contribution for
2 the activities specified in section 204(4).”.

3 **SEC. 131. STUDY AND REPORT.**

4 (a) STUDY RELATING TO NEW PREVENTION PRO-
5 GRAMS.—

6 (1) IN GENERAL.—The Comptroller General of
7 the United States shall complete a study, using data
8 reported by States to the Secretary of Health and
9 Human Services under section 206 of the Child
10 Abuse Prevention and Treatment Act (42 U.S.C.
11 5116f), as amended by this title—

12 (A) to determine how many families and
13 children in the first 3 years after the date of
14 the enactment of this Act are served annually
15 through programs funded under title II of the
16 Child Abuse Prevention and Treatment Act (42
17 U.S.C. 5116 et seq.); and

18 (B) to compare the number of such fami-
19 lies and children served annually in the first 3
20 years after the date of the enactment of this
21 Act to the number of such families and children
22 served in fiscal year 2020.

23 (2) CONTENTS.—The study required under
24 paragraph (1) shall include the following for each of

1 the first 3 years after the date of the enactment of
2 this Act:

3 (A) An examination of how many families
4 received evidence-based programming under
5 title II of the Child Abuse Prevention and
6 Treatment Act (42 U.S.C. 5116 et seq.).

7 (B) An examination of the extent to which
8 local programs conduct evaluations using funds
9 provided under such title and the findings of
10 such evaluations.

11 (C) An examination of whether findings of
12 effectiveness in evaluation studies vary by
13 urban, suburban, or rural community type.

14 (D) An examination of whether programs
15 partnering with other entities are more effective
16 than those that do not partner with other enti-
17 ties.

18 (E) An examination of barriers to imple-
19 ment evidence-based programming or to con-
20 duct evaluations in instances where such activi-
21 ties do not occur.

22 (b) REPORT.—Not later than 4 years after the date
23 of the enactment of this Act, the Comptroller General of
24 the United States shall submit to the Committee on
25 Health, Education, Labor, and Pensions of the Senate and

1 the Committee on Education and Labor of the House of
 2 Representatives a report that contains the results of the
 3 study conducted under paragraph (1).

4 **Subtitle C—Adoption** 5 **Opportunities**

6 **SEC. 141. PURPOSE.**

7 Section 201 of the Child Abuse Prevention and
 8 Treatment and Adoption Reform Act of 1978 (42 U.S.C.
 9 5111) is amended—

10 (1) in the section heading, by striking “**CON-**
 11 **GRESSIONAL FINDINGS AND DECLARATION OF**
 12 **PURPOSE**” and inserting “**PURPOSE**”;

13 (2) by striking subsection (a); and

14 (3) in subsection (b)—

15 (A) by striking “(b) PURPOSE.—”;

16 (B) in the matter preceding paragraph (1),
 17 by inserting “sexual and gender minority
 18 youth” after “particularly older children, minor-
 19 ity children,”; and

20 (C) in paragraph (1), by inserting “serv-
 21 ices and,” after “post-legal adoption”.

1 **SEC. 142. REPORT AND GUIDANCE ON UNREGULATED CUS-**
2 **TODY TRANSFERS.**

3 The Child Abuse Prevention and Treatment and
4 Adoption Reform Act of 1978 (42 U.S.C. 5111 et seq.)
5 is amended by inserting after section 201 the following:

6 **“SEC. 202. REPORT AND GUIDANCE ON UNREGULATED CUS-**
7 **TODY TRANSFERS.**

8 “(a) SENSE OF CONGRESS.—It is the sense of Con-
9 gress that:

10 “(1) Some adopted children may be at risk of
11 experiencing an unregulated custody transfer be-
12 cause the challenges associated with adoptions (in-
13 cluding the child’s mental health needs and the dif-
14 ficulties many families face in acquiring support
15 services) may lead families to seek out unregulated
16 custody transfers.

17 “(2) Some adopted children experience trauma,
18 and the disruption and placement in another home
19 by unregulated custody transfer creates additional
20 trauma and instability for children.

21 “(3) Children who experience an unregulated
22 custody transfer may be placed with families who
23 have not completed required child welfare or crimi-
24 nal background checks or clearances.

25 “(4) Social services agencies and courts are
26 often unaware of the placement of children through

1 unregulated custody transfer and therefore do not
2 conduct assessments on the child’s safety and well-
3 being in such placements.

4 “(5) Such lack of placement oversight places a
5 child at risk for future abuse and increases the
6 chance that the child may experience—

7 “(A) abuse or neglect;

8 “(B) contact with unsafe adults or youth;
9 and

10 “(C) exposure to unsafe or isolated envi-
11 ronments.

12 “(6) The caregivers with whom a child is placed
13 through unregulated custody transfer often have no
14 legal responsibility with respect to such child, plac-
15 ing the child at risk for additional unregulated cus-
16 tody transfers.

17 “(7) Such caregivers also may not have com-
18 plete records with respect to such child, including
19 the child’s birth, medical, or immigration records.

20 “(8) A child adopted through intercountry
21 adoption may be at risk of not acquiring United
22 States citizenship if an unregulated custody transfer
23 occurs before the adoptive parents complete all nec-
24 essary steps to finalize the adoption of such child.

1 “(9) Engaging in, or offering to engage in, un-
2 regulated custody transfer places children at risk of
3 harm.

4 “(b) REPORT TO CONGRESS.—

5 “(1) IN GENERAL.—Not later than 1 year after
6 the date of the enactment of this section, the Sec-
7 retary of Health and Human Services shall provide
8 to the Committee on Education and Labor of the
9 House of Representatives, the Committee on Ways
10 and Means of the House of Representatives, the
11 Committee on Finance of the Senate, and the Com-
12 mittee on Health, Education, Labor and Pensions of
13 the Senate a report on unregulated custody transfers
14 of children, including of adopted children.

15 “(2) ELEMENTS.—The report required under
16 paragraph (1) shall include—

17 “(A) the causes, methods, and characteris-
18 tics of unregulated custody transfers, including
19 the use of social media and the internet;

20 “(B) the effects of unregulated custody
21 transfers on children, including the lack of as-
22 sessment of a child’s safety and well-being by
23 social services agencies and courts due to such
24 unregulated custody transfer;

1 “(C) the prevalence of unregulated custody
2 transfers within each State and across all
3 States; and

4 “(D) recommended policies for preventing,
5 identifying, and responding to unregulated cus-
6 tody transfers, including of adopted children,
7 that include—

8 “(i) amendments to Federal and State
9 law to address unregulated custody trans-
10 fers;

11 “(ii) amendments to child protection
12 practices to address unregulated custody
13 transfers; and

14 “(iii) methods of providing the public
15 information regarding adoption and child
16 protection.

17 “(c) GUIDANCE TO STATES.—

18 “(1) IN GENERAL.—Not later than 180 days
19 after the date specified in subsection (b)(1), the Sec-
20 retary shall issue guidance and technical assistance
21 to States related to preventing, identifying, and re-
22 sponding to unregulated custody transfers, including
23 of adopted children.

24 “(2) ELEMENTS.—The guidance required under
25 paragraph (1) shall include—

1 “(A) education materials related to pre-
 2 venting, identifying, and responding to unregu-
 3 lated custody transfers for employees of State,
 4 local, and Tribal agencies that provide child
 5 welfare services;

6 “(B) guidance on appropriate pre-adoption
 7 education and post-adoption services for domes-
 8 tic and international adoptive families to pro-
 9 mote child permanency; and

10 “(C) the assistance available through the
 11 National Resource Center for Special Needs
 12 Adoption under section 203(b)(9).

13 “(d) DEFINITIONS.—In this section:

14 “(1) STATE.—The term ‘State’ means each of
 15 the several States, the District of Columbia, and any
 16 commonwealth, territory, or possession of the United
 17 States.

18 “(2) UNREGULATED CUSTODY TRANSFER.—
 19 The term ‘unregulated custody transfer’ means the
 20 abandonment of a child, by the child’s parent, legal
 21 guardian, or a person or entity acting on behalf, and
 22 with the consent, of such parent or guardian—

23 “(A) by placing a child with a person who
 24 is not—

1 “(i) the child’s parent, step–parent,
2 grandparent, adult sibling, legal guardian,
3 or other adult relative;

4 “(ii) a friend of the family who is an
5 adult and with whom the child is familiar;
6 or

7 “(iii) a member of the Federally rec-
8 ognized Indian tribe of which the child is
9 also a member;

10 “(B) with the intent of severing the rela-
11 tionship between the child and the parent or
12 guardian of such child; and

13 “(C) without—

14 “(i) reasonably ensuring the safety of
15 the child and permanency of the placement
16 of the child, including by conducting an of-
17 ficial home study, background check, and
18 supervision; and

19 “(ii) transferring the legal rights and
20 responsibilities of parenthood or guardian-
21 ship under applicable Federal and State
22 law to a person described in subparagraph
23 (A).”.

1 **SEC. 143. INFORMATION AND SERVICES.**

2 (a) NATIONAL RESOURCE CENTER FOR SPECIAL
3 NEEDS ADOPTION.—Section 203(b)(9) of the Child Abuse
4 Prevention and Treatment and Adoption Reform Act of
5 1978 (42 U.S.C. 5113(b)(9)) is amended by inserting “not
6 later than 2 years after the date of the enactment of the
7 Human Services and Community Supports Act, establish
8 and” before “maintain”.

9 (b) PLACEMENT WITH ADOPTIVE FAMILIES.—Sec-
10 tion 203(b)(11)(C) of the Child Abuse Prevention and
11 Treatment and Adoption Reform Act of 1978 (42 U.S.C.
12 5113(b)(11)(C)) is amended by striking “such children”
13 and inserting “the children and youth described in the
14 matter preceding paragraph (1) of section 201”.

15 (c) PRE-ADOPTION SERVICES.—Section 203(c)(1) of
16 the Child Abuse Prevention and Treatment and Adoption
17 Reform Act of 1978 (42 U.S.C. 5113(c)(1)) is amended
18 by striking “post” and inserting “pre- and post-”.

19 (d) SERVICES.—Section 203(c)(2) of the Child Abuse
20 Prevention and Treatment and Adoption Reform Act of
21 1978 (42 U.S.C. 5113(c)(2)) is amended by inserting
22 “and the development of such services,” after “not sup-
23 plant, services”.

24 (e) ELIMINATION OF BARRIERS TO ADOPTION
25 ACROSS JURISDICTIONAL BOUNDARIES.—Section
26 203(e)(1) of the Child Abuse Prevention and Treatment

1 and Adoption Reform Act of 1978 (42 U.S.C. 5113(e)(1))
2 is amended—

3 (1) by striking “with, States,” and inserting
4 “with States, Indian Tribes,”; and

5 (2) by inserting “, including through the use of
6 web-based tools such as the electronic interstate
7 case-processing system referred to in section 437(g)
8 of the Social Security Act (42 U.S.C. 629g(g))” be-
9 fore the period at the end.

10 **SEC. 144. STUDY AND REPORT ON SUCCESSFUL ADOP-**
11 **TIONS.**

12 Section 204 of the Child Abuse Prevention and
13 Treatment and Adoption Reform Act of 1978 (42 U.S.C.
14 5114) is amended to read as follows:

15 **“SEC. 204. STUDY AND REPORT ON SUCCESSFUL ADOP-**
16 **TIONS.**

17 “(a) **STUDY.**—The Secretary shall conduct a study
18 (directly or by grant to, or contract with, public or private
19 nonprofit research agencies or organizations) on adoption
20 outcomes and the factors (including parental substance
21 use disorder) affecting those outcomes.

22 “(b) **REPORT.**—Not later than the date that is 36
23 months after the date of the enactment of the Human
24 Services and Community Supports Act the Secretary shall

1 submit a report to Congress that includes the results of
2 the study required under subsection (a).”.

3 **SEC. 145. AUTHORIZATION OF APPROPRIATIONS.**

4 Section 205(a) of the Child Abuse Prevention and
5 Treatment and Adoption Reform Act of 1978 (42 U.S.C.
6 5115(a)) is amended—

7 (1) by striking “fiscal year 2010” and inserting
8 “fiscal year 2021”; and

9 (2) by striking “fiscal years 2011 through
10 2015” and inserting “fiscal years 2022 through
11 2026”.

12 **Subtitle D—Amendments to Other**
13 **Laws**

14 **SEC. 151. TECHNICAL AND CONFORMING AMENDMENTS TO**
15 **OTHER LAWS.**

16 (a) HEAD START ACT.—Section 658E(c)(2)(L) of
17 the Head Start Act (42 U.S.C. 9858c(c)(2)(L)) is amend-
18 ed by striking “will comply with the child abuse reporting
19 requirements of section 106(b)(2)(B)(i) of the Child
20 Abuse Prevention and Treatment Act (42 U.S.C.
21 5106a(b)(2)(B)(i))” and inserting “will comply with the
22 child abuse reporting requirements of section
23 106(b)(2)(A)(i) of the Child Abuse Prevention and Treat-
24 ment Act (42 U.S.C. 5106a(b)(2)(A)(i))”.

1 (b) VICTIMS OF CRIME ACT OF 1984.—Section
2 1404A of the Victims of Crime Act of 1984 (34 U.S.C.
3 20104) is amended by striking “section 109” and insert-
4 ing “section 107”.

5 **TITLE II—CHILD NUTRITION**
6 **AND THE SPECIAL SUPPLE-**
7 **MENTAL NUTRITION PRO-**
8 **GRAM FOR WOMEN, INFANTS,**
9 **AND CHILDREN**

10 **SEC. 201. EMERGENCY COSTS FOR CHILD NUTRITION PRO-**
11 **GRAMS DURING COVID-19 PANDEMIC.**

12 (a) USE OF CERTAIN APPROPRIATIONS TO COVER
13 EMERGENCY OPERATIONAL COSTS UNDER SCHOOL MEAL
14 PROGRAMS.—

15 (1) IN GENERAL.—

16 (A) REQUIRED ALLOTMENTS.—Notwith-
17 standing any other provision of law, the Sec-
18 retary shall allocate to each State that partici-
19 pates in the reimbursement program under
20 paragraph (3) such amounts as may be nec-
21 essary to carry out reimbursements under such
22 paragraph for each reimbursement month, in-
23 cluding, subject to paragraph (4)(B), adminis-
24 trative expenses necessary to make such reim-
25 bursements.

1 (B) GUIDANCE WITH RESPECT TO PRO-
2 GRAM.—Not later than 10 days after the date
3 of the enactment of this section, the Secretary
4 shall issue guidance with respect to the reim-
5 bursement program under paragraph (3).

6 (2) REIMBURSEMENT PROGRAM APPLICA-
7 TION.—To participate in the reimbursement pro-
8 gram under paragraph (3), not later than 30 days
9 after the date described in paragraph (1), a State
10 shall submit an application to the Secretary that in-
11 cludes a plan to calculate and disburse reimburse-
12 ments under the reimbursement program under
13 paragraph (3).

14 (3) REIMBURSEMENT PROGRAM.—Using the
15 amounts allocated under paragraph (1)(A), a State
16 participating in the reimbursement program under
17 this paragraph shall make reimbursements for emer-
18 gency operational costs for each reimbursement
19 month as follows:

20 (A) For each new school food authority in
21 the State for the reimbursement month, an
22 amount equal to 55 percent of the amount
23 equal to—

24 (i) the average monthly amount such
25 new school food authority was reimbursed

under the reimbursement sections for meals and supplements served by such new school food authority during the alternate period; minus

(ii) the amount such new school food authority was reimbursed under the reimbursement sections for meals and supplements served by such new school food authority during such reimbursement month.

(B) For each school food authority not described in subparagraph (A) in the State for the reimbursement month, an amount equal to 55 percent of—

(i) the amount such school food authority was reimbursed under the reimbursement sections for meals and supplements served by such school food authority for the month beginning one year before such reimbursement month; minus

(ii) the amount such school food authority was reimbursed under the reimbursement sections for meals and supplements served by such school food authority during such reimbursement month.

(4) TREATMENT OF FUNDS.—

1 (A) AVAILABILITY.—Funds allocated to a
2 State under paragraph (1)(A) shall remain
3 available until June 30, 2021.

4 (B) ADMINISTRATIVE EXPENSES.—A State
5 may reserve not more than 1 percent of the
6 funds allocated under paragraph (1)(A) for ad-
7 ministrative expenses to carry out this sub-
8 section.

9 (C) UNEXPENDED BALANCE.—On Decem-
10 ber 31, 2021, any amounts allocated to a State
11 under paragraph (1)(A) or reimbursed to a
12 school food authority or new school food author-
13 ity under paragraph (3) that are unexpended by
14 such State, school food authority, or new school
15 food authority shall revert to the Secretary.

16 (5) REPORTS.—Each State that carries out a
17 reimbursement program under paragraph (3) shall,
18 not later than December 31, 2021, submit a report
19 to the Secretary that includes a summary of the use
20 of such funds by the State and each school food au-
21 thority and new school food authority in such State.

22 (b) USE OF CERTAIN APPROPRIATIONS TO COVER
23 CHILD AND ADULT CARE FOOD PROGRAM CHILD CARE
24 OPERATIONAL EMERGENCY COSTS DURING COVID-19
25 PANDEMIC.—

1 (1) IN GENERAL.—

2 (A) REQUIRED ALLOTMENTS.—Notwith-
3 standing any other provision of law, the Sec-
4 retary shall allocate to each State that partici-
5 pates in the reimbursement program under
6 paragraph (3) such amounts as may be nec-
7 essary to carry out reimbursements under such
8 paragraph for each reimbursement month, in-
9 cluding, subject to paragraph (4)(C), adminis-
10 trative expenses necessary to make such reim-
11 bursements.

12 (B) GUIDANCE WITH RESPECT TO PRO-
13 GRAM.—Not later than 10 days after the date
14 of the enactment of this section, the Secretary
15 shall issue guidance with respect to the reim-
16 bursement program under paragraph (3).

17 (2) REIMBURSEMENT PROGRAM APPLICA-
18 TION.—To participate in the reimbursement pro-
19 gram under paragraph (3), not later than 30 days
20 after the date described in paragraph (1), a State
21 shall submit an application to the Secretary that in-
22 cludes a plan to calculate and disburse reimburse-
23 ments under the reimbursement program under
24 paragraph (3).

1 (3) REIMBURSEMENT AMOUNT.—Using the
2 amounts allocated under paragraph (1)(A), a State
3 participating in the reimbursement program under
4 this paragraph shall make reimbursements for child
5 care operational emergency costs for each reimburse-
6 ment month as follows:

7 (A) For each new covered institution in the
8 State for the reimbursement month, an amount
9 equal to 55 percent of—

10 (i) the average monthly amount such
11 covered institution was reimbursed under
12 subsection (c) and subsection (f) of section
13 17 of the Richard B. Russell National
14 School Lunch Act (42 U.S.C. 1766) for
15 meals and supplements served by such new
16 covered institution during the alternate pe-
17 riod; minus

18 (ii) the amount such covered institu-
19 tion was reimbursed under such section for
20 meals and supplements served by such new
21 covered institution during such reimburse-
22 ment month.

23 (B) For each covered institution not de-
24 scribed in subparagraph (A) in the State for

1 the reimbursement month, an amount equal to
2 55 percent of—

3 (i) the amount such covered institu-
4 tion was reimbursed under subsection (c)
5 and subsection (f) of section 17 of the
6 Richard B. Russell National School Lunch
7 Act (42 U.S.C. 1766) for meals and sup-
8 plements served by such covered institution
9 during the month beginning one year be-
10 fore such reimbursement month; minus

11 (ii) the amount such covered institu-
12 tion was reimbursed under such section for
13 meals and supplements served by such cov-
14 ered institution during such reimbursement
15 month.

16 (C) For each new sponsoring organization
17 of a family or group day care home in the State
18 for the reimbursement month, an amount equal
19 to 55 percent of—

20 (i) the average monthly amount such
21 new sponsoring organization of a family or
22 group day care home was reimbursed
23 under section 17(f)(3)(B) of the Richard
24 B. Russell National School Lunch Act (42

1 U.S.C. 1766(f)(3)(B)) for administrative
2 funds for the alternate period; minus

3 (ii) the amount such new sponsoring
4 organization of a family or group day care
5 home was reimbursed under such section
6 for administrative funds for the reimburse-
7 ment month.

8 (D) For each sponsoring organization of a
9 family or group day care home not described in
10 subparagraph (C) in the State for the reim-
11 bursement month, an amount equal to 55 per-
12 cent of—

13 (i) the amount such sponsoring orga-
14 nization of a family or group day care
15 home was reimbursed under section
16 17(f)(3)(B) of the Richard B. Russell Na-
17 tional School Lunch Act (42 U.S.C.
18 1766(f)(3)(B)) for administrative funds for
19 the month beginning one year before such
20 reimbursement month; minus

21 (ii) the amount such sponsoring orga-
22 nization of a family or group day care
23 home was reimbursed under such section
24 for administrative funds for such reim-
25 bursement month.

1 (4) TREATMENT OF FUNDS.—

2 (A) AVAILABILITY.—Funds allocated to a
3 State under paragraph (1)(A) shall remain
4 available until June 30, 2021.

5 (B) UNAFFILIATED CENTER.—In the case
6 of a covered institution or a new covered insti-
7 tution that is an unaffiliated center that is
8 sponsored by a sponsoring organization and re-
9 ceives funds for a reimbursement month under
10 subparagraph (A) or (B), such unaffiliated cen-
11 ter shall provide to such sponsoring organiza-
12 tion an amount of such funds as agreed to by
13 the sponsoring organization and the unaffiliated
14 center, except such amount may not be greater
15 be than 15 percent of such funds.

16 (C) ADMINISTRATIVE EXPENSES.—A State
17 may reserve not more than 1 percent of the
18 funds allocated under paragraph (1)(A) for ad-
19 ministrative expenses to carry out this sub-
20 section.

21 (D) UNEXPENDED BALANCE.—On Decem-
22 ber 31, 2021, any amounts allocated to a State
23 under paragraph (1)(A) or reimbursed to a new
24 covered institution, covered institution, new
25 sponsoring organization of a family or group

1 day care home, or sponsoring organization of a
2 family or group day care home that are unex-
3 pended by such State, new covered institution,
4 covered institution, new sponsoring organization
5 of a family or group day care home, or spon-
6 soring organization of a family or group day
7 care home, shall revert to the Secretary.

8 (5) REPORTS.—Each State that carries out a
9 reimbursement program under paragraph (3) shall,
10 not later than December 31, 2021, submit a report
11 to the Secretary that includes a summary of the use
12 of such funds by the State and each new covered in-
13 stitution, covered institution, new sponsoring organi-
14 zation of a family or group day care home, or spon-
15 soring organization of a family or group day care
16 home.

17 (c) FUNDING.—There are hereby appropriated to the
18 Secretary, out of any funds in the Treasury not otherwise
19 appropriated, such sum as may be necessary to carry out
20 this section.

21 (d) DEFINITIONS.—In this section:

22 (1) ALTERNATE PERIOD.—The term “alternate
23 period” means the period beginning January 1,
24 2020 and ending February 29, 2020.

1 (2) EMERGENCY OPERATIONAL COSTS.—The
2 term “emergency operational costs” means the costs
3 incurred by a school food authority or new school
4 food authority—

5 (A) during a public health emergency;

6 (B) that are related to the ongoing oper-
7 ation, modified operation, or temporary suspen-
8 sion of operation (including administrative
9 costs) of such school food authority or new
10 school food authority; and

11 (C) except as provided under subsection
12 (a), that are not reimbursed under a Federal
13 grant.

14 (3) CHILD CARE OPERATIONAL EMERGENCY
15 COSTS.—The term “child care operational emergency
16 costs” means the costs under the child and adult
17 care food program under section 17 of the Richard
18 B. Russell National School Lunch Act (42 U.S.C.
19 1766) incurred by a new covered institution, covered
20 institution, new sponsoring organization of a family
21 or group day care home, or sponsoring organization
22 of a family or group day care home—

23 (A) during a public health emergency;

24 (B) that are related to the ongoing oper-
25 ation, modified operation, or temporary suspen-

1 sion of operation (including administrative
2 costs) of such new covered institution, covered
3 institution, new sponsoring organization of a
4 family or group day care home, sponsoring or-
5 ganization of a family or group day care home,
6 or sponsoring organization of an unaffiliated
7 center; and

8 (C) except as provided under subsection
9 (b), that are not reimbursed under a Federal
10 grant.

11 (4) COVERED INSTITUTION.—The term “cov-
12 ered institution” means—

13 (A) an institution (as defined in section
14 17(a)(2) of the Richard B. Russell National
15 School Lunch Act (42 U.S.C. 1766(a)(2))); and

16 (B) a family or group day care home.

17 (5) NEW COVERED INSTITUTION.—The term
18 “new covered institution” means a covered institu-
19 tion for which no reimbursements were made for
20 meals and supplements under section 17(c) or (f) of
21 the Richard B. Russell National School Lunch Act
22 (42 U.S.C. 1766) with respect to the previous reim-
23 bursement period.

24 (6) NEW SCHOOL FOOD AUTHORITY.—The term
25 “new school food authority” means a school food au-

1 thority for which no reimbursements were made
2 under the reimbursement sections with respect to
3 the previous reimbursement period.

4 (7) NEW SPONSORING ORGANIZATION OF A
5 FAMILY OR GROUP DAY CARE.—The term “new
6 sponsoring organization of a family or group day
7 care” means a sponsoring organization of a family
8 or group day care home for which no reimburse-
9 ments for administrative funds were made under
10 section 17(f)(3)(B) of the Richard B. Russell Na-
11 tional School Lunch Act (42 U.S.C. 1766(f)(3)(B))
12 for the previous reimbursement period.

13 (8) PREVIOUS REIMBURSEMENT PERIOD.—The
14 term “previous reimbursement period” means the
15 period beginning March 1, 2019 and ending June
16 30, 2019.

17 (9) PUBLIC HEALTH EMERGENCY.—The term
18 “public health emergency” means a public health
19 emergency declared pursuant to section 319 of the
20 Public Health Service Act (42 U.S.C. 247d) result-
21 ing from the COVID–19 pandemic.

22 (10) REIMBURSEMENT MONTH.—The term “re-
23 imbursement month” means March 2020, April
24 2020, May 2020, and June 2020.

1 (11) REIMBURSEMENT SECTIONS.—The term
2 “reimbursement sections” means—

3 (A) section 4(b), section 11(a)(2), section
4 13, and section 17A(c) of the Richard B. Rus-
5 sell National School Lunch Act (42 U.S.C.
6 1753(b); 42 U.S.C. 1759a(a)(2); 42 U.S.C.
7 1761; 42 U.S.C. 1766a(c)); and

8 (B) section 4 of the Child Nutrition Act
9 (42 U.S.C. 1773).

10 (12) SECRETARY.—The term “Secretary”
11 means the Secretary of Agriculture.

12 (13) STATE.— The term “State” has the mean-
13 ing given such term in section 12(d)(8) of the Rich-
14 ard B. Russell National School Lunch Act (42
15 U.S.C. 1760(d)(8)).

16 **SEC. 202. FRESH PRODUCE FOR KIDS IN NEED.**

17 Section 2202(f)(1) of the Families First Coronavirus
18 Response Act (42 U.S.C. 1760 note) is amended by add-
19 ing at the end the following:

20 “(E) The fresh fruit and vegetable pro-
21 gram under section 19 of the Richard B. Rus-
22 sell National School Lunch Act (42 U.S.C.
23 1769a).”.

24 **SEC. 203. WIC BENEFIT FLEXIBILITY DURING COVID-19.**

25 (a) IN GENERAL.—

1 (1) AUTHORITY TO INCREASE AMOUNT OF
2 CASH-VALUE VOUCHER.—During the COVID–19
3 public health emergency declared under section 319
4 of the Public Health Service Act (42 U.S.C. 247d)
5 and in response to challenges related to such public
6 health emergency, the Secretary may increase the
7 amount of a cash-value voucher under a qualified
8 food package to an amount less than or equal to
9 \$35.

10 (2) APPLICATION OF INCREASED AMOUNT OF
11 CASH-VALUE VOUCHER TO STATE AGENCIES.—

12 (A) NOTIFICATION.—An increase to the
13 amount of a cash-value voucher under para-
14 graph (1) shall apply to any State agency that
15 notifies the Secretary of the intent to use such
16 an increased amount, without further applica-
17 tion.

18 (B) USE OF INCREASED AMOUNT.—A
19 State agency that notifies the Secretary under
20 subparagraph (A) may use or not use the in-
21 creased amount described in such subparagraph
22 during the period beginning on the date of the
23 notification by the State agency under such
24 subparagraph and ending on the date that is

1 120 days after the date of the enactment of this
2 section.

3 (3) APPLICATION PERIOD.—An increase to the
4 amount of a cash-value voucher under paragraph (1)
5 may only apply during the period beginning on the
6 date of the enactment of this section and ending on
7 January 31, 2021.

8 (4) SUNSET.—The authority to make an in-
9 crease to the amount of a cash-value voucher under
10 paragraph (1) or to use such an increased amount
11 under paragraph (2)(B) shall terminate on the date
12 that is 120 days after the date of the enactment of
13 this section.

14 (b) DEFINITIONS.—

15 (1) CASH-VALUE VOUCHER.—The term “cash-
16 value voucher” has the meaning given the term in
17 section 246.2 of title 7, Code of Federal Regula-
18 tions.

19 (2) QUALIFIED FOOD PACKAGE.—The term
20 “qualified food package” means the following food
21 packages under section 246.10(e) of title 7, Code of
22 Federal Regulations:

23 (A) Food Package IV—Children 1 through
24 4 years.

1 (B) Food Package V—Pregnant and par-
2 tially (mostly) breastfeeding women.

3 (C) Food Package VI—Postpartum women.

4 (D) Food Package VII—Fully
5 breastfeeding.

6 (3) SECRETARY.—The term “Secretary” means
7 the Secretary of Agriculture.

8 (4) STATE AGENCY.—The term “State agency”
9 has the meaning given the term in section 17(b) of
10 the Child Nutrition Act of 1966 (42 U.S.C.
11 1786(b)).

12 **SEC. 204. COVID-19 WIC SAFETY AND MODERNIZATION.**

13 (a) ESTABLISHMENT OF TASK FORCE.—Not later
14 than 90 days after the date of the enactment of this sec-
15 tion, the Secretary shall establish a task force on supple-
16 mental foods delivery in the special supplemental nutrition
17 program (in this section referred to as the “Task Force”).

18 (b) MEMBERSHIP.—

19 (1) COMPOSITION.—The Task Force shall be
20 composed of at least 1 member but not more than
21 3 members appointed by the Secretary from each of
22 the following:

23 (A) Retailers of supplemental foods.

24 (B) Representatives of State agencies.

1 (C) Representatives of Indian State agen-
2 cies.

3 (D) Representatives of local agencies.

4 (E) Technology companies with experience
5 maintaining the special supplemental nutrition
6 program information systems and technology,
7 including management information systems or
8 electronic benefit transfer services.

9 (F) Manufacturers of supplemental foods.

10 (G) Participants in the special supple-
11 mental nutrition program from diverse loca-
12 tions.

13 (H) Other organizations that have experi-
14 ence with and knowledge of the special supple-
15 mental nutrition program.

16 (2) LIMITATION ON MEMBERSHIP.—The Task
17 Force shall be composed of not more than 20 mem-
18 bers.

19 (c) DUTIES.—

20 (1) STUDY.—The Task Force shall study meas-
21 ures to streamline the redemption of supplemental
22 foods benefits that promote convenience, safety, and
23 equitable access to supplemental foods, including in-
24 fant formula, for participants in the special supple-
25 mental nutrition program, including—

1 (A) online and telephonic ordering and
2 curbside pickup of, and payment for, supple-
3 mental foods;

4 (B) online and telephonic purchasing of
5 supplemental foods;

6 (C) home delivery of supplemental foods;

7 (D) self checkout for purchases of supple-
8 mental foods; and

9 (E) other measures that limit or eliminate
10 consumer presence in a physical store.

11 (2) REPORT BY TASK FORCE.—Not later than
12 September 30, 2021, the Task Force shall submit to
13 the Secretary a report that includes—

14 (A) the results of the study required under
15 paragraph (1); and

16 (B) recommendations with respect to such
17 results.

18 (3) REPORT BY SECRETARY.—Not later than
19 45 days after receiving the report required under
20 paragraph (2), the Secretary shall—

21 (A) submit to Congress a report that in-
22 cludes—

23 (i) a plan with respect to carrying out
24 the recommendations received by the Sec-

1 retary in such report under paragraph (2);

2 and

3 (ii) an assessment of whether legisla-
4 tive changes are necessary to carry out
5 such plan; and

6 (B) notify the Task Force of the submis-
7 sion of the report required under subparagraph
8 (A).

9 (4) PUBLICATION.—The Secretary shall make
10 publicly available on the website of the Department
11 of Agriculture—

12 (A) the report received by the Secretary
13 under paragraph (2); and

14 (B) the report submitted by the Secretary
15 under paragraph (3)(A).

16 (d) TERMINATION.—The Task Force shall terminate
17 on the date the Secretary submits the report required
18 under paragraph (3)(A).

19 (e) NONAPPLICABILITY OF FACA.—The Federal Ad-
20 visory Committee Act (5 U.S.C. App.) shall not apply to
21 the Task Force.

22 (f) DEFINITIONS.—In this section:

23 (1) LOCAL AGENCY.—The term “local agency”
24 has the meaning given the term in section 17(b) of

1 the Child Nutrition Act of 1966 (42 U.S.C.
2 1786(b)).

3 (2) SECRETARY.—The term “Secretary” means
4 the Secretary of Agriculture.

5 (3) SPECIAL SUPPLEMENTAL NUTRITION PRO-
6 GRAM.—The term “special supplemental nutrition
7 program” means the special supplemental nutrition
8 program under section 17 of the Child Nutrition Act
9 of 1966 (42 U.S.C. 1786).

10 (4) STATE AGENCY.—The term “State agency”
11 has the meaning given the term in section 17(b) of
12 the Child Nutrition Act of 1966 (42 U.S.C.
13 1786(b)).

14 (5) SUPPLEMENTAL FOODS.—The term “sup-
15 plemental foods” has the meaning given the term in
16 section 17(b) of the Child Nutrition Act of 1966 (42
17 U.S.C. 1786(b)).

18 **SEC. 205. SERVING YOUTH IN THE CHILD AND ADULT CARE**

19 **FOOD PROGRAM AT EMERGENCY SHELTERS.**

20 (a) PROGRAM FOR AT-RISK SCHOOL CHILDREN.—
21 Beginning on the date of the enactment of this section,
22 notwithstanding paragraph (1)(A) of section 17(r) of the
23 Richard B. Russell National School Lunch Act (42 U.S.C.
24 1766(r)), during the COVID–19 public health emergency
25 declared under section 319 of the Public Health Service

1 Act (42 U.S.C. 247d), the Secretary shall reimburse insti-
2 tutions that are emergency shelters under such section
3 17(r) (42 U.S.C. 1766(r)) for meals and supplements
4 served to individuals who at the time of such service have
5 not attained the age of 25.

6 (b) PARTICIPATION BY EMERGENCY SHELTERS.—
7 Beginning on the date of the enactment of this section,
8 notwithstanding paragraph (5)(A) section 17(t) of the
9 Richard B. Russell National School Lunch Act (42 U.S.C.
10 1766(t)), during the COVID–19 public health emergency
11 declared under section 319 of the Public Health Service
12 Act (42 U.S.C. 247d), the Secretary shall reimburse emer-
13 gency shelters under such section 17(t) (42 U.S.C.
14 1766(t)) for meals and supplements served to individuals
15 who at the time of such service have not attained the age
16 of 25.

17 (c) FUNDING.—There are hereby appropriated to the
18 Secretary, out of any funds in the Treasury not otherwise
19 appropriated, such sum as may be necessary to carry out
20 this section.

21 (d) DEFINITIONS.—In this section:

22 (1) EMERGENCY SHELTER.—The term “emer-
23 gency shelter” has the meaning given the term
24 under section 17(t)(1) of the Richard B. Russell Na-
25 tional School Lunch Act (42 U.S.C. 1766(t)(1)).

1 (2) SECRETARY.—The term “Secretary” means
2 the Secretary of Agriculture.

3 **SEC. 206. CALCULATION OF PAYMENTS AND REIMBURSE-**
4 **MENTS FOR CERTAIN CHILD NUTRITION PRO-**
5 **GRAMS.**

6 (a) RICHARD B. RUSSELL NATIONAL SCHOOL
7 LUNCH ACT.—

8 (1) COMMODITY ASSISTANCE.—Notwithstanding
9 any other provision of law, for purposes of providing
10 commodity assistance to a State under section
11 6(c)(1)(C) of the Richard B. Russell National School
12 Lunch Act (42 U.S.C. 1755(c)(1)(C)) or cash assist-
13 ance in lieu of such commodity assistance under sec-
14 tion 16 of such Act (42 U.S.C. 1765) the Secretary
15 shall deem the number of lunches served by school
16 food authorities in such State during the 2020 pe-
17 riod to be equal to the greater of the following:

18 (A) The number of lunches served by such
19 school food authorities in such State during the
20 2019 period.

21 (B) The number of lunches served by such
22 school food authorities in such State during the
23 2020 period.

24 (2) SPECIAL ASSISTANCE PAYMENTS.—Notwith-
25 standing any other provision of law, in determining

1 the number of meals served by a school for purposes
 2 of making special assistance payments to a State
 3 with respect to a school under subparagraph (B),
 4 clause (ii) or (iii) of subparagraph (C), or subpara-
 5 graph (E)(i)(II) of section 11(a)(1) of the Richard
 6 B. Russell National School Lunch Act (42 U.S.C.
 7 1759a(a)(1)), the Secretary shall deem the number
 8 of meals served by such school during the 2020 pe-
 9 riod to be equal to the greater of the following:

10 (A) The number of meals served by such
 11 school during the 2019 period.

12 (B) The number of meals served by such
 13 school during the 2020 period.

14 (b) CHILD NUTRITION ACT OF 1966.—

15 (1) STATE ADMINISTRATIVE EXPENSES.—Not-
 16 withstanding any other provision of law, for pur-
 17 poses of making payments to a State under section
 18 7(a) of the Child Nutrition Act of 1966 (42 U.S.C.
 19 1776(a)), the Secretary shall deem the number of
 20 meals and supplements served by such school food
 21 authorities in such State during the 2020 period to
 22 be equal to the greater of the following:

23 (A) The number of meals and supplements
 24 served by such school food authorities in such
 25 State during the 2019 period.

1 (B) The number of meals and supplements
2 served by such school food authorities in such
3 State during the 2020 period.

4 (2) TEAM NUTRITION NETWORK.—Notwith-
5 standing any other provision of law, for purposes of
6 making allocations to a State under section 19(d) of
7 the Child Nutrition Act of 1966 (42 U.S.C.
8 1788(d)), the Secretary shall deem the number of
9 lunches served by school food authorities in such
10 State during the 2020 period to be equal to the
11 greater of the following:

12 (A) The number of lunches served by such
13 school food authorities in such State during the
14 2019 period.

15 (B) The number of lunches served by such
16 school food authorities in such State during the
17 2020 period.

18 (c) DEFINITIONS.—In this section:

19 (1) SECRETARY.—The term “Secretary” means
20 the Secretary of Agriculture.

21 (2) 2019 PERIOD.—The term “2019 period”
22 means the period beginning March 1, 2019 and end-
23 ing June 30, 2019.

1 (3) 2020 PERIOD.—The term “2020 period”
2 means the period beginning March 1, 2020 and end-
3 ing June 30, 2020.

4 **SEC. 207. REPORTING ON WAIVER AUTHORITY.**

5 (a) APPLICATION TO DOCUMENTS RECEIVED OR
6 ISSUED ON OR AFTER DATE OF ENACTMENT.—Beginning
7 on the date of the enactment of this section, not later than
8 10 days after the date of the receipt or issuance of each
9 document specified in paragraph (1), (2), or (3) of this
10 subsection, the Secretary of Agriculture shall make pub-
11 licly available on the website of the Department of Agri-
12 culture the following documents:

13 (1) Any request submitted by State agencies for
14 a qualified waiver.

15 (2) The Secretary’s approval or denial of each
16 such request.

17 (3) Any guidance issued by the Secretary with
18 respect to a qualified waiver.

19 (b) INCLUSION OF DATE WITH GUIDANCE.—With re-
20 spect to the guidance described in subsection (a)(3), the
21 Secretary of Agriculture shall include the date on which
22 such guidance was issued on the publicly available website
23 of the Department of Agriculture on such guidance.

24 (c) APPLICATION RECEIVED OR ISSUED BEFORE
25 DATE OF ENACTMENT.—In the case of a document speci-

1 fied in paragraph (1), (2), or (3) of subsection (a) received
 2 or issued by the Secretary of Agriculture before the date
 3 of the enactment of this section, the Secretary of Agri-
 4 culture shall, not later than 30 days after the date of the
 5 enactment of this section, make publicly available on the
 6 website of the Department of Agriculture—

7 (1) the documents described in paragraphs (1)
 8 through (3) of subsection (a) with respect to each
 9 received or issued document; and

10 (2) if the Secretary issued guidance with re-
 11 spect to a qualified waiver issued before the date of
 12 the enactment of this section, the date on which
 13 such guidance was issued.

14 (d) QUALIFIED WAIVER DEFINED.—In this section,
 15 the term “qualified waiver” means a waiver under section
 16 2102, 2202, 2203, or 2204 of the Families First
 17 Coronavirus Response Act (Public Law 116–127).

18 **TITLE III—RELATED PROGRAMS**

19 **SEC. 301. COMMUNITY SERVICES BLOCK GRANT ENHANCE-** 20 **MENT ACT OF 2020.**

21 (a) DISTRIBUTION OF CARES ACT FUNDS TO
 22 STATES.—Section 675B(b)(3) of the Community Services
 23 Block Grant Act (42 U.S.C. 9906(b)(3)) shall not apply
 24 with respect to funds appropriated by the CARES Act

1 (Public Law 116–136) to carry out the Community Serv-
 2 ices Block Grant Act (42 U.S.C. 9901 et seq.).

3 (b) INCREASED POVERTY LINE.—For purposes of
 4 carrying out the Community Services Block Grant Act (42
 5 U.S.C. 9901 et seq.) with any funds appropriated for fis-
 6 cal year 2021 for such Act, the term “poverty line” as
 7 defined in section 673(2) of such Act (42 U.S.C. 9902(2))
 8 means 200 percent of the poverty line otherwise applicable
 9 under such section (excluding the last sentence of such
 10 section) without regard to this subsection.

11 (c) DISTRIBUTION OF CARES ACT FUNDS BY
 12 STATES TO ELIGIBLE ENTITIES.—Funds appropriated by
 13 the CARES Act (Public Law 116–136) to carry out the
 14 Community Services Block Grant Act (42 U.S.C. 9901 et
 15 seq.) and received by a State shall be made available to
 16 eligible entities (as defined in section 673(1)(A) of such
 17 Act (42 U.S.C. 9902(1)(A))) not later than either 30 days
 18 after such State receives such funds or 30 days after the
 19 date of the enactment of this Act, whichever occurs later.

20 **SEC. 302. FLEXIBILITY FOR THE RUNAWAY AND HOMELESS**
 21 **YOUTH PROGRAM.**

22 During the public health emergency declared by the
 23 Secretary of Health and Human Services under section
 24 319 of the Public Health Service Act (42 U.S.C. 247d)
 25 on January 31, 2020, with respect to COVID–19, and any

1 renewal of such declaration, the Secretary may waive with
2 respect to a current or future grantee of funds provided
3 to carry out the Runaway and Homeless Youth Act (42
4 U.S.C. 11201 et seq.)—

5 (1) the 21-day maximum period for which shel-
6 ter may be provided applicable under section
7 311(a)(2)(B)(i) of such Act (34 U.S.C.
8 11211(a)(2)(B)(i));

9 (2) the 20-youth maximum capacity of a center
10 or facility applicable under section 312(b)(2)(A) of
11 such Act (34 U.S.C. 11212(b)(2)(A)) if such grantee
12 provides an assurance that waiving such requirement
13 would not compromise the health and safety of
14 youth or staff and would not compromise such
15 grantee's ability to implement the applicable guid-
16 ance issued by the Centers for Disease Control and
17 Prevention to mitigate the spread of COVID–19, in-
18 cluding the implementation of appropriate social
19 distancing measures;

20 (3) the 540-day and 635-day maximum contin-
21 uous periods for which shelter and services may be
22 provided applicable under section 322(a)(2) of such
23 Act (34 U.S.C. 11222(a)(2));

24 (4) the 20-individual maximum capacity of a
25 shelter or facility applicable under section 322(a)(4)

1 of such Act (34 U.S.C. 11222(a)(4)) if such grantee
 2 provides an assurance that waiving such requirement
 3 would not compromise the health and safety of
 4 youth or staff and would not compromise such
 5 grantee's ability to implement the applicable guid-
 6 ance issued by the Centers for Disease Control and
 7 Prevention to mitigate the spread of COVID-19, in-
 8 cluding the implementation of appropriate social
 9 distancing measures; and

10 (5) the 90-percent limitation on the Federal
 11 cost share applicable under section 383(a) of such
 12 Act (34 U.S.C. 11274(a)).

13 **SEC. 303. EXTENSION OF CERTAIN NUTRITION FLEXIBILI-**
 14 **TIES FOR OLDER AMERICANS ACT PRO-**
 15 **GRAMS NUTRITION SERVICES.**

16 (a) **TRANSFER AUTHORITY.**—Notwithstanding any
 17 other provision of the Older Americans Act of 1965 (42
 18 U.S.C. 3001 et seq.), with respect to funds received by
 19 a State for fiscal year 2021 and attributable to funds ap-
 20 propriated under paragraph (1) or (2) of section 303(b)
 21 of such Act, the State may elect in its plan under section
 22 307(a)(13) of such Act regarding part C of title III of
 23 such Act, to transfer between subpart 1 and subpart 2
 24 of part C any amount of the funds so received notwith-
 25 standing the limitation on transfer authority provided in

1 subparagraph (A) of section 308(b)(4) of such Act and
2 without regard to subparagraph (B) of such section. The
3 preceding sentence shall apply to such funds until ex-
4 pended by the State.

5 (b) HOME-DELIVERED NUTRITION SERVICES WAIV-
6 ER.—For purposes determining eligibility for the delivery
7 of nutrition services under section 337 of the Older Ameri-
8 cans Act of 1965 (42 U.S.C. 3030g) with funds received
9 by a State under the Older Americans Act of 1965 (42
10 U.S.C. 2001 et seq.) for fiscal 2021, the State shall treat
11 an older individual who is unable to obtain nutrition be-
12 cause such individual is practicing social distancing due
13 to the emergency in the same manner as the State treats
14 an older individual who is homebound by reason of illness.
15 The preceding sentence shall apply to such funds until ex-
16 pended by the State.

17 (c) DIETARY GUIDELINES WAIVER.—To facilitate
18 implementation of subparts 1 and 2 of part C of title III
19 of the Older Americans Act of 1965 (42 U.S.C. 3030d–
20 2 et seq.) with funds received by a State for fiscal year
21 2021, the Assistant Secretary on Aging may waive, but
22 make every effort practicable to continue to encourage the
23 restoration of, the applicable requirements that meals pro-
24 vided under such subparts comply with the requirements
25 of clauses (I) and (ii) of section 339(2)(A) of such Act

1 (42 U.S.C. 3030g–21(2)(A)). The preceding sentence shall
2 apply to such funds until expended by the State.

3 **SEC. 304. USE OF LIHEAP SUPPLEMENTAL APPROPRIA-**
4 **TIONS.**

5 Notwithstanding the Low-Income Home Energy As-
6 sistance Act of 1981, with respect to amounts appro-
7 priated under title VIII of division A of this Act to carry
8 out the Low-Income Home Energy Assistance Act of
9 1981, each State, the Commonwealth of Puerto Rico,
10 Guam, American Samoa, the Virgin Islands of the United
11 States, the Commonwealth of the Northern Mariana Is-
12 lands, and each Indian Tribe, as applicable, that receives
13 an allotment of funds from such amounts shall, in using
14 such funds, for purposes of income eligibility, accept proof
15 of job loss or severe income loss dated after February 29,
16 2020, such as a layoff or furlough notice or verification
17 of application for unemployment benefits, as sufficient to
18 demonstrate lack of income for an individual or household.

19 **SEC. 305. CORPORATION FOR NATIONAL AND COMMUNITY**
20 **SERVICE.**

21 (a) CNCS LEGISLATIVE FLEXIBILITIES.—

22 (1) MATCH WAIVER.—During the period begin-
23 ning on the date of the enactment of this Act and
24 ending on September 30, 2022, notwithstanding any
25 other provision of law, if a grantee of the Corpora-

tion for National and Community Service is unable to meet a requirement to provide matching funds due to funding constraints resulting from the COVID–19 national emergency, the Chief Executive Officer of the Corporation for National and Community Service may—

(A) waive any requirement that such grantee provide matching funds for a program; and

(B) increase the Federal share of the grant for such program up to 100 percent.

(2) END-OF-SERVICE CASH STIPEND.—Section 3514(a)(2)(B) of the CARES Act is amended by inserting “, or the full value of the stipend under section 105(a) of title I of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 4955)” after “such subtitle”.

(3) SENIOR CORPS VOLUNTEER RECRUITMENT.—During the period beginning on the date of the enactment and ending on September 30, 2022, notwithstanding sections 201(a), 211(d), 211(e), and 213(a) of title II of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 5000 et seq.)—

(A) an individual age 45 years or older may enroll as a volunteer to provide services

1 under parts A, B or C of such title to address
2 the critical needs of local communities across
3 the country during the COVID–19 national
4 emergency; and

5 (B) for the purposes of parts B and C of
6 such title II, “low-income person” and “person
7 of low income” mean any person whose income
8 is not more than 400 percent of the poverty line
9 for a single individual.

10 (b) NATIONAL SERVICE EXPANSION FEASIBILITY
11 STUDY.—

12 (1) STUDY REQUIRED.—The Corporation for
13 National and Community Service shall conduct a
14 study on the feasibility of increasing the capacity of
15 national service programs to respond to the eco-
16 nomic and social impact on communities across the
17 country resulting from the COVID–19 national
18 emergency and public health crisis.

19 (2) SCOPE OF STUDY.—In conducting the study
20 required under paragraph (1), the Corporation for
21 National and Community Service shall examine new
22 and existing programs, partnerships, organizations,
23 and grantees that could be utilized to respond to the
24 COVID–19 national emergency as described in sub-
25 section (a), including—

1 (A) service opportunities related to food se-
2 curity, education, economic opportunity, and
3 disaster or emergency response;

4 (B) partnerships with the Department of
5 Health and Human Services, the Centers for
6 Disease Control and Prevention, and public
7 health departments in all 50 States and terri-
8 tories to respond to public health needs related
9 to COVID–19 such as testing, contact tracing,
10 or related activities; and

11 (C) the capacity and ability of the State
12 Commissions on National and Community Serv-
13 ice to respond to the needs of State and local
14 governments in each State or territory in which
15 such State Commission is in operation.

16 (3) REQUIRED FACTORS OF THE STUDY.—In
17 examining new and existing programs, partnerships,
18 organizations, and grantees as required under para-
19 graph (2), the Corporation for National and Com-
20 munity Service shall examine—

21 (A) the cost and resources necessary re-
22 lated to increased capacity;

23 (B) the timeline for implementation of any
24 expanded partnerships or increased capacity;

1 (C) options to use existing corps programs
2 overseen by the Corporation for National and
3 Community Service for increasing such capac-
4 ity, and the role of programs, such as
5 AmeriCorps, AmeriCorps VISTA, AmeriCorps
6 National Civilian Community Corps, or Senior
7 Corps, for increasing capacity;

8 (D) the ability to increase diversity, includ-
9 ing economic, racial, ethnic, and gender diver-
10 sity, among national service volunteers and pro-
11 grams;

12 (E) the geographic distribution of demand
13 by State due to the economic or health related
14 impacts of COVID–19 for national service vol-
15 unteer opportunities across the country and the
16 additional volunteer capacity needed to meet
17 such demand, comparing existing demand for
18 volunteer opportunities to expected or realized
19 increases as a result of COVID–19; and

20 (F) whether any additional administrative
21 capacity at the Corporation for National and
22 Community Service, such as grantee organiza-
23 tional capacity, is needed to respond to the in-
24 creased capacity of such new or existing pro-

1 grams, partnerships, organizations, and grant-
2 ees.

3 (4) REPORTS TO CONGRESSIONAL COMMIT-
4 TEES.—

5 (A) IN GENERAL.—Not later than 60 days
6 after the date of the enactment of this Act, the
7 Chief Executive Officer of the Corporation for
8 National and Community Service shall submit
9 to the congressional committees under subpara-
10 graph (B) a report on the results of the study
11 under paragraph (1) with recommendations on
12 the role for the Corporation for National and
13 Community Service in responding to the
14 COVID–19 national emergency, including any
15 recommendations for legislative, regulatory, and
16 administrative changes based on findings re-
17 lated to the topics identified under subsection
18 (b).

19 (B) CONGRESSIONAL COMMITTEES.—The
20 congressional committees under this subpara-
21 graph are—

22 (i) the Committee on Education and
23 Labor and the Committee on Appropria-
24 tions of the House of Representatives; and

1 (ii) the Committee on Health, Edu-
2 cation, Labor, and Pensions and the Com-
3 mittee on Appropriations of the Senate.

4 (c) DEFINITIONS.—In this section, the following defi-
5 nitions apply:

6 (1) COVID–19 NATIONAL EMERGENCY.—The
7 term “COVID–19 national emergency” means the
8 national emergency declared by the President under
9 the National Emergencies Act (50 U.S.C. 1601 et
10 seq.) on March 13, 2020, with respect to COVID–
11 19.

12 (2) GRANTEE.—The term “grantee” means a
13 recipient of a grant under the Domestic Volunteer
14 Service Act of 1973 (42 U.S.C. 4950 et seq.) or the
15 National and Community Service Act of 1990 (42
16 U.S.C. 12501 et seq.) to run a program.

17 (3) POVERTY LINE FOR A SINGLE INDIVIDUAL.—The term “poverty line for a single indi-
18 vidual” has the meaning given such term in section
19 421 of the Domestic Volunteer Service Act of 1973
20 (42 U.S.C. 5061).

22 (4) PROGRAM.—The term “program” means a
23 program funded under the Domestic Volunteer Serv-
24 ice Act of 1973 (42 U.S.C. 4950 et seq.) or the Na-

1 tional and Community Service Act of 1990 (42
2 U.S.C. 12501 et seq.).

3 (5) STATE COMMISSION.—The term “State
4 Commission” has the meaning given such term in
5 section 101 of the National and Community Service
6 Act (42 U.S.C. 12511).

7 **SEC. 306. MATCHING FUNDS WAIVER FOR FORMULA**
8 **GRANTS AND SUBGRANTS UNDER THE FAM-**
9 **ILY VIOLENCE PREVENTION AND SERVICES**
10 **ACT.**

11 (a) WAIVER OF MATCHING FUNDS FOR AWARDED
12 GRANTS AND SUBGRANTS.—The Secretary of Health and
13 Human Services shall waive—

14 (1) the non-Federal contributions requirement
15 under subsection (c)(4) of section 306 of the Family
16 Violence Prevention and Services Act (42 U.S.C.
17 10406) with respect to the grants and subgrants
18 awarded in fiscal years 2019, 2020, and 2021 to
19 each State (as defined in section 302 of such Act
20 (42 U.S.C. 10402)) and the eligible entities within
21 such State under section 306 or 308 of such Act (42
22 U.S.C. 10406; 10408); and

23 (2) the reporting requirements required under
24 such grants and subgrants that relate to such non-
25 Federal contributions requirement.

1 (b) WAIVER OF MATCHING FUNDS FOR GRANTS
2 AWARDED AFTER DATE OF ENACTMENT.—

3 (1) IN GENERAL.—Subsection (c)(4) of section
4 306 of the Family Violence Prevention and Services
5 Act (42 U.S.C. 10406) shall not apply to a qualified
6 grant during the period of a public health emergency
7 declared pursuant to section 319 of the Public
8 Health Service Act (42 U.S.C. 247d) resulting from
9 the COVID–19 pandemic.

10 (2) QUALIFIED GRANT DEFINED.—In this sub-
11 section, the term “qualified grant” means a grant or
12 subgrant awarded—

13 (A) after the date of the enactment of this
14 section; and

15 (B) under section 306, 308, or 309 of the
16 Family Violence Prevention and Services Act
17 (42 U.S.C. 10406; 10408; 10409).

18 **DIVISION E—SMALL BUSINESS** 19 **PROVISIONS**

20 **SEC. 100. SHORT TITLE, ETC.**

21 (a) SHORT TITLE.—This division may be cited as the
22 “PPP and EIDL Enhancement Act of 2020”.

23 (b) TABLE OF CONTENTS.—The table of contents for
24 this division is as follows:

Sec. 100. Short Title, etc.

TITLE I—FUNDING PROVISIONS

- Sec. 101. Amount authorized for commitments.
- Sec. 102. Funding for the paycheck protection program.
- Sec. 103. Direct appropriations.

TITLE II—MODIFICATIONS TO THE PAYCHECK PROTECTION PROGRAM

- Sec. 201. Periods for loan forgiveness and application submission.
- Sec. 202. Supplemental covered loans for certain business concerns.
- Sec. 203. Certifications and documentation for forgiveness of covered loans.
- Sec. 204. Eligibility of certain organizations for loans under the paycheck protection program.
- Sec. 205. Limit on aggregate loan amount for eligible recipients with more than one physical location.
- Sec. 206. Allowable uses of covered loans; forgiveness.
- Sec. 207. Documentation required for certain eligible recipients.
- Sec. 208. Exclusion of certain publicly traded and foreign entities.
- Sec. 209. Election of 12-week period by seasonal employers.
- Sec. 210. Inclusion of certain refinancing in nonrecourse requirements.
- Sec. 211. Credit elsewhere requirements.
- Sec. 212. Prohibition on receiving duplicative amounts for payroll costs.
- Sec. 213. Application of certain terms through life of covered loan.
- Sec. 214. Interest calculation on covered loans.
- Sec. 215. Reimbursement for processing.
- Sec. 216. Duplication requirements for economic injury disaster loan recipients.
- Sec. 217. Reapplication for and modification to paycheck protection program.
- Sec. 218. Treatment of certain criminal violations.

TITLE III—TAX PROVISIONS

- Sec. 301. Improved coordination between paycheck protection program and employee retention tax credit.

TITLE IV—COVID-19 ECONOMIC INJURY DISASTER LOAN PROGRAM REFORM

- Sec. 401. Sense of Congress.
- Sec. 402. Notices to applicants for economic injury disaster loans or advances.
- Sec. 403. Modifications to emergency EIDL advances.
- Sec. 404. Data transparency, verification, and notices for economic injury disaster loans.
- Sec. 405. Lifeline funding for small business continuity, adaptation, and resiliency.
- Sec. 406. Modifications to economic injury disaster loans.
- Sec. 407. Principal and interest payments for certain disaster loans.
- Sec. 408. Training.
- Sec. 409. Outreach plan.
- Sec. 410. Report on best practices.
- Sec. 411. Extension of period of availability for administrative funds.

TITLE V—MICRO-SBIC AND EQUITY INVESTMENT ENHANCEMENT

- Sec. 501. Micro-SBIC Program.

TITLE VI—MISCELLANEOUS

- Sec. 601. Repeal of unemployment grants.

- Sec. 602. Subsidy for certain loan payments.
- Sec. 603. Modifications to 7(a) loan programs.
- Sec. 604. Flexibility in deferral of payments of 7(a) loans.
- Sec. 605. Recovery assistance under the microloan program.
- Sec. 606. Maximum loan amount for 504 loans.
- Sec. 607. Temporary fee reductions.
- Sec. 608. Extension of participation in 8(a) program.
- Sec. 609. Report on minority, women, and rural lending.
- Sec. 610. Comprehensive program guidance.
- Sec. 611. Reports on paycheck protection program.
- Sec. 612. Prohibiting conflicts of interest for small business programs under the CARES Act.
- Sec. 613. Inclusion of SCORE and Veteran Business Outreach Centers in entrepreneurial development programs.
- Sec. 614. Clarification of use of CARES Act funds for small business development centers.
- Sec. 615. Funding for the Office of Inspector General of the Small Business Administration.
- Sec. 616. Extension of waiver of matching funds requirement under the Women's Business Center program.
- Sec. 617. Access to Small Business Administration information and databases.
- Sec. 618. Small business local relief program.
- Sec. 619. Grants for independent live venue operators.

1 (c) DEFINITIONS.—In this division:

2 (1) ADMINISTRATION.—The term “Administra-
3 tion” means the Small Business Administration.

4 (2) ADMINISTRATOR.—The term “Adminis-
5 trator” means the Administrator of the Small Busi-
6 ness Administration.

7 (d) EFFECTIVE DATE; APPLICABILITY.—Except as
8 otherwise provided in this division, this division and the
9 amendments made by this division shall take effect on the
10 date of the enactment of this Act and shall apply to loans
11 made, or other assistance provided, on or after the date
12 of the enactment of this Act.

1 **TITLE I—FUNDING PROVISIONS**

2 **SEC. 101. AMOUNT AUTHORIZED FOR COMMITMENTS.**

3 Section 1102(b)(1) of the CARES Act (Public Law
4 116–136) is amended to read as follows:

5 “(1) PPP LOANS.—During the period begin-
6 ning on the date of enactment of this subsection and
7 ending on December 31, 2020, subject to the avail-
8 ability of appropriations, the Administrator may
9 make commitments under paragraph (36) of section
10 7(a) of the Small Business Act (15 U.S.C.
11 636(a)).”.

12 **SEC. 102. FUNDING FOR THE PAYCHECK PROTECTION PRO-** 13 **GRAM.**

14 (a) IN GENERAL.—Section 7(a)(36)(S) of the Small
15 Business Act (15 U.S.C. 636(a)(36)(S)) is amended to
16 read as follows:

17 “(S) SET ASIDE FOR CERTAIN ENTITIES.—
18 The Administrator shall provide for the cost to
19 guarantee covered loans made under this para-
20 graph—

21 “(i) a set aside of not less than 10
22 percent of each such amount for covered
23 loans—

24 “(I) made to eligible recipients
25 with 10 or fewer employees, including

1 individuals who operate under a sole
 2 proprietorship or as an independent
 3 contractor and eligible self-employed
 4 individuals; or

5 “(II) less than or equal to
 6 \$250,000 made to an eligible recipient
 7 that is located in a low- or moderate-
 8 income neighborhoods (as defined
 9 under the Community Reinvestment
 10 Act of 1977).

11 “(ii) a set aside of not more than 30
 12 percent of each such amount for covered
 13 loan made to nonprofit organizations, orga-
 14 nizations described in subparagraph
 15 (D)(viii), or housing cooperatives; and

16 “(iii) a set aside of not more than 50
 17 percent of each such amount for supple-
 18 mental covered loans made under subpara-
 19 graph (B)(ii).”.

20 (b) SET ASIDE FOR COMMUNITY FINANCIAL INSTI-
 21 TUTIONS.—Of amounts appropriated by the Paycheck
 22 Protection Program and Health Care Enhancement Act
 23 (Public Law 116–139) under the heading “Small Business
 24 Administration—Business Loans Program Account,
 25 CARES Act” that have not been obligated or expended,

1 the lesser of 25 percent of such amounts or
 2 \$15,000,000,000 shall be set aside for the cost to guar-
 3 antee covered loans made under section 7(a)(36) of the
 4 Small Business Act (15 U.S.C. 636(a)(36)) by community
 5 financial institutions (as such term is defined in subpara-
 6 graph (A)(xi) of such section).

7 (c) AMOUNTS RETURNED.—Section 7(a)(36) of the
 8 Small Business Act (15 U.S.C. 636(a)(36)) is amended
 9 by adding at the end the following new subparagraph:

10 “(T) AMOUNTS RETURNED.—Any amounts
 11 returned to the Secretary of the Treasury due
 12 to the cancellation of a covered loan shall be
 13 solely used for the cost to guarantee covered
 14 loans made to eligible recipients with 10 or
 15 fewer employees or covered loans of less than or
 16 equal to \$250,000 made to an eligible recipient
 17 that is located in a low- or moderate-income
 18 neighborhoods (as defined under the Commu-
 19 nity Reinvestment Act of 1977).”.

20 **SEC. 103. DIRECT APPROPRIATIONS.**

21 There is appropriated, out of amounts in the Treas-
 22 ury not otherwise appropriated, for additional amounts—

23 (1) for the cost of carrying out section 407 of
 24 this division, \$8,000,000,000;

1 (2) for the cost of carrying out title V of this
2 division, \$1,000,000,000;

3 (3) for the cost of carrying out section 603 and
4 607 of this division, \$1,000,000,000;

5 (4) for the cost of carrying out section 605 of
6 this division, \$57,000,000;

7 (5) for the cost of carrying out section 618 of
8 this division, \$15,000,000,000; and

9 (6) for the cost of carrying out section 619 of
10 this division, \$10,000,000,000.

11 **TITLE II—MODIFICATIONS TO**
12 **THE PAYCHECK PROTECTION**
13 **PROGRAM**

14 **SEC. 201. PERIODS FOR LOAN FORGIVENESS AND APPLICA-**
15 **TION SUBMISSION.**

16 (a) PERIOD FOR COSTS THAT ARE ELIGIBLE FOR
17 FORGIVENESS AND APPLICATION SUBMISSION.—Section
18 1106 of the CARES Act (15 U.S.C. 9005) is amended—

19 (1) in subsection (a), by striking paragraph (3)
20 and inserting the following:

21 “(3) the term ‘covered period’ means the period
22 beginning on the date of the origination of a covered
23 loan and ending on a date selected by the eligible re-
24 cipient of the covered loan that—

3 “(B) is not later than the date that is 24
4 weeks after such date of origination;”

(2) in subsection (d), by striking “December 31, 2020” each place it appears and inserting “September 30, 2021”; and

(3) by striking subsection (l) and inserting the following new subsection:

“(1) APPLICATION DEADLINE.—An eligible recipient may apply for forgiveness under this section any time after covered period if proceeds from a covered loan have been spent and the eligible recipient is in compliance with subsections (e) and (f).”.

(b) APPLICABILITY OF AMENDMENTS.—The amendments made by subsection (b) shall be effective as if included in the CARES Act (Public Law 116–136) and shall apply to any loan made pursuant to section 7(a)(36) of the Small Business Act (15 U.S.C. 636(a)(36)) or section 1109 of the CARES Act (15 U.S.C. 9008).

21 SEC. 202. SUPPLEMENTAL COVERED LOANS FOR CERTAIN
22 BUSINESS CONCERNS.

23 Section 7(a)(36)(B) of the Small Business Act (15
24 U.S.C. 636(a)(36)(B)) is amended—

1 (1) by striking “Except” and inserting the fol-
 2 lowing:

3 “(i) IN GENERAL.—Except”; and

4 (2) by adding at the end the following new
 5 clause:

6 “(ii) SUPPLEMENTAL COVERED
 7 LOANS.—

8 “(I) DEFINITIONS.—In this
 9 clause—

10 “(aa) the terms ‘exchange’,
 11 ‘issuer’, and ‘security’ have the
 12 meanings given such terms in
 13 section 3(a) of the Securities Ex-
 14 change Act of 1934 (15 U.S.C.
 15 78c(a));

16 “(bb) the term ‘gross re-
 17 ceipts’ means gross receipts with-
 18 in the meaning of section 448(c)
 19 of the Internal Revenue Code of
 20 1986;

21 “(cc) the term ‘national se-
 22 curities exchange’ means an ex-
 23 change registered as a national
 24 securities exchange under section

1 6 of the Securities Exchange Act
2 of 1934 (15 U.S.C. 78f);

3 “(dd) the term ‘publicly
4 traded entity’ means an issuer,
5 the securities of which are listed
6 on a national securities exchange;

7 “(ee) the term ‘smaller con-
8 cern’ means an eligible recipient
9 that—

10 “(AA) has not more
11 than 200 employees;

12 “(BB) operates under a
13 sole proprietorship or as an
14 independent contractor; or

15 “(CC) is an eligible
16 self-employed individual; and

17 “(ff) the term ‘significant
18 loss in revenue’ means that, due
19 to the impact of COVID–19—

20 “(AA) the gross re-
21 ceipts of the eligible recipi-
22 ent during the first, second,
23 or third calendar quarter of
24 2020 are less than 75 per-
25 cent of the gross receipts of

1 the eligible recipient during
2 the same calendar quarter in
3 2019;

4 “(BB) if the eligible re-
5 cipient was not in business
6 on April 1, 2019, the gross
7 receipts of the eligible recipi-
8 ent during any 2-month pe-
9 riod during the first 3 cal-
10 endar quarters of 2020 are
11 less than 75 percent of the
12 amount of the gross receipts
13 of the eligible recipient dur-
14 ing any prior 2-month pe-
15 riod during the first 3 cal-
16 endar quarters of 2020; or

17 “(CC) if the eligible re-
18 cipient is seasonal employer,
19 as determined by the Ad-
20 ministrator, the gross re-
21 cepts of the eligible recipi-
22 ent during any 2-month pe-
23 riod during the first 3 cal-
24 endar quarters of 2020 are
25 less than 75 percent of the

1 amount of the gross receipts
2 of the eligible recipient dur-
3 ing the same 2-month period
4 in 2019.

5 “(II) AUTHORITY.—Except as
6 otherwise provided in this clause, for
7 an eligible recipient that has received
8 a covered loan under clause (i), the
9 Administrator may guarantee a single
10 supplemental covered loan to the eligi-
11 ble recipient under the same terms,
12 conditions, and processes as a covered
13 loan made under clause (i).

14 “(III) CHOICE OF LENDER.—An
15 eligible recipient may apply for a sup-
16 plemental covered loan under this
17 clause with the lender that made the
18 covered loan under clause (i) to the el-
19 igible recipient or another lender.

20 “(IV) ELIGIBILITY.—

21 “(aa) IN GENERAL.—A sup-
22 plemental covered loan under this
23 clause—

24 “(AA) may only be
25 made to an eligible recipient

1 that is a smaller concern
 2 that has had a significant
 3 loss in revenue and has
 4 used, or is expending funds
 5 at a rate that the eligible re-
 6 cipient will use on or before
 7 the expected date of the dis-
 8 bursement of the supple-
 9 mental covered loan under
 10 this clause, the full amount
 11 of the covered loan received
 12 under clause (i); and

13 “(BB) may not be
 14 made to a publicly traded
 15 entity.

16 “(bb) BUSINESS CONCERNS
 17 WITH MORE THAN 1 PHYSICAL
 18 LOCATION.—

19 “(AA) IN GENERAL.—
 20 For purposes of a supple-
 21 mental covered loan under
 22 this clause, subparagraph
 23 (D)(iii) shall be applied by
 24 substituting ‘not more than
 25 200 employees per physical

1 location' for 'not more than
2 500 employees per physical
3 location'.

4 “(BB) LIMIT FOR MUL-
5 TIPLE LOCATIONS.—For an
6 eligible recipient with more
7 than 1 physical location, the
8 total amount of all supple-
9 mental covered loans made
10 under this clause to the eli-
11 gible recipient shall not be
12 more than \$2,000,000.

13 “(V) MAXIMUM AMOUNT.—The
14 maximum amount of a supplemental
15 covered loan under this clause is the
16 lesser of—

17 “(aa) the product obtained
18 by multiplying—

19 “(AA) the average total
20 monthly payments for pay-
21 roll costs by the eligible re-
22 cipient used to determine
23 the maximum amount of the
24 covered loan under clause (i)

1 made to the eligible recipient
 2 under this paragraph, by
 3 “(BB) 2.5; or
 4 “(bb) \$2,000,000.

5 “(VI) EXCEPTION FROM CERTAIN
 6 CERTIFICATION REQUIREMENTS.—An
 7 eligible recipient applying for a sup-
 8 plemental covered loan under this
 9 clause shall not be required to make
 10 the certification described in clauses
 11 (iii) or (iv) of subparagraph (G).

12 “(VII) REIMBURSEMENT FOR
 13 PROCESSING SUPPLEMENTAL PPP.—
 14 For a supplemental covered loan
 15 under this clause of less than or equal
 16 to \$50,000, the reimbursement under
 17 subparagraph (P)(I) by the Adminis-
 18 trator shall not be less than \$2,500.”.

19 **SEC. 203. CERTIFICATIONS AND DOCUMENTATION FOR**
 20 **FORGIVENESS OF COVERED LOANS.**

21 Section 1106 of the CARES Act (15 U.S.C. 9005)
 22 is amended—

23 (1) in subsection (e), in the matter preceding
 24 paragraph (1), by striking “An eligible recipient”
 25 and all that follows through “an application,” and

1 inserting “Subject to subsection (f), an eligible re-
2 cipient applying for loan forgiveness under this sec-
3 tion shall provide proof of the use of covered loan
4 proceeds,”;

5 (2) by amending subsection (f) to read as fol-
6 lows:

7 “(f) DOCUMENTATION REQUIREMENTS.—To receive
8 loan forgiveness under this section, an eligible recipient
9 shall comply with the following requirements:

10 “(1) With respect to a covered loan in an
11 amount less than or equal to \$50,000, the eligible
12 recipient—

13 “(A) shall certify to the Administrator that
14 the eligible recipient has used proceeds from the
15 covered loan in compliance with the require-
16 ments of section 7(a)(36) of the Small Business
17 Act (15 U.S.C. 636(a)(36)), including a de-
18 scription of the amount of proceeds used for
19 payroll costs (as defined in such section) and
20 the number of employees the eligible recipient
21 was able to retain because of such covered loan;

22 “(B) is not required to submit any docu-
23 mentation or application to receive forgiveness
24 under this section;

1 “(C) shall certify to the Administrator that
2 the eligible recipient can make the documenta-
3 tion described under subsection (e) available,
4 upon request, for a period of time determined
5 by the Administrator, which period shall be not
6 less than 3 years; and

7 “(D) may submit to the Administrator de-
8 mographic information of the owner of the eligi-
9 ble recipient, including the sex, race, ethnicity,
10 and veteran status of the owner, through a
11 process established by the Administrator.

12 “(2) With respect to a covered loan in an
13 amount greater than \$50,000 but less than or equal
14 to \$150,000, the eligible recipient—

15 “(A) shall submit to the lender that is
16 servicing the covered loan the certification de-
17 scribed in paragraph (1)(A) and a simplified
18 one-page application form that does not require
19 the submission of any documentation described
20 under subsection (e);

21 “(B) shall make the certification described
22 in paragraph (1)(C); and

23 “(C) may submit to the Administrator de-
24 mographic information of the owner of the eligi-
25 ble recipient, including the sex, race, ethnicity,

1 and veteran status of the owner, as established
 2 by the Administrator on the application form
 3 described in subparagraph (A).

4 “(3) With respect to a covered loan in an
 5 amount greater than \$150,000, the eligible recipient
 6 shall submit to the lender that is servicing the cov-
 7 ered loan the documentation described under sub-
 8 section (e).”; and

9 (3) by amending subsection (g) to read as fol-
 10 lows:

11 “(g) LENDER SUBMISSION.—Not later than 60 days
 12 after the date on which a lender receives an application
 13 for loan forgiveness under this section from an eligible re-
 14 cipient, the lender shall only be required to review the ap-
 15 plication to ensure completion, including that required at-
 16 testations have been made, before submitting such applica-
 17 tion to the Administrator.”.

18 **SEC. 204. ELIGIBILITY OF CERTAIN ORGANIZATIONS FOR**
 19 **LOANS UNDER THE PAYCHECK PROTECTION**
 20 **PROGRAM.**

21 Section 7(a)(36) of the Small Business Act (15
 22 U.S.C. 636(a)(36))—

23 (1) in subparagraph (A)—

24 (A) in clause (vii), by inserting “covered”
 25 before “nonprofit”;

1 (B) in clause (viii)(II)—

2 (i) in item (dd), by striking “or” at
3 the end;

4 (ii) in item (ee), by inserting “or” at
5 the end; and

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

8 “(ff) any compensation of
9 an employee who is a registered
10 lobbyist under the Lobbying Dis-
11 closure Act of 1995;”;

12 (C) by amending clause (ix) to read as fol-
13 lows:

14 “(ix) the term ‘covered organization’
15 means—

16 “(I) an organization described in
17 section 501(c) of the Internal Revenue
18 Code of 1986 and exempt from tax
19 under section 501(a) of such Code
20 that is not a covered nonprofit organi-
21 zation;

22 “(II) an entity created by a State
23 or local government that derives the
24 majority of its operating budget from
25 the production of live events; or

1 “(III) a destination marketing
2 organization;”;

3 (D) in clause (xi)(IV), by striking “and” at
4 the end;

5 (E) in clause (xii), by striking the period
6 at the end and inserting a semicolon; and

7 (F) by adding at the end the following new
8 clauses:

9 “(xiii) the term ‘housing cooperative’
10 means a cooperative housing corporation
11 (as defined in section 216(b) of the Inter-
12 nal Revenue Code of 1986); and

13 “(xiv) the term ‘destination marketing
14 organization’ means a nonprofit entity that
15 is not an organization described in section
16 501(c)(6) of the Internal Revenue Code of
17 1986 and exempt from tax under section
18 501(a) of such Code, a State, or a political
19 subdivision of a State (including any in-
20 strumentality of such entities) engaged in
21 marketing and promoting communities and
22 facilities to businesses and leisure travelers
23 through a range of activities, including—

24 “(I) assisting with the location of
25 meeting and convention sites;

1 “(II) providing travel information
 2 on area attractions, lodging accom-
 3 modations, and restaurants;

4 “(III) providing maps; and

5 “(IV) organizing group tours of
 6 local historical, recreational, and cul-
 7 tural attractions.”; and

8 (2) in subparagraph (D)—

9 (A) in clause (i)—

10 (i) by inserting “covered” before
 11 “nonprofit organization” each place it ap-
 12 pears; and

13 (ii) by striking “veterans organiza-
 14 tion” each place it appears and inserting
 15 “housing cooperative”;

16 (B) in clause (iii)—

17 (i) by amended the clause heading to
 18 read as follows: “REQUIREMENTS FOR
 19 RESTAURANTS AND CERTAIN NEWS ORGA-
 20 NIZATIONS”;

21 (ii) by striking “During the covered
 22 period, any business concern that employs”
 23 and inserting the following: “Any business
 24 concern that—

1 “(I) during the covered period,
2 employs”;

3 (iii) in subclause (I), as so designated,
4 by striking the period at the end and in-
5 serting a semicolon; and

6 (iv) by adding at the end the following
7 new subclauses:

8 “(II) was not eligible to receive a
9 covered loan the day before the date
10 of the enactment of this subclause, is
11 assigned a North American Industry
12 Classification System code beginning
13 with 511110, 515112, or 515120, and
14 an individual physical location of the
15 business concern at the time of dis-
16 bursal does not exceed the size stand-
17 ard established by the Administrator
18 for the applicable code shall be eligible
19 to receive a covered loan for expenses
20 associated with an individual physical
21 location of that business concern to
22 support the continued provision of
23 local news, information, content, or
24 emergency information, and, at the

time of disbursal, the individual physical location; or

“(III) was not eligible to receive a covered loan the day before the date of the enactment of this subclause, is assigned a North American Industry Classification System code of 519130, is identified as a Internet-only news publisher or Internet-only periodical publisher, and is engaged in the collection and distribution of local or regional and national news and information shall be eligible to receive a covered loan for expenses to support the continued provision of news, information, content, or emergency information.”;

(C) in clause (iv)—

(i) in subclause (II), by striking “and” at the end;

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

(iii) by adding at the end the following new subclause:

1 “(IV) an individual physical loca-
 2 tion of a business concern described in
 3 clause (iii)(II), if such concern does
 4 not pay, distribute, or otherwise pro-
 5 vide any portion of the covered loan to
 6 any other entity other than the indi-
 7 vidual physical location that is the in-
 8 tended recipient of the covered loan.”;

9 (D) in clause (v), by striking “nonprofit
 10 organization, veterans organization,” and in-
 11 serting “covered organization, covered nonprofit
 12 organization, housing cooperative,”;

13 (E) in clause (vi), by striking “nonprofit
 14 organization and a veterans organization” and
 15 inserting “covered organization, a covered non-
 16 profit organization, and a housing cooperative”;
 17 and

18 (F) by adding at the end the following new
 19 clauses:

20 “(vii) ADDITIONAL REQUIREMENTS
 21 FOR COVERED ORGANIZATIONS AND COV-
 22 ERED NONPROFIT ORGANIZATIONS.—

23 “(I) LOBBYING RESTRICTION.—

24 During the covered period, a covered
 25 organization that employs less than

1 500 employees shall be eligible to re-
2 ceive a covered loan if—

3 “(aa) the covered organiza-
4 tion does not receive more than
5 10 percent of its receipts from
6 lobbying activities; and

7 “(bb) the lobbying activities
8 of the covered organization do
9 not comprise more than 10 per-
10 cent of the total activities of the
11 covered organization.

12 “(II) LARGER ORGANIZATIONS.—

13 During the covered period, a covered
14 nonprofit organization that employs
15 500 employees or more, or a covered
16 organization that meets the require-
17 ments of items (aa) and (bb) of sub-
18 clause (I) and employs 500 employees
19 or more, shall be eligible to receive a
20 covered loan if such covered nonprofit
21 organization or covered organization
22 has had a significant loss in revenue
23 (as defined in subparagraph
24 (B)(ii)(I)(ff)).

“(viii) INCLUSION OF CRITICAL ACCESS HOSPITALS.—During the covered period, any covered organization that is a critical access hospital (as defined in section 1861(mm) of the Social Security Act (42 U.S.C. 1395x(mm))) shall be eligible to receive a covered loan, regardless of the status of such a hospital as a debtor in a case under chapter 11 of title 11, United States Code, or the status of any debts owed by such a hospital to the Federal Government.

“(ix) ADDITIONAL REQUIREMENTS FOR NEWS BROADCAST ENTITIES.—

“(I) IN GENERAL.—With respect to an individual physical location of a business concern described in clause (iii)(II), each such location shall be treated as an independent, non-affiliated entity for purposes of this paragraph. A parent company, investment company, or management company of one or more physical locations of a business concern described in

1 clause (iii)(II) shall not be eligible for
 2 a covered loan.

3 “(II) DEMONSTRATION OF
 4 NEED.—Any such location that is a
 5 franchise or affiliate of, or owned or
 6 controlled by a parent company, in-
 7 vestment company, or the manage-
 8 ment thereof, shall demonstrate, upon
 9 request of the Administrator, the need
 10 for a covered loan to support the con-
 11 tinued provision of local news, infor-
 12 mation, content, or emergency infor-
 13 mation, and, at the time of disbursal,
 14 the individual physical location.”.

15 **SEC. 205. LIMIT ON AGGREGATE LOAN AMOUNT FOR ELIGI-**
 16 **BLE RECIPIENTS WITH MORE THAN ONE**
 17 **PHYSICAL LOCATION.**

18 Section 7(a)(36)(E) of the Small Business Act (15
 19 U.S.C. 636(a)(36)(E)) is amended by adding at the end
 20 the following flush matter:

21 “With respect to an eligible recipient with more
 22 than 1 physical location, the total amount of all
 23 covered loans made under this clause to the eli-
 24 gible recipient shall not be more than
 25 \$10,000,000.”.

1 **SEC. 206. ALLOWABLE USES OF COVERED LOANS; FORGIVE-**
 2 **NESS.**

3 (a) PAYCHECK PROTECTION PROGRAM.—Section
 4 7(a)(36) of the Small Business Act (15 U.S.C.
 5 636(a)(36)) is amended—

6 (1) in subparagraph (G)—

7 (A) in the subparagraph heading, by strik-
 8 ing “BORROWER REQUIREMENTS” and all that
 9 follows through “eligible recipient applying”
 10 and inserting “BORROWER CERTIFICATION RE-
 11 QUIREMENTS.—An eligible recipient applying”;

12 (B) by redesignating subclauses (I)
 13 through (IV) as clauses (i) through (iv), respec-
 14 tively; and

15 (C) in clause (ii), as so redesignated, by
 16 striking “to retain workers” and all that follows
 17 through “utility payments” and inserting “for
 18 an allowable use described in subparagraph
 19 (F)”;

20 (2) in subparagraph (F)(i)—

21 (A) in subclause (VI), by striking “and” at
 22 the end;

23 (B) in subclause (VII), by striking the pe-
 24 riod at the end and inserting a semicolon; and

25 (C) by adding at the end the following new
 26 subclauses:

1 “(VIII) costs related to the provi-
2 sion of personal protective equipment
3 for employees or other equipment or
4 supplies determined by the employer
5 to be necessary to protect the health
6 and safety of employees and the gen-
7 eral public;

8 “(IX) payments for inventory,
9 raw materials, or supplies; and

10 “(X) costs related to property
11 damage, vandalism, or looting due to
12 public disturbances that occurred dur-
13 ing 2020 that was not covered by in-
14 surance or other compensation.”.

15 (b) FORGIVENESS.—

16 (1) DEFINITION OF EXPECTED FORGIVENESS
17 AMOUNT.—Section 1106(a)(7) of the CARES Act
18 (15 U.S.C. 9005(a)(7)) is amended—

19 (A) in subparagraph (C), by striking
20 “and” at the end;

21 (B) in subparagraph (D), by striking
22 “and” at the end; and

23 (C) by adding at the end the following new
24 subparagraphs:

1 “(E) interest on any other debt obligations
2 that were incurred before the covered period;

3 “(F) any amount that was a loan made
4 under subsection (b)(2) that was refinanced as
5 part of a covered loan and authorized by section
6 7(a)(36)(F)(iv) of the Small Business Act;

7 “(G) payments made for the provision of
8 personal protective equipment for employees or
9 other equipment or supplies determined by the
10 employer to be necessary to protect the health
11 and safety of employees and the general public;

12 “(H) payments made for inventory, raw
13 materials, or supplies; and

14 “(I) payments related to property damage,
15 vandalism, or looting due to public disturbances
16 that occurred during 2020 that was not covered
17 by insurance or other compensation; and”.

18 (2) FORGIVENESS.—Section 1106(b) of the
19 CARES Act (15 U.S.C. 9005(b)), is amended by
20 adding at the end the following new paragraphs:

21 “(5) Any payment of interest on any other debt
22 obligations that were incurred before the covered pe-
23 riod.

24 “(6) Any amount that was a loan made under
25 section 7(b)(2) of the Small Business Act that was

1 refinanced as part of a covered loan and authorized
2 by section 7(a)(36)(F)(iv) of such Act.

3 “(7) Any payment made for the provision of
4 personal protective equipment for employees or other
5 equipment or supplies determined by the employer to
6 be necessary to protect the health and safety of em-
7 ployees.

8 “(8) Any payment made for inventory, raw ma-
9 terials, or supplies.

10 “(9) Any payments related to property damage,
11 vandalism, or looting due to public disturbances that
12 occurred during 2020 that was not covered by insur-
13 ance or other compensation.”.

14 (3) CONFORMING AMENDMENTS.—Section 1106
15 of the CARES Act (15 U.S.C. 9005) is amended—

16 (A) in subsection (e), as amended by sec-
17 tion 203—

18 (i) in paragraph (2), by striking “pay-
19 ments on covered mortgage obligations,
20 payments on covered lease obligations, and
21 covered utility payments” and inserting
22 “payments or amounts refinanced de-
23 scribed under subsection (b) (other than
24 payroll costs)”; and

1 (ii) in paragraph (3)(B), by striking
 2 “, make interest payments” and all that
 3 follows through “or make covered utility
 4 payments” and inserting “, make pay-
 5 ments described under subsection (b), or
 6 that was refinanced as part of a covered
 7 loan and authorized by section
 8 7(a)(36)(F)(iv) of the Small Business
 9 Act”; and

10 (B) in subsection (h), by striking “pay-
 11 ments for payroll costs, payments on covered
 12 mortgage obligations, payments on covered
 13 lease obligations, or covered utility payments”
 14 each place it appears and inserting “payments
 15 or amounts refinanced described under sub-
 16 section (b)”.

17 **SEC. 207. DOCUMENTATION REQUIRED FOR CERTAIN ELI-**
 18 **GIBLE RECIPIENTS.**

19 Section 7(a)(36)(D)(ii)(II) of the Small Business Act
 20 (15 U.S.C. 636(a)(36)(D)(ii)(II)) is amended by striking
 21 “as is necessary” and all that follows through the period
 22 at the end and inserting “as determined necessary by the
 23 Administrator and the Secretary, to establish such indi-
 24 vidual as eligible.”.

1 **SEC. 208. EXCLUSION OF CERTAIN PUBLICLY TRADED AND**
2 **FOREIGN ENTITIES.**

3 Section 7(a)(36)(D) of the Small Business Act (15
4 U.S.C. 636(a)(36)(D)), as amended by section 204 is fur-
5 ther amended by adding at the end the following new
6 clause:

7 “(x) EXCLUSION OF CERTAIN PUB-
8 LICLY TRADED AND FOREIGN ENTITIES.—
9 Effective on the date of the enactment of
10 this clause—

11 “(I) an issuer, the securities of
12 which are traded on a national securi-
13 ties exchange, is not eligible to receive
14 a covered loan under this section; and

15 “(II) an entity that is 51 percent
16 or more owned by a foreign person, or
17 the management and daily business
18 operations of which are controlled by
19 a foreign person (excluding an entity
20 owned and controlled by a person
21 domiciled in a territory or possession
22 of the United States), is not eligible to
23 receive a covered loan under this sec-
24 tion.”.

1 **SEC. 209. ELECTION OF 12-WEEK PERIOD BY SEASONAL EM-**
 2 **PLOYERS.**

3 Section 7(a)(36)(E)(i)(I)(aa)(AA) of the Small Busi-
 4 ness Act (15 U.S.C. 636(a)(36)(E)(i)(I)(aa)(AA)) is
 5 amended by striking “an applicant” and all that follows
 6 through “June 30, 2019” and inserting the following: “an
 7 applicant that is a seasonal employer, as determined by
 8 the Administrator, shall use the average total monthly
 9 payments for payroll for any 12-week period selected by
 10 the seasonal employer between February 15, 2019, and
 11 December 31, 2019”.

12 **SEC. 210. INCLUSION OF CERTAIN REFINANCING IN NON-**
 13 **RECOURSE REQUIREMENTS.**

14 Section 7(a)(36)(F)(v) of the Small Business Act (15
 15 U.S.C. 636(a)(36)(F)(v)) is amended by striking “clause
 16 (i)” and inserting “clauses (i) and (iv)”.

17 **SEC. 211. CREDIT ELSEWHERE REQUIREMENTS.**

18 Section 7(a)(36)(I) of the Small Business Act (15
 19 U.S.C. 636(a)(36)(I)) is amended to read as follows:

20 “(I) CREDIT ELSEWHERE.—The require-
 21 ment that a small business concern is unable to
 22 obtain credit elsewhere (as defined in section
 23 3(h))—

24 “(i) shall not apply to a covered loan
 25 approved by the Administrator before the

1 date of enactment of this subparagraph;
 2 and
 3 “(ii) shall only apply to covered loans
 4 in an amount greater than \$350,000 ap-
 5 proved by the Administrator on or after
 6 the date of the enactment of this subpara-
 7 graph.”.

8 **SEC. 212. PROHIBITION ON RECEIVING DUPLICATIVE**
 9 **AMOUNTS FOR PAYROLL COSTS.**

10 (a) PAYCHECK PROTECTION PROGRAM.—Clause (iv)
 11 of section 7(a)(36)(G) of the Small Business Act (15
 12 U.S.C. 636(a)(36)(G)), as redesignated by section 206, is
 13 amended—

14 (1) by striking “December 31, 2020” and in-
 15 serting “June 30, 2020”; and

16 (2) by striking “the same purpose and” and in-
 17 serting “payments for payroll costs incurred during
 18 such period”.

19 (b) TREASURY PROGRAM.—Section 1109(f) of the
 20 CARES Act (15 U.S.C. 9008(f)) is amended—

21 (1) in paragraph (1), by striking “for the same
 22 purpose” and inserting “for payments for payroll
 23 costs (as defined in section 7(a)(36)(A)(viii) of the
 24 Small Business Act (15 U.S.C.
 25 636(a)(36)(A)(viii))”; and

1 (2) in paragraph (2), by striking “December
2 31, 2020” and inserting “June 30, 2020”.

3 **SEC. 213. APPLICATION OF CERTAIN TERMS THROUGH**
4 **LIFE OF COVERED LOAN.**

5 Section 7(a)(36) of the Small Business Act (15
6 U.S.C. 636(a)(36)) is amended—

7 (1) in subparagraph (H), by striking “During
8 the covered period, with” and inserting “With”;

9 (2) in subparagraph (J), by striking “During
10 the covered period, with” and inserting “With”;

11 (3) in subparagraph (M)—

12 (A) in clause (ii), by striking “During the
13 covered period, the” and inserting “The”; and

14 (B) in clause (iii), by striking “During the
15 covered period, with” and inserting “With”.

16 **SEC. 214. INTEREST CALCULATION ON COVERED LOANS.**

17 Section 7(a)(36)(L) of the Small Business Act (15
18 U.S.C. 636(a)(36)(L)) is amended by inserting “, cal-
19 culated on a non-compounding, non-adjustable basis”
20 after “4 percent”.

21 **SEC. 215. REIMBURSEMENT FOR PROCESSING.**

22 Section 7(a)(36)(P) of the Small Business Act (15
23 U.S.C. 636(a)(36)(P)) is amended—

24 (1) in clause (ii), by inserting at the end the
25 following: “Such fees shall be paid by the eligible re-

1 cipient and may not be paid out of the proceeds of
 2 a covered loan. A lender shall only be responsible for
 3 paying fees to an agent for services for which such
 4 lender directly contracts with such agent.”; and

5 (2) by amending clause (iii) to read as follows:

6 “(iii) **TIMING.**—A reimbursement de-
 7 scribed in clause (i) shall be made not later
 8 than 5 days after the reported disburse-
 9 ment of the covered loan and may not be
 10 required to be repaid by a lender unless
 11 the lender is found guilty of an act of
 12 fraud in connection with the covered
 13 loan.”.

14 **SEC. 216. DUPLICATION REQUIREMENTS FOR ECONOMIC**
 15 **INJURY DISASTER LOAN RECIPIENTS.**

16 Section 7(a)(36)(Q) of the Small Business Act (15
 17 U.S.C. 636(a)(36)(Q)) is amended by striking “during the
 18 period beginning on January 31, 2020, and ending on the
 19 date on which covered loans are made available”.

20 **SEC. 217. REAPPLICATION FOR AND MODIFICATION TO**
 21 **PAYCHECK PROTECTION PROGRAM.**

22 Not later than 7 days after the date of the enactment
 23 of this Act, the Administrator shall issue rules or guidance
 24 to ensure that an eligible recipient of a covered loan made
 25 under section 7(a)(36) of the Small Business Act (15

1 U.S.C. 636(a)(36)) that returns amounts disbursed under
 2 such covered loan or does not accept the full amount of
 3 such covered loan for which such eligible recipient was ap-
 4 proved—

5 (1) in the case of an eligible recipient that re-
 6 turned all or part of a covered loan, such eligible re-
 7 cipient may reapply for a covered loan for an
 8 amount equal to the difference between the amount
 9 retained and the maximum amount applicable; and

10 (2) in the case of an eligible recipient that did
 11 not accept the full amount of a covered loan, such
 12 eligible recipient may request a modification to in-
 13 crease the amount of the covered loan to the max-
 14 imum amount applicable, subject to the require-
 15 ments of such section 7(a)(36).

16 **SEC. 218. TREATMENT OF CERTAIN CRIMINAL VIOLATIONS.**

17 (a) IN GENERAL.—Section 7(a)(36) of the Small
 18 Business Act (15 U.S.C. 636(a)(36)), as amended by sec-
 19 tion 101, is further amended by adding at the end the
 20 following new subparagraph:

21 “(U) TREATMENT OF CERTAIN CRIMINAL
 22 VIOLATIONS.—

23 “(i) FINANCIAL FRAUD OR DECEP-
 24 TION.—A entity that is a business, organi-
 25 zation, cooperative, or enterprise may not

1 receive a covered loan if an owner of 20
2 percent or more of the equity of such enti-
3 ty, during the 5-year period preceding the
4 date on which such entity applies for a cov-
5 ered loan, has been convicted of a felony of
6 financial fraud or deception under Federal,
7 State, or Tribal law.

8 “(ii) ARRESTS OR CONVICTIONS.—An
9 entity that is a business, organization, co-
10 operative, or enterprise shall be an eligible
11 recipient notwithstanding a prior arrest or
12 conviction under Federal, State, or Tribal
13 law of an owner of 20 percent or more of
14 the equity of such entity, unless such
15 owner is currently incarcerated.

16 “(iii) WAIVER.—The Administrator
17 may waive the requirements of clause (i).”.

18 (b) RULEMAKING.—Not later than 15 days after the
19 date of enactment of this Act, the Administrator shall
20 make necessary revisions to any rules to carry out the
21 amendment made by this section.

1 **TITLE III—TAX PROVISIONS**

2 **SEC. 301. IMPROVED COORDINATION BETWEEN PAYCHECK**
3 **PROTECTION PROGRAM AND EMPLOYEE RE-**
4 **TENTION TAX CREDIT.**

5 (a) AMENDMENT TO PAYCHECK PROTECTION PRO-
6 GRAM.—Section 1106(a)(8) of the CARES Act (15 U.S.C.
7 9005(a)(8)) is amended by inserting “, except that such
8 costs shall not include qualified wages taken into account
9 in determining the credit allowed under section 2301 of
10 this Act” before the period at the end.

11 (b) AMENDMENTS TO EMPLOYEE RETENTION TAX
12 CREDIT.—

13 (1) IN GENERAL.—Section 2301(g) of the
14 CARES Act (Public Law 116–136; 26 U.S.C. 3111
15 note) is amended to read as follows:

16 “(g) ELECTION TO NOT TAKE CERTAIN WAGES INTO
17 ACCOUNT.—

18 “(1) IN GENERAL.—This section shall not apply
19 to so much of the qualified wages paid by an eligible
20 employer as such employer elects (at such time and
21 in such manner as the Secretary may prescribe) to
22 not take into account for purposes of this section.

23 “(2) COORDINATION WITH PAYCHECK PROTEC-
24 TION PROGRAM.—The Secretary, in consultation
25 with the Administrator of the Small Business Ad-

1 ministration, shall issue guidance providing that
 2 payroll costs paid or incurred during the covered pe-
 3 riod shall not fail to be treated as qualified wages
 4 under this section by reason of an election under
 5 paragraph (1) to the extent that a covered loan of
 6 the eligible employer is not forgiven by reason of a
 7 decision under section 1106(g). Terms used in the
 8 preceding sentence which are also used in section
 9 1106 shall have the same meaning as when used in
 10 such section.”.

11 (2) CONFORMING AMENDMENTS.—

12 (A) Section 2301 of the CARES Act (Pub-
 13 lic Law 116–136; 26 U.S.C. 3111 note) is
 14 amended by striking subsection (j).

15 (B) Section 2301(l) of the CARES Act
 16 (Public Law 116–136; 26 U.S.C. 3111 note) is
 17 amended by striking paragraph (3) and by re-
 18 designating paragraphs (4) and (5) as para-
 19 graphs (3) and (4), respectively.

20 (c) EFFECTIVE DATE.—The amendments made by
 21 this section shall take effect as if included in the provisions
 22 of the CARES Act (Public Law 116–136) to which they
 23 relate.

1 **TITLE IV—COVID-19 ECONOMIC**
2 **INJURY DISASTER LOAN PRO-**
3 **GRAM REFORM**

4 **SEC. 401. SENSE OF CONGRESS.**

5 It is the sense of Congress that—

6 (1) many businesses that have received eco-
7 nomic injury disaster loans under section 7(b)(2) of
8 the Small Business Act (15 U.S.C. 636(b)) continue
9 to suffer from the effects of the COVID-19 pan-
10 demic and may not be in a position to make pay-
11 ments in the near term;

12 (2) the Administrator of the Small Business
13 Administration has the authority under the Small
14 Business Act (15 U.S.C. 631 et seq.) to reduce the
15 interest charged on loans and to offer borrowers up
16 to 4 years of deferment on the payment of interest
17 and principal; and

18 (3) the Congress encourages the Administrator
19 of the Small Business Administration to use this dis-
20 cretion to provide relief to the hardest hit small
21 businesses that have received or will receive direct
22 loans from the Administration under section 7(b)(2)
23 of the Small Business Act (15 U.S.C. 636(b)(2)).

1 **SEC. 402. NOTICES TO APPLICANTS FOR ECONOMIC INJURY**
2 **DISASTER LOANS OR ADVANCES.**

3 Section 7(b)(11) of the Small Business Act (15
4 U.S.C. 636(b)(11) is amended—

5 (1) by striking “The Administrator” and insert-
6 ing the following:

7 “(A) IN GENERAL.—The Administrator”;
8 and

9 (2) by adding at the end the following new sub-
10 paragraphs:

11 “(B) ACCEPTANCE CRITERIA AND QUALI-
12 FICATIONS.—In carrying out subparagraph (A),
13 the Administrator shall—

14 “(i) publish on the website of the Ad-
15 ministration a description of the rules
16 issued with respect to a loan made under
17 this subsection, which shall be clear and
18 easy to understand; and

19 “(ii) upon receiving an application for
20 a loan under this subsection, provide to the
21 loan applicant the description described in
22 clause (i).

23 “(C) RIGHT TO EXPLANATION OF DE-
24 CLINED LOAN OR ADVANCE.—

25 “(i) IN GENERAL.—The Administrator
26 shall—

1 “(I) provide all applicants for a
2 loan under this subsection or an ad-
3 vance under section 1110(e) of the
4 CARES Act for which the loan or ad-
5 vance application was fully or partially
6 denied with a complete written appli-
7 cation of the reason for the denial at
8 the time the decision is made;

9 “(II) establish a dedicated tele-
10 phonic information line and e-mail ad-
11 dress to respond to further inquiries
12 about denied applications described in
13 subclause (I); and

14 “(III) before fully or partially de-
15 nying an application for a loan under
16 this subsection or an advance under
17 such section 1110(e) because the ap-
18 plicant submitted incomplete informa-
19 tion—

20 “(aa) contact the applicant
21 and give the applicant the oppor-
22 tunity to provide that informa-
23 tion; and

1 “(bb) reconsider the applica-
 2 tion with any additional informa-
 3 tion provided.

4 “(ii) SUBMISSION OF ADDITIONAL IN-
 5 FORMATION.—An applicant for a loan
 6 under this subsection or an advance under
 7 section 1110(e) of the CARES Act that
 8 can remedy the grounds for denial of the
 9 application by submitting additional infor-
 10 mation under clause (i)(III)—

11 “(I) shall have the opportunity to
 12 do so directly with a loan officer; and

13 “(II) shall not be required to
 14 seek a remedy through the appeals
 15 process of the Administration.”.

16 **SEC. 403. MODIFICATIONS TO EMERGENCY EIDL AD-**
 17 **VANCES.**

18 Section 1110(e)(1) of division A of the CARES Act
 19 (15 U.S.C. 90009(e)) is amended to read as follows:

20 “(1) IN GENERAL.—During the covered period,
 21 an entity included for eligibility in subsection (b), in-
 22 cluding small business concerns, private nonprofit
 23 organizations, and small agricultural cooperatives,
 24 that applies for a loan under section 7(b)(2) of the
 25 Small Business Act (15 U.S.C. 636(b)(2)) in re-

1 sponse to COVID–19 shall be provided an advance
 2 that is, subject to paragraph (3), disbursed within 3
 3 days after the Administrator receives an application
 4 from such entity, unless the advance is specifically
 5 declined by such entity.”.

6 **SEC. 404. DATA TRANSPARENCY, VERIFICATION, AND NO-**
 7 **TICES FOR ECONOMIC INJURY DISASTER**
 8 **LOANS.**

9 (a) IN GENERAL.—Section 1110 of the CARES Act
 10 (15 U.S.C. 9009) is amended—

11 (1) by redesignating subsection (f) as sub-
 12 section (j); and

13 (2) by inserting after subsection (e) the fol-
 14 lowing new subsections:

15 “(f) DATA TRANSPARENCY.—

16 “(1) IN GENERAL.—In this subsection, the term
 17 ‘covered application’ means an application submitted
 18 to the Administrator for a loan under section
 19 7(b)(2) of the Small Business Act (15 U.S.C.
 20 636(b)(2)), including an application for such a loan
 21 submitted by an eligible entity.

22 “(2) WEEKLY REPORTS.—Not later than 1
 23 week after the date of enactment of this subsection,
 24 and weekly thereafter until the end of the covered
 25 period, the Administrator shall publish on the

1 website of the Administration a report that contains
2 the following information:

3 “(A) For the week covered by the report,
4 the number of covered applications that the Ad-
5 ministrator—

6 “(i) received;

7 “(ii) processed; and

8 “(iii) approved and rejected, including
9 the percentage of covered applications that
10 the Administrator approved.

11 “(B) With respect to the covered applica-
12 tions that the Administrator approved during
13 that week, the number and dollar amount of the
14 loans made with respect to such applications as
15 part of a response to COVID–19.

16 “(C) The identification number, or other
17 indicator showing the order in which any appli-
18 cation was received and intended to be proc-
19 essed, for the most recent covered application
20 processed by the Administrator.

21 “(D) Demographic data with respect to ap-
22 plicants submitting covered applications during
23 the week covered by the report and loans made
24 pursuant to covered applications during the

1 week covered by the report, which shall in-
2 clude—

3 “(i) with respect to each such appli-
4 cant or loan recipient, as applicable, infor-
5 mation regarding—

6 “(I) the geographic area in which
7 the applicant or loan recipient oper-
8 ates;

9 “(II) if applicable, the sex, race,
10 and ethnicity of each owner of the ap-
11 plicant or loan recipient, which the in-
12 dividual may decline to provide;

13 “(III) the annual revenue of the
14 applicant or loan recipient;

15 “(IV) the number of employees
16 employed by the applicant or loan re-
17 cipient;

18 “(V) whether the applicant or
19 loan recipient is a for-profit or non-
20 profit entity; and

21 “(VI) the industry in which the
22 applicant or loan recipient operates;

23 “(ii) the number of such loans made
24 to agricultural enterprises; and

1 “(iii) the average economic injury suf-
2 fered by—

3 “(I) applicants, the covered appli-
4 cations of which the Administrator
5 approved; and

6 “(II) applicants, the covered ap-
7 plications of which the Administrator
8 rejected.

9 “(g) VERIFICATION OF BUSINESS ELIGIBILITY.—

10 “(1) IN GENERAL.—With respect to an applica-
11 tion submitted to the Administrator during the cov-
12 ered period for a loan under section 7(b)(2) of the
13 Small Business Act (15 U.S.C. 636(b)(2)) in re-
14 sponse to COVID–19, the Administrator shall verify
15 that each such applicant was in operation on Janu-
16 ary 31, 2020.

17 “(2) REPORT.—Not later than 30 days after
18 the date of enactment of this subsection, the Admin-
19 istrator shall submit to Congress a report that de-
20 scribes the steps taken by the Administrator to per-
21 form the verification required under paragraph (1).

22 “(3) SENSE OF CONGRESS.—It is the sense of
23 Congress that the verification required under para-
24 graph (1) constitutes oversight that the Adminis-
25 trator is required to perform under paragraph (15)

1 of section 7(b) of the Small Business Act (15 U.S.C.
2 636(b)) with respect to entities receiving loans under
3 paragraph (2) of such section 7(b).

4 “(h) NOTIFICATIONS TO CONGRESS.—

5 “(1) DEFINITIONS.—In this subsection—

6 “(A) the term ‘appropriate committees of
7 Congress’ means—

8 “(i) the Committee on Small Business
9 and Entrepreneurship and the Sub-
10 committee on Financial Services and Gen-
11 eral Government of the Committee on Ap-
12 propriations of the Senate; and

13 “(ii) the Committee on Small Busi-
14 ness and the Subcommittee on Financial
15 Services and General Government of the
16 Committee on Appropriations of the House
17 of Representatives; and

18 “(B) the term ‘covered program, project,
19 or activity’ means—

20 “(i) the program under this section;

21 “(ii) the loan program under section
22 7(b)(2) of the Small Business Act (15
23 U.S.C. 636(b)(2));

24 “(iii) the authorized activities for
25 amounts were appropriated in response to

1 the COVID–19 pandemic under the head-
2 ing ‘Small Business Administration—Sala-
3 ries and Expenses’; or

4 “(iv) any other program, project, or
5 activity for which funds are made available
6 to the Administration to respond to the
7 COVID–19 pandemic.

8 “(2) NOTICE OF APPROACHING FUNDING
9 LAPSE.—The Administrator shall submit to the ap-
10 propriate committees of Congress a notification not
11 later than 2 days after the date on which unobli-
12 gated balances of amounts appropriated for a fiscal
13 year for any covered program, project, or activity
14 are less than 25 percent of the total amount appro-
15 priated for the covered program, project, or activity
16 for such fiscal year.

17 “(3) MONTHLY REPORT.—The Administrator
18 shall submit to the appropriate committees of Con-
19 gress a monthly report detailing the current and fu-
20 ture planned uses of amounts appropriated in re-
21 sponse to the COVID–19 pandemic under the head-
22 ing ‘Small Business Administration—Salaries and
23 Expenses’, which shall include—

24 “(A) the number of employees hired and
25 contractors retained using such amounts;

1 “(B) the number of contracts with a total
2 cost of more than \$5,000,000 entered into
3 using such amounts;

4 “(C) a list of all sole source contracts en-
5 tered into using such amounts; and

6 “(D) any program changes, regulatory ac-
7 tions, guidance issuances, or other initiatives
8 relating to the response to the COVID–19 pan-
9 demic.”.

10 (b) RETROACTIVE COLLECTION.—As soon as is prac-
11 ticable after the date of enactment of this Act, the Admin-
12 istrator shall collect the information required under sec-
13 tion 1110(f) of the CARES Act (15 U.S.C. 9009(f)), as
14 amended by subsection (a), from applicants that sub-
15 mitted covered applications (as defined in such section
16 1110(f)) during the period beginning on the date of enact-
17 ment of the CARES Act (Public Law 116–136) and end-
18 ing on the date of enactment of this Act.

19 **SEC. 405. LIFELINE FUNDING FOR SMALL BUSINESS CON-**
20 **TINUITY, ADAPTATION, AND RESILIENCY.**

21 Section 1110 of the CARES Act (15 U.S.C. 9009),
22 as amended by section 404, is further amended by insert-
23 ing after subsection (i) (as added by such section) the fol-
24 lowing new subsection:

1 “(i) LIFELINE FUNDING FOR SMALL BUSINESS CON-
 2 TINUITY, ADAPTATION, AND RESILIENCY.—

3 “(1) DEFINITIONS.—In this subsection:

4 “(A) AGRICULTURAL ENTERPRISE.—The
 5 term ‘agricultural enterprise’ has the meaning
 6 given the term in section 18(b) of the Small
 7 Business Act (15 U.S.C. 647(b)).

8 “(B) COVERED ENTITY.—The term ‘cov-
 9 ered entity’—

10 “(i) means an eligible entity described
 11 in subsection (b) of this section, if such eli-
 12 gible entity—

13 “(I) has not more than 50 em-
 14 ployees; and

15 “(II) has suffered an economic
 16 loss of not less than 30 percent; and

17 “(ii) except with respect to an entity
 18 included under section 123.300(c) of title
 19 13, Code of Federal Regulations, or any
 20 successor regulation, does not include an
 21 agricultural enterprise.

22 “(C) ECONOMIC LOSS.—The term ‘eco-
 23 nomic loss’ means, with respect to a covered en-
 24 tity, the amount by which the gross receipts of
 25 the covered entity declined during an 8-week

1 period between March 2, 2020, and December
2 31, 2020 (as determined by the covered entity),
3 relative to a comparable 8-week period imme-
4 diately preceding March 2, 2020, or during
5 2019 (as determined by the covered entity).

6 “(D) ECONOMICALLY DISADVANTAGED IN-
7 DIVIDUAL.—The term ‘economically disadvan-
8 tagged individual’ means an economically dis-
9 advantaged individual under section 124.104 of
10 title 13, Code of Federal Regulations, or any
11 successor regulation.

12 “(E) LOW-INCOME COMMUNITY.—The
13 term ‘low-income community’ has the meaning
14 given the term in section 45D(e) of the Internal
15 Revenue Code of 1986.

16 “(F) REMOTE RECREATIONS ENTER-
17 PRISE.—The term ‘remote recreational enter-
18 prise’ means a covered entity that was in oper-
19 ation on or before March 1, 2020, that can doc-
20 ument an economic loss caused by the closure
21 of the United States and Canadian border that
22 restricted the ability of American customers to
23 access the location of the covered entity.

24 “(G) SMALL BUSINESS CONCERN.—The
25 term ‘small business concern’ has the meaning

given the term under section 3(a) of the Small Business Act (15 U.S.C. 632(a)).

“(H) SOCIALLY DISADVANTAGED INDIVIDUAL.—The term ‘socially disadvantaged individual’ means a socially disadvantaged individual under section 124.103 of title 13, Code of Federal Regulations, or any successor regulation.

“(2) PROCEDURE.—During the covered period, a covered entity that applies for a loan under section 7(b)(2) of the Small Business Act (15 U.S.C. 636(b)(2)) may request that the Administrator provide funding for the purposes described in paragraph (6).

“(3) VERIFICATION.—With respect to each request submitted by an entity under paragraph (2), the Administrator shall—

“(A) not later than 14 days after the date on which the Administrator receives the request, verify whether the entity is a covered entity; and

“(B) if the Administrator verifies that the entity is a covered entity under clause (i), and subject to paragraph (8), disburse the funding requested by the covered entity not later than

1 7 days after the date on which the Adminis-
2 trator completes the verification.

3 “(4) ORDER OF PROCESSING.—Subject to para-
4 graph (8), the Administrator shall process and ap-
5 prove requests submitted under paragraph (2) in the
6 order the Administrator receives the requests.

7 “(5) AMOUNT OF FUNDING.—

8 “(A) IN GENERAL.—The amount of fund-
9 ing provided to a covered entity that submits a
10 request under paragraph (2) shall be in an
11 amount that is the lesser of—

12 “(i) the amount of working capital
13 needed by the covered entity for the 180-
14 day period beginning on the date on which
15 the covered entity would receive the fund-
16 ing, as determined by the Administrator
17 using a methodology that is identical to the
18 methodology used by the Administrator to
19 determine working capital needs with re-
20 spect to an application for a loan sub-
21 mitted under section 7(b)(2) of the Small
22 Business Act (15 U.S.C. 636(b)(2)); or

23 “(ii) \$50,000.

24 “(B) ENTITLEMENT TO FULL AMOUNT.—

25 A covered entity that receives funding pursuant

1 to a request submitted under paragraph (2)
2 shall be entitled to receive the full amount of
3 that funding, as determined under subpara-
4 graph (A), without regard to—

5 “(i) if the applicable loan for which
6 the covered entity has applied under sec-
7 tion 7(b)(2) of the Small Business Act (15
8 U.S.C. 636(b)(2)) is approved, the amount
9 of the loan;

10 “(ii) whether the covered entity ac-
11 cepts the offer of the Administrator with
12 respect to an approved loan described in
13 clause (i); or

14 “(iii) whether the covered entity has
15 previously received any amounts under
16 subsection (e).

17 “(6) USE OF FUNDS.—A covered entity that re-
18 ceives funding under this subsection—

19 “(A) may use the funding—

20 “(i) for any purpose for which a loan
21 received under section 7(b)(2) of the Small
22 Business Act (15 U.S.C. 636(b)(2)) may
23 be used;

24 “(ii) for working capital needs, includ-
25 ing investments to implement adaptive

1 changes or resiliency strategies to help the
2 eligible entity maintain business continuity
3 during the COVID–19 pandemic; or

4 “(iii) to repay any unpaid amount
5 of—

6 “(I) a loan received under sub-
7 section (a)(36) or (b)(2) of section 7
8 of the Small Business Act (15 U.S.C.
9 636); or

10 “(II) mortgage interest; and

11 “(B) may not use the funding to pay any
12 loan debt, except as provided in subparagraph
13 (A)(iii).

14 “(7) APPLICABILITY.—In addition to any other
15 restriction imposed under this subsection, any eligi-
16 bility restriction applicable to a loan made under
17 section 7(b)(2) of the Small Business Act (15 U.S.C.
18 636(b)(2)), including any restriction under section
19 123.300 or 123.301 of title 13, Code of Federal
20 Regulations, or any successor regulation, shall apply
21 with respect to funding provided under this sub-
22 section.

23 “(8) PRIORITY.—During the 56-day period be-
24 ginning on the date of enactment of this subsection,
25 the Administrator may approve a request for fund-

1 ing under this subsection only if the request is sub-
2 mitted by—

3 “(A) a covered entity located in a low-in-
4 come community;

5 “(B) a covered entity owned or controlled
6 by a veteran or a member of the Armed Forces;

7 “(C) a covered entity owned or controlled
8 by an economically disadvantaged individual or
9 a socially disadvantaged individual; or

10 “(D) a remote recreational enterprise.

11 “(9) ADMINISTRATION.—In carrying out this
12 subsection, the Administrator may rely on loan offi-
13 cers and other personnel of the Office of Disaster
14 Assistance of the Administration and other resources
15 of the Administration, including contractors of the
16 Administration.

17 “(10) RETROACTIVE EFFECT.—Any covered en-
18 tity that, during the period beginning on January 1,
19 2020, and ending on the day before the date of en-
20 actment of this subsection, applied for a loan under
21 section 7(b)(2) of the Small Business Act (15 U.S.C.
22 636(b)(2)) may submit to the Administrator a re-
23 quest under paragraph (2) with respect to that loan.

24 “(11) AUTHORIZATION OF APPROPRIATIONS.—
25 There are authorized to be appropriated to the Ad-

1 administrator \$40,000,000,000 to carry out this sub-
 2 section, which shall remain available through De-
 3 cember 31, 2020, of which—

4 “(A) \$20,000,000,000 is authorized to be
 5 appropriated to provide funding to covered enti-
 6 ties described in paragraph (8); and

7 “(B) \$20,000,000 is authorized to be ap-
 8 propriated to the Inspector General of the Ad-
 9 ministration to prevent waste, fraud, and abuse
 10 with respect to funding provided under this
 11 subsection.”.

12 **SEC. 406. MODIFICATIONS TO ECONOMIC INJURY DISASTER**
 13 **LOANS.**

14 (a) LOANS FOR NEW BORROWERS.—With respect to
 15 a loan made under section 7(b)(2) of the Small Business
 16 Act (15 U.S.C. 636(b)(2)) to a borrower adversely im-
 17 pacted by COVID–19 during the period beginning on the
 18 date of enactment of this Act and ending on December
 19 31, 2020—

20 (1) the borrower shall be eligible for a loan in
 21 an amount equal to 6 months of working capital if
 22 the borrower otherwise meets the underwriting
 23 standards established by the Administration; and

24 (2) the Administrator—

1 (A) shall not impose a maximum loan
2 amount limit that is lower than \$2,000,000;
3 and

4 (B) shall not disqualify any applicant for
5 such a loan due to the criminal history or arrest
6 record of the applicant, except in the case of an
7 applicant that, during the 5-year period pre-
8 ceding the date on which the applicant submits
9 an application, has been convicted—

10 (i) of a felony offense involving fraud,
11 bribery, or embezzlement in any State or
12 Federal court; or

13 (ii) in connection with a false state-
14 ment made in—

15 (I) a loan application; or

16 (II) an application for Federal fi-
17 nancial assistance.

18 (b) ADDITIONAL LOAN FOR EXISTING BOR-
19 ROWERS.—

20 (1) IN GENERAL.—A recipient of a loan made
21 under section 7(b)(2) of the Small Business Act (15
22 U.S.C. 636(b)(2)) to a borrower adversely impacted
23 by COVID-19 during the period beginning on Janu-
24 ary 31, 2020, and ending on the date of enactment
25 of this Act may submit to the Administrator a re-

1 quest for an additional amount to increase in the
2 amount of that loan, provided that the aggregate
3 amount received under such section by the recipient
4 during that period shall be not more than the lesser
5 of—

6 (A) an amount equal to 6 months of work-
7 ing capital for the recipient; and

8 (B) \$2,000,000; and

9 (2) CONSIDERATION.—In considering a request
10 submitted under paragraph (1), the Administrator—

11 (A) may not recalculate the economic in-
12 jury or creditworthiness of the borrower; and

13 (B) shall issue a determination based on
14 the documentation submitted by the borrower
15 for the initial loan under such section 7(b)(2),
16 any other new information voluntarily provided
17 by the borrower, and any information obtained
18 to prevent fraud or abuse.

19 (3) ADDITIONAL DOCUMENTATION.—If the Ad-
20 ministrator of the Small Business Administration re-
21 quires a borrower making a request under para-
22 graph (1) to provide additional documentation, the
23 Administrator shall—

24 (A) publish those documentation require-
25 ments on the website of the Administration not

1 later than 7 days after the date of enactment
2 of this Act; and

3 (B) proactively provide those requirements
4 to any such borrower that received a loan de-
5 scribed in paragraph (1).

6 **SEC. 407. PRINCIPAL AND INTEREST PAYMENTS FOR CER-**
7 **TAIN DISASTER LOANS.**

8 (a) IN GENERAL.—The Administrator shall pay the
9 principal, interest, and any associated fees that are owed
10 on a physical disaster loan or a covered EIDL loan as
11 follows:

12 (1) With respect to a physical disaster loan—

13 (A) not in deferment, for the 12-month pe-
14 riod beginning with the next payment due on
15 such loan;

16 (B) in deferment, for the 12-month period
17 beginning with the next payment due on such
18 loan after the deferment period; and

19 (C) made on or after the date of enact-
20 ment of this Act, for the 12-month period be-
21 ginning with the first payment due on such
22 loan.

23 (2) With respect to a covered EIDL loan—

1 (A) not in deferment, for the 12-month pe-
2 riod beginning with the next payment due on
3 such loan; and

4 (B) in deferment, for the 12-month period
5 beginning with the next payment due on such
6 loan after the deferment period.

7 (b) TIMING OF PAYMENT.—The Administrator shall
8 begin making payments under subsection (a) not later
9 than 30 days after the date on which the first such pay-
10 ment is due.

11 (c) APPLICATION OF PAYMENT.—Any payment made
12 by the Administrator under subsection (a) shall be applied
13 to the physical disaster loan or a covered EIDL loan (as
14 applicable) such that the borrower is relieved of the obliga-
15 tion to pay that amount.

16 (d) DEFINITIONS.—In this section:

17 (1) PHYSICAL DISASTER LOAN.—The term
18 “physical disaster loan” means a loan made under
19 section 7(b)(1) of the Small Business Act (15 U.S.C.
20 636(b)(1)) in a regular servicing status.

21 (2) COVERED EIDL LOAN.—The term “covered
22 EIDL loan” means a loan made under section
23 7(b)(2) of the Small Business Act (15 U.S.C.
24 636(b)(2)) that—

1 (A) was approved by the Administrator be-
2 fore February 15, 2020; and

3 (B) is in a regular servicing status.

4 **SEC. 408. TRAINING.**

5 The Administrator shall develop and implement a
6 plan to train any staff responsible for implementing or ad-
7 ministering the loan program established under section
8 7(b)(2) of the Small Business Act (15 U.S.C. 636(b)(2))
9 on specific responsibilities with respect to such program.
10 Such plan shall be submitted to the Committee on Small
11 Business of the House of Representatives and the Com-
12 mittee on Small Business and Entrepreneurship of the
13 Senate.

14 **SEC. 409. OUTREACH PLAN.**

15 Not later than 30 days after the date of the enact-
16 ment of this Act, the Administrator shall submit to the
17 Committee on Small Business of the House of Representa-
18 tives and the Committee on Small Business and Entrepre-
19 neurship of the Senate an outreach plan to clearly commu-
20 nicate program and policy changes to all offices of the Ad-
21 ministration, small business development centers (as de-
22 fined in section 3 of the Small Business Act (15 U.S.C.
23 632)), women's business centers (described under section
24 29 of such Act (15 U.S.C. 656)), chapters of the Service
25 Corps of Retired Executives (established under section

1 8(b)(1)(B) of such Act (15 U.S.C. 637(b)(1)(B))), Vet-
2 eran Business Outreach Centers (described under section
3 32 of such Act (15 U.S.C. 657b)), Members of Congress,
4 congressional committees, small business concerns (as de-
5 fined in section 3 of such Act (15 U.S.C. 632)), and the
6 public.

7 **SEC. 410. REPORT ON BEST PRACTICES.**

8 Not later than 60 days after the date of the enact-
9 ment of this Act, the Administrator shall submit to the
10 Committee on Small Business of the House of Representa-
11 tives and the Committee on Small Business and Entrepre-
12 neurship of the Senate a report on outlining the best prac-
13 tices to administer the loan program established under
14 section 7(b)(2) of the Small Business Act (15 U.S.C.
15 636(b)(2)) during a pandemic.

16 **SEC. 411. EXTENSION OF PERIOD OF AVAILABILITY FOR AD-**
17 **MINISTRATIVE FUNDS.**

18 Section 1107(a) of the CARES Act (15 U.S.C.
19 9006(a)) is amended in the matter preceding paragraph
20 (1) by striking “until September 30, 2021” and inserting
21 “until December 31, 2021, for amounts appropriated
22 under paragraph (2), and until September 30, 2021, for
23 all other amounts appropriated under this subsection”.

1 **TITLE V—MICRO-SBIC AND EQ-**
 2 **UITY INVESTMENT ENHANCE-**
 3 **MENT**

4 **SEC. 501. MICRO-SBIC PROGRAM.**

5 Title III of the Small Business Investment Act of
 6 1958 (15 U.S.C. 681 et seq.) is amended by adding at
 7 the end the following:

8 **“PART D—MICRO-SBIC PROGRAM**

9 **“SEC. 399A. MICRO-SBIC PROGRAM.**

10 “(a) ESTABLISHMENT.—There is established in the
 11 Administration a program to be known as the ‘Micro-
 12 SBIC Program’ under which the Administrator shall issue
 13 a license to an applicant for the purpose of making loans
 14 to and investments in small business concerns. An appli-
 15 cant licensed under this section shall have the same bene-
 16 fits as an applicant licensed under section 301.

17 “(b) ELIGIBILITY.—An applicant desiring to receive
 18 a license to operate as a micro-SBIC shall submit an appli-
 19 cation to the Administrator at such time, in such manner,
 20 and containing such information as the Administrator may
 21 require, including—

22 “(1) evidence that the applicant holds private
 23 capital of not less than \$5,000,000;

1 “(2) evidence that the management of the ap-
2 plicant is qualified and has significant business ex-
3 pertise relevant to the applicant’s strategy; and

4 “(3) an election to receive a seed investment
5 under section 399C or leverage from the Adminis-
6 trator.

7 “(c) ISSUANCE OF LICENSE.—

8 “(1) PROCEDURES.—

9 “(A) STATUS.—Not later than 90 days
10 after the initial receipt by the Administrator of
11 an application under this subsection, the Ad-
12 ministrator shall provide the applicant with a
13 written report detailing the status of the appli-
14 cation and any requirements remaining for
15 completion of the application.

16 “(B) APPROVAL OR DISAPPROVAL.—Ex-
17 cept as provided in subparagraph (C) and with-
18 in a reasonable time after providing the report
19 under subparagraph (A) and in accordance with
20 such requirements as the Administrator may
21 prescribe by regulation, the Administrator
22 shall—

23 “(i) approve the application and issue
24 to the applicant a license to operate as a
25 micro-SBIC; or

1 “(ii) disapprove the application and
2 notify the applicant in writing of the dis-
3 approval.

4 “(C) PROVISIONAL APPROVAL.—The Ad-
5 ministrator may provide provisional approval
6 for an applicant for a period of not more than
7 12 months before making a final determination
8 of approval or disapproval under subparagraph
9 (B).

10 “(D) EXPLANATION OF DISAPPROVAL.—
11 An applicant may submit to the Administrator
12 a request for a written explanation regarding
13 the disapproval of an application under sub-
14 paragraph (B)(ii).

15 “(2) APPEALS.—

16 “(A) DISAPPROVED APPLICATIONS.—With
17 respect to an application that is disapproved
18 under paragraph (1)(B)(iii)—

19 “(i) not later than 30 days after the
20 date on which the application is dis-
21 approved, the applicant may submit an ap-
22 peal to the Chair of the Investment Divi-
23 sion Licensing Committee of the Adminis-
24 tration (referred to in this subparagraph
25 as the ‘Chair’); and

1 “(ii) not later than 30 days after the
2 date on which the applicant submits an ap-
3 peal under clause (i), the Chair shall issue
4 a ruling with respect to the appeal and no-
5 tify the applicant regarding such ruling.

6 “(B) DENIAL OF APPEAL.—With respect
7 to an application that the Chair denies in an
8 appeal submitted under subparagraph (A)—

9 “(i) not later than 30 days after the
10 date on which the Chair submits the notifi-
11 cation required under subparagraph
12 (A)(ii), the applicant may submit to the
13 Administrator an appeal of the ruling
14 made by the Chair; and

15 “(ii) not later than 30 days after the
16 date on which the applicant submits an ap-
17 peal under clause (i), the Administrator
18 shall issue a final ruling with respect to
19 the appeal and notify the applicant regard-
20 ing such ruling.

21 “(3) PRIORITY.—In reviewing applications and
22 issuing licenses under this section, the Administrator
23 shall give priority to an applicant the management
24 of which consists of at least two socially disadvan-
25 tagged individuals or economically disadvantaged indi-

1 viduals and at least one track record investment
2 committee member.

3 “(4) EXPEDITED PROCEDURES.—The Adminis-
4 trator shall establish expedited procedures for the
5 consideration of an application submitted under sub-
6 section (b), including a written report under para-
7 graph (1)(A) not later than 45 days after the initial
8 receipt of an application, for—

9 “(A) a small business investment compa-
10 nies licensed under section 301;

11 “(B) a rural business investment company;

12 or

13 “(C) a bank-owned applicant.

14 “(d) MAXIMUM LEVERAGE.—

15 “(1) IN GENERAL.—For a micro-SBIC that
16 elects to receive leverage under subsection (b)(3),
17 the maximum amount of outstanding leverage made
18 available to any one micro-SBIC may not exceed—

19 “(A) 50 percent of the private capital of
20 such micro-SBIC, not to exceed \$25,000,000;

21 or

22 “(B) in the case of a micro-SBIC owned
23 by persons who also own a small business in-
24 vestment company licensed under section 301,

1 100 percent of the private capital of such
2 micro-SBIC, not to exceed \$50,000,000.

3 “(2) INVESTMENTS IN CERTAIN BUSINESSES.—

4 In calculating the outstanding leverage of a micro-
5 SBIC for purposes of paragraph (1), the Adminis-
6 trator shall exclude the amount of the cost basis of
7 any investments made in an early-stage small busi-
8 ness, growth-stage small business, scale-up small
9 business, or covered small business in an amount not
10 to exceed—

11 “(A) \$25,000,000; or

12 “(B) in the case of a micro-SBIC owned
13 by persons who also own a small business in-
14 vestment company licensed under section 301,
15 \$50,000,000.

16 **“SEC. 399B. MICRO-SBIC PROGRAM REQUIREMENTS.**

17 “(a) SURRENDER OF LICENSE.—A micro-SBIC that
18 voluntarily surrenders a license issued under this section
19 shall enter into an agreement with Administrator for the
20 repayment of leverage received. Such agreement may not
21 require the micro-SBIC to immediately repay all leverage
22 received.

23 “(b) ADMINISTRATION.—To the extent practicable,
24 for a micro-SBIC that elects to receive leverage under sec-
25 tion 399A(b)(3), the Administrator shall administer the

1 Micro-SBIC Program in a similar manner to the program
2 under section 301.

3 **“SEC. 399C. SEED INVESTMENT PROGRAM.**

4 “(a) ESTABLISHMENT.—The Administrator shall es-
5 tablish and carry out an equity investment program (in
6 this part referred to as the ‘Seed Investment Program’)
7 to provide seed investments to a micro-SBIC to invest in
8 small business concerns.

9 “(b) APPLICATION.—A micro-SBIC that elects to re-
10 ceive a seed investment under section 399A(b)(3) shall
11 submit to the Administrator an application that includes
12 the following:

13 “(1) A business plan describing how the appli-
14 cant intends to make successful investments in
15 early-stage small businesses, growth-stage small
16 businesses, scale-up small businesses, or covered
17 small businesses, as applicable.

18 “(2) A description of the extent to which the
19 applicant meets the selection criteria under sub-
20 section (c).

21 “(c) SELECTION.—

22 “(1) IN GENERAL.—Not later than 90 days
23 after the date of receipt of an application under sub-
24 section (b), the Administrator shall make a final de-
25 termination to approve or disapprove the applicant

1 as a participant in the Seed Investment Program
2 and shall submit such determination to the applicant
3 in writing.

4 “(2) CRITERIA.—In making a determination
5 under paragraph (1), the Administrator shall con-
6 sider each of the following criteria:

7 “(A) The likelihood that the applicant will
8 meet the goals specified in the business plan of
9 the applicant.

10 “(B) The likelihood that the investments of
11 the applicant will directly and indirectly create
12 or preserve jobs.

13 “(C) The character and fitness of the man-
14 agement of the applicant.

15 “(D) The experience and background of
16 the management of the applicant.

17 “(E) The extent to which the applicant will
18 concentrate investment activities on early-stage
19 small businesses, growth-stage small businesses,
20 scale-up small businesses, or covered small busi-
21 nesses, as applicable.

22 “(F) The likelihood that the applicant will
23 achieve profitability.

1 “(G) The experience of the management of
 2 the applicant with respect to establishing a
 3 profitable investment track record.

4 **“SEC. 399D. REQUIREMENTS FOR SEED INVESTMENTS.**

5 “(a) IN GENERAL.—The Administrator may make
 6 one seed investment to a Program participant, which shall
 7 be held in an account from which the Program participant
 8 may make withdrawals.

9 “(b) AMOUNTS.—

10 “(1) NON-FEDERAL CAPITAL.—A seed invest-
 11 ment made to a Program participant may not exceed
 12 the amount of capital of such Program participant
 13 that—

14 “(A) is not from a Federal source; and

15 “(B) that is available for investment, in-
 16 cluding through legally binding commitments,
 17 on or before the date on which the seed invest-
 18 ment is approved.

19 “(2) LIMITATION ON AMOUNT.—The amount of
 20 a seed investment made to a Program participant
 21 may not exceed the lesser of—

22 “(A) \$25,000,000; or

23 “(B) 100 percent of the private capital
 24 committed to the Program participant.

25 “(c) PROCESS.—

1 “(1) IN GENERAL.—Amounts held in an ac-
2 count under this section shall remain available to a
3 Program participant—

4 “(A) for initial seed investments, during
5 the 5-year period beginning on the date on
6 which the Program participant first accesses
7 amounts from the account; and

8 “(B) for follow-on investments and man-
9 agement fees, during the 10-year period begin-
10 ning on the date on which the Program partici-
11 pant first accesses amounts from the account.

12 “(2) EXTENSION.—Upon request by a Program
13 participant, the Administrator may grant a 1-year
14 extension of the period described in paragraph
15 (1)(B) not more than 2 times.

16 “(3) USE OF AMOUNTS.—A Program partici-
17 pant shall invest all amounts in the account during
18 the 10-year period beginning on the date on which
19 the Program participant first accesses amounts from
20 the account.

21 “(d) PRIORITY.—The Administrator shall prioritize
22 making seed investments under this section to Program
23 participants in underlicensed States.

24 “(e) INVESTMENTS IN CERTAIN BUSINESSES.—

1 “(1) IN GENERAL.—A Program participant that
2 receives a seed investment under this part shall
3 make all of the investments of such Program partici-
4 pant in small business concerns, of which at least 50
5 percent shall be in covered small businesses.

6 “(2) MINORITY POSITIONS.—On the date on
7 which a Program participant first accesses amounts
8 from such seed investment, the Program participant
9 may not own or control not more than 50 percent
10 of the shares of any small business concern in which
11 such Program participant invests. A Program partici-
12 pant shall not pursue a buyout strategy as a pri-
13 mary purpose of an investment in such a small busi-
14 ness concern, but may take control in follow-on in-
15 vestments if necessary for the success of any such
16 small business concern.

17 “(3) EVALUATION OF COMPLIANCE.—The Ad-
18 ministrator shall evaluate the compliance of a Pro-
19 gram participant with the requirements under this
20 section once such Program participant has expended
21 75 percent of the amount of a seed investment made
22 under this part.

23 “(f) SEED INVESTMENT INTEREST.—

24 “(1) IN GENERAL.—

1 “(A) IN GENERAL.—Subject to paragraph
2 (4), a Program participant that receives a seed
3 investment under the Program shall convey a
4 seed investment interest to the Administrator in
5 accordance with subparagraph (B).

6 “(B) EFFECT OF CONVEYANCE.—The seed
7 investment interest conveyed under paragraph
8 (1) shall have all the rights and attributes of
9 other investors with respect to the Program
10 participant, but shall not assign control or vot-
11 ing rights to the Administrator. The seed in-
12 vestment interest shall entitle the Administrator
13 to a pro rata portion of any distributions made
14 by the Program participant equal to the per-
15 centage of capital in the Program participant
16 that the seed investment comprises. The Ad-
17 ministrator shall receive distributions from the
18 Program participant at the same times and in
19 the same amounts as any other investor in the
20 Program participant with a similar interest.
21 The Program participant shall make allocations
22 of income, gain, loss, deduction, and credit to
23 the Administrator with respect to the seed in-
24 vestment interest as if the Administrator were
25 an investor.

1 “(2) MANAGER PROFITS.—The manager profits
2 interest payable to the managers of a Program par-
3 ticipant shall not exceed 20 percent of profits, exclu-
4 sive of any profits that may accrue as a result of the
5 capital contributions of any such managers with re-
6 spect to such Program participant. Any excess of
7 this amount, less taxes payable thereon, shall be re-
8 turned by the managers and paid to the investors
9 and the Administrator in proportion to the capital
10 contributions and seed investments paid in. No man-
11 ager profits interest (other than a tax distribution)
12 shall be paid prior to the repayment to the investors
13 and the Administrator of all contributed capital and
14 seed investments made. A manager of a Program
15 participant may charge reasonable and customary
16 management and organizational fees.

17 “(3) DISTRIBUTION REQUIREMENTS.—A Pro-
18 gram participant that receives a seed investment
19 under the Program shall make all distributions to all
20 investors in cash and shall make distributions within
21 a reasonable time after exiting investments, includ-
22 ing following a public offering or market sale of un-
23 derlying investments.

24 “(4) LIMITATION ON GRANT PROFITS.—Once
25 the Administrator has received an amount equal to

1 110 percent of the amount of the seed investment
2 made to a Program participant, the requirement to
3 convey seed investment interest under this sub-
4 section shall be terminated and no further distribu-
5 tions of profits shall be made to the Administrator.

6 **“SEC. 399E. ADMINISTRATION.**

7 “(a) ELECTRONIC SUBMISSIONS.—The Adminis-
8 trator shall permit the electronic submission of any docu-
9 ment submitted under this part or pursuant to a regula-
10 tion carrying out this part, including by permitting an
11 electronic signature for any signature that is required on
12 such a document.

13 “(b) APPLICATION OF PENALTIES.—To the extent
14 not inconsistent with requirements under this part, the
15 Administrator may take such action as set forth in sec-
16 tions 309, 311, 312, 313, and 314 to activities under this
17 part and an officer, director, employee, agent, or other
18 participant in a micro-SBIC shall be subject to the re-
19 quirements under such sections.

20 **“SEC. 399F. REPORT.**

21 “The Administrator shall include in the annual report
22 required under section 10(a) of the Small Business Act
23 a description of—

24 “(1) the number of applications received under
25 this part, including the number of applications re-

1 ceived from applicants for which the management
2 consists of at least two socially disadvantaged indi-
3 viduals or economically disadvantaged individuals;
4 and

5 “(2) the number of licenses issued under sec-
6 tion 399A, including the number of such licenses
7 issued to applicants for which the management con-
8 sists of at least two socially disadvantaged individ-
9 uals or economically disadvantaged individuals.

10 **“SEC. 399G. DEFINITIONS.**

11 “In this part:

12 “(1) APPLICANT.—The term ‘applicant’
13 means—

14 “(A) an incorporated body, a limited liabil-
15 ity corporation, or a limited partnership orga-
16 nized and chartered or otherwise existing under
17 State law solely for the purpose of performing
18 the functions and conducting the activities con-
19 templated under this section; or

20 “(B) a bank-owned applicant, rural busi-
21 ness investment company, or small business in-
22 vestment company licensed under section 301
23 that submits an application to operate as a
24 micro-SBIC under section 399A.

1 “(2) BANK-OWNED APPLICANT.—the term
2 ‘bank-owned applicant’ means an applicant for a li-
3 cense to operate as a small business investment com-
4 pany under this part that—

5 “(A) is a national bank or any member
6 bank of the Federal Reserve System or non-
7 member insured bank that bears the same
8 name as the small business investment company
9 that is the subject of the application;

10 “(B) is domestically domiciled within the
11 United States; and

12 “(C) has not had a license issued under
13 this Act revoked or involuntarily surrendered
14 during the 10-year period preceding the date on
15 which the application is submitted;

16 “(3) COVERED SMALL BUSINESS.—The term
17 ‘covered small business’ means a small business con-
18 cern that—

19 “(A) is a small business concern owned
20 and controlled by women (as defined in section
21 3(n) of the Small Business Act), small business
22 concern owned and controlled by socially and
23 economically disadvantaged individuals (as de-
24 fined in section 8(d)(3)(C) of such Act), a small
25 business concern owned and controlled by vet-

1 erans (as defined in section 3(q) of such Act)
2 or a Tribal business concern (as described in
3 section 31(b)(2)(C) of such Act);

4 “(B) has its principal place of business lo-
5 cated in a rural census tract (as determined
6 under the most recent rural urban commuting
7 area code as set forth by the Office of Manage-
8 ment and Budget);

9 “(C) is a domestic manufacturing business
10 that is assigned a North American Industry
11 Classification System code beginning with 31,
12 32, or 33 at the time at which the small busi-
13 ness concern receives an investment from a
14 micro-SBIC under this section; or

15 “(D) either—

16 “(i) had gross receipts during the first
17 or second quarter in 2020 that are not less
18 than 50 percent less than the gross re-
19 ceipts of the concern during the same
20 quarter in 2019;

21 “(ii) if the concern was not in busi-
22 ness during the first or second quarter of
23 2019, but was in business during the third
24 and fourth quarter of 2019, had gross re-
25 ceipts during the first or second quarter of

1 2020 that are less than 50 percent of the
2 amount of the gross receipts of the concern
3 during the third or fourth quarter of 2019;

4 “(iii) if the concern was not in busi-
5 ness during the first, second, or third
6 quarter of 2019, but was in business dur-
7 ing the fourth quarter of 2019, had gross
8 receipts during the first or second quarter
9 of 2020 that are less than 50 percent of
10 the amount of the gross receipts of the
11 concern during the fourth quarter of 2019;
12 or

13 “(iv) if the concern was not in busi-
14 ness during 2019, but was in operation on
15 February 15, 2020, had gross receipts dur-
16 ing the second quarter of 2020 that are
17 less than 50 percent of the amount of the
18 gross receipts of the concern during the
19 first quarter of 2020.

20 “(4) EARLY-STAGE SMALL BUSINESS.—The
21 term ‘early-stage small business’ means a small busi-
22 ness concern that—

23 “(A) is domestically domiciled within the
24 United States;

1 “(B) during the 3-year period preceding
2 the date of application, has not generated gross
3 annual sales revenues exceeding \$15,000,000;

4 “(C) produces a majority of its goods or
5 provides a majority of its services in the United
6 States; and

7 “(D) does not move production or employ-
8 ment outside the United States.

9 “(5) ECONOMICALLY DISADVANTAGED INDIVIDUAL;
10 SOCIALLY DISADVANTAGED INDIVIDUAL.—
11 The terms ‘economically disadvantaged individual’
12 and ‘socially disadvantaged individual’ have the
13 meanings given, respectively, in section 8(a) of the
14 Small Business Act.

15 “(6) GROWTH-STAGE SMALL BUSINESS.—The
16 term ‘growth-stage small business’ means a small
17 business concern that—

18 “(A) is domestically domiciled within the
19 United States;

20 “(B) during the 3-year period preceding
21 the date of application, has not generated gross
22 annual sales revenues exceeding \$30,000,000;

23 “(C) produces a majority of its good or
24 provides a majority of its services in the United
25 States; and

1 “(D) does not move production or employ-
2 ment outside the United States.

3 “(7) MANAGEMENT.—The term ‘management’
4 means a general partner of an applicant or member
5 of the investment committee of an applicant.

6 “(8) MICRO-SBIC.—The term ‘micro-SBIC’
7 means an applicant licensed under section 399A.

8 “(9) PROGRAM PARTICIPANT.—The term ‘Pro-
9 gram participant’ means a micro-SBIC that received
10 a seed investment under the Seed Investment Pro-
11 gram established by section 399C.

12 “(10) SCALE-UP SMALL BUSINESS.—The term
13 ‘scale-up small business’ means a small business
14 concern that—

15 “(A) is domestically domiciled within the
16 United States;

17 “(B) during the 3-year period preceding
18 the date of application, has not generated earn-
19 ings before interest, tax, depreciation, and am-
20 ortization in excess of \$3,000,000;

21 “(C) produces a majority of its goods or
22 provides a majority of its services in the United
23 States; and

24 “(D) does not move production or employ-
25 ment outside the United States.

1 “(11) SMALL BUSINESS CONCERN.—The term
2 ‘small business concern’ has the meaning given
3 under section 3(a) of the Small Business Act (15
4 U.S.C. 632(a)).

5 “(12) TRACK RECORD INVESTMENT COMMITTEE
6 MEMBER.—The term ‘track record investment com-
7 mittee member’ means a current or former small
8 business investment company licensed under section
9 301, a private small- and lower-middle-market ven-
10 ture capital firm, or a private equity fund manager
11 with the knowledge, experience, and capability nec-
12 essary to serve as management for an applicant.

13 “(13) UNITED STATES.—The term ‘United
14 States’ means each of the several States, the Dis-
15 trict of Columbia, each territory or possession of the
16 United States, and each federally recognized Indian
17 Tribe.

18 **“SEC. 399H. FUNDING.**

19 “(a) AUTHORIZATION OF APPROPRIATIONS.—There
20 is authorized to be appropriated to the revolving fund es-
21 tablished under subsection (b) \$1,000,000,000 for the
22 first full fiscal year beginning after the date of the enact-
23 ment of this part to carry out the requirements of this
24 part.

1 “(b) REVOLVING FUND.—There is created within the
 2 Administration a separate revolving fund for the Seed In-
 3 vestment Program established under section 399C, which
 4 shall be available to the Administrator subject to annual
 5 appropriations. All amounts received by the Adminis-
 6 trator, including any money, property, or assets derived
 7 by the Administrator from operations in connection with
 8 the Seed Investment Program, including repayments of
 9 seed investments, shall be deposited in the revolving fund.
 10 All expenses and payments, excluding administrative ex-
 11 penses, pursuant to the operations of the Administrator
 12 under the Seed Investment Program shall be paid from
 13 the revolving fund.”.

14 **TITLE VI—MISCELLANEOUS**

15 **SEC. 601. REPEAL OF UNEMPLOYMENT GRANTS.**

16 Section 1110(e)(6) of the CARES Act (15 U.S.C.
 17 9009) is repealed.

18 **SEC. 602. SUBSIDY FOR CERTAIN LOAN PAYMENTS.**

19 (a) IN GENERAL.—Section 1112 of the CARES Act
 20 (15 U.S.C. 9011) is amended—

21 (1) in subsection (c)—

22 (A) in paragraph (1)—

23 (i) in the matter preceding subpara-
 24 graph (A), by inserting “, without regard
 25 to the date on which the covered loan is

1 fully disbursed and subject to availability
2 of funds” after “status”; and

3 (ii) by amending subparagraphs (A),
4 (B), and (C) to read as follows:

5 “(A) with respect to a covered loan ap-
6 proved by the Administration before the date of
7 enactment of this Act and not on deferment—

8 “(i) except as provided in clauses (ii)
9 and (iii), for the 6-month period beginning
10 with the next payment due on the covered
11 loan after the covered loan is fully dis-
12 bursed;

13 “(ii) for the 11-month period begin-
14 ning with the next payment due on the
15 covered loan after the covered loan is fully
16 disbursed, with respect to a covered loan
17 that—

18 “(I) is described in subsection
19 (a)(1)(B) or is a loan guaranteed by
20 the Administration under section 7(a)
21 of the Small Business Act (15 U.S.C.
22 636(a)) other than a loan described in
23 clause (i) or (ii) of subsection
24 (a)(1)(A); and

1 “(II) is made to a borrower oper-
2 ating primarily in an industry that is
3 assigned a North American Industry
4 Classification System code beginning
5 with 21, 31, 32, 33, 44, 45, 48, 49,
6 51, 53, 54, 56, 62, or 81; and

7 “(iii) for the 18-month period begin-
8 ning with the next payment due on the
9 covered loan after the covered loan is fully
10 disbursed, with respect to—

11 “(I) a covered loan described in
12 paragraph (1)(A)(i) or paragraph (2)
13 of subsection (a); or

14 “(II) any covered loan made to a
15 borrower operating primarily in an in-
16 dustry that is assigned a North Amer-
17 ican Industry Classification System
18 code of 485510 or that begins with
19 61, 71, or 72;

20 “(B) with respect to a covered loan ap-
21 proved by the Administration before the date of
22 enactment of this Act and on deferment—

23 “(i) except as provided in clauses (ii)
24 and (iii), for the 6-month period beginning
25 with the next payment due on the covered

1 loan after the deferment period and after
2 the covered loan is fully disbursed;

3 “(ii) for the 11-month period begin-
4 ning with the next payment due on the
5 covered loan after the deferment period
6 and after the covered loan is fully dis-
7 bursed, with respect to a covered loan de-
8 scribed in subclause (I) or (II) of subpara-
9 graph (A)(ii); and

10 “(iii) for the 18-month period begin-
11 ning with the next payment due on the
12 covered loan after the deferment period
13 and after the covered loan is fully dis-
14 bursed, with respect to a covered loan de-
15 scribed in subclause (I) or (II) of subpara-
16 graph (A)(iii); and

17 “(C) with respect to a covered loan made
18 during the period beginning on the date of en-
19 actment of this Act and ending on the date that
20 is 30 months after such date of enactment—

21 “(i) except as provided in clause (ii),
22 for the 6-month period beginning with the
23 first payment due after the loan is fully
24 disbursed; and

1 “(ii) for a covered loan described in
2 paragraph (1)(A)(i) or (2) of subsection
3 (a) that is approved by the Administrator,
4 for the 18-month period beginning with the
5 first payment due after the loan is fully
6 disbursed.”; and

7 (B) by adding at the end the following:

8 “(4) ADDITIONAL PROVISIONS FOR NEW
9 LOANS.—With respect to a loan described in para-
10 graph (1)(C)—

11 “(A) the Administrator may further extend
12 the 30-month period described in paragraph
13 (1)(C) if there are sufficient funds to continue
14 those payments; and

15 “(B) during the underwriting process, a
16 lender of such a loan may consider the pay-
17 ments under this section as part of a com-
18 prehensive review to determine the ability to
19 repay.

20 “(5) ELIGIBILITY.—Eligibility for a covered
21 loan to receive such payments of principal, interest,
22 and any associated fees under this subsection shall
23 be based on the date on which the covered loan is
24 approved by the Administration.

25 “(6) AUTHORITY TO REVISE EXTENSIONS.—

1 “(A) IN GENERAL.—As part of preparing
2 the reports under subsection (i)(5) that are re-
3 quired to be submitted not later than January
4 15, 2021, and not later than June 15, 2021,
5 the Administrator shall conduct an evaluation
6 of whether amounts made available to make
7 payments under this subsection are sufficient to
8 make the payments for the period described in
9 paragraph (1).

10 “(B) PLAN.—If the Administrator deter-
11 mines under subparagraph (A) that the
12 amounts made available to make payments
13 under this subsection are insufficient, the Ad-
14 ministrator shall—

15 “(i) develop a plan to proportionally
16 reduce the number of months provided for
17 each period described in paragraph (1),
18 which shall include the goal of using all
19 available amounts made available to make
20 payments under this subsection; and

21 “(ii) before taking action under the
22 plan developed under clause (i), include in
23 the applicable report under subsection
24 (i)(5) the plan and the data that informs
25 the plan.

1 “(7) RULE OF CONSTRUCTION.—Nothing in
2 this subsection shall preclude a borrower from re-
3 ceiving full payments of principal, interest, and any
4 associated fees as authorized by subsection, regard-
5 less of the application of a plan implemented under
6 paragraph (6)(B).”;

7 (2) by redesignating subsection (f) as sub-
8 section (j); and

9 (3) by inserting after subsection (e) the fol-
10 lowing:

11 “(f) ELIGIBILITY FOR NEW LOANS.—

12 “(1) IN GENERAL.—With respect to a covered
13 loan made on or after the date of enactment of the
14 PPP and EIDL Enhancement Act of 2020, the cov-
15 ered loan shall have a maturity of not less than 48
16 months in order to be eligible for payments made
17 under this section.

18 “(2) LENDING PROGRAMS.—The minimum ma-
19 turity requirements of paragraph (1) shall not pro-
20 hibit the Administrators from establishing a min-
21 imum maturity of longer than 48 months for a loan
22 described under subsection (a), taking into consider-
23 ation the normal underwriting requirements for each
24 such program.

1 “(g) LIMITATION ON ASSISTANCE.—A borrower may
2 not receive assistance under subsection (c) for more than
3 1 covered loan of the borrower described in paragraph
4 (1)(C) of that subsection.

5 “(h) REPORTING AND OUTREACH.—

6 “(1) UPDATE TO WEBSITE.—Not later than 7
7 days after the date of enactment of the PPP and
8 EIDL Enhancement Act of 2020, the Administrator
9 shall update the website of the Administration to de-
10 scribe the requirements relating to payments made
11 under this section.

12 “(2) PUBLICATION OF LIST.—Not later than 14
13 days after the date of enactment of the PPP and
14 EIDL Enhancement Act of 2020, the Administrator
15 shall transmit to each lender of a covered loan a list
16 of each borrower of a covered loan that includes the
17 North American Industry Classification System code
18 assigned to the borrower, to assist the lenders in
19 identifying which borrowers qualify for an extension
20 of payments under subsection (c).

21 “(3) EDUCATION AND OUTREACH.—

22 “(A) IN GENERAL.—The Administrator
23 shall provide education and outreach to lenders,
24 borrowers, district offices, and resource part-
25 ners of the Administration in order to ensure

1 full and proper compliance with this section, en-
2 courage broad participation with respect to cov-
3 ered loans that have not yet been approved by
4 the Administrator, and help lenders transition
5 borrowers from subsidy payments under this
6 section directly to a deferral when suitable for
7 the borrower.

8 “(B) RESOURCE PARTNERS DEFINED.—In
9 this paragraph, the term ‘resource partners ’
10 means small business development centers (as
11 defined in section 3 of the Small Business Act
12 (15 U.S.C. 632)), women’s business centers
13 (described under section 29 of such Act (15
14 U.S.C. 656)), chapters of the Service Corps of
15 Retired Executives (established under section
16 8(b)(1)(B) of such Act (15 U.S.C.
17 637(b)(1)(B))), and Veteran Business Outreach
18 Centers (described under section 32 of such Act
19 (15 U.S.C. 657b)).

20 “(4) NOTIFICATION.—Not later than 30 days
21 after the date of enactment of the PPP and EIDL
22 Enhancement Act of 2020, the Administrator shall
23 mail a letter to each borrower of a covered loan that
24 includes—

1 “(A) an overview of payments made under
2 this section;

3 “(B) the rights of the borrower to receive
4 such payments;

5 “(C) how to seek recourse with the Admin-
6 istrator or the lender of the covered loan if the
7 borrower has not received such payments; and

8 “(D) the rights of the borrower to request
9 a loan deferral from a lender, and guidance on
10 how to do successfully transition directly to a
11 loan deferral once subsidy payments under this
12 section are concluded.

13 “(5) MONTHLY REPORTING.—Not later than
14 the 15th of each month beginning after the date of
15 enactment of the PPP and EIDL Enhancement Act
16 of 2020, the Administrator shall submit to Congress
17 a report on payments made under this section, which
18 shall include—

19 “(A) monthly and cumulative data on pay-
20 ments made under this section as of the date of
21 the report, including a breakdown by—

22 “(i) the number of participating bor-
23 rowers;

24 “(ii) the volume of payments made for
25 each type of covered loan; and

1 “(iii) the volume of payments made
2 for covered loans made before the date of
3 enactment of this Act and loans made
4 after such date of enactment;

5 “(B) the names of any lenders of covered
6 loans that have not submitted information on
7 the covered loans to the Administrator during
8 the preceding month; and

9 “(C) an update on the education and out-
10 reach activities of the Administration carried
11 out under paragraph (3).

12 “(i) REGULATIONS.—Not later than 30 days after the
13 date of enactment of the PPP and EIDL Enhancement
14 Act of 2020, the Administrator shall issue rules to guard
15 against abuse or excessive and unintended use by lenders
16 or borrowers of the payments provided under this sec-
17 tion.”.

18 (b) EFFECTIVE DATE.—The amendments made by
19 this section shall apply as if included in the enactment
20 of section 1112 of the CARES Act (15 U.S.C. 9011).

21 **SEC. 603. MODIFICATIONS TO 7(a) LOAN PROGRAMS.**

22 (a) 7(a) LOAN GUARANTEES.—

23 (1) IN GENERAL.—Section 7(a)(2)(A) of the
24 Small Business Act (15 U.S.C. 636(a)(2)(A)) is
25 amended by striking “), such participation by the

1 Administration shall be equal to” and all that fol-
2 lows through the period at the end and inserting “or
3 the Community Advantage Pilot Program of the Ad-
4 ministration), such participation by the Administra-
5 tion shall be equal to 90 percent of the balance of
6 the financing outstanding at the time of disburse-
7 ment of the loan.”.

8 (2) PROSPECTIVE REPEAL.—Effective October
9 1, 2021, section 7(a)(2)(A) of the Small Business
10 Act (15 U.S.C. 636(a)(2)(A)), as amended by para-
11 graph (1), is amended to read as follows:

12 “(A) IN GENERAL.—Except as provided in
13 subparagraphs (B), (D), (E), and (F), in an
14 agreement to participate in a loan on a deferred
15 basis under this subsection (including a loan
16 made under the Preferred Lenders Program),
17 such participation by the Administration shall
18 be equal to—

19 “(i) 75 percent of the balance of the
20 financing outstanding at the time of dis-
21 bursement of the loan, if such balance ex-
22 ceeds \$150,000; or

23 “(ii) 85 percent of the balance of the
24 financing outstanding at the time of dis-

1 bursement of the loan, if such balance is
 2 less than or equal to \$150,000.”.

3 (b) EXPRESS LOANS.—

4 (1) LOAN AMOUNT.—Section 1102(c)(2) of the
 5 CARES Act (Public Law 116–36; 15 U.S.C. 636
 6 note) is amended to read as follows:

7 “(2) PROSPECTIVE REPEAL.—Section
 8 7(a)(31)(D) of the Small Business Act (15 U.S.C.

9 “(A) by striking ‘\$1,000,000’ and inserting
 10 ‘\$500,000’, effective during the period begin-
 11 ning on January 1, 2021, and ending on Sep-
 12 tember 30, 2021; and

13 “(B) (B) by striking ‘\$500,000’ and in-
 14 serting ‘\$350,000’, effective October 1, 2021.”.

15 (2) GUARANTEE RATES.—

16 (A) TEMPORARY MODIFICATION.—Section
 17 7(a)(31)(A)(iv) of the Small Business Act (15
 18 U.S.C. 636(a)(31)(A)(iv)) is amended by strik-
 19 ing “with a guaranty rate of not more than 50
 20 percent.” and inserting the following: “with a
 21 guarantee rate—

22 “(I) for a loan in an amount less
 23 than or equal to \$350,000, of not
 24 more than 75 percent; and

1 “(II) for a loan in an amount
 2 greater than \$350,000, of not more
 3 than 50 percent.”.

4 (B) PROSPECTIVE REPEAL.—Effective Oc-
 5 tober 1, 2021, section 7(a)(31)(A)(iv) of the
 6 Small Business Act (15 U.S.C. 636(a)(31)), as
 7 amended by subparagraph (A), is amended by
 8 striking “guarantee rate” and all that follows
 9 through the period at the end and inserting
 10 “guarantee rate of not more than 50 percent.”.

11 **SEC. 604. FLEXIBILITY IN DEFERRAL OF PAYMENTS OF 7(A)**
 12 **LOANS.**

13 Section 7(a)(7) of the Small Business Act (15 U.S.C.
 14 636(a)(7)) is amended—

15 (1) by striking “The Administration” and in-
 16 serting “(A) IN GENERAL.—The Administrator”;

17 (2) by inserting “and interest” after “prin-
 18 cipal”; and

19 (3) by adding at the end the following new sub-
 20 paragraphs:

21 “(B) DEFERRAL REQUIREMENTS.—With re-
 22 spect to a deferral provided under this paragraph,
 23 the Administrator may allow lenders under this sub-
 24 section—

1 “(i) to provide full payment deferment re-
 2 lief (including payment of principal and inter-
 3 est) for a period of not more than 1 year; and

4 “(ii) to provide an additional deferment pe-
 5 riod if the borrower provides documentation
 6 justifying such additional deferment.

7 “(C) SECONDARY MARKET.—If an investor de-
 8 clines to approve a deferral or additional deferment
 9 requested by a lender under subparagraph (B), the
 10 Administrator shall exercise the authority to pur-
 11 chase the loan so that the borrower may receive full
 12 payment deferment relief (including payment of
 13 principal and interest) or an additional deferment as
 14 described under subparagraph (B).”.

15 **SEC. 605. RECOVERY ASSISTANCE UNDER THE MICROLOAN**
 16 **PROGRAM.**

17 (a) LOANS TO INTERMEDIARIES.—

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

20 (A) in paragraph (3)(C)—

21 (i) by striking “and \$6,000,000” and
 22 inserting “\$10,000,000 (in the aggre-
 23 gate)”; and

1 (ii) by inserting before the period at
2 the end the following: “, and \$4,500,000 in
3 any of those remaining years”;

4 (B) in paragraph (4)—

5 (i) in subparagraph (A), by striking
6 “subparagraph (C)” each place that term
7 appears and inserting “subparagraphs (C)
8 and (G)”;

9 (ii) in subparagraph (C), by amending
10 clause (i) to read as follows:

11 “(i) IN GENERAL.—In addition to
12 grants made under subparagraph (A) or
13 (G), each intermediary shall be eligible to
14 receive a grant equal to 5 percent of the
15 total outstanding balance of loans made to
16 the intermediary under this subsection if—

17 “(I) the intermediary provides
18 not less than 25 percent of its loans
19 to small business concerns located in
20 or owned by one or more residents of
21 an economically distressed area; or

22 “(II) the intermediary has a
23 portfolio of loans made under this
24 subsection—

1 “(aa) that averages not
2 more than \$10,000 during the
3 period of the intermediary’s par-
4 ticipation in the program; or

5 “(bb) of which not less than
6 25 percent is serving rural areas
7 during the period of the
8 intermediary’s participation in
9 the program.”; and

10 (iii) by adding at the end the fol-
11 lowing new subparagraph:

12 “(G) GRANT AMOUNTS BASED ON APPRO-
13 PRIATIONS.—In any fiscal year in which the
14 amount appropriated to make grants under
15 subparagraph (A) is sufficient to provide to
16 each intermediary that receives a loan under
17 paragraph (1)(B)(i) a grant of not less than 25
18 percent of the total outstanding balance of
19 loans made to the intermediary under this sub-
20 section, the Administration shall make a grant
21 under subparagraph (A) to each intermediary
22 of not less than 25 percent and not more than
23 30 percent of that total outstanding balance for
24 the intermediary.”;

1 (C) by striking paragraph (7) and insert-
 2 ing the following:

3 “(7) PROGRAM FUNDING FOR MICROLOANS.—

4 Under the program authorized by this subsection,
 5 the Administration may fund, on a competitive basis,
 6 not more than 300 intermediaries.”; and

7 (D) in paragraph (11)—

8 (i) in subparagraph (C)(ii), by strik-
 9 ing all after the semicolon and inserting
 10 “and”; and

11 (ii) by striking all after subparagraph
 12 (C), and inserting the following:

13 “(D) the term ‘economically distressed
 14 area’, as used in paragraph (4), means a county
 15 or equivalent division of local government of a
 16 State in which the small business concern is lo-
 17 cated, in which, according to the most recent
 18 data available from the Bureau of the Census,
 19 Department of Commerce, not less than 40 per-
 20 cent of residents have an annual income that is
 21 at or below the poverty level.”.

22 (2) PROSPECTIVE AMENDMENT.—Effective on
 23 October 1, 2021, section 7(m)(3)(C) of the Small
 24 Business Act (15 U.S.C. 636(m)(3)(C)), as amended
 25 by paragraph (1)(A), is further amended—

1 (A) by striking “\$10,000,000” and by in-
 2 serting “\$7,000,000”; and

3 (B) by striking “\$4,500,000” and insert-
 4 ing “\$3,000,000”.

5 (b) TEMPORARY WAIVER OF TECHNICAL ASSIST-
 6 ANCE GRANTS MATCHING REQUIREMENTS AND FLEXI-
 7 BILITY ON PRE- AND POST-LOAN ASSISTANCE.—During
 8 the period beginning on the date of enactment of this sec-
 9 tion and ending on September 30, 2021, the Administra-
 10 tion shall waive—

11 (1) the requirement to contribute non-Federal
 12 funds under section 7(m)(4)(B) of the Small Busi-
 13 ness Act (15 U.S.C. 636(m)(4)(B)); and

14 (2) the limitation on amounts allowed to be ex-
 15 pended to provide information and technical assist-
 16 ance under clause (i) of section 7(m)(4)(E) of the
 17 Small Business Act (15 U.S.C. 636(m)(4)(E)) and
 18 enter into third-party contracts to provide technical
 19 assistance under clause (ii) of such section
 20 7(m)(4)(E).

21 (c) TEMPORARY DURATION OF LOANS TO BOR-
 22 ROWERS.—

23 (1) IN GENERAL.—During the period beginning
 24 on the date of enactment of this section and ending
 25 on September 30, 2021, the duration of a loan made

1 by an eligible intermediary under section 7(m) of the
 2 Small Business Act (15 U.S.C. 636(m))—

3 (A) to an existing borrower may be ex-
 4 tended to not more than 8 years; and

5 (B) to a new borrower may be not more
 6 than 8 years.

7 (2) REVERSION.—On and after October 1,
 8 2021, the duration of a loan made by an eligible
 9 intermediary to a borrower under section 7(m) of
 10 the Small Business Act (15 U.S.C. 636(m)) shall be
 11 7 years or such other amount established by the Ad-
 12 ministrator.

13 (d) FUNDING.—Section 20 of the Small Business Act
 14 (15 U.S.C. 631 note) is amended by adding at the end
 15 the following new subsection:

16 “(h) MICROLOAN PROGRAM.—For each of fiscal
 17 years 2021 through 2025, the Administration is author-
 18 ized to make—

19 “(1) \$80,000,000 in technical assistance grants,
 20 as provided in section 7(m); and

21 “(2) \$110,000,000 in direct loans, as provided
 22 in section 7(m).”.

23 (e) AUTHORIZATION OF APPROPRIATIONS.—In addi-
 24 tion to amounts provided under the Consolidated Appro-
 25 priations Act, 2020 (Public Law 116–93) for the program

1 established under section 7(m) of the Small Business Act
 2 (15 U.S.C. 636(m)), there is authorized to be appro-
 3 priated for fiscal year 2020, to remain available until ex-
 4 pended—

5 (1) \$50,000,000 to provide technical assistance
 6 grants under such section 7(m); and

7 (2) \$7,000,000 to provide direct loans under
 8 such section 7(m).

9 **SEC. 606. MAXIMUM LOAN AMOUNT FOR 504 LOANS.**

10 (a) PERMANENT INCREASE FOR SMALL MANUFAC-
 11 TURERS.—Section 502(2)(A)(iii) of the Small Business
 12 Investment Act of 1958 (15 U.S.C. 696(2)(A)(iii)) is
 13 amended by striking “\$5,500,000” and inserting
 14 “\$6,500,000”.

15 (b) LOW-INTEREST REFINANCING UNDER THE
 16 LOCAL DEVELOPMENT BUSINESS LOAN PROGRAM.—

17 (1) REPEAL.—Section 521(a) of title V of divi-
 18 sion E of the Consolidated Appropriations Act, 2016
 19 (Public Law 114–113; 129 Stat. 2463; 15 U.S.C.
 20 696 note) is repealed.

21 (2) REFINANCING.—Section 502(7) of the
 22 Small Business Investment Act of 1958 (15 U.S.C.
 23 696(7)) is amended by adding at the end the fol-
 24 lowing new subparagraph:

1 “(C) REFINANCING NOT INVOLVING EX-
2 PANSIONS.—

3 “(i) DEFINITIONS.—In this subpara-
4 graph—

5 “(I) the term ‘borrower’ means a
6 small business concern that submits
7 an application to a development com-
8 pany for financing under this sub-
9 paragraph;

10 “(II) the term ‘eligible fixed
11 asset’ means tangible property relat-
12 ing to which the Administrator may
13 provide financing under this section;
14 and

15 “(III) the term ‘qualified debt’
16 means indebtedness that—

17 “(aa) was incurred not less
18 than 6 months before the date of
19 the application for assistance
20 under this subparagraph;

21 “(bb) is a commercial loan;

22 “(cc) the proceeds of which
23 were used to acquire an eligible
24 fixed asset;

1 “(dd) was incurred for the
2 benefit of the small business con-
3 cern; and

4 “(ee) is collateralized by eli-
5 gible fixed assets; and

6 “(ii) AUTHORITY.—A project that
7 does not involve the expansion of a small
8 business concern may include the refi-
9 nancing of qualified debt if—

10 “(I) the amount of the financing
11 is not more than 90 percent of the
12 value of the collateral for the financ-
13 ing, except that, if the appraised value
14 of the eligible fixed assets serving as
15 collateral for the financing is less than
16 the amount equal to 125 percent of
17 the amount of the financing, the bor-
18 rower may provide additional cash or
19 other collateral to eliminate any defi-
20 ciency;

21 “(II) the borrower has been in
22 operation for all of the 2-year period
23 ending on the date the loan applica-
24 tion is submitted; and

1 “(III) for a financing for which
 2 the Administrator determines there
 3 will be an additional cost attributable
 4 to the refinancing of the qualified
 5 debt, the borrower agrees to pay a fee
 6 in an amount equal to the anticipated
 7 additional cost.

8 “(iii) FINANCING FOR BUSINESS EX-
 9 PENSES.—

10 “(I) FINANCING FOR BUSINESS
 11 EXPENSES.—The Administrator may
 12 provide financing to a borrower that
 13 receives financing that includes a refi-
 14 nancing of qualified debt under clause
 15 (ii), in addition to the refinancing
 16 under clause (ii), to be used solely for
 17 the payment of business expenses.

18 “(II) APPLICATION FOR FINANC-
 19 ING.—An application for financing
 20 under subclause (I) shall include—

21 “(aa) a specific description
 22 of the expenses for which the ad-
 23 ditional financing is requested;
 24 and

1 “(bb) an itemization of the
2 amount of each expense.

3 “(III) CONDITION ON ADDI-
4 TIONAL FINANCING.—A borrower may
5 not use any part of the financing
6 under this clause for non-business
7 purposes.

8 “(iv) LOANS BASED ON JOBS.—

9 “(I) JOB CREATION AND RETEN-
10 TION GOALS.—

11 “(aa) IN GENERAL.—The
12 Administrator may provide fi-
13 nancing under this subparagraph
14 for a borrower that meets the job
15 creation goals under subsection
16 (d) or (e) of section 501.

17 “(bb) ALTERNATE JOB RE-
18 TENTION GOAL.—The Adminis-
19 trator may provide financing
20 under this subparagraph to a
21 borrower that does not meet the
22 goals described in item (aa) in an
23 amount that is not more than the
24 product obtained by multiplying

1 the number of employees of the
2 borrower by \$75,000.

3 “(II) NUMBER OF EMPLOYEES.—

4 For purposes of subclause (I), the
5 number of employees of a borrower is
6 equal to the sum of—

7 “(aa) the number of full-
8 time employees of the borrower
9 on the date on which the bor-
10 rower applies for a loan under
11 this subparagraph; and

12 “(bb) the product obtained
13 by multiplying—

14 “(AA) the number of
15 part-time employees of the
16 borrower on the date on
17 which the borrower applies
18 for a loan under this sub-
19 paragraph, by

20 “(BB) the quotient ob-
21 tained by dividing the aver-
22 age number of hours each
23 part time employee of the
24 borrower works each week
25 by 40.

1 “(vi) TOTAL AMOUNT OF LOANS.—

2 The Administrator may provide not more
3 than a total of \$7,500,000,000 of financ-
4 ing under this subparagraph for each fiscal
5 year.”.

6 (c) REFINANCING SENIOR PROJECT DEBT.—During
7 the 1-year period beginning on the date of the enactment
8 of this Act, a development company described under title
9 V of the Small Business Investment Act of 1958 (15
10 U.S.C. 695 et seq.) is authorized to allow the refinancing
11 of a senior loan on an existing project in an amount that,
12 when combined with the outstanding balance on the devel-
13 opment company loan, is not more than 90 percent of the
14 total value of the senior loan. Proceeds of such refinancing
15 can be used to support business operating expenses of
16 such development company.

17 **SEC. 607. TEMPORARY FEE REDUCTIONS.**

18 (a) ADMINISTRATIVE FEE WAIVER.—

19 (1) IN GENERAL.—During the period beginning
20 on the date of enactment of this Act and ending on
21 September 30, 2021, and to the extent that the cost
22 of such elimination or reduction of fees is offset by
23 appropriations, with respect to each loan guaranteed
24 under section 7(a) of the Small Business Act (15
25 U.S.C. 636(a)) (including a recipient of assistance

1 under the Community Advantage Pilot Program of
2 the Administration) for which an application is ap-
3 proved or pending approval on or after the date of
4 enactment of this Act, the Administrator shall—

5 (A) in lieu of the fee otherwise applicable
6 under section 7(a)(23)(A) of the Small Busi-
7 ness Act (15 U.S.C. 636(a)(23)(A)), collect no
8 fee or reduce fees to the maximum extent pos-
9 sible; and

10 (B) in lieu of the fee otherwise applicable
11 under section 7(a)(18)(A) of the Small Busi-
12 ness Act (15 U.S.C. 636(a)(18)(A)), collect no
13 fee or reduce fees to the maximum extent pos-
14 sible.

15 (2) APPLICATION OF FEE ELIMINATIONS OR RE-
16 Ductions.—To the extent that amounts are made
17 available to the Administrator for the purpose of fee
18 eliminations or reductions under paragraph (1), the
19 Administrator shall—

20 (A) first use any amounts provided to
21 eliminate or reduce fees paid by small business
22 borrowers under clauses (i) through (iii) of sec-
23 tion 7(a)(18)(A) of the Small Business Act (15
24 U.S.C. 636(a)(18)(A)), to the maximum extent
25 possible; and

1 (B) then use any amounts provided to
2 eliminate or reduce fees under 7(a)(23)(A) of
3 the Small Business Act (15 U.S.C.
4 636(a)(23)(A)).

5 (c) TEMPORARY FEE ELIMINATION FOR THE 504
6 LOAN PROGRAM.—

7 (1) IN GENERAL.—During the period beginning
8 on the date of enactment of this section and ending
9 on September 30, 2021, and to the extent the cost
10 of such elimination in fees is offset by appropria-
11 tions, with respect to each project or loan guaran-
12 teed by the Administrator pursuant to title V of the
13 Small Business Investment Act of 1958 (15 U.S.C.
14 695 et seq.) for which an application is approved or
15 pending approval on or after the date of enactment
16 of this section—

17 (A) the Administrator shall, in lieu of the
18 fee otherwise applicable under section 503(d)(2)
19 of the Small Business Investment Act of 1958
20 (15 U.S.C. 697(d)(2)), collect no fee; and

21 (B) a development company shall, in lieu
22 of the processing fee under section
23 120.971(a)(1) of title 13, Code of Federal Reg-
24 ulations (relating to fees paid by borrowers), or
25 any successor thereto, collect no fee.

1 (2) REIMBURSEMENT FOR WAIVED FEES.—

2 (A) IN GENERAL.—To the extent that the
3 cost of such payments is offset by appropria-
4 tions, the Administrator shall reimburse each
5 development company that does not collect a
6 processing fee pursuant to paragraph (1)(B).

7 (B) AMOUNT.—The payment to a develop-
8 ment company under subparagraph (A) shall be
9 in an amount equal to 1.5 percent of the net
10 debenture proceeds for which the development
11 company does not collect a processing fee pur-
12 suant to paragraph (1)(B).

13 **SEC. 608. EXTENSION OF PARTICIPATION IN 8(A) PROGRAM.**

14 (a) IN GENERAL.—The Administrator shall ensure
15 that a small business concern participating in the program
16 established under section 8(a) of the Small Business Act
17 on or before March 13, 2020, may elect to extend such
18 participation by a period of 1 year, regardless of whether
19 such concern previously elected to suspend participation
20 in such program pursuant to guidance of the Adminis-
21 trator.

22 (b) EMERGENCY RULEMAKING AUTHORITY.—Not
23 later than 15 days after the date of enactment of this sec-
24 tion, the Administrator shall issue regulations to carry out

1 this section without regard to the notice requirements
2 under section 553(b) of title 5, United States Code.

3 **SEC. 609. REPORT ON MINORITY, WOMEN, AND RURAL**
4 **LENDING.**

5 Not later than 90 days after the date of the enact-
6 ment of this Act, the Administrator shall submit to the
7 Committee on Small Business of the House of Representa-
8 tives and the Committee on Small Business and Entrepre-
9 neurship of the Senate a report to determine and quantify
10 the extent to which the programs established under sub-
11 sections (a) and (m) of section 7 of the Small Business
12 Act, titles III and V of the Small Business Investment
13 Act of 1958, and the Community Advantage Pilot Pro-
14 gram of the Small Business Administration have assisted
15 in the establishment, development, and performance of
16 small business concerns owned and controlled by socially
17 and economically disadvantaged individuals (as defined in
18 section 8(d)(3)(C) of the Small Business Act), small busi-
19 ness concerns owned and controlled by women (as defined
20 in section 3 of such Act), and rural small businesses, in-
21 cluding recommendations to improve such access to capital
22 programs.

23 **SEC. 610. COMPREHENSIVE PROGRAM GUIDANCE.**

24 Not later than 7 days after the date of the enactment
25 of this Act, the Administrator shall—

1 (1) establish a process for accepting applica-
2 tions for loan forgiveness under section 1106 of the
3 CARES Act (15 U.S.C. 9005);

4 (2) issue a comprehensive compilation of rules
5 and guidance issued related to covered loans made
6 under section 7(a)(36) of the Small Business Act
7 (15 U.S.C. 636(a)(36)); and

8 (3) before accepting applications for supple-
9 mental covered loans under clause (ii) of section
10 7(a)(36)(B) of the Small Business Act (15 U.S.C.
11 636(a)(36)(B)), as added by section 202 of this divi-
12 sion, the Administrator shall issue comprehensive
13 rules and guidance to ensure that borrowers and
14 lenders are aware of eligibility and terms of receiv-
15 ing a supplemental covered loan and the process for
16 forgiveness of a supplemental covered loan.

17 **SEC. 611. REPORTS ON PAYCHECK PROTECTION PROGRAM.**

18 (a) REPORT TO CONGRESS.—Within 30 days after
19 the date of the enactment of this Act, and every 30 days
20 thereafter until the end of the covered period described
21 under section 7(a)(36) of the Small Business Act (15
22 U.S.C. 636(a)(36)), the Secretary of the Treasury and the
23 Administrator shall submit to the Committee on Small
24 Business of the House of Representatives and the Com-
25 mittee on Small Business and Entrepreneurship of the

1 Senate a report, in a searchable digital format, that in-
2 cludes, with respect to each covered loan made under such
3 section 7(a)(36)—

4 (1) the business name, address, and ZIP Code
5 of each recipient of the covered loan;

6 (2) the North American Industry Classification
7 System code and the type of entity of each such re-
8 cipient;

9 (3) demographic data of each such recipient;

10 (4) the number of jobs supported by the cov-
11 ered loan;

12 (5) loan forgiveness data; and

13 (6) the amount and origination date of the cov-
14 ered loan.

15 (b) PUBLICLY AVAILABLE REPORT.—

16 (1) LARGER COVERED LOANS.—Within 30 days
17 after the date of the enactment of this Act, and
18 every 30 days thereafter until the end of the covered
19 period described under section 7(a)(36) of the Small
20 Business Act (15 U.S.C. 636(a)(36)), for covered
21 loans made under such section 7(a)(36) in an
22 amount greater than or equal to \$150,000, the Sec-
23 retary of the Treasury and the Administrator shall
24 make publicly available—

1 (A) the information described under para-
2 graphs (1) through (4) of subsection (a); and

3 (B) the loan size range, of those listed
4 below, that the covered loan belongs—

5 (i) greater than or equal to \$150,000
6 and less than \$350,000;

7 (ii) greater than or equal to \$350,000
8 and less than \$1,000,000;

9 (iii) greater than or equal to
10 \$1,000,000 and less than \$2,000,000;

11 (iv) greater than or equal to
12 \$2,000,000 and less than \$5,000,000; and

13 (v) greater than or equal to
14 \$5,000,000 and less than \$10,000,000.

15 (2) SMALLER COVERED LOANS.—Within 30
16 days after the date of the enactment of this Act, and
17 every 30 days thereafter until the end of the covered
18 period described under section 7(a)(36) of the Small
19 Business Act (15 U.S.C. 636(a)(36)), for covered
20 loans made under such section 7(a)(36) in an
21 amount less than \$150,000, the Secretary of the
22 Treasury and the Administrator shall make publicly
23 available the total number of covered loans made
24 and the amount of each covered loan, disaggregated
25 by ZIP Code of each recipient, industry of each re-

1 cipient, business type of each recipient, and demo-
 2 graphic categories of each recipient.

3 (3) PUBLICATION.—Information provided under
 4 paragraphs (1) and (2) shall be made publicly avail-
 5 able in a searchable digital format on websites of the
 6 Department of the Treasury and the Small Business
 7 Administration.

8 **SEC. 612. PROHIBITING CONFLICTS OF INTEREST FOR**
 9 **SMALL BUSINESS PROGRAMS UNDER THE**
 10 **CARES ACT.**

11 Section 4019 of the CARES Act (15 U.S.C. 9054)
 12 is amended—

13 (1) in subsection (a), by adding at the end the
 14 following:

15 “(7) SMALL BUSINESS ASSISTANCE.—The term
 16 ‘small business assistance’ means assistance pro-
 17 vided under—

18 “(A) section 7(a)(36) of the Small Busi-
 19 ness Act (15 U.S.C. 636(a)(36));

20 “(B) subsection (b) or (c) of section 1103
 21 of this Act;

22 “(C) section 1110 of this Act; or

23 “(D) section 1112 of this Act.”;

24 (2) in subsection (b)—

1 (A) by inserting “or provisions relating to
 2 small business assistance” after “this subtitle”;
 3 and

4 (B) by inserting “or for any small business
 5 assistance” before the period at the end; and
 6 (3) in subsection (c)—

7 (A) by inserting “or seeking any small
 8 business assistance” after “section 4003”;

9 (B) by inserting “or small business assist-
 10 ance” after “that transaction”;

11 (C) by inserting “or the Administrator of
 12 the Small Business Administration, as applica-
 13 ble,” after “Federal Reserve System”; and

14 (D) by inserting “or to receive the small
 15 business assistance” after “in that trans-
 16 action”.

17 **SEC. 613. INCLUSION OF SCORE AND VETERAN BUSINESS**

18 **OUTREACH CENTERS IN ENTREPRENEURIAL**

19 **DEVELOPMENT PROGRAMS.**

20 (a) IN GENERAL.—Section 1103(a)(2) of the CARES
 21 Act (15 U.S.C. 9002(a)(2)) is amended—

22 (1) in subparagraph (A), by striking “and” at
 23 the end; and

24 (2) by adding at the end the following new sub-
 25 paragraphs:

1 “(C) a Veteran Business Outreach Center
2 (as described under section 32(d) of the Small
3 Business Act); and

4 “(D) the Service Corps of Retired Execu-
5 tives Association, or any successor or other or-
6 ganization, that receives a grant from the Ad-
7 ministrator to operate the SCORE program es-
8 tablished under section 8(b)(2)(A) of the Small
9 Business Act;”.

10 (b) FUNDING.—Section 1107(a)(4) of the CARES
11 Act (15 U.S.C. 9006(a)(4)) is amended—

12 (1) in subparagraph (A)—

13 (A) by striking “\$240,000,000” and in-
14 serting “\$220,000,000”;

15 (B) by striking “and” at the end; and

16 (2) by adding at the end the following new sub-
17 paragraphs:

18 “(C) \$10,000,000 shall be for a Veteran
19 Business Outreach Center described in section
20 1103(a)(2)(C) of this Act to carry out activities
21 under such section; and

22 “(D) \$10,000,000 shall be for the Service
23 Corps of Retired Executives Association de-
24 scribed in section 1103(a)(2)(D) of this Act to
25 carry out activities under such section;”.

1 **SEC. 614. CLARIFICATION OF USE OF CARES ACT FUNDS**
2 **FOR SMALL BUSINESS DEVELOPMENT CEN-**
3 **TERS.**

4 Section 1103(b)(3)(A) of the CARES Act (15 U.S.C.
5 9002(b)(3)(A)) is amended by adding at the end the fol-
6 lowing new sentence: “Funds awarded under this para-
7 graph shall be in addition to any amounts appropriated
8 for grants under section 21(a) of the Small Business Act,
9 and may be used to complement and support those appro-
10 priated program grants to assist small business concerns,
11 with prioritization of such concerns affected directly or in-
12 directly by COVID–19 as described in paragraph (2).”.

13 **SEC. 615. FUNDING FOR THE OFFICE OF INSPECTOR GEN-**
14 **ERAL OF THE SMALL BUSINESS ADMINISTRA-**
15 **TION.**

16 Section 1107(a)(3) of the CARES Act (15 U.S.C.
17 9006(a)(3)) is amended by striking “September 30, 2024”
18 and inserting “expended”.

19 **SEC. 616. EXTENSION OF WAIVER OF MATCHING FUNDS RE-**
20 **QUIREMENT UNDER THE WOMEN’S BUSINESS**
21 **CENTER PROGRAM.**

22 Section 1105 of the CARES Act (15 U.S.C. 9004)
23 is amended by striking “During the 3-month period begin-
24 ning on the date of enactment of this Act,” and inserting
25 “Until December 31, 2020,”.

1 **SEC. 617. ACCESS TO SMALL BUSINESS ADMINISTRATION**
2 **INFORMATION AND DATABASES.**

3 Section 19010 of Division B of the CARES Act (Pub-
4 lic Law 116–136) is amended by—

5 (1) redesignating subsection (e) as subsection
6 (f); and

7 (2) by inserting after subsection (d) the fol-
8 lowing new subsection:

9 “(e) SMALL BUSINESS ADMINISTRATION DATA-
10 BASES.—

11 “(1) IN GENERAL.—In conducting monitoring
12 and oversight under this section, the Comptroller
13 General, upon notice to the Administrator of the
14 Small Business Administration, shall have direct ac-
15 cess to all information collected or produced in con-
16 nection with the administration of programs or pro-
17 vision of assistance carried out by the Administrator,
18 including direct access to any information technology
19 systems maintained or utilized by the Administrator
20 to collect, process, or analyze documents or informa-
21 tion submitted by borrowers, lenders, or others in
22 connection with any such program or provision of
23 assistance. In this subsection, the term ‘direct ac-
24 cess’ means secured access to the information tech-
25 nology systems maintained by the Administrator
26 that would enable the Comptroller General to inde-

1 pendently access, view, download, and retrieve data
2 from such systems.

3 “(2) INFORMATION TECHNOLOGY SYSTEMS.—
4 The Administrator of the Small Business Adminis-
5 tration shall appropriately identify and classify any
6 sensitive information contained in an information
7 technology system accessed by the Comptroller Gen-
8 eral.”.

9 **SEC. 618. SMALL BUSINESS LOCAL RELIEF PROGRAM.**

10 (a) ESTABLISHMENT.—There is established in the
11 Department of the Treasury a Small Business Local Relief
12 Program to allocate resources to States, units of general
13 local government, and Indian Tribes to provide assistance
14 to eligible entities and organizations that assist eligible en-
15 tities.

16 (b) FUNDING.—

17 (1) FUNDING TO STATES, LOCALITIES, AND IN-
18 DIAN TRIBES.—

19 (A) IN GENERAL.—The Secretary of the
20 Treasury shall allocate—

21 (i) \$10,250,000,000 to States and
22 units of general local government in ac-
23 cordance with subparagraph (B)(i);

24 (ii) \$4,250,000,000 to States in ac-
25 cordance with subparagraph (B)(ii); and

(iii) \$500,000,000 to the Secretary of Housing and Urban Development for allocations to Indian Tribes in accordance with subparagraph (B)(iii).

(B) ALLOCATIONS.—

(i) FORMULA FOR STATES AND UNITS OF GENERAL LOCAL GOVERNMENT.—Of the amount described under subparagraph (A)(i)—

(I) 70 percent shall be allocated to entitlement communities in accordance with the formula under section 106(b) of the Housing and Community Development Act of 1974 (42 U.S.C. 5306(b)); and

(II) 30 percent shall be allocated to States, for use in nonentitlement areas, in accordance with the formula under section 106(d)(1) of such Act (42 U.S.C. 5306(d)(1)).

(ii) RURAL BONUS FORMULA FOR STATES.—The Secretary shall allocate the amount described under subparagraph (A)(ii) to States, for use in nonentitlement areas, in accordance with the formula

1 under section 106(d)(1) of such Act (42
2 U.S.C. 5306(d)(1)).

3 (iii) COMPETITIVE AWARDS TO INDIAN
4 TRIBES.—

5 (I) IN GENERAL.—The Secretary
6 of Housing and Urban Development
7 shall allocate to Indian Tribes on a
8 competitive basis the amount de-
9 scribed under subparagraph (A)(iii).

10 (II) REQUIREMENTS.—In making
11 allocations under subclause (I), the
12 Secretary of Housing and Urban De-
13 velopment shall, to the greatest extent
14 practicable, ensure that each Indian
15 Tribe that satisfies requirements es-
16 tablished by the Secretary of Housing
17 and Urban Development receives such
18 an allocation.

19 (C) STATE ALLOCATIONS FOR NON-
20 ENTITLEMENT AREAS.—

21 (i) EQUITABLE ALLOCATION.—To the
22 greatest extent practicable, a State shall
23 allocate amounts for nonentitlement areas
24 under clauses (i)(II) and (ii) of subpara-
25 graph (B) on an equitable basis.

1 (ii) DISTRIBUTION OF AMOUNTS.—

2 (I) DISCRETION.—Not later than
3 14 days after the date on which a
4 State receives amounts for use in a
5 nonentitlement area under clause
6 (i)(II) or (ii) of subparagraph (B), the
7 State shall—

8 (aa) distribute the amounts,
9 or a portion thereof, to a unit of
10 general local government located
11 in the nonentitlement area or an
12 entity designated thereby, that
13 has established or will establish a
14 small business emergency fund,
15 for use under paragraph (2); or

16 (bb) elect to reserve the
17 amounts, or a portion thereof, for
18 use by the State under paragraph
19 (2) for the benefit of eligible enti-
20 ties located in the nonentitlement
21 area.

22 (II) SENSE OF CONGRESS.—It is
23 the sense of Congress that, in distrib-
24 uting amounts under subclause (I), in
25 the case of amounts allocated for a

nonentitlement area in which a unit of general local government or an entity designated thereby has established a small business emergency fund, a State should, as quickly as is practicable, distribute amounts to that unit of general local government or entity, respectively, as described in item (aa) of such subclause.

(iii) TREATMENT OF STATES NOT ACTING AS PASS-THROUGH AGENTS UNDER CDBG.—The Secretary shall allocate amounts to a State under this paragraph without regard to whether the State has elected to distribute amounts allocated under section 106(d)(1) of the Housing and Community Development Act of 1974 (42 U.S.C. 5306(d)(1)).

(2) USE OF FUNDS.—

(A) IN GENERAL.—A State, unit of general local government, or Indian Tribe that receives an allocation under paragraph (1), or an entity designated by a unit of general local government under paragraph (1)(C)(ii)(I)(aa), whether directly or indirectly, may use such alloca-

tion, not later than 60 days after receipt of such allocation—

(i) to provide funding to a small business emergency fund established by that State (or entity designated thereby), that unit of general local government (or entity designated thereby), that entity designated by a unit of general local government, or that Indian Tribe (or entity designated thereby), respectively;

(ii) to provide funding to support organizations that provide technical assistance to eligible entities; or

(iii) subject to subparagraph (B), to pay for administrative costs incurred by that State (or entity designated thereby), that unit of general local government (or entity designated thereby), that entity designated by a unit of general local government, or that Indian Tribe (or entity designated thereby), respectively, in establishing and administering a small business emergency fund.

(B) LIMITATION.—A State, unit of general local government, or Indian Tribe, or an entity

1 designated by a unit of general local govern-
 2 ment under paragraph (1)(C)(ii)(I)(aa), may
 3 not use more than 3 percent of an allocation re-
 4 ceived under paragraph (1) for a purpose de-
 5 scribed in subparagraph (A)(iii) of this para-
 6 graph.

7 (C) OBLIGATION DEADLINES.—

8 (i) STATES.—Of the amounts that a
 9 State elects under paragraph
 10 (1)(C)(ii)(I)(bb) to reserve for use by the
 11 State under this paragraph—

12 (I) any amounts that the State
 13 provides to a small business emer-
 14 gency fund under subparagraph (A)(i)
 15 of this paragraph shall be obligated by
 16 the small business emergency fund for
 17 expenditure not later than 74 days
 18 after the date on which the State re-
 19 ceived the amounts from the Sec-
 20 retary under clause (i) or (ii) of para-
 21 graph (1)(A); and

22 (II) any amounts that the State
 23 chooses to provide to an organization
 24 under subparagraph (A)(ii) of this
 25 paragraph, or to use to pay for ad-

1 ministrative costs under subparagraph
2 (A)(iii) of this paragraph, shall be ob-
3 ligated by the State for expenditure
4 not later than 74 days after the date
5 on which the State received the
6 amounts from the Secretary under
7 clause (i) or (ii) of paragraph (1)(A).

8 (ii) ENTITLEMENT COMMUNITIES.—

9 Of the amounts that an entitlement com-
10 munity receives from the Secretary under
11 paragraph (1)(B)(i)(I)—

12 (I) any amounts that the entitle-
13 ment community provides to a small
14 business emergency fund under sub-
15 paragraph (A)(i) of this paragraph
16 shall be obligated by the small busi-
17 ness emergency fund for expenditure
18 not later than 74 days after the date
19 on which the entitlement community
20 received the amounts; and

21 (II) any amounts that the entitle-
22 ment community chooses to provide to
23 an organization under subparagraph
24 (A)(ii) of this paragraph, or to use to
25 pay for administrative costs under

1 subparagraph (A)(iii) of this para-
 2 graph, shall be obligated by the enti-
 3 tlement community for expenditure
 4 not later than 74 days after the date
 5 on which the entitlement community
 6 received the amounts.

7 (iii) NONENTITLEMENT COMMU-
 8 NITIES.—Of the amounts that a unit of
 9 general local government, or an entity des-
 10 ignated thereby, located in a nonentitle-
 11 ment area receives from a State under
 12 paragraph (1)(C)(ii)(I)(aa)—

13 (I) any amounts that the unit of
 14 general local government or entity
 15 provides to a small business emer-
 16 gency fund under subparagraph (A)(i)
 17 of this paragraph shall be obligated by
 18 the small business emergency fund for
 19 expenditure not later than 60 days
 20 after the date on which the unit of
 21 general local government or entity re-
 22 ceived the amounts; and

23 (II) any amounts that the unit of
 24 general local government or entity
 25 chooses to provide to a support orga-

1 nization under subparagraph (A)(ii) of
 2 this paragraph or to use to pay for
 3 administrative costs under subpara-
 4 graph (A)(iii) of this paragraph shall
 5 be obligated by the unit of general
 6 local government or entity for expend-
 7 iture not later than 60 days after the
 8 date on which the unit of general local
 9 government or entity received the
 10 amounts.

11 (D) RECOVERY OF UNOBLIGATED
 12 FUNDS.—If a State, entitlement community,
 13 other unit of general local government, entity
 14 designated by a unit of general local govern-
 15 ment under paragraph (1)(C)(ii)(I)(aa), or
 16 small business emergency fund fails to obligate
 17 amounts by the applicable deadline under sub-
 18 paragraph (C), the Secretary shall recover the
 19 amount of those amounts that remain unobli-
 20 gated, as of that deadline.

21 (E) COLLABORATION.—It is the sense of
 22 Congress that—

23 (i) an entitlement community that re-
 24 ceives amounts allocated under paragraph
 25 (1)(B)(i)(I) should collaborate with the ap-

1 plicable local entity responsible for eco-
2 nomic development and small business de-
3 velopment in establishing and admin-
4 istering a small business emergency fund;
5 and

6 (ii) States, units of general local gov-
7 ernment, and Indian Tribes that receive
8 amounts under paragraph (1) and are lo-
9 cated in the same region should collaborate
10 in establishing and administering one or
11 more small business emergency funds.

12 (c) SMALL BUSINESS EMERGENCY FUNDS.—With
13 respect to a small business emergency fund that receives
14 funds from an allocation made under subsection (b)—

15 (1) if the small business emergency fund makes
16 a loan to an eligible entity with those funds, the
17 small business emergency fund may use amounts re-
18 turned to the small business emergency fund from
19 the repayment of the loan to provide further assist-
20 ance to eligible entities without regard to the termi-
21 nation date described in subsection (g); and

22 (2) the small business emergency fund shall
23 conduct outreach to eligible entities that are less
24 likely to participate in programs established under
25 the CARES Act (Public Law 116–136; 134 Stat.

281) and the amendments made by that Act, including minority-owned entities, businesses in low-income communities, businesses in rural and Tribal areas, and other businesses that are underserved by the traditional banking system.

(d) INFORMATION GATHERING.—

(1) IN GENERAL.—When providing assistance to an eligible entity with funds received from an allocation made under subsection (b), the State, unit of general local government, or Indian Tribe, or the entity designated by a State, unit of general local government, or Indian Tribe, that provides assistance through a small business emergency fund shall—

(A) inquire whether the eligible entity is—

(i) in the case of an eligible entity that is a business entity or a nonprofit organization, a women-owned entity or a minority-owned entity; and

(ii) in the case of an eligible entity who is an individual, a woman or a minority; and

(B) maintain a record of the responses to each inquiry conducted under subparagraph (A), which the entity shall promptly submit to

1 the applicable State, unit of general local gov-
2 ernment, or Indian Tribe.

3 (2) RIGHT TO REFUSE.—An eligible entity may
4 refuse to provide any information requested under
5 paragraph (1)(A).

6 (e) REPORTING.—

7 (1) IN GENERAL.—Not later than 30 days after
8 the date on which a State, unit of general local gov-
9 ernment, or Indian Tribe initially receives an alloca-
10 tion made under subsection (b), and not later than
11 14 days after the date on which that State, unit of
12 local government, or Indian Tribe completes the full
13 expenditure of that allocation, that State, unit of
14 general local government, or Indian Tribe shall sub-
15 mit to the Secretary a report that includes—

16 (A) the number of recipients of assistance
17 made available from the allocation;

18 (B) the total amount, and type, of assist-
19 ance made available from the allocation;

20 (C) to the extent applicable, with respect
21 to each recipient described in subparagraph
22 (A), information regarding the industry of the
23 recipient, the amount of assistance received by
24 the recipient, the annual sales of the recipient,
25 and the number of employees of the recipient;

1 (D) to the extent available from informa-
2 tion collected under subsection (d), information
3 regarding the number of recipients described in
4 subparagraph (A) that are minority-owned enti-
5 ties, minorities, women, and women-owned enti-
6 ties;

7 (E) the ZIP Code of each recipient de-
8 scribed in subparagraph (A); and

9 (F) any other information that the Sec-
10 retary, in the sole discretion of the Secretary,
11 determines to be necessary to carry out the
12 Program.

13 (2) PUBLIC AVAILABILITY.—As soon as is prac-
14 ticable after receiving each report submitted under
15 paragraph (1), the Secretary shall make all informa-
16 tion contained in the report publicly available.

17 (f) RULES AND GUIDANCE.—The Secretary, in con-
18 sultation with the Administrator, shall issue any rules and
19 guidance that are necessary to carry out the Program, in-
20 cluding by establishing appropriate compliance and report-
21 ing requirements in addition to the reporting requirements
22 under subsection (e).

23 (g) TERMINATION.—The Program, and any rules and
24 guidance issued under subsection (f) with respect to the

1 Program, shall terminate on the date that is 1 year after
2 the date of enactment of this Act.

3 (h) DEFINITIONS.—In this section:

4 (1) ADMINISTRATOR.—The term “Adminis-
5 trator” means the Administrator of the Small Busi-
6 ness Administration.

7 (2) ELIGIBLE ENTITY.—The term “eligible enti-
8 ty”—

9 (A) means a business concern or a non-
10 profit organization (as defined in section
11 7(a)(36)(A)(vii) that—

12 (i) employs—

13 (I) not more than 20 full-time
14 equivalent employees; or

15 (II) if the entity or organization
16 is located in a low-income community,
17 not more than 50 full-time equivalent
18 employees;

19 (ii) has experienced a loss of revenue
20 as a result of the COVID–19 pandemic,
21 according to criteria established by the
22 Secretary; and

23 (iii) with respect to such an entity or
24 organization that receives assistance from
25 a small business emergency fund, satisfies

1 additional requirements, as determined by
2 the State, unit of general local government,
3 Indian Tribe, or other entity that has es-
4 tablished the small business emergency
5 fund; and

6 (B) includes an individual who operates
7 under a sole proprietorship, an individual who
8 operates as an independent contractor, and an
9 eligible self-employed individual if such an indi-
10 vidual has experienced a loss of revenue as a re-
11 sult of the COVID–19 pandemic, according to
12 criteria established by the Secretary.

13 (3) ELIGIBLE SELF-EMPLOYED INDIVIDUAL.—

14 The term “eligible self-employed individual” has the
15 meaning given the term in section 7(a)(36)(A) of the
16 Small Business Act (15 U.S.C. 636(a)(36)(A)).

17 (4) ENTITLEMENT COMMUNITY.—The term

18 “entitlement community” means a metropolitan city
19 or urban county, as those terms are defined in sec-
20 tion 102 of the Housing and Community Develop-
21 ment Act of 1974 (42 U.S.C. 5302).

22 (5) FULL-TIME EQUIVALENT EMPLOYEES.—

23 (A) IN GENERAL.—The term “full-time
24 equivalent employees” means a number of em-

1 employees equal to the number determined by di-
2 viding—

3 (i) the total number of hours of serv-
4 ice for which wages were paid by the em-
5 ployer to employees during the taxable
6 year, by

7 (ii) 2,080.

8 (B) ROUNDING.—The number determined
9 under subparagraph (A) shall be rounded to the
10 next lowest whole number if not otherwise a
11 whole number.

12 (C) EXCESS HOURS NOT COUNTED.—If an
13 employee works in excess of 2,080 hours of
14 service during any taxable year, such excess
15 shall not be taken into account under subpara-
16 graph (A).

17 (D) HOURS OF SERVICE.—The Secretary,
18 in consultation with the Secretary of Labor,
19 shall prescribe such regulations, rules, and
20 guidance as may be necessary to determine the
21 hours of service of an employee, including rules
22 for the application of this paragraph to employ-
23 ees who are not compensated on an hourly
24 basis.

1 (6) INDIAN TRIBE.—The term “Indian Tribe”
 2 has the meaning given the term “Indian tribe” in
 3 section 102 of the Housing and Community Devel-
 4 opment Act of 1974 (42 U.S.C. 5302).

5 (7) LOW-INCOME COMMUNITY.—The term “low-
 6 income community” has the meaning given the term
 7 in section 45D(e) of the Internal Revenue Code of
 8 1986.

9 (8) MINORITY.—The term “minority” has the
 10 meaning given the term in section 1204(c)(3) of the
 11 Financial Institutions Reform, Recovery, and En-
 12 forcement Act of 1989 (12 U.S.C. 1811 note).

13 (9) MINORITY-OWNED ENTITY.—The term “mi-
 14 nority-owned entity” means an entity—

15 (A) more than 50 percent of the ownership
 16 or control of which is held by not less than 1
 17 minority; and

18 (B) more than 50 percent of the net profit
 19 or loss of which accrues to not less than 1 mi-
 20 nority.

21 (10) NONENTITLEMENT AREA; STATE; UNIT OF
 22 GENERAL LOCAL GOVERNMENT.—

23 (A) IN GENERAL.—Except as provided in
 24 subparagraph (B), the terms “nonentitlement
 25 area”, “State”, and “unit of general local gov-

ernment” have the meanings given those terms in section 102 of the Housing and Community Development Act of 1974 (42 U.S.C. 5302).

(B) STATE.—For purposes of subparagraphs (A)(ii) and (B)(ii) of subsection (b)(1), the term “State” means any State of the United States.

(11) PROGRAM.—The term “Program” means the Small Business Local Relief Program established under this section.

(12) SECRETARY.—The term “Secretary” means the Secretary of the Treasury.

(13) SMALL BUSINESS EMERGENCY FUND.—The term “small business emergency fund” means a fund or program—

(A) established by a State, a unit of general local government, an Indian Tribe, or an entity designated by a State, unit of general local government, or Indian Tribe; and

(B) that provides or administers financing to eligible entities in the form of grants, loans, or other means in accordance with the needs of eligible entities and the capacity of the fund or program.

1 (14) WOMEN-OWNED ENTITY.—The term
2 “women-owned entity” means an entity—

3 (A) more than 50 percent of the ownership
4 or control of which is held by not less than 1
5 woman; and

6 (B) more than 50 percent of the net profit
7 or loss of which accrues to not less than 1
8 woman.

9 **SEC. 619. GRANTS FOR INDEPENDENT LIVE VENUE OPERA-**
10 **TORS.**

11 (a) DEFINITIONS.—In this section:

12 (1) ADMINISTRATOR.—The term “Adminis-
13 trator” means the Administrator of the Small Busi-
14 ness Administration.

15 (2) ELIGIBLE OPERATOR, PROMOTER, PRO-
16 DUCER, OR TALENT REPRESENTATIVE.—

17 (A) IN GENERAL.—The term “eligible op-
18 erator, promoter, producer, or talent represent-
19 ative” means a live venue operator or producer
20 or promoter or a talent representative that
21 meets the following requirements:

22 (i) The live venue operator or pro-
23 ducer or promoter or the talent representa-
24 tive was fully operational as a live venue

1 operator or producer or promoter or talent
2 representative on February 29, 2020.

3 (ii) As of the date of the grant under
4 this section—

5 (I) the live venue operator or
6 producer or promoter is organizing,
7 promoting, producing, managing, or
8 hosting future events described in
9 paragraph (4)(A)(i); or

10 (II) the talent representative is
11 representing or managing artists and
12 entertainers.

13 (iii) The venues at which the live
14 venue operator or producer or promoter
15 promotes, produces, manages, or hosts
16 events described in paragraph (4)(A)(i) or
17 the artists and entertainers represented or
18 managed by the talent representative per-
19 form have the following characteristics:

20 (I) A defined performance and
21 audience space.

22 (II) Mixing equipment, a public
23 address system, and a lighting rig.

1 (III) Engages 1 or more individ-
2 uals to carry out not less than 2 of
3 the following roles:

4 (aa) A sound engineer.

5 (bb) A booker.

6 (cc) A promoter.

7 (dd) A stage manager.

8 (ee) Security personnel.

9 (ff) A box office manager.

10 (IV) There is a paid ticket or
11 cover charge to attend most perform-
12 ances and artists are paid fairly and
13 do not play for free or solely for tips,
14 except for legitimate fundraisers or
15 similar charitable events.

16 (V) For a venue owned or oper-
17 ated by a nonprofit entity that pro-
18 duces free events, the events are pro-
19 duced and managed by paid employ-
20 ees, not by volunteers.

21 (VI) Performances are marketed
22 through listings in printed or elec-
23 tronic publications, on websites, by
24 mass email, or on social media.

1 (iv) The live venue operator or pro-
2 ducer or promoter or the talent representa-
3 tive does not have, or is not majority
4 owned or controlled by an entity with,
5 more than 1 of the following characteris-
6 tics:

7 (I) Being an issuer, the securities
8 of which are listed on a national secu-
9 rities exchange.

10 (II) Owning or operating venues
11 or talent agencies or talent manage-
12 ment companies with offices in more
13 than 1 country.

14 (III) Owning or operating venues
15 in more than 10 States.

16 (IV) Employing more than 500
17 employees, determined on a full-time
18 equivalent basis in accordance with
19 subparagraph (B).

20 (V) Receiving more than 10 per-
21 cent of gross revenue from Federal
22 funding.

23 (B) CALCULATION OF FULL-TIME EMPLOY-
24 EES.—For purposes of determining the number

1 of full-time equivalent employees under sub-
2 paragraph (A)(iv)(IV)—

3 (i) any employee working not fewer
4 than 30 hours per week shall be considered
5 a full-time employee; and

6 (ii) any employee working not fewer
7 than 10 hours and fewer than 30 hours
8 per week shall be counted as one-half of a
9 full-time employee.

10 (3) EXCHANGE; ISSUER; SECURITY.—The terms
11 “exchange”, “issuer”, and “security” have the
12 meanings given such terms in section 3(a) of the Se-
13 curities Exchange Act of 1934 (15 U.S.C. 78c(a)).

14 (4) LIVE VENUE OPERATOR OR PRODUCER OR
15 PROMOTER.—The term “live venue operator or pro-
16 ducer or promoter”—

17 (A) means—

18 (i) an individual or entity—

19 (I) that organizes, promotes, sells
20 tickets, produces, manages, or hosts
21 live concerts, comedy shows, theatrical
22 productions, or other events by per-
23 forming artists and applies cover
24 charge through ticketing or front door
25 entrance fee; and

1 (II) not less than 70 percent of
2 the revenue of which is generated
3 through cover charges or ticket sales
4 and the sale of beverages, food, or
5 merchandise during such live events;
6 or

7 (ii) as a principle business activity,
8 makes tickets to events described in clause
9 (i)(I) available for purchase by the public
10 an average of not less than 60 days before
11 the date of the event and pays performers
12 in an event described in clause (i)(I) in an
13 amount that is based on a percentage of
14 sales, guarantee (in writing or standard
15 contract), or another mutually beneficial
16 formal agreement; and

17 (B) includes an individual or entity de-
18 scribed in subparagraph (A) that—

19 (i) operates for profit or as a non-
20 profit;

21 (ii) is government-owned; or

22 (iii) is a corporation, limited liability
23 company, or partnership or operated as a
24 sole proprietorship.

1 (5) NATIONAL SECURITIES EXCHANGE.—The
2 term “national securities exchange” means an ex-
3 change registered as a national securities exchange
4 under section 6 of the Securities Exchange Act of
5 1934 (15 U.S.C. 78f).

6 (6) STATE.—The term “State” means—

7 (A) a State;

8 (B) the District of Columbia;

9 (C) the Commonwealth of Puerto Rico;

10 and

11 (D) any other territory or possession of the
12 United States.

13 (7) TALENT REPRESENTATIVE.—The term “tal-
14 ent representative”—

15 (A) means an agent or manager that—

16 (i) as not less than 70 percent of the
17 operations of the agent or manager, is en-
18 gaged in representing or managing artists
19 and entertainers;

20 (ii) books musicians, comedians, ac-
21 tors, or similar performing artists pri-
22 marily in independent venues or at fes-
23 tivals; and

24 (iii) represents performers described
25 in clause (ii) that are paid in an amount

1 that is based on the number of tickets sold,
2 or a similar basis; and

3 (B) includes an agent or manager de-
4 scribed in subparagraph (A) that—

5 (i) operates for profit or as a non-
6 profit;

7 (ii) is government-owned; or

8 (iii) is a corporation, limited liability
9 company, or partnership or operated as a
10 sole proprietorship.

11 (b) AUTHORITY.—

12 (1) INITIAL GRANTS.—The Administrator may
13 make initial grants to eligible operators, promoters,
14 and talent representatives in accordance with this
15 section.

16 (2) SUPPLEMENTAL GRANTS.—The Adminis-
17 trator may make a supplemental grant in accordance
18 with this section to an eligible operator, promoter,
19 producer, or talent representative that receives a
20 grant under paragraph (1) if, as of December 1,
21 2020, the revenues of the eligible operator, pro-
22 moter, producer, or talent representative for the
23 most recent calendar quarter are not more than 20
24 percent of the revenues of the eligible operator, pro-
25 moter, producer, or talent representative for the cor-

1 responding calendar quarter during 2019 due to the
2 COVID–19 pandemic.

3 (3) CERTIFICATION.—An eligible operator, pro-
4 moter, producer, or talent representative applying
5 for a grant under this section that is an eligible
6 business described in the matter preceding subclause
7 (I) of section 4003(c)(3)(D)(i) of the CARES Act
8 (15 U.S.C. 9042(c)(3)(D)(i)), shall make a good-
9 faith certification described in subclauses (IX) and
10 (X) of such section.

11 (c) AMOUNT.—

12 (1) INITIAL GRANTS.—A grant under sub-
13 section (b)(1) shall be in the amount equal to the
14 lesser of—

15 (A) the amount equal to 45 percent of the
16 gross revenue of the eligible operator, promoter,
17 producer, or talent representative during 2019;

18 (B) for an eligible operator, promoter, pro-
19 ducer, or talent representative that began oper-
20 ations after January 1, 2019, the amount equal
21 to the product obtained by multiplying—

22 (i) the average monthly gross revenue
23 for each full month during which the entity
24 was in operation during 2019, by

25 (ii) 6; or

1 (C) \$12,000,000.

2 (2) SUPPLEMENTAL GRANTS.—A grant under
3 subsection (b)(2) shall be in the amount equal to 50
4 percent of the grant received by the eligible operator,
5 promoter, producer, or talent representative under
6 subsection (b)(1).

7 (d) USE OF FUNDS.—

8 (1) TIMING.—

9 (A) EXPENSES INCURRED.—

10 (i) IN GENERAL.—Except as provided
11 in clause (ii), amounts received under a
12 grant under this section may be used for
13 costs incurred during the period beginning
14 on March 1, 2020, and ending on Decem-
15 ber 31, 2021.

16 (ii) EXTENSION FOR SUPPLEMENTAL
17 GRANTS.—If an eligible operator, pro-
18 moter, producer, or talent representative
19 receives a grant under subsection (b)(2),
20 amounts received under either grant under
21 this section may be used for costs incurred
22 during the period beginning on March 1,
23 2020, and ending on June 30, 2022.

24 (B) EXPENDITURE.—

1 (i) IN GENERAL.—Except as provided
2 in clause (ii), an eligible operator, pro-
3 moter, producer, or talent representative
4 shall return to the Administrator any
5 amounts received under a grant under this
6 section that are not expended on or before
7 the date that is 1 year after the date of
8 disbursement of the grant.

9 (ii) EXTENSION FOR SUPPLEMENTAL
10 GRANTS.—If an eligible operator, pro-
11 moter, producer, or talent representative
12 receives a grant under subsection (b)(2),
13 the eligible operator, promoter, producer,
14 or talent representative shall return to the
15 Administrator any amounts received under
16 either grant under this section that are not
17 expended on or before the date that is 18
18 months after the date of disbursement to
19 the eligible operator, promoter, producer,
20 or talent representative of the grant under
21 subsection (b)(1).

22 (2) ALLOWABLE EXPENSES.—An eligible oper-
23 ator, promoter, producer, or talent representative
24 may use amounts received under a grant under this
25 section for—

1 (A) payroll costs for employees and fur-
2 loughed employees, including—

3 (i) costs for continuation coverage
4 provided pursuant to part 6 of subtitle B
5 of title I of the Employee Retirement In-
6 come Security Act of 1974 (other than
7 under section 609 of such Act), title XXII
8 of the Public Health Service Act, section
9 4980B of the Internal Revenue Code of
10 1986 (other than subsection (f)(1) of such
11 section insofar as it relates to pediatric
12 vaccines), or section 8905a of title 5,
13 United States Code, or under a State pro-
14 gram that provides comparable continu-
15 ation coverage, other than coverage under
16 a health flexible spending arrangement
17 under a cafeteria plan within the meaning
18 of section 125 of the Internal Revenue
19 Code of 1986; or

20 (ii) any other non-cash benefit;

21 (B) rent;

22 (C) utilities;

23 (D) mortgage interest payments on exist-
24 ing mortgages as of February 15, 2020;

1 (E) scheduled interest payments on other
2 scheduled debt as of February 15, 2020;

3 (F) costs related to personal protective
4 equipment;

5 (G) payments of principal on outstanding
6 loans;

7 (H) payments made to independent con-
8 tractors, as reported on Form-1099 MISC; and

9 (I) other ordinary and necessary business
10 expenses, including—

11 (i) settling existing debts owed to ven-
12 dors;

13 (ii) maintenance expenses;

14 (iii) administrative costs;

15 (iv) taxes;

16 (v) operating leases;

17 (vi) insurance;

18 (vii) advertising, production transpor-
19 tation, and capital expenditures related to
20 producing a theatrical production, concert,
21 or comedy show; and

22 (viii) any other capital expenditure or
23 expense required under any State, local, or
24 Federal law or guideline related to social
25 distancing.

1 (3) PROHIBITED EXPENSES.—An eligible oper-
 2 ator, promoter, producer, or talent representative
 3 may not use amounts received under a grant under
 4 this section—

5 (A) to purchase real estate;

6 (B) for payments of interest or principal
 7 on loans originated after February 15, 2020;

8 (C) to invest or re-lend funds;

9 (D) for contributions or expenditures to, or
 10 on behalf of, any political party, party com-
 11 mittee, or candidate for elective office; or

12 (E) for any other use as may be prohibited
 13 by the Administrator.

14 **DIVISION F—REVENUE** 15 **PROVISIONS**

16 **SEC. 100. SHORT TITLE, ETC.**

17 (a) SHORT TITLE.—This division may be cited as the
 18 “COVID–19 Tax Relief Act of 2020”.

19 (b) TABLE OF CONTENTS.—The table of contents for
 20 this division is as follows:

Sec. 100. Short title, etc.

TITLE I—ECONOMIC STIMULUS

Subtitle A—Additional Recovery Rebates to Individuals

Sec. 101. Additional recovery rebates to individuals.

Subtitle B—Earned Income Tax Credit

Sec. 111. Strengthening the earned income tax credit for individuals with no
 qualifying children.

- Sec. 112. Taxpayer eligible for childless earned income credit in case of qualifying children who fail to meet certain identification requirements.
- Sec. 113. Credit allowed in case of certain separated spouses.
- Sec. 114. Elimination of disqualified investment income test.
- Sec. 115. Application of earned income tax credit in possessions of the United States.
- Sec. 116. Temporary special rule for determining earned income for purposes of earned income tax credit.

Subtitle C—Child Tax Credit

- Sec. 121. Child tax credit improvements for 2020.
- Sec. 122. Application of child tax credit in possessions.

Subtitle D—Dependent Care Assistance

- Sec. 131. Refundability and enhancement of child and dependent care tax credit.
- Sec. 132. Increase in exclusion for employer-provided dependent care assistance.

Subtitle E—Credits for Paid Sick and Family Leave

- Sec. 141. Extension of credits.
- Sec. 142. Repeal of reduced rate of credit for certain leave.
- Sec. 143. Increase in limitations on credits for paid family leave.
- Sec. 144. Election to use prior year net earnings from self-employment in determining average daily self-employment income.
- Sec. 145. Federal, State, and local governments allowed tax credits for paid sick and paid family and medical leave.
- Sec. 146. Certain technical improvements.
- Sec. 147. Credits not allowed to certain large employers.

Subtitle F—Deduction of State and Local Taxes

- Sec. 151. Elimination for 2020 limitation on deduction of State and local taxes.

TITLE II—PROVISIONS TO PREVENT BUSINESS INTERRUPTION

- Sec. 201. Improvements to employee retention and rehiring credit.
- Sec. 202. Certain loan forgiveness and other business financial assistance under CARES Act not includible in gross income.
- Sec. 203. Clarification of treatment of expenses paid or incurred with proceeds from certain grants and loans.

TITLE III—NET OPERATING LOSSES

- Sec. 301. Limitation on excess business losses of non-corporate taxpayers restored and made permanent.
- Sec. 302. Certain taxpayers allowed carryback of net operating losses arising in 2019 and 2020.

1 **TITLE I—ECONOMIC STIMULUS**
2 **Subtitle A—Additional Recovery**
3 **Rebates to Individuals**

4 **SEC. 101. ADDITIONAL RECOVERY REBATES TO INDIVID-**
5 **UALS.**

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

9 **“SEC. 6428A. ADDITIONAL RECOVERY REBATES TO INDIVID-**
10 **UALS.**

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

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

20 “(1) \$1,200 (\$2,400 in the case of a joint re-
21 turn), plus

22 “(2) \$500 multiplied by the number of depend-
23 ents of the taxpayer for such taxable year.

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

4 “(1) any nonresident alien individual,

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

10 “(3) an estate or trust.

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

17 “(1) \$150,000 in the case of a joint return or
 18 a surviving spouse (as defined in section 2(a)),

19 “(2) \$112,500 in the case of a head of house-
 20 hold (as defined in section 2(b)), and

21 “(3) \$75,000 in any other case.

22 “(e) DEFINITIONS AND SPECIAL RULES.—

23 “(1) MODIFIED ADJUSTED GROSS INCOME.—

24 For purposes of this subsection (other than this
 25 paragraph), the term ‘modified adjusted gross in-

1 come’ means adjusted gross income determined with-
2 out regard to sections 911, 931, and 933.

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

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

10 “(4) IDENTIFICATION NUMBER REQUIRE-
11 MENT.—

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

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

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

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

1 “(C) DEPENDENTS.—A dependent shall
 2 not be taken into account under subsection
 3 (b)(2) unless the TIN of such dependent is in-
 4 cluded on the return of tax for the taxable year.

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

12 “(f) COORDINATION WITH ADVANCE REFUNDS OF
 13 CREDIT.—

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

23 “(2) JOINT RETURNS.—In the case of a refund
 24 or credit made or allowed under subsection (g) with
 25 respect to a joint return, half of such refund or cred-

1 it shall be treated as having been made or allowed
2 to each individual filing such return.

3 “(g) ADVANCE REFUNDS AND CREDITS.—

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

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

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

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

24 “(B) DELIVERY OF PAYMENTS.—Notwith-
25 standing any other provision of law, the Sec-

1 retary may certify and disburse refunds payable
2 under this subsection electronically to any ac-
3 count to which the payee authorized, on or after
4 January 1, 2018, the delivery of a refund of
5 taxes under this title or of a Federal payment
6 (as defined in section 3332 of title 31, United
7 States Code).

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

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

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

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

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

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

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

1 “(II) in the case of a specified
 2 railroad retirement beneficiary, the
 3 Railroad Retirement Board, and

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

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

13 “(i) a specified social security bene-
 14 ficiary,

15 “(ii) a specified supplemental security
 16 income recipient,

17 “(iii) a specified railroad retirement
 18 beneficiary, or

19 “(iv) a specified veterans beneficiary.

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

22 “(i) IN GENERAL.—The term ‘speci-
 23 fied social security beneficiary’ means any
 24 individual who, for the last month that
 25 ends prior to the date of enactment of this

1 section, is entitled to any monthly insur-
 2 ance benefit payable under title II of the
 3 Social Security Act (42 U.S.C. 401 et
 4 seq.), including payments made pursuant
 5 to sections 202(d), 223(g), and 223(i)(7)
 6 of such Act.

7 “(ii) EXCEPTION.—Such term shall
 8 not include any individual if such benefit is
 9 not payable for such month by reason of
 10 section 202(x) of the Social Security Act
 11 (42 U.S.C. 402(x)) or section 1129A of
 12 such Act (42 U.S.C. 1320a–8a).

13 “(D) SPECIFIED SUPPLEMENTAL SECU-
 14 RITY INCOME RECIPIENT.—For purposes of this
 15 paragraph—

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

1 Act (42 U.S.C. 1382(e)(1)(B)), includ-
2 ing—

3 “(I) payments made pursuant to
4 section 1614(a)(3)(C) of such Act (42
5 U.S.C. 1382c(a)(3)(C)),

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

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

20 “(ii) EXCEPTION.—Such term shall
21 not include any individual if such monthly
22 benefit is not payable for such month by
23 reason of subsection (e)(1)(A) or (e)(4) of
24 section 1611 (42 U.S.C. 1382) or section
25 1129A of such Act (42 U.S.C. 1320a–8a).

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

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

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

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

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

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

23 “(i) IN GENERAL.—The term ‘speci-
 24 fied veterans beneficiary’ means any indi-
 25 vidual who, for the last month that ends

1 prior to the date of enactment of this sec-
2 tion, is entitled to a compensation or pen-
3 sion payment payable under—

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

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

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

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

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

1 “(G) SUBSEQUENT DETERMINATIONS AND
2 REDETERMINATIONS NOT TAKEN INTO AC-
3 COUNT.—For purposes of this section, any indi-
4 vidual’s status as a specified social security ben-
5 eficiary, a specified supplemental security in-
6 come recipient, a specified railroad retirement
7 beneficiary, or a specified veterans beneficiary
8 shall be unaffected by any determination or re-
9 determination of any entitlement to, or eligi-
10 bility for, any benefit, payment, or compensa-
11 tion, if such determination or redetermination
12 occurs after the last month that ends prior to
13 the date of enactment of this section.

14 “(H) PAYMENT TO REPRESENTATIVE PAY-
15 EES AND FIDUCIARIES.—

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

1 benefit of the individual who is entitled to
2 the payment.

3 “(ii) APPLICATION OF ENFORCEMENT
4 PROVISIONS.—

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

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

24 “(III) In the case of a payment
25 described in clause (i) which is made

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

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

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

21 “(1) regulations or other guidance providing
22 taxpayers the opportunity to provide the Secretary
23 information sufficient to allow the Secretary to make
24 payments to such taxpayers under subsection (g)
25 (including the determination of the amount of such

1 payment) if such information is not otherwise avail-
2 able to the Secretary, and

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

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

21 (b) TREATMENT OF CERTAIN POSSESSIONS.—

22 (1) PAYMENTS TO POSSESSIONS WITH MIRROR
23 CODE TAX SYSTEMS.—The Secretary of the Treas-
24 ury shall pay to each possession of the United States
25 which has a mirror code tax system amounts equal

1 to the loss (if any) to that possession by reason of
2 the amendments made by this section. Such
3 amounts shall be determined by the Secretary of the
4 Treasury based on information provided by the gov-
5 ernment of the respective possession.

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

20 (3) COORDINATION WITH CREDIT ALLOWED
21 AGAINST UNITED STATES INCOME TAXES.—No cred-
22 it shall be allowed against United States income
23 taxes under section 6428A of the Internal Revenue
24 Code of 1986 (as added by this section), nor shall

any credit or refund be made or allowed under subsection (g) of such section, to any person—

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

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

(4) MIRROR CODE TAX SYSTEM.—For purposes of this subsection, the term “mirror code tax system” means, with respect to any possession of the United States, the income tax system of such possession if the income tax liability of the residents of such possession under such system is determined by reference to the income tax laws of the United States as if such possession were the United States.

(c) ADMINISTRATIVE PROVISIONS.—

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

(2) MATHEMATICAL OR CLERICAL ERROR AUTHORITY.—Section 6213(g)(2) of such Code is amended—

(A) by inserting “or section 6428A (relating to additional recovery rebates to individ-

1 uals)” before the comma at the end of subpara-
 2 graph (H), and

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

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

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

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

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

20 (4) ASSIGNMENT OF BENEFITS.—

21 (A) IN GENERAL.—The right of any per-
 22 son to any applicable payment shall not be
 23 transferable or assignable, at law or in equity,
 24 and no applicable payment shall be subject to,
 25 execution, levy, attachment, garnishment, or

1 other legal process, or the operation of any
2 bankruptcy or insolvency law.

3 (B) ENCODING OF PAYMENTS.—In the
4 case of an applicable payment described in sub-
5 paragraph (E)(iii)(I) that is paid electronically
6 by direct deposit through the Automated Clear-
7 ing House (ACH) network, the Secretary of the
8 Treasury (or the Secretary’s delegate) shall—

9 (i) issue the payment using a unique
10 identifier that is reasonably sufficient to
11 allow a financial institution to identify the
12 payment as an applicable payment, and

13 (ii) further encode the payment pursu-
14 ant to the same specifications as required
15 for a benefit payment defined in section
16 212.3 of title 31, Code of Federal Regula-
17 tions.

18 (C) GARNISHMENT.—

19 (i) ENCODED PAYMENTS.—In the case
20 of a garnishment order that applies to an
21 account that has received an applicable
22 payment that is encoded as provided in
23 subparagraph (B), a financial institution
24 shall follow the requirements and proce-

dures set forth in part 212 of title 31,
Code of Federal Regulations, except—

(I) notwithstanding section 212.4
of title 31, Code of Federal Regula-
tions (and except as provided in sub-
clause (II)), a financial institution
shall not fail to follow the procedures
of sections 212.5 and 212.6 of such
title with respect to an garnishment
order merely because such order has
attached, or includes, a notice of right
to garnish federal benefits issued by a
State child support enforcement agen-
cy, and

(II) a financial institution shall
not, with regard to any applicable
payment, be required to provide the
notice referenced in sections 212.6
and 212.7 of title 31, Code of Federal
Regulations.

(ii) OTHER PAYMENTS.—If a financial
institution receives a garnishment order
(other than an order that has been served
by the United States), that has been re-
ceived by a financial institution and that

1 applies to an account into which an appli-
2 cable payment that has not been encoded
3 as provided in subparagraph (B) has been
4 deposited electronically or by an applicable
5 payment that has been deposited by check
6 on any date in the lookback period, the fi-
7 nancial institution, upon the request of the
8 account holder, shall treat the amount of
9 the funds in the account at the time of the
10 request, up to the amount of the applicable
11 payment (in addition to any amounts oth-
12 erwise protected under part 212 of title 31,
13 Code of Federal Regulations), as exempt
14 from a garnishment order without requir-
15 ing the consent of the party serving the
16 garnishment order or the judgment cred-
17 itor.

18 (iii) LIABILITY.—A financial institu-
19 tion that acts in good faith in reliance on
20 clauses (i) or (ii) shall not be subject to li-
21 ability or regulatory action under any Fed-
22 eral or State law, regulation, court or other
23 order, or regulatory interpretation for ac-
24 tions concerning any applicable payments.

1 (D) PRESERVATION OF RECLAMATION
2 RIGHTS.—This paragraph shall not alter the
3 status of applicable payments as tax refunds or
4 other nonbenefit payments for purpose of any
5 reclamation rights of the Department of the
6 Treasury or the Internal Revenue Service as
7 per part 210 of title 31, Code of Federal Regu-
8 lations.

9 (E) DEFINITIONS.—For purposes of this
10 paragraph—

11 (i) ACCOUNT HOLDER.—The term
12 “account holder” means a natural person
13 whose name appears in a financial institu-
14 tion’s records as the direct or beneficial
15 owner of an account.

16 (ii) ACCOUNT REVIEW.—The term
17 “account review” means the process of ex-
18 amining deposits in an account to deter-
19 mine if an applicable payment has been de-
20 posited into the account during the
21 lookback period. The financial institution
22 shall perform the account review following
23 the procedures outlined in section 212.5 of
24 title 31, Code of Federal Regulations and
25 in accordance with the requirements of sec-

tion 212.6 of title 31, Code of Federal Regulations.

(iii) APPLICABLE PAYMENT.—The term “applicable payment” means—

(I) any advance refund amount paid pursuant to subsection (g) of section 6428A of the Internal Revenue Code of 1986 (as so added),

(II) any payment made by a possession of the United States with a mirror code tax system (as defined in subsection (c) of section 2201 of the CARES Act (Public Law 116–136)) pursuant to such subsection which corresponds to a payment described in subclause (I), and

(III) any payment made by a possession of the United States without a mirror code tax system (as so defined) pursuant to section 2201(c) of such Act.

(iv) GARNISHMENT.—The term “garnishment” means execution, levy, attachment, garnishment, or other legal process.

1 (v) GARNISHMENT ORDER.—The term
2 “garnishment order” means a writ, order,
3 notice, summons, judgment, levy, or simi-
4 lar written instruction issued by a court, a
5 State or State agency, a municipality or
6 municipal corporation, or a State child
7 support enforcement agency, including a
8 lien arising by operation of law for overdue
9 child support or an order to freeze the as-
10 sets in an account, to effect a garnishment
11 against a debtor.

12 (vi) LOOKBACK PERIOD.—The term
13 “lookback period” means the two month
14 period that begins on the date preceding
15 the date of account review and ends on the
16 corresponding date of the month two
17 months earlier, or on the last date of the
18 month two months earlier if the cor-
19 responding date does not exist.

20 (5) TREATMENT OF CREDIT AND ADVANCE PAY-
21 MENTS.—For purposes of section 1324 of title 31,
22 United States Code, any credit under section
23 6428A(a) of the Internal Revenue Code of 1986, any
24 credit or refund under section 6428A(g) of such
25 Code, and any payment under subsection (b) of this

1 section, shall be treated in the same manner as a re-
 2 fund due from a credit provision referred to in sub-
 3 section (b)(2) of such section 1324.

4 (6) AGENCY INFORMATION SHARING AND AS-
 5 SISTANCE.—The Commissioner of Social Security,
 6 the Railroad Retirement Board, and the Secretary of
 7 Veterans Affairs shall each provide the Secretary of
 8 the Treasury (or the Secretary’s delegate) such in-
 9 formation and assistance as the Secretary of the
 10 Treasury (or the Secretary’s delegate) may require
 11 for purposes of making payments under section
 12 6428A(g) of the Internal Revenue Code of 1986 to
 13 individuals described in paragraph (5)(A)(ii) thereof.

14 (7) CLERICAL AMENDMENT.—The table of sec-
 15 tions for subchapter B of chapter 65 of the Internal
 16 Revenue Code of 1986 is amended by inserting after
 17 the item relating to section 6428 the following new
 18 item:

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

19 (d) CERTAIN REQUIREMENTS RELATED TO RECOV-
 20 ERY REBATES AND ADDITIONAL RECOVERY REBATES.—

21 (1) SIGNATURES ON CHECKS AND NOTICES,
 22 ETC., BY THE DEPARTMENT OF THE TREASURY.—
 23 Any check issued to an individual by the Depart-
 24 ment of the Treasury pursuant to section 6428 or
 25 6428A of the Internal Revenue Code of 1986, and

1 any notice issued pursuant to section 6428(f)(6) or
2 section 6428A(g)(6) of such Code, may not be
3 signed by or otherwise bear the name, signature,
4 image or likeness of the President, the Vice Presi-
5 dent or any elected official or cabinet level officer of
6 the United States, or any individual who, with re-
7 spect to any of the aforementioned individuals, bears
8 any relationship described in subparagraphs (A)
9 through (G) of section 152(d)(2) of the Internal
10 Revenue Code of 1986.

11 (2) EFFECTIVE DATE.—Paragraph (1) shall
12 apply to checks and notices issued after the date of
13 the enactment of this Act.

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

24 (1) The number of scheduled payments sent to
25 the Bureau of Fiscal Service for payment by direct

1 deposit or paper check for the following week (stated
2 separately for direct deposit and paper check).

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

5 (3) The number of direct deposit payments re-
6 turned to the Department of the Treasury and the
7 total dollar value of such payments, for the week
8 ending on the day prior to the day on which the re-
9 port is provided.

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

14 **Subtitle B—Earned Income Tax**
15 **Credit**

16 **SEC. 111. STRENGTHENING THE EARNED INCOME TAX**
17 **CREDIT FOR INDIVIDUALS WITH NO QUALI-**
18 **FYING CHILDREN.**

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

22 “(n) SPECIAL RULES FOR INDIVIDUALS WITHOUT
23 QUALIFYING CHILDREN.—In the case of any taxable year
24 beginning after December 31, 2019, and before January
25 1, 2021—

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

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

6 “(B) APPLICABLE MINIMUM AGE.—For
7 purposes of this paragraph, the term ‘applicable
8 minimum age’ means—

9 “(i) except as otherwise provided in
10 this subparagraph, age 19,

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

14 “(iii) in the case of a qualified former
15 foster youth or a qualified homeless youth,
16 age 18.

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

23 “(D) QUALIFIED FORMER FOSTER
24 YOUTH.—For purposes of this paragraph, the

1 term ‘qualified former foster youth’ means an
2 individual who—

3 “(i) on or after the date that such in-
4 dividual attained age 14, was in foster care
5 provided under the supervision or adminis-
6 tration of a State or tribal agency admin-
7 istering (or eligible to administer) a plan
8 under part B or part E of the Social Secu-
9 rity Act (without regard to whether Fed-
10 eral assistance was provided with respect
11 to such child under such part E), and

12 “(ii) provides (in such manner as the
13 Secretary may provide) consent for State
14 and tribal agencies which administer a
15 plan under part B or part E of the Social
16 Security Act to disclose to the Secretary
17 information related to the status of such
18 individual as a qualified former foster
19 youth.

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

24 “(i) is certified by a local educational
25 agency or a financial aid administrator

1 during such taxable year as being either an
 2 unaccompanied youth who is a homeless
 3 child or youth, or as unaccompanied, at
 4 risk of homelessness, and self-supporting.
 5 Terms used in the preceding sentence
 6 which are also used in section 480(d)(1) of
 7 the Higher Education Act of 1965 shall
 8 have the same meaning as when used in
 9 such section, and

10 “(ii) provides (in such manner as the
 11 Secretary may provide) consent for local
 12 educational agencies and financial aid ad-
 13 ministrators to disclose to the Secretary in-
 14 formation related to the status of such in-
 15 dividual as a qualified homeless youth.

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

19 “(3) INCREASE IN CREDIT AND PHASEOUT PER-
 20 CENTAGES.—The table contained in subsection
 21 (b)(1) shall be applied by substituting ‘15.3’ for
 22 ‘7.65’ each place it appears therein.

23 “(4) INCREASE IN EARNED INCOME AND
 24 PHASEOUT AMOUNTS.—

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

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

5 “(ii) by substituting ‘\$11,490’ for
6 ‘\$5,280’.

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

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

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

1 **SEC. 112. TAXPAYER ELIGIBLE FOR CHILDLESS EARNED IN-**
2 **COME CREDIT IN CASE OF QUALIFYING CHIL-**
3 **DREN WHO FAIL TO MEET CERTAIN IDENTI-**
4 **FICATION REQUIREMENTS.**

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

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

11 **SEC. 113. CREDIT ALLOWED IN CASE OF CERTAIN SEPA-**
12 **RATED SPOUSES.**

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

15 (1) by striking “MARRIED INDIVIDUALS.—In
16 the case of” and inserting the following: “MARRIED
17 INDIVIDUALS.—

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

19 (2) by adding at the end the following new
20 paragraph:

21 “(2) DETERMINATION OF MARITAL STATUS.—
22 For purposes of this section—

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

1 “(B) SPECIAL RULE FOR SEPARATED
2 SPOUSE.—An individual shall not be treated as
3 married if such individual—

4 “(i) is married (as determined under
5 section 7703(a)) and does not file a joint
6 return for the taxable year,

7 “(ii) lives with a qualifying child of
8 the individual for more than one-half of
9 such taxable year, and

10 “(iii)(I) during the last 6 months of
11 such taxable year, does not have the same
12 principal place of abode as the individual’s
13 spouse, or

14 “(II) has a decree, instrument, or
15 agreement (other than a decree of divorce)
16 described in section 121(d)(3)(C) with re-
17 spect to the individual’s spouse and is not
18 a member of the same household with the
19 individual’s spouse by the end of the tax-
20 able year.”.

21 (b) CONFORMING AMENDMENTS.—

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

1 (2) Section 32(c)(1)(E)(ii) of such Code is
 2 amended by striking “(within the meaning of section
 3 7703)”.

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

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

10 **SEC. 114. ELIMINATION OF DISQUALIFIED INVESTMENT IN-**
 11 **COME TEST.**

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

14 (b) CONFORMING AMENDMENTS.—

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

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

21 (3) Section 32(j)(2) of such Code is amended—

22 (A) by striking subparagraph (B), and

23 (B) by striking “ROUNDING.—” and all
 24 that follows through “If any dollar amount”

1 and inserting the following: “ROUNDING.—If
2 any dollar amount”.

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

6 **SEC. 115. APPLICATION OF EARNED INCOME TAX CREDIT**
7 **IN POSSESSIONS OF THE UNITED STATES.**

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

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

13 “(a) PUERTO RICO.—

14 “(1) IN GENERAL.—With respect to calendar
15 year 2021 and each calendar year thereafter, the
16 Secretary shall, except as otherwise provided in this
17 subsection, make payments to Puerto Rico equal
18 to—

19 “(A) the specified matching amount for
20 such calendar year, plus

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

23 “(i) the expenditures made by Puerto
24 Rico during such calendar year for edu-
25 cation efforts with respect to individual

1 taxpayers and tax return preparers relat-
 2 ing to the earned income tax credit, or

3 “(ii) \$1,000,000.

4 “(2) REQUIREMENT TO REFORM EARNED IN-
 5 COME TAX CREDIT.—The Secretary shall not make
 6 any payments under paragraph (1) with respect to
 7 any calendar year unless Puerto Rico has in effect
 8 an earned income tax credit for taxable years begin-
 9 ning in or with such calendar year which (relative to
 10 the earned income tax credit which was in effect for
 11 taxable years beginning in or with calendar year
 12 2019) increases the percentage of earned income
 13 which is allowed as a credit for each group of indi-
 14 viduals with respect to which such percentage is sep-
 15 arately stated or determined in a manner designed
 16 to substantially increase workforce participation.

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

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

22 “(i) the excess (if any) of—

23 “(I) the cost to Puerto Rico of
 24 the earned income tax credit for tax-

1 able years beginning in or with such
2 calendar year, over

3 “(II) the base amount for such
4 calendar year, or

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

7 “(B) BASE AMOUNT.—

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

11 “(I) the cost to Puerto Rico of
12 the earned income tax credit for tax-
13 able years beginning in or with cal-
14 endar year 2019 (rounded to the
15 nearest multiple of \$1,000,000), or

16 “(II) \$200,000,000.

17 “(ii) INFLATION ADJUSTMENT.—In
18 the case of any calendar year after 2021,
19 the term ‘base amount’ means the dollar
20 amount determined under clause (i) in-
21 creased by an amount equal to—

22 “(I) such dollar amount, multi-
23 plied by—

24 “(II) the cost-of-living adjust-
25 ment determined under section 1(f)(3)

1 for such calendar year, determined by
2 substituting ‘calendar year 2020’ for
3 ‘calendar year 2016’ in subparagraph
4 (A)(ii) thereof.

5 Any amount determined under this clause
6 shall be rounded to the nearest multiple of
7 \$1,000,000.

8 “(4) RULES RELATED TO PAYMENTS AND RE-
9 PORTS.—

10 “(A) TIMING OF PAYMENTS.—The Sec-
11 retary shall make payments under paragraph
12 (1) for any calendar year—

13 “(i) after receipt of the report de-
14 scribed in subparagraph (B) for such cal-
15 endar year, and

16 “(ii) except as provided in clause (i),
17 within a reasonable period of time before
18 the due date for individual income tax re-
19 turns (as determined under the laws of
20 Puerto Rico) for taxable years which began
21 on the first day of such calendar year.

22 “(B) ANNUAL REPORTS.—With respect to
23 calendar year 2021 and each calendar year
24 thereafter, Puerto Rico shall provide to the Sec-
25 retary a report which shall include—

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

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

6 “(C) ADJUSTMENTS.—

7 “(i) IN GENERAL.—In the event that
8 any estimate of an amount is more or less
9 than the actual amount as later deter-
10 mined and any payment under paragraph
11 (1) was determined on the basis of such
12 estimate, proper payment shall be made
13 by, or to, the Secretary (as the case may
14 be) as soon as practicable after the deter-
15 mination that such estimate was inac-
16 curate. Proper adjustment shall be made in
17 the amount of any subsequent payments
18 made under paragraph (1) to the extent
19 that proper payment is not made under the
20 preceding sentence before such subsequent
21 payments.

22 “(ii) ADDITIONAL REPORTS.—The
23 Secretary may require such additional peri-
24 odic reports of the information described in
25 subparagraph (B) as the Secretary deter-

1 mines appropriate to facilitate timely ad-
 2 justments under clause (i).

3 “(D) DETERMINATION OF COST OF
 4 EARNED INCOME TAX CREDIT.—For purposes
 5 of this subsection, the cost to Puerto Rico of
 6 the earned income tax credit shall be deter-
 7 mined by the Secretary on the basis of the laws
 8 of Puerto Rico and shall include reductions in
 9 revenues received by Puerto Rico by reason of
 10 such credit and refunds attributable to such
 11 credit, but shall not include any administrative
 12 costs with respect to such credit.

13 “(E) PREVENTION OF MANIPULATION OF
 14 BASE AMOUNT.—No payments shall be made
 15 under paragraph (1) if the earned income tax
 16 credit as in effect in Puerto Rico for taxable
 17 years beginning in or with calendar year 2019
 18 is modified after the date of the enactment of
 19 this subsection.

20 “(b) POSSESSIONS WITH MIRROR CODE TAX SYS-
 21 TEMS.—

22 “(1) IN GENERAL.—With respect to calendar
 23 year 2020 and each calendar year thereafter, the
 24 Secretary shall, except as otherwise provided in this
 25 subsection, make payments to the Virgin Islands,

1 Guam, and the Commonwealth of the Northern Mar-
2 iana Islands equal to—

3 “(A) 75 percent of the cost to such posses-
4 sion of the earned income tax credit for taxable
5 years beginning in or with such calendar year,
6 plus

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

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

14 “(ii) \$50,000.

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

19 “(c) AMERICAN SAMOA.—

20 “(1) IN GENERAL.—With respect to calendar
21 year 2020 and each calendar year thereafter, the
22 Secretary shall, except as otherwise provided in this
23 subsection, make payments to American Samoa
24 equal to—

25 “(A) the lesser of—

1 “(i) 75 percent of the cost to Amer-
2 ican Samoa of the earned income tax cred-
3 it for taxable years beginning in or with
4 such calendar year, or

5 “(ii) \$12,000,000, plus

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

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

13 “(ii) \$50,000.

14 “(2) REQUIREMENT TO ENACT AND MAINTAIN
15 AN EARNED INCOME TAX CREDIT.—The Secretary
16 shall not make any payments under paragraph (1)
17 with respect to any calendar year unless American
18 Samoa has in effect an earned income tax credit for
19 taxable years beginning in or with such calendar
20 year which allows a refundable tax credit to individ-
21 uals on the basis of the taxpayer’s earned income
22 which is designed to substantially increase workforce
23 participation.

24 “(3) INFLATION ADJUSTMENT.—In the case of
25 any calendar year after 2020, the \$12,000,000

1 amount in paragraph (1)(A)(ii) shall be increased by
 2 an amount equal to—

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

4 “(B) the cost-of-living adjustment deter-
 5 mined under section 1(f)(3) for such calendar
 6 year, determined by substituting ‘calendar year
 7 2019’ for ‘calendar year 2016’ in subparagraph
 8 (A)(ii) thereof.

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

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

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

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

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

1 **SEC. 116. TEMPORARY SPECIAL RULE FOR DETERMINING**
2 **EARNED INCOME FOR PURPOSES OF EARNED**
3 **INCOME TAX CREDIT.**

4 (a) IN GENERAL.—If the earned income of the tax-
5 payer for the taxpayer’s first taxable year beginning in
6 2020 is less than the earned income of the taxpayer for
7 the preceding taxable year, the credit allowed under sec-
8 tion 32 of the Internal Revenue Code of 1986 may, at
9 the election of the taxpayer, be determined by sub-
10 stituting—

11 (1) such earned income for the preceding tax-
12 able year, for

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

15 (b) EARNED INCOME.—

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

20 (2) APPLICATION TO JOINT RETURNS.—For
21 purposes of subsection (a), in the case of a joint re-
22 turn, the earned income of the taxpayer for the pre-
23 ceding taxable year shall be the sum of the earned
24 income of each spouse for such preceding taxable
25 year.

26 (c) SPECIAL RULES.—

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

6 (2) NO EFFECT ON DETERMINATION OF GROSS
7 INCOME, ETC.—Except as otherwise provided in this
8 subsection, the Internal Revenue Code of 1986 shall
9 be applied without regard to any substitution under
10 subsection (a).

11 (d) TREATMENT OF CERTAIN POSSESSIONS.—

12 (1) PAYMENTS TO POSSESSIONS WITH MIRROR
13 CODE TAX SYSTEMS.—The Secretary of the Treas-
14 ury shall pay to each possession of the United States
15 which has a mirror code tax system amounts equal
16 to the loss (if any) to that possession by reason of
17 the application of the provisions of this section
18 (other than this subsection) with respect to section
19 32 of the Internal Revenue Code of 1986. Such
20 amounts shall be determined by the Secretary of the
21 Treasury based on information provided by the gov-
22 ernment of the respective possession.

23 (2) PAYMENTS TO OTHER POSSESSIONS.—The
24 Secretary of the Treasury shall pay to each posses-
25 sion of the United States which does not have a mir-

1 ror code tax system amounts estimated by the Sec-
2 retary of the Treasury as being equal to the aggre-
3 gate benefits (if any) that would have been provided
4 to residents of such possession by reason of the pro-
5 visions of this section (other than this subsection)
6 with respect to section 32 of the Internal Revenue
7 Code of 1986 if a mirror code tax system had been
8 in effect in such possession. The preceding sentence
9 shall not apply unless the respective possession has
10 a plan, which has been approved by the Secretary of
11 the Treasury, under which such possession will
12 promptly distribute such payments to its residents.

13 (3) MIRROR CODE TAX SYSTEM.—For purposes
14 of this section, the term “mirror code tax system”
15 means, with respect to any possession of the United
16 States, the income tax system of such possession if
17 the income tax liability of the residents of such pos-
18 session under such system is determined by ref-
19 erence to the income tax laws of the United States
20 as if such possession were the United States.

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

1 **Subtitle C—Child Tax Credit**

2 **SEC. 121. CHILD TAX CREDIT IMPROVEMENTS FOR 2020.**

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

6 “(i) SPECIAL RULE FOR REFUNDABLE CREDIT.—In
7 the case of any taxable year beginning in 2020, subsection
8 (h)(5) shall not apply and the increase determined under
9 the first sentence of subsection (d)(1) shall be the amount
10 determined under subsection (d)(1)(A) (determined with-
11 out regard to subsection (h)(4)).”.

12 (b) ADVANCE PAYMENT OF CREDIT.—

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

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

17 “(a) IN GENERAL.—As soon as practicable after the
18 date of the enactment of this Act, the Secretary shall es-
19 tablish a program for making advance payments of the
20 credit allowed under subsection (a) of section 24 on a
21 monthly basis (determined without regard to subsection
22 (i)(2)) of such section), or as frequently as the Secretary
23 determines to be administratively feasible, to taxpayers de-
24 termined to be eligible for advance payment of such credit.

25 “(b) LIMITATION.—

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

6 “(A) subject to paragraph (2), the amount
 7 determined under subsection (a) of section 24
 8 with respect to such taxpayer (determined with-
 9 out regard to subsection (i)(2)) of such section)
 10 for such taxable year, over

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

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

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

1 (2) RECONCILIATION OF CREDIT AND ADVANCE
2 CREDIT.—Section 24(i) of such Code, as amended by
3 subsection (a), is amended—

4 (A) by striking “in the case of any taxable
5 year”, and inserting the following:

6 “(1) IN GENERAL.—‘In the case of any taxable
7 year’ ”, and

8 (B) by adding at the end the following new
9 paragraph:

10 “(2) RECONCILIATION OF CREDIT AND AD-
11 VANCE CREDIT.—

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

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

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

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

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

8 **SEC. 122. APPLICATION OF CHILD TAX CREDIT IN POSSES-**
 9 **SIONS.**

10 (a) IN GENERAL.—Section 24 of the Internal Rev-
 11 enue Code of 1986, as amended by the preceding provi-
 12 sions of this Act, is amended by adding at the end the
 13 following new subsection:

14 “(j) APPLICATION OF CREDIT IN POSSESSIONS.—

15 “(1) MIRROR CODE POSSESSIONS.—

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

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

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

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

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

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

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

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

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

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

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

19 “(3) AMERICAN SAMOA.—

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

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

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

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

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

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

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

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

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

13 **Subtitle D—Dependent Care** 14 **Assistance**

15 **SEC. 131. REFUNDABILITY AND ENHANCEMENT OF CHILD** 16 **AND DEPENDENT CARE TAX CREDIT.**

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

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

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

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

3 “(2) INCREASE IN APPLICABLE PERCENTAGE.—

4 Subsection (a)(2) shall be applied—

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

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

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

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

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

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

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

23 (1) to whom a credit is allowed against taxes
24 imposed by a possession with a mirror code tax sys-
25 tem by reason of the application of section 21 of

1 such Code in such possession for such taxable year,
 2 or

3 (2) to whom a credit would be allowed against
 4 taxes imposed by a possession which does not have
 5 a mirror code tax system if the provisions of section
 6 21 of such Code had been in effect in such posses-
 7 sion for such taxable year.

8 (d) EFFECTIVE DATE.—The amendments made by
 9 this section shall apply to taxable years beginning after
 10 December 31, 2019.

11 **SEC. 132. INCREASE IN EXCLUSION FOR EMPLOYER-PRO-**
 12 **VIDED DEPENDENT CARE ASSISTANCE.**

13 (a) IN GENERAL.—Section 129(a)(2) of the Internal
 14 Revenue Code of 1986 is amended by adding at the end
 15 the following new subparagraph:

16 “(D) SPECIAL RULE FOR 2020.—In the
 17 case of any taxable year beginning during 2020,
 18 subparagraph (A) shall be applied be sub-
 19 stituting ‘\$10,500 (half such dollar amount’ for
 20 ‘\$5,000 (\$2,500)’.”.

21 (b) EFFECTIVE DATE.—The amendment made by
 22 this section shall apply to taxable years beginning after
 23 December 31, 2019.

24 (c) RETROACTIVE PLAN AMENDMENTS.—A plan or
 25 other arrangement that otherwise satisfies all applicable

1 requirements of sections 106, 125, and 129 of the Internal
 2 Revenue Code of 1986 (including any rules or regulations
 3 thereunder) shall not fail to be treated as a cafeteria plan
 4 or dependent care flexible spending arrangement merely
 5 because such plan or arrangement is amended pursuant
 6 to a provision under this section and such amendment is
 7 retroactive, if—

8 (1) such amendment is adopted no later than
 9 the last day of the plan year in which the amend-
 10 ment is effective, and

11 (2) the plan or arrangement is operated con-
 12 sistent with the terms of such amendment during
 13 the period beginning on the effective date of the
 14 amendment and ending on the date the amendment
 15 is adopted.

16 **Subtitle E—Credits for Paid Sick** 17 **and Family Leave**

18 **SEC. 141. EXTENSION OF CREDITS.**

19 (a) IN GENERAL.—Sections 7001(g), 7002(e),
 20 7003(g), and 7004(e) of the Families First Coronavirus
 21 Response Act are each amended by striking “December
 22 31, 2020” and inserting “February 28, 2021”.

23 (b) EFFECTIVE DATE.—The amendments made by
 24 this section shall take effect as if included in the provisions

1 of the Families First Coronavirus Response Act to which
 2 they relate.

3 **SEC. 142. REPEAL OF REDUCED RATE OF CREDIT FOR CER-**
 4 **TAIN LEAVE.**

5 (a) PAYROLL CREDIT.—Section 7001(b) of the Fami-
 6 lies First Coronavirus Response Act is amended by insert-
 7 ing “(as in effect immediately before the date of the enact-
 8 ment of the COVID–19 Tax Relief Act of 2020) or any
 9 day on or after the date of the enactment of the COVID–
 10 19 Tax Relief Act of 2020” after “in the case of any day
 11 any portion of which is paid sick time described in para-
 12 graph (1), (2), or (3) of section 5102(a) of the Emergency
 13 Paid Sick Leave Act”.

14 (b) SELF-EMPLOYED CREDIT.—

15 (1) IN GENERAL.—Clauses (i) and (ii) of sec-
 16 tion 7002(c)(1)(B) of the Families First
 17 Coronavirus Response Act are each amended by in-
 18 serting “(as in effect immediately before the date of
 19 the enactment of the COVID–19 Tax Relief Act of
 20 2020) or any day on or after the date of the enact-
 21 ment of the COVID–19 Tax Relief Act of 2020”
 22 after “in the case of any day any portion of which
 23 is paid sick time described in paragraph (1), (2), or
 24 (3) of section 5102(a) of the Emergency Paid Sick
 25 Leave Act”.

1 (2) CONFORMING AMENDMENT.—Section
2 7002(d)(3) of the Families First Coronavirus Re-
3 sponse Act is amended by inserting “(as in effect
4 immediately before the date of the enactment of the
5 COVID–19 Tax Relief Act of 2020) or any day on
6 or after the date of the enactment of the COVID–
7 19 Tax Relief Act of 2020” after “in the case of any
8 day any portion of which is paid sick time described
9 in paragraph (1), (2), or (3) of section 5102(a) of
10 the Emergency Paid Sick Leave Act”.

11 (c) EFFECTIVE DATE.—The amendments made by
12 this section shall apply to days on or after the date of
13 the enactment of this Act.

14 **SEC. 143. INCREASE IN LIMITATIONS ON CREDITS FOR**
15 **PAID FAMILY LEAVE.**

16 (a) INCREASE IN OVERALL LIMITATION ON QUALI-
17 FIED FAMILY LEAVE WAGES.—

18 (1) IN GENERAL.—Section 7003(b)(1)(B) of
19 the Families First Coronavirus Response Act is
20 amended by striking “\$10,000” and inserting
21 “\$12,000”.

22 (2) CONFORMING AMENDMENT.—Section
23 7004(d)(3) of the Families First Coronavirus Re-
24 sponse Act is amended by striking “\$10,000” and
25 inserting “\$12,000”.

1 (b) INCREASE IN QUALIFIED FAMILY LEAVE EQUIV-
 2 ALENT AMOUNT FOR SELF-EMPLOYED INDIVIDUALS.—
 3 Section 7004(c)(1)(A) of the Families First Coronavirus
 4 Response Act is amended by striking “50” and inserting
 5 “60”.

6 (c) EFFECTIVE DATE.—The amendments made by
 7 this section shall take effect as if included in the provisions
 8 of the Families First Coronavirus Response Act to which
 9 they relate.

10 **SEC. 144. ELECTION TO USE PRIOR YEAR NET EARNINGS**
 11 **FROM SELF-EMPLOYMENT IN DETERMINING**
 12 **AVERAGE DAILY SELF-EMPLOYMENT IN-**
 13 **COME.**

14 (a) CREDIT FOR SICK LEAVE.—Section 7002(c) of
 15 the Families First Coronavirus Response Act is amended
 16 by adding at the end the following new paragraph:

17 “(4) ELECTION TO USE PRIOR YEAR NET EARN-
 18 INGS FROM SELF-EMPLOYMENT INCOME.—In the
 19 case of an individual who elects (at such time and
 20 in such manner as the Secretary, or the Secretary’s
 21 delegate, may provide) the application of this para-
 22 graph, paragraph (2)(A) shall be applied by sub-
 23 stituting ‘the prior taxable year’ for ‘the taxable
 24 year’.”.

1 (b) CREDIT FOR FAMILY LEAVE.—Section 7004(c)
 2 of the Families First Coronavirus Response Act is amend-
 3 ed by adding at the end the following new paragraph:

4 “(4) ELECTION TO USE PRIOR YEAR NET EARN-
 5 INGS FROM SELF-EMPLOYMENT INCOME.—In the
 6 case of an individual who elects (at such time and
 7 in such manner as the Secretary, or the Secretary’s
 8 delegate, may provide) the application of this para-
 9 graph, paragraph (2)(A) shall be applied by sub-
 10 stituting ‘the prior taxable year’ for ‘the taxable
 11 year’.”.

12 (c) EFFECTIVE DATE.—The amendments made by
 13 this section shall take effect as if included in the provisions
 14 of the Families First Coronavirus Response Act to which
 15 they relate.

16 **SEC. 145. FEDERAL, STATE, AND LOCAL GOVERNMENTS AL-**
 17 **LOWED TAX CREDITS FOR PAID SICK AND**
 18 **PAID FAMILY AND MEDICAL LEAVE.**

19 (a) IN GENERAL.—Sections 7001(e) and 7003(e) of
 20 the Families First Coronavirus Response Act are each
 21 amended by striking paragraph (4).

22 (b) COORDINATION WITH APPLICATION OF CERTAIN
 23 DEFINITIONS.—

1 (1) IN GENERAL.—Sections 7001(c) and
 2 7003(c) of the Families First Coronavirus Response
 3 Act are each amended—

4 (A) by inserting “, determined without re-
 5 gard to paragraphs (1) through (22) of section
 6 3121(b) of such Code” after “as defined in sec-
 7 tion 3121(a) of the Internal Revenue Code of
 8 1986”, and

9 (B) by inserting “, determined without re-
 10 gard to the sentence in paragraph (1) thereof
 11 which begins ‘Such term does include remun-
 12 eration’” after “as defined in section 3231(e)
 13 of the Internal Revenue Code”.

14 (2) CONFORMING AMENDMENTS.—Sections
 15 7001(e)(3) and 7003(e)(3) of the Families First
 16 Coronavirus Response Act are each amended by
 17 striking “Any term” and inserting “Except as other-
 18 wise provided in this section, any term”.

19 (c) EFFECTIVE DATE.—The amendments made by
 20 this section shall take effect as if included in the provisions
 21 of the Families First Coronavirus Response Act to which
 22 they relate.

23 **SEC. 146. CERTAIN TECHNICAL IMPROVEMENTS.**

24 (a) COORDINATION WITH EXCLUSION FROM EM-
 25 PLOYMENT TAXES.—Sections 7001(c) and 7003(c) of the

1 Families First Coronavirus Response Act, as amended by
 2 the preceding provisions of this Act, are each amended—

3 (1) by inserting “and section 7005(a) of this
 4 Act,” after “determined without regard to para-
 5 graphs (1) through (22) of section 3121(b) of such
 6 Code”, and

7 (2) by inserting “and without regard to section
 8 7005(a) of this Act” after “which begins ‘Such term
 9 does not include remuneration’ ”.

10 (b) CLARIFICATION OF APPLICABLE RAILROAD RE-
 11 TIREMENT TAX FOR PAID LEAVE CREDITS.—Sections
 12 7001(e) and 7003(e) of the Families First Coronavirus
 13 Response Act, as amended by the preceding provisions of
 14 this Act, are each amended by adding at the end the fol-
 15 lowing new paragraph:

16 “(4) REFERENCES TO RAILROAD RETIREMENT
 17 TAX.—Any reference in this section to the tax im-
 18 posed by section 3221(a) of the Internal Revenue
 19 Code of 1986 shall be treated as a reference to so
 20 much of such tax as is attributable to the rate in ef-
 21 fect under section 3111(a) of such Code.”.

22 (c) CLARIFICATION OF TREATMENT OF PAID LEAVE
 23 FOR APPLICABLE RAILROAD RETIREMENT TAX.—Section
 24 7005(a) of the Families First Coronavirus Response Act
 25 is amended by adding the following sentence at the end

1 of such subsection: “Any reference in this subsection to
 2 the tax imposed by section 3221(a) of such Code shall be
 3 treated as a reference to so much of the tax as is attrib-
 4 utable to the rate in effect under section 3111(a) of such
 5 Code.”

6 (d) CLARIFICATION OF APPLICABLE RAILROAD RE-
 7 TIREMENT TAX FOR HOSPITAL INSURANCE TAX CRED-
 8 IT.—Section 7005(b)(1) of the Families First Coronavirus
 9 Response Act is amended to read as follows:

10 “(1) IN GENERAL.—The credit allowed by sec-
 11 tion 7001 and the credit allowed by section 7003
 12 shall each be increased by the amount of the tax im-
 13 posed by section 3111(b) of the Internal Revenue
 14 Code of 1986 and so much of the taxes imposed
 15 under section 3221(a) of such Code as are attrib-
 16 utable to the rate in effect under section 3111(b) of
 17 such Code on qualified sick leave wages, or qualified
 18 family leave wages, for which credit is allowed under
 19 such section 7001 or 7003 (respectively).”.

20 (e) EFFECTIVE DATE.—The amendments made by
 21 this section shall take effect as if included in the provisions
 22 of the Families First Coronavirus Response Act to which
 23 they relate.

1 **SEC. 147. CREDITS NOT ALLOWED TO CERTAIN LARGE EM-**
2 **PLOYERS.**

3 (a) CREDIT FOR REQUIRED PAID SICK LEAVE.—

4 (1) IN GENERAL.—Section 7001(a) of the Fam-
5 ilies First Coronavirus Response Act is amended by
6 striking “In the case of an employer” and inserting
7 “In the case of an eligible employer”.

8 (2) ELIGIBLE EMPLOYER.—Section 7001(c) of
9 the Families First Coronavirus Response Act, as
10 amended by the preceding provisions of this Act, is
11 amended by striking “For purposes of this section,
12 the term” and all that precedes it and inserting the
13 following:

14 “(c) DEFINITIONS.—For purposes of this section—

15 “(1) ELIGIBLE EMPLOYER.—The term ‘eligible
16 employer’ means any employer other than an appli-
17 cable large employer (as defined in section
18 4980H(c)(2), determined by substituting ‘500’ for
19 ‘50’ each place it appears in subparagraphs (A) and
20 (B) thereof and without regard to subparagraphs
21 (D) and (F) thereof). For purposes of the preceding
22 sentence, the Government of the United States, the
23 government of any State or political subdivision
24 thereof, or any agency or instrumentality of any of
25 the foregoing shall not be treated as an applicable
26 large employer.

1 “(2) QUALIFIED SICK LEAVE WAGES.—The
2 term”.

3 (b) CREDIT FOR REQUIRED PAID FAMILY LEAVE.—

4 (1) IN GENERAL.—Section 7003(a) of the Fam-
5 ilies First Coronavirus Response Act is amended by
6 striking “In the case of an employer” and inserting
7 “In the case of an eligible employer”.

8 (2) ELIGIBLE EMPLOYER.—Section 7003(c) of
9 the Families First Coronavirus Response Act, as
10 amended by the preceding provisions of this Act, is
11 amended by striking “For purposes of this section,
12 the term” and all that precedes it and inserting the
13 following:

14 “(c) DEFINITIONS.—For purposes of this section—

15 “(1) ELIGIBLE EMPLOYER.—The term ‘eligible
16 employer’ means any employer other than an appli-
17 cable large employer (as defined in section
18 4980H(c)(2), determined by substituting ‘500’ for
19 ‘50’ each place it appears in subparagraphs (A) and
20 (B) thereof and without regard to subparagraphs
21 (D) and (F) thereof). For purposes of the preceding
22 sentence, the Government of the United States, the
23 government of any State or political subdivision
24 thereof, or any agency or instrumentality of any of

1 the foregoing, shall not be treated as an applicable
 2 large employer.

3 “(2) QUALIFIED FAMILY LEAVE WAGES.—The
 4 term”.

5 (c) EFFECTIVE DATE.—The amendments made by
 6 this section shall apply to wages paid after the date of
 7 the enactment of this Act.

8 **Subtitle F—Deduction of State and** 9 **Local Taxes**

10 **SEC. 151. ELIMINATION FOR 2020 LIMITATION ON DEDUC-** 11 **TION OF STATE AND LOCAL TAXES.**

12 (a) IN GENERAL.—Section 164(b)(6)(B) of the Inter-
 13 nal Revenue Code of 1986 is amended by inserting “in
 14 the case of a taxable year beginning before January 1,
 15 2020, or after December 31, 2020,” before “the aggregate
 16 amount of taxes”.

17 (b) CONFORMING AMENDMENTS.—Section 164(b)(6)
 18 of the Internal Revenue Code of 1986 is amended—

19 (1) by striking “For purposes of subparagraph
 20 (B)” and inserting “For purposes of this section”,

21 (2) by striking “January 1, 2018” and insert-
 22 ing “January 1, 2021”,

23 (3) by striking “December 31, 2017, shall” and
 24 inserting “December 31, 2020, shall”, and

1 (4) by adding at the end the following: “For
 2 purposes of this section, in the case of State or local
 3 taxes with respect to any real or personal property
 4 paid during a taxable year beginning in 2020, the
 5 Secretary shall prescribe rules which treat all or a
 6 portion of such taxes as paid in a taxable year or
 7 years other than the taxable year in which actually
 8 paid as necessary or appropriate to prevent the
 9 avoidance of the limitations of this subsection.”.

10 (c) EFFECTIVE DATE.—The amendments made by
 11 this section shall apply to taxes paid or accrued in taxable
 12 years beginning after December 31, 2019.

13 **TITLE II—PROVISIONS TO PRE-** 14 **VENT BUSINESS INTERRUPTION** 15 **TION**

16 **SEC. 201. IMPROVEMENTS TO EMPLOYEE RETENTION AND** 17 **REHIRING CREDIT.**

18 (a) EMPLOYEE RETENTION CREDIT RENAMED.—
 19 Section 2301 of the CARES Act is amended in the head-
 20 ing by striking “**EMPLOYEE RETENTION CREDIT**” and
 21 inserting “**EMPLOYEE RETENTION AND REHIRING**
 22 **CREDIT**”.

23 (b) INCREASE IN CREDIT PERCENTAGE.—Section
 24 2301(a) of the CARES Act is amended by striking “50
 25 percent” and inserting “80 percent”.

1 (c) INCREASE IN PER EMPLOYEE LIMITATION.—Sec-
 2 tion 2301(b)(1) of the CARES Act is amended by striking
 3 “for all calendar quarters shall not exceed \$10,000.” and
 4 inserting “shall not exceed—

5 “(A) \$15,000 in any calendar quarter, and
 6 “(B) \$45,000 in the aggregate for all cal-
 7 endar quarters.”.

8 (d) MODIFICATION OF THRESHOLD FOR TREATMENT
 9 AS A LARGE EMPLOYER.—

10 (1) IN GENERAL.—Section 2301(c)(3)(A) of the
 11 CARES Act is amended—

12 (A) by striking “for which the average
 13 number of full-time employees (within the
 14 meaning of section 4980H of the Internal Rev-
 15 enue Code of 1986) employed by such eligible
 16 employer during 2019 was greater than 100” in
 17 clause (i) and inserting “which is a large em-
 18 ployer”, and

19 (B) by striking “for which the average
 20 number of full-time employees (within the
 21 meaning of section 4980H of the Internal Rev-
 22 enue Code of 1986) employed by such eligible
 23 employer during 2019 was not greater than
 24 100” in clause (ii) and inserting “which is not
 25 a large employer”.

1 (2) LARGE EMPLOYER DEFINED.—Section
 2 2301(c) of the CARES Act is amended by redesignig-
 3 nating paragraph (6) as paragraph (7) and by in-
 4 serting after paragraph (5) the following new para-
 5 graph:

6 “(6) LARGE EMPLOYER.—The term ‘large em-
 7 ployer’ means any eligible employer if—

8 “(A) the average number of full-time em-
 9 ployees (as determined for purposes of deter-
 10 mining whether an employer is an applicable
 11 large employer for purposes of section
 12 4980H(c)(2) of the Internal Revenue Code of
 13 1986) employed by such eligible employer dur-
 14 ing calendar year 2019 was greater than 1,500,
 15 and

16 “(B) the gross receipts (within the mean-
 17 ing of section 448(c) of the Internal Revenue
 18 Code of 1986) of such eligible employer during
 19 calendar year 2019 was greater than
 20 \$41,500,000.”.

21 (e) PHASE-IN OF ELIGIBILITY BASED ON REDUC-
 22 TION IN GROSS RECEIPTS.—

23 (1) DECREASE OF REDUCTION IN GROSS RE-
 24 CEIPTS NECESSARY TO QUALIFY FOR CREDIT.—Sec-
 25 tion 2301(c)(2)(B) of the CARES Act is amended—

1 (A) by striking “50 percent” in clause (i)
 2 and inserting “90 percent”, and

3 (B) by striking “80 percent” in clause (ii)
 4 and inserting “90 percent”.

5 (2) PHASE-IN OF CREDIT IF REDUCTION IN
 6 GROSS RECEIPTS IS LESS THAN 50 PERCENT.—Sec-
 7 tion 2301(c)(2) of the CARES Act is amended by
 8 adding at the end the following new subparagraph:

9 “(D) PHASE-IN OF CREDIT WHERE BUSI-
 10 NESS NOT SUSPENDED AND REDUCTION IN
 11 GROSS RECEIPTS LESS THAN 50 PERCENT.—

12 “(i) IN GENERAL.—In the case of any
 13 calendar quarter with respect to which an
 14 eligible employer would not be an eligible
 15 employer if subparagraph (B)(i) were ap-
 16 plied by substituting ‘50 percent’ for ‘90
 17 percent’, the amount of the credit allowed
 18 under subsection (a) shall be reduced by
 19 the amount which bears the same ratio to
 20 the amount of such credit (determined
 21 without regard to this subparagraph) as—

22 “(I) the excess gross receipts per-
 23 centage point amount, bears to

24 “(II) 40 percentage points.

1 “(ii) EXCESS GROSS RECEIPTS PER-
2 CENTAGE POINT AMOUNT.—For purposes
3 of this subparagraph, the term ‘excess
4 gross receipts percentage point amount’
5 means, with respect to any calendar quar-
6 ter, the excess of—

7 “(I) the lowest of the gross re-
8 ceipts percentage point amounts de-
9 termined with respect to any calendar
10 quarter during the period ending with
11 such calendar quarter and beginning
12 with the first calendar quarter during
13 the period described in subparagraph
14 (B), over

15 “(II) 50 percentage points.

16 “(iii) GROSS RECEIPTS PERCENTAGE
17 POINT AMOUNTS.—For purposes of this
18 subparagraph, the term ‘gross receipts per-
19 centage point amount’ means, with respect
20 to any calendar quarter, the percentage
21 (expressed as a number of percentage
22 points) obtained by dividing—

23 “(I) the gross receipts (within
24 the meaning of subparagraph (B)) for
25 such calendar quarter, by

1 “(II) the gross receipts for the
 2 same calendar quarter in calendar
 3 year 2019.”.

4 (3) GROSS RECEIPTS OF TAX-EXEMPT ORGANI-
 5 ZATIONS.—Section 2301(c)(2)(C) of the CARES Act
 6 is amended—

7 (A) by striking “of such Code, clauses (i)
 8 and (ii)(I)” and inserting “of such Code—

9 “(i) clauses (i) and (ii)(I),

10 (B) by striking the period at the end and
 11 inserting “, and”, and

12 (C) by adding at the end the following new
 13 clause:

14 “(ii) any reference in this section to
 15 gross receipts shall be treated as a ref-
 16 erence to gross receipts within the meaning
 17 of section 6033 of such Code.”.

18 (f) MODIFICATION OF TREATMENT OF HEALTH
 19 PLAN EXPENSES.—

20 (1) IN GENERAL.—Section 2301(c)(5) of the
 21 CARES Act is amended to read as follows:

22 “(5) WAGES.—

23 “(A) IN GENERAL.—The term ‘wages’
 24 means wages (as defined in section 3121(a) of
 25 the Internal Revenue Code of 1986) and com-

1 pensation (as defined in section 3231(e) of such
2 Code).

3 “(B) ALLOWANCE FOR CERTAIN HEALTH
4 PLAN EXPENSES.—

5 “(i) IN GENERAL.—Such term shall
6 include amounts paid or incurred by the el-
7 igible employer to provide and maintain a
8 group health plan (as defined in section
9 5000(b)(1) of the Internal Revenue Code
10 of 1986), but only to the extent that such
11 amounts are excluded from the gross in-
12 come of employees by reason of section
13 106(a) of such Code.

14 “(ii) ALLOCATION RULES.—For pur-
15 poses of this section, amounts treated as
16 wages under clause (i) shall be treated as
17 paid with respect to any employee (and
18 with respect to any period) to the extent
19 that such amounts are properly allocable to
20 such employee (and to such period) in such
21 manner as the Secretary may prescribe.
22 Except as otherwise provided by the Sec-
23 retary, such allocation shall be treated as
24 properly made if made on the basis of

1 being pro rata among periods of cov-
2 erage.”.

3 (2) CONFORMING AMENDMENT.—Section
4 2301(c)(3) of the CARES Act is amended by strik-
5 ing subparagraph (C).

6 (g) QUALIFIED WAGES PERMITTED TO INCLUDE
7 AMOUNTS FOR TIP REPLACEMENT.—Section
8 2301(c)(3)(B) of the CARES Act is amended by inserting
9 “(including tips which would have been deemed to be paid
10 by the employer under section 3121(q))” after “would
11 have been paid”.

12 (h) CERTAIN GOVERNMENTAL EMPLOYERS ELIGI-
13 BLE FOR CREDIT.—

14 (1) IN GENERAL.—Section 2301(f) of the
15 CARES Act is amended to read as follows:

16 “(f) CERTAIN GOVERNMENTAL EMPLOYERS.—

17 “(1) IN GENERAL.—The credit under this sec-
18 tion shall not be allowed to the Federal Government
19 or any agency or instrumentality thereof.

20 “(2) EXCEPTION.—Paragraph (1) shall not
21 apply to any organization described in section
22 501(c)(1) of the Internal Revenue Code of 1986 and
23 exempt from tax under section 501(a) of such Code.

24 “(3) SPECIAL RULES.—In the case of any State
25 government, Indian tribal government, or any agen-

1 cy, instrumentality, or political subdivision of the
 2 foregoing—

3 “(A) clauses (i) and (ii)(I) of subsection
 4 (c)(2)(A) shall apply to all operations of such
 5 entity, and

6 “(B) subclause (II) of subsection
 7 (c)(2)(A)(ii) shall not apply.”.

8 (2) COORDINATION WITH APPLICATION OF CER-
 9 TAIN DEFINITIONS.—

10 (A) IN GENERAL.—Section 2301(c)(5)(A)
 11 of the CARES Act, as amended by the pre-
 12 ceding provisions of this Act, is amended by
 13 adding at the end the following: “For purposes
 14 of the preceding sentence (other than for pur-
 15 poses of subsection (b)(2)), wages as defined in
 16 section 3121(a) of the Internal Revenue Code
 17 of 1986 shall be determined without regard to
 18 paragraphs (1), (5), (6), (7), (8), (10), (13),
 19 (18), (19), and (22) of section 3212(b) of such
 20 Code (except with respect to services performed
 21 in a penal institution by an inmate thereof).”.

22 (B) CONFORMING AMENDMENTS.—Sec-
 23 tions 2301(c)(6) of the CARES Act is amended
 24 by striking “Any term” and inserting “Except

1 as otherwise provided in this section, any
 2 term”.

3 (i) COORDINATION WITH INCOME TAX CREDITS.—
 4 Section 2301(h) of the CARES Act, as amended by pre-
 5 ceding provisions of this Act, is amended—

6 (1) by striking paragraphs (1) and (2) and in-
 7 serting the following:

8 “(1) COORDINATION WITH INCOME TAX CRED-
 9 ITS.—Any wages taken into account in determining
 10 the credit allowed under this section shall not be
 11 taken into account as wages for purposes of sections
 12 41, 45A, 45B, 45P, 45S, 51, and 1396 of the Inter-
 13 nal Revenue 23 Code of 1986.”, and

14 (2) by redesignating paragraph (3) as para-
 15 graph (2).

16 (j) APPLICATION OF CREDIT TO EMPLOYERS OF DO-
 17 MESTIC WORKERS.—

18 (1) IN GENERAL.—Section 2301(c)(2) of the
 19 CARES Act, as amended by the preceding provisions
 20 of this Act, is amended by adding at the end the fol-
 21 lowing new subparagraph:

22 “(E) EMPLOYERS OF DOMESTIC WORK-
 23 ERS.—In the case of an employer with one or
 24 more employees who perform domestic service
 25 (within the meaning of section 3121(a)(7) of

1 such Code) in the private home of such em-
 2 ployer, with respect to such employees—

3 “(i) subparagraph (A) shall be ap-
 4 plied—

5 “(I) by substituting ‘employing
 6 an employee who performs domestic
 7 service in the private home of such
 8 employer’ for ‘carrying on a trade or
 9 business’ in clause (i) thereof, and

10 “(II) by substituting ‘such em-
 11 ployment’ for ‘the operation of the
 12 trade or business’ in clause (ii)(I)
 13 thereof.

14 “(ii) subclause (II) of subparagraph
 15 (A)(ii) shall not apply, and

16 “(iii) such employer shall be treated
 17 as a large employer.”.

18 (2) DENIAL OF DOUBLE BENEFIT.—Section
 19 2301(h)(1) of the CARES Act, as amended by the
 20 preceding provisions of this Act, is further amend-
 21 ed—

22 (A) by striking “shall not be taken into ac-
 23 count as wages” and inserting “shall not be
 24 taken into account as—

25 “(A) wages”,

1 (B) by striking the period at the end and
 2 inserting “, and”, and

3 (C) by adding at the end the following:

4 “(B) if such wages are paid for domestic
 5 service described in subsection (c)(2)(E), as em-
 6 ployment-related expenses for purposes of sec-
 7 tion 21 of such Code.

8 In the case of any individual who pays wages for do-
 9 mestic service described in subsection (c)(2)(E) and
 10 receives a reimbursement for such wages which is
 11 excludible from gross income under section 129 of
 12 such Code, such wages shall not be treated as quali-
 13 fied wages for purposes of this section.”.

14 (k) COORDINATION WITH GOVERNMENT GRANTS.—
 15 Section 2301(h) of the CARES Act, as amended by the
 16 preceding provisions of this Act, is further amended by
 17 adding at the end the following new paragraph:

18 “(3) COORDINATION WITH GOVERNMENT
 19 GRANTS.—Qualified wages shall not be taken into
 20 account under this section to the extent that grants
 21 (or similar amounts) are provided by the Federal
 22 government for purposes of paying or reimbursing
 23 expenses for such wages.”.

1 (l) EFFECTIVE DATE.—The amendments made by
2 this section shall take effect as if included in section 2301
3 of the CARES Act.

4 **SEC. 202. CERTAIN LOAN FORGIVENESS AND OTHER BUSI-**
5 **NESS FINANCIAL ASSISTANCE UNDER CARES**
6 **ACT NOT INCLUDIBLE IN GROSS INCOME.**

7 (a) UNITED STATES TREASURY PROGRAM MANAGE-
8 MENT AUTHORITY.—For purposes of the Internal Rev-
9 enue Code of 1986, no amount shall be included in gross
10 income by reason of loan forgiveness described in section
11 1109(d)(2)(D) of the CARES Act.

12 (b) EMERGENCY EIDL GRANTS.—For purposes of
13 the Internal Revenue Code of 1986, any advance described
14 in section 1110(e) of the CARES Act shall not be included
15 in the gross income of the person that receives such ad-
16 vance.

17 (c) SUBSIDY FOR CERTAIN LOAN PAYMENTS.—For
18 purposes of the Internal Revenue Code of 1986, any pay-
19 ment described in section 1112(c) of the CARES Act shall
20 not be included in the gross income of the person on whose
21 behalf such payment is made.

22 (d) RESTAURANTS GRANTS.—For purposes of the
23 Internal Revenue Code of 1986, any grants (or similar
24 amounts) made to an eligible entity under the RES-

1 TAURANTS Act of 2020 shall not be included in the
2 gross income of such entity.

3 (e) EFFECTIVE DATE.—(1) Subsections (a), (b), and
4 (c) shall apply to taxable years ending after the date of
5 the enactment of the CARES Act.

6 (2) RESTAURANTS GRANTS.—Subsection (d)
7 shall apply to taxable years ending after the date of
8 the enactment of the RESTAURANTS Act of 2020.

9 **SEC. 203. CLARIFICATION OF TREATMENT OF EXPENSES**

10 **PAID OR INCURRED WITH PROCEEDS FROM**
11 **CERTAIN GRANTS AND LOANS.**

12 (a) IN GENERAL.—For purposes of the Internal Rev-
13 enue Code of 1986 and notwithstanding any other provi-
14 sion of law, any deduction and the basis of any property
15 shall be determined without regard to whether any amount
16 is excluded from gross income under section 202 of this
17 Act or section 1106(i) of the CARES Act.

18 (b) CLARIFICATION OF EXCLUSION OF LOAN FOR-
19 GIVENESS.—Section 1106(i) of the CARES Act is amend-
20 ed to read as follows:

21 “(i) TAXABILITY.—For purposes of the Internal Rev-
22 enue Code of 1986, no amount shall be included in the
23 gross income of the eligible recipient by reason of forgive-
24 ness of indebtedness described in subsection (b).”.

1 (c) EFFECTIVE DATE.—Subsection (a) and the
2 amendment made by subsection (b) shall apply to taxable
3 years ending after the date of the enactment of the
4 CARES Act.

5 **TITLE III—NET OPERATING**
6 **LOSSES**

7 **SEC. 301. LIMITATION ON EXCESS BUSINESS LOSSES OF**
8 **NON-CORPORATE TAXPAYERS RESTORED**
9 **AND MADE PERMANENT.**

10 (a) IN GENERAL.—Section 461(l)(1) of the Internal
11 Revenue Code of 1986 is amended to read as follows:

12 “(1) LIMITATION.—In the case of a taxpayer
13 other than a corporation, any excess business loss of
14 the taxpayer shall not be allowed.”.

15 (b) FARMING LOSSES.—Section 461 of such Code is
16 amended by striking subsection (j).

17 (c) EFFECTIVE DATE.—The amendments made by
18 this section shall apply to taxable years beginning after
19 December 31, 2017.

20 **SEC. 302. CERTAIN TAXPAYERS ALLOWED CARRYBACK OF**
21 **NET OPERATING LOSSES ARISING IN 2019**
22 **AND 2020.**

23 (a) CARRYBACK OF LOSSES ARISING IN 2019 AND
24 2020.—

1 (1) IN GENERAL.—Section 172(b)(1)(D)(i) of
2 the Internal Revenue Code of 1986 is amended to
3 read as follows:

4 “(i) IN GENERAL.—In the case of any
5 net operating loss arising in a taxable year
6 beginning after December 31, 2018, and
7 before January 1, 2021, and to which sub-
8 paragraphs (B) and (C)(i) do not apply,
9 such loss shall be a net operating loss
10 carryback to each taxable year preceding
11 the taxable year of such loss, but not to
12 any taxable year beginning before January
13 1, 2018.”.

14 (2) CONFORMING AMENDMENTS.—

15 (A) The heading for section 172(b)(1)(D)
16 of such Code is amended by striking “2018,
17 2019, AND” and inserting “2019 AND”.

18 (B) Section 172(b)(1)(D) of such Code is
19 amended by striking clause (iii) and by redesign-
20 ating clauses (iv) and (v) as clauses (iii) and
21 (iv), respectively.

22 (C) Section 172(b)(1)(D)(iii) of such Code,
23 as so redesignated, is amended by striking
24 “(i)(I)” and inserting “(i)”.

1 (D) Section 172(b)(1)(D)(iv) of such Code,
2 as so redesignated, is amended—

3 (i) by striking “If the 5-year
4 carryback period under clause (i)(I)” in
5 subclause (I) and inserting “If the
6 carryback period under clause (i)”, and

7 (ii) by striking “2018 or” in subclause
8 (II).

9 (b) DISALLOWED FOR CERTAIN TAXPAYERS.—Sec-
10 tion 172(b)(1)(D) of such Code, as amended by the pre-
11 ceding provisions of this Act, is amended by adding at the
12 end the following new clauses:

13 “(v) CARRYBACK DISALLOWED FOR
14 CERTAIN TAXPAYERS.—Clause (i) shall not
15 apply with respect to any loss arising in a
16 taxable year in which—

17 “(I) the taxpayer (or any related
18 person) is not allowed a deduction
19 under this chapter for the taxable
20 year by reason of section 162(m) or
21 section 280G, or

22 “(II) the taxpayer (or any related
23 person) is a specified corporation for
24 the taxable year.

1 “(vi) SPECIFIED CORPORATION.—For
2 purposes of clause (v)—

3 “(I) IN GENERAL.—The term
4 ‘specified corporation’ means, with re-
5 spect to any taxable year, a corpora-
6 tion the fair market value of the ag-
7 gregate distributions (including re-
8 demptions), measured as of the date
9 of each such distribution, of which
10 during all taxable years ending after
11 December 31, 2017, exceed the sum
12 of applicable stock issued of such cor-
13 poration and 5 percent of the fair
14 market value of the stock of such cor-
15 poration as of the last day of the tax-
16 able year.

17 “(II) APPLICABLE STOCK
18 ISSUED.—The term ‘applicable stock
19 issued’ means, with respect to any
20 corporation, the aggregate fair market
21 value of stock (as of the issue date of
22 such stock) issued by the corporation
23 during all taxable years ending after
24 December 31, 2017, in exchange for

1 money or property other than stock in
2 such corporation.

3 “(III) CERTAIN PREFERRED
4 STOCK DISREGARDED.—For purposes
5 of subclause (I), stock described in
6 section 1504(a)(4), and distributions
7 (including redemptions) with respect
8 to such stock, shall be disregarded.

9 “(vii) RELATED PERSON.—For pur-
10 poses of clause (v), a person is a related
11 person to a taxpayer if the related person
12 bears a relationship to the taxpayer speci-
13 fied in section 267(b) or section
14 707(b)(1).”.

15 (c) EFFECTIVE DATE.—The amendments made by
16 this section shall take effect as if included in the enact-
17 ment of section 2303(b) of the Coronavirus Aid, Relief,
18 and Economic Security Act.

19 **DIVISION G—RETIREMENT** 20 **PROVISIONS**

21 **SEC. 100. SHORT TITLE, ETC.**

22 (a) SHORT TITLE.—This division may be cited as the
23 “Emergency Pension Plan Relief Act of 2020”.

24 (b) TABLE OF CONTENTS.—The table of contents for
25 this division is as follows:

Sec. 100. Short title, etc.

TITLE I—RELIEF FOR MULTIEMPLOYER PENSION PLANS

- Sec. 101. Special partition relief.
- Sec. 102. Repeal of benefit suspensions for multiemployer plans in critical and declining status.
- Sec. 103. Temporary delay of designation of multiemployer plans as in endangered, critical, or critical and declining status.
- Sec. 104. Temporary extension of the funding improvement and rehabilitation periods for multiemployer pension plans in critical and endangered status for 2020 or 2021.
- Sec. 105. Adjustments to funding standard account rules.
- Sec. 106. PBGC guarantee for participants in multiemployer plans.

TITLE II—RELIEF FOR SINGLE EMPLOYER PENSION PLANS

- Sec. 201. Extended amortization for single employer plans.
- Sec. 202. Extension of pension funding stabilization percentages for single employer plans.

TITLE III—OTHER RETIREMENT RELATED PROVISIONS

- Sec. 301. Waiver of required minimum distributions for 2019.
- Sec. 302. Waiver of 60-day rule in case of rollover of otherwise required minimum distributions in 2019 or 2020.
- Sec. 303. Exclusion of benefits provided to volunteer firefighters and emergency medical responders made permanent.
- Sec. 304. Application of special rules to money purchase pension plans.
- Sec. 305. Grants to assist low-income women and survivors of domestic violence in obtaining qualified domestic relations orders.
- Sec. 306. Modification of special rules for minimum funding standards for community newspaper plans.
- Sec. 307. Minimum rate of interest for certain determinations related to life insurance contracts.

1 TITLE I—RELIEF FOR MULTIEM-

2 PLOYER PENSION PLANS

3 SEC. 101. SPECIAL PARTITION RELIEF.

4 (a) APPROPRIATION.—Section 4005 of the Employee
 5 Retirement Income Security Act of 1974 (29 U.S.C. 1305)
 6 is amended by adding at the end the following:

7 “(i)(1) An eighth fund shall be established for parti-
 8 tion assistance to multiemployer pension plans, as pro-
 9 vided under section 4233A, and to pay for necessary ad-

1 ministrative and operating expenses relating to such as-
 2 sistance.

3 “(2) There is appropriated from the general fund
 4 such amounts as necessary for the costs of providing parti-
 5 tion assistance under section 4233A and necessary admin-
 6 istrative and operating expenses. The eighth fund estab-
 7 lished under this subsection shall be credited with such
 8 amounts from time to time as the Secretary of the Treas-
 9 ury determines appropriate, from the general fund of the
 10 Treasury, and such amounts shall remain available until
 11 expended.”.

12 (b) SPECIAL PARTITION AUTHORITY.—The Em-
 13 ployee Retirement Income Security Act of 1974 (29
 14 U.S.C. 1001 et seq.) is amended by inserting after section
 15 4233 the following:

16 **“SEC. 4233A. SPECIAL PARTITION RELIEF.**

17 “(a) SPECIAL PARTITION AUTHORITY.—

18 “(1) IN GENERAL.—Upon the application of a
 19 plan sponsor of an eligible multiemployer plan for
 20 partition of the plan under this section, the corpora-
 21 tion shall order a partition of the plan in accordance
 22 with this section.

23 “(2) INAPPLICABILITY OF CERTAIN REPAYMENT
 24 OBLIGATION.—A plan receiving partition assistance

1 pursuant to this section shall not be subject to re-
2 payment obligations under section 4261(b)(2).

3 “(b) ELIGIBLE PLANS.—

4 “(1) IN GENERAL.—For purposes of this sec-
5 tion, a multiemployer plan is an eligible multiem-
6 ployer plan if—

7 “(A) the plan is in critical and declining
8 status (within the meaning of section
9 305(b)(6)) in any plan year beginning in 2020
10 through 2024;

11 “(B) a suspension of benefits has been ap-
12 proved with respect to the plan under section
13 305(e)(9) as of the date of the enactment of
14 this section;

15 “(C) in any plan year beginning in 2020
16 through 2024, the plan is certified by the plan
17 actuary to be in critical status (within the
18 meaning of section 305(b)(2)), has a modified
19 funded percentage of less than 40 percent, and
20 has a ratio of active to inactive participants
21 which is less than 2 to 3; or

22 “(D) the plan is insolvent for purposes of
23 section 418E of the Internal Revenue Code of
24 1986 as of the date of enactment of this sec-
25 tion, if the plan became insolvent after Decem-

1 ber 16, 2014, and has not been terminated by
2 such date of enactment.

3 “(2) MODIFIED FUNDED PERCENTAGE.—For
4 purposes of paragraph (1)(C), the term ‘modified
5 funded percentage’ means the percentage equal to a
6 fraction the numerator of which is current value of
7 plan assets (as defined in section 3(26) of such Act)
8 and the denominator of which is current liabilities
9 (as defined in section 431(c)(6)(D) of such Code and
10 section 304(c)(6)(D) of such Act).

11 “(c) APPLICATIONS FOR SPECIAL PARTITION.—

12 “(1) GUIDANCE.—The corporation shall issue
13 guidance setting forth requirements for special parti-
14 tion applications under this section not later than
15 120 days after the date of the enactment of this sec-
16 tion. In such guidance, the corporation shall—

17 “(A) limit the materials required for a spe-
18 cial partition application to the minimum nec-
19 essary to make a determination on the applica-
20 tion; and

21 “(B) provide for an alternate application
22 for special partition under this section, which
23 may be used by a plan that has been approved
24 for a partition under section 4233 before the
25 date of enactment of this section.

1 “(2) TEMPORARY PRIORITY CONSIDERATION OF
2 APPLICATIONS.—

3 “(A) IN GENERAL.—The corporation may
4 specify in guidance under paragraph (1) that,
5 during the first 2 years following the date of
6 enactment of this section, special partition ap-
7 plications will be provided priority consider-
8 ation, if—

9 “(i) the plan is likely to become insol-
10 vent within 5 years of the date of enact-
11 ment of this section;

12 “(ii) the corporation projects a plan to
13 have a present value of financial assistance
14 payments under section 4261 that exceeds
15 \$1,000,000,000 if the special partition is
16 not ordered;

17 “(iii) the plan has implemented ben-
18 efit suspensions under section 305(e)(9) as
19 of the date of the enactment of this sec-
20 tion; or

21 “(iv) the corporation determines it ap-
22 propriate based on other circumstances.

23 “(B) NO EFFECT ON AMOUNT OF ASSIST-
24 ANCE.—A plan that is approved for special par-
25 tition assistance under this section shall not re-

1 ceive reduced special partition assistance on ac-
2 count of not receiving priority consideration
3 under subparagraph (A).

4 “(3) ACTUARIAL ASSUMPTIONS AND OTHER IN-
5 FORMATION.—The corporation shall accept assump-
6 tions incorporated in a multiemployer plan’s deter-
7 mination that it is in critical status or critical and
8 declining status (within the meaning of section
9 305(b)), or that the plan’s modified funded percent-
10 age is less than 40 percent, unless such assumptions
11 are clearly erroneous. The corporation may require
12 such other information as the corporation deter-
13 mines appropriate for making a determination of eli-
14 gibility and the amount of special partition assist-
15 ance necessary under this section.

16 “(4) APPLICATION DEADLINE.—Any application
17 by a plan for special partition assistance under this
18 section shall be submitted no later than December
19 31, 2026, and any revised application for special
20 partition assistance shall be submitted no later than
21 December 31, 2027.

22 “(5) NOTICE OF APPLICATION.—Not later than
23 120 days after the date of enactment of this section,
24 the corporation shall issue guidance requiring multi-
25 employer plans to notify participants and bene-

1 ficiaries that the plan has applied for partition
2 under this section, after the corporation has deter-
3 mined that the application is complete. Such notice
4 shall reference the special partition relief internet
5 website described in subsection (p).

6 “(d) DETERMINATIONS ON APPLICATIONS.—A plan’s
7 application for special partition under this section that is
8 timely filed in accordance with guidance issued under sub-
9 section (c)(1) shall be deemed approved and the corpora-
10 tion shall issue a special partition order unless the cor-
11 poration notifies the plan within 120 days of the filing
12 of the application that the application is incomplete or the
13 plan is not eligible under this section. Such notice shall
14 specify the reasons the plan is ineligible for a special parti-
15 tion or information needed to complete the application. If
16 a plan is denied partition under this subsection, the plan
17 may submit a revised application under this section. Any
18 revised application for special partition submitted by a
19 plan shall be deemed approved unless the corporation noti-
20 fies the plan within 120 days of the filing of the revised
21 application that the application is incomplete or the plan
22 is not eligible under this section. A special partition order
23 issued by the corporation shall be effective no later than
24 120 days after a plan’s special partition application is ap-
25 proved by the corporation or deemed approved.

1 “(e) AMOUNT AND MANNER OF SPECIAL PARTITION
2 ASSISTANCE.—

3 “(1) IN GENERAL.—The liabilities of an eligible
4 multiemployer plan that the corporation assumes
5 pursuant to a special partition order under this sec-
6 tion shall be the amount necessary for the plan to
7 meet its funding goals described in subsection (g).

8 “(2) NO CAP.—Liabilities assumed by the cor-
9 poration pursuant to a special partition order under
10 this section shall not be capped by the guarantee
11 under section 4022A. The corporation shall have dis-
12 cretion on how liabilities of the plan are partitioned.

13 “(f) SUCCESSOR PLAN.—

14 “(1) IN GENERAL.—The plan created by a spe-
15 cial partition order under this section is a successor
16 plan to which section 4022A applies.

17 “(2) PLAN SPONSOR AND ADMINISTRATOR.—
18 The plan sponsor of an eligible multiemployer plan
19 prior to the special partition and the administrator
20 of such plan shall be the plan sponsor and the ad-
21 ministrator, respectively, of the plan created by the
22 partition.

23 “(g) FUNDING GOALS.—

1 “(1) IN GENERAL.—The funding goals of a
2 multiemployer plan eligible for partition under this
3 section are both of the following:

4 “(A) The plan will remain solvent over 30
5 years with no reduction in a participant’s or
6 beneficiary’s accrued benefit (except to the ex-
7 tent of a reduction in accordance with section
8 305(e)(8) adopted prior to the plan’s applica-
9 tion for partition under this section).

10 “(B) The funded percentage of the plan
11 (disregarding partitioned benefits) at the end of
12 the 30-year period is projected to be 80 percent.

13 “(2) BASIS.—The funding projections under
14 paragraph (1) shall be performed on a deterministic
15 basis.

16 “(h) RESTORATION OF BENEFIT SUSPENSIONS.—An
17 eligible multiemployer plan that is partitioned under this
18 section shall—

19 “(1) reinstate any benefits that were suspended
20 under section 305(e)(9) or section 4245(a), effective
21 as of the first month the special partition order is
22 effective, for participants or beneficiaries as of the
23 effective date of the partition; and

24 “(2) provide payments equal to the amount of
25 benefits previously suspended to any participants or

1 beneficiaries in pay status as of the effective date of
 2 the special partition, payable in the form of a lump
 3 sum within 3 months of such effective date or in
 4 equal monthly installments over a period of 5 years,
 5 with no adjustment for interest.

6 “(i) ADJUSTMENT OF SPECIAL PARTITION ASSIST-
 7 ANCE.—

8 “(1) IN GENERAL.—Every 5 years, the corpora-
 9 tion shall adjust the special partition assistance de-
 10 scribed in subsection (e) as necessary for the eligible
 11 multiemployer plan to satisfy the funding goals de-
 12 scribed in subsection (g). If the 30 year period de-
 13 scribed in subsection (g) has lapsed, in applying this
 14 paragraph, 5 years shall be substituted for 30 years.

15 “(2) SUBMISSION OF INFORMATION.—An eligi-
 16 ble multiemployer plan that is the subject of a spe-
 17 cial partition order under subsection (a) shall submit
 18 such information as the corporation may require to
 19 determine the amount of the adjustment under para-
 20 graph (1).

21 “(3) CESSATION OF ADJUSTMENTS.—Adjust-
 22 ments under this subsection with respect to special
 23 partition assistance for an eligible multiemployer
 24 plan shall cease and the corporation shall perma-
 25 nently assume liability for payment of any benefits

1 transferred to the successor plan (subject to sub-
2 section (l)) beginning with the first plan year that
3 the funded percentage of the eligible multiemployer
4 plan (disregarding partitioned benefits) is at least
5 80 percent and the plan's projected funded percent-
6 age for each of the next 10 years is at least 80 per-
7 cent. Any accumulated funding deficiency of the
8 plan (within the meaning of section 304(a)) shall be
9 reduced to zero as of the first day of the plan year
10 for which partition assistance is permanent under
11 this paragraph.

12 “(j) CONDITIONS ON PLANS DURING PARTITION.—

13 “(1) IN GENERAL.—The corporation may im-
14 pose, by regulation, reasonable conditions on an eli-
15 gible multiemployer plan that is partitioned under
16 section (a) relating to increases in future accrual
17 rates and any retroactive benefit improvements, allo-
18 cation of plan assets, reductions in employer con-
19 tribution rates, diversion of contributions to, and al-
20 location of, expenses to other retirement plans, and
21 withdrawal liability.

22 “(2) LIMITATIONS.—The corporation shall not
23 impose conditions on an eligible multiemployer plan
24 as a condition of or following receipt of such parti-
25 tion assistance under this section relating to—

1 “(A) any reduction in plan benefits (in-
2 cluding benefits that may be adjusted pursuant
3 to section 305(e)(8));

4 “(B) plan governance, including selection
5 of, removal of, and terms of contracts with,
6 trustees, actuaries, investment managers, and
7 other service providers; or

8 “(C) any funding rules relating to the plan
9 that is partitioned under this section.

10 “(3) CONDITION.—An eligible multiemployer
11 plan that is partitioned under subsection (a) shall
12 continue to pay all premiums due under section
13 4007 for participants and beneficiaries in the plan
14 created by a special partition order until the plan
15 year beginning after a cessation of adjustments ap-
16 plies under subsection (i).

17 “(k) WITHDRAWAL LIABILITY.—An employer’s with-
18 drawal liability for purposes of this title shall be calculated
19 taking into account any plan liabilities that are partitioned
20 under subsection (a) until the plan year beginning after
21 the expiration of 15 calendar years from the effective date
22 of the partition.

23 “(l) CESSATION OF PARTITION ASSISTANCE.—If a
24 plan that receives partition assistance under this section
25 becomes insolvent for purposes of section 418E of the In-

1 ternal Revenue Code of 1986, the plan shall no longer be
2 eligible for assistance under this section and shall be eligi-
3 ble for assistance under section 4261.

4 “(m) REPORTING.—An eligible multiemployer plan
5 that receives partition assistance under this section shall
6 file with the corporation a report, including the following
7 information, in such manner (which may include electronic
8 filing requirements) and at such time as the corporation
9 requires:

10 “(1) The funded percentage (as defined in sec-
11 tion 305(j)(2)) as of the first day of such plan year,
12 and the underlying actuarial value of assets and li-
13 abilities taken into account in determining such per-
14 centage.

15 “(2) The market value of the assets of the plan
16 (determined as provided in paragraph (1)) as of the
17 last day of the plan year preceding such plan year.

18 “(3) The total value of all contributions made
19 by employers and employees during the plan year
20 preceding such plan year.

21 “(4) The total value of all benefits paid during
22 the plan year preceding such plan year.

23 “(5) Cash flow projections for such plan year
24 and the 9 succeeding plan years, and the assump-
25 tions used in making such projections.

1 “(6) Funding standard account projections for
2 such plan year and the 9 succeeding plan years, and
3 the assumptions relied upon in making such projec-
4 tions.

5 “(7) The total value of all investment gains or
6 losses during the plan year preceding such plan year.

7 “(8) Any significant reduction in the number of
8 active participants during the plan year preceding
9 such plan year, and the reason for such reduction.

10 “(9) A list of employers that withdrew from the
11 plan in the plan year preceding such plan year, the
12 payment schedule with respect to such withdrawal li-
13 ability, and the resulting reduction in contributions.

14 “(10) A list of employers that paid withdrawal
15 liability to the plan during the plan year preceding
16 such plan year and, for each employer, a total as-
17 sessment of the withdrawal liability paid, the annual
18 payment amount, and the number of years remain-
19 ing in the payment schedule with respect to such
20 withdrawal liability.

21 “(11) Any material changes to benefits, accrual
22 rates, or contribution rates during the plan year pre-
23 ceding such plan year, and whether such changes re-
24 late to the conditions of the partition assistance.

1 “(12) Details regarding any funding improve-
2 ment plan or rehabilitation plan and updates to such
3 plan.

4 “(13) The number of participants and bene-
5 ficiaries during the plan year preceding such plan
6 year who are active participants, the number of par-
7 ticipants and beneficiaries in pay status, and the
8 number of terminated vested participants and bene-
9 ficiaries.

10 “(14) The information contained on the most
11 recent annual funding notice submitted by the plan
12 under section 101(f).

13 “(15) The information contained on the most
14 recent annual return under section 6058 of the In-
15 ternal Revenue Code of 1986 and actuarial report
16 under section 6059 of such Code of the plan.

17 “(16) Copies of the plan document and amend-
18 ments, other retirement benefit or ancillary benefit
19 plans relating to the plan and contribution obliga-
20 tions under such plans, a breakdown of administra-
21 tive expenses of the plan, participant census data
22 and distribution of benefits, the most recent actu-
23 arial valuation report as of the plan year, financial
24 reports, and copies of the portions of collective bar-
25 gaining agreements relating to plan contributions,

1 funding coverage, or benefits, and such other infor-
2 mation as the corporation may reasonably require.

3 Any information disclosed by a plan to the corporation
4 that could identify individual employers shall be confiden-
5 tial and not subject to publication or disclosure.

6 “(n) REPORT TO CONGRESS.—

7 “(1) IN GENERAL.—Not later than 1 year after
8 the date of enactment of this section and annually
9 thereafter, the board of directors of the corporation
10 shall submit to the Committee on Health, Edu-
11 cation, Labor, and Pensions and the Committee on
12 Finance of the Senate and the Committee on Edu-
13 cation and Labor and the Committee on Ways and
14 Means of the House of Representatives a detailed re-
15 port on the implementation and administration of
16 this section. Such report shall include—

17 “(A) information on the name and number
18 of multiemployer plans that have applied for
19 partition assistance under this section;

20 “(B) the name and number of such plans
21 that have been approved for partition assistance
22 under this section and the name and number of
23 the plans that have not been approved for spe-
24 cial partition assistance;

1 “(C) a detailed rationale for any decision
2 by the corporation to not approve an applica-
3 tion for special partition assistance;

4 “(D) the amount of special partition as-
5 sistance provided to eligible multiemployer
6 plans (including amounts provided on an indi-
7 vidual plan basis and in the aggregate);

8 “(E) the name and number of the multi-
9 employer plans that restored benefit suspen-
10 sions and provided lump sum or monthly in-
11 stallment payments to participants or bene-
12 ficiaries;

13 “(F) the amount of benefits that were re-
14 stored and lump sum or monthly installment
15 payments that were paid (including amounts
16 provided on an individual plan basis and in the
17 aggregate);

18 “(G) the name and number of the plans
19 that received adjustments to partition assist-
20 ance under subsection (i);

21 “(H) a list of, and rationale for, each rea-
22 sonable condition imposed by the corporation on
23 plans approved for special partition assistance
24 under this section;

1 “(I) the contracts that have been awarded
2 by the corporation to implement or administer
3 this section;

4 “(J) the number, purpose, and dollar
5 amounts of the contracts that have been award-
6 ed to implement or administer the section;

7 “(K) a detailed summary of the reports re-
8 quired under subsection (m); and

9 “(L) a detailed summary of the feedback
10 received on the pension relief internet website
11 established under subsection (p).

12 “(2) PBGC CERTIFICATION.—The board of di-
13 rectors of the corporation shall include with the re-
14 port under paragraph (1) a certification and affir-
15 mation that the amount of special partition assist-
16 ance provided to each plan under this section is the
17 amount necessary to meet its funding goals under
18 subsection (g), including, if applicable, any adjust-
19 ment of special partition assistance as determined
20 under subsection (i).

21 “(3) CONFIDENTIALITY.—Congress may pub-
22 licize the reports received under paragraph (1) only
23 after redacting all sensitive or proprietary informa-
24 tion.

1 “(o) GAO REPORT.—Not later than 1 year after the
 2 first partition application is approved by the corporation
 3 under this section, and biennially thereafter, the Comp-
 4 troller General of the United States shall submit to the
 5 Committee on Health, Education, Labor, and Pensions
 6 and the Committee on Finance of the Senate and the
 7 Committee on Education and Labor and the Committee
 8 on Ways and Means of the House of Representatives a
 9 detailed report on the actions of the corporation to imple-
 10 ment and administer this section, including an examina-
 11 tion of the contracts awarded by such corporation to carry
 12 out this section and an analysis of such corporation’s com-
 13 pliance with subsections (e) and (g).

14 “(p) SPECIAL PARTITION RELIEF WEBSITE.—

15 “(1) ESTABLISHMENT.—Not later than 120
 16 days after the date of enactment of this section, the
 17 corporation shall establish and maintain a user-
 18 friendly, public-facing internet website to foster
 19 greater accountability and transparency in the im-
 20 plementation and administration of this section.

21 “(2) PURPOSE.—The internet website estab-
 22 lished and maintained under paragraph (1) shall be
 23 a portal to key information relating to this section
 24 for multiemployer plan administrators and trustees,

1 plan participants, beneficiaries, participating em-
2 ployers, other stakeholders, and the public.

3 “(3) CONTENT AND FUNCTION.—The internet
4 website established under paragraph (1) shall—

5 “(A) describe the nature and scope of the
6 special partition authority and assistance under
7 this section in a manner calculated to be under-
8 stood by the average plan participant;

9 “(B) include published guidance, regula-
10 tions, and all other relevant information on the
11 implementation and administration of this sec-
12 tion;

13 “(C) include, with respect to plan applica-
14 tions for special partition assistance—

15 “(i) a general description of the proc-
16 ess by which eligible plans can apply for
17 special partition assistance, information on
18 how and when the corporation will process
19 and consider plan applications;

20 “(ii) information on how the corpora-
21 tion will address any incomplete applica-
22 tions as specified in under this section;

23 “(iii) a list of the plans that have ap-
24 plied for special partition assistance and,

1 for each application, the date of submis-
2 sion of a completed application;

3 “(iv) the text of each plan’s completed
4 application for special partition assistance
5 with appropriate redactions of personal,
6 proprietary, or sensitive information;

7 “(v) the estimated date that a deci-
8 sion will be made by the corporation on
9 each application;

10 “(vi) the actual date when such deci-
11 sion is made;

12 “(vii) the corporation’s decision on
13 each application; and

14 “(viii) as applicable, a detailed ration-
15 ale for any decision not to approve a plan’s
16 application for special partition assistance;

17 “(D) provide detailed information on each
18 contract solicited and awarded to implement or
19 administer this section;

20 “(E) include reports, audits, and other rel-
21 evant oversight and accountability information
22 on this section, including the annual reports
23 submitted by the board of directors of the cor-
24 poration to Congress required under subsection
25 (n), the Office of the Inspector General audits,

1 correspondence, and publications, and the Gov-
 2 ernment Accountability Office reports under
 3 subsection (o);

4 “(F) provide a clear means for multiem-
 5 ployer plan administrators, plan participants,
 6 beneficiaries, other stakeholders, and the public
 7 to contact the corporation and provide feedback
 8 on the implementation and administration of
 9 this section; and

10 “(G) be regularly updated to carry out the
 11 purposes of this subsection.

12 “(q) OFFICE OF INSPECTOR GENERAL.—There is au-
 13 thorized to be appropriated to the corporation’s Office of
 14 Inspector General \$24,000,000 for fiscal year 2020, which
 15 shall remain available through September 30, 2028, for
 16 salaries and expenses necessary for conducting investiga-
 17 tions and audits of the implementation and administration
 18 of this section.

19 “(r) APPLICATION OF EXCISE TAX.—During the pe-
 20 riod that a plan is subject to a partition order under this
 21 section and prior to a cessation of adjustments pursuant
 22 to subsection (i)(3), the plan shall not be subject to section
 23 4971 of the Internal Revenue Code of 1986.”.

1 **SEC. 102. REPEAL OF BENEFIT SUSPENSIONS FOR MULTI-**
2 **EMPLOYER PLANS IN CRITICAL AND DECLIN-**
3 **ING STATUS.**

4 (a) AMENDMENT TO INTERNAL REVENUE CODE OF
5 1986.—Paragraph (9) of section 432(e) of the Internal
6 Revenue Code of 1986 is repealed.

7 (b) AMENDMENT TO EMPLOYEE RETIREMENT IN-
8 COME SECURITY ACT OF 1974.—Paragraph (9) of section
9 305(e) of the Employee Retirement Income Security Act
10 of 1974 (29 U.S.C. 1085(e)) is repealed.

11 (c) EFFECTIVE DATE.—The repeals made by this
12 section shall not apply to plans that have been approved
13 for a suspension of benefit under section 432(e)(9)(G) of
14 the Internal Revenue Code of 1986 and section
15 305(e)(9)(G) of the Employee Retirement Income Security
16 Act of 1974 (29 U.S.C. 1085(e)(9)(G)) before the date
17 of the enactment of this Act.

18 **SEC. 103. TEMPORARY DELAY OF DESIGNATION OF MULTI-**
19 **EMPLOYER PLANS AS IN ENDANGERED, CRIT-**
20 **ICAL, OR CRITICAL AND DECLINING STATUS.**

21 (a) IN GENERAL.—Notwithstanding the actuarial
22 certification under section 305(b)(3) of the Employee Re-
23 tirement Income Security Act of 1974 and section
24 432(b)(3) of the Internal Revenue Code of 1986, if a plan
25 sponsor of a multiemployer plan elects the application of

1 this section, then, for purposes of section 305 of such Act
2 and section 432 of such Code—

3 (1) the status of the plan for its first plan year
4 beginning during the period beginning on March 1,
5 2020, and ending on February 28, 2021, or the next
6 succeeding plan year (as designated by the plan
7 sponsor in such election), shall be the same as the
8 status of such plan under such sections for the plan
9 year preceding such designated plan year, and

10 (2) in the case of a plan which was in endan-
11 gered or critical status for the plan year preceding
12 the designated plan year described in paragraph (1),
13 the plan shall not be required to update its plan or
14 schedules under section 305(c)(6) of such Act and
15 section 432(c)(6) of such Code, or section
16 305(e)(3)(B) of such Act and section 432(e)(3)(B)
17 of such Code, whichever is applicable, until the plan
18 year following the designated plan year described in
19 paragraph (1).

20 If section 305 of the Employee Retirement Income Secu-
21 rity Act of 1974 and section 432 of the Internal Revenue
22 Code of 1986 did not apply to the plan year preceding
23 the designated plan year described in paragraph (1), the
24 plan actuary shall make a certification of the status of
25 the plan under section 305(b)(3) of such Act and section

1 432(b)(3) of such Code for the preceding plan year in the
2 same manner as if such sections had applied to such pre-
3 ceding plan year.

4 (b) EXCEPTION FOR PLANS BECOMING CRITICAL
5 DURING ELECTION.—If—

6 (1) an election was made under subsection (a)
7 with respect to a multiemployer plan, and

8 (2) such plan has, without regard to such elec-
9 tion, been certified by the plan actuary under section
10 305(b)(3) of the Employee Retirement Income Secu-
11 rity Act of 1974 and section 432(b)(3) of the Inter-
12 nal Revenue Code of 1986 to be in critical status for
13 the designated plan year described in subsection
14 (a)(1), then such plan shall be treated as a plan in
15 critical status for such plan year for purposes of ap-
16 plying section 4971(g)(1)(A) of such Code, section
17 302(b)(3) of such Act (without regard to the second
18 sentence thereof), and section 412(b)(3) of such
19 Code (without regard to the second sentence there-
20 of).

21 (c) ELECTION AND NOTICE.—

22 (1) ELECTION.—An election under subsection
23 (a)—

24 (A) shall be made at such time and in such
25 manner as the Secretary of the Treasury or the

1 Secretary's delegate may prescribe and, once
2 made, may be revoked only with the consent of
3 the Secretary, and

4 (B) if made—

5 (i) before the date the annual certifi-
6 cation is submitted to the Secretary or the
7 Secretary's delegate under section
8 305(b)(3) of such Act and section
9 432(b)(3) of such Code, shall be included
10 with such annual certification, and

11 (ii) after such date, shall be submitted
12 to the Secretary or the Secretary's delegate
13 not later than 30 days after the date of the
14 election.

15 (2) NOTICE TO PARTICIPANTS.—

16 (A) IN GENERAL.—Notwithstanding sec-
17 tion 305(b)(3)(D) of the Employee Retirement
18 Income Security Act of 1974 and section
19 432(b)(3)(D) of the Internal Revenue Code of
20 1986, if the plan is neither in endangered nor
21 critical status by reason of an election made
22 under subsection (a)—

23 (i) the plan sponsor of a multiem-
24 ployer plan shall not be required to provide
25 notice under such sections, and

1 (ii) the plan sponsor shall provide to
2 the participants and beneficiaries, the bar-
3 gaining parties, the Pension Benefit Guar-
4 anty Corporation, and the Secretary of
5 Labor a notice of the election under sub-
6 section (a) and such other information as
7 the Secretary of the Treasury (in consulta-
8 tion with the Secretary of Labor) may re-
9 quire—

10 (I) if the election is made before
11 the date the annual certification is
12 submitted to the Secretary or the Sec-
13 retary's delegate under section
14 305(b)(3) of such Act and section
15 432(b)(3) of such Code, not later than
16 30 days after the date of the certifi-
17 cation, and

18 (II) if the election is made after
19 such date, not later than 30 days
20 after the date of the election.

21 (B) NOTICE OF ENDANGERED STATUS.—

22 Notwithstanding section 305(b)(3)(D) of such
23 Act and section 432(b)(3)(D) of such Code, if
24 the plan is certified to be in critical status for
25 any plan year but is in endangered status by

1 reason of an election made under subsection
 2 (a), the notice provided under such sections
 3 shall be the notice which would have been pro-
 4 vided if the plan had been certified to be in en-
 5 dangered status.

6 **SEC. 104. TEMPORARY EXTENSION OF THE FUNDING IM-**
 7 **PROVEMENT AND REHABILITATION PERIODS**
 8 **FOR MULTIEMPLOYER PENSION PLANS IN**
 9 **CRITICAL AND ENDANGERED STATUS FOR**
 10 **2020 OR 2021.**

11 (a) IN GENERAL.—If the plan sponsor of a multiem-
 12 ployer plan which is in endangered or critical status for
 13 a plan year beginning in 2020 or 2021 (determined after
 14 application of section 4) elects the application of this sec-
 15 tion, then, for purposes of section 305 of the Employee
 16 Retirement Income Security Act of 1974 and section 432
 17 of the Internal Revenue Code of 1986—

18 (1) except as provided in paragraph (2), the
 19 plan’s funding improvement period or rehabilitation
 20 period, whichever is applicable, shall be 15 years
 21 rather than 10 years, and

22 (2) in the case of a plan in seriously endan-
 23 gered status, the plan’s funding improvement period
 24 shall be 20 years rather than 15 years.

1 (b) DEFINITIONS AND SPECIAL RULES.—For pur-
 2 poses of this section—

3 (1) ELECTION.—An election under this section
 4 shall be made at such time, and in such manner and
 5 form, as (in consultation with the Secretary of
 6 Labor) the Secretary of the Treasury or the Sec-
 7 retary’s delegate may prescribe.

8 (2) DEFINITIONS.—Any term which is used in
 9 this section which is also used in section 305 of the
 10 Employee Retirement Income Security Act of 1974
 11 and section 432 of the Internal Revenue Code of
 12 1986 shall have the same meaning as when used in
 13 such sections.

14 (c) EFFECTIVE DATE.—This section shall apply to
 15 plan years beginning after December 31, 2019.

16 **SEC. 105. ADJUSTMENTS TO FUNDING STANDARD ACCOUNT**
 17 **RULES.**

18 (a) ADJUSTMENTS.—

19 (1) AMENDMENT TO EMPLOYEE RETIREMENT
 20 INCOME SECURITY ACT OF 1974.—Section 304(b)(8)
 21 of the Employee Retirement Income Security Act of
 22 1974 (29 U.S.C. 1084(b)) is amended by adding at
 23 the end the following new subparagraph:

24 “(F) RELIEF FOR 2020 AND 2021.—A mul-
 25 tiemployer plan with respect to which the sol-

1 vency test under subparagraph (C) is met as of
 2 February 29, 2020, may elect to apply this
 3 paragraph by substituting ‘February 29, 2020’
 4 for ‘August 31, 2008’ each place it appears in
 5 subparagraphs (A)(i), (B)(i)(I), and (B)(i)(II)
 6 (without regard to whether such plan previously
 7 elected the application of this paragraph). The
 8 preceding sentence shall not apply to a plan
 9 with respect to which a partition order is in ef-
 10 fect under section 4233A.”.

11 (2) AMENDMENT TO INTERNAL REVENUE CODE
 12 OF 1986.—Section 431(b)(8) of the Internal Revenue
 13 Code of 1986 is amended by adding at the end the
 14 following new subparagraph:

15 “(F) RELIEF FOR 2020 AND 2021.—A mul-
 16 tiemployer plan with respect to which the sol-
 17 vency test under subparagraph (C) is met as of
 18 February 29, 2020, may elect to apply this
 19 paragraph by substituting ‘February 29, 2020’
 20 for ‘August 31, 2008’ each place it appears in
 21 subparagraphs (A)(i), (B)(i)(I), and (B)(i)(II)
 22 (without regard to whether such plan previously
 23 elected the application of this paragraph). The
 24 preceding sentence shall not apply to a plan
 25 with respect to which a partition order is in ef-

1 fect under section 4233A of the Employee Re-
 2 tirement Income Security Act of 1974.”.

3 (b) EFFECTIVE DATES.—

4 (1) IN GENERAL.—The amendments made by
 5 this section shall take effect as of the first day of
 6 the first plan year ending on or after February 29,
 7 2020, except that any election a plan makes pursu-
 8 ant to this section that affects the plan’s funding
 9 standard account for the first plan year beginning
 10 after February 29, 2020, shall be disregarded for
 11 purposes of applying the provisions of section 305 of
 12 the Employee Retirement Income Security Act of
 13 1974 and section 432 of the Internal Revenue Code
 14 of 1986 to such plan year.

15 (2) RESTRICTIONS ON BENEFIT INCREASES.—
 16 Notwithstanding paragraph (1), the restrictions on
 17 plan amendments increasing benefits in sections
 18 304(b)(8)(D) of such Act and 431(b)(8)(D) of such
 19 Code, as applied by the amendments made by this
 20 section, shall take effect on the date of enactment of
 21 this Act.

22 **SEC. 106. PBGC GUARANTEE FOR PARTICIPANTS IN MULTI-**
 23 **EMPLOYER PLANS.**

24 Section 4022A(c)(1) of the Employee Retirement In-
 25 come Security Act of 1974 (29 U.S.C. 1322a(c)(1)) is

1 amended by striking subparagraphs (A) and (B) and in-
2 serting the following:

3 “(A) 100 percent of the accrual rate up to
4 \$15, plus 75 percent of the lesser of—

5 “(i) \$70; or

6 “(ii) the accrual rate, if any, in excess
7 of \$15; and

8 “(B) the number of the participant’s years
9 of credited service.

10 For each calendar year after the first full calendar
11 year following the date of the enactment of the
12 Emergency Pension Plan Relief Act, the accrual
13 rates in subparagraph (A) shall increase by the na-
14 tional average wage index (as defined in section
15 209(k)(1) of the Social Security Act). For purposes
16 of this subsection, the rates applicable for deter-
17 mining the guaranteed benefits of the participants of
18 any plan shall be the rates in effect for the calendar
19 year in which the plan becomes insolvent under sec-
20 tion 4245 or the calendar year in which the plan is
21 terminated, if earlier.”.

1 **TITLE II—RELIEF FOR SINGLE**
2 **EMPLOYER PENSION PLANS**

3 **SEC. 201. EXTENDED AMORTIZATION FOR SINGLE EM-**
4 **PLOYER PLANS.**

5 (a) 15-YEAR AMORTIZATION UNDER THE INTERNAL
6 REVENUE CODE OF 1986.—Section 430(c) of the Internal
7 Revenue Code of 1986 is amended by adding at the end
8 the following new paragraph:

9 “(8) 15-YEAR AMORTIZATION.—With respect to
10 plan years beginning after December 31, 2019—

11 “(A) the shortfall amortization bases for
12 all plan years preceding the first plan year be-
13 ginning after December 31, 2019 (and all
14 shortfall amortization installments determined
15 with respect to such bases) shall be reduced to
16 zero, and

17 “(B) subparagraphs (A) and (B) of para-
18 graph (2) shall each be applied by substituting
19 ‘15-plan-year period’ for ‘7-plan-year period’.”.

20 (b) 15-YEAR AMORTIZATION UNDER THE EMPLOYEE
21 RETIREMENT INCOME SECURITY ACT OF 1974.—Section
22 303(c) of the Employee Retirement Income Security Act
23 of 1974 (29 U.S.C. 1083(c)) is amended by adding at the
24 end the following new paragraph:

1 “(8) 15-YEAR AMORTIZATION.—With respect to
2 plan years beginning after December 31, 2019—

3 “(A) the shortfall amortization bases for
4 all plan years preceding the first plan year be-
5 ginning after December 31, 2019 (and all
6 shortfall amortization installments determined
7 with respect to such bases) shall be reduced to
8 zero, and

9 “(B) subparagraphs (A) and (B) of para-
10 graph (2) shall each be applied by substituting
11 ‘15-plan-year period’ for ‘7-plan-year period’.”.

12 (c) EFFECTIVE DATE.—The amendments made by
13 this section shall apply to plan years beginning after De-
14 cember 31, 2019.

15 **SEC. 202. EXTENSION OF PENSION FUNDING STABILIZA-**
16 **TION PERCENTAGES FOR SINGLE EMPLOYER**
17 **PLANS.**

18 (a) AMENDMENTS TO INTERNAL REVENUE CODE OF
19 1986.—

20 (1) IN GENERAL.—The table contained in sub-
21 clause (II) of section 430(h)(2)(C)(iv) of the Inter-
22 nal Revenue Code of 1986 is amended to read as fol-
23 lows:

“If the calendar year is:	The applica- ble min- imum per- centage is:	The applica- ble max- imum per- centage is:
Any year in the period starting in 2012 and ending in 2019	90%	110%
Any year in the period starting in 2020 and ending in 2025	95%	105%
2026	90%	110%
2027	85%	115%
2028	80%	120%
2029	75%	125%
After 2029	70%	130%.”.

1 (2) FLOOR ON 25-YEAR AVERAGES.—Subclause
2 (I) of section 430(h)(2)(C)(iv) of such Code is
3 amended by adding at the end the following: “Not-
4 withstanding anything in this subclause, if the aver-
5 age of the first, second, or third segment rate for
6 any 25-year period is less than 5 percent, such aver-
7 age shall be deemed to be 5 percent.”.

8 (b) AMENDMENTS TO EMPLOYEE RETIREMENT IN-
9 COME SECURITY ACT OF 1974.—

10 (1) IN GENERAL.—The table contained in sub-
11 clause (II) of section 303(h)(2)(C)(iv) of the Em-
12 ployee Retirement Income Security Act of 1974 (29
13 U.S.C. 1083(h)(2)(C)(iv)(II)) is amended to read as
14 follows:

“If the calendar year is:	The applica- ble min- imum per- centage is:	The applica- ble max- imum per- centage is:
Any year in the period starting in 2012 and ending in 2019	90%	110%
Any year in the period starting in 2020 and ending in 2025	95%	105%

“If the calendar year is:	The applica- ble min- imum per- centage is:	The applica- ble max- imum per- centage is:
2026	90%	110%
2027	85%	115%
2028	80%	120%
2029	75%	125%
After 2029	70%	130%.”.

1 (2) CONFORMING AMENDMENTS.—

2 (A) IN GENERAL.—Section 101(f)(2)(D) of
3 such Act (29 U.S.C. 1021(f)(2)(D)) is amend-
4 ed—

5 (i) in clause (i) by striking “and the
6 Bipartisan Budget Act of 2015” both
7 places it appears and inserting “, the Bi-
8 partisan Budget Act of 2015, and the
9 Emergency Pension Plan Relief Act”, and

10 (ii) in clause (ii) by striking “2023”
11 and inserting “2029”.

12 (B) STATEMENTS.—The Secretary of
13 Labor shall modify the statements required
14 under subclauses (I) and (II) of section
15 101(f)(2)(D)(i) of such Act to conform to the
16 amendments made by this section.

17 (3) FLOOR ON 25-YEAR AVERAGES.—Subclause
18 (I) of section 303(h)(2)(C)(iv) of such Act (29
19 U.S.C. 1083(h)(2)(C)(iv)(II)) is amended by adding
20 at the end the following: “Notwithstanding anything

1 in this subclause, if the average of the first, second,
 2 or third segment rate for any 25-year period is less
 3 than 5 percent, such average shall be deemed to be
 4 5 percent.”.

5 (c) EFFECTIVE DATE.—The amendments made by
 6 this section shall apply with respect to plan years begin-
 7 ning after December 31, 2019.

8 **TITLE III—OTHER RETIREMENT** 9 **RELATED PROVISIONS**

10 **SEC. 301. WAIVER OF REQUIRED MINIMUM DISTRIBUTIONS** 11 **FOR 2019.**

12 (a) IN GENERAL.—Section 401(a)(9)(I)(i) of the In-
 13 ternal Revenue Code of 1986 is amended by striking “cal-
 14 endar year 2020” and inserting “calendar years 2019 and
 15 2020”.

16 (b) ELIGIBLE ROLLOVER DISTRIBUTIONS.—Section
 17 402(c)(4) of such Code is amended by striking “2020”
 18 each place it appears in the last sentence and inserting
 19 “2019 or 2020”.

20 (c) CONFORMING AMENDMENTS.—Section
 21 401(a)(9)(I) of such Code is amended—

22 (1) by striking clause (ii) and redesignating
 23 clause (iii) as clause (ii), and

1 (2) by striking “calendar year 2020” in clause
 2 (ii)(II), as so redesignated, and inserting “calendar
 3 years 2019 and 2020”.

4 (d) EFFECTIVE DATE.—The amendments made by
 5 this section shall take effect as if included in the enact-
 6 ment of section 2203 of the Coronavirus Aid, Relief, and
 7 Economic Security Act, except that subparagraph (c)(1)
 8 thereof shall be applied by substituting “December 31,
 9 2018” for “December 31, 2019”.

10 **SEC. 302. WAIVER OF 60-DAY RULE IN CASE OF ROLLOVER**
 11 **OF OTHERWISE REQUIRED MINIMUM DIS-**
 12 **TRIBUTIONS IN 2019 OR 2020.**

13 (a) QUALIFIED TRUSTS.—402(c)(3) of the Internal
 14 Revenue Code of 1986 is amended by adding at the end
 15 the following new subparagraph:

16 “(D) EXCEPTION FOR ROLLOVER OF OTH-
 17 ERWISE REQUIRED MINIMUM DISTRIBUTIONS IN
 18 2019 OR 2020.—In the case of an eligible roll-
 19 over distribution described in the second sen-
 20 tence of paragraph (4), subparagraph (A) shall
 21 not apply to any transfer of such distribution
 22 made before December 1, 2020.”.

23 (b) INDIVIDUAL RETIREMENT ACCOUNTS.—Section
 24 408(d)(3) of such Code is amended by adding at the end
 25 the following new subparagraph:

1 “(J) WAIVER OF 60-DAY RULE AND ONCE
 2 PER-YEAR LIMITATION FOR CERTAIN 2019 AND
 3 2020 ROLLOVERS.—In the case of a distribu-
 4 tion during 2019 or 2020 to which, under sub-
 5 paragraph (E), this paragraph would not have
 6 applied had the minimum distribution require-
 7 ments of section 401(a)(9) applied during such
 8 years, the 60-day requirement under subpara-
 9 graph (A) and the limitation under subpara-
 10 graph (B) shall not apply to such distribution
 11 to the extent the amount is paid into an indi-
 12 vidual retirement account, individual retirement
 13 annuity (other than an endowment contract), or
 14 eligible retirement plan (as defined in subpara-
 15 graph (A)) as otherwise required under such
 16 subparagraph before December 1, 2020.”.

17 (c) EFFECTIVE DATE.—The amendments made by
 18 this section shall apply to taxable years beginning after
 19 December 31, 2018.

20 **SEC. 303. EXCLUSION OF BENEFITS PROVIDED TO VOLUN-**
 21 **TEER FIREFIGHTERS AND EMERGENCY MED-**
 22 **ICAL RESPONDERS MADE PERMANENT.**

23 (a) IN GENERAL.—Section 139B of the Internal Rev-
 24 enue Code of 1986 is amended by striking subsection (d).

1 (b) EFFECTIVE DATE.—The amendment made by
2 this section shall apply to taxable years beginning after
3 December 31, 2020.

4 **SEC. 304. APPLICATION OF SPECIAL RULES TO MONEY PUR-**
5 **CHASE PENSION PLANS.**

6 Section 2202(a)(6)(B) of the Coronavirus Aid, Relief,
7 and Economic Security Act is amended by inserting “,
8 and, in the case of a money purchase pension plan, a
9 coronavirus-related distribution which is an in-service
10 withdrawal shall be treated as meeting the distribution
11 rules of section 401(a) of such Code” before the period.

12 **SEC. 305. GRANTS TO ASSIST LOW-INCOME WOMEN AND**
13 **SURVIVORS OF DOMESTIC VIOLENCE IN OB-**
14 **TAINING QUALIFIED DOMESTIC RELATIONS**
15 **ORDERS.**

16 (a) AUTHORIZATION OF GRANT AWARDS.—The Sec-
17 retary of Labor, acting through the Director of the Wom-
18 en’s Bureau and in conjunction with the Assistant Sec-
19 retary of the Employee Benefits Security Administration,
20 shall award grants, on a competitive basis, to eligible enti-
21 ties to enable such entities to assist low-income women
22 and survivors of domestic violence in obtaining qualified
23 domestic relations orders and ensuring that those women
24 actually obtain the benefits to which they are entitled
25 through those orders.

1 (b) DEFINITION OF ELIGIBLE ENTITY.—In this sec-
2 tion, the term “eligible entity” means a community-based
3 organization with proven experience and expertise in serv-
4 ing women and the financial and retirement needs of
5 women.

6 (c) APPLICATION.—An eligible entity that desires to
7 receive a grant under this section shall submit an applica-
8 tion to the Secretary of Labor at such time, in such man-
9 ner, and accompanied by such information as the Sec-
10 retary of Labor may require.

11 (d) MINIMUM GRANT AMOUNT.—The Secretary of
12 Labor shall award grants under this section in amounts
13 of not less than \$250,000.

14 (e) USE OF FUNDS.—An eligible entity that receives
15 a grant under this section shall use the grant funds to
16 develop programs to offer help to low-income women or
17 survivors of domestic violence who need assistance in pre-
18 paring, obtaining, and effectuating a qualified domestic re-
19 lations order.

20 (f) AUTHORIZATION OF APPROPRIATIONS.—There is
21 authorized to be appropriated to carry out this section
22 \$100,000,000 for fiscal year 2020 and each succeeding
23 fiscal year.

1 **SEC. 306. MODIFICATION OF SPECIAL RULES FOR MINIMUM**
2 **FUNDING STANDARDS FOR COMMUNITY**
3 **NEWSPAPER PLANS.**

4 (a) AMENDMENT TO INTERNAL REVENUE CODE OF
5 1986.—Subsection (m) of section 430 of the Internal Rev-
6 enue Code of 1986, as added by the Setting Every Com-
7 munity Up for Retirement Enhancement Act of 2019, is
8 amended to read as follows:

9 “(m) SPECIAL RULES FOR COMMUNITY NEWSPAPER
10 PLANS.—

11 “(1) IN GENERAL.—An eligible newspaper plan
12 sponsor of a plan under which no participant has
13 had the participant’s accrued benefit increased
14 (whether because of service or compensation) after
15 April 2, 2019, may elect to have the alternative
16 standards described in paragraph (4) apply to such
17 plan.

18 “(2) ELIGIBLE NEWSPAPER PLAN SPONSOR.—
19 The term ‘eligible newspaper plan sponsor’ means
20 the plan sponsor of—

21 “(A) any community newspaper plan, or

22 “(B) any other plan sponsored, as of April
23 2, 2019, by a member of the same controlled
24 group of a plan sponsor of a community news-
25 paper plan if such member is in the trade or
26 business of publishing 1 or more newspapers.

1 “(3) ELECTION.—An election under paragraph
 2 (1) shall be made at such time and in such manner
 3 as prescribed by the Secretary. Such election, once
 4 made with respect to a plan year, shall apply to all
 5 subsequent plan years unless revoked with the con-
 6 sent of the Secretary.

7 “(4) ALTERNATIVE MINIMUM FUNDING STAND-
 8 ARDS.—The alternative standards described in this
 9 paragraph are the following:

10 “(A) INTEREST RATES.—

11 “(i) IN GENERAL.—Notwithstanding
 12 subsection (h)(2)(C) and except as pro-
 13 vided in clause (ii), the first, second, and
 14 third segment rates in effect for any
 15 month for purposes of this section shall be
 16 8 percent.

17 “(ii) NEW BENEFIT ACCRUALS.—Not-
 18 withstanding subsection (h)(2), for pur-
 19 poses of determining the funding target
 20 and normal cost of a plan for any plan
 21 year, the present value of any benefits ac-
 22 crued or earned under the plan for a plan
 23 year with respect to which an election
 24 under paragraph (1) is in effect shall be
 25 determined on the basis of the United

1 States Treasury obligation yield curve for
2 the day that is the valuation date of such
3 plan for such plan year.

4 “(iii) UNITED STATES TREASURY OB-
5 LIGATION YIELD CURVE.—For purposes of
6 this subsection, the term ‘United States
7 Treasury obligation yield curve’ means,
8 with respect to any day, a yield curve
9 which shall be prescribed by the Secretary
10 for such day on interest-bearing obligations
11 of the United States.

12 “(B) SHORTFALL AMORTIZATION BASE.—

13 “(i) PREVIOUS SHORTFALL AMORTIZA-
14 TION BASES.—The shortfall amortization
15 bases determined under subsection (c)(3)
16 for all plan years preceding the first plan
17 year to which the election under paragraph
18 (1) applies (and all shortfall amortization
19 installments determined with respect to
20 such bases) shall be reduced to zero under
21 rules similar to the rules of subsection
22 (c)(6).

23 “(ii) NEW SHORTFALL AMORTIZATION
24 BASE.—Notwithstanding subsection (c)(3),
25 the shortfall amortization base for the first

plan year to which the election under paragraph (1) applies shall be the funding shortfall of such plan for such plan year (determined using the interest rates as modified under subparagraph (A)).

“(C) DETERMINATION OF SHORTFALL AMORTIZATION INSTALLMENTS.—

“(i) 30-YEAR PERIOD.—Subparagraphs (A) and (B) of subsection (c)(2) shall be applied by substituting ‘30-plan-year’ for ‘7-plan-year’ each place it appears.

“(ii) NO SPECIAL ELECTION.—The election under subparagraph (D) of subsection (c)(2) shall not apply to any plan year to which the election under paragraph (1) applies.

“(D) EXEMPTION FROM AT-RISK TREATMENT.—Subsection (i) shall not apply.

“(5) COMMUNITY NEWSPAPER PLAN.—For purposes of this subsection—

“(A) IN GENERAL.—The term ‘community newspaper plan’ means any plan to which this section applies maintained as of December 31, 2018, by an employer which—

1 “(i) maintains the plan on behalf of
2 participants and beneficiaries with respect
3 to employment in the trade or business of
4 publishing 1 or more newspapers which
5 were published by the employer at any
6 time during the 11-year period ending on
7 the date of the enactment of this sub-
8 section,

9 “(ii)(I) is not a company the stock of
10 which is publicly traded (on a stock ex-
11 change or in an over-the-counter market),
12 and is not controlled, directly or indirectly,
13 by such a company, or

14 “(II) is controlled, directly or indi-
15 rectly, during the entire 30-year period
16 ending on the date of the enactment of this
17 subsection by individuals who are members
18 of the same family, and does not publish or
19 distribute a daily newspaper that is car-
20 rier-distributed in printed form in more
21 than 5 States, and

22 “(iii) is controlled, directly or indi-
23 rectly—

24 “(I) by 1 or more persons resid-
25 ing primarily in a State in which the

1 community newspaper has been pub-
2 lished on newsprint or carrier-distrib-
3 uted,

4 “(II) during the entire 30-year
5 period ending on the date of the en-
6 actment of this subsection by individ-
7 uals who are members of the same
8 family,

9 “(III) by 1 or more trusts, the
10 sole trustees of which are persons de-
11 scribed in subclause (I) or (II), or

12 “(IV) by a combination of per-
13 sons described in subclause (I), (II),
14 or (III).

15 “(B) NEWSPAPER.—The term ‘newspaper’
16 does not include any newspaper (determined
17 without regard to this subparagraph) to which
18 any of the following apply:

19 “(i) Is not in general circulation.

20 “(ii) Is published (on newsprint or
21 electronically) less frequently than 3 times
22 per week.

23 “(iii) Has not ever been regularly
24 published on newsprint.

1 “(iv) Does not have a bona fide list of
2 paid subscribers.

3 “(C) CONTROL.—A person shall be treated
4 as controlled by another person if such other
5 person possesses, directly or indirectly, the
6 power to direct or cause the direction and man-
7 agement of such person (including the power to
8 elect a majority of the members of the board of
9 directors of such person) through the ownership
10 of voting securities.

11 “(6) CONTROLLED GROUP.—For purposes of
12 this subsection, the term ‘controlled group’ means all
13 persons treated as a single employer under sub-
14 section (b), (c), (m), or (o) of section 414 as of the
15 date of the enactment of this subsection.”.

16 (b) AMENDMENT TO EMPLOYEE RETIREMENT IN-
17 COME SECURITY ACT OF 1974.—Subsection (m) of section
18 303 of the Employee Retirement Income Security Act of
19 1974 (29 U.S.C. 1083(m)), as added by the Setting Every
20 Community Up for Retirement Enhancement Act of 2019,
21 is amended to read as follows:

22 “(m) SPECIAL RULES FOR COMMUNITY NEWSPAPER
23 PLANS.—

24 “(1) IN GENERAL.—An eligible newspaper plan
25 sponsor of a plan under which no participant has

1 had the participant's accrued benefit increased
2 (whether because of service or compensation) after
3 April 2, 2019, may elect to have the alternative
4 standards described in paragraph (4) apply to such
5 plan.

6 “(2) ELIGIBLE NEWSPAPER PLAN SPONSOR.—
7 The term ‘eligible newspaper plan sponsor’ means
8 the plan sponsor of—

9 “(A) any community newspaper plan, or

10 “(B) any other plan sponsored, as of April
11 2, 2019, by a member of the same controlled
12 group of a plan sponsor of a community news-
13 paper plan if such member is in the trade or
14 business of publishing 1 or more newspapers.

15 “(3) ELECTION.—An election under paragraph
16 (1) shall be made at such time and in such manner
17 as prescribed by the Secretary of the Treasury. Such
18 election, once made with respect to a plan year, shall
19 apply to all subsequent plan years unless revoked
20 with the consent of the Secretary of the Treasury.

21 “(4) ALTERNATIVE MINIMUM FUNDING STAND-
22 ARDS.—The alternative standards described in this
23 paragraph are the following:

24 “(A) INTEREST RATES.—

1 “(i) IN GENERAL.—Notwithstanding
2 subsection (h)(2)(C) and except as pro-
3 vided in clause (ii), the first, second, and
4 third segment rates in effect for any
5 month for purposes of this section shall be
6 8 percent.

7 “(ii) NEW BENEFIT ACCRUALS.—Not-
8 withstanding subsection (h)(2), for pur-
9 poses of determining the funding target
10 and normal cost of a plan for any plan
11 year, the present value of any benefits ac-
12 crued or earned under the plan for a plan
13 year with respect to which an election
14 under paragraph (1) is in effect shall be
15 determined on the basis of the United
16 States Treasury obligation yield curve for
17 the day that is the valuation date of such
18 plan for such plan year.

19 “(iii) UNITED STATES TREASURY OB-
20 LIGATION YIELD CURVE.—For purposes of
21 this subsection, the term ‘United States
22 Treasury obligation yield curve’ means,
23 with respect to any day, a yield curve
24 which shall be prescribed by the Secretary

1 of the Treasury for such day on interest-
2 bearing obligations of the United States.

3 “(B) SHORTFALL AMORTIZATION BASE.—

4 “(i) PREVIOUS SHORTFALL AMORTIZA-
5 TION BASES.—The shortfall amortization
6 bases determined under subsection (c)(3)
7 for all plan years preceding the first plan
8 year to which the election under paragraph
9 (1) applies (and all shortfall amortization
10 installments determined with respect to
11 such bases) shall be reduced to zero under
12 rules similar to the rules of subsection
13 (c)(6).

14 “(ii) NEW SHORTFALL AMORTIZATION
15 BASE.—Notwithstanding subsection (c)(3),
16 the shortfall amortization base for the first
17 plan year to which the election under para-
18 graph (1) applies shall be the funding
19 shortfall of such plan for such plan year
20 (determined using the interest rates as
21 modified under subparagraph (A)).

22 “(C) DETERMINATION OF SHORTFALL AM-
23 ORTIZATION INSTALLMENTS.—

24 “(i) 30-YEAR PERIOD.—Subpara-
25 graphs (A) and (B) of subsection (c)(2)

1 shall be applied by substituting ‘30-plan-
2 year’ for ‘7-plan-year’ each place it ap-
3 pears.

4 “(ii) NO SPECIAL ELECTION.—The
5 election under subparagraph (D) of sub-
6 section (c)(2) shall not apply to any plan
7 year to which the election under paragraph
8 (1) applies.

9 “(D) EXEMPTION FROM AT-RISK TREAT-
10 MENT.—Subsection (i) shall not apply.

11 “(5) COMMUNITY NEWSPAPER PLAN.—For pur-
12 poses of this subsection—

13 “(A) IN GENERAL.—The term ‘community
14 newspaper plan’ means a plan to which this sec-
15 tion applies maintained as of December 31,
16 2018, by an employer which—

17 “(i) maintains the plan on behalf of
18 participants and beneficiaries with respect
19 to employment in the trade or business of
20 publishing 1 or more newspapers which
21 were published by the employer at any
22 time during the 11-year period ending on
23 the date of the enactment of this sub-
24 section,

1 “(ii)(I) is not a company the stock of
2 which is publicly traded (on a stock ex-
3 change or in an over-the-counter market),
4 and is not controlled, directly or indirectly,
5 by such a company, or

6 “(II) is controlled, directly, or indi-
7 rectly, during the entire 30-year period
8 ending on the date of the enactment of this
9 subsection by individuals who are members
10 of the same family, and does not publish or
11 distribute a daily newspaper that is car-
12 rier-distributed in printed form in more
13 than 5 States, and

14 “(iii) is controlled, directly, or indi-
15 rectly—

16 “(I) by 1 or more persons resid-
17 ing primarily in a State in which the
18 community newspaper has been pub-
19 lished on newsprint or carrier-distrib-
20 uted,

21 “(II) during the entire 30-year
22 period ending on the date of the en-
23 actment of this subsection by individ-
24 uals who are members of the same
25 family,

1 “(III) by 1 or more trusts, the
2 sole trustees of which are persons de-
3 scribed in subclause (I) or (II), or

4 “(IV) by a combination of per-
5 sons described in subclause (I), (II),
6 or (III).

7 “(B) NEWSPAPER.—The term ‘newspaper’
8 does not include any newspaper (determined
9 without regard to this subparagraph) to which
10 any of the following apply:

11 “(i) Is not in general circulation.

12 “(ii) Is published (on newsprint or
13 electronically) less frequently than 3 times
14 per week.

15 “(iii) Has not ever been regularly
16 published on newsprint.

17 “(iv) Does not have a bona fide list of
18 paid subscribers.

19 “(C) CONTROL.—A person shall be treated
20 as controlled by another person if such other
21 person possesses, directly or indirectly, the
22 power to direct or cause the direction and man-
23 agement of such person (including the power to
24 elect a majority of the members of the board of

1 directors of such person) through the ownership
 2 of voting securities.

3 “(6) CONTROLLED GROUP.—For purposes of
 4 this subsection, the term ‘controlled group’ means all
 5 persons treated as a single employer under sub-
 6 section (b), (c), (m), or (o) of section 414 of the In-
 7 ternal Revenue Code of 1986 as of the date of the
 8 enactment of this subsection.

9 “(7) EFFECT ON PREMIUM RATE CALCULA-
 10 TION.—Notwithstanding any other provision of law
 11 or any regulation issued by the Pension Benefit
 12 Guaranty Corporation, in the case of a plan for
 13 which an election is made to apply the alternative
 14 standards described in paragraph (3), the additional
 15 premium under section 4006(a)(3)(E) shall be deter-
 16 mined as if such election had not been made.”.

17 (c) EFFECTIVE DATE.—The amendments made by
 18 this section shall apply to plan years ending after Decem-
 19 ber 31, 2017.

20 **SEC. 307. MINIMUM RATE OF INTEREST FOR CERTAIN DE-**
 21 **TERMINATIONS RELATED TO LIFE INSUR-**
 22 **ANCE CONTRACTS.**

23 (a) MODIFICATION OF MINIMUM RATE FOR PUR-
 24 POSES OF CASH VALUE ACCUMULATION TEST.—

1 (1) IN GENERAL.—Section 7702(b)(2)(A) of the
 2 Internal Revenue Code of 1986 is amended by strik-
 3 ing “an annual effective rate of 4 percent” and in-
 4 serting “the applicable accumulation test minimum
 5 rate”.

6 (2) APPLICABLE ACCUMULATION TEST MIN-
 7 IMUM RATE.—Section 7702(b) of such Code is
 8 amended by adding at the end the following new
 9 paragraph:

10 “(3) APPLICABLE ACCUMULATION TEST MIN-
 11 IMUM RATE.—For purposes of paragraph (2)(A), the
 12 term ‘applicable accumulation test minimum rate’
 13 means the lesser of—

14 “(A) an annual effective rate of 4 percent,
 15 or

16 “(B) the insurance interest rate (as de-
 17 fined in subsection (f)(11)) in effect at the time
 18 the contract is issued.”.

19 (b) MODIFICATION OF MINIMUM RATE FOR PUR-
 20 POSES OF GUIDELINE PREMIUM REQUIREMENTS.—

21 (1) IN GENERAL.—Section 7702(c)(3)(B)(iii) of
 22 such Code is amended by striking “an annual effec-
 23 tive rate of 6 percent” and inserting “the applicable
 24 guideline premium minimum rate”.

1 (2) APPLICABLE GUIDELINE PREMIUM MIN-
 2 IMUM RATE.—Section 7702(c)(3) of such Code is
 3 amended by adding at the end the following new
 4 subparagraph:

5 “(E) APPLICABLE GUIDELINE PREMIUM
 6 MINIMUM RATE.—For purposes of subpara-
 7 graph (B)(iii), the term ‘applicable guideline
 8 premium minimum rate’ means the applicable
 9 accumulation test minimum rate (as defined in
 10 subsection (b)(3)) plus 2 percentage points.”.

11 (c) APPLICATION OF MODIFIED MINIMUM RATES TO
 12 DETERMINATION OF GUIDELINE LEVEL PREMIUM.—Sec-
 13 tion 7702(c)(4) of such Code is amended—

14 (1) by striking “4 percent” and inserting “the
 15 applicable accumulation test minimum rate”, and

16 (2) by striking “6 percent” and inserting “the
 17 applicable guideline premium minimum rate”.

18 (d) INSURANCE INTEREST RATE.—Section 7702(f)
 19 of such Code is amended by adding at the end the fol-
 20 lowing new paragraph:

21 “(11) INSURANCE INTEREST RATE.—For pur-
 22 poses of this section—

23 “(A) IN GENERAL.—The term ‘insurance
 24 interest rate’ means, with respect to any con-

tract issued in any calendar year, the lesser
of—

“(i) the section 7702 valuation interest rate for such calendar year (or, if such calendar year is not an adjustment year, the most recent adjustment year), or

“(ii) the section 7702 applicable Federal interest rate for such calendar year (or, if such calendar year is not an adjustment year, the most recent adjustment year).

“(B) SECTION 7702 VALUATION INTEREST RATE.—The term ‘section 7702 valuation interest rate’ means, with respect to any adjustment year, the prescribed U.S. valuation interest rate for life insurance with guaranteed durations of more than 20 years (as defined in the National Association of Insurance Commissioners’ Standard Valuation Law) as effective in the calendar year immediately preceding such adjustment year.

“(C) SECTION 7702 APPLICABLE FEDERAL INTEREST RATE.—The term ‘section 7702 applicable Federal interest rate’ means, with respect to any adjustment year, the average

(rounded to the nearest whole percentage point) of the applicable Federal mid-term rates (as defined in section 1274(d) but based on annual compounding) effective as of the beginning of each of the calendar months in the most recent 60-month period ending before the second calendar year prior to such adjustment year.

“(D) ADJUSTMENT YEAR.—The term ‘adjustment year’ means the calendar year following any calendar year that includes the effective date of a change in the prescribed U.S. valuation interest rate for life insurance with guaranteed durations of more than 20 years (as defined in the National Association of Insurance Commissioners’ Standard Valuation Law).

“(E) TRANSITION RULE.—Notwithstanding subparagraph (A), the insurance interest rate shall be 2 percent in the case of any contract which is issued during the period that—

“(i) begins on January 1, 2021, and

“(ii) ends immediately before the beginning of the first adjustment year that begins after December 31, 2021.”.

1 (e) EFFECTIVE DATE.—The amendments made by
 2 this section shall apply to contracts issued after December
 3 31, 2020.

4 **DIVISION H—GIVING RETIRE-**
 5 **MENT OPTIONS TO WORKERS**
 6 **ACT**

7 **SEC. 101. SHORT TITLE, ETC.**

8 (a) SHORT TITLE.—This division may be cited as the
 9 “Giving Retirement Options to Workers Act of 2020” or
 10 the “GROW Act”.

11 (b) TABLE OF CONTENTS.—The table of contents for
 12 this division is as follows:

Sec. 101. Short title, etc.
 Sec. 102. Composite plans.
 Sec. 103. Application of certain requirements to composite plans.
 Sec. 104. Treatment of composite plans under title IV.
 Sec. 105. Conforming changes.
 Sec. 106. Effective date.

13 **SEC. 102. COMPOSITE PLANS.**

14 (a) AMENDMENT TO THE EMPLOYEE RETIREMENT
 15 INCOME SECURITY ACT OF 1974.—

16 (1) IN GENERAL.—Title I of the Employee Re-
 17 tirement Income Security Act of 1974 (29 U.S.C.
 18 1001 et seq.) is amended by adding at the end the
 19 following:

1 **“PART 8—COMPOSITE PLANS AND LEGACY**
2 **PLANS**

3 **“SEC. 801. COMPOSITE PLAN DEFINED.**

4 “(a) IN GENERAL.—For purposes of this Act, the
5 term ‘composite plan’ means a pension plan—

6 “(1) which is a multiemployer plan that is nei-
7 ther a defined benefit plan nor a defined contribu-
8 tion plan;

9 “(2) the terms of which provide that the plan
10 is a composite plan for purposes of this title with re-
11 spect to which not more than one multiemployer de-
12 fined benefit plan is treated as a legacy plan within
13 the meaning of section 805, unless there is more
14 than one legacy plan following a merger of composite
15 plans under section 806;

16 “(3) which provides systematically for the pay-
17 ment of benefits—

18 “(A) objectively calculated pursuant to a
19 formula enumerated in the plan document with
20 respect to plan participants after retirement,
21 for life; and

22 “(B) in the form of life annuities, except
23 for benefits which under section 203(e) may be
24 immediately distributed without the consent of
25 the participant;

1 “(4) for which the plan contributions for the
2 first plan year are at least 120 percent of the nor-
3 mal cost for the plan year;

4 “(5) which requires—

5 “(A) an annual valuation of the liability of
6 the plan as of a date within the plan year to
7 which the valuation refers or within one month
8 prior to the beginning of such year;

9 “(B) an annual actuarial determination of
10 the plan’s current funded ratio and projected
11 funded ratio under section 802(a);

12 “(C) corrective action through a realign-
13 ment program pursuant to section 803 when-
14 ever the plan’s projected funded ratio is below
15 120 percent for the plan year; and

16 “(D) an annual notification to each partici-
17 pant describing the participant’s benefits under
18 the plan and explaining that such benefits may
19 be subject to reduction under a realignment
20 program pursuant to section 803 based on the
21 plan’s funded status in future plan years; and

22 “(6) the board of trustees of which includes at
23 least one retiree or beneficiary in pay status during
24 each plan year following the first plan year in which

1 at least 5 percent of the participants in the plan are
2 retirees or beneficiaries in pay status.

3 “(b) TRANSITION FROM A MULTIEMPLOYER DE-
4 FINED BENEFIT PLAN.—

5 “(1) IN GENERAL.—The plan sponsor of a de-
6 fined benefit plan that is a multiemployer plan may,
7 subject to paragraph (2), amend the plan to incor-
8 porate the features of a composite plan as a compo-
9 nent of the multiemployer plan separate from the
10 defined benefit plan component, except in the case of
11 a defined benefit plan for which the plan actuary has
12 certified under section 305(b)(3) that the plan is or
13 will be in critical status for the plan year in which
14 such amendment would become effective or for any
15 of the succeeding 5 plan years.

16 “(2) REQUIREMENTS.—Any amendment pursu-
17 ant to paragraph (1) to incorporate the features of
18 a composite plan as a component of a multiemployer
19 plan shall—

20 “(A) apply with respect to all collective
21 bargaining agreements providing for contribu-
22 tions to the multiemployer plan on or after the
23 effective date of the amendment;

24 “(B) apply with respect to all participants
25 in the multiemployer plan for whom contribu-

1 tions are made to the multiemployer plan on or
2 after the effective date of the amendment;

3 “(C) specify that the effective date of the
4 amendment is—

5 “(i) the first day of a specified plan
6 year following the date of the adoption of
7 the amendment, except that the plan spon-
8 sor may alternatively provide for a sepa-
9 rate effective date with respect to each col-
10 lective bargaining agreement under which
11 contributions to the multiemployer plan
12 are required, which shall occur on the first
13 day of the first plan year beginning after
14 the termination, or if earlier, the re-open-
15 ing, of each such agreement, or such ear-
16 lier date as the parties to the agreement
17 and the plan sponsor of the multiemployer
18 plan shall agree to; and

19 “(ii) not later than the first day of the
20 fifth plan year beginning on or after the
21 date of the adoption of the amendment;

22 “(D) specify that, as of the amendment’s
23 effective date, no further benefits shall accrue
24 under the defined benefit component of the
25 multiemployer plan; and

1 “(E) specify that, as of the amendment’s
2 effective date, the plan sponsor of the multiem-
3 ployer plan shall be the plan sponsor of both
4 the composite plan component and the defined
5 benefit plan component of the plan.

6 “(3) SPECIAL RULES.—If a multiemployer plan
7 is amended pursuant to paragraph (1)—

8 “(A) the requirements of this title and title
9 IV shall be applied to the composite plan com-
10 ponent and the defined benefit plan component
11 of the multiemployer plan as if each such com-
12 ponent were maintained as a separate plan; and

13 “(B) the assets of the composite plan com-
14 ponent and the defined benefit plan component
15 of the plan shall be held in a single trust form-
16 ing part of the plan under which the trust in-
17 strument expressly provides—

18 “(i) for separate accounts (and appro-
19 priate records) to be maintained to reflect
20 the interest which each of the plan compo-
21 nents has in the trust, including separate
22 accounting for additions to the trust for
23 the benefit of each plan component, dis-
24 bursements made from each plan compo-
25 nent’s account in the trust, investment ex-

1 perience of the trust allocable to that ac-
2 count, and administrative expenses (wheth-
3 er direct expenses or shared expenses allo-
4 cated proportionally), and permits, but
5 does not require, the pooling of some or all
6 of the assets of the two plan components
7 for investment purposes; and

8 “(ii) that the assets of each of the two
9 plan components shall be held, invested,
10 reinvested, managed, administered and dis-
11 tributed for the exclusive benefit of the
12 participants and beneficiaries of each such
13 plan component, and in no event shall the
14 assets of one of the plan components be
15 available to pay benefits due under the
16 other plan component.

17 “(4) NOT A TERMINATION EVENT.—Notwith-
18 standing section 4041A, an amendment pursuant to
19 paragraph (1) to incorporate the features of a com-
20 posite plan as a component of a multiemployer plan
21 does not constitute termination of the multiemployer
22 plan.

23 “(5) NOTICE TO THE SECRETARY.—

24 “(A) NOTICE.—The plan sponsor of a
25 composite plan shall provide notice to the Sec-

1 retary of the intent to establish the composite
2 plan (or, in the case of a composite plan incor-
3 porated as a component of a multiemployer
4 plan as described in paragraph (1), the intent
5 to amend the multiemployer plan to incorporate
6 such composite plan) at least 30 days prior to
7 the effective date of such establishment or
8 amendment.

9 “(B) CERTIFICATION.—In the case of a
10 composite plan incorporated as a component of
11 a multiemployer plan as described in paragraph
12 (1), such notice shall include a certification by
13 the plan actuary under section 305(b)(3) that
14 the effective date of the amendment occurs in
15 a plan year for which the multiemployer plan is
16 not in critical status for that plan year and any
17 of the succeeding 5 plan years.

18 “(6) REFERENCES TO COMPOSITE PLAN COM-
19 PONENT.—As used in this part, the term ‘composite
20 plan’ includes a composite plan component added to
21 a defined benefit plan pursuant to paragraph (1).

22 “(7) RULE OF CONSTRUCTION.—Paragraph
23 (2)(A) shall not be construed as preventing the plan
24 sponsor of a multiemployer plan from adopting an
25 amendment pursuant to paragraph (1) because some

1 collective bargaining agreements are amended to
 2 cease any covered employer's obligation to contribute
 3 to the multiemployer plan before or after the plan
 4 amendment is effective. Paragraph (2)(B) shall not
 5 be construed as preventing the plan sponsor of a
 6 multiemployer plan from adopting an amendment
 7 pursuant to paragraph (1) because some partici-
 8 pants cease to have contributions made to the multi-
 9 employer plan on their behalf before or after the
 10 plan amendment is effective.

11 “(c) COORDINATION WITH FUNDING RULES.—Ex-
 12 cept as otherwise provided in this title, sections 302, 304,
 13 and 305 shall not apply to a composite plan.

14 “(d) TREATMENT OF A COMPOSITE PLAN.—For pur-
 15 poses of this Act (other than sections 302 and 4245), a
 16 composite plan shall be treated as if it were a defined ben-
 17 efit plan unless a different treatment is provided for under
 18 applicable law.

19 **“SEC. 802. FUNDED RATIOS; ACTUARIAL ASSUMPTIONS.**

20 “(a) CERTIFICATION OF FUNDED RATIOS.—

21 “(1) IN GENERAL.—Not later than the one-
 22 hundred twentieth day of each plan year of a com-
 23 posite plan, the plan actuary of the composite plan
 24 shall certify to the Secretary, the Secretary of the
 25 Treasury, and the plan sponsor the plan's current

1 funded ratio and projected funded ratio for the plan
2 year.

3 “(2) DETERMINATION OF CURRENT FUNDED
4 RATIO AND PROJECTED FUNDED RATIO.—For pur-
5 poses of this section:

6 “(A) CURRENT FUNDED RATIO.—The cur-
7 rent funded ratio is the ratio (expressed as a
8 percentage) of—

9 “(i) the value of the plan’s assets as
10 of the first day of the plan year; to

11 “(ii) the plan actuary’s best estimate
12 of the present value of the plan liabilities
13 as of the first day of the plan year.

14 “(B) PROJECTED FUNDED RATIO.—The
15 projected funded ratio is the current funded
16 ratio projected to the first day of the fifteenth
17 plan year following the plan year for which the
18 determination is being made.

19 “(3) CONSIDERATION OF CONTRIBUTION RATE
20 INCREASES.—For purposes of projections under this
21 subsection, the plan sponsor may anticipate con-
22 tribution rate increases beyond the term of the cur-
23 rent collective bargaining agreement and any agreed-
24 to supplements, up to a maximum of 2.5 percent per
25 year, compounded annually, unless it would be un-

1 reasonable under the circumstances to assume that
 2 contributions would increase by that amount.

3 “(b) ACTUARIAL ASSUMPTIONS AND METHODS.—

4 For purposes of this part:

5 “(1) IN GENERAL.—All costs, liabilities, rates
 6 of interest and other factors under the plan shall be
 7 determined for a plan year on the basis of actuarial
 8 assumptions and methods—

9 “(A) each of which is reasonable (taking
 10 into account the experience of the plan and rea-
 11 sonable expectations);

12 “(B) which, in combination, offer the actu-
 13 ary’s best estimate of anticipated experience
 14 under the plan; and

15 “(C) with respect to which any change
 16 from the actuarial assumptions and methods
 17 used in the previous plan year shall be certified
 18 by the plan actuary and the actuarial rationale
 19 for such change provided in the annual report
 20 required by section 103.

21 “(2) FAIR MARKET VALUE OF ASSETS.—The
 22 value of the plan’s assets shall be taken into account
 23 on the basis of their fair market value.

24 “(3) DETERMINATION OF NORMAL COST AND
 25 PLAN LIABILITIES.—A plan’s normal cost and liabil-

ities shall be based on the most recent actuarial valuation required under section 801(a)(5)(A) and the unit credit funding method.

“(4) TIME WHEN CERTAIN CONTRIBUTIONS DEEMED MADE.—Any contributions for a plan year made by an employer after the last day of such plan year, but not later than two and one-half months after such day, shall be deemed to have been made on such last day. For purposes of this paragraph, such two and one-half month period may be extended for not more than six months under regulations prescribed by the Secretary of the Treasury.

“(5) ADDITIONAL ACTUARIAL ASSUMPTIONS.—Except where otherwise provided in this part, the provisions of section 305(b)(3)(B) shall apply to any determination or projection under this part.

“SEC. 803. REALIGNMENT PROGRAM.

“(a) REALIGNMENT PROGRAM.—

“(1) ADOPTION.—In any case in which the plan actuary certifies under section 802(a) that the plan’s projected funded ratio is below 120 percent for the plan year, the plan sponsor shall adopt a realignment program under paragraph (2) not later than 210 days after the due date of the certification required under such section 802(a). The plan sponsor

1 shall adopt an updated realignment program for
2 each succeeding plan year for which a certification
3 described in the preceding sentence is made.

4 “(2) CONTENT OF REALIGNMENT PROGRAM.—

5 “(A) IN GENERAL.—A realignment pro-
6 gram adopted under this paragraph is a written
7 program which consists of all reasonable meas-
8 ures, including options or a range of options to
9 be undertaken by the plan sponsor or proposed
10 to the bargaining parties, formulated, based on
11 reasonably anticipated experience and reason-
12 able actuarial assumptions, to enable the plan
13 to achieve a projected funded ratio of at least
14 120 percent for the following plan year.

15 “(B) INITIAL PROGRAM ELEMENTS.—Rea-
16 sonable measures under a realignment program
17 described in subparagraph (A) may include any
18 of the following:

19 “(i) Proposed contribution increases.

20 “(ii) A reduction in the rate of future
21 benefit accruals, so long as the resulting
22 rate is not less than 1 percent of the con-
23 tributions on which benefits are based as
24 of the start of the plan year (or the equiva-

1 lent standard accrual rate as described in
2 section 305(e)(6)).

3 “(iii) A modification or elimination of
4 adjustable benefits of participants that are
5 not in pay status before the date of the no-
6 tice required under subsection (b)(1).

7 “(iv) Any other lawfully available
8 measures not specifically described in this
9 subparagraph or subparagraph (C) or (D)
10 that the plan sponsor determines are rea-
11 sonable.

12 “(C) ADDITIONAL PROGRAM ELEMENTS.—

13 If the plan sponsor has determined that all rea-
14 sonable measures available under subparagraph
15 (B) will not enable the plan to achieve a pro-
16 jected funded ratio of at least 120 percent for
17 the following plan year, such reasonable meas-
18 ures may also include—

19 “(i) a reduction of accrued benefits
20 that are not in pay status by the date of
21 the notice required under subsection
22 (b)(1); or

23 “(ii) a reduction of any benefits of
24 participants that are in pay status before
25 the date of the notice required under sub-

1 section (b)(1) other than core benefits as
2 defined in paragraph (4).

3 “(D) ADDITIONAL REDUCTIONS.—In the
4 case of a composite plan for which the plan
5 sponsor has determined that all reasonable
6 measures available under subparagraphs (B)
7 and (C) will not enable the plan to achieve a
8 projected funded ratio of at least 120 percent
9 for the following plan year, such reasonable
10 measures may also include—

11 “(i) a further reduction in the rate of
12 future benefit accruals without regard to
13 the limitation applicable under subpara-
14 graph (B)(ii); or

15 “(ii) a reduction of core benefits;
16 provided that such reductions shall be equitably
17 distributed across the participant and bene-
18 ficiary population, taking into account factors,
19 with respect to participants and beneficiaries
20 and their benefits, that may include one or
21 more of the factors listed in subclauses (I)
22 through (X) of section 305(e)(9)(D)(vi), to the
23 extent necessary to enable the plan to achieve
24 a projected funded ratio of at least 120 percent
25 for the following plan year, or at the election of

1 the plan sponsor, a projected funded ratio of at
2 least 100 percent for the following plan year
3 and a current funded ratio of at least 90 per-
4 cent.

5 “(3) ADJUSTABLE BENEFIT DEFINED.—For
6 purposes of this part, the term ‘adjustable benefit’
7 means—

8 “(A) benefits, rights, and features under
9 the plan, including post-retirement death bene-
10 fits, 60-month guarantees, disability benefits
11 not yet in pay status, and similar benefits;

12 “(B) any early retirement benefit or retire-
13 ment-type subsidy (within the meaning of sec-
14 tion 204(g)(2)(A)) and any benefit payment op-
15 tion (other than the qualified joint and survivor
16 annuity); and

17 “(C) benefit increases that were adopted
18 (or, if later, took effect) less than 60 months
19 before the first day such realignment program
20 took effect.

21 “(4) CORE BENEFIT DEFINED.—For purposes
22 of this part, the term ‘core benefit’ means a partici-
23 pant’s accrued benefit payable in the normal form of
24 an annuity commencing at normal retirement age,
25 determined without regard to—

1 “(A) any early retirement benefits, retire-
2 ment-type subsidies, or other benefits, rights, or
3 features that may be associated with that ben-
4 efit; and

5 “(B) any cost-of-living adjustments or ben-
6 efit increases effective after the date of retire-
7 ment.

8 “(5) COORDINATION WITH CONTRIBUTION IN-
9 CREASES.—

10 “(A) IN GENERAL.—A realignment pro-
11 gram may provide that some or all of the ben-
12 efit modifications described in the program will
13 only take effect if the bargaining parties fail to
14 agree to specified levels of increases in contribu-
15 tions to the plan, effective as of specified dates.

16 “(B) INDEPENDENT BENEFIT MODIFICA-
17 TIONS.—If a realignment program adopts any
18 changes to the benefit formula that are inde-
19 pendent of potential contribution increases,
20 such changes shall take effect not later than
21 180 days after the first day of the first plan
22 year that begins following the adoption of the
23 realignment program.

24 “(C) CONDITIONAL BENEFIT MODIFICA-
25 TIONS.—If a realignment program adopts any

1 changes to the benefit formula that take effect
2 only if the bargaining parties fail to agree to
3 contribution increases, such changes shall take
4 effect not later than the first day of the first
5 plan year beginning after the third anniversary
6 of the date of adoption of the realignment pro-
7 gram.

8 “(D) REVOCATION OF CERTAIN BENEFIT
9 MODIFICATIONS.—Benefit modifications de-
10 scribed in subparagraph (C) may be revoked, in
11 whole or in part, and retroactively or prospec-
12 tively, when contributions to the plan are in-
13 creased, as specified in the realignment pro-
14 gram, including any amendments thereto. The
15 preceding sentence shall not apply unless the
16 contribution increases are to be effective not
17 later than the fifth anniversary of the first day
18 of the first plan year that begins after the
19 adoption of the realignment program.

20 “(b) NOTICE.—

21 “(1) IN GENERAL.—In any case in which it is
22 certified under section 802(a) that the projected
23 funded ratio is less than 120 percent, the plan spon-
24 sor shall, not later than 30 days after the date of
25 the certification, provide notification of the current

1 and projected funded ratios to the participants and
 2 beneficiaries, the bargaining parties, and the Sec-
 3 retary. Such notice shall include—

4 “(A) an explanation that contribution rate
 5 increases or benefit reductions may be nec-
 6 essary;

7 “(B) a description of the types of benefits
 8 that might be reduced; and

9 “(C) an estimate of the contribution in-
 10 creases and benefit reductions that may be nec-
 11 essary to achieve a projected funded ratio of
 12 120 percent.

13 “(2) NOTICE OF BENEFIT MODIFICATIONS.—

14 “(A) IN GENERAL.—No modifications may
 15 be made that reduce the rate of future benefit
 16 accrual or that reduce core benefits or adjust-
 17 able benefits unless notice of such reduction has
 18 been given at least 180 days before the general
 19 effective date of such reduction for all partici-
 20 pants and beneficiaries to—

21 “(i) plan participants and bene-
 22 ficiaries;

23 “(ii) each employer who has an obliga-
 24 tion to contribute to the composite plan;
 25 and

1 “(iii) each employee organization
2 which, for purposes of collective bar-
3 gaining, represents plan participants em-
4 ployed by such employers.

5 “(B) CONTENT OF NOTICE.—The notice
6 under subparagraph (A) shall contain—

7 “(i) sufficient information to enable
8 participants and beneficiaries to under-
9 stand the effect of any reduction on their
10 benefits, including an illustration of any
11 affected benefit or subsidy, on an annual
12 or monthly basis that a participant or ben-
13 eficiary would otherwise have been eligible
14 for as of the general effective date de-
15 scribed in subparagraph (A); and

16 “(ii) information as to the rights and
17 remedies of plan participants and bene-
18 ficiaries as well as how to contact the De-
19 partment of Labor for further information
20 and assistance, where appropriate.

21 “(C) FORM AND MANNER.—Any notice
22 under subparagraph (A)—

23 “(i) shall be provided in a form and
24 manner prescribed in regulations of the
25 Secretary of Labor;

1 “(ii) shall be written in a manner so
2 as to be understood by the average plan
3 participant.

4 “(3) MODEL NOTICES.—The Secretary shall—

5 “(A) prescribe model notices that the plan
6 sponsor of a composite plan may use to satisfy
7 the notice requirements under this subsection;
8 and

9 “(B) by regulation enumerate any details
10 related to the elements listed in paragraph (1)
11 that any notice under this subsection must in-
12 clude.

13 “(4) DELIVERY METHOD.—Any notice under
14 this part shall be provided in writing and may also
15 be provided in electronic form to the extent that the
16 form is reasonably accessible to persons to whom the
17 notice is provided.

18 **“SEC. 804. LIMITATION ON INCREASING BENEFITS.**

19 “(a) LEVEL OF CURRENT FUNDED RATIOS.—Except
20 as provided in subsections (c), (d), and (e), no plan
21 amendment increasing benefits or establishing new bene-
22 fits under a composite plan may be adopted for a plan
23 year unless—

1 “(1) the plan’s current funded ratio is at least
2 110 percent (without regard to the benefit increase
3 or new benefits);

4 “(2) taking the benefit increase or new benefits
5 into account, the current funded ratio is at least 100
6 percent and the projected funded ratio for the cur-
7 rent plan year is at least 120 percent;

8 “(3) in any case in which, after taking the ben-
9 efit increase or new benefits into account, the cur-
10 rent funded ratio is less than 140 percent and the
11 projected funded ratio is less than 140 percent, the
12 benefit increase or new benefits are projected by the
13 plan actuary to increase the present value of the
14 plan’s liabilities for the plan year by not more than
15 3 percent; and

16 “(4) expected contributions for the current plan
17 year are at least 120 percent of normal cost for the
18 plan year, determined using the unit credit funding
19 method and treating the benefit increase or new ben-
20 efits as in effect for the entire plan year.

21 “(b) ADDITIONAL REQUIREMENTS WHERE CORE
22 BENEFITS REDUCED.—If a plan has been amended to re-
23 duce core benefits pursuant to a realignment program
24 under section 803(a)(2)(D), such plan may not be subse-

1 quently amended to increase core benefits unless the
2 amendment—

3 “(1) increases the level of future benefit pay-
4 ments only; and

5 “(2) provides for an equitable distribution of
6 benefit increases across the participant and bene-
7 ficiary population, taking into account the extent to
8 which the benefits of participants were previously re-
9 duced pursuant to such realignment program.

10 “(c) EXCEPTION TO COMPLY WITH APPLICABLE
11 LAW.—Subsection (a) shall not apply in connection with
12 a plan amendment if the amendment is required as a con-
13 dition of qualification under part I of subchapter D of
14 chapter 1 of the Internal Revenue Code of 1986 or to com-
15 ply with other applicable law.

16 “(d) EXCEPTION WHERE MAXIMUM DEDUCTIBLE
17 LIMIT APPLIES.—Subsection (a) shall not apply in con-
18 nection with a plan amendment if and to the extent that
19 contributions to the composite plan would not be deduct-
20 ible for the plan year under section 404(a)(1)(E) of the
21 Internal Revenue Code of 1986 if the plan amendment is
22 not adopted.

23 “(e) EXCEPTION FOR CERTAIN BENEFIT MODIFICA-
24 TIONS.—Subsection (a) shall not apply in connection with

1 a plan amendment under section 803(a)(5)(C), regarding
 2 conditional benefit modifications.

3 “(f) TREATMENT OF PLAN AMENDMENTS.—For pur-
 4 poses of this section—

5 “(1) if two or more plan amendments increas-
 6 ing benefits or establishing new benefits are adopted
 7 in a plan year, such amendments shall be treated as
 8 a single amendment adopted on the last day of the
 9 plan year;

10 “(2) all benefit increases and new benefits
 11 adopted in a single amendment are treated as a sin-
 12 gle benefit increase, irrespective of whether the in-
 13 creases and new benefits take effect in more than
 14 one plan year; and

15 “(3) increases in contributions or decreases in
 16 plan liabilities which are scheduled to take effect in
 17 future plan years may be taken into account in con-
 18 nection with a plan amendment if they have been
 19 agreed to in writing or otherwise formalized by the
 20 date the plan amendment is adopted.

21 **“SEC. 805. COMPOSITE PLAN RESTRICTIONS TO PRESERVE**
 22 **LEGACY PLAN FUNDING.**

23 “(a) TREATMENT AS A LEGACY PLAN.—

24 “(1) IN GENERAL.—For purposes of this part
 25 and parts 2 and 3, a defined benefit plan shall be

1 treated as a legacy plan with respect to the com-
2 posite plan under which the employees who were eli-
3 gible to accrue a benefit under the defined benefit
4 plan become eligible to accrue a benefit under such
5 composite plan.

6 “(2) COMPONENT PLANS.—In any case in
7 which a defined benefit plan is amended to add a
8 composite plan component pursuant to section
9 801(b), paragraph (1) shall be applied by sub-
10 stituting ‘defined benefit component’ for ‘defined
11 benefit plan’ and ‘composite plan component’ for
12 ‘composite plan’.

13 “(3) ELIGIBLE TO ACCRUE A BENEFIT.—For
14 purposes of paragraph (1), an employee is consid-
15 ered eligible to accrue a benefit under a composite
16 plan as of the first day in which the employee com-
17 pletes an hour of service under a collective bar-
18 gaining agreement that provides for contributions to
19 and accruals under the composite plan in lieu of ac-
20 cruals under the legacy plan.

21 “(4) COLLECTIVE BARGAINING AGREEMENT.—
22 As used in this part, the term ‘collective bargaining
23 agreement’ includes any agreement under which an
24 employer has an obligation to contribute to a plan.

1 “(5) OTHER TERMS.—Any term used in this
 2 part which is not defined in this part and which is
 3 also used in section 305 shall have the same mean-
 4 ing provided such term in such section.

5 “(b) RESTRICTIONS ON ACCEPTANCE BY COMPOSITE
 6 PLAN OF AGREEMENTS AND CONTRIBUTIONS.—

7 “(1) IN GENERAL.—The plan sponsor of a com-
 8 posite plan shall not accept or recognize a collective
 9 bargaining agreement (or any modification to such
 10 agreement), and no contributions may be accepted
 11 and no benefits may be accrued or otherwise earned
 12 under the agreement—

13 “(A) in any case in which the plan actuary
 14 of any defined benefit plan that would be treat-
 15 ed as a legacy plan with respect to such com-
 16 posite plan has certified under section
 17 305(b)(3) that such defined benefit plan is or
 18 will be in critical status for the plan year in
 19 which such agreement would take effect or for
 20 any of the succeeding 5 plan years; and

21 “(B) unless the agreement requires each
 22 employer who is a party to such agreement, in-
 23 cluding employers whose employees are not par-
 24 ticipants in the legacy plan, to provide contribu-
 25 tions to the legacy plan with respect to such

1 composite plan in a manner that satisfies the
 2 transition contribution requirements of sub-
 3 section (d).

4 “(2) NOTICE.—Not later than 30 days after a
 5 determination by a plan sponsor of a composite plan
 6 that an agreement fails to satisfy the requirements
 7 described in paragraph (1), the plan sponsor shall
 8 provide notification of such failure and the reasons
 9 for such determination—

10 “(A) to the parties to the agreement;

11 “(B) to active participants of the com-
 12 posite plan who have ceased to accrue or other-
 13 wise earn benefits with respect to service with
 14 an employer pursuant to paragraph (1); and

15 “(C) to the Secretary, the Secretary of the
 16 Treasury, and the Pension Benefit Guaranty
 17 Corporation.

18 “(3) LIMITATION ON RETROACTIVE EFFECT.—
 19 This subsection shall not apply to benefits accrued
 20 before the date on which notice is provided under
 21 paragraph (2).

22 “(c) RESTRICTION ON ACCRUAL OF BENEFITS
 23 UNDER A COMPOSITE PLAN.—

24 “(1) IN GENERAL.—In any case in which an
 25 employer, under a collective bargaining agreement

1 entered into after the date of enactment of the Giv-
2 ing Retirement Options to Workers Act of 2020,
3 ceases to have an obligation to contribute to a multi-
4 employer defined benefit plan, no employees em-
5 ployed by the employer may accrue or otherwise earn
6 benefits under any composite plan, with respect to
7 service with that employer, for a 60-month period
8 beginning on the date on which the employer entered
9 into such collective bargaining agreement.

10 “(2) NOTICE OF CESSATION OF OBLIGATION.—

11 Within 30 days of determining that an employer has
12 ceased to have an obligation to contribute to a leg-
13 acy plan with respect to employees employed by an
14 employer that is or will be contributing to a com-
15 posite plan with respect to service of such employees,
16 the plan sponsor of the legacy plan shall notify the
17 plan sponsor of the composite plan of that cessation.

18 “(3) NOTICE OF CESSATION OF ACCRUALS.—

19 Not later than 30 days after determining that an
20 employer has ceased to have an obligation to con-
21 tribute to a legacy plan, the plan sponsor of the
22 composite plan shall notify the bargaining parties,
23 the active participants affected by the cessation of
24 accruals, the Secretary, the Secretary of the Treas-
25 ury, and the Pension Benefit Guaranty Corporation

1 of the cessation of accruals, the period during which
 2 such cessation is in effect, and the reasons therefor.

3 “(4) LIMITATION ON RETROACTIVE EFFECT.—

4 This subsection shall not apply to benefits accrued
 5 before the date on which notice is provided under
 6 paragraph (3).

7 “(d) TRANSITION CONTRIBUTION REQUIREMENTS.—

8 “(1) IN GENERAL.—A collective bargaining
 9 agreement satisfies the transition contribution re-
 10 quirements of this subsection if the agreement—

11 “(A) authorizes payment of contributions
 12 to a legacy plan at a rate or rates equal to or
 13 greater than the transition contribution rate es-
 14 tablished by the legacy plan under paragraph
 15 (2); and

16 “(B) does not provide for—

17 “(i) a suspension of contributions to
 18 the legacy plan with respect to any period
 19 of service; or

20 “(ii) any new direct or indirect exclu-
 21 sion of younger or newly hired employees
 22 of the employer from being taken into ac-
 23 count in determining contributions owed to
 24 the legacy plan.

25 “(2) TRANSITION CONTRIBUTION RATE.—

1 “(A) IN GENERAL.—The transition con-
2 tribution rate for a plan year is the contribution
3 rate that, as certified by the actuary of the leg-
4 acy plan in accordance with the principles in
5 section 305(b)(3)(B), is reasonably expected to
6 be adequate—

7 “(i) to fund the normal cost for the
8 plan year;

9 “(ii) to amortize the plan’s unfunded
10 liabilities in level annual installments over
11 25 years, beginning with the plan year in
12 which the transition contribution rate is
13 first established; and

14 “(iii) to amortize any subsequent
15 changes in the legacy plan’s unfunded li-
16 ability due to experience gains or losses
17 (including investment gains or losses, gains
18 or losses due to contributions greater or
19 less than the contributions made under the
20 prior transition contribution rate, and
21 other actuarial gains or losses), changes in
22 actuarial assumptions, changes to the leg-
23 acy plan’s benefits, or changes in funding
24 method over a period of 15 plan years be-

1 ginning with the plan year in which such
2 change in unfunded liability is incurred.

3 The transition contribution rate for any plan
4 year may not be less than the transition con-
5 tribution rate for the plan year in which such
6 rate is first established.

7 “(B) MULTIPLE RATES.—If different rates
8 of contribution are payable to the legacy plan
9 by different employers or for different classes of
10 employees, the certification shall specify a tran-
11 sition contribution rate for each such employer.

12 “(C) RATE APPLICABLE TO EMPLOYER.—

13 “(i) IN GENERAL.—Except as pro-
14 vided by clause (ii), the transition con-
15 tribution rate applicable to an employer for
16 a plan year is the rate in effect for the
17 plan year of the legacy plan that com-
18 mences on or after 180 days before the
19 earlier of—

20 “(I) the effective date of the col-
21 lective bargaining agreement pursuant
22 to which the employer contributes to
23 the legacy plan; or

24 “(II) 5 years after the last plan
25 year for which the transition contribu-

1 tion rate applicable to the employer
2 was established or updated.

3 “(ii) EXCEPTION.—The transition
4 contribution rate applicable to an employer
5 for the first plan year beginning on or
6 after the commencement of the employer’s
7 obligation to contribute to the composite
8 plan is the rate in effect for the plan year
9 of the legacy plan that commences on or
10 after 180 days before such first plan year.

11 “(D) EFFECT OF LEGACY PLAN FINANCIAL
12 CIRCUMSTANCES.—If the plan actuary of the
13 legacy plan has certified under section 305 that
14 the plan is in endangered or critical status for
15 a plan year, the transition contribution rate for
16 the following plan year is the rate determined
17 with respect to the employer under the legacy
18 plan’s funding improvement or rehabilitation
19 plan under section 305, if greater than the rate
20 otherwise determined, but in no event greater
21 than 75 percent of the sum of the contribution
22 rates applicable to the legacy plan and the com-
23 posite plan for the plan year.

24 “(E) OTHER ACTUARIAL ASSUMPTIONS
25 AND METHODS.—Except as provided in sub-

1 paragraph (A), the determination of the transi-
2 tion contribution rate for a plan year shall be
3 based on actuarial assumptions and methods
4 consistent with the minimum funding deter-
5 minations made under section 304 (or, if appli-
6 cable, section 305) with respect to the legacy
7 plan for the plan year.

8 “(F) ADJUSTMENTS IN RATE.—The plan
9 sponsor of a legacy plan from time to time may
10 adjust the transition contribution rate or rates
11 applicable to an employer under this paragraph
12 by increasing some rates and decreasing others
13 if the actuary certifies that such adjusted rates
14 in combination will produce projected contribu-
15 tion income for the plan year beginning on or
16 after the date of certification that is not less
17 than would be produced by the transition con-
18 tribution rates in effect at the time of the cer-
19 tification.

20 “(G) NOTICE OF TRANSITION CONTRIBU-
21 TION RATE.—The plan sponsor of a legacy plan
22 shall provide notice to the parties to collective
23 bargaining agreements pursuant to which con-
24 tributions are made to the legacy plan of
25 changes to the transition contribution rate re-

1 quirements at least 30 days before the begin-
2 ning of the plan year for which the rate is effec-
3 tive.

4 “(H) NOTICE TO COMPOSITE PLAN SPON-
5 SOR.—Not later than 30 days after a deter-
6 mination by the plan sponsor of a legacy plan
7 that a collective bargaining agreement provides
8 for a rate of contributions that is below the
9 transition contribution rate applicable to one or
10 more employers that are parties to the collective
11 bargaining agreement, the plan sponsor of the
12 legacy plan shall notify the plan sponsor of any
13 composite plan under which employees of such
14 employer would otherwise be eligible to accrue
15 a benefit.

16 “(3) CORRECTION PROCEDURES.—Pursuant to
17 standards prescribed by the Secretary, the plan
18 sponsor of a composite plan shall adopt rules and
19 procedures that give the parties to the collective bar-
20 gaining agreement notice of the failure of such
21 agreement to satisfy the transition contribution re-
22 quirements of this subsection, and a reasonable op-
23 portunity to correct such failure, not to exceed 180
24 days from the date of notice given under subsection
25 (b)(2).

1 “(4) SUPPLEMENTAL CONTRIBUTIONS.—A col-
2 lective bargaining agreement may provide for supple-
3 mental contributions to the legacy plan for a plan
4 year in excess of the transition contribution rate de-
5 termined under paragraph (2), regardless of whether
6 the legacy plan is in endangered or critical status for
7 such plan year.

8 “(e) NONAPPLICATION OF COMPOSITE PLAN RE-
9 STRICTIONS.—

10 “(1) IN GENERAL.—The provisions of sub-
11 sections (a), (b), and (c) shall not apply with respect
12 to a collective bargaining agreement, to the extent
13 the agreement, or a predecessor agreement, provides
14 or provided for contributions to a defined benefit
15 plan that is a legacy plan, as of the first day of the
16 first plan year following a plan year for which the
17 plan actuary certifies that the plan is fully funded,
18 has been fully funded for at least three out of the
19 immediately preceding 5 plan years, and is projected
20 to remain fully funded for at least the following 4
21 plan years.

22 “(2) DETERMINATION OF FULLY FUNDED.—A
23 plan is fully funded for purposes of paragraph (1)
24 if, as of the valuation date of the plan for a plan
25 year, the value of the plan’s assets equals or exceeds

1 the present value of the plan’s liabilities, determined
 2 in accordance with the rules prescribed by the Pen-
 3 sion Benefit Guaranty Corporation under sections
 4 4219(c)(1)(D) and 4281 for multiemployer plans
 5 terminating by mass withdrawal, as in effect for the
 6 date of the determination, except the plan’s reason-
 7 able assumption regarding the starting date of bene-
 8 fits may be used.

9 “(3) OTHER APPLICABLE RULES.—Except as
 10 provided in paragraph (2), actuarial determinations
 11 and projections under this section shall be based on
 12 the rules in section 305(b)(3) and section 802(b).

13 **“SEC. 806. MERGERS AND ASSET TRANSFERS OF COM-**
 14 **POSITE PLANS.**

15 “(a) IN GENERAL.—Assets and liabilities of a com-
 16 posite plan may only be merged with, or transferred to,
 17 another plan if—

18 “(1) the other plan is a composite plan;

19 “(2) the plan or plans resulting from the merg-
 20 er or transfer is a composite plan;

21 “(3) no participant’s accrued benefit or adjust-
 22 able benefit is lower immediately after the trans-
 23 action than it was immediately before the trans-
 24 action; and

1 “(4) the value of the assets transferred in the
2 case of a transfer reasonably reflects the value of the
3 amounts contributed with respect to the participants
4 whose benefits are being transferred, adjusted for al-
5 locable distributions, investment gains and losses,
6 and administrative expenses.

7 “(b) LEGACY PLAN.—

8 “(1) IN GENERAL.—After a merger or transfer
9 involving a composite plan, the legacy plan with re-
10 spect to an employer that is obligated to contribute
11 to the resulting composite plan is the legacy plan
12 that applied to that employer immediately before the
13 merger or transfer.

14 “(2) MULTIPLE LEGACY PLANS.—If an em-
15 ployer is obligated to contribute to more than one
16 legacy plan with respect to employees eligible to ac-
17 cruce benefits under more than one composite plan
18 and there is a merger or transfer of such legacy
19 plans, the transition contribution rate applicable to
20 the legacy plan resulting from the merger or trans-
21 fer with respect to that employer shall be determined
22 in accordance with the provisions of section
23 805(d)(2)(B).”.

24 (2) PENALTIES.—

1 (A) CIVIL ENFORCEMENT OF FAILURE TO
2 COMPLY WITH REALIGNMENT PROGRAM.—Sec-
3 tion 502(a) of such Act (29 U.S.C. 1132(a)) is
4 amended—

5 (i) in paragraph (10), by striking “or”
6 at the end;

7 (ii) in paragraph (11), by striking the
8 period at the end and inserting “; or”; and

9 (iii) by adding at the end the fol-
10 lowing:

11 “(12) in the case of a composite plan required
12 to adopt a realignment program under section 803,
13 if the plan sponsor—

14 “(A) has not adopted a realignment pro-
15 gram under that section by the deadline estab-
16 lished in such section; or

17 “(B) fails to update or comply with the
18 terms of the realignment program in accordance
19 with the requirements of such section,

20 by the Secretary, by an employer that has an obliga-
21 tion to contribute with respect to the composite plan,
22 or by an employee organization that represents ac-
23 tive participants in the composite plan, for an order
24 compelling the plan sponsor to adopt a realignment
25 program, or to update or comply with the terms of

1 the realignment program, in accordance with the re-
2 quirements of such section and the realignment pro-
3 gram.”.

4 (B) CIVIL PENALTIES.—Section 502(c) of
5 such Act (29 U.S.C. 1132(c)) is amended—

6 (i) by moving paragraphs (8), (10),
7 and (12) each 2 ems to the left;

8 (ii) by redesignating paragraphs (9)
9 through (12) as paragraphs (12) through
10 (15), respectively; and

11 (iii) by inserting after paragraph (8)
12 the following:

13 “(9) The Secretary may assess against any plan
14 sponsor of a composite plan a civil penalty of not
15 more than \$1,100 per day for each violation by such
16 sponsor—

17 “(A) of the requirement under section
18 802(a) on the plan actuary to certify the plan’s
19 current or projected funded ratio by the date
20 specified in such subsection; or

21 “(B) of the requirement under section 803
22 to adopt a realignment program by the deadline
23 established in that section and to comply with
24 its terms.

1 “(10)(A) The Secretary may assess against any
2 plan sponsor of a composite plan a civil penalty of
3 not more than \$100 per day for each violation by
4 such sponsor of the requirement under section
5 803(b) to provide notice as described in such section,
6 except that no penalty may be assessed in any case
7 in which the plan sponsor exercised reasonable dili-
8 gence to meet the requirements of such section
9 and—

10 “(i) the plan sponsor did not know that the
11 violation existed; or

12 “(ii) the plan sponsor provided such notice
13 during the 30-day period beginning on the first
14 date on which the plan sponsor knew, or in ex-
15 ercising reasonable due diligence should have
16 known, that such violation existed.

17 “(B) In any case in which the plan sponsor ex-
18 ercised reasonable diligence to meet the require-
19 ments of section 803(b)—

20 “(i) the total penalty assessed under this
21 paragraph against such sponsor for a plan year
22 may not exceed \$500,000; and

23 “(ii) the Secretary may waive part or all of
24 such penalty to the extent that the payment of

1 such penalty would be excessive or otherwise in-
2 equitable relative to the violation involved.

3 “(11) The Secretary may assess against any
4 plan sponsor of a composite plan a civil penalty of
5 not more than \$100 per day for each violation by
6 such sponsor of the notice requirements under sec-
7 tions 801(b)(5) and 805(b)(2).”.

8 (3) CONFORMING AMENDMENT.—The table of
9 contents in section 1 of such Act (29 U.S.C. 1001
10 note) is amended by inserting after the item relating
11 to section 734 the following:

“PART 8—COMPOSITE PLANS AND LEGACY PLANS

“Sec. 801. Composite plan defined.
“Sec. 802. Funded ratios; actuarial assumptions.
“Sec. 803. Realignment program.
“Sec. 804. Limitation on increasing benefits.
“Sec. 805. Composite plan restrictions to preserve legacy plan funding.
“Sec. 806. Mergers and asset transfers of composite plans.”.

12 (b) AMENDMENT TO THE INTERNAL REVENUE CODE
13 OF 1986.—

14 (1) IN GENERAL.—Part III of subchapter D of
15 chapter 1 of the Internal Revenue Code of 1986 is
16 amended by adding at the end the following:

17 **“Subpart C—Composite Plans and Legacy Plans**

“Sec. 437. Composite plan defined.
“Sec. 438. Funded ratios; actuarial assumptions.
“Sec. 439. Realignment program.
“Sec. 440. Limitation on increasing benefits.
“Sec. 440A. Composite plan restrictions to preserve legacy plan funding.
“Sec. 440B. Mergers and asset transfers of composite plans.

1 **“SEC. 437. COMPOSITE PLAN DEFINED.**

2 “(a) IN GENERAL.—For purposes of this title, the
3 term ‘composite plan’ means a pension plan—

4 “(1) which is a multiemployer plan that is nei-
5 ther a defined benefit plan nor a defined contribu-
6 tion plan,

7 “(2) the terms of which provide that the plan
8 is a composite plan for purposes of this title with re-
9 spect to which not more than one multiemployer de-
10 fined benefit plan is treated as a legacy plan within
11 the meaning of section 440A, unless there is more
12 than one legacy plan following a merger of composite
13 plans under section 440B,

14 “(3) which provides systematically for the pay-
15 ment of benefits—

16 “(A) objectively calculated pursuant to a
17 formula enumerated in the plan document with
18 respect to plan participants after retirement,
19 for life, and

20 “(B) in the form of life annuities, except
21 for benefits which under section 411(a)(11)
22 may be immediately distributed without the
23 consent of the participant,

24 “(4) for which the plan contributions for the
25 first plan year are at least 120 percent of the nor-
26 mal cost for the plan year,

1 “(5) which requires—

2 “(A) an annual valuation of the liability of
3 the plan as of a date within the plan year to
4 which the valuation refers or within one month
5 prior to the beginning of such year,

6 “(B) an annual actuarial determination of
7 the plan’s current funded ratio and projected
8 funded ratio under section 438(a),

9 “(C) corrective action through a realign-
10 ment program pursuant to section 439 when-
11 ever the plan’s projected funded ratio is below
12 120 percent for the plan year, and

13 “(D) an annual notification to each partici-
14 pant describing the participant’s benefits under
15 the plan and explaining that such benefits may
16 be subject to reduction under a realignment
17 program pursuant to section 439 based on the
18 plan’s funded status in future plan years, and

19 “(6) the board of trustees of which includes at
20 least one retiree or beneficiary in pay status during
21 each plan year following the first plan year in which
22 at least 5 percent of the participants in the plan are
23 retirees or beneficiaries in pay status.

24 “(b) TRANSITION FROM A MULTIEMPLOYER DE-
25 FINED BENEFIT PLAN.—

1 “(1) IN GENERAL.—The plan sponsor of a de-
2 fined benefit plan that is a multiemployer plan may,
3 subject to paragraph (2), amend the plan to incor-
4 porate the features of a composite plan as a compo-
5 nent of the multiemployer plan separate from the
6 defined benefit plan component, except in the case of
7 a defined benefit plan for which the plan actuary has
8 certified under section 432(b)(3) that the plan is or
9 will be in critical status for the plan year in which
10 such amendment would become effective or for any
11 of the succeeding 5 plan years.

12 “(2) REQUIREMENTS.—Any amendment pursu-
13 ant to paragraph (1) to incorporate the features of
14 a composite plan as a component of a multiemployer
15 plan shall—

16 “(A) apply with respect to all collective
17 bargaining agreements providing for contribu-
18 tions to the multiemployer plan on or after the
19 effective date of the amendment,

20 “(B) apply with respect to all participants
21 in the multiemployer plan for whom contribu-
22 tions are made to the multiemployer plan on or
23 after the effective date of the amendment,

24 “(C) specify that the effective date of the
25 amendment is—

1 “(i) the first day of a specified plan
2 year following the date of the adoption of
3 the amendment, except that the plan spon-
4 sor may alternatively provide for a sepa-
5 rate effective date with respect to each col-
6 lective bargaining agreement under which
7 contributions to the multiemployer plan
8 are required, which shall occur on the first
9 day of the first plan year beginning after
10 the termination, or if earlier, the re-open-
11 ing, of each such agreement, or such ear-
12 lier date as the parties to the agreement
13 and the plan sponsor of the multiemployer
14 plan shall agree to, and

15 “(ii) not later than the first day of the
16 fifth plan year beginning on or after the
17 date of the adoption of the amendment,

18 “(D) specify that, as of the amendment’s
19 effective date, no further benefits shall accrue
20 under the defined benefit component of the
21 multiemployer plan, and

22 “(E) specify that, as of the amendment’s
23 effective date, the plan sponsor of the multiem-
24 ployer plan shall be the plan sponsor of both

1 the composite plan component and the defined
2 benefit plan component of the plan.

3 “(3) SPECIAL RULES.—If a multiemployer plan
4 is amended pursuant to paragraph (1)—

5 “(A) the requirements of this title shall be
6 applied to the composite plan component and
7 the defined benefit plan component of the mul-
8 tiemployer plan as if each such component were
9 maintained as a separate plan, and

10 “(B) the assets of the composite plan com-
11 ponent and the defined benefit plan component
12 of the plan shall be held in a single trust form-
13 ing part of the plan under which the trust in-
14 strument expressly provides—

15 “(i) for separate accounts (and appro-
16 priate records) to be maintained to reflect
17 the interest which each of the plan compo-
18 nents has in the trust, including separate
19 accounting for additions to the trust for
20 the benefit of each plan component, dis-
21 bursements made from each plan compo-
22 nent’s account in the trust, investment ex-
23 perience of the trust allocable to that ac-
24 count, and administrative expenses (wheth-
25 er direct expenses or shared expenses allo-

1 cated proportionally), and permits, but
 2 does not require, the pooling of some or all
 3 of the assets of the two plan components
 4 for investment purposes, and

5 “(ii) that the assets of each of the two
 6 plan components shall be held, invested,
 7 reinvested, managed, administered and dis-
 8 tributed for the exclusive benefit of the
 9 participants and beneficiaries of each such
 10 plan component, and in no event shall the
 11 assets of one of the plan components be
 12 available to pay benefits due under the
 13 other plan component.

14 “(4) NOT A TERMINATION EVENT.—Notwith-
 15 standing section 4041A of the Employee Retirement
 16 Income Security Act of 1974, an amendment pursu-
 17 ant to paragraph (1) to incorporate the features of
 18 a composite plan as a component of a multiemployer
 19 plan does not constitute termination of the multiem-
 20 ployer plan.

21 “(5) NOTICE TO THE SECRETARY.—

22 “(A) NOTICE.—The plan sponsor of a
 23 composite plan shall provide notice to the Sec-
 24 retary of the intent to establish the composite
 25 plan (or, in the case of a composite plan incor-

1 porated as a component of a multiemployer
2 plan as described in paragraph (1), the intent
3 to amend the multiemployer plan to incorporate
4 such composite plan) at least 30 days prior to
5 the effective date of such establishment or
6 amendment.

7 “(B) CERTIFICATION.—In the case of a
8 composite plan incorporated as a component of
9 a multiemployer plan as described in paragraph
10 (1), such notice shall include a certification by
11 the plan actuary under section 432(b)(3) that
12 the effective date of the amendment occurs in
13 a plan year for which the multiemployer plan is
14 not in critical status for that plan year and any
15 of the succeeding 5 plan years.

16 “(6) REFERENCES TO COMPOSITE PLAN COM-
17 PONENT.—As used in this subpart, the term ‘com-
18 posite plan’ includes a composite plan component
19 added to a defined benefit plan pursuant to para-
20 graph (1).

21 “(7) RULE OF CONSTRUCTION.—Paragraph
22 (2)(A) shall not be construed as preventing the plan
23 sponsor of a multiemployer plan from adopting an
24 amendment pursuant to paragraph (1) because some
25 collective bargaining agreements are amended to

1 cease any covered employer’s obligation to contribute
2 to the multiemployer plan before or after the plan
3 amendment is effective. Paragraph (2)(B) shall not
4 be construed as preventing the plan sponsor of a
5 multiemployer plan from adopting an amendment
6 pursuant to paragraph (1) because some partici-
7 pants cease to have contributions made to the multi-
8 employer plan on their behalf before or after the
9 plan amendment is effective.

10 “(c) COORDINATION WITH FUNDING RULES.—Ex-
11 cept as otherwise provided in this title, sections 412, 431,
12 and 432 shall not apply to a composite plan.

13 “(d) TREATMENT OF A COMPOSITE PLAN.—For pur-
14 poses of this title (other than sections 412 and 418E),
15 a composite plan shall be treated as if it were a defined
16 benefit plan unless a different treatment is provided for
17 under applicable law.

18 **“SEC. 438. FUNDED RATIOS; ACTUARIAL ASSUMPTIONS.**

19 “(a) CERTIFICATION OF FUNDED RATIOS.—

20 “(1) IN GENERAL.—Not later than the one-
21 hundred twentieth day of each plan year of a com-
22 posite plan, the plan actuary of the composite plan
23 shall certify to the Secretary, the Secretary of
24 Labor, and the plan sponsor the plan’s current fund-

1 ed ratio and projected funded ratio for the plan
2 year.

3 “(2) DETERMINATION OF CURRENT FUNDED
4 RATIO AND PROJECTED FUNDED RATIO.—For pur-
5 poses of this section—

6 “(A) CURRENT FUNDED RATIO.—The cur-
7 rent funded ratio is the ratio (expressed as a
8 percentage) of—

9 “(i) the value of the plan’s assets as
10 of the first day of the plan year, to

11 “(ii) the plan actuary’s best estimate
12 of the present value of the plan liabilities
13 as of the first day of the plan year.

14 “(B) PROJECTED FUNDED RATIO.—The
15 projected funded ratio is the current funded
16 ratio projected to the first day of the fifteenth
17 plan year following the plan year for which the
18 determination is being made.

19 “(3) CONSIDERATION OF CONTRIBUTION RATE
20 INCREASES.—For purposes of projections under this
21 subsection, the plan sponsor may anticipate con-
22 tribution rate increases beyond the term of the cur-
23 rent collective bargaining agreement and any agreed-
24 to supplements, up to a maximum of 2.5 percent per
25 year, compounded annually, unless it would be un-

1 reasonable under the circumstances to assume that
2 contributions would increase by that amount.

3 “(b) ACTUARIAL ASSUMPTIONS AND METHODS.—

4 For purposes of this part—

5 “(1) IN GENERAL.—All costs, liabilities, rates
6 of interest, and other factors under the plan shall be
7 determined for a plan year on the basis of actuarial
8 assumptions and methods—

9 “(A) each of which is reasonable (taking
10 into account the experience of the plan and rea-
11 sonable expectations),

12 “(B) which, in combination, offer the actu-
13 ary’s best estimate of anticipated experience
14 under the plan, and

15 “(C) with respect to which any change
16 from the actuarial assumptions and methods
17 used in the previous plan year shall be certified
18 by the plan actuary and the actuarial rationale
19 for such change provided in the annual report
20 required by section 6058.

21 “(2) FAIR MARKET VALUE OF ASSETS.—The
22 value of the plan’s assets shall be taken into account
23 on the basis of their fair market value.

24 “(3) DETERMINATION OF NORMAL COST AND
25 PLAN LIABILITIES.—A plan’s normal cost and liabil-

1 ities shall be based on the most recent actuarial
2 valuation required under section 437(a)(5)(A) and
3 the unit credit funding method.

4 “(4) TIME WHEN CERTAIN CONTRIBUTIONS
5 DEEMED MADE.—Any contributions for a plan year
6 made by an employer after the last day of such plan
7 year, but not later than two and one-half months
8 after such day, shall be deemed to have been made
9 on such last day. For purposes of this paragraph,
10 such two and one-half month period may be ex-
11 tended for not more than six months under regula-
12 tions prescribed by the Secretary.

13 “(5) ADDITIONAL ACTUARIAL ASSUMPTIONS.—
14 Except where otherwise provided in this subpart, the
15 provisions of section 432(b)(3)(B) shall apply to any
16 determination or projection under this subpart.

17 **“SEC. 439. REALIGNMENT PROGRAM.**

18 “(a) REALIGNMENT PROGRAM.—

19 “(1) ADOPTION.—In any case in which the plan
20 actuary certifies under section 438(a) that the plan’s
21 projected funded ratio is below 120 percent for the
22 plan year, the plan sponsor shall adopt a realign-
23 ment program under paragraph (2) not later than
24 210 days after the due date of the certification re-
25 quired under section 438(a). The plan sponsor shall

1 adopt an updated realignment program for each suc-
2 ceeding plan year for which a certification described
3 in the preceding sentence is made.

4 “(2) CONTENT OF REALIGNMENT PROGRAM.—

5 “(A) IN GENERAL.—A realignment pro-
6 gram adopted under this paragraph is a written
7 program which consists of all reasonable meas-
8 ures, including options or a range of options to
9 be undertaken by the plan sponsor or proposed
10 to the bargaining parties, formulated, based on
11 reasonably anticipated experience and reason-
12 able actuarial assumptions, to enable the plan
13 to achieve a projected funded ratio of at least
14 120 percent for the following plan year.

15 “(B) INITIAL PROGRAM ELEMENTS.—Rea-
16 sonable measures under a realignment program
17 described in subparagraph (A) may include any
18 of the following:

19 “(i) Proposed contribution increases.

20 “(ii) A reduction in the rate of future
21 benefit accruals, so long as the resulting
22 rate shall not be less than 1 percent of the
23 contributions on which benefits are based
24 as of the start of the plan year (or the

1 equivalent standard accrual rate as de-
2 scribed in section 432(e)(6)).

3 “(iii) A modification or elimination of
4 adjustable benefits of participants that are
5 not in pay status before the date of the no-
6 tice required under subsection (b)(1).

7 “(iv) Any other legally available meas-
8 ures not specifically described in this sub-
9 paragraph or subparagraph (C) or (D)
10 that the plan sponsor determines are rea-
11 sonable.

12 “(C) ADDITIONAL PROGRAM ELEMENTS.—

13 If the plan sponsor has determined that all rea-
14 sonable measures available under subparagraph
15 (B) will not enable the plan to achieve a pro-
16 jected funded ratio of at least 120 percent the
17 following plan year, such reasonable measures
18 may also include—

19 “(i) a reduction of accrued benefits
20 that are not in pay status by the date of
21 the notice required under subsection
22 (b)(1), or

23 “(ii) a reduction of any benefits of
24 participants that are in pay status before
25 the date of the notice required under sub-

1 section (b)(1) other than core benefits as
2 defined in paragraph (4).

3 “(D) ADDITIONAL REDUCTIONS.—In the
4 case of a composite plan for which the plan
5 sponsor has determined that all reasonable
6 measures available under subparagraphs (B)
7 and (C) will not enable the plan to achieve a
8 projected funded ratio of at least 120 percent
9 for the following plan year, such reasonable
10 measures may also include—

11 “(i) a further reduction in the rate of
12 future benefit accruals without regard to
13 the limitation applicable under subpara-
14 graph (B)(ii), or

15 “(ii) a reduction of core benefits,
16 provided that such reductions shall be equitably
17 distributed across the participant and bene-
18 ficiary population, taking into account factors,
19 with respect to participants and beneficiaries
20 and their benefits, that may include one or
21 more of the factors listed in subclauses (I)
22 through (X) of section 432(e)(9)(D)(vi), to the
23 extent necessary to enable the plan to achieve
24 a projected funded ratio of at least 120 percent
25 for the following plan year, or at the election of

1 the plan sponsor, a projected funded ratio of at
2 least 100 percent for the following plan year
3 and a current funded ratio of at least 90 per-
4 cent.

5 “(3) ADJUSTABLE BENEFIT DEFINED.—For
6 purposes of this subpart, the term ‘adjustable ben-
7 efit’ means—

8 “(A) benefits, rights, and features under
9 the plan, including post-retirement death bene-
10 fits, 60-month guarantees, disability benefits
11 not yet in pay status, and similar benefits,

12 “(B) any early retirement benefit or retire-
13 ment-type subsidy (within the meaning of sec-
14 tion 411(d)(6)(B)(i)) and any benefit payment
15 option (other than the qualified joint and sur-
16 vivor annuity), and

17 “(C) benefit increases that were adopted
18 (or, if later, took effect) less than 60 months
19 before the first day such realignment program
20 took effect.

21 “(4) CORE BENEFIT DEFINED.—For purposes
22 of this subpart, the term ‘core benefit’ means a par-
23 ticipant’s accrued benefit payable in the normal form
24 of an annuity commencing at normal retirement age,
25 determined without regard to—

1 “(A) any early retirement benefits, retire-
2 ment-type subsidies, or other benefits, rights, or
3 features that may be associated with that ben-
4 efit, and

5 “(B) any cost-of-living adjustments or ben-
6 efit increases effective after the date of retire-
7 ment.

8 “(5) COORDINATION WITH CONTRIBUTION IN-
9 CREASES.—

10 “(A) IN GENERAL.—A realignment pro-
11 gram may provide that some or all of the ben-
12 efit modifications described in the program will
13 only take effect if the bargaining parties fail to
14 agree to specified levels of increases in contribu-
15 tions to the plan, effective as of specified dates.

16 “(B) INDEPENDENT BENEFIT MODIFICA-
17 TIONS.—If a realignment program adopts any
18 changes to the benefit formula that are inde-
19 pendent of potential contribution increases,
20 such changes shall take effect not later than
21 180 days following the first day of the first
22 plan year that begins following the adoption of
23 the realignment program.

24 “(C) CONDITIONAL BENEFIT MODIFICA-
25 TIONS.—If a realignment program adopts any

1 changes to the benefit formula that take effect
2 only if the bargaining parties fail to agree to
3 contribution increases, such changes shall take
4 effect not later than the first day of the first
5 plan year beginning after the third anniversary
6 of the date of adoption of the realignment pro-
7 gram.

8 “(D) REVOCATION OF CERTAIN BENEFIT
9 MODIFICATIONS.—Benefit modifications de-
10 scribed in paragraph (3) may be revoked, in
11 whole or in part, and retroactively or prospec-
12 tively, when contributions to the plan are in-
13 creased, as specified in the realignment pro-
14 gram, including any amendments thereto. The
15 preceding sentence shall not apply unless the
16 contribution increases are to be effective not
17 later than the fifth anniversary of the first day
18 of the first plan year that begins after the
19 adoption of the realignment program.

20 “(b) NOTICE.—

21 “(1) IN GENERAL.—In any case in which it is
22 certified under section 438(a) that the projected
23 funded ratio is less than 120 percent, the plan spon-
24 sor shall, not later than 30 days after the date of
25 the certification, provide notification of the current

1 and projected funded ratios to the participants and
2 beneficiaries, the bargaining parties, and the Sec-
3 retary. Such notice shall include—

4 “(A) an explanation that contribution rate
5 increases or benefit reductions may be nec-
6 essary,

7 “(B) a description of the types of benefits
8 that might be reduced, and

9 “(C) an estimate of the contribution in-
10 creases and benefit reductions that may be nec-
11 essary to achieve a projected funded ratio of
12 120 percent.

13 “(2) NOTICE OF BENEFIT MODIFICATIONS.—

14 “(A) IN GENERAL.—No modifications may
15 be made that reduce the rate of future benefit
16 accrual or that reduce core benefits or adjust-
17 able benefits unless notice of such reduction has
18 been given at least 180 days before the general
19 effective date of such reduction for all partici-
20 pants and beneficiaries to—

21 “(i) plan participants and bene-
22 ficiaries,

23 “(ii) each employer who has an obliga-
24 tion to contribute to the composite plan,
25 and

1 “(iii) each employee organization
2 which, for purposes of collective bar-
3 gaining, represents plan participants em-
4 ployed by such employers.

5 “(B) CONTENT OF NOTICE.—The notice
6 under subparagraph (A) shall contain—

7 “(i) sufficient information to enable
8 participants and beneficiaries to under-
9 stand the effect of any reduction on their
10 benefits, including an illustration of any
11 affected benefit or subsidy, on an annual
12 or monthly basis that a participant or ben-
13 eficiary would otherwise have been eligible
14 for as of the general effective date de-
15 scribed in subparagraph (A), and

16 “(ii) information as to the rights and
17 remedies of plan participants and bene-
18 ficiaries as well as how to contact the De-
19 partment of Labor for further information
20 and assistance, where appropriate.

21 “(C) FORM AND MANNER.—Any notice
22 under subparagraph (A)—

23 “(i) shall be provided in a form and
24 manner prescribed in regulations of the
25 Secretary of Labor,

1 “(ii) shall be written in a manner so
2 as to be understood by the average plan
3 participant.

4 “(3) MODEL NOTICES.—The Secretary shall—

5 “(A) prescribe model notices that the plan
6 sponsor of a composite plan may use to satisfy
7 the notice requirements under this subsection,
8 and

9 “(B) by regulation enumerate any details
10 related to the elements listed in paragraph (1)
11 that any notice under this subsection must in-
12 clude.

13 “(4) DELIVERY METHOD.—Any notice under
14 this part shall be provided in writing and may also
15 be provided in electronic form to the extent that the
16 form is reasonably accessible to persons to whom the
17 notice is provided.

18 **“SEC. 440. LIMITATION ON INCREASING BENEFITS.**

19 “(a) LEVEL OF CURRENT FUNDED RATIOS.—Except
20 as provided in subsections (c), (d), and (e), no plan
21 amendment increasing benefits or establishing new bene-
22 fits under a composite plan may be adopted for a plan
23 year unless—

1 “(1) the plan’s current funded ratio is at least
2 110 percent (without regard to the benefit increase
3 or new benefits),

4 “(2) taking the benefit increase or new benefits
5 into account, the current funded ratio is at least 100
6 percent and the projected funded ratio for the cur-
7 rent plan year is at least 120 percent,

8 “(3) in any case in which, after taking the ben-
9 efit increase or new benefits into account, the cur-
10 rent funded ratio is less than 140 percent or the
11 projected funded ratio is less than 140 percent, the
12 benefit increase or new benefits are projected by the
13 plan actuary to increase the present value of the
14 plan’s liabilities for the plan year by not more than
15 3 percent, and

16 “(4) expected contributions for the current plan
17 year are at least 120 percent of normal cost for the
18 plan year, determined using the unit credit funding
19 method and treating the benefit increase or new ben-
20 efits as in effect for the entire plan year.

21 “(b) ADDITIONAL REQUIREMENTS WHERE CORE
22 BENEFITS REDUCED.—If a plan has been amended to re-
23 duce core benefits pursuant to a realignment program
24 under section 439(a)(2)(D), such plan may not be subse-

1 quently amended to increase core benefits unless the
2 amendment—

3 “(1) increases the level of future benefit pay-
4 ments only, and

5 “(2) provides for an equitable distribution of
6 benefit increases across the participant and bene-
7 ficiary population, taking into account the extent to
8 which the benefits of participants were previously re-
9 duced pursuant to such realignment program.

10 “(c) EXCEPTION TO COMPLY WITH APPLICABLE
11 LAW.—Subsection (a) shall not apply in connection with
12 a plan amendment if the amendment is required as a con-
13 dition of qualification under part I of subchapter D of
14 chapter 1 or to comply with other applicable law.

15 “(d) EXCEPTION WHERE MAXIMUM DEDUCTIBLE
16 LIMIT APPLIES.—Subsection (a) shall not apply in con-
17 nection with a plan amendment if and to the extent that
18 contributions to the composite plan would not be deduct-
19 ible for the plan year under section 404(a)(1)(E) if the
20 plan amendment is not adopted. The Secretary of the
21 Treasury shall issue regulations to implement this para-
22 graph.

23 “(e) EXCEPTION FOR CERTAIN BENEFIT MODIFICA-
24 TIONS.—Subsection (a) shall not apply in connection with

1 a plan amendment under section 439(a)(5)(C), regarding
 2 conditional benefit modifications.

3 “(f) TREATMENT OF PLAN AMENDMENTS.—For pur-
 4 poses of this section—

5 “(1) if two or more plan amendments increas-
 6 ing benefits or establishing new benefits are adopted
 7 in a plan year, such amendments shall be treated as
 8 a single amendment adopted on the last day of the
 9 plan year,

10 “(2) all benefit increases and new benefits
 11 adopted in a single amendment are treated as a sin-
 12 gle benefit increase, irrespective of whether the in-
 13 creases and new benefits take effect in more than
 14 one plan year, and

15 “(3) increases in contributions or decreases in
 16 plan liabilities which are scheduled to take effect in
 17 future plan years may be taken into account in con-
 18 nection with a plan amendment if they have been
 19 agreed to in writing or otherwise formalized by the
 20 date the plan amendment is adopted.

21 **“SEC. 440A. COMPOSITE PLAN RESTRICTIONS TO PRE-**
 22 **SERVE LEGACY PLAN FUNDING.**

23 “(a) TREATMENT AS A LEGACY PLAN.—

24 “(1) IN GENERAL.—For purposes of this sub-
 25 chapter, a defined benefit plan shall be treated as a

1 legacy plan with respect to the composite plan under
2 which the employees who were eligible to accrue a
3 benefit under the defined benefit plan become eligi-
4 ble to accrue a benefit under such composite plan.

5 “(2) COMPONENT PLANS.—In any case in
6 which a defined benefit plan is amended to add a
7 composite plan component pursuant to section
8 437(b), paragraph (1) shall be applied by sub-
9 stituting ‘defined benefit component’ for ‘defined
10 benefit plan’ and ‘composite plan component’ for
11 ‘composite plan’.

12 “(3) ELIGIBLE TO ACCRUE A BENEFIT.—For
13 purposes of paragraph (1), an employee is consid-
14 ered eligible to accrue a benefit under a composite
15 plan as of the first day in which the employee com-
16 pletes an hour of service under a collective bar-
17 gaining agreement that provides for contributions to
18 and accruals under the composite plan in lieu of ac-
19 cruals under the legacy plan.

20 “(4) COLLECTIVE BARGAINING AGREEMENT.—
21 As used in this subpart, the term ‘collective bar-
22 gaining agreement’ includes any agreement under
23 which an employer has an obligation to contribute to
24 a plan.

1 “(5) OTHER TERMS.—Any term used in this
 2 subpart which is not defined in this part and which
 3 is also used in section 432 shall have the same
 4 meaning provided such term in such section.

5 “(b) RESTRICTIONS ON ACCEPTANCE BY COMPOSITE
 6 PLAN OF AGREEMENTS AND CONTRIBUTIONS.—

7 “(1) IN GENERAL.—The plan sponsor of a com-
 8 posite plan shall not accept or recognize a collective
 9 bargaining agreement (or any modification to such
 10 agreement), and no contributions may be accepted
 11 and no benefits may be accrued or otherwise earned
 12 under the agreement—

13 “(A) in any case in which the plan actuary
 14 of any defined benefit plan that would be treat-
 15 ed as a legacy plan with respect to such com-
 16 posite plan has certified under section
 17 432(b)(3) that such defined benefit plan is or
 18 will be in critical status for the plan year in
 19 which such agreement would take effect or for
 20 any of the succeeding 5 plan years, and

21 “(B) unless the agreement requires each
 22 employer who is a party to such agreement, in-
 23 cluding employers whose employees are not par-
 24 ticipants in the legacy plan, to provide contribu-
 25 tions to the legacy plan with respect to such

1 composite plan in a manner that satisfies the
2 transition contribution requirements of sub-
3 section (d).

4 “(2) NOTICE.—Not later than 30 days after a
5 determination by a plan sponsor of a composite plan
6 that an agreement fails to satisfy the requirements
7 described in paragraph (1), the plan sponsor shall
8 provide notification of such failure and the reasons
9 for such determination to—

10 “(A) the parties to the agreement,

11 “(B) active participants of the composite
12 plan who have ceased to accrue or otherwise
13 earn benefits with respect to service with an
14 employer pursuant to paragraph (1), and

15 “(C) the Secretary of Labor, the Secretary
16 of the Treasury, and the Pension Benefit Guar-
17 anty Corporation.

18 “(3) LIMITATION ON RETROACTIVE EFFECT.—
19 This subsection shall not apply to benefits accrued
20 before the date on which notice is provided under
21 paragraph (2).

22 “(c) RESTRICTION ON ACCRUAL OF BENEFITS
23 UNDER A COMPOSITE PLAN.—

24 “(1) IN GENERAL.—In any case in which an
25 employer, under a collective bargaining agreement

1 entered into after the date of enactment of the Giv-
2 ing Retirement Options to Workers Act of 2020,
3 ceases to have an obligation to contribute to a multi-
4 employer defined benefit plan, no employees em-
5 ployed by the employer may accrue or otherwise earn
6 benefits under any composite plan, with respect to
7 service with that employer, for a 60-month period
8 beginning on the date on which the employer entered
9 into such collective bargaining agreement.

10 “(2) NOTICE OF CESSATION OF OBLIGATION.—

11 Within 30 days of determining that an employer has
12 ceased to have an obligation to contribute to a leg-
13 acy plan with respect to employees employed by an
14 employer that is or will be contributing to a com-
15 posite plan with respect to service of such employees,
16 the plan sponsor of the legacy plan shall notify the
17 plan sponsor of the composite plan of that cessation.

18 “(3) NOTICE OF CESSATION OF ACCRUALS.—

19 Not later than 30 days after determining that an
20 employer has ceased to have an obligation to con-
21 tribute to a legacy plan, the plan sponsor of the
22 composite plan shall notify the bargaining parties,
23 the active participants affected by the cessation of
24 accruals, the Secretary, the Secretary of Labor, and
25 the Pension Benefit Guaranty Corporation of the

1 cessation of accruals, the period during which such
 2 cessation is in effect, and the reasons therefor.

3 “(4) LIMITATION ON RETROACTIVE EFFECT.—

4 This subsection shall not apply to benefits accrued
 5 before the date on which notice is provided under
 6 paragraph (3).

7 “(d) TRANSITION CONTRIBUTION REQUIREMENTS.—

8 “(1) IN GENERAL.—A collective bargaining
 9 agreement satisfies the transition contribution re-
 10 quirements of this subsection if the agreement—

11 “(A) authorizes for payment of contribu-
 12 tions to a legacy plan at a rate or rates equal
 13 to or greater than the transition contribution
 14 rate established under paragraph (2), and

15 “(B) does not provide for—

16 “(i) a suspension of contributions to
 17 the legacy plan with respect to any period
 18 of service, or

19 “(ii) any new direct or indirect exclu-
 20 sion of younger or newly hired employees
 21 of the employer from being taken into ac-
 22 count in determining contributions owed to
 23 the legacy plan.

24 “(2) TRANSITION CONTRIBUTION RATE.—

1 “(A) IN GENERAL.—The transition con-
2 tribution rate for a plan year is the contribution
3 rate that, as certified by the actuary of the leg-
4 acy plan in accordance with the principles in
5 section 432(b)(3)(B), is reasonably expected to
6 be adequate—

7 “(i) to fund the normal cost for the
8 plan year,

9 “(ii) to amortize the plan’s unfunded
10 liabilities in level annual installments over
11 25 years, beginning with the plan year in
12 which the transition contribution rate is
13 first established, and

14 “(iii) to amortize any subsequent
15 changes in the legacy plan’s unfunded li-
16 ability due to experience gains or losses
17 (including investment gains or losses, gains
18 or losses due to contributions greater or
19 less than the contributions made under the
20 prior transition contribution rate, and
21 other actuarial gains or losses), changes in
22 actuarial assumptions, changes to the leg-
23 acy plan’s benefits, or changes in funding
24 method over a period of 15 plan years be-

1 ginning with the plan year in which such
2 change in unfunded liability is incurred.

3 The transition contribution rate for any plan
4 year may not be less than the transition con-
5 tribution rate for the plan year in which such
6 rate is first established.

7 “(B) MULTIPLE RATES.—If different rates
8 of contribution are payable to the legacy plan
9 by different employers or for different classes of
10 employees, the certification shall specify a tran-
11 sition contribution rate for each such employer.

12 “(C) RATE APPLICABLE TO EMPLOYER.—

13 “(i) IN GENERAL.—Except as pro-
14 vided by clause (ii), the transition con-
15 tribution rate applicable to an employer for
16 a plan year is the rate in effect for the
17 plan year of the legacy plan that com-
18 mences on or after 180 days before the
19 earlier of—

20 “(I) the effective date of the col-
21 lective bargaining agreement pursuant
22 to which the employer contributes to
23 the legacy plan, or

24 “(II) 5 years after the last plan
25 year for which the transition contribu-

1 tion rate applicable to the employer
2 was established or updated.

3 “(ii) EXCEPTION.—The transition
4 contribution rate applicable to an employer
5 for the first plan year beginning on or
6 after the commencement of the employer’s
7 obligation to contribute to the composite
8 plan is the rate in effect for the plan year
9 of the legacy plan that commences on or
10 after 180 days before such first plan year.

11 “(D) EFFECT OF LEGACY PLAN FINANCIAL
12 CIRCUMSTANCES.—If the plan actuary of the
13 legacy plan has certified under section 432 that
14 the plan is in endangered or critical status for
15 a plan year, the transition contribution rate for
16 the following plan year is the rate determined
17 with respect to the employer under the legacy
18 plan’s funding improvement or rehabilitation
19 plan under section 432, if greater than the rate
20 otherwise determined, but in no event greater
21 than 75 percent of the sum of the contribution
22 rates applicable to the legacy plan and the com-
23 posite plan for the plan year.

24 “(E) OTHER ACTUARIAL ASSUMPTIONS
25 AND METHODS.—Except as provided in sub-

1 paragraph (A), the determination of the transi-
2 tion contribution rate for a plan year shall be
3 based on actuarial assumptions and methods
4 consistent with the minimum funding deter-
5 minations made under section 431 (or, if appli-
6 cable, section 432) with respect to the legacy
7 plan for the plan year.

8 “(F) ADJUSTMENTS IN RATE.—The plan
9 sponsor of a legacy plan from time to time may
10 adjust the transition contribution rate or rates
11 applicable to an employer under this paragraph
12 by increasing some rates and decreasing others
13 if the actuary certifies that such adjusted rates
14 in combination will produce projected contribu-
15 tion income for the plan year beginning on or
16 after the date of certification that is not less
17 than would be produced by the transition con-
18 tribution rates in effect at the time of the cer-
19 tification.

20 “(G) NOTICE OF TRANSITION CONTRIBU-
21 TION RATE.—The plan sponsor of a legacy plan
22 shall provide notice to the parties to collective
23 bargaining agreements pursuant to which con-
24 tributions are made to the legacy plan of
25 changes to the transition contribution rate re-

1 quirements at least 30 days before the begin-
2 ning of the plan year for which the rate is effec-
3 tive.

4 “(H) NOTICE TO COMPOSITE PLAN SPON-
5 SOR.—Not later than 30 days after a deter-
6 mination by the plan sponsor of a legacy plan
7 that a collective bargaining agreement provides
8 for a rate of contributions that is below the
9 transition contribution rate applicable to one or
10 more employers that are parties to the collective
11 bargaining agreement, the plan sponsor of the
12 legacy plan shall notify the plan sponsor of any
13 composite plan under which employees of such
14 employer would otherwise be eligible to accrue
15 a benefit.

16 “(3) CORRECTION PROCEDURES.—Pursuant to
17 standards prescribed by the Secretary of Labor, the
18 plan sponsor of a composite plan shall adopt rules
19 and procedures that give the parties to the collective
20 bargaining agreement notice of the failure of such
21 agreement to satisfy the transition contribution re-
22 quirements of this subsection, and a reasonable op-
23 portunity to correct such failure, not to exceed 180
24 days from the date of notice given under subsection
25 (b)(2).

1 “(4) SUPPLEMENTAL CONTRIBUTIONS.—A col-
2 lective bargaining agreement may provide for supple-
3 mental contributions to the legacy plan for a plan
4 year in excess of the transition contribution rate de-
5 termined under paragraph (2), regardless of whether
6 the legacy plan is in endangered or critical status for
7 such plan year.

8 “(e) NONAPPLICATION OF COMPOSITE PLAN RE-
9 STRICTIONS.—

10 “(1) IN GENERAL.—The provisions of sub-
11 sections (a), (b), and (c) shall not apply with respect
12 to a collective bargaining agreement, to the extent
13 the agreement, or a predecessor agreement, provides
14 or provided for contributions to a defined benefit
15 plan that is a legacy plan, as of the first day of the
16 first plan year following a plan year for which the
17 plan actuary certifies that the plan is fully funded,
18 has been fully funded for at least three out of the
19 immediately preceding 5 plan years, and is projected
20 to remain fully funded for at least the following 4
21 plan years.

22 “(2) DETERMINATION OF FULLY FUNDED.—A
23 plan is fully funded for purposes of paragraph (1)
24 if, as of the valuation date of the plan for a plan
25 year, the value of the plan’s assets equals or exceeds

1 the present value of the plan’s liabilities, determined
 2 in accordance with the rules prescribed by the Pen-
 3 sion Benefit Guaranty Corporation under sections
 4 4219(c)(1)(D) and 4281 of Employee Retirement
 5 Income and Security Act for multiemployer plans
 6 terminating by mass withdrawal, as in effect for the
 7 date of the determination, except the plan’s reason-
 8 able assumption regarding the starting date of bene-
 9 fits may be used.

10 “(3) OTHER APPLICABLE RULES.—Except as
 11 provided in paragraph (2), actuarial determinations
 12 and projections under this section shall be based on
 13 the rules in section 432(b)(3) and section 438(b).

14 **“SEC. 440B. MERGERS AND ASSET TRANSFERS OF COM-**
 15 **POSITE PLANS.**

16 “(a) IN GENERAL.—Assets and liabilities of a com-
 17 posite plan may only be merged with, or transferred to,
 18 another plan if—

19 “(1) the other plan is a composite plan,

20 “(2) the plan or plans resulting from the merg-
 21 er or transfer is a composite plan,

22 “(3) no participant’s accrued benefit or adjust-
 23 able benefit is lower immediately after the trans-
 24 action than it was immediately before the trans-
 25 action, and

1 “(4) the value of the assets transferred in the
2 case of a transfer reasonably reflects the value of the
3 amounts contributed with respect to the participants
4 whose benefits are being transferred, adjusted for al-
5 locable distributions, investment gains and losses,
6 and administrative expenses.

7 “(b) LEGACY PLAN.—

8 “(1) IN GENERAL.—After a merger or transfer
9 involving a composite plan, the legacy plan with re-
10 spect to an employer that is obligated to contribute
11 to the resulting composite plan is the legacy plan
12 that applied to that employer immediately before the
13 merger or transfer.

14 “(2) MULTIPLE LEGACY PLANS.—If an em-
15 ployer is obligated to contribute to more than one
16 legacy plan with respect to employees eligible to ac-
17 cruce benefits under more than one composite plan
18 and there is a merger or transfer of such legacy
19 plans, the transition contribution rate applicable to
20 the legacy plan resulting from the merger or trans-
21 fer with respect to that employer shall be determined
22 in accordance with the provisions of section
23 440A(d)(2)(B).”.

24 “(2) CLERICAL AMENDMENT.—The table of sub-
25 parts for part III of subchapter D of chapter 1 of

1 the Internal Revenue Code of 1986 is amended by
 2 adding at the end the following new item:

“SUBPART C. COMPOSITE PLANS AND LEGACY PLANS”.

3 (c) EFFECTIVE DATE.—The amendments made by
 4 this section shall apply to plan years beginning after the
 5 date of the enactment of this Act.

6 **SEC. 103. APPLICATION OF CERTAIN REQUIREMENTS TO**
 7 **COMPOSITE PLANS.**

8 (a) AMENDMENTS TO THE EMPLOYEE RETIREMENT
 9 INCOME SECURITY ACT OF 1974.—

10 (1) TREATMENT FOR PURPOSES OF FUNDING
 11 NOTICES.—Section 101(f) of the Employee Retirement
 12 Income Security Act of 1974 (29 U.S.C.
 13 1021(f)) is amended—

14 (A) in paragraph (1) by striking “title IV
 15 applies” and inserting “title IV applies or which
 16 is a composite plan”; and

17 (B) by adding at the end the following:

18 “(5) APPLICATION TO COMPOSITE PLANS.—The
 19 provisions of this subsection shall apply to a com-
 20 posite plan only to the extent prescribed by the Sec-
 21 retary in regulations that take into account the dif-
 22 ferences between a composite plan and a defined
 23 benefit plan that is a multiemployer plan.”.

24 (2) TREATMENT FOR PURPOSES OF ANNUAL
 25 REPORT.—Section 103 of the Employee Retirement

1 Income Security Act of 1974 (29 U.S.C. 1023) is
2 amended—

3 (A) in subsection (d) by adding at the end
4 the following sentence: “The provisions of this
5 subsection shall apply to a composite plan only
6 to the extent prescribed by the Secretary in reg-
7 ulations that take into account the differences
8 between a composite plan and a defined benefit
9 plan that is a multiemployer plan.”;

10 (B) in subsection (f) by adding at the end
11 the following:

12 “(3) ADDITIONAL INFORMATION FOR COM-
13 POSITE PLANS.—With respect to any composite
14 plan—

15 “(A) the provisions of paragraph (1)(A)
16 shall apply by substituting ‘current funded ratio
17 and projected funded ratio (as such terms are
18 defined in section 802(a)(2))’ for ‘funded per-
19 centage’ each place it appears; and

20 “(B) the provisions of paragraph (2) shall
21 apply only to the extent prescribed by the Sec-
22 retary in regulations that take into account the
23 differences between a composite plan and a de-
24 fined benefit plan that is a multiemployer
25 plan.”; and

1 (C) by adding at the end the following:

2 “(h) COMPOSITE PLANS.—A multiemployer plan that
3 incorporates the features of a composite plan as provided
4 in section 801(b) shall be treated as a single plan for pur-
5 poses of the report required by this section, except that
6 separate financial statements and actuarial statements
7 shall be provided under paragraphs (3) and (4) of sub-
8 section (a) for the defined benefit plan component and for
9 the composite plan component of the multiemployer
10 plan.”.

11 (3) TREATMENT FOR PURPOSES OF PENSION
12 BENEFIT STATEMENTS.—Section 105(a) of the Em-
13 ployee Retirement Income Security Act of 1974 (29
14 U.S.C. 1025(a)) is amended by adding at the end
15 the following:

16 “(4) COMPOSITE PLANS.—For purposes of this
17 subsection, a composite plan shall be treated as a
18 defined benefit plan to the extent prescribed by the
19 Secretary in regulations that take into account the
20 differences between a composite plan and a defined
21 benefit plan that is a multiemployer plan.”.

22 (b) AMENDMENTS TO THE INTERNAL REVENUE
23 CODE OF 1986.—Section 6058 of the Internal Revenue
24 Code of 1986 is amended by redesignating subsection (f)

1 as subsection (g) and by inserting after subsection (e) the
2 following:

3 “(f) COMPOSITE PLANS.—A multiemployer plan that
4 incorporates the features of a composite plan as provided
5 in section 437(b) shall be treated as a single plan for pur-
6 poses of the return required by this section, except that
7 separate financial statements shall be provided for the de-
8 fined benefit plan component and for the composite plan
9 component of the multiemployer plan.”.

10 (c) EFFECTIVE DATE.—The amendments made by
11 this section shall apply to plan years beginning after the
12 date of the enactment of this Act.

13 **SEC. 104. TREATMENT OF COMPOSITE PLANS UNDER TITLE**
14 **IV.**

15 (a) DEFINITION.—Section 4001(a) of the Employee
16 Retirement Income Security Act of 1974 (29 U.S.C.
17 1301(a)) is amended by striking the period at the end of
18 paragraph (21) and inserting a semicolon and by adding
19 at the end the following:

20 “(22) COMPOSITE PLAN.—The term ‘composite
21 plan’ has the meaning set forth in section 801.”.

22 (b) COMPOSITE PLANS DISREGARDED FOR CALCULATING PREMIUMS.—Section 4006(a) of such Act (29
23 U.S.C. 1306(a)) is amended by adding at the end the fol-
24 lowing:
25

1 “(9) The composite plan component of a multi-
2 employer plan shall be disregarded in determining
3 the premiums due under this section from the multi-
4 employer plan.”.

5 (c) COMPOSITE PLANS NOT COVERED.—Section
6 4021(b)(1) of such Act (29 U.S.C. 1321(b)(1)) is amend-
7 ed by striking “Act” and inserting “Act, or a composite
8 plan, as defined in paragraph (43) of section 3 of this
9 Act”.

10 (d) NO WITHDRAWAL LIABILITY.—Section 4201 of
11 such Act (29 U.S.C. 1381) is amended by adding at the
12 end the following:

13 “(c) Contributions by an employer to the composite
14 plan component of a multiemployer plan shall not be taken
15 into account for any purpose under this title.”.

16 (e) NO WITHDRAWAL LIABILITY FOR CERTAIN
17 PLANS.—Section 4201 of such Act (29 U.S.C. 1381) is
18 further amended by adding at the end the following:

19 “(d) Contributions by an employer to a multiem-
20 ployer plan described in the except clause of section 3(35)
21 of this Act pursuant to a collective bargaining agreement
22 that specifically designates that such contributions shall
23 be allocated to the separate defined contribution accounts
24 of participants under the plan shall not be taken into ac-
25 count with respect to the defined benefit portion of the

1 plan for any purpose under this title (including the deter-
 2 mination of the employer’s highest contribution rate under
 3 section 4219), even if, under the terms of the plan, partici-
 4 pants have the option to transfer assets in their separate
 5 defined contribution accounts to the defined benefit por-
 6 tion of the plan in return for service credit under the de-
 7 fined benefit portion, at rates established by the plan
 8 sponsor.

9 “(e) A legacy plan created under section 805 shall
 10 be deemed to have no unfunded vested benefits for pur-
 11 poses of this part, for each plan year following a period
 12 of 5 consecutive plan years for which—

13 “(1) the plan was fully funded within the mean-
 14 ing of section 805 for at least 3 of the plan years
 15 during that period, ending with a plan year for
 16 which the plan is fully funded;

17 “(2) the plan had no unfunded vested benefits
 18 for at least 3 of the plan years during that period,
 19 ending with a plan year for which the plan is fully
 20 funded; and

21 “(3) the plan is projected to be fully funded
 22 and to have no unfunded vested benefits for the fol-
 23 lowing four plan years.”.

24 (f) NO WITHDRAWAL LIABILITY FOR EMPLOYERS
 25 CONTRIBUTING TO CERTAIN FULLY FUNDED LEGACY

1 PLANS.—Section 4211 of such Act (29 U.S.C. 1382) is
2 amended by adding at the end the following:

3 “(g) No amount of unfunded vested benefits shall be
4 allocated to an employer that has an obligation to con-
5 tribute to a legacy plan described in subsection (e) of sec-
6 tion 4201 for each plan year for which such subsection
7 applies.”.

8 (g) NO OBLIGATION TO CONTRIBUTE.—Section
9 4212 of such Act (29 U.S.C. 1392) is amended by adding
10 at the end the following:

11 “(d) NO OBLIGATION TO CONTRIBUTE.—An em-
12 ployer shall not be treated as having an obligation to con-
13 tribute to a multiemployer defined benefit plan within the
14 meaning of subsection (a) solely because—

15 “(1) in the case of a multiemployer plan that
16 includes a composite plan component, the employer
17 has an obligation to contribute to the composite plan
18 component of the plan;

19 “(2) the employer has an obligation to con-
20 tribute to a composite plan that is maintained pur-
21 suant to one or more collective bargaining agree-
22 ments under which the multiemployer defined ben-
23 efit plan is or previously was maintained; or

24 “(3) the employer contributes or has contrib-
25 uted under section 805(d) to a legacy plan associ-

1 ated with a composite plan pursuant to a collective
2 bargaining agreement but employees of that em-
3 ployer were not eligible to accrue benefits under the
4 legacy plan with respect to service with that em-
5 ployer.”.

6 (h) NO INFERENCE.—Nothing in the amendment
7 made by subsection (e) shall be construed to create an in-
8 ference with respect to the treatment under title IV of the
9 Employee Retirement Income Security Act of 1974, as in
10 effect before such amendment, of contributions by an em-
11 ployer to a multiemployer plan described in the except
12 clause of section 3(35) of such Act that are made before
13 the effective date of subsection (e) specified in subsection
14 (h)(2).

15 (i) EFFECTIVE DATE.—

16 (1) IN GENERAL.—Except as provided in sub-
17 paragraph (2), the amendments made by this section
18 shall apply to plan years beginning after the date of
19 the enactment of this Act.

20 (2) SPECIAL RULE FOR SECTION 414(k) MULTI-
21 EMPLOYER PLANS.—The amendment made by sub-
22 section (e) shall apply only to required contributions
23 payable for plan years beginning after the date of
24 the enactment of this Act.

1 **SEC. 105. CONFORMING CHANGES.**

2 (a) DEFINITIONS.—Section 3 of the Employee Re-
3 tirement Income Security Act of 1974 (29 U.S.C. 1002)
4 is amended—

5 (1) in paragraph (35), by inserting “or a com-
6 posite plan” after “other than an individual account
7 plan”; and

8 (2) by adding at the end the following:

9 “(43) The term ‘composite plan’ has the mean-
10 ing given the term in section 801(a).”.

11 (b) SPECIAL FUNDING RULE FOR CERTAIN LEGACY
12 PLANS.—

13 (1) AMENDMENT TO EMPLOYEE RETIREMENT
14 INCOME SECURITY ACT OF 1974.—Section 304(b) of
15 the Employee Retirement Income Security Act of
16 1974 (29 U.S.C. 1084(b)) is amended by adding at
17 the end the following:

18 “(9) SPECIAL FUNDING RULE FOR CERTAIN
19 LEGACY PLANS.—In the case of a multiemployer de-
20 fined benefit plan that has adopted an amendment
21 under section 801(b), in accordance with which no
22 further benefits shall accrue under the multiem-
23 ployer defined benefit plan, the plan sponsor may
24 combine the outstanding balance of all charge and
25 credit bases and amortize that combined base in
26 level annual installments (until fully amortized) over

1 a period of 25 plan years beginning with the plan
2 year following the date all benefit accruals ceased.”.

3 (2) AMENDMENT TO INTERNAL REVENUE CODE
4 OF 1986.—Section 431(b) of the Internal Revenue
5 Code of 1986 is amended by adding at the end the
6 following:

7 “(9) SPECIAL FUNDING RULE FOR CERTAIN
8 LEGACY PLANS.—In the case of a multiemployer de-
9 fined benefit plan that has adopted an amendment
10 under section 437(b), in accordance with which no
11 further benefits shall accrue under the multiem-
12 ployer defined benefit plan, the plan sponsor may
13 combine the outstanding balance of all charge and
14 credit bases and amortize that combined base in
15 level annual installments (until fully amortized) over
16 a period of 25 plan years beginning with the plan
17 year following the date on which all benefit accruals
18 ceased.”.

19 (c) BENEFITS AFTER MERGER, CONSOLIDATION, OR
20 TRANSFER OF ASSETS.—

21 (1) AMENDMENT TO EMPLOYEE RETIREMENT
22 INCOME SECURITY ACT OF 1974.—Section 208 of the
23 Employee Retirement Income Security Act of 1974
24 (29 U.S.C. 1058) is amended—

1 (A) by striking so much of the first sen-
 2 tence as precedes “may not merge” and insert-
 3 ing the following:

4 “(1) IN GENERAL.—Except as provided in para-
 5 graph (2), a pension plan may not merge, and”; and

6 (B) by striking the second sentence and
 7 adding at the end the following:

8 “(2) SPECIAL REQUIREMENTS FOR MULTIEM-
 9 PLOYER PLANS.—Paragraph (1) shall not apply to
 10 any transaction to the extent that participants either
 11 before or after the transaction are covered under a
 12 multiemployer plan to which title IV of this Act ap-
 13 plies or a composite plan.”.

14 (2) AMENDMENTS TO INTERNAL REVENUE
 15 CODE OF 1986.—

16 (A) QUALIFICATION REQUIREMENT.—Sec-
 17 tion 401(a)(12) of the Internal Revenue Code
 18 of 1986 is amended—

19 (i) by striking “(12) A trust” and in-
 20 serting the following:

21 “(12) BENEFITS AFTER MERGER, CONSOLIDA-
 22 TION, OR TRANSFER OF ASSETS.—

23 “(A) IN GENERAL.—Except as provided in
 24 subparagraph (B), a trust”;

1 (ii) by striking the second sentence;

2 and

3 (iii) by adding at the end the fol-
4 lowing:

5 “(B) SPECIAL REQUIREMENTS FOR MULTI-
6 EMPLOYER PLANS.—Subparagraph (A) shall
7 not apply to any multiemployer plan with re-
8 spect to any transaction to the extent that par-
9 ticipants either before or after the transaction
10 are covered under a multiemployer plan to
11 which title IV of the Employee Retirement In-
12 come Security Act of 1974 applies or a com-
13 posite plan.”.

14 (B) ADDITIONAL QUALIFICATION REQUIRE-
15 MENT.—Paragraph (1) of section 414(l) of such
16 Code is amended—

17 (i) by striking “(1) IN GENERAL” and
18 all that follows through “shall not con-
19 stitute” and inserting the following:

20 “(1) BENEFIT PROTECTIONS: MERGER, CON-
21 SOLIDATION, TRANSFER.—

22 “(A) IN GENERAL.—Except as provided in
23 subparagraph (B), a trust which forms a part
24 of a plan shall not constitute”; and

1 (ii) by striking the second sentence;

2 and

3 (iii) by adding at the end the fol-
4 lowing:

5 “(B) SPECIAL REQUIREMENTS FOR MULTI-
6 EMPLOYER PLANS.—Subparagraph (A) does not
7 apply to any multiemployer plan with respect to
8 any transaction to the extent that participants
9 either before or after the transaction are cov-
10 ered under a multiemployer plan to which title
11 IV of the Employee Retirement Income Secu-
12 rity Act of 1974 applies or a composite plan.”.

13 (d) REQUIREMENTS FOR STATUS AS A QUALIFIED
14 PLAN.—

15 (1) REQUIREMENT THAT ACTUARIAL ASSUMP-
16 TIONS BE SPECIFIED.—Section 401(a)(25) of the In-
17 ternal Revenue Code of 1986 is amended by insert-
18 ing “(in the case of a composite plan, benefits objec-
19 tively calculated pursuant to a formula)” after “defi-
20 nitely determinable benefits”.

21 (2) MISSING PARTICIPANTS IN TERMINATING
22 COMPOSITE PLAN.—Section 401(a)(34) of the Inter-
23 nal Revenue Code of 1986 is amended by striking “,
24 a trust” and inserting “or a composite plan, a
25 trust”.

1 (e) DEDUCTION FOR CONTRIBUTIONS TO A QUALI-
 2 FIED PLAN.—Section 404(a)(1) of the Internal Revenue
 3 Code of 1986 is amended by redesignating subparagraph
 4 (E) as subparagraph (F) and by inserting after subpara-
 5 graph (D) the following:

6 “(E) COMPOSITE PLANS.—

7 “(i) IN GENERAL.—In the case of a
 8 composite plan, subparagraph (D) shall
 9 not apply and the maximum amount de-
 10 ductible for a plan year shall be the excess
 11 (if any) of—

12 “(I) 160 percent of the greater
 13 of—

14 “(aa) the current liability of
 15 the plan determined in accord-
 16 ance with the principles of sec-
 17 tion 431(c)(6)(D), or

18 “(bb) the present value of
 19 plan liabilities as determined
 20 under section 438, over

21 “(II) the fair market value of the
 22 plan’s assets, projected to the end of
 23 the plan year.

1 “(ii) SPECIAL RULES FOR PREDE-
2 CESSOR MULTIEMPLOYER PLAN TO COM-
3 POSITE PLAN.—

4 “(I) IN GENERAL.—Except as
5 provided in subclause (II), if an em-
6 ployer contributes to a composite plan
7 with respect to its employees, con-
8 tributions by that employer to a mul-
9 tiemployer defined benefit plan with
10 respect to some or all of the same
11 group of employees shall be deductible
12 under sections 162 and this section,
13 subject to the limits in subparagraph
14 (D).

15 “(II) TRANSITION CONTRIBU-
16 TION.—The full amount of a contribu-
17 tion to satisfy the transition contribu-
18 tion requirement (as defined in sec-
19 tion 440A(d)) and allocated to the
20 legacy defined benefit plan for the
21 plan year shall be deductible for the
22 employer’s taxable year ending with or
23 within the plan year.”.

24 (f) MINIMUM VESTING STANDARDS.—

1 (1) YEARS OF SERVICE UNDER COMPOSITE
2 PLANS.—

3 (A) EMPLOYEE RETIREMENT INCOME SE-
4 CURITY ACT OF 1974.—Section 203 of the Em-
5 ployee Retirement Income Security Act of 1974
6 (29 U.S.C. 1053) is amended by inserting after
7 subsection (f) the following:

8 “(g) SPECIAL RULES FOR COMPUTING YEARS OF
9 SERVICE UNDER COMPOSITE PLANS.—

10 “(1) IN GENERAL.—In determining a qualified
11 employee’s years of service under a composite plan
12 for purposes of this section, the employee’s years of
13 service under a legacy plan shall be treated as years
14 of service earned under the composite plan. For pur-
15 poses of such determination, a composite plan shall
16 not be treated as a defined benefit plan pursuant to
17 section 801(d).

18 “(2) QUALIFIED EMPLOYEE.—For purposes of
19 this subsection, an employee is a qualified employee
20 if the employee first completes an hour of service
21 under the composite plan (determined without re-
22 gard to the provisions of this subsection) within the
23 12-month period immediately preceding or the 24-
24 month period immediately following the date the em-

1 employee ceased to accrue benefits under the legacy
2 plan.

3 “(3) CERTIFICATION OF YEARS OF SERVICE.—

4 For purposes of paragraph (1), the plan sponsor of
5 the composite plan shall rely on a written certifi-
6 cation by the plan sponsor of the legacy plan of the
7 years of service the qualified employee completed
8 under the defined benefit plan as of the date the em-
9 ployee satisfies the requirements of paragraph (2),
10 disregarding any years of service that had been for-
11 feited under the rules of the defined benefit plan be-
12 fore that date.

13 “(h) SPECIAL RULES FOR COMPUTING YEARS OF
14 SERVICE UNDER LEGACY PLANS.—

15 “(1) IN GENERAL.—In determining a qualified
16 employee’s years of service under a legacy plan for
17 purposes of this section, and in addition to any serv-
18 ice under applicable regulations, the employee’s
19 years of service under a composite plan shall be
20 treated as years of service earned under the legacy
21 plan. For purposes of such determination, a com-
22 posite plan shall not be treated as a defined benefit
23 plan pursuant to section 801(d).

24 “(2) QUALIFIED EMPLOYEE.—For purposes of
25 this subsection, an employee is a qualified employee

1 if the employee first completes an hour of service
 2 under the composite plan (determined without re-
 3 gard to the provisions of this subsection) within the
 4 12-month period immediately preceding or the 24-
 5 month period immediately following the date the em-
 6 ployee ceased to accrue benefits under the legacy
 7 plan.

8 “(3) CERTIFICATION OF YEARS OF SERVICE.—
 9 For purposes of paragraph (1), the plan sponsor of
 10 the legacy plan shall rely on a written certification
 11 by the plan sponsor of the composite plan of the
 12 years of service the qualified employee completed
 13 under the composite plan after the employee satisfies
 14 the requirements of paragraph (2), disregarding any
 15 years of service that has been forfeited under the
 16 rules of the composite plan.”.

17 (B) INTERNAL REVENUE CODE OF 1986.—
 18 Section 411(a) of the Internal Revenue Code of
 19 1986 is amended by adding at the end the fol-
 20 lowing:

21 “(14) SPECIAL RULES FOR DETERMINING
 22 YEARS OF SERVICE UNDER COMPOSITE PLANS.—

23 “(A) IN GENERAL.—In determining a
 24 qualified employee’s years of service under a
 25 composite plan for purposes of this subsection,

1 the employee's years of service under a legacy
2 plan shall be treated as years of service earned
3 under the composite plan. For purposes of such
4 determination, a composite plan shall not be
5 treated as a defined benefit plan pursuant to
6 section 437(d).

7 “(B) QUALIFIED EMPLOYEE.—For pur-
8 poses of this paragraph, an employee is a quali-
9 fied employee if the employee first completes an
10 hour of service under the composite plan (deter-
11 mined without regard to the provisions of this
12 paragraph) within the 12-month period imme-
13 diately preceding or the 24-month period imme-
14 diately following the date the employee ceased
15 to accrue benefits under the legacy plan.

16 “(C) CERTIFICATION OF YEARS OF SERV-
17 ICE.—For purposes of subparagraph (A), the
18 plan sponsor of the composite plan shall rely on
19 a written certification by the plan sponsor of
20 the legacy plan of the years of service the quali-
21 fied employee completed under the legacy plan
22 as of the date the employee satisfies the re-
23 quirements of subparagraph (B), disregarding
24 any years of service that had been forfeited

1 under the rules of the defined benefit plan be-
2 fore that date.

3 “(15) SPECIAL RULES FOR COMPUTING YEARS
4 OF SERVICE UNDER LEGACY PLANS.—

5 “(A) IN GENERAL.—In determining a
6 qualified employee’s years of service under a
7 legacy plan for purposes of this section, and in
8 addition to any service under applicable regula-
9 tions, the employee’s years of service under a
10 composite plan shall be treated as years of serv-
11 ice earned under the legacy plan. For purposes
12 of such determination, a composite plan shall
13 not be treated as a defined benefit plan pursu-
14 ant to section 437(d).

15 “(B) QUALIFIED EMPLOYEE.—For pur-
16 poses of this paragraph, an employee is a quali-
17 fied employee if the employee first completes an
18 hour of service under the composite plan (deter-
19 mined without regard to the provisions of this
20 paragraph) within the 12-month period imme-
21 diately preceding or the 24-month period imme-
22 diately following the date the employee ceased
23 to accrue benefits under the legacy plan.

24 “(C) CERTIFICATION OF YEARS OF SERV-
25 ICE.—For purposes of subparagraph (A), the

1 plan sponsor of the legacy plan shall rely on a
 2 written certification by the plan sponsor of the
 3 composite plan of the years of service the quali-
 4 fied employee completed under the composite
 5 plan after the employee satisfies the require-
 6 ments of subparagraph (B), disregarding any
 7 years of service that has been forfeited under
 8 the rules of the composite plan.”.

9 (2) REDUCTION OF BENEFITS.—

10 (A) EMPLOYEE RETIREMENT INCOME SE-
 11 CURITY ACT OF 1974.—Section 203(a)(3)(E)(ii)
 12 of the Employee Retirement Income Security
 13 Act of 1974 (29 U.S.C. 1053(a)(3)(E)(ii)) is
 14 amended—

15 (i) in subclause (I) by striking
 16 “4244A” and inserting “305(e), 803,”;
 17 and

18 (ii) in subclause (II) by striking
 19 “4245” and inserting “305(e), 4245,”.

20 (B) INTERNAL REVENUE CODE OF 1986.—
 21 Section 411(a)(3)(F) of the Internal Revenue
 22 Code of 1986 is amended—

23 (i) in clause (i) by striking “section
 24 418D or under section 4281 of the Em-
 25 ployee Retirement Income Security Act of

1 1974” and inserting “section 432(e) or
 2 439 or under section 4281 of the Em-
 3 ployee Retirement Income Security Act of
 4 1974”; and

5 (ii) in clause (ii) by inserting “or
 6 432(e)” after “section 418E”.

7 (3) ACCRUED BENEFIT REQUIREMENTS.—

8 (A) EMPLOYEE RETIREMENT INCOME SE-
 9 CURITY ACT OF 1974.—Section 204(b)(1)(B)(i)
 10 of the Employee Retirement Income Security
 11 Act of 1974 (29 U.S.C. 1054(b)(1)(B)(i)) is
 12 amended by inserting “, including an amend-
 13 ment reducing or suspending benefits under
 14 section 305(e), 803, 4245 or 4281,” after “any
 15 amendment to the plan”.

16 (B) INTERNAL REVENUE CODE OF 1986.—
 17 Section 411(b)(1)(B)(i) of the Internal Revenue
 18 Code of 1986 is amended by inserting “, includ-
 19 ing an amendment reducing or suspending ben-
 20 efits under section 418E, 432(e) or 439, or
 21 under section 4281 of the Employee Retirement
 22 Income Security Act of 1974,” after “any
 23 amendment to the plan”.

24 (4) ADDITIONAL ACCRUED BENEFIT REQUIRE-
 25 MENTS.—

(A) EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974.—Section 204(b)(1)(H)(v) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1053(b)(1)(H)(v)) is amended by inserting before the period at the end the following: “, or benefits are reduced or suspended under section 305(e), 803, 4245, or 4281”.

(B) INTERNAL REVENUE CODE OF 1986.—Section 411(b)(1)(H)(iv) of the Internal Revenue Code of 1986 is amended—

(i) in the heading by striking “BENEFIT” and inserting “BENEFIT AND THE SUSPENSION AND REDUCTION OF CERTAIN BENEFITS”; and

(ii) in the text by inserting before the period at the end the following: “, or benefits are reduced or suspended under section 418E, 432(e), or 439, or under section 4281 of the Employee Retirement Income Security Act of 1974”.

(5) ACCRUED BENEFIT NOT TO BE DECREASED BY AMENDMENT.—

(A) EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974.—Section 204(g)(1) of the

1 Employee Retirement Income Security Act of
 2 1974 (29 U.S.C. 1053(g)(1)) is amended by in-
 3 serting after “302(d)(2)” the following: “,
 4 305(e), 803, 4245,”.

5 (B) INTERNAL REVENUE CODE OF 1986.—
 6 Section 411(d)(6)(A) of the Internal Revenue
 7 Code of 1986 is amended by inserting after
 8 “412(d)(2),” the following: “418E, 432(e), or
 9 439,”.

10 (g) CERTAIN FUNDING RULES NOT APPLICABLE.—

11 (1) EMPLOYEE RETIREMENT INCOME SECURITY
 12 ACT OF 1974.—Section 305 of the Employee Retire-
 13 ment Income Security Act of 1974 (29 U.S.C. 1085)
 14 is amended by adding at the end the following:

15 “(k) LEGACY PLANS.—Sections 302, 304, and 305
 16 shall not apply to an employer that has an obligation to
 17 contribute to a plan that is a legacy plan within the mean-
 18 ing of section 805(a) solely because the employer has an
 19 obligation to contribute to a composite plan described in
 20 section 801 that is associated with that legacy plan.”.

21 (2) INTERNAL REVENUE CODE OF 1986.—Sec-
 22 tion 432 of the Internal Revenue Code of 1986 is
 23 amended by adding at the end the following:

24 “(k) LEGACY PLANS.—Sections 412, 431, and 432
 25 shall not apply to an employer that has an obligation to

1 contribute to a plan that is a legacy plan within the mean-
 2 ing of section 440A(a) solely because the employer has an
 3 obligation to contribute to a composite plan described in
 4 section 437 that is associated with that legacy plan.”.

5 (h) TERMINATION OF COMPOSITE PLAN.—Section
 6 403(d) of the Employee Retirement Income Security Act
 7 of 1974 (29 U.S.C. 1103(d) is amended—

8 (1) in paragraph (1), by striking “regulations
 9 of the Secretary.” and inserting “regulations of the
 10 Secretary, or as provided in paragraph (3).”; and

11 (2) by adding at the end the following:

12 “(3) Section 4044(a) of this Act shall be ap-
 13 plied in the case of the termination of a composite
 14 plan by—

15 “(A) limiting the benefits subject to para-
 16 graph (3) thereof to benefits as defined in sec-
 17 tion 802(b)(3)(B); and

18 “(B) including in the benefits subject to
 19 paragraph (4) all other benefits (if any) of indi-
 20 viduals under the plan that would be guaran-
 21 teed under section 4022A if the plan were sub-
 22 ject to title IV.”.

23 (i) GOOD FAITH COMPLIANCE PRIOR TO GUID-
 24 ANCE.—Where the implementation of any provision of law
 25 added or amended by this division is subject to issuance

1 of regulations by the Secretary of Labor, the Secretary
 2 of the Treasury, or the Pension Benefit Guaranty Cor-
 3 poration, a multiemployer plan shall not be treated as fail-
 4 ing to meet the requirements of any such provision prior
 5 to the issuance of final regulations or other guidance to
 6 carry out such provision if such plan is operated in accord-
 7 ance with a reasonable, good faith interpretation of such
 8 provision.

9 **SEC. 106. EFFECTIVE DATE.**

10 Unless otherwise specified, the amendments made by
 11 this division shall apply to plan years beginning after the
 12 date of the enactment of this Act.

13 **DIVISION I—CONTINUED ASSIST-**
 14 **ANCE TO UNEMPLOYED**
 15 **WORKERS**

16 **TITLE I—EXTENSIONS OF CARES**
 17 **ACT UNEMPLOYMENT BENE-**
 18 **FITS FOR WORKERS**

19 **SEC. 101. EXTENSION OF FEDERAL PANDEMIC UNEMPLOY-**
 20 **MENT COMPENSATION.**

21 (a) IN GENERAL.—Section 2104(e) of the CARES
 22 Act (Public Law 116–136) is amended to read as follows:

23 “(e) APPLICABILITY.—

24 “(1) IN GENERAL.—An agreement entered into
 25 under this section shall apply—

1 “(A) to weeks of unemployment beginning
2 after the date on which such agreement is en-
3 tered into and ending on or before July 31,
4 2020; and

5 “(B) to weeks of unemployment beginning
6 after September 5, 2020 (or, if later, the date
7 on which such agreement is entered into) and
8 ending on or before January 31, 2021.

9 “(2) TRANSITION RULE FOR INDIVIDUALS RE-
10 MAINING ENTITLED TO REGULAR COMPENSATION AS
11 OF JANUARY 31, 2021.—In the case of any individual
12 who, as of the date specified in paragraph (1)(B),
13 has not yet exhausted all rights to regular com-
14 pensation under the State law of a State with re-
15 spect to a benefit year that began before such date,
16 Federal Pandemic Unemployment Compensation
17 shall continue to be payable to such individual for
18 any week beginning on or after such date for which
19 the individual is otherwise eligible for regular com-
20 pensation with respect to such benefit year.

21 “(3) TERMINATION.—Notwithstanding any
22 other provision of this subsection, no Federal Pan-
23 demic Unemployment Compensation shall be payable
24 for any week beginning after March 31, 2021.”.

1 (b) LIMITATION ON APPLICATION OF TRANSITION
2 RULE.—Section 2104(g) of such Act is amended by in-
3 serting “(except for subsection (e)(2))” after “the pre-
4 ceding provisions of this section”.

5 (c) DISREGARD OF FEDERAL PANDEMIC UNEMPLOY-
6 MENT COMPENSATION FOR CERTAIN PURPOSES.—Section
7 2104(h) of such Act is amended to read as follows:

8 “(h) DISREGARD OF FEDERAL PANDEMIC UNEM-
9 PLOYMENT COMPENSATION FOR PURPOSES OF ALL FED-
10 ERAL AND FEDERALLY ASSISTED PROGRAMS.—A Federal
11 Pandemic Unemployment Compensation payment shall
12 not be regarded as income and shall not be regarded as
13 a resource for the month of receipt and the following 9
14 months, for purposes of determining the eligibility of the
15 recipient (or the recipient’s spouse or family) for benefits
16 or assistance, or the amount or extent of benefits or assist-
17 ance, under any Federal program or under any State or
18 local program financed in whole or in part with Federal
19 funds.”.

20 (d) EFFECTIVE DATE.—The amendments made by
21 this section shall take effect as if included in the enact-
22 ment of the CARES Act (Public Law 116–136).

1 **SEC. 102. EXTENSION OF PANDEMIC UNEMPLOYMENT AS-**
2 **SISTANCE.**

3 Section 2102(c) of the CARES Act (15 U.S.C.
4 9021(c)) is amended by striking “December 31, 2020”
5 and inserting “January 31, 2021”.

6 **SEC. 103. EXTENSION OF PANDEMIC EMERGENCY UNEM-**
7 **PLOYMENT COMPENSATION.**

8 Section 2107(g)(2) of the CARES Act (15 U.S.C.
9 9025(g)(2)) is amended by striking “December 31, 2020”
10 and inserting “January 31, 2021”.

11 **SEC. 104. EXTENSION OF TEMPORARY FINANCING OF**
12 **SHORT-TIME COMPENSATION PAYMENTS IN**
13 **STATES WITH PROGRAMS IN LAW.**

14 Section 2108(b)(2) of the CARES Act (15 U.S.C.
15 9026(b)(2)) is amended by striking “December 31, 2020”
16 and inserting “January 31, 2021”.

17 **SEC. 105. EXTENSION OF TEMPORARY FINANCING OF**
18 **SHORT-TIME COMPENSATION AGREEMENTS.**

19 Section 2109(d)(2) of the CARES Act (15 U.S.C.
20 9027(d)(2)) is amended by striking “December 31, 2020”
21 and inserting “January 31, 2021”.

1 **SEC. 106. EXTENSION OF FULL FEDERAL FUNDING OF THE**
 2 **FIRST WEEK OF COMPENSABLE REGULAR**
 3 **UNEMPLOYMENT FOR STATES WITH NO WAIT-**
 4 **ING WEEK.**

5 Section 2105(e)(2) of the CARES Act (15 U.S.C.
 6 9024(e)(2)) is amended by striking “December 31, 2020”
 7 and inserting “January 31, 2021”.

8 **TITLE II—ADDITIONAL WEEKS**
 9 **OF BENEFIT ELIGIBILITY**

10 **SEC. 201. ADDITIONAL WEEKS.**

11 Subtitle A of title II of division A of the CARES Act
 12 (15 U.S.C. 9021 et seq.) is amended by inserting after
 13 section 2107 the following:

14 **“SEC. 2107A. PANDEMIC EMERGENCY UNEMPLOYMENT EX-**
 15 **TENSION COMPENSATION.**

16 “(a) FEDERAL-STATE AGREEMENTS.—

17 “(1) IN GENERAL.—Any State which desires to
 18 do so may enter into and participate in an agree-
 19 ment under this section with the Secretary of Labor
 20 (in this section referred to as the ‘Secretary’). Any
 21 State which is a party to an agreement under this
 22 section may, upon providing 30 days’ written notice
 23 to the Secretary, terminate such agreement.

24 “(2) PROVISIONS OF AGREEMENT.—Any agree-
 25 ment under paragraph (1) shall provide that the
 26 State agency of the State will make payments (in

1 this section referred to as ‘pandemic emergency un-
2 employment extension compensation’) to individuals
3 who—

4 “(A) have exhausted all rights to regular
5 compensation, extended compensation, pan-
6 demic unemployment assistance under section
7 2102, and pandemic emergency unemployment
8 compensation under section 2107;

9 “(B) have no rights to any benefit speci-
10 fied in subparagraph (A) or to compensation
11 under any other Federal law or under the un-
12 employment compensation law of Canada; and

13 “(C) are able to work, available to work,
14 and actively seeking work.

15 “(3) EXHAUSTION OF BENEFITS.—For pur-
16 poses of paragraph (2)(A), an individual shall be
17 deemed to have exhausted such individual’s rights to
18 benefits specified in subparagraph (A) when—

19 “(A) no payments of such benefits can be
20 made because such individual has received all
21 such benefits available to such individual based
22 on employment or wages during such individ-
23 ual’s base period; or

24 “(B) such individual’s rights to such bene-
25 fits have been terminated by reason of the expi-

1 ration of the benefit year with respect to which
2 such rights existed.

3 “(4) WEEKLY BENEFIT AMOUNT, ETC.—For
4 purposes of any agreement under this section—

5 “(A) the amount of pandemic emergency
6 unemployment extension compensation which
7 shall be payable to any individual for any week
8 of total unemployment shall be equal to—

9 “(i) the amount of the base compensa-
10 tion (including any dependents’ allowances)
11 payable to such individual during such in-
12 dividual’s benefit year under the State law
13 for a week of total unemployment; and

14 “(ii) the amount of Federal Pandemic
15 Unemployment Compensation under sec-
16 tion 2104;

17 “(B) the terms and conditions of the State
18 law which apply to claims for regular compensa-
19 tion and to the payment thereof (including
20 terms and conditions relating to availability for
21 work, active search for work, and refusal to ac-
22 cept work) shall apply to claims for pandemic
23 emergency unemployment extension compensa-
24 tion and the payment thereof, except where oth-
25 erwise inconsistent with the provisions of this

1 section or with the regulations or operating in-
2 structions of the Secretary promulgated to
3 carry out this section;

4 “(C) the maximum amount of pandemic
5 emergency unemployment extension compensa-
6 tion payable to any individual for whom a pan-
7 demic emergency unemployment extension com-
8 pensation account is established under sub-
9 section (b) shall not exceed the amount estab-
10 lished in such account for such individual; and

11 “(D) the allowable methods of payment
12 under section 2104(b)(2) shall apply to pay-
13 ments of amounts described in subparagraph
14 (A)(ii).

15 “(5) NONREDUCTION RULE.—

16 “(A) IN GENERAL.—An agreement under
17 this section shall not apply (or shall cease to
18 apply) with respect to a State upon a deter-
19 mination by the Secretary that the method gov-
20 erning the computation of regular compensation
21 under the State law of that State has been
22 modified in a manner such that the number of
23 weeks (the maximum benefit entitlement), or
24 the average weekly benefit amount, of regular
25 compensation which will be payable during the

1 period of the agreement will be less than the
 2 number of weeks, or the average weekly benefit
 3 amount, of the average weekly benefit amount
 4 of regular compensation which would otherwise
 5 have been payable during such period under the
 6 State law, as in effect on January 1, 2020.

7 “(B) MAXIMUM BENEFIT ENTITLEMENT.—

8 In subparagraph (A), the term ‘maximum ben-
 9 efit entitlement’ means the amount of regular
 10 compensation payable to an individual with re-
 11 spect to the individual’s benefit year.

12 “(6) ACTIVELY SEEKING WORK.—

13 “(A) IN GENERAL.—For purposes of para-
 14 graph (2)(C), the term ‘actively seeking work’
 15 means, with respect to any individual, that such
 16 individual—

17 “(i) is registered for employment serv-
 18 ices in such a manner and to such extent
 19 as prescribed by the State agency;

20 “(ii) has engaged in an active search
 21 for employment that is appropriate in light
 22 of the employment available in the labor
 23 market, the individual’s skills and capabili-
 24 ties, and includes a number of employer
 25 contacts that is consistent with the stand-

1 ards communicated to the individual by the
2 State;

3 “(iii) has maintained a record of such
4 work search, including employers con-
5 tacted, method of contact, and date con-
6 tacted; and

7 “(iv) when requested, has provided
8 such work search record to the State agen-
9 cy.

10 “(B) FLEXIBILITY.—Notwithstanding the
11 requirements under subparagraph (A) and
12 paragraph (2)(C), a State shall provide flexi-
13 bility in meeting such requirements in case of
14 individuals unable to search for work because of
15 COVID–19, including because of illness, quar-
16 antine, or movement restriction.

17 “(b) PANDEMIC EMERGENCY UNEMPLOYMENT COM-
18 PENSATION ACCOUNT.—

19 “(1) IN GENERAL.—Any agreement under this
20 section shall provide that the State will establish, for
21 each eligible individual who files an application for
22 pandemic emergency unemployment extension com-
23 pensation, a pandemic emergency unemployment ex-
24 tension compensation account with respect to such
25 individual’s benefit year.

1 “(2) AMOUNT IN ACCOUNT.—The amount es-
2 tablished in an account under subsection (a) shall be
3 equal to 13 times the individual’s average weekly
4 benefit amount, which includes the amount of Fed-
5 eral Pandemic Unemployment Compensation under
6 section 2104, for the benefit year.

7 “(3) WEEKLY BENEFIT AMOUNT.—For pur-
8 poses of this subsection, an individual’s weekly ben-
9 efit amount for any week is the amount of base com-
10 pensation (including any dependents’ allowances)
11 under the State law payable to such individual for
12 such week for total unemployment plus the amount
13 of Federal Pandemic Unemployment Compensation
14 under section 2104.

15 “(c) PAYMENTS TO STATES HAVING AGREEMENTS
16 FOR THE PAYMENT OF PANDEMIC EMERGENCY UNEM-
17 PLOYMENT EXTENSION COMPENSATION.—

18 “(1) IN GENERAL.—There shall be paid to each
19 State that has entered into an agreement under this
20 section an amount equal to 100 percent of the pan-
21 demic emergency unemployment extension com-
22 pensation paid to individuals by the State pursuant
23 to such agreement.

24 “(2) TREATMENT OF REIMBURSABLE COM-
25 PENSATION.—No payment shall be made to any

1 State under this section in respect of any compensa-
2 tion to the extent the State is entitled to reimburse-
3 ment in respect of such compensation under the pro-
4 visions of any Federal law other than this section or
5 chapter 85 of title 5, United States Code. A State
6 shall not be entitled to any reimbursement under
7 such chapter 85 in respect of any compensation to
8 the extent the State is entitled to reimbursement
9 under this section in respect of such compensation.

10 “(3) DETERMINATION OF AMOUNT.—Sums pay-
11 able to any State by reason of such State having an
12 agreement under this section shall be payable, either
13 in advance or by way of reimbursement (as may be
14 determined by the Secretary), in such amounts as
15 the Secretary estimates the State will be entitled to
16 receive under this section for each calendar month,
17 reduced or increased, as the case may be, by any
18 amount by which the Secretary finds that the Sec-
19 retary’s estimates for any prior calendar month were
20 greater or less than the amounts which should have
21 been paid to the State. Such estimates may be made
22 on the basis of such statistical, sampling, or other
23 method as may be agreed upon by the Secretary and
24 the State agency of the State involved.

25 “(d) FINANCING PROVISIONS.—

1 “(1) COMPENSATION.—

2 “(A) IN GENERAL.—Funds in the extended
3 unemployment compensation account (as estab-
4 lished by section 905(a) of the Social Security
5 Act (42 U.S.C. 1105(a)) of the Unemployment
6 Trust Fund (as established by section 904(a) of
7 such Act (42 U.S.C. 1104(a)) shall be used for
8 the making of payments to States having agree-
9 ments entered into under this section.

10 “(B) TRANSFER OF FUNDS.—Notwith-
11 standing any other provision of law, the Sec-
12 retary of the Treasury shall transfer from the
13 general fund of the Treasury (from funds not
14 otherwise appropriated) to the extended unem-
15 ployment compensation account such sums as
16 the Secretary of Labor estimates to be nec-
17 essary to make payments described in subpara-
18 graph (A). There are appropriated from the
19 general fund of the Treasury, without fiscal
20 year limitation, the sums referred to in the pre-
21 ceding sentence and such sums shall not be re-
22 quired to be repaid.

23 “(2) ADMINISTRATION.—

24 “(A) IN GENERAL.—There are appro-
25 priated out of the employment security adminis-

1 tration account (as established by section
2 901(a) of the Social Security Act (42 U.S.C.
3 1101(a)) of the Unemployment Trust Fund,
4 without fiscal year limitation, such funds as
5 may be necessary for purposes of assisting
6 States (as provided in title III of the Social Se-
7 curity Act (42 U.S.C. 501 et seq.)) in meeting
8 the costs of administration of agreements under
9 this section.

10 “(B) TRANSFER OF FUNDS.—Notwith-
11 standing any other provision of law, the Sec-
12 retary of the Treasury shall transfer from the
13 general fund of the Treasury (from funds not
14 otherwise appropriated) to the employment se-
15 curity administration account such sums as the
16 Secretary of Labor estimates to be necessary to
17 make payments described in subparagraph (A).
18 There are appropriated from the general fund
19 of the Treasury, without fiscal year limitation,
20 the sums referred to in the preceding sentence
21 and such sums shall not be required to be re-
22 paid.

23 “(3) CERTIFICATION.—The Secretary shall
24 from time to time certify to the Secretary of the
25 Treasury for payment to each State the sums pay-

1 able to such State under this subsection. The Sec-
2 retary of the Treasury, prior to audit or settlement
3 by the Government Accountability Office, shall make
4 payments to the State in accordance with such cer-
5 tification, by transfers from the extended unemploy-
6 ment compensation account (as so established) to
7 the account of such State in the Unemployment
8 Trust Fund (as so established).

9 “(e) FRAUD AND OVERPAYMENTS.—

10 “(1) IN GENERAL.—If an individual knowingly
11 has made, or caused to be made by another, a false
12 statement or representation of a material fact, or
13 knowingly has failed, or caused another to fail, to
14 disclose a material fact, and as a result of such false
15 statement or representation or of such nondisclosure
16 such individual has received an amount of pandemic
17 emergency unemployment extension compensation
18 under this section to which such individual was not
19 entitled, such individual—

20 “(A) shall be ineligible for further pan-
21 demic emergency unemployment extension com-
22 pensation under this section in accordance with
23 the provisions of the applicable State unemploy-
24 ment compensation law relating to fraud in con-

1 nection with a claim for unemployment com-
2 pensation; and

3 “(B) shall be subject to prosecution under
4 section 1001 of title 18, United States Code.

5 “(2) REPAYMENT.—In the case of individuals
6 who have received amounts of pandemic emergency
7 unemployment extension compensation under this
8 section to which they were not entitled, the State
9 shall require such individuals to repay the amounts
10 of such pandemic emergency unemployment exten-
11 sion compensation to the State agency, except that
12 the State agency may waive such repayment if it de-
13 termines that—

14 “(A) the payment of such pandemic emer-
15 gency unemployment extension compensation
16 was without fault on the part of any such indi-
17 vidual; and

18 “(B) such repayment would be contrary to
19 equity and good conscience.

20 “(3) RECOVERY BY STATE AGENCY.—

21 “(A) IN GENERAL.—The State agency
22 shall recover the amount to be repaid, or any
23 part thereof, by deductions from any pandemic
24 emergency unemployment extension compensa-
25 tion payable to such individual under this sec-

tion or from any unemployment compensation payable to such individual under any State or Federal unemployment compensation law administered by the State agency or under any other State or Federal law administered by the State agency which provides for the payment of any assistance or allowance with respect to any week of unemployment, during the 3-year period after the date such individuals received the payment of the pandemic emergency unemployment extension compensation to which they were not entitled, in accordance with the same procedures as apply to the recovery of overpayments of regular unemployment benefits paid by the State.

“(B) OPPORTUNITY FOR HEARING.—No repayment shall be required, and no deduction shall be made, until a determination has been made, notice thereof and an opportunity for a fair hearing has been given to the individual, and the determination has become final.

“(4) REVIEW.—Any determination by a State agency under this section shall be subject to review in the same manner and to the same extent as determinations under the State unemployment compensa-

1 tion law, and only in that manner and to that ex-
2 tent.

3 “(f) DEFINITIONS.—In this section—

4 “(1) the terms ‘compensation’, ‘regular com-
5 pensation’, ‘extended compensation’, ‘benefit year’,
6 ‘base period’, ‘State’, ‘State agency’, ‘State law’, and
7 ‘week’ have the respective meanings given such
8 terms under section 205 of the Federal-State Ex-
9 tended Unemployment Compensation Act of 1970
10 (26 U.S.C. 3304 note); and

11 “(2) the term ‘base compensation’ means, as
12 applicable—

13 “(A) regular compensation; or

14 “(B) pandemic unemployment assistance
15 under section 2102.

16 “(g) APPLICABILITY.—An agreement entered into
17 under this section shall apply to weeks of unemployment—

18 “(1) beginning after the date on which such
19 agreement is entered into; and

20 “(2) ending on or before January 31, 2021.”.

1 **TITLE III—CLARIFICATIONS AND**
2 **IMPROVEMENTS TO PAN-**
3 **DEMIC UNEMPLOYMENT AS-**
4 **SISTANCE**

5 **SEC. 301. CLARIFICATION OF PANDEMIC UNEMPLOYMENT**
6 **ASSISTANCE ELIGIBILITY FOR PRIMARY**
7 **CAREGIVING.**

8 (a) IN GENERAL.—Section 2102(a)(3)(A)(ii)(I)(dd)
9 of the CARES Act (15 U.S.C. 9021(a)(3)(A)(ii)(I)(dd))
10 is amended by striking “that is closed as a direct result
11 of the COVID–19 public health emergency” and inserting
12 “because the school or facility is closed or only partially
13 reopened due to COVID–19, because child or family care
14 is not available or affordable during the hours work is
15 available due to COVID–19, or because physical attend-
16 ance at the school or facility presents an unacceptable
17 health risk for the household or the individual in need of
18 care due to COVID–19,”.

19 (b) EFFECTIVE DATE.—The amendment made by
20 subsection (a) shall take effect upon the date of the enact-
21 ment of this Act.

1 **SEC. 302. WAIVER AUTHORITY FOR CERTAIN OVERPAY-**
2 **MENTS OF PANDEMIC UNEMPLOYMENT AS-**
3 **SISTANCE.**

4 (a) IN GENERAL.—Section 2102(d) of the CARES
5 Act (15 U.S.C. 9021(d)) is amended by adding at the end
6 the following:

7 “(4) WAIVER AUTHORITY.—In the case of indi-
8 viduals who have received amounts of Pandemic Un-
9 employment Assistance to which they were not enti-
10 tled, the State shall require such individuals to repay
11 the amounts of such Pandemic Unemployment As-
12 sistance to the State agency, except that the State
13 agency shall waive such repayment if it determines
14 that—

15 “(A) the payment of such Pandemic Un-
16 employment Assistance was without fault on the
17 part of any such individual; and

18 “(B) such repayment would be contrary to
19 equity and good conscience.”.

20 (b) EFFECTIVE DATE.—The amendments made by
21 this section shall take effect as if included in the enact-
22 ment of the CARES Act (Public Law 116–136).

1 **SEC. 303. CLARIFICATION OF ACCESS TO PANDEMIC UNEM-**
 2 **EMPLOYMENT ASSISTANCE FOR WORKERS AT**
 3 **BUSINESSES THAT REDUCED STAFF DUE TO**
 4 **THE PANDEMIC.**

5 (a) IN GENERAL.—Section 2102(a)(3)(A)(ii)(I)(jj) of
 6 the CARES Act (15 U.S.C. 9021(a)(3)(A)(ii)(I)(jj)) is
 7 amended by inserting “or its operations are otherwise cur-
 8 tailed, including by reducing hours of operation, staffing
 9 levels, occupancy, or other changes that are recommended
 10 or required,” after “closed”.

11 (b) EFFECTIVE DATE.—The amendment made by
 12 subsection (a) shall apply with respect to weeks of unem-
 13 ployment beginning after the date of the enactment of this
 14 Act.

15 **SEC. 304. HOLD HARMLESS FOR PANDEMIC UNEMPLOY-**
 16 **MENT ASSISTANCE.**

17 (a) IN GENERAL.—Section 2102(c) of the CARES
 18 Act (15 U.S.C. 9021(c)) is amended by adding at the end
 19 the following:

20 “(4) CONTINUED ELIGIBILITY FOR ASSIST-
 21 ANCE.—As a condition of continued eligibility for as-
 22 sistance under this section, a covered individual shall
 23 submit a recertification to the State for each week
 24 after the individual’s 1st week of eligibility that cer-
 25 tifies that the individual remains an individual de-
 26 scribed in subsection (a)(3)(A)(ii) for such week.”.

1 (b) EFFECTIVE DATE; SPECIAL RULE.—

2 (1) IN GENERAL.—The amendment made by
3 subsection (a) shall apply with respect to weeks be-
4 ginning on or after the date that is 30 days after
5 the date of enactment of this section.

6 (2) SPECIAL RULE.—In the case of any State
7 that made a good faith effort to implement section
8 2102 of the CARES Act in accordance with rules
9 similar to those provided in section 625.6 of title 20,
10 Code of Federal Regulations, for weeks ending be-
11 fore the effective date specified in paragraph (1), an
12 individual who received Pandemic Unemployment
13 Assistance from such State for any such week shall
14 not be considered ineligible for such assistance for
15 such week solely by reason of failure to submit a re-
16 certification described in subsection (c)(4) of such
17 section.

18 **TITLE IV—EXTENSION OF RE-**
19 **LIEF TO STATES AND EM-**
20 **PLOYERS**

21 **SEC. 401. EXTENSION OF FULL FEDERAL FUNDING OF EX-**
22 **TENDED UNEMPLOYMENT COMPENSATION.**

23 Section 4105 of the Families First Coronavirus Re-
24 sponse Act (26 U.S.C. 3304 note) is amended by striking

1 “December 31, 2020” each place it appears and inserting
 2 “June 30, 2021”.

3 **SEC. 402. EXTENSION OF TEMPORARY ASSISTANCE FOR**
 4 **STATES WITH ADVANCES.**

5 Section 1202(b)(10)(A) of the Social Security Act
 6 (42 U.S.C. 1322(b)(10)(A)) is amended by striking “De-
 7 cember 31, 2020” and inserting “June 30, 2021”.

8 **SEC. 403. EXTENSION OF EMERGENCY RELIEF FOR GOV-**
 9 **ERNMENTAL ENTITIES AND NONPROFIT OR-**
 10 **GANIZATIONS.**

11 Section 903(i)(1)(D) of the Social Security Act (42
 12 U.S.C. 1103(i)(1)(D)) is amended by striking “December
 13 31, 2020” and inserting “June 30, 2021”.

14 **TITLE V—CORRECTIVE ACTION**
 15 **FOR PROCESSING BACKLOGS**

16 **SEC. 501. STATE REPORTING ON CLAIMS BACKLOGS.**

17 (a) IN GENERAL.—Section 2104 of the CARES Act
 18 (15 U.S.C. 9023) is amended by adding at the end the
 19 following:

20 “(j) STATE ACCOUNTABILITY RELATING TO CLAIMS
 21 BACKLOGS.—As a condition of any agreement under this
 22 section, the following rules shall apply:

23 “(1) CLAIMS REPORTING.—

24 “(A) IN GENERAL.—Each State partici-
 25 pating in such an agreement shall submit to the

1 Secretary of Labor on a weekly basis a report
2 on the status in the State of any backlog of the
3 processing of unemployment claims, including
4 claims for regular compensation, extended com-
5 pensation, Pandemic Unemployment Assistance,
6 and Pandemic Emergency Unemployment Com-
7 pensation. Such report shall include a descrip-
8 tion, with respect to the previous week, of each
9 of the following:

10 “(i) The number of initial claims still
11 in process, disaggregated by the number of
12 such claims still pending—

13 “(I) because of nonmonetary de-
14 terminations;

15 “(II) because of monetary deter-
16 minations;

17 “(III) because of suspected
18 fraud; and

19 “(IV) for any other reason.

20 “(ii) The number of initial claims de-
21 nied.

22 “(iii) The number of individuals with
23 respect to whom a continued claim was
24 paid.

1 “(iv) The number of individuals with
2 respect to whom a continued claim is still
3 in process, disaggregated by the number of
4 such claims still pending—

5 “(I) because of nonmonetary de-
6 terminations;

7 “(II) because of monetary deter-
8 minations;

9 “(III) because of suspected
10 fraud; and

11 “(IV) for any other reason.

12 “(v) The number of individuals with
13 respect to whom a continued claims was
14 denied.

15 “(B) REPORT TO CONGRESS.—Upon re-
16 ceipt of a report described in subparagraph (A),
17 the Secretary of Labor shall publish such report
18 on the website of the Department of Labor and
19 shall submit such report to the Committee on
20 Ways and Means of the House of Representa-
21 tives and the Committee on Finance of the Sen-
22 ate.

23 “(2) CORRECTIVE ACTION PLANS.—

24 “(A) IN GENERAL.—Not later than 90
25 days after the date of enactment of this sub-

1 section and at least every 90 days thereafter,
2 each State participating in such an agreement
3 shall submit to the Secretary of Labor a correc-
4 tive action plan that includes a description of
5 the actions the State has taken and intends to
6 take to address any backlog of the processing of
7 unemployment claims described in paragraph
8 (1)(A). The Secretary may waive the require-
9 ment under this subparagraph with respect to
10 any State that the Secretary determines has
11 made adequate progress in addressing any such
12 backlog.

13 “(B) TECHNICAL ASSISTANCE.—The Sec-
14 retary of Labor shall make technical assistance
15 available to States to the extent feasible to en-
16 able States to develop and implement corrective
17 action plans in accordance with this paragraph.
18 If the Secretary of Labor determines at any
19 time that a State has failed to take reasonable
20 actions under a corrective action plan to ad-
21 dress a claims backlog, the State shall collabo-
22 rate with the Secretary to develop a subsequent
23 corrective action plan to achieve clearly defined,
24 targeted outcomes.

1 “(C) REPORT TO CONGRESS.—Upon re-
 2 ceipt of a corrective action plan described in
 3 subparagraph (A), the Secretary of Labor shall
 4 publish such plan on the website of the Depart-
 5 ment of Labor and shall submit such report to
 6 the Committee on Ways and Means of the
 7 House of Representatives and the Committee
 8 on Finance of the Senate.”.

9 (b) EFFECTIVE DATE.—The amendment made by
 10 subsection (a) shall apply with respect to weeks beginning
 11 after the date of enactment of this Act.

12 **TITLE VI—ADDITIONAL**
 13 **BENEFITS FOR MIXED EARNERS**
 14 **SECTION 601. MIXED EARNER UNEMPLOYMENT COMPENSA-**
 15 **TION.**

16 (a) IN GENERAL.—Section 2104(b)(1) of the CARES
 17 Act (15 U.S.C. 9023(b)(1)) is amended—

18 (1) in subparagraph (B), by striking the period
 19 at the end and inserting “, plus”; and

20 (2) by adding at the end the following:

21 “(C) an additional amount of \$125 (in this
 22 section referred to as ‘Mixed Earner Unemploy-
 23 ment Compensation’) in any case in which the
 24 individual received at least \$5,000 of self-em-
 25 ployment income (as defined in section 1402(b)

1 of the Internal Revenue Code of 1986) in the
2 most recent taxable year ending prior to the in-
3 dividual's application for regular compensa-
4 tion.”.

5 (b) CONFORMING AMENDMENTS.—Section 2104 of
6 such Act is amended—

7 (1) by inserting “or Mixed Earner Unemploy-
8 ment Compensation” after “Federal Pandemic Un-
9 employment Compensation” each place such term
10 appears in subsection (b)(2), (c), or (f) of such sec-
11 tion;

12 (2) in subsection (d), by inserting “and Mixed
13 Earner Unemployment Compensation” after “Fed-
14 eral Pandemic Unemployment Compensation”; and

15 (3) in subsection (g), by striking “provide that”
16 and all that follows through the end and inserting
17 “provide that—

18 “(1) the purposes of the preceding provisions of
19 this section, as such provisions apply with respect to
20 Federal Pandemic Unemployment Compensation,
21 shall be applied with respect to unemployment bene-
22 fits described in subsection (i)(2) to the same extent
23 and in the same manner as if those benefits were
24 regular compensation; and

1 “(2) the purposes of the preceding provisions of
 2 this section, as such provisions apply with respect to
 3 Mixed Earner Unemployment Compensation, shall
 4 be applied with respect to unemployment benefits
 5 described in subparagraph (B) or (D) of subsection
 6 (i)(2) to the same extent and in the same manner
 7 as if those benefits were regular compensation.”.

8 (c) APPLICABILITY.—The amendments made by this
 9 section shall not apply with respect to a State partici-
 10 pating in an agreement under section 2104 of the CARES
 11 Act unless the State so elects, in which case such amend-
 12 ments shall apply with respect to weeks of unemployment
 13 beginning on or after the later of the date of such election
 14 or the date of enactment of this section.

15 **TITLE VII—TECHNICAL** 16 **CORRECTIONS**

17 **SEC. 701. GRACE PERIOD FOR FULL FINANCING OF SHORT-** 18 **TIME COMPENSATION PROGRAMS.**

19 Section 2108(c) of the CARES Act (15 U.S.C.
 20 9026(c)) is amended by striking “shall be eligible” and
 21 all that follows through the end and inserting the fol-
 22 lowing: “
 23 “shall be eligible—

1 “(1) for payments under subsection (a) for
 2 weeks of unemployment beginning after the effective
 3 date of such enactment; and

4 “(2) for an additional payment equal to the
 5 total amount of payments for which the State is eli-
 6 gible pursuant to an agreement under section 2109
 7 for weeks of unemployment before such effective
 8 date.”.

9 **SEC. 702. TECHNICAL CORRECTION FOR THE COMMON-**
 10 **WEALTH OF NORTHERN MARIANA ISLANDS.**

11 A Commonwealth Only Transitional Worker (as de-
 12 fined in section 6(i)(2) of the Joint Resolution entitled “A
 13 Joint Resolution to approve the ‘Covenant To Establish
 14 a Commonwealth of the Northern Mariana Islands in Po-
 15 litical Union with the United States of America’, and for
 16 other purposes” (48 U.S.C. 1806)) shall be considered a
 17 qualified alien under section 431 of Public Law 104–193
 18 (8 U.S.C. 1641) for purposes of eligibility for a benefit
 19 under section 2102 or 2104 of the CARES Act.

20 **SEC. 703. TECHNICAL AMENDMENT RELATING TO PAN-**
 21 **DEMIC UNEMPLOYMENT ASSISTANCE.**

22 Section 2102(h) of the CARES Act (15 U.S.C.
 23 9021(h)) is amended by striking “section 625” each place
 24 it appears and inserting “part 625”.

1 **DIVISION J—EMERGENCY AS-**
2 **SISTANCE, ELDER JUSTICE,**
3 **AND CHILD AND FAMILY SUP-**
4 **PORT**

5 **TITLE I—EMERGENCY**
6 **ASSISTANCE**

7 **SEC. 101. FUNDING TO STATES, LOCALITIES, AND COMMU-**
8 **NITY-BASED ORGANIZATIONS FOR EMER-**
9 **GENCY AID AND SERVICES.**

10 (a) FUNDING FOR STATES.—

11 (1) INCREASE IN FUNDING FOR SOCIAL SERV-
12 ICES BLOCK GRANT PROGRAM.—

13 (A) IN GENERAL.—The amount specified
14 in subsection (c) of section 2003 of the Social
15 Security Act for purposes of subsections (a) and
16 (b) of such section is deemed to be
17 \$11,325,000,000 for fiscal year 2020, of which
18 \$9,600,000,000 shall be obligated by States in
19 accordance with this subsection.

20 (B) APPROPRIATION.—Out of any money
21 in the Treasury of the United States not other-
22 wise appropriated, there are appropriated
23 \$9,600,000,000, which shall be available for
24 payments under section 2002 of the Social Se-

1 security Act, which shall remain available until
2 the end of fiscal year 2021.

3 (C) DEADLINE FOR DISTRIBUTION OF
4 FUNDS.—Within 45 days after the date of the
5 enactment of this Act, the Secretary of Health
6 and Human Services shall distribute the funds
7 made available by this paragraph, which shall
8 be made available to States on an emergency
9 basis for immediate obligation and expenditure.

10 (D) SUBMISSION OF REVISED PRE-EX-
11 PENDITURE REPORT.—Within 90 days after a
12 State receives funds made available by this
13 paragraph, the State shall submit to the Sec-
14 retary a revised pre-expenditure report pursu-
15 ant to title XX of the Social Security Act that
16 describes how the State plans to administer the
17 funds.

18 (E) DEADLINE FOR OBLIGATION OF
19 FUNDS BY STATES.—A State to which funds
20 made available by this paragraph are distrib-
21 uted shall obligate the funds not later than 120
22 days after receipt.

23 (F) DEADLINE FOR EXPENDITURE OF
24 FUNDS.—A grantee to which a State (or a sub-
25 grantee to which a grantee) provides funds

1 made available by this paragraph shall expend
2 the funds not later than December 31, 2021.

3 (2) RULES GOVERNING USE OF ADDITIONAL
4 FUNDS.—A State to which funds made available by
5 paragraph (1)(B) are distributed shall use the funds
6 in accordance with the following:

7 (A) PURPOSE.—

8 (i) IN GENERAL.—The State shall use
9 the funds only to support the provision of
10 emergency services to disadvantaged chil-
11 dren, families, and households.

12 (ii) DISADVANTAGED DEFINED.—In
13 this paragraph, the term “disadvantaged”
14 means, with respect to an entity, that the
15 entity—

16 (I) is an individual, or is located
17 in a community, that is experiencing
18 material hardship;

19 (II) is a household in which there
20 is a child (as defined in section 12(d)
21 of the Richard B. Russell National
22 School Lunch Act) or a child served
23 under section 11(a)(1) of such Act,
24 who, if not for the closure of the
25 school attended by the child during a

1 public health emergency designation
 2 and due to concerns about a COVID–
 3 19 outbreak, would receive free or re-
 4 duced price school meals pursuant to
 5 such Act;

6 (III) is an individual, or is lo-
 7 cated in a community, with barriers to
 8 employment; or

9 (IV) is located in a community
 10 that, as of the date of the enactment
 11 of this Act, is not experiencing a 56-
 12 day downward trajectory of—

13 (aa) influenza-like illnesses;

14 (bb) COVID-like syndromic
 15 cases;

16 (cc) documented COVID–19
 17 cases; or

18 (dd) positive test results as
 19 a percentage of total COVID–19
 20 tests.

21 (B) PASS-THROUGH TO LOCAL ENTI-
 22 TIES.—

23 (i) In the case of a State in which a
 24 county administers or contributes finan-
 25 cially to the non-Federal share of the

1 amounts expended in carrying out a State
2 program funded under title IV of the So-
3 cial Security Act, the State shall pass at
4 least 50 percent of all funds so made avail-
5 able through to the chief elected official of
6 the city or county that administers the
7 program.

8 (ii) In the case of any other State and
9 any State to which clause (i) applies that
10 does not pass through funds as described
11 in that clause, the State shall—

12 (I) pass at least 50 percent of
13 the funds through to—

14 (aa)(AA) local governments
15 that will expend or distribute the
16 funds in consultation with com-
17 munity-based organizations with
18 experience serving disadvantaged
19 families or individuals; or

20 (BB) community-based or-
21 ganizations with experience serv-
22 ing disadvantaged families and
23 individuals; and

24 (bb) sub-State areas in pro-
25 portions based on the population

1 of disadvantaged individuals liv-
2 ing in the areas; and

3 (II) report to the Secretary on
4 how the State determined the
5 amounts passed through pursuant to
6 this clause.

7 (C) METHODS.—

8 (i) IN GENERAL.—The State shall use
9 the funds only for—

10 (I) administering emergency serv-
11 ices;

12 (II) providing short-term cash,
13 non-cash, or in-kind emergency dis-
14 aster relief;

15 (III) providing services with dem-
16 onstrated need in accordance with ob-
17 jective criteria that are made available
18 to the public;

19 (IV) operational costs directly re-
20 lated to providing services described
21 in subclauses (I), (II), and (III);

22 (V) local government emergency
23 social service operations; and

24 (VI) providing emergency social
25 services to rural and frontier commu-

1 nities that may not have access to
 2 other emergency funding streams.

3 (ii) ADMINISTERING EMERGENCY
 4 SERVICES DEFINED.—In clause (i), the
 5 term “administering emergency services”
 6 means—

7 (I) providing basic disaster relief,
 8 economic, and well-being necessities to
 9 ensure communities are able to safely
 10 observe shelter-in-place and social
 11 distancing orders;

12 (II) providing necessary supplies
 13 such as masks, gloves, and soap, to
 14 protect the public against infectious
 15 disease; and

16 (III) connecting individuals, chil-
 17 dren, and families to services or pay-
 18 ments for which they may already be
 19 eligible.

20 (D) PROHIBITIONS.—

21 (i) NO INDIVIDUAL ELIGIBILITY DE-
 22 TERMINATIONS BY GRANTEES OR SUB-
 23 GRANTEES.—Neither a grantee to which
 24 the State provides the funds nor any sub-
 25 grantee of such a grantee may exercise in-

1 dividual eligibility determinations for the
2 purpose of administering short-term, non-
3 cash, in-kind emergency disaster relief to
4 communities.

5 (ii) APPLICABILITY OF CERTAIN SO-
6 CIAL SERVICES BLOCK GRANT FUNDS USE
7 LIMITATIONS.—The State shall use the
8 funds subject to the limitations in section
9 2005 of the Social Security Act, except
10 that, for purposes of this clause, section
11 2005(a)(2) and 2005(a)(8) of such Act
12 shall not apply.

13 (iii) NO SUPPLANTATION OF CERTAIN
14 STATE FUNDS.—The State may use the
15 funds to supplement, not supplant, State
16 general revenue funds for social services.

17 (iv) BAN ON USE FOR CERTAIN COSTS
18 REIMBURSABLE BY FEMA.—The State may
19 not use the funds for costs that are reim-
20 bursable by the Federal Emergency Man-
21 agement Agency, under a contract for in-
22 surance, or by self-insurance.

23 (b) FUNDING FOR INDIAN TRIBES AND TRIBAL OR-
24 GANIZATIONS.—

25 (1) GRANTS.—

1 (A) IN GENERAL.—Within 90 days after
2 the date of the enactment of this Act, the Sec-
3 retary of Health and Human Services shall
4 make grants to Indian Tribes and Tribal orga-
5 nizations.

6 (B) AMOUNT OF GRANT.—The amount of
7 the grant for an Indian Tribe or Tribal organi-
8 zation shall bear the same ratio to the amount
9 appropriated by paragraph (3) as the total
10 amount of grants awarded to the Indian Tribe
11 or Tribal organization under the Low-Income
12 Home Energy Assistance Act of 1981 and the
13 Community Service Block Grant for fiscal year
14 2020 bears to the total amount of grants
15 awarded to all Indian Tribes and Tribal organi-
16 zations under such Act and such Grant for the
17 fiscal year.

18 (2) RULES GOVERNING USE OF FUNDS.—An
19 entity to which a grant is made under paragraph (1)
20 shall obligate the funds not later than September
21 30, 2021, and the funds shall be expended by grant-
22 ees and subgrantees not later than September 30,
23 2022, and used in accordance with the following:

24 (A) PURPOSE.—

1 (i) IN GENERAL.—The grantee shall
2 use the funds only to support the provision
3 of emergency services to disadvantaged
4 households.

5 (ii) DISADVANTAGED DEFINED.—In
6 clause (i), the term “disadvantaged”
7 means, with respect to an entity, that the
8 entity—

9 (I) is an individual, or is located
10 in a community, that is experiencing
11 material hardship;

12 (II) is a household in which there
13 is a child (as defined in section 12(d)
14 of the Richard B. Russell National
15 School Lunch Act) or a child served
16 under section 11(a)(1) of such Act,
17 who, if not for the closure of the
18 school attended by the child during a
19 public health emergency designation
20 and due to concerns about a COVID–
21 19 outbreak, would receive free or re-
22 duced price school meals pursuant to
23 such Act;

1 (III) is an individual, or is lo-
 2 cated in a community, with barriers to
 3 employment; or

4 (IV) is located in a community
 5 that, as of the date of the enactment
 6 of this Act, is not experiencing a 56-
 7 day downward trajectory of—

8 (aa) influenza-like illnesses;

9 (bb) COVID-like syndromic
 10 cases;

11 (cc) documented COVID–19
 12 cases; or

13 (dd) positive test results as
 14 a percentage of total COVID–19
 15 tests.

16 (B) METHODS.—

17 (i) IN GENERAL.—The grantee shall
 18 use the funds only for—

19 (I) administering emergency serv-
 20 ices;

21 (II) providing short-term, non-
 22 cash, in-kind emergency disaster re-
 23 lief; and

24 (III) tribal emergency social serv-
 25 ice operations.

1 (ii) ADMINISTERING EMERGENCY
2 SERVICES DEFINED.—In clause (i), the
3 term “administering emergency services”
4 means—

5 (I) providing basic economic and
6 well-being necessities to ensure com-
7 munities are able to safely observe
8 shelter-in-place and social distancing
9 orders;

10 (II) providing necessary supplies
11 such as masks, gloves, and soap, to
12 protect the public against infectious
13 disease; and

14 (III) connecting individuals, chil-
15 dren, and families to services or pay-
16 ments for which they may already be
17 eligible.

18 (C) PROHIBITIONS.—

19 (i) NO INDIVIDUAL ELIGIBILITY DE-
20 TERMINATIONS BY GRANTEES OR SUB-
21 GRANTEES.—Neither the grantee nor any
22 subgrantee may exercise individual eligi-
23 bility determinations for the purpose of ad-
24 ministering short-term, non-cash, in-kind
25 emergency disaster relief to communities.

1 (ii) BAN ON USE FOR CERTAIN COSTS
 2 REIMBURSABLE BY FEMA.—The grantee
 3 may not use the funds for costs that are
 4 reimbursable by the Federal Emergency
 5 Management Agency, under a contract for
 6 insurance, or by self-insurance.

7 (3) APPROPRIATION.—Out of any money in the
 8 Treasury of the United States not otherwise appro-
 9 priated, there are appropriated \$400,000,000 to
 10 make tribal grants under this subsection.

11 **SEC. 102. EMERGENCY ASSISTANCE TO FAMILIES THROUGH**
 12 **HOME VISITING PROGRAMS.**

13 (a) IN GENERAL.—For purposes of section 511 of the
 14 Social Security Act, during the period that begins on Feb-
 15 ruary 1, 2020, and ends January 31, 2021—

16 (1) a virtual home visit shall be considered a
 17 home visit;

18 (2) funding for, and staffing levels of, a pro-
 19 gram conducted pursuant to such section shall not
 20 be reduced on account of reduced enrollment in the
 21 program; and

22 (3) funds provided for such a program may be
 23 used—

24 (A) to train home visitors in conducting a
 25 virtual home visit and in emergency prepared-

ness and response planning for families served,
and may include training on how to safely conduct intimate partner violence screenings, and training on safety and planning for families served;

(B) for the acquisition by families enrolled in the program of such technological means as are needed to conduct and support a virtual home visit;

(C) to provide emergency supplies (such as diapers, formula, non-perishable food, water, hand soap and hand sanitizer) to families served; and

(D) to provide prepaid grocery cards to an eligible family (as defined in section 511(k)(2) of such Act) for the purpose of enabling the family to meet the emergency needs of the family.

(b) VIRTUAL HOME VISIT DEFINED.—In subsection (a), the term “virtual home visit” means a visit that is conducted solely by the use of electronic information and telecommunications technologies.

(c) AUTHORITY TO DELAY DEADLINES.—

(1) IN GENERAL.—The Secretary of Health and Human Services may extend the deadline by which

1 a requirement of section 511 of the Social Security
2 Act must be met, by such period of time as the Sec-
3 retary deems appropriate.

4 (2) GUIDANCE.—The Secretary of Health and
5 Human Services shall provide to eligible entities
6 funded under section 511 of the Social Security Act
7 information on the parameters used in extending a
8 deadline under paragraph (1) of this subsection.

9 (d) SUPPLEMENTAL APPROPRIATION.—In addition
10 to amounts otherwise appropriated, out of any money in
11 the Treasury of the United States not otherwise appro-
12 priated, there are appropriated to the Secretary of Health
13 and Human Services \$100,000,000, to enable eligible enti-
14 ties to conduct programs funded under section 511 of the
15 Social Security Act pursuant to this section, which shall
16 remain available for obligation not later than January 31,
17 2021.

1 **TITLE II—REAUTHORIZATION OF**
2 **FUNDING FOR PROGRAMS TO**
3 **PREVENT, INVESTIGATE, AND**
4 **PROSECUTE ELDER ABUSE,**
5 **NEGLECT, AND EXPLOI-**
6 **TATION**

7 **SEC. 201. ELDER ABUSE, NEGLECT, AND EXPLOITATION FO-**
8 **RENSIC CENTERS.**

9 Section 2031(f) of the Social Security Act (42 U.S.C.
10 1397l(f)) is amended—

11 (1) in paragraph (2), by striking “and” after
12 the semicolon;

13 (2) in paragraph (3), by striking the period at
14 the end and inserting “; and”; and

15 (3) by adding at the end the following:

16 “(4) for fiscal year 2021, \$5,000,000.”.

17 **SEC. 202. GRANTS FOR LONG-TERM CARE STAFFING AND**
18 **TECHNOLOGY.**

19 Section 2041(d) of the Social Security Act (42 U.S.C.
20 1397m(d)) is amended—

21 (1) in paragraph (2), by striking “and” after
22 the semicolon;

23 (2) in paragraph (3), by striking the period at
24 the end and inserting “; and”; and

25 (3) by adding at the end the following:

1 “(4) for fiscal year 2021, \$14,000,000.”.

2 **SEC. 203. ADULT PROTECTIVE SERVICES FUNCTIONS AND**
 3 **GRANT PROGRAMS.**

4 Section 2042 of the Social Security Act (42 U.S.C.
 5 1397m–1) is amended—

6 (1) in subsection (a)(2), by striking
 7 “\$3,000,000” and all that follows through the pe-
 8 riod and inserting “\$3,000,000 for fiscal year
 9 2021.”;

10 (2) in subsection (b)(5), by striking
 11 “\$100,000,000” and all that follows through the pe-
 12 riod and inserting “\$100,000,000 for fiscal year
 13 2021.”; and

14 (3) in subsection (c)(6), by striking
 15 “\$25,000,000” and all that follows through the pe-
 16 riod and inserting “\$20,000,000 for fiscal year
 17 2021.”.

18 **SEC. 204. LONG-TERM CARE OMBUDSMAN PROGRAM**
 19 **GRANTS AND TRAINING.**

20 Section 2043 of the Social Security Act (42 U.S.C.
 21 1397m–2) is amended—

22 (1) in subsection (a)(2)—

23 (A) in subparagraph (B), by striking
 24 “and” after the semicolon;

1 (B) in subparagraph (C), by striking the
 2 period at the end and inserting “; and”; and

3 (C) by adding at the end the following:

4 “(D) for fiscal year 2021, \$8,000,000.”;
 5 and

6 (2) in subsection (b)(2), by inserting before the
 7 period the following: “, and for fiscal year 2021,
 8 \$10,000,000”.

9 **SEC. 205. INVESTIGATION SYSTEMS AND TRAINING.**

10 Section 6703(b) of the Patient Protection and Af-
 11 fordable Care Act (42 U.S.C. 1395i–3a(b)) is amended—

12 (1) in paragraph (1)(C), by striking “for the
 13 period” and all that follows through the period and
 14 inserting “for fiscal year 2021, \$10,000,000.”; and

15 (2) in paragraph (2)(C), by striking “for each
 16 of fiscal years 2011 through 2014, \$5,000,000” and
 17 inserting “for fiscal year 2021, \$4,000,000”.

18 **SEC. 206. INCREASED FUNDING FOR STATES AND INDIAN**

19 **TRIBES FOR ADULT PROTECTIVE SERVICES.**

20 (a) INCREASE IN FUNDING.—

21 (1) RESERVATION OF FUNDS.—Of the amount
 22 made available to carry out subtitle A of title XX of
 23 the Social Security Act for fiscal year 2020,
 24 \$25,000,000 shall be reserved for obligation by

1 States during calendar year 2020 in accordance with
2 subsection (b) of this section.

3 (2) APPROPRIATION.—Out of any money in the
4 Treasury of the United States not otherwise appro-
5 priated, there are appropriated \$25,000,000 for fis-
6 cal year 2020 to make grants to States under this
7 subsection, which shall remain available until the
8 end of fiscal year 2021.

9 (3) DEADLINE FOR DISTRIBUTION OF
10 FUNDS.—Within 45 days after the date of the enact-
11 ment of this Act, the Secretary of Health and
12 Human Services shall distribute the funds reserved
13 under paragraph (1) of this subsection, which shall
14 be made available to States (as defined for purposes
15 of title XX of the Social Security Act in section
16 1101 of such Act (42 U.S.C. 1301)) on an emer-
17 gency basis for immediate obligation and expendi-
18 ture.

19 (4) SUBMISSION OF REVISED PRE-EXPENDI-
20 TURE REPORT.—Within 90 days after a State re-
21 ceives funds distributed under paragraph (3), the
22 State shall submit to the Secretary of Health and
23 Human Services a revised pre-expenditure report
24 pursuant to subtitle A of title XX of the Social Se-

1 security Act (42 U.S.C. 1397 et seq.) that describes
2 how the State plans to administer the funds.

3 (5) DEADLINE FOR OBLIGATION OF FUNDS BY
4 STATES.—Within 120 days after funds are distrib-
5 uted to a State under paragraph (3), the State shall
6 obligate the funds.

7 (6) DEADLINE FOR EXPENDITURE OF
8 FUNDS.—A grantee to which a State (or a sub-
9 grantee to which a grantee) provides funds distrib-
10 uted under this subsection shall expend the funds
11 not later than December 31, 2021.

12 (b) RULES GOVERNING USE OF ADDITIONAL
13 FUNDS.—Funds are used in accordance with this sub-
14 section if—

15 (1) the funds are used for adult protective serv-
16 ices (as defined in section 2011(2) of the Social Se-
17 curity Act (42 U.S.C. 1397j(2)));

18 (2) the funds are used subject to the limitations
19 in section 2005 of the Social Security Act (42
20 U.S.C. 1397d); and

21 (3) the funds are used to supplement, not sup-
22 plant, State general revenue funds or funds provided
23 under section 2002 of the Social Security Act for
24 adult protective services.

1 (c) FUNDING FOR INDIAN TRIBES AND TRIBAL OR-
2 GANIZATIONS.—

3 (1) GRANTS.—

4 (A) IN GENERAL.—Within 90 days after
5 the date of the enactment of this Act, the Sec-
6 retary of Health and Human Services shall
7 make grants to Indian Tribes and Tribal orga-
8 nizations (as defined in section 677(e)(1) of the
9 Community Services Block Grant Act (42
10 U.S.C. 9911(e)(1))).

11 (B) AMOUNT OF GRANT.—The amount of
12 the grant for an Indian Tribe or Tribal organi-
13 zation shall bear the same ratio to the amount
14 appropriated by paragraph (3) as the total
15 amount of grants awarded to the Indian Tribe
16 or Tribal organization under the Low-Income
17 Home Energy Assistance Act of 1981 and the
18 Community Service Block Grant for fiscal year
19 2020 bears to the total amount of grants
20 awarded to all Indian Tribes and Tribal organi-
21 zations under such Act and such Grant for the
22 fiscal year.

23 (2) RULES GOVERNING USE OF FUNDS.—An
24 entity to which a grant is made under paragraph (1)
25 shall obligate the funds not later than September

1 30, 2021, and the funds shall be expended by grant-
2 ees and subgrantees not later than December 31,
3 2021, and used in accordance with subsection (b) of
4 this section (except that paragraph (3) of such sub-
5 section shall be applied by substituting “general rev-
6 enue funds of the Indian Tribe or Tribal organiza-
7 tion” for “State general revenue funds”).

8 (3) REPORTS.—

9 (A) PRE-EXPENDITURE REPORT AND IN-
10 TENDED USE PLAN.—Not later than 90 days
11 after an Indian Tribe or Tribal organization re-
12 ceives funds made available by this subsection,
13 the Indian Tribe or Tribal organization shall
14 submit to the Secretary of Health and Human
15 Services a pre-expenditure report on the in-
16 tended use of such funds including information
17 on the types of activities to be supported and
18 the categories or characteristics of individuals
19 to be served. The Indian Tribe or Tribal organi-
20 zation shall subsequently revise the pre-expendi-
21 ture report as necessary to reflect substantial
22 changes in the activities to be supported or the
23 categories or characteristics of individuals to be
24 served.

1 (B) POST-EXPENDITURE REPORT.—Not
2 later than January 1, 2022, each Indian Tribe
3 or Tribal organization that receives funds made
4 available under this section shall submit to the
5 Secretary of Health and Human Services a re-
6 port on the activities supported by such funds.
7 Such report shall be in such form and contain
8 such information (including the information de-
9 scribed in section 2006(c) of the Social Security
10 Act (42 U.S.C. 1397e(c))) as the Tribe or orga-
11 nization finds necessary to provide an accurate
12 description of such activities, to secure a com-
13 plete record of the purposes for which funds
14 were spent, and to determine the extent to
15 which funds were spent in a manner consistent
16 with the report required by subparagraph (A).

17 (4) APPROPRIATION.—Out of any money in the
18 Treasury of the United States not otherwise appro-
19 priated, there are appropriated \$650,000 for making
20 grants to Indian Tribes and Tribal organizations
21 under this subsection.

22 **SEC. 207. ASSESSMENT REPORTS.**

23 (a) IN GENERAL.—Not later than 2 years after the
24 date of enactment of this Act, the Secretary of Health and
25 Human Services shall submit a report to the Congress on

1 the programs, coordinating bodies, registries, and activi-
2 ties established or authorized under subtitle B of title XX
3 of the Social Security Act (42 U.S.C. 1397l et seq.) or
4 section 6703(b) of the Patient Protection and Affordable
5 Care Act (42 U.S.C. 1395i–3a(b)). The report shall assess
6 the extent to which such programs, coordinating bodies,
7 registries, and activities have improved access to, and the
8 quality of, resources available to aging Americans and
9 their caregivers to ultimately prevent, detect, and treat
10 abuse, neglect, and exploitation, and shall include, as ap-
11 propriate, recommendations to Congress on funding levels
12 and policy changes to help these programs, coordinating
13 bodies, registries, and activities better prevent, detect, and
14 treat abuse, neglect, and exploitation of aging Americans.

15 (b) LIMITATIONS ON AUTHORIZATION OF APPRO-
16 PRIATIONS.—For fiscal year 2021, out of any money in
17 the Treasury of the United States not otherwise appro-
18 priated, there are authorized to be appropriated to the
19 Secretary of Health and Human Services \$1,000,000 to
20 carry out this section.

1 **TITLE III—FAIRNESS FOR SEN-**
2 **IORS AND PEOPLE WITH DIS-**
3 **ABILITIES DURING COVID-19**

4 **SEC. 301. SOCIAL SECURITY AND SUPPLEMENTAL SECU-**
5 **RITY INCOME BENEFICIARY PROTECTIONS**
6 **REGARDING INCORRECT PAYMENTS DURING**
7 **COVID-19.**

8 (a) NO ADJUSTMENT, RECOVERY, OR LIABILITY
9 WITH RESPECT TO CERTAIN INCORRECT PAYMENTS.—

10 (1) IN GENERAL.—

11 (A) NO ADJUSTMENT, RECOVERY, OR LI-
12 ABILITY.—Notwithstanding any other provision
13 of title II, title VIII, title XI, or title XVI of
14 the Social Security Act, and subject to subpara-
15 graph (D), in the case of any payment under
16 title II, title VIII, or title XVI of such Act of
17 more than the correct amount for any month
18 during the period beginning on March 1, 2020,
19 and ending on January 31, 2021 (other than a
20 payment described in paragraph (2)), there
21 shall be no adjustment of such payment to, or
22 recovery by the United States from, any person,
23 estate, State, or organization, and no person,
24 estate, State, or organization shall be liable for

1 the repayment of the amount of such payment
2 in excess of the correct amount.

3 (B) AUTOMATIC RELIEF.—The Commis-
4 sioner of Social Security shall apply subpara-
5 graph (A) to each payment described therein
6 without requiring such person, estate, State, or
7 organization to so request and regardless of
8 whether such person, estate, State, or organiza-
9 tion so requests.

10 (C) PRESUMPTIONS TO APPLY.—For the
11 purposes of precluding such adjustment or re-
12 covery, the Commissioner of Social Security
13 may presume—

14 (i) all such persons, estates, States, or
15 organizations to be not at fault; and

16 (ii) recovery to be against equity and
17 good conscience.

18 (D) RULE OF CONSTRUCTION.—Notwith-
19 standing the preceding subparagraphs, in case
20 of any payment described in subparagraph (A)
21 that has been recovered, in full or in part, the
22 Commissioner of Social Security shall have no
23 obligation to issue refunds of such recovered
24 amounts.

1 (2) AMOUNTS SUBJECT TO LIABILITY AND RE-
2 COVERY.—A payment described in this paragraph is
3 a payment of more than the correct amount result-
4 ing from—

5 (A) a conviction for an offense under sec-
6 tion 208(a), 811, or 1632(a) of the Social Secu-
7 rity Act;

8 (B) an incorrect or incomplete statement
9 that is knowingly made and material, or the
10 knowing concealment of material information;
11 or

12 (C) a determination that a representative
13 payee misused benefits made under section
14 205(j), 807, or 1631(a)(2) of the Social Secu-
15 rity Act,

16 but only if such offense, misstatement, or misuse oc-
17 curred on or after March 1.

18 (b) NOTIFICATIONS; SUSPENSION OF RECOVERY
19 UPON REQUEST.—

20 (1) RECOVERY BY ADJUSTMENT OF BENE-
21 FITS.—

22 (A) IN GENERAL.—Not later than Novem-
23 ber 30, 2020, the Commissioner of Social Secu-
24 rity shall—

- 1 (i) notify each covered individual of
 2 the opportunity to request that the adjust-
 3 ment of benefits described in subparagraph
 4 (B) be reduced or suspended during the
 5 period described in subsection (a)(1); and
 6 (ii) reduce or suspend (as requested)
 7 such adjustment immediately upon receipt
 8 of the request.

9 (B) COVERED INDIVIDUAL.—In this para-
 10 graph, the term “covered individual” means an
 11 individual with respect to whom the recovery of
 12 any payment under title II, title VIII, or title
 13 XVI of the Social Security Act of more than the
 14 correct amount (other than a payment de-
 15 scribed in paragraph (a)(2)) is in effect, by ad-
 16 justment of the individual’s monthly benefits or
 17 underpayments, for any month during the pe-
 18 riod described in subsection (a)(1).

19 (2) RECOVERY BY INSTALLMENT AGREE-
 20 MENTS.—Not later than November 30, 2020, the
 21 Commissioner of Social Security shall notify each
 22 party owing a debt to the Social Security Adminis-
 23 tration (other than a debt arising from a payment
 24 described in paragraph (a)(2)) with respect to which
 25 an installment agreement is in effect of the oppor-

1 tunity to request that the installment payments
2 under such agreement be suspended during the pe-
3 riod described in subsection (a)(1), and shall sus-
4 pend such payments upon request. The Commis-
5 sioner of Social Security shall deem a debt for which
6 such a suspension has been made to be not delin-
7 quent during such period.

8 (c) REPORT.—Not later than 30 days after the date
9 of enactment of this Act, the Commissioner of Social Secu-
10 rity shall submit a report to the Committee on Ways and
11 Means of the House of Representatives and the Committee
12 on Finance of the Senate describing the Commissioner’s
13 activities under this section.

14 (d) DEEMED ELIGIBILITY FOR SSI FOR PURPOSES
15 OF DETERMINING MEDICAID ELIGIBILITY.—

16 (1) IN GENERAL.—Notwithstanding any provi-
17 sion of title XVI or title XIX of the Social Security
18 Act (or section 212(a) of Public Law 93–66), each
19 individual who receives a covered supplemental pay-
20 ment for any month during the period described in
21 subsection (a)(1) and is subsequently determined to
22 be ineligible for such payment shall be deemed to be
23 a recipient of supplemental security income benefits
24 under title XVI or State supplementary benefits of
25 the type referred to in section 1616(a) of such Act

1 (or payments of the type described in section 212(a)
 2 of Public Law 93–66), as the case may be, for such
 3 month for purposes of determining the individual’s
 4 eligibility for medical assistance under a State plan
 5 approved under title XIX of the Social Security Act
 6 (42 U.S.C. 1396 et seq.) (or a waiver of such plan).

7 (2) COVERED SUPPLEMENTAL PAYMENT.—For
 8 purposes of this subsection, a covered supplemental
 9 payment is—

10 (A) a payment of a supplemental security
 11 income benefit under title XVI of the Social Se-
 12 curity Act; or

13 (B) a State supplementary payment of the
 14 type referred to in section 1616(a) of such title
 15 (or a payment of the type described in section
 16 212(a) of Public Law 93–66).

17 (e) PROTECTION FOR CERTAIN MEDICARE BENE-
 18 FICIARIES.—Notwithstanding section 226(a) of the Social
 19 Security Act, in the case of any individual—

20 (1) who is entitled to hospital insurance bene-
 21 fits under part A of title XVIII of the Social Secu-
 22 rity by operation of section 226(a) of such Act; and

23 (2) whose entitlement to monthly insurance
 24 benefits under section 202 of such Act or status as
 25 a qualified railroad retirement beneficiary (as de-

1 fined in section 226(d) of such Act) terminates with
2 any month during the period beginning on March 1,
3 2020, and ending on January 31, 2021, as a result
4 of a determination made on or after August 31,
5 2020,

6 the individual's entitlement to such hospital insurance
7 benefits shall end with the month following the month in
8 which notice of termination of such entitlement to monthly
9 insurance benefits under section 202 of such Act or such
10 status as a qualified railroad retirement beneficiary is
11 mailed to the individual, or if earlier, with the month be-
12 fore the month in which the individual dies.

13 (f) HOLD HARMLESS FOR THE SOCIAL SECURITY
14 TRUST FUNDS.—There are appropriated, out of any mon-
15 eys in the Treasury not otherwise appropriated, to each
16 of the Federal Old-Age and Survivors Insurance Trust
17 Fund and the Federal Disability Insurance Trust Fund
18 for each fiscal year such amounts as the chief actuary of
19 the Social Security Administration shall certify are nec-
20 essary to place each such Trust Fund in the same position
21 at the end of such fiscal year as it would have been in
22 if the amendments made by this section had not been en-
23 acted.

1 **TITLE IV—SUPPORTING FOSTER**
2 **YOUTH AND FAMILIES**
3 **THROUGH THE PANDEMIC**

4 **SEC. 401. SHORT TITLE.**

5 This title may be cited as the “Supporting Foster
6 Youth and Families through the Pandemic Act”.

7 **SEC. 402. DEFINITIONS.**

8 In this title:

9 (1) COVID–19 PUBLIC HEALTH EMERGENCY.—

10 The term “COVID–19 public health emergency”
11 means the public health emergency declared by the
12 Secretary pursuant to section 319 of the Public
13 Health Service Act, entitled “Determination that a
14 Public Health Emergency Exists Nationwide as the
15 Result of the 2019 Novel Coronavirus”.

16 (2) COVID–19 PUBLIC HEALTH EMERGENCY
17 PERIOD.—The term “COVID–19 public health emer-
18 gency period” means the period beginning on April
19 1, 2020 and ending with September 30, 2021.

20 (3) SECRETARY.—The term “Secretary” means
21 the Secretary of Health and Human Services.

22 **SEC. 403. CONTINUED SAFE OPERATION OF CHILD WEL-**
23 **FARE PROGRAMS AND SUPPORT FOR OLDER**
24 **FOSTER YOUTH.**

25 (a) FUNDING INCREASES.—

1 (1) INCREASE IN SUPPORT FOR CHAFEE PRO-
2 GRAMS.—Out of any money in the Treasury of the
3 United States not otherwise appropriated, there are
4 appropriated \$400,000,000 for fiscal year 2020, to
5 carry out section 477 of the Social Security Act, in
6 addition to any amounts otherwise made available
7 for such purpose.

8 (2) EDUCATION AND TRAINING VOUCHERS.—Of
9 the amount made available by reason of paragraph
10 (1) of this subsection, not less than \$50,000,000
11 shall be reserved for the provision of vouchers pursu-
12 ant to section 477(h)(2) of the Social Security Act.

13 (3) APPLICABILITY OF TECHNICAL ASSISTANCE
14 TO ADDITIONAL FUNDS.—

15 (A) IN GENERAL.—Section 477(g)(2) of
16 the Social Security Act shall apply with respect
17 to the amount made available by reason of
18 paragraph (1) of this subsection as if the
19 amount were included in the amount specified
20 in section 477(h) of such Act.

21 (B) RESERVATION OF FUNDS.—

22 (i) IN GENERAL.—Of the amount to
23 which section 477(g)(2) of the Social Secu-
24 rity Act applies by reason of subparagraph
25 (A) of this paragraph, the Secretary shall

1 reserve not less than \$500,000 to provide
2 technical assistance to a State imple-
3 menting or seeking to implement a driving
4 and transportation program for foster
5 youth.

6 (ii) PROVIDER QUALIFICATIONS.—The
7 Secretary shall ensure that the entity pro-
8 viding the assistance has demonstrated the
9 capacity to—

10 (I) successfully administer activi-
11 ties in 1 or more States to provide
12 driver's licenses to youth who are in
13 foster care under the responsibility of
14 the State; and

15 (II) increase the number of such
16 foster youth who obtain a driver's li-
17 cense.

18 (4) INAPPLICABILITY OF STATE MATCHING RE-
19 QUIREMENT TO ADDITIONAL FUNDS.—In making
20 payments under subsections (a)(4) and (e)(1) of sec-
21 tion 474 of the Social Security Act from the addi-
22 tional funds made available as a result of para-
23 graphs (1) and (2) of this subsection, the percent-
24 ages specified in subsections (a)(4)(A)(i) and (e)(1)

1 of such section are, respectively, deemed to be 100
2 percent.

3 (5) MAXIMUM AWARD AMOUNT.—The dollar
4 amount specified in section 477(i)(4)(B) of the So-
5 cial Security Act through the end of fiscal year 2021
6 is deemed to be \$12,000.

7 (6) INAPPLICABILITY OF NYTD PENALTY TO
8 ADDITIONAL FUNDS.—In calculating any penalty
9 under section 477(e)(2) of the Social Security Act
10 with respect to the National Youth in Transition
11 Database (NYTD) for the COVID–19 public health
12 emergency period, none of the additional funds made
13 available by reason of paragraphs (1) and (2) of this
14 subsection shall be considered to be part of an allot-
15 ment to a State under section 477(c) of such Act.

16 (b) MAXIMUM AGE LIMITATION ON ELIGIBILITY FOR
17 ASSISTANCE.—During fiscal years 2020 and 2021, a child
18 may be eligible for services and assistance under section
19 477 of the Social Security Act until the child attains 27
20 years of age, notwithstanding any contrary certification
21 made under such section.

22 (c) SPECIAL RULE.—With respect to funds made
23 available by reason of subsection (a) that are used during
24 the COVID–19 public health emergency period to support
25 activities due to the COVID–19 pandemic, the Secretary

1 may not require any State to provide proof of a direct
2 connection to the pandemic if doing so would be adminis-
3 tratively burdensome or would otherwise delay or impede
4 the ability of the State to serve foster youth.

5 (d) PROGRAMMATIC FLEXIBILITIES.—During the
6 COVID–19 public health emergency period:

7 (1) SUSPENSION OF CERTAIN REQUIREMENTS
8 UNDER THE EDUCATION AND TRAINING VOUCHER
9 PROGRAM.—The Secretary shall allow a State to
10 waive the applicability of the requirement in section
11 477(i)(3) of the Social Security Act that a youth
12 must be enrolled in a postsecondary education or
13 training program or making satisfactory progress to-
14 ward completion of that program if a youth is un-
15 able to do so due to the COVID–19 public health
16 emergency.

17 (2) AUTHORITY TO USE VOUCHERS TO MAIN-
18 TAIN TRAINING AND POSTSECONDARY EDUCATION.—
19 A voucher provided under a State educational and
20 training voucher program under section 477(i) of the
21 Social Security Act may be used for maintaining
22 training and postsecondary education, including less
23 than full-time matriculation costs or other expenses
24 that are not part of the cost of attendance but would

1 help support youth in remaining enrolled as de-
 2 scribed in paragraph (1) of this subsection.

3 (3) AUTHORITY TO WAIVE LIMITATIONS ON
 4 PERCENTAGE OF FUNDS USED FOR HOUSING ASSIST-
 5 ANCE AND ELIGIBILITY FOR SUCH ASSISTANCE.—

6 Notwithstanding section 477(b)(3)(B) of the Social
 7 Security Act, a State may use—

8 (A) more than 30 percent of the amounts
 9 paid to the State from its allotment under sec-
 10 tion 477(c)(1) of such Act for a fiscal year, for
 11 room or board payments; and

12 (B) any of such amounts for youth other-
 13 wise eligible for services under section 477 of
 14 such Act who—

15 (i) have attained 18 years of age and
 16 not 27 years of age; and

17 (ii) experienced foster care at 14
 18 years of age or older.

19 (4) AUTHORITY TO PROVIDE DRIVING AND
 20 TRANSPORTATION ASSISTANCE.—

21 (A) USE OF FUNDS.—Funds provided
 22 under section 477 of the Social Security Act
 23 may be used to provide driving and transpor-
 24 tation assistance to youth described in para-
 25 graph (3)(B) who have attained 15 years of age

1 with costs related to obtaining a driver's license
2 and driving lawfully in a State (such as vehicle
3 insurance costs, driver's education class and
4 testing fees, practice lessons, practice hours, li-
5 cense fees, roadside assistance, deductible as-
6 sistance, and assistance in purchasing an auto-
7 mobile).

8 (B) MAXIMUM ALLOWANCE.—The amount
9 of the assistance provided for each eligible
10 youth under subparagraph (A) shall not exceed
11 \$4,000 per year, and any assistance so provided
12 shall be disregarded for purposes of deter-
13 mining the recipient's eligibility for, and the
14 amount of, any other Federal or federally-sup-
15 ported assistance, except that the State agency
16 shall take appropriate steps to prevent dupli-
17 cation of benefits under this and other Federal or
18 federally-supported programs.

19 (C) REPORT TO THE CONGRESS.—Within
20 6 months after the end of the expenditure pe-
21 riod, the Secretary shall submit to the Congress
22 a report on the extent to which, and the man-
23 ner in which, the funds to which subsection
24 (a)(3) applies were used to provide technical as-
25 sistance to State child welfare programs, mon-

1 itor State performance and foster youth out-
2 comes, and evaluate program effectiveness.

3 **SEC. 404. PREVENTING AGING OUT OF FOSTER CARE DUR-**
4 **ING THE PANDEMIC.**

5 (a) ADDRESSING FOSTER CARE AGE RESTRICTIONS
6 DURING THE PANDEMIC.—A State operating a program
7 under part E of title IV of the Social Security Act may
8 not require a child who is in foster care under the respon-
9 sibility of the State to leave foster care solely by reason
10 of the child’s age. A child may not be found ineligible for
11 foster care maintenance payments under section 472 of
12 such Act solely due to the age of the child or the failure
13 of the child to meet a condition of section 475(8)(B)(iv)
14 of such Act before October 1, 2021.

15 (b) RE-ENTRY TO FOSTER CARE FOR YOUTH WHO
16 AGE OUT DURING THE PANDEMIC.—A State operating a
17 program under the State plan approved under part E of
18 title IV of the Social Security Act (and without regard
19 to whether the State has exercised the option provided by
20 section 475(8)(B) of such Act to extend assistance under
21 such part to older children) shall—

22 (1) permit any youth who left foster care due
23 to age during the COVID–19 public health emer-
24 gency to voluntarily re-enter foster care;

1 (2) provide to each such youth who was for-
2 mally discharged from foster care during the
3 COVID–19 public health emergency, a notice de-
4 signed to make the youth aware of the option to re-
5 turn to foster care;

6 (3) facilitate the voluntary return of any such
7 youth to foster care; and

8 (4) conduct a public awareness campaign about
9 the option to voluntarily re-enter foster care for
10 youth who have not attained 22 years of age, who
11 aged out of foster care in fiscal year 2020 or fiscal
12 year 2021, and who are otherwise eligible to return
13 to foster care.

14 (c) PROTECTIONS FOR YOUTH IN FOSTER CARE.—
15 A State operating a program under the State plan ap-
16 proved under part E of title IV of the Social Security Act
17 shall—

18 (1) continue to ensure that the safety, perma-
19 nence, and well-being needs of older foster youth, in-
20 cluding youth who remain in foster care and youth
21 who age out of foster care during that period but
22 who re-enter foster care pursuant to this section, are
23 met; and

24 (2) work with any youth who remains in foster
25 care after attaining 18 years of age (or such greater

1 age as the State may have elected under section
 2 475(8)(B)(iii) of such Act) to develop, or review and
 3 revise, a transition plan consistent with the plan re-
 4 ferred to in section 475(5)(H) of such Act, and as-
 5 sist the youth with identifying adults who can offer
 6 meaningful, permanent connections.

7 (d) AUTHORITY TO USE ADDITIONAL FUNDING FOR
 8 CERTAIN COSTS INCURRED TO PREVENT AGING OUT OF,
 9 FACILITATING RE-ENTRY TO, AND PROTECTING YOUTH
 10 IN CARE DURING THE PANDEMIC.—

11 (1) IN GENERAL.—Subject to paragraph (2) of
 12 this subsection, a State to which additional funds
 13 are made available as a result of section 3(a) may
 14 use the funds to meet any costs incurred in com-
 15 plying with subsections (a), (b), and (c) of this sec-
 16 tion.

17 (2) RESTRICTIONS.—

18 (A) The costs referred to in paragraph (1)
 19 must be incurred after the date of the enact-
 20 ment of this section and before October 1,
 21 2021.

22 (B) The costs of complying with subsection
 23 (a) or (c) of this section must not be incurred
 24 on behalf of children eligible for foster care
 25 maintenance payments under section 472 of the

1 Social Security Act, including youth who have
2 attained 18 years of age who are eligible for the
3 payments by reason of the temporary waiver of
4 the age requirement or the conditions of section
5 475(8)(B)(iv) of such Act.

6 (C) A State shall make reasonable efforts
7 to ensure that eligibility for foster care mainte-
8 nance payments under section 472 of the Social
9 Security Act is determined when a youth re-
10 mains in, or re-enters, foster care as a result of
11 the State complying with subsections (a) and
12 (c) of this section.

13 (D) A child who re-enters care during the
14 COVID–19 public health emergency period may
15 not be found ineligible for foster care mainte-
16 nance payments under section 472 of the Social
17 Security Act solely due to age or the require-
18 ments of section 475(8)(B)(iv) of such Act be-
19 fore October 1, 2021.

20 (e) TERMINATION OF CERTAIN PROVISIONS.—The
21 preceding provisions of this section shall have no force or
22 effect after September 30, 2021.

1 **SEC. 405. FAMILY FIRST PREVENTION SERVICES PROGRAM**
2 **PANDEMIC FLEXIBILITY.**

3 During the COVID–19 public health emergency pe-
4 riod, each percentage specified in subparagraphs (A)(i)
5 and (B) of section 474(a)(6) of the Social Security Act
6 is deemed to be 100 percent.

7 **SEC. 406. EMERGENCY FUNDING FOR THE MARYLEE ALLEN**
8 **PROMOTING SAFE AND STABLE FAMILIES**
9 **PROGRAM.**

10 (a) IN GENERAL.—Out of any money in the Treasury
11 of the United States not otherwise appropriated, there are
12 appropriated \$85,000,000 to carry out section 436(a) of
13 the Social Security Act for fiscal year 2020, in addition
14 to any amounts otherwise made available for such pur-
15 pose. For purposes of section 436(b) of such Act, the
16 amount made available by the preceding sentence shall be
17 considered part of the amount specified in such section
18 436(a).

19 (b) INAPPLICABILITY OF STATE MATCHING RE-
20 QUIREMENT TO ADDITIONAL FUNDS.—In making pay-
21 ments under section 434(a) of the Social Security Act
22 from the additional funds made available as a result of
23 subsection (a) of this section, the percentage specified in
24 section 434(a)(1) of such Act is deemed to be 100 percent.

25 (c) CONFORMING AMENDMENTS.—Section 436 of the
26 Social Security Act (42 U.S.C. 629f) is amended in each

1 of subsections (a), (b)(4), and (b)(5) by striking “2021”
 2 and inserting “2022”.

3 **SEC. 407. COURT IMPROVEMENT PROGRAM.**

4 (a) RESERVATION OF FUNDS.—Of the additional
 5 amounts made available by reason of section 406 of this
 6 title, the Secretary shall reserve \$10,000,000 for grants
 7 under subsection (b) of this section, which shall be consid-
 8 ered to be made under section 438 of the Social Security
 9 Act.

10 (b) DISTRIBUTION OF FUNDS.—

11 (1) IN GENERAL.—From the amounts reserved
 12 under subsection (a) of this section, the Secretary
 13 shall—

14 (A) reserve not more than \$500,000 for
 15 Tribal court improvement activities; and

16 (B) from the amount remaining after the
 17 application of subparagraph (A), make a grant
 18 to each highest State court that is approved to
 19 receive a grant under section 438 of the Social
 20 Security Act for the purpose described in sec-
 21 tion 438(a)(3) of such Act, for fiscal year 2020.

22 (2) AMOUNT.—The amount of the grant award-
 23 ed to a highest State court under this subsection
 24 shall be the sum of—

25 (A) \$85,000; and

1 (B) the amount that bears the same ratio
2 to the amount reserved under subsection (a)
3 that remains after the application of paragraph
4 (1)(A) and subparagraph (A) of this paragraph,
5 as the number of individuals in the State in
6 which the court is located who have not at-
7 tained 21 years of age bears to the total num-
8 ber of such individuals in all States the highest
9 courts of which were awarded a grant under
10 this subsection (based on the most recent year
11 for which data are available from the Bureau of
12 the Census).

13 (3) OTHER RULES.—

14 (A) IN GENERAL.—The grants awarded to
15 the highest State courts under this subsection
16 shall be in addition to any grants made to the
17 courts under section 438 of the Social Security
18 Act for any fiscal year.

19 (B) NO ADDITIONAL APPLICATION.—The
20 Secretary shall award grants to the highest
21 State courts under this subsection without re-
22 quiring the courts to submit an additional ap-
23 plication.

1 (C) REPORTS.—The Secretary may estab-
2 lish reporting criteria specific to the grants
3 awarded under this subsection.

4 (D) REDISTRIBUTION OF FUNDS.—If a
5 highest State court does not accept a grant
6 awarded under this subsection, or does not
7 agree to comply with any reporting require-
8 ments imposed under subparagraph (C) or the
9 use of funds requirements specified in sub-
10 section (c), the Secretary shall redistribute the
11 grant funds that would have been awarded to
12 that court under this subsection among the
13 other highest State courts that are awarded
14 grants under this subsection and agree to com-
15 ply with the reporting and use of funds require-
16 ments.

17 (E) NO MATCHING REQUIREMENT.—The
18 limitation on the use of funds specified in sec-
19 tion 438(d) of such Act shall not apply to the
20 grants awarded under this section.

21 (c) USE OF FUNDS.—A highest State court awarded
22 a grant under subsection (b) shall use the grant funds to
23 address needs stemming from the COVID–19 public
24 health emergency, which may include any of the following:

(3) Programs to help families address aspects of the case plan to avoid delays in legal proceedings that would occur as a direct result of the COVID-19 public health emergency.

(d) CONFORMING AMENDMENTS.—Section 438 of the Social Security Act (42 U.S.C. 629h) is amended in each of subsections (c)(1) and (d) by striking “2021” and inserting “2022”.

(a) INAPPLICABILITY OF MATCHING FUNDS RE-
QUIREMENTS.—During the COVID-19 public health
emergency period, the percentage specified in section

1 474(a)(7) of the Social Security Act is deemed to be 100
2 percent.

3 (b) WAIVER OF EVIDENCE STANDARD.—During the
4 COVID–19 public health emergency period, the require-
5 ment in section 474(a)(7) of the Social Security Act that
6 the Secretary determine that a kinship navigator program
7 be operated in accordance with promising, supported, or
8 well-supported practices that meet the applicable criteria
9 specified for the practices in section 471(e)(4)(C) of such
10 Act shall have no force or effect.

11 (c) OTHER ALLOWABLE USES OF FUNDS.—A State
12 may use funds provided to carry out a kinship navigator
13 program—

14 (1) for evaluations, independent systematic re-
15 view, and related activities;

16 (2) to provide short-term support to kinship
17 families for direct services or assistance during the
18 COVID–19 public health emergency period; and

19 (3) to ensure that kinship caregivers have the
20 information and resources to allow kinship families
21 to function at their full potential, including—

22 (A) ensuring that those who are at risk of
23 contracting COVID–19 have access to informa-
24 tion and resources for necessities, including

1 food, safety supplies, and testing and treatment
2 for COVID–19;

3 (B) access to technology and technological
4 supports needed for remote learning or other
5 activities that must be carried out virtually due
6 to the COVID–19 public health emergency;

7 (C) health care and other assistance, in-
8 cluding legal assistance and assistance with
9 making alternative care plans for the children
10 in their care if the caregivers were to become
11 unable to continue caring for the children;

12 (D) services to kinship families, including
13 kinship families raising children outside of the
14 foster care system; and

15 (E) assistance to allow children to continue
16 safely living with kin.

17 (d) TERRITORY CAP EXEMPTION.—Section
18 1108(a)(1) of the Social Security Act shall be applied
19 without regard to any amount paid to a territory pursuant
20 to this section that would not have been paid to the terri-
21 tory in the absence of this section.

1 **SEC. 409. ADJUSTMENT OF FUNDING CERTAINTY BASE-**
 2 **LINES FOR FAMILY FIRST TRANSITION ACT**
 3 **FUNDING CERTAINTY GRANTS.**

4 Section 602(c)(2) of division N of the Further Con-
 5 solidated Appropriations Act, 2020 (Public Law 116–94)
 6 is amended—

7 (1) in subparagraph (C), in the matter pre-
 8 ceding clause (i), by striking “The calculation” and
 9 inserting “Except as provided in subparagraph (G),
 10 the calculation”; and

11 (2) by adding at the end the following:

12 “(G) **ADJUSTMENT OF FUNDING CER-**
 13 **TAINTY BASELINES.**—

14 “(i) **HOLD HARMLESS FOR TEM-**
 15 **PORARY INCREASE IN FMAP.**—For each fis-
 16 cal year specified in subparagraph (B), the
 17 Secretary shall increase the maximum
 18 capped allocation for fiscal year 2019 or
 19 the final cost neutrality limit for fiscal year
 20 2018 for a State or sub-State jurisdiction
 21 referred to in subparagraph (A)(i), by the
 22 amount equal to the difference between—

23 “(I) the amount of the foster
 24 care maintenance payments portion of
 25 such maximum capped allocation or
 26 final cost neutrality limit; and

1 “(II) the amount that the foster
2 care maintenance payments portion of
3 such maximum capped allocation or
4 final cost neutrality limit would be if
5 the Federal medical assistance per-
6 centage applicable to the State under
7 clause (ii) for the fiscal year so speci-
8 fied were used to determine the
9 amount of such portion.

10 “(ii) APPLICABLE FEDERAL MEDICAL
11 ASSISTANCE PERCENTAGE.—For purposes
12 of clause (i)(II), the Federal medical as-
13 sistance percentage applicable to a State
14 for a fiscal year specified in subparagraph
15 (B) is the average of the values of the Fed-
16 eral medical assistance percentage applica-
17 ble to the State in each quarter of such fis-
18 cal year under section 474(a)(1) of the So-
19 cial Security Act (42 U.S.C. 674(a)(1))
20 after application of any temporary increase
21 in the Federal medical assistance percent-
22 age for the State and quarter under sec-
23 tion 6008 of the Families First
24 Coronavirus Response Act (42 U.S.C.
25 1396d note) and any other Federal legisla-

1 tion enacted during the period that begins
2 on July 1, 2020, and ends on September
3 30, 2021.”.

4 **SEC. 410. TECHNICAL CORRECTION TO TEMPORARY IN-**
5 **CREASE OF MEDICAID FMAP.**

6 Section 6008 of the Families First Coronavirus Re-
7 sponse Act (Public Law 116–127) is amended by adding
8 at the end the following:

9 “(e) APPLICATION TO TITLE IV–E PAYMENTS.—If
10 the District of Columbia receives the increase described
11 in subsection (a) in the Federal medical assistance per-
12 centage for the District of Columbia with respect to a
13 quarter, the Federal medical assistance percentage for the
14 District of Columbia, as so increased, shall apply to pay-
15 ments made to the District of Columbia under part E of
16 title IV of the Social Security Act (42 U.S.C. 670 et seq.)
17 for that quarter, and the payments under such part shall
18 be deemed to be made on the basis of the Federal medical
19 assistance percentage applied with respect to such District
20 for purposes of title XIX of such Act (42 U.S.C. 1396
21 et seq.) and as increased under subsection (a).”.

**TITLE V—PANDEMIC STATE
FLEXIBILITIES**

**SEC. 501. EMERGENCY FLEXIBILITY FOR STATE TANF PRO-
GRAMS.**

(a) STATE PROGRAMS.—Sections 407(a), 407(e)(1), and 408(a)(7)(A) of the Social Security Act shall have no force or effect during the applicable period, and paragraphs (3), (9), (14), and (15) of section 409(a) of such Act shall not apply with respect to conduct engaged in during the period.

(b) TRIBAL PROGRAMS.—The minimum work participation requirements and time limits established under section 412(c) of the Social Security Act shall have no force or effect during the applicable period, and the penalties established under such section shall not apply with respect to conduct engaged in during the period.

(c) PENALTY FOR NONCOMPLIANCE.—

(1) IN GENERAL.—If the Secretary of Health and Human Services finds that a State or an Indian tribe has imposed a work requirement as a condition of receiving assistance, or a time limit on the provision of assistance, under a program funded under part A of title IV of the Social Security Act or any program funded with qualified State expenditures (as defined in section 409(a)(7)(B)(i) of such Act)

1 during the applicable period, or has imposed a pen-
2 alty for failure to comply with a work requirement
3 during the period, the Secretary shall reduce the
4 grant payable to the State under section 403(a)(1)
5 of such Act or the grant payable to the tribe under
6 section 412(a)(1) of such Act, as the case may be,
7 for fiscal year 2021 by an amount equal to 5 percent
8 of the State or tribal family assistance grant, as the
9 case may be.

10 (2) APPLICABILITY OF CERTAIN PROVISIONS.—

11 For purposes of section 409(d) of the Social Secu-
12 rity Act, paragraph (1) of this subsection shall be
13 considered to be included in section 409(a) of such
14 Act.

15 (d) DEFINITIONS.—In this section:

16 (1) APPLICABLE PERIOD.—The term “applica-
17 ble period” means the period that begins on March
18 1, 2020, and ends January 31, 2021.

19 (2) WORK REQUIREMENT.—The term “work re-
20 quirement” means a requirement to engage in a
21 work activity (as defined in section 407(d) of the So-
22 cial Security Act) or other work-related activity as
23 defined by a State or tribal program funded under
24 part A of title IV of such Act.

1 (3) OTHER TERMS.—Each other term has the
2 meaning given the term in section 419 of the Social
3 Security Act.

4 **SEC. 502. EMERGENCY FLEXIBILITY FOR CHILD SUPPORT**
5 **PROGRAMS.**

6 (a) IN GENERAL.—With respect to the period that
7 begins on March 1, 2020, and ends January 31, 2021:

8 (1) Sections 408(a)(2), 409(a)(5), and
9 409(a)(8) of the Social Security Act shall have no
10 force or effect.

11 (2) Notwithstanding section 466(d) of such Act,
12 the Secretary of Health and Human Services (in this
13 subsection referred to as the “Secretary”) may ex-
14 empt a State from any requirement of section 466
15 of such Act to respond to the COVID–19 pandemic,
16 except that the Secretary may not exempt a State
17 from any requirement to—

18 (A) provide a parent with notice of a right
19 to request a review and, if appropriate, adjust-
20 ment of a support order; or

21 (B) afford a parent the opportunity to
22 make such a request.

23 (3) The Secretary may not impose a penalty or
24 take any other adverse action against a State pursu-
25 ant to section 452(g)(1) of such Act for failure to

1 achieve a paternity establishment percentage of less
2 than 90 percent.

3 (4) The Secretary may not find that the pater-
4 nity establishment percentage for a State is not
5 based on reliable data for purposes of section
6 452(g)(1) of such Act, and the Secretary may not
7 determine that the data which a State submitted
8 pursuant to section 452(a)(4)(C)(i) of such Act and
9 which is used in determining a performance level is
10 not complete or reliable for purposes of section
11 458(b)(5)(B) of such Act, on the basis of the failure
12 of the State to submit OCSE Form 396 or 34 in a
13 timely manner.

14 (5) The Secretary may not impose a penalty or
15 take any other adverse action against a State for
16 failure to comply with section 454A(g)(1)(A)(i) or
17 454B(c)(1) of such Act.

18 (6) The Secretary may not disapprove a State
19 plan submitted pursuant to part D of title IV of
20 such Act for failure of the plan to meet the require-
21 ment of section 454(1) of such Act, and may not im-
22 pose a penalty or take any other adverse action
23 against a State with such a plan that meets that re-
24 quirement for failure to comply with that require-
25 ment.

1 (7) To the extent that a preceding provision of
 2 this section applies with respect to a provision of law
 3 applicable to a program operated by an Indian tribe
 4 or tribal organization (as defined in subsections (e)
 5 and (l) of section 4 of the Indian Self-Determination
 6 and Education Assistance Act (25 U.S.C. 450b)),
 7 that preceding provision shall apply with respect to
 8 the Indian tribe or tribal organization.

9 (b) CLARIFICATION OF PERFORMANCE INCENTIVE
 10 PAYMENT CALCULATION.—Notwithstanding paragraph
 11 (3) of section 458(b) of the Social Security Act, the State
 12 incentive payment share for each of fiscal years 2020 and
 13 2021 for purposes of such section shall be the State incen-
 14 tive payment share determined under such section for fis-
 15 cal year 2019.

16 (c) STATE DEFINED.—In subsection (a), the term
 17 “State” has the meaning given the term in section
 18 1101(a) of the Social Security Act for purposes of title
 19 IV of such Act.

20 **DIVISION K—HEALTH** 21 **PROVISIONS**

22 **SEC. 100. SHORT TITLE.**

23 This division may be cited as the “Investing in Amer-
 24 ica’s Health Care During the COVID–19 Pandemic Act”.

1 **TITLE I—MEDICAID PROVISIONS**

2 **SEC. 101. COVID-19-RELATED TEMPORARY INCREASE OF** 3 **MEDICAID FMAP.**

4 (a) IN GENERAL.—Section 6008 of the Families
5 First Coronavirus Response Act (42 U.S.C. 1396d note)
6 is amended—

7 (1) in subsection (a)—

8 (A) by inserting “(or, if later, September
9 30, 2021)” after “last day of such emergency
10 period occurs”; and

11 (B) by striking “6.2 percentage points.”
12 and inserting “the percentage points specified
13 in subsection (e). In no case may the applica-
14 tion of this section result in the Federal medical
15 assistance percentage determined for a State
16 being more than 95 percent.”; and

17 (2) by adding at the end the following new sub-
18 sections:

19 “(f) SPECIFIED PERCENTAGE POINTS.—For pur-
20 poses of subsection (a), the percentage points specified in
21 this subsection are—

22 “(1) for each calendar quarter occurring during
23 the period beginning on the first day of the emer-
24 gency period described in paragraph (1)(B) of sec-
25 tion 1135(g) of the Social Security Act (42 U.S.C.

1 1320b-5(g)) and ending on September 30, 2020, 6.2
2 percentage points;

3 “(2) for each calendar quarter occurring during
4 the period beginning on October 1, 2020, and ending
5 on September 30, 2021, 14 percentage points; and

6 “(3) for each calendar quarter, if any, occurring
7 during the period beginning on October 1, 2021, and
8 ending on the last day of the calendar quarter in
9 which the last day of such emergency period occurs,
10 6.2 percentage points.

11 “(g) CLARIFICATIONS.—

12 “(1) In the case of a State that treats an indi-
13 vidual described in subsection (b)(3) as eligible for
14 the benefits described in such subsection, for the pe-
15 riod described in subsection (a), expenditures for
16 medical assistance and administrative costs attrib-
17 utable to such individual that would not otherwise be
18 included as expenditures under section 1903 of the
19 Social Security Act shall be regarded as expendi-
20 tures under the State plan approved under title XIX
21 of the Social Security Act or for administration of
22 such State plan.

23 “(2) The limitations on payment under sub-
24 sections (f) and (g) of section 1108 of the Social Se-
25 curity Act (42 U.S.C. 1308) shall not apply to Fed-

1 eral payments made under section 1903(a)(1) of the
2 Social Security Act (42 U.S.C. 1396b(a)(1)) attrib-
3 utable to the increase in the Federal medical assist-
4 ance percentage under this section.

5 “(3) Expenditures attributable to the increased
6 Federal medical assistance percentage under this
7 section shall not be counted for purposes of the limi-
8 tations under section 2104(b)(4) of such Act (42
9 U.S.C. 1397dd(b)(4)).

10 “(4) Notwithstanding the first sentence of sec-
11 tion 2105(b) of the Social Security Act (42 U.S.C.
12 1397ee(b)), the application of the increase under
13 this section may result in the enhanced FMAP of a
14 State for a fiscal year under such section exceeding
15 85 percent, but in no case may the application of
16 such increase before application of the second sen-
17 tence of such section result in the enhanced FMAP
18 of the State exceeding 95 percent.

19 “(h) SCOPE OF APPLICATION.—An increase in the
20 Federal medical assistance percentage for a State under
21 this section shall not be taken into account for purposes
22 of payments under part D of title IV of the Social Security
23 Act (42 U.S.C. 651 et seq.).”.

24 (b) EFFECTIVE DATE.—The amendments made by
25 subsection (a) shall take effect and apply as if included

1 in the enactment of section 6008 of the Families First
2 Coronavirus Response Act (Public Law 116–127).

3 **SEC. 102. ADDITIONAL SUPPORT FOR MEDICAID HOME AND**
4 **COMMUNITY-BASED SERVICES DURING THE**
5 **COVID-19 EMERGENCY PERIOD.**

6 (a) INCREASED FMAP.—

7 (1) IN GENERAL.—Notwithstanding section
8 1905(b) of the Social Security Act (42 U.S.C.
9 1396d(b)), in the case of an HCBS program State,
10 the Federal medical assistance percentage deter-
11 mined for the State under section 1905(b) of such
12 Act and, if applicable, increased under subsection
13 (y), (z), or (aa) of section 1905 of such Act (42
14 U.S.C. 1396d), section 1915(k) of such Act (42
15 U.S.C. 1396n(k)), or section 6008(a) of the Fami-
16 lies First Coronavirus Response Act (Public Law
17 116–127), shall be increased by 10 percentage
18 points with respect to expenditures of the State
19 under the State Medicaid program for home and
20 community-based services that are provided during
21 the HCBS program improvement period. In no case
22 may the application of the previous sentence result
23 in the Federal medical assistance percentage deter-
24 mined for a State being more than 95 percent.

25 (2) DEFINITIONS.—In this section:

1 (A) HCBS PROGRAM IMPROVEMENT PE-
2 RIOD.—The term “HCBS program improve-
3 ment period” means, with respect to a State,
4 the period—

5 (i) beginning on October 1, 2020; and

6 (ii) ending on September 30, 2021.

7 (B) HCBS PROGRAM STATE.—The term
8 “HCBS program State” means a State that
9 meets the condition described in subsection (b)
10 by submitting an application described in such
11 subsection, which is approved by the Secretary
12 pursuant to subsection (c).

13 (C) HOME AND COMMUNITY-BASED SERV-
14 ICES.—The term “home and community-based
15 services” means home health care services au-
16 thorized under paragraph (7) of section 1905(a)
17 of the Social Security Act (42 U.S.C.
18 1396d(a)), personal care services authorized
19 under paragraph (24) of such section, PACE
20 services authorized under paragraph (26) of
21 such section, services authorized under sub-
22 sections (b), (c), (i), (j), and (k) of section 1915
23 of such Act (42 U.S.C. 1396n), such services
24 authorized under a waiver under section 1115

1 of such Act (42 U.S.C. 1315), and such other
2 services specified by the Secretary.

3 (b) CONDITION.—The condition described in this sub-
4 section, with respect to a State, is that the State submits
5 an application to the Secretary, at such time and in such
6 manner as specified by the Secretary, that includes, in ad-
7 dition to such other information as the Secretary shall re-
8 quire—

9 (1) a description of which activities described in
10 subsection (d) that a state plans to implement and
11 a description of how it plans to implement such ac-
12 tivities;

13 (2) assurances that the Federal funds attrib-
14 utable to the increase under subsection (a) will be
15 used—

16 (A) to implement the activities described in
17 subsection (d); and

18 (B) to supplement, and not supplant, the
19 level of State funds expended for home and
20 community-based services for eligible individ-
21 uals through programs in effect as of the date
22 of the enactment of this section; and

23 (3) assurances that the State will conduct ade-
24 quate oversight and ensure the validity of such data
25 as may be required by the Secretary.

1 (c) APPROVAL OF APPLICATION.—Not later than 90
 2 days after the date of submission of an application of a
 3 State under subsection (b), the Secretary shall certify if
 4 the application is complete. Upon certification that an ap-
 5 plication of a State is complete, the application shall be
 6 deemed to be approved for purposes of this section.

7 (d) ACTIVITIES TO IMPROVE THE DELIVERY OF
 8 HCBS.—

9 (1) IN GENERAL.—A State shall work with
 10 community partners, such as Area Agencies on
 11 Aging, Centers for Independent Living, non-profit
 12 home and community-based services providers, and
 13 other entities providing home and community-based
 14 services, to implement—

15 (A) the purposes described in paragraph

16 (2) during the COVID–19 public health emer-
 17 gency period; and

18 (B) the purposes described in paragraph

19 (3) after the end of such emergency period.

20 (2) FOCUSED AREAS OF HCBS IMPROVE-
 21 MENT.—The purposes described in this paragraph,
 22 with respect to a State, are the following:

23 (A) To increase rates for home health
 24 agencies and agencies that employ direct sup-
 25 port professionals (including independent pro-

1 viders in a self-directed or consumer-directed
2 model) to provide home and community-based
3 services under the State Medicaid program,
4 provided that any agency or individual that re-
5 ceives payment under such an increased rate in-
6 creases the compensation it pays its home
7 health workers or direct support professionals.

8 (B) To provide paid sick leave, paid family
9 leave, and paid medical leave for home health
10 workers and direct support professionals.

11 (C) To provide hazard pay, overtime pay,
12 and shift differential pay for home health work-
13 ers and direct support professionals.

14 (D) To provide home and community-
15 based services to eligible individuals who are on
16 waiting lists for programs approved under sec-
17 tions 1115 or 1915 of the Social Security Act
18 (42 U.S.C. 1315, 1396n).

19 (E) To purchase emergency supplies and
20 equipment, which may include items not typi-
21 cally covered under the Medicaid program, such
22 as personal protective equipment, necessary to
23 enhance access to services and to protect the
24 health and well-being of home health workers
25 and direct support professionals.

1 (F) To pay for the travel of home health
2 workers and direct support professionals to con-
3 duct home and community-based services.

4 (G) To recruit new home health workers
5 and direct support professionals.

6 (H) To support family care providers of el-
7 igible individuals with needed supplies and
8 equipment, which may include items not typi-
9 cally covered under the Medicaid program, such
10 as personal protective equipment, and pay.

11 (I) To pay for training for home health
12 workers and direct support professionals that is
13 specific to the COVID–19 public health emer-
14 gency.

15 (J) To pay for assistive technologies, staff-
16 ing, and other costs incurred during the
17 COVID–19 public health emergency period in
18 order to facilitate community integration and
19 ensure an individual’s person-centered service
20 plan continues to be fully implemented.

21 (K) To prepare information and public
22 health and educational materials in accessible
23 formats (including formats accessible to people
24 with low literacy or intellectual disabilities)
25 about prevention, treatment, recovery and other

1 aspects of COVID–19 for eligible individuals,
2 their families, and the general community
3 served by agencies described in subparagraph
4 (A).

5 (L) To pay for American sign language in-
6 terpreters to assist in providing home and com-
7 munity-based services to eligible individuals and
8 to inform the general public about COVID–19.

9 (M) To allow day services providers to pro-
10 vide home and community-based services.

11 (N) To pay for other expenses deemed ap-
12 propriate by the Secretary to enhance, expand,
13 or strengthen Home and Community-Based
14 Services, including retainer payments, and ex-
15 penses which meet the criteria of the home and
16 community-based settings rule published on
17 January 16, 2014.

18 (3) PERMISSIBLE USES AFTER THE EMER-
19 GENCY PERIOD.—The purpose described in this
20 paragraph, with respect to a State, is to assist eligi-
21 ble individuals who had to relocate to a nursing fa-
22 cility or institutional setting from their homes dur-
23 ing the COVID–19 public health emergency period
24 in—

1 (A) moving back to their homes (including
2 by paying for moving costs, first month's rent,
3 and other one-time expenses and start-up
4 costs);

5 (B) resuming home and community-based
6 services;

7 (C) receiving mental health services and
8 necessary rehabilitative service to regain skills
9 lost while relocated during the public health
10 emergency period; and

11 (D) while funds attributable to the in-
12 creased FMAP under this section remain avail-
13 able, continuing home and community-based
14 services for eligible individuals who were served
15 from a waiting list for such services during the
16 public health emergency period.

17 (e) REPORTING REQUIREMENTS.—

18 (1) STATE REPORTING REQUIREMENTS.—Not
19 later than December 31, 2022, any State with re-
20 spect to which an application is approved by the Sec-
21 retary pursuant to subsection (c) shall submit a re-
22 port to the Secretary that contains the following in-
23 formation:

1 (A) Activities and programs that were
2 funded using Federal funds attributable to such
3 increase.

4 (B) The number of eligible individuals who
5 were served by such activities and programs.

6 (C) The number of eligible individuals who
7 were able to resume home and community-
8 based services as a result of such activities and
9 programs.

10 (2) HHS EVALUATION.—

11 (A) IN GENERAL.—The Secretary shall
12 evaluate the implementation and outcomes of
13 this section in the aggregate using an external
14 evaluator with experience evaluating home and
15 community-based services, disability programs,
16 and older adult programs.

17 (B) EVALUATION CRITERIA.—For pur-
18 poses of subparagraph (A), the external eval-
19 uator shall—

20 (i) document and evaluate changes in
21 access, availability, and quality of home
22 and community-based services in each
23 HCBS program State;

24 (ii) document and evaluate aggregate
25 changes in access, availability, and quality

1 of home and community-based services
2 across all such States; and

3 (iii) evaluate the implementation and
4 outcomes of this section based on—

5 (I) the impact of this section on
6 increasing funding for home and com-
7 munity-based services;

8 (II) the impact of this section on
9 achieving targeted access, availability,
10 and quality of home and community-
11 based services; and

12 (III) promising practices identi-
13 fied by activities conducted pursuant
14 to subsection (d) that increase access
15 to, availability of, and quality of home
16 and community-based services.

17 (C) DISSEMINATION OF EVALUATION FIND-
18 INGS.—The Secretary shall—

19 (i) disseminate the findings from the
20 evaluations conducted under this para-
21 graph to—

22 (I) all State Medicaid directors;
23 and

24 (II) the Committee on Energy
25 and Commerce of the House of Rep-

1 representatives, the Committee on Fi-
 2 nance of the Senate, and the Special
 3 Committee on Aging of the Senate;
 4 and

5 (ii) make all evaluation findings pub-
 6 licly available in an accessible electronic
 7 format and any other accessible format de-
 8 termined appropriate by the Secretary.

9 (D) OVERSIGHT.—Each State with respect
 10 to which an application is approved by the Sec-
 11 retary pursuant to subsection (c) shall ensure
 12 adequate oversight of the expenditure of Fed-
 13 eral funds pursuant to such increase in accord-
 14 ance with the Medicaid regulations, including
 15 section 1115 and 1915 waiver regulations and
 16 special terms and conditions for any relevant
 17 waiver or grant program.

18 (3) NON-APPLICATION OF THE PAPERWORK RE-
 19 DUCTION ACT.—Chapter 35 of title 44, United
 20 States Code (commonly referred to as the “Paper-
 21 work Reduction Act of 1995”), shall not apply to the
 22 provisions of this subsection.

23 (f) ADDITIONAL DEFINITIONS.—In this section:

24 (1) COVID–19 PUBLIC HEALTH EMERGENCY
 25 PERIOD.—The term “COVID–19 public health emer-

1 gency period” means the portion of the emergency
 2 period described in paragraph (1)(B) of section
 3 1135(g) of the Social Security Act (42 U.S.C.
 4 1320b–5(g)) beginning on or after the date of the
 5 enactment of this Act.

6 (2) ELIGIBLE INDIVIDUAL.—The term “eligible
 7 individual” means an individual who is eligible for or
 8 enrolled for medical assistance under a State Med-
 9 icaid program.

10 (3) MEDICAID PROGRAM.—The term “Medicaid
 11 program” means, with respect to a State, the State
 12 program under title XIX of the Social Security Act
 13 (42 U.S.C. 1396 et seq.) (including any waiver or
 14 demonstration under such title or under section
 15 1115 of such Act (42 U.S.C. 1315) relating to such
 16 title).

17 (4) SECRETARY.—The term “Secretary” means
 18 the Secretary of Health and Human Services.

19 (5) STATE.—The term “State” has the mean-
 20 ing given such term for purposes of title XIX of the
 21 Social Security Act (42 U.S.C. 1396 et seq.).

22 **SEC. 103. COVERAGE AT NO COST SHARING OF COVID-19**
 23 **VACCINE AND TREATMENT.**

24 (a) MEDICAID.—

1 (1) IN GENERAL.—Section 1905(a)(4) of the
2 Social Security Act (42 U.S.C. 1396d(a)(4)) is
3 amended—

4 (A) by striking “and (D)” and inserting
5 “(D)”; and

6 (B) by striking the semicolon at the end
7 and inserting “; (E) during the portion of the
8 emergency period described in paragraph (1)(B)
9 of section 1135(g) beginning on the date of the
10 enactment of the Investing in America’s Health
11 Care During the COVID–19 Pandemic Act, a
12 COVID–19 vaccine licensed under section 351
13 of the Public Health Service Act, or approved
14 or authorized under sections 505 or 564 of the
15 Federal Food, Drug, and Cosmetic Act, and ad-
16 ministration of the vaccine; (F) during such
17 portion of the emergency period described in
18 paragraph (1)(B) of section 1135(g), items or
19 services for the prevention or treatment of
20 COVID–19, including drugs approved or au-
21 thorized under such section 505 or such section
22 564 or, without regard to the requirements of
23 section 1902(a)(10)(B) (relating to com-
24 parability), in the case of an individual who is
25 diagnosed with or presumed to have COVID–

1 19, during such portion of such emergency pe-
2 riod during which such individual is infected (or
3 presumed infected) with COVID–19, the treat-
4 ment of a condition that may complicate the
5 treatment of COVID–19;”.

6 (2) PROHIBITION OF COST SHARING.—

7 (A) IN GENERAL.—Subsections (a)(2) and
8 (b)(2) of section 1916 of the Social Security
9 Act (42 U.S.C. 1396o) are each amended—

10 (i) in subparagraph (F), by striking
11 “or” at the end;

12 (ii) in subparagraph (G), by striking
13 “; and” and inserting “, or”; and

14 (iii) by adding at the end the fol-
15 lowing subparagraphs:

16 “(H) during the portion of the emergency
17 period described in paragraph (1)(B) of section
18 1135(g) beginning on the date of the enactment
19 of this subparagraph, a COVID–19 vaccine li-
20 censed under section 351 of the Public Health
21 Service Act, or approved or authorized under
22 section 505 or 564 of the Federal Food, Drug,
23 and Cosmetic Act, and the administration of
24 such vaccine, or

“(I) during such portion of the emergency period described in paragraph (1)(B) of section 1135(g), any item or service furnished for the treatment of COVID–19, including drugs approved or authorized under such section 505 or such section 564 or, in the case of an individual who is diagnosed with or presumed to have COVID–19, during the portion of such emergency period during which such individual is infected (or presumed infected) with COVID–19, the treatment of a condition that may complicate the treatment of COVID–19; and”.

(B) APPLICATION TO ALTERNATIVE COST SHARING.—Section 1916A(b)(3)(B) of the Social Security Act (42 U.S.C. 1396o–1(b)(3)(B)) is amended—

(i) in clause (xi), by striking “any visit” and inserting “any service”; and

(ii) by adding at the end the following clauses:

“(xii) During the portion of the emergency period described in paragraph (1)(B) of section 1135(g) beginning on the date of the enactment of this clause, a COVID–19 vaccine licensed under section 351 of the

1 Public Health Service Act, or approved or
2 authorized under section 505 or 564 of the
3 Federal Food, Drug, and Cosmetic Act,
4 and the administration of such vaccine.

5 “(xiii) During such portion of the
6 emergency period described in paragraph
7 (1)(B) of section 1135(g), an item or serv-
8 ice furnished for the treatment of COVID–
9 19, including drugs approved or authorized
10 under such section 505 or such section 564
11 or, in the case of an individual who is diag-
12 nosed with or presumed to have COVID–
13 19, during such portion of such emergency
14 period during which such individual is in-
15 fected (or presumed infected) with
16 COVID–19, the treatment of a condition
17 that may complicate the treatment of
18 COVID–19.”.

19 (C) CLARIFICATION.—The amendments
20 made by this subsection shall apply with respect
21 to a State plan of a territory in the same man-
22 ner as a State plan of one of the 50 States.

23 (b) STATE PEDIATRIC VACCINE DISTRIBUTION PRO-
24 GRAM.—Section 1928 of the Social Security Act (42
25 U.S.C. 1396s) is amended—

1 (1) in subsection (a)(1)—

2 (A) in subparagraph (A), by striking “;
3 and” and inserting a semicolon;

4 (B) in subparagraph (B), by striking the
5 period and inserting “; and”; and

6 (C) by adding at the end the following sub-
7 paragraph:

8 “(C) during the portion of the emergency
9 period described in paragraph (1)(B) of section
10 1135(g) beginning on the date of the enactment
11 of this subparagraph, each vaccine-eligible child
12 (as defined in subsection (b)) is entitled to re-
13 ceive a COVID–19 vaccine from a program-reg-
14 istered provider (as defined in subsection
15 (h)(7)) without charge for—

16 “(i) the cost of such vaccine; or

17 “(ii) the administration of such vac-
18 cine.”;

19 (2) in subsection (c)(2)—

20 (A) in subparagraph (C)(ii), by inserting “,
21 but, during the portion of the emergency period
22 described in paragraph (1)(B) of section
23 1135(g) beginning on the date of the enactment
24 of the Investing in America’s Health Care Dur-
25 ing the COVID–19 Pandemic Act, may not im-

1 pose a fee for the administration of a COVID–
2 19 vaccine” before the period; and

3 (B) by adding at the end the following sub-
4 paragraph:

5 “(D) The provider will provide and admin-
6 ister an approved COVID–19 vaccine to a vac-
7 cine-eligible child in accordance with the same
8 requirements as apply under the preceding sub-
9 paragraphs to the provision and administration
10 of a qualified pediatric vaccine to such a
11 child.”; and

12 (3) in subsection (d)(1), in the first sentence,
13 by inserting “, including, during the portion of the
14 emergency period described in paragraph (1)(B) of
15 section 1135(g) beginning on the date of the enact-
16 ment of the Investing in America’s Health Care
17 During the COVID–19 Pandemic Act, with respect
18 to a COVID–19 vaccine licensed under section 351
19 of the Public Health Service Act, or approved or au-
20 thorized under section 505 or 564 of the Federal
21 Food, Drug, and Cosmetic Act” before the period.

22 (c) CHIP.—

23 (1) IN GENERAL.—Section 2103(c) of the So-
24 cial Security Act (42 U.S.C. 1397cc(c)) is amended
25 by adding at the end the following paragraph:

1 “(11) COVERAGE OF COVID–19 VACCINES AND
2 TREATMENT.—Regardless of the type of coverage
3 elected by a State under subsection (a), child health
4 assistance provided under such coverage for targeted
5 low-income children and, in the case that the State
6 elects to provide pregnancy-related assistance under
7 such coverage pursuant to section 2112, such preg-
8 nancy-related assistance for targeted low-income
9 pregnant women (as defined in section 2112(d))
10 shall include coverage, during the portion of the
11 emergency period described in paragraph (1)(B) of
12 section 1135(g) beginning on the date of the enact-
13 ment of this paragraph, of—

14 “(A) a COVID–19 vaccine licensed under
15 section 351 of the Public Health Service Act, or
16 approved or authorized under section 505 or
17 564 of the Federal Food, Drug, and Cosmetic
18 Act, and the administration of such vaccine;
19 and

20 “(B) any item or service furnished for the
21 treatment of COVID–19, including drugs ap-
22 proved or authorized under such section 505 or
23 such section 564, or, in the case of an indi-
24 vidual who is diagnosed with or presumed to
25 have COVID–19, during the portion of such

1 emergency period during which such individual
2 is infected (or presumed infected) with COVID–
3 19, the treatment of a condition that may com-
4 plicate the treatment of COVID–19.”.

5 (2) PROHIBITION OF COST SHARING.—Section
6 2103(e)(2) of the Social Security Act (42 U.S.C.
7 1397cc(e)(2)), as amended by section 6004(b)(3) of
8 the Families First Coronavirus Response Act, is
9 amended—

10 (A) in the paragraph header, by inserting
11 “A COVID–19 VACCINE, COVID–19 TREATMENT,”
12 before “OR PREGNANCY-RELATED ASSISTANCE”;
13 and

14 (B) by striking “visits described in section
15 1916(a)(2)(G), or” and inserting “services de-
16 scribed in section 1916(a)(2)(G), vaccines de-
17 scribed in section 1916(a)(2)(H) administered
18 during the portion of the emergency period de-
19 scribed in paragraph (1)(B) of section 1135(g)
20 beginning on the date of the enactment of the
21 Investing in America’s Health Care During the
22 COVID–19 Pandemic Act, items or services de-
23 scribed in section 1916(a)(2)(I) furnished dur-
24 ing such emergency period, or”.

1 (d) CONFORMING AMENDMENTS.—Section 1937 of
 2 the Social Security Act (42 U.S.C. 1396u–7) is amend-
 3 ed—

4 (1) in subsection (a)(1)(B), by inserting “,
 5 under subclause (XXIII) of section
 6 1902(a)(10)(A)(ii),” after “section
 7 1902(a)(10)(A)(i)”;

8 (2) in subsection (b)(5), by adding before the
 9 period the following: “, and, effective on the date of
 10 the enactment of the Investing in America’s Health
 11 Care During the COVID–19 Pandemic Act, must
 12 comply with subparagraphs (F) through (I) of sub-
 13 sections (a)(2) and (b)(2) of section 1916 and sub-
 14 section (b)(3)(B) of section 1916A”.

15 (e) EFFECTIVE DATE.—The amendments made by
 16 this section shall take effect on the date of enactment of
 17 this Act and shall apply with respect to a COVID–19 vac-
 18 cine beginning on the date that such vaccine is licensed
 19 under section 351 of the Public Health Service Act (42
 20 U.S.C. 262), or approved or authorized under section 505
 21 or 564 of the Federal Food, Drug, and Cosmetic Act.

1 **SEC. 104. OPTIONAL COVERAGE AT NO COST SHARING OF**
2 **COVID-19 TREATMENT AND VACCINES UNDER**
3 **MEDICAID FOR UNINSURED INDIVIDUALS.**

4 (a) IN GENERAL.—Section 1902(a)(10) of the Social
5 Security Act (42 U.S.C. 1396a(a)(10) is amended, in the
6 matter following subparagraph (G), by striking “and any
7 visit described in section 1916(a)(2)(G)” and inserting the
8 following: “, any COVID-19 vaccine that is administered
9 during any such portion (and the administration of such
10 vaccine), any item or service that is furnished during any
11 such portion for the treatment of COVID-19, including
12 drugs approved or authorized under section 505 or 564
13 of the Federal Food, Drug, and Cosmetic Act, or, in the
14 case of an individual who is diagnosed with or presumed
15 to have COVID-19, during the period such individual is
16 infected (or presumed infected) with COVID-19, the
17 treatment of a condition that may complicate the treat-
18 ment of COVID-19, and any services described in section
19 1916(a)(2)(G)”.

20 (b) DEFINITION OF UNINSURED INDIVIDUAL.—

21 (1) IN GENERAL.—Subsection (ss) of section
22 1902 of the Social Security Act (42 U.S.C. 1396a)
23 is amended to read as follows:

24 “(ss) UNINSURED INDIVIDUAL DEFINED.—For pur-
25 poses of this section, the term ‘uninsured individual’
26 means, notwithstanding any other provision of this title,

1 any individual who is not covered by minimum essential
 2 coverage (as defined in section 5000A(f)(1) of the Internal
 3 Revenue Code of 1986).”.

4 (2) EFFECTIVE DATE.—The amendment made
 5 by paragraph (1) shall take effect and apply as if in-
 6 cluded in the enactment of the Families First
 7 Coronavirus Response Act (Public Law 116–127).

8 (c) CLARIFICATION REGARDING EMERGENCY SERV-
 9 ICES FOR CERTAIN INDIVIDUALS.—Section 1903(v)(2) of
 10 the Social Security Act (42 U.S.C. 1396b(v)(2)) is amend-
 11 ed by adding at the end the following flush sentence:

12 “For purposes of subparagraph (A), care and serv-
 13 ices described in such subparagraph include any in
 14 vitro diagnostic product described in section
 15 1905(a)(3)(B) (and the administration of such prod-
 16 uct), any COVID–19 vaccine (and the administra-
 17 tion of such vaccine), any item or service that is fur-
 18 nished for the treatment of COVID–19, including
 19 drugs approved or authorized under section 505 or
 20 564 of the Federal Food, Drug, and Cosmetic Act,
 21 or a condition that may complicate the treatment of
 22 COVID–19, and any services described in section
 23 1916(a)(2)(G).”.

24 (d) INCLUSION OF COVID–19 CONCERN AS AN
 25 EMERGENCY CONDITION.—Section 1903(v)(3) of the So-

1 cial Security Act (42 U.S.C. 1396b(v)(3)) is amended by
 2 adding at the end the following flush sentence:

3 “Such term includes any indication that an alien de-
 4 scribed in paragraph (1) may have contracted
 5 COVID–19.”.

6 **SEC. 105. MEDICAID COVERAGE FOR CITIZENS OF FREELY**
 7 **ASSOCIATED STATES.**

8 (a) IN GENERAL.—Section 402(b)(2) of the Personal
 9 Responsibility and Work Opportunity Reconciliation Act
 10 of 1996 (8 U.S.C. 1612(b)(2)) is amended by adding at
 11 the end the following new subparagraph:

12 “(G) MEDICAID EXCEPTION FOR CITIZENS
 13 OF FREELY ASSOCIATED STATES.—With respect
 14 to eligibility for benefits for the designated Fed-
 15 eral program defined in paragraph (3)(C) (re-
 16 lating to the Medicaid program), section 401(a)
 17 and paragraph (1) shall not apply to any indi-
 18 vidual who lawfully resides in 1 of the 50 States
 19 or the District of Columbia in accordance with
 20 the Compacts of Free Association between the
 21 Government of the United States and the Gov-
 22 ernments of the Federated States of Micro-
 23 nesia, the Republic of the Marshall Islands, and
 24 the Republic of Palau and shall not apply, at
 25 the option of the Governor of Puerto Rico, the

1 Virgin Islands, Guam, the Northern Mariana
2 Islands, or American Samoa as communicated
3 to the Secretary of Health and Human Services
4 in writing, to any individual who lawfully re-
5 sides in the respective territory in accordance
6 with such Compacts.”.

7 (b) EXCEPTION TO 5-YEAR LIMITED ELIGIBILITY.—
8 Section 403(d) of such Act (8 U.S.C. 1613(d)) is amend-
9 ed—

10 (1) in paragraph (1), by striking “or” at the
11 end;

12 (2) in paragraph (2), by striking the period at
13 the end and inserting “; or”; and

14 (3) by adding at the end the following new
15 paragraph:

16 “(3) an individual described in section
17 402(b)(2)(G), but only with respect to the des-
18 ignated Federal program defined in section
19 402(b)(3)(C).”.

20 (c) DEFINITION OF QUALIFIED ALIEN.—Section
21 431(b) of such Act (8 U.S.C. 1641(b)) is amended—

22 (1) in paragraph (6), by striking “; or” at the
23 end and inserting a comma;

24 (2) in paragraph (7), by striking the period at
25 the end and inserting “, or”; and

1 (3) by adding at the end the following new
2 paragraph:

3 “(8) an individual who lawfully resides in the
4 United States in accordance with a Compact of Free
5 Association referred to in section 402(b)(2)(G), but
6 only with respect to the designated Federal program
7 defined in section 402(b)(3)(C) (relating to the Med-
8 icaid program).”.

9 (d) APPLICATION TO STATE PLANS.—Section
10 1902(a)(10)(A)(i) of the Social Security Act (42 U.S.C.
11 1396a(a)(10)(A)(i)) is amended by inserting after sub-
12 clause (IX) the following:

13 “(X) who are described in section
14 402(b)(2)(G) of the Personal Respon-
15 sibility and Work Opportunity Rec-
16 onciliation Act of 1996 and eligible
17 for benefits under this title by reason
18 of application of such section;”.

19 (e) CONFORMING AMENDMENTS.—Section 1108 of
20 the Social Security Act (42 U.S.C. 1308) is amended—

21 (1) in subsection (f), in the matter preceding
22 paragraph (1), by striking “subsections (g) and (h)
23 and section 1935(e)(1)(B)” and inserting “sub-
24 sections (g), (h), and (i) and section 1935(e)(1)(B)”;
25 and

1 (2) by adding at the end the following:

2 “(i) EXCLUSION OF MEDICAL ASSISTANCE EXPENDI-
 3 TURES FOR CITIZENS OF FREELY ASSOCIATED STATES.—
 4 Expenditures for medical assistance provided to an indi-
 5 vidual described in section 431(b)(8) of the Personal Re-
 6 sponsibility and Work Opportunity Reconciliation Act of
 7 1996 (8 U.S.C. 1641(b)(8)) shall not be taken into ac-
 8 count for purposes of applying payment limits under sub-
 9 sections (f) and (g).”.

10 (f) EFFECTIVE DATE.—The amendments made by
 11 this section shall apply to benefits for items and services
 12 furnished on or after the date of the enactment of this
 13 Act.

14 **SEC. 106. TEMPORARY INCREASE IN MEDICAID DSH ALLOT-**
 15 **MENTS.**

16 (a) IN GENERAL.—Section 1923(f)(3) of the Social
 17 Security Act (42 U.S.C. 1396r–4(f)(3)) is amended—

18 (1) in subparagraph (A), by striking “and sub-
 19 paragraph (E)” and inserting “and subparagraphs
 20 (E) and (F)”; and

21 (2) by adding at the end the following new sub-
 22 paragraph:

23 “(F) TEMPORARY INCREASE IN ALLOT-
 24 MENTS DURING CERTAIN PUBLIC HEALTH
 25 EMERGENCY.—The DSH allotment for any

1 State for each of fiscal years 2020 and 2021 is
 2 equal to 102.5 percent of the DSH allotment
 3 that would be determined under this paragraph
 4 for the State for each respective fiscal year
 5 without application of this subparagraph, not-
 6 withstanding subparagraphs (B) and (C). For
 7 each fiscal year after fiscal year 2021, the DSH
 8 allotment for a State for such fiscal year is
 9 equal to the DSH allotment that would have
 10 been determined under this paragraph for such
 11 fiscal year if this subparagraph had not been
 12 enacted.”.

13 (b) DSH ALLOTMENT ADJUSTMENT FOR TEN-
 14 NESSEE.—Section 1923(f)(6)(A)(vi) of the Social Security
 15 Act (42 U.S.C. 1396r–4(f)(6)(A)(vi)) is amended—

16 (1) by striking “Notwithstanding any other pro-
 17 vision of this subsection” and inserting the fol-
 18 lowing:

19 “(I) IN GENERAL.—Notwith-
 20 standing any other provision of this
 21 subsection (except as provided in sub-
 22 clause (II) of this clause)”;

23 (2) by adding at the end the following:

24 “(II) TEMPORARY INCREASE IN
 25 ALLOTMENTS.—The DSH allotment

1 for Tennessee for each of fiscal years
2 2020 and 2021 shall be equal to
3 \$54,427,500.”.

4 (c) SENSE OF CONGRESS.—It is the sense of Con-
5 gress that a State should prioritize making payments
6 under the State plan of the State under title XIX of the
7 Social Security Act (42 U.S.C. 1396 et seq.) (or a waiver
8 of such plan) to disproportionate share hospitals that have
9 a higher share of COVID–19 patients relative to other
10 such hospitals in the State.

11 **SEC. 107. ALLOWING FOR MEDICAL ASSISTANCE UNDER**
12 **MEDICAID FOR INMATES DURING 30-DAY PE-**
13 **RIOD PRECEDING RELEASE.**

14 (a) IN GENERAL.—The subdivision (A) following
15 paragraph (30) of section 1905(a) of the Social Security
16 Act (42 U.S.C. 1396d(a)) is amended by inserting “and
17 except during the 30-day period preceding the date of re-
18 lease of such individual from such public institution” after
19 “medical institution”.

20 (b) REPORT.—Not later than June 30, 2022, the
21 Medicaid and CHIP Payment and Access Commission
22 shall submit a report to Congress on the Medicaid inmate
23 exclusion under the subdivision (A) following paragraph
24 (30) of section 1905(a) of the Social Security Act (42

1 U.S.C. 1396d(a)). Such report may, to the extent prac-
2 ticable, include the following information:

3 (1) The number of incarcerated individuals who
4 would otherwise be eligible to enroll for medical as-
5 sistance under a State plan approved under title
6 XIX of the Social Security Act (42 U.S.C. 1396 et
7 seq.) (or a waiver of such a plan).

8 (2) Access to health care for incarcerated indi-
9 viduals, including a description of medical services
10 generally available to incarcerated individuals.

11 (3) A description of current practices related to
12 the discharge of incarcerated individuals, including
13 how prisons interact with State Medicaid agencies to
14 ensure that such individuals who are eligible to en-
15 roll for medical assistance under a State plan or
16 waiver described in paragraph (1) are so enrolled.

17 (4) If determined appropriate by the Commis-
18 sion, recommendations for Congress, the Depart-
19 ment of Health and Human Services, or States re-
20 garding the Medicaid inmate exclusion.

21 (5) Any other information that the Commission
22 determines would be useful to Congress.

1 **SEC. 108. MEDICAID COVERAGE OF CERTAIN MEDICAL**
2 **TRANSPORTATION.**

3 (a) CONTINUING REQUIREMENT OF MEDICAID COV-
4 ERAGE OF NECESSARY TRANSPORTATION.—

5 (1) REQUIREMENT.—Section 1902(a)(4) of the
6 Social Security Act (42 U.S.C. 1396a(a)(4)) is
7 amended—

8 (A) by striking “and including provision
9 for utilization” and inserting “including provi-
10 sion for utilization”; and

11 (B) by inserting after “supervision of ad-
12 ministration of the plan” the following: “, and,
13 subject to section 1903(i), including a specifica-
14 tion that the single State agency described in
15 paragraph (5) will ensure necessary transpor-
16 tation for beneficiaries under the State plan to
17 and from providers and a description of the
18 methods that such agency will use to ensure
19 such transportation”.

20 (2) APPLICATION WITH RESPECT TO BENCH-
21 MARK BENEFIT PACKAGES AND BENCHMARK EQUIV-
22 ALENT COVERAGE.—Section 1937(a)(1) of the Social
23 Security Act (42 U.S.C. 1396u–7(a)(1)) is amend-
24 ed—

(A) in subparagraph (A), by striking “sub-
section (E)” and inserting “subparagraphs (E)
and (F)”; and

(B) by adding at the end the following new
subparagraph:

“(F) NECESSARY TRANSPORTATION.—Not-
withstanding the preceding provisions of this
paragraph, a State may not provide medical as-
sistance through the enrollment of an individual
with benchmark coverage or benchmark equiva-
lent coverage described in subparagraph (A)(i)
unless, subject to section 1903(i)(9) and in ac-
cordance with section 1902(a)(4), the bench-
mark benefit package or benchmark equivalent
coverage (or the State)—

“(i) ensures necessary transportation
for individuals enrolled under such package
or coverage to and from providers; and

“(ii) provides a description of the
methods that will be used to ensure such
transportation.”.

(3) LIMITATION ON FEDERAL FINANCIAL PAR-
TICIPATION.—Section 1903(i) of the Social Security
Act (42 U.S.C. 1396b(i)) is amended by inserting
after paragraph (8) the following new paragraph:

1 “(9) with respect to any amount expended for
2 non-emergency transportation authorized under sec-
3 tion 1902(a)(4), unless the State plan provides for
4 the methods and procedures required under section
5 1902(a)(30)(A); or”.

6 (4) EFFECTIVE DATE.—The amendments made
7 by this subsection shall take effect on the date of the
8 enactment of this Act and shall apply to transpor-
9 tation furnished on or after such date.

10 (b) MEDICAID PROGRAM INTEGRITY MEASURES RE-
11 LATED TO COVERAGE OF NONEMERGENCY MEDICAL
12 TRANSPORTATION.—

13 (1) GAO STUDY.—Not later than two years
14 after the date of the enactment of this Act, the
15 Comptroller General of the United States shall con-
16 duct a study, and submit to Congress, a report on
17 coverage under the Medicaid program under title
18 XIX of the Social Security Act of nonemergency
19 transportation to medically necessary services. Such
20 study shall take into account the 2009 report of the
21 Office of the Inspector General of the Department of
22 Health and Human Services, titled “Fraud and
23 Abuse Safeguards for Medicaid Nonemergency Med-
24 ical Transportation” (OEI–06–07–003200). Such
25 report shall include the following:

1 (A) An examination of the 50 States and
2 the District of Columbia to identify safeguards
3 to prevent and detect fraud and abuse with re-
4 spect to coverage under the Medicaid program
5 of nonemergency transportation to medically
6 necessary services.

7 (B) An examination of transportation bro-
8 kers to identify the range of safeguards against
9 such fraud and abuse to prevent improper pay-
10 ments for such transportation.

11 (C) Identification of the numbers, types,
12 and outcomes of instances of fraud and abuse,
13 with respect to coverage under the Medicaid
14 program of such transportation, that State
15 Medicaid Fraud Control Units have investigated
16 in recent years.

17 (D) Identification of commonalities or
18 trends in program integrity, with respect to
19 such coverage, to inform risk management
20 strategies of States and the Centers for Medi-
21 care & Medicaid Services.

22 (2) STAKEHOLDER WORKING GROUP.—

23 (A) IN GENERAL.—Not later than one year
24 after the date of the enactment of this Act, the
25 Secretary of Health and Human Services,

1 through the Centers for Medicare & Medicaid
2 Services, shall convene a series of meetings to
3 obtain input from appropriate stakeholders to
4 facilitate discussion and shared learning about
5 the leading practices for improving Medicaid
6 program integrity, with respect to coverage of
7 nonemergency transportation to medically nec-
8 essary services.

9 (B) TOPICS.—The meetings convened
10 under subparagraph (A) shall—

11 (i) focus on ongoing challenges to
12 Medicaid program integrity as well as lead-
13 ing practices to address such challenges;
14 and

15 (ii) address specific challenges raised
16 by stakeholders involved in coverage under
17 the Medicaid program of nonemergency
18 transportation to medically necessary serv-
19 ices, including unique considerations for
20 specific groups of Medicaid beneficiaries
21 meriting particular attention, such as
22 American Indians and tribal land issues or
23 accommodations for individuals with dis-
24 abilities.

1 (C) STAKEHOLDERS.—Stakeholders de-
2 scribed in subparagraph (A) shall include indi-
3 viduals from State Medicaid programs, brokers
4 for nonemergency transportation to medically
5 necessary services that meet the criteria de-
6 scribed in section 1902(a)(70)(B) of the Social
7 Security Act (42 U.S.C. 1396a(a)(70)(B)), pro-
8 viders (including transportation network compa-
9 nies), Medicaid patient advocates, and such
10 other individuals specified by the Secretary.

11 (3) GUIDANCE REVIEW.—Not later than 18
12 months after the date of the enactment of this Act,
13 the Secretary of Health and Human Services,
14 through the Centers for Medicare & Medicaid Serv-
15 ices, shall assess guidance issued to States by the
16 Centers for Medicare & Medicaid Services relating to
17 Federal requirements for nonemergency transpor-
18 tation to medically necessary services under the
19 Medicaid program under title XIX of the Social Se-
20 curity Act and update such guidance as necessary to
21 ensure States have appropriate and current guidance
22 in designing and administering coverage under the
23 Medicaid program of nonemergency transportation
24 to medically necessary services.

1 (4) NEMT TRANSPORTATION PROVIDER AND
2 DRIVER REQUIREMENTS.—

3 (A) STATE PLAN REQUIREMENT.—Section
4 1902(a) of the Social Security Act (42 U.S.C.
5 1396a(a)) is amended—

6 (i) by striking “and” at the end of
7 paragraph (85);

8 (ii) by striking the period at the end
9 of paragraph (86) and inserting “; and”;
10 and

11 (iii) by inserting after paragraph (86)
12 the following new paragraph:

13 “(87) provide for a mechanism, which may in-
14 clude attestation, that ensures that, with respect to
15 any provider (including a transportation network
16 company) or individual driver of nonemergency
17 transportation to medically necessary services receiv-
18 ing payments under such plan (but excluding any
19 public transit authority), at a minimum—

20 “(A) each such provider and individual
21 driver is not excluded from participation in any
22 Federal health care program (as defined in sec-
23 tion 1128B(f)) and is not listed on the exclu-
24 sion list of the Inspector General of the Depart-
25 ment of Health and Human Services;

1 “(B) each such individual driver has a
2 valid driver’s license;

3 “(C) each such provider has in place a
4 process to address any violation of a State drug
5 law; and

6 “(D) each such provider has in place a
7 process to disclose to the State Medicaid pro-
8 gram the driving history, including any traffic
9 violations, of each such individual driver em-
10 ployed by such provider, including any traffic
11 violations.”.

12 (B) EFFECTIVE DATE.—

13 (i) IN GENERAL.—Except as provided
14 in clause (ii), the amendments made by
15 subparagraph (A) shall take effect on the
16 date of the enactment of this Act and shall
17 apply to services furnished on or after the
18 date that is one year after the date of the
19 enactment of this Act.

20 (ii) EXCEPTION IF STATE LEGISLA-
21 TION REQUIRED.—In the case of a State
22 plan for medical assistance under title XIX
23 of the Social Security Act which the Sec-
24 retary of Health and Human Services de-
25 termines requires State legislation (other

1 than legislation appropriating funds) in
2 order for the plan to meet the additional
3 requirement imposed by the amendments
4 made by subparagraph (A), the State plan
5 shall not be regarded as failing to comply
6 with the requirements of such title solely
7 on the basis of its failure to meet this ad-
8 ditional requirement before the first day of
9 the first calendar quarter beginning after
10 the close of the first regular session of the
11 State legislature that begins after the date
12 of the enactment of this Act. For purposes
13 of the previous sentence, in the case of a
14 State that has a 2-year legislative session,
15 each year of such session shall be deemed
16 to be a separate regular session of the
17 State legislature.

18 (5) ANALYSIS OF T-MSIS DATA.—Not later
19 than one year after the date of the enactment of this
20 Act, the Secretary of Health and Human Services,
21 through the Centers for Medicare & Medicaid Serv-
22 ices, shall analyze, and submit to Congress a report
23 on, the nation-wide data set under the Transformed
24 Medicaid Statistical Information System to identify
25 recommendations relating to coverage under the

1 Medicaid program under title XIX of the Social Se-
 2 curity Act of nonemergency transportation to medi-
 3 cally necessary services.

4 **TITLE II—MEDICARE** 5 **PROVISIONS**

6 **SEC. 201. HOLDING MEDICARE BENEFICIARIES HARMLESS** 7 **FOR SPECIFIED COVID-19 TREATMENT SERV-** 8 **ICES FURNISHED UNDER PART A OR PART B** 9 **OF THE MEDICARE PROGRAM.**

10 (a) IN GENERAL.—Notwithstanding any other provi-
 11 sion of law, in the case of a specified COVID-19 treat-
 12 ment service (as defined in subsection (b)) furnished dur-
 13 ing any portion of the emergency period described in para-
 14 graph (1)(B) of section 1135(g) of the Social Security Act
 15 (42 U.S.C. 1320b-5(g)) beginning on or after the date of
 16 the enactment of this Act to an individual entitled to bene-
 17 fits under part A or enrolled under part B of title XVIII
 18 of the Social Security Act (42 U.S.C. 1395 et seq.) for
 19 which payment is made under such part A or such part
 20 B, the Secretary of Health and Human Services (in this
 21 section referred to as the “Secretary”) shall provide
 22 that—

23 (1) any cost-sharing required (including any de-
 24 ductible, copayment, or coinsurance) applicable to
 25 such individual under such part A or such part B

1 with respect to such item or service is paid by the
 2 Secretary; and

3 (2) the provider of services or supplier (as de-
 4 fined in section 1861 of the Social Security Act (42
 5 U.S.C. 1395x)) does not hold such individual liable
 6 for such requirement.

7 (b) DEFINITION OF SPECIFIED COVID-19 TREAT-
 8 MENT SERVICES.—For purposes of this section, the term
 9 “specified COVID-19 treatment service” means any item
 10 or service furnished to an individual for which payment
 11 may be made under part A or part B of title XVIII of
 12 the Social Security Act (42 U.S.C. 1395 et seq.) if such
 13 item or service is included in a claim with an ICD-10-
 14 CM code relating to COVID-19 (as described in the docu-
 15 ment entitled “ICD-10-CM Official Coding Guidelines -
 16 Supplement Coding encounters related to COVID-19
 17 Coronavirus Outbreak” published on February 20, 2020,
 18 or as otherwise specified by the Secretary).

19 (c) RECOVERY OF COST-SHARING AMOUNTS PAID BY
 20 THE SECRETARY IN THE CASE OF SUPPLEMENTAL IN-
 21 SURANCE COVERAGE.—

22 (1) IN GENERAL.—In the case of any amount
 23 paid by the Secretary pursuant to subsection (a)(1)
 24 that the Secretary determines would otherwise have
 25 been paid by a group health plan or health insurance

1 issuer (as such terms are defined in section 2791 of
2 the Public Health Service Act (42 U.S.C. 300gg–
3 91)), a private entity offering a medicare supple-
4 mental policy under section 1882 of the Social Secu-
5 rity Act (42 U.S.C. 1395ss), any other health plan
6 offering supplemental coverage, a State plan under
7 title XIX of the Social Security Act, or the Secretary
8 of Defense under the TRICARE program, such
9 plan, issuer, private entity, other health plan, State
10 plan, or Secretary of Defense, as applicable, shall
11 pay to the Secretary, not later than 1 year after
12 such plan, issuer, private entity, other health plan,
13 State plan, or Secretary of Defense receives a notice
14 under paragraph (3), such amount in accordance
15 with this subsection.

16 (2) REQUIRED INFORMATION.—Not later than
17 9 months after the date of the enactment of this
18 Act, each group health plan, health insurance issuer,
19 private entity, other health plan, State plan, and
20 Secretary of Defense described in paragraph (1)
21 shall submit to the Secretary such information as
22 the Secretary determines necessary for purposes of
23 carrying out this subsection. Such information so
24 submitted shall be updated by such plan, issuer, pri-
25 vate entity, other health plan, State plan, or Sec-

1 retary of Defense, as applicable, at such time and in
2 such manner as specified by the Secretary.

3 (3) REVIEW OF CLAIMS AND NOTIFICATION.—

4 The Secretary shall establish a process under which
5 claims for items and services for which the Secretary
6 has paid an amount pursuant to subsection (a)(1)
7 are reviewed for purposes of identifying if such
8 amount would otherwise have been paid by a plan,
9 issuer, private entity, other health plan, State plan,
10 or Secretary of Defense described in paragraph (1).

11 In the case such a claim is so identified, the Sec-
12 retary shall determine the amount that would have
13 been otherwise payable by such plan, issuer, private
14 entity, other health plan, State plan, or Secretary of
15 Defense and notify such plan, issuer, private entity,
16 other health plan, State plan, or Secretary of De-
17 fense of such amount.

18 (4) ENFORCEMENT.—The Secretary may im-

19 pose a civil monetary penalty in an amount deter-
20 mined appropriate by the Secretary in the case of a
21 plan, issuer, private entity, other health plan, or
22 State plan that fails to comply with a provision of
23 this section. The provisions of section 1128A of the
24 Social Security Act shall apply to a civil monetary
25 penalty imposed under the previous sentence in the

1 same manner as such provisions apply to a penalty
 2 or proceeding under subsection (a) or (b) of such
 3 section.

4 (d) FUNDING.—The Secretary shall provide for the
 5 transfer to the Centers for Medicare & Medicaid Program
 6 Management Account from the Federal Hospital Insur-
 7 ance Trust Fund and the Federal Supplementary Trust
 8 Fund (in such portions as the Secretary determines appro-
 9 priate) \$100,000,000 for purposes of carrying out this
 10 section.

11 (e) REPORT.—Not later than 3 years after the date
 12 of the enactment of this Act, the Inspector General of the
 13 Department of Health and Human Services shall submit
 14 to Congress a report containing an analysis of amounts
 15 paid pursuant to subsection (a)(1) compared to amounts
 16 paid to the Secretary pursuant to subsection (c).

17 (f) IMPLEMENTATION.—Notwithstanding any other
 18 provision of law, the Secretary may implement the provi-
 19 sions of this section by program instruction or otherwise.

20 **SEC. 202. ENSURING COMMUNICATIONS ACCESSIBILITY**
 21 **FOR RESIDENTS OF SKILLED NURSING FA-**
 22 **CILITIES DURING THE COVID-19 EMERGENCY**
 23 **PERIOD.**

24 (a) IN GENERAL.—Section 1819(c)(3) of the Social
 25 Security Act (42 U.S.C. 1395i–3(c)(3)) is amended—

1 (1) in subparagraph (D), by striking “and” at
2 the end;

3 (2) in subparagraph (E), by striking the period
4 and inserting “; and”; and

5 (3) by adding at the end the following new sub-
6 paragraph:

7 “(F) provide for reasonable access to the
8 use of a telephone, including TTY and TDD
9 services (as defined for purposes of section
10 483.10 of title 42, Code of Federal Regulations
11 (or a successor regulation)), and the internet
12 (to the extent available to the facility) and in-
13 form each such resident (or a representative of
14 such resident) of such access and any changes
15 in policies or procedures of such facility relating
16 to limitations on external visitors.”.

17 (b) COVID–19 PROVISIONS.—

18 (1) GUIDANCE.—Not later than 15 days after
19 the date of the enactment of this Act, the Secretary
20 of Health and Human Service shall issue guidance
21 on steps skilled nursing facilities may take to ensure
22 residents have access to televisitation during the
23 emergency period defined in section 1135(g)(1)(B)
24 of the Social Security Act (42 U.S.C. 1320b–
25 5(g)(1)(B)). Such guidance shall include information

on how such facilities will notify residents of such facilities, representatives of such residents, and relatives of such residents of the rights of such residents to such televisitation, and ensure timely and equitable access to such televisitation.

(2) REVIEW OF FACILITIES.—The Secretary of Health and Human Services shall take such steps as determined appropriate by the Secretary to ensure that residents of skilled nursing facilities and relatives of such residents are made aware of the access rights described in section 1819(c)(3)(F) of the Social Security Act (42 U.S.C. 1395i–3(c)(3)(F)).

**SEC. 203. MEDICARE HOSPITAL INPATIENT PROSPECTIVE
PAYMENT SYSTEM OUTLIER PAYMENTS FOR
COVID-19 PATIENTS DURING CERTAIN EMER-
GENCY PERIOD.**

(a) IN GENERAL.—Section 1886(d)(5)(A) of the Social Security Act (42 U.S.C. 1395ww(d)(5)(A)) is amended—

(1) in clause (ii), by striking “For cases” and inserting “Subject to clause (vii), for cases”;

(2) in clause (iii), by striking “The amount” and inserting “Subject to clause (vii), the amount”;

1 (3) in clause (iv), by striking “The total
2 amount” and inserting “Subject to clause (vii), the
3 total amount”; and

4 (4) by adding at the end the following new
5 clause:

6 “(vii) For discharges that have a primary or sec-
7 ondary diagnosis of COVID–19 and that occur during the
8 period beginning on the date of the enactment of this
9 clause and ending on the sooner of January 31, 2021, or
10 the last day of the emergency period described in section
11 1135(g)(1)(B), the amount of any additional payment
12 under clause (ii) for a subsection (d) hospital for such a
13 discharge shall be determined as if—

14 “(I) clause (ii) was amended by striking ‘plus
15 a fixed dollar amount determined by the Secretary’;

16 “(II) the reference in clause (iii) to ‘approximate the marginal cost of care beyond the cutoff
17 point applicable under clause (i) or (ii)’ were a reference to ‘approximate the marginal cost of care beyond the cutoff point applicable under clause (i), or,
18 in the case of an additional payment requested
19 under clause (ii), be equal to 100 percent of the
20 amount by which the costs of the discharge for
21 which such additional payment is so requested ex-
22 amount by which the costs of the discharge for
23 which such additional payment is so requested ex-
24 amount by which the costs of the discharge for

1 ceed the applicable DRG prospective payment rate’;
 2 and

3 “(III) clause (iv) does not apply.”.

4 (b) EXCLUSION FROM REDUCTION IN AVERAGE
 5 STANDARDIZED AMOUNTS PAYABLE TO HOSPITALS LO-
 6 CATED IN CERTAIN AREAS.—Section 1886(d)(3)(B) of
 7 the Social Security Act (42 U.S.C. 1395ww(d)(3)(B)) is
 8 amended by inserting before the period the following: “,
 9 other than additional payments described in clause (vii)
 10 of such paragraph”.

11 (c) IMPLEMENTATION.—Notwithstanding any other
 12 provision of law, the Secretary of Health and Human
 13 Services may implement the amendments made by this
 14 section by program instruction or otherwise.

15 **SEC. 204. COVERAGE OF TREATMENTS FOR COVID-19 AT NO**
 16 **COST SHARING UNDER THE MEDICARE AD-**
 17 **VANTAGE PROGRAM.**

18 (a) IN GENERAL.—Section 1852(a)(1)(B) of the So-
 19 cial Security Act (42 U.S.C. 1395w-22(a)(1)(B)) is
 20 amended by adding at the end the following new clause:

21 “(vii) SPECIAL COVERAGE RULES FOR
 22 SPECIFIED COVID-19 TREATMENT SERV-
 23 ICES.—Notwithstanding clause (i), in the
 24 case of a specified COVID-19 treatment
 25 service (as defined in section 201(b) of the

Investing in America’s Health Care During
the COVID–19 Pandemic Act) that is fur-
nished during a plan year occurring during
any portion of the emergency period de-
fined in section 1135(g)(1)(B) beginning
on or after the date of the enactment of
this clause, a Medicare Advantage plan
may not, with respect to such service, im-
pose—

“(I) any cost-sharing require-
ment (including a deductible, copay-
ment, or coinsurance requirement);
and

“(II) in the case such service is a
critical specified COVID–19 treat-
ment service (including ventilator
services and intensive care unit serv-
ices), any prior authorization or other
utilization management requirement.

A Medicare Advantage plan may not take
the application of this clause into account
for purposes of a bid amount submitted by
such plan under section 1854(a)(6).”.

(b) IMPLEMENTATION.—Notwithstanding any other
provision of law, the Secretary of Health and Human

1 Services may implement the amendments made by this
 2 section by program instruction or otherwise.

3 **SEC. 205. REQUIRING COVERAGE UNDER MEDICARE PDPS**
 4 **AND MA-PD PLANS, WITHOUT THE IMPOSI-**
 5 **TION OF COST SHARING OR UTILIZATION**
 6 **MANAGEMENT REQUIREMENTS, OF DRUGS**
 7 **INTENDED TO TREAT COVID-19 DURING CER-**
 8 **TAIN EMERGENCIES.**

9 (a) COVERAGE REQUIREMENT.—

10 (1) IN GENERAL.—Section 1860D-4(b)(3) of
 11 the Social Security Act (42 U.S.C. 1395w-
 12 104(b)(3)) is amended by adding at the end the fol-
 13 lowing new subparagraph:

14 “(I) REQUIRED INCLUSION OF DRUGS IN-
 15 TENDED TO TREAT COVID-19.—

16 “(i) IN GENERAL.—Notwithstanding
 17 any other provision of law, a PDP sponsor
 18 offering a prescription drug plan shall,
 19 with respect to a plan year, any portion of
 20 which occurs during the period described
 21 in clause (ii), be required to—

22 “(I) include in any formulary—

23 “(aa) all covered part D
 24 drugs with a medically accepted
 25 indication (as defined in section

1 1860D–2(e)(4)) to treat COVID–
2 19 that are marketed in the
3 United States; and

4 “(bb) all drugs authorized
5 under section 564 or 564A of the
6 Federal Food, Drug, and Cos-
7 metic Act to treat COVID–19;
8 and

9 “(II) not impose any prior au-
10 thorization or other utilization man-
11 agement requirement with respect to
12 such drugs described in item (aa) or
13 (bb) of subclause (I) (other than such
14 a requirement that limits the quantity
15 of drugs due to safety).

16 “(ii) PERIOD DESCRIBED.—For pur-
17 poses of clause (i), the period described in
18 this clause is the period during which there
19 exists the public health emergency declared
20 by the Secretary pursuant to section 319
21 of the Public Health Service Act on Janu-
22 ary 31, 2020, entitled ‘Determination that
23 a Public Health Emergency Exists Nation-
24 wide as the Result of the 2019 Novel
25 Coronavirus’ (including any renewal of

1 such declaration pursuant to such sec-
2 tion).”.

3 (b) ELIMINATION OF COST SHARING.—

4 (1) ELIMINATION OF COST-SHARING FOR
5 DRUGS INTENDED TO TREAT COVID-19 UNDER
6 STANDARD AND ALTERNATIVE PRESCRIPTION DRUG
7 COVERAGE.—Section 1860D-2 of the Social Security
8 Act (42 U.S.C. 1395w-102) is amended—

9 (A) in subsection (b)—

10 (i) in paragraph (1)(A), by striking
11 “The coverage” and inserting “Subject to
12 paragraph (8), the coverage”;

13 (ii) in paragraph (2)—

14 (I) in subparagraph (A), by in-
15 serting after “Subject to subpara-
16 graphs (C) and (D)” the following:
17 “and paragraph (8)”;

18 (II) in subparagraph (C)(i), by
19 striking “paragraph (4)” and insert-
20 ing “paragraphs (4) and (8)”; and

21 (III) in subparagraph (D)(i), by
22 striking “paragraph (4)” and insert-
23 ing “paragraphs (4) and (8)”;

1 (iii) in paragraph (4)(A)(i), by strik-
 2 ing “The coverage” and inserting “Subject
 3 to paragraph (8), the coverage”; and

4 (iv) by adding at the end the following
 5 new paragraph:

6 “(8) ELIMINATION OF COST-SHARING FOR
 7 DRUGS INTENDED TO TREAT COVID-19.—The cov-
 8 erage does not impose any deductible, copayment,
 9 coinsurance, or other cost-sharing requirement for
 10 drugs described in section 1860D-4(b)(3)(I)(i)(I)
 11 with respect to a plan year, any portion of which oc-
 12 curs during the period during which there exists the
 13 public health emergency declared by the Secretary
 14 pursuant to section 319 of the Public Health Service
 15 Act on January 31, 2020, entitled ‘Determination
 16 that a Public Health Emergency Exists Nationwide
 17 as the Result of the 2019 Novel Coronavirus’ (in-
 18 cluding any renewal of such declaration pursuant to
 19 such section).”; and

20 (B) in subsection (c), by adding at the end
 21 the following new paragraph:

22 “(4) SAME ELIMINATION OF COST-SHARING FOR
 23 DRUGS INTENDED TO TREAT COVID-19.—The cov-
 24 erage is in accordance with subsection (b)(8).”.

1 (2) ELIMINATION OF COST-SHARING FOR
 2 DRUGS INTENDED TO TREAT COVID-19 DISPENSED
 3 TO INDIVIDUALS WHO ARE SUBSIDY ELIGIBLE INDIVIDUALS.—Section 1860D-14(a) of the Social Security Act (42 U.S.C. 1395w-114(a)) is amended—

6 (A) in paragraph (1)—

7 (i) in subparagraph (D)—

8 (I) in clause (ii), by striking “In
 9 the case of” and inserting “Subject to
 10 subparagraph (F), in the case of”;
 11 and

12 (II) in clause (iii), by striking
 13 “In the case of” and inserting “Subject to subparagraph (F), in the case
 14 of”; and

15 (ii) by adding at the end the following
 16 new subparagraph:

17 “(F) ELIMINATION OF COST-SHARING FOR
 18 DRUGS INTENDED TO TREAT COVID-19.—Coverage that is in accordance with section
 19 1860D-2(b)(8).”; and

22 (B) in paragraph (2)—

23 (i) in subparagraph (B), by striking
 24 “A reduction” and inserting “Subject to
 25 subparagraph (F), a reduction”;

1 (ii) in subparagraph (D), by striking
 2 “The substitution” and inserting “Subject
 3 to subparagraph (F), the substitution”;

4 (iii) in subparagraph (E), by inserting
 5 after “Subject to” the following: “subpara-
 6 graph (F) and”; and

7 (iv) by adding at the end the following
 8 new subparagraph:

9 “(F) ELIMINATION OF COST-SHARING FOR
 10 DRUGS INTENDED TO TREAT COVID-19.—Cov-
 11 erage that is in accordance with section
 12 1860D-2(b)(8).”.

13 (c) IMPLEMENTATION.—Notwithstanding any other
 14 provision of law, the Secretary of Health and Human
 15 Services may implement the amendments made by this
 16 section by program instruction or otherwise.

17 **SEC. 206. MEDICARE SPECIAL ENROLLMENT PERIOD FOR**
 18 **INDIVIDUALS RESIDING IN COVID-19 EMER-**
 19 **GENCY AREAS.**

20 (a) IN GENERAL.—Section 1837(i) of the Social Se-
 21 curity Act (42 U.S.C. 1395p(i)) is amended by adding at
 22 the end the following new paragraph:

23 “(5)(A) In the case of an individual who—

1 “(i) is eligible under section 1836 to enroll
2 in the medical insurance program established by
3 this part,

4 “(ii) did not enroll (or elected not to be
5 deemed enrolled) under this section during an
6 enrollment period, and

7 “(iii) during the emergency period (as de-
8 scribed in section 1135(g)(1)(B)), resided in an
9 emergency area (as described in such section),
10 there shall be a special enrollment period de-
11 scribed in subparagraph (B).

12 “(B) The special enrollment period re-
13 ferred to in subparagraph (A) is the period that
14 begins not later than December 1, 2020, and
15 ends on the last day of the month in which the
16 emergency period (as described in section
17 1135(g)(1)(B)) ends.”.

18 (b) COVERAGE PERIOD FOR INDIVIDUALS
19 TRANSITIONING FROM OTHER COVERAGE.—Section
20 1838(e) of the Social Security Act (42 U.S.C. 1395q(e))
21 is amended—

22 (1) by striking “pursuant to section 1837(i)(3)
23 or 1837(i)(4)(B)—” and inserting the following:
24 “pursuant to—

25 “(1) section 1837(i)(3) or 1837(i)(4)(B)—”;

1 (2) by redesignating paragraphs (1) and (2) as
2 subparagraphs (A) and (B), respectively, and mov-
3 ing the indentation of each such subparagraph 2
4 ems to the right;

5 (3) by striking the period at the end of the sub-
6 paragraph (B), as so redesignated, and inserting “;
7 or”; and

8 (4) by adding at the end the following new
9 paragraph:

10 “(2) section 1837(i)(5), the coverage period
11 shall begin on the first day of the month following
12 the month in which the individual so enrolls.”.

13 (c) FUNDING.—The Secretary of Health and Human
14 Services shall provide for the transfer from the Federal
15 Hospital Insurance Trust Fund (as described in section
16 1817 of the Social Security Act (42 U.S.C. 1395i)) and
17 the Federal Supplementary Medical Insurance Trust
18 Fund (as described in section 1841 of such Act (42 U.S.C.
19 1395t)), in such proportions as determined appropriate by
20 the Secretary, to the Social Security Administration, of
21 \$30,000,000, to remain available until expended, for pur-
22 poses of carrying out the amendments made by this sec-
23 tion.

24 (d) IMPLEMENTATION.—Notwithstanding any other
25 provision of law, the Secretary of Health and Human

1 Services may implement the amendments made by this
2 section by program instruction or otherwise.

3 **SEC. 207. COVID-19 SKILLED NURSING FACILITY PAYMENT**
4 **INCENTIVE PROGRAM.**

5 (a) IN GENERAL.—Section 1819 of the Social Secu-
6 rity Act (42 U.S.C. 1395i-3) is amended by adding at the
7 end the following new subsection:

8 “(k) COVID-19 DESIGNATION PROGRAM.—

9 “(1) IN GENERAL.—Not later than 2 weeks
10 after the date of the enactment of this subsection,
11 the Secretary shall establish a program under which
12 a skilled nursing facility that makes an election de-
13 scribed in paragraph (2)(A) and meets the require-
14 ments described in paragraph (2)(B) is designated
15 (or a portion of such facility is so designated) as a
16 COVID-19 treatment center and receives incentive
17 payments under section 1888(e)(13).

18 “(2) DESIGNATION.—

19 “(A) IN GENERAL.—A skilled nursing fa-
20 cility may elect to be designated (or to have a
21 portion of such facility designated) as a
22 COVID-19 treatment center under the program
23 established under paragraph (1) if the facility
24 submits to the Secretary, at a time and in a
25 manner specified by the Secretary, an applica-

tion for such designation that contains such information as required by the Secretary and demonstrates that such facility meets the requirements described in subparagraph (B).

“(B) REQUIREMENTS.—The requirements described in this subparagraph with respect to a skilled nursing facility are the following:

“(i) The facility has a star rating with respect to staffing of 4 or 5 on the Nursing Home Compare website (as described in subsection (i)) and has maintained such a rating on such website during the 2-year period ending on the date of the submission of the application described in subparagraph (A).

“(ii) The facility has a star rating of 4 or 5 with respect to health inspections on such website and has maintained such a rating on such website during such period.

“(iii) During such period, the Secretary or a State has not found a deficiency with such facility relating to infection control that the Secretary or State determined immediately jeopardized the health or safety of the residents of such fa-

1 cility (as described in paragraph (1) or
2 (2)(A) of subsection (h), as applicable).

3 “(iv) The facility provides care at
4 such facility (or, in the case of an election
5 made with respect to a portion of such fa-
6 cility, to provide care in such portion of
7 such facility) only to eligible individuals.

8 “(v) The facility arranges for and
9 transfers all residents of such facility (or
10 such portion of such facility, as applicable)
11 who are not eligible individuals to other
12 skilled nursing facilities (or other portions
13 of such facility, as applicable).

14 “(vi) The facility complies with the
15 notice requirement described in paragraph
16 (4).

17 “(vii) The facility meets the reporting
18 requirement described in paragraph (5).

19 “(viii) Any other requirement deter-
20 mined appropriate by the Secretary.

21 “(3) DURATION OF DESIGNATION.—

22 “(A) IN GENERAL.—A designation of a
23 skilled nursing facility (or portion of such facil-
24 ity) as a COVID–19 treatment center shall

1 begin on a date specified by the Secretary and
2 end upon the earliest of the following:

3 “(i) The revocation of such designa-
4 tion under subparagraph (B).

5 “(ii) The submission of a notification
6 by such facility to the Secretary that such
7 facility elects to terminate such designa-
8 tion.

9 “(iii) The termination of the program
10 (as specified in paragraph (6)).

11 “(B) REVOCATION.—The Secretary may
12 revoke the designation of a skilled nursing facil-
13 ity (or portion of such facility) as a COVID–19
14 treatment center if the Secretary determines
15 that the facility is no longer in compliance with
16 a requirement described in paragraph (2)(B).

17 “(4) RESIDENT NOTICE REQUIREMENT.—For
18 purposes of paragraph (2)(B)(vi), the notice require-
19 ment described in this paragraph is that, not later
20 than 72 hours before the date specified by the Sec-
21 retary under paragraph (3)(A) with respect to the
22 designation of a skilled nursing facility (or portion
23 of such facility) as a COVID–19 treatment center,
24 the facility provides a notification to each resident of
25 such facility (and to appropriate representatives or

1 family members of each such resident, as specified
2 by the Secretary) that contains the following:

3 “(A) Notice of such designation.

4 “(B) In the case such resident is not an el-
5 igible individual (and, in the case such designa-
6 tion is made only with respect to a portion of
7 such facility, resides in such portion of such fa-
8 cility)—

9 “(i) a specification of when and where
10 such resident will be transferred (or moved
11 within such facility);

12 “(ii) an explanation that, in lieu of
13 such transfer or move, such resident may
14 arrange for transfer to such other setting
15 (including a home) selected by the resi-
16 dent; and

17 “(iii) if such resident so arranges to
18 be transferred to a home, information on
19 Internet resources for caregivers who elect
20 to care for such resident at home.

21 “(C) Contact information for the State
22 long-term care ombudsman (established under
23 section 307(a)(12) of the Older Americans Act
24 of 1965) for the applicable State.

25 “(5) REPORTING REQUIREMENT.—

1 “(A) IN GENERAL.—For purposes of para-
2 graph (2)(B)(vii), the reporting requirement de-
3 scribed in this paragraph is, with respect to a
4 skilled nursing facility, that the facility reports
5 to the Secretary, weekly and in such manner
6 specified by the Secretary, the following (but
7 only to the extent the information described in
8 clauses (i) through (vii) is not otherwise re-
9 ported to the Secretary weekly):

10 “(i) The number of COVID–19 re-
11 lated deaths at such facility.

12 “(ii) The number of discharges from
13 such facility.

14 “(iii) The number of admissions to
15 such facility.

16 “(iv) The number of beds occupied
17 and the number of beds available at such
18 facility.

19 “(v) The number of residents on a
20 ventilator at such facility.

21 “(vi) The number of clinical and non-
22 clinical staff providing direct patient care
23 at such facility.

24 “(vii) Such other information deter-
25 mined appropriate by the Secretary.

1 “(B) NONAPPLICATION OF PAPERWORK
2 REDUCTION ACT.—Chapter 35 of title 44,
3 United States Code (commonly known as the
4 ‘Paperwork Reduction Act’), shall not apply to
5 the collection of information under this para-
6 graph.

7 “(6) DEFINITION.—For purposes of this sub-
8 section, the term ‘eligible individual’ means an indi-
9 vidual who, during the 30-day period ending on the
10 first day on which such individual is a resident of a
11 COVID–19 treatment center (on or after the date
12 such center is so designated), was furnished a test
13 for COVID–19 that came back positive.

14 “(7) TERMINATION.—The program established
15 under paragraph (1) shall terminate upon the termi-
16 nation of the emergency period described in section
17 1135(g)(1)(B).

18 “(8) PROHIBITION ON ADMINISTRATIVE AND
19 JUDICIAL REVIEW.—There shall be no administrative
20 or judicial review under section 1869, 1878, or oth-
21 erwise of a designation of a skilled nursing facility
22 (or portion of such facility) as a COVID–19 treat-
23 ment center, or revocation of such a designation,
24 under this subsection.”.

1 (b) PAYMENT INCENTIVE.—Section 1888(e) of the
 2 Social Security Act (42 U.S.C. 1395yy(e)) is amended—

3 (1) in paragraph (1), in the matter preceding
 4 subparagraph (A), by striking “and (12)” and in-
 5 serting “(12), and (13)”; and

6 (2) by adding at the end the following new
 7 paragraph:

8 “(13) ADJUSTMENT FOR COVID–19 TREATMENT
 9 CENTERS.—In the case of a resident of a skilled
 10 nursing facility that has been designated as a
 11 COVID–19 treatment center under section 1819(k)
 12 (or in the case of a resident who resides in a portion
 13 of such facility that has been so designated), if such
 14 resident is an eligible individual (as defined in para-
 15 graph (5) of such section), the per diem amount of
 16 payment for such resident otherwise applicable shall
 17 be increased by 20 percent to reflect increased costs
 18 associated with such residents.”.

19 **SEC. 208. FUNDING FOR STATE STRIKE TEAMS FOR RESI-**
 20 **DENT AND EMPLOYEE SAFETY IN SKILLED**
 21 **NURSING FACILITIES AND NURSING FACILI-**
 22 **TIES.**

23 (a) IN GENERAL.—Of the amounts made available
 24 under subsection (c), the Secretary of Health and Human
 25 Services (referred to in this section as the “Secretary”)

1 shall allocate such amounts among the States, in a man-
2 ner that takes into account the percentage of skilled nurs-
3 ing facilities and nursing facilities in each State that have
4 residents or employees who have been diagnosed with
5 COVID–19, for purposes of establishing and implementing
6 strike teams in accordance with subsection (b).

7 (b) USE OF FUNDS.—A State that receives funds
8 under this section shall use such funds to establish and
9 implement a strike team that will be deployed to a skilled
10 nursing facility or nursing facility in the State with diag-
11 nosed or suspected cases of COVID–19 among residents
12 or staff for the purposes of assisting with clinical care,
13 infection control, or staffing.

14 (c) AUTHORIZATION OF APPROPRIATIONS.—For pur-
15 poses of carrying out this section, there is authorized to
16 be appropriated \$500,000,000.

17 (d) DEFINITIONS.—In this section:

18 (1) NURSING FACILITY.—The term “nursing
19 facility” has the meaning given such term in section
20 1919(a) of the Social Security Act (42 U.S.C.
21 1396r(a)).

22 (2) SKILLED NURSING FACILITY.—The term
23 “skilled nursing facility” has the meaning given such
24 term in section 1819(a) of the Social Security Act
25 (42 U.S.C. 1395i–3(a)).

1 **SEC. 209. PROVIDING FOR INFECTION CONTROL SUPPORT**
2 **TO SKILLED NURSING FACILITIES THROUGH**
3 **CONTRACTS WITH QUALITY IMPROVEMENT**
4 **ORGANIZATIONS.**

5 (a) IN GENERAL.—Section 1862(g) of the Social Se-
6 curity Act (42 U.S.C. 1395y(g)) is amended—

7 (1) by striking “The Secretary” and inserting
8 “(1) The Secretary”; and

9 (2) by adding at the end the following new
10 paragraph:

11 “(2)(A) The Secretary shall ensure that at least 1
12 contract with a quality improvement organization de-
13 scribed in paragraph (1) entered into on or after the date
14 of the enactment of this paragraph and before the end
15 of the emergency period described in section
16 1135(g)(1)(B) (or in effect as of such date) includes the
17 requirement that such organization provide to skilled
18 nursing facilities with cases of COVID–19 (or facilities at-
19 tempting to prevent outbreaks of COVID–19) infection
20 control support described in subparagraph (B) during
21 such period.

22 “(B) For purposes of subparagraph (A), the infection
23 control support described in this subparagraph is, with re-
24 spect to skilled nursing facilities described in such sub-
25 paragraph, the development and dissemination to such fa-
26 cilities of protocols relating to the prevention or mitigation

1 of COVID–19 at such facilities and the provision of train-
 2 ing materials to such facilities relating to such prevention
 3 or mitigation.”.

4 (b) FUNDING.—The Secretary of Health and Human
 5 Services shall provide for the transfer from the Federal
 6 Supplementary Medical Insurance Trust Fund (as de-
 7 scribed in section 1841 of the Social Security Act (42
 8 U.S.C. 1395t)) and the Federal Hospital Insurance Trust
 9 Fund (as described in section 1817 of such Act (42 U.S.C.
 10 1395i)), in such proportions as determined appropriate by
 11 the Secretary, to the Centers for Medicare & Medicaid
 12 Services Program Management Account, of \$210,000,000,
 13 to remain available until expended, for purposes of enter-
 14 ing into contracts with quality improvement organizations
 15 under part B of title XI of such Act (42 U.S.C. 1320c
 16 et seq.). Of the amount transferred pursuant to the pre-
 17 vious sentence, not less than \$110,000,000 shall be used
 18 for purposes of entering into such a contract that includes
 19 the requirement described in section 1862(g)(2)(A) of
 20 such Act (as added by subsection (a)).

21 **SEC. 210. REQUIRING LONG TERM CARE FACILITIES TO RE-**
 22 **PORT CERTAIN INFORMATION RELATING TO**
 23 **COVID–19 CASES AND DEATHS.**

24 (a) IN GENERAL.—The Secretary of Health and
 25 Human Services (in this section referred to as the “Sec-

1 retary”) shall, as soon as practicable, require that the in-
 2 formation described in paragraph (1) of section 483.80(g)
 3 of title 42, Code of Federal Regulations, or a successor
 4 regulation, be reported by a facility (as defined for pur-
 5 poses of such section).

6 (b) DEMOGRAPHIC INFORMATION.—The Secretary
 7 shall post the following information with respect to skilled
 8 nursing facilities (as defined in section 1819(a) of the So-
 9 cial Security Act (42 U.S.C. 1395i–3(a))) and nursing fa-
 10 cilities (as defined in section 1919(a) of such Act (42
 11 U.S.C. 1396r(a))) on the Nursing Home Compare website
 12 (as described in section 1819(i) of the Social Security Act
 13 (42 U.S.C. 1395i–3(i))), or a successor website, aggre-
 14 gated by State:

15 (1) The age, race/ethnicity, and preferred lan-
 16 guage of the residents of such skilled nursing facili-
 17 ties and nursing facilities with suspected or con-
 18 firmed COVID–19 infections, including residents
 19 previously treated for COVID–19.

20 (2) The age, race/ethnicity, and preferred lan-
 21 guage relating to total deaths and COVID–19
 22 deaths among residents of such skilled nursing facili-
 23 ties and nursing facilities.

24 (c) CONFIDENTIALITY.—Any information reported
 25 under this section that is made available to the public shall

1 be made so available in a manner that protects the identity
 2 of residents of skilled nursing facilities and nursing facili-
 3 ties.

4 (d) IMPLEMENTATION.—The Secretary may imple-
 5 ment the provisions of this section by program instruction
 6 or otherwise.

7 **SEC. 211. FLOOR ON THE MEDICARE AREA WAGE INDEX**
 8 **FOR HOSPITALS IN ALL-URBAN STATES.**

9 (a) IN GENERAL.—Section 1886(d)(3)(E) of the So-
 10 cial Security Act (42 U.S.C. 1395ww(d)(3)(E)) is amend-
 11 ed—

12 (1) in clause (i), in the first sentence, by strik-
 13 ing “or (iii)” and inserting “, (iii), or (iv)”;

14 (2) by adding at the end the following new
 15 clause:

16 “(iv) FLOOR ON AREA WAGE INDEX
 17 FOR HOSPITALS IN ALL-URBAN STATES.—

18 “(I) IN GENERAL.—For dis-
 19 charges occurring on or after October
 20 1, 2021, the area wage index applica-
 21 ble under this subparagraph to any
 22 hospital in an all-urban State (as de-
 23 fined in subclause (IV)) may not be
 24 less than the minimum area wage
 25 index for the fiscal year for hospitals

1 in that State, as established under
2 subclause (II).

3 “(II) MINIMUM AREA WAGE
4 INDEX.—For purposes of subclause
5 (I), the Secretary shall establish a
6 minimum area wage index for a fiscal
7 year for hospitals in each all-urban
8 State using the methodology described
9 in section 412.64(h)(4) of title 42,
10 Code of Federal Regulations, as in ef-
11 fect for fiscal year 2018.

12 “(III) WAIVING BUDGET NEU-
13 TRALITY.—Pursuant to the fifth sen-
14 tence of clause (i), this subsection
15 shall not be applied in a budget neu-
16 tral manner.

17 “(IV) ALL-URBAN STATE DE-
18 FINED.—In this clause, the term ‘all-
19 urban State’ means a State in which
20 there are no rural areas (as defined in
21 paragraph (2)(D)) or a State in which
22 there are no hospitals classified as
23 rural under this section.”.

24 (b) WAIVING BUDGET NEUTRALITY.—

1 (1) TECHNICAL AMENDATORY CORRECTION.—
 2 Section 10324(a)(2) of Public Law 111–148 is
 3 amended by striking “third sentence” and inserting
 4 “fifth sentence”.

5 (2) WAIVER.—Section 1886(d)(3)(E)(i) of the
 6 Social Security Act (42 U.S.C. 1395ww(d)(3)(E)(i))
 7 is amended, in the fifth sentence—

8 (A) by striking “and the amendments” and
 9 inserting “, the amendments”; and

10 (B) by inserting “, and the amendments
 11 made by section 211 of the Investing in Amer-
 12 ica’s Health Care During the COVID–19 Pan-
 13 demic Act” after “Care Act”.

14 **SEC. 212. RELIEF FOR SMALL RURAL HOSPITALS FROM IN-**
 15 **ACCURATE INSTRUCTIONS PROVIDED BY**
 16 **CERTAIN MEDICARE ADMINISTRATIVE CON-**
 17 **TRACTORS.**

18 Section 1886(d)(5) of the Social Security Act (42
 19 U.S.C. 1395ww(d)(5)) is amended by adding at the end
 20 the following new subparagraph:

21 “(N)(i) Subject to clause (ii), in the case of a sole
 22 community hospital or a medicare-dependent, small rural
 23 hospital with respect to which a medicare administrative
 24 contractor initially determined and paid a volume decrease
 25 adjustment under subparagraph (D)(ii) or (G)(iii) for a

1 specified cost reporting period, at the election of the hos-
2 pital, the Secretary of Health and Human Services shall
3 replace the volume decrease adjustment subsequently de-
4 termined for that specified cost reporting period by the
5 medicare administrative contractor with the volume de-
6 crease adjustment initially determined and paid by the
7 medicare administrative contractor for that specified cost
8 reporting period.

9 “(ii)(I) Clause (i) shall not apply in the case of a sole
10 community hospital or a medicare-dependent, small rural
11 hospital for which the medicare administrative contractor
12 determination of the volume decrease adjustment with re-
13 spect to a specified cost reporting period of the hospital
14 is administratively final before the date that is three years
15 before the date of the enactment of this section.

16 “(II) For purposes of subclause (I), the date on which
17 the medicare administrative contractor determination with
18 respect to a volume decrease adjustment for a specified
19 cost reporting period is administratively final is the latest
20 of the following:

21 “(aa) The date of the contractor determination
22 (as defined in section 405.1801 of title 42, Code of
23 Federal Regulations).

24 “(bb) The date of the final outcome of any re-
25 opening of the medicare administrative contractor

1 determination under section 405.1885 of title 42,
 2 Code of Federal Regulations.

3 “(cc) The date of the final outcome of the final
 4 appeal filed by such hospital with respect to such
 5 volume decrease adjustment for such specified cost
 6 reporting period.

7 “(iii) For purposes of this subparagraph, the term
 8 ‘specified cost reporting period’ means a cost reporting pe-
 9 riod of a sole community hospital or a medicare-depend-
 10 ent, small rural hospital, as the case may be, that begins
 11 during a fiscal year before fiscal year 2018.”.

12 **SEC. 213. DEEMING CERTAIN HOSPITALS TO BE LOCATED**
 13 **IN AN URBAN AREA FOR PURPOSES OF PAY-**
 14 **MENT FOR INPATIENT HOSPITAL SERVICES**
 15 **UNDER THE MEDICARE PROGRAM.**

16 Section 1886(d)(10) of the Social Security Act (42
 17 U.S.C. 1395ww(d)(10)) is amended by adding at the end
 18 the following new subparagraph:

19 “(G)(i) For purposes of payment under this sub-
 20 section for discharges occurring during the 3-year period
 21 beginning on October 1, 2020, each hospital located in Al-
 22 bany, Saratoga, Schenectady, Montgomery, or Rensselaer
 23 County of New York shall be deemed to be located in the
 24 urban area of Hartford-East Hartford-Middletown, Con-
 25 necticut (CBSA 25540), notwithstanding any other reclas-

1 sification or redesignation that otherwise would have ap-
 2 plied for purposes of the wage index under this paragraph
 3 or subparagraphs (B) or (E) of paragraph (8).

4 “(ii) Any deemed location of a hospital pursuant to
 5 clause (i) shall be treated as a decision of the Medicare
 6 Geographic Classification Review Board for purposes of
 7 paragraph (8)(D).”.

8 **SEC. 214. EFFECTIVE DATE OF MEDICARE COVERAGE OF**
 9 **COVID-19 VACCINES WITHOUT ANY COST-**
 10 **SHARING.**

11 Effective as if included in the enactment of the
 12 CARES Act (Public Law 116–136; 42 U.S.C. 13951
 13 note), section 3713(d) of such Act is amended by inserting
 14 before the period at the end the following: “or authorized
 15 for emergency use under section 564 of the Federal Food,
 16 Drug, and Cosmetic Act (21 U.S.C. 360bbb–3)”.

17 **TITLE III—PRIVATE INSURANCE**
 18 **PROVISIONS**

19 **SEC. 301. SPECIAL ENROLLMENT PERIOD THROUGH EX-**
 20 **CHANGES.**

21 (a) SPECIAL ENROLLMENT PERIOD THROUGH EX-
 22 CHANGES.—Section 1311(c) of the Patient Protection and
 23 Affordable Care Act (42 U.S.C. 18031(c)) is amended—
 24 (1) in paragraph (6)—

1 (A) in subparagraph (C), by striking at the
2 end “and”;

3 (B) in subparagraph (D), by striking at
4 the end the period and inserting “; and”; and

5 (C) by adding at the end the following new
6 subparagraph:

7 “(E) subject to subparagraph (B) of para-
8 graph (8), the special enrollment period de-
9 scribed in subparagraph (A) of such para-
10 graph.”; and

11 (2) by adding at the end the following new
12 paragraph:

13 “(8) SPECIAL ENROLLMENT PERIOD FOR CER-
14 TAIN PUBLIC HEALTH EMERGENCY.—

15 “(A) IN GENERAL.—The Secretary shall,
16 subject to subparagraph (B), require an Ex-
17 change to provide—

18 “(i) for a special enrollment period
19 during the emergency period described in
20 section 1135(g)(1)(B) of the Social Secu-
21 rity Act—

22 “(I) which shall begin on the
23 date that is one week after the date of
24 the enactment of this paragraph and
25 which, in the case of an Exchange es-

1 tablished or operated by the Secretary
2 within a State pursuant to section
3 1321(c), shall be an 8-week period;
4 and

5 “(II) during which any individual
6 who is otherwise eligible to enroll in a
7 qualified health plan through the Ex-
8 change may enroll in such a qualified
9 health plan; and

10 “(ii) that, in the case of an individual
11 who enrolls in a qualified health plan
12 through the Exchange during such enroll-
13 ment period, the coverage period under
14 such plan shall begin on the first day of
15 the month following the day the individual
16 selects a plan through such special enroll-
17 ment period.

18 “(B) EXCEPTION.—The requirement of
19 subparagraph (A) shall not apply to a State-op-
20 erated or State-established Exchange if such
21 Exchange, prior to the date of the enactment of
22 this paragraph, established or otherwise pro-
23 vided for a special enrollment period to address
24 access to coverage under qualified health plans
25 offered through such Exchange during the

1 emergency period described in section
2 1135(g)(1)(B) of the Social Security Act.”.

3 (b) IMPLEMENTATION.—The Secretary of Health and
4 Human Services may implement the provisions of (includ-
5 ing amendments made by) this section through subregu-
6 latory guidance, program instruction, or otherwise.

7 **SEC. 302. EXPEDITED MEETING OF ACIP FOR COVID-19**
8 **VACCINES.**

9 (a) IN GENERAL.—Notwithstanding section 3091 of
10 the 21st Century Cures Act (21 U.S.C. 360bbb–4 note),
11 the Advisory Committee on Immunization Practices shall
12 meet and issue a recommendation with respect to a vac-
13 cine that is intended to prevent or treat COVID–19 not
14 later than 15 business days after the date on which such
15 vaccine is licensed under section 351 of the Public Health
16 Service Act (42 U.S.C. 262).

17 (b) DEFINITION.—In this section, the term “Advisory
18 Committee on Immunization Practices” means the Advi-
19 sory Committee on Immunization Practices established by
20 the Secretary of Health and Human Services pursuant to
21 section 222 of the Public Health Service Act (42 U.S.C.
22 217a), acting through the Director of the Centers for Dis-
23 ease Control and Prevention.

1 **SEC. 303. COVERAGE OF COVID-19 RELATED TREATMENT**
2 **AT NO COST SHARING.**

3 (a) IN GENERAL.—A group health plan and a health
4 insurance issuer offering group or individual health insur-
5 ance coverage (including a grandfathered health plan (as
6 defined in section 1251(e) of the Patient Protection and
7 Affordable Care Act)) shall provide coverage, and shall not
8 impose any cost sharing (including deductibles, copay-
9 ments, and coinsurance) requirements, for the following
10 items and services furnished during any portion of the
11 emergency period defined in paragraph (1)(B) of section
12 1135(g) of the Social Security Act (42 U.S.C. 1320b-
13 5(g)) beginning on or after the date of the enactment of
14 this Act:

15 (1) Medically necessary items and services (in-
16 cluding in-person or telehealth visits in which such
17 items and services are furnished) that are furnished
18 to an individual who has been diagnosed with (or
19 after provision of the items and services is diagnosed
20 with) COVID-19 to treat or mitigate the effects of
21 COVID-19.

22 (2) Medically necessary items and services (in-
23 cluding in-person or telehealth visits in which such
24 items and services are furnished) that are furnished
25 to an individual who is presumed to have COVID-

1 19 but is never diagnosed as such, if the following
2 conditions are met:

3 (A) Such items and services are furnished
4 to the individual to treat or mitigate the effects
5 of COVID–19 or to mitigate the impact of
6 COVID–19 on society.

7 (B) Health care providers have taken ap-
8 propriate steps under the circumstances to
9 make a diagnosis, or confirm whether a diag-
10 nosis was made, with respect to such individual,
11 for COVID–19, if possible.

12 (b) ITEMS AND SERVICES RELATED TO COVID–
13 19.—For purposes of this section—

14 (1) not later than one week after the date of
15 the enactment of this section, the Secretary of
16 Health and Human Services, Secretary of Labor,
17 and Secretary of the Treasury shall jointly issue
18 guidance specifying applicable diagnoses and medi-
19 cally necessary items and services related to
20 COVID–19; and

21 (2) such items and services shall include all
22 items or services that are relevant to the treatment
23 or mitigation of COVID–19, regardless of whether
24 such items or services are ordinarily covered under
25 the terms of a group health plan or group or indi-

1 vidual health insurance coverage offered by a health
2 insurance issuer.

3 (c) ENFORCEMENT.—

4 (1) APPLICATION WITH RESPECT TO PHSA,
5 ERISA, AND IRC.—The provisions of this section
6 shall be applied by the Secretary of Health and
7 Human Services, Secretary of Labor, and Secretary
8 of the Treasury to group health plans and health in-
9 surance issuers offering group or individual health
10 insurance coverage as if included in the provisions of
11 part A of title XXVII of the Public Health Service
12 Act, part 7 of the Employee Retirement Income Se-
13 curity Act of 1974, and subchapter B of chapter 100
14 of the Internal Revenue Code of 1986, as applicable.

15 (2) PRIVATE RIGHT OF ACTION.—An individual
16 with respect to whom an action is taken by a group
17 health plan or health insurance issuer offering group
18 or individual health insurance coverage in violation
19 of subsection (a) may commence a civil action
20 against the plan or issuer for appropriate relief. The
21 previous sentence shall not be construed as limiting
22 any enforcement mechanism otherwise applicable
23 pursuant to paragraph (1).

24 (d) IMPLEMENTATION.—The Secretary of Health and
25 Human Services, Secretary of Labor, and Secretary of the

1 Treasury may implement the provisions of this section
 2 through sub-regulatory guidance, program instruction or
 3 otherwise.

4 (e) TERMS.—The terms “group health plan”; “health
 5 insurance issuer”; “group health insurance coverage”, and
 6 “individual health insurance coverage” have the meanings
 7 given such terms in section 2791 of the Public Health
 8 Service Act (42 U.S.C. 300gg–91), section 733 of the Em-
 9 ployee Retirement Income Security Act of 1974 (29
 10 U.S.C. 1191b), and section 9832 of the Internal Revenue
 11 Code of 1986, as applicable.

12 **SEC. 304. REQUIRING PRESCRIPTION DRUG REFILL NOTIFI-**
 13 **CATIONS DURING EMERGENCIES.**

14 (a) ERISA.—

15 (1) IN GENERAL.—Subpart B of part 7 of sub-
 16 title B of title I of the Employee Retirement Income
 17 Security Act of 1974 (29 U.S.C. 1185 et seq.) is
 18 amended by adding at the end the following new sec-
 19 tion:

20 **“SEC. 716. PROVISION OF PRESCRIPTION DRUG REFILL NO-**
 21 **TIFICATIONS DURING EMERGENCIES.**

22 “(a) IN GENERAL.—A group health plan, and a
 23 health insurance issuer offering health insurance coverage
 24 in connection with a group health plan, that provides bene-
 25 fits for prescription drugs under such plan or such cov-

1 erage shall provide to each participant or beneficiary
2 under such plan or such coverage who resides in an emer-
3 gency area during an emergency period—

4 “(1) not later than 5 business days after the
5 date of the beginning of such period with respect to
6 such area (or, the case of the emergency period de-
7 scribed in section 304(d)(2) of the Investing in
8 America’s Health Care During the COVID–19 Pan-
9 demic Act, not later than 5 business days after the
10 date of the enactment of this section), a notification
11 (written in a manner that is clear and understand-
12 able to the average participant or beneficiary)—

13 “(A) of whether such plan or coverage will
14 waive, during such period with respect to such
15 a participant or beneficiary, any time restric-
16 tions under such plan or coverage on any au-
17 thorized refills for such drugs to enable such re-
18 fills in advance of when such refills would oth-
19 erwise have been permitted under such plan or
20 coverage; and

21 “(B) in the case that such plan or coverage
22 will waive such restrictions during such period
23 with respect to such a participant or bene-
24 ficiary, that contains information on how such

1 a participant or beneficiary may obtain such a
2 refill; and

3 “(2) in the case such plan or coverage elects to
4 so waive such restrictions during such period with
5 respect to such a participant or beneficiary after the
6 notification described in paragraph (1) has been pro-
7 vided with respect to such period, not later than 5
8 business days after such election, a notification of
9 such election that contains the information described
10 in subparagraph (B) of such paragraph.

11 “(b) EMERGENCY AREA; EMERGENCY PERIOD.—For
12 purposes of this section, an ‘emergency area’ is a geo-
13 graphical area in which, and an ‘emergency period’ is the
14 period during which, there exists—

15 “(1) an emergency or disaster declared by the
16 President pursuant to the National Emergencies Act
17 or the Robert T. Stafford Disaster Relief and Emer-
18 gency Assistance Act; and

19 “(2) a public health emergency declared by the
20 Secretary pursuant to section 319 of the Public
21 Health Service Act.”.

22 (2) CLERICAL AMENDMENT.—The table of con-
23 tents of the Employee Retirement Income Security
24 Act of 1974 is amended by inserting after the item
25 relating to section 714 the following:

“Sec. 715. Additional market reforms.

“Sec. 716. Provision of prescription drug refill notifications during emergencies.”.

1 (b) PHSA.—Subpart II of part A of title XXVII of
 2 the Public Health Service Act (42 U.S.C. 300gg–11 et
 3 seq.) is amended by adding at the end the following new
 4 section:

5 **“SEC. 2730. PROVISION OF PRESCRIPTION DRUG REFILL**
 6 **NOTIFICATIONS DURING EMERGENCIES.**

7 “(a) IN GENERAL.—A group health plan, and a
 8 health insurance issuer offering group or individual health
 9 insurance coverage, that provides benefits for prescription
 10 drugs under such plan or such coverage shall provide to
 11 each participant, beneficiary, or enrollee enrolled under
 12 such plan or such coverage who resides in an emergency
 13 area during an emergency period—

14 “(1) not later than 5 business days after the
 15 date of the beginning of such period with respect to
 16 such area (or, the case of the emergency period de-
 17 scribed in section 304(d)(2) of the Investing in
 18 America’s Health Care During the COVID–19 Pan-
 19 demic Act, not later than 5 business days after the
 20 date of the enactment of this section), a notification
 21 (written in a manner that is clear and understand-
 22 able to the average participant, beneficiary, or en-
 23 rollee)—

1 “(A) of whether such plan or coverage will
2 waive, during such period with respect to such
3 a participant, beneficiary, or enrollee, any time
4 restrictions under such plan or coverage on any
5 authorized refills for such drugs to enable such
6 refills in advance of when such refills would
7 otherwise have been permitted under such plan
8 or coverage; and

9 “(B) in the case that such plan or coverage
10 will waive such restrictions during such period
11 with respect to such a participant, beneficiary,
12 or enrollee, that contains information on how
13 such a participant, beneficiary, or enrollee may
14 obtain such a refill; and

15 “(2) in the case such plan or coverage elects to
16 so waive such restrictions during such period with
17 respect to such a participant, beneficiary, or enrollee
18 after the notification described in paragraph (1) has
19 been provided with respect to such period, not later
20 than 5 business days after such election, a notifica-
21 tion of such election that contains the information
22 described in subparagraph (B) of such paragraph.

23 “(b) EMERGENCY AREA; EMERGENCY PERIOD.—For
24 purposes of this section, an ‘emergency area’ is a geo-

1 graphical area in which, and an ‘emergency period’ is the
 2 period during which, there exists—

3 “(1) an emergency or disaster declared by the
 4 President pursuant to the National Emergencies Act
 5 or the Robert T. Stafford Disaster Relief and Emer-
 6 gency Assistance Act; and

7 “(2) a public health emergency declared by the
 8 Secretary pursuant to section 319.”.

9 (c) IRC.—

10 (1) IN GENERAL.—Subchapter B of chapter
 11 100 of the Internal Revenue Code of 1986 is amend-
 12 ed by adding at the end the following new section:

13 **“SEC. 9816. PROVISION OF PRESCRIPTION DRUG REFILL**
 14 **NOTIFICATIONS DURING EMERGENCIES.**

15 “(a) IN GENERAL.—A group health plan that pro-
 16 vides benefits for prescription drugs under such plan shall
 17 provide to each participant or beneficiary enrolled under
 18 such plan who resides in an emergency area during an
 19 emergency period, not later than 5 business days after the
 20 date of the beginning of such period with respect to such
 21 area (or, the case of the emergency period described in
 22 section 304(d)(2) of the Investing in America’s Health
 23 Care During the COVID–19 Pandemic Act, not later than
 24 5 business days after the date of the enactment of this
 25 section)—

1 “(1) a notification (written in a manner that is
2 clear and understandable to the average participant
3 or beneficiary)—

4 “(A) of whether such plan will waive, dur-
5 ing such period with respect to such a partici-
6 pant or beneficiary, any time restrictions under
7 such plan on any authorized refills for such
8 drugs to enable such refills in advance of when
9 such refills would otherwise have been per-
10 mitted under such plan; and

11 “(B) in the case that such plan will waive
12 such restrictions during such period with re-
13 spect to such a participant or beneficiary, that
14 contains information on how such a participant
15 or beneficiary may obtain such a refill; and

16 “(2) in the case such plan elects to so waive
17 such restrictions during such period with respect to
18 such a participant or beneficiary after the notifica-
19 tion described in paragraph (1) has been provided
20 with respect to such period, not later than 5 busi-
21 ness days after such election, a notification of such
22 election that contains the information described in
23 subparagraph (B) of such paragraph.

24 “(b) EMERGENCY AREA; EMERGENCY PERIOD.—For
25 purposes of this section, an ‘emergency area’ is a geo-

1 graphical area in which, and an ‘emergency period’ is the
 2 period during which, there exists—

3 “(1) an emergency or disaster declared by the
 4 President pursuant to the National Emergencies Act
 5 or the Robert T. Stafford Disaster Relief and Emer-
 6 gency Assistance Act; and

7 “(2) a public health emergency declared by the
 8 Secretary pursuant to section 319 of the Public
 9 Health Service Act.”.

10 (2) CLERICAL AMENDMENT.—The table of sec-
 11 tions for subchapter B of chapter 100 of the Inter-
 12 nal Revenue Code of 1986 is amended by adding at
 13 the end the following new item:

“Sec. 9816. Provision of prescription drug refill notifications during emer-
 gencies.”.

14 (d) EFFECTIVE DATE.—The amendments made by
 15 this section shall apply with respect to—

16 (1) emergency periods beginning on or after the
 17 date of the enactment of this Act; and

18 (2) the emergency period relating to the public
 19 health emergency declared by the Secretary of
 20 Health and Human Services pursuant to section 319
 21 of the Public Health Service Act on January 31,
 22 2020, entitled “Determination that a Public Health
 23 Emergency Exists Nationwide as the Result of the
 24 2019 Novel Coronavirus”.

1 **SEC. 305. IMPROVEMENT OF CERTAIN NOTIFICATIONS PRO-**
2 **VIDED TO QUALIFIED BENEFICIARIES BY**
3 **GROUP HEALTH PLANS IN THE CASE OF**
4 **QUALIFYING EVENTS.**

5 (a) EMPLOYEE RETIREMENT INCOME SECURITY ACT
6 OF 1974.—

7 (1) IN GENERAL.—Section 606 of the Employee
8 Retirement Income Security Act of 1974 (29 U.S.C.
9 1166) is amended—

10 (A) in subsection (a)(4), in the matter fol-
11 lowing subparagraph (B), by striking “under
12 this subsection” and inserting “under this part
13 in accordance with the notification requirements
14 under subsection (c)”; and

15 (B) in subsection (c)—

16 (i) by striking “For purposes of sub-
17 section (a)(4), any notification” and insert-
18 ing “For purposes of subsection (a)(4)—
19 “(1) any notification”;

20 (ii) by striking “, whichever is applica-
21 ble, and any such notification” and insert-
22 ing “of subsection (a), whichever is appli-
23 cable;

24 “(2) any such notification”; and

1 (iii) by striking “such notification is
2 made” and inserting “such notification is
3 made; and

4 “(3) any such notification shall, with respect to
5 each qualified beneficiary with respect to whom such
6 notification is made, include information regarding
7 any Exchange established under title I of the Pa-
8 tient Protection and Affordable Care Act through
9 which such a qualified beneficiary may be eligible to
10 enroll in a qualified health plan (as defined in sec-
11 tion 1301 of the Patient Protection and Affordable
12 Care Act), including—

13 “(A) the publicly accessible Internet
14 website address for such Exchange;

15 “(B) the publicly accessible Internet
16 website address for the Find Local Help direc-
17 tory maintained by the Department of Health
18 and Human Services on the healthcare.gov
19 Internet website (or a successor website);

20 “(C) a clear explanation that—

21 “(i) an individual who is eligible for
22 continuation coverage may also be eligible
23 to enroll, with financial assistance, in a
24 qualified health plan offered through such
25 Exchange, but, in the case that such indi-

1 vidual elects to enroll in such continuation
2 coverage and subsequently elects to termi-
3 nate such continuation coverage before the
4 period of such continuation coverage ex-
5 pires, such individual will not be eligible to
6 enroll in a qualified health plan offered
7 through such Exchange during a special
8 enrollment period; and

9 “(ii) an individual who elects to enroll
10 in continuation coverage will remain eligi-
11 ble to enroll in a qualified health plan of-
12 fered through such Exchange during an
13 open enrollment period and may be eligible
14 for financial assistance with respect to en-
15 rolling in such a qualified health plan;

16 “(D) information on consumer protections
17 with respect to enrolling in a qualified health
18 plan offered through such Exchange, including
19 the requirement for such a qualified health plan
20 to provide coverage for essential health benefits
21 (as defined in section 1302(b) of the Patient
22 Protection and Affordable Care Act) and the re-
23 quirements applicable to such a qualified health
24 plan under part A of title XXVII of the Public
25 Health Service Act; and

1 “(E) information on the availability of fi-
 2 nancial assistance with respect to enrolling in a
 3 qualified health plan, including the maximum
 4 income limit for eligibility for a premium tax
 5 credit under section 36B of the Internal Rev-
 6 enue Code of 1986.”.

7 (2) EFFECTIVE DATE.—The amendments made
 8 by paragraph (1) shall apply with respect to quali-
 9 fying events occurring on or after the date that is
 10 14 days after the date of the enactment of this Act.

11 (b) PUBLIC HEALTH SERVICE ACT.—

12 (1) IN GENERAL.—Section 2206 of the Public
 13 Health Service Act (42 U.S.C. 300bb–6) is amend-
 14 ed—

15 (A) by striking “In accordance” and in-
 16 serting the following:

17 “(a) IN GENERAL.—In accordance”;

18 (B) by striking “of such beneficiary’s
 19 rights under this subsection” and inserting “of
 20 such beneficiary’s rights under this title in ac-
 21 cordance with the notification requirements
 22 under subsection (b)”;

23 (C) by striking “For purposes of para-
 24 graph (4),” and all that follows through “such

1 notification is made.” and inserting the fol-
2 lowing:

3 “(b) RULES RELATING TO NOTIFICATION OF QUALI-
4 FIED BENEFICIARIES BY PLAN ADMINISTRATOR.—For
5 purposes of subsection (a)(4)—

6 “(1) any notification shall be made within 14
7 days of the date on which the plan administrator is
8 notified under paragraph (2) or (3) of subsection
9 (a), whichever is applicable;

10 “(2) any such notification to an individual who
11 is a qualified beneficiary as the spouse of the cov-
12 ered employee shall be treated as notification to all
13 other qualified beneficiaries residing with such
14 spouse at the time such notification is made; and

15 “(3) any such notification shall, with respect to
16 each qualified beneficiary with respect to whom such
17 notification is made, include information regarding
18 any Exchange established under title I of the Pa-
19 tient Protection and Affordable Care Act through
20 which such a qualified beneficiary may be eligible to
21 enroll in a qualified health plan (as defined in sec-
22 tion 1301 of the Patient Protection and Affordable
23 Care Act), including—

24 “(A) the publicly accessible Internet
25 website address for such Exchange;

1 “(B) the publicly accessible Internet
2 website address for the Find Local Help direc-
3 tory maintained by the Department of Health
4 and Human Services on the healthcare.gov
5 Internet website (or a successor website);

6 “(C) a clear explanation that—

7 “(i) an individual who is eligible for
8 continuation coverage may also be eligible
9 to enroll, with financial assistance, in a
10 qualified health plan offered through such
11 Exchange, but, in the case that such indi-
12 vidual elects to enroll in such continuation
13 coverage and subsequently elects to termi-
14 nate such continuation coverage before the
15 period of such continuation coverage ex-
16 pires, such individual will not be eligible to
17 enroll in a qualified health plan offered
18 through such Exchange during a special
19 enrollment period; and

20 “(ii) an individual who elects to enroll
21 in continuation coverage will remain eligi-
22 ble to enroll in a qualified health plan of-
23 fered through such Exchange during an
24 open enrollment period and may be eligible

1 for financial assistance with respect to en-
 2 rolling in such a qualified health plan;

3 “(D) information on consumer protections
 4 with respect to enrolling in a qualified health
 5 plan offered through such Exchange, including
 6 the requirement for such a qualified health plan
 7 to provide coverage for essential health benefits
 8 (as defined in section 1302(b) of the Patient
 9 Protection and Affordable Care Act) and the re-
 10 quirements applicable to such a qualified health
 11 plan under part A of title XXVII; and

12 “(E) information on the availability of fi-
 13 nancial assistance with respect to enrolling in a
 14 qualified health plan, including the maximum
 15 income limit for eligibility for a premium tax
 16 credit under section 36B of the Internal Rev-
 17 enue Code of 1986.”.

18 (2) EFFECTIVE DATE.—The amendments made
 19 by paragraph (1) shall apply with respect to quali-
 20 fying events occurring on or after the date that is
 21 14 days after the date of the enactment of this Act.

22 (c) INTERNAL REVENUE CODE OF 1986.—

23 (1) IN GENERAL.—Section 4980B(f)(6) of the
 24 Internal Revenue Code of 1986 is amended—

25 (A) in subparagraph (D)—

1 (i) in clause (ii), by striking “under
2 subparagraph (C)” and inserting “under
3 clause (iii)”; and

4 (ii) by redesignating clauses (i) and
5 (ii) as subclauses (I) and (II), respectively,
6 and moving the margin of each such sub-
7 clause, as so redesignated, 2 ems to the
8 right;

9 (B) by redesignating subparagraphs (A)
10 through (D) as clauses (i) through (iv), respec-
11 tively, and moving the margin of each such
12 clause, as so redesignated, 2 ems to the right;

13 (C) by striking “In accordance” and in-
14 serting the following:

15 “(A) IN GENERAL.—In accordance”;

16 (D) by inserting after “of such bene-
17 ficiary’s rights under this subsection” the fol-
18 lowing: “in accordance with the notification re-
19 quirements under subparagraph (C)”; and

20 (E) by striking “The requirements of sub-
21 paragraph (B)” and all that follows through
22 “such notification is made.” and inserting the
23 following:

24 “(B) ALTERNATIVE MEANS OF COMPLI-
25 ANCE WITH REQUIREMENT FOR NOTIFICATION

1 OF MULTIEMPLOYER PLANS BY EMPLOYERS.—

2 The requirements of subparagraph (A)(ii) shall
3 be considered satisfied in the case of a multiem-
4 ployer plan in connection with a qualifying
5 event described in paragraph (3)(B) if the plan
6 provides that the determination of the occur-
7 rence of such qualifying event will be made by
8 the plan administrator.

9 “(C) RULES RELATING TO NOTIFICATION
10 OF QUALIFIED BENEFICIARIES BY PLAN ADMIN-
11 ISTRATOR.—For purposes of subparagraph
12 (A)(iv)—

13 “(i) any notification shall be made
14 within 14 days (or, in the case of a group
15 health plan which is a multiemployer plan,
16 such longer period of time as may be pro-
17 vided in the terms of the plan) of the date
18 on which the plan administrator is notified
19 under clause (ii) or (iii) of subparagraph
20 (A), whichever is applicable;

21 “(ii) any such notification to an indi-
22 vidual who is a qualified beneficiary as the
23 spouse of the covered employee shall be
24 treated as notification to all other qualified

1 beneficiaries residing with such spouse at
2 the time such notification is made; and

3 “(iii) any such notification shall, with
4 respect to each qualified beneficiary with
5 respect to whom such notification is made,
6 include information regarding any Ex-
7 change established under title I of the Pa-
8 tient Protection and Affordable Care Act
9 through which such a qualified beneficiary
10 may be eligible to enroll in a qualified
11 health plan (as defined in section 1301 of
12 the Patient Protection and Affordable Care
13 Act), including—

14 “(I) the publicly accessible Inter-
15 net website address for such Ex-
16 change;

17 “(II) the publicly accessible
18 Internet website address for the Find
19 Local Help directory maintained by
20 the Department of Health and
21 Human Services on the healthcare.gov
22 Internet website (or a successor
23 website);

24 “(III) a clear explanation that—

1 “(aa) an individual who is
2 eligible for continuation coverage
3 may also be eligible to enroll,
4 with financial assistance, in a
5 qualified health plan offered
6 through such Exchange, but, in
7 the case that such individual
8 elects to enroll in such continu-
9 ation coverage and subsequently
10 elects to terminate such continu-
11 ation coverage before the period
12 of such continuation coverage ex-
13 pires, such individual will not be
14 eligible to enroll in a qualified
15 health plan offered through such
16 Exchange during a special enroll-
17 ment period; and

18 “(bb) an individual who
19 elects to enroll in continuation
20 coverage will remain eligible to
21 enroll in a qualified health plan
22 offered through such Exchange
23 during an open enrollment period
24 and may be eligible for financial
25 assistance with respect to enroll-

1 ing in such a qualified health
2 plan;

3 “(IV) information on consumer
4 protections with respect to enrolling in
5 a qualified health plan offered
6 through such Exchange, including the
7 requirement for such a qualified
8 health plan to provide coverage for es-
9 sential health benefits (as defined in
10 section 1302(b) of the Patient Protec-
11 tion and Affordable Care Act) and the
12 requirements applicable to such a
13 qualified health plan under part A of
14 title XXVII of the Public Health
15 Service Act; and

16 “(V) information on the avail-
17 ability of financial assistance with re-
18 spect to enrolling in a qualified health
19 plan, including the maximum income
20 limit for eligibility for a premium tax
21 credit under section 36B.”.

22 (2) EFFECTIVE DATE.—The amendments made
23 by paragraph (1) shall apply with respect to quali-
24 fying events occurring on or after the date that is
25 14 days after the date of the enactment of this Act.

1 (d) MODEL NOTICES.—Not later than 14 days after
2 the date of the enactment of this Act, the Secretary of
3 the Labor, in consultation with the Secretary of the Treas-
4 ury and the Secretary of Health and Human Services,
5 shall—

6 (1) update the model Consolidated Omnibus
7 Budget Reconciliation Act of 1985 (referred to in
8 this subsection as “COBRA”) continuation coverage
9 general notice and the model COBRA continuation
10 coverage election notice developed by the Secretary
11 of Labor for purposes of facilitating compliance of
12 group health plans with the notification require-
13 ments under section 606 of the Employee Retire-
14 ment Income Security Act of 1974 (29 U.S.C. 1166)
15 to include the information described in paragraph
16 (3) of subsection (c) of such section 606, as added
17 by subsection (a)(1);

18 (2) provide an opportunity for consumer testing
19 of each such notice, as so updated, to ensure that
20 each such notice is clear and understandable to the
21 average participant or beneficiary of a group health
22 plan; and

23 (3) rename the model COBRA continuation
24 coverage general notice and the model COBRA con-
25 tinuation coverage election notice as the “model

1 COBRA continuation coverage and Affordable Care
 2 Act coverage general notice” and the “model
 3 COBRA continuation coverage and Affordable Care
 4 Act coverage election notice”, respectively.

5 **SEC. 306. SOONER COVERAGE OF TESTING FOR COVID-19.**

6 Section 6001(a) of division F of the Families First
 7 Coronavirus Response Act (42 U.S.C. 1320b–5 note) is
 8 amended by striking “beginning on or after” and inserting
 9 “beginning before, on, or after”.

10 **SEC. 307. CLARIFYING SCOPE OF COVERAGE REQUIRE-**
 11 **MENT FOR ITEMS AND SERVICES RELATING**
 12 **TO COVID-19.**

13 Section 6001 of the Families First Coronavirus Re-
 14 sponse Act (Public Law 116–127) is amended—

15 (1) in subsection (b), by striking “subsection
 16 (a)” and inserting “subsections (a) and (e)”; and

17 (2) by adding at the end the following new sub-
 18 section:

19 “(e) SCOPE OF COVERAGE REQUIREMENT.—A group
 20 health plan and a health insurance issuer offering group
 21 or individual health insurance coverage (including a
 22 grandfathered health plan (as defined in section 1251(e)
 23 of the Patient Protection and Affordable Care Act)) shall
 24 provide coverage, without cost sharing and without prior
 25 authorization or other medical management requirements,

1 in accordance with subsection (a) for tests, items, and
2 services described in such subsection and furnished to an
3 individual during the emergency period defined in para-
4 graph (1)(B) of section 1135(g) of the Social Security Act
5 (42 U.S.C. 1320b-5(g)), regardless of—

6 “(1) why such individual sought such tests,
7 items, and services;

8 “(2) the nature of the clinical assessment that
9 was associated with such tests, items, and services;

10 “(3) whether such individual was showing
11 symptoms prior to being furnished such tests, items,
12 and services;

13 “(4) in the case of such tests, whether or not
14 such tests were ordered by a provider;

15 “(5) the frequency with which such individual is
16 furnished such tests, items, and services; and

17 “(6) any other review of the encounters or
18 events that preceded or followed the furnishing of
19 such tests, items, and services.”.

20 **SEC. 308. GUIDANCE ON BILLING FOR PROVIDER VISITS AS-**
21 **SOCIATED WITH COVID-19 TESTING.**

22 The Secretary of Health and Human Services, the
23 Secretary of Labor, and the Secretary of the Treasury
24 shall jointly issue guidance not later than 30 days after

1 the date of enactment of this Act for purposes of clari-
 2 fying—

- 3 (1) the process for submitting claims for tests,
 4 items, and services described in section 6001(a) of
 5 the Families First Coronavirus Response Act (Public
 6 Law 116–127) to ensure that individuals enrolled in
 7 individual or group health insurance coverage or
 8 group health plans (including grandfathered health
 9 plans (as defined in section 1251(e) of the Patient
 10 Protection and Affordable Care Act)) to whom such
 11 tests, items, and services are furnished are not sub-
 12 ject to cost-sharing (including deductibles, copay-
 13 ments, and coinsurance) or prior authorization or
 14 other medical management requirements; and
- 15 (2) that providers should not collect cost-shar-
 16 ing amounts from such individuals seeking such
 17 tests, items, or services.

18 **SEC. 309. IMPROVEMENTS TO TRANSPARENCY OF THE**
 19 **PRICING OF DIAGNOSTIC TESTING FOR**
 20 **COVID-19.**

21 (a) IN GENERAL.—Section 3202 of the CARES Act
 22 (Public Law 116–136) is amended—

- 23 (1) in subsection (b)—

(A) in the heading, by inserting “AND RELATED ITEMS AND SERVICES” after “DIAGNOSTIC TESTING FOR COVID–19”;

(B) in paragraph (1)—

(i) by striking “a diagnostic test for COVID–19” and inserting “a test, item, or service described in section 6001(a) of division F of the Families First Coronavirus Response Act”; and

(ii) by striking “such test” and inserting “such test, item, or service”; and

(C) in paragraph (2), by striking “a diagnostic test for COVID–19” and inserting “a test, item, or service described in section 6001(a) of division F of the Families First Coronavirus Response Act”; and

(2) by adding at the end the following new subsections:

“(c) IMPROVEMENTS TO TRANSPARENCY POLICY.—

“(1) IN GENERAL.—Not later than 30 days after the date of the enactment of this subsection, the Secretary of Health and Human Services shall conduct a survey of providers of the items and services described in section 6001(a) of division F of the Families First Coronavirus Response Act (Public

1 Law 116– 127) regarding the cash prices for such
2 items and services listed by the providers on a public
3 internet website of such provider.

4 “(2) REPRESENTATIVE SAMPLE.—In carrying
5 out paragraph (1), the Secretary shall survey a sam-
6 ple of providers that is representative of the diver-
7 sity of sizes, geographic locations, and care settings
8 (such as hospitals, laboratories, and independent
9 freestanding emergency department) in which diag-
10 nostic testing for COVID–19 is performed.

11 “(d) PUBLIC REPORT.—Not later than 60 days after
12 the date of the enactment of this subsection, the Secretary
13 of Health and Human Services shall publish on the Inter-
14 net website of the Department of Health and Human
15 Services a report on cash prices for items and services
16 published under subsection (b)(1) during the period begin-
17 ning on the date of the enactment of this Act and ending
18 on the date of the enactment of this subsection, which
19 shall include—

20 “(1) the percentage of providers that comply
21 with the publication requirement under such sub-
22 section;

23 “(2) the average cash price for each item and
24 service described in section 6001(a) of division F of

1 the Families First Coronavirus Response Act that is
2 published under such subsection;

3 “(3) with respect to each such item and service,
4 a comparison of such average cash price to the reim-
5 bursement rate under the Medicare program under
6 title XVIII of the Social Security Act (42 U.S.C.
7 1395 et seq.); and

8 “(4) any cash prices published under such sub-
9 section that substantially exceed the average cash
10 price for each such item or service and the name of
11 each provider that charges such prices.”.

12 **SEC. 310. GRANTS FOR EXCHANGE OUTREACH, EDUCATION,**
13 **AND ENROLLMENT ASSISTANCE.**

14 (a) OUTREACH AND EDUCATION GRANTS TO STATES
15 AND NAVIGATOR ENROLLMENT GRANTS TO EXCHANGES
16 TO ASSIST ELIGIBLE INDIVIDUALS.—

17 (1) OUTREACH AND EDUCATION GRANTS TO
18 STATES.—

19 (A) IN GENERAL.—The Secretary of
20 Health and Human Services shall carry out a
21 program that awards grants to States that pro-
22 vide outreach and educational activities for pur-
23 poses of informing individuals of the availability
24 of coverage under qualified health plans offered
25 through an Exchange and financial assistance

1 for coverage under such plans (including the in-
2 forming of eligible individuals of the availability
3 of coverage under qualified health plans offered
4 through an Exchange during the application
5 process for unemployment compensation under
6 State or Federal law).

7 (B) CONSIDERATION OF CERTAIN NEEDS
8 OF POPULATION OF EXCHANGE.—The outreach
9 and educational activities described in subpara-
10 graph (A) shall be provided in a manner that
11 is culturally and linguistically appropriate to
12 the needs of the populations being served by the
13 Exchange (including hard-to-reach populations,
14 such as racial and sexual minorities, limited
15 English proficient populations, and young
16 adults).

17 (C) APPLICATIONS.—To be eligible to re-
18 ceive a grant under this paragraph, a State
19 shall submit to the Secretary an application at
20 such time, in such manner, and containing such
21 information as the Secretary may require.

22 (D) LIMITATION ON USE OF FUNDS.—No
23 funds appropriated under paragraph (4)(A)
24 shall be used for expenditures for promoting
25 non-ACA compliant health insurance coverage.

1 (E) GRANT DURATION AND AMOUNT.—

2 (i) DURATION.—Each grant under
3 this paragraph shall be for a 1-year period
4 that begins on the date of the enactment
5 of this Act (which may be renewed for a 1-
6 year period by the Secretary of Health and
7 Human Services).

8 (ii) AMOUNT.—

9 (I) IN GENERAL.—The Secretary
10 of Health and Human Services shall
11 determine the amount of each grant
12 under this paragraph.

13 (II) MINIMUM.—Each grant
14 under this paragraph shall be for an
15 amount that is at least \$500,000 for
16 each 1-year period, and if applicable,
17 at least \$500,000 for any 1-year pe-
18 riod of renewal.

19 (2) NAVIGATOR ENROLLMENT GRANTS
20 THROUGH EXCHANGES.—

21 (A) IN GENERAL.—The Secretary of
22 Health and Human Services shall award grants
23 to Exchanges described in subparagraph (D)
24 for purposes of facilitating the enrollment of in-

dividuals in qualified health plans offered through such Exchanges.

(B) USE OF FUNDS.—Funds made available under a grant made under subparagraph (A) may only be used by such Exchanges to carry out the navigator program described in subsection (i)(1) of such section 1311.

(C) APPLICATIONS.—To be eligible to receive a grant under this paragraph, for purposes of carrying out subparagraph (A), an Exchange described in subparagraph (D) shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.

(D) EXCHANGE DESCRIBED.—For purposes of this paragraph, an Exchange described in this subparagraph is an Exchange that a State establishes and operates pursuant to section 1311(b)(1) of the Patient Protection and Affordable Care Act (42 U.S.C. 18031(b)(1)).

(3) APPROPRIATIONS.—There are appropriated for each of fiscal years 2021 and 2022, to remain available through fiscal year 2023—

(A) \$100,000,000 to carry out paragraph (1)(A); and

1 (B) \$100,000,000—

2 (i) to carry out paragraph (2)(A); and

3 (ii) to carry out the navigator pro-
 4 gram described in section 1311(i) of the
 5 Patient Protection and Affordable Care
 6 Act (42 U.S.C. 18031(i)) for Exchanges
 7 operated by the Secretary pursuant to sec-
 8 tion 1321(c)(1) of such Act (42 U.S.C.
 9 18041(c)(1))).

10 (4) DEFINITIONS.—In this subsection:

11 (A) ELIGIBLE INDIVIDUALS.—The term
 12 “eligible individual” means, with respect to an
 13 Exchange, an individual who is otherwise eligi-
 14 ble to enroll through such Exchange.

15 (B) EXCHANGE.—The term “Exchange”
 16 means an American Health Benefit Exchange
 17 established under section 1311 of the Patient
 18 Protection and Affordable Care Act (42 U.S.C.
 19 18031).

20 (C) NON-ACA COMPLIANT HEALTH INSUR-
 21 ANCE COVERAGE.—

22 (i) IN GENERAL.—The term “non-
 23 ACA compliant health insurance coverage”
 24 means health insurance coverage, or a

1 group health plan, that is not a qualified
2 health plan.

3 (ii) INCLUSION.—Such term includes
4 the following:

5 (I) An association health plan.

6 (II) Short-term limited duration
7 insurance.

8 (D) QUALIFIED HEALTH PLAN.—The term
9 “qualified health plan” has the meaning given
10 such term in section 1301(a)(1) of the Patient
11 Protection and Affordable Care Act (42 U.S.C.
12 18021(a)(1)).

13 (b) IMPLEMENTATION.—The Secretary of Health and
14 Human Services may implement the provisions of this sec-
15 tion through subregulatory guidance, program instruction,
16 or otherwise.

17 **SEC. 311. APPLICATION OF PREMIUM TAX CREDIT IN CASE**
18 **OF INDIVIDUALS RECEIVING UNEMPLOY-**
19 **MENT COMPENSATION DURING THE COVID-19**
20 **PUBLIC HEALTH EMERGENCY.**

21 (a) IN GENERAL.—Section 36B of the Internal Rev-
22 enue Code of 1986, as amended by the preceding provi-
23 sions of this Act, is amended by redesignating subsection
24 (g) as subsection (h) and by inserting after subsection (f)
25 the following new subsection:

1 “(g) SPECIAL RULE FOR INDIVIDUALS WHO RE-
2 CEIVE UNEMPLOYMENT COMPENSATION DURING COVID-
3 19 PUBLIC HEALTH EMERGENCY.—

4 “(1) IN GENERAL.—For purposes of the credit
5 determined under this section, in the case of a tax-
6 payer who has received, or has been approved to re-
7 ceive, unemployment compensation for any week
8 during the applicable period, for the taxable year in
9 which such week begins—

10 “(A) such taxpayer shall be treated as an
11 applicable taxpayer, and

12 “(B) there shall not be taken into account
13 any household income of the taxpayer in excess
14 of 133 percent of the poverty line for a family
15 of the size involved.

16 “(2) APPLICABLE PERIOD.—For purposes of
17 this section, the applicable period is the period
18 that—

19 “(A) begins on the date of the enactment
20 of this subsection, and

21 “(B) ends 60 days after the last day of the
22 emergency period described in section
23 1135(g)(1)(B) of the Social Security Act.

24 “(3) REASONABLE EVIDENCE OF UNEMPLOY-
25 MENT COMPENSATION.—For purposes of this sub-

1 section, a taxpayer shall not be treated as having re-
 2 ceived (or been approved to receive) unemployment
 3 compensation for any week unless such taxpayer
 4 provides documentation which demonstrates such re-
 5 ceipt or approval.

6 “(4) UNEMPLOYMENT COMPENSATION.—For
 7 purposes of this subsection, the term ‘unemployment
 8 compensation’ has the meaning given such term in
 9 section 1311(c)(8)(E) of the Patient Protection and
 10 Affordable Care Act.”.

11 (b) EFFECTIVE DATE.—The amendments made by
 12 this section shall apply to taxable years beginning after
 13 December 31, 2019.

14 **SEC. 312. INCREASING ACCESSIBILITY AND AFFORD-**
 15 **ABILITY TO QUALIFIED HEALTH PLANS FOR**
 16 **INDIVIDUALS RECEIVING UNEMPLOYMENT**
 17 **COMPENSATION DURING THE COVID-19**
 18 **EMERGENCY PERIOD.**

19 (a) ESTABLISHMENT OF SPECIAL ENROLLMENT PE-
 20 RIODS FOR INDIVIDUALS RECEIVING UNEMPLOYMENT
 21 COMPENSATION.—Section 1311(c) of the Patient Protec-
 22 tion and Affordable Care Act (42 U.S.C. 18031(c)) is
 23 amended—

24 (1) in paragraph (6)—

1 (A) in subparagraph (C), by striking at the
2 end “and”;

3 (B) in subparagraph (D), by striking the
4 period at the end and inserting “; and”; and

5 (C) by adding at the end the following new
6 subparagraph:

7 “(E) special enrollment periods described
8 in paragraph (8).”; and

9 (2) by adding at the end the following new
10 paragraph:

11 “(8) SPECIAL ENROLLMENT PERIODS FOR INDIVIDUALS
12 RECEIVING UNEMPLOYMENT COMPENSATION.—
13 TION.—

14 “(A) IN GENERAL.—The special enrollment
15 period described in this paragraph—

16 “(i) in the case of an individual who
17 becomes eligible for unemployment compensation on any date before January 1,
18 2021, is the period beginning on the first
19 day on or after such date that the individual is not eligible for minimum essential
20 coverage (as defined in section 5000A(f) of
21 the Internal Revenue Code of 1986) and
22 ending on the later of—
23
24

25 “(I) December 31, 2020; and

1 “(II) the day that is 60 days
2 after such first day; and

3 “(ii) in the case of an individual who
4 becomes eligible for unemployment com-
5 pensation beginning on any date that is on
6 or after January 1, 2021, is the 60-day pe-
7 riod beginning on the first day on or after
8 such date that the individual is not eligible
9 for minimum essential coverage.

10 “(B) SELF-ATTESTATION.—For purposes
11 of this paragraph, eligibility of an individual for
12 unemployment compensation and the date on
13 which such eligibility begins shall be determined
14 by the self-attestation of such individual.

15 “(C) EXCLUSION.—For purposes of this
16 paragraph, an individual shall not be treated as
17 eligible for minimum essential coverage if—

18 “(i) such individual is eligible only for
19 coverage described in section
20 5000A(f)(1)(C) of the Internal Revenue
21 Code of 1986; or

22 “(ii) such individual would not be
23 treated as eligible for minimum essential
24 coverage pursuant to section 36B(c)(2)(C)
25 of such Code.

1 “(D) CLARIFICATION.—Nothing in sub-
2 paragraph (A) shall be construed to prohibit an
3 individual described in such subparagraph from
4 qualifying for multiple special enrollment peri-
5 ods under such subparagraph.

6 “(E) UNEMPLOYMENT COMPENSATION DE-
7 FINED.—In this paragraph, the term ‘unem-
8 ployment compensation’ means, with respect to
9 an individual—

10 “(i) regular compensation and ex-
11 tended compensation (as such terms are
12 defined by section 205 of the Federal-State
13 Extended Unemployment Compensation
14 Act of 1970);

15 “(ii) unemployment compensation (as
16 defined by section 85(b) of the Internal
17 Revenue Code of 1986) provided under any
18 program administered by a State under an
19 agreement with the Secretary;

20 “(iii) pandemic unemployment assist-
21 ance under section 2102 of the CARES
22 Act;

23 “(iv) pandemic emergency unemploy-
24 ment compensation under section 2107 of
25 the CARES Act;

1 “(v) pandemic emergency unemploy-
 2 ment extension compensation under section
 3 2107A of the CARES Act;

4 “(vi) unemployment benefits under
 5 the Railroad Unemployment Insurance
 6 Act; and

7 “(vii) trade adjustment assistance
 8 under title II of the Trade Act of 1974;
 9 for which such individual is eligible for any
 10 week during the period beginning on the first
 11 day of the emergency period described in sec-
 12 tion 1135(g)(1)(B) of the Social Security Act
 13 and ending on December 31, 2021.”.

14 (b) REQUIREMENT FOR FIRST DAY OF COVERAGE
 15 FOR INDIVIDUALS RECEIVING UNEMPLOYMENT COM-
 16 PENSATION ENROLLING DURING SPECIAL ENROLLMENT
 17 PERIODS.—Section 1303 of the Patient Protection and
 18 Affordable Care Act (42 U.S.C. 18023) is amended by
 19 adding at the end the following new subsection:

20 “(e) REQUIREMENT FOR FIRST DAY OF COVERAGE
 21 FOR INDIVIDUALS RECEIVING UNEMPLOYMENT COM-
 22 PENSATION ENROLLING DURING SPECIAL ENROLLMENT
 23 PERIODS.—

24 “(1) IN GENERAL.—In the case of an individual
 25 described in section 1311(c)(8)(A) who enrolls in a

1 qualified health plan through an Exchange during a
2 month during a special enrollment period described
3 in such section, such coverage shall be effective be-
4 ginning on—

5 “(A) if such individual was enrolled in
6 minimum essential coverage (other than the
7 qualified health plan enrolled through such a
8 special enrollment period) on the first day of
9 such month, the first day of such month on
10 which the individual is longer so enrolled; and

11 “(B) if such individual was not enrolled in
12 minimum essential coverage (other than the
13 qualified health plan enrolled through such a
14 special enrollment period) on the first day of
15 such month, the first day of such month.

16 “(2) MINIMUM ESSENTIAL COVERAGE DE-
17 FINED.—In this subsection, the term ‘minimum es-
18 sential coverage’ has the meaning given such term in
19 section 5000A(f) of the Internal Revenue Code of
20 1986.”.

21 (c) MODEL NOTICE AND PUBLICATION OF INFORMA-
22 TION RELATING TO SPECIAL ENROLLMENT PERIODS AND
23 CREDITS FOR INDIVIDUALS RECEIVING UNEMPLOYMENT
24 COMPENSATION.—

1 (1) MODEL NOTICE.—The Secretary of Health
2 and Human Services shall make available to States
3 a model notice (which may be sent by mail, email,
4 or electronic means upon the receipt of unemploy-
5 ment compensation (as defined in subparagraph (D)
6 of section 1311(c)(8) of the Patient Protection and
7 Affordable Care Act, as added by subsection (a))
8 that includes information with respect to the eligi-
9 bility of individuals described in subparagraph (A) of
10 such section—

11 (A) to enroll in a qualified health plan of-
12 ferred through an Exchange during a special en-
13 rollment period described in section
14 1311(c)(8)(A) of such Act;

15 (B) for the premium tax credit under sec-
16 tion 36B of the Internal Revenue Code of 1986;
17 and

18 (C) for any increase to the premium tax
19 credit an individual otherwise receives under
20 section 36B of the Internal Revenue Code of
21 1986 by reason of subsection (g) of such sec-
22 tion.

23 (2) PUBLICATION OF INFORMATION .—Section
24 1311(b) of the Patient Protection and Affordable

1 Care Act (42 U.S.C. 18031(b)) by adding at the end
2 the following new paragraph:

3 “(3) PUBLICATION OF INFORMATION RELATING
4 TO A SPECIAL ENROLLMENT PERIOD AND CRED-
5 ITS.—An Exchange shall, not later than 7 days after
6 the date of the enactment of this paragraph, promi-
7 nently post on the homepage of the Internet website
8 for such Exchange information with respect to the
9 special enrollment period described in subsection
10 (c)(8)(A) and hyperlinks to information with respect
11 to the eligibility of individuals described in such sub-
12 section—

13 “(A) to enroll in a qualified health plan of-
14 fered through an Exchange during a special en-
15 rollment period described in such subsection;

16 “(B) for the premium tax credit under sec-
17 tion 36B of the Internal Revenue Code of 1986;
18 and

19 “(C) for any increase to the premium tax
20 credit an individual otherwise receives under
21 section 36B of the Internal Revenue Code of
22 1986 by reason of subsection (g) of such sec-
23 tion.”.

1 **SEC. 313. TEMPORARY MODIFICATION OF LIMITATIONS ON**
 2 **RECONCILIATION OF TAX CREDITS FOR COV-**
 3 **ERAGE UNDER A QUALIFIED HEALTH PLAN**
 4 **WITH ADVANCE PAYMENTS OF SUCH CREDIT.**

5 (a) IN GENERAL.—Section 36B(f)(2)(B) of the Inter-
 6 nal Revenue Code of 1986 is amended by adding at the
 7 end the following new clause:

8 “(iii) TEMPORARY MODIFICATION OF
 9 LIMITATION ON INCREASE.—In the case of
 10 any taxable year beginning in 2020 or
 11 2021, clause (i) shall be applied—

12 “(I) by substituting ‘600 percent’
 13 for ‘400 percent’ the first place it ap-
 14 pears therein, and

15 “(II) by substituting the fol-
 16 lowing table for the table contained
 17 therein:

“If the household income (expressed as a percent of poverty line) is:	The applicable dollar amount is:
Less than 500%	\$0
At least 500% but less than 550%	\$1,600
At least 550% but less than 600%	\$2,650

18 The dollar amounts in the table contained
 19 under this clause shall be increased under
 20 clause (ii) for taxable years beginning cal-
 21 endar year 2021 by substituting ‘calendar

1 year 2020’ for ‘calendar year 2013’ in sub-
2 clause (II) thereof.”.

3 (b) **EFFECTIVE DATE.**—The amendment made by
4 this section shall apply to taxable years beginning after
5 December 31, 2019.

6 **SEC. 314. REQUIREMENTS FOR COBRA NOTICES RELATING**
7 **TO THE AVAILABILITY OF HEALTH INSUR-**
8 **ANCE COVERAGE AND ASSISTANCE.**

9 (a) **ADDITIONAL NOTIFICATION REQUIREMENT FOR**
10 **COBRA NOTICES.**—

11 (1) **IN GENERAL.**—In the case of a notice pro-
12 vided under section 606(a)(4) of the Employee Re-
13 tirement Income Security Act of 1974 (29 U.S.C.
14 1166(4)), section 4980B(f)(6)(D) of the Internal
15 Revenue Code of 1986, or section 2206(4) of the
16 Public Health Service Act (42 U.S.C. 300bb–6(4)),
17 with respect to an individual who, during the period
18 described in paragraph (2), becomes entitled to elect
19 COBRA continuation coverage, the requirements of
20 such provisions shall not be treated as met unless
21 such notice includes an additional written notice ad-
22 vising such individual, in clear and understandable
23 language—

24 (A) that such individual may be eligible
25 for—

1 (i) a special enrollment period de-
2 scribed in section 1311(c)(8)(A) of the Pa-
3 tient Protection and Affordable Care Act;
4 and

5 (ii) a premium tax credit under sec-
6 tion 36B of the Internal Revenue Code of
7 1986 (including a possible increase to such
8 credit by reason of subsection (g) of such
9 section); and

10 (B) of the existence and potential effects of
11 the temporary modification of limitations on
12 reconciliation of such credits under section
13 36B(f)(2)(B)(iii) of such Code.

14 (2) PERIOD DESCRIBED.—For purposes of
15 paragraph (1), the period described in this para-
16 graph is the period that—

17 (A) begins 14 days after the date of the
18 enactment of this Act; and

19 (B) ends 60 days after the last day of the
20 emergency period described in section
21 1135(g)(1)(B) of the Social Security Act (42
22 U.S.C. 1320b–5(g)(1)(B)).

23 (3) FORM.—The requirement of the additional
24 notification under this subsection may be met by
25 amendment of existing notice forms or by inclusion

1 of a separate document with the notice otherwise re-
2 quired.

3 (4) MODEL NOTICES.—Not later than 14 days
4 after the date of enactment of this Act, with respect
5 to any individual described in paragraph (1), the
6 Secretary of Labor, in consultation with the Sec-
7 retary of the Treasury and the Secretary of Health
8 and Human Services, shall prescribe models for the
9 additional notification required under this sub-
10 section. Such models shall include an estimate of the
11 amount of the monthly premium of a silver-level
12 qualified health plan offered through an Exchange
13 following the application of tax credits under section
14 36B of the Internal Revenue Code of 1986 for the
15 average individual eligible for the special enrollment
16 period described in paragraph (1)(A)(i).

17 (b) OUTREACH BY THE SECRETARY OF LABOR.—The
18 Secretary of Labor, in consultation with the Secretary of
19 the Treasury and the Secretary of Health and Human
20 Services, shall provide outreach consisting of public edu-
21 cation and enrollment assistance relating to premium as-
22 sistance, special enrollment periods, and reconciliation
23 modifications described in subsection (a)(1). Such out-
24 reach shall target employers, group health plan adminis-
25 trators, public assistance programs, States, consumers,

1 and other entities as determined appropriate by such Sec-
2 retaries. Information on such premium assistance, special
3 enrollment periods, and reconciliation modifications shall
4 also be made available on the websites of the Departments
5 of Labor, Treasury, and Health and Human Services.

6 (c) DEFINITIONS.—In this section:

7 (1) COBRA CONTINUATION COVERAGE.—The
8 term “COBRA continuation coverage” means con-
9 tinuation coverage provided pursuant to part 6 of
10 subtitle B of title I of the Employee Retirement In-
11 come Security Act of 1974 (other than under section
12 609), title XXII of the Public Health Service Act, or
13 section 4980B of the Internal Revenue Code of 1986
14 (other than subsection (f)(1) of such section insofar
15 as it relates to pediatric vaccines), or under a State
16 program that provides comparable continuation cov-
17 erage. Such term does not include coverage under a
18 health flexible spending arrangement under a cafe-
19 teria plan within the meaning of section 125 of the
20 Internal Revenue Code of 1986.

21 (2) EXCHANGE.—The term “Exchange” means
22 an American Health Benefit Exchange established
23 under section 1311 of the Patient Protection and
24 Affordable Care Act.

1 (3) GROUP HEALTH PLAN.—The term “group
2 health plan” has the meaning given such term in
3 section 607(1) of the Employee Retirement Income
4 Security Act of 1974.

5 (4) QUALIFIED HEALTH PLAN.—The term
6 “qualified health plan” has the meaning given such
7 term in section 1301(a)(1) of the Patient Protection
8 and Affordable Care Act.

9 (5) STATE.—The term “State” includes the
10 District of Columbia, the Commonwealth of Puerto
11 Rico, the Virgin Islands, Guam, American Samoa,
12 and the Commonwealth of the Northern Mariana Is-
13 lands.

14 (6) UNEMPLOYMENT COMPENSATION.—The
15 term “unemployment compensation” means, with re-
16 spect to an individual—

17 (A) regular compensation and extended
18 compensation (as such terms are defined by
19 section 205 of the Federal-State Extended Un-
20 employment Compensation Act of 1970);

21 (B) unemployment compensation (as de-
22 fined by section 85(b) of the Internal Revenue
23 Code of 1986) provided under any program ad-
24 ministered by a State under an agreement with
25 the Secretary;

1 (C) pandemic unemployment assistance
2 under section 2102 of the CARES Act;

3 (D) pandemic emergency unemployment
4 compensation under section 2107 of the
5 CARES Act;

6 (E) unemployment benefits under the Rail-
7 road Unemployment Insurance Act; and

8 (F) trade adjustment assistance under title
9 II of the Trade Act of 1974;

10 for which such individual is eligible for any week
11 during the period described in subsection (a)(2).

12 **TITLE IV—APPLICATION TO** 13 **OTHER HEALTH PROGRAMS**

14 **SEC. 401. PROHIBITION ON COPAYMENTS AND COST SHAR-** 15 **ING FOR TRICARE BENEFICIARIES RECEIV-** 16 **ING COVID-19 TREATMENT.**

17 (a) IN GENERAL.—Section 6006(a) of the Families
18 First Coronavirus Response Act (Public Law 116–127; 38
19 U.S.C. 1074 note) is amended by striking “or visits de-
20 scribed in paragraph (2) of such section” and inserting
21 “, visits described in paragraph (2) of such section, or
22 medical care to treat COVID–19”.

23 (b) EFFECTIVE DATE.—The amendment made by
24 subsection (a) shall apply with respect to medical care fur-
25 nished on or after the date of the enactment of this Act.

1 **SEC. 402. PROHIBITION ON COPAYMENTS AND COST SHAR-**
2 **ING FOR VETERANS RECEIVING COVID-19**
3 **TREATMENT FURNISHED BY DEPARTMENT**
4 **OF VETERANS AFFAIRS.**

5 (a) IN GENERAL.—Section 6006(b) of the Families
6 First Coronavirus Response Act (Public Law 116–127; 38
7 U.S.C. 1701 note) is amended by striking “or visits de-
8 scribed in paragraph (2) of such section” and inserting
9 “, visits described in paragraph (2) of such section, or hos-
10 pital care or medical services to treat COVID–19”.

11 (b) EFFECTIVE DATE.—The amendment made by
12 subsection (a) shall apply with respect to hospital care and
13 medical services furnished on or after the date of the en-
14 actment of this Act.

15 **SEC. 403. PROHIBITION ON COPAYMENTS AND COST SHAR-**
16 **ING FOR FEDERAL CIVILIAN EMPLOYEES RE-**
17 **CEIVING COVID-19 TREATMENT.**

18 (a) IN GENERAL.—Section 6006(c) of the Families
19 First Coronavirus Response Act (Public Law 116–127; 5
20 U.S.C. 8904 note) is amended by striking “or visits de-
21 scribed in paragraph (2) of such section” and inserting
22 “, visits described in paragraph (2) of such section, or hos-
23 pital care or medical services to treat COVID–19”.

24 (b) EFFECTIVE DATE.—The amendment made by
25 subsection (a) shall apply with respect to hospital care and

1 medical services furnished on or after the date of the en-
2 actment of this Act.

3 **TITLE V—PUBLIC HEALTH**
4 **POLICIES**

5 **SEC. 501. DEFINITIONS.**

6 In this title:

7 (1) Except as inconsistent with the provisions
8 of this title, the term “Secretary” means the Sec-
9 retary of Health and Human Services.

10 (2) The term “State” refers to each of the 50
11 States and the District of Columbia.

12 (3) The term “Tribal”, with respect to a de-
13 partment of health (or health department), in-
14 cludes—

15 (A) Indian Tribes that—

16 (i) are operating one or more health
17 facilities pursuant to an agreement under
18 the Indian Self-Determination and Edu-
19 cation Assistance Act (25 U.S.C. 5301 et
20 seq.); or

21 (ii) receive services from a facility op-
22 erated by the Indian Health Services; and

23 (B) Tribal organizations and Urban Indian
24 organizations.

1 **Subtitle A—Supply Chain**
2 **Improvements**

3 **SEC. 511. MEDICAL SUPPLIES RESPONSE COORDINATOR.**

4 (a) IN GENERAL.—The President shall appoint a
5 Medical Supplies Response Coordinator to coordinate the
6 efforts of the Federal Government regarding the supply
7 and distribution of critical medical supplies and equipment
8 related to detecting, diagnosing, preventing, and treating
9 COVID–19, including personal protective equipment, med-
10 ical devices, drugs, and vaccines.

11 (b) QUALIFICATIONS.—To qualify to be appointed as
12 the Medical Supplies Response Coordinator, an individual
13 shall be a senior government official with—

14 (1) health care training, including training re-
15 lated to infectious diseases or hazardous exposures;
16 and

17 (2) a familiarity with medical supply chain lo-
18 gistics.

19 (c) ACTIVITIES.—The Medical Supplies Response Co-
20 ordinator shall—

21 (1) consult with State, local, territorial, and
22 Tribal officials to ensure that health care facilities
23 and health care workers have sufficient personal pro-
24 tective equipment and other medical supplies;

1 (2) evaluate ongoing needs of States, localities,
2 territories, Tribes, health care facilities, and health
3 care workers to determine the need for critical med-
4 ical supplies and equipment;

5 (3) serve as a point of contact for industry for
6 procurement and distribution of critical medical sup-
7 plies and equipment, including personal protective
8 equipment, medical devices, testing supplies, drugs,
9 and vaccines;

10 (4) procure and distribute critical medical sup-
11 plies and equipment, including personal protective
12 equipment, medical devices, testing supplies, drugs,
13 and vaccines;

14 (5)(A) establish and maintain an up-to-date na-
15 tional database of hospital capacity, including beds,
16 ventilators, and supplies, including personal protec-
17 tive equipment, medical devices, drugs, and vaccines;
18 and

19 (B) provide weekly reports to the Congress on
20 gaps in such capacity and progress made toward
21 closing the gaps;

22 (6) require, as necessary, industry reporting on
23 production and distribution of personal protective
24 equipment, medical devices, testing supplies, drugs,
25 and vaccines and assess financial penalties as may

1 be specified by the Medical Supplies Response Coordi-
2 nator for failure to comply with such requirements
3 for reporting on production and distribution;

4 (7) consult with the Secretary and the Adminis-
5 trator of the Federal Emergency Management Agen-
6 cy, as applicable, to ensure sufficient production lev-
7 els under the Defense Production Act of 1950 (50
8 U.S.C. 4501 et seq.); and

9 (8) monitor the prices of critical medical sup-
10 plies and equipment, including personal protective
11 equipment and medical devices, drugs, and vaccines
12 related to detecting, diagnosing, preventing, and
13 treating COVID–19 and report any suspected price
14 gouging of such materials to the Federal Trade
15 Commission and appropriate law enforcement offi-
16 cials.

17 **SEC. 512. INFORMATION TO BE INCLUDED IN LIST OF DE-**
18 **VICES DETERMINED TO BE IN SHORTAGE.**

19 Section 506J(g)(2)(A) of the Federal Food, Drug,
20 and Cosmetic Act, as added by section 3121 of the
21 CARES Act (Public Law 116–136), is amended by insert-
22 ing “, including the device identifier or national product
23 code for such device, if applicable” before the period at
24 the end.

1 **SEC. 513. EXTENDED SHELF LIFE DATES FOR ESSENTIAL**
2 **DEVICES.**

3 (a) IN GENERAL.—The Federal Food, Drug, and
4 Cosmetic Act is amended by inserting after section 506J
5 (21 U.S.C. 356j) the following:

6 **“SEC. 506K. EXTENDED SHELF LIFE DATES FOR ESSENTIAL**
7 **DEVICES.**

8 “(a) IN GENERAL.—A manufacturer of a device sub-
9 ject to notification requirements under section 506J (in
10 this section referred to as an ‘essential device’) shall—

11 “(1) submit to the Secretary data and informa-
12 tion as required by subsection (b)(1);

13 “(2) conduct and submit the results of any
14 studies required under subsection (b)(3); and

15 “(3) make any labeling change described in
16 subsection (c) by the date specified by the Secretary
17 pursuant to such subsection.

18 “(b) NOTIFICATION.—

19 “(1) IN GENERAL.—The Secretary may issue
20 an order requiring the manufacturer of any essential
21 device to submit, in such manner as the Secretary
22 may prescribe, data and information from any stage
23 of development of the device (including pilot, inves-
24 tigational, and final product validation) that are
25 adequate to assess the shelf life of the device to de-
26 termine the longest supported expiration date.

1 “(2) UNAVAILABLE OR INSUFFICIENT DATA
2 AND INFORMATION.—If the data and information re-
3 ferred to in paragraph (1) are not available or are
4 insufficient, the Secretary may require the manufac-
5 turer of the device to—

6 “(A) conduct studies adequate to provide
7 the data and information; and

8 “(B) submit to the Secretary the results,
9 data, and information generated by such studies
10 when available.

11 “(c) LABELING.—The Secretary may issue an order
12 requiring the manufacturer of an essential device to make
13 by a specified date any labeling change regarding the expi-
14 ration period that the Secretary determines to be appro-
15 priate based on the data and information required to be
16 submitted under this section or any other data and infor-
17 mation available to the Secretary.

18 “(d) CONFIDENTIALITY.—Nothing in this section
19 shall be construed as authorizing the Secretary to disclose
20 any information that is a trade secret or confidential infor-
21 mation subject to section 552(b)(4) of title 5, United
22 States Code, or section 1905 of title 18, United States
23 Code.”.

1 (b) CIVIL MONETARY PENALTY.—Section 303(f) of
 2 the Federal Food, Drug, and Cosmetic Act (21 U.S.C.
 3 333(f)) is amended by adding at the end the following:

4 “(10) CIVIL MONETARY PENALTY WITH RESPECT
 5 TO EXTENDED SHELF LIFE DATES FOR ESSENTIAL DE-
 6 VICES.—If the manufacturer of a device subject to notifi-
 7 cation requirements under section 506J violates section
 8 506K by failing to submit data and information as re-
 9 quired under section 506K(b)(1), failing to conduct or
 10 submit the results of studies as required under section
 11 506K(b)(3), or failing to make a labeling change as re-
 12 quired under section 506K(c), such manufacturer shall be
 13 liable to the United States for a civil penalty in an amount
 14 not to exceed \$10,000 for each such violation.”.

15 (c) EMERGENCY USE ELIGIBLE PRODUCTS.—Sub-
 16 paragraph (A) of section 564A(a)(1) of the Federal Food,
 17 Drug, and Cosmetic Act (21 U.S.C. 360bbb–3a(a)(1)) is
 18 amended to read as follows:

19 “(A) is approved or cleared under this
 20 chapter, otherwise listed as a device pursuant to
 21 section 510(j), conditionally approved under
 22 section 571, or licensed under section 351 of
 23 the Public Health Service Act;”.

1 **SEC. 514. AUTHORITY TO DESTROY COUNTERFEIT DEVICES.**

2 (a) IN GENERAL.—Section 801(a) of the Federal
3 Food, Drug, and Cosmetic Act (21 U.S.C. 381(a)) is
4 amended—

5 (1) in the fourth sentence, by inserting “or
6 counterfeit device” after “counterfeit drug”; and

7 (2) by striking “The Secretary of the Treasury
8 shall cause the destruction of” and all that follows
9 through “liable for costs pursuant to subsection
10 (c).” and inserting the following: “The Secretary of
11 the Treasury shall cause the destruction of any such
12 article refused admission unless such article is ex-
13 ported, under regulations prescribed by the Sec-
14 retary of the Treasury, within 90 days of the date
15 of notice of such refusal or within such additional
16 time as may be permitted pursuant to such regula-
17 tions, except that the Secretary of Health and
18 Human Services may destroy, without the oppor-
19 tunity for export, any drug or device refused admis-
20 sion under this section, if such drug or device is val-
21 ued at an amount that is \$2,500 or less (or such
22 higher amount as the Secretary of the Treasury may
23 set by regulation pursuant to section 498(a)(1) of
24 the Tariff Act of 1930 (19 U.S.C. 1498(a)(1))) and
25 was not brought into compliance as described under
26 subsection (b). The Secretary of Health and Human

1 Services shall issue regulations providing for notice
2 and an opportunity to appear before the Secretary
3 of Health and Human Services and introduce testi-
4 mony, as described in the first sentence of this sub-
5 section, on destruction of a drug or device under the
6 seventh sentence of this subsection. The regulations
7 shall provide that prior to destruction, appropriate
8 due process is available to the owner or consignee
9 seeking to challenge the decision to destroy the drug
10 or device. Where the Secretary of Health and
11 Human Services provides notice and an opportunity
12 to appear and introduce testimony on the destruc-
13 tion of a drug or device, the Secretary of Health and
14 Human Services shall store and, as applicable, dis-
15 pose of the drug or device after the issuance of the
16 notice, except that the owner and consignee shall re-
17 main liable for costs pursuant to subsection (c).”.

18 (b) DEFINITION.—Section 201(h) of the Federal
19 Food, Drug, and Cosmetic Act (21 U.S.C. 321(h)) is
20 amended—

21 (1) by redesignating subparagraphs (1), (2),
22 and (3) as clauses (A), (B), and (C), respectively;
23 and

24 (2) after making such redesignations—

1 (A) by striking “(h) The term” and insert-
2 ing “(h)(1) The term”; and

3 (B) by adding at the end the following:

4 “(2) The term ‘counterfeit device’ means a device
5 which, or the container, packaging, or labeling of which,
6 without authorization, bears a trademark, trade name, or
7 other identifying mark, imprint, or symbol, or any likeness
8 thereof, or is manufactured using a design, of a device
9 manufacturer, packer, or distributor other than the person
10 or persons who in fact manufactured, packed, or distrib-
11 uted such device and which thereby falsely purports or is
12 represented to be the product of, or to have been packed
13 or distributed by, such other device manufacturer, packer,
14 or distributor.

15 “(3) For purposes of subparagraph (2)—

16 “(A) the term ‘manufactured’ refers to any of
17 the following activities: manufacture, preparation,
18 propagation, compounding, assembly, or processing;
19 and

20 “(B) the term ‘manufacturer’ means a person
21 who is engaged in any of the activities listed in
22 clause (A).”.

1 **SEC. 515. REPORTING REQUIREMENT FOR DRUG MANUFAC-**
2 **TURERS.**

3 (a) ESTABLISHMENTS IN A FOREIGN COUNTRY.—
4 Section 510(i) of the Federal Food, Drug, and Cosmetic
5 Act (21 U.S.C. 360(i)) is amended by inserting at the end
6 the following new paragraph:

7 “(5) The requirements of paragraphs (1) and (2)
8 shall apply to establishments within a foreign country en-
9 gaged in the manufacture, preparation, propagation,
10 compounding, or processing of any drug, including the ac-
11 tive pharmaceutical ingredient, that is required to be listed
12 pursuant to subsection (j). Such requirements shall apply
13 regardless of whether the drug or active pharmaceutical
14 ingredient undergoes further manufacture, preparation,
15 propagation, compounding, or processing at a separate es-
16 tablishment or establishments outside the United States
17 prior to being imported or offered for import into the
18 United States.”.

19 (b) LISTING OF DRUGS.—Section 510(j)(1) of the
20 Federal Food, Drug, and Cosmetic Act (21 U.S.C.
21 360(j)(1)) is amended—

22 (1) in subparagraph (D), by striking “and” at
23 the end;

24 (2) in subparagraph (E), by striking the period
25 at the end and inserting “; and”; and

1 (3) by adding at the end the following new sub-
2 paragraph:

3 “(F) in the case of a drug contained in the ap-
4 plicable list, a certification that the registrant has—

5 “(i) identified every other establishment
6 where manufacturing is performed for the drug;
7 and

8 “(ii) notified each known foreign establish-
9 ment engaged in the manufacture, preparation,
10 propagation, compounding, or processing of the
11 drug, including the active pharmaceutical ingre-
12 dient, of the inclusion of the drug in the list
13 and the obligation to register.”.

14 (c) QUARTERLY REPORTING ON AMOUNT OF DRUGS
15 MANUFACTURED.—Section 510(j)(3)(A) of the Federal
16 Food, Drug, and Cosmetic Act (as added by section 3112
17 of the CARES Act (Public Law 116–136)) is amended
18 by striking “annually” and inserting “once during the
19 month of March of each year, once during the month of
20 June of each year, once during the month of September
21 of each year, and once during the month of December of
22 each year”.

1 **SEC. 516. RECOMMENDATIONS TO ENCOURAGE DOMESTIC**
2 **MANUFACTURING OF CRITICAL DRUGS.**

3 (a) IN GENERAL.—Not later than 14 days after the
4 date of enactment of this Act, the Secretary shall enter
5 into an agreement with the National Academies of
6 Sciences, Engineering, and Medicine (referred to in this
7 section as the “National Academies”) under which, not
8 later than 90 days after the date of entering into the
9 agreement, the National Academies will—

10 (1) establish a committee of experts who are
11 knowledgeable about drug and device supply issues,
12 including—

13 (A) sourcing and production of critical
14 drugs and devices;

15 (B) sourcing and production of active
16 pharmaceutical ingredients in critical drugs;

17 (C) the raw materials and other compo-
18 nents for critical drugs and devices; and

19 (D) the public health and national security
20 implications of the current supply chain for
21 critical drugs and devices;

22 (2) convene a public symposium to—

23 (A) analyze the impact of United States
24 dependence on the foreign manufacturing of
25 critical drugs and devices on patient access and

1 care, including in hospitals and intensive care
2 units; and

3 (B) recommend strategies to end United
4 States dependence on foreign manufacturing to
5 ensure the United States has a diverse and vital
6 supply chain for critical drugs and devices to
7 protect the Nation from natural or hostile oc-
8 currences; and

9 (3) submit a report on the symposium's pro-
10 ceedings to the Congress and publish a summary of
11 such proceedings on the public website of the Na-
12 tional Academies.

13 (b) SYMPOSIUM.—In carrying out the agreement
14 under subsection (a), the National Academies shall consult
15 with—

16 (1) the Department of Health and Human
17 Services, the Department of Homeland Security, the
18 Department of Defense, the Department of Com-
19 merce, the Department of State, the Department of
20 Veterans Affairs, the Department of Justice, and
21 any other Federal agencies as appropriate; and

22 (2) relevant stakeholders, including drug and
23 device manufacturers, health care providers, medical
24 professional societies, State-based societies, public
25 health experts, State and local public health depart-

1 ments, State medical boards, patient groups, health
2 care distributors, wholesalers and group purchasing
3 organizations, pharmacists, and other entities with
4 experience in health care and public health, as ap-
5 propriate.

6 (c) DEFINITIONS.—For the purposes of this section:

7 (1) The term “critical”—

8 (A) with respect to a device, refers to a de-
9 vice classified by the Food and Drug Adminis-
10 tration as implantable, life-saving, and life-sus-
11 taining; or

12 (B) with respect to a drug, refers to a
13 drug that is described in subsection (a) of sec-
14 tion 506C of the Federal Food, Drug, and Cos-
15 metic Act (21 U.S.C. 356c) (relating to notifi-
16 cation of any discontinuance or interruption in
17 the production of life-saving drugs).

18 (2) The terms “device” and “drug” have the
19 meanings given to those terms in section 201 of the
20 Federal Food, Drug, and Cosmetic Act (21 U.S.C.
21 321).

1 **SEC. 517. FAILURE TO NOTIFY OF A PERMANENT DIS-**
2 **CONTINUANCE OR AN INTERRUPTION.**

3 Section 301 of the Federal Food, Drug, and Cosmetic
4 Act (21 U.S.C. 331) is amended by adding at the end the
5 following:

6 “(fff) The failure of a manufacturer of a drug de-
7 scribed in section 506C(a) or an active pharmaceutical in-
8 gredient of such a drug, without a reasonable basis as de-
9 termined by the Secretary, to notify the Secretary of a
10 permanent discontinuance or an interruption, and the rea-
11 sons for such discontinuance or interruption, as required
12 by section 506C.”.

13 **SEC. 518. FAILURE TO DEVELOP RISK MANAGEMENT PLAN.**

14 Section 301 of the Federal Food, Drug, and Cosmetic
15 Act (21 U.S.C. 331), as amended by section 517, is fur-
16 ther amended by adding at the end the following:

17 “(ggg) The failure to develop, maintain, and imple-
18 ment a risk management plan, as required by section
19 506C(j).”.

20 **SEC. 519. NATIONAL CENTERS OF EXCELLENCE IN CONTIN-**
21 **UOUS PHARMACEUTICAL MANUFACTURING.**

22 (a) IN GENERAL.—Section 3016 of the 21st Century
23 Cures Act (21 U.S.C. 399h) is amended to read as follows:

1 **“SEC. 3016. NATIONAL CENTERS OF EXCELLENCE IN CON-**
2 **TINUOUS PHARMACEUTICAL MANUFAC-**
3 **TURING.**

4 “(a) IN GENERAL.—The Secretary of Health and
5 Human Services, acting through the Commissioner of
6 Food and Drugs—

7 “(1) shall solicit and, beginning not later than
8 1 year after the date of enactment of the Investing
9 in America’s Health Care During the COVID–19
10 Pandemic Act receive requests from institutions of
11 higher education to be designated as a National
12 Center of Excellence in Continuous Pharmaceutical
13 Manufacturing (in this section referred to as a ‘Na-
14 tional Center of Excellence’) to support the advance-
15 ment and development of continuous manufacturing;
16 and

17 “(2) shall so designate any institution of higher
18 education that—

19 “(A) requests such designation; and

20 “(B) meets the criteria specified in sub-
21 section (c).

22 “(b) REQUEST FOR DESIGNATION.—A request for
23 designation under subsection (a) shall be made to the Sec-
24 retary at such time, in such manner, and containing such
25 information as the Secretary may require. Any such re-
26 quest shall include a description of how the institution of

1 higher education meets or plans to meet each of the cri-
2 teria specified in subsection (c).

3 “(c) CRITERIA FOR DESIGNATION DESCRIBED.—The
4 criteria specified in this subsection with respect to an in-
5 stitution of higher education are that the institution has,
6 as of the date of the submission of a request under sub-
7 section (a) by such institution—

8 “(1) physical and technical capacity for re-
9 search and development of continuous manufac-
10 turing;

11 “(2) manufacturing knowledge-sharing net-
12 works with other institutions of higher education,
13 large and small pharmaceutical manufacturers, ge-
14 neric and nonprescription manufacturers, contract
15 manufacturers, and other entities;

16 “(3) proven capacity to design and demonstrate
17 new, highly effective technology for use in contin-
18 uous manufacturing;

19 “(4) a track record for creating and transfer-
20 ring knowledge with respect to continuous manufac-
21 turing;

22 “(5) the potential to train a future workforce
23 for research on and implementation of advanced
24 manufacturing and continuous manufacturing; and

1 “(6) experience in participating in and leading
2 a continuous manufacturing technology partnership
3 with other institutions of higher education, large and
4 small pharmaceutical manufacturers (including ge-
5 neric and nonprescription drug manufacturers), con-
6 tract manufacturers, and other entities—

7 “(A) to support companies with continuous
8 manufacturing in the United States;

9 “(B) to support Federal agencies with
10 technical assistance, which may include regu-
11 latory and quality metric guidance as applica-
12 ble, for advanced manufacturing and continuous
13 manufacturing;

14 “(C) with respect to continuous manufac-
15 turing, to organize and conduct research and
16 development activities needed to create new and
17 more effective technology, capture and dissemi-
18 nate expertise, create intellectual property, and
19 maintain technological leadership;

20 “(D) to develop best practices for design-
21 ing continuous manufacturing; and

22 “(E) to assess and respond to the work-
23 force needs for continuous manufacturing, in-
24 cluding the development of training programs if
25 needed.

1 “(d) TERMINATION OF DESIGNATION.—The Sec-
2 retary may terminate the designation of any National Cen-
3 ter of Excellence designated under this section if the Sec-
4 retary determines such National Center of Excellence no
5 longer meets the criteria specified in subsection (c). Not
6 later than 60 days before the effective date of such a ter-
7 mination, the Secretary shall provide written notice to the
8 National Center of Excellence, including the rationale for
9 such termination.

10 “(e) CONDITIONS FOR DESIGNATION.—As a condi-
11 tion of designation as a National Center of Excellence
12 under this section, the Secretary shall require that an in-
13 stitution of higher education enter into an agreement with
14 the Secretary under which the institution agrees—

15 “(1) to collaborate directly with the Food and
16 Drug Administration to publish the reports required
17 by subsection (g);

18 “(2) to share data with the Food and Drug Ad-
19 ministration regarding best practices and research
20 generated through the funding under subsection (f);

21 “(3) to develop, along with industry partners
22 (which may include large and small biopharma-
23 ceutical manufacturers, generic and nonprescription
24 manufacturers, and contract manufacturers) and an-
25 other institution or institutions designated under

1 this section, if any, a roadmap for developing a con-
 2 tinuous manufacturing workforce;

3 “(4) to develop, along with industry partners
 4 and other institutions designated under this section,
 5 a roadmap for strengthening existing, and devel-
 6 oping new, relationships with other institutions; and

7 “(5) to provide an annual report to the Food
 8 and Drug Administration regarding the institution’s
 9 activities under this section, including a description
 10 of how the institution continues to meet and make
 11 progress on the criteria listed in subsection (c).

12 “(f) FUNDING.—

13 “(1) IN GENERAL.—The Secretary shall award
 14 funding, through grants, contracts, or cooperative
 15 agreements, to the National Centers of Excellence
 16 designated under this section for the purpose of
 17 studying and recommending improvements to contin-
 18 uous manufacturing, including such improvements
 19 as may enable the Centers—

20 “(A) to continue to meet the conditions
 21 specified in subsection (e); and

22 “(B) to expand capacity for research on,
 23 and development of, continuing manufacturing.

24 “(2) CONSISTENCY WITH FDA MISSION.—As a
 25 condition on receipt of funding under this sub-

1 section, a National Center of Excellence shall agree
 2 to consider any input from the Secretary regarding
 3 the use of funding that would—

4 “(A) help to further the advancement of
 5 continuous manufacturing through the National
 6 Center of Excellence; and

7 “(B) be relevant to the mission of the
 8 Food and Drug Administration.

9 “(3) AUTHORIZATION OF APPROPRIATIONS.—

10 There is authorized to be appropriated to carry out
 11 this subsection \$100,000,000, to remain available
 12 until expended.

13 “(4) RULE OF CONSTRUCTION.—Nothing in
 14 this section shall be construed as precluding a Na-
 15 tional Center for Excellence designated under this
 16 section from receiving funds under any other provi-
 17 sion of this Act or any other Federal law.

18 “(g) ANNUAL REVIEW AND REPORTS.—

19 “(1) ANNUAL REPORT.—Beginning not later
 20 than 1 year after the date on which the first des-
 21 ignation is made under subsection (a), and annually
 22 thereafter, the Secretary shall—

23 “(A) submit to Congress a report describ-
 24 ing the activities, partnerships and collabora-
 25 tions, Federal policy recommendations, previous

1 and continuing funding, and findings of, and
2 any other applicable information from, the Na-
3 tional Centers of Excellence designated under
4 this section; and

5 “(B) make such report available to the
6 public in an easily accessible electronic format
7 on the website of the Food and Drug Adminis-
8 tration.

9 “(2) REVIEW OF NATIONAL CENTERS OF EX-
10 CELLENCE AND POTENTIAL DESIGNEES.—The Sec-
11 retary shall periodically review the National Centers
12 of Excellence designated under this section to ensure
13 that such National Centers of Excellence continue to
14 meet the criteria for designation under this section.

15 “(3) REPORT ON LONG-TERM VISION OF FDA
16 ROLE.—Not later than 2 years after the date on
17 which the first designation is made under subsection
18 (a), the Secretary, in consultation with the National
19 Centers of Excellence designated under this section,
20 shall submit a report to the Congress on the long-
21 term vision of the Department of Health and
22 Human Services on the role of the Food and Drug
23 Administration in supporting continuous manufac-
24 turing, including—

1 “(A) a national framework of principles re-
2 lated to the implementation and regulation of
3 continuous manufacturing;

4 “(B) a plan for the development of Federal
5 regulations and guidance for how advanced
6 manufacturing and continuous manufacturing
7 can be incorporated into the development of
8 pharmaceuticals and regulatory responsibilities
9 of the Food and Drug Administration; and

10 “(C) appropriate feedback solicited from
11 the public, which may include other institutions,
12 large and small biopharmaceutical manufactur-
13 ers, generic and nonprescription manufacturers,
14 and contract manufacturers.

15 “(h) DEFINITIONS.—In this section:

16 “(1) ADVANCED MANUFACTURING.—The term
17 ‘advanced manufacturing’ means an approach for
18 the manufacturing of pharmaceuticals that incor-
19 porates novel technology, or uses an established
20 technique or technology in a new or innovative way
21 (such as continuous manufacturing where the input
22 materials are continuously transformed within the
23 process by two or more unit operations) that en-
24 hances drug quality or improves the manufacturing
25 process.

1 “(2) CONTINUOUS MANUFACTURING.—The
2 term ‘continuous manufacturing’—

3 “(A) means a process where the input ma-
4 terials are continuously fed into and trans-
5 formed within the process, and the processed
6 output materials are continuously removed from
7 the system; and

8 “(B) consists of an integrated process that
9 consists of a series of two or more unit oper-
10 ations.

11 “(3) INSTITUTION OF HIGHER EDUCATION.—
12 The term ‘institution of higher education’ has the
13 meaning given such term in section 101(a) of the
14 Higher Education Act of 1965 (20 U.S.C. 1001(a)).

15 “(4) SECRETARY.—The term ‘Secretary’ means
16 the Secretary of Health and Human Services, acting
17 through the Commissioner of Food and Drugs.”.

18 (b) TRANSITION RULE.—Section 3016 of the 21st
19 Century Cures Act (21 U.S.C. 399h), as in effect on the
20 day before the date of the enactment of this section, shall
21 apply with respect to grants awarded under such section
22 before such date of enactment.

1 **Subtitle B—Strategic National**
2 **Stockpile Improvements**

3 **SEC. 531. EQUIPMENT MAINTENANCE.**

4 Section 319F–2 of the Public Health Service Act (42
5 U.S.C. 247d–6b) is amended—

6 (1) in subsection (a)(3)—

7 (A) in subparagraph (I), by striking “;
8 and” and inserting a semicolon;

9 (B) in subparagraph (J), by striking the
10 period at the end and inserting a semicolon;
11 and

12 (C) by inserting the following new subpara-
13 graph at the end:

14 “(K) ensure the contents of the stockpile
15 remain in good working order and, as appro-
16 priate, conduct maintenance services on such
17 contents; and”; and

18 (2) in subsection (c)(7)(B), by adding at the
19 end the following new clause:

20 “(ix) EQUIPMENT MAINTENANCE
21 SERVICE.—In carrying out this section, the
22 Secretary may enter into contracts for the
23 procurement of equipment maintenance
24 services.”.

1 **SEC. 532. SUPPLY CHAIN FLEXIBILITY MANUFACTURING**
2 **PILOT.**

3 (a) IN GENERAL.—Section 319F–2(a)(3) of the Pub-
4 lic Health Service Act (42 U.S.C. 247d–6b(a)(3)), as
5 amended by section 531, is further amended by adding
6 at the end the following new subparagraph:

7 “(L) enhance medical supply chain elas-
8 ticity and establish and maintain domestic re-
9 serves of critical medical supplies (including
10 personal protective equipment, ancillary medical
11 supplies, and other applicable supplies required
12 for the administration of drugs, vaccines and
13 other biological products, and other medical de-
14 vices (including diagnostic tests)) by—

15 “(i) increasing emergency stock of
16 critical medical supplies;

17 “(ii) geographically diversifying pro-
18 duction of such medical supplies;

19 “(iii) purchasing, leasing, or entering
20 into joint ventures with respect to facilities
21 and equipment for the production of such
22 medical supplies; and

23 “(iv) working with distributors of
24 such medical supplies to manage the do-
25 mestic reserves established under this sub-

1 paragraph by refreshing and replenishing
2 stock of such medical supplies.”.

3 (b) REPORTING; SUNSET.—Section 319F–2(a) of the
4 Public Health Service Act (42 U.S.C. 247d–6b(a)) is
5 amended by adding at the end the following:

6 “(6) REPORTING.—Not later than September
7 30, 2022, the Secretary shall submit to the Com-
8 mittee on Energy and Commerce of the House of
9 Representatives and the Committee on Health, Edu-
10 cation, Labor and Pensions of the Senate a report
11 on the details of each purchase, lease, or joint ven-
12 ture entered into under paragraph (3)(L), including
13 the amount expended by the Secretary on each such
14 purchase, lease, or joint venture.

15 “(7) SUNSET.—The authority to make pur-
16 chases, leases, or joint ventures pursuant to para-
17 graph (3)(L) shall cease to be effective on Sep-
18 tember 30, 2023.”.

19 (c) FUNDING.—Section 319F–2(f) of the Public
20 Health Service Act (42 U.S.C. 247d–6b(f)) is amended by
21 adding at the end the following:

22 “(3) SUPPLY CHAIN ELASTICITY.—

23 “(A) IN GENERAL.—For the purpose of
24 carrying out subsection (a)(3)(L), there is au-
25 thorized to be appropriated \$500,000,000 for

1 each of fiscal years 2020 through 2023, to re-
 2 main available until expended.

3 “(B) RELATION TO OTHER AMOUNTS.—
 4 The amount authorized to be appropriated by
 5 subparagraph (A) for the purpose of carrying
 6 out subsection (a)(3)(L) is in addition to any
 7 other amounts available for such purpose.”.

8 **SEC. 533. REIMBURSABLE TRANSFERS FROM STRATEGIC**
 9 **NATIONAL STOCKPILE.**

10 Section 319F–2(a) of the Public Health Service Act
 11 (42 U.S.C. 247d–6b(a)), as amended, is further amended
 12 by adding at the end the following:

13 “(8) TRANSFERS AND REIMBURSEMENTS.—

14 “(A) IN GENERAL.—Without regard to
 15 chapter 5 of title 40, United States Code, the
 16 Secretary may transfer to any Federal depart-
 17 ment or agency, on a reimbursable basis, any
 18 drugs, vaccines and other biological products,
 19 medical devices, and other supplies in the stock-
 20 pile if—

21 “(i) the transferred supplies are less
 22 than 6 months from expiry;

23 “(ii) the stockpile is able to replenish
 24 the supplies, as appropriate; and

1 “(iii) the Secretary decides the trans-
2 fer is in the best interest of the United
3 States Government.

4 “(B) USE OF REIMBURSEMENT.—Reim-
5 bursement derived from the transfer of supplies
6 pursuant to subparagraph (A) may be used by
7 the Secretary, without further appropriation
8 and without fiscal year limitation, to carry out
9 this section.

10 “(C) REPORT.—Not later than September
11 30, 2022, the Secretary shall submit to the
12 Committee on Energy and Commerce of the
13 House of Representatives and the Committee
14 on Health, Education, Labor and Pensions of
15 the Senate a report on each transfer made
16 under this paragraph and the amount received
17 by the Secretary in exchange for that transfer.

18 “(D) SUNSET.—The authority to make
19 transfers under this paragraph shall cease to be
20 effective on September 30, 2023.”.

21 **SEC. 534. STRATEGIC NATIONAL STOCKPILE ACTION RE-**
22 **PORTING.**

23 (a) IN GENERAL.—The Assistant Secretary for Pre-
24 paredness and Response (in this section referred to as the
25 “Assistant Secretary”), in coordination with the Adminis-

1 trator of the Federal Emergency Management Agency,
2 shall—

3 (1) not later than 30 days after the date of en-
4 actment of this Act, issue a report to the Committee
5 on Energy and Commerce of the House of Rep-
6 resentatives and the Committee on Health, Edu-
7 cation, Labor and Pensions of the Senate regarding
8 all State, local, Tribal, and territorial requests for
9 supplies from the Strategic National Stockpile re-
10 lated to COVID–19; and

11 (2) not less than every 30 days thereafter
12 through the end of the emergency period (as such
13 term is defined in section 1135(g)(1)(B) of the So-
14 cial Security Act (42 U.S.C. 1320b–5(g)(1)(B))),
15 submit to such committees an updated version of
16 such report.

17 (b) REPORTING PERIOD.—

18 (1) INITIAL REPORT.—The initial report under
19 subsection (a) shall address all requests described in
20 such subsection made during the period—

21 (A) beginning on January 31, 2020; and

22 (B) ending on the date that is 30 days be-
23 fore the date of submission of the report.

1 (2) UPDATES.—Each update to the report
2 under subsection (a) shall address all requests de-
3 scribed in such subsection made during the period—

4 (A) beginning at the end of the previous
5 reporting period under this section; and

6 (B) ending on the date that is 30 days be-
7 fore the date of submission of the updated re-
8 port.

9 (c) CONTENTS OF REPORT.—The report under sub-
10 section (a) (and updates thereto) shall include—

11 (1) the details of each request described in such
12 subsection, including—

13 (A) the specific medical countermeasures,
14 including devices such as personal protective
15 equipment, and other materials requested; and

16 (B) the amount of such materials re-
17 quested; and

18 (2) the outcomes of each request described in
19 subsection (a), including—

20 (A) whether the request was wholly ful-
21 filled, partially fulfilled, or denied;

22 (B) if the request was wholly or partially
23 fulfilled, the fulfillment amount; and

24 (C) if the request was partially fulfilled or
25 denied, a rationale for such outcome.

1 **SEC. 535. IMPROVED, TRANSPARENT PROCESSES FOR THE**
2 **STRATEGIC NATIONAL STOCKPILE.**

3 (a) IN GENERAL.—Not later than January 1, 2021,
4 the Secretary, in collaboration with the Assistant Sec-
5 retary for Preparedness and Response and the Director
6 of the Centers for Disease Control and Prevention, shall
7 develop and implement improved, transparent processes
8 for the use and distribution of drugs, vaccines and other
9 biological products, medical devices, and other supplies
10 (including personal protective equipment, ancillary med-
11 ical supplies, and other applicable supplies required for the
12 administration of drugs, vaccines and other biological
13 products, diagnostic tests, and other medical devices) in
14 the Strategic National Stockpile under section 319F–2 of
15 the Public Health Service Act (42 U.S.C. 247d–6b) (in
16 this section referred to as the “Stockpile”).

17 (b) PROCESSES.—The processes developed under
18 subsection (a) shall include—

19 (1) the form and manner in which States, local-
20 ities, Tribes, and territories are required to submit
21 requests for supplies from the Stockpile;

22 (2) the criteria used by the Secretary in re-
23 sponding to such requests, including the reasons for
24 fulfilling or denying such requests;

1 (3) what circumstances result in prioritization
2 of distribution of supplies from the Stockpile to
3 States, localities, Tribes, or territories;

4 (4) clear plans for future, urgent communica-
5 tion between the Secretary and States, localities,
6 Tribes, and territories regarding the outcome of
7 such requests; and

8 (5) any differences in the processes developed
9 under subsection (a) for geographically related emer-
10 gencies, such as weather events, and national emer-
11 gencies, such as pandemics.

12 (c) REPORT TO CONGRESS.—Not later than January
13 1, 2021, the Secretary shall—

14 (1) submit a report to the Committee Energy
15 and Commerce of the House of Representatives and
16 the Committee on Health, Education, Labor and
17 Pensions of the Senate regarding the improved,
18 transparent processes developed under this section;
19 and

20 (2) include in such report recommendations for
21 opportunities for communication (by telebriefing,
22 phone calls, or in-person meetings) between the Sec-
23 retary and States, localities, Tribes, and territories
24 regarding such improved, transparent processes.

1 **SEC. 536. GAO STUDY ON THE FEASIBILITY AND BENEFITS**
2 **OF A STRATEGIC NATIONAL STOCKPILE USER**
3 **FEE AGREEMENT.**

4 (a) IN GENERAL.— The Comptroller General of the
5 United States shall conduct a study to investigate the fea-
6 sibility of establishing user fees to offset certain Federal
7 costs attributable to the procurement of single-source ma-
8 terials for the Strategic National Stockpile under section
9 319F–2 of the Public Health Service Act (42 U.S.C.
10 247d–6b) and distributions of such materials from the
11 Stockpile. In conducting this study, the Comptroller Gen-
12 eral shall consider, to the extent information is available—

13 (1) whether entities receiving such distributions
14 generate profits from those distributions;

15 (2) any Federal costs attributable to such dis-
16 tributions;

17 (3) whether such user fees would provide the
18 Secretary with funding to potentially offset procure-
19 ment costs of such materials for the Strategic Na-
20 tional Stockpile; and

21 (4) any other issues the Comptroller General
22 identifies as relevant.

23 (b) REPORT.—Not later than February 1, 2023, the
24 Comptroller General of the United States shall submit to
25 the Congress a report on the findings and conclusions of
26 the study under subsection (a).

Subtitle C—Testing and Testing Infrastructure Improvements

SEC. 541. COVID-19 TESTING STRATEGY.

(a) STRATEGY.—Not later than 30 days after the date of the enactment of this Act, the Secretary shall update the COVID-19 strategic testing plan under the heading “Department of Health and Human Services—Office of the Secretary—Public Health and Social Service Emergency Fund” in title I of division B of the Paycheck Protection Program and Health Care Enhancement Act (Public Law 116–139, 134 Stat. 620, 626–627) and submit to the appropriate congressional committees such updated national plan identifying—

(1) what level of, types of, and approaches to testing (including predicted numbers of tests, populations to be tested, and frequency of testing and the appropriate setting whether a health care setting (such as hospital-based, high-complexity laboratory, point-of-care, mobile testing units, pharmacies or community health centers) or non-health care setting (such as workplaces, schools, or child care centers)) are necessary—

(A) to sufficiently monitor and contribute to the control of the transmission of SARS-CoV-2 in the United States;

1 (B) to ensure that any reduction in social
2 distancing efforts, when determined appropriate
3 by public health officials, can be undertaken in
4 a manner that optimizes the health and safety
5 of the people of the United States, and reduces
6 disparities (including disparities related to race,
7 ethnicity, sex, age, disability status, socio-
8 economic status, and geographic location) in the
9 prevalence of, incidence of, and health outcomes
10 with respect to, COVID–19; and

11 (C) to provide for ongoing surveillance suf-
12 ficient to support contact tracing, case identi-
13 fication, quarantine, and isolation to prevent fu-
14 ture outbreaks of COVID–19;

15 (2) specific plans and benchmarks, each with
16 clear timelines, to ensure—

17 (A) such level of, types of, and approaches
18 to testing as are described in paragraph (1),
19 with respect to optimizing health and safety;

20 (B) sufficient availability of all necessary
21 testing materials and supplies, including extrac-
22 tion and testing kits, reagents, transport media,
23 swabs, instruments, analysis equipment, per-
24 sonal protective equipment if necessary for test-

1 ing (including point-of-care testing), and other
2 equipment;

3 (C) allocation of testing materials and sup-
4 plies in a manner that optimizes public health,
5 including by considering the variable impact of
6 SARS-CoV-2 on specific States, territories, In-
7 dian Tribes, Tribal organizations, urban Indian
8 organizations, communities, industries, and pro-
9 fessions;

10 (D) sufficient evidence of validation for
11 tests that are deployed as a part of such strat-
12 egy;

13 (E) sufficient laboratory and analytical ca-
14 pacity, including target turnaround time for
15 test results;

16 (F) sufficient personnel, including per-
17 sonnel to collect testing samples, conduct and
18 analyze results, and conduct testing follow-up,
19 including contact tracing, as appropriate; and

20 (G) enforcement of the Families First
21 Coronavirus Response Act (Public Law 116–
22 127) to ensure patients who are tested are not
23 subject to cost sharing;

24 (3) specific plans to ensure adequate testing in
25 rural areas, frontier areas, health professional short-

1 age areas, and medically underserved areas (as de-
2 fined in section 330I(a) of the Public Health Service
3 Act (42 U.S.C. 254c-14(a))), and for underserved
4 populations, Native Americans (including Indian
5 Tribes, Tribal organizations, and urban Indian orga-
6 nizations), and populations at increased risk related
7 to COVID-19;

8 (4) specific plans to ensure accessibility of test-
9 ing to people with disabilities, older individuals, and
10 individuals with underlying health conditions or
11 weakened immune systems; and

12 (5) specific plans for broadly developing and
13 implementing testing for potential immunity in the
14 United States, as appropriate, in a manner suffi-
15 cient—

16 (A) to monitor and contribute to the con-
17 trol of SARS-CoV-2 in the United States;

18 (B) to ensure that any reduction in social
19 distancing efforts, when determined appropriate
20 by public health officials, can be undertaken in
21 a manner that optimizes the health and safety
22 of the people of the United States; and

23 (C) to reduce disparities (including dispari-
24 ties related to race, ethnicity, sex, age, dis-
25 ability status, socioeconomic status, and geo-

1 graphic location) in the prevalence of, incidence
2 of, and health outcomes with respect to,
3 COVID–19.

4 (b) COORDINATION.—The Secretary shall carry out
5 this section—

6 (1) in coordination with the Administrator of
7 the Federal Emergency Management Agency;

8 (2) in collaboration with other agencies and de-
9 partments, as appropriate; and

10 (3) taking into consideration the State plans for
11 COVID–19 testing prepared as required under the
12 heading “Department of Health and Human Serv-
13 ices—Office of the Secretary—Public Health and
14 Social Service Emergency Fund” in title I of divi-
15 sion B of the Paycheck Protection Program and
16 Health Care Enhancement Act (Public Law 116–
17 139; 134 Stat. 620, 624).

18 (c) UPDATES.—

19 (1) FREQUENCY.—The updated national plan
20 under subsection (a) shall be updated every 30 days
21 until the end of the public health emergency first de-
22 clared by the Secretary under section 319 of the
23 Public Health Service Act (42 U.S.C. 247d) on Jan-
24 uary 31, 2020, with respect to COVID–19.

1 (2) RELATION TO OTHER LAW.—Paragraph (1)
2 applies in lieu of the requirement (for updates every
3 90 days until funds are expended) in the second to
4 last proviso under the heading “Department of
5 Health and Human Services—Office of the Sec-
6 retary—Public Health and Social Service Emergency
7 Fund” in title I of division B of the Paycheck Pro-
8 tection Program and Health Care Enhancement Act
9 (Public Law 116–139; 134 Stat. 620, 627).

10 (d) APPROPRIATE CONGRESSIONAL COMMITTEES.—
11 In this section, the term “appropriate congressional com-
12 mittees” means—

13 (1) the Committee on Appropriations and the
14 Committee on Energy and Commerce of the House
15 of Representatives; and

16 (2) the Committee on Appropriations and the
17 Committee on Health, Education, Labor and Pen-
18 sions and of the Senate.

19 **SEC. 542. CENTRALIZED TESTING INFORMATION WEBSITE.**

20 The Secretary shall establish and maintain a public,
21 searchable webpage, to be updated and corrected as nec-
22 essary through a process established by the Secretary, on
23 the website of the Department of Health and Human
24 Services that—

1 (1) identifies all in vitro diagnostic and sero-
2 logical tests used in the United States to analyze
3 clinical specimens for detection of SARS-CoV-2 or
4 antibodies specific to SARS-CoV-2, including—

5 (A) those tests—

6 (i) that are approved, cleared, or au-
7 thorized under section 510(k), 513, 515, or
8 564 of the Federal Food, Drug, and Cos-
9 metic Act (21 U.S.C. 360(k), 360c, 360e,
10 360bbb-3);

11 (ii) that have been validated by the
12 test’s developers for use on clinical speci-
13 mens and for which the developer has noti-
14 fied the Food and Drug Administration of
15 the developer’s intent to market the test
16 consistent with applicable guidance issued
17 by the Secretary; or

18 (iii) that have been developed and au-
19 thorized by a State that has notified the
20 Secretary of the State’s intention to review
21 tests intended to diagnose COVID-19; and

22 (B) other SARS-CoV-2-related tests that
23 the Secretary determines appropriate in guid-
24 ance, which may include tests related to the
25 monitoring of COVID-19 patient status;

1 (2) provides relevant information, as deter-
2 mined by the Secretary, on each test identified pur-
3 suant to paragraph (1), which may include—

4 (A) the name and contact information of
5 the developer of the test;

6 (B) the date of receipt of notification by
7 the Food and Drug Administration of the devel-
8 oper's intent to market the test;

9 (C) the date of authorization for use of the
10 test on clinical specimens, where applicable;

11 (D) the letter of authorization for use of
12 the test on clinical specimens, where applicable;

13 (E) any fact sheets, manufacturer instruc-
14 tions, and package inserts for the test, includ-
15 ing information on intended use;

16 (F) sensitivity and specificity of the test;
17 and

18 (G) in the case of tests distributed by com-
19 mercial manufacturers, the number of tests dis-
20 tributed and, if available, the number of labora-
21 tories in the United States with the required
22 platforms installed to perform the test; and

23 (3) includes—

24 (A) a list of laboratories certified under
25 section 353 of the Public Health Service Act

1 (42 U.S.C. 263a; commonly referred to as
2 “CLIA”) that—

3 (i) meet the regulatory requirements
4 under such section to perform high- or
5 moderate-complexity testing; and

6 (ii) are authorized to perform SARS-
7 CoV-2 diagnostic or serological tests on
8 clinical specimens; and

9 (B) information on each laboratory identi-
10 fied pursuant to subparagraph (A), including—

11 (i) the name and address of the lab-
12 oratory;

13 (ii) the CLIA certificate number;

14 (iii) the laboratory type;

15 (iv) the certificate type; and

16 (v) the complexity level.

17 **SEC. 543. MANUFACTURER REPORTING OF TEST DISTRIBU-**
18 **TION.**

19 (a) IN GENERAL.—A commercial manufacturer of an
20 in vitro diagnostic or serological COVID-19 test shall, on
21 a weekly basis, submit a notification to the Secretary re-
22 garding distribution of each such test, which notifica-
23 tion—

1 (1) shall include the number of tests distributed
2 and the entities to which the tests are distributed;
3 and

4 (2) may include the quantity of such tests dis-
5 tributed by the manufacturer.

6 (b) CONFIDENTIALITY.—Nothing in this section shall
7 be construed as authorizing the Secretary to disclose any
8 information that is a trade secret or confidential informa-
9 tion subject to section 552(b)(4) of title 5, United States
10 Code, or section 1905 of title 18, United States Code.

11 (c) FAILURE TO MEET REQUIREMENTS.—If a manu-
12 facturer fails to submit a notification as required under
13 subsection (a), the following applies:

14 (1) The Secretary shall issue a letter to such
15 manufacturer informing such manufacturer of such
16 failure.

17 (2) Not later than 7 calendar days after the
18 issuance of a letter under paragraph (1), the manu-
19 facturer to whom such letter is issued shall submit
20 to the Secretary a written response to such letter—

21 (A) setting forth the basis for noncompli-
22 ance; and

23 (B) providing information as required
24 under subsection (a).

1 (3) Not later than 14 calendar days after the
2 issuance of a letter under paragraph (1), the Sec-
3 retary shall make such letter and any response to
4 such letter under paragraph (2) available to the pub-
5 lic on the internet website of the Food and Drug Ad-
6 ministration, with appropriate redactions made to
7 protect information described in subsection (b). The
8 preceding sentence shall not apply if the Secretary
9 determines that—

10 (A) the letter under paragraph (1) was
11 issued in error; or

12 (B) after review of such response, the
13 manufacturer had a reasonable basis for not
14 notifying as required under subsection (a).

15 **SEC. 544. STATE TESTING REPORT.**

16 For any State that authorizes (or intends to author-
17 ize) one or more laboratories in the State to develop and
18 perform in vitro diagnostic COVID–19 tests, the head of
19 the department or agency of such State with primary re-
20 sponsibility for health shall—

21 (1) notify the Secretary of such authorization
22 (or intention to authorize); and

23 (2) provide the Secretary with a weekly re-
24 port—

1 (A) identifying all laboratories authorized
2 (or intended to be authorized) by the State to
3 develop and perform in vitro diagnostic
4 COVID–19 tests;

5 (B) including relevant information on all
6 laboratories identified pursuant to subpara-
7 graph (A), which may include information on
8 laboratory testing capacity;

9 (C) identifying all in vitro diagnostic
10 COVID–19 tests developed and approved for
11 clinical use in laboratories identified pursuant
12 to subparagraph (A); and

13 (D) including relevant information on all
14 tests identified pursuant to subparagraph (C),
15 which may include—

16 (i) the name and contact information
17 of the developer of any such test;

18 (ii) any fact sheets, manufacturer in-
19 structions, and package inserts for any
20 such test, including information on in-
21 tended use; and

22 (iii) the sensitivity and specificity of
23 any such test.

1 **SEC. 545. STATE LISTING OF TESTING SITES.**

2 Not later than 14 days after the date of enactment
3 of this Act, any State receiving funding or assistance
4 under this Act, as a condition on such receipt, shall estab-
5 lish and maintain a public, searchable webpage on the offi-
6 cial website of the State that—

7 (1) identifies all sites located in the State that
8 provide diagnostic or serological testing for SARS-
9 CoV-2; and

10 (2) provides appropriate contact information for
11 SARS-CoV-2 testing sites pursuant to paragraph
12 (1).

13 **SEC. 546. REPORTING OF COVID-19 TESTING RESULTS.**

14 (a) IN GENERAL.—Every laboratory that performs or
15 analyzes a test that is intended to detect SARS-CoV-2
16 or to diagnose a possible case of COVID-19 shall report
17 daily the number of tests performed and the results from
18 each such test to the Secretary of Health and Human
19 Services and to the Secretary of Homeland Security, in
20 such form and manner as such Secretaries may prescribe.
21 Such information shall be made available to the public in
22 a searchable, electronic format as soon as is practicable,
23 and in no case later than one week after such information
24 is received.

25 (b) ADDITIONAL REPORTING REQUIREMENTS.—The
26 Secretaries specified in subsection (a)—

1 (1) may specify additional reporting require-
2 ments under this section by regulation, including by
3 interim final rule, or by guidance; and

4 (2) may issue such regulations or guidance
5 without regard to the procedures otherwise required
6 by section 553 of title 5, United States Code.

7 **SEC. 547. GAO REPORT ON DIAGNOSTIC TESTS.**

8 (a) GAO STUDY.—Not later than 18 months after
9 the date of enactment of this Act, the Comptroller General
10 of the United States shall submit to the Committee on
11 Energy and Commerce of the House of Representatives
12 and the Committee on Health, Education, Labor and Pen-
13 sions of the Senate a report describing the response of
14 entities described in subsection (b) to the COVID–19 pan-
15 demic with respect to the development, regulatory evalua-
16 tion, and deployment of diagnostic tests.

17 (b) ENTITIES DESCRIBED.—Entities described in
18 this subsection include—

19 (1) laboratories, including public health, aca-
20 demic, clinical, and commercial laboratories;

21 (2) diagnostic test manufacturers;

22 (3) State, local, Tribal, and territorial govern-
23 ments; and

24 (4) the Food and Drug Administration, the
25 Centers for Disease Control and Prevention, the

1 Centers for Medicare & Medicaid Services, the Na-
2 tional Institutes of Health, and other relevant Fed-
3 eral agencies, as appropriate.

4 (c) CONTENTS.—The report under subsection (a)
5 shall include—

6 (1) a description of actions taken by entities de-
7 scribed in subsection (b) to develop, evaluate, and
8 deploy diagnostic tests;

9 (2) an assessment of the coordination of Fed-
10 eral agencies in the development, regulatory evalua-
11 tion, and deployment of diagnostic tests;

12 (3) an assessment of the standards used by the
13 Food and Drug Administration to evaluate diag-
14 nostic tests;

15 (4) an assessment of the clarity of Federal
16 agency guidance related to testing, including the
17 ability for individuals without medical training to
18 understand which diagnostic tests had been evalu-
19 ated by the Food and Drug Administration;

20 (5) a description of—

21 (A) actions taken and clinical processes
22 employed by States and territories that have
23 authorized laboratories to develop and perform
24 diagnostic tests not authorized, approved, or
25 cleared by the Food and Drug Administration,

1 including actions of such States and territories
2 to evaluate the accuracy and sensitivity of such
3 tests; and

4 (B) the standards used by States and ter-
5 ritories when deciding when to authorize labora-
6 tories to develop or perform diagnostic tests;

7 (6) an assessment of the steps taken by labora-
8 tories and diagnostic test manufacturers to validate
9 diagnostic tests, as well as the evidence collected by
10 such entities to support validation; and

11 (7) based on available reports, an assessment of
12 the accuracy and sensitivity of a representative sam-
13 ple of available diagnostic tests.

14 (d) DEFINITION.—In this section, the term “diag-
15 nostic test” means an in vitro diagnostic product (as de-
16 fined in section 809.3(a) of title 21, Code of Federal Regu-
17 lations) for—

18 (1) the detection of SARS-CoV-2;

19 (2) the diagnosis of the virus that causes
20 COVID-19; or

21 (3) the detection of antibodies specific to
22 SARS-CoV-2, such as a serological test.

1 **SEC. 548. PUBLIC HEALTH DATA SYSTEM TRANS-**
2 **FORMATION.**

3 Subtitle C of title XXVIII of the Public Health Serv-
4 ice Act (42 U.S.C. 300hh–31 et seq.) is amended by add-
5 ing at the end the following:

6 **“SEC. 2823. PUBLIC HEALTH DATA SYSTEM TRANS-**
7 **FORMATION.**

8 “(a) EXPANDING CDC AND PUBLIC HEALTH DE-
9 PARTMENT CAPABILITIES.—

10 “(1) IN GENERAL.—The Secretary, acting
11 through the Director of the Centers for Disease
12 Control and Prevention, shall—

13 “(A) conduct activities to expand, enhance,
14 and improve applicable public health data sys-
15 tems used by the Centers for Disease Control
16 and Prevention, related to the interoperability
17 and improvement of such systems (including as
18 it relates to preparedness for, prevention and
19 detection of, and response to public health
20 emergencies); and

21 “(B) award grants or cooperative agree-
22 ments to State, local, Tribal, or territorial pub-
23 lic health departments for the expansion and
24 modernization of public health data systems, to
25 assist public health departments in—

1 “(i) assessing current data infrastruc-
2 ture capabilities and gaps to improve and
3 increase consistency in data collection,
4 storage, and analysis and, as appropriate,
5 to improve dissemination of public health-
6 related information;

7 “(ii) improving secure public health
8 data collection, transmission, exchange,
9 maintenance, and analysis;

10 “(iii) improving the secure exchange
11 of data between the Centers for Disease
12 Control and Prevention, State, local, Trib-
13 al, and territorial public health depart-
14 ments, public health organizations, and
15 health care providers, including by public
16 health officials in multiple jurisdictions
17 within such State, as appropriate, and by
18 simplifying and supporting reporting by
19 health care providers, as applicable, pursu-
20 ant to State law, including through the use
21 of health information technology;

22 “(iv) enhancing the interoperability of
23 public health data systems (including sys-
24 tems created or accessed by public health
25 departments) with health information tech-

1 nology, including with health information
2 technology certified under section
3 3001(c)(5);

4 “(v) supporting and training data sys-
5 tems, data science, and informatics per-
6 sonnel;

7 “(vi) supporting earlier disease and
8 health condition detection, such as through
9 near real-time data monitoring, to support
10 rapid public health responses;

11 “(vii) supporting activities within the
12 applicable jurisdiction related to the expan-
13 sion and modernization of electronic case
14 reporting; and

15 “(viii) developing and disseminating
16 information related to the use and impor-
17 tance of public health data.

18 “(2) DATA STANDARDS.—In carrying out para-
19 graph (1), the Secretary, acting through the Direc-
20 tor of the Centers for Disease Control and Preven-
21 tion, shall, as appropriate and in consultation with
22 the Office of the National Coordinator for Health
23 Information Technology, designate data and tech-
24 nology standards (including standards for interoper-
25 ability) for public health data systems, with def-

1 erence given to standards published by consensus-
2 based standards development organizations with
3 public input and voluntary consensus-based stand-
4 ards bodies.

5 “(3) PUBLIC-PRIVATE PARTNERSHIPS.—The
6 Secretary may develop and utilize public-private
7 partnerships for technical assistance, training, and
8 related implementation support for State, local,
9 Tribal, and territorial public health departments,
10 and the Centers for Disease Control and Prevention,
11 on the expansion and modernization of electronic
12 case reporting and public health data systems, as
13 applicable.

14 “(b) REQUIREMENTS.—

15 “(1) HEALTH INFORMATION TECHNOLOGY
16 STANDARDS.—The Secretary may not award a grant
17 or cooperative agreement under subsection (a)(1)(B)
18 unless the applicant uses or agrees to use standards
19 endorsed by the National Coordinator for Health In-
20 formation Technology pursuant to section
21 3001(c)(1) or adopted by the Secretary under sec-
22 tion 3004.

23 “(2) WAIVER.—The Secretary may waive the
24 requirement under paragraph (1) with respect to an
25 applicant if the Secretary determines that the activi-

1 ties under subsection (a)(1)(B) cannot otherwise be
2 carried out within the applicable jurisdiction.

3 “(3) APPLICATION.—A State, local, Tribal, or
4 territorial health department applying for a grant or
5 cooperative agreement under this section shall sub-
6 mit an application to the Secretary at such time and
7 in such manner as the Secretary may require. Such
8 application shall include information describing—

9 “(A) the activities that will be supported
10 by the grant or cooperative agreement; and

11 “(B) how the modernization of the public
12 health data systems involved will support or im-
13 pact the public health infrastructure of the
14 health department, including a description of
15 remaining gaps, if any, and the actions needed
16 to address such gaps.

17 “(c) STRATEGY AND IMPLEMENTATION PLAN.—Not
18 later than 180 days after the date of enactment of this
19 section, the Secretary, acting through the Director of the
20 Centers for Disease Control and Prevention, shall submit
21 to the Committee on Health, Education, Labor and Pen-
22 sions of the Senate and the Committee on Energy and
23 Commerce of the House of Representatives a coordinated
24 strategy and an accompanying implementation plan that

1 identifies and demonstrates the measures the Secretary
2 will utilize to—

3 “(1) update and improve applicable public
4 health data systems used by the Centers for Disease
5 Control and Prevention; and

6 “(2) carry out the activities described in this
7 section to support the improvement of State, local,
8 Tribal, and territorial public health data systems.

9 “(d) CONSULTATION.—The Secretary, acting
10 through the Director of the Centers for Disease Control
11 and Prevention, shall consult with State, local, Tribal, and
12 territorial health departments, professional medical and
13 public health associations, associations representing hos-
14 pitals or other health care entities, health information
15 technology experts, and other appropriate public or private
16 entities regarding the plan and grant program to mod-
17 ernize public health data systems pursuant to this section.
18 Activities under this subsection may include the provision
19 of technical assistance and training related to the ex-
20 change of information by such public health data systems
21 used by relevant health care and public health entities at
22 the local, State, Federal, Tribal, and territorial levels, and
23 the development and utilization of public-private partner-
24 ships for implementation support applicable to this sec-
25 tion.

1 “(e) REPORT TO CONGRESS.—Not later than 1 year
 2 after the date of enactment of this section, the Secretary
 3 shall submit a report to the Committee on Health, Edu-
 4 cation, Labor and Pensions of the Senate and the Com-
 5 mittee on Energy and Commerce of the House of Rep-
 6 resentatives that includes—

7 “(1) a description of any barriers to—

8 “(A) public health authorities imple-
 9 menting interoperable public health data sys-
 10 tems and electronic case reporting;

11 “(B) the exchange of information pursuant
 12 to electronic case reporting; or

13 “(C) reporting by health care providers
 14 using such public health data systems, as ap-
 15 propriate, and pursuant to State law;

16 “(2) an assessment of the potential public
 17 health impact of implementing electronic case re-
 18 porting and interoperable public health data sys-
 19 tems; and

20 “(3) a description of the activities carried out
 21 pursuant to this section.

22 “(f) ELECTRONIC CASE REPORTING.—In this sec-
 23 tion, the term ‘electronic case reporting’ means the auto-
 24 mated identification, generation, and bilateral exchange of
 25 reports of health events among electronic health record or

1 health information technology systems and public health
2 authorities.

3 “(g) AUTHORIZATION OF APPROPRIATIONS.—To
4 carry out this section, there are authorized to be appro-
5 priated \$450,000,000 to remain available until ex-
6 pended.”.

7 **SEC. 549. PILOT PROGRAM TO IMPROVE LABORATORY IN-**
8 **FRASTRUCTURE.**

9 (a) IN GENERAL.—The Secretary shall award grants
10 to States and political subdivisions of States to support
11 the improvement, renovation, or modernization of infra-
12 structure at clinical laboratories (as defined in section 353
13 of the Public Health Service Act (42 U.S.C. 263a)) that
14 will help to improve SARS–CoV–2 and COVID–19 testing
15 and response activities, including the expansion and en-
16 hancement of testing capacity at such laboratories.

17 (b) AUTHORIZATION OF APPROPRIATIONS.—To carry
18 out this section, there is authorized to be appropriated
19 \$1,000,000,000 to remain available until expended.

20 **SEC. 550. CORE PUBLIC HEALTH INFRASTRUCTURE FOR**
21 **STATE, LOCAL, TRIBAL, AND TERRITORIAL**
22 **HEALTH DEPARTMENTS.**

23 (a) PROGRAM.—The Secretary, acting through the
24 Director of the Centers for Disease Control and Preven-
25 tion, shall establish a core public health infrastructure

1 program consisting of awarding grants under subsection
2 (b).

3 (b) GRANTS.—

4 (1) AWARD.—For the purpose of addressing
5 core public health infrastructure needs, the Sec-
6 retary—

7 (A) shall award a grant to each State
8 health department; and

9 (B) may award grants on a competitive
10 basis to State, local, Tribal, or territorial health
11 departments.

12 (2) ALLOCATION.—Of the total amount of
13 funds awarded as grants under this subsection for a
14 fiscal year—

15 (A) not less than 50 percent shall be for
16 grants to State health departments under para-
17 graph (1)(A); and

18 (B) not less than 30 percent shall be for
19 grants to State, local, Tribal, or territorial
20 health departments under paragraph (1)(B).

21 (c) USE OF FUNDS.—A State, local, Tribal, or terri-
22 torial health department receiving a grant under sub-
23 section (b) shall use the grant funds to address core public
24 health infrastructure needs, including those identified in
25 the accreditation process under subsection (g).

1 (d) FORMULA GRANTS TO STATE HEALTH DEPART-
2 MENTS.—In making grants under subsection (b)(1)(A),
3 the Secretary shall award funds to each State health de-
4 partment in accordance with—

5 (1) a formula based on population size; burden
6 of preventable disease and disability; and core public
7 health infrastructure gaps, including those identified
8 in the accreditation process under subsection (g);
9 and

10 (2) application requirements established by the
11 Secretary, including a requirement that the State
12 health department submit a plan that demonstrates
13 to the satisfaction of the Secretary that the State’s
14 health department will—

15 (A) address its highest priority core public
16 health infrastructure needs; and

17 (B) as appropriate, allocate funds to local
18 health departments within the State.

19 (e) COMPETITIVE GRANTS TO STATE, LOCAL, TRIB-
20 AL, AND TERRITORIAL HEALTH DEPARTMENTS.—In
21 making grants under subsection (b)(1)(B), the Secretary
22 shall give priority to applicants demonstrating core public
23 health infrastructure needs identified in the accreditation
24 process under subsection (g).

1 (f) MAINTENANCE OF EFFORT.—The Secretary may
2 award a grant to an entity under subsection (b) only if
3 the entity demonstrates to the satisfaction of the Sec-
4 retary that—

5 (1) funds received through the grant will be ex-
6 pended only to supplement, and not supplant, non-
7 Federal and Federal funds otherwise available to the
8 entity for the purpose of addressing core public
9 health infrastructure needs; and

10 (2) with respect to activities for which the grant
11 is awarded, the entity will maintain expenditures of
12 non-Federal amounts for such activities at a level
13 not less than the level of such expenditures main-
14 tained by the entity for the fiscal year preceding the
15 fiscal year for which the entity receives the grant.

16 (g) ESTABLISHMENT OF A PUBLIC HEALTH ACCRED-
17 ITATION PROGRAM.—

18 (1) IN GENERAL.—The Secretary shall—

19 (A) develop, and periodically review and
20 update, standards for voluntary accreditation of
21 State, local, Tribal, and territorial health de-
22 partments and public health laboratories for the
23 purpose of advancing the quality and perform-
24 ance of such departments and laboratories; and

1 (B) implement a program to accredit such
2 health departments and laboratories in accord-
3 ance with such standards.

4 (2) COOPERATIVE AGREEMENT.—The Secretary
5 may enter into a cooperative agreement with a pri-
6 vate nonprofit entity to carry out paragraph (1).

7 (h) REPORT.—The Secretary shall submit to the Con-
8 gress an annual report on progress being made to accredit
9 entities under subsection (g), including—

10 (1) a strategy, including goals and objectives,
11 for accrediting entities under subsection (g) and
12 achieving the purpose described in subsection
13 (g)(1)(A);

14 (2) identification of gaps in research related to
15 core public health infrastructure; and

16 (3) recommendations of priority areas for such
17 research.

18 (i) DEFINITION.—In this section, the term “core pub-
19 lic health infrastructure” includes—

20 (1) workforce capacity and competency;

21 (2) laboratory systems;

22 (3) testing capacity, including test platforms,
23 mobile testing units, and personnel;

24 (4) health information, health information sys-
25 tems, and health information analysis;

- 1 (5) disease surveillance;
- 2 (6) contact tracing;
- 3 (7) communications;
- 4 (8) financing;
- 5 (9) other relevant components of organizational
- 6 capacity; and
- 7 (10) other related activities.

8 (j) AUTHORIZATION OF APPROPRIATIONS.—To carry
9 out this section, there are authorized to be appropriated
10 \$6,000,000,000, to remain available until expended.

11 **SEC. 551. CORE PUBLIC HEALTH INFRASTRUCTURE AND**
12 **ACTIVITIES FOR CDC.**

13 (a) IN GENERAL.—The Secretary, acting through the
14 Director of the Centers for Disease Control and Preven-
15 tion, shall expand and improve the core public health in-
16 frastructure and activities of the Centers for Disease Con-
17 trol and Prevention to address unmet and emerging public
18 health needs.

19 (b) REPORT.—The Secretary shall submit to the Con-
20 gress an annual report on the activities funded through
21 this section.

22 (c) DEFINITION.—In this section, the term “core
23 public health infrastructure” has the meaning given to
24 such term in section 550.

1 (d) AUTHORIZATION OF APPROPRIATIONS.—To carry
 2 out this section, there is authorized to be appropriated
 3 \$1,000,000,000, to remain available until expended.

4 **Subtitle D—COVID-19 National**
 5 **Testing and Contact Tracing**
 6 **Initiative**

7 **SEC. 561. NATIONAL SYSTEM FOR COVID-19 TESTING, CON-**
 8 **TACT TRACING, SURVEILLANCE, CONTAIN-**
 9 **MENT, AND MITIGATION.**

10 (a) IN GENERAL.—The Secretary, acting through the
 11 Director of the Centers for Disease Control and Preven-
 12 tion, and in coordination with State, local, Tribal, and ter-
 13 ritorial health departments, shall establish and implement
 14 a nationwide evidence-based system for—

15 (1) testing, contact tracing, surveillance, con-
 16 tainment, and mitigation with respect to COVID-19;

17 (2) offering guidance on voluntary isolation and
 18 quarantine of individuals infected with, or exposed to
 19 individuals infected with, the virus that causes
 20 COVID-19; and

21 (3) public reporting on testing, contact tracing,
 22 surveillance, and voluntary isolation and quarantine
 23 activities with respect to COVID-19.

1 (b) COORDINATION; TECHNICAL ASSISTANCE.—In
2 carrying out the national system under this section, the
3 Secretary shall—

4 (1) coordinate State, local, Tribal, and terri-
5 torial activities related to testing, contact tracing,
6 surveillance, containment, and mitigation with re-
7 spect to COVID–19, as appropriate; and

8 (2) provide technical assistance for such activi-
9 ties, as appropriate.

10 (c) CONSIDERATION.—In establishing and imple-
11 menting the national system under this section, the Sec-
12 retary shall take into consideration—

13 (1) the State plans referred to in the heading
14 “Public Health and Social Services Emergency
15 Fund” in title I of division B of the Paycheck Pro-
16 tection Program and Health Care Enhancement Act
17 (Public Law 116–139); and

18 (2) the testing strategy submitted under section
19 541.

20 (d) REPORTING.—The Secretary shall—

21 (1) not later than one month after the date of
22 the enactment of this Act, submit to the Committee
23 on Energy and Commerce of the House of Rep-
24 resentatives and the Committee on Health, Edu-
25 cation, Labor and Pensions a preliminary report on

1 the effectiveness of the activities carried out pursu-
2 ant to this subtitle; and

3 (2) not later than three months after the end
4 of the public health emergency declared pursuant to
5 section 319 of the Public Health Service Act (42
6 U.S.C. 247d) with respect to COVID–19, submit to
7 such committees a final report on such effectiveness.

8 **SEC. 562. GRANTS.**

9 (a) IN GENERAL.—To implement the national system
10 under section 561, the Secretary, acting through the Di-
11 rector of the Centers for Disease Control and Prevention,
12 shall, subject to the availability of appropriations, award
13 grants to State, local, Tribal, and territorial health depart-
14 ments that seek grants under this section to carry out co-
15 ordinated testing, contact tracing, surveillance, contain-
16 ment, and mitigation with respect to COVID–19, includ-
17 ing—

18 (1) diagnostic and surveillance testing and re-
19 porting;

20 (2) community-based contact tracing efforts;
21 and

22 (3) policies related to voluntary isolation and
23 quarantine of individuals infected with, or exposed to
24 individuals infected with, the virus that causes
25 COVID–19.

1 (b) FLEXIBILITY.—The Secretary shall ensure that—

2 (1) the grants under subsection (a) provide
3 flexibility for State, local, Tribal, and territorial
4 health departments to modify, establish, or maintain
5 evidence-based systems; and

6 (2) local health departments receive funding
7 from State health departments or directly from the
8 Centers for Disease Control and Prevention to con-
9 tribute to such systems, as appropriate.

10 (c) ALLOCATIONS.—

11 (1) FORMULA.—The Secretary, acting through
12 the Director of the Centers for Disease Control and
13 Prevention, shall allocate amounts made available
14 pursuant to subsection (a) in accordance with a for-
15 mula to be established by the Secretary that pro-
16 vides a minimum level of funding to each State,
17 local, Tribal, and territorial health department that
18 seeks a grant under this section and allocates addi-
19 tional funding based on the following prioritization:

20 (A) The Secretary shall give highest pri-
21 ority to applicants proposing to serve popu-
22 lations in one or more geographic regions with
23 a high burden of COVID–19 based on data pro-
24 vided by the Centers for Disease Control and

1 Prevention, or other sources as determined by
2 the Secretary.

3 (B) The Secretary shall give second high-
4 est priority to applicants preparing for, or cur-
5 rently working to mitigate, a COVID–19 surge
6 in a geographic region that does not yet have
7 a high number of reported cases of COVID–19
8 based on data provided by the Centers for Dis-
9 ease Control and Prevention, or other sources
10 as determined by the Secretary.

11 (C) The Secretary shall give third highest
12 priority to applicants proposing to serve high
13 numbers of low-income and uninsured popu-
14 lations, including medically underserved popu-
15 lations (as defined in section 330(b)(3) of the
16 Public Health Service Act (42 U.S.C.
17 254b(b)(3))), health professional shortage areas
18 (as defined under section 332(a) of the Public
19 Health Service Act (42 U.S.C. 254e(a))), racial
20 and ethnic minorities, or geographically diverse
21 areas, as determined by the Secretary.

22 (2) NOTIFICATION.—Not later than the date
23 that is one week before first awarding grants under
24 this section, the Secretary shall submit to the Com-
25 mittee on Energy and Commerce of the House of

1 Representatives and the Committee on Health, Edu-
2 cation, Labor and Pensions of the Senate a notifica-
3 tion detailing the formula established under para-
4 graph (1) for allocating amounts made available pur-
5 suant to subsection (a).

6 (d) USE OF FUNDS.—A State, local, Tribal, and ter-
7 ritorial health department receiving a grant under this
8 section shall, to the extent possible, use the grant funds
9 for the following activities, or other activities deemed ap-
10 propriate by the Director of the Centers for Disease Con-
11 trol and Prevention:

12 (1) TESTING.—To implement a coordinated
13 testing system that—

14 (A) leverages or modernizes existing test-
15 ing infrastructure and capacity;

16 (B) is consistent with the updated testing
17 strategy required under section 541;

18 (C) is coordinated with the State plan for
19 COVID–19 testing prepared as required under
20 the heading “Department of Health and
21 Human Services—Office of the Secretary—
22 Public Health and Social Service Emergency
23 Fund” in title I of division B of the Paycheck
24 Protection Program and Health Care Enhance-

1 ment Act (Public Law 116–139; 134 Stat. 620,
2 624);

3 (D) is informed by contact tracing and
4 surveillance activities under this subtitle;

5 (E) is informed by guidelines established
6 by the Centers for Disease Control and Preven-
7 tion for which populations should be tested;

8 (F) identifies how diagnostic and sero-
9 logical tests in such system shall be validated
10 prior to use;

11 (G) identifies how diagnostic and sero-
12 logical tests and testing supplies will be distrib-
13 uted to implement such system;

14 (H) identifies specific strategies for ensur-
15 ing testing capabilities and accessibility in ra-
16 cial and ethnic minority populations;

17 (I) identifies specific strategies for ensur-
18 ing testing capabilities and accessibility in
19 medically underserved populations (as defined
20 in section 330(b)(3) of the Public Health Serv-
21 ice Act (42 U.S.C. 254b(b)(3))), health profes-
22 sional shortage areas (as defined under section
23 332(a) of the Public Health Service Act (42
24 U.S.C. 254e(a))), and geographically diverse
25 areas, as determined by the Secretary;

1 (J) identifies how testing may be used, and
2 results may be reported, in both health care set-
3 tings (such as hospitals, laboratories for mod-
4 erate or high-complexity testing, pharmacies,
5 mobile testing units, and community health cen-
6 ters) and non-health care settings (such as
7 workplaces, schools, childcare centers, or drive-
8 throughs);

9 (K) allows for testing in sentinel surveil-
10 lance programs, as appropriate; and

11 (L) supports the procurement and distribu-
12 tion of diagnostic and serological tests and test-
13 ing supplies to meet the goals of the system.

14 (2) CONTACT TRACING.—To implement a co-
15 ordinated contact tracing system that—

16 (A) leverages or modernizes existing con-
17 tact tracing systems and capabilities, including
18 community health workers, health departments,
19 and Federally qualified health centers;

20 (B) is able to investigate cases of COVID–
21 19, and help to identify other potential cases of
22 COVID–19, through tracing contacts of individ-
23 uals with positive diagnoses;

24 (C) establishes culturally competent and
25 multilingual strategies for contact tracing, ad-

1 dressing the specific needs of racial and ethnic
2 minority populations, which may include con-
3 sultation with and support from faith-based,
4 nonprofit, cultural or civic organizations with
5 established ties to the community;

6 (D) establishes culturally competent and
7 multilingual strategies for contact tracing, ad-
8 dressing the specific needs of medically under-
9 served populations (as defined in section
10 330(b)(3) of the Public Health Service Act (42
11 U.S.C. 254b(b)(3))), health professional short-
12 age areas (as defined under section 332(a) of
13 the Public Health Service Act(42 U.S.C. 2324
14 254e(a)));

15 (E) provides individuals identified under
16 the contact tracing program with information
17 and support for containment or mitigation;

18 (F) enables State, local, Tribal, and terri-
19 torial health departments to work with a non-
20 governmental, community partner or partners
21 and State and local workforce development sys-
22 tems (as defined in section 3(67) of Workforce
23 Innovation and Opportunity Act (29 U.S.C.
24 3102(67))) receiving grants under section
25 566(b) of this Act to hire and compensate a lo-

1 cally-sourced contact tracing workforce, if nec-
2 essary, to supplement the public health work-
3 force, to—

4 (i) identify the number of contact
5 tracers needed for the respective State, lo-
6 cality, territorial, or Tribal health depart-
7 ment to identify all cases of COVID–19
8 currently in the jurisdiction and those an-
9 ticipated to emerge over the next 18
10 months in such jurisdiction;

11 (ii) outline qualifications necessary for
12 contact tracers;

13 (iii) train the existing and newly hired
14 public health workforce on best practices
15 related to tracing close contacts of individ-
16 uals diagnosed with COVID–19, including
17 the protection of individual privacy and cy-
18 bersecurity protection; and

19 (iv) equip the public health workforce
20 with tools and resources to enable a rapid
21 response to new cases;

22 (G) identifies the level of contact tracing
23 needed within the State, locality, territory, or
24 Tribal area to contain and mitigate the trans-
25 mission of COVID–19; and

1 (H) establishes statewide mechanisms to
2 integrate regular evaluation to the Centers for
3 Disease Control and Prevention regarding con-
4 tact tracing efforts, makes such evaluation pub-
5 licly available, and to the extent possible pro-
6 vides for such evaluation at the county level.

7 (3) SURVEILLANCE.—To strengthen the exist-
8 ing public health surveillance system that—

9 (A) leverages or modernizes existing sur-
10 veillance systems within the respective State,
11 local, Tribal, or territorial health department
12 and national surveillance systems;

13 (B) detects and identifies trends in
14 COVID–19 at the county level;

15 (C) evaluates State, local, Tribal, and ter-
16 ritorial health departments in achieving surveil-
17 lance capabilities with respect to COVID–19;

18 (D) integrates and improves disease sur-
19 veillance and immunization tracking;

20 (E) identifies specific strategies for ensur-
21 ing disease surveillance in racial and ethnic mi-
22 nority populations; and

23 (F) identifies specific strategies for ensur-
24 ing disease surveillance in medically under-
25 served populations (as defined in section

1 330(b)(3) of the Public Health Service Act (42
2 U.S.C. 254b(b)(3))), health professional short-
3 age areas (as defined under section 332(a) of
4 the Public Health Service Act (42 U.S.C.
5 254e(a))), and geographically diverse areas, as
6 determined by the Secretary.

7 (4) CONTAINMENT AND MITIGATION.—To im-
8 plement a coordinated containment and mitigation
9 system that—

10 (A) leverages or modernizes existing con-
11 tainment and mitigation strategies within the
12 respective State, local, Tribal, or territorial gov-
13 ernments and national containment and mitiga-
14 tion strategies;

15 (B) may provide for, connect to, and lever-
16 age existing social services and support for indi-
17 viduals who have been infected with or exposed
18 to COVID–19 and who are isolated or quar-
19 antined in their homes, such as through—

20 (i) food assistance programs;

21 (ii) guidance for household infection
22 control;

23 (iii) information and assistance with
24 childcare services; and

1 (iv) information and assistance per-
2 taining to support available under the
3 CARES Act (Public Law 116–136) and
4 this Act;

5 (C) provides guidance on the establishment
6 of safe, high-quality, facilities for the voluntary
7 isolation of individuals infected with, or quar-
8 antine of the contacts of individuals exposed to
9 COVID–19, where hospitalization is not re-
10 quired, which facilities should—

11 (i) be prohibited from making inquir-
12 ies relating to the citizenship status of an
13 individual isolated or quarantined; and

14 (ii) be operated by a non-Federal,
15 community partner or partners that—

16 (I) have previously established re-
17 lationships in localities;

18 (II) work with local places of
19 worship, community centers, medical
20 facilities, and schools to recruit local
21 staff for such facilities; and

22 (III) are fully integrated into
23 State, local, Tribal, or territorial con-
24 tainment and mitigation efforts;

1 (D) identifies specific strategies for ensur-
 2 ing containment and mitigation activities in ra-
 3 cial and ethnic minority populations; and

4 (E) identifies specific strategies for ensur-
 5 ing containment and mitigation activities in
 6 medically underserved populations (as defined
 7 in section 330(b)(3) of the Public Health Serv-
 8 ice Act (42 U.S.C. 254b(b)(3))), health profes-
 9 sional shortage areas (as defined under section
 10 332(a) of the Public Health Service Act (42
 11 U.S.C. 254e(a))), and geographically diverse
 12 areas, as determined by the Secretary.

13 (e) REPORTING.—The Secretary shall facilitate
 14 mechanisms for timely, standardized reporting by grantees
 15 under this section regarding implementation of the sys-
 16 tems established under this section and coordinated proc-
 17 esses with the reporting as required and under the heading
 18 “Department of Health and Human Services—Office of
 19 the Secretary—Public Health and Social Service Emer-
 20 gency Fund” in title I of division B of the Paycheck Pro-
 21 tection Program and Health Care Enhancement Act (Pub-
 22 lic Law 116–139, 134 Stat. 620), including—

23 (1) a summary of county or local health depart-
 24 ment level information from the States receiving
 25 funding, and information from directly funded local-

1 ities, territories, and Tribal entities, about the activi-
2 ties that will be undertaken using funding awarded
3 under this section, including subgrants;

4 (2) any anticipated shortages of required mate-
5 rials for testing for COVID–19 under subsection (a);
6 and

7 (3) other barriers in the prevention, mitigation,
8 or treatment of COVID–19 under this section.

9 (f) PUBLIC LISTING OF AWARDS.—The Secretary
10 shall—

11 (1) not later than 7 days after first awarding
12 grants under this section, post in a searchable, elec-
13 tronic format a list of all awards made by the Sec-
14 retary under this section, including the recipients
15 and amounts of such awards; and

16 (2) update such list not less than every 7 days
17 until all funds made available to carry out this sec-
18 tion are expended.

19 **SEC. 563. GUIDANCE, TECHNICAL ASSISTANCE, INFORMA-**
20 **TION, AND COMMUNICATION.**

21 (a) IN GENERAL.— Not later than 14 days after the
22 date of the enactment of this Act, the Secretary, in coordi-
23 nation with other Federal agencies, as appropriate, shall
24 issue guidance, provide technical assistance, and provide

1 information to States, localities, Tribes, and territories,
2 with respect to the following:

3 (1) The diagnostic and serological testing of in-
4 dividuals identified through contact tracing for
5 COVID–19, including information with respect to
6 the reduction of duplication related to programmatic
7 activities, reporting, and billing.

8 (2) Best practices regarding contact tracing, in-
9 cluding the collection of data with respect to such
10 contact tracing and requirements related to the
11 standardization of demographic and syndromic infor-
12 mation collected as part of contact tracing efforts.

13 (3) Best practices regarding COVID–19 disease
14 surveillance, including best practices to reduce dupli-
15 cation in surveillance activities, identifying gaps in
16 surveillance and surveillance systems, and ways in
17 which the Secretary plans to effectively support
18 State, local, Tribal and territorial health depart-
19 ments in addressing such gaps.

20 (4) Information on ways for State, local, Tribal,
21 and territorial health departments to establish and
22 maintain the testing, contact tracing, and surveil-
23 lance activities described in paragraphs (1) through
24 (3).

1 (5) The protection of any personally identifiable
2 health information collected pursuant to this sub-
3 title.

4 (6) Best practices regarding privacy and cyber-
5 security protection related to contact tracing, con-
6 tainment, and mitigation efforts.

7 (7) Best practices related to improving public
8 compliance for isolation and containment measures
9 and reaching medically underserved communities.

10 (b) GUIDANCE ON PAYMENT.—Not later than 14
11 days after the date of the enactment of this Act, the Sec-
12 retary, in coordination with the Administrator of the Cen-
13 ters for Medicare & Medicaid Services, the Director of the
14 Centers for Disease Control and Prevention, and in coordi-
15 nation with other Federal agencies, as appropriate, shall
16 develop and issue to State, local, Tribal, and territorial
17 health departments clear guidance and policies—

18 (1) with respect to the coordination of claims
19 submitted for payment out of the Public Health and
20 Social Services Emergency Fund for services fur-
21 nished in a facility referred to in section
22 562(d)(4)(C);

23 (2) identifying how an individual who is isolated
24 or quarantined at home or in such a facility—

1 (A) incurs no out-of-pocket costs for any
2 services furnished to such individual while iso-
3 lated; and

4 (B) may receive income support for lost
5 earnings or payments for expenses such as child
6 care or elder care while such individual is iso-
7 lated at home or in such a facility;

8 (3) providing information and assistance per-
9 taining to support available under the CARES Act
10 (Public Law 116–136) and this Act; and

11 (4) identifying State, local, Tribal, and terri-
12 torial health departments or partner agencies that
13 may provide social support services, such as gro-
14 ceries or meals, health education, internet access,
15 and behavioral health services, to individuals who
16 isolated or quarantined at home or in such a facility.

17 (c) GUIDANCE ON TESTING.—Not later than 14 days
18 after the date of the enactment of this Act, the Secretary,
19 in coordination with the Commissioner of Food and
20 Drugs, the Director of the National Institutes of Health,
21 and the Director of the Centers for Disease Control and
22 Prevention, and in coordination with other Federal agen-
23 cies as appropriate, shall develop and issue to State, local,
24 Tribal, and territorial health departments clear guidance
25 and policies regarding—

1 (1) objective standards to characterize the per-
2 formance of all diagnostic and serological tests for
3 COVID–19 in order to independently evaluate tests
4 continuously over time;

5 (2) protocols for the evaluation of the perform-
6 ance of diagnostic and serological tests for COVID–
7 19; and

8 (3) a repository of characterized specimens to
9 use to evaluate the performance of those tests that
10 can be made available for appropriate entities to use
11 to evaluate performance.

12 (d) COMMUNICATION.—The Secretary shall identify
13 and publicly announce the form and manner for commu-
14 nication with State, local, Tribal, and territorial health de-
15 partments for purposes of carrying out the activities ad-
16 dressed by guidance issued under subsections (a) and (b).

17 (e) AVAILABILITY TO PROVIDERS.—Guidance issued
18 under subsection (a)(1) shall be issued to health care pro-
19 viders.

20 (f) ONGOING PROVISION OF GUIDANCE AND TECH-
21 NICAL ASSISTANCE.—Notwithstanding whether funds are
22 available specifically to carry out this subtitle, guidance
23 and technical assistance shall continue to be provided
24 under this section.

1 **SEC. 564. RESEARCH AND DEVELOPMENT.**

2 The Secretary, in coordination with the Director of
3 the Centers for Disease Control and Prevention and in col-
4 laboration with the Director of the National Institutes of
5 Health, the Director of the Agency for Healthcare Re-
6 search and Quality, the Commissioner of Food and Drugs,
7 and the Administrator of the Centers for Medicare & Med-
8 icaid Services, shall support research and development on
9 more efficient and effective strategies—

10 (1) for the surveillance of SARS-CoV-2 and
11 COVID-19;

12 (2) for the testing and identification of individ-
13 uals infected with COVID-19; and

14 (3) for the tracing of contacts of individuals in-
15 fected with COVID-19.

16 **SEC. 565. AWARENESS CAMPAIGNS.**

17 The Secretary, acting through the Director of the
18 Centers for Disease Control and Prevention and in coordi-
19 nation with other offices and agencies, as appropriate,
20 shall award competitive grants or contracts to one or more
21 public or private entities, including faith-based organiza-
22 tions, to carry out multilingual and culturally appropriate
23 awareness campaigns. Such campaigns shall—

24 (1) be based on available scientific evidence;

(2) increase awareness and knowledge of COVID–19, including countering stigma associated with COVID–19;

(3) improve information on the availability of COVID–19 diagnostic testing; and

(4) promote cooperation with contact tracing efforts.

SEC. 566. GRANTS TO STATE AND TRIBAL WORKFORCE AGENCIES.

(a) DEFINITIONS.—In this section:

(1) IN GENERAL.—Except as otherwise provided, the terms in this section have the meanings given the terms in section 3 of the Workforce Innovation and Opportunity Act (29 U.S.C. 3102).

(2) APPRENTICESHIP; APPRENTICESHIP PROGRAM.—The term “apprenticeship” or “apprenticeship program” means an apprenticeship program registered under the Act of August 16, 1937 (commonly known as the “National Apprenticeship Act”) (50 Stat. 664, chapter 663; 29 U.S.C. 50 et seq.), including any requirement, standard, or rule promulgated under such Act, as such requirement, standard, or rule was in effect on December 30, 2019.

(3) CONTACT TRACING AND RELATED POSITIONS.—The term “contact tracing and related posi-

tions” means employment related to contact tracing, surveillance, containment, and mitigation activities as described in paragraphs (2), (3), and (4) of section 562(d).

(4) ELIGIBLE ENTITY.—The term “eligible entity” means—

(A) a State or territory, including the District of Columbia and Puerto Rico;

(B) an Indian Tribe, Tribal organization, Alaska Native entity, Indian-controlled organizations serving Indians, or Native Hawaiian organizations;

(C) an outlying area; or

(D) a local board, if an eligible entity under subparagraphs (A) through (C) has not applied with respect to the area over which the local board has jurisdiction as of the date on which the local board submits an application under subsection (c).

(5) ELIGIBLE INDIVIDUAL.—Notwithstanding section 170(b)(2) of the Workforce Innovation and Opportunity Act (29 U.S.C. 3225(b)(2)), the term “eligible individual” means an individual seeking or securing employment in contact tracing and related positions and served by an eligible entity or commu-

1 nity-based organization receiving funding under this
2 section.

3 (6) SECRETARY.—The term “Secretary” means
4 the Secretary of Labor.

5 (b) GRANTS.—

6 (1) IN GENERAL.—Subject to the availability of
7 appropriations under subsection (g), the Secretary
8 shall award national dislocated worker grants under
9 section 170(b)(1)(B) of the Workforce Innovation
10 and Opportunity Act (29 U.S.C. 3225(b)(1)(B)) to
11 each eligible entity that seeks a grant to assist local
12 boards and community-based organizations in car-
13 rying out activities under subsections (f) and (d), re-
14 spectively, for the following purposes:

15 (A) To support the recruitment, place-
16 ment, and training, as applicable, of eligible in-
17 dividuals seeking employment in contact tracing
18 and related positions in accordance with the na-
19 tional system for COVID–19 testing, contact
20 tracing, surveillance, containment, and mitiga-
21 tion established under section 561.

22 (B) To assist with the employment transi-
23 tion to new employment or education and train-
24 ing of individuals employed under this section

1 in preparation for and upon termination of such
2 employment.

3 (2) TIMELINE.—The Secretary of Labor shall—

4 (A) issue application requirements under
5 subsection (c) not later than 10 days after the
6 date of enactment of this section; and

7 (B) award grants to an eligible entity
8 under paragraph (1) not later than 10 days
9 after the date on which the Secretary receives
10 an application from such entity.

11 (c) GRANT APPLICATION.—An eligible entity apply-
12 ing for a grant under this section shall submit an applica-
13 tion to the Secretary, at such time and in such form and
14 manner as the Secretary may reasonably require, which
15 shall include a description of—

16 (1) how the eligible entity will support the re-
17 cruitment, placement, and training, as applicable, of
18 eligible individuals seeking employment in contact
19 tracing and related positions by partnering with—

20 (A) a State, local, Tribal, or territorial
21 health department; or

22 (B) one or more nonprofit or community-
23 based organizations partnering with such health
24 departments;

1 (2) how the activities described in paragraph
2 (1) will support State efforts to address the demand
3 for contact tracing and related positions with respect
4 to—

5 (A) the State plans referred to in the head-
6 ing “Public Health and Social Services Emer-
7 gency Fund” in title I of division B of the Pay-
8 check Protection Program and Health Care En-
9 hancement Act (Public Law 116–139);

10 (B) the testing strategy submitted under
11 section 541; and

12 (C) the number of eligible individuals that
13 the State plans to recruit and train under the
14 plans and strategies described in subparagraphs
15 (A) and (B);

16 (3) the specific strategies for recruiting and
17 placement of eligible individuals from or residing
18 within the communities in which they will work, in-
19 cluding—

20 (A) plans for the recruitment of eligible in-
21 dividuals to serve as contact tracers and related
22 positions, including dislocated workers, individ-
23 uals with barriers to employment, veterans, new
24 entrants in the workforce, or underemployed or
25 furloughed workers, who are from or reside in

1 or near the local area in which they will serve,
2 and who, to the extent practicable—

3 (i) have experience or a background in
4 industry-sectors and occupations such as
5 public health, social services, customer
6 service, case management, or occupations
7 that require related qualifications, skills, or
8 competencies, such as strong interpersonal
9 and communication skills, needed for con-
10 tact tracing and related positions, as de-
11 scribed in section 562(d)(2)(E)(ii); or

12 (ii) seek to transition to public health
13 and public health related occupations upon
14 the conclusion of employment in contact
15 tracing and related positions; and

16 (B) how such strategies will take into ac-
17 count the diversity of such community, includ-
18 ing racial, ethnic, socioeconomic, linguistic, or
19 geographic diversity;

20 (4) the amount, timing, and mechanisms for
21 distribution of funds provided to local boards or
22 through subgrants as described in subsection (d);

23 (5) for eligible entities described in subpara-
24 graphs (A) through (C) of subsection (a)(4), a de-

1 scription of how the eligible entity will ensure the eq-
2 uitable distribution of funds with respect to—

3 (A) geography (such as urban and rural
4 distribution);

5 (B) medically underserved populations (as
6 defined in section 33(b)(3) of the Public Health
7 Service Act (42 U.S.C. 254b(b)));

8 (C) health professional shortage areas (as
9 defined under section 332(a) of the Public
10 Health Service Act (42 U.S.C. 254e(a))); and

11 (D) the racial and ethnic diversity of the
12 area; and

13 (6) for eligible entities who are local boards, a
14 description of how a grant to such eligible entity
15 would serve the equitable distribution of funds as de-
16 scribed in paragraph (5).

17 (d) SUBGRANT AUTHORIZATION AND APPLICATION
18 PROCESS.—

19 (1) IN GENERAL.—An eligible entity may award
20 a subgrant to one or more community-based organi-
21 zations for the purposes of partnering with a State
22 or local board to conduct outreach and education ac-
23 tivities to inform potentially eligible individuals
24 about employment opportunities in contact tracing
25 and related positions.

1 (2) APPLICATION.—A community-based organi-
2 zation shall submit an application at such time and
3 in such manner as the eligible entity may reasonably
4 require, including—

5 (A) a demonstration of the community-
6 based organization’s established expertise and
7 effectiveness in community outreach in the local
8 area that such organization plans to serve;

9 (B) a demonstration of the community-
10 based organization’s expertise in providing em-
11 ployment or public health information to the
12 local areas in which such organization plans to
13 serve; and

14 (C) a description of the expertise of the
15 community-based organization in utilizing cul-
16 turally competent and multilingual strategies in
17 the provision of services.

18 (e) GRANT DISTRIBUTION.—

19 (1) FEDERAL DISTRIBUTION.—

20 (A) USE OF FUNDS.— The Secretary of
21 Labor shall use the funds appropriated to carry
22 out this section as follows:

23 (i) Subject to clause (ii), the Secretary
24 shall distribute funds among eligi-
25 ties in accordance with a formula to be es-

1 tablished by the Secretary that provides a
2 minimum level of funding to each eligible
3 entity that seeks a grant under this section
4 and allocates additional funding as follows:

5 (I) The formula shall give first
6 priority based on the number and pro-
7 portion of contact tracing and related
8 positions that the State plans to re-
9 cruit, place, and train individuals as a
10 part of the State strategy described in
11 subsection (c)(2)(A).

12 (II) Subject to subclause (I), the
13 formula shall give priority in accord-
14 ance with section 562(c).

15 (ii) Not more than 2 percent of the
16 funding for administration of the grants
17 and for providing technical assistance to
18 recipients of funds under this section.

19 (B) **EQUITABLE DISTRIBUTION.**—If the ge-
20 ographic region served by one or more eligible
21 entities overlaps, the Secretary shall distribute
22 funds among such entities in such a manner
23 that ensures equitable distribution with respect
24 to the factors under subsection (c)(5).

1 (2) ELIGIBLE ENTITY USE OF FUNDS.—An eli-
2 gible entity described in subparagraphs (A) through
3 (C) of subsection (a)(4)—

4 (A) shall, not later than 30 days after the
5 date on which the entity receives grant funds
6 under this section, provide not less than 70 per-
7 cent of grant funds to local boards for the pur-
8 pose of carrying out activities in subsection (f);

9 (B) may use up to 20 percent of such
10 funds to make subgrants to community-based
11 organizations in the service area to conduct out-
12 reach, to potential eligible individuals, as de-
13 scribed in subsection (d);

14 (C) in providing funds to local boards and
15 awarding subgrants under this subsection shall
16 ensure the equitable distribution with respect to
17 the factors described in subsection (c)(5); and

18 (D) may use not more than 10 percent of
19 the funds awarded under this section for the
20 administrative costs of carrying out the grant
21 and for providing technical assistance to local
22 boards and community-based organizations.

23 (3) LOCAL BOARD USE OF FUNDS.—A local
24 board, or an eligible entity that is a local board,
25 shall use—

1 (A) not less than 60 percent of the funds
2 for recruitment and training for COVID-19
3 testing, contact tracing, surveillance, contain-
4 ment, and mitigation established under section
5 561;

6 (B) not less than 30 of the funds to sup-
7 port the transition of individuals hired as con-
8 tact tracers and related positions into an edu-
9 cation or training program, or unsubsidized em-
10 ployment upon completion of such positions;
11 and

12 (C) not more than 10 percent of the funds
13 for administrative costs.

14 (f) ELIGIBLE ACTIVITIES.—The State or local boards
15 shall use funds awarded under this section to support the
16 recruitment and placement of eligible individuals, training
17 and employment transition as related to contact tracing
18 and related positions, and for the following activities:

19 (1) Establishing or expanding partnerships
20 with—

21 (A) State, local, Tribal, and territorial
22 public health departments;

23 (B) community-based health providers, in-
24 cluding community health centers and rural
25 health clinics;

1 (C) labor organizations or joint labor man-
2 agement organizations;

3 (D) two-year and four-year institutions of
4 higher education (as defined in section 101 of
5 the Higher Education Act of 1965 (20 U.S.C.
6 1001)), including institutions eligible to receive
7 funds under section 371(a) of the Higher Edu-
8 cation Act of 1965 (20 U.S.C. 1067q(a)); and

9 (E) community action agencies or other
10 community-based organizations serving local
11 areas in which there is a demand for contact
12 tracing and related positions.

13 (2) Providing training for contact tracing and
14 related positions in coordination with State, local,
15 Tribal, or territorial health departments that is con-
16 sistent with the State or territorial testing and con-
17 tact tracing strategy, and ensuring that eligible indi-
18 viduals receive compensation while participating in
19 such training.

20 (3) Providing eligible individuals with—

21 (A) adequate and safe equipment, environ-
22 ments, and facilities for training and super-
23 vision, as applicable;

24 (B) information regarding the wages and
25 benefits related to contact tracing and related

1 positions, as compared to State, local, and na-
2 tional averages;

3 (C) supplies and equipment needed by the
4 eligible individuals to support placement of an
5 individual in contact tracing and related posi-
6 tions, as applicable;

7 (D) an individualized employment plan for
8 each eligible individual, as applicable—

9 (i) in coordination with the entity em-
10 ploying the eligible individual in a contact
11 tracing and related positions; and

12 (ii) which shall include providing a
13 case manager to work with each eligible in-
14 dividual to develop the plan, which may in-
15 clude—

16 (I) identifying employment and
17 career goals, and setting appropriate
18 achievement objectives to attain such
19 goals; and

20 (II) exploring career pathways
21 that lead to in-demand industries and
22 sectors, including in public health and
23 related occupations; and

24 (E) services for the period during which
25 the eligible individual is employed in a contact

1 tracing and related position to ensure job reten-
2 tion, which may include—

3 (i) supportive services throughout the
4 term of employment;

5 (ii) a continuation of skills training as
6 related to employment in contact tracing
7 and related positions, that is conducted in
8 collaboration with the employers of such
9 individuals;

10 (iii) mentorship services and job re-
11 tention support for eligible individuals; or

12 (iv) targeted training for managers
13 and workers working with eligible individ-
14 uals (such as mentors), and human re-
15 source representatives;

16 (4) Supporting the transition and placement in
17 unsubsidized employment for eligible individuals
18 serving in contact tracing and related positions after
19 such positions are no longer necessary in the State
20 or local area, including—

21 (A) any additional training and employ-
22 ment activities as described in section 170(d)(4)
23 of the Workforce Innovation and Opportunity
24 Act (29 U.S.C. 3225(d)(4));

1 (B) developing the appropriate combina-
 2 tion of services to enable the eligible individual
 3 to achieve the employment and career goals
 4 identified under paragraph (3)(D)(ii)(I); and

5 (C) services to assist eligible individuals in
 6 maintaining employment for not less than 12
 7 months after the completion of employment in
 8 contact tracing and related positions, as appro-
 9 priate.

10 (5) Any other activities as described in sub-
 11 sections (a)(3) and (b) of section 134 of the Work-
 12 force Innovation and Opportunity Act (29 U.S.C.
 13 3174).

14 (g) LIMITATION.—Notwithstanding section
 15 170(d)(3)(A) of the Workforce Innovation and Oppor-
 16 tunity Act (29 U.S.C. 3225(d)(3)(A)), a person may be
 17 employed in a contact tracing and related positions using
 18 funds under this section for a period not greater than 2
 19 years.

20 (h) REPORTING BY THE DEPARTMENT OF LABOR.—

21 (1) IN GENERAL.—Not later than 120 days of
 22 the enactment of this Act, and once grant funds
 23 have been expended under this section, the Secretary
 24 shall report to the Committee on Education and
 25 Labor of the House of Representatives and the Com-

1 mittee on Health, Education, Labor and Pensions of
2 the Senate, and make publicly available a report
3 containing a description of—

4 (A) the number of eligible individuals re-
5 cruited, hired, and trained in contact tracing
6 and related positions;

7 (B) the number of individuals successfully
8 transitioned to unsubsidized employment or
9 training at the completion of employment in
10 contact tracing and related positions using
11 funds under this subtitle;

12 (C) the number of such individuals who
13 were unemployed prior to being hired, trained,
14 or deployed as described in paragraph (1);

15 (D) the performance of each program sup-
16 ported by funds under this subtitle with respect
17 to the indicators of performance under section
18 116 of the Workforce Innovation and Oppor-
19 tunity Act (29 U.S.C. 3141), as applicable;

20 (E) the number of individuals in unsub-
21 sidized employment within six months and 1
22 year, respectively, of the conclusion of employ-
23 ment in contact tracing and related positions
24 and, of those, the number of individuals within
25 a State, territorial, or local public health de-

1 partment in an occupation related to public
2 health;

3 (F) any information on how eligible enti-
4 ties, local boards, or community-based organiza-
5 tions that received funding under this sub-
6 section were able to support the goals of the na-
7 tional system for COVID–19 testing, contact
8 tracing, surveillance, containment, and mitiga-
9 tion established under section 561 of this Act;
10 and

11 (G) best practices for improving and in-
12 creasing the transition of individuals employed
13 in contract tracing and related positions to un-
14 subsidized employment.

15 (2) DISAGGREGATION.—All data reported under
16 paragraph (1) shall be disaggregated by race, eth-
17 nicity, sex, age, and, with respect to individuals with
18 barriers to employment, subpopulation of such indi-
19 viduals, except for when the number of participants
20 in a category is insufficient to yield statistically reli-
21 able information or when the results would reveal
22 personally identifiable information about an indi-
23 vidual participant.

24 (i) SPECIAL RULE.—Any funds used for programs
25 under this section that are used to fund an apprenticeship

1 or apprenticeship program shall only be used for, or pro-
2 vided to, an apprenticeship or apprenticeship program
3 that meets the definition of such term subsection (a) of
4 this section, including any funds awarded for the purposes
5 of grants, contracts, or cooperative agreements, or the de-
6 velopment, implementation, or administration, of an ap-
7 prenticeship or an apprenticeship program.

8 (j) INFORMATION SHARING REQUIREMENT FOR
9 HHS.—The Secretary of Health and Human Services,
10 acting through the Director of the Centers for Disease
11 Control and Prevention, shall provide the Secretary of
12 Labor, acting through the Assistant Secretary of the Em-
13 ployment and Training Administration, with information
14 on grants under section 562, including—

15 (1) the formula used to award such grants to
16 State, local, Tribal, and territorial health depart-
17 ments;

18 (2) the dollar amounts of and scope of the work
19 funded under such grants;

20 (3) the geographic areas served by eligible enti-
21 ties that receive such grants; and

22 (4) the number of contact tracers and related
23 positions to be hired using such grants.

24 (k) AUTHORIZATION OF APPROPRIATIONS.—Of the
25 amounts appropriated to carry out this subtitle,

1 \$500,000,000 shall be used by the Secretary of Labor to
2 carry out subsections (a) through (h) of this section.

3 **SEC. 567. APPLICATION OF THE SERVICE CONTRACT ACT**
4 **TO CONTRACTS AND GRANTS.**

5 Contracts and grants which include contact tracing
6 as part of the scope of work and that are awarded under
7 this subtitle shall require that contract tracers and related
8 positions are paid not less than the prevailing wage and
9 fringe rates required under chapter 67 of title 41, United
10 States Code (commonly known as the “Service Contract
11 Act”) for the area in which the work is performed. To
12 the extent that a nonstandard wage determination is re-
13 quired to establish a prevailing wage for contact tracers
14 and related positions for purposes of this subtitle, the Sec-
15 retary of Labor shall issue such determination not later
16 than 14 days after the date of enactment of this Act,
17 based on a job description used by the Centers for Disease
18 Control and Prevention and contractors or grantees per-
19 forming contact tracing for State public health agencies.

20 **SEC. 568. AUTHORIZATION OF APPROPRIATIONS.**

21 To carry out this subtitle, there are authorized to be
22 appropriated \$75,000,000,000, to remain available until
23 expended.

1 **Subtitle E—Demographic Data and**
2 **Supply Reporting Related to**
3 **COVID–19**

4 **SEC. 571. COVID–19 REPORTING PORTAL.**

5 (a) IN GENERAL.—Not later than 15 days after the
6 date of enactment of this Act, the Secretary shall establish
7 and maintain an online portal for use by eligible health
8 care entities to track and transmit data regarding their
9 personal protective equipment and medical supply inven-
10 tory and capacity related to COVID–19.

11 (b) ELIGIBLE HEALTH CARE ENTITIES.—In this sec-
12 tion, the term “eligible health care entity” means a li-
13 censed acute care hospital, hospital system, or long-term
14 care facility with confirmed cases of COVID–19.

15 (c) SUBMISSION.—An eligible health care entity shall
16 report using the portal under this section on a biweekly
17 basis in order to assist the Secretary in tracking usage
18 and need of COVID–related supplies and personnel in a
19 regular and real-time manner.

20 (d) INCLUDED INFORMATION.—The Secretary shall
21 design the portal under this section to include information
22 on personal protective equipment and medical supply in-
23 ventory and capacity related to COVID–19, including with
24 respect to the following:

1 (1) PERSONAL PROTECTIVE EQUIPMENT.—

2 Total personal protective equipment inventory, in-
3 cluding, in units, the numbers of N95 masks and
4 authorized equivalent respirator masks, surgical
5 masks, exam gloves, face shields, isolation gowns,
6 and coveralls.

7 (2) MEDICAL SUPPLY.—

8 (A) Total ventilator inventory, including, in
9 units, the number of universal, adult, pediatric,
10 and infant ventilators.

11 (B) Total diagnostic and serological test
12 inventory, including, in units, the number of
13 test platforms, tests, test kits, reagents, trans-
14 port media, swabs, and other materials or sup-
15 plies determined necessary by the Secretary.

16 (3) CAPACITY.—

17 (A) Case count measurements, including
18 confirmed positive cases and persons under in-
19 vestigation.

20 (B) Total number of staffed beds, includ-
21 ing medical surgical beds, intensive care beds,
22 and critical care beds.

23 (C) Available beds, including medical sur-
24 gical beds, intensive care beds, and critical care
25 beds.

1 (D) Total number of COVID–19 patients
2 currently utilizing a ventilator.

3 (E) Average number of days a COVID–19
4 patient is utilizing a ventilator.

5 (F) Total number of additionally needed
6 professionals in each of the following categories:
7 intensivists, critical care physicians, respiratory
8 therapists, registered nurses, certified registered
9 nurse anesthetists, and laboratory personnel.

10 (G) Total number of hospital personnel
11 currently not working due to self-isolation fol-
12 lowing a known or presumed COVID–19 expo-
13 sure.

14 (e) ACCESS TO INFORMATION RELATED TO INVEN-
15 TORY AND CAPACITY.—The Secretary shall ensure that
16 relevant agencies and officials, including the Centers for
17 Disease Control and Prevention, the Assistant Secretary
18 for Preparedness and Response, and the Federal Emer-
19 gency Management Agency, have access to information re-
20 lated to inventory and capacity submitted under this sec-
21 tion.

22 (f) WEEKLY REPORT TO CONGRESS.—On a weekly
23 basis, the Secretary shall transmit information related to
24 inventory and capacity submitted under this section to the
25 appropriate committees of the House and Senate.

1 **SEC. 572. REGULAR CDC REPORTING ON DEMOGRAPHIC**
2 **DATA.**

3 Not later than 14 days after the date of enactment
4 of this Act, the Secretary, in coordination with the Direc-
5 tor of the Centers for Disease Control and Prevention,
6 shall amend the reporting under the heading “Department
7 of Health and Human Services—Office of the Secretary—
8 Public Health and Social Service Emergency Fund” in
9 title I of division B of the Paycheck Protection Program
10 and Health Care Enhancement Act (Public Law 116–139;
11 134 Stat. 620, 626) on the demographic characteristics,
12 including race, ethnicity, age, sex, gender, geographic re-
13 gion, and other relevant factors of individuals tested for
14 or diagnosed with COVID–19, to include—

15 (1) providing technical assistance to State,
16 local, and territorial health departments to improve
17 the collection and reporting of such demographic
18 data;

19 (2) if such data is not so collected or reported,
20 the reason why the State, local, or territorial depart-
21 ment of health has not been able to collect or pro-
22 vide such information; and

23 (3) making a copy of such report available pub-
24 licly on the website of the Centers for Disease Con-
25 trol and Prevention.

1 **SEC. 573. FEDERAL MODERNIZATION FOR HEALTH INEQUI-**
2 **TIES DATA.**

3 (a) IN GENERAL.—The Secretary shall work with
4 covered agencies to support the modernization of data col-
5 lection methods and infrastructure at such agencies for
6 the purpose of increasing data collection related to health
7 inequities, such as racial, ethnic, socioeconomic, sex, gen-
8 der, and disability disparities.

9 (b) COVERED AGENCY DEFINED.—In this section,
10 the term “covered agency” means each of the following
11 Federal agencies:

12 (1) The Agency for Healthcare Research and
13 Quality.

14 (2) The Centers for Disease Control and Pre-
15 vention.

16 (3) The Centers for Medicare & Medicaid Serv-
17 ices.

18 (4) The Food and Drug Administration.

19 (5) The Office of the National Coordinator for
20 Health Information Technology.

21 (6) The National Institutes of Health.

22 (c) AUTHORIZATION OF APPROPRIATIONS.—There is
23 authorized to be appropriated to each covered agency to
24 carry out this section \$4,000,000, to remain available
25 until expended.

1 **SEC. 574. MODERNIZATION OF STATE AND LOCAL HEALTH**

2 **INEQUITIES DATA.**

3 (a) IN GENERAL.—Not later than 6 months after the
4 date of enactment of this Act, the Secretary, acting
5 through the Director of the Centers for Disease Control
6 and Prevention, shall award grants to State, local, and
7 territorial health departments in order to support the
8 modernization of data collection methods and infrastruc-
9 ture for the purposes of increasing data related to health
10 inequities, such as racial, ethnic, socioeconomic, sex, gen-
11 der, and disability disparities. The Secretary shall—

12 (1) provide guidance, technical assistance, and
13 information to grantees under this section on best
14 practices regarding culturally competent, accurate,
15 and increased data collection and transmission; and

16 (2) track performance of grantees under this
17 section to help improve their health inequities data
18 collection by identifying gaps and taking effective
19 steps to support States, localities, and territories in
20 addressing the gaps.

21 (b) REPORT.—Not later than 1 year after the date
22 on which the first grant is awarded under this section,
23 the Secretary shall submit to the Committee on Energy
24 and Commerce of the House of Representatives and the
25 Committee on Health, Education, Labor and Pensions of
26 the Senate an initial report detailing—

1 (1) nationwide best practices for ensuring
2 States and localities collect and transmit health in-
3 equities data;

4 (2) nationwide trends which hinder the collec-
5 tion and transmission of health inequities data;

6 (3) Federal best practices for working with
7 States and localities to ensure culturally competent,
8 accurate, and increased data collection and trans-
9 mission; and

10 (4) any recommended changes to legislative or
11 regulatory authority to help improve and increase
12 health inequities data collection.

13 (c) FINAL REPORT.—Not later than three months
14 after the end of the public health emergency declared pur-
15 suant to section 319 of the Public Health Service Act (42
16 U.S.C. 247d) with respect to COVID–19, the Secretary
17 shall—

18 (1) update and finalize the initial report under
19 subsection (b); and

20 (2) submit such final report to the committees
21 specified in such subsection.

22 (d) AUTHORIZATION OF APPROPRIATIONS.—There is
23 authorized to be appropriated to carry out this section
24 \$100,000,000, to remain available until expended.

1 **SEC. 575. TRIBAL FUNDING TO RESEARCH HEALTH INEQUI-**
2 **TIES INCLUDING COVID-19.**

3 (a) IN GENERAL.—Not later than 6 months after the
4 date of enactment of this Act, the Director of the Indian
5 Health Service, in coordination with Tribal Epidemiology
6 Centers and other Federal agencies, as appropriate, shall
7 conduct or support research and field studies for the pur-
8 poses of improved understanding of Tribal health inequi-
9 ties among American Indians and Alaska Natives, includ-
10 ing with respect to—

- 11 (1) disparities related to COVID-19;
12 (2) public health surveillance and infrastructure
13 regarding unmet needs in Indian country and Urban
14 Indian communities;
15 (3) population-based health disparities;
16 (4) barriers to health care services;
17 (5) the impact of socioeconomic status; and
18 (6) factors contributing to Tribal health inequi-
19 ties.

20 (b) CONSULTATION, CONFER, AND COORDINATION.—
21 In carrying out this section, the Director of the Indian
22 Health Service shall—

- 23 (1) consult with Indian Tribes and Tribal orga-
24 nizations;
25 (2) confer with Urban Indian organizations;
26 and

1 (3) coordinate with the Director of the Centers
2 for Disease Control and Prevention and the Director
3 of the National Institutes of Health.

4 (c) PROCESS.—Not later than 60 days after the date
5 of enactment of this Act, the Director of the Indian Health
6 Service shall establish a nationally representative panel to
7 establish processes and procedures for the research and
8 field studies conducted or supported under subsection (a).
9 The Director shall ensure that, at a minimum, the panel
10 consists of the following individuals:

11 (1) Elected Tribal leaders or their designees.

12 (2) Tribal public health practitioners and ex-
13 perts from the national and regional levels.

14 (d) DUTIES.—The panel established under subsection
15 (c) shall, at a minimum—

16 (1) advise the Director of the Indian Health
17 Service on the processes and procedures regarding
18 the design, implementation, and evaluation of, and
19 reporting on, research and field studies conducted or
20 supported under this section;

21 (2) develop and share resources on Tribal pub-
22 lic health data surveillance and reporting, including
23 best practices; and

24 (3) carry out such other activities as may be
25 appropriate to establish processes and procedures for

1 the research and field studies conducted or sup-
2 ported under subsection (a).

3 (e) REPORT.—Not later than 1 year after expending
4 all funds made available to carry out this section, the Di-
5 rector of the Indian Health Service, in coordination with
6 the panel established under subsection (c), shall submit
7 an initial report on the results of the research and field
8 studies under this section to—

9 (1) the Committee on Energy and Commerce
10 and the Committee on Natural Resources of the
11 House of Representatives; and

12 (2) the Committee on Indian Affairs and the
13 Committee on Health, Education, Labor and Pen-
14 sions of the Senate.

15 (f) TRIBAL DATA SOVEREIGNTY.—The Director of
16 the Indian Health Service shall ensure that all research
17 and field studies conducted or supported under this sec-
18 tion are tribally-directed and carried out in a manner
19 which ensures Tribal-direction of all data collected under
20 this section—

21 (1) according to Tribal best practices regarding
22 research design and implementation, including by
23 ensuring the consent of the Tribes involved to public
24 reporting of Tribal data;

1 (2) according to all relevant and applicable
2 Tribal, professional, institutional, and Federal
3 standards for conducting research and governing re-
4 search ethics;

5 (3) with the prior and informed consent of any
6 Indian Tribe participating in the research or sharing
7 data for use under this section; and

8 (4) in a manner that respects the inherent sov-
9 ereignty of Indian Tribes, including Tribal govern-
10 ance of data and research.

11 (g) FINAL REPORT.—Not later than three months
12 after the end of the public health emergency declared pur-
13 suant to section 319 of the Public Health Service Act (42
14 U.S.C. 247d) with respect to COVID–19, the Director of
15 the Indian Health Service shall—

16 (1) update and finalize the initial report under
17 subsection (e); and

18 (2) submit such final report to the committees
19 specified in such subsection.

20 (h) DEFINITIONS.—In this section:

21 (1) The terms “Indian Tribe” and “Tribal or-
22 ganization” have the meanings given to such terms
23 in section 4 of the Indian Self-Determination and
24 Education Assistance Act (25 U.S.C. 5304).

1 (2) The term “Urban Indian organization” has
2 the meaning given to such term in section 4 of the
3 Indian Health Care Improvement Act (25 U.S.C.
4 1603).

5 (i) AUTHORIZATION OF APPROPRIATIONS.—There is
6 authorized to be appropriated to carry out this section
7 \$25,000,000, to remain available until expended.

8 **SEC. 576. CDC FIELD STUDIES PERTAINING TO SPECIFIC**
9 **HEALTH INEQUITIES.**

10 (a) IN GENERAL.—Not later than 90 days after the
11 date of enactment of this Act, the Secretary, acting
12 through the Centers for Disease Control and Prevention,
13 in collaboration with State, local, and territorial health de-
14 partments, shall complete (by the reporting deadline in
15 subsection (b)) field studies to better understand health
16 inequities that are not currently tracked by the Secretary.
17 Such studies shall include an analysis of—

18 (1) the impact of socioeconomic status on
19 health care access and disease outcomes, including
20 COVID–19 outcomes;

21 (2) the impact of disability status on health
22 care access and disease outcomes, including COVID–
23 19 outcomes;

1 (3) the impact of language preference on health
2 care access and disease outcomes, including COVID–
3 19 outcomes;

4 (4) factors contributing to disparities in health
5 outcomes for the COVID–19 pandemic; and

6 (5) other topics related to disparities in health
7 outcomes for the COVID–19 pandemic, as deter-
8 mined by the Secretary.

9 (b) REPORT.—Not later than December 31, 2021,
10 the Secretary shall submit to the Committee on Energy
11 and Commerce of the House of Representatives and the
12 Committee on Health, Education, Labor and Pensions of
13 the Senate an initial report on the results of the field stud-
14 ies under this section.

15 (c) FINAL REPORT.—Not later than three months
16 after the end of the public health emergency declared pur-
17 suant to section 319 of the Public Health Service Act (42
18 U.S.C. 247d) with respect to COVID–19, the Secretary
19 shall—

20 (1) update and finalize the initial report under
21 subsection (b); and

22 (2) submit such final report to the committees
23 specified in such subsection.

1 (d) AUTHORIZATION OF APPROPRIATIONS.—There is
2 authorized to be appropriated to carry out this section
3 \$25,000,000, to remain available until expended.

4 **SEC. 577. ADDITIONAL REPORTING TO CONGRESS ON THE**
5 **RACE AND ETHNICITY RATES OF COVID-19**
6 **TESTING, HOSPITALIZATIONS, AND MORTALI-**
7 **TIES.**

8 (a) IN GENERAL.—Not later than 30 days after the
9 date of enactment of this Act, the Secretary shall submit
10 to the Committee on Appropriations and the Committee
11 on Energy and Commerce of the House of Representatives
12 and the Committee on Appropriations and the Committee
13 on Health, Education, Labor and Pensions of the Senate
14 an initial report—

15 (1) describing the testing, positive diagnoses,
16 hospitalization, intensive care admissions, and mor-
17 tality rates associated with COVID-19,
18 disaggregated by race, ethnicity, age, sex, gender,
19 geographic region, and other relevant factors as de-
20 termined by the Secretary;

21 (2) including an analysis of any variances of
22 testing, positive diagnoses, hospitalizations, and
23 deaths by demographic characteristics; and

1 (3) including proposals for evidenced-based re-
2 sponse strategies to reduce disparities related to
3 COVID–19.

4 (b) FINAL REPORT.—Not later than three months
5 after the end of the public health emergency declared pur-
6 suant to section 319 of the Public Health Service Act (42
7 U.S.C. 247d) with respect to COVID–19, the Secretary
8 shall—

9 (1) update and finalize the initial report under
10 subsection (a); and

11 (2) submit such final report to the committees
12 specified in such subsection.

13 (c) COORDINATION.—In preparing the report sub-
14 mitted under this section, the Secretary shall take into ac-
15 count and otherwise coordinate such report with reporting
16 required under section 572 and under the heading “De-
17 partment of Health and Human Services—Office of the
18 Secretary—Public Health and Social Service Emergency
19 Fund” in title I of division B of the Paycheck Protection
20 Program and Health Care Enhancement Act (Public Law
21 116–139; 134 Stat. 620, 626).

Subtitle F—Miscellaneous

SEC. 581. TECHNICAL CORRECTIONS TO AMENDMENTS MADE BY CARES ACT.

(a) The amendments made by this section shall take effect as if included in the enactment of the CARES Act (Public Law 116–136).

(b) Section 3112 of division A of the CARES Act (Public Law 116–136) is amended—

(1) in subsection (a)(2)(A), by striking the comma before “or a permanent”;

(2) in subsection (d)(1), by striking “and subparagraphs (A) and (B)” and inserting “as subparagraphs (A) and (B)”; and

(3) in subsection (e), by striking “Drug, Cosmetic Act” and inserting “Drug, and Cosmetic Act”.

(c) Section 6001(a)(1)(D) of division F of the Families First Coronavirus Response Act (Public Law 116–127), as amended by section 3201 of division A of the CARES Act (Public Law 116–136), is amended by striking “other test that”.

(d) Subsection (k)(9) of section 543 of the Public Health Service Act (42 U.S.C. 290dd–2), as added by section 3221(d) of division A of the CARES Act (Public Law 116–136), is amended by striking “unprotected health in-

1 formation” and inserting “unsecured protected health in-
2 formation”.

3 (e) Section 3401(2)(D) of division A of the CARES
4 Act (Public Law 116–136), is amended by striking “Not
5 Later than” and inserting “Not later than”.

6 (f) Section 831(f) of the Public Health Service Act,
7 as redesignated by section 3404(a)(6)(E) and amended by
8 section 3404(a)(6)(G) of division A of the CARES Act
9 (Public Law 116–136), is amended by striking “a health
10 care facility, or a partnership of such a school and facil-
11 ity”.

12 (g) Section 846(i) of the Public Health Service Act,
13 as amended by section 3404(a)(8)(C) of division A of the
14 CARES Act (Public Law 116–136), is amended by strik-
15 ing “871(b),,” and inserting “871(b),”.

16 (h) Section 3606(a)(1)(A) of division A of the
17 CARES Act (Public Law 116–136) is amended by striking
18 “In general” and inserting “IN GENERAL”.

19 (i) Section 3856(b)(1) of division A of the CARES
20 Act (Public Law 116–136) is amended to read as follows:

21 “(1) IN GENERAL.—Section 905(b)(4) of the
22 FDA Reauthorization Act of 2017 (Public Law 115–
23 52) is amended by striking ‘Section 744H(e)(2)(B)
24 of the Federal Food, Drug, and Cosmetic Act (21
25 U.S.C. 379j–52(e)(2)(B))’ and inserting ‘Section

1 744H(f)(2)(B) of the Federal Food, Drug, and Cos-
 2 metic Act, as redesignated by section 403(c)(1) of
 3 this Act,.’’.

4 **TITLE VI—PUBLIC HEALTH** 5 **ASSISTANCE**

6 **SEC. 601. DEFINITION.**

7 In this title, the term “Secretary” means the Sec-
 8 retary of Health and Human Services.

9 **Subtitle A—Assistance to Providers** 10 **and Health System**

11 **SEC. 611. HEALTH CARE PROVIDER RELIEF FUND.**

12 (a) IN GENERAL.—Not later than 7 days after the
 13 date of enactment of this Act, the Secretary, acting
 14 through the Administrator of the Health Resources and
 15 Services Administration, shall establish a program under
 16 which the Secretary shall reimburse, through grants or
 17 other mechanisms, eligible health care providers for eligi-
 18 ble expenses or lost revenues occurring during calendar
 19 quarters beginning on or after January 1, 2020, to pre-
 20 vent, prepare for, and respond to COVID–19, in an
 21 amount calculated under subsection (c).

22 (b) QUARTERLY BASIS.—

23 (1) SUBMISSION OF APPLICATIONS.—The Sec-
 24 retary shall give applicants a period of 7 calendar
 25 days after the close of a quarter to submit applica-

1 tions under this section with respect to such quarter,
2 except that the Secretary shall give applicants a pe-
3 riod of 7 calendar days after the date of enactment
4 of this Act to submit applications with respect to the
5 quarters beginning on January 1 and April 1, 2020,
6 if the applicant has not previously submitted an ap-
7 plication with the respect to such quarters.

8 (2) REVIEW AND PAYMENT.—The Secretary
9 shall—

10 (A) review applications and make awards
11 of reimbursement under this section on a quar-
12 terly basis; and

13 (B) award the reimbursements under this
14 section for a quarter not later than 14 calendar
15 days after the close of the quarter, except that
16 the Secretary shall award the reimbursements
17 under this section for the quarters beginning on
18 January 1 and April 1, 2020, not later than 14
19 calendar days after the date of enactment of
20 this Act.

21 (c) CALCULATION.—

22 (1) IN GENERAL.—The amount of the reim-
23 bursement to an eligible health care provider under
24 this section with respect to a calendar quarter shall
25 equal—

1 (A) the sum of—

2 (i) 100 percent of the eligible ex-
3 penses, as described in subsection (d), of
4 the provider during the quarter; and

5 (ii) subject to paragraph (3), 60 per-
6 cent of the lost revenues, as described in
7 subsection (e), of the provider during the
8 quarter; less

9 (B) any funds that are—

10 (i) received by the provider during the
11 quarter pursuant to the Coronavirus Pre-
12 paredness and Response Supplemental Ap-
13 propriations Act, 2020 (Public Law 116–
14 123), the Families First Coronavirus Re-
15 sponse Act (Public Law 116–127), the
16 CARES Act (Public Law 116–136), or the
17 Paycheck Protection Program and Health
18 Care Enhancement Act (Public Law 116–
19 139); and

20 (ii) not required to be repaid.

21 (2) CARRYOVER.—If the amount determined
22 under paragraph (1)(B) for a calendar quarter with
23 respect to an eligible health care provider exceeds
24 the amount determined under paragraph (1)(A) with
25 respect to such provider and quarter, the amount of

1 such difference shall be applied in making the cal-
2 culation under this subsection, over each subsequent
3 calendar quarter for which the eligible health care
4 provider seeks reimbursement under this section.

5 (3) LOST REVENUE LIMITATION.—If the
6 amount determined under subsection (e) with re-
7 spect to the lost revenue of an eligible health care
8 provider for a calendar quarter does not exceed an
9 amount that equals 10 percent of the net patient
10 revenue (as defined in such subsection) of the pro-
11 vider for the corresponding quarter in 2019, the ad-
12 dend under paragraph (1)(A)(ii), in making the cal-
13 culation under paragraph (1), is deemed to be zero.

14 (d) ELIGIBLE EXPENSES.—Subject to subsection
15 (h)(1), expenses eligible for reimbursement under this sec-
16 tion include expenses for—

17 (1) building or construction of temporary struc-
18 tures;

19 (2) leasing of properties;

20 (3) medical supplies and equipment including
21 personal protective equipment;

22 (4) in vitro diagnostic tests, serological tests, or
23 testing supplies;

24 (5) increased workforce and trainings;

25 (6) emergency operation centers;

- 1 (7) construction or retrofitting of facilities;
- 2 (8) mobile testing units;
- 3 (9) surge capacity;
- 4 (10) retention of workforce; and
- 5 (11) such other items and services as the Sec-
- 6 retary determines to be appropriate, in consultation
- 7 with relevant stakeholders.

8 (e) LOST REVENUES.—

9 (1) IN GENERAL.—Subject to subsection (h)(1),
 10 for purposes of subsection (c)(1)(A)(ii), the lost rev-
 11 enues of an eligible health care provider, with re-
 12 spect to the calendar quarter involved, shall be equal
 13 to—

14 (A) net patient revenue of the provider for
 15 the corresponding quarter in 2019 minus net
 16 patient revenue of the provider for such quar-
 17 ter; less

18 (B) the savings of the provider during the
 19 calendar quarter involved attributable to fore-
 20 gone wages, payroll taxes, and benefits of per-
 21 sonnel who were furloughed or laid off by the
 22 provider during that quarter.

23 (2) NET PATIENT REVENUE DEFINED.—For
 24 purposes of paragraph (1)(A), the term “net patient

1 revenue”, with respect to an eligible health care pro-
2 vider and a calendar quarter, means the sum of—

3 (A) 200 percent of the total amount of re-
4 imbursement received by the provider during
5 the quarter for all items and services furnished
6 under a State plan or a waiver of a State plan
7 under title XIX of the Social Security Act (42
8 U.S.C. 1396 et seq.);

9 (B) 125 percent of the total amount of re-
10 imbursement received by the provider during
11 the quarter for all items and services furnished
12 under title XVIII of the Social Security Act (42
13 U.S.C. 1395 et seq.); and

14 (C) 100 percent of the total amount of re-
15 imbursement not described in subparagraph (A)
16 or (B) received by the provider during the quar-
17 ter for all items and services.

18 (f) INSUFFICIENT FUNDS FOR A QUARTER.—If there
19 are insufficient funds made available to reimburse all eligi-
20 ble health care providers for all eligible expenses and lost
21 revenues for a quarter in accordance with this section, the
22 Secretary shall—

23 (1) prioritize reimbursement of eligible ex-
24 penses; and

1 (2) using the entirety of the remaining funds,
2 uniformly reduce the percentage of lost revenues
3 otherwise applicable under subsection (c)(1)(A)(ii) to
4 the extent necessary to reimburse a portion of the
5 lost revenues of all eligible health care providers ap-
6 plying for reimbursement.

7 (g) APPLICATION.—A health care provider seeking
8 reimbursement under this section for a calendar quarter
9 shall submit to the Secretary an application that—

10 (1) provides documentation demonstrating that
11 the health care provider is an eligible health care
12 provider;

13 (2) includes a valid tax identification number of
14 the health care provider or, if the health care pro-
15 vider does not have a valid tax identification num-
16 ber, an employer identification number or such other
17 identification number as the Secretary may accept or
18 may assign;

19 (3) attests to the eligible expenses and lost rev-
20 enues of the health care provider, as described in
21 subsection (d), occurring during the calendar quar-
22 ter;

23 (4) includes an itemized listing of each such eli-
24 gible expense, including expenses incurred in pro-
25 viding uncompensated care;

1 (5) for purposes of subsection (c)(3), attests to
2 whether the amount determined under subsection (e)
3 with respect to the lost revenue of an eligible health
4 care provider for a calendar quarter exceeds an
5 amount that equals 10 percent of the net patient
6 revenue (as defined in such subsection) of the pro-
7 vider for the corresponding quarter in 2019;

8 (6) includes projections of the eligible expenses
9 and lost revenues of the health care provider, as de-
10 scribed in subsection (c), for the calendar quarter
11 that immediately follows the calendar quarter for
12 which reimbursement is sought; and

13 (7) indicates the dollar amounts described in
14 each of subparagraphs (A) and (B) of subsection
15 (e)(1) and subparagraphs (A), (B), and (C) of sub-
16 section (e)(2) for the calendar quarter and any other
17 information the Secretary determines necessary to
18 determine expenses and lost revenue related to
19 COVID–19.

20 (h) LIMITATIONS.—

21 (1) NO DUPLICATIVE REIMBURSEMENT.—The
22 Secretary may not provide, and a health care pro-
23 vider may not accept, reimbursement under this sec-
24 tion for expenses or losses with respect to which—

1 (A) the eligible health care provider is re-
2 imbursed from other sources; or

3 (B) other sources are obligated to reim-
4 burse the provider.

5 (2) NO EXECUTIVE COMPENSATION.—Reim-
6 bursement for eligible expenses (as described in sub-
7 section (d)) and lost revenues (as described in sub-
8 section (e)) shall not include compensation or bene-
9 fits, including salary, bonuses, awards of stock, or
10 other financial benefits, for an officer or employee
11 described in section 4004(a)(2) of the CARES Act
12 (Public Law 116–136).

13 (i) NO BALANCE BILLING AS CONDITION OF RE-
14 CEIPT OF FUNDS.—

15 (1) PROTECTING INDIVIDUALS ENROLLED IN
16 HEALTH PLANS.—As a condition of receipt of reim-
17 bursement under this section, a health care provider,
18 in the case such provider furnishes during the emer-
19 gency period described in section 1135(g)(1)(B) of
20 the Social Security Act (42 U.S.C. 1320b–
21 5(g)(1)(B)) (whether before, on, or after, the date
22 on which the provider submits an application under
23 this section) a medically necessary item or service
24 described in subparagraph (A), (B), or (C) of para-
25 graph (3) to an individual who is described in such

1 subparagraph (A), (B), or (C), respectively, and en-
2 rolled in a group health plan or group or individual
3 health insurance coverage offered by a health insur-
4 ance issuer (including grandfathered health plans as
5 defined in section 1251(e) of the Patient Protection
6 and Affordable Care Act (42 U.S.C. 18011(e)) and
7 such provider is a nonparticipating provider, with re-
8 spect to such plan or coverage or with respect to
9 such item or service, and such plan or coverage and
10 such items and services would otherwise be covered
11 under such plan if furnished by a participating pro-
12 vider—

13 (A) may not bill or otherwise hold liable
14 such individual for a payment amount for such
15 item or service that is more than the cost-shar-
16 ing amount that would apply under such plan
17 or coverage for such item or service if such pro-
18 vider furnishing such service were a partici-
19 pating provider with respect to such plan or
20 coverage;

21 (B) shall reimburse such individual in a
22 timely manner for any amount for such item or
23 service paid by the individual to such provider
24 in excess of such cost-sharing amount;

1 (C) shall submit any claim for such item or
 2 service directly to the plan or coverage; and

3 (D) shall not bill the individual for such
 4 cost-sharing amount until such individual is in-
 5 formed by the plan or coverage of the required
 6 payment amount.

7 (2) PROTECTING UNINSURED INDIVIDUALS.—

8 As a condition of receipt by a health care provider
 9 of reimbursement under this section, if the health
 10 care provider furnishes any medically necessary item
 11 or service described in subparagraph (A), (B), or (C)
 12 of paragraph (3) during the emergency period de-
 13 scribed in section 1135(g)(1)(B) of the Social Secu-
 14 rity Act (42 U.S.C. 1320b-5(g)(1)(B)) (whether be-
 15 fore, on, or after, the date on which the provider
 16 submits an application under this section) to an un-
 17 insured individual who is described in such subpara-
 18 graph (A), (B), or (C), respectively, the health care
 19 provider—

20 (A) shall submit a claim for purposes of
 21 reimbursement, with respect to such item or
 22 service—

23 (i) from the uninsured portal estab-
 24 lished pursuant to the provider relief fund
 25 established through the Public Health and

1 Social Services Emergency Fund under the
2 Coronavirus Aid, Relief, and Economic Se-
3 curity Act (Public Law 116–136), or pur-
4 suant to activities authorized under section
5 2812 of the Public Health Service Act (42
6 U.S.C. 300hh–11) under the Public Health
7 and Social Services Emergency Fund
8 under the Families First Coronavirus Re-
9 sponse Act (Public Law 116–127); or

10 (ii) if applicable, under this section
11 with respect to expenses incurred in pro-
12 viding uncompensated care (as described in
13 subsection (g)(4)) with respect to such
14 medical care); and

15 (B) if such claim is eligible for such reim-
16 bursement—

17 (i) shall consider the amount of such
18 reimbursement as payment in full with re-
19 spect to such item or service so furnished
20 to such individual;

21 (ii) may not bill or otherwise hold lia-
22 ble such individual for any payment for
23 such item or service so furnished to such
24 individual; and

1 (iii) shall reimburse such individual in
2 a timely manner for any amount for such
3 item or service paid by the individual to
4 such provider.

5 (3) MEDICALLY NECESSARY ITEMS AND SERV-
6 ICES DESCRIBED.—For purposes of this subsection,
7 medically necessary items and services described in
8 this paragraph are—

9 (A) medically necessary items and services
10 (including in-person or telehealth visits in which
11 such items and services are furnished) that are
12 furnished to an individual who has been diag-
13 nosed with (or after provision of the items and
14 services is diagnosed with) COVID–19 to treat
15 or mitigate the effects of COVID–19;

16 (B) medically necessary items and services
17 (including in-person or telehealth visits in which
18 such items and services are furnished) that are
19 furnished to an individual who is presumed, in
20 accordance with paragraph (4), to have
21 COVID–19 but is never diagnosed as such; and

22 (C) a diagnostic test (and administration
23 of such test) as described in section 6001(a) of
24 division F of the Families First Coronavirus

1 Response Act (42 U.S.C. 1320b–5 note) admin-
2 istered to an individual.

3 (4) PRESUMPTIVE CASE OF COVID–19.—For
4 purposes of paragraph (3)(B), an individual shall be
5 presumed to have COVID–19 if the medical record
6 documentation of the individual supports a diagnosis
7 of COVID–19, even if the individual does not have
8 a positive in vitro diagnostic test result in the med-
9 ical record of the individual.

10 (5) PENALTY.—In the case of an eligible health
11 care provider that is paid a reimbursement under
12 this section and that is in violation of paragraph (1)
13 or (2), in addition to any other penalties that may
14 be prescribed by law, the Secretary may recoup from
15 such provider up to the full amount of reimburse-
16 ment the provider receives under this section.

17 (6) DEFINITIONS.—In this subsection:

18 (A) NONPARTICIPATING PROVIDER.—The
19 term “nonparticipating provider” means, with
20 respect to an item or service and group health
21 plan or group or individual health insurance
22 coverage offered by a health insurance issuer, a
23 health care provider that does not have a con-
24 tractual relationship directly or indirectly with
25 the plan or issuer, respectively, for furnishing

1 such an item or service under the plan or cov-
2 erage.

3 (B) PARTICIPATING PROVIDER.—The term
4 “participating provider” means, with respect to
5 an item or service and group health plan or
6 group or individual health insurance coverage
7 offered by a health insurance issuer, a health
8 care provider that has a contractual relation-
9 ship directly or indirectly with the plan or
10 issuer, respectively, for furnishing such an item
11 or service under the plan or coverage.

12 (C) GROUP HEALTH PLAN, HEALTH INSUR-
13 ANCE COVERAGE.—The terms “group health
14 plan”, “health insurance issuer”, “group health
15 insurance coverage”, and “individual health in-
16 surance coverage” shall have the meanings
17 given such terms under section 2791 of the
18 Public Health Service Act (42 U.S.C. 300gg–
19 91).

20 (D) UNINSURED INDIVIDUAL.—The term
21 “uninsured individual” shall have the meaning
22 given such term in the Families First
23 Coronavirus Response Act (Public Law 116–
24 127) for purposes of the additional amount
25 made available under such Act to the Public

1 Health and Social Services Emergency Fund
2 for activities authorized under section 2812 of
3 the Public Health Service Act (42 U.S.C.
4 300hh-11).

5 (j) REPORTS.—

6 (1) AWARD INFORMATION.—In making awards
7 under this section, the Secretary shall post in a
8 searchable, electronic format, a list of all recipients
9 and awards pursuant to funding authorized under
10 this section.

11 (2) REPORTS BY RECIPIENTS.—Each recipient
12 of an award under this section shall, as a condition
13 on receipt of such award, submit reports and main-
14 tain documentation, in such form, at such time, and
15 containing such information, as the Secretary deter-
16 mines is needed to ensure compliance with this sec-
17 tion.

18 (3) PUBLIC LISTING OF AWARDS.—The Sec-
19 retary shall—

20 (A) not later than 7 days after the date of
21 enactment of this Act, post in a searchable,
22 electronic format, a list of all awards made by
23 the Secretary under this section, including the
24 recipients and amounts of such awards; and

1 (B) update such list not less than every 7
2 days until all funds made available to carry out
3 this section are expended.

4 (4) INSPECTOR GENERAL REPORT.—

5 (A) IN GENERAL.—Not later than 3 years
6 after final payments are made under this sec-
7 tion, the Inspector General of the Department
8 of Health and Human Services shall transmit a
9 final report on audit findings with respect to
10 the program under this section to the Com-
11 mittee on Energy and Commerce and the Com-
12 mittee on Appropriations of the House of Rep-
13 resentatives and the Committee on Health,
14 Education, Labor and Pensions and the Com-
15 mittee on Appropriations of the Senate.

16 (B) RULE OF CONSTRUCTION.—Nothing in
17 this paragraph shall be construed as limiting
18 the authority of the Inspector General of the
19 Department of Health and Human Services or
20 the Comptroller General of the United States to
21 conduct audits of interim payments earlier than
22 the deadline described in subparagraph (A).

23 (k) ELIGIBLE HEALTH CARE PROVIDER DEFINED.—

24 In this section:

1 (1) IN GENERAL.—The term “eligible health
2 care provider” means a health care provider de-
3 scribed in paragraph (2) that provides diagnostic or
4 testing services or treatment to individuals with a
5 confirmed or possible diagnosis of COVID–19.

6 (2) HEALTH CARE PROVIDERS DESCRIBED.—A
7 health care provider described in this paragraph is
8 any of the following:

9 (A) A health care provider enrolled as a
10 participating provider under a State plan ap-
11 proved under title XIX of the Social Security
12 Act (42 U.S.C. 1396 et seq.) (or a waiver of
13 such a plan).

14 (B) A provider of services (as defined in
15 subsection (u) of section 1861 of the Social Se-
16 curity Act (42 U.S.C. 1395x)) or a supplier (as
17 defined in subsection (d) of such section) that
18 is enrolled as a participating provider of serv-
19 ices or participating supplier under the Medi-
20 care program under title XVIII of such Act (42
21 U.S.C. 1395 et seq.).

22 (C) A public entity.

23 (D) Any other entity not described in this
24 paragraph as the Secretary may specify.

25 (l) FUNDING.—

1 (1) AUTHORIZATION OF APPROPRIATIONS.—

2 There is authorized to be appropriated for an addi-
 3 tional amount to carry out this section
 4 \$50,000,000,000, to remain available until ex-
 5 pended.

6 (2) HEALTH CARE PROVIDER RELIEF FUND.—

7 (A) USE OF APPROPRIATED FUNDS.—

8 (i) IN GENERAL.—In addition to
 9 amounts authorized to be appropriated
 10 pursuant to paragraph (1), the unobligated
 11 balance of all amounts appropriated to the
 12 Health Care Provider Relief Fund shall be
 13 made available only to carry out this sec-
 14 tion.

15 (ii) AMOUNTS.—For purposes of
 16 clause (i), the following amounts are
 17 deemed to be appropriated to the Health
 18 Care Provider Relief Fund:

19 (I) The unobligated balance of
 20 the appropriation of
 21 \$100,000,000,000 in the third para-
 22 graph under the heading “Depart-
 23 ment of Health and Human Serv-
 24 ices—Office of the Secretary—Public
 25 Health and Social Services Emergency

1 Fund” in division B of the CARES
2 Act (Public Law 116–136).

3 (II) The unobligated balance of
4 the appropriation under the heading
5 “Department of Health and Human
6 Services—Office of the Secretary—
7 Public Health and Social Services
8 Emergency Fund” in division B of the
9 Paycheck Protection Program and
10 Health Care Enhancement Act (Pub-
11 lic Law 116–139).

12 (B) LIMITATION.—Of the unobligated bal-
13 ances described in subparagraph (A)(ii), the
14 Secretary may not make available more than
15 \$5,000,000,000 to reimburse eligible health
16 care providers for expenses incurred in pro-
17 viding uncompensated care.

18 (C) FUTURE AMOUNTS.—Any appropria-
19 tion enacted subsequent to the date of enact-
20 ment of this Act that is made available for re-
21 imbursing eligible health care providers as de-
22 scribed in subsection (a) shall be made available
23 only to carry out this section.

1 **SEC. 612. PUBLIC HEALTH WORKFORCE LOAN REPAYMENT**
 2 **PROGRAM.**

3 Part D of title III of the Public Health Service Act
 4 (42 U.S.C. 254b et seq.) is amended by adding at the end
 5 the following new subpart:

6 **“Subpart XIII—Public Health Workforce**

7 **“SEC. 340J. LOAN REPAYMENT PROGRAM.**

8 “(a) ESTABLISHMENT.—The Secretary of Health
 9 and Human Services shall establish a program to be
 10 known as the Public Health Workforce Loan Repayment
 11 Program (referred to in this section as the ‘Program’) to
 12 assure an adequate supply of and encourage recruitment
 13 of public health professionals to eliminate critical public
 14 health workforce shortages in local, State, territorial, and
 15 Tribal public health agencies.

16 “(b) ELIGIBILITY.—To be eligible to participate in
 17 the Program, an individual shall—

18 “(1)(A) be accepted for enrollment, or be en-
 19 rolled, as a student in an accredited academic edu-
 20 cational institution in a State or territory in the
 21 final semester or equivalent of a course of study or
 22 program leading to a public health degree, a health
 23 professions degree or certificate, or a degree in com-
 24 puter science, information science, information sys-
 25 tems, information technology, or statistics and have
 26 accepted employment with a local, State, territorial,

1 or Tribal public health agency, or a related training
2 fellowship, as recognized by the Secretary, to com-
3 mence upon graduation; or

4 “(B)(i) have graduated, during the preceding
5 10-year period, from an accredited educational insti-
6 tution in a State or territory and received a public
7 health degree, a health professions degree or certifi-
8 cate, or a degree in computer science, information
9 science, information systems, information tech-
10 nology, or statistics; and

11 “(ii) be employed by, or have accepted employ-
12 ment with, a local, State, territorial, or Tribal public
13 health agency or a related training fellowship, as
14 recognized by the Secretary;

15 “(2) be a United States citizen;

16 “(3)(A) submit an application to the Secretary
17 to participate in the Program; and

18 “(B) execute a written contract as required in
19 subsection (c); and

20 “(4) not have received, for the same service, a
21 reduction of loan obligations under section 428K or
22 428L of the Higher Education Act of 1965 (20
23 U.S.C. 1078–11, 1078–12).

1 “(c) CONTRACT.—The written contract referred to in
2 subsection (b)(3)(B) between the Secretary and an indi-
3 vidual shall contain—

4 “(1) an agreement on the part of the Secretary
5 that the Secretary will repay, on behalf of the indi-
6 vidual, loans incurred by the individual in the pur-
7 suit of the relevant degree or certificate in accord-
8 ance with the terms of the contract;

9 “(2) an agreement on the part of the individual
10 that the individual will serve in the full-time employ-
11 ment of a local, State, or Tribal public health agency
12 or a related fellowship program in a position related
13 to the course of study or program for which the con-
14 tract was awarded for a period of time equal to the
15 greater of—

16 “(A) 2 years; or

17 “(B) such longer period of time as deter-
18 mined appropriate by the Secretary and the in-
19 dividual;

20 “(3) an agreement, as appropriate, on the part
21 of the individual to relocate to a priority service area
22 (as determined by the Secretary) in exchange for an
23 additional loan repayment incentive amount to be
24 determined by the Secretary;

1 “(4) a provision that any financial obligation of
2 the United States arising out of a contract entered
3 into under this section and any obligation of the in-
4 dividual that is conditioned thereon, is contingent on
5 funds being appropriated for loan repayments under
6 this section;

7 “(5) a statement of the damages to which the
8 United States is entitled, under this section for the
9 individual’s breach of the contract; and

10 “(6) such other statements of the rights and li-
11 abilities of the Secretary and of the individual as the
12 Secretary determines appropriate, not inconsistent
13 with this section.

14 “(d) PAYMENTS.—

15 “(1) IN GENERAL.—A loan repayment provided
16 for an individual under a written contract referred
17 to in subsection (b)(3)(B) shall consist of payment,
18 in accordance with paragraph (2), for the individual
19 toward the outstanding principal and interest on
20 education loans incurred by the individual in the
21 pursuit of the relevant degree in accordance with the
22 terms of the contract.

23 “(2) EQUITABLE DISTRIBUTION.—In awarding
24 contracts under this section, the Secretary shall en-
25 sure—

1 “(A) a certain percentage of contracts are
2 awarded to individuals who are not already
3 working in public health departments;

4 “(B) an equitable distribution of funds
5 geographically; and

6 “(C) an equitable distribution among
7 State, local, territorial, and Tribal public health
8 departments.

9 “(3) PAYMENTS FOR YEARS SERVED.—For
10 each year of service that an individual contracts to
11 serve pursuant to subsection (c)(2), the Secretary
12 may pay not more than \$35,000 on behalf of the in-
13 dividual for loans described in paragraph (1). With
14 respect to participants under the Program whose
15 total eligible loans are less than \$105,000, the Sec-
16 retary shall pay an amount that does not exceed $\frac{1}{3}$
17 of the eligible loan balance for each year of such
18 service of such individual.

19 “(4) TAX LIABILITY.—For purposes of the In-
20 ternal Revenue Code of 1986, a payment made
21 under this section shall be treated in the same man-
22 ner as an amount received under section 338B(g) of
23 this Act, as described in section 108(f)(4) of such
24 Code.

1 “(e) POSTPONING OBLIGATED SERVICE.—With re-
 2 spect to an individual receiving a degree or certificate from
 3 a health professions or other related school, the date of
 4 the initiation of the period of obligated service may be
 5 postponed as approved by the Secretary.

6 “(f) BREACH OF CONTRACT.—An individual who fails
 7 to comply with the contract entered into under subsection
 8 (c) shall be subject to the same financial penalties as pro-
 9 vided for under section 338E of the Public Health Service
 10 Act (42 U.S.C. 254o) for breaches of loan repayment con-
 11 tracts under section 338B of such Act (42 U.S.C. section
 12 254l–1).

13 “(g) DEFINITION.—For purposes of this section, the
 14 term ‘full-time’ means full-time as such term is used in
 15 section 455(m)(3) of the Higher Education Act of 1965.

16 “(h) AUTHORIZATION OF APPROPRIATIONS.—There
 17 is authorized to be appropriated to carry out this section—

18 “(1) \$100,000,000 for fiscal year 2021; and

19 “(2) \$75,000,000 for fiscal year 2022.”.

20 **SEC. 613. EXPANDING CAPACITY FOR HEALTH OUTCOMES.**

21 (a) IN GENERAL.—The Secretary, acting through the
 22 Administrator of the Health Resources and Services Ad-
 23 ministration, shall award grants to eligible entities to de-
 24 velop and expand the use of technology-enabled collabo-
 25 rative learning and capacity building models to respond

1 to ongoing and real-time learning, health care information
2 sharing, and capacity building needs related to COVID–
3 19.

4 (b) ELIGIBLE ENTITIES.—To be eligible to receive a
5 grant under this section, an entity shall have experience
6 providing technology-enabled collaborative learning and
7 capacity building health care services—

8 (1) in rural areas, frontier areas, health profes-
9 sional shortage areas, or medically underserved area;
10 or

11 (2) to medically underserved populations or In-
12 dian Tribes.

13 (c) USE OF FUNDS.—An eligible entity receiving a
14 grant under this section shall use funds received through
15 the grant—

16 (1) to advance quality of care in response to
17 COVID–19, with particular emphasis on rural and
18 underserved areas and populations;

19 (2) to protect medical personnel and first re-
20 sponders through sharing real-time learning through
21 virtual communities of practice;

22 (3) to improve patient outcomes for conditions
23 affected or exacerbated by COVID–19, including im-
24 provement of care for patients with complex chronic
25 conditions; and

1 (4) to support rapid uptake by health care pro-
2 fessionals of emerging best practices and treatment
3 protocols around COVID–19.

4 (d) OPTIONAL ADDITIONAL USES OF FUNDS.—An
5 eligible entity receiving a grant under this section may use
6 funds received through the grant for—

7 (1) equipment to support the use and expansion
8 of technology-enabled collaborative learning and ca-
9 pacity building models, including hardware and soft-
10 ware that enables distance learning, health care pro-
11 vider support, and the secure exchange of electronic
12 health information;

13 (2) the participation of multidisciplinary expert
14 team members to facilitate and lead technology-en-
15 abled collaborative learning sessions, and profes-
16 sionals and staff assisting in the development and
17 execution of technology-enabled collaborative learn-
18 ing;

19 (3) the development of instructional program-
20 ming and the training of health care providers and
21 other professionals that provide or assist in the pro-
22 vision of services through technology-enabled collabo-
23 rative learning and capacity building models; and

24 (4) other activities consistent with achieving the
25 objectives of the grants awarded under this section.

1 (e) TECHNOLOGY-ENABLED COLLABORATIVE LEARN-
 2 ING AND CAPACITY BUILDING MODEL DEFINED.—In this
 3 section, the term “technology-enabled collaborative learn-
 4 ing and capacity building model” has the meaning given
 5 that term in section 2(7) of the Expanding Capacity for
 6 Health Outcomes Act (Public Law 114–270; 130 Stat.
 7 1395).

8 (f) AUTHORIZATION OF APPROPRIATIONS.—There is
 9 authorized to be appropriated to carry out this section
 10 \$20,000,000, to remain available until expended.

11 **SEC. 614. ADDITIONAL FUNDING FOR MEDICAL RESERVE**
 12 **CORPS.**

13 Section 2813(i) of the Public Health Service Act (42
 14 U.S.C. 300hh–15(i)) is amended by striking “\$11,200,000
 15 for each of fiscal years 2019 through 2023” and inserting
 16 “\$31,200,000 for each of fiscal years 2021 and 2022 and
 17 \$11,200,000 for each of fiscal years 2023 through 2025”.

18 **SEC. 615. GRANTS FOR SCHOOLS OF MEDICINE IN DIVERSE**
 19 **AND UNDERSERVED AREAS.**

20 Subpart II of part C of title VII of the Public Health
 21 Service Act is amended by inserting after section 749B
 22 of such Act (42 U.S.C. 293m) the following:

1 **“SEC. 749C. SCHOOLS OF MEDICINE IN UNDERSERVED**
2 **AREAS.**

3 “(a) GRANTS.—The Secretary, acting through the
4 Administrator of the Health Resources and Services Ad-
5 ministration, may award grants to institutions of higher
6 education (including multiple institutions of higher edu-
7 cation applying jointly) for the establishment, improve-
8 ment, and expansion of an allopathic or osteopathic school
9 of medicine, or a branch campus of an allopathic or osteo-
10 pathic school of medicine.

11 “(b) PRIORITY.—In selecting grant recipients under
12 this section, the Secretary shall give priority to institutions
13 of higher education that—

14 “(1) propose to use the grant for an allopathic
15 or osteopathic school of medicine, or a branch cam-
16 pus of an allopathic or osteopathic school of medi-
17 cine, in a combined statistical area with fewer than
18 200 actively practicing physicians per 100,000 resi-
19 dents according to the medical board (or boards) of
20 the State (or States) involved;

21 “(2) have a curriculum that emphasizes care for
22 diverse and underserved populations; or

23 “(3) are minority-serving institutions described
24 in the list in section 371(a) of the Higher Education
25 Act of 1965.

1 “(c) USE OF FUNDS.—The activities for which a
2 grant under this section may be used include—

3 “(1) planning and constructing—

4 “(A) a new allopathic or osteopathic school
5 of medicine in an area in which no other school
6 is based; or

7 “(B) a branch campus of an allopathic or
8 osteopathic school of medicine in an area in
9 which no such school is based;

10 “(2) accreditation and planning activities for an
11 allopathic or osteopathic school of medicine or
12 branch campus;

13 “(3) hiring faculty and other staff to serve at
14 an allopathic or osteopathic school of medicine or
15 branch campus;

16 “(4) recruitment and enrollment of students at
17 an allopathic or osteopathic school of medicine or
18 branch campus;

19 “(5) supporting educational programs at an
20 allopathic or osteopathic school of medicine or
21 branch campus;

22 “(6) modernizing infrastructure or curriculum
23 at an existing allopathic or osteopathic school of
24 medicine or branch campus thereof;

1 “(7) expanding infrastructure or curriculum at
 2 existing an allopathic or osteopathic school of medi-
 3 cine or branch campus; and

4 “(8) other activities that the Secretary deter-
 5 mines further the development, improvement, and
 6 expansion of an allopathic or osteopathic school of
 7 medicine or branch campus thereof.

8 “(d) DEFINITIONS.—In this section:

9 “(1) The term ‘branch campus’ means a geo-
 10 graphically separate site at least 100 miles from the
 11 main campus of a school of medicine where at least
 12 one student completes at least 60 percent of the stu-
 13 dent’s training leading to a degree of doctor of medi-
 14 cine.

15 “(2) The term ‘institution of higher education’
 16 has the meaning given to such term in section
 17 101(a) of the Higher Education Act of 1965.

18 “(e) AUTHORIZATION OF APPROPRIATIONS.—To
 19 carry out this section, there is authorized to be appro-
 20 priated \$1,000,000,000, to remain available until ex-
 21 pended.”.

22 **SEC. 616. GAO STUDY ON PUBLIC HEALTH WORKFORCE.**

23 (a) IN GENERAL.—The Comptroller General of the
 24 United States shall conduct a study on the public health

1 workforce in the United States during the COVID–19
2 pandemic.

3 (b) TOPICS.—The study under subsection (a) shall
4 address—

5 (1) existing gaps in the Federal, State, local,
6 Tribal, and territorial public health workforce, in-
7 cluding—

8 (A) epidemiological and disease interven-
9 tion specialists needed during the pandemic for
10 contact tracing, laboratory technicians nec-
11 essary for testing, community health workers
12 for community supports and services, and other
13 staff necessary for contact tracing, testing, or
14 surveillance activities; and

15 (B) other personnel needed during the
16 COVID–19 pandemic;

17 (2) challenges associated with the hiring, re-
18 cruitment, and retention of the Federal, State, local,
19 Tribal, and territorial public health workforce; and

20 (3) recommended steps the Federal Government
21 should take to improve hiring, recruitment, and re-
22 tention of the public health workforce.

23 (c) REPORT.—Not later than December 1, 2022, the
24 Comptroller General shall submit to the Congress a report
25 on the findings of the study conducted under this section.

1 **SEC. 617. LONGITUDINAL STUDY ON THE IMPACT OF**
2 **COVID-19 ON RECOVERED PATIENTS.**

3 Part A of title IV of the Public Health Service Act
4 (42 U.S.C. 281 et seq.) is amended by adding at the end
5 the following:

6 **“SEC. 4040. LONGITUDINAL STUDY ON THE IMPACT OF**
7 **COVID-19 ON RECOVERED PATIENTS.**

8 “(a) IN GENERAL.—The Director of NIH, in con-
9 sultation with the Director of the Centers for Disease Con-
10 trol and Prevention, shall conduct a longitudinal study,
11 over not less than 10 years, on the full impact of SARS-
12 CoV-2 or COVID-19 on infected individuals, including
13 both short-term and long-term health impacts.

14 “(b) TIMING.—The Director of NIH shall begin en-
15 rolling patients in the study under this section not later
16 than 6 months after the date of enactment of this section.

17 “(c) REQUIREMENTS.—The study under this section
18 shall—

19 “(1) be nationwide;

20 “(2) include diversity of enrollees to account for
21 gender, age, race, ethnicity, geography,
22 comorbidities, and underrepresented populations, in-
23 cluding pregnant and lactating women;

24 “(3) study individuals with COVID-19 who ex-
25perienced mild symptoms, such individuals who expe-

1 rienced moderate symptoms, and such individuals
2 who experienced severe symptoms;

3 “(4) monitor the health outcomes and symp-
4 toms of individuals with COVID–19, or who had
5 prenatal exposure to SARS–CoV–2 or COVID–19,
6 including lung capacity and function, and immune
7 response, taking into account any pharmaceutical
8 interventions such individuals may have received;

9 “(5) monitor the mental health outcomes of in-
10 dividuals with COVID–19, taking into account any
11 interventions that affected mental health; and

12 “(6) monitor individuals enrolled in the study
13 not less frequently than twice per year after the first
14 year of the individual’s infection with SARS–CoV–2.

15 “(d) PUBLIC-PRIVATE RESEARCH NETWORK.—For
16 purposes of carrying out the study under this section, the
17 Director of NIH may develop a network of public-private
18 research partners, provided that all research, including the
19 research carried out through any such partner, is available
20 publicly.

21 “(e) SUMMARIES OF FINDINGS.—The Director of
22 NIH shall make public a summary of findings under this
23 section not less frequently than once every 3 months for
24 the first 2 years of the study, and not less frequently than
25 every 6 months thereafter. Such summaries may include

1 information about how the findings of the study under this
2 section compare with findings from research conducted
3 abroad.

4 “(f) AUTHORIZATION OF APPROPRIATIONS.—There
5 is authorized to be appropriated to carry out this section
6 \$200,000,000, to remain available until expended.”.

7 **SEC. 618. RESEARCH ON THE MENTAL HEALTH IMPACT OF**
8 **COVID-19.**

9 (a) IN GENERAL.—The Secretary, acting through the
10 Director of the National Institute of Mental Health, shall
11 conduct or support research on the mental health con-
12 sequences of SARS-CoV-2 or COVID-19.

13 (b) USE OF FUNDS.—Research under subsection (a)
14 may include the following:

15 (1) Research on the mental health impact of
16 SARS-CoV-2 or COVID-19 on health care pro-
17 viders, including—

18 (A) traumatic stress;

19 (B) psychological distress; and

20 (C) psychiatric disorders.

21 (2) Research on the impact of SARS-CoV-2 or
22 COVID-19 stressors on mental health over time.

23 (3) Research to strengthen the mental health
24 response to SARS-CoV-2 or COVID-19, including

1 adapting to and maintaining or providing additional
2 services for new or increasing mental health needs.

3 (4) Research on the reach, efficiency, effective-
4 ness, and quality of digital mental health interven-
5 tions.

6 (5) Research on effectiveness of strategies for
7 implementation and delivery of evidence-based men-
8 tal health interventions and services for underserved
9 populations.

10 (6) Research on suicide prevention.

11 (c) RESEARCH COORDINATION.—The Secretary shall
12 coordinate activities under this section with similar activi-
13 ties conducted by national research institutes and centers
14 of the National Institutes of Health to the extent that
15 such institutes and centers have responsibilities that are
16 related to the mental health consequences of SARS-CoV-
17 2 or COVID-19.

18 (d) AUTHORIZATION OF APPROPRIATIONS.—To carry
19 out this section, there is authorized to be appropriated
20 \$200,000,000, to remain available until expended.

21 **SEC. 619. EMERGENCY MENTAL HEALTH AND SUBSTANCE**
22 **USE TRAINING AND TECHNICAL ASSISTANCE**
23 **CENTER.**

24 Subpart 3 of part B of title V of the Public Health
25 Service Act (42 U.S.C. 290bb-31 et seq.) is amended by

1 inserting after section 520A (42 U.S.C. 290bb–32) the fol-
 2 lowing:

3 **“SEC. 520B. EMERGENCY MENTAL HEALTH AND SUB-**
 4 **STANCE USE TRAINING AND TECHNICAL AS-**
 5 **SISTANCE CENTER.**

6 “(a) ESTABLISHMENT.—The Secretary, acting
 7 through the Assistant Secretary, shall establish or operate
 8 a center to be known as the Emergency Mental Health
 9 and Substance Use Training and Technical Assistance
 10 Center (referred to in this section as the ‘Center’) to pro-
 11 vide technical assistance and support—

12 “(1) to public or nonprofit entities seeking to
 13 establish or expand access to mental health and sub-
 14 stance use prevention, treatment, and recovery sup-
 15 port services, and increase awareness of such serv-
 16 ices; and

17 “(2) to public health professionals, health care
 18 professionals and support staff, essential workers (as
 19 defined by a State, Tribe, locality, or territory), and
 20 members of the public to address the trauma, stress,
 21 and mental health needs associated with an emer-
 22 gency period.

23 “(b) ASSISTANCE AND SUPPORT.—The assistance
 24 and support provided under subsection (a) shall include
 25 assistance and support with respect to—

1 “(1) training on identifying signs of trauma,
2 stress, and mental health needs;

3 “(2) providing accessible resources to assist in-
4 dividuals and families experiencing trauma, stress,
5 or other mental health needs during and after an
6 emergency period;

7 “(3) providing resources for substance use dis-
8 order prevention, treatment, and recovery designed
9 to assist individuals and families during and after an
10 emergency period;

11 “(4) the provision of language access services,
12 including translation services, interpretation, or
13 other such services for individuals with limited
14 English speaking proficiency or people with disabil-
15 ities; and

16 “(5) evaluation and improvement, as necessary,
17 of the effectiveness of such services provided by pub-
18 lic or nonprofit entities.

19 “(c) BEST PRACTICES.—The Center shall periodi-
20 cally issue best practices for use by organizations seeking
21 to provide mental health services or substance use disorder
22 prevention, treatment, or recovery services to individuals
23 during and after an emergency period.

1 “(d) EMERGENCY PERIOD.—In this section, the term
 2 ‘emergency period’ has the meaning given such term in
 3 section 1135(g)(1)(A) of the Social Security Act.

4 “(e) AUTHORIZATION OF APPROPRIATIONS.—There
 5 is authorized to be appropriated to carry out this section
 6 \$20,000,000 for each of fiscal years 2021 and 2022.”.

7 **SEC. 620. IMPORTANCE OF THE BLOOD AND PLASMA SUP-**
 8 **PLY.**

9 (a) IN GENERAL.—Section 3226 of the CARES Act
 10 (Public Law 116–136) is amended—

11 (1) in the section heading after “**BLOOD**” by
 12 inserting “**AND PLASMA**”; and

13 (2) by inserting after “blood” each time it ap-
 14 pears “and plasma”.

15 (b) CONFORMING AMENDMENT.—The item relating
 16 to section 3226 in the table of contents in section 2 of
 17 the CARES Act (Public Law 116–136) is amended to read
 18 as follows:

“Sec. 3226. Importance of the blood and plasma supply.”.

19 **Subtitle B—Assistance for**
 20 **Individuals and Families**

21 **SEC. 631. REIMBURSEMENT FOR ADDITIONAL HEALTH**
 22 **SERVICES RELATING TO CORONAVIRUS.**

23 Title V of division A of the Families First
 24 Coronavirus Response Act (Public Law 116–127; 134
 25 Stat. 182) is amended under the heading “Department of

1 Health and Human Services—Office of the Secretary—
2 Public Health and Social Services Emergency Fund” by
3 inserting “, or treatment related to SARS-CoV-2 or
4 COVID-19 for uninsured individuals” after “or visits de-
5 scribed in paragraph (2) of such section for uninsured in-
6 dividuals”.

7 **SEC. 632. CENTERS FOR DISEASE CONTROL AND PREVEN-**
8 **TION COVID-19 RESPONSE LINE.**

9 (a) IN GENERAL.—During the public health emer-
10 gency declared by the Secretary pursuant to section 319
11 of the Public Health Service Act (42 U.S.C. 247d) on Jan-
12 uary 31, 2020, with respect to COVID-19, the Secretary,
13 acting through the Director of the Centers for Disease
14 Control and Prevention, shall maintain a toll-free tele-
15 phone number to address public health queries, including
16 questions concerning COVID-19.

17 (b) AUTHORIZATION OF APPROPRIATIONS.—To carry
18 out this section, there is authorized to be appropriated
19 \$10,000,000, to remain available until expended.

20 **SEC. 633. GRANTS TO ADDRESS SUBSTANCE USE DURING**
21 **COVID-19.**

22 (a) IN GENERAL.—The Assistant Secretary for Men-
23 tal Health and Substance Use of the Department of
24 Health and Human Services (in this section referred to
25 as the “Assistant Secretary”), in consultation with the Di-

1 rector of the Centers for Disease Control and Prevention,
2 shall award grants to States, political subdivisions of
3 States, Tribes, Tribal organizations, and community-based
4 entities to address the harms of drug misuse, including
5 by—

6 (1) preventing and controlling the spread of in-
7 fectious diseases, such as HIV/AIDS and viral hepa-
8 titis, and the consequences of such diseases for indi-
9 viduals with substance use disorder;

10 (2) connecting individuals at risk for or with a
11 substance use disorder to overdose education, coun-
12 seling, and health education; or

13 (3) encouraging such individuals to take steps
14 to reduce the negative personal and public health
15 impacts of substance use or misuse during the emer-
16 gency period.

17 (b) CONSIDERATIONS.—In awarding grants under
18 this section, the Assistant Secretary shall prioritize grants
19 to applicants proposing to serve areas with—

20 (1) a high proportion of people who meet cri-
21 teria for dependence on or abuse of illicit drugs who
22 have not received any treatment;

23 (2) high drug overdose death rates;

24 (3) high telemedicine infrastructure needs; and

1 (4) high behavioral health and substance use
2 disorder workforce needs.

3 (c) DEFINITION.—In this section, the term “emer-
4 gency period” has the meaning given to such term in sec-
5 tion 1135(g)(1)(B) of the Social Security Act (42 U.S.C.
6 1320b–5(g)(1)(B))).

7 (d) AUTHORIZATION OF APPROPRIATIONS.—To carry
8 out this section, there is authorized to be appropriated
9 \$10,000,000, to remain available until expended.

10 **SEC. 634. GRANTS TO SUPPORT INCREASED BEHAVIORAL**
11 **HEALTH NEEDS DUE TO COVID–19.**

12 (a) IN GENERAL.—The Secretary, acting through the
13 Assistant Secretary of Mental Health and Substance Use,
14 shall award grants to States, political subdivisions of
15 States, Indian Tribes and Tribal organizations, commu-
16 nity-based entities, and primary care and behavioral
17 health organizations to address behavioral health needs
18 caused by the public health emergency declared pursuant
19 to section 319 of the Public Health Service Act (42 U.S.C.
20 247d) with respect to COVID–19.

21 (b) USE OF FUNDS.—An entity that receives a grant
22 under subsection (a) may use funds received through such
23 grant to—

24 (1) increase behavioral health treatment and
25 prevention capacity, including to—

1 (A) promote coordination among local enti-
2 ties;

3 (B) train the behavioral health workforce,
4 relevant stakeholders, and community members;

5 (C) upgrade technology to support effective
6 delivery of health care services through tele-
7 health modalities;

8 (D) purchase medical supplies and equip-
9 ment for behavioral health treatment entities
10 and providers;

11 (E) address surge capacity for behavioral
12 health needs such as through mobile units; and

13 (F) promote collaboration between primary
14 care and mental health providers; and

15 (2) support or enhance behavioral health serv-
16 ices, including—

17 (A) emergency crisis intervention, includ-
18 ing mobile crisis units, 24/7 crisis call centers,
19 and medically staffed crisis stabilization pro-
20 grams;

21 (B) screening, assessment, diagnosis, and
22 treatment;

23 (C) mental health awareness trainings;

24 (D) evidence-based suicide prevention;

25 (E) evidence-based integrated care models;

1 (F) community recovery supports;

2 (G) outreach to underserved and minority
3 communities; and

4 (H) for front line health care workers.

5 (c) PRIORITY.—The Secretary shall give priority to
6 applicants proposing to serve areas with a high number
7 of COVID–19 cases.

8 (d) EVALUATION.—An entity that receives a grant
9 under this section shall prepare and submit an evaluation
10 to the Secretary at such time, in such manner, and con-
11 taining such information as the Secretary may reasonably
12 require, including—

13 (1) an evaluation of activities carried out with
14 funds received through the grant; and

15 (2) a process and outcome evaluation.

16 (e) AUTHORIZATION OF APPROPRIATIONS.—To carry
17 out this section, there is authorized to be appropriated
18 \$50,000,000 for each of fiscal years 2021 and 2022, to
19 remain available until expended.

20 **Subtitle C—Assistance to Tribes**

21 **SEC. 641. IMPROVING STATE, LOCAL, AND TRIBAL PUBLIC**

22 **HEALTH SECURITY.**

23 Section 319C–1 of the Public Health Service Act (42
24 U.S.C. 247d–3a) is amended—

1 (1) in the section heading, by striking “**AND**
 2 **LOCAL**” and inserting “**, LOCAL, AND TRIBAL**”;

3 (2) in subsection (b)—

4 (A) in paragraph (1)—

5 (i) in subparagraph (B), by striking
 6 “or” at the end;

7 (ii) in subparagraph (C), by striking
 8 “and” at the end and inserting “or”; and

9 (iii) by adding at the end the fol-
 10 lowing:

11 “(D) be an Indian Tribe, Tribal organization,
 12 or a consortium of Indian Tribes or Tribal organiza-
 13 tions; and”; and

14 (B) in paragraph (2)—

15 (i) in the matter preceding subpara-
 16 graph (A), by inserting “, as applicable”
 17 after “including”;

18 (ii) in subparagraph (A)(viii)—

19 (I) by inserting “and Tribal”
 20 after “with State”;

21 (II) by striking “(as defined in
 22 section 8101 of the Elementary and
 23 Secondary Education Act of 1965)”
 24 and inserting “and Tribal educational
 25 agencies (as defined in sections 8101

1 and 6132, respectively, of the Elemen-
 2 tary and Secondary Education Act of
 3 1965)”; and

4 (III) by inserting “and Tribal”
 5 after “and State”;

6 (iii) in subparagraph (G), by striking
 7 “and tribal” and inserting “Tribal, and
 8 urban Indian organization”; and

9 (iv) in subparagraph (H), by inserting
 10 “, Indian Tribes, and urban Indian organi-
 11 zations” after “public health”;

12 (3) in subsection (e), by inserting “Indian
 13 Tribes, Tribal organizations, urban Indian organiza-
 14 tions,” after “local emergency plans,”;

15 (4) in subsection (g)(1), by striking “tribal offi-
 16 cials” and inserting “Tribal officials”;

17 (5) in subsection (h)—

18 (A) in paragraph (1)(A)—

19 (i) by striking “through 2023” and
 20 inserting “and 2020”; and

21 (ii) by inserting before the period “;
 22 and \$690,000,000 for each of fiscal years
 23 2021 through 2024 for awards pursuant to
 24 paragraph (3) (subject to the authority of
 25 the Secretary to make awards pursuant to

1 paragraphs (4) and (5)) and paragraph
 2 (8), of which not less than \$5,000,000
 3 shall be reserved each fiscal year for
 4 awards under paragraph (8)”;

5 (B) in paragraph (2)(B), by striking “trib-
 6 al public” and inserting “Tribal public”;

7 (C) in the heading of paragraph (3), by in-
 8 serting “FOR STATES” after “AMOUNT”; and

9 (D) by adding at the end the following:

10 “(8) TRIBAL ELIGIBLE ENTITIES.—

11 “(A) DETERMINATION OF FUNDING
 12 AMOUNT.—

13 “(i) IN GENERAL.—The Secretary
 14 shall award at least 10 cooperative agree-
 15 ments under this section, in amounts not
 16 less than the minimum amount determined
 17 under clause (ii), to eligible entities de-
 18 scribed in subsection (b)(1)(D) that sub-
 19 mits to the Secretary an application that
 20 meets the criteria of the Secretary for the
 21 receipt of such an award and that meets
 22 other reasonable implementation conditions
 23 established by the Secretary, in consulta-
 24 tion with Indian Tribes, for such awards.
 25 If the Secretary receives more than 10 ap-

1 plications under this section from eligible
2 entities described in subsection (b)(1)(D)
3 that meet the criteria and conditions de-
4 scribed in the previous sentence, the Sec-
5 retary, in consultation with Indian Tribes,
6 may make additional awards under this
7 section to such entities.

8 “(ii) MINIMUM AMOUNT.—In deter-
9 mining the minimum amount of an award
10 pursuant to clause (i), the Secretary, in
11 consultation with Indian Tribes, shall first
12 determine an amount the Secretary con-
13 siders appropriate for the eligible entity.

14 “(B) AVAILABLE UNTIL EXPENDED.—
15 Amounts provided to a Tribal eligible entity
16 under a cooperative agreement under this sec-
17 tion for a fiscal year and remaining unobligated
18 at the end of such year shall remain available
19 to such entity during the entirety of the per-
20 formance period, for the purposes for which
21 said funds were provided.

22 “(C) NO MATCHING REQUIREMENT.—Sub-
23 paragraphs (B), (C), and (D) of paragraph (1)
24 shall not apply with respect to cooperative
25 agreements awarded under this section to eligi-

1 ble entities described in subsection (b)(1)(D).”;

2 and

3 (6) by adding at the end the following:

4 “(1) SPECIAL RULES RELATED TO TRIBAL ELIGIBLE
5 ENTITIES.—

6 “(1) MODIFICATIONS.—After consultation with
7 Indian Tribes, the Secretary may make necessary
8 and appropriate modifications to the program under
9 this section to facilitate the use of the cooperative
10 agreement program by eligible entities described in
11 subsection (b)(1)(D).

12 “(2) WAIVERS.—

13 “(A) IN GENERAL.—Except as provided in
14 subparagraph (B), the Secretary may waive or
15 specify alternative requirements for any provi-
16 sion of this section (including regulations) that
17 the Secretary administers in connection with
18 this section if the Secretary finds that the waiv-
19 er or alternative requirement is necessary for
20 the effective delivery and administration of this
21 program with respect to eligible entities de-
22 scribed in subsection (b)(1)(D).

23 “(B) EXCEPTION.—The Secretary may not
24 waive or specify alternative requirements under

1 subparagraph (A) relating to labor standards or
2 the environment.

3 “(3) CONSULTATION.—The Secretary shall con-
4 sult with Indian Tribes and Tribal organizations on
5 the design of this program with respect to such
6 Tribes and organizations to ensure the effectiveness
7 of the program in enhancing the security of Indian
8 Tribes with respect to public health emergencies.

9 “(4) REPORTING.—

10 “(A) IN GENERAL.—Not later than 2 years
11 after the date of enactment of this subsection,
12 and as an addendum to the biennial evaluations
13 required under subsection (k), the Secretary, in
14 coordination with the Director of the Indian
15 Health Service, shall—

16 “(i) conduct a review of the implemen-
17 tation of this section with respect to eligi-
18 ble entities described in subsection
19 (b)(1)(D), including any factors that may
20 have limited its success; and

21 “(ii) submit a report describing the
22 results of the review described in clause (i)
23 to—

24 “(I) the Committee on Indian Af-
25 fairs, the Committee on Health, Edu-

1 cation, Labor and Pensions, and the
 2 Committee on Appropriations of the
 3 Senate; and

4 “(II) the Subcommittee for In-
 5 digenous Peoples of the United States
 6 of the Committee on Natural Re-
 7 sources, the Committee on Energy
 8 and Commerce, and the Committee on
 9 Appropriations of the House of Rep-
 10 resentatives.

11 “(B) ANALYSIS OF TRIBAL PUBLIC
 12 HEALTH EMERGENCY INFRASTRUCTURE LIM-
 13 TATION.—The Secretary shall include in the
 14 initial report submitted under subparagraph (A)
 15 a description of any public health emergency in-
 16 frastructure limitation encountered by eligible
 17 entities described in subsection (b)(1)(D).”.

18 **SEC. 642. PROVISION OF ITEMS TO INDIAN PROGRAMS AND**
 19 **FACILITIES.**

20 (a) STRATEGIC NATIONAL STOCKPILE.—Section
 21 319F–2(a)(3)(G) of the Public Health Service Act (42
 22 U.S.C. 247d–6b(a)(3)(G)) is amended by inserting “, and,
 23 in the case that the Secretary deploys the stockpile under
 24 this subparagraph, ensure, in coordination with the appli-
 25 cable States and programs and facilities, that appropriate

1 drugs, vaccines and other biological products, medical de-
 2 vices, and other supplies are deployed by the Secretary di-
 3 rectly to health programs or facilities operated by the In-
 4 dian Health Service, an Indian Tribe, a Tribal organiza-
 5 tion (as those terms are defined in section 4 of the Indian
 6 Self-Determination and Education Assistance Act (25
 7 U.S.C. 5304)), or an inter-Tribal consortium (as defined
 8 in section 501 of the Indian Self-Determination and Edu-
 9 cation Assistance Act (25 U.S.C. 5381)) or through an
 10 urban Indian organization (as defined in section 4 of the
 11 Indian Health Care Improvement Act), while avoiding du-
 12 plicative distributions to such programs or facilities” be-
 13 fore the semicolon.

14 (b) DISTRIBUTION OF QUALIFIED PANDEMIC OR EPI-
 15 DEMIC PRODUCTS TO IHS FACILITIES.—Title III of the
 16 Public Health Service Act (42 U.S.C. 241 et seq.) is
 17 amended by inserting after section 319F–4 the following:

18 **“SEC. 319F–5. DISTRIBUTION OF QUALIFIED PANDEMIC OR**
 19 **EPIDEMIC PRODUCTS TO INDIAN PROGRAMS**
 20 **AND FACILITIES.**

21 “In the case that the Secretary distributes qualified
 22 pandemic or epidemic products (as defined in section
 23 319F–3(i)(7)) to States or other entities, the Secretary
 24 shall ensure, in coordination with the applicable States
 25 and programs and facilities, that, as appropriate, such

1 products are distributed directly to health programs or fa-
 2 cilities operated by the Indian Health Service, an Indian
 3 Tribe, a Tribal organization (as those terms are defined
 4 in section 4 of the Indian Self-Determination and Edu-
 5 cation Assistance Act (25 U.S.C. 5304)), or an inter-Trib-
 6 al consortium (as defined in section 501 of the Indian
 7 Self-Determination and Education Assistance Act (25
 8 U.S.C. 5381)) or through an urban Indian organization
 9 (as defined in section 4 of the Indian Health Care Im-
 10 provement Act), while avoiding duplicative distributions to
 11 such programs or facilities.”.

12 **SEC. 643. HEALTH CARE ACCESS FOR URBAN NATIVE VET-**
 13 **ERANS.**

14 Section 405 of the Indian Health Care Improvement
 15 Act (25 U.S.C. 1645) is amended—

16 (1) in subsection (a)(1), by inserting “urban In-
 17 dian organizations,” before “and tribal organiza-
 18 tions”; and

19 (2) in subsection (c)—

20 (A) by inserting “urban Indian organiza-
 21 tion,” before “or tribal organization”; and

22 (B) by inserting “an urban Indian organi-
 23 zation,” before “or a tribal organization”.

1 **SEC. 644. TRIBAL SCHOOL FEDERAL INSURANCE PARITY.**

2 Section 409 of the Indian Health Care Improvement
3 Act (25 U.S.C. 1647b) is amended by inserting “or the
4 Tribally Controlled Schools Act of 1988 (25 U.S.C. 2501
5 et seq.)” after “(25 U.S.C. 450 et seq.)”.

6 **SEC. 645. PRC FOR NATIVE VETERANS.**

7 Section 405(c) of the Indian Health Care Improve-
8 ment Act (25 U.S.C. 1645) is amended by inserting before
9 the period at the end the following: “, regardless of wheth-
10 er such services are provided directly by the Service, an
11 Indian tribe, or tribal organization, through contract
12 health services, or through a contract for travel described
13 in section 213(b)”.

14 **Subtitle D—Public Health**
15 **Assistance to Essential Workers**

16 **SEC. 651. CONTAINMENT AND MITIGATION FOR ESSENTIAL**
17 **WORKERS PROGRAM.**

18 (a) PROGRAM.—The Secretary, acting through the
19 Director of the Centers for Disease Control and Preven-
20 tion and in consultation with the Director of the National
21 Institute for Occupational Safety and Health, shall estab-
22 lish a COVID–19 containment and mitigation for essential
23 workers program consisting of awarding grants under sub-
24 section (b).

25 (b) GRANTS.—For the purpose of improving essential
26 worker safety, the Secretary—

1 (1) shall award a grant to each State health de-
2 partment; and

3 (2) may award grants on a competitive basis to
4 State, local, Tribal, or territorial health depart-
5 ments.

6 (c) USE OF FUNDS.—A State, local, Tribal, or terri-
7 torial health department receiving a grant under sub-
8 section (b) shall use the grant funds—

9 (1) to purchase or procure personal protective
10 equipment and rapid testing equipment and supplies
11 for distribution to employers of essential workers, in-
12 cluding public employers; or

13 (2) to support the implementation of other
14 workplace safety measures for use in containment
15 and mitigation of COVID–19 transmission among
16 essential workers in their workplaces, including
17 workplaces of public employers.

18 (d) FORMULA GRANTS TO STATE HEALTH DEPART-
19 MENTS.—In making grants under subsection (b)(1), the
20 Secretary shall award funds to each State health depart-
21 ment in accordance with a formula based on overall popu-
22 lation size, essential workers population size, and burden
23 of COVID–19.

24 (e) COMPETITIVE GRANTS TO STATE, LOCAL, TRIB-
25 AL, AND TERRITORIAL HEALTH DEPARTMENTS.—In

1 making grants under subsection (b)(2), the Secretary shall
2 give priority to applicants demonstrating a commitment
3 to containing and mitigating COVID–19 among racial and
4 ethnic minority groups who are disproportionately rep-
5 resented in essential worker settings.

6 (f) NO DUPLICATIVE ASSISTANCE LIMITATION.—
7 The Secretary may not provide, and a State, local, Tribal,
8 or territorial health department, or employer of essential
9 workers may not accept, assistance under this section for
10 containment and mitigation of COVID–19 transmission
11 among essential workers in their workplaces with respect
12 to which—

13 (1) the State, local, Tribal, or territorial health
14 department, or employer of essential workers re-
15 ceives assistance from other sources for such pur-
16 poses; or

17 (2) other sources are obligated to provide as-
18 sistance to such health department or employer for
19 such purposes.

20 (g) TECHNICAL ASSISTANCE.—In carrying out the
21 program under this section, the Secretary shall provide
22 technical assistance to State, local, Tribal, or territorial
23 health departments.

24 (h) REPORT.—No later than 90 days after the date
25 of enactment of this Act, and every 90 days thereafter,

1 the Secretary shall submit to the Committee on Energy
2 and Commerce and the Committee on Education and
3 Labor of the House of Representatives and the Committee
4 on Health, Education, Labor, and Pensions of the Senate
5 a report on the activities funded through this section, in-
6 cluding—

7 (1) the amount expended and the awardees
8 under subsection (b)(1);

9 (2) the amount expended and the awardees
10 under subsection (b)(2);

11 (3) the total amount remaining of the amounts
12 appropriated or otherwise made available to carry
13 out this section under subsection (i); and

14 (4) evaluating the progress of State, local, Trib-
15 al, and territorial health departments in reducing
16 COVID–19 burden among essential workers.

17 (i) CONSULTATION WITH ESSENTIAL EMPLOYERS,
18 ESSENTIAL WORKERS, AND EMPLOYEE REPRESENTA-
19 TIVES OF ESSENTIAL WORKERS.—

20 (1) IN GENERAL.—In developing the strategy
21 and program under subsection (a) and in deter-
22 mining criteria for distribution of competitive grants
23 under this section, the Secretary of Health and
24 Human Services, acting through the Director of the
25 Centers for Disease Control and Prevention and in

1 consultation with the Director of the National Insti-
2 tute for Occupational Safety and Health, shall con-
3 sult in advance with—

4 (A) employers of essential workers;

5 (B) representatives of essential workers;

6 and

7 (C) labor organizations representing essen-
8 tial workers.

9 (2) OPTIONAL ADVANCE CONSULTATION.—A
10 State health department may, before receiving fund-
11 ing through a grant under this section, consult with
12 employers of essential workers, representatives of
13 workers, and labor organizations representing essen-
14 tial workers in determining—

15 (A) priorities for the use of such funds;

16 and

17 (B) the distribution of COVID–19 contain-
18 ment and mitigation equipment and supplies.

19 (j) DEFINITIONS.—In this section:

20 (1) The term “essential worker” refers to—

21 (A) the “essential critical infrastructure
22 workers” identified in the Department of
23 Homeland Security’s “Advisory Memorandum
24 on Ensuring Essential Critical Infrastructure
25 Workers Ability to Work During the COVID–

1 19 Response” released on August 18, 2020 (or
2 any successor document); and

3 (B) workers included as essential workers
4 in executive orders issued by the Governor of a
5 State.

6 (2) The term “containment and mitigation” in-
7 cludes the use of—

8 (A) personal protective equipment;

9 (B) other protections, including expanding
10 or improving workplace infrastructure through
11 engineering and work practice controls, such as
12 ventilation systems, plexiglass partitions, air fil-
13 ters, and the use of hand sanitizer or sanitation
14 supplies;

15 (C) access to medical evaluations, testing
16 (including rapid testing), and contact tracing;
17 and

18 (D) other related activities or equipment
19 recommended or required by the Director of
20 Centers of Disease Control and Prevention or
21 required pursuant to the Occupational Safety
22 and Health Act of 1970 (29 U.S.C. 651 et seq.)
23 or a State plan approved pursuant to section 18
24 of that Act (29 U.S.C. 667); and

1 (k) AUTHORIZATION OF APPROPRIATIONS.—To carry
2 out this section, there is authorized to be appropriated
3 \$2,000,000,000, to remain available until expended.

4 **TITLE VII—VACCINE DEVELOP-**
5 **MENT, DISTRIBUTION, ADMIN-**
6 **ISTRATION, AND AWARENESS**

7 **SEC. 701. DEFINITIONS.**

8 In this title:

9 (1) The term “ancillary medical supplies” in-
10 cludes—

11 (A) vials;

12 (B) bandages;

13 (C) alcohol swabs;

14 (D) syringes;

15 (E) needles;

16 (F) gloves, masks, and other personal pro-
17 tective equipment;

18 (G) cold storage equipment; and

19 (H) other products the Secretary deter-
20 mines necessary for the administration of vac-
21 cines.

22 (2) The term “Secretary” means the Secretary
23 of Health and Human Services.

1 **SEC. 702. VACCINE AND THERAPEUTIC DEVELOPMENT AND**
2 **PROCUREMENT.**

3 (a) ENHANCING DEVELOPMENT, PROCUREMENT AND
4 MANUFACTURING CAPACITY.—

5 (1) IN GENERAL.—The Secretary shall, as ap-
6 propriate, award contracts, grants, and cooperative
7 agreements, and, where otherwise allowed by law,
8 enter into other transactions, for purposes of—

9 (A) expanding and enhancing COVID–19
10 and SARS–CoV–2 vaccine and therapeutic de-
11 velopment and research;

12 (B) procurement of COVID–19 and
13 SARS–CoV–2 vaccines, therapeutics, and ancil-
14 lary medical supplies; and

15 (C) expanding and enhancing capacity for
16 manufacturing vaccines, therapeutics, and ancil-
17 lary medical supplies to prevent the spread of
18 COVID–19 and SARS–CoV–2 and .

19 (2) AUTHORIZATION OF APPROPRIATIONS.—To
20 carry out this subsection, there is authorized to be
21 appropriated \$20,000,000,000 for the period of fis-
22 cal years 2021 through 2025, to remain available
23 until expended.

24 (b) REPORT ON VACCINE MANUFACTURING AND AD-
25 MINISTRATION CAPACITY.—Not later than December 1,
26 2020, the Secretary shall submit to the Committee on En-

1 ergy and Commerce and the Committee on Appropriations
2 of the House of Representatives and the Committee on
3 Health, Education, Labor and Pensions and the Com-
4 mittee on Appropriations of the Senate a report detail-
5 ing—

6 (1) an assessment of the estimated supply of
7 vaccines and ancillary medical supplies related to
8 vaccine administration necessary to control and stop
9 the spread of SARS-CoV-2 and COVID-19, domes-
10 tically and internationally;

11 (2) an assessment of current and future domes-
12 tic capacity for manufacturing vaccines or vaccine
13 candidates to control or stop the spread of SARS-
14 CoV-2 and COVID-19 and ancillary medical sup-
15 plies related to the administration of such vaccines,
16 including—

17 (A) identification of any gaps in capacity
18 for manufacturing; and

19 (B) the effects of shifting manufacturing
20 resources to address COVID-19;

21 (3) activities conducted to expand and enhance
22 capacity for manufacturing vaccines, vaccine can-
23 didates, and ancillary medical supplies to levels suffi-
24 cient to control and stop the spread of SARS-CoV-
25 2 and COVID-19, domestically and internationally,

1 including a list and explanation of all contracts,
2 grants, and cooperative agreements awarded, and
3 other transactions entered into, for purposes of such
4 expansion and enhancement and how such activities
5 will help to meet future domestic manufacturing ca-
6 pacity needs;

7 (4) a plan for the ongoing support of enhanced
8 capacity for manufacturing vaccines, vaccine can-
9 didates, and ancillary medical supplies sufficient to
10 control and stop the spread of SARS-CoV-2 and
11 COVID-19, domestically and internationally; and

12 (5) a plan to support the distribution and ad-
13 ministration of vaccines approved or authorized by
14 the Food and Drug Administration to control and
15 stop the spread of SARS-CoV-2 and COVID-19,
16 domestically and internationally, including Federal
17 workforce enhancements necessary to administer
18 such vaccines.

19 **SEC. 703. VACCINE DISTRIBUTION AND ADMINISTRATION.**

20 (a) IN GENERAL.—The Secretary, acting through the
21 Director of the Centers for Disease Control and Preven-
22 tion, shall—

23 (1) conduct activities to enhance, expand, and
24 improve nationwide COVID-19 and SARS-CoV-2
25 vaccine distribution and administration, including

1 activities related to distribution of ancillary medical
2 supplies; and

3 (2) award grants or cooperative agreements to
4 State, local, Tribal, and territorial public health de-
5 partments for enhancement of COVID-19 and
6 SARS-CoV-2 vaccine distribution and administra-
7 tion capabilities, including—

8 (A) distribution of vaccines approved or
9 authorized by the Food and Drug Administra-
10 tion;

11 (B) distribution of ancillary medical sup-
12 plies;

13 (C) workforce enhancements;

14 (D) information technology and data en-
15 hancements, including—

16 (i) enhancements for purposes of
17 maintaining and tracking real-time infor-
18 mation related to vaccine distribution and
19 administration; and

20 (ii) enhancements to improve immuni-
21 zation information systems, including pa-
22 tient matching capabilities and the inter-
23 operability of such systems, that are ad-
24 ministered by State, local, Tribal, and ter-
25 ritorial public health departments and used

1 by health care providers and health care
2 facilities; and
3 (E) facilities enhancements.

4 (b) REPORT TO CONGRESS.—Not later than Decem-
5 ber 31, 2020, and annually thereafter, the Secretary shall
6 submit a report to the Committee on Energy and Com-
7 merce and the Committee on Appropriations of the House
8 of Representatives and the Committee on Health, Edu-
9 cation, Labor, and Pensions and the Committee on Appro-
10 priations of the Senate detailing activities carried out and
11 grants and cooperative agreements awarded under this
12 section.

13 (c) AUTHORIZATION OF APPROPRIATIONS.—To carry
14 out this section, there is authorized to be appropriated
15 \$7,000,000,000 for the period of fiscal years 2021
16 through 2025, to remain available until expended.

17 **SEC. 704. STOPPING THE SPREAD OF COVID-19 AND OTHER**
18 **INFECTIOUS DISEASES THROUGH EVIDENCE-**
19 **BASED VACCINE AWARENESS.**

20 (a) IN GENERAL.—The Public Health Service Act is
21 amended by striking section 313 of such Act (42 U.S.C.
22 245) and inserting the following:

1 **“SEC. 313. PUBLIC AWARENESS CAMPAIGN ON THE IMPOR-**
2 **TANCE OF VACCINATIONS.**

3 “(a) IN GENERAL.—The Secretary, acting through
4 the Director of the Centers for Disease Control and Pre-
5 vention and in coordination with other offices and agen-
6 cies, as appropriate, shall award competitive grants or
7 contracts to one or more public or private entities to carry
8 out a national, evidence-based campaign for increasing
9 rates of vaccination across all ages, as applicable, particu-
10 larly in communities with low rates of vaccination, to re-
11 duce and eliminate vaccine-preventable diseases by—

12 “(1) increasing awareness and knowledge of the
13 safety and effectiveness of vaccines approved or au-
14 thorized by the Food and Drug Administration for
15 the prevention and control of diseases, including
16 COVID–19;

17 “(2) combating misinformation about vaccines;
18 and

19 “(3) disseminating scientific and evidence-based
20 vaccine-related information.

21 “(b) CONSULTATION.—In carrying out the campaign
22 under this section, the Secretary shall consult with appro-
23 priate public health and medical experts, including the Na-
24 tional Academy of Medicine and medical and public health
25 associations and nonprofit organizations, in the develop-

1 ment, implementation, and evaluation of the campaign
2 under this section.

3 “(c) REQUIREMENTS.—The campaign under this sec-
4 tion shall—

5 “(1) be a nationwide, evidence-based media and
6 public engagement initiative;

7 “(2) include the development of resources for
8 communities with low rates of vaccination, including
9 culturally and linguistically appropriate resources, as
10 applicable;

11 “(3) include the dissemination of vaccine infor-
12 mation and communication resources to public
13 health departments, health care providers, and
14 health care facilities, including such providers and
15 facilities that provide prenatal and pediatric care;

16 “(4) be complementary to, and coordinated
17 with, any other Federal, State, local, or Tribal ef-
18 forts;

19 “(5) assess the effectiveness of communication
20 strategies to increase rates of vaccination; and

21 “(6) not be used for partisan political purposes,
22 or to express advocacy in support of or to defeat any
23 clearly identified candidate, clearly identified ballot
24 initiative, or clearly identified legislative or regu-
25 latory proposal.

1 “(d) ADDITIONAL ACTIVITIES.—The campaign under
2 this section may—

3 “(1) include the use of television, radio, the
4 internet, and other media and telecommunications
5 technologies;

6 “(2) include the use of in-person activities;

7 “(3) be focused and directed to address specific
8 needs of communities and populations with low rates
9 of vaccination; and

10 “(4) include the dissemination of scientific and
11 evidence-based vaccine-related information, such
12 as—

13 “(A) advancements in evidence-based re-
14 search related to diseases that may be pre-
15 vented by vaccines and vaccine development;

16 “(B) information on vaccinations for indi-
17 viduals and communities, including individuals
18 for whom vaccines are not recommended by the
19 Advisory Committee for Immunization Prac-
20 tices, and the effects of low vaccination rates
21 within a community on such individuals;

22 “(C) information on diseases that may be
23 prevented by vaccines; and

24 “(D) information on vaccine safety and the
25 systems in place to monitor vaccine safety.

1 “(e) EVALUATION.—The Secretary shall—

2 “(1) establish benchmarks and metrics to quan-
3 titatively measure and evaluate the campaign under
4 this section;

5 “(2) conduct qualitative assessments regarding
6 the campaign under this section; and

7 “(3) prepare and submit to the Committee on
8 Energy and Commerce of the House of Representa-
9 tives and the Committee on Health, Education,
10 Labor, and Pensions of the Senate an evaluation of
11 the campaign under this section.

12 “(f) SUPPLEMENT NOT SUPPLANT.—Funds made
13 available to carry out this section shall be used to supple-
14 ment and not supplant other Federal, State, local, and
15 Tribal public funds provided for activities described in this
16 section.

17 “(g) AUTHORIZATION OF APPROPRIATIONS.—There
18 is authorized to be appropriated to carry out this section
19 \$200,000,000 for the period of fiscal years 2021 through
20 2025.”.

21 (b) GRANTS TO ADDRESS VACCINE-PREVENTABLE
22 DISEASES.—Section 317 of the Public Health Service Act
23 (42 U.S.C. 247b) is amended—

24 (1) in subsection (k)—

25 (A) in paragraph (1)—

1 (i) in subparagraph (C), by striking “;
2 and” at the end and inserting a semicolon;

3 (ii) in subparagraph (D), by striking
4 the period at the end and inserting a semi-
5 colon; and

6 (iii) by adding at the end the fol-
7 lowing:

8 “(E) planning, implementation, and evaluation
9 of activities to address vaccine-preventable diseases,
10 including activities—

11 “(i) to identify communities at high risk of
12 outbreaks related to vaccine-preventable dis-
13 eases, including through improved data collec-
14 tion and analysis;

15 “(ii) to pilot innovative approaches to im-
16 prove vaccination rates in communities and
17 among populations with low rates of vaccina-
18 tion;

19 “(iii) to reduce barriers to accessing vac-
20 cines and evidence-based information about the
21 health effects of vaccines;

22 “(iv) to partner with community organiza-
23 tions and health care providers to develop and
24 deliver evidence-based, culturally and linguis-

1 tically appropriate interventions to increase vac-
2 cination rates;

3 “(v) to improve delivery of evidence-based
4 vaccine-related information to parents and oth-
5 ers; and

6 “(vi) to improve the ability of State, local,
7 Tribal, and territorial public health depart-
8 ments to engage communities at high risk for
9 outbreaks related to vaccine-preventable dis-
10 eases, including, as appropriate, with local edu-
11 cational agencies (as defined in section 8101 of
12 the Elementary and Secondary Education Act
13 of 1965); and

14 “(F) research related to strategies for improv-
15 ing awareness of scientific and evidence-based vac-
16 cine-related information, including for communities
17 with low rates of vaccination, in order to understand
18 barriers to vaccination, improve vaccination rates,
19 and assess the public health outcomes of such strate-
20 gies.”; and

21 (B) by adding at the end the following:

22 “(5) In addition to amounts authorized to be appro-
23 priated by subsection (j) to carry out this subsection, there
24 is authorized to be appropriated to carry out this sub-

1 section \$750,000,000 for the period of fiscal years 2021
2 through 2025.”; and

3 (2) by adding at the end the following:

4 “(n) VACCINATION DATA.—

5 “(1) IN GENERAL.—The Secretary, acting
6 through the Director of the Centers for Disease
7 Control and Prevention, shall expand and enhance,
8 and, as appropriate, establish and improve, pro-
9 grams and conduct activities to collect, monitor, and
10 analyze vaccination coverage data to assess levels of
11 protection from vaccine-preventable diseases includ-
12 ing COVID–19, including by—

13 “(A) assessing factors contributing to un-
14 derutilization of vaccines and variations of such
15 factors; and

16 “(B) identifying communities at high risk
17 of outbreaks associated with vaccine-preventable
18 diseases.

19 “(2) AUTHORIZATION OF APPROPRIATIONS.—

20 There is authorized to be appropriated to carry out
21 this section \$50,000,000 for the period of fiscal
22 years 2021 through 2025.”.

23 (c) SUPPLEMENTAL GRANT FUNDS.—Section
24 330(d)(1) of the Public Health Service Act (42 U.S.C.
25 254b(d)(1)) is amended—

1 (1) in subparagraph (F), by striking “and” at
2 the end;

3 (2) in subparagraph (G), by striking the period
4 at the end and inserting “; and”; and

5 (3) by adding at the end the following:

6 “(H) improving access to recommended
7 immunizations.”.

8 (d) UPDATE OF 2015 NVAC REPORT.—The National
9 Vaccine Advisory Committee established under section
10 2105 of the Public Health Service Act (42 U.S.C. 300aa–
11 5) shall, as appropriate, update the report entitled, “As-
12 sessing the State of Vaccine Confidence in the United
13 States: Recommendations from the National Vaccine Advi-
14 sory Committee”, approved by the National Vaccine Advi-
15 sory Committee on June 10, 2015, with respect to factors
16 affecting childhood vaccination.

17 **TITLE VIII—OTHER MATTERS**

18 **SEC. 801. NON-DISCRIMINATION.**

19 (a) IN GENERAL.—Notwithstanding any provision of
20 a covered law (or an amendment made in any such provi-
21 sion), no person otherwise eligible shall be excluded from
22 participation in, denied the benefits of, or subjected to dis-
23 crimination in the administration of, programs and serv-
24 ices receiving funding under a covered law (or an amend-
25 ment made by a provision of such a covered law), based

1 on any factor that is not merit-based, such as age, dis-
2 ability, sex (including sexual orientation, gender identity,
3 and pregnancy, childbirth, and related medical condi-
4 tions), race, color, national origin, immigration status, or
5 religion.

6 (b) COVERED LAW DEFINED.—In this section, the
7 term “covered law” includes—

8 (1) this Act (other than this section);

9 (2) title I of division B of the Paycheck Protec-
10 tion Program and Healthcare Enhancement Act
11 (Public Law 116–139);

12 (3) subtitles A, D, and E of title III of the
13 CARES Act (Public Law 116–136);

14 (4) division F of the Families First Coronavirus
15 Relief Act (Public Law 116–127); and

16 (5) division B of the Coronavirus Preparedness
17 and Response Supplemental Appropriations Act,
18 2020 (Public Law 116–123).

1 **DIVISION L—VETERANS AND**
2 **SERVICEMEMBERS PROVISIONS**

3 **SEC. 101. INCREASE OF AMOUNT OF CERTAIN DEPART-**
4 **MENT OF VETERANS AFFAIRS PAYMENTS**
5 **DURING EMERGENCY PERIOD RESULTING**
6 **FROM COVID-19 PANDEMIC.**

7 (a) IN GENERAL.—During the covered period, the
8 Secretary of Veterans Affairs shall apply each of the fol-
9 lowing provisions of title 38, United States Code, by sub-
10 stituting for each of the dollar amounts in such provision
11 the amount equal to 125 percent of the dollar amount that
12 was in effect under such provision on the date of the en-
13 actment of this Act:

14 (1) Subsections (l), (m), (r), and (t) of section
15 1114.

16 (2) Paragraph (1)(E) of section 1115.

17 (3) Subsection (c) of section 1311.

18 (4) Subsection (g) of section 1315.

19 (5) Paragraphs (1) and (2) of subsection (d) of
20 section 1521.

21 (6) Paragraphs (2) and (4) of subsection (f) of
22 section 1521.

23 (b) TREATMENT OF AMOUNTS.—Any amount payable
24 to an individual under subsection (a) in excess of the
25 amount otherwise in effect shall be in addition to any

1 other benefit or any other amount payable to that indi-
 2 vidual under any provision of law referred to in subsection
 3 (a) or any other provision of law administered by the Sec-
 4 retary of Veterans Affairs.

5 (c) COVERED PERIOD.—In this section, the covered
 6 period is the period that begins on the date of the enact-
 7 ment of this Act and ends 60 days after the last day of
 8 the emergency period (as defined in section 1135(g)(1) of
 9 the Social Security Act (42 U.S.C. 1320b-5(g)(1))) result-
 10 ing from the COVID–19 pandemic.

11 **SEC. 102. PROHIBITION ON COPAYMENTS AND COST SHAR-**
 12 **ING FOR VETERANS RECEIVING PREVENTIVE**
 13 **SERVICES RELATING TO COVID–19.**

14 (a) PROHIBITION.—The Secretary of Veterans Af-
 15 fairs may not require any copayment or other cost sharing
 16 under chapter 17 of title 38, United States Code, for
 17 qualifying coronavirus preventive services. The require-
 18 ment described in this subsection shall take effect with
 19 respect to a qualifying coronavirus preventive service on
 20 the specified date.

21 (b) DEFINITIONS.—In this section, the terms “quali-
 22 fying coronavirus preventive service” and “specified date”
 23 have the meaning given those terms in section 3203 of
 24 the CARES Act (Public Law 116–136).

1 **SEC. 103. EMERGENCY TREATMENT FOR VETERANS DUR-**
2 **ING COVID-19 EMERGENCY PERIOD.**

3 (a) EMERGENCY TREATMENT.—Notwithstanding
4 section 1725 or 1728 of title 38, United States Code, or
5 any other provision of law administered by the Secretary
6 of Veterans Affairs pertaining to furnishing emergency
7 treatment to veterans at non-Department facilities, during
8 the period of a covered public health emergency, the Sec-
9 retary of Veterans Affairs shall furnish to an eligible vet-
10 eran emergency treatment at a non-Department facility in
11 accordance with this section.

12 (b) AUTHORIZATION NOT REQUIRED.—The Sec-
13 retary may not require an eligible veteran to seek author-
14 ization by the Secretary for emergency treatment fur-
15 nished to the veteran pursuant to subsection (a).

16 (c) PAYMENT RATES.—

17 (1) DETERMINATION.—The rate paid for emer-
18 gency treatment furnished to eligible veterans pursu-
19 ant to subsection (a) shall be equal to the rate paid
20 by the United States to a provider of services (as de-
21 fined in section 1861(u) of the Social Security Act
22 (42 U.S.C. 1395x(u))) or a supplier (as defined in
23 section 1861(d) of such Act (42 U.S.C. 1395x(d)))
24 under the Medicare program under title XI or title
25 XVIII of the Social Security Act (42 U.S.C. 1301 et

1 seq.), including section 1834 of such Act (42 U.S.C.
2 1395m), for the same treatment.

3 (2) FINALITY.—A payment in the amount pay-
4 able under paragraph (1) for emergency treatment
5 furnished to an eligible veteran pursuant to sub-
6 section (a) shall be considered payment in full and
7 shall extinguish the veteran’s liability to the provider
8 of such treatment, unless the provider rejects the
9 payment and refunds to the United States such
10 amount by not later than 30 days after receiving the
11 payment.

12 (d) CLAIMS PROCESSED BY THIRD PARTY ADMINIS-
13 TRATORS.—

14 (1) REQUIREMENT.—Not later than 30 days
15 after the date of the enactment of this Act, the Sec-
16 retary shall seek to award a contract to one or more
17 entities, or to modify an existing contract, to process
18 claims for payment for emergency treatment fur-
19 nished to eligible veterans pursuant to subsection
20 (a).

21 (2) PROMPT PAYMENT STANDARD.—Section
22 1703D of title 38, United States Code, shall apply
23 with respect to claims for payment for emergency
24 treatment furnished to eligible veterans pursuant to
25 subsection (a).

1 (e) PRIMARY PAYER.—The Secretary shall be the pri-
2 mary payer with respect to emergency treatment furnished
3 to eligible veterans pursuant to subsection (a), and with
4 respect to the transportation of a veteran by ambulance.
5 In any case in which an eligible veteran is furnished such
6 emergency treatment for a non-service-connected disability
7 described in subsection (a)(2) of section 1729 of title 38,
8 United States Code, the Secretary shall recover or collect
9 reasonable charges for such treatment from a health plan
10 contract described in such section 1729 in accordance with
11 such section.

12 (f) APPLICATION.—This section shall apply to emer-
13 gency treatment furnished to eligible veterans during the
14 period of a covered public health emergency, regardless of
15 whether treatment was furnished before the date of the
16 enactment of this Act.

17 (g) DEFINITIONS.—In this section:

18 (1) The term “covered public health emer-
19 gency” means the declaration—

20 (A) of a public health emergency, based on
21 an outbreak of COVID–19 by the Secretary of
22 Health and Human Services under section 319
23 of the Public Health Service Act (42 U.S.C.
24 247d); or

1 (B) of a domestic emergency, based on an
2 outbreak of COVID–19 by the President, the
3 Secretary of Homeland Security, or a State or
4 local authority.

5 (2) The term “eligible veteran” means a vet-
6 eran enrolled in the health care system established
7 under section 1705 of title 38, United States Code.

8 (3) The term “emergency treatment” means
9 medical care or services rendered in a medical emer-
10 gency of such nature that a prudent layperson rea-
11 sonably expects that delay in seeking immediate
12 medical attention would be hazardous to life or
13 health.

14 (4) The term “non-Department facility” has
15 the meaning given that term in section 1701 of title
16 38, United States Code.

17 **SEC. 104. HUD–VASH PROGRAM.**

18 The Secretary of Housing and Urban Development
19 shall take such actions with respect to the supported hous-
20 ing program carried out under section 8(o)(19) of the
21 United States Housing Act of 1937 (42 U.S.C.
22 1437f(o)(19)) in conjunction with the Department of Vet-
23 erans Affairs (commonly referred to as “HUD–VASH”),
24 and shall require public housing agencies administering
25 assistance under such program to take such actions, as

1 may be appropriate to facilitate the issuance and utiliza-
2 tion of vouchers for rental assistance under such program
3 during the period of the covered public health emergency
4 (as such term is defined in section 1 of this Act), including
5 the following actions:

6 (1) Establishing mechanisms and procedures
7 providing for referral and application documents
8 used under such program to be received by fax, elec-
9 tronic mail, drop box, or other means not requiring
10 in-person contact.

11 (2) Establishing mechanisms and procedures
12 for processing applications for participation in such
13 program that do not require identification or
14 verification of identity by social security number or
15 photo ID in cases in which closure of governmental
16 offices prevents confirmation or verification of iden-
17 tity by such means.

18 (3) Providing for waiver of requirements to con-
19 duct housing quality standard inspections with re-
20 spect to dwelling units for which rental assistance is
21 provided under such program.

1 **SEC. 105. DEFERRAL OF CERTAIN DEBTS ARISING FROM**
2 **BENEFITS UNDER LAWS ADMINISTERED BY**
3 **THE SECRETARY OF VETERANS AFFAIRS.**

4 (a) IN GENERAL.—During the covered period, the
5 Secretary of Veterans Affairs may not—

6 (1) take any action to collect a covered debt (in-
7 cluding the offset of any payment by the Secretary);

8 (2) record a covered debt;

9 (3) issue notice of a covered debt to a person
10 or a consumer reporting agency;

11 (4) allow any interest to accrue on a covered
12 debt; or

13 (5) apply any administrative fee to a covered
14 debt.

15 (b) EXCEPTION.—Notwithstanding subsection (a),
16 the Secretary may collect a payment regarding a covered
17 debt (including interest or any administrative fee) from
18 a person (or the fiduciary of that person) who elects to
19 make such a payment during the covered period.

20 (c) DEFINITIONS.—In this section:

21 (1) The term “consumer reporting agency” has
22 the meaning given that term in section 5701 of title
23 38, United States Code.

24 (2) The term “covered debt” means a debt—

25 (A) owed by a person (including a fidu-
26 ciary) to the United States;

1 (B) arising from a benefit under a covered
2 law; and

3 (C) that is not subject to recovery under—

4 (i) section 3729 of title 31, United
5 States Code;

6 (ii) section 1729 of title 38, United
7 States Code; or

8 (iii) Public Law 87–693 (42 U.S.C.
9 2651).

10 (3) The term “covered law” means any law ad-
11 ministered by the Secretary of Veterans Affairs
12 through—

13 (A) the Under Secretary for Health; or

14 (B) the Under Secretary for Benefits.

15 (4) The term “covered period” means—

16 (A) the COVID–19 emergency period; and

17 (B) the 60 days immediately following the
18 date of the end of the COVID–19 emergency
19 period.

20 (5) The term “COVID–19 emergency period”
21 means the emergency period described in section
22 1135(g)(1)(B) of the Social Security Act (42 U.S.C.
23 1320b-5(g)(1)(B)).

1 **SEC. 106. TOLLING OF DEADLINES RELATING TO CLAIMS**
2 **FOR BENEFITS ADMINISTERED BY SEC-**
3 **RETARY OF VETERANS AFFAIRS.**

4 (a) **REQUIRED TOLLING.**—With respect to claims
5 and appeals made by a claimant, the covered period shall
6 be excluded in computing the following:

7 (1) In cases where an individual expresses an
8 intent to file a claim, the period in which the indi-
9 vidual is required to file the claim in order to have
10 the effective date of the claim be determined based
11 on the date of such intent, as described in section
12 3.155(b)(1) of title 38, Code of Federal Regulations.

13 (2) The period in which the claimant is re-
14 quired to take an action pursuant to section 5104C
15 of title 38, United States Code.

16 (3) The period in which the claimant is re-
17 quired to appeal a change in service-connected or
18 employability status or change in physical condition
19 described in section 5112(b)(6) of such title.

20 (4) The period in which an individual is re-
21 quired to file a notice of appeal under section 7266
22 of such title.

23 (5) Any other period in which a claimant or
24 beneficiary is required to act with respect to filing,
25 perfecting, or appealing a claim, as determined ap-
26 propriate by the Secretary of Veterans Affairs.

1 (b) USE OF POSTMARK DATES.—With respect to
2 claims filed using nonelectronic means and appeals made
3 during the covered period, the Secretary of Veterans Af-
4 fairs and the Court of Appeals for Veterans Claims, as
5 the case may be, shall administer the provisions of title
6 38, United States Code, as follows:

7 (1) In section 5110—

8 (A) in subsection (a)—

9 (i) in paragraph (1), by substituting
10 “the earlier of the date of receipt of appli-
11 cation therefor and the date of the post-
12 mark or other official proof of mailing date
13 of the application therefor” for “the date
14 of receipt of application therefor”; and

15 (ii) in paragraph (3), by substituting
16 “the earlier of the date of receipt of the
17 supplemental claim and the date of the
18 postmark or other official proof of mailing
19 date of the supplemental claim” for “the
20 date of receipt of the supplemental claim”;
21 and

22 (B) in subsection (b)(2)(A), by sub-
23 stituting “the earlier of the date of receipt of
24 application and the date of the postmark or
25 other official proof of mailing date of the appli-

1 cation” for “the date of receipt of the applica-
 2 tion”.

3 (2) In section 7266, without regard to sub-
 4 section (d).

5 (c) DEFINITIONS.—In this section:

6 (1) The term “claimant” has the meaning given
 7 that term in section 5100 of title 38, United States
 8 Code.

9 (2) The term “covered period” means the pe-
 10 riod beginning on the date of the emergency period
 11 (as defined in section 1135(g)(1) of the Social Secu-
 12 rity Act (42 U.S.C. 1320b-5(g)(1))) resulting from
 13 the COVID–19 pandemic and ending 90 days after
 14 the last day of such emergency period.

15 **SEC. 107. PROVISION OF DEPARTMENT OF VETERANS AF-**
 16 **FAIRS HOSPITAL CARE AND MEDICAL SERV-**
 17 **ICES TO CERTAIN VETERANS WHO ARE UN-**
 18 **EMPLOYED OR LOST EMPLOYER-SPONSORED**
 19 **HEALTH CARE COVERAGE BY REASON OF A**
 20 **COVERED PUBLIC HEALTH EMERGENCY.**

21 (a) IN GENERAL.—During the 12-month period be-
 22 ginning on the date on which a covered veteran applies
 23 for hospital care or medical services under this section,
 24 the Secretary of Veterans Affairs shall consider the cov-
 25 ered veteran to be unable to defray the expenses of nec-

1 essary care for purposes of section 1722 of title 38, United
2 States Code, and shall furnish to such veteran hospital
3 care and medical services under chapter 17 of title 38,
4 United States Code.

5 (b) COVERED VETERAN.—For purposes of this sec-
6 tion, a covered veteran is a veteran—

7 (1) who—

8 (A) is unemployed; or

9 (B) has lost access to a group health plan
10 or group health insurance coverage by reason of
11 a covered public health emergency; and

12 (2) whose projected attributable income for the
13 12-month period beginning on the date of applica-
14 tion for hospital care or medical services under this
15 section is not more than the amount in effect under
16 section 1722(b) of title 38, United States Code.

17 (c) DEFINITIONS.—In this section:

18 (1) The term “covered public health emer-
19 gency” means the declaration—

20 (A) of a public health emergency, based on
21 an outbreak of COVID–19 by the Secretary of
22 Health and Human Services under section 319
23 of the Public Health Service Act (42 U.S.C.
24 247d); or

1 (B) of a domestic emergency, based on an
 2 outbreak of COVID–19 by the President, the
 3 Secretary of Homeland Security, or State, or
 4 local authority.

5 (2) The terms “group health plan” and “group
 6 health insurance coverage” have the meaning given
 7 such terms in section 2701 of the Public Health
 8 Service Act (42 U.S.C. 300gg-3).

9 **SEC. 108. EXPANSION OF VET CENTER SERVICES TO VET-**
 10 **ERANS AND MEMBERS OF THE ARMED**
 11 **FORCES WHO PERFORM CERTAIN SERVICE IN**
 12 **RESPONSE TO COVERED PUBLIC HEALTH**
 13 **EMERGENCY.**

14 (a) IN GENERAL.—Section 1712A of title 38, United
 15 States Code, is amended—

16 (1) by striking “clauses (i) through (iv)” both
 17 places it appears and inserting “clauses (i) through
 18 (v)”;

19 (2) by striking “in clause (v)” both places it ap-
 20 pears and inserting “in clause (vi)”;

21 (3) in subsection (a)(1)(C)—

22 (A) by redesignating clauses (iv) and (v) as
 23 clauses (v) and (vi), respectively; and

24 (B) by inserting after clause (iii) the fol-
 25 lowing new clause (iv):

1 “(iv) Any individual who is a veteran or mem-
 2 ber of the Armed Forces (including the reserve com-
 3 ponents), who, in response to a covered public health
 4 emergency, performed active service or State active
 5 duty for a period of at least 14 days.”; and

6 (4) in subsection (h), by adding at the end the
 7 following new paragraphs:

8 “(4) The term ‘active service’ has the meaning
 9 given that term in section 101 of title 10.

10 “(5) The term ‘covered public health emer-
 11 gency’ means the declaration—

12 “(A) of a public health emergency, based
 13 on an outbreak of COVID–19, by the Secretary
 14 of Health and Human Services under section
 15 319 of the Public Health Service Act (42
 16 U.S.C. 247d); or

17 “(B) of a domestic emergency, based on an
 18 outbreak of COVID–19, by the President, the
 19 Secretary of Homeland Security, or a State or
 20 local authority.”.

21 (b) CONFORMING AMENDMENT.—Section 201(q)(4)
 22 of the Commander John Scott Hannon Veterans Mental
 23 Health Care Improvement Act of 2019 is amended by
 24 striking “clauses (i) through (iv) of section

1 1712A(a)(1)(C)” and inserting “clauses (i) through (v) of
 2 section 1712A(a)(1)(C)”.

3 **DIVISION M—CONSUMER PRO-**
 4 **TECTION AND TELE-**
 5 **COMMUNICATIONS PROVI-**
 6 **SIONS**

7 **TITLE I—COVID-19 PRICE**
 8 **GOUGING PREVENTION**

9 **SEC. 101. SHORT TITLE.**

10 This title may be cited as the “COVID-19 Price
 11 Gouging Prevention Act”.

12 **SEC. 102. PREVENTION OF PRICE GOUGING.**

13 (a) IN GENERAL.—For the duration of a public
 14 health emergency declared pursuant to section 319 of the
 15 Public Health Service Act (42 U.S.C. 247d) as a result
 16 of confirmed cases of 2019 novel coronavirus (COVID-
 17 19), including any renewal thereof, it shall be unlawful
 18 for any person to sell or offer for sale a good or service
 19 at a price that—

20 (1) is unconscionably excessive; and

21 (2) indicates the seller is using the cir-
 22 cumstances related to such public health emergency
 23 to increase prices unreasonably.

24 (b) FACTORS FOR CONSIDERATION.—In determining
 25 whether a person has violated subsection (a), there shall

1 be taken into account, with respect to the price at which
2 such person sold or offered for sale the good or service,
3 factors that include the following:

4 (1) Whether such price grossly exceeds the av-
5 erage price at which the same or a similar good or
6 service was sold or offered for sale by such person—

7 (A) during the 90-day period immediately
8 preceding January 31, 2020; or

9 (B) during the period that is 45 days be-
10 fore or after the date that is one year before
11 the date such good or service is sold or offered
12 for sale under subsection (a).

13 (2) Whether such price grossly exceeds the av-
14 erage price at which the same or a similar good or
15 service was readily obtainable from other similarly
16 situated competing sellers before January 31, 2020.

17 (3) Whether such price reasonably reflects addi-
18 tional costs, not within the control of such person,
19 that were paid, incurred, or reasonably anticipated
20 by such person, or reasonably reflects the profit-
21 ability of forgone sales or additional risks taken by
22 such person, to produce, distribute, obtain, or sell
23 such good or service under the circumstances.

24 (c) ENFORCEMENT.—

1 (1) ENFORCEMENT BY FEDERAL TRADE COM-
2 MISSION.—

3 (A) UNFAIR OR DECEPTIVE ACTS OR PRAC-
4 TICES.—A violation of subsection (a) shall be
5 treated as a violation of a regulation under sec-
6 tion 18(a)(1)(B) of the Federal Trade Commis-
7 sion Act (15 U.S.C. 57a(a)(1)(B)) regarding
8 unfair or deceptive acts or practices.

9 (B) POWERS OF COMMISSION.—The Com-
10 mission shall enforce subsection (a) in the same
11 manner, by the same means, and with the same
12 jurisdiction, powers, and duties as though all
13 applicable terms and provisions of the Federal
14 Trade Commission Act (15 U.S.C. 41 et seq.)
15 were incorporated into and made a part of this
16 section. Any person who violates such sub-
17 section shall be subject to the penalties and en-
18 titled to the privileges and immunities provided
19 in the Federal Trade Commission Act.

20 (2) EFFECT ON OTHER LAWS.—Nothing in this
21 section shall be construed in any way to limit the
22 authority of the Commission under any other provi-
23 sion of law.

24 (3) ENFORCEMENT BY STATE ATTORNEYS GEN-
25 ERAL.—

1 (A) IN GENERAL.—If the chief law en-
2 forcement officer of a State, or an official or
3 agency designated by a State, has reason to be-
4 lieve that any person has violated or is violating
5 subsection (a), the attorney general, official, or
6 agency of the State, in addition to any author-
7 ity it may have to bring an action in State
8 court under its laws, may bring a civil action in
9 any appropriate United States district court or
10 in any other court of competent jurisdiction, in-
11 cluding a State court, to—

12 (i) enjoin further such violation by
13 such person;

14 (ii) enforce compliance with such sub-
15 section;

16 (iii) obtain civil penalties; and

17 (iv) obtain damages, restitution, or
18 other compensation on behalf of residents
19 of the State.

20 (B) NOTICE AND INTERVENTION BY THE
21 FTC.—The attorney general of a State shall
22 provide prior written notice of any action under
23 subparagraph (A) to the Commission and pro-
24 vide the Commission with a copy of the com-
25 plaint in the action, except in any case in which

1 such prior notice is not feasible, in which case
2 the attorney general shall serve such notice im-
3 mediately upon instituting such action. The
4 Commission shall have the right—

5 (i) to intervene in the action;

6 (ii) upon so intervening, to be heard
7 on all matters arising therein; and

8 (iii) to file petitions for appeal.

9 (C) LIMITATION ON STATE ACTION WHILE
10 FEDERAL ACTION IS PENDING.—If the Commis-
11 sion has instituted a civil action for violation of
12 this section, no State attorney general, or offi-
13 cial or agency of a State, may bring an action
14 under this paragraph during the pendency of
15 that action against any defendant named in the
16 complaint of the Commission for any violation
17 of this section alleged in the complaint.

18 (D) RELATIONSHIP WITH STATE-LAW
19 CLAIMS.—If the attorney general of a State has
20 authority to bring an action under State law di-
21 rected at acts or practices that also violate this
22 section, the attorney general may assert the
23 State-law claim and a claim under this section
24 in the same civil action.

1 (4) SAVINGS CLAUSE.—Nothing in this section
2 shall preempt or otherwise affect any State or local
3 law.

4 (d) DEFINITIONS.—In this section:

5 (1) COMMISSION.—The term “Commission”
6 means the Federal Trade Commission.

7 (2) GOOD OR SERVICE.—The term “good or
8 service” means a good or service offered in com-
9 merce, including—

10 (A) food, beverages, water, ice, a chemical,
11 or a personal hygiene product;

12 (B) any personal protective equipment for
13 protection from or prevention of contagious dis-
14 eases, filtering facepiece respirators, medical
15 equipment and supplies (including medical test-
16 ing supplies), a drug as defined in section
17 201(g)(1) of the Federal Food, Drug, and Cos-
18 metic Act (21 U.S.C. 321(g)(1)), cleaning sup-
19 plies, disinfectants, sanitizers; or

20 (C) any healthcare service, cleaning serv-
21 ice, or delivery service.

22 (3) STATE.—The term “State” means each of
23 the several States, the District of Columbia, each
24 commonwealth, territory, or possession of the United
25 States, and each federally recognized Indian Tribe.

1 **TITLE II—E-RATE SUPPORT FOR**
 2 **WI-FI HOTSPOTS, OTHER**
 3 **EQUIPMENT, CONNECTED DE-**
 4 **VICES, AND CONNECTIVITY**

5 **SEC. 201. E-RATE SUPPORT FOR WI-FI HOTSPOTS, OTHER**
 6 **EQUIPMENT, CONNECTED DEVICES, AND**
 7 **CONNECTIVITY DURING EMERGENCY PERI-**
 8 **ODS RELATING TO COVID-19.**

9 (a) REGULATIONS REQUIRED.—Not later than 7
 10 days after the date of the enactment of this Act, the Com-
 11 mission shall promulgate regulations providing for the
 12 provision, from amounts made available from the Emer-
 13 gency Connectivity Fund established under subsection
 14 (j)(1), of support under section 254(h)(1)(B) of the Com-
 15 munications Act of 1934 (47 U.S.C. 254(h)(1)(B)) to an
 16 elementary school, secondary school, or library (including
 17 a Tribal elementary school, Tribal secondary school, or
 18 Tribal library) for the purchase during an emergency pe-
 19 riod described in subsection (f) (including any portion of
 20 such a period occurring before the date of the enactment
 21 of this Act) of equipment described in subsection (c), ad-
 22 vanced telecommunications and information services, or
 23 equipment described in such subsection and advanced tele-
 24 communications and information services, for use by—

1 (1) in the case of a school, students and staff
2 of such school at locations that include locations
3 other than such school; and

4 (2) in the case of a library, patrons of such li-
5 brary at locations that include locations other than
6 such library.

7 (b) TRIBAL ISSUES.—

8 (1) RESERVATION FOR TRIBAL LANDS.—The
9 Commission shall reserve not less than 5 percent of
10 the amounts available to the Commission under sub-
11 section (j)(2) to provide support under the regula-
12 tions required by subsection (a) to schools and li-
13 braries that serve persons who are located on Tribal
14 lands.

15 (2) ELIGIBILITY OF TRIBAL LIBRARIES.—For
16 purposes of determining the eligibility of a Tribal li-
17 brary for support under the regulations required by
18 subsection (a), the portion of paragraph (4) of sec-
19 tion 254(h) of the Communications Act of 1934 (47
20 U.S.C. 254(h)) relating to eligibility for assistance
21 from a State library administrative agency under the
22 Library Services and Technology Act shall not apply.

23 (c) EQUIPMENT DESCRIBED.—The equipment de-
24 scribed in this subsection is the following:

25 (1) Wi-Fi hotspots.

1 (2) Modems.

2 (3) Routers.

3 (4) Devices that combine a modem and router.

4 (5) Connected devices.

5 (d) PRIORITIZATION OF SUPPORT.—The Commission
6 shall provide in the regulations required by subsection (a)
7 for a mechanism to require a school or library to prioritize
8 the provision of equipment described in subsection (c), ad-
9 vanced telecommunications and information services, or
10 equipment described in such subsection and advanced tele-
11 communications and information services, for which sup-
12 port is received under such regulations, to students and
13 staff or patrons (as the case may be) that the school or
14 library believes do not have access to equipment described
15 in subsection (c), do not have access to advanced tele-
16 communications and information services, or have access
17 to neither equipment described in subsection (c) nor ad-
18 vanced telecommunications and information services, at
19 the residences of such students and staff or patrons.

20 (e) SUPPORT AMOUNT.—

21 (1) REIMBURSEMENT OF 100 PERCENT OF
22 COSTS.—In providing support under the regulations
23 required by subsection (a), the Commission shall re-
24 imburse 100 percent of the costs associated with the
25 equipment described in subsection (c), advanced tele-

1 communications and information services, or equip-
2 ment described in such subsection and advanced
3 telecommunications and information services for
4 which such support is provided, except that any re-
5 imbursement of a school or library for the costs as-
6 sociated with any such equipment may not exceed an
7 amount that the Commission determines, with re-
8 spect to the request by such school or library for
9 such reimbursement, is reasonable.

10 (2) SHORTFALL IN FUNDING.—If requests for
11 reimbursement for equipment described in sub-
12 section (c), advanced telecommunications and infor-
13 mation services, or equipment described in such sub-
14 section and advanced telecommunications and infor-
15 mation services exceed amounts available from the
16 Emergency Connectivity Fund established under
17 subsection (j)(1), the Commission shall—

18 (A) prioritize reimbursements based on the
19 assigned discount percentage of each eligible
20 school or library requesting reimbursement
21 under subpart F of part 54 of title 47, Code of
22 Federal Regulations (or any successor regula-
23 tion), starting with the eligible schools and li-
24 braries with the highest discount percentage es-
25 tablished under such subpart; and

1 (B) not later than 2 days after the Com-
2 mission determines that the shortfall in funding
3 exists, notify the Committee on Commerce,
4 Science, and Transportation and the Committee
5 on Appropriations of the Senate and the Com-
6 mittee on Energy and Commerce and the Com-
7 mittee on Appropriations of the House of Rep-
8 resentatives of such shortfall.

9 (f) EMERGENCY PERIODS DESCRIBED.—An emer-
10 gency period described in this subsection is a period
11 that—

12 (1) begins on the date of a determination by the
13 Secretary of Health and Human Services pursuant
14 to section 319 of the Public Health Service Act (42
15 U.S.C. 247d) that a public health emergency exists
16 as a result of COVID–19; and

17 (2) ends on the June 30 that first occurs after
18 the date on which such determination (including any
19 renewal thereof) terminates.

20 (g) TREATMENT OF EQUIPMENT AFTER EMERGENCY
21 PERIOD.—The Commission shall provide in the regula-
22 tions required by subsection (a) that, in the case of a
23 school or library that purchases equipment described in
24 subsection (c) using support received under such regula-
25 tions, such school or library—

1 (1) may, after the emergency period with re-
2 spect to which such support is received, use such
3 equipment for such purposes as such school or li-
4 brary considers appropriate, subject to any restric-
5 tions provided in such regulations (or any successor
6 regulation); and

7 (2) may not sell or otherwise transfer such
8 equipment in exchange for any thing (including a
9 service) of value, except that such school or library
10 may exchange such equipment for upgraded equip-
11 ment of the same type.

12 (h) RULE OF CONSTRUCTION.—Nothing in this sec-
13 tion shall be construed to affect any authority the Com-
14 mission may have under section 254(h)(1)(B) of the Com-
15 munications Act of 1934 (47 U.S.C. 254(h)(1)(B)) to
16 allow support under such section to be used for the pur-
17 poses described in subsection (a) other than as required
18 by such subsection.

19 (i) PROCEDURAL MATTERS.—

20 (1) PART 54 REGULATIONS.—Nothing in this
21 section shall be construed to prevent the Commission
22 from providing that the regulations in part 54 of
23 title 47, Code of Federal Regulations (or any suc-
24 cessor regulation), shall apply in whole or in part to
25 support provided under the regulations required by

1 subsection (a), shall not apply in whole or in part to
2 such support, or shall be modified in whole or in
3 part for purposes of application to such support.

4 (2) EXEMPTION FROM CERTAIN RULEMAKING
5 REQUIREMENTS.—Section 553 of title 5, United
6 States Code, shall not apply to a regulation promul-
7 gated under subsection (a) or a rulemaking to pro-
8 mulgate such a regulation.

9 (3) PAPERWORK REDUCTION ACT EXEMP-
10 TION.—A collection of information conducted or
11 sponsored under the regulations required by sub-
12 section (a), or under section 254 of the Communica-
13 tions Act of 1934 (47 U.S.C. 254) in connection
14 with support provided under such regulations, shall
15 not constitute a collection of information for the
16 purposes of subchapter I of chapter 35 of title 44,
17 United States Code (commonly referred to as the
18 Paperwork Reduction Act).

19 (j) EMERGENCY CONNECTIVITY FUND.—

20 (1) ESTABLISHMENT.—There is established in
21 the Treasury of the United States a fund to be
22 known as the Emergency Connectivity Fund.

23 (2) USE OF FUNDS.—Amounts in the Emer-
24 gency Connectivity Fund shall be available to the

1 Commission to provide support under the regula-
2 tions required by subsection (a).

3 (3) RELATIONSHIP TO UNIVERSAL SERVICE
4 CONTRIBUTIONS.—Support provided under the regu-
5 lations required by subsection (a) shall be provided
6 from amounts made available under paragraph (2)
7 and not from contributions under section 254(d) of
8 the Communications Act of 1934 (47 U.S.C.
9 254(d)).

10 (k) DEFINITIONS.—In this section:

11 (1) ADVANCED TELECOMMUNICATIONS AND IN-
12 FORMATION SERVICES.—The term “advanced tele-
13 communications and information services” means
14 advanced telecommunications and information serv-
15 ices, as such term is used in section 254(h) of the
16 Communications Act of 1934 (47 U.S.C. 254(h)).

17 (2) COMMISSION.—The term “Commission”
18 means the Federal Communications Commission.

19 (3) CONNECTED DEVICE.—The term “con-
20 nected device” means a laptop computer, tablet com-
21 puter, or similar device that is capable of connecting
22 to advanced telecommunications and information
23 services.

24 (4) LIBRARY.—The term “library” includes a
25 library consortium.

1 (5) TRIBAL LAND.—The term “Tribal land”
2 means—

3 (A) any land located within the boundaries
4 of—

5 (i) an Indian reservation, pueblo, or
6 rancheria; or

7 (ii) a former reservation within Okla-
8 homa;

9 (B) any land not located within the bound-
10 aries of an Indian reservation, pueblo, or
11 rancheria, the title to which is held—

12 (i) in trust by the United States for
13 the benefit of an Indian Tribe or an indi-
14 vidual Indian;

15 (ii) by an Indian Tribe or an indi-
16 vidual Indian, subject to restriction against
17 alienation under laws of the United States;
18 or

19 (iii) by a dependent Indian commu-
20 nity;

21 (C) any land located within a region estab-
22 lished pursuant to section 7(a) of the Alaska
23 Native Claims Settlement Act (43 U.S.C.
24 1606(a));

1 (D) Hawaiian Home Lands, as defined in
2 section 801 of the Native American Housing
3 Assistance and Self-Determination Act of 1996
4 (25 U.S.C. 4221); or

5 (E) those areas or communities designated
6 by the Assistant Secretary of Indian Affairs of
7 the Department of the Interior that are near,
8 adjacent, or contiguous to reservations where fi-
9 nancial assistance and social service programs
10 are provided to Indians because of their status
11 as Indians.

12 (6) TRIBAL LIBRARY.—The term “Tribal li-
13 brary” means, only during an emergency period de-
14 scribed under subsection (f), a facility owned by an
15 Indian Tribe, serving Indian Tribes, or serving
16 American Indians, Alaskan Natives, or Native Ha-
17 waiian communities, including—

18 (A) a Tribal library or Tribal library con-
19 sortium; or

20 (B) a Tribal government building, chapter
21 house, longhouse, community center, or other
22 similar public building.

23 (7) WI-FI.—The term “Wi-Fi” means a wire-
24 less networking protocol based on Institute of Elec-

1 trical and Electronics Engineers standard 802.11
2 (or any successor standard).

3 (8) WI-FI HOTSPOT.—The term “Wi-Fi
4 hotspot” means a device that is capable of—

5 (A) receiving mobile advanced tele-
6 communications and information services; and

7 (B) sharing such services with another de-
8 vice through the use of Wi-Fi.

9 **TITLE III—EMERGENCY BENEFIT** 10 **FOR BROADBAND SERVICE**

11 **SEC. 301. BENEFIT FOR BROADBAND SERVICE DURING** 12 **EMERGENCY PERIODS RELATING TO COVID—** 13 **19.**

14 (a) PROMULGATION OF REGULATIONS REQUIRED.—

15 Not later than 7 days after the date of the enactment of
16 this Act, the Commission shall promulgate regulations im-
17 plementing this section.

18 (b) REQUIREMENTS.—The regulations promulgated
19 pursuant to subsection (a) shall establish the following:

20 (1) EMERGENCY BROADBAND BENEFIT.—Dur-
21 ing an emergency period, a provider shall provide an
22 eligible household with an internet service offering,
23 upon request by a member of such household. Such
24 provider shall discount the price charged to such
25 household for such internet service offering in an

1 amount equal to the emergency broadband benefit
2 for such household.

3 (2) VERIFICATION OF ELIGIBILITY.—To verify
4 whether a household is an eligible household, a pro-
5 vider shall either—

6 (A) use the National Lifeline Eligibility
7 Verifier; or

8 (B) rely upon an alternative verification
9 process of the provider, if the Commission finds
10 such process to be sufficient to avoid waste,
11 fraud, and abuse.

12 (3) USE OF NATIONAL LIFELINE ELIGIBILITY
13 VERIFIER.—The Commission shall—

14 (A) expedite the ability of all providers to
15 access the National Lifeline Eligibility Verifier
16 for purposes of determining whether a house-
17 hold is an eligible household; and

18 (B) ensure that the National Lifeline Eligi-
19 bility Verifier approves an eligible household to
20 receive the emergency broadband benefit not
21 later than two days after the date of the sub-
22 mission of information necessary to determine if
23 such household is an eligible household.

24 (4) EXTENSION OF EMERGENCY PERIOD.—An
25 emergency period may be extended within a State or

1 any portion thereof if the State, or in the case of
2 Tribal land, a Tribal government, provides written,
3 public notice to the Commission stipulating that an
4 extension is necessary in furtherance of the recovery
5 related to COVID–19. The Commission shall, within
6 48 hours after receiving such notice, post the notice
7 on the public website of the Commission.

8 (5) REIMBURSEMENT.—From the Emergency
9 Broadband Connectivity Fund established in sub-
10 section (h), the Commission shall reimburse a pro-
11 vider in an amount equal to the emergency
12 broadband benefit with respect to an eligible house-
13 hold that receives such benefit from such provider.

14 (6) REIMBURSEMENT FOR CONNECTED DE-
15 VICE.—A provider that, in addition to providing the
16 emergency broadband benefit to an eligible house-
17 hold, supplies such household with a connected de-
18 vice may be reimbursed up to \$100 from the Emer-
19 gency Broadband Connectivity Fund established in
20 subsection (h) for such connected device, if the
21 charge to such eligible household is more than \$10
22 but less than \$50 for such connected device, except
23 that a provider may receive reimbursement for no
24 more than one connected device per eligible house-
25 hold.

1 (7) NO RETROACTIVE REIMBURSEMENT.—A
2 provider may not receive a reimbursement from the
3 Emergency Broadband Connectivity Fund for pro-
4 viding an internet service offering discounted by the
5 emergency broadband benefit, or for supplying a
6 connected device, that was provided or supplied (as
7 the case may be) before the date of the enactment
8 of this Act.

9 (8) CERTIFICATION REQUIRED.—To receive a
10 reimbursement under paragraph (5) or (6), a pro-
11 vider shall certify to the Commission the following:

12 (A) That the amount for which the pro-
13 vider is seeking reimbursement from the Emer-
14 gency Broadband Connectivity Fund for an
15 internet service offering to an eligible household
16 is not more than the normal rate.

17 (B) That each eligible household for which
18 a provider is seeking reimbursement for pro-
19 viding an internet service offering discounted by
20 the emergency broadband benefit—

21 (i) has not been and will not be
22 charged—

23 (I) for such offering, if the nor-
24 mal rate for such offering is less than
25 or equal to the amount of the emer-

1 agency broadband benefit for such
2 household; or

3 (II) more for such offering than
4 the difference between the normal rate
5 for such offering and the amount of
6 the emergency broadband benefit for
7 such household;

8 (ii) will not be required to pay an
9 early termination fee if such eligible house-
10 hold elects to enter into a contract to re-
11 ceive such internet service offering if such
12 household later terminates such contract;
13 and

14 (iii) was not subject to a mandatory
15 waiting period for such internet service of-
16 fering based on having previously received
17 broadband internet access service from
18 such provider.

19 (C) That each eligible household for which
20 the provider is seeking reimbursement for sup-
21 plying such household with a connected device
22 has not been and will not be charged \$10 or
23 less or \$50 or more for such device.

24 (D) A description of the process used by
25 the provider to verify that a household is an eli-

1 gible household, if the provider elects an alter-
2 native verification process under paragraph
3 (2)(B), and that such verification process was
4 designed to avoid waste, fraud, and abuse.

5 (9) AUDIT REQUIREMENTS.—The Commission
6 shall adopt audit requirements to ensure that pro-
7 viders are in compliance with the requirements of
8 this section and to prevent waste, fraud, and abuse
9 in the emergency broadband benefit program estab-
10 lished under this section.

11 (c) ELIGIBLE PROVIDERS.—Notwithstanding sub-
12 section (e) of this section, the Commission shall provide
13 a reimbursement to a provider under this section without
14 requiring such provider to be designated as an eligible tele-
15 communications carrier under section 214(e) of the Com-
16 munications Act of 1934 (47 U.S.C. 214(e)).

17 (d) RULE OF CONSTRUCTION.—Nothing in this sec-
18 tion shall affect the collection, distribution, or administra-
19 tion of the Lifeline Assistance Program governed by the
20 rules set forth in subpart E of part 54 of title 47, Code
21 of Federal Regulations (or any successor regulation).

22 (e) PART 54 REGULATIONS.—Nothing in this section
23 shall be construed to prevent the Commission from pro-
24 viding that the regulations in part 54 of title 47, Code
25 of Federal Regulations (or any successor regulation), shall

1 apply in whole or in part to support provided under the
2 regulations required by subsection (a), shall not apply in
3 whole or in part to such support, or shall be modified in
4 whole or in part for purposes of application to such sup-
5 port.

6 (f) ENFORCEMENT.—A violation of this section or a
7 regulation promulgated under this section, including the
8 knowing or reckless denial of an internet service offering
9 discounted by the emergency broadband benefit to an eligi-
10 ble household that requests such an offering, shall be
11 treated as a violation of the Communications Act of 1934
12 (47 U.S.C. 151 et seq.) or a regulation promulgated under
13 such Act. The Commission shall enforce this section and
14 the regulations promulgated under this section in the same
15 manner, by the same means, and with the same jurisdic-
16 tion, powers, and duties as though all applicable terms and
17 provisions of the Communications Act of 1934 were incor-
18 porated into and made a part of this section.

19 (g) EXEMPTIONS.—

20 (1) CERTAIN RULEMAKING REQUIREMENTS.—

21 Section 553 of title 5, United States Code, shall not
22 apply to a regulation promulgated under subsection
23 (a) or a rulemaking to promulgate such a regulation.

24 (2) PAPERWORK REDUCTION ACT REQUIRE-
25 MENTS.—A collection of information conducted or

1 sponsored under the regulations required by sub-
2 section (a) shall not constitute a collection of infor-
3 mation for the purposes of subchapter I of chapter
4 35 of title 44, United States Code (commonly re-
5 ferred to as the Paperwork Reduction Act).

6 (h) EMERGENCY BROADBAND CONNECTIVITY
7 FUND.—

8 (1) ESTABLISHMENT.—There is established in
9 the Treasury of the United States a fund to be
10 known as the Emergency Broadband Connectivity
11 Fund.

12 (2) USE OF FUNDS.—Amounts in the Emer-
13 gency Broadband Connectivity Fund shall be avail-
14 able to the Commission for reimbursements to pro-
15 viders under the regulations required by subsection
16 (a).

17 (3) RELATIONSHIP TO UNIVERSAL SERVICE
18 CONTRIBUTIONS.—Reimbursements provided under
19 the regulations required by subsection (a) shall be
20 provided from amounts made available under this
21 subsection and not from contributions under section
22 254(d) of the Communications Act of 1934 (47
23 U.S.C. 254(d)), except the Commission may use
24 such contributions if needed to offset expenses asso-
25 ciated with the reliance on the National Lifeline Eli-

gibility Verifier to determine eligibility of households to receive the emergency broadband benefit.

(i) DEFINITIONS.—In this section:

(1) BROADBAND INTERNET ACCESS SERVICE.—

The term “broadband internet access service” has the meaning given such term in section 8.1(b) of title 47, Code of Federal Regulations (or any successor regulation).

(2) CONNECTED DEVICE.—The term “con-

nected device” means a laptop or desktop computer or a tablet.

(3) ELIGIBLE HOUSEHOLD.—The term “eligible

household” means, regardless of whether the household or any member of the household receives support under subpart E of part 54 of title 47, Code of Federal Regulations (or any successor regulation), and regardless of whether any member of the household has any past or present arrearages with a provider, a household in which—

(A) at least one member of the household

meets the qualifications in subsection (a) or (b) of section 54.409 of title 47, Code of Federal Regulations (or any successor regulation);

(B) at least one member of the household

has applied for and been approved to receive

benefits under the free and reduced price lunch program under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.) or the school breakfast program under section 4 of the Child Nutrition Act of 1966 (42 U.S.C. 1773);

(C) at least one member of the household has experienced a substantial loss of income since February 29, 2020, documented by layoff or furlough notice, application for unemployment insurance benefits, or similar documentation; or

(D) at least one member of the household has received a Federal Pell Grant under section 401 of the Higher Education Act of 1965 (20 U.S.C. 1070a) in the current award year.

(4) EMERGENCY BROADBAND BENEFIT.—The term “emergency broadband benefit” means a monthly discount for an eligible household applied to the normal rate for an internet service offering, in an amount equal to such rate, but not more than \$50, or, if an internet service offering is provided to an eligible household on Tribal land, not more than \$75.

1 (5) EMERGENCY PERIOD.—The term “emer-
2 gency period” means a period that—

3 (A) begins on the date of a determination
4 by the Secretary of Health and Human Services
5 pursuant to section 319 of the Public Health
6 Service Act (42 U.S.C. 247d) that a public
7 health emergency exists as a result of COVID–
8 19; and

9 (B) ends on the date that is 6 months
10 after the date on which such determination (in-
11 cluding any renewal thereof) terminates, except
12 as such period may be extended under sub-
13 section (b)(4).

14 (6) INTERNET SERVICE OFFERING.—The term
15 “internet service offering” means, with respect to a
16 provider, broadband internet access service provided
17 by such provider to a household, offered in the same
18 manner, and on the same terms, as described in any
19 of such provider’s advertisements for broadband
20 internet access service to such household, as on Sep-
21 tember 1, 2020.

22 (7) NORMAL RATE.—The term “normal rate”
23 means, with respect to an internet service offering
24 by a provider, the advertised monthly retail rate, as
25 of September 1, 2020, including any applicable pro-

1 motions and excluding any taxes or other govern-
 2 mental fees.

3 (8) PROVIDER.—The term “provider” means a
 4 provider of broadband internet access service.

5 **SEC. 302. ENHANCED LIFELINE BENEFITS DURING EMER-**
 6 **GENCY PERIODS.**

7 (a) ENHANCED MINIMUM SERVICE STANDARDS FOR
 8 LIFELINE BENEFITS DURING EMERGENCY PERIODS.—
 9 During an emergency period—

10 (1) the minimum service standard for Lifeline
 11 supported mobile voice service shall provide an un-
 12 limited number of minutes per month;

13 (2) the minimum service standard for Lifeline
 14 supported mobile data service shall provide an un-
 15 limited data allowance each month and 4G speeds,
 16 where available; and

17 (3) the Basic Support Amount and Tribal
 18 Lands Support Amount, as described in section
 19 54.403 of title 47, Code of Federal Regulations (or
 20 any successor regulation), shall be increased by an
 21 amount necessary, as determined by the Commis-
 22 sion, to offset any incremental increase in cost asso-
 23 ciated with the requirements in paragraphs (1) and
 24 (2), but at a minimum the Basic Support Amount
 25 shall be not less than \$25 per month and the Tribal

1 Lands Support Amount shall be not less than \$40
2 per month.

3 (b) EXTENSION OF EMERGENCY PERIOD.—An emer-
4 gency period may be extended within a State or any por-
5 tion thereof for a maximum of six months, if the State,
6 or in the case of Tribal land, a Tribal government, pro-
7 vides written, public notice to the Commission stipulating
8 that an extension is necessary in furtherance of the recov-
9 ery related to COVID–19. The Commission shall, within
10 48 hours after receiving such notice, post the notice on
11 the public website of the Commission.

12 (c) REGULATIONS.—

13 (1) IN GENERAL.—Not later than 7 days after
14 the date of the enactment of this Act, the Commis-
15 sion shall promulgate regulations implementing this
16 section.

17 (2) EXEMPTIONS.—

18 (A) CERTAIN RULEMAKING REQUIRE-
19 MENTS.—Section 553 of title 5, United States
20 Code, shall not apply to a regulation promul-
21 gated under paragraph (1) or a rulemaking to
22 promulgate such a regulation.

23 (B) PAPERWORK REDUCTION ACT RE-
24 QUIREMENTS.—A collection of information con-
25 ducted or sponsored under the regulations pro-

1 mulgated under paragraph (1), or under section
2 254 of the Communications Act of 1934 (47
3 U.S.C. 254) in connection with support pro-
4 vided under such regulations, shall not con-
5 stitute a collection of information for the pur-
6 poses of subchapter I of chapter 35 of title 44,
7 United States Code (commonly referred to as
8 the Paperwork Reduction Act).

9 (d) EMERGENCY PERIOD DEFINED.—In this section,
10 the term “emergency period” means a period that—

11 (1) begins on the date of a determination by the
12 Secretary of Health and Human Services pursuant
13 to section 319 of the Public Health Service Act (42
14 U.S.C. 247d) that a public health emergency exists
15 as a result of COVID–19; and

16 (2) ends on the date that is 6 months after the
17 date on which such determination (including any re-
18 newal thereof) terminates, except as such period
19 may be extended under subsection (b).

20 **SEC. 303. GRANTS TO STATES TO STRENGTHEN NATIONAL**
21 **LIFELINE ELIGIBILITY VERIFIER.**

22 (a) IN GENERAL.—From amounts appropriated to
23 carry out this section, the Commission shall, not later than
24 7 days after the date of the enactment of this Act, make
25 a grant to each State, in an amount in proportion to the

1 population of such State, for the purpose of connecting
2 the database used by such State for purposes of the sup-
3 plemental nutrition assistance program under the Food
4 and Nutrition Act of 2008 (7 U.S.C. 2011 et seq.) to the
5 National Lifeline Eligibility Verifier, so that the receipt
6 by a household of benefits under such program is reflected
7 in the National Lifeline Eligibility Verifier.

8 (b) DISBURSEMENT OF GRANT FUNDS.—Funds
9 under each grant made under subsection (a) shall be dis-
10 bursed to the State receiving such grant not later than
11 7 days after the date of the enactment of this Act.

12 (c) CERTIFICATION TO CONGRESS.—Not later than
13 21 days after the date of the enactment of this Act, the
14 Commission shall certify to the Committee on Energy and
15 Commerce of the House of Representatives and the Com-
16 mittee on Commerce, Science, and Transportation of the
17 Senate that the grants required by subsection (a) have
18 been made and that funds have been disbursed as required
19 by subsection (b).

20 **SEC. 304. DEFINITIONS.**

21 In this title:

22 (1) COMMISSION.—The term “Commission”
23 means the Federal Communications Commission.

24 (2) NATIONAL LIFELINE ELIGIBILITY
25 VERIFIER.—The term “National Lifeline Eligibility

1 Verifier” has the meaning given such term in section
 2 54.400 of title 47, Code of Federal Regulations (or
 3 any successor regulation).

4 (3) STATE.—The term “State” has the mean-
 5 ing given such term in section 3 of the Communica-
 6 tions Act of 1934 (47 U.S.C. 153).

7 **TITLE IV—CONTINUED**

8 **CONNECTIVITY**

9 **SEC. 401. CONTINUED CONNECTIVITY DURING EMERGENCY**

10 **PERIODS RELATING TO COVID-19.**

11 Title VII of the Communications Act of 1934 (47
 12 U.S.C. 601 et seq.) is amended by adding at the end the
 13 following:

14 **“SEC. 723. CONTINUED CONNECTIVITY DURING EMER-**

15 **GENCY PERIODS RELATING TO COVID-19.**

16 “(a) IN GENERAL.—During an emergency period de-
 17 scribed in subsection (c), it shall be unlawful—

18 “(1) for a provider of advanced telecommuni-
 19 cations service or voice service to—

20 “(A) terminate, reduce, or change such
 21 service provided to any individual customer or
 22 small business because of the inability of the in-
 23 dividual customer or small business to pay for
 24 such service if the individual customer or small
 25 business certifies to such provider that such in-

1 ability to pay is a result of disruptions caused
2 by the public health emergency to which such
3 emergency period relates; or

4 “(B) impose late fees on any individual
5 customer or small business because of the in-
6 ability of the individual customer or small busi-
7 ness to pay for such service if the individual
8 customer or small business certifies to such pro-
9 vider that such inability to pay is a result of
10 disruptions caused by the public health emer-
11 gency to which such emergency period relates;

12 “(2) for a provider of advanced telecommuni-
13 cations service to, during such emergency period—

14 “(A) employ a limit on the amount of data
15 allotted to an individual customer or small busi-
16 ness during such emergency period, except that
17 such provider may engage in reasonable net-
18 work management; or

19 “(B) charge an individual customer or
20 small business an additional fee for exceeding
21 the limit on the data allotted to an individual
22 customer or small business; or

23 “(3) for a provider of advanced telecommuni-
24 cations service that had functioning Wi-Fi hotspots
25 available to subscribers in public places on the day

1 before the beginning of such emergency period to
2 fail to make service provided by such Wi-Fi hotspots
3 available to the public at no cost during such emer-
4 gency period.

5 “(b) WAIVER.—Upon a petition by a provider ad-
6 vanced telecommunications service or voice service, the
7 provisions in subsection (a) may be suspended or waived
8 by the Commission at any time, in whole or in part, for
9 good cause shown.

10 “(c) EMERGENCY PERIODS DESCRIBED.—An emer-
11 gency period described in this subsection is any portion
12 beginning on or after the date of the enactment of this
13 section of the duration of a public health emergency de-
14 clared pursuant to section 319 of the Public Health Serv-
15 ice Act (42 U.S.C. 247d) as a result of COVID–19, includ-
16 ing any renewal thereof.

17 “(d) DEFINITIONS.—In this section:

18 “(1) ADVANCED TELECOMMUNICATIONS SERV-
19 ICE.—The term ‘advanced telecommunications serv-
20 ice’ means a service that provides advanced tele-
21 communications capability (as defined in section 706
22 of the Telecommunications Act of 1996 (47 U.S.C.
23 1302)).

24 “(2) BROADBAND INTERNET ACCESS SERV-
25 ICE.—The term ‘broadband internet access service’

1 has the meaning given such term in section 8.1(b)
 2 of title 47, Code of Federal Regulations (or any suc-
 3 cessor regulation).

4 “(3) INDIVIDUAL CUSTOMER.—The term ‘indi-
 5 vidual customer’ means an individual who contracts
 6 with a mass-market retail provider of advanced tele-
 7 communications service or voice service to provide
 8 service to such individual.

9 “(4) REASONABLE NETWORK MANAGEMENT.—
 10 The term ‘reasonable network management’—

11 “(A) means the use of a practice that—

12 “(i) has a primarily technical network
 13 management justification; and

14 “(ii) is primarily used for and tailored
 15 to achieving a legitimate network manage-
 16 ment purpose, taking into account the par-
 17 ticular network architecture and tech-
 18 nology of the service; and

19 “(B) does not include other business prac-
 20 tices.

21 “(5) SMALL BUSINESS.—The term ‘small busi-
 22 ness’ has the meaning given such term under section
 23 601(3) of title 5, United States Code.

24 “(6) VOICE SERVICE.—The term ‘voice service’
 25 has the meaning given such term under section

1 227(e)(8) of the Communications Act of 1934 (47
2 U.S.C. 227(e)(8)).

3 “(7) WI-FI.—The term ‘Wi-Fi’ means a wire-
4 less networking protocol based on Institute of Elec-
5 trical and Electronics Engineers standard 802.11
6 (or any successor standard).

7 “(8) WI-FI HOTSPOT.—The term ‘Wi-Fi
8 hotspot’ means a device that is capable of—

9 “(A) receiving mobile broadband internet
10 access service; and

11 “(B) sharing such service with another de-
12 vice through the use of Wi-Fi.”.

13 **TITLE V—DON’T BREAK UP THE** 14 **T-BAND**

15 **SEC. 501. REPEAL OF REQUIREMENT TO REALLOCATE AND** 16 **AUCTION T-BAND SPECTRUM.**

17 (a) REPEAL.—Section 6103 of the Middle Class Tax
18 Relief and Job Creation Act of 2012 (47 U.S.C. 1413)
19 is repealed.

20 (b) CLERICAL AMENDMENT.—The table of contents
21 in section 1(b) of such Act is amended by striking the
22 item relating to section 6103.

1 **TITLE VI—COVID-19 COMPAS-**
2 **SION AND MARTHA WRIGHT**
3 **PRISON PHONE JUSTICE**

4 **SEC. 601. FINDINGS.**

5 Congress finds the following:

6 (1) Prison, jails, and other confinement facili-
7 ties in the United States have unique telecommuni-
8 cations needs due to safety and security concerns.

9 (2) Unjust and unreasonable charges for tele-
10 phone and advanced communications services in con-
11 finement facilities negatively impact the safety and
12 security of communities in the United States by
13 damaging relationships between incarcerated persons
14 and their support systems, thereby exacerbating re-
15 cidivism.

16 (3) The COVID-19 pandemic has greatly inten-
17 sified these concerns. Jails and prisons have become
18 epicenters for the spread of the virus, with incarcer-
19 ated persons concentrated in small, confined spaces
20 and often without access to adequate health care. At
21 Cook County jail alone, hundreds of incarcerated
22 persons and jail staff have tested positive for the
23 virus since its outbreak.

24 (4) To prevent the spread of the virus, many
25 jails and prisons across the country suspended pub-

1 lic visitation, leaving confinement facility commu-
2 nications services as the only way that incarcerated
3 persons can stay in touch with their families.

4 (5) All people in the United States, including
5 anyone who pays for confinement facility commu-
6 nications services, should have access to communica-
7 tions services at charges that are just and reason-
8 able.

9 (6) Unemployment has risen sharply as a result
10 of the COVID–19 pandemic, straining the incomes
11 of millions of Americans and making it even more
12 difficult for families of incarcerated persons to pay
13 the high costs of confinement facility communica-
14 tions services.

15 (7) Certain markets for confinement facility
16 communications services are distorted due to reverse
17 competition, in which the financial interests of the
18 entity making the buying decision (the confinement
19 facility) are aligned with the seller (the provider of
20 confinement facility communications services) and
21 not the consumer (the incarcerated person or a
22 member of his or her family). This reverse competi-
23 tion occurs because site commission payments to the
24 confinement facility from the provider of confine-
25 ment facility communications services are the chief

1 criterion many facilities use to select their provider
2 of confinement facility communications services.

3 (8) Charges for confinement facility commu-
4 nications services that have been shown to be unjust
5 and unreasonable are often a result of site commis-
6 sion payments that far exceed the costs incurred by
7 the confinement facility in accommodating these
8 services.

9 (9) Unjust and unreasonable charges have been
10 assessed for both audio and video services and for
11 both intrastate and interstate communications from
12 confinement facilities.

13 (10) Though Congress enacted emergency legis-
14 lation to allow free communications in Federal pris-
15 ons during the pandemic, it does not cover commu-
16 nications to or from anyone incarcerated in State
17 and local prisons or jails.

18 (11) Mrs. Martha Wright-Reed led a campaign
19 for just communications rates for incarcerated peo-
20 ple for over a decade.

21 (12) Mrs. Wright-Reed was the lead plaintiff in
22 Wright v. Corrections Corporation of America, CA
23 No. 00–293 (GK) (D.D.C. 2001).

1 (13) That case ultimately led to the Wright Pe-
 2 tition at the Federal Communications Commission,
 3 CC Docket No. 96–128 (November 3, 2003).

4 (14) As a grandmother, Mrs. Wright-Reed was
 5 forced to choose between purchasing medication and
 6 communicating with her incarcerated grandson.

7 (15) Mrs. Wright-Reed passed away on Janu-
 8 ary 18, 2015, before fully realizing her dream of just
 9 communications rates for all people.

10 **SEC. 602. REQUIREMENTS FOR CONFINEMENT FACILITY**
 11 **COMMUNICATIONS SERVICES, DURING THE**
 12 **COVID-19 PANDEMIC AND OTHER TIMES.**

13 (a) IN GENERAL.—Section 276 of the Communica-
 14 tions Act of 1934 (47 U.S.C. 276) is amended by adding
 15 at the end the following:

16 “(e) ADDITIONAL REQUIREMENTS FOR CONFINEMENT FACILITY COMMUNICATIONS SERVICES.—

17 “(1) AUTHORITY.—

18 “(A) IN GENERAL.—All charges, practices,
 19 classifications, and regulations for and in con-
 20 nection with confinement facility communica-
 21 tions services shall be just and reasonable, and
 22 any such charge, practice, classification, or reg-
 23 ulation that is unjust or unreasonable is de-
 24 clared to be unlawful.
 25

1 “(B) RULEMAKING REQUIRED.—Not later
2 than 18 months after the date of the enactment
3 of this subsection, the Commission shall issue
4 rules to adopt, for the provision of confinement
5 facility communications services, rates and an-
6 cillary service charges that are just and reason-
7 able, which shall be the maximum such rates
8 and charges that a provider of confinement fa-
9 cility communications services may charge for
10 such services. In determining rates and charges
11 that are just and reasonable, the Commission
12 shall adopt such rates and charges based on the
13 average industry costs of providing such serv-
14 ices using data collected from providers of con-
15 finement facility communications services.

16 “(C) BIENNIAL REVIEW.—Not less fre-
17 quently than every 2 years following the
18 issuance of rules under subparagraph (B), the
19 Commission shall—

20 “(i) determine whether the rates and
21 ancillary service charges authorized by the
22 rules issued under such subparagraph re-
23 main just and reasonable; and

24 “(ii) if the Commission determines
25 under clause (i) that any such rate or

1 charge does not remain just and reason-
2 able, revise such rules so that such rate or
3 charge is just and reasonable.

4 “(2) INTERIM RATE CAPS.—Until the Commis-
5 sion issues the rules required by paragraph (1)(B),
6 a provider of confinement facility communications
7 services may not charge a rate for any voice service
8 communication using confinement facility commu-
9 nications services that exceeds the following:

10 “(A) For debit calling or prepaid calling,
11 \$0.04 per minute.

12 “(B) For collect calling, \$0.05 per minute.

13 “(3) ASSESSMENT ON PER-MINUTE BASIS.—Ex-
14 cept as provided in paragraph (4), a provider of con-
15 finement facility communications services—

16 “(A) shall assess all charges for a commu-
17 nication using such services on a per-minute
18 basis for the actual duration of the communica-
19 tion, measured from communication acceptance
20 to termination, rounded up to the next full
21 minute, except in the case of charges for serv-
22 ices that the confinement facility offers free of
23 charge or for amounts below the amounts per-
24 mitted under this subsection; and

1 “(B) may not charge a per-communication
2 or per-connection charge for a communication
3 using such services.

4 “(4) ANCILLARY SERVICE CHARGES.—

5 “(A) GENERAL PROHIBITION.—A provider
6 of confinement facility communications services
7 may not charge an ancillary service charge
8 other than—

9 “(i) if the Commission has not yet
10 issued the rules required by paragraph
11 (1)(B), a charge listed in subparagraph
12 (B) of this paragraph; or

13 “(ii) a charge authorized by the rules
14 adopted by the Commission under para-
15 graph (1).

16 “(B) PERMITTED CHARGES AND RATES.—
17 If the Commission has not yet issued the rules
18 required by paragraph (1)(B), a provider of
19 confinement facility communications services
20 may not charge a rate for an ancillary service
21 charge in excess of the following:

22 “(i) In the case of an automated pay-
23 ment fee, 2.9 percent of the total charge
24 on which the fee is assessed.

1 “(ii) In the case of a fee for single-call
2 and related services, the exact transaction
3 fee charged by the third-party provider,
4 with no markup.

5 “(iii) In the case of a live agent fee,
6 \$5.95 per use.

7 “(iv) In the case of a paper bill or
8 statement fee, \$2 per use.

9 “(v) In the case of a third-party fi-
10 nancial transaction fee, the exact fee, with
11 no markup, charged by the third party for
12 the transaction.

13 “(5) PROHIBITION ON SITE COMMISSIONS.—A
14 provider of confinement facility communications
15 services may not assess a site commission.

16 “(6) RELATIONSHIP TO STATE LAW.—A State
17 or political subdivision of a State may not enforce
18 any law, rule, regulation, standard, or other provi-
19 sion having the force or effect of law relating to con-
20 finement facility communications services that allows
21 for higher rates or other charges to be assessed for
22 such services than is permitted under any Federal
23 law or regulation relating to confinement facility
24 communications services.

25 “(7) DEFINITIONS.—In this subsection:

1 “(A) ANCILLARY SERVICE CHARGE.—The
2 term ‘ancillary service charge’ means any
3 charge a consumer may be assessed for the set-
4 ting up or use of a confinement facility commu-
5 nications service that is not included in the per-
6 minute charges assessed for individual commu-
7 nications.

8 “(B) AUTOMATED PAYMENT FEE.—The
9 term ‘automated payment fee’ means a credit
10 card payment, debit card payment, or bill proc-
11 essing fee, including a fee for a payment made
12 by means of interactive voice response, the
13 internet, or a kiosk.

14 “(C) COLLECT CALLING.—The term ‘col-
15 lect calling’ means an arrangement whereby a
16 credit-qualified party agrees to pay for charges
17 associated with a communication made to such
18 party using confinement facility communica-
19 tions services and originating from within a
20 confinement facility.

21 “(D) CONFINEMENT FACILITY.—The term
22 ‘confinement facility’—

23 “(i) means a jail or a prison; and

24 “(ii) includes any juvenile, detention,
25 work release, or mental health facility that

1 is used primarily to hold individuals who
2 are—

3 “(I) awaiting adjudication of
4 criminal charges or an immigration
5 matter; or

6 “(II) serving a sentence for a
7 criminal conviction.

8 “(E) CONFINEMENT FACILITY COMMU-
9 NICATIONS SERVICE.—The term ‘confinement
10 facility communications service’ means a service
11 that allows incarcerated persons to make elec-
12 tronic communications (whether intrastate,
13 interstate, or international and whether made
14 using video, audio, or any other communicative
15 method, including advanced communications
16 services) to individuals outside the confinement
17 facility, or to individuals inside the confinement
18 facility, where the incarcerated person is being
19 held, regardless of the technology used to de-
20 liver the service.

21 “(F) CONSUMER.—The term ‘consumer’
22 means the party paying a provider of confine-
23 ment facility communications services.

24 “(G) DEBIT CALLING.—The term ‘debit
25 calling’ means a presubscription or comparable

1 service which allows an incarcerated person, or
2 someone acting on an incarcerated person's be-
3 half, to fund an account set up through a pro-
4 vider that can be used to pay for confinement
5 facility communications services originated by
6 the incarcerated person.

7 “(H) FEE FOR SINGLE-CALL AND RE-
8 LATED SERVICES.—The term ‘fee for single-call
9 and related services’ means a billing arrange-
10 ment whereby communications made by an in-
11 carcerated person using collect calling are billed
12 through a third party on a per-communication
13 basis, where the recipient does not have an ac-
14 count with the provider of confinement facility
15 communications services.

16 “(I) INCARCERATED PERSON.—The term
17 ‘incarcerated person’ means a person detained
18 at a confinement facility, regardless of the du-
19 ration of the detention.

20 “(J) JAIL.—The term ‘jail’—

21 “(i) means a facility of a law enforce-
22 ment agency of the Federal Government or
23 of a State or political subdivision of a
24 State that is used primarily to hold indi-
25 viduals who are—

1 “(I) awaiting adjudication of
2 criminal charges;

3 “(II) post-conviction and com-
4 mitted to confinement for sentences of
5 one year or less; or

6 “(III) post-conviction and await-
7 ing transfer to another facility; and

8 “(ii) includes—

9 “(I) city, county, or regional fa-
10 cilities that have contracted with a
11 private company to manage day-to-
12 day operations;

13 “(II) privately-owned and oper-
14 ated facilities primarily engaged in
15 housing city, county, or regional in-
16 carcerated persons; and

17 “(III) facilities used to detain in-
18 dividuals pursuant to a contract with
19 U.S. Immigration and Customs En-
20 forcement.

21 “(K) LIVE AGENT FEE.—The term ‘live
22 agent fee’ means a fee associated with the op-
23 tional use of a live operator to complete a con-
24 finement facility communications service trans-
25 action.

1 “(L) PAPER BILL OR STATEMENT FEE.—

2 The term ‘paper bill or statement fee’ means a
3 fee associated with providing a consumer an op-
4 tional paper billing statement.

5 “(M) PER-COMMUNICATION OR PER-CON-

6 NECTION CHARGE.—The term ‘per-communica-
7 tion or per-connection charge’ means a one-time
8 fee charged to a consumer at the initiation of
9 a communication.

10 “(N) PREPAID CALLING.—The term ‘pre-

11 paid calling’ means a calling arrangement that
12 allows a consumer to pay in advance for a spec-
13 ified amount of confinement facility commu-
14 nications services.

15 “(O) PRISON.—The term ‘prison’—

16 “(i) means a facility operated by a
17 State or Federal agency that is used pri-
18 marily to confine individuals convicted of
19 felonies and sentenced to terms in excess
20 of one year; and

21 “(ii) includes—

22 “(I) public and private facilities
23 that provide outsource housing to
24 State or Federal agencies such as

1 State Departments of Correction and
2 the Federal Bureau of Prisons; and

3 “(II) facilities that would other-
4 wise be jails but in which the majority
5 of incarcerated persons are post-con-
6 viction or are committed to confine-
7 ment for sentences of longer than one
8 year.

9 “(P) PROVIDER OF CONFINEMENT FACIL-
10 ITY COMMUNICATIONS SERVICES.—The term
11 ‘provider of confinement facility communica-
12 tions services’ means any communications serv-
13 ice provider that provides confinement facility
14 communications services, regardless of the tech-
15 nology used.

16 “(Q) SITE COMMISSION.—The term ‘site
17 commission’ means any monetary payment, in-
18 kind payment, gift, exchange of services or
19 goods, fee, technology allowance, or product
20 that a provider of confinement facility commu-
21 nications services or an affiliate of a provider of
22 confinement facility communications services
23 may pay, give, donate, or otherwise provide
24 to—

1 “(i) an entity that operates a confine-
2 ment facility;

3 “(ii) an entity with which the provider
4 of confinement facility communications
5 services enters into an agreement to pro-
6 vide confinement facility communications
7 services;

8 “(iii) a governmental agency that
9 oversees a confinement facility;

10 “(iv) the State or political subdivision
11 of a State where a confinement facility is
12 located; or

13 “(v) an agent or other representative
14 of an entity described in any of clauses (i)
15 through (iv).

16 “(R) THIRD-PARTY FINANCIAL TRANS-
17 ACTION FEE.—The term ‘third-party financial
18 transaction fee’ means the exact fee, with no
19 markup, that a provider of confinement facility
20 communications services is charged by a third
21 party to transfer money or process a financial
22 transaction to facilitate the ability of a con-
23 sumer to make an account payment via a third
24 party.

1 “(S) VOICE SERVICE.—The term ‘voice
2 service’—

3 “(i) means any service that is inter-
4 connected with the public switched tele-
5 phone network and that furnishes voice
6 communications to an end user using re-
7 sources from the North American Num-
8 bering Plan or any successor to the North
9 American Numbering Plan adopted by the
10 Commission under section 251(e)(1); and

11 “(ii) includes—

12 “(I) transmissions from a tele-
13 phone facsimile machine, computer, or
14 other device to a telephone facsimile
15 machine; and

16 “(II) without limitation, any
17 service that enables real-time, two-way
18 voice communications, including any
19 service that requires internet protocol-
20 compatible customer premises equip-
21 ment (commonly known as ‘CPE’)
22 and permits out-bound calling, wheth-
23 er or not the service is one-way or
24 two-way voice over internet protocol.”.

1 (b) CONFORMING AMENDMENT.—Section 276(d) of
2 the Communications Act of 1934 (47 U.S.C. 276(d)) is
3 amended by striking “inmate telephone service in correc-
4 tional institutions” and inserting “confinement facility
5 communications services (as defined in subsection
6 (e)(7))”.

7 (c) EXISTING CONTRACTS.—

8 (1) IN GENERAL.—In the case of a contract
9 that was entered into and under which a provider of
10 confinement facility communications services was
11 providing such services at a confinement facility on
12 or before the date of the enactment of this Act—

13 (A) paragraphs (1) through (5) of sub-
14 section (e) of section 276 of the Communica-
15 tions Act of 1934, as added by subsection (a)
16 of this section, shall apply to the provision of
17 confinement facility communications services by
18 such provider at such facility beginning on the
19 earlier of—

20 (i) the date that is 60 days after such
21 date of enactment; or

22 (ii) the date of the termination of the
23 contract; and

1 (B) the terms of such contract may not be
 2 extended after such date of enactment, whether
 3 by exercise of an option or otherwise.

4 (2) DEFINITIONS.—In this subsection, the
 5 terms “confinement facility”, “confinement facility
 6 communications service”, and “provider of confine-
 7 ment facility communications services” have the
 8 meanings given such terms in paragraph (7) of sub-
 9 section (e) of section 276 of the Communications
 10 Act of 1934, as added by subsection (a) of this sec-
 11 tion.

12 **SEC. 603. AUTHORITY.**

13 Section 2(b) of the Communications Act of 1934 (47
 14 U.S.C. 152(b)) is amended by inserting “section 276,”
 15 after “227, inclusive,”.

16 **DIVISION N—AGRICULTURE**
 17 **PROVISIONS**

18 **SEC. 100. DEFINITIONS.**

19 In this division:

20 (1) The term “COVID–19” means the disease
 21 caused by SARS–CoV–2, or any viral strain mutat-
 22 ing therefrom with pandemic potential.

23 (2) The term “COVID–19 public health emer-
 24 gency” means the public health emergency declared
 25 by the Secretary of Health and Human Services

1 under section 319 of the Public Health Services Act
2 (42 U.S.C. 247d) on January 31, 2020, with respect
3 to COVID–19 (including any renewal of that dec-
4 laration).

5 (3) The term “Secretary” means the Secretary
6 of Agriculture.

7 **TITLE I—LIVESTOCK AND** 8 **POULTRY**

9 **SEC. 101. ESTABLISHMENT OF TRUST FOR BENEFIT OF UN-** 10 **PAID CASH SELLERS OF LIVESTOCK.**

11 The Packers and Stockyards Act, 1921, is amended
12 by inserting after section 317 (7 U.S.C. 217a) the fol-
13 lowing new section:

14 **“SEC. 318. STATUTORY TRUST ESTABLISHED; DEALER.**

15 “(a) ESTABLISHMENT.—

16 “(1) IN GENERAL.—All livestock purchased by
17 a dealer in cash sales and all inventories of, or re-
18 ceivables or proceeds from, such livestock shall be
19 held by such dealer in trust for the benefit of all un-
20 paid cash sellers of such livestock until full payment
21 has been received by such unpaid cash sellers.

22 “(2) EXEMPTION.—Any dealer whose average
23 annual purchases of livestock do not exceed
24 \$100,000 shall be exempt from the provisions of this
25 section.

1 “(3) EFFECT OF DISHONORED INSTRU-
2 MENTS.—For purposes of determining full payment
3 under paragraph (1), a payment to an unpaid cash
4 seller shall not be considered to have been made if
5 the unpaid cash seller receives a payment instrument
6 that is dishonored.

7 “(b) PRESERVATION OF TRUST.—An unpaid cash
8 seller shall lose the benefit of a trust under subsection (a)
9 if the unpaid cash seller has not preserved the trust by
10 giving written notice to the dealer involved and filing such
11 notice with the Secretary—

12 “(1) within 30 days of the final date for mak-
13 ing a payment under section 409 in the event that
14 a payment instrument has not been received; or

15 “(2) within 15 business days after the date on
16 which the seller receives notice that the payment in-
17 strument promptly presented for payment has been
18 dishonored.

19 “(c) NOTICE TO LIEN HOLDERS.—When a dealer re-
20 ceives notice under subsection (b) of the unpaid cash sell-
21 er’s intent to preserve the benefits of the trust, the dealer
22 shall, within 15 business days, give notice to all persons
23 who have recorded a security interest in, or lien on, the
24 livestock held in such trust.

1 “(d) CASH SALES DEFINED.—For the purpose of
2 this section, a cash sale means a sale in which the seller
3 does not expressly extend credit to the buyer.

4 “(e) PURCHASE OF LIVESTOCK SUBJECT TO
5 TRUST.—

6 “(1) IN GENERAL.—A person purchasing live-
7 stock subject to a dealer trust shall receive good title
8 to the livestock if the person receives the livestock—

9 “(A) in exchange for payment of new
10 value; and

11 “(B) in good faith without notice that the
12 transfer is a breach of trust.

13 “(2) DISHONORED PAYMENT INSTRUMENT.—
14 Payment shall not be considered to have been made
15 if a payment instrument given in exchange for the
16 livestock is dishonored.

17 “(3) TRANSFER IN SATISFACTION OF ANTE-
18 CEDENT DEBT.—A transfer of livestock subject to a
19 dealer trust is not for value if the transfer is in sat-
20 isfaction of an antecedent debt or to a secured party
21 pursuant to a security agreement.

22 “(f) ENFORCEMENT.—Whenever the Secretary has
23 reason to believe that a dealer subject to this section has
24 failed to perform the duties required by this section or
25 whenever the Secretary has reason to believe that it will

1 be in the best interest of unpaid cash sellers, the Secretary
 2 shall do one or more of the following—

3 “(1) Appoint an independent trustee to carry
 4 out the duties required by this section, preserve
 5 trust assets, and enforce the trust.

6 “(2) Serve as independent trustee, preserve
 7 trust assets, and enforce the trust.

8 “(3) File suit in the United States district
 9 court for the district in which the dealer resides to
 10 enjoin the dealer’s failure to perform the duties re-
 11 quired by this section, preserve trust assets, and to
 12 enforce the trust. Attorneys employed by the Sec-
 13 retary may, with the approval of the Attorney Gen-
 14 eral, represent the Secretary in any such suit. Noth-
 15 ing herein shall preclude unpaid sellers from filing
 16 suit to preserve or enforce the trust.”.

17 **SEC. 102. EMERGENCY ASSISTANCE FOR MARKET-READY**
 18 **LIVESTOCK AND POULTRY LOSSES.**

19 (a) IN GENERAL.—The Secretary shall make pay-
 20 ments to covered producers to offset the losses of income
 21 related to the intentional depopulation of market-ready
 22 livestock and poultry due to insufficient regional access
 23 to meat and poultry processing related to the COVID–19
 24 public health emergency, as determined by the Secretary.

25 (b) PAYMENT RATE FOR COVERED PRODUCERS.—

1 (1) PAYMENTS FOR FIRST 30-DAY PERIOD.—

2 For a period of 30 days beginning, with respect to
3 a covered producer, on the initial date of depopula-
4 tion described in subsection (a) of the market-ready
5 livestock or poultry of the covered producer, the Sec-
6 retary shall reimburse such covered producer for 85
7 percent of the value of losses as determined under
8 subsection (c).

9 (2) SUBSEQUENT 30-DAY PERIODS.—For each
10 30-day period subsequent to the 30-day period de-
11 scribed in paragraph (1), the Secretary shall reduce
12 the value of the losses as determined under sub-
13 section (c) with respect to a covered producer by 10
14 percent.

15 (c) VALUATION.—In calculating the amount of losses
16 for purposes of the payment rates under subsection (b),
17 the Secretary shall use the average fair market value, as
18 determined by the Secretary in collaboration with the
19 Chief Economist of the Department of Agriculture and the
20 Administrator of the Agricultural Marketing Service, for
21 market-ready livestock, where applicable, and market-
22 ready poultry, where applicable, during the period begin-
23 ning on March 1, 2020, and ending on the date of the
24 enactment of this section. In no case shall a payment
25 made under subsection (b) and compensation received

1 from any other source exceed the average market value
2 of market-ready livestock or poultry on the date of de-
3 population.

4 (d) PACKER-OWNED ANIMALS EXCLUDED.—The Sec-
5 retary may not make payments under this section for the
6 actual losses of livestock owned by a packer or poultry
7 owned by a live poultry dealer.

8 (e) DEFINITIONS.—In this section:

9 (1) COVERED PRODUCER.—The term “covered
10 producer” means a person or legal entity that as-
11 sumes the production and market risks associated
12 with the agricultural production of livestock and
13 poultry (as such terms are defined in section 2(a) of
14 the Packers and Stockyards Act, 1921 (7 U.S.C.
15 182(a)).

16 (2) PACKER.—The term “packer” has the
17 meaning given the term in section 201 of the Pack-
18 ers and Stockyards Act, 1921 (7 U.S.C. 191).

19 (3) LIVE POULTRY DEALER.—The term “live
20 poultry dealer” has the meaning given the term in
21 section 2(a) of the Packers and Stockyards Act,
22 1921 (7 U.S.C. 182(a)).

23 (4) INTENTIONAL DEPOPULATION.—The term
24 “intentional depopulation” means—

1 (A) the destruction of livestock or poultry;
2 and

3 (B) the transfer of livestock or poultry to
4 a noncommercial interest.

5 (f) FUNDING.—Out of any amounts of the Treasury
6 not otherwise appropriated, there is appropriated to carry
7 out this section such sums as may be necessary, to remain
8 available until expended.

9 **SEC. 103. ANIMAL DISEASE PREVENTION AND MANAGE-**
10 **MENT RESPONSE.**

11 Out of any amounts in the Treasury not otherwise
12 appropriated, there is appropriated to carry out section
13 10409A of the Animal Health Protection Act (7 U.S.C.
14 8308A) \$300,000,000, to remain available until expended.

15 **SEC. 104. GRANTS FOR IMPROVEMENTS TO MEAT AND**
16 **POULTRY FACILITIES TO ALLOW FOR INTER-**
17 **STATE SHIPMENT.**

18 (a) IN GENERAL.—The Secretary, acting through the
19 Administrator of the Agricultural Marketing Service and
20 in consultation with the Administrator of the Food Safety
21 Inspection Service, shall make grants to meat and poultry
22 processing facilities (including facilities operating under
23 State inspection or facilities that are exempt from Federal
24 inspection) in operation as of the date on which an appli-
25 cation for such a grant is made to assist such facilities

1 with respect to costs incurred in making improvements to
2 such facilities and carrying out other planning activities
3 necessary to be subject to inspection under the Federal
4 Meat Inspection Act (21 U.S.C. 601 et seq.), or the Poul-
5 try Products Inspection Act (21 U.S.C. 451 et seq.).

6 (b) GRANT AMOUNT.—The amount of a grant under
7 this section shall not exceed \$100,000.

8 (c) CONDITION.—As a condition on receipt of a grant
9 under this section, a grant recipient shall agree that if
10 the recipient is not subject to inspection or making a good
11 faith effort to be subject to inspection under the Federal
12 Meat Inspection Act (21 U.S.C. 601 et seq.) or the Poul-
13 try Products Inspection Act (21 U.S.C. 451 et seq.) within
14 36 months of receiving such grant, the grant recipient
15 shall make a payment (or payments) to the Secretary in
16 an amount equal to the amount of the grant.

17 (d) MATCHING FUNDS.—

18 (1) IN GENERAL.—Except as provided in para-
19 graph (2), the Secretary shall require a grant recipi-
20 ent under this section to provide matching non-Fed-
21 eral funds in an amount equal to the amount of a
22 grant.

23 (2) EXCEPTION.—The Secretary shall not re-
24 quire any recipient of a grant under this section to

1 provide matching funds with respect to a grant
2 awarded in fiscal year 2021.

3 (e) REPORTS.—

4 (1) REPORTS ON GRANTS MADE.—Beginning
5 not later than one year after the date on which the
6 first grant is awarded under this section, and annu-
7 ally thereafter, the Secretary shall submit to the
8 Committee on Agriculture and the Committee on
9 Appropriations of the House of Representatives and
10 the Committee on Agriculture, Nutrition, and For-
11 estry and the Committee on Appropriations of the
12 Senate a report on grants made under this section
13 and any facilities that were upgraded using such
14 funds during the year covered by the report.

15 (2) REPORT ON THE COOPERATIVE INTERSTATE
16 SHIPMENT PROGRAM.—Beginning not later than one
17 year after the date of the enactment of this section,
18 the Secretary shall submit to the Committee on Ag-
19 riculture and the Committee on Appropriations of
20 the House of Representatives and the Committee on
21 Agriculture, Nutrition, and Forestry and the Com-
22 mittee on Appropriations of the Senate a report of
23 any recommendations, developed in consultation with
24 all States, for possible improvements to the coopera-
25 tive interstate shipment programs under section 501

1 of the Federal Meat Inspection Act (21 U.S.C. 683)
2 and section 31 of the Poultry Products Inspection
3 Act (21 U.S.C. 472).

4 (f) FUNDING.—Of the funds of the Treasury not oth-
5 erwise appropriated, there is appropriated to carry out
6 this section \$100,000,000 for the period of fiscal years
7 2021 through 2023.

8 **SEC. 105. PAYMENTS TO CONTRACT PRODUCERS.**

9 (a) IN GENERAL.—The Secretary shall make pay-
10 ments to contract growers of livestock or poultry to cover
11 revenue losses in response to the COVID–19 pandemic.

12 (b) LIVESTOCK AND POULTRY LOSSES NOT COV-
13 ERED BY THE FIRST OR SECOND CORONAVIRUS FOOD AS-
14 SISTANCE PROGRAM.—In the case of livestock or poultry
15 related revenue losses for which a contract grower is ineli-
16 gible to receive direct payments under the first coronavirus
17 food assistance program or the second coronavirus food
18 assistance program, the Secretary shall base payments re-
19 quired under subsection (a), per commodity, by com-
20 paring—

21 (1) the revenue losses for the period beginning
22 on January 15, 2020, and ending on December 31,
23 2020; and

24 (2) historical revenue.

1 (c) ADJUSTED GROSS INCOME LIMITATIONS.—A
 2 payment under this section shall be deemed to be a cov-
 3 ered benefit under section 1001D(b)(2) of the Food Secu-
 4 rity Act of 1985 (7 U.S.C. 1308–3a(b)(2)), unless at least
 5 75 percent of the adjusted gross income of the recipient
 6 of the payment is derived from activities related to farm-
 7 ing, ranching, or forestry.

8 (d) PAYMENTS.—The Secretary shall begin making
 9 payments under subsection (a) not later than 60 days
 10 after the date of the enactment of this section.

11 (e) FUNDING.—There is appropriated, out of any
 12 funds in the Treasury not otherwise appropriated, to carry
 13 out this section \$1,250,000,000, to remain available until
 14 expended.

15 (f) DEFINITIONS.—In this section:

16 (1) CFAP DEFINITIONS.—

17 (A) FIRST CORONAVIRUS FOOD ASSIST-
 18 ANCE PROGRAM.—The term “first coronavirus
 19 food assistance program” means the first
 20 coronavirus food assistance program (CFAP1)
 21 of the Department of Agriculture under sec-
 22 tions 9.101 and 9.102 of title 7, Code of Fed-
 23 eral Regulations.

24 (B) SECOND CORONAVIRUS FOOD ASSIST-
 25 ANCE PROGRAM.—The term “second

1 coronavirus food assistance program” means
2 the second coronavirus food assistance program
3 (CFAP2) of the Department of Agriculture
4 under sections 9.201 and 9.202 of title 7, Code
5 of Federal Regulations.

6 (2) CONTRACT GROWER.—The term “contract
7 grower” means a grower of livestock or poultry, in-
8 cluding poultry used for egg production, and does
9 not include a packer, live poultry dealer, processor,
10 integrator, or any other business entity relating to
11 livestock or poultry production that does not raise
12 livestock or poultry.

13 (3) LIVE POULTRY DEALER.—The term “live
14 poultry dealer” has the meaning given the term in
15 section 2(a) of the Packers and Stockyards Act,
16 1921 (7 U.S.C. 182(a)).

17 (4) PACKER.— The term “packer” has the
18 meaning given the term in section 201 of the Pack-
19 ers and Stockyards Act, 1921 (7 U.S.C. 191).

20 (5) REVENUE.—The term “revenue” means in-
21 come derived only from contract livestock or poultry
22 production.

1 **SEC. 106. REPORTS AND OUTREACH RELATED TO MEAT**
2 **AND POULTRY PROCESSING.**

3 (a) STUDY AND REPORT ON PROCESSING CAPACITY
4 REQUIRED.—

5 (1) STUDY REQUIRED.—The Secretary shall
6 conduct a study on covered processing facilities,
7 which shall assess with respect to such facilities in
8 each State and region—

9 (A) the available monthly and annual
10 slaughter capacity of such facilities,
11 disaggregated by type of facility and whether
12 that capacity is sufficient to meet the national,
13 State, and regional need, including on a local
14 basis;

15 (B) the available cold storage capacity of
16 such facilities, disaggregated by type of facility;

17 (C) the number and age of established
18 processing facilities, disaggregated by type of
19 facility;

20 (D) the ownership demographics of covered
21 processing facilities, including—

22 (i) whether such facilities are foreign
23 or domestically-owned; and

24 (ii) the business structure of such
25 processing facilities;

1 (E) the available slaughter capacity for
2 livestock and poultry not grown under contract,
3 disaggregated by type of facility and species so
4 slaughtered;

5 (F) with respect to each species slaugh-
6 tered at covered processing facilities, the esti-
7 mated distance between livestock and poultry
8 production and processing and the transpor-
9 tation costs associated with such processing;

10 (G) any opportunities to support new or
11 innovative processing partnerships that would
12 increase resiliency and flexibility of slaughter
13 and processing capacity; and

14 (H) the barriers to increasing the avail-
15 ability of slaughter and processing of meat and
16 poultry, including with respect to—

17 (i) expanding existing facilities;

18 (ii) creating additional facilities; and

19 (iii) reactivating closed facilities.

20 (2) COVERED PROCESSING FACILITY DE-
21 FINED.—In this section, the term “covered proc-
22 essing facility” means a facility that slaughters or
23 otherwise processes meat or poultry in the United
24 States, including the following types of facilities:

1 (A) Facilities subject to Federal inspection
 2 under the Federal Meat Inspection Act (21
 3 U.S.C. 601 et seq.) or the Poultry Products In-
 4 spection Act (21 U.S.C. 451 et seq.), as appli-
 5 cable.

6 (B) Facilities subject to State inspection
 7 under a meat and poultry inspection program
 8 agreement.

9 (C) Custom facilities exempt from inspec-
 10 tion under the Acts referred to in subparagraph
 11 (A).

12 (3) REPORT TO CONGRESS.—Not later than 1
 13 year after the date of the enactment of this section,
 14 the Secretary shall submit to the Committee on Ag-
 15 riculture of the House of Representatives and the
 16 Committee on Agriculture, Nutrition, and Forestry
 17 of the Senate a report that includes the results of
 18 the study conducted under paragraph (1).

19 (b) STUDY AND REPORT ON FINANCIAL ASSISTANCE
 20 AVAILABILITY.—

21 (1) STUDY REQUIRED.—The Secretary shall
 22 conduct a study on the availability and effectiveness
 23 of—

1 (A) Federal loan programs, Federal loan
2 guarantee programs, and grant programs for
3 which—

4 (i) facilities that slaughter or other-
5 wise process meat and poultry in the
6 United States, which are in operation and
7 subject to inspection under the Federal
8 Meat Inspection Act (21 U.S.C. 601 et
9 seq.) or the Poultry Products Inspection
10 Act (21 U.S.C. 451 et seq.), as of the date
11 of the enactment of this section, and

12 (ii) entities seeking to establish such a
13 facility in the United States,
14 may be eligible; and

15 (B) Federal grant programs intended to
16 support—

17 (i) business activities relating to in-
18 creasing the slaughter or processing capac-
19 ity in the United States; and

20 (ii) feasibility or marketing studies on
21 the practicality and viability of specific new
22 or expanded projects to support additional
23 slaughter or processing capacity in the
24 United States.

1 (2) REPORT TO CONGRESS.—Not later than 60
2 days after the date of the enactment of this section,
3 the Secretary, in consultation with applicable Fed-
4 eral agencies, shall submit a report to the Com-
5 mittee on Agriculture of the House of Representa-
6 tives and the Committee on Agriculture, Nutrition,
7 and Forestry of the Senate that includes the results
8 of the study required under paragraph (1).

9 (3) PUBLICATION.—Not later than 90 days
10 after the date of the enactment of this section, the
11 Secretary shall make publicly available on the
12 website of the Food Safety and Inspection Service of
13 the Department of Agriculture a list of each loan
14 program, loan guarantee program, and grant pro-
15 gram identified under paragraph (1).

16 (c) OUTREACH ACTIVITIES.—

17 (1) IN GENERAL.—To the maximum extent
18 practicable, the Secretary shall conduct outreach and
19 education activities to inform the current or prospec-
20 tive owners and operators of facilities or other enti-
21 ties described in subsection (b)(1)(A), producer
22 groups, and institutions of higher education, of the
23 availability of each loan program, loan guarantee
24 program, and grant program identified under para-
25 graph (1).

1 (2) FEASIBILITY OR MARKETING STUDIES.—In
2 carrying out paragraph (1), the Secretary may enter
3 into cooperative agreements with eligible entities to
4 conduct feasibility or marketing studies to determine
5 the practicality and viability of specific projects to
6 support additional slaughter or processing capacity
7 in the United States.

8 (3) MAXIMUM AMOUNT.—The amount of assist-
9 ance provided through a cooperative agreement
10 under paragraph (2) with respect to a particular
11 project may not exceed \$75,000.

12 (4) REPORTING.—The Secretary shall publish
13 (and update as necessary) on the public website of
14 the Department of Agriculture, an accounting of
15 outreach activities conducted pursuant to this sub-
16 section, including a description of each such activity
17 and the amount of Federal funds expended to con-
18 duct each such activity.

19 (d) FUNDING.—To carry out this section, there is ap-
20 propriated, out of the funds of the Treasury not otherwise
21 appropriated—

- 22 (1) \$2,000,000 to carry out subsection (a);
23 (2) \$2,000,000 to carry out subsection (b); and
24 (3) \$16,000,000 to carry out subsection (c).

TITLE II—DAIRY

2 SEC. 201. DAIRY DIRECT DONATION PROGRAM.

3 (a) DEFINITIONS.—In this section:

4 (1) ELIGIBLE DAIRY ORGANIZATION.—The term
5 “eligible dairy organization” is defined in section
6 1431(a) of the Agricultural Act of 2014 (7 U.S.C.
7 9071(a)).

8 (2) ELIGIBLE DAIRY PRODUCTS.—The term
9 “eligible dairy products” means products primarily
10 made from milk.

11 (3) ELIGIBLE DISTRIBUTOR.—The term “eligi-
12 ble distributor” means a public or private nonprofit
13 organization that distributes donated eligible dairy
14 products to recipient individuals and families.

15 (4) ELIGIBLE PARTNERSHIP.—The term “eligi-
16 ble partnership” means a partnership between an el-
17 igible dairy organization and an eligible distributor.

18 (b) ESTABLISHMENT AND PURPOSES.—Not later
19 than 45 days after the date of the enactment of this Act,
20 the Secretary shall establish and administer a direct dairy
21 donation program for the purposes of—

22 (1) facilitating the timely donation of eligible
23 dairy products; and

24 (2) preventing and minimizing food waste.

25 (c) DONATION AND DISTRIBUTION PLANS.—

1 (1) IN GENERAL.—To be eligible to receive re-
2 imbursement under this section, an eligible partner-
3 ship shall submit to the Secretary a donation and
4 distribution plan that describes the process that the
5 eligible partnership will use for the donation, proc-
6 essing, transportation, temporary storage, and dis-
7 tribution of eligible dairy products.

8 (2) REVIEW AND APPROVAL.—No later than 15
9 business days after receiving a plan described in
10 paragraph (1), the Secretary shall—

11 (A) review such plan; and

12 (B) issue an approval or disapproval of
13 such plan.

14 (d) REIMBURSEMENT.—

15 (1) IN GENERAL.—On receipt of appropriate
16 documentation under paragraph (2), the Secretary
17 shall reimburse an eligible dairy organization at a
18 rate equal to the raw milk cost for the product as
19 priced in the Federal milk marketing orders multi-
20 plied by the volume of milk required to make the do-
21 nated product.

22 (2) DOCUMENTATION.—

23 (A) IN GENERAL.—An eligible dairy orga-
24 nization shall submit to the Secretary such doc-
25 umentation as the Secretary may require to

1 demonstrate the eligible dairy product produc-
2 tion and donation to the eligible distributor.

3 (B) VERIFICATION.—The Secretary may
4 verify the accuracy of documentation submitted
5 under subparagraph (A).

6 (3) RETROACTIVE REIMBURSEMENT.—In pro-
7 viding reimbursements under paragraph (1), the
8 Secretary may provide reimbursements for milk
9 costs incurred before the date on which the donation
10 and distribution plan for the applicable participating
11 partnership was approved by the Secretary.

12 (e) PROHIBITION ON RESALE OF PRODUCTS.—

13 (1) IN GENERAL.—An eligible distributor that
14 receives eligible dairy products donated under this
15 section may not sell the products into commercial
16 markets.

17 (2) PROHIBITION ON FUTURE PARTICIPA-
18 TION.—An eligible distributor that the Secretary de-
19 termines has violated paragraph (1) shall not be eli-
20 gible for any future participation in the program es-
21 tablished under this section.

22 (f) REVIEWS.—The Secretary shall conduct appro-
23 priate reviews or audits to ensure the integrity of the pro-
24 gram established under this section.

1 (g) PUBLICATION OF DONATION ACTIVITY.—The
2 Secretary, acting through the Administrator of the Agri-
3 cultural Marketing Service, shall publish on the publicly
4 accessible website of the Agricultural Marketing Service
5 periodic reports containing donation activity under this
6 section.

7 (h) SUPPLEMENTAL REIMBURSEMENTS.—

8 (1) IN GENERAL.—The Secretary may make a
9 supplemental reimbursement to an eligible dairy or-
10 ganization for an approved donation and distribution
11 plan in accordance with the milk donation program
12 established under section 1431 of the Agricultural
13 Act of 2014 (7 U.S.C. 9071).

14 (2) REIMBURSEMENT CALCULATION.—A sup-
15 plemental reimbursement described in paragraph (1)
16 shall be equal to the value of—

17 (A) raw milk cost for the product as priced
18 in the Federal milk marketing orders, less any
19 reimbursement provided under section 1431 of
20 the Agricultural Act of 2014, multiplied by

21 (B) the volume of eligible dairy products
22 under such approved donation plan.

23 (i) FUNDING.—Out of any amounts of the Treasury
24 not otherwise appropriated, there is appropriated to carry

1 out this section \$500,000,000, to remain available until
2 expended.

3 (j) AUTHORITY TO CARRY OUT SECTION.—The Sec-
4 retary may only carry out this section during a period in
5 which—

6 (1) a public health emergency is—

7 (A) declared under section 319 of the Pub-
8 lic Health Services Act (42 U.S.C. 247d); or

9 (B) renewed under such section; or

10 (2) a disaster is designated by the Secretary.

11 **SEC. 202. SUPPLEMENTAL DAIRY MARGIN COVERAGE PAY-**
12 **MENTS.**

13 (a) IN GENERAL.—The Secretary shall provide sup-
14 plemental dairy margin coverage payments to eligible
15 dairy operations described in subsection (b)(1) whenever
16 the average actual dairy production margin (as defined in
17 section 1401 of the Agricultural Act of 2014 (7 U.S.C.
18 9051)) for a month is less than the coverage level thresh-
19 old selected by such eligible dairy operation under section
20 1406 of such Act (7 U.S.C. 9056).

21 (b) ELIGIBLE DAIRY OPERATION DESCRIBED.—

22 (1) IN GENERAL.—An eligible dairy operation
23 described in this subsection is a dairy operation
24 that—

25 (A) is located in the United States; and

1 (B) during a calendar year in which such
2 dairy operation is a participating dairy oper-
3 ation (as defined in section 1401 of the Agricul-
4 tural Act of 2014 (7 U.S.C. 9051)), has a pro-
5 duction history established under the dairy
6 margin coverage program under section 1405 of
7 the Agricultural Act of 2014 (7 U.S.C. 9055)
8 of less than 5 million pounds, as determined in
9 accordance with subsection (c) of such section
10 1405.

11 (2) LIMITATION ON ELIGIBILITY.—An eligible
12 dairy operation shall only be eligible for payments
13 under this section during a calendar year in which
14 such eligible dairy operation is enrolled in dairy mar-
15 gin coverage (as defined in section 1401 of the Agri-
16 cultural Act of 2014 (7 U.S.C. 9051)).

17 (c) SUPPLEMENTAL PRODUCTION HISTORY CAL-
18 CULATION.—For purposes of determining the production
19 history of an eligible dairy operation under this section,
20 such dairy operation’s production history shall be equal
21 to—

22 (1) the production volume of such dairy oper-
23 ation for the 2019 milk marketing year; minus

24 (2) the dairy margin coverage production his-
25 tory of such dairy operation established under sec-

tion 1405 of the Agricultural Act of 2014 (7 U.S.C. 9055).

(d) COVERAGE PERCENTAGE.—

(1) IN GENERAL.—For purposes of calculating payments to be issued under this section during a calendar year, an eligible dairy operation’s coverage percentage shall be equal to the coverage percentage selected by such eligible dairy operation with respect to such calendar year under section 1406 of the Agricultural Act of 2014 (7 U.S.C. 9056).

(2) 5-MILLION POUND LIMITATION.—

(A) IN GENERAL.—The Secretary shall not provide supplemental dairy margin coverage on an eligible dairy operation’s actual production for a calendar year such that the total covered production history of such dairy operation exceeds 5 million pounds.

(B) DETERMINATION OF AMOUNT.—In calculating the total covered production history of an eligible dairy operation under subparagraph (A), the Secretary shall multiply the coverage percentage selected by such operation under section 1406 of the Agricultural Act of 2014 (7 U.S.C. 9056) by the sum of—

1 (i) the supplemental production his-
 2 tory calculated under subsection (c) with
 3 respect to such dairy operation; and

4 (ii) the dairy margin coverage produc-
 5 tion history described in subsection (c)(2)
 6 with respect to such dairy operation.

7 (e) PREMIUM COST.—The premium cost for an eligi-
 8 ble dairy operation under this section for a calendar year
 9 shall be equal to the product of multiplying—

10 (1) the Tier I premium cost calculated with re-
 11 spect to such dairy operation for such year under
 12 section 1407(b) of the Agricultural Act of 2014 (7
 13 U.S.C. 9057(b)); by

14 (2) the production history calculation with re-
 15 spect to such dairy operation determined under sub-
 16 section (c) (such that total covered production his-
 17 tory does not exceed 5 million pounds).

18 (f) REGULATIONS.—Not later than 45 days after the
 19 date of the enactment of this section, the Secretary shall
 20 issue regulations to carry out this section.

21 (g) PROHIBITION WITH RESPECT TO DAIRY MARGIN
 22 COVERAGE ENROLLMENT.—The Secretary may not re-
 23 open or otherwise provide a special enrollment for dairy
 24 margin coverage (as defined in section 1401 of the Agri-
 25 cultural Act of 2014 (7 U.S.C. 9051)) for purposes of es-

1 tablishing eligibility for supplemental dairy margin cov-
2 erage payments under this section.

3 (h) RETROACTIVE APPLICATION FOR CALENDAR
4 YEAR 2020.—The Secretary shall make payments under
5 this section to eligible dairy operations described in sub-
6 section (b)(1) for months after and including January,
7 2020.

8 (i) SUNSET.—The authority to make payments under
9 this section shall terminate on December 31, 2023.

10 (j) FUNDING.—There is appropriated, out of any
11 funds in the Treasury not otherwise appropriated, to carry
12 out this section such sums as necessary, to remain avail-
13 able until the date specified in subsection (i).

14 **SEC. 203. RECOURSE LOAN PROGRAM FOR COMMERCIAL**
15 **PROCESSORS OF DAIRY PRODUCTS.**

16 (a) IN GENERAL.—The Secretary shall make re-
17 course loans available to qualified applicants during the
18 COVID–19 pandemic.

19 (b) AMOUNT OF LOAN.—

20 (1) IN GENERAL.—A recourse loan made under
21 this section shall be provided to qualified applicants
22 up to the value of the eligible dairy product inven-
23 tory of the applicant as determined by the Secretary
24 and in accordance with subsection (c).

1 (2) VALUATION.—For purposes of making re-
2 course loans under this section, the Secretary shall
3 conduct eligible dairy product valuations to provide,
4 to the maximum extent practicable, funds to con-
5 tinue the operations of qualified applicants.

6 (c) INVENTORY USED AS COLLATERAL.—Eligible
7 dairy product inventory used as collateral for the recourse
8 loan program under this section shall be pledged on a ro-
9 tating basis to prevent spoilage of perishable products.

10 (d) TERM OF LOAN.—A recourse loan under this sec-
11 tion may be made for a period as determined by the Sec-
12 retary, except that no such recourse loan may end after
13 the date that is 24 months after the date of the enactment
14 of this section.

15 (e) FUNDING.—Out of any amounts in the Treasury
16 not otherwise appropriated, there is appropriated to carry
17 out this section \$500,000,000.

18 (f) DEFINITIONS.—In this section:

19 (1) ELIGIBLE DAIRY PRODUCTS.—The term
20 “eligible dairy products” means all dairy products
21 whether in base commodity or finished product form.

22 (2) QUALIFIED APPLICANT.—The term “quali-
23 fied applicant” means any commercial processor,
24 packager, or merchandiser of eligible dairy products
25 that is impacted by COVID–19.

1 **SEC. 204. DAIRY MARGIN COVERAGE PREMIUM DISCOUNT**
 2 **FOR A 3-YEAR SIGNUP.**

3 The Secretary shall provide a 15 percent discount for
 4 the premiums described in subsections (b) and (c) of sec-
 5 tion 1407 of the Agricultural Act of 2014 (7 U.S.C. 9051)
 6 and the premium described in section 202(e) for a dairy
 7 operation (as defined in section 1401 of the Agricultural
 8 Act of 2014 (7 U.S.C. 9051)) that makes a 1-time, 3-
 9 year election to enroll in dairy margin coverage under part
 10 I of subtitle D of such Act for calendar years 2021
 11 through 2024.

12 **TITLE III—SPECIALTY CROPS**
 13 **AND OTHER COMMODITIES**

14 **SEC. 301. SUPPORT FOR SPECIALTY CROP SECTOR.**

15 Section 101(l) of the Specialty Crops Competitiveness
 16 Act of 2004 (7 U.S.C. 1621 note) is amended by adding
 17 at the end the following:

18 “(3) COVID–19 OUTBREAK SUPPORT.—

19 “(A) IN GENERAL.—The Secretary shall
 20 make grants to States eligible to receive a grant
 21 under this section to assist State efforts to sup-
 22 port the specialty crop sector for impacts re-
 23 lated to the COVID–19 public health emer-
 24 gency.

25 “(B) FUNDING.—There is appropriated,
 26 out of any funds in the Treasury not otherwise

1 appropriated, to carry out subparagraph (A)
2 not less than \$500,000,000, to remain available
3 until expended.”.

4 **SEC. 302. SUPPORT FOR LOCAL AGRICULTURAL MARKETS.**

5 Section 210A(i) of the Agricultural Marketing Act of
6 1946 (7 U.S.C. 1627c(i)) is amended by adding at the
7 end the following:

8 “(4) GRANTS FOR COVID–19 ASSISTANCE.—

9 “(A) IN GENERAL.—In addition to grants
10 made under the preceding provisions of this
11 subsection, the Secretary shall make grants to
12 eligible entities specified in paragraphs (5)(B)
13 and (6)(B) of subsection (d) to provide assist-
14 ance in response to the COVID–19 pandemic.

15 “(B) MATCHING FUNDS APPLICABILITY.—

16 The Secretary may not require a recipient of a
17 grant under subparagraph (A) to provide any
18 non-Federal matching funds.

19 “(C) FUNDING.—There is appropriated,
20 out of any funds in the Treasury not otherwise
21 appropriated, to carry out this paragraph,
22 \$350,000,000, to remain available until ex-
23 pended.”.

1 **SEC. 303. SUPPORT FOR FARMING OPPORTUNITIES TRAIN-**
2 **ING AND OUTREACH.**

3 Section 2501 of the Food, Agriculture, Conservation,
4 and Trade Act of 1990 (7 U.S.C. 2279) is amended by
5 adding at the end the following:

6 “(m) **ADDITIONAL FUNDING.**—

7 “(1) **IN GENERAL.**—The Secretary shall make
8 grants to, or enter into cooperative agreements or
9 contracts with, eligible entities specified in sub-
10 section (c)(1) or entities eligible for grants under
11 subsection (d) to provide training, outreach, and
12 technical assistance on operations, financing, and
13 marketing, including identifying Federal, State, or
14 local assistance available, to beginning farmers and
15 ranchers, socially disadvantaged farmers and ranch-
16 ers, and veteran farmers and ranchers in response to
17 the COVID–19 pandemic.

18 “(2) **MATCHING FUNDS APPLICABILITY.**—The
19 Secretary may not require a recipient of a grant
20 under this subsection to provide any non-Federal
21 matching funds.

22 “(3) **FUNDING.**—There is appropriated, out of
23 any funds in the Treasury not otherwise appro-
24 priated, to carry out this subsection, \$50,000,000, to
25 remain available until expended.”.

1 **SEC. 304. SUPPORT FOR FARM STRESS PROGRAMS.**

2 (a) IN GENERAL.—The Secretary shall make grants
3 to State departments of agriculture (or such equivalent
4 department) to expand or sustain stress assistance pro-
5 grams for individuals who are engaged in farming, ranch-
6 ing, and other agriculture-related occupations, including—

7 (1) programs that meet the criteria specified in
8 section 7522(b)(1) of the Food, Conservation, and
9 Energy Act of 2008 (7 U.S.C. 5936(b)(1)); and

10 (2) any State initiatives carried out as of the
11 date of the enactment of this Act that provide stress
12 assistance for such individuals.

13 (b) GRANT TIMING AND AMOUNT.—In making grants
14 under subsection (a), not later than 60 days after the date
15 of the enactment of this Act and subject to subsection (c),
16 the Secretary shall—

17 (1) make awards to States submitting State
18 plans that meet the criteria specified in paragraph
19 (1) of subsection (c) within the time period specified
20 by the Secretary, in an amount not to exceed
21 \$1,500,000 for each State; and

22 (2) of the amounts made available under sub-
23 section (f) and remaining after awards to States
24 under paragraph (1), allocate among such States, an
25 amount to be determined by the Secretary.

26 (c) STATE PLAN.—

1 (1) IN GENERAL.—A State department of agri-
2 culture seeking a grant under subsection (b) shall
3 submit to the Secretary a State plan to expand or
4 sustain stress assistance programs described in sub-
5 section (a) that includes—

6 (A) a description of each activity and the
7 estimated amount of funding to support each
8 program and activity carried out through such
9 a program;

10 (B) an estimated timeline for the operation
11 of each such program and activity;

12 (C) the total amount of funding sought;
13 and

14 (D) an assurance that the State depart-
15 ment of agriculture will comply with the report-
16 ing requirement under subsection (e).

17 (2) GUIDANCE.—Not later than 20 days after
18 the date of the enactment of this Act, the Secretary
19 shall issue guidance for States with respect to the
20 submission of a State plan under paragraph (1) and
21 the allocation criteria under subsection (b).

22 (3) REALLOCATION.—If, after the first grants
23 are awarded pursuant to allocation made under sub-
24 section (b), any funds made available under sub-

1 section (f) to carry out this subsection remain unob-
2 ligated, the Secretary shall—

3 (A) inform States that submit plans as de-
4 scribed in subsection (b), of such availability;
5 and

6 (B) reallocate such funds among such
7 States, as the Secretary determines to be ap-
8 propriate and equitable.

9 (d) COLLABORATION.—The Secretary may issue
10 guidance to encourage State departments of agriculture
11 to use funds provided under this section to support pro-
12 grams described in subsection (a) that are operated by—

13 (1) Indian tribes (as defined in section 4 of the
14 Indian Self-Determination and Education Assistance
15 Act (25 U.S.C. 5304));

16 (2) State cooperative extension services; and

17 (3) nongovernmental organizations.

18 (e) REPORTING.—Not later than 180 days after the
19 COVID–19 public health emergency ends, each State re-
20 ceiving additional grants under subsection (b) shall submit
21 a report to the Secretary describing—

22 (1) the activities conducted using such funds;

23 (2) the amount of funds used to support each
24 such activity; and

1 (3) the estimated number of individuals served
2 by each such activity.

3 (f) FUNDING.—Out of the funds of the Treasury not
4 otherwise appropriated, there is appropriated to carry out
5 this section \$84,000,000, to remain available until ex-
6 pended.

7 (g) STATE DEFINED.—In this section, the term
8 “State” means—

- 9 (1) a State;
- 10 (2) the District of Columbia;
- 11 (3) the Commonwealth of Puerto Rico; and
- 12 (4) any other territory or possession of the
13 United States.

14 **SEC. 305. SUPPORT FOR PROCESSED COMMODITIES.**

15 (a) RENEWABLE FUEL REIMBURSEMENT PRO-
16 GRAM.—

17 (1) IN GENERAL.—The Secretary shall make
18 payments in accordance with this subsection to eligi-
19 ble entities that experienced unexpected market
20 losses as a result of the COVID–19 pandemic during
21 the applicable period.

22 (2) DEFINITIONS.—In this section:

23 (A) APPLICABLE PERIOD.—The term “ap-
24 plicable period” means January 1, 2020,
25 through May 1, 2020.

1 (B) ELIGIBLE ENTITY.—The term “eligible
2 entity” means any domestic entity or facility
3 that produced any qualified fuel in the calendar
4 year 2019.

5 (C) QUALIFIED FUEL.—The term “quali-
6 fied fuel” means any advanced biofuel, biomass-
7 based diesel, cellulosic biofuel, conventional
8 biofuel, or renewable fuel, as such terms are de-
9 fined in section 211(o)(1) of the Clean Air Act
10 (42 U.S.C. 7545(o)(1)), that is produced in the
11 United States.

12 (3) AMOUNT OF PAYMENT.—The amount of the
13 payment payable to an eligible entity shall be the
14 sum of—

15 (A) \$0.45 multiplied by the number of gal-
16 lons of qualified fuel produced by the eligible
17 entity during the applicable period; and

18 (B) if the Secretary determines that the el-
19 igible entity was unable to produce any quali-
20 fied fuel throughout 1 or more calendar months
21 during the applicable period due to the
22 COVID–19 pandemic, \$0.45 multiplied by 50
23 percent of the number of gallons produced by
24 the eligible entity in the corresponding month
25 or months in calendar year 2019.

1 (4) REPORT.—Not later than 180 days after
2 the date of the enactment of this Act, the Secretary
3 shall submit to the Committee on Agriculture of the
4 House of Representatives and the Committee on Ag-
5 riculture, Nutrition, and Forestry of the Senate a
6 report on the payments made under this subsection,
7 including the identity of each payment recipient and
8 the amount of the payment paid to the payment re-
9 cipient.

10 (5) FUNDING.—There is appropriated, out of
11 any funds in the Treasury not otherwise appro-
12 priated, to carry out this subsection such sums as
13 necessary, to remain available until expended.

14 (6) ADMINISTRATION.—

15 (A) IN GENERAL.—The Secretary may use
16 the facilities and authorities of the Commodity
17 Credit Corporation to carry out this subsection.

18 (B) REGULATIONS.—

19 (i) IN GENERAL.—Except as otherwise
20 provided in this subsection, not later than
21 30 days after the date of the enactment of
22 this Act, the Secretary and the Commodity
23 Credit Corporation, as appropriate, shall
24 prescribe such regulations as are necessary
25 to carry out this subsection.

1 (ii) PROCEDURE.—The promulgation
2 of regulations under, and administration
3 of, this subsection shall be made without
4 regard to—

5 (I) the notice and comment pro-
6 visions of section 553 of title 5,
7 United States Code; and

8 (II) chapter 35 of title 44,
9 United States Code (commonly known
10 as the “Paperwork Reduction Act”).

11 (b) EMERGENCY ASSISTANCE FOR TEXTILE
12 MILLS.—

13 (1) IN GENERAL.—The Secretary shall make
14 emergency assistance available to domestic users of
15 upland cotton and extra long staple cotton in the
16 form of a payment in an amount determined under
17 paragraph (2), regardless of the origin of such up-
18 land cotton or extra long staple cotton, during the
19 10-month period beginning on March 1, 2020.

20 (2) CALCULATION OF ASSISTANCE.—The
21 amount of the assistance provided under paragraph
22 (1) to a domestic user described in such paragraph
23 shall be equal to 10 multiplied by the product of—

24 (A) the domestic user’s historical monthly
25 average consumption; and

1 (B) 6 cents per pound so consumed.

2 (3) ALLOWABLE USE.—Any emergency assist-
 3 ance provided under this section shall be made avail-
 4 able only to domestic users of upland cotton and
 5 extra long staple cotton that certify that the assist-
 6 ance shall be used only for operating expenses.

7 (4) HISTORICAL MONTHLY AVERAGE CONSUMP-
 8 TION DEFINED.—The term “historical monthly aver-
 9 age consumption” means the average consumption
 10 for each month occurring during the period begin-
 11 ning on January 1, 2017, and ending on December
 12 31, 2019.

13 (5) FUNDING.—There is appropriated, out of
 14 any funds in the Treasury not otherwise appro-
 15 priated, to carry out this subsection, such sums as
 16 necessary, to remain available until expended.

17 **TITLE IV—COMMODITY CREDIT** 18 **CORPORATION**

19 **SEC. 401. EMERGENCY ASSISTANCE.**

20 Section 5 of the Commodity Credit Corporation Char-
 21 ter Act (15 U.S.C. 714c) is amended—

22 (1) by redesignating subsection (h) as sub-
 23 section (i); and

24 (2) by inserting after subsection (g) the fol-
 25 lowing:

1 “(h) Remove and dispose of or aid in the removal or
2 disposition of surplus livestock and poultry due to signifi-
3 cant supply chain interruption during an emergency pe-
4 riod.”.

5 **SEC. 402. CONGRESSIONAL NOTIFICATION AND REPORT.**

6 (a) NOTIFICATION.—The Commodity Credit Cor-
7 poration Charter Act (15 U.S.C. 714 et seq.) is amended
8 by adding at the end the following new section:

9 **“SEC. 20. CONGRESSIONAL NOTIFICATION.**

10 “(a) IN GENERAL.—The Secretary shall notify in
11 writing, by first-class mail and electronic mail, the Com-
12 mittee on Agriculture of the House of Representatives and
13 the Committee on Agriculture, Nutrition, and Forestry of
14 the Senate in advance of any obligation or expenditure au-
15 thorized under this Act.

16 “(b) WRITTEN NOTICE.—A written notice required
17 under subsection (a) shall specify the commodities that
18 will be affected, the maximum financial benefit per com-
19 modity, the expected legal entities or individuals that
20 would receive financial benefits, the intended policy goals,
21 and the projected impacts to commodity markets.

22 “(c) EXCEPTION TO THE WRITTEN NOTICE RE-
23 QUIREMENT.—Subsection (a) shall not apply if, prior to
24 obligating or spending any funding described in such sub-

1 section, the Secretary obtains approval in writing from
 2 each of the following individuals—

3 “(1) the Chair of the Committee on Agriculture
 4 of the House of Representatives;

5 “(2) the Ranking Member of the Committee on
 6 Agriculture of the House of Representatives;

7 “(3) the Chair of the Committee on Agri-
 8 culture, Nutrition, and Forestry of the Senate; and

9 “(4) the Ranking Member of the Committee on
 10 Agriculture, Nutrition, and Forestry of the Senate.

11 “(d) EXCLUSION FOR PREEXISTING AUTHORIZA-
 12 TIONS.—This section shall not apply to obligations and ex-
 13 penditures authorized under the Agriculture Improvement
 14 Act of 2018 (Public Law 115–334).”.

15 (b) CLARIFICATION.—Section 3003 of the Federal
 16 Reports Elimination and Sunset Act of 1995 (31 U.S.C.
 17 1113 note) shall not apply to the second sentence of sec-
 18 tion 13 of the Commodity Credit Corporation Charter Act
 19 (15 U.S.C. 714k).

20 **TITLE V—CONSERVATION**

21 **SEC. 501. EMERGENCY SOIL HEALTH AND INCOME PROTEC-** 22 **TION PILOT PROGRAM.**

23 (a) DEFINITION OF ELIGIBLE LAND.—In this sec-
 24 tion, the term “eligible land” means cropland that—

1 (1) is selected by the owner or operator of the
2 land for proposed enrollment in the pilot program
3 under this section; and

4 (2) as determined by the Secretary, had a crop-
5 ping history or was considered to be planted during
6 each of the 3 crop years preceding enrollment.

7 (b) ESTABLISHMENT.—

8 (1) IN GENERAL.—The Secretary shall establish
9 a voluntary emergency soil health and income pro-
10 tection pilot program under which eligible land is en-
11 rolled through the use of contracts to assist owners
12 and operators of eligible land to conserve and im-
13 prove the soil, water, and wildlife resources of the el-
14 igible land.

15 (2) DEADLINE FOR PARTICIPATION.—Eligible
16 land may be enrolled in the program under this sec-
17 tion through December 31, 2021.

18 (c) CONTRACTS.—

19 (1) REQUIREMENTS.—A contract described in
20 subsection (b) shall—

21 (A) be entered into by the Secretary, the
22 owner of the eligible land, and (if applicable)
23 the operator of the eligible land; and

24 (B) provide that, during the term of the
25 contract—

1 (i) the lowest practicable cost peren-
2 nial conserving use cover crop for the eligi-
3 ble land, as determined by the applicable
4 State conservationist after considering the
5 advice of the applicable State technical
6 committee, shall be planted on the eligible
7 land;

8 (ii) subject to paragraph (4), the eligi-
9 ble land may be harvested for seed, hayed,
10 or grazed outside the primary nesting sea-
11 son established for the applicable county;

12 (iii) the eligible land may be eligible
13 for a walk-in access program of the appli-
14 cable State, if any; and

15 (iv) a nonprofit wildlife organization
16 may provide to the owner or operator of
17 the eligible land a payment in exchange for
18 an agreement by the owner or operator not
19 to harvest the conserving use cover.

20 (2) PAYMENTS.—

21 (A) RENTAL RATE.—Except as provided in
22 paragraph (4)(B)(ii), the annual rental rate for
23 a payment under a contract described in sub-
24 section (b) shall be \$70 per acre.

1 (B) ADVANCE PAYMENT.—At the request
2 of the owner and (if applicable) the operator of
3 the eligible land, the Secretary shall make all
4 rental payments under a contract entered into
5 under this section within 30 days of entering
6 into such contract.

7 (C) COST SHARE PAYMENTS.—A contract
8 described in subsection (b) shall provide that,
9 during the term of the contract, the Secretary
10 shall pay, of the actual cost of establishment of
11 the conserving use cover crop under paragraph
12 (1)(B)(i), not more than \$30 per acre.

13 (3) TERM.—

14 (A) IN GENERAL.—Except as provided in
15 subparagraph (B), each contract described in
16 subsection (b) shall be for a term of 3 years.

17 (B) EARLY TERMINATION.—

18 (i) SECRETARY.—The Secretary may
19 terminate a contract described in sub-
20 section (b) before the end of the term de-
21 scribed in subparagraph (A) if the Sec-
22 retary determines that the early termi-
23 nation of the contract is appropriate.

24 (ii) OWNERS AND OPERATORS.—An
25 owner and (if applicable) an operator of el-

eligible land enrolled in the pilot program under this section may terminate a contract described in subsection (b) before the end of the term described in subparagraph (A) if the owner and (if applicable) the operator pay to the Secretary an amount equal to the amount of rental payments received under the contract.

(4) HARVESTING, HAYING, AND GRAZING OUTSIDE APPLICABLE PERIOD.—The harvesting for seed, haying, or grazing of eligible land under paragraph (1)(B)(ii) outside of the primary nesting season established for the applicable county shall be subject to the conditions that—

(A) with respect to eligible land that is so hayed or grazed, adequate stubble height shall be maintained to protect the soil on the eligible land, as determined by the applicable State conservationist after considering the advice of the applicable State technical committee; and

(B) with respect to eligible land that is so harvested for seed—

(i) the eligible land shall not be eligible to be insured or reinsured under the

1 Federal Crop Insurance Act (7 U.S.C.
2 1501 et seq.); and

3 (ii) the annual rental rate for a pay-
4 ment under a contract described in sub-
5 section (b) shall be \$52.50 per acre.

6 (d) ACREAGE LIMITATION.—Not more than
7 5,000,000 total acres of eligible land may be enrolled
8 under the pilot program under this section.

9 (e) FUNDING.—There is appropriated, out of any
10 funds in the Treasury not otherwise appropriated, such
11 sums as may be necessary to carry out this section.

12 **TITLE VI—NUTRITION**

13 **SEC. 601. DEFINITION OF SUPPLEMENTAL NUTRITION AS-** 14 **SISTANCE PROGRAM.**

15 In this title, the term “supplemental nutrition assist-
16 ance program” has the meaning given such term in section
17 3(t) of the Food and Nutrition Act of 2008 (7 U.S.C.
18 2012(t)).

19 **SEC. 602. SUPPLEMENTAL NUTRITION ASSISTANCE PRO-** 20 **GRAM.**

21 (a) VALUE OF BENEFITS.—Notwithstanding any
22 other provision of law, beginning on November 1, 2020,
23 and for each subsequent month through September 30,
24 2021, the value of benefits determined under section 8(a)
25 of the Food and Nutrition Act of 2008 (7 U.S.C.

1 2017(a)), and consolidated block grants for Puerto Rico
 2 and American Samoa determined under section 19(a) of
 3 such Act (7 U.S.C. 2028(a)), shall be calculated using 115
 4 percent of the June 2020 value of the thrifty food plan
 5 (as defined in section 3 of such Act (7 U.S.C. 2012)) if
 6 the value of the benefits and block grants would be greater
 7 under that calculation than in the absence of this sub-
 8 section.

9 (b) MINIMUM AMOUNT.—

10 (1) IN GENERAL.—The minimum value of bene-
 11 fits determined under section 8(a) of the Food and
 12 Nutrition Act of 2008 (7 U.S.C. 2017(a)) for a
 13 household of not more than 2 members shall be \$30.

14 (2) EFFECTIVENESS.—Paragraph (1) shall re-
 15 main in effect through September 30, 2021.

16 (c) REQUIREMENTS FOR THE SECRETARY.—In car-
 17 rying out this section, the Secretary shall—

18 (1) consider the benefit increases described in
 19 subsections (a) and (b) to be a “mass change”;

20 (2) require a simple process for States to notify
 21 households of the increase in benefits;

22 (3) consider section 16(c)(3)(A) of the Food
 23 and Nutrition Act of 2008 (7 U.S.C. 2025(c)(3)(A))
 24 to apply to any errors in the implementation of this

1 section without regard to the 120-day limit described
2 in that section;

3 (4) disregard the additional amount of benefits
4 that a household receives as a result of this section
5 in determining the amount of overissuances under
6 section 13 of the Food and Nutrition Act of 2008
7 (7 U.S.C. 2022); and

8 (5) set the tolerance level for excluding small
9 errors for the purposes of section 16(c) of the Food
10 and Nutrition Act of 2008 (7 U.S.C. 2025(c)) at
11 \$50 through September 30, 2021.

12 (d) ADMINISTRATIVE EXPENSES.—

13 (1) IN GENERAL.—For the costs of State ad-
14 ministrative expenses associated with carrying out
15 this section and administering the supplemental nu-
16 trition assistance program established under the
17 Food and Nutrition Act of 2008 (7 U.S.C. 2011 et
18 seq.), the Secretary shall make available
19 \$200,000,000 for fiscal year 2021 and
20 \$100,000,000 for fiscal year 2022.

21 (2) TIMING FOR FISCAL YEAR 2021.—Not later
22 than 60 days after the date of the enactment of this
23 Act, the Secretary shall make available to States
24 amounts for fiscal year 2021 under paragraph (1).

1 (3) ALLOCATION OF FUNDS.—Funds described
2 in paragraph (1) shall be made available as grants
3 to State agencies for each fiscal year as follows:

4 (A) 75 percent of the amounts available
5 for each fiscal year shall be allocated to States
6 based on the share of each State of households
7 that participate in the supplemental nutrition
8 assistance program as reported to the Depart-
9 ment of Agriculture for the most recent 12-
10 month period for which data are available, ad-
11 justed by the Secretary (as of the date of the
12 enactment of this Act) for participation in dis-
13 aster programs under section 5(h) of the Food
14 and Nutrition Act of 2008 (7 U.S.C. 2014(h));
15 and

16 (B) 25 percent of the amounts available
17 for each fiscal year shall be allocated to States
18 based on the increase in the number of house-
19 holds that participate in the supplemental nu-
20 trition assistance program as reported to the
21 Department of Agriculture over the most recent
22 12-month period for which data are available,
23 adjusted by the Secretary (as of the date of the
24 enactment of this Act) for participation in dis-

1 aster programs under section 5(h) of the Food
2 and Nutrition Act of 2008 (7 U.S.C. 2014(h)).

3 (e) PROVISIONS FOR IMPACTED WORKERS.—Not-
4 withstanding any other provision of law, the requirements
5 of subsections (d)(1)(A)(ii) and (o) of section 6 of the
6 Food and Nutrition Act of 2008 (7 U.S.C. 2015) shall
7 not be in effect during the period beginning on November
8 1, 2020, and ending 1 year after the date of enactment
9 of this Act.

10 (f) CERTAIN EXCLUSIONS FROM SNAP INCOME.—A
11 Federal pandemic unemployment compensation payment
12 made to an individual under section 2104 of the
13 Coronavirus Aid, Relief, and Economic Security Act (Pub-
14 lic Law 116–136) shall not be regarded as income and
15 shall not be regarded as a resource for the month of re-
16 ceipt and the following 9 months, for the purpose of deter-
17 mining eligibility of such individual or any other individual
18 for benefits or assistance, or the amount of benefits or
19 assistance, under any programs authorized under the
20 Food and Nutrition Act of 2008 (7 U.S.C. 2011 et seq.).

21 (g) PUBLIC AVAILABILITY.—Not later than 10 days
22 after the date of the receipt or issuance of each document
23 listed below, the Secretary shall make publicly available
24 on the website of the Department of Agriculture the fol-
25 lowing documents:

1 (1) Any State agency request to participate in
 2 the supplemental nutrition assistance program on-
 3 line program under section 7(k) of the Food and
 4 Nutrition Act of 2008 (7 U.S.C. 2016(k)).

5 (2) Any State agency request to waive, adjust,
 6 or modify statutory or regulatory requirements of
 7 the Food and Nutrition Act of 2008 related to the
 8 COVID–19 outbreak.

9 (3) The Secretary’s approval or denial of each
 10 such request under paragraphs (1) or (2).

11 (h) PROVISIONS FOR IMPACTED STUDENTS.—

12 (1) IN GENERAL.—Notwithstanding any other
 13 provision of law, not later than 20 days after the
 14 date of the enactment of this Act, eligibility for sup-
 15 plemental nutrition assistance program benefits shall
 16 not be limited under section 6(e) of the Food and
 17 Nutrition Act of 2008 (7 U.S.C. 2015(e)) for an in-
 18 dividual who—

19 (A) is enrolled at least half-time in an in-
 20 stitution of higher education; and

21 (B) is eligible to participate in a State or
 22 federally financed work study program during
 23 the regular school year as determined by the in-
 24 stitution of higher education.

25 (2) SUNSET.—

1 (A) INITIAL APPLICATIONS.—The eligi-
2 bility standards authorized under paragraph (1)
3 shall be in effect for initial applications for the
4 supplemental nutrition assistance program until
5 90 days after the COVID–19 public health
6 emergency is lifted.

7 (B) RECERTIFICATIONS.—The eligibility
8 standards authorized under paragraph (1) shall
9 be in effect until the first recertification of a
10 household beginning no earlier than 90 days
11 after the COVID–19 public health emergency is
12 lifted.

13 (3) GUIDANCE.—

14 (A) IN GENERAL.—Not later than 10 days
15 after the date of enactment of this Act, the Sec-
16 retary shall issue guidance to State agencies on
17 the temporary student eligibility requirements
18 established under this subsection.

19 (B) COORDINATION WITH THE DEPART-
20 MENT OF EDUCATION.—The Secretary of Edu-
21 cation, in consultation with the Secretary of Ag-
22 riculture and institutions of higher education,
23 shall carry out activities to inform applicants
24 for Federal student financial aid under the
25 Higher Education Act of 1965 (20 U.S.C. 1001

1 et seq.) and students at institutions of higher
2 education of the temporary student eligibility
3 requirements established under this subsection.

4 (i) FUNDING.—There are hereby appropriated to the
5 Secretary, out of any money not otherwise appropriated,
6 such sums as may be necessary to carry out this section.

7 **SEC. 603. SNAP HOT FOOD PURCHASES.**

8 During the period beginning 10 days after the date
9 of the enactment of this Act and ending on the termi-
10 nation date of the COVID–19 public health emergency,
11 the term “food”, as defined in section 3 of the Food and
12 Nutrition Act of 2008 (7 U.S.C. 2012), shall be deemed
13 to exclude “hot foods or hot food products ready for imme-
14 diate consumption other than those authorized pursuant
15 to clauses (3), (4), (5), (7), (8), and (9) of this sub-
16 section,” for purposes of such Act, except that such exclu-
17 sion shall be limited to retail food stores authorized to ac-
18 cept and redeem supplemental nutrition assistance pro-
19 gram benefits as of the date of enactment of this Act.

20 **SEC. 604. SNAP NUTRITION EDUCATION FLEXIBILITY.**

21 (a) IN GENERAL.—Notwithstanding any other provi-
22 sion of law, the Secretary may issue nationwide guidance
23 to allow funds allocated under section 28 of the Food and
24 Nutrition Act (7 U.S.C. 2036a) to be used for individuals
25 distributing food in a non-congregate setting under com-

1 modify distribution programs and child nutrition pro-
2 grams administered by the Food and Nutrition Service of
3 the Department of Agriculture in States affected by the
4 COVID–19 outbreak, provided that any individuals who
5 distribute school meals under—

6 (1) the school lunch program established under
7 the Richard B. Russell National School Lunch Act
8 (42 U.S.C. 1751 et seq.); and

9 (2) the school breakfast program established
10 under section 4 of the Child Nutrition Act of 1966
11 (42 U.S.C. 1773);

12 using funds allocated under section 28 of the Food and
13 Nutrition Act of 2008 (7 U.S.C. 2036a) supplement, not
14 supplant, individuals who are employed by local edu-
15 cational authorities as of the date of enactment of this
16 Act.

17 (b) SUNSET.—The authority provided in this section
18 shall expire 30 days after the COVID–19 public health
19 emergency is terminated.

20 **SEC. 605. FLEXIBILITIES FOR SENIOR FARMERS' MARKET**
21 **NUTRITION PROGRAM.**

22 (a) AUTHORITY TO MODIFY OR WAIVE RULES.—
23 Notwithstanding any other provision of law and if re-
24 quested by a State agency, the Secretary may modify or
25 waive any rule issued under section 4402 of the Farm Se-

1 curity and Rural Investment Act of 2002 (7 U.S.C. 3007)
2 that applies to such State agency if the Secretary deter-
3 mines that—

4 (1) such State agency is unable to comply with
5 such rule as a result of COVID–19; and

6 (2) the requested modification or waiver is nec-
7 essary to enable such State agency to provide assist-
8 ance to low-income seniors under such section.

9 (b) PUBLIC AVAILABILITY.—Not later than 10 days
10 after the date of the receipt or issuance of each document
11 listed in paragraphs (1) and (2) of this subsection, the
12 Secretary shall make publicly available on the website of
13 the Department of Agriculture the following documents:

14 (1) Any request submitted by State agencies
15 under subsection (a).

16 (2) The Secretary’s approval or denial of each
17 such request.

18 (c) DEFINITION OF STATE AGENCY.—The term
19 “State agency” has the meaning given such term in sec-
20 tion 249.2 of title 7 of the Code of Federal Regulations.

21 (d) EFFECTIVE PERIOD.—Subsection (a) shall be in
22 effect during the period that begins on the date of the
23 enactment of this Act and ends 30 days after the termi-
24 nation of the COVID–19 public health emergency.

1 **SEC. 606. FLEXIBILITIES FOR THE FOOD DISTRIBUTION**
2 **PROGRAM ON INDIAN RESERVATIONS.**

3 (a) WAIVER OF NON-FEDERAL SHARE REQUIRE-
4 MENT.—Funds provided in division B of the Coronavirus
5 Aid, Relief, and Economic Security Act (Public Law 116–
6 136) for the food distribution program on Indian reserva-
7 tions authorized by section 4(b) of the Food and Nutrition
8 Act of 2008 (7 U.S.C. 2013(b)) shall not be subject to
9 the payment of the non-Federal share requirement de-
10 scribed in section 4(b)(4)(A) of such Act (7 U.S.C.
11 2013(b)(4)(A)).

12 (b) FLEXIBILITIES FOR CERTAIN HOUSEHOLDS.—

13 (1) IN GENERAL.—Notwithstanding any other
14 provision of law, the Secretary of Agriculture may
15 issue guidance to waive or adjust section 4(b)(2)(C)
16 of the Food and Nutrition Act of 2008 (7 U.S.C.
17 2013(b)(2)(C) for any Tribal organization (as de-
18 fined in section 3(v) of such Act (7 U.S.C. 2012(v)),
19 or for an appropriate State agency administering the
20 program established under section 4(b) of such Act
21 (7 U.S.C. 2013(b)), to ensure that households on
22 the Indian reservation who are participating in the
23 supplemental nutrition assistance program and who
24 are unable to access approved retail food stores due
25 to the outbreak of COVID–19 have access to com-
26 modities distributed under section 4(b) of such Act.

1 (2) PUBLIC AVAILABILITY.—The Secretary
2 shall make available the guidance document issued
3 under paragraph (1) on the public website of the
4 Department of Agriculture not later than 10 days
5 after the date of the issuance of such guidance.

6 (3) SUNSET.—The authority under this sub-
7 section shall expire 30 days after the termination of
8 the COVID–19 public health emergency.

9 **TITLE VII—RURAL** 10 **DEVELOPMENT**

11 **SEC. 701. ASSISTANCE FOR RURAL UTILITIES SERVICE** 12 **BORROWERS.**

13 (a) DEFINITIONS.—In this section:

14 (1) ELIGIBLE LOAN.—The term “eligible loan”
15 means a loan made by the Secretary under section
16 4 or 201 of the Rural Electrification Act of 1936 (7
17 U.S.C. 904 or 922), or made by the Federal Finance-
18 ing Bank and guaranteed by the Secretary under
19 section 306 of such Act (7 U.S.C. 936).

20 (2) ELIGIBLE ENTITY.—The term “eligible enti-
21 ty” means a borrower to whom an eligible loan is
22 made.

23 (3) RATEPAYER.—The term “ratepayer” means
24 an individual who receives utility services from an

1 entity to whom the Rural Utilities Service has made
2 a loan.

3 (b) IN GENERAL.—

4 (1) ESTABLISHMENT.—The Secretary shall
5 make grants on a competitive basis to eligible enti-
6 ties to mitigate the effects of the COVID–19 pan-
7 demic and support their continued or expanded de-
8 livery of critical services (as defined by the Sec-
9 retary), including covering the cost of forgiving or
10 refinancing ratepayer debt outstanding as of such
11 date of enactment.

12 (2) TIMELINE.—

13 (A) NOTICE OF FUNDING AVAILABILITY.—

14 Within 60 days after the date of the enactment
15 of this Act, the Secretary shall publish a Notice
16 of Funding Availability to solicit applications
17 for a grant under this section.

18 (B) GRANT AWARDS.—The Secretary shall

19 announce the grants awarded under this section
20 no later than 60 days after the publication of
21 the Notice of Funding Availability pursuant to
22 subparagraph (A).

23 (3) MAXIMUM GRANT AMOUNT.—The amount of

24 the grant awarded to an eligible entity under this
25 section shall not exceed \$1,000,000.

1 (c) APPLICATION.—To be eligible to receive a grant
2 under this section, an eligible entity shall submit to the
3 Secretary an application containing such information as
4 the Secretary may require.

5 (d) SELECTION CRITERIA.—In awarding grants
6 under this section, the Secretary shall consider—

7 (1) the degree to which applicants who are eli-
8 gible entities are experiencing economic hardship due
9 to reduced or delayed payments from ratepayers;

10 (2) whether applicants who are eligible entities
11 are using eligible loans to provide services primarily
12 to socially disadvantaged groups, as defined in sec-
13 tion 355(e) of the Consolidated Farm and Rural De-
14 velopment Act; and

15 (3) the degree to which applicants who are eli-
16 gible entities are using eligible loans in providing
17 services in persistent poverty counties, as defined by
18 the Secretary.

19 (e) REPORT TO THE CONGRESS.—Not later than 1
20 year after the date of the enactment of this Act, the Sec-
21 retary shall submit to the Committee on Agriculture of
22 the House of Representatives and the Committee on Agri-
23 culture, Nutrition, and Forestry of the Senate a report
24 detailing, for each eligible entity awarded a grant under

1 this section, the name of the eligible entity and the geo-
 2 graphic areas benefitting from the grant.

3 (f) AUTHORIZATION OF APPROPRIATIONS.—To carry
 4 out this section, there is authorized to be appropriated not
 5 more than \$2,600,000,000 for fiscal year 2021, to remain
 6 available through fiscal year 2022.

7 **DIVISION O—COVID-19 HERO** 8 **ACT**

9 **SEC. 1. SHORT TITLE.**

10 This division may be cited as the “COVID-19 Hous-
 11 ing, Economic Relief, and Oversight Act” or the “COVID-
 12 19 HERO Act”.

13 **TITLE I—PROVIDING MEDICAL** 14 **EQUIPMENT FOR FIRST RE-** 15 **SPONDERS AND ESSENTIAL** 16 **WORKERS**

17 **SEC. 101. COVID-19 EMERGENCY MEDICAL SUPPLIES EN-** 18 **HANCEMENT.**

19 (a) DETERMINATION ON EMERGENCY SUPPLIES AND
 20 RELATIONSHIP TO STATE AND LOCAL EFFORTS.—

21 (1) DETERMINATION.—For the purposes of sec-
 22 tion 101 of the Defense Production Act of 1950 (50
 23 U.S.C. 4511), the following materials shall be
 24 deemed to be scarce and critical materials essential
 25 to the national defense and otherwise meet the re-

1 requirements of section 101(b) of such Act during the
2 COVID–19 emergency period:

3 (A) Diagnostic tests, including serological
4 tests, for COVID–19 and the reagents and
5 other materials necessary for producing or con-
6 ducting such tests.

7 (B) Personal protective equipment, includ-
8 ing face shields, N–95 respirator masks, and
9 any other masks determined by the Secretary of
10 Health and Human Services to be needed to re-
11 spond to the COVID–19 pandemic, and the ma-
12 terials to produce such equipment.

13 (C) Medical ventilators, the components
14 necessary to make such ventilators, and medi-
15 cines needed to use a ventilator as a treatment
16 for any individual who is hospitalized for
17 COVID–19.

18 (D) Pharmaceuticals and any medicines
19 determined by the Food and Drug Administra-
20 tion or another Government agency to be effec-
21 tive in treating COVID–19 (including vaccines
22 for COVID–19) and any materials necessary to
23 produce or use such pharmaceuticals or medi-
24 cines (including self-injection syringes or other
25 delivery systems).

1 (E) Any other medical equipment or sup-
2 plies determined by the Secretary of Health and
3 Human Services or the Secretary of Homeland
4 Security to be scarce and critical materials es-
5 sential to the national defense for purposes of
6 section 101 of the Defense Production Act of
7 1950 (50 U.S.C. 4511).

8 (2) EXERCISE OF TITLE I AUTHORITIES IN RE-
9 LATION TO CONTRACTS BY STATE AND LOCAL GOV-
10 ERNMENTS.—In exercising authorities under title I
11 of the Defense Production Act of 1950 (50 U.S.C.
12 4511 et seq.) during the COVID–19 emergency pe-
13 riod, the President (and any officer or employee of
14 the United States to which authorities under such
15 title I have been delegated)—

16 (A) may exercise the prioritization or allo-
17 cation authority provided in such title I to ex-
18 clude any materials described in paragraph (1)
19 ordered by a State or local government that are
20 scheduled to be delivered within 15 days of the
21 time at which—

22 (i) the purchase order or contract by
23 the Federal Government for such materials
24 is made; or

1 (ii) the materials are otherwise allo-
 2 cated by the Federal Government under
 3 the authorities contained in such Act; and
 4 (B) shall, within 24 hours of any exercise
 5 of the prioritization or allocation authority pro-
 6 vided in such title I—

7 (i) notify any State or local govern-
 8 ment if the exercise of such authorities
 9 would delay the receipt of such materials
 10 ordered by such government; and

11 (ii) take such steps as may be nec-
 12 essary to ensure that such materials or-
 13 dered by such government are delivered in
 14 the shortest possible period.

15 (3) UPDATE TO THE FEDERAL ACQUISITION
 16 REGULATION.—Not later than 15 days after the
 17 date of the enactment of this Act, the Federal Ac-
 18 quisition Regulation shall be revised to reflect the
 19 requirements of paragraph (2)(A).

20 (b) ENGAGEMENT WITH THE PRIVATE SECTOR.—

21 (1) SENSE OF CONGRESS.—The Congress—

22 (A) appreciates the willingness of private
 23 companies not traditionally involved in pro-
 24 ducing items for the health sector to volunteer
 25 to use their expertise and supply chains to

1 produce essential medical supplies and equip-
2 ment;

3 (B) encourages other manufacturers to re-
4 view their existing capacity and to develop ca-
5 pacity to produce essential medical supplies,
6 medical equipment, and medical treatments to
7 address the COVID–19 emergency; and

8 (C) commends and expresses deep appre-
9 ciation to individual citizens who have been pro-
10 ducing personal protective equipment and other
11 materials for, in particular, use at hospitals in
12 their community.

13 (2) OUTREACH REPRESENTATIVE.—

14 (A) DESIGNATION.—Consistent with the
15 authorities in title VII of the Defense Produc-
16 tion Act of 1950 (50 U.S.C. 4551 et seq.), the
17 Administrator of the Federal Emergency Man-
18 agement Agency, in consultation with the Sec-
19 retary of Health and Human Services, shall
20 designate or shall appoint, pursuant to section
21 703 of such Act (50 U.S.C. 4553), an indi-
22 vidual to be known as the “Outreach Rep-
23 resentative”. Such individual shall—

24 (i) be appointed from among individ-
25 uals with substantial experience in the pri-

1 vate sector in the production of medical
2 supplies or equipment; and

3 (ii) act as the Government-wide single
4 point of contact during the COVID–19
5 emergency for outreach to manufacturing
6 companies and their suppliers who may be
7 interested in producing medical supplies or
8 equipment, including the materials de-
9 scribed under subsection (a).

10 (B) ENCOURAGING PARTNERSHIPS.—The
11 Outreach Representative shall seek to develop
12 partnerships between companies, in coordina-
13 tion with the Supply Chain Stabilization Task
14 Force or any overall coordinator appointed by
15 the President to oversee the response to the
16 COVID–19 emergency, including through the
17 exercise of the authorities under section 708 of
18 the Defense Production Act of 1950 (50 U.S.C.
19 4558).

20 (c) ENHANCEMENT OF SUPPLY CHAIN PRODUC-
21 TION.—In exercising authority under title III of the De-
22 fense Production Act of 1950 (50 U.S.C. 4531 et seq.)
23 with respect to materials described in subsection (a), the
24 President shall seek to ensure that support is provided to
25 companies that comprise the supply chains for reagents,

1 components, raw materials, and other materials and items
2 necessary to produce or use the materials described in sub-
3 section (a).

4 (d) OVERSIGHT OF CURRENT ACTIVITY AND
5 NEEDS.—

6 (1) RESPONSE TO IMMEDIATE NEEDS.—

7 (A) IN GENERAL.—Not later than 7 days
8 after the date of the enactment of this Act, the
9 President, in coordination with the National
10 Response Coordination Center of the Federal
11 Emergency Management Agency, the Adminis-
12 trator of the Defense Logistics Agency, the Sec-
13 retary of Health and Human Services, the Sec-
14 retary of Veterans Affairs, and heads of other
15 Federal agencies (as appropriate), shall submit
16 to the appropriate congressional committees a
17 report assessing the immediate needs described
18 in subparagraph (B) to combat the COVID–19
19 pandemic and the plan for meeting those imme-
20 diate needs.

21 (B) ASSESSMENT.—The report required by
22 this paragraph shall include—

23 (i) an assessment of the needs for
24 medical supplies or equipment necessary to
25 address the needs of the population of the

1 United States infected by the virus SARS–
2 CoV–2 that causes COVID–19 and to pre-
3 vent an increase in the incidence of
4 COVID–19 throughout the United States,
5 including diagnostic tests, serological tests,
6 medicines that have been approved by the
7 Food and Drug Administration to treat
8 COVID–19, and ventilators and medicines
9 needed to employ ventilators;

10 (ii) based on meaningful consultations
11 with relevant stakeholders, an identifica-
12 tion of the target rate of diagnostic testing
13 for each State and an assessment of the
14 need for personal protective equipment and
15 other supplies (including diagnostic tests)
16 required by—

17 (I) health professionals, health
18 workers, and hospital staff including
19 supplies needed for worst case sce-
20 narios for surges of COVID–19 infec-
21 tions and hospitalizations;

22 (II) workers in industries and
23 sectors described in the “Advisory
24 Memorandum on Identification of Es-
25 sential Critical Infrastructure Work-

1 ers during the COVID–19 Response”
2 issued by the Director of Cybersecu-
3 rity and Infrastructure Security Agen-
4 cy of the Department of Homeland
5 Security on April 17, 2020 (and any
6 expansion of industries and sectors in-
7 cluded in updates to such advisory
8 memorandum);

9 (III) students, teachers, and ad-
10 ministrators at primary and secondary
11 schools; and

12 (IV) other workers determined to
13 be essential based on such consulta-
14 tion;

15 (iii) an assessment of the quantities of
16 equipment and supplies in the Strategic
17 National Stockpile (established under sec-
18 tion 319F–2 of the Public Health Service
19 Act ((42 U.S.C. 247d–6b(a)(1))) as of the
20 date of the report, and the projected gap
21 between the quantities of equipment and
22 supplies identified as needed in the assess-
23 ment under clauses (i) and (ii) and the
24 quantities in the Strategic National Stock-
25 pile;

1 (iv) an identification of the industry
2 sectors and manufacturers most ready to
3 fulfill purchase orders for such equipment
4 and supplies (including manufacturers that
5 may be incentivized) through the exercise
6 of authority under section 303(e) of the
7 Defense Production Act of 1950 (50
8 U.S.C. 4533(e)) to modify, expand, or im-
9 prove production processes to manufacture
10 such equipment and supplies to respond
11 immediately to a need identified in clause
12 (i) or (ii);

13 (v) an identification of Government-
14 owned and privately-owned stockpiles of
15 such equipment and supplies not included
16 in the Strategic National Stockpile that
17 could be repaired or refurbished;

18 (vi) an identification of previously dis-
19 tributed critical supplies that can be redis-
20 tributed based on current need;

21 (vii) a description of any exercise of
22 the authorities described under paragraph
23 (1)(E) or (2)(A) of subsection (a); and

24 (viii) an identification of critical areas
25 of need, by county and by areas identified

1 by the Indian Health Service, in the
2 United States and the metrics and criteria
3 for identification as a critical area.

4 (C) PLAN.—The report required by this
5 paragraph shall include a plan for meeting the
6 immediate needs to combat the COVID–19 pan-
7 demic, including the needs described in sub-
8 paragraph (B). Such plan shall include—

9 (i) each contract the Federal Govern-
10 ment has entered into to meet such needs,
11 including the purpose of each contract, the
12 type and amount of equipment, supplies, or
13 services to be provided under the contract,
14 the entity performing such contract, and
15 the dollar amount of each contract;

16 (ii) each contract that the Federal
17 Government intends to enter into within
18 14 days after submission of such report,
19 including the information described in sub-
20 paragraph (B) for each such contract; and

21 (iii) whether any of the contracts de-
22 scribed in clause (i) or (ii) have or will
23 have a priority rating under the Defense
24 Production Act of 1950 (50 U.S.C. 4501
25 et seq.), including purchase orders pursu-

1 ant to Department of Defense Directive
2 4400.1 (or any successor directive), sub-
3 part A of part 101 of title 45, Code of
4 Federal Regulations, or any other applica-
5 ble authority.

6 (D) ADDITIONAL REQUIREMENTS.—The
7 report required by this paragraph, and each up-
8 date required by subparagraph (E), shall in-
9 clude—

10 (i) any requests for equipment and
11 supplies from State or local governments
12 and Indian Tribes, and an accompanying
13 list of the employers and unions consulted
14 in developing these requests;

15 (ii) any modeling or formulas used to
16 determine allocation of equipment and sup-
17 plies, and any related chain of command
18 issues on making final decisions on alloca-
19 tions;

20 (iii) the amount and destination of
21 equipment and supplies delivered;

22 (iv) an explanation of why any portion
23 of any contract described under subpara-
24 graph (C), whether to replenish the Stra-

1 tegic National Stockpile or otherwise, will
2 not be filled;

3 (v) of products procured under such
4 contract, the percentage of such products
5 that are used to replenish the Strategic
6 National Stockpile, that are targeted to
7 COVID–19 hotspots, and that are used for
8 the commercial market;

9 (vi) a description of the range of
10 prices for goods described in subsection
11 (a), or other medical supplies and equip-
12 ment that are subject to shortages, pur-
13 chased by the United States Government,
14 transported by the Government, or other-
15 wise known to the Government, which shall
16 also identify all such prices that exceed the
17 prevailing market prices of such goods
18 prior to March 1, 2020, and any actions
19 taken by the Government under section
20 102 of the Defense Production Act of 1950
21 or similar provisions of law to prevent
22 hoarding of such materials and charging of
23 such increased prices between March 1,
24 2020, and the date of the submission of
25 the first report required by this paragraph,

1 and, for all subsequent reports, within each
2 reporting period;

3 (vii) metrics, formulas, and criteria
4 used to determine COVID–19 hotspots or
5 areas of critical need for a State, county,
6 or an area identified by the Indian Health
7 Service;

8 (viii) production and procurement
9 benchmarks, where practicable; and

10 (ix) results of the consultation with
11 the relevant stakeholders required by sub-
12 paragraph (B)(ii).

13 (E) UPDATES.—The President, in coordi-
14 nation with the National Response Coordination
15 Center of the Federal Emergency Management
16 Agency, the Administrator of the Defense Lo-
17 gistics Agency, the Secretary of Health and
18 Human Services, the Secretary of Veterans Af-
19 fairs, and heads of other Federal agencies (as
20 appropriate), shall update such report every 14
21 days.

22 (F) PUBLIC AVAILABILITY.—The President
23 shall make the report required by this para-
24 graph and each update required by subpara-

graph (E) available to the public, including on a Government website.

(2) RESPONSE TO LONGER-TERM NEEDS.—

(A) IN GENERAL.—Not later than 14 days after the date of enactment of this Act, the President, in coordination with the National Response Coordination Center of the Federal Emergency Management Agency, the Administrator of the Defense Logistics Agency, the Secretary of Health and Human Services, the Secretary of Veterans Affairs, and heads of other Federal agencies (as appropriate), shall submit to the appropriate congressional committees a report containing an assessment of the needs described in subparagraph (B) to combat the COVID–19 pandemic and the plan for meeting such needs during the 6-month period beginning on the date of submission of the report.

(B) ASSESSMENT.—The report required by this paragraph shall include—

(i) an assessment of the elements describe in clauses (i) through (v) and clause (viii) of paragraph (1)(B);

(ii) an assessment of needs related to COVID–19 vaccines;

1 (iii) an assessment of the manner in
2 which the Defense Production Act of 1950
3 could be exercised to increase services re-
4 lated to health surveillance to ensure that
5 the appropriate level of contact tracing re-
6 lated to detected infections is available
7 throughout the United States to prevent
8 future outbreaks of COVID–19 infections;
9 and

10 (iv) an assessment of any additional
11 services needed to address the COVID–19
12 pandemic.

13 (C) PLAN.—The report required by this
14 paragraph shall include a plan for meeting the
15 longer-term needs to combat the COVID–19
16 pandemic, including the needs described in sub-
17 paragraph (B). This plan shall include—

18 (i) a plan to exercise authorities under
19 the Defense Production Act of 1950 (50
20 U.S.C. 4501 et seq.) necessary to increase
21 the production of the medical equipment,
22 supplies, and services that are essential to
23 meeting the needs identified in subpara-
24 graph (B), including the number of N–95
25 respirator masks and other personal pro-

1 tective equipment needed, based on mean-
2 ingful consultations with relevant stake-
3 holders, by the private sector to resume
4 economic activity and by the public and
5 nonprofit sectors to significantly increase
6 their activities;

7 (ii) results of the consultations with
8 the relevant stakeholders required by
9 clause (i);

10 (iii) an estimate of the funding and
11 other measures necessary to rapidly ex-
12 pand manufacturing production capacity
13 for such equipment and supplies, includ-
14 ing—

15 (I) any efforts to expand, retool,
16 or reconfigure production lines;

17 (II) any efforts to establish new
18 production lines through the purchase
19 and installation of new equipment; or

20 (III) the issuance of additional
21 contracts, purchase orders, purchase
22 guarantees, or other similar measures;

23 (iv) each contract the Federal Govern-
24 ment has entered into to meet such needs
25 or expand such production, the purpose of

1 each contract, the type and amount of
2 equipment, supplies, or services to be pro-
3 vided under the contract, the entity per-
4 forming such contract, and the dollar
5 amount of each contract;

6 (v) each contract that the Federal
7 Government intends to enter into within
8 14 days after submission of such report,
9 including the information described in
10 clause (iv) for each such contract;

11 (vi) whether any of the contracts de-
12 scribed in clause (iv) or (v) have or will
13 have a priority rating under the Defense
14 Production Act of 1950 (50 U.S.C. 4501
15 et seq.), including purchase orders pursu-
16 ant to Department of Defense Directive
17 4400.1 (or any successor directive), sub-
18 part A of part 101 of title 45, Code of
19 Federal Regulations, or any other applica-
20 ble authority; and

21 (vii) the manner in which the Defense
22 Production Act of 1950 (50 U.S.C. 4501
23 et seq.) could be used to increase services
24 necessary to combat the COVID-19 pan-

1 demic, including services described in sub-
2 paragraph (B)(ii).

3 (D) UPDATES.—The President, in coordi-
4 nation with the National Response Coordination
5 Center of the Federal Emergency Management
6 Agency, the Administrator of the Defense Lo-
7 gistics Agency, the Secretary of Health and
8 Human Services, the Secretary of Veterans Af-
9 fairs, and heads of other Federal agencies (as
10 appropriate), shall update such report every 14
11 days.

12 (E) PUBLIC AVAILABILITY.—The Presi-
13 dent shall make the report required by this sub-
14 section and each update required by subpara-
15 graph (D) available to the public, including on
16 a Government website.

17 (3) REPORT ON EXERCISING AUTHORITIES
18 UNDER THE DEFENSE PRODUCTION ACT OF 1950.—

19 (A) IN GENERAL.—Not later than 14 days
20 after the date of the enactment of this Act, the
21 President, in consultation with the Adminis-
22 trator of the Federal Emergency Management
23 Agency, the Secretary of Defense, and the Sec-
24 retary of Health and Human Services, shall
25 submit to the appropriate congressional com-

mittees a report on the exercise of authorities under titles I, III, and VII of the Defense Production Act of 1950 (50 U.S.C. 4501 et seq.) prior to the date of such report.

(B) CONTENTS.—The report required under subparagraph (A) and each update required under subparagraph (C) shall include, with respect to each exercise of such authority—

(i) an explanation of the purpose of the applicable contract, purchase order, or other exercise of authority (including an allocation of materials, services, and facilities under section 101(a)(2) of the Defense Production Act of 1950 (50 U.S.C. 4511(a)(2));

(ii) the cost of such exercise of authority; and

(iii) if applicable—

(I) the amount of goods that were purchased or allocated;

(II) an identification of the entity awarded a contract or purchase order or that was the subject of the exercise of authority; and

1 (III) an identification of any en-
2 tity that had shipments delayed by the
3 exercise of any authority under the
4 Defense Production Act of 1950 (50
5 U.S.C. 4501 et seq.).

6 (C) UPDATES.—The President shall up-
7 date the report required under subparagraph
8 (A) every 14 days.

9 (D) PUBLIC AVAILABILITY.—The Presi-
10 dent shall make the report required by this sub-
11 section and each update required by subpara-
12 graph (C) available to the public, including on
13 a Government website.

14 (4) QUARTERLY REPORTING.—The President
15 shall submit to Congress, and make available to the
16 public (including on a Government website), a quar-
17 terly report detailing all expenditures made pursuant
18 to titles I, III, and VII of the Defense Production
19 Act of 1950 50 U.S.C. 4501 et seq.).

20 (5) EXERCISE OF LOAN AUTHORITIES.—

21 (A) IN GENERAL.—Any loan made pursu-
22 ant to section 302 or 303 of the Defense Pro-
23 duction Act of 1950, carried out by the Inter-
24 national Development Finance Corporation pur-
25 suant to the authorities delegated by Executive

Order 13922, shall be subject to the notification requirements contained in section 1446 of the BUILD Act of 2018 (22 U.S.C. 9656).

(B) APPROPRIATE CONGRESSIONAL COMMITTEES.—For purposes of the notifications required by subparagraph (A), the term “appropriate congressional committees”, as used section 1446 of the BUILD Act of 2018, shall be deemed to include the Committee on Financial Services of the House of Representatives and the Committee on Banking, Housing and Urban Development of the Senate.

(6) SUNSET.—The requirements of this subsection shall terminate on the later of—

(A) December 31, 2021; or

(B) the end of the COVID–19 emergency period.

(e) ENHANCEMENTS TO THE DEFENSE PRODUCTION ACT OF 1950.—

(1) HEALTH EMERGENCY AUTHORITY.—Section 107 of the Defense Production Act of 1950 (50 U.S.C. 4517) is amended by adding at the end the following:

“(c) HEALTH EMERGENCY AUTHORITY.—With respect to a public health emergency declaration by the Sec-

1 retary of Health and Human Services under section 319
 2 of the Public Health Service Act, or preparations for such
 3 a health emergency, the Secretary of Health and Human
 4 Services and the Administrator of the Federal Emergency
 5 Management Agency are authorized to carry out the au-
 6 thorities provided under this section to the same extent
 7 as the President.”.

8 (2) EMPHASIS ON BUSINESS CONCERNS OWNED
 9 BY WOMEN, MINORITIES, VETERANS, AND NATIVE
 10 AMERICANS.—Section 108 of the Defense Produc-
 11 tion Act of 1950 (50 U.S.C. 4518) is amended—

12 (A) in the heading, by striking “**MOD-**
 13 **ERNIZATION OF SMALL BUSINESS SUP-**
 14 **PLIERS**” and inserting “**SMALL BUSINESS**
 15 **PARTICIPATION AND FAIR INCLUSION**”;

16 (B) by amending subsection (a) to read as
 17 follows:

18 “(a) PARTICIPATION AND INCLUSION.—

19 “(1) IN GENERAL.—In providing any assistance
 20 under this Act, the President shall accord a strong
 21 preference for subcontractors and suppliers that
 22 are—

23 “(A) small business concerns; or

24 “(B) businesses of any size owned by
 25 women, minorities, veterans, and the disabled.

1 “(2) SPECIAL CONSIDERATION.—To the max-
 2 imum extent practicable, the President shall accord
 3 the preference described under paragraph (1) to
 4 small business concerns and businesses described in
 5 paragraph (1)(B) that are located in areas of high
 6 unemployment or areas that have demonstrated a
 7 continuing pattern of economic decline, as identified
 8 by the Secretary of Labor.”; and

9 (C) by adding at the end the following:

10 “(c) MINORITY DEFINED.—In this section, the term
 11 ‘minority’—

12 “(1) has the meaning given the term in section
 13 308(b) of the Financial Institutions Reform, Recov-
 14 ery, and Enforcement Act of 1989; and

15 “(2) includes any indigenous person in the
 16 United States, including any territories of the
 17 United States.”.

18 (3) ADDITIONAL INFORMATION IN ANNUAL RE-
 19 PORT.—Section 304(f)(3) of the Defense Production
 20 Act of 1950 (50 U.S.C. 4534(f)(3)) is amended by
 21 striking “year.” and inserting “year, including the
 22 percentage of contracts awarded using Fund
 23 amounts to each of the groups described in section
 24 108(a)(1)(B) (and, with respect to minorities,
 25 disaggregated by ethnic group), and the percentage

1 of the total amount expended during such fiscal year
2 on such contracts.”.

3 (4) DEFINITION OF NATIONAL DEFENSE.—Sec-
4 tion 702(14) of the Defense Production Act of 1950
5 is amended by striking “and critical infrastructure
6 protection and restoration” and inserting “, critical
7 infrastructure protection and restoration, and health
8 emergency preparedness and response activities”.

9 (f) SECURING ESSENTIAL MEDICAL MATERIALS.—

10 (1) STATEMENT OF POLICY.—Section 2(b) of
11 the Defense Production Act of 1950 (50 U.S.C.
12 4502) is amended—

13 (A) by redesignating paragraphs (3)
14 through (8) as paragraphs (4) through (9), re-
15 spectively; and

16 (B) by inserting after paragraph (2) the
17 following:

18 “(3) authorities under this Act should be used
19 when appropriate to ensure the availability of med-
20 ical materials essential to national defense, including
21 through measures designed to secure the drug sup-
22 ply chain, and taking into consideration the impor-
23 tance of United States competitiveness, scientific
24 leadership and cooperation, and innovative capac-
25 ity;”.

1 (2) STRENGTHENING DOMESTIC CAPABILITY.—

2 Section 107 of the Defense Production Act of 1950

3 (50 U.S.C. 4517) is amended—

4 (A) in subsection (a), by inserting “(in-
5 cluding medical materials)” after “materials”;

6 and

7 (B) in subsection (b)(1), by inserting “(in-
8 cluding medical materials such as drugs to di-
9 agnose, cure, mitigate, treat, or prevent disease
10 that essential to national defense)” after “es-
11 sential materials”.

12 (3) STRATEGY ON SECURING SUPPLY CHAINS
13 FOR MEDICAL ARTICLES.—Title I of the Defense
14 Production Act of 1950 (50 U.S.C. 4511 et seq.) is
15 amended by adding at the end the following:

16 **“SEC. 109. STRATEGY ON SECURING SUPPLY CHAINS FOR**
17 **MEDICAL MATERIALS.**

18 “(a) IN GENERAL.—Not later than 180 days after
19 the date of the enactment of this section, the President,
20 in consultation with the Secretary of Health and Human
21 Services, the Secretary of Commerce, the Secretary of
22 Homeland Security, and the Secretary of Defense, shall
23 transmit a strategy to the appropriate Members of Con-
24 gress that includes the following:

1 “(1) A detailed plan to use the authorities
2 under this title and title III, or any other provision
3 of law, to ensure the supply of medical materials (in-
4 cluding drugs to diagnose, cure, mitigate, treat, or
5 prevent disease) essential to national defense, to the
6 extent necessary for the purposes of this Act.

7 “(2) An analysis of vulnerabilities to existing
8 supply chains for such medical articles, and rec-
9 ommendations to address the vulnerabilities.

10 “(3) Measures to be undertaken by the Presi-
11 dent to diversify such supply chains, as appropriate
12 and as required for national defense; and

13 “(4) A discussion of—

14 “(A) any significant effects resulting from
15 the plan and measures described in this sub-
16 section on the production, cost, or distribution
17 of vaccines or any other drugs (as defined
18 under section 201 of the Federal Food, Drug,
19 and Cosmetic Act (21 U.S.C. 321));

20 “(B) a timeline to ensure that essential
21 components of the supply chain for medical ma-
22 terials are not under the exclusive control of a
23 foreign government in a manner that the Presi-
24 dent determines could threaten the national de-
25 fense of the United States; and

1 “(C) efforts to mitigate any risks resulting
2 from the plan and measures described in this
3 subsection to United States competitiveness,
4 scientific leadership, and innovative capacity,
5 including efforts to cooperate and proactively
6 engage with United States allies.

7 “(b) PROGRESS REPORT.—Following submission of
8 the strategy under subsection (a), the President shall sub-
9 mit to the appropriate Members of Congress an annual
10 progress report evaluating the implementation of the
11 strategy, and may include updates to the strategy as ap-
12 propriate. The strategy and progress reports shall be sub-
13 mitted in unclassified form but may contain a classified
14 annex.

15 “(c) APPROPRIATE MEMBERS OF CONGRESS.—The
16 term ‘appropriate Members of Congress’ means the
17 Speaker, majority leader, and minority leader of the
18 House of Representatives, the majority leader and minor-
19 ity leader of the Senate, the Chairman and Ranking Mem-
20 ber of the Committees on Armed Services and Financial
21 Services of the House of Representatives, and the Chair-
22 man and Ranking Member of the Committees on Armed
23 Services and Banking, Housing, and Urban Affairs of the
24 Senate.”.

25 (g) GAO REPORT.—

1 (1) IN GENERAL.—Not later than 270 days
2 after the date of the enactment of this Act, and an-
3 nually thereafter, the Comptroller General of the
4 United States shall submit to the appropriate con-
5 gressional committees a report on ensuring that the
6 United States Government has access to the medical
7 supplies and equipment necessary to respond to fu-
8 ture pandemics and public health emergencies, in-
9 cluding recommendations with respect to how to en-
10 sure that the United States supply chain for diag-
11 nostic tests (including serological tests), personal
12 protective equipment, vaccines, and therapies is bet-
13 ter equipped to respond to emergencies, including
14 through the use of funds in the Defense Production
15 Act Fund under section 304 of the Defense Produc-
16 tion Act of 1950 (50 U.S.C. 4534) to address short-
17 ages in that supply chain.

18 (2) REVIEW OF ASSESSMENT AND PLAN.—

19 (A) IN GENERAL.—Not later than 30 days
20 after each of the submission of the reports de-
21 scribed in paragraphs (1) and (2) of subsection
22 (d), the Comptroller General of the United
23 States shall submit to the appropriate congres-
24 sional committees an assessment of such re-
25 ports, including identifying any gaps and pro-

1 viding any recommendations regarding the sub-
2 ject matter in such reports.

3 (B) MONTHLY REVIEW.—Not later than a
4 month after the submission of the assessment
5 under subparagraph (A), and monthly there-
6 after, the Comptroller General shall issue a re-
7 port to the appropriate congressional commit-
8 tees with respect to any updates to the reports
9 described in paragraph (1) and (2) of sub-
10 section (d) that were issued during the previous
11 1-month period, containing an assessment of
12 such updates, including identifying any gaps
13 and providing any recommendations regarding
14 the subject matter in such updates.

15 (h) DEFINITIONS.—In this section:

16 (1) APPROPRIATE CONGRESSIONAL COMMIT-
17 TEES.—The term “appropriate congressional com-
18 mittees” means the Committees on Appropriations,
19 Armed Services, Energy and Commerce, Financial
20 Services, Homeland Security, and Veterans’ Affairs
21 of the House of Representatives and the Committees
22 on Appropriations, Armed Services, Banking, Hous-
23 ing, and Urban Affairs, Health, Education, Labor,
24 and Pensions, Homeland Security and Governmental
25 Affairs, and Veterans’ Affairs of the Senate.

1 (2) COVID–19 EMERGENCY PERIOD.—The
2 term “COVID–19 emergency period” means the pe-
3 riod beginning on the date of enactment of this Act
4 and ending after the end of the incident period for
5 the emergency declared on March 13, 2020, by the
6 President under Section 501 of the Robert T. Staf-
7 ford Disaster Relief and Emergency Assistance Act
8 (42 U.S.C. 4121 et seq.) relating to the Coronavirus
9 Disease 2019 (COVID–19) pandemic.

10 (3) RELEVANT STAKEHOLDER.—The term “rel-
11 evant stakeholder” means—

12 (A) representative private sector entities;

13 (B) representatives of the nonprofit sector;

14 (C) representatives of primary and sec-
15 ondary school systems; and

16 (D) representatives of labor organizations
17 representing workers, including unions that rep-
18 resent health workers, manufacturers, teachers,
19 other public sector employees, and service sec-
20 tor workers.

21 (4) STATE.—The term “State” means each of
22 the several States, the District of Columbia, the
23 Commonwealth of Puerto Rico, and any territory or
24 possession of the United States.

1 **TITLE II—PROTECTING RENT-**
2 **ERS AND HOMEOWNERS**
3 **FROM EVICTIONS AND FORE-**
4 **CLOSURES**

5 **SEC. 201. EMERGENCY RENTAL ASSISTANCE AND RENTAL**
6 **MARKET STABILIZATION.**

7 (a) DEFINITIONS.—In this section:

8 (1) INDIAN TRIBE.—The term “Indian tribe”
9 has the meaning given the such term in section 4 of
10 the Native American Housing Assistance and Self-
11 Determination Act of 1996 (25 U.S.C. 4103).

12 (2) PUBLIC HOUSING AGENCY.—The term
13 “public housing agency” has the meaning given such
14 term in section 3(b) of the United States Housing
15 Act of 1937 (42 U.S.C. 1437a(b)).

16 (3) SECRETARY .—The term “Secretary”
17 means the Secretary of Housing and Urban Develop-
18 ment.

19 (4) TRIBALLY DESIGNATED HOUSING ENTI-
20 TY.—The term “tribally designated housing entity”
21 has the meaning given such term in section 4 of the
22 Native American Housing Assistance and Self-De-
23 termination Act of 1996 (25 U.S.C. 4103).

24 (b) AUTHORIZATION OF APPROPRIATIONS.—There is
25 authorized to be appropriated to the Secretary

1 \$50,000,000,000 for an additional amount for grants
2 under the Emergency Solutions Grants program under
3 subtitle B of title IV of the McKinney-Vento Homeless As-
4 sistance Act (42 U.S.C. 11371 et seq.), to remain available
5 until expended (subject to subsection (e) of this section),
6 to be used for providing short- or medium-term assistance
7 with rent and rent-related costs (including tenant-paid
8 utility costs, utility- and rent-arrears, fees charged for
9 those arrears, and security and utility deposits) in accord-
10 ance with paragraphs (4) and (5) of section 415(a) of such
11 Act (42 U.S.C. 11374(a)) and this section.

12 (c) DEFINITION OF AT RISK OF HOMELESSNESS.—
13 Notwithstanding section 401(1) of the McKinney-Vento
14 Homeless Assistance Act (42 U.S.C. 11360(1)), for pur-
15 poses of assistance made available with amounts made
16 available pursuant to subsection (b), the term “at risk of
17 homelessness” means, with respect to an individual or
18 family, that the individual or family—

19 (1) except as provided in subsection (d)(1)(C),
20 has an income below 80 percent of the median in-
21 come for the area as determined by the Secretary;
22 and

23 (2) has an inability to attain or maintain hous-
24 ing stability or has insufficient resources to pay for
25 rent or utilities.

1 (d) INCOME TARGETING AND CALCULATION.—For
2 purposes of assistance made available with amounts made
3 available pursuant to subsection (b)—

4 (1) each recipient of such amounts shall use—

5 (A) not less than 40 percent of the
6 amounts received only for providing assistance
7 to individuals or families experiencing homeless-
8 ness, or for persons or families at risk of home-
9 lessness who have incomes not exceeding 30
10 percent of the median income for the area as
11 determined by the Secretary;

12 (B) not less than 70 percent of the
13 amounts received only for providing assistance
14 to individuals or families experiencing homeless-
15 ness, or for persons or families at risk of home-
16 lessness who have incomes not exceeding 50
17 percent of the median income for the area as
18 determined by the Secretary; and

19 (C) the remainder of the amounts received
20 only for providing assistance to individuals or
21 families experiencing homelessness, or for per-
22 sons or families at risk of homelessness who
23 have incomes not exceeding 80 percent of the
24 median income for the area as determined by
25 the Secretary, except that the recipient may es-

1 tabish a higher percentage limit for purposes of
2 subsection (c)(1), which shall not in any case
3 exceed 120 percent of the area median income,
4 provided that the recipient—

5 (i) proposes to permit such assistance
6 to individuals and households in its plan to
7 carry out activities under this section; and

8 (ii) solicits public comment on the
9 proposal; and

10 (2) in determining the income of a household
11 for homelessness prevention assistance—

12 (A) the calculation of income performed at
13 the time of application for the assistance, in-
14 cluding arrearages, shall consider only income
15 that the household is receiving at the time of
16 the application, and any income recently termi-
17 nated shall not be included;

18 (B) any subsequent calculation of income
19 performed with respect to households receiving
20 ongoing assistance shall consider only the in-
21 come that the household is receiving at the time
22 of the review; and

23 (C) the calculation of income performed
24 with respect to households receiving assistance
25 for arrearages shall consider only the income

1 that the household was receiving at the time the
2 arrearages were incurred.

3 (e) 3-YEAR AVAILABILITY.—

4 (1) IN GENERAL.—Each recipient of amounts
5 made available pursuant to subsection (b) shall—

6 (A) expend not less than 60 percent of the
7 grant amounts within 2 years of the date on
8 which the funds became available to the recipi-
9 ent for obligation; and

10 (B) expend 100 percent of the grant
11 amounts within 3 years of the date on which
12 the funds became available to the recipient for
13 obligation.

14 (2) REALLOCATION AFTER 2 YEARS.—

15 (A) IN GENERAL.—The Secretary may re-
16 capture any amounts not expended in compli-
17 ance with paragraph (1)(A) and reallocate those
18 amounts to recipients in compliance with the
19 formula described in subsection (i) and this
20 paragraph.

21 (B) STATES, METROPOLITAN CITIES, AND
22 URBAN COUNTIES.—Funds recaptured under
23 subparagraph (A) with respect to a recipient
24 described in subsection (i)(1)(B) shall be reallo-

1 cated to other participating recipients of funds
 2 described in subsection (i)(1)(B).

3 (C) INDIAN TRIBES, TRIBALLY DES-
 4 IGNATED HOUSING ENTITIES, AND DEPART-
 5 MENT OF HAWAIIAN HOME LANDS.—Funds re-
 6 captured under subparagraph (A) with respect
 7 to a recipient described in subsection
 8 (i)(1)(A)(i)(I) shall be reallocated to other par-
 9 ticipating recipients of funds described in sub-
 10 section (i)(1)(A)(i)(I).

11 (D) INSULAR AREAS.—Funds recaptured
 12 under subparagraph (A) with respect to a re-
 13 cipient described in subsection (i)(1)(A)(i)(II)
 14 shall be reallocated to other participating recipi-
 15 ents of funds described in subsection
 16 (i)(1)(A)(i)(II).

17 (f) RENT RESTRICTIONS.—

18 (1) INAPPLICABILITY.—Section 576.106(d) of
 19 title 24, Code of Federal Regulations, or any suc-
 20 cessor regulation, shall not apply with respect to
 21 homelessness prevention assistance made available
 22 with amounts made available pursuant to subsection
 23 (b).

24 (2) AMOUNT OF RENTAL ASSISTANCE.—In pro-
 25 viding homelessness prevention assistance with

1 amounts made available pursuant to subsection (b),
2 the maximum amount of rental assistance that may
3 be provided shall be the greater of—

4 (A) 120 percent of the higher of—

5 (i) the fair market rent established by
6 the Secretary for the metropolitan area or
7 county; or

8 (ii) the applicable small area fair mar-
9 ket rent established by the Secretary; or

10 (iii) such higher amount as the Sec-
11 retary shall determine is needed to cover
12 market rents in the area.

13 (g) SUBLEASES.—A recipient of amounts made avail-
14 able pursuant to subsection (b) shall not be prohibited
15 from providing assistance authorized under subsection (b)
16 with respect to subleases that are valid under State law.

17 (h) UTILITY PAYMENT AND RENTAL ARREAR-
18 AGES.—In providing assistance with amounts made avail-
19 able pursuant to subsection (b) of this section—

20 (1) sections 576.105(a)(5) and 576.106(a)(3)
21 of title 24, Code of Federal Regulations, shall each
22 be applied by substituting “12 months” for “6
23 months”; and

24 (2) notwithstanding section 576.106(g) of title
25 24, Code of Federal Regulations, where such assist-

1 ance is solely with respect to rental arrears, the re-
2 cipient shall not be required to provide a written
3 lease or evidence of an oral agreement.

4 (i) ALLOCATION OF ASSISTANCE.—

5 (1) IN GENERAL.—In allocating amounts made
6 available pursuant to subsection (b), the Secretary
7 shall—

8 (A)(i) for any purpose authorized in this
9 section—

10 (I) allocate 2 percent of such amount
11 for Indian tribes and tribally designated
12 housing entities under the formula estab-
13 lished under section 302 of the Native
14 American Housing Assistance and Self-De-
15 termination Act of 1996 (25 U.S.C. 4152),
16 except that 0.3 percent of the amount allo-
17 cated under this subclause shall be allo-
18 cated for the Department of Hawaiian
19 Home Lands; and

20 (II) allocate 0.3 percent of such
21 amount for the Virgin Islands, Guam,
22 American Samoa, and the Northern Mar-
23 iana Islands; and

24 (ii) not later than 30 days after the date
25 of enactment of this Act, obligate and disburse

1 the amounts allocated under clause (i) in ac-
2 cordance with those allocations and provide the
3 recipients with any necessary guidance for use
4 of the funds; and

5 (B)(i) not later than 7 days after the date
6 of enactment of this Act and after setting aside
7 amounts under subparagraph (A)—

8 (I) allocate 50 percent of any such re-
9 maining amounts under the formula speci-
10 fied in subsections (a), (b), and (e) of sec-
11 tion 414 of the McKinney-Vento Homeless
12 Assistance Act (42 U.S.C. 11373) for each
13 State, metropolitan city, and urban county
14 that is to receive a direct grant of such
15 amounts;

16 (II) allocate 50 percent of any such
17 remaining amounts through the formula
18 used by the Secretary to distribute the sec-
19 ond allocation of grants in accordance with
20 the formula described in the matter under
21 the heading “Department of Housing and
22 Urban Development—Community Plan-
23 ning and Development—Homeless Assist-
24 ance Grants” in title XII of division B of
25 the CARES Act (Public Law 116–136) for

1 each State, metropolitan city, and urban
2 county that is to receive a direct grant of
3 such amounts; and

4 (III) notify each direct grantee of the
5 total amount to be allocated under this
6 clause; and

7 (ii) not later than 30 days after the date
8 of enactment of this Act, obligate and disburse
9 the amounts allocated under clause (i) in ac-
10 cordance with those allocations and provide the
11 recipient with any necessary guidance for use of
12 the funds.

13 (2) ALLOCATIONS TO STATES.—

14 (A) IN GENERAL.—Notwithstanding sec-
15 tion 414(a) of the McKinney-Vento Homeless
16 Assistance Act (42 U.S.C. 11373(a)) and sec-
17 tion 576.202(a) of title 24, Code of Federal
18 Regulations, or any successor regulation, a
19 State recipient of an allocation under this sec-
20 tion may elect to use up to 100 percent of its
21 allocation to carry out activities eligible under
22 this section directly.

23 (B) REQUIREMENT.—Any State recipient
24 making an election described in subparagraph
25 (A) shall serve households throughout the entire

1 State, including households in rural commu-
2 nities and small towns.

3 (3) ELECTION NOT TO ADMINISTER.—

4 (A) METROPOLITAN CITIES AND URBAN
5 COUNTIES.—If a recipient under paragraph
6 (1)(B) other than a State elects not to receive
7 funds under this section, such funds shall be al-
8 located to the State recipient in which the re-
9 cipient is located.

10 (B) INDIAN TRIBES, TRIBALLY DES-
11 IGNATED HOUSING ENTITIES, AND DEPART-
12 MENT OF HAWAIIAN HOMELANDS.—If a recipi-
13 ent under paragraph (1)(A)(i)(I) elects not to
14 receive funds under this section, such funds
15 shall be allocated to other participating recipi-
16 ents of funds under paragraph (1)(A)(i)(I).

17 (C) INSULAR AREAS.—If a recipient under
18 paragraph (1)(A)(i)(II) elects not to receive
19 funds under this section, such funds shall be al-
20 located to other participating recipients of
21 funds under paragraph (1)(A)(i)(II).

22 (D) PARTNERSHIPS, SUBGRANTS, AND
23 CONTRACTS.—A recipient of a grant under this
24 section may distribute funds through partner-
25 ships, subgrants, or contracts with an entity,

1 such as a public housing agency, that is capable
2 of carrying out activities under this section.

3 (j) INAPPLICABILITY OF MATCHING REQUIRE-
4 MENT.—Section 416(a) of the McKinney-Vento Homeless
5 Assistance Act (42 U.S.C. 11375(a)) shall not apply to
6 any amounts made available pursuant to subsection (b)
7 of this section.

8 (k) REIMBURSEMENT OF ELIGIBLE ACTIVITIES.—
9 Amounts made available pursuant to subsection (b) may
10 be used by a recipient to reimburse expenditures incurred
11 for eligible activities under this section carried out after
12 the date of enactment of this Act.

13 (l) PROHIBITION ON PREREQUISITES.—None of the
14 funds made available under this section may be used to
15 require any individual or household receiving assistance
16 under this section to receive treatment or perform any
17 other prerequisite activities as a condition for receiving
18 such assistance.

19 (m) WAIVERS AND ALTERNATIVE REQUIREMENTS.—

20 (1) IN GENERAL.—

21 (A) AUTHORITY.—In administering the
22 amounts made available pursuant to subsection
23 (b), the Secretary may waive, or specify alter-
24 native requirements for, any provision of any
25 statute or regulation that the Secretary admin-

1 isters in connection with the obligation by the
2 Secretary or the use by the recipient of such
3 amounts (except for requirements related to fair
4 housing, nondiscrimination, labor standards,
5 prohibition on prerequisites, minimum data re-
6 porting, and the environment), if the Secretary
7 finds that good cause exists for the waiver or
8 alternative requirement and such waiver or al-
9 ternative requirement is necessary to expedite
10 the use of funds made available pursuant to
11 this section, to respond to public health orders
12 or conditions related to the COVID-19 emer-
13 gency, or to ensure that eligible individuals can
14 attain or maintain housing stability.

15 (B) PUBLIC NOTICE.—The Secretary shall
16 notify the public through the Federal Register
17 or other appropriate means of any waiver or al-
18 ternative requirement under this paragraph,
19 and that such public notice shall be provided, at
20 a minimum, on the internet at the appropriate
21 Government website or through other electronic
22 media, as determined by the Secretary.

23 (C) ELIGIBILITY REQUIREMENTS.—Eligi-
24 bility for rental assistance or housing relocation
25 and stabilization services shall not be restricted

1 based upon the prior receipt of assistance under
2 the program during the preceding three years.

3 (D) INSPECTIONS OF CURRENT HOUSING
4 UNITS.—A recipient of funds made available
5 pursuant to subsection (b) may elect not to con-
6 duct inspections for minimum habitability
7 standards described in section 576.403 of title
8 24, Code of Federal Regulations, or any suc-
9 cessor regulation, for any assistance under this
10 section that is provided on behalf of an indi-
11 vidual or household who will continue to reside
12 in the same housing unit in which they resided
13 immediately before receiving the assistance.

14 (2) PUBLIC HEARINGS.—

15 (A) INAPPLICABILITY OF IN-PERSON HEAR-
16 ING REQUIREMENTS DURING THE COVID-19
17 EMERGENCY.—

18 (i) IN GENERAL.—A recipient under
19 this section shall not be required to hold
20 in-person public hearings in connection
21 with its citizen participation plan, but shall
22 provide citizens with notice, including pub-
23 lication of its plan for carrying out this
24 section on the internet, and a reasonable

1 opportunity to comment of not less than 5
2 days.

3 (ii) RESUMPTION OF IN-PERSON
4 HEARING REQUIREMENTS.—After the pe-
5 riod beginning on the date of enactment of
6 this Act and ending on the date of the ter-
7 mination by the Federal Emergency Man-
8 agement Agency of the emergency declared
9 on March 13, 2020, by the President
10 under the Robert T. Stafford Disaster Re-
11 lief and Emergency Assistance Act (42
12 U.S.C. 4121 et seq.) relating to the
13 Coronavirus Disease 2019 (COVID–19)
14 pandemic, and after the period described
15 in subparagraph (B)(i), the Secretary shall
16 direct recipients under this section to re-
17 sume pre-crisis public hearing require-
18 ments.

19 (B) VIRTUAL PUBLIC HEARINGS.—

20 (i) IN GENERAL.—During the period
21 that national or local health authorities
22 recommend social distancing and limiting
23 public gatherings for public health reasons,
24 a recipient may fulfill applicable public
25 hearing requirements for all grants from

1 funds made available pursuant to this sec-
2 tion by carrying out virtual public hear-
3 ings.

4 (ii) REQUIREMENTS.—Any virtual
5 hearings held under clause (i) by a recipi-
6 ent under this section shall provide reason-
7 able notification and access for citizens in
8 accordance with the recipient's certifi-
9 cations, timely responses from local offi-
10 cials to all citizen questions and issues,
11 and public access to all questions and re-
12 sponses.

13 (n) CONSULTATION.—In addition to any other citizen
14 participation and consultation requirements, in developing
15 and implementing a plan to carry out this section, each
16 recipient of funds made available pursuant to this section
17 shall consult with—

18 (1) the applicable Continuum or Continuums of
19 Care for the area served by the recipient;

20 (2) organizations representing underserved
21 communities and populations; and

22 (3) organizations with expertise in affordable
23 housing, fair housing, and services for people with
24 disabilities.

25 (o) ADMINISTRATION.—

1 (1) BY SECRETARY.—Of any amounts made
2 available pursuant to subsection (b)—

3 (A) not more than the lesser of 0.5 per-
4 cent, or \$15,000,000, may be used by the Sec-
5 retary for staffing, training, technical assist-
6 ance, technology, monitoring, research, and
7 evaluation activities necessary to carry out the
8 program carried out under this section, and
9 such amounts shall remain available until Sep-
10 tember 30, 2024; and

11 (B) not more than \$2,000,000 shall be
12 available to the Office of the Inspector General
13 of the Department of Housing and Urban De-
14 velopment for audits and investigations of the
15 program authorized under this section.

16 (2) BY RECIPIENTS.—Notwithstanding section
17 576.108 of title 24 of the Code of Federal Regula-
18 tions, or any successor regulation, with respect to
19 amounts made available pursuant to subsection (b),
20 a recipient may use up to 10 percent of funds re-
21 ceived for payment of administrative costs related to
22 the planning and execution of eligible activities car-
23 ried out under this section.

24 **SEC. 202. HOMEOWNER ASSISTANCE FUND.**

25 (a) DEFINITIONS.—In this section:

1 (1) FUND.—The term “Fund” means the
2 Homeowner Assistance Fund established under sub-
3 section (b).

4 (2) SECRETARY.—The term “Secretary” means
5 the Secretary of the Treasury.

6 (3) STATE.—The term “State” means any
7 State of the United States, the District of Columbia,
8 any territory of the United States, Puerto Rico,
9 Guam, American Samoa, the Virgin Islands, and the
10 Northern Mariana Islands.

11 (b) ESTABLISHMENT OF FUND.—There is estab-
12 lished at the Department of the Treasury a Homeowner
13 Assistance Fund to provide such funds as are made avail-
14 able under subsection (g) to State housing finance agen-
15 cies for the purpose of preventing homeowner mortgage
16 defaults, foreclosures, and displacements of individuals
17 and families experiencing financial hardship after January
18 21, 2020.

19 (c) ALLOCATION OF FUNDS.—

20 (1) ADMINISTRATION.—Of any amounts made
21 available for the Fund, the Secretary of the Treas-
22 ury may allocate, in the aggregate, an amount not
23 exceeding 5 percent—

24 (A) to the Office of Financial Stability es-
25 tablished under section 101(a) of the Emer-

1 agency Economic Stabilization Act of 2008 (12
2 U.S.C. 5211(a)) to administer and oversee the
3 Fund, and to provide technical assistance to
4 States for the creation and implementation of
5 State programs to administer assistance from
6 the Fund; and

7 (B) to the Inspector General of the De-
8 partment of the Treasury for oversight of the
9 program under this section.

10 (2) FOR STATES.—The Secretary shall establish
11 such criteria as are necessary to allocate the funds
12 available within the Fund for each State. The Sec-
13 retary shall allocate such funds among all States
14 taking into consideration the number of unemploy-
15 ment claims within a State relative to the nationwide
16 number of unemployment claims.

17 (3) SMALL STATE MINIMUM.—The amount allo-
18 cated for each State shall not be less than
19 \$80,000,000.

20 (4) SET-ASIDE FOR INSULAR AREAS.—Notwith-
21 standing any other provision of this section, of the
22 amounts appropriated under subsection (g), the Sec-
23 retary shall reserve \$65,000,000 to be disbursed to
24 Guam, American Samoa, the Virgin Islands, and the
25 Northern Mariana Islands based on each such terri-

1 tory's share of the combined total population of all
 2 such territories, as determined by the Secretary. For
 3 the purposes of this paragraph, population shall be
 4 determined based on the most recent year for which
 5 data are available from the United States Census
 6 Bureau.

7 (5) SET-ASIDE FOR INDIAN TRIBES AND NATIVE
 8 HAWAIIANS.—

9 (A) INDIAN TRIBES.—Notwithstanding any
 10 other provision of this section, of the amounts
 11 appropriated under subsection (g), the Sec-
 12 retary shall use 5 percent to make grants in ac-
 13 cordance with subsection (f) to eligible recipi-
 14 ents for the purposes described in subsection
 15 (e)(1).

16 (B) NATIVE HAWAIIANS.—Of the funds set
 17 aside under subparagraph (A), the Secretary
 18 shall use 0.3 percent to make grants to the De-
 19 partment of Hawaiian Home Lands in accord-
 20 ance with subsection (f) for the purposes de-
 21 scribed in subsection (e)(1).

22 (d) DISBURSEMENT OF FUNDS.—

23 (1) ADMINISTRATION.—Except for amounts
 24 made available for assistance under subsection (f),
 25 State housing finance agencies shall be primarily re-

1 sponsible for administering amounts disbursed from
2 the Fund, but may delegate responsibilities and sub-
3 allocate amounts to community development finan-
4 cial institutions and State agencies that administer
5 Low-Income Home Energy Assistance Program of
6 the Department of Health and Human Services.

7 (2) NOTICE OF FUNDING.—The Secretary shall
8 provide public notice of the amounts that will be
9 made available to each State and the method used
10 for determining such amounts not later than the ex-
11 piration of the 14-day period beginning on the date
12 of the enactment of this Act of enactment.

13 (3) SHFA PLANS.—

14 (A) ELIGIBILITY.—To be eligible to receive
15 funding allocated for a State under the section,
16 a State housing finance agency for the State
17 shall submit to the Secretary a plan for the im-
18 plementation of State programs to administer,
19 in part or in full, the amount of funding the
20 state is eligible to receive, which shall provide
21 for the commencement of receipt of applications
22 by homeowners for assistance, and funding of
23 such applications, not later than the expiration
24 of the 6-month period beginning upon the ap-
25 proval under this paragraph of such plan.

1 (B) MULTIPLE PLANS.—A State housing
2 finance agency may submit multiple plans, each
3 covering a separate portion of funding for
4 which the State is eligible.

5 (C) TIMING.—The Secretary shall approve
6 or disapprove a plan within 30 days after the
7 plan's submission and, if disapproved, explain
8 why the plan could not be approved.

9 (D) DISBURSEMENT UPON APPROVAL.—
10 The Secretary shall disburse to a State housing
11 finance agency the appropriate amount of fund-
12 ing upon approval of the agency's plan.

13 (E) AMENDMENTS.—A State housing fi-
14 nance agency may subsequently amend a plan
15 that has previously been approved, provided
16 that any plan amendment shall be subject to
17 the approval of the Secretary. The Secretary
18 shall approve any plan amendment or dis-
19 approve such amendment explain why the plan
20 amendment could not be approved within 45
21 days after submission to the Secretary of such
22 amendment.

23 (F) TECHNICAL ASSISTANCE.—The Sec-
24 retary shall provide technical assistance for any

1 State housing finance agency that twice fails to
2 have a submitted plan approved.

3 (4) PLAN TEMPLATES.—The Secretary shall,
4 not later than 30 days after the date of the enact-
5 ment of this Act, publish templates that States may
6 utilize in drafting the plans required under para-
7 graph (3)(A). The template plans shall include
8 standard program terms and requirements, as well
9 as any required legal language, which State housing
10 finance agencies may modify with the consent of the
11 Secretary.

12 (e) PERMISSIBLE USES OF FUND.—

13 (1) IN GENERAL.—Funds made available to
14 State housing finance agencies pursuant to this sec-
15 tion may be used for the purposes established under
16 subsection (b), which may include—

17 (A) mortgage payment assistance, includ-
18 ing financial assistance to allow a borrower to
19 reinstate their mortgage or to achieve a more
20 affordable mortgage payment, which may in-
21 clude principal reduction or rate reduction, pro-
22 vided that any mortgage payment assistance is
23 tailored to a borrower's needs and their ability
24 to repay, and takes into consideration the loss
25 mitigation options available to the borrower;

1 (B) assistance with payment of taxes, haz-
2 ard insurance, flood insurance, mortgage insur-
3 ance, or homeowners' association fees;

4 (C) utility payment assistance, including
5 electric, gas, water, and internet service, includ-
6 ing broadband internet access service (as such
7 term is defined in section 8.1(b) of title 47,
8 Code of Federal Regulations (or any successor
9 regulation));

10 (D) reimbursement of funds expended by a
11 State or local government during the period be-
12 ginning on January 21, 2020, and ending on
13 the date that the first funds are disbursed by
14 the State under the Fund, for the purpose of
15 providing housing or utility assistance to indi-
16 viduals or otherwise providing funds to prevent
17 foreclosure or eviction of a homeowner or pre-
18 vent mortgage delinquency or loss of housing or
19 critical utilities as a response to the coronavirus
20 disease 2019 (COVID–19) pandemic; and

21 (E) any other assistance for homeowners
22 to prevent eviction, mortgage delinquency or de-
23 fault, foreclosure, or the loss of essential utility
24 services.

25 (2) TARGETING.—

1 (A) REQUIREMENT.—Not less than 60 per-
2 cent of amounts made available for each State
3 or other entity allocated amounts under sub-
4 section (c) shall be used for activities under
5 paragraph (1) that assist homeowners having
6 incomes equal to or less than 80 percent of the
7 area median income.

8 (B) DETERMINATION OF INCOME.—In de-
9 termining the income of a household for pur-
10 poses of this paragraph, income shall be consid-
11 ered to include only income that the household
12 is receiving at the time of application for assist-
13 ance from the Fund and any income recently
14 terminated shall not be included, except that for
15 purposes of households receiving assistance for
16 arrearages income shall include only the income
17 that the household was receiving at the time
18 such arrearages were incurred.

19 (C) LANGUAGE ASSISTANCE.—Each State
20 housing finance agency or other entity allocated
21 amounts under subsection (c) shall make avail-
22 able to each applicant for assistance from
23 amounts from the Fund language assistance in
24 any language for which such language assist-
25 ance is available to the State housing finance

1 agency or entity in and shall provide notice to
2 each such applicant that such language assist-
3 ance is available.

4 (3) ADMINISTRATIVE EXPENSES.—Not more
5 than 15 percent of the amount allocated to a State
6 pursuant to subsection (c) may be used by a State
7 housing financing agency for administrative ex-
8 penses. Any amounts allocated to administrative ex-
9 penses that are no longer necessary for administra-
10 tive expenses may be used in accordance with para-
11 graph (1).

12 (f) TRIBAL AND NATIVE HAWAIIAN ASSISTANCE.—

13 (1) DEFINITIONS.—In this subsection:

14 (A) DEPARTMENT OF HAWAIIAN HOME
15 LANDS.—The term “Department of Hawaiian
16 Home Lands” has the meaning given the term
17 in section 801 of the Native American Housing
18 Assistance and Self-Determination Act of 1996
19 (42 U.S.C. 4221).

20 (B) ELIGIBLE RECIPIENT.—The term “eli-
21 gible recipient” means any entity eligible to re-
22 ceive a grant under section 101 of the Native
23 American Housing Assistance and Self-Deter-
24 mination Act of 1996 (25 U.S.C. 4111).

25 (2) REQUIREMENTS.—

1 (A) ALLOCATION.—Except for the funds
2 set aside under subsection (c)(5)(B), the Sec-
3 retary shall allocate the funds set aside under
4 subsection (c)(5)(A) using the allocation for-
5 mula described in subpart D of part 1000 of
6 title 24, Code of Federal Regulations (or any
7 successor regulations).

8 (B) NATIVE HAWAIIANS.—The Secretary
9 shall use the funds made available under sub-
10 section (c)(5)(B) in accordance with part 1006
11 of title 24, Code of Federal Regulations (or suc-
12 cessor regulations).

13 (3) TRANSFER.—The Secretary shall transfer
14 any funds made available under subsection (c)(5)
15 that have not been allocated by an eligible recipient
16 or the Department of Hawaiian Home Lands, as ap-
17 plicable, to provide the assistance described in sub-
18 section (e)(1) by December 31, 2030, to the Sec-
19 retary of Housing and Urban Development to carry
20 out the Native American Housing Assistance and
21 Self-Determination Act of 1996 (25 U.S.C. 4101 et
22 seq.).

23 (g) AUTHORIZATION OF APPROPRIATIONS.—There is
24 authorized to be appropriated to the Homeowner Assist-

1 ance Fund established under subsection (b),
2 \$21,000,000,000, to remain available until expended.

3 (h) USE OF HOUSING FINANCE AGENCY INNOVATION
4 FUND FOR THE HARDEST HIT HOUSING MARKETS
5 FUNDS.—A State housing finance agency may reallocate
6 any administrative or programmatic funds it has received
7 as an allocation from the Housing Finance Agency Inno-
8 vation Fund for the Hardest Hit Housing Markets created
9 pursuant to section 101(a) of the Emergency Economic
10 Stabilization Act of 2008 (12 U.S.C. 5211(a)) that have
11 not been otherwise allocated or disbursed as of the date
12 of enactment of this Act to supplement any administrative
13 or programmatic funds received from the Housing Assist-
14 ance Fund. Such reallocated funds shall not be considered
15 when allocating resources from the Housing Assistance
16 Fund using the process established under subsection (c)
17 and shall remain available for the uses permitted and
18 under the terms and conditions established by the contract
19 with Secretary created pursuant to subsection (d)(1) and
20 the terms of subsection (i).

21 (i) REPORTING REQUIREMENTS.—The Secretary
22 shall provide public reports not less frequently than quar-
23 terly regarding the use of funds provided by the Home-
24 owner Assistance Fund. Such reports shall include the fol-
25 lowing data by State and by program within each State,

1 both for the past quarter and throughout the life of the
2 program—

3 (1) the amount of funds allocated;

4 (2) the amount of funds disbursed;

5 (3) the number of households and individuals
6 assisted;

7 (4) the acceptance rate of applicants;

8 (5) the type or types of assistance provided to
9 each household;

10 (6) whether the household assisted had a feder-
11 ally backed loan and identification of the Federal en-
12 tity backing such loan;

13 (7) the average amount of funding provided per
14 household receiving assistance and per type of as-
15 sistance provided;

16 (8) the average number of monthly payments
17 that were covered by the funding amount that a
18 household received, as applicable, disaggregated by
19 type of assistance provided;

20 (9) the income level of each household receiving
21 assistance; and

22 (10) the outcome 12 months after the house-
23 hold has received assistance.

24 Each report under this subsection shall disaggregate the
25 information provided under paragraphs (3) through (10)

1 by State, zip code, racial and ethnic composition of the
2 household, and whether or not the person from the house-
3 hold applying for assistance speaks English as a second
4 language.

5 **SEC. 203. PROTECTING RENTERS AND HOMEOWNERS FROM**
6 **EVICTIONS AND FORECLOSURES.**

7 (a) EVICTION MORATORIUM.—The CARES Act is
8 amended by striking section 4024 (15 U.S.C. 9058; Public
9 Law 116–136; 134 Stat. 492) and inserting the following
10 new section:

11 **“SEC. 4024. TEMPORARY MORATORIUM ON EVICTION FIL-**
12 **INGS.**

13 “(a) CONGRESSIONAL FINDINGS.—The Congress
14 finds that—

15 “(1) according to the 2018 American Commu-
16 nity Survey, 36 percent of households in the United
17 States—more than 43 million households—are rent-
18 ers;

19 “(2) in 2019 alone, renters in the United States
20 paid \$512 billion in rent;

21 “(3) according to the Joint Center for Housing
22 Studies of Harvard University, 20.8 million renters
23 in the United States spent more than 30 percent of
24 their incomes on housing in 2018 and 10.9 million

1 renters spent more than 50 percent of their incomes
2 on housing in the same year;

3 “(4) according to data from the Department of
4 Labor, more than 30 million people have filed for
5 unemployment since the COVID–19 pandemic
6 began;

7 “(5) the impacts of the spread of COVID–19,
8 which is now considered a global pandemic, are ex-
9 pected to negatively impact the incomes of poten-
10 tially millions of renter households, making it dif-
11 ficult for them to pay their rent on time; and

12 “(6) evictions in the current environment would
13 increase homelessness and housing instability which
14 would be counterproductive towards the public
15 health goals of keeping individuals in their homes to
16 the greatest extent possible.

17 “(b) MORATORIUM.—During the period beginning on
18 the date of the enactment of this Act and ending 12
19 months after such date of enactment, the lessor of a cov-
20 ered dwelling located in such State may not—

21 “(1) make, or cause to be made, any filing with
22 the court of jurisdiction to initiate a legal action to
23 recover possession of the covered dwelling from the
24 tenant for nonpayment of rent or other fees or
25 charges; or

1 “(2) charge fees, penalties, or other charges to
2 the tenant related to such nonpayment of rent.

3 “(c) DEFINITIONS.—For purposes of this section, the
4 following definitions shall apply:

5 “(1) COVERED DWELLING.—The term ‘covered
6 dwelling’ means a dwelling that is occupied by a ten-
7 ant—

8 “(A) pursuant to a residential lease; or

9 “(B) without a lease or with a lease ter-
10 minable at will under State law.

11 “(2) DWELLING.—The term ‘dwelling’ has the
12 meaning given such term in section 802 of the Fair
13 Housing Act (42 U.S.C. 3602) and includes houses
14 and dwellings described in section 803(b) of such
15 Act (42 U.S.C. 3603(b)).

16 “(d) NOTICE TO VACATE AFTER MORATORIUM EXPI-
17 RATION DATE.—After the expiration of the period de-
18 scribed in subsection (b), the lessor of a covered dwelling
19 may not require the tenant to vacate the covered dwelling
20 by reason of nonpayment of rent or other fees or charges
21 before the expiration of the 30-day period that begins
22 upon the provision by the lessor to the tenant, after the
23 expiration of the period described in subsection (b), of a
24 notice to vacate the covered dwelling.”.

25 (b) MORTGAGE RELIEF.—

1 (1) FORBEARANCE AND FORECLOSURE MORA-
2 TORIUM FOR COVERED MORTGAGE LOANS.—Section
3 4022 of the CARES Act (15 U.S.C. 9056) is
4 amended—

5 (A) by striking “Federally backed mort-
6 gage loan” each place that term appears and
7 inserting “covered mortgage loan”; and

8 (B) in subsection (a)—

9 (i) by amending paragraph (2) to read
10 as follows:

11 “(2) COVERED MORTGAGE LOAN.—The term
12 ‘covered mortgage loan’—

13 “(A) means any credit transaction that is
14 secured by a mortgage, deed of trust, or other
15 equivalent consensual security interest on a 1-
16 to 4-unit dwelling or on residential real prop-
17 erty that includes a 1- to 4-unit dwelling; and

18 “(B) does not include a credit transaction
19 under an open end credit plan other than a re-
20 verse mortgage.”; and

21 (ii) by adding at the end the fol-
22 lowing:

23 “(3) COVERED PERIOD.—With respect to a
24 loan, the term ‘covered period’ means the period be-

1 ginning on the date of enactment of this Act and
2 ending 12 months after such date of enactment.”.

3 (2) AUTOMATIC FORBEARANCE FOR DELIN-
4 QUENT BORROWERS.—Section 4022(c) of the
5 CARES Act (15 U.S.C. 9056(c)), as amended by
6 paragraph (5) of this subsection, is further amended
7 by adding at the end the following:

8 “(9) AUTOMATIC FORBEARANCE FOR DELIN-
9 QUENT BORROWERS OF COVERED MORTGAGE LOANS
10 THAT ARE NOT FEDERALLY-INSURED REVERSE
11 MORTGAGE LOANS.—

12 “(A) IN GENERAL.—Notwithstanding any
13 other law governing forbearance relief, with re-
14 spect to any covered mortgage loan that is not
15 a federally-insured reverse mortgage loan—

16 “(i) any borrower whose covered mort-
17 gage loan became 60 days delinquent be-
18 tween March 13, 2020, and the date of en-
19 actment of this paragraph, and who has
20 not already received a forbearance under
21 subsection (b), shall automatically be
22 granted a 60-day forbearance that begins
23 on the date of enactment of this para-
24 graph, provided that a borrower shall not
25 be considered delinquent for purposes of

1 this paragraph while making timely pay-
2 ments or otherwise performing under a
3 trial modification or other loss mitigation
4 agreement; and

5 “(ii) any borrower whose covered
6 mortgage loan becomes 60 days delinquent
7 between the date of enactment of this
8 paragraph and the end of the covered pe-
9 riod, and who has not already received a
10 forbearance under subsection (b), shall
11 automatically be granted a 60-day forbear-
12 ance that begins on the 60th day of delin-
13 quency, provided that a borrower shall not
14 be considered delinquent for purposes of
15 this paragraph while making timely pay-
16 ments or otherwise performing under a
17 trial modification or other loss mitigation
18 agreement.

19 “(B) INITIAL EXTENSION.—An automatic
20 forbearance provided under subparagraph (A)
21 shall be extended for up to an additional 120
22 days upon the request of the borrower, oral or
23 written, submitted to the servicer of the bor-
24 rower affirming that the borrower is experi-
25 encing a financial hardship that prevents the

1 borrower from making timely payments on the
2 covered mortgage loan due, directly or indi-
3 rectly, to the COVID–19 emergency.

4 “(C) SUBSEQUENT EXTENSION.—A for-
5 bearance extended under subparagraph (B)
6 shall be further extended by the servicer, for
7 the period or periods requested, for a total for-
8 bearance period of up to 12 months (including
9 the period of automatic forbearance), upon the
10 borrower’s request, oral or written, submitted to
11 the borrower’s servicer affirming that the bor-
12 rower is experiencing a financial hardship that
13 prevents the borrower from making timely pay-
14 ments on the covered mortgage loan due, di-
15 rectly or indirectly, to the COVID–19 emer-
16 gency.

17 “(D) RIGHT TO ELECT TO CONTINUE MAK-
18 ING PAYMENTS.—

19 “(i) IN GENERAL.—With respect to a
20 forbearance provided under this paragraph,
21 the borrower of the covered mortgage loan
22 may elect to continue making regular pay-
23 ments on the covered mortgage loan.

24 “(ii) LOSS MITIGATION.—A borrower
25 who makes an election described in clause

1 (i) shall be offered a loss mitigation option
 2 pursuant to subsection (d) within 30 days
 3 of resuming regular payments to address
 4 any payment deficiency during the forbear-
 5 ance.

6 “(E) RIGHT TO SHORTEN FORBEAR-
 7 ANCE.—

8 “(i) IN GENERAL.—At the request of
 9 a borrower, any period of forbearance pro-
 10 vided to the borrower under this paragraph
 11 may be shortened.

12 “(ii) LOSS MITIGATION.—A borrower
 13 who makes a request under clause (i) shall
 14 be offered a loss mitigation option pursu-
 15 ant to subsection (d) within 30 days of re-
 16 suming regular payments to address any
 17 payment deficiency during the forbearance.

18 “(10) AUTOMATIC EXTENSION OF DUE AND
 19 PAYABLE STATUS FOR CERTAIN REVERSE MORTGAGE
 20 LOANS.—

21 “(A) IN GENERAL.—When any covered
 22 mortgage loan that is also a federally-insured
 23 reverse mortgage loan, during the covered pe-
 24 riod, is due and payable due to the death of the
 25 last surviving borrower but the property to

1 which the covered mortgage loan relates is not
2 vacant or abandoned, or the covered mortgage
3 loan is eligible to be called due and payable due
4 to a property charge default, or if the borrower
5 defaults on a property charge repayment plan,
6 or if the borrower defaults for failure to com-
7 plete property repairs, or if an obligation of the
8 borrower under the Security Instrument is not
9 performed, the mortgagee automatically shall be
10 granted a 180-day extension of—

11 “(i) the mortgagee’s deadline to re-
12 quest due and payable status from the De-
13 partment of Housing and Urban Develop-
14 ment, where applicable;

15 “(ii) the mortgagee’s deadline to send
16 notification to the mortgagor or his or her
17 heirs that the loan is due and payable;

18 “(iii) the deadline to initiate fore-
19 closure;

20 “(iv) any reasonable diligence period
21 related to foreclosure or the Mortgagee Op-
22 tional Election;

23 “(v) any deadline relevant to estab-
24 lishing that a non-borrowing spouse may
25 be eligible for a deferral period;

1 “(vi) if applicable, the deadline to ob-
2 tain the due and payable appraisal; and

3 “(vii) any claim submission deadline,
4 including the 6-month acquired property
5 marketing period.

6 “(B) LENGTH OF EXTENSION OF DUE AND
7 PAYABLE STATUS.—The mortgagee shall not re-
8 quest due and payable status from the Sec-
9 retary of Housing and Urban Development nor
10 initiate or continue a foreclosure action during
11 this 180-day period described in subparagraph
12 (A), which shall be considered a forbearance pe-
13 riod.

14 “(C) EXTENSION.—A forbearance provided
15 under subparagraph (B) and related deadline
16 extension authorized under subparagraph (A)
17 shall be extended for the period or periods re-
18 quested, for a total forbearance period of up to
19 12 months upon—

20 “(i) the request of the borrower, oral
21 or written, submitted to the servicer of the
22 borrower affirming that the borrower is ex-
23 perienicing a financial hardship that pre-
24 vents the borrower from making payments
25 on property charges, completing property

1 repairs, or performing an obligation of the
2 borrower under the Security Instrument
3 due, directly or indirectly, to the COVID-
4 19 emergency;

5 “(ii) the request of a non-borrowing
6 spouse, oral or written, submitted to the
7 servicer affirming that the non-borrowing
8 spouse has been unable to satisfy all cri-
9 teria for the Mortgagee Optional Election
10 program due, directly or indirectly, to the
11 COVID-19 emergency, or to perform all
12 actions necessary to become an eligible
13 non-borrowing spouse following the death
14 of all borrowers; or

15 “(iii) the request of a successor-in-in-
16 terest of the borrower, oral or written, sub-
17 mitted to the servicer affirming the dif-
18 ficulty of the heir in satisfying the reverse
19 mortgage loan due, directly or indirectly,
20 to the COVID-19 emergency.

21 “(D) CURTAILMENT OF DEBENTURE IN-
22 TEREST.—Where any covered mortgage loan
23 that is also a federally insured reverse mortgage
24 loan is in default during the covered period and
25 subject to a prior event which provides for cur-

1 tailment of debenture interest in connection
2 with a claim for insurance benefits, the curtail-
3 ment of debenture interest shall be suspended
4 during any forbearance period provided here-
5 in.”.

6 (3) ADDITIONAL FORECLOSURE AND REPOSSES-
7 SION PROTECTIONS.—Section 4022(c) of the
8 CARES Act (15 U.S.C. 9056(c)) is amended—

9 (A) in paragraph (2), by striking “may not
10 initiate any judicial or non-judicial foreclosure
11 process, move for a foreclosure judgment or
12 order of sale, or execute a foreclosure-related
13 eviction or foreclosure sale for not less than the
14 60-day period beginning on March 18, 2020”
15 and inserting “may not initiate or proceed with
16 any judicial or non-judicial foreclosure process,
17 schedule a foreclosure sale, move for a fore-
18 closure judgment or order of sale, execute a
19 foreclosure related eviction or foreclosure sale
20 for the 6-month period beginning on the date of
21 enactment of the COVID–19 HERO Act”; and

22 (B) by adding at the end the following:

23 “(3) REPOSSESSION MORATORIUM.—In the case
24 of personal property, including any recreational or
25 motor vehicle, used as a dwelling, no person may use

1 any judicial or non-judicial procedure to repossess or
2 otherwise take possession of the property for the 6-
3 month period beginning on the date of enactment of
4 this paragraph.”.

5 (4) MORTGAGE FORBEARANCE REFORMS.—Sec-
6 tion 4022 of the CARES Act (15 U.S.C. 9056) is
7 amended—

8 (A) in subsection (b), by striking para-
9 graphs (1), (2), and (3) and inserting the fol-
10 lowing:

11 “(1) IN GENERAL.—During the covered period,
12 a borrower with a covered mortgage loan who has
13 not obtained automatic forbearance pursuant to this
14 section and who is experiencing a financial hardship
15 that prevents the borrower from making timely pay-
16 ments on the covered mortgage loan due, directly or
17 indirectly, to the COVID–19 emergency may request
18 forbearance on the covered mortgage loan, regard-
19 less of delinquency status, by—

20 “(A) submitting a request, orally or in
21 writing, to the servicer of the covered mortgage
22 loan; and

23 “(B) affirming that the borrower is experi-
24 encing a financial hardship that prevents the
25 borrower from making timely payments on the

1 covered mortgage loan due, directly or indi-
2 rectly, to the COVID–19 emergency.

3 “(2) DURATION OF FORBEARANCE.—

4 “(A) IN GENERAL.—Upon a request by a
5 borrower to a servicer for forbearance under
6 paragraph (1), the forbearance shall be granted
7 by the servicer for the period requested by the
8 borrower, up to an initial length of 180 days,
9 the length of which shall be extended by the
10 servicer, at the request of the borrower for the
11 period or periods requested, for a total forbear-
12 ance period of not more than 12 months.

13 “(B) MINIMUM FORBEARANCE
14 AMOUNTS.—For purposes of granting a forbear-
15 ance under this paragraph, a servicer may
16 grant an initial forbearance with a term of not
17 less than 90 days, provided that it is automati-
18 cally extended for an additional 90 days unless
19 the servicer confirms the borrower does not
20 want to renew the forbearance or that the bor-
21 rower is no longer experiencing a financial
22 hardship that prevents the borrower from mak-
23 ing timely mortgage payments due, directly or
24 indirectly, to the COVID–19 emergency.

1 “(C) RIGHT TO SHORTEN FORBEAR-
2 ANCE.—

3 “(i) IN GENERAL.—At the request of
4 a borrower, any period of forbearance de-
5 scribed under this paragraph may be
6 shortened.

7 “(ii) LOSS MITIGATION.—A borrower
8 who makes a request under clause (i) shall
9 be offered a loss mitigation option pursu-
10 ant to subsection (d) within 30 days of re-
11 suming regular payments to address any
12 payment deficiency during the forbearance.

13 “(3) ACCRUAL OF INTEREST OR FEES.—A
14 servicer shall not charge a borrower any fees, pen-
15 alties, or interest (beyond the amounts scheduled or
16 calculated as if the borrower made all contractual
17 payments on time and in full under the terms of the
18 mortgage contract) in connection with a forbearance,
19 provided that a servicer may offer the borrower a
20 modification option at the end of a forbearance pe-
21 riod granted hereunder that includes the capitaliza-
22 tion of past due principal and interest and escrow
23 payments as long as the principal and interest pay-
24 ment of the borrower under such modification re-
25 mains at or below the contractual principal and in-

1 interest payments owed under the terms of the mort-
 2 gage contract before such forbearance period except
 3 as the result of a change in the index of an adjust-
 4 able rate mortgage, or, in the case of loans insured
 5 by the Federal Housing Administration, except in a
 6 modification compliant with applicable Federal
 7 Housing Administration policies.

8 “(4) COMMUNICATION WITH SERVICERS.—Any
 9 communication between a borrower and a servicer
 10 described in this section may be made in writing or
 11 orally, at the election of the borrower.

12 “(5) COMMUNICATION WITH BORROWERS WITH
 13 A DISABILITY.—

14 “(A) IN GENERAL.—Upon request from a
 15 borrower, servicers shall communicate with bor-
 16 rowers who have a disability in the preferred
 17 method of communication of the borrower.

18 “(B) DEFINITION.—In this paragraph, the
 19 term ‘disability’ has the meaning given the term
 20 ‘handicap’ in section 802 of the Fair Housing
 21 Act (42 U.S.C. 3602).”; and

22 (B) in subsection (c), by amending para-
 23 graph (1) to read as follows:

24 “(1) NO DOCUMENTATION REQUIRED.—A
 25 servicer of a covered mortgage loan shall not require

1 any documentation with respect to a forbearance
2 under this section other than the oral or written af-
3 firmation of the borrower to a financial hardship
4 that prevents the borrower from making timely pay-
5 ments on the covered mortgage loan due, directly or
6 indirectly, to the COVID–19 emergency. An oral re-
7 quest for forbearance and oral affirmation of hard-
8 ship by the borrower shall be sufficient for the bor-
9 rower to obtain or extend a forbearance.”.

10 (5) OTHER SERVICER REQUIREMENTS DURING
11 FORBEARANCE.—Section 4022(c) of the CARES Act
12 (15 U.S.C. 9056(c)), as amended by paragraph (3)
13 of this subsection, is amended by adding at the end
14 the following:

15 “(4) FORBEARANCE TERMS NOTICE.—Within
16 30 days of a servicer of a covered mortgage loan
17 providing forbearance to a borrower under sub-
18 section (b) or paragraph (9) or (10), or 10 days if
19 the forbearance is for a term of less than 60 days,
20 but only where the forbearance was provided in re-
21 sponse to a request by the borrower for forbearance
22 or when an automatic forbearance was initially pro-
23 vided under paragraph (9) or (10), and not when an
24 existing forbearance is automatically extended, the

1 servicer shall provide the borrower with a notice in
2 accordance with the terms in paragraph (5).

3 “(5) CONTENTS OF NOTICE.—The written no-
4 tice required under paragraph (4) shall state in
5 plain language—

6 “(A) the specific terms of the forbearance;

7 “(B) the beginning and ending dates of the
8 forbearance;

9 “(C) that the borrower is eligible for not
10 more than 12 months of forbearance;

11 “(D) that the borrower may request an ex-
12 tension of the forbearance unless the borrower
13 will have reached the maximum period at the
14 end of the forbearance;

15 “(E) that the borrower may request that
16 the initial or extended period be shortened at
17 any time;

18 “(F) that the borrower should contact the
19 servicer before the end of the forbearance pe-
20 riod;

21 “(G) a description of the loss mitigation
22 options that may be available to the borrower at
23 the end of the forbearance period based on the
24 specific covered mortgage loan of the borrower;

1 “(H) information on how to find a housing
2 counseling agency approved by the Department
3 of Housing and Urban Development;

4 “(I) in the case of a forbearance provided
5 pursuant to paragraph (9) or (10), that the for-
6 bearance was automatically provided and how
7 to contact the servicer to make arrangements
8 for further assistance, including any renewal;
9 and

10 “(J) where applicable, that the forbearance
11 is subject to an automatic extension, including
12 the terms of any such automatic extensions and
13 when any further extension would require a bor-
14 rower request.

15 “(6) TREATMENT OF ESCROW ACCOUNTS.—
16 During any forbearance provided under this section,
17 a servicer shall pay or advance funds to make dis-
18 bursements in a timely manner from any escrow ac-
19 count established on the covered mortgage loan.

20 “(7) NOTIFICATION FOR BORROWERS.—During
21 the period beginning on the date that is 90 days
22 after the date of the enactment of this paragraph
23 and ending on the last day of the covered period,
24 each servicer of a covered mortgage loan shall be re-
25 quired to—

1 “(A) make available in a clear and con-
2 spicuous manner on their web page accurate in-
3 formation, in English and Spanish, for bor-
4 rowers regarding the availability of forbearance
5 as provided under subsection (b);

6 “(B) notify every borrower whose pay-
7 ments on a covered mortgage loan are or be-
8 come 31 days delinquent in any oral commu-
9 nication with or to the borrower that the bor-
10 rower may be eligible to request forbearance as
11 provided under subsection (b), except that such
12 notice shall not be required if the borrower al-
13 ready has requested forbearance under sub-
14 section (b); and

15 “(C) provide in writing, in both English
16 and Spanish, to any borrower whose payments
17 on the covered mortgage loan are or become 31
18 days delinquent, a notification that—

19 “(i) the borrower may be eligible for
20 forbearance under this section;

21 “(ii) the borrower can seek language
22 assistance and general help through a
23 housing counseling agency certified by the
24 Department of Housing and Urban Devel-
25 opment;

1 “(iii) provides information on how to
2 find a counseling agency described in
3 clause (ii); and

4 “(iv) shall be provided not later than
5 the 45th day of the delinquency of the bor-
6 rower.

7 “(8) CERTAIN TREATMENT UNDER RESPA.—
8 During any period of time that a borrower is in for-
9 bearance, has not yet received an offer under sub-
10 section (d)(2) or a notice of the determination of the
11 servicer under subsection (d)(3), as applicable, or
12 whose first payment due under an offer under sub-
13 section (d)(2) is not yet past due—

14 “(A) for purposes of section 1024.41 of
15 title 12, Code of Federal Regulations (or any
16 successor regulation), any delinquency on the
17 mortgage loan shall be tolled; and

18 “(B) the servicer shall not initiate or pro-
19 ceed with any judicial or non-judicial fore-
20 closure process, schedule a foreclosure sale,
21 move for a foreclosure judgment or order of
22 sale, execute a foreclosure related eviction or
23 foreclosure sale, including charging, assessing,
24 or incurring any foreclosure related fees, such

as attorney fees, property inspection fees, or title fees.”.

(6) POST-FORBEARANCE LOSS MITIGATION.—

(A) AMENDMENT TO THE CARES ACT.—

Section 4022 of the CARES Act (15 U.S.C. 9056) is amended by adding at the end the following:

“(d) POST-FORBEARANCE LOSS MITIGATION.—

“(1) NOTICE OF AVAILABILITY OF ADDITIONAL FORBEARANCE.—With respect to any covered mortgage loan as to which forbearance under this section has been granted and not otherwise extended, including by automatic extension, a servicer shall, not later than 30 days before the end of the forbearance period, in writing, notify the borrower that additional forbearance may be available and how to request such forbearance, except that no such notice is required where the borrower already has requested an extension of the forbearance period, is subject to automatic extension pursuant to subsection (b)(2)(B), or no additional forbearance is available.

“(2) LOSS MITIGATION OFFER BEFORE EXPIRATION OF FORBEARANCE ON A COVERED MORTGAGE LOAN OTHER THAN A FEDERALLY INSURED REVERSE MORTGAGE LOAN.—

1 “(A) IN GENERAL.—For any covered mort-
2 gage loan that is not a federally insured reverse
3 mortgage loan, not later than 30 days before
4 the end of any forbearance period that has not
5 been extended or 30 days after a request by a
6 borrower to terminate the forbearance, which
7 time shall be before the servicer initiates or en-
8 gages in any foreclosure activity listed in sub-
9 section (c)(2), including incurring or charging
10 to a borrower any fees or corporate advances
11 related to a foreclosure, the servicer shall, in
12 writing—

13 “(i) offer the borrower a loss mitiga-
14 tion option, without the charging of any
15 fees or penalties other than interest, such
16 that the principal and interest payment of
17 the borrower remains the same as it was
18 prior to the forbearance, subject to any ad-
19 justment of the index pursuant to the
20 terms of an adjustable rate mortgage, and
21 that—

22 “(I) defers the payment of total
23 arrearages, including any escrow ad-
24 vances, to the end of the existing term
25 of the loan, without the charging or

1 collection of any additional interest on
2 the deferred amounts; or

3 “(II) extends the term of the
4 mortgage loan, and capitalizes, defers,
5 or forgives all escrow advances and
6 other arrearages;

7 “(ii) concurrent with the loss mitiga-
8 tion offer in clause (i), notify the borrower
9 that the borrower has the right to be eval-
10 uated for other loss mitigation options if
11 the borrower is not able to make the pay-
12 ment under the option offered in clause (i).

13 “(B) EXCEPTION.—Notwithstanding sub-
14 paragraph (A)(i), a servicer may offer a bor-
15 rower of a covered mortgage loan described in
16 subparagraph (A) a loss mitigation option that
17 reduces the principal and interest payment on
18 the covered mortgage loan and capitalizes, de-
19 fers, or forgives all escrow advances or arrear-
20 ages if the servicer has information indicating
21 that the borrower cannot resume the pre-for-
22 bearance mortgage payments.

23 “(3) EVALUATION FOR LOSS MITIGATION PRIOR
24 TO FORECLOSURE INITIATION FOR ANY COVERED
25 MORTGAGE LOAN THAT IS NOT A FEDERALLY IN-

1 SURED REVERSE MORTGAGE LOAN.—Before a
 2 servicer may initiate or engage in any foreclosure ac-
 3 tivity listed in subsection (c)(2) for any covered
 4 mortgage loan that is not a federally insured reverse
 5 mortgage loan, including incurring or charging to a
 6 borrower any fees or corporate advances related to
 7 a foreclosure on the basis that the borrower has
 8 failed to perform under the loss mitigation offer in
 9 paragraph (2)(A) within the first 90 days after the
 10 option is offered, including a failure to accept the
 11 loss mitigation offer in paragraph (2)(A), the
 12 servicer shall—

13 “(A) unless the borrower has already sub-
 14 mitted a complete application that the servicer
 15 is reviewing—

16 “(i) notify the borrower in writing of
 17 the documents and information, if any,
 18 needed by the servicer to enable the
 19 servicer to consider the borrower for all
 20 available loss mitigation options; and

21 “(ii) exercise reasonable diligence to
 22 obtain the documents and information
 23 needed to complete the loss mitigation ap-
 24 plication of the borrower; and

“(B) upon receipt of a complete application or if, despite the exercise by the servicer of reasonable diligence, the loss mitigation application remains incomplete 60 days after the notice in paragraph (2)(A) is sent—

“(i) conduct an evaluation of the complete or incomplete loss mitigation application without reference to whether the borrower has previously submitted a complete loss mitigation application; and

“(ii) offer the borrower all available loss mitigation options for which the borrower qualifies under applicable investor guidelines, including guidelines regarding required documentation.

“(4) EFFECT ON FUTURE REQUESTS FOR LOSS MITIGATION REVIEW FOR BORROWERS WITH COVERED MORTGAGE LOANS THAT ARE NOT FEDERALLY INSURED REVERSE MORTGAGE LOANS.—An application, offer, or evaluation for loss mitigation under this section for a covered mortgage loan that is not a federally insured reverse mortgage loan shall not be the basis for the denial of an application of a borrower as duplicative or for a reduction in the appeal rights of the borrower under Regulation X in part

1 1024 of title 12, Code of Federal Regulations, in re-
2 gard to any loss mitigation application submitted
3 after the servicer has complied with the require-
4 ments of paragraphs (2) and (3),

5 “(5) SAFE HARBOR.—For any covered mort-
6 gage loan that is not a federally insured reverse
7 mortgage loan, any loss mitigation option authorized
8 by the Federal National Mortgage Association, the
9 Federal Home Loan Corporation, or the Federal
10 Housing Administration shall be deemed to comply
11 with the requirements of paragraph (2)(A) if the
12 loss mitigation option—

13 “(A) defers the payment of total arrear-
14 ages, including any escrow advances, to the end
15 of the existing term of the loan, without the
16 charging or collection of any additional interest
17 on the deferred amounts; or

18 “(B) extends the term of the mortgage
19 loan, and capitalizes, defers, or forgives all es-
20 crow advances and other arrearages, without
21 the charging of any fees or penalties beyond in-
22 terest on any amount capitalized into the loan
23 principal.

24 “(6) HOME RETENTION OPTIONS FOR CERTAIN
25 REVERSE MORTGAGE LOANS.—

1 “(A) IN GENERAL.—For a covered mort-
2 gage loan that is also a federally insured re-
3 verse mortgage loan, the conduct of a servicer
4 shall be deemed to comply with this section,
5 provided that if the loan is eligible to be called
6 due and payable due to a property charge de-
7 fault, the mortgagee shall, as a precondition to
8 sending a due and payable request to the Sec-
9 retary or initiating or continuing a foreclosure
10 process—

11 “(i) make a good faith effort to com-
12 municate with the borrower regarding
13 available home retention options to cure
14 the property charge default, including en-
15 couraging the borrower to apply for home
16 retention options; and

17 “(ii) consider the borrower for all
18 available home retention options as allowed
19 by the Secretary.

20 “(B) PERMISSIBLE REPAYMENT PLANS.—
21 The Secretary shall amend the allowable home
22 retention options of the Secretary to permit a
23 repayment plan of not more than 120 months
24 in length, and to permit a repayment plan with-

1 out regard to prior defaults on repayment
2 plans.

3 “(C) LIMITATION ON INTEREST CURTAIL-
4 MENT.—The Secretary may not curtail interest
5 paid to mortgagees who engage in loss mitiga-
6 tion or home retention actions through interest
7 curtailment during such loss mitigation or home
8 retention review or during the period when a
9 loss mitigation or home retention plan is in ef-
10 fect and ending 90 days after any such plan
11 terminates.”.

12 (B) AMENDMENT TO HOUSING ACT OF
13 1949.—

14 (i) IN GENERAL.—Section 505 of the
15 Housing Act of 1949 (42 U.S.C. 1475) is
16 amended—

17 (I) by striking the section head-
18 ing and inserting “LOSS MITIGA-
19 TION AND FORECLOSURE PRO-
20 CEDURES”;

21 (II) in subsection (a), by striking
22 the section designation and all that
23 follows through “During any” and in-
24 serting the following:

1 “(a) MORATORIUM.—(1) In determining the eligi-
 2 bility of a borrower for relief, the Secretary shall make
 3 all eligibility decisions based on the household income, ex-
 4 penses, and circumstances of the borrower.

5 “(2) During any”;

6 (III) by redesignating subsection

7 (b) as subsection (c); and

8 (IV) by inserting after subsection

9 (a) the following new subsection:

10 “(b) LOAN MODIFICATION.—(1) Notwithstanding
 11 any other provision of this title, for any loan made under
 12 section 502 or 504, the Secretary may modify the interest
 13 rate and extend the term of such loan for up to 30 years
 14 from the date of such modification.

15 “(2) At the end of any moratorium period
 16 granted under this section or under this Act, the
 17 Secretary shall reset the principal and interest pay-
 18 ments of the borrower—

19 “(A) based on a reasonable assessment of
 20 the ability of the household of the borrower to
 21 make principal and interest payments; and

22 “(B) in accordance with paragraphs (1)
 23 and (2) of subsection (a) and paragraphs (1)
 24 and (3) of this subsection.

1 “(3) The amount of the principal and interest
2 payment that is reset under paragraph (2) may not
3 exceed the amount of the principal and interest pay-
4 ment of the borrower before the moratorium.”.

5 (ii) RULES.—

6 (I) INTERIM FINAL RULE.—Not
7 later than 60 days after the date of
8 enactment of this Act, the Secretary
9 of Agriculture shall promulgate an in-
10 terim final rule to carry out the
11 amendments made by this subpara-
12 graph.

13 (II) FINAL RULE.—Not later
14 than 180 days after the date of enact-
15 ment of this Act, the Secretary of Ag-
16 riculture shall promulgate a final rule
17 to carry out the amendments made by
18 this subparagraph.

19 (7) MULTIFAMILY MORTGAGE FORBEARANCE.—
20 Section 4023 of the CARES Act (15 U.S.C. 9057)
21 is amended—

22 (A) in the section heading, by striking
23 “with federally backed loans”;

24 (B) by striking “Federally backed multi-
25 family mortgage loan” each place that term ap-

1 pears and inserting “multifamily mortgage
2 loan”;

3 (C) in subsection (b), by striking “during”
4 and inserting “due, directly or indirectly, to”;

5 (D) in subsection (c)(1)—

6 (i) in subparagraph (A), by adding
7 “and” at the end; and

8 (ii) by striking subparagraphs (B) and
9 (C) and inserting the following:

10 “(B) provide the forbearance for up to the
11 end of the period described in section
12 4024(b).”;

13 (E) by redesignating subsection (f) as sub-
14 section (g);

15 (F) by inserting after subsection (e) the
16 following:

17 “(f) TREATMENT AFTER FORBEARANCE.—With re-
18 spect to a multifamily mortgage loan provided a forbear-
19 ance under this section, the servicer of such loan—

20 “(1) shall provide the borrower with not less
21 than a 12-month period beginning at the end of the
22 forbearance to become current on the payments
23 under such loan;

24 “(2) may not charge any late fees, penalties, or
25 other charges with respect to payments on the loan

1 that were due during the forbearance period, if the
 2 payments are made before the end of the repayment
 3 period under paragraph (1); and

4 “(3) may not report any adverse information to
 5 a credit rating agency (as defined in section 603 of
 6 the Fair Credit Reporting Act (12 U.S.C. 1681a))
 7 with respect to any payments on the loan that were
 8 due during the forbearance period, if the payments
 9 are made before the end of the repayment period
 10 under paragraph (1)).”; and

11 (G) in subsection (g), as so redesignated—

12 (i) in paragraph (2)—

13 (I) in the paragraph heading, by
 14 striking “FEDERALLY BACKED
 15 MULTIFAMILY” and inserting
 16 “MULTIFAMILY”;

17 (II) by striking “that—” and all
 18 that follows through “(A) is secured
 19 by” and inserting “that is secured
 20 by”;

21 (III) by striking “; and” and in-
 22 serting a period; and

23 (IV) by striking subparagraph
 24 (B); and

1 (ii) by amending paragraph (5) to
 2 read as follows:

3 “(5) COVERED PERIOD.—The term ‘covered pe-
 4 riod’ has the meaning given the term in section
 5 4022(a)(3).”.

6 (8) RENTER PROTECTIONS DURING FORBEAR-
 7 ANCE PERIOD.—A borrower that receives a forbear-
 8 ance pursuant to section 4022 or 4023 of the
 9 CARES Act (15 U.S.C. 9056, 9057) may not, for
 10 the duration of the forbearance—

11 (A) evict or initiate the eviction of a tenant
 12 solely for nonpayment of rent or other fees or
 13 charges; or

14 (B) charge any late fees, penalties, or
 15 other charges to a tenant for late payment of
 16 rent.

17 (9) EXTENSION OF GSE PATCH.—

18 (A) NON-APPLICABILITY OF EXISTING
 19 SUNSET.—Section 1026.43(e)(4)(iii)(B) of title
 20 12, Code of Federal Regulations, shall have no
 21 force or effect.

22 (B) EXTENDED SUNSET.—The special
 23 rules in section 1026.43(e)(4) of title 12, Code
 24 of Federal Regulations, shall apply to covered
 25 transactions consummated prior to June 1,

1 2022, or such later date as the Director of the
2 Bureau of Consumer Financial Protection may
3 determine, by rule.

4 (10) SERVICER SAFE HARBOR FROM INVESTOR
5 LIABILITY.—

6 (A) SAFE HARBOR.—

7 (i) IN GENERAL.—A servicer of cov-
8 ered mortgage loans or multifamily mort-
9 gage loans—

10 (I) shall be deemed not to have
11 violated any duty or contractual obli-
12 gation owed to investors or other par-
13 ties regarding those mortgage loans
14 on account of offering or imple-
15 menting in good faith forbearance
16 during the covered period or offering
17 or implementing in good faith post-
18 forbearance loss mitigation (including
19 after the expiration of the covered pe-
20 riod) in accordance with the terms of
21 sections 4022 and 4023 of the
22 CARES Act (15 U.S.C. 9056, 9057)
23 to borrowers, respectively, on covered
24 mortgage loans or multifamily mort-

1 gage loans that the servicer services;
2 and

3 (II) shall not be liable to any
4 party who is owed such a duty or obli-
5 gation or subject to any injunction,
6 stay, or other equitable relief to such
7 party on account of such offer or im-
8 plementation of forbearance or post-
9 forbearance loss mitigation.

10 (ii) OTHER PERSONS.—Any person,
11 including a trustee of a securitization vehi-
12 cle or other party involved in a
13 securitization or other investment vehicle,
14 who in good faith cooperates with a
15 servicer of covered mortgage loans or mul-
16 tifamily mortgage loans held by that
17 securitization or investment vehicle to com-
18 ply with the terms of section 4022 and
19 4023 of the CARES Act (15 U.S.C. 9056,
20 9057), respectively, to borrowers on cov-
21 ered or multifamily mortgage loans owned
22 by the securitization or other investment
23 vehicle shall not be liable to any party who
24 is owed such a duty or obligation or sub-
25 ject to any injunction, stay, or other equi-

1 table relief to such party on account of the
2 cooperation of the servicer with an offer or
3 implementation of forbearance during the
4 covered period or post-forbearance loss
5 mitigation, including after the expiration of
6 the covered period.

7 (B) STANDARD INDUSTRY PRACTICE.—

8 During the covered period, notwithstanding any
9 contractual restrictions, it is deemed to be
10 standard industry practice for a servicer to
11 offer forbearance (or in the case of a reverse
12 mortgage, an extension of the due and payable
13 period) or loss mitigation options in accordance
14 with the terms of sections 4022 and 4023 of
15 the CARES Act (15 U.S.C. 9056, 9057) to bor-
16 rowers, respectively, on all covered mortgage
17 loans or multifamily mortgage loans serviced by
18 the servicer.

19 (C) RULE OF CONSTRUCTION.—Nothing in
20 this paragraph may be construed as affecting
21 the liability of a servicer or other person for ac-
22 tual fraud in the servicing of a mortgage loan
23 or for the violation of a State or Federal law.

24 (D) DEFINITIONS.—In this paragraph:

1 (i) COVERED MORTGAGE LOAN.—The
 2 term “covered mortgage loan” has the
 3 meaning given the term in section 4022(a)
 4 of the CARES Act (15 U.S.C. 9056(a)).

5 (ii) COVERED PERIOD.—The term
 6 “covered period” has the meaning given
 7 the term in section 4023(g) of the CARES
 8 Act (15 U.S.C. 9057(g)).

9 (iii) MULTIFAMILY MORTGAGE
 10 LOAN.—The term “multifamily mortgage
 11 loan” has the meaning given the term in
 12 section 4023(g) of the CARES Act (15
 13 U.S.C. 9057(g)).

14 (iv) SERVICER.—The term
 15 “servicer”—

16 (I) has the meaning given the
 17 term in section 6(i) of the Real Estate
 18 Settlement Procedures Act of 1974
 19 (12 U.S.C. 2605(i)); and

20 (II) means a master servicer and
 21 a subservicer, as those terms are de-
 22 fined in section 1024.31 of title 12,
 23 Code of Federal Regulations.

24 (v) SECURITIZATION VEHICLE.—The
 25 term “securitization vehicle” has the

1 meaning given that term in section
 2 129A(f) of the Truth in Lending Act (15
 3 U.S.C. 1639a(f)).

4 (c) AMENDMENTS TO NATIONAL HOUSING ACT.—
 5 Section 306(g)(1) of the National Housing Act (12 U.S.C.
 6 1721(g)(1)) is amended—

7 (1) in the fifth sentence, by inserting after
 8 “issued” the following: “, subject to any pledge or
 9 grant of security interest of the Federal Reserve
 10 under section 4003(b)(4) of the CARES Act (15
 11 U.S.C. 9042(b)(4))) related to any such mortgage or
 12 mortgages or any interest therein and the proceeds
 13 thereon, which the Association may elect to ap-
 14 prove”; and

15 (2) in the sixth sentence—

16 (A) by striking “or (C)” and inserting
 17 “(C)”; and

18 (B) by inserting before the period the fol-
 19 lowing: “, or (D) its approval and honoring of
 20 any pledge or grant of security interest of the
 21 Federal Reserve under section 4003(b)(4) of
 22 the CARES Act (15 U.S.C. 9042(b)(4)) related
 23 to any such mortgage or mortgages or any in-
 24 terest therein and proceeds thereon”.

1 **SEC. 204. PROMOTING ACCESS TO CREDIT FOR HOME-**
2 **BUYERS.**

3 (a) FANNIE MAE AND FREDDIE MAC.—

4 (1) PURCHASE REQUIREMENTS.—During the
5 period that begins 5 days after the date of the en-
6 actment of this Act and ends 60 days after the expi-
7 ration of the covered period with respect to the
8 mortgage, notwithstanding any other provision of
9 law, an enterprise may not refuse to purchase any
10 single-family mortgage originated on or after Feb-
11 ruary 1, 2020, that otherwise would have been eligi-
12 ble for purchase by such enterprise, solely due to the
13 fact that the borrower has, for the borrower's pre-
14 vious mortgage or on the mortgage being pur-
15 chased—

16 (A) entered into forbearance as a result of
17 a financial hardship due, directly or indirectly,
18 to the COVID–19 emergency;

19 (B) requested forbearance as a result of a
20 financial hardship due, directly or indirectly, to
21 the COVID–19 emergency; or

22 (C) inquired as to options related to for-
23 bearance as a result of a financial hardship
24 due, directly or indirectly, to the COVID–19
25 emergency.

1 (2) PROHIBITION ON RESTRICTIONS.—With re-
2 spect to purchase of single-family mortgages de-
3 scribed in paragraph (1) and specified in any of sub-
4 paragraphs (A) through (C) of such paragraph, an
5 enterprise may not—

6 (A) establish additional restrictions that
7 are not applicable to similarly situated mort-
8 gages under which the borrower is not in for-
9 bearance;

10 (B) charge a higher guarantee fee (within
11 the meaning provided such term in section 1327
12 of the Housing and Community Development
13 Act of 1992 (12 U.S.C. 4547)), or loan level
14 pricing adjustment, or otherwise alter pricing
15 for such mortgages, relative to similarly situ-
16 ated mortgages under which the borrower is not
17 in forbearance;

18 (C) apply repurchase requirements to such
19 mortgages that are more restrictive than repur-
20 chase requirements applicable to similarly situ-
21 ated mortgages under which the borrower is not
22 in forbearance; or

23 (D) require lender indemnification of such
24 mortgages, solely due to the fact that the bor-
25 rower is in forbearance.

1 (3) FRAUD DETECTION.—This subsection may
2 not be construed to prevent an enterprise from con-
3 ducting oversight and review of single-family mort-
4 gages purchased when a borrower is in forbearance
5 on the borrower’s previous mortgage, or on the
6 mortgage being purchased, for purposes of detecting
7 fraud. An enterprise shall report any fraud detected
8 to the Director of the Federal Housing Finance
9 Agency.

10 (4) ENTERPRISE CAPITAL.—During the period
11 that begins 5 days after the date of the enactment
12 of this Act and ends 60 days after the expiration of
13 the covered period with respect to a mortgage, not-
14 withstanding any other provision of law, a forbear-
15 ance on such mortgage shall not be considered to be
16 a delinquency under such mortgage for purposes of
17 calculating capital of an enterprise for any purpose
18 under title XIII of the Housing and Community De-
19 velopment Act of 1992 (12 U.S.C. 4501 et seq.).

20 (5) RULES OF CONSTRUCTION.—

21 (A) PURCHASE PARAMETERS.—This sub-
22 section may not be construed to require an en-
23 terprise to purchase single-family mortgages
24 that do not meet existing or amended purchase
25 parameters, other than parameters related to

1 borrower forbearance, established by such en-
2 terprise.

3 (B) EMPLOYMENT; INCOME.—This sub-
4 section may not be construed to prevent an en-
5 terprise from establishing additional require-
6 ments to ensure that a borrower has not lost
7 their job or income prior to a mortgage closing.

8 (6) IMPLEMENTATION.—The Director may
9 issue any guidance, orders, and regulations nec-
10 essary to carry out this subsection.

11 (b) FHA.—

12 (1) PROHIBITION ON RESTRICTIONS.—During
13 the period that begins 5 days after the date of the
14 enactment of this Act and ends 60 days after the ex-
15 piration of the covered period with respect to the
16 mortgage, notwithstanding any other provision of
17 law, the Secretary of Housing and Urban Develop-
18 ment may not deny the provision of mortgage insur-
19 ance for a single-family mortgage originated on or
20 after February 1, 2020, may not implement addi-
21 tional premiums or otherwise alter pricing for such
22 a mortgage, may not require mortgagee indemnifica-
23 tion, and may not establish additional restrictions on
24 such a mortgagor, solely due to the fact that the
25 borrower has—

1 (A) entered into forbearance as a result of
2 a financial hardship due, directly or indirectly,
3 to the COVID–19 emergency;

4 (B) requested forbearance as a result of a
5 financial hardship due, directly or indirectly, to
6 the COVID–19 emergency; or

7 (C) inquired as to options related to for-
8 bearance as a result of a financial hardship
9 due, directly or indirectly, to the COVID–19
10 emergency.

11 (2) RULES OF CONSTRUCTION.—

12 (A) INSURANCE.—This subsection may not
13 be construed to require the Secretary of Hous-
14 ing and Urban Development to provide insur-
15 ance on single-family mortgages that do not
16 meet existing or amended insurance param-
17 eters, other than parameters related to bor-
18 rower forbearance, established by the Secretary.

19 (B) EMPLOYMENT; INCOME.—This sub-
20 section may not be construed to prevent the
21 Secretary of Housing and Urban Development
22 from establishing additional requirements re-
23 garding insurance on single-family mortgages to
24 ensure that a borrower has not lost their job or
25 income prior to a mortgage closing.

1 (c) REPORTING REQUIREMENTS.—

2 (1) FHFA ACTIONS.—During the COVID–19
3 emergency, the Director may not increase guarantee
4 fees, loan level pricing adjustments, or any other
5 fees or implement any restrictions on access to cred-
6 it unless the Director provides 48-hour advance no-
7 tice of such increase or restrictions to the Committee
8 on Financial Services of the House of Representa-
9 tives and the Committee on Banking, Housing, and
10 Urban Affairs of the Senate together with a detailed
11 report of the policy rationale for the decision, includ-
12 ing any and all data considered in making such deci-
13 sion.

14 (2) QUARTERLY REPORTS BY ENTERPRISES
15 AND FHA.—

16 (A) REQUIREMENT.—Each enterprise and
17 the Secretary of Housing and Urban Develop-
18 ment, with respect to the FHA mortgage insur-
19 ance programs, shall provide reports to the
20 Congress, and make such reports publicly avail-
21 able, not less frequently than quarterly regard-
22 ing the impact of COVID–19 pandemic on the
23 such enterprises’ and program’s ability to meet
24 their charter requirements, civil rights respon-
25 sibilities, mandates under the CARES Act

1 (Public Law 116–136), and other laws enacted
2 in response to the COVID–19 pandemic, and
3 other requirements under law. The first such
4 report shall be submitted not later than the ex-
5 piration of the 3-month period beginning upon
6 the date of the enactment of this Act and the
7 requirement under this subparagraph to submit
8 such reports shall terminate upon the expiration
9 of the 2-year period beginning upon the termi-
10 nation of the COVID–19 emergency.

11 (B) CONTENT.—Each report required
12 under subparagraph (A) shall include the fol-
13 lowing information for the most recent quarter
14 for which data is available:

15 (i) ENTERPRISES.—For each report
16 required by an enterprise:

17 (I) The number of single-family
18 and multi-family residential mortgage
19 loans purchased by the enterprise and
20 the unpaid principal balance of such
21 mortgage loans purchased,
22 disaggregated by—

23 (aa) mortgage loans made to
24 low- and moderate-income bor-
25 rowers;

1 (bb) mortgage loans made
2 for properties in low- and mod-
3 erate-income census tracts; and

4 (cc) mortgage loans made
5 for properties in central cities,
6 rural areas, and underserved
7 areas.

8 (II) In the single-family residen-
9 tial mortgage market—

10 (aa) the total number, un-
11 paid principal balance, and
12 length of forbearances provided
13 to borrowers, including whether
14 or not the forbearance was re-
15 quested by the borrower;

16 (bb) a detailed breakdown of
17 the loan modifications offered to
18 borrowers and whether the bor-
19 rowers accepted the offer includ-
20 ing the total number and unpaid
21 principal balance of loan modi-
22 fications ultimately made to bor-
23 rowers;

24 (cc) a detailed breakdown of
25 the home retention options of-

1 ferred to borrowers and whether
2 the borrowers accepted the offer,
3 including the total number and
4 unpaid principal balance of other
5 home retention options ultimately
6 made to borrowers; and

7 (dd) the total number of
8 outcomes that included short-
9 sales, deed-in-lieu of foreclosure,
10 and foreclosure sales.

11 (III) A description of any efforts
12 by the enterprise to provide assistance
13 and support to consumers who are not
14 proficient in English.

15 (IV) A description of any other
16 efforts by the enterprise to provide as-
17 sistance to low- and moderate-income
18 communities, central cities, rural
19 areas, and other underserved areas,
20 such as financial literacy and edu-
21 cation or support of fair housing and
22 housing counseling agencies.

23 (V) A description of any other
24 assistance provided by the enterprise

1 to consumers in response to the
2 COVID–19 pandemic.

3 (ii) FHA.—For each report required
4 with respect to the FHA mortgage insur-
5 ance programs:

6 (I) The number and unpaid prin-
7 cipal balance for all residential mort-
8 gage loans, disaggregated by type, in-
9 sured under such programs.

10 (II) The total number, unpaid
11 principal balance, and length of
12 forbearances provided to borrowers,
13 including whether or not the forbear-
14 ance was requested by the borrower.

15 (III) A detailed breakdown of the
16 loan modifications offered to bor-
17 rowers and whether the borrowers ac-
18 cepted the offer including the total
19 number and unpaid principal balance
20 of loan modifications ultimately made
21 to borrowers.

22 (IV) A detailed breakdown of the
23 home retention options offered to bor-
24 rowers and whether the borrowers ac-
25 cepted the offer including the total

1 number and unpaid principal balance
2 of other home retention options ultimately made to borrowers.

3
4 (V) A description of any efforts
5 under such programs to provide assistance and support to consumers
6 who are not proficient in English.
7

8 (VI) A description of any other
9 efforts under such programs to provide assistance to low- and moderate-income communities, central cities,
10 rural areas, and other underserved areas, such as financial literacy and
11 education or support of fair housing and housing counseling agencies.
12
13

14 (VII) A description of any other
15 assistance provided under such programs to consumers in response to the
16 COVID–19 pandemic.
17

18 (iii) PROVISIONS TO BE INCLUDED IN
19 ALL REPORTS.—Each report required
20 under subparagraph (A) shall include, to the degree reasonably possible, the following information:
21
22
23
24

1 (I) An analysis of all loan level
2 data required by clauses (i) and (ii) of
3 this subparagraph disaggregated by
4 race, national origin, gender, disability
5 status, whether or not the borrower
6 seeking or obtaining assistance speaks
7 English as a second language, the
8 preferred language of the borrower,
9 debt-to-income level of the borrower,
10 loan-to-value ratio of the loan, and
11 credit score of the borrower.

12 (II) A geographical analysis at
13 the census tract level, but if informa-
14 tion is not available at the census
15 tract level for any of the items re-
16 quired by clauses (i) and (ii), the geo-
17 graphical analysis shall be provided at
18 the zip code level for the item for
19 which a census tract analysis was not
20 possible.

21 (III) A description of any policy
22 changes made by the enterprise or
23 Secretary of Housing and Urban De-
24 velopment, as appropriate, in response
25 to the COVID–19 pandemic and anal-

1 ysis of actions taken to ensure that
2 such policy changes were in compli-
3 ance with all relevant civil rights re-
4 sponsibilities, including the Fair
5 Housing Act, including the Affirma-
6 tively Furthering Fair Housing provi-
7 sion, the Equal Credit Opportunity
8 Act, the Community Reinvestment Act
9 of 1977, the Federal Housing Enter-
10 prises Financial Safety and Sound-
11 ness Act of 1992, the Housing and
12 Economic Recovery Act of 2008, Fed-
13 eral Home Loan Bank Act, Executive
14 Orders 11063 and 12892, the Federal
15 National Mortgage Association Char-
16 ter Act, and the Federal Home Loan
17 Mortgage Corporation Act.

18 (3) REPORT BY GAO.—Not later than the expi-
19 ration of the 120-day period that begins upon the
20 termination of the COVID–19 emergency, the
21 Comptroller General of the United States shall sub-
22 mit to the Congress and make public available a re-
23 port on—

24 (A) the extent to which the enterprises and
25 the FHA mortgage insurance programs pro-

1 vided loan products, forbearances, loan modi-
2 fications, and COVID–19-related assistance to
3 consumers;

4 (B) the availability and type of any such
5 assistance provided post-forbearance; and

6 (C) the overall ability of the enterprises
7 and the FHA mortgage insurance programs to
8 successfully meet their charter requirements,
9 civil rights responsibilities, and other require-
10 ments under law.

11 (d) DEFINITIONS.—For purposes of this Act, the fol-
12 lowing definitions shall apply:

13 (1) COVERED PERIOD.—The term “covered pe-
14 riod” means, with respect to a federally backed
15 mortgage loan, the period of time during which the
16 borrower under such loan may request forbearance
17 on the loan under section 4022(b) of the CARES
18 Act (15 U.S.C. 9056; Public Law 116–136; 134
19 Stat. 490).

20 (2) COVID-19 EMERGENCY.—The term
21 “COVID–19 emergency” has the meaning given
22 such term in section 4022 of the CARES Act (15
23 U.S.C. 9056; Public Law 116–136; 134 Stat. 490).

1 (3) DIRECTOR.—The term “Director” means
2 the Director of the Federal Housing Finance Agen-
3 cy.

4 (4) ENTERPRISE.—The term “enterprise” has
5 the meaning given such term in section 1303 of the
6 Housing and Community Development Act of 1992
7 (12 U.S.C. 4502).

8 **SEC. 205. LIQUIDITY FOR MORTGAGE SERVICERS AND RESI-**
9 **DENTIAL RENTAL PROPERTY OWNERS.**

10 (a) IN GENERAL.—Section 4003 of the CARES Act
11 (15 U.S.C. 9042), is amended by adding at the end the
12 following:

13 “(i) LIQUIDITY FOR MORTGAGE
14 SERVICERS.—

15 “(1) IN GENERAL.—Subject to paragraph (2),
16 the Secretary shall ensure that servicers of covered
17 mortgage loans (as defined under section 4022) and
18 multifamily mortgage loans (as defined under sec-
19 tion 4023) are provided the opportunity to partici-
20 pate in the loans, loan guarantees, or other invest-
21 ments made by the Secretary under this section. The
22 Secretary shall ensure that servicers are provided
23 with access to such opportunities under equitable
24 terms and conditions regardless of their size.

1 “(2) MORTGAGE SERVICER ELIGIBILITY.—In
2 order to receive assistance under subsection (b)(4),
3 a mortgage servicer shall—

4 “(A) demonstrate that the mortgage
5 servicer has established policies and procedures
6 to use such funds only to replace funds used for
7 borrower assistance, including to advance funds
8 as a result of forbearance or other loss mitiga-
9 tion provided to borrowers;

10 “(B) demonstrate that the mortgage
11 servicer has established policies and procedures
12 to provide forbearance, post-forbearance loss
13 mitigation, and other assistance to borrowers in
14 compliance with the terms of section 4022 or
15 4023, as applicable;

16 “(C) demonstrate that the mortgage
17 servicer has established policies and procedures
18 to ensure that forbearance and post-forbearance
19 assistance is available to all borrowers in a non-
20 discriminatory fashion and in compliance with
21 the Fair Housing Act, the Equal Credit Oppor-
22 tunity Act, and other applicable fair housing
23 and fair lending laws; and

24 “(D) comply with the limitations on com-
25 pensation set forth in section 4004.

1 “(3) MORTGAGE SERVICER REQUIREMENTS.—A
 2 mortgage servicer receiving assistance under sub-
 3 section (b)(4) may not, while the servicer is under
 4 any obligation to repay funds provided or guaran-
 5 teed under this section—

6 “(A) pay dividends with respect to the
 7 common stock of the mortgage servicer or pur-
 8 chase an equity security of the mortgage
 9 servicer or any parent company of the mortgage
 10 servicer if the security is listed on a national se-
 11 curities exchange, except to the extent required
 12 under a contractual obligation that is in effect
 13 on the date of enactment of this subsection; or

14 “(B) prepay any debt obligation.”.

15 (b) CREDIT FACILITY FOR RESIDENTIAL RENTAL
 16 PROPERTY OWNERS.—

17 (1) IN GENERAL.—The Board of Governors of
 18 the Federal Reserve System shall—

19 (A) establish a facility, using amounts
 20 made available under section 4003(b)(4) of the
 21 CARES Act (15 U.S.C. 9042(b)(4)), to make
 22 long-term, low-cost loans to residential rental
 23 property owners as to temporarily compensate
 24 such owners for documented financial losses
 25 caused by reductions in rent payments; and

1 (B) defer such owners' required payments
2 on such loans until after six months after the
3 date of enactment of this Act.

4 (2) REQUIREMENTS.—A borrower that receives
5 a loan under this subsection may not, for the dura-
6 tion of the loan—

7 (A) evict or initiate the eviction of a tenant
8 solely for nonpayment of rent or other fees or
9 charges;

10 (B) charge any late fees, penalties, or
11 other charges to a tenant for late payment of
12 rent; and

13 (C) with respect to a person or entity de-
14 scribed under paragraph (4), discriminate on
15 the basis of source of income.

16 (3) REPORT ON RESIDENTIAL RENTAL PROP-
17 ERTY OWNERS.—The Board of Governors shall issue
18 reports to the Congress on a monthly basis con-
19 taining the following, with respect to each property
20 owner receiving a loan under this subsection:

21 (A) The number of borrowers that received
22 assistance under this subsection.

23 (B) The average total loan amount that
24 each borrower received.

1 (C) The total number of rental units that
2 each borrower owned.

3 (D) The average rent charged by each bor-
4 rower.

5 (4) REPORT ON LARGE RESIDENTIAL RENTAL
6 PROPERTY OWNERS.—The Board of Governors shall
7 issue reports to the Congress on a monthly basis
8 that identify any person or entity that in aggregate
9 owns or holds a controlling interest in any entity
10 that, in aggregate, owns—

11 (A) more than 100 rental units that are lo-
12 cated within in a single Metropolitan Statistical
13 Area;

14 (B) more than 1,000 rental units nation-
15 wide; or

16 (C) rental units in three or more States.

17 (c) AMENDMENTS TO NATIONAL HOUSING ACT.—
18 Section 306(g)(1) of the National Housing Act (12 U.S.C.
19 1721(a)) is amended—

20 (1) in the fifth sentence, by inserting after
21 “issued” the following: “, subject to any pledge or
22 grant of security interest of the Federal Reserve
23 under section 4003(a) of the CARES Act (Public
24 Law 116–136; 134 Stat. 470; 15 U.S.C. 9042(a))
25 and to any such mortgage or mortgages or any in-

1 terest therein and the proceeds thereon, which the
2 Association may elect to approve”; and

3 (2) in the sixth sentence—

4 (A) by striking “or (C)” and inserting
5 “(C)”; and

6 (B) by inserting before the period the fol-
7 lowing: “, or (D) its approval and honoring of
8 any pledge or grant of security interest of the
9 Federal Reserve under section 4003(a) of the
10 CARES Act and to any such mortgage or mort-
11 gages or any interest therein and proceeds
12 thereon as”.

13 **SEC. 206. SUPPLEMENTAL FUNDING FOR SUPPORTIVE**
14 **HOUSING FOR THE ELDERLY AND PERSONS**
15 **WITH DISABILITIES.**

16 (a) **AUTHORIZATION OF APPROPRIATIONS.**—There is
17 authorized to be appropriated \$500,000,000 for fiscal year
18 2021 for additional assistance for supportive housing for
19 the elderly, of which—

20 (1) \$200,000,000 shall be for rental assistance
21 under section 202 of the Housing Act of 1959 (12
22 U.S.C. 1701q) or section 8 of the United States
23 Housing Act of 1937 (42 U.S.C. 1437f), as appro-
24 priate, and for hiring additional staff and for serv-
25 ices and costs, including acquiring personal protec-

1 tive equipment, to prevent, prepare for, or respond
 2 to the public health emergency relating to
 3 Coronavirus Disease 2019 (COVID–19) pandemic;
 4 and

5 (2) \$300,000,000 shall be for grants under sec-
 6 tion 676 of the Housing and Community Develop-
 7 ment Act of 1992 (42 U.S.C. 13632) for costs of
 8 providing service coordinators for purposes of coordi-
 9 nating services to prevent, prepare for, or respond to
 10 the public health emergency relating to Coronavirus
 11 Disease 2019 (COVID–19).

12 Any provisions of, and waivers and alternative require-
 13 ments issued by the Secretary pursuant to, the heading
 14 “Department of Housing and Urban Development—Hous-
 15 ing Programs—Housing for the Elderly” in title XII of
 16 division B of the CARES Act (Public Law 116–136) shall
 17 apply with respect to amounts made available pursuant
 18 to this subsection.

19 (b) ELIGIBILITY OF SUPPORTIVE HOUSING FOR PER-
 20 SONS WITH DISABILITIES.—Subsection (a) of section 676
 21 of the Housing and Community Development Act of 1992
 22 (42 U.S.C. 13632(a)) shall be applied, for purposes of
 23 subsection (a) of this section, by substituting “(G), and
 24 (H)” for “ and (G)”.

25 (c) SERVICE COORDINATORS.—

1 (1) **HIRING.**—In the hiring of staff using
2 amounts made available pursuant to this section for
3 costs of providing service coordinators, grantees
4 shall consider and hire, at all levels of employment
5 and to the greatest extent possible, a diverse staff,
6 including by race, ethnicity, gender, and disability
7 status. Each grantee shall submit a report to the
8 Secretary of Housing and Urban Development de-
9 scribing compliance with the preceding sentence not
10 later than the expiration of the 120-day period that
11 begins upon the termination of the emergency de-
12 clared on March 13, 2020, by the President under
13 the Robert T. Stafford Disaster Relief and Emer-
14 gency Assistance Act (42 U.S.C. 4121 et seq.) relat-
15 ing to the Coronavirus Disease 2019 (COVID-19)
16 pandemic.

17 (2) **ONE-TIME GRANTS.**—Grants made using
18 amounts made available pursuant to subsection (a)
19 for costs of providing service coordinators shall not
20 be renewable.

21 (3) **ONE-YEAR AVAILABILITY.**—Any amounts
22 made available pursuant to this section for costs of
23 providing service coordinators that are allocated for
24 a grantee and remain unexpended upon the expira-

1 tion of the 12-month period beginning upon such al-
2 location shall be recaptured by the Secretary.

3 **SEC. 207. FAIR HOUSING.**

4 (a) DEFINITION OF COVID–19 EMERGENCY PE-
5 RIOD.—For purposes of this Act, the term “COVID–19
6 emergency period” means the period that begins upon the
7 date of the enactment of this Act and ends upon the date
8 of the termination by the Federal Emergency Manage-
9 ment Agency of the emergency declared on March 13,
10 2020, by the President under the Robert T. Stafford Dis-
11 aster Relief and Emergency Assistance Act (42 U.S.C.
12 4121 et seq.) relating to the Coronavirus Disease 2019
13 (COVID–19) pandemic.

14 (b) FAIR HOUSING ACTIVITIES.—

15 (1) AUTHORIZATION OF APPROPRIATIONS.—To
16 ensure existing grantees have sufficient resource for
17 fair housing activities and for technology and equip-
18 ment needs to deliver services through use of the
19 Internet or other electronic or virtual means in re-
20 sponse to the public health emergency related to the
21 Coronavirus Disease 2019 (COVID–19) pandemic,
22 there is authorized to be appropriated \$4,000,000
23 for Fair Housing Organization Initiative grants
24 through the Fair Housing Initiatives Program under

1 section 561 of the Housing and Community Devel-
 2 opment Act of 1987 (42 U.S.C. 3616a).

3 (2) 3-YEAR AVAILABILITY.—Any amounts made
 4 available pursuant paragraph (1) that are allocated
 5 for a grantee and remain unexpended upon the expi-
 6 ration of the 3-year period beginning upon such allo-
 7 cation shall be recaptured by the Secretary.

8 (c) FAIR HOUSING EDUCATION.—There is authorized
 9 to be appropriated \$10,000,000 for the Office of Fair
 10 Housing and Equal Opportunity of the Department of
 11 Housing and Urban Development to carry out a national
 12 media campaign and local education and outreach to edu-
 13 cate the public of increased housing rights during
 14 COVID–19 emergency period, that provides that informa-
 15 tion and materials used in such campaign are available—

16 (1) in the languages used by communities with
 17 limited English proficiency; and

18 (2) to persons with disabilities.

19 **TITLE III—PROTECTING PEOPLE** 20 **EXPERIENCING HOMELESSNESS**

21 **SEC. 301. HOMELESS ASSISTANCE FUNDING.**

22 (a) EMERGENCY HOMELESS ASSISTANCE.—

23 (1) AUTHORIZATION OF APPROPRIATIONS.—

24 There is authorized to be appropriated under the
 25 Emergency Solutions Grants program under subtitle

1 B of title IV of the McKinney-Vento Homeless As-
2 sistance Act (42 U.S.C. 11371 et seq.)
3 \$5,000,000,000 for grants under such subtitle in ac-
4 cordance with this subsection to respond to needs
5 arising from the public health emergency relating to
6 Coronavirus Disease 2019 (COVID-19).

7 (2) FORMULA.—Notwithstanding sections 413
8 and 414 of the McKinney-Vento Homeless Assist-
9 ance Act (42 U.S.C. 11372, 11373), the Secretary
10 of Housing and Urban Development (in this Act re-
11 ferred to as the “Secretary”) shall allocate any
12 amounts remaining after amounts are allocated pur-
13 suant to paragraph (1) in accordance with a formula
14 to be established by the Secretary that takes into
15 consideration the following factors:

16 (A) Risk of transmission of coronavirus in
17 a jurisdiction.

18 (B) Whether a jurisdiction has a high
19 number or rate of sheltered and unsheltered
20 homeless individuals and families.

21 (C) Economic and housing market condi-
22 tions in a jurisdiction.

23 (3) ELIGIBLE ACTIVITIES.—In addition to eligi-
24 ble activities under section 415(a) of the McKinney-
25 Vento Homeless Assistance Act (42 U.S.C.

1 11374(a), amounts made available pursuant to para-
2 graph (1) may also be used for costs of the following
3 activities:

4 (A) Providing training on infectious dis-
5 ease prevention and mitigation.

6 (B) Providing hazard pay, including for
7 time worked before the effectiveness of this sub-
8 paragraph, for staff working directly to prevent
9 and mitigate the spread of coronavirus or
10 COVID-19 among people experiencing or at
11 risk of homelessness.

12 (C) Reimbursement of costs for eligible ac-
13 tivities (including activities described in this
14 paragraph) relating to preventing, preparing
15 for, or responding to the coronavirus or
16 COVID-19 that were accrued before the date of
17 the enactment of this Act.

18 (D) Notwithstanding 24 C.F.R.
19 576.102(a)(3), providing a hotel or motel
20 voucher for a homeless individual or family.

21 Use of such amounts for activities described in this
22 paragraph shall not be considered use for adminis-
23 trative purposes for purposes of section 418 of the
24 McKinney-Vento Homeless Assistance Act (42
25 U.S.C. 11377).

1 (4) INAPPLICABILITY OF PROCUREMENT
2 STANDARDS.—To the extent amounts made available
3 pursuant to paragraph (1) are used to procure goods
4 and services relating to activities to prevent, prepare
5 for, or respond to the coronavirus or COVID–19, the
6 standards and requirements regarding procurement
7 that are otherwise applicable shall not apply.

8 (5) INAPPLICABILITY OF HABITABILITY AND
9 ENVIRONMENTAL REVIEW STANDARDS.—Any Fed-
10 eral standards and requirements regarding habit-
11 ability and environmental review shall not apply with
12 respect to any emergency shelter that is assisted
13 with amounts made available pursuant to paragraph
14 (1) and has been determined by a State or local
15 health official, in accordance with such requirements
16 as the Secretary shall establish, to be necessary to
17 prevent and mitigate the spread of coronavirus or
18 COVID–19, such shelters.

19 (6) INAPPLICABILITY OF CAP ON EMERGENCY
20 SHELTER ACTIVITIES.—Subsection (b) of section
21 415 of the McKinney-Vento Homeless Assistance
22 Act (42 U.S.C. 11374) shall not apply to any
23 amounts made available pursuant to paragraph (1)
24 of this subsection.

1 (7) INITIAL ALLOCATION OF ASSISTANCE.—Sec-
2 tion 417(b) of the McKinney-Vento Homeless Assist-
3 ance Act (42 U.S.C. 11376(b)) shall be applied with
4 respect to amounts made available pursuant to para-
5 graph (1) of this subsection by substituting “30-
6 day” for “60-day”.

7 (8) WAIVERS AND ALTERNATIVE REQUIRE-
8 MENTS.—

9 (A) AUTHORITY.—In administering
10 amounts made available pursuant to paragraph
11 (1), the Secretary may waive, or specify alter-
12 native requirements for, any provision of any
13 statute or regulation (except for any require-
14 ments related to fair housing, nondiscrimina-
15 tion, labor standards, and the environment)
16 that the Secretary administers in connection
17 with the obligation or use by the recipient of
18 such amounts, if the Secretary finds that good
19 cause exists for the waiver or alternative re-
20 quirement and such waiver or alternative re-
21 quirement is consistent with the purposes de-
22 scribed in this subsection.

23 (B) NOTIFICATION.—The Secretary shall
24 notify the public through the Federal Register
25 or other appropriate means 5 days before the

1 effective date of any such waiver or alternative
2 requirement, and any such public notice may be
3 provided on the Internet at the appropriate
4 Government web site or through other elec-
5 tronic media, as determined by the Secretary.

6 (C) EXEMPTION.—The use of amounts
7 made available pursuant to paragraph (1) shall
8 not be subject to the consultation, citizen par-
9 ticipation, or match requirements that other-
10 wise apply to the Emergency Solutions Grants
11 program, except that a recipient shall publish
12 how it has and will utilize its allocation at a
13 minimum on the Internet at the appropriate
14 Government web site or through other elec-
15 tronic media.

16 (9) INAPPLICABILITY OF MATCHING REQUIRE-
17 MENT.—Subsection (a) of section 416 of the McKin-
18 ney-Vento Homeless Assistance Act (42 U.S.C.
19 11375(a)) shall not apply to any amounts made
20 available pursuant to paragraph (1) of this sub-
21 section.

22 (10) PROHIBITION ON PREREQUISITES.—None
23 of the funds authorized under this subsection may
24 be used to require people experiencing homelessness
25 to receive treatment or perform any other pre-

1 requisite activities as a condition for receiving shel-
2 ter, housing, or other services.

3 (b) RENEWAL OF CONTINUUM OF CARE
4 PROJECTS.—

5 (1) IN GENERAL.—In allocating and awarding
6 amounts provided for the Continuum of Care pro-
7 gram under subtitle C of title IV of the McKinney-
8 Vento Homeless Assistance Act (42 U.S.C. 11381 et
9 seq.), the Secretary of Housing and Urban Develop-
10 ment shall renew for one 12-month period, without
11 additional competition, all projects with existing
12 grants expiring during calendar year 2021, including
13 shelter plus care projects expiring during calendar
14 year 2021, notwithstanding any inconsistent provi-
15 sions in subtitle C of title IV of the McKinney-Vento
16 Homeless Assistance Act or any other Act.

17 (2) PLANNING AND UNIFIED FUNDING AGENCY
18 AWARDS.—Continuum of Care planning and unified
19 funding agency awards expiring in calendar year
20 2021 may also be renewed and the continuum of
21 care may designate a new collaborative applicant to
22 receive the award in accordance with the existing
23 process established by the Secretary of Housing and
24 Urban Development.

1 (3) NOTICE.—The Secretary of Housing and
2 Urban Development shall publish a notice that iden-
3 tifies and lists all projects and awards eligible for
4 such noncompetitive renewal, prescribes the format
5 and process by which the projects and awards from
6 the list will be renewed, makes adjustments to the
7 renewal amount based on changes to the fair market
8 rent, and establishes a maximum amount for the re-
9 newal of planning and unified funding agency
10 awards notwithstanding the requirement that such
11 maximum amount be established in a notice of fund-
12 ing availability.

13 (4) YOUTH HOMELESS DEMONSTRATION
14 PROJECTS AND DOMESTIC VIOLENCE BONUS
15 PROJECTS.— Subsection (a) shall not apply to youth
16 homeless demonstration projects and domestic vio-
17 lence bonus projects under the Continuum of Care
18 program.

19 (c) HOUSING TRUST FUND.—Notwithstanding any
20 other provision of law, subparagraph (B) of section
21 1338(c)(10) of the Housing and Community Development
22 Act of 1992 (12 U.S.C. 4568(c)(10)(B)), and any regula-
23 tions implementing such subparagraph, shall not apply
24 during the 12-month period beginning upon the date of
25 the enactment of this Act.

1 **TITLE IV—SUSPENDING NEGA-**
 2 **TIVE CREDIT REPORTING**
 3 **AND STRENGTHENING CON-**
 4 **SUMER AND INVESTOR PRO-**
 5 **TECTIONS**

6 **SEC. 401. REPORTING OF INFORMATION DURING MAJOR**
 7 **DISASTERS.**

8 (a) IN GENERAL.—The CARES Act (Public Law
 9 116–136) is amended by striking section 4021 and insert-
 10 ing the following:

11 **“SEC. 4021. REPORTING OF INFORMATION DURING MAJOR**
 12 **DISASTERS.**

13 “(a) PURPOSE.—The purpose of this section, and the
 14 amendments made by this section, is to protect consumers’
 15 credit from negative impacts as a result of financial hard-
 16 ship due to the coronavirus disease (COVID–19) outbreak
 17 and future major disasters.

18 “(b) REPORTING OF INFORMATION DURING MAJOR
 19 DISASTERS.—

20 “(1) IN GENERAL.—The Fair Credit Reporting
 21 Act is amended by inserting after section 605B the
 22 following:

23 **“§ 605C. Reporting of information during major dis-**
 24 **asters**

25 “(a) DEFINITIONS.—In this section:

1 “(1) CONSUMER.—With respect to a covered
2 period, the term “consumer” shall only include a
3 consumer who is a resident of the affected area cov-
4 ered by the applicable disaster or emergency declara-
5 tion.

6 “(2) COVERED MAJOR DISASTER PERIOD.—
7 The term “covered major disaster period” means the
8 period—

9 “(A) beginning on the date on which a
10 major disaster is declared by the President
11 under—

12 “(i) section 401 of the Robert T.
13 Stafford Disaster Relief and Emergency
14 Assistance Act (42 U.S.C. 5170), under
15 which assistance is authorized under sec-
16 tion 408 of such Act (42 U.S.C. 5174); or

17 “(ii) section 501 of such Act; and

18 “(B) ending on the date that is 120 days
19 after the end of the incident period for such
20 disaster.

21 “(3) COVERED PERIOD.—The term “covered
22 period” means the COVID–19 emergency period or
23 a covered major disaster period.

24 “(4) COVID–19 EMERGENCY PERIOD.—The
25 term “COVID–19 emergency period” means the pe-

1 riod beginning on March 13, 2020 (the date the
 2 President declared the emergency under section 501
 3 of the Robert T. Stafford Disaster Relief and Emer-
 4 gency Assistance Act (42 U.S.C. 4121 et seq.) relat-
 5 ing to the Coronavirus Disease 2019 (COVID–19)
 6 pandemic) and ending on the later of—

7 “(A) 120 days after the date of enact-
 8 ment of this section; or

9 “(B) 120 days after the end of the inci-
 10 dent period for such emergency.

11 “(5) MAJOR DISASTER.—The term “major dis-
 12 aster” means a major disaster declared by the Presi-
 13 dent under—

14 “(A) section 401 of the Robert T. Staf-
 15 ford Disaster Relief and Emergency Assistance
 16 Act (42 U.S.C. 5170), under which assistance
 17 is authorized under section 408 of such Act (42
 18 U.S.C. 5174); or

19 “(B) section 501 of such Act.

20 “(b) MORATORIUM ON FURNISHING ADVERSE IN-
 21 FORMATION DURING COVERED PERIOD.—No person may
 22 furnish any adverse item of information (except informa-
 23 tion related to a felony criminal conviction) relating to a
 24 consumer that was the result of any action or inaction that
 25 occurred during a covered period.

1 “(c) INFORMATION EXCLUDED FROM CONSUMER
 2 REPORTS.—In addition to the information described in
 3 section 605(a), no consumer reporting agency may make
 4 any consumer report containing an adverse item of infor-
 5 mation (except information related to a felony criminal
 6 conviction) relating to a consumer that was the result of
 7 any action or inaction that occurred during a covered pe-
 8 riod.

9 “(d) SUMMARY OF RIGHTS.—Not later than 60 days
 10 after the date of enactment of this section, the Director
 11 of the Bureau shall update the model summary of rights
 12 under section 609(c)(1) to include a description of the
 13 right of a consumer to—

14 “(1) request the deletion of adverse items of
 15 information under subsection (e); and

16 “(2) request a consumer report or score, with-
 17 out charge to the consumer, under subsection (f).

18 “(e) DELETION OF ADVERSE ITEMS OF INFORMA-
 19 TION RESULTING FROM THE CORONAVIRUS DISEASE
 20 (COVID–19) OUTBREAK AND MAJOR DISASTERS.—

21 “(1) REPORTING.—

22 “(A) IN GENERAL.—Not later than 60
 23 days after the date of enactment of this sub-
 24 section, the Director of the Bureau shall create
 25 a website for consumers to report, under pen-

1 alty of perjury, economic hardship as a result of
2 the coronavirus disease (COVID–19) outbreak
3 or a major disaster for the purpose of providing
4 credit report protections under this subsection.

5 ““(B) DOCUMENTATION.—The Director of
6 the Bureau shall—

7 ““(i) not require any documentation
8 from a consumer to substantiate the eco-
9 nomic hardship; and

10 ““(ii) provide notice to the consumer
11 that a report under subparagraph (A) is
12 under penalty of perjury.

13 ““(C) REPORTING PERIOD.—A consumer
14 may report economic hardship under subpara-
15 graph (A) during a covered period and for 60
16 days thereafter.

17 ““(2) DATABASE.—The Director of the Bureau
18 shall establish and maintain a secure database
19 that—

20 ““(A) is accessible to each consumer re-
21 porting agency described in section 603(p) and
22 nationwide specialty consumer reporting agency
23 for purposes of fulfilling their duties under
24 paragraph (3) to check and automatically delete
25 any adverse item of information (except infor-

1 mation related to a felony criminal conviction)
 2 reported that occurred during a covered period
 3 with respect to a consumer; and

4 “(B) contains the information reported
 5 under paragraph (1).

6 “(3) DELETION OF ADVERSE ITEMS OF INFOR-
 7 MATION BY NATIONWIDE CONSUMER REPORTING
 8 AND NATIONWIDE SPECIALTY CONSUMER REPORT-
 9 ING AGENCIES.—

10 “(A) IN GENERAL.—Each consumer re-
 11 porting agency described in section 603(p) and
 12 each nationwide specialty consumer reporting
 13 agency shall, using the information contained in
 14 the database established under paragraph (2),
 15 delete from the file of each consumer named in
 16 the database each adverse item of information
 17 (except information related to a felony criminal
 18 conviction) that was a result of an action or in-
 19 action that occurred during a covered period or
 20 in the 270-day period following the end of a
 21 covered period.

22 “(B) TIMELINE.—Each consumer report-
 23 ing agency described in section 603(p) and each
 24 nationwide specialty consumer reporting agency
 25 shall check the database at least weekly and de-

lete adverse items of information as soon as practicable after information that is reported under paragraph (1) appears in the database established under paragraph (2).

“(4) REQUEST FOR DELETION OF ADVERSE ITEMS OF INFORMATION.—

“(A) IN GENERAL.—A consumer who has filed a report of economic hardship with the Bureau may submit a request, without charge to the consumer, to a consumer reporting agency described in section 603(p) or nationwide specialty consumer reporting agency to delete from the consumer’s file an adverse item of information (except information related to a felony criminal conviction) that was a result of an action or inaction that occurred during a covered period or in the 270-day period following the end of a covered period.

“(B) TIMING.—A consumer may submit a request under subparagraph (A), not later than the end of the 270-day period described in that subparagraph.

“(C) REMOVAL AND NOTIFICATION.—Upon receiving a request under this paragraph to delete an adverse item of information, a con-

sumer reporting agency described in section 603(p) or nationwide specialty consumer reporting agency shall—

“(i) delete the adverse item of information (except information related to a felony criminal conviction) from the consumer’s file; and

“(ii) notify the consumer and the furnisher of the adverse item of information of the deletion.

“(f) FREE CREDIT REPORT AND SCORES.—

“(1) IN GENERAL.—During the period between the beginning of a covered period and ending 12-months after the end of the covered period, each consumer reporting agency described under section 603(p) and each nationwide specialty consumer reporting agency shall make all disclosures described under section 609 upon request by a consumer, by mail or online, without charge to the consumer and without limitation as to the number of requests. Such a consumer reporting agency shall also supply a consumer, upon request and without charge, with a credit score that—

“(A) is derived from a credit scoring model that is widely distributed to users by the

1 consumer reporting agency for the purpose of
2 any extension of credit or other transaction des-
3 ignated by the consumer who is requesting the
4 credit score; or

5 ““(B) is widely distributed to lenders of
6 common consumer loan products and predicts
7 the future credit behavior of a consumer.

8 ““(2) TIMING.—A file disclosure or credit score
9 under paragraph (1) shall be provided to the con-
10 sumer not later than—

11 ““(A) 7 days after the date on which the
12 request is received if the request is made by
13 mail; and

14 ““(B) not later than 15 minutes if the re-
15 quest is made online.

16 ““(3) ADDITIONAL REPORTS.—A file disclosure
17 provided under paragraph (1) shall be in addition to
18 any disclosure requested by the consumer under sec-
19 tion 612(a).

20 ““(4) PROHIBITION.—A consumer reporting
21 agency that receives a request under paragraph (1)
22 may not request or require any documentation from
23 the consumer that demonstrates that the consumer
24 was impacted by the coronavirus disease (COVID–
25 19) outbreak or a major disaster (except to verify

1 that the consumer is a resident of the affected area
2 covered by the applicable disaster or emergency dec-
3 laration) as a condition of receiving the file disclo-
4 sure or score.

5 “(g) POSTING OF RIGHTS.—Not later than 30 days
6 after the date of enactment of this section, each consumer
7 reporting agency described under section 603(p) and each
8 nationwide specialty consumer reporting agency shall
9 prominently post and maintain a direct link on the home-
10 page of the public website of the consumer reporting agen-
11 cy information relating to the right of consumers to—

12 “(1) request the deletion of adverse items of
13 information (except information related to a felony
14 criminal conviction) under subsection (e); and

15 “(2) request consumer file disclosures and
16 scores, without charge to the consumer, under sub-
17 section (f).

18 “(h) BAN ON REPORTING MEDICAL DEBT INFOR-
19 MATION RELATED TO COVID–19 OR A MAJOR DIS-
20 ASTER.—

21 “(1) FURNISHING BAN.—No person shall fur-
22 nish adverse information to a consumer reporting
23 agency related to medical debt if such medical debt
24 is with respect to medical expenses related to treat-
25 ments arising from COVID–19 or a major disaster

1 (whether or not the expenses were incurred during
2 a covered period).

3 ““(2) CONSUMER REPORT BAN.—No consumer
4 reporting agency may make a consumer report con-
5 taining adverse information related to medical debt
6 if such medical debt is with respect to medical ex-
7 penses related to treatments arising from COVID-
8 19 or a major disaster (whether or not the expenses
9 were incurred during a covered period).

10 ““(i) CREDIT SCORING MODELS.—A person that cre-
11 ates and implements credit scoring models may not treat
12 the absence, omission, or deletion of any information pur-
13 suant to this section as a negative factor or negative value
14 in credit scoring models created or implemented by such
15 person.’.

16 ““(2) TECHNICAL AND CONFORMING AMEND-
17 MENT.—The table of contents for the Fair Credit
18 Reporting Act is amended by inserting after the
19 item relating to section 605B the following:

“‘605C. Reporting of information during major disasters.’.

20 **“SEC. 4021A. LIMITATIONS ON NEW CREDIT SCORING MOD-**
21 **ELS DURING THE COVID-19 EMERGENCY AND**
22 **MAJOR DISASTERS.**

23 “‘The Fair Credit Reporting Act (15 U.S.C. 1681 et
24 seq.) is amended—

25 “‘(1) by adding at the end the following:

1 **“§ 630. Limitations on new credit scoring models**
 2 **during the COVID-19 emergency and**
 3 **major disasters**

4 “‘With respect to a person that creates and imple-
 5 ments credit scoring models, such person may not, during
 6 a covered period (as defined under section 605C), create
 7 or implement a new credit scoring model (including a revi-
 8 sion to an existing scoring model) if the new credit scoring
 9 model would identify a significant percentage of con-
 10 sumers as being less creditworthy when compared to the
 11 previous credit scoring models created or implemented by
 12 such person.’; and

13 “(2) in the table of contents for such Act, by
 14 adding at the end the following new item:

“‘630. Limitations on new credit scoring models during the COVID-19 emer-
 gency and major disasters.’.

15 (b) CLERICAL AMENDMENT.—The table of contents
 16 in section 2 of the CARES Act is amended by striking
 17 the item relating to section 4021 and inserting the fol-
 18 lowing:

“Sec. 4021. Reporting of information during major disasters.

“Sec. 4021A. Limitations on new credit scoring models during the COVID-19
 emergency and major disasters.”.

19 (c) CONFORMING AMENDMENT.—Subparagraph (F)
 20 of section 623(a)(1) of the Fair Credit Reporting Act (15
 21 U.S.C. 1681s-2(a)(1)) is hereby repealed.

1 **SEC. 402. RESTRICTIONS ON COLLECTIONS OF CONSUMER**
 2 **DEBT DURING A NATIONAL DISASTER OR**
 3 **EMERGENCY.**

4 (a) IN GENERAL.—The Fair Debt Collection Prac-
 5 tices Act (15 U.S.C. 1692 et seq.) is amended by inserting
 6 after section 812 (15 U.S.C. 1692j) the following:

7 **“§ 812A. Restrictions on collections of consumer debt**
 8 **during a national disaster or emergency**

9 “(a) DEFINITIONS.—In this section:

10 “(1) COVERED PERIOD.—The term ‘covered pe-
 11 riod’ means the period beginning on the date of en-
 12 actment of this section and ending 120 days after
 13 the end of the incident period for the emergency de-
 14 clared on March 13, 2020, by the President under
 15 section 501 of the Robert T. Stafford Disaster Relief
 16 and Emergency Assistance Act (42 U.S.C. 4121 et
 17 seq.) relating to the Coronavirus Disease 2019
 18 (COVID–19) pandemic.

19 “(2) CREDITOR.—The term ‘creditor’ means
 20 any person—

21 “(A) who offers or extends credit creating
 22 a debt or to whom a debt is owed; or

23 “(B) to whom any obligation for payment
 24 is owed.

25 “(3) DEBT.—The term ‘debt’—

1 “(A) means any obligation or alleged obli-
2 gation that is or during the covered period be-
3 comes past due, other than an obligation aris-
4 ing out of a credit agreement entered into after
5 the effective date of this section, that arises out
6 of a transaction with a consumer; and

7 “(B) does not include a mortgage loan.

8 “(4) DEBT COLLECTOR.—The term ‘debt col-
9 lector’ means a creditor and any other person or en-
10 tity that engages in the collection of debt, including
11 the Federal Government and a State government, ir-
12 respective of whether the applicable debt is allegedly
13 owed to or assigned to such creditor, person, or enti-
14 ty.

15 “(5) MORTGAGE LOAN.—The term ‘mortgage
16 loan’ means a covered mortgage loan (as defined
17 under section 4022 of the CARES Act) and a multi-
18 family mortgage loan (as defined under section 4023
19 of the CARES Act).

20 “(b) PROHIBITIONS.—

21 “(1) IN GENERAL.—Notwithstanding any other
22 provision of law, no debt collector may, during a cov-
23 ered period—

1 “(A) enforce a security interest securing a
2 debt through repossession, limitation of use, or
3 foreclosure;

4 “(B) take or threaten to take any action to
5 deprive an individual of their liberty as a result
6 of nonpayment of or nonappearance at any
7 hearing relating to an obligation owed by a con-
8 sumer;

9 “(C) collect any debt, by way of garnish-
10 ment, attachment, assignment, deduction, off-
11 set, or other seizure, from—

12 “(i) wages, income, benefits, bank,
13 prepaid or other asset accounts; or

14 “(ii) any assets of, or other amounts
15 due to, a consumer;

16 “(D) commence or continue an action to
17 evict a consumer from real or personal property
18 for nonpayment;

19 “(E) disconnect or terminate service from
20 a utility service, including electricity, natural
21 gas, telecommunications or broadband, water,
22 or sewer, for nonpayment; or

23 “(F) threaten to take any of the foregoing
24 actions.

1 “(2) RULE OF CONSTRUCTION.—Nothing in
2 this section may be construed to prohibit a consumer
3 from voluntarily paying, in whole or in part, a debt.

4 “(c) LIMITATION ON FEES AND INTEREST.—After
5 the expiration of a covered period, a debt collector may
6 not add to any past due debt any interest on unpaid inter-
7 est, higher rate of interest triggered by the nonpayment
8 of the debt, or fee triggered prior to the expiration of the
9 covered period by the nonpayment of the debt.

10 “(e) VIOLATIONS.—Any person or government entity
11 that violates this section shall be liable to the applicable
12 consumer as provided under section 813, except that, for
13 purposes of applying section 813—

14 “(1) such person or government entity shall be
15 deemed a debt collector, as such term is defined for
16 purposes of section 813; and

17 “(2) each dollar figure in such section shall be
18 deemed to be 10 times the dollar figure specified.

19 “(f) TOLLING.—Any applicable time limitations for
20 exercising an action prohibited under subsection (b) shall
21 be tolled during a covered period.

22 “(g) PREDISPUTE ARBITRATION AGREEMENTS.—
23 Notwithstanding any other provision of law, no predispute
24 arbitration agreement or predispute joint-action waiver
25 shall be valid or enforceable with respect to a dispute

1 brought under this section, including a dispute as to the
 2 applicability of this section, which shall be determined
 3 under Federal law.”.

4 (b) CLERICAL AMENDMENT.—The table of contents
 5 for the Fair Debt Collection Practices Act is amended by
 6 inserting after the item relating to section 812 the fol-
 7 lowing:

“812A. Restrictions on collections of consumer debt during a national disaster
 or emergency.”.

8 **SEC. 403. REPAYMENT PERIOD AND FORBEARANCE FOR**
 9 **CONSUMERS.**

10 Section 812A of the Fair Debt Collection Practices
 11 Act (15 U.S.C. 1692 et seq.), as added by section 110402,
 12 is amended—

13 (1) by inserting after subsection (c) the fol-
 14 lowing:

15 “(d) REPAYMENT PERIOD.—After the expiration of
 16 a covered period, a debt collector shall comply with the
 17 following:

18 “(1) DEBT ARISING FROM CREDIT WITH A DE-
 19 FINED PAYMENT PERIOD.—For any debt arising
 20 from credit with a defined term, the debt collector
 21 shall extend the time period to repay any past due
 22 balance of the debt by—

23 “(A) 1 payment period for each payment
 24 that a consumer missed during the covered pe-

1 riod, with the payments due in the same
2 amounts and at the same intervals as the pre-
3 existing payment schedule; and

4 “(B) 1 payment period in addition to the
5 payment periods described under subparagraph
6 (A).

7 “(2) DEBT ARISING FROM AN OPEN END CRED-
8 IT PLAN.—For debt arising from an open end credit
9 plan, as defined in section 103 of the Truth in
10 Lending Act (15 U.S.C. 1602), the debt collector
11 shall allow the consumer to repay the past-due bal-
12 ance in a manner that does not exceed the amounts
13 permitted by the methods described in section
14 171(c) of the Truth in Lending Act (15 U.S.C.
15 1666i–1(c)) and regulations promulgated under that
16 section.

17 “(3) DEBT ARISING FROM OTHER CREDIT.—

18 “(A) IN GENERAL.—For debt not de-
19 scribed under paragraph (2) or (3), the debt
20 collector shall—

21 “(i) allow the consumer to repay the
22 past-due balance of the debt in substan-
23 tially equal payments over time; and

24 “(ii) provide the consumer with—

1 “(I) for past due balances of
2 \$2,000 or less, 12 months to repay, or
3 such longer period as the debt col-
4 lector may allow;

5 “(II) for past due balances be-
6 tween \$2,001 and \$5,000, 24 months
7 to repay, or such longer period as the
8 debt collector may allow; or

9 “(III) for past due balances
10 greater than \$5,000, 36 months to
11 repay, or such longer period as the
12 debt collector may allow.

13 “(B) ADDITIONAL PROTECTIONS.—The Di-
14 rector of the Bureau may issue rules to provide
15 greater repayment protections to consumers
16 with debts described under subparagraph (A).

17 “(C) RELATION TO STATE LAW.—This
18 paragraph shall not preempt any State law that
19 provides for greater consumer protections than
20 this paragraph.”; and

21 (2) by adding at the end the following:

22 “(h) FORBEARANCE FOR AFFECTED CONSUMERS.—

23 “(1) FORBEARANCE PROGRAM.—Each debt col-
24 lector that makes use of the credit facility described

1 in paragraph (4) shall establish a forbearance pro-
2 gram for debts available during the covered period.

3 “(2) AUTOMATIC GRANT OF FORBEARANCE
4 UPON REQUEST.—Under a forbearance program re-
5 quired under paragraph (1), upon the request of a
6 consumer experiencing a financial hardship due, di-
7 rectly or indirectly, to COVID–19, the debt collector
8 shall grant a forbearance on payment of debt for
9 such time as needed until the end of the covered pe-
10 riod, with no additional documentation required
11 other than the borrower’s attestation to a financial
12 hardship caused by COVID–19 and with no fees,
13 penalties, or interest (beyond the amounts scheduled
14 or calculated as if the borrower made all contractual
15 payments on time and in full under the terms of the
16 loan contract) charged to the borrower in connection
17 with the forbearance.

18 “(3) EXCEPTION FOR CERTAIN MORTGAGE
19 LOANS SUBJECT TO THE CARES ACT.—This sub-
20 section shall not apply to a mortgage loan subject to
21 section 4022 or 4023 of the CARES Act.”.

22 **SEC. 404. CREDIT FACILITY.**

23 Section 812A(h) of the Fair Debt Collection Prac-
24 tices Act (15 U.S.C. 1692 et seq.), as added by section
25 110403, is amended by adding at the end the following:

“(4) CREDIT FACILITY.—The Board of Governors of the Federal Reserve System shall—

“(A) establish a facility, using amounts made available under section 4003(b)(4) of the CARES Act (15 U.S.C. 9042(b)(4)), to make long-term, low-cost loans to debt collectors to temporarily compensate such debt collectors for documented financial losses caused by forbearance of debt payments under this subsection; and

“(B) defer debt collectors’ required payments on such loans until after consumers’ debt payments resume.”.

TITLE V—PROTECTING STUDENT BORROWERS

SEC. 501. PAYMENTS FOR PRIVATE EDUCATION LOAN BORROWERS AS A RESULT OF THE COVID-19 NATIONAL EMERGENCY.

(a) IN GENERAL.—Section 140 of the Truth in Lending Act (15 U.S.C. 1650) is amended by adding at the end the following new subsection:

“(h) COVID-19 NATIONAL EMERGENCY PRIVATE EDUCATION LOAN REPAYMENT ASSISTANCE.—

“(1) AUTHORITY.—

1 “(A) IN GENERAL.—Effective on the date
2 of the enactment of this section, until February
3 1, 2021, the Secretary of the Treasury shall,
4 for each borrower of a private education loan,
5 pay the total amount due for such month on
6 the loan, based on the payment plan selected by
7 the borrower or the borrower’s loan status.

8 “(B) LIMITATION ON PAYMENTS.—The
9 maximum amount of aggregate payments that
10 the Secretary of the Treasury may make under
11 subparagraph (A) with respect to an individual
12 borrower is \$10,000.

13 “(2) NO CAPITALIZATION OF INTEREST.—With
14 respect to any loan in repayment until February 1,
15 2021, interest due on a private education loan dur-
16 ing such period shall not be capitalized at any time
17 until after February 1, 2021.

18 “(3) REPORTING TO CONSUMER REPORTING
19 AGENCIES.—Until February 1, 2021—

20 “(A) during the period in which the Sec-
21 retary of the Treasury is making payments on
22 a loan under paragraph (1), the Secretary shall
23 ensure that, for the purpose of reporting infor-
24 mation about the loan to a consumer reporting
25 agency, any payment made by the Secretary is

1 treated as if it were a regularly scheduled pay-
2 ment made by a borrower; and

3 “(B) no adverse credit information may be
4 furnished to a consumer reporting agency for
5 any private education loan.

6 “(4) NOTICE OF PAYMENTS AND PROGRAM.—
7 Not later than 15 days following the date of enact-
8 ment of this subsection, and monthly thereafter until
9 February 1, 2021, the Secretary of the Treasury
10 shall provide a notice to all borrowers of private edu-
11 cation loans—

12 “(A) informing borrowers of the actions
13 taken under this subsection;

14 “(B) providing borrowers with an easily
15 accessible method to opt out of the benefits pro-
16 vided under this subsection; and

17 “(C) notifying the borrower that the pro-
18 gram under this subsection is a temporary pro-
19 gram and will end on February 1, 2021.

20 “(5) SUSPENSION OF INVOLUNTARY COLLEC-
21 TION.—Until February 1, 2021, the holder of a pri-
22 vate education loan shall immediately take action to
23 halt all involuntary collection related to the loan.

24 “(6) MANDATORY FORBEARANCE.—During the
25 period in which the Secretary of the Treasury is

1 making payments on a loan under paragraph (1),
2 the servicer of such loan shall grant the borrower
3 forbearance as follows:

4 “(A) A temporary cessation of all pay-
5 ments on the loan other than the payments of
6 interest and principal on the loan that are made
7 under paragraph (1).

8 “(B) For borrowers who are delinquent
9 but who are not yet in default before the date
10 on which the Secretary begins making payments
11 under paragraph (1), the retroactive application
12 of forbearance to address any delinquency.

13 “(7) DATA TO IMPLEMENT.—Holders and
14 servicers of private education loans shall report, to
15 the satisfaction of the Secretary of the Treasury, the
16 information necessary to calculate the amount to be
17 paid under this subsection.

18 “(8) APPLICATION ONLY TO ECONOMICALLY
19 DISTRESSED BORROWERS.—

20 “(A) IN GENERAL.—This subsection shall
21 only apply to a borrower of a private education
22 loan who is an economically distressed bor-
23 rower.

24 “(B) ECONOMICALLY DISTRESSED BOR-
25 ROWER DEFINED.—In this paragraph, the term

1 ‘economically distressed borrower’ means a bor-
2 rower of a private education loan who, as of
3 March 12, 2020—

4 “(i) based on financial state or other
5 conditions, would be otherwise eligible, if
6 the borrower instead had a Federal stu-
7 dent loan, of having a monthly payment
8 due on such loan of \$0 pursuant to an in-
9 come-contingent repayment plan under sec-
10 tion 455(d)(1)(D) of the Higher Education
11 Act of 1965 (20 U.S.C. 1087e(d)(1)(D))
12 or an income-based repayment plan under
13 section 493C of such Act (20 U.S.C.
14 1098e);

15 “(ii) was in default on such loan;

16 “(iii) had a payment due on such loan
17 that was at least 90 days past due; or

18 “(iv) based on financial state or other
19 conditions, was in forbearance or
20 deferment.

21 “(C) RULEMAKING.—Not later than 7
22 days after the date of enactment of this para-
23 graph, the Director of the Bureau, in consulta-
24 tion with the Secretary of Education, shall issue
25 rules to implement this paragraph, including

1 providing a detailed description of how a bor-
 2 rower of a private education loan will be consid-
 3 ered an economically distressed borrower as de-
 4 fined under each clause of subparagraph (B).”.

5 (b) APPROPRIATION.—There is appropriated to the
 6 Secretary of the Treasury, out of amounts in the Treasury
 7 not otherwise appropriated, \$5,000,000,000 to carry out
 8 this title and the amendments made by this title.

9 **SEC. 502. ADDITIONAL PROTECTIONS FOR PRIVATE STU-**
 10 **DENT LOAN BORROWERS.**

11 (a) IN GENERAL.—

12 (1) REPAYMENT PLAN AND FORGIVENESS
 13 TERMS.—Each private education loan holder who re-
 14 ceives a monthly payment pursuant to section
 15 140(h) of the Truth in Lending Act shall modify all
 16 private education loan contracts that it holds to pro-
 17 vide for the same repayment plan and forgiveness
 18 terms available to Direct Loans borrowers under
 19 section 685.209(c) of title 34, Code of Federal Reg-
 20 ulations, in effect as of January 1, 2020.

21 (2) TREATMENT OF STATE STATUTES OF LIM-
 22 ITATION.—For a borrower who has defaulted on a
 23 private education loan under the terms of the prom-
 24 issory note prior to any loan payment made or for-
 25 bearance granted under section 140(h) of the Truth

1 in Lending Act, no payment made or forbearance
2 granted under such section 140(h) shall be consid-
3 ered an event that impacts the calculation of the ap-
4 plicable State statutes of limitation.

5 (3) PROHIBITION ON PRESSURING BOR-
6 ROWERS.—

7 (A) IN GENERAL.—A private education
8 loan debt collector or creditor may not pressure
9 a borrower to elect to apply any amount re-
10 ceived pursuant to subsection (b) to any private
11 education loan.

12 (B) VIOLATIONS.—A violation of this para-
13 graph is deemed—

14 (i) an unfair, deceptive, or abusive act
15 or practice under Federal law in connec-
16 tion with any transaction with a consumer
17 for a consumer financial product or service
18 under section 1031 of the Consumer Fi-
19 nancial Protection Act of 2010 (12 U.S.C.
20 5531); and

21 (ii) with respect to a violation by a
22 debt collector, an unfair or unconscionable
23 means to collect or attempt to collect any
24 debt under section 808 of the Federal

1 Debt Collection Practices Act (15 U.S.C.
2 1692f).

3 (C) PRESSURE DEFINED.—In this para-
4 graph, the term “pressure” means any commu-
5 nication, recommendation, or other similar com-
6 munication, other than providing basic informa-
7 tion about a borrower’s options, urging a bor-
8 rower to make an election described under sub-
9 section (b).

10 (b) RELIEF FOR PRIVATE STUDENT LOAN BOR-
11 ROWERS AS A RESULT OF THE COVID–19 NATIONAL
12 EMERGENCY.—

13 (1) STUDENT LOAN RELIEF AS A RESULT OF
14 THE COVID–19 NATIONAL EMERGENCY.—Not later
15 than 90 days after February 1, 2021, the Secretary
16 of the Treasury shall carry out a program under
17 which a borrower, with respect to the private edu-
18 cation loans of such borrower, shall receive in ac-
19 cordance with paragraph (3) an amount equal to the
20 lesser of—

21 (A) the total amount of each private edu-
22 cation loan of the borrower; or

23 (B) \$10,000, reduced by the aggregate
24 amount of all payments made by the Secretary
25 of the Treasury with respect to such borrower

1 under section 140(h) of the Truth in Lending
2 Act.

3 (2) NOTIFICATION OF BORROWERS.—Not later
4 than 90 days after February 1, 2021, the Secretary
5 of the Treasury shall notify each borrower of a pri-
6 vate education loan of—

7 (A) the requirements to provide loan relief
8 to such borrower under this section; and

9 (B) the opportunity for such borrower to
10 make an election under paragraph (3)(A) with
11 respect to the application of such loan relief to
12 the private education loans of such borrower.

13 (3) DISTRIBUTION OF FUNDING.—

14 (A) ELECTION BY BORROWER.—Not later
15 than 45 days after a notice is sent under para-
16 graph (2), a borrower may elect to apply the
17 amount determined with respect to such bor-
18 rower under paragraph (1) to any private edu-
19 cation loan of the borrower.

20 (B) AUTOMATIC PAYMENT.—

21 (i) IN GENERAL.—In the case of a
22 borrower who does not make an election
23 under subparagraph (A) before the date
24 described in such subparagraph, the Sec-
25 retary of the Treasury shall apply the

1 amount determined with respect to such
2 borrower under paragraph (1) in order of
3 the private education loan of the borrower
4 with the highest interest rate.

5 (ii) EQUAL INTEREST RATES.—In
6 case of two or more private education loans
7 described in clause (i) with equal interest
8 rates, the Secretary of the Treasury shall
9 apply the amount determined with respect
10 to such borrower under paragraph (1) first
11 to the loan with the highest principal.

12 (c) APPLICATION ONLY TO ECONOMICALLY DIS-
13 TRESSED BORROWERS.—This section shall only apply to
14 a borrower of a private education loan who is an economi-
15 cally distressed borrower.

16 (d) DEFINITIONS.—In this section:

17 (1) FAIR DEBT COLLECTION PRACTICES ACT
18 TERMS.—The terms “creditor” and “debt collector”
19 have the meaning given those terms, respectively,
20 under section 803 of the Fair Debt Collection Prac-
21 tices Act (15 U.S.C. 1692a).

22 (2) PRIVATE EDUCATION LOAN.—The term
23 “private education loan” has the meaning given the
24 term in section 140 of the Truth in Lending Act (15
25 U.S.C. 1650).

1 (3) ECONOMICALLY DISTRESSED BORROWER
 2 DEFINED.—The term “economically distressed bor-
 3 rower” has the meaning given that term under sec-
 4 tion 140(h)(8) of the Truth in Lending Act, as
 5 added by section 501.

6 **TITLE VI—STANDING UP FOR**
 7 **SMALL BUSINESSES, MINOR-**
 8 **ITY-OWNED BUSINESSES, AND**
 9 **NON-PROFITS**

10 **SEC. 601. RESTRICTIONS ON COLLECTIONS OF SMALL BUSI-**
 11 **NESS AND NONPROFIT DEBT DURING A NA-**
 12 **TIONAL DISASTER OR EMERGENCY.**

13 (a) IN GENERAL.—The Fair Debt Collection Prac-
 14 tices Act (15 U.S.C. 1692 et seq.), as amended by section
 15 110402, is further amended by inserting after section
 16 812A the following:

17 **“§ 812B. Restrictions on collections of small business**
 18 **and nonprofit debt during a national dis-**
 19 **aster or emergency**

20 “(a) DEFINITIONS.—In this section:

21 “(1) COVERED PERIOD.—The term ‘covered pe-
 22 riod’ means the period beginning on the date of en-
 23 actment of this section and ending 120 days after
 24 the end of the incident period for the emergency de-
 25 clared on March 13, 2020, by the President under

1 section 501 of the Robert T. Stafford Disaster Relief
2 and Emergency Assistance Act (42 U.S.C. 4121 et
3 seq.) relating to the Coronavirus Disease 2019
4 (COVID-19) pandemic.

5 “(2) CREDITOR.—The term ‘creditor’ means
6 any person—

7 “(A) who offers or extends credit creating
8 a debt or to whom a debt is owed; or

9 “(B) to whom any obligation for payment
10 is owed.

11 “(3) DEBT.—The term ‘debt’—

12 “(A) means any obligation or alleged obli-
13 gation that is or during the covered period be-
14 comes past due, other than an obligation aris-
15 ing out of a credit agreement entered into after
16 the effective date of this section, that arises out
17 of a transaction with a nonprofit organization
18 or small business; and

19 “(B) does not include a mortgage loan.

20 “(4) DEBT COLLECTOR.—The term ‘debt col-
21 lector’ means a creditor and any other person or en-
22 tity that engages in the collection of debt, including
23 the Federal Government and a State government, ir-
24 respective of whether the applicable debt is allegedly

1 owed to or assigned to such creditor, person, or enti-
2 ty.

3 “(5) MORTGAGE LOAN.—The term ‘mortgage
4 loan’ means a covered mortgage loan (as defined
5 under section 4022 of the CARES Act) and a multi-
6 family mortgage loan (as defined under section 4023
7 of the CARES Act).

8 “(6) NONPROFIT ORGANIZATION.—The term
9 ‘nonprofit organization’ means an organization that
10 is described in section 501(c)(3) of the Internal Rev-
11 enue Code of 1986 and that is exempt from taxation
12 under section 501(a) of such Code.

13 “(7) SMALL BUSINESS.—The term ‘small busi-
14 ness’ has the meaning given the term ‘small business
15 concern’ in section 3 of the Small Business Act (15
16 U.S.C. 632).

17 “(b) PROHIBITIONS.—

18 “(1) IN GENERAL.—Notwithstanding any other
19 provision of law, no debt collector may, during a cov-
20 ered period—

21 “(A) enforce a security interest securing a
22 debt through repossession, limitation of use, or
23 foreclosure;

24 “(B) take or threaten to take any action to
25 deprive an individual of their liberty as a result

1 of nonpayment of or nonappearance at any
2 hearing relating to an obligation owed by a
3 small business or nonprofit organization;

4 “(C) collect any debt, by way of garnish-
5 ment, attachment, assignment, deduction, off-
6 set, or other seizure, from—

7 “(i) wages, income, benefits, bank,
8 prepaid or other asset accounts; or

9 “(ii) any assets of, or other amounts
10 due to, a small business or nonprofit orga-
11 nization;

12 “(D) commence or continue an action to
13 evict a small business or nonprofit organization
14 from real or personal property for nonpayment;

15 “(E) disconnect or terminate service from
16 a utility service, including electricity, natural
17 gas, telecommunications or broadband, water,
18 or sewer, for nonpayment; or

19 “(F) threaten to take any of the foregoing
20 actions.

21 “(2) RULE OF CONSTRUCTION.—Nothing in
22 this section may be construed to prohibit a small
23 business or nonprofit organization from voluntarily
24 paying, in whole or in part, a debt.

1 “(c) LIMITATION ON FEES AND INTEREST.—After
2 the expiration of a covered period, a debt collector may
3 not add to any past due debt any interest on unpaid inter-
4 est, higher rate of interest triggered by the nonpayment
5 of the debt, or fee triggered prior to the expiration of the
6 covered period by the nonpayment of the debt.

7 “(e) VIOLATIONS.—Any person or government entity
8 that violates this section shall be liable to the applicable
9 small business or nonprofit organization as provided under
10 section 813, except that, for purposes of applying section
11 813—

12 “(1) such person or government entity shall be
13 deemed a debt collector, as such term is defined for
14 purposes of section 813; and

15 “(2) such small business or nonprofit organiza-
16 tion shall be deemed a consumer, as such term is de-
17 fined for purposes of section 813.

18 “(f) TOLLING.—Any applicable time limitations for
19 exercising an action prohibited under subsection (b) shall
20 be tolled during a covered period.

21 “(g) PREDISPUTE ARBITRATION AGREEMENTS.—
22 Notwithstanding any other provision of law, no predispute
23 arbitration agreement or predispute joint-action waiver
24 shall be valid or enforceable with respect to a dispute
25 brought under this section, including a dispute as to the

1 applicability of this section, which shall be determined
2 under Federal law.”.

3 (b) CLERICAL AMENDMENT.—The table of contents
4 for the Fair Debt Collection Practices Act, as amended
5 by section 110402, is further amended by inserting after
6 the item relating to section 812A the following:

“812B. Restrictions on collections of small business and nonprofit debt during
a national disaster or emergency.”.

7 **SEC. 602. REPAYMENT PERIOD AND FORBEARANCE FOR**
8 **SMALL BUSINESSES AND NONPROFIT ORGA-**
9 **NIZATIONS.**

10 Section 812B of the Fair Debt Collection Practices
11 Act (15 U.S.C. 1692 et seq.), as added by section 110601,
12 is amended—

13 (1) by inserting after subsection (c) the fol-
14 lowing:

15 “(d) REPAYMENT PERIOD.—After the expiration of
16 a covered period, a debt collector shall comply with the
17 following:

18 “(1) DEBT ARISING FROM CREDIT WITH A DE-
19 FINED PAYMENT PERIOD.—For any debt arising
20 from credit with a defined term, the debt collector
21 shall extend the time period to repay any past due
22 balance of the debt by—

23 “(A) 1 payment period for each payment
24 that a small business or nonprofit organization

missed during the covered period, with the payments due in the same amounts and at the same intervals as the pre-existing payment schedule; and

“(B) 1 payment period in addition to the payment periods described under subparagraph (A).

“(2) DEBT ARISING FROM AN OPEN END CREDIT PLAN.—For debt arising from an open end credit plan, as defined in section 103 of the Truth in Lending Act (15 U.S.C. 1602), the debt collector shall allow the small business or nonprofit organization to repay the past-due balance in a manner that does not exceed the amounts permitted by the methods described in section 171(c) of the Truth in Lending Act (15 U.S.C. 1666i–1(c)) and regulations promulgated under that section.

“(3) DEBT ARISING FROM OTHER CREDIT.—

“(A) IN GENERAL.—For debt not described under paragraph (2) or (3), the debt collector shall—

“(i) allow the small business or nonprofit organization to repay the past-due balance of the debt in substantially equal payments over time; and

1 “(ii) provide the small business or
2 nonprofit organization with—

3 “(I) for past due balances of
4 \$2,000 or less, 12 months to repay, or
5 such longer period as the debt col-
6 lector may allow;

7 “(II) for past due balances be-
8 tween \$2,001 and \$5,000, 24 months
9 to repay, or such longer period as the
10 debt collector may allow; or

11 “(III) for past due balances
12 greater than \$5,000, 36 months to
13 repay, or such longer period as the
14 debt collector may allow.

15 “(B) ADDITIONAL PROTECTIONS.—The Di-
16 rector of the Bureau may issue rules to provide
17 greater repayment protections to small busi-
18 nesses and nonprofit organizations with debts
19 described under subparagraph (A).

20 “(C) RELATION TO STATE LAW.—This
21 paragraph shall not preempt any State law that
22 provides for greater small business or nonprofit
23 organization protections than this paragraph.”;
24 and

25 (2) by adding at the end the following:

1 “(h) FORBEARANCE FOR AFFECTED SMALL BUSI-
2 NESSES AND NONPROFIT ORGANIZATIONS.—

3 “(1) FORBEARANCE PROGRAM.—Each debt col-
4 lector that makes use of the credit facility described
5 in paragraph (4) shall establish a forbearance pro-
6 gram for debts available during the covered period.

7 “(2) AUTOMATIC GRANT OF FORBEARANCE
8 UPON REQUEST.—Under a forbearance program re-
9 quired under paragraph (1), upon the request of a
10 small business or nonprofit organization experi-
11 encing a financial hardship due, directly or indi-
12 rectly, to COVID–19, the debt collector shall grant
13 a forbearance on payment of debt for such time as
14 needed until the end of the covered period, with no
15 additional documentation required other than the
16 small business or nonprofit organization’s attestation
17 to a financial hardship caused by COVID–19 and
18 with no fees, penalties, or interest (beyond the
19 amounts scheduled or calculated as if the borrower
20 made all contractual payments on time and in full
21 under the terms of the loan contract) charged to the
22 borrower in connection with the forbearance.

23 “(3) EXCEPTION FOR CERTAIN MORTGAGE
24 LOANS SUBJECT TO THE CARES ACT.—This sub-

1 section shall not apply to a mortgage loan subject to
2 section 4022 or 4023 of the CARES Act.”.

3 **SEC. 603. CREDIT FACILITY.**

4 Section 812B(h) of the Fair Debt Collection Prac-
5 tices Act (15 U.S.C. 1692 et seq.), as added by section
6 110602, is amended by adding at the end the following:

7 “(4) CREDIT FACILITY.—The Board of Gov-
8 ernors of the Federal Reserve System shall—

9 “(A) establish a facility, using amounts
10 made available under section 4003(b)(4) of the
11 CARES Act (15 U.S.C. 9042(b)(4)), to make
12 long-term, low-cost loans to debt collectors to
13 temporarily compensate such debt collectors for
14 documented financial losses caused by forbear-
15 ance of debt payments under this subsection;
16 and

17 “(B) defer debt collectors’ required pay-
18 ments on such loans until after small businesses
19 or nonprofit organizations’ debt payments re-
20 sume.”.

21 **SEC. 604. MAIN STREET LENDING PROGRAM REQUIRE-**
22 **MENTS.**

23 (a) IN GENERAL.—Section 4003(c)(3)(D)(ii) of the
24 CARES Act (15 U.S.C. 9042(c)(3)(D)(ii)) is amended—

1 (1) by striking “Nothing in this subparagraph
2 shall limit the discretion of the Board of Governors
3 of the Federal Reserve System to” and inserting the
4 following:

5 “(I) IN GENERAL.—The Board of Gov-
6 ernors of the Federal Reserve System shall”;
7 and

8 (2) by adding at the end the following:

9 “(II) REQUIREMENTS.—In car-
10 rying out subclause (I), the Board of
11 Governors of the Federal Reserve Sys-
12 tem—

13 “(aa) shall make non-profit
14 organizations and institutions of
15 higher education (as such term is
16 defined in section 101(a) of the
17 Higher Education Act of 1965
18 (20 U.S.C. 1001(a)) eligible for
19 any program or facility estab-
20 lished under such subclause;

21 “(bb) shall create a low-cost
22 loan option tailored to the unique
23 needs of non-profit organizations,
24 including the ability to defer pay-

1 ments without capitalization of
2 interest;

3 “(cc) shall make any
4 501(c)(4) organization (as de-
5 fined in section 501(c)(4) of the
6 Internal Revenue Code of 1986)
7 eligible for any facility provided
8 that such 501(c)(4) organization
9 has not made and will not make
10 a contribution, expenditure, inde-
11 pendent expenditure, or election-
12 eering communication within the
13 meaning of the Federal Election
14 Campaign Act, and has not un-
15 dertaken and will not undertake
16 similar campaign finance activi-
17 ties in state and local elections,
18 during the election cycle which
19 ends on the date of the general
20 election in this calendar year;

21 “(dd) shall ensure loans
22 made available to all eligible bor-
23 rowers have a maturity of no less
24 than seven years; and

1 “(ee) shall prohibit eligible
 2 lenders from requiring additional
 3 collateral beyond minimum collat-
 4 eral requirements the Board of
 5 Governors of the Federal Reserve
 6 System may require.”.

7 (b) DEADLINE.—Not later than the end of the 5-day
 8 period beginning on the date of enactment of this Act, the
 9 Board of Governors of the Federal Reserve System shall
 10 issue such rules or take such other actions as may be nec-
 11 essary to implement the requirements made by the amend-
 12 ments made by this section.

13 **SEC. 605. OPTIONS FOR SMALL BUSINESSES AND NON-**
 14 **PROFITS UNDER THE MAIN STREET LENDING**
 15 **PROGRAM.**

16 (a) IN GENERAL.—Section 4003(c)(3)(D)(ii)(II) of
 17 the CARES Act (15 U.S.C. 9042(c)(3)(D)(ii)(II)), as
 18 added by section 110604, is further amended by adding
 19 at the end the following:

20 “(cc) shall provide at least one low-cost loan option
 21 that small businesses, small non-profits, and small institu-
 22 tions of higher education (as such term is defined in sec-
 23 tion 101(a) of the Higher Education Act of 1965 (20
 24 U.S.C. 1001(a)) are eligible for that does not have a min-

1 imum loan size and includes the ability to defer payments,
 2 without capitalization of interest.”.

3 (b) DEADLINE.—Not later than the end of the 5-day
 4 period beginning on the date of enactment of this Act, the
 5 Board of Governors of the Federal Reserve System shall
 6 issue such rules or take such other actions as may be nec-
 7 essary to implement the requirements made by the amend-
 8 ments made by this section.

9 **SEC. 606. SAFE BANKING.**

10 (a) SHORT TITLE; PURPOSE.—

11 (1) SHORT TITLE.—This section may be cited
 12 as the “Secure And Fair Enforcement Banking Act
 13 of 2020” or the “SAFE Banking Act of 2020”.

14 (2) PURPOSE.—The purpose of this section is
 15 to increase public safety by ensuring access to finan-
 16 cial services to cannabis-related legitimate businesses
 17 and service providers and reducing the amount of
 18 cash at such businesses.

19 (b) SAFE HARBOR FOR DEPOSITORY INSTITU-
 20 TIONS.—

21 (1) IN GENERAL.—A Federal banking regulator
 22 may not—

23 (A) terminate or limit the deposit insur-
 24 ance or share insurance of a depository institu-
 25 tion under the Federal Deposit Insurance Act

1 (12 U.S.C. 1811 et seq.), the Federal Credit
2 Union Act (12 U.S.C. 1751 et seq.), or take
3 any other adverse action against a depository
4 institution under section 8 of the Federal De-
5 posit Insurance Act (12 U.S.C. 1818) solely be-
6 cause the depository institution provides or has
7 provided financial services to a cannabis-related
8 legitimate business or service provider;

9 (B) prohibit, penalize, or otherwise dis-
10 courage a depository institution from providing
11 financial services to a cannabis-related legiti-
12 mate business or service provider or to a State,
13 political subdivision of a State, or Indian Tribe
14 that exercises jurisdiction over cannabis-related
15 legitimate businesses;

16 (C) recommend, incentivize, or encourage a
17 depository institution not to offer financial serv-
18 ices to an account holder, or to downgrade or
19 cancel the financial services offered to an ac-
20 count holder solely because—

21 (i) the account holder is a cannabis-
22 related legitimate business or service pro-
23 vider, or is an employee, owner, or oper-
24 ator of a cannabis-related legitimate busi-
25 ness or service provider;

1 (ii) the account holder later becomes
2 an employee, owner, or operator of a can-
3 nabis-related legitimate business or service
4 provider; or

5 (iii) the depository institution was not
6 aware that the account holder is an em-
7 ployee, owner, or operator of a cannabis-re-
8 lated legitimate business or service pro-
9 vider;

10 (D) take any adverse or corrective super-
11 visory action on a loan made to—

12 (i) a cannabis-related legitimate busi-
13 ness or service provider, solely because the
14 business is a cannabis-related legitimate
15 business or service provider;

16 (ii) an employee, owner, or operator of
17 a cannabis-related legitimate business or
18 service provider, solely because the em-
19 ployee, owner, or operator is employed by,
20 owns, or operates a cannabis-related legiti-
21 mate business or service provider, as appli-
22 cable; or

23 (iii) an owner or operator of real es-
24 tate or equipment that is leased to a can-
25 nabis-related legitimate business or service

1 provider, solely because the owner or oper-
2 ator of the real estate or equipment leased
3 the equipment or real estate to a cannabis-
4 related legitimate business or service pro-
5 vider, as applicable; or

6 (E) prohibit or penalize a depository insti-
7 tution (or entity performing a financial service
8 for or in association with a depository institu-
9 tion) for, or otherwise discourage a depository
10 institution (or entity performing a financial
11 service for or in association with a depository
12 institution) from, engaging in a financial service
13 for a cannabis-related legitimate business or
14 service provider.

15 (2) SAFE HARBOR APPLICABLE TO DE NOVO IN-
16 STITUTIONS.—Paragraph (1) shall apply to an insti-
17 tution applying for a depository institution charter
18 to the same extent as such subsection applies to a
19 depository institution.

20 (c) PROTECTIONS FOR ANCILLARY BUSINESSES.—

21 For the purposes of sections 1956 and 1957 of title 18,
22 United States Code, and all other provisions of Federal
23 law, the proceeds from a transaction involving activities
24 of a cannabis-related legitimate business or service pro-

1 vider shall not be considered proceeds from an unlawful
2 activity solely because—

3 (1) the transaction involves proceeds from a
4 cannabis-related legitimate business or service pro-
5 vider; or

6 (2) the transaction involves proceeds from—

7 (A) cannabis-related activities described in
8 subsection (n)(4)(B) conducted by a cannabis-
9 related legitimate business; or

10 (B) activities described in subsection
11 (n)(13)(A) conducted by a service provider.

12 (d) PROTECTIONS UNDER FEDERAL LAW.—

13 (1) IN GENERAL.—With respect to providing a
14 financial service to a cannabis-related legitimate
15 business or service provider within a State, political
16 subdivision of a State, or Indian country that allows
17 the cultivation, production, manufacture, sale, trans-
18 portation, display, dispensing, distribution, or pur-
19 chase of cannabis pursuant to a law or regulation of
20 such State, political subdivision, or Indian Tribe
21 that has jurisdiction over the Indian country, as ap-
22 plicable, a depository institution, entity performing a
23 financial service for or in association with a deposi-
24 tory institution, or insurer that provides a financial
25 service to a cannabis-related legitimate business or

1 service provider, and the officers, directors, and em-
2 ployees of that depository institution, entity, or in-
3 surer may not be held liable pursuant to any Federal
4 law or regulation—

5 (A) solely for providing such a financial
6 service; or

7 (B) for further investing any income de-
8 rived from such a financial service.

9 (2) PROTECTIONS FOR FEDERAL RESERVE
10 BANKS AND FEDERAL HOME LOAN BANKS.—With
11 respect to providing a service to a depository institu-
12 tion that provides a financial service to a cannabis-
13 related legitimate business or service provider (where
14 such financial service is provided within a State, po-
15 litical subdivision of a State, or Indian country that
16 allows the cultivation, production, manufacture, sale,
17 transportation, display, dispensing, distribution, or
18 purchase of cannabis pursuant to a law or regulation
19 of such State, political subdivision, or Indian Tribe
20 that has jurisdiction over the Indian country, as ap-
21 plicable), a Federal reserve bank or Federal Home
22 Loan Bank, and the officers, directors, and employ-
23 ees of the Federal reserve bank or Federal Home
24 Loan Bank, may not be held liable pursuant to any
25 Federal law or regulation—

1 (A) solely for providing such a service; or

2 (B) for further investing any income de-
3 rived from such a service.

4 (3) PROTECTIONS FOR INSURERS.—With re-
5 spect to engaging in the business of insurance within
6 a State, political subdivision of a State, or Indian
7 country that allows the cultivation, production, man-
8 ufacture, sale, transportation, display, dispensing,
9 distribution, or purchase of cannabis pursuant to a
10 law or regulation of such State, political subdivision,
11 or Indian Tribe that has jurisdiction over the Indian
12 country, as applicable, an insurer that engages in
13 the business of insurance with a cannabis-related le-
14 gitimate business or service provider or who other-
15 wise engages with a person in a transaction permis-
16 sible under State law related to cannabis, and the
17 officers, directors, and employees of that insurer
18 may not be held liable pursuant to any Federal law
19 or regulation—

20 (A) solely for engaging in the business of
21 insurance; or

22 (B) for further investing any income de-
23 rived from the business of insurance.

24 (4) FORFEITURE.—

1 (A) DEPOSITORY INSTITUTIONS.—A depos-
2 itory institution that has a legal interest in the
3 collateral for a loan or another financial service
4 provided to an owner, employee, or operator of
5 a cannabis-related legitimate business or service
6 provider, or to an owner or operator of real es-
7 tate or equipment that is leased or sold to a
8 cannabis-related legitimate business or service
9 provider, shall not be subject to criminal, civil,
10 or administrative forfeiture of that legal inter-
11 est pursuant to any Federal law for providing
12 such loan or other financial service.

13 (B) FEDERAL RESERVE BANKS AND FED-
14 ERAL HOME LOAN BANKS.—A Federal reserve
15 bank or Federal Home Loan Bank that has a
16 legal interest in the collateral for a loan or an-
17 other financial service provided to a depository
18 institution that provides a financial service to a
19 cannabis-related legitimate business or service
20 provider, or to an owner or operator of real es-
21 tate or equipment that is leased or sold to a
22 cannabis-related legitimate business or service
23 provider, shall not be subject to criminal, civil,
24 or administrative forfeiture of that legal inter-

1 est pursuant to any Federal law for providing
2 such loan or other financial service.

3 (e) RULES OF CONSTRUCTION.—

4 (1) NO REQUIREMENT TO PROVIDE FINANCIAL
5 SERVICES.—Nothing in this section shall require a
6 depository institution, entity performing a financial
7 service for or in association with a depository insti-
8 tution, or insurer to provide financial services to a
9 cannabis-related legitimate business, service pro-
10 vider, or any other business.

11 (2) GENERAL EXAMINATION, SUPERVISORY,
12 AND ENFORCEMENT AUTHORITY.—Nothing in this
13 section may be construed in any way as limiting or
14 otherwise restricting the general examination, super-
15 visory, and enforcement authority of the Federal
16 banking regulators, provided that the basis for any
17 supervisory or enforcement action is not the provi-
18 sion of financial services to a cannabis-related legiti-
19 mate business or service provider.

20 (f) REQUIREMENTS FOR FILING SUSPICIOUS ACTIV-
21 ITY REPORTS.—Section 5318(g) of title 31, United States
22 Code, is amended by adding at the end the following:

23 “(5) REQUIREMENTS FOR CANNABIS-RELATED
24 LEGITIMATE BUSINESSES.—

1 “(A) IN GENERAL.—With respect to a fi-
2 nancial institution or any director, officer, em-
3 ployee, or agent of a financial institution that
4 reports a suspicious transaction pursuant to
5 this subsection, if the reason for the report re-
6 lates to a cannabis-related legitimate business
7 or service provider, the report shall comply with
8 appropriate guidance issued by the Financial
9 Crimes Enforcement Network. The Secretary
10 shall ensure that the guidance is consistent with
11 the purpose and intent of the SAFE Banking
12 Act of 2020 and does not significantly inhibit
13 the provision of financial services to a cannabis-
14 related legitimate business or service provider in
15 a State, political subdivision of a State, or In-
16 dian country that has allowed the cultivation,
17 production, manufacture, transportation, dis-
18 play, dispensing, distribution, sale, or purchase
19 of cannabis pursuant to law or regulation of
20 such State, political subdivision, or Indian
21 Tribe that has jurisdiction over the Indian
22 country.

23 “(B) DEFINITIONS.—For purposes of this
24 paragraph:

1 “(i) CANNABIS.—The term ‘cannabis’
2 has the meaning given the term ‘mari-
3 huana’ in section 102 of the Controlled
4 Substances Act (21 U.S.C. 802).

5 “(ii) CANNABIS-RELATED LEGITIMATE
6 BUSINESS.—The term ‘cannabis-related le-
7 gitimate business’ has the meaning given
8 that term in subsection (n) of the SAFE
9 Banking Act of 2020.

10 “(iii) INDIAN COUNTRY.—The term
11 ‘Indian country’ has the meaning given
12 that term in section 1151 of title 18.

13 “(iv) INDIAN TRIBE.—The term ‘In-
14 dian Tribe’ has the meaning given that
15 term in section 102 of the Federally Rec-
16 ognized Indian Tribe List Act of 1994 (25
17 U.S.C. 479a).

18 “(v) FINANCIAL SERVICE.—The term
19 ‘financial service’ has the meaning given
20 that term in subsection (n) of the SAFE
21 Banking Act of 2020.

22 “(vi) SERVICE PROVIDER.—The term
23 ‘service provider’ has the meaning given
24 that term in subsection (n) of the SAFE
25 Banking Act of 2020.

1 “(vii) STATE.—The term ‘State’
2 means each of the several States, the Dis-
3 trict of Columbia, Puerto Rico, and any
4 territory or possession of the United
5 States.”.

6 (g) GUIDANCE AND EXAMINATION PROCEDURES.—
7 Not later than 180 days after the date of enactment of
8 this Act, the Financial Institutions Examination Council
9 shall develop uniform guidance and examination proce-
10 dures for depository institutions that provide financial
11 services to cannabis-related legitimate businesses and
12 service providers.

13 (h) ANNUAL DIVERSITY AND INCLUSION REPORT.—
14 The Federal banking regulators shall issue an annual re-
15 port to Congress containing—

16 (1) information and data on the availability of
17 access to financial services for minority-owned and
18 women-owned cannabis-related legitimate businesses;
19 and

20 (2) any regulatory or legislative recommenda-
21 tions for expanding access to financial services for
22 minority-owned and women-owned cannabis-related
23 legitimate businesses.

24 (i) GAO STUDY ON DIVERSITY AND INCLUSION.—

1 (1) STUDY.—The Comptroller General of the
2 United States shall carry out a study on the barriers
3 to marketplace entry, including in the licensing proc-
4 ess, and the access to financial services for potential
5 and existing minority-owned and women-owned can-
6 nabis-related legitimate businesses.

7 (2) REPORT.—The Comptroller General shall
8 issue a report to the Congress—

9 (A) containing all findings and determina-
10 tions made in carrying out the study required
11 under paragraph (1); and

12 (B) containing any regulatory or legislative
13 recommendations for removing barriers to mar-
14 ketplace entry, including in the licensing proc-
15 ess, and expanding access to financial services
16 for potential and existing minority-owned and
17 women-owned cannabis-related legitimate busi-
18 nesses.

19 (j) GAO STUDY ON EFFECTIVENESS OF CERTAIN
20 REPORTS ON FINDING CERTAIN PERSONS.—Not later
21 than 2 years after the date of the enactment of this Act,
22 the Comptroller General of the United States shall carry
23 out a study on the effectiveness of reports on suspicious
24 transactions filed pursuant to section 5318(g) of title 31,
25 United States Code, at finding individuals or organiza-

1 tions suspected or known to be engaged with transnational
2 criminal organizations and whether any such engagement
3 exists in a State, political subdivision, or Indian Tribe that
4 has jurisdiction over Indian country that allows the cul-
5 tivation, production, manufacture, sale, transportation,
6 display, dispensing, distribution, or purchase of cannabis.
7 The study shall examine reports on suspicious trans-
8 actions as follows:

9 (1) During the period of 2014 until the date of
10 the enactment of this Act, reports relating to mari-
11 juana-related businesses.

12 (2) During the 1-year period after date of the
13 enactment of this Act, reports relating to cannabis-
14 related legitimate businesses.

15 (k) BANKING SERVICES FOR HEMP BUSINESSES.—

16 (1) FINDINGS.—The Congress finds that—

17 (A) the Agriculture Improvement Act of
18 2018 (Public Law 115–334) legalized hemp by
19 removing it from the definition of “marihuana”
20 under the Controlled Substances Act;

21 (B) despite the legalization of hemp, some
22 hemp businesses (including producers, manufac-
23 turers, and retailers) continue to have difficulty
24 gaining access to banking products and serv-
25 ices; and

1 (C) businesses involved in the sale of
2 hemp-derived cannabidiol (“CBD”) products
3 are particularly affected, due to confusion about
4 their legal status.

5 (2) FEDERAL BANKING REGULATOR HEMP
6 BANKING GUIDANCE.—Not later than the end of the
7 90-day period beginning on the date of enactment of
8 this Act, the Federal banking regulators shall jointly
9 issue guidance to financial institutions—

10 (A) confirming the legality of hemp, hemp-
11 derived CBD products, and other hemp-derived
12 cannabinoid products, and the legality of engag-
13 ing in financial services with businesses selling
14 hemp, hemp-derived CBD products, and other
15 hemp-derived cannabinoid products, after the
16 enactment of the Agriculture Improvement Act
17 of 2018; and

18 (B) to provide recommended best practices
19 for financial institutions to follow when pro-
20 viding financial services and merchant proc-
21 essing services to businesses involved in the sale
22 of hemp, hemp-derived CBD products, and
23 other hemp-derived cannabinoid products.

1 (3) FINANCIAL INSTITUTION DEFINED.—In this
2 section, the term “financial institution” means any
3 person providing financial services.

4 (1) APPLICATION OF SAFE HARBORS TO HEMP AND
5 CBD PRODUCTS.—

6 (1) IN GENERAL.—Except as provided under
7 paragraph (2), the provisions of this section (other
8 than subsections (f) and (j)) shall apply to hemp (in-
9 cluding hemp-derived cannabidiol and other hemp-
10 derived cannabinoid products) in the same manner
11 as such provisions apply to cannabis.

12 (2) RULE OF APPLICATION.—In applying the
13 provisions of this section described under paragraph
14 (1) to hemp, the definition of “cannabis-related le-
15 gitimate business” shall be treated as excluding any
16 requirement to engage in activity pursuant to the
17 law of a State or political subdivision thereof.

18 (3) HEMP DEFINED.—In this subsection, the
19 term “hemp” has the meaning given that term
20 under section 297A of the Agricultural Marketing
21 Act of 1946 (7 U.S.C. 1639o).

22 (m) REQUIREMENTS FOR DEPOSIT ACCOUNT TERMI-
23 NATION REQUESTS AND ORDERS.—

24 (1) TERMINATION REQUESTS OR ORDERS MUST
25 BE VALID.—

1 (A) IN GENERAL.—An appropriate Federal
2 banking agency may not formally or informally
3 request or order a depository institution to ter-
4minate a specific customer account or group of
5 customer accounts or to otherwise restrict or
6 discourage a depository institution from enter-
7ing into or maintaining a banking relationship
8 with a specific customer or group of customers
9 unless—

10 (i) the agency has a valid reason for
11 such request or order; and

12 (ii) such reason is not based solely on
13 reputation risk.

14 (B) TREATMENT OF NATIONAL SECURITY
15 THREATS.—If an appropriate Federal banking
16 agency believes a specific customer or group of
17 customers is, or is acting as a conduit for, an
18 entity which—

19 (i) poses a threat to national security;

20 (ii) is involved in terrorist financing;

21 (iii) is an agency of the Government
22 of Iran, North Korea, Syria, or any coun-
23 try listed from time to time on the State
24 Sponsors of Terrorism list;

1 (iv) is located in, or is subject to the
2 jurisdiction of, any country specified in
3 clause (iii); or

4 (v) does business with any entity de-
5 scribed in clause (iii) or (iv), unless the ap-
6 propriate Federal banking agency deter-
7 mines that the customer or group of cus-
8 tomers has used due diligence to avoid
9 doing business with any entity described in
10 clause (iii) or (iv),

11 such belief shall satisfy the requirement under
12 subparagraph (A).

13 (2) NOTICE REQUIREMENT.—

14 (A) IN GENERAL.—If an appropriate Fed-
15 eral banking agency formally or informally re-
16 quests or orders a depository institution to ter-
17 minate a specific customer account or a group
18 of customer accounts, the agency shall—

19 (i) provide such request or order to
20 the institution in writing; and

21 (ii) accompany such request or order
22 with a written justification for why such
23 termination is needed, including any spe-
24 cific laws or regulations the agency believes

1 are being violated by the customer or
2 group of customers, if any.

3 (B) JUSTIFICATION REQUIREMENT.—A
4 justification described under subparagraph
5 (A)(ii) may not be based solely on the reputa-
6 tion risk to the depository institution.

7 (3) CUSTOMER NOTICE.—

8 (A) NOTICE REQUIRED.—Except as pro-
9 vided under subparagraph (B) or as otherwise
10 prohibited from being disclosed by law, if an ap-
11 propriate Federal banking agency orders a de-
12 pository institution to terminate a specific cus-
13 tomer account or a group of customer accounts,
14 the depository institution shall inform the spe-
15 cific customer or group of customers of the jus-
16 tification for the customer's account termi-
17 nation described under paragraph (2).

18 (B) NOTICE PROHIBITED.—

19 (i) NOTICE PROHIBITED IN CASES OF
20 NATIONAL SECURITY.—If an appropriate
21 Federal banking agency requests or orders
22 a depository institution to terminate a spe-
23 cific customer account or a group of cus-
24 tomer accounts based on a belief that the
25 customer or customers pose a threat to na-

1 tional security, or are otherwise described
2 under subsection (a)(2), neither the deposi-
3 tory institution nor the appropriate Fed-
4 eral banking agency may inform the cus-
5 tomer or customers of the justification for
6 the customer's account termination.

7 (ii) NOTICE PROHIBITED IN OTHER
8 CASES.—If an appropriate Federal banking
9 agency determines that the notice required
10 under subparagraph (A) may interfere
11 with an authorized criminal investigation,
12 neither the depository institution nor the
13 appropriate Federal banking agency may
14 inform the specific customer or group of
15 customers of the justification for the cus-
16 tomer's account termination.

17 (4) REPORTING REQUIREMENT.—Each appro-
18 priate Federal banking agency shall issue an annual
19 report to the Congress stating—

20 (A) the aggregate number of specific cus-
21 tomer accounts that the agency requested or or-
22 dered a depository institution to terminate dur-
23 ing the previous year; and

24 (B) the legal authority on which the agen-
25 cy relied in making such requests and orders

1 and the frequency on which the agency relied
2 on each such authority.

3 (5) DEFINITIONS.—For purposes of this sub-
4 section:

5 (A) APPROPRIATE FEDERAL BANKING
6 AGENCY.—The term “appropriate Federal
7 banking agency” means—

8 (i) the appropriate Federal banking
9 agency, as defined under section 3 of the
10 Federal Deposit Insurance Act (12 U.S.C.
11 1813); and

12 (ii) the National Credit Union Admin-
13 istration, in the case of an insured credit
14 union.

15 (B) DEPOSITORY INSTITUTION.—The term
16 “depository institution” means—

17 (i) a depository institution, as defined
18 under section 3 of the Federal Deposit In-
19 surance Act (12 U.S.C. 1813); and

20 (ii) an insured credit union.

21 (n) DEFINITIONS.—In this section:

22 (1) BUSINESS OF INSURANCE.—The term
23 “business of insurance” has the meaning given such
24 term in section 1002 of the Dodd-Frank Wall Street

1 Reform and Consumer Protection Act (12 U.S.C.
2 5481).

3 (2) CANNABIS.—The term “cannabis” has the
4 meaning given the term “marihuana” in section 102
5 of the Controlled Substances Act (21 U.S.C. 802).

6 (3) CANNABIS PRODUCT.—The term “cannabis
7 product” means any article which contains cannabis,
8 including an article which is a concentrate, an edi-
9 ble, a tincture, a cannabis-infused product, or a top-
10 ical.

11 (4) CANNABIS-RELATED LEGITIMATE BUSI-
12 NESS.—The term “cannabis-related legitimate busi-
13 ness” means a manufacturer, producer, or any per-
14 son or company that—

15 (A) engages in any activity described in
16 subparagraph (B) pursuant to a law established
17 by a State or a political subdivision of a State,
18 as determined by such State or political subdivi-
19 sion; and

20 (B) participates in any business or orga-
21 nized activity that involves handling cannabis or
22 cannabis products, including cultivating, pro-
23 ducing, manufacturing, selling, transporting,
24 displaying, dispensing, distributing, or pur-
25 chasing cannabis or cannabis products.

1 (5) DEPOSITORY INSTITUTION.—The term “de-
2 pository institution” means—

3 (A) a depository institution as defined in
4 section 3(c) of the Federal Deposit Insurance
5 Act (12 U.S.C. 1813(c));

6 (B) a Federal credit union as defined in
7 section 101 of the Federal Credit Union Act
8 (12 U.S.C. 1752); or

9 (C) a State credit union as defined in sec-
10 tion 101 of the Federal Credit Union Act (12
11 U.S.C. 1752).

12 (6) FEDERAL BANKING REGULATOR.—The
13 term “Federal banking regulator” means each of the
14 Board of Governors of the Federal Reserve System,
15 the Bureau of Consumer Financial Protection, the
16 Federal Deposit Insurance Corporation, the Federal
17 Housing Finance Agency, the Financial Crimes En-
18 forcement Network, the Office of Foreign Asset
19 Control, the Office of the Comptroller of the Cur-
20 rency, the National Credit Union Administration,
21 the Department of the Treasury, or any Federal
22 agency or department that regulates banking or fi-
23 nancial services, as determined by the Secretary of
24 the Treasury.

1 (7) FINANCIAL SERVICE.—The term “financial
2 service”—

3 (A) means a financial product or service,
4 as defined in section 1002 of the Dodd-Frank
5 Wall Street Reform and Consumer Protection
6 Act (12 U.S.C. 5481);

7 (B) includes the business of insurance;

8 (C) includes, whether performed directly or
9 indirectly, the authorizing, processing, clearing,
10 settling, billing, transferring for deposit, trans-
11 mitting, delivering, instructing to be delivered,
12 reconciling, collecting, or otherwise effectuating
13 or facilitating of payments or funds, where such
14 payments or funds are made or transferred by
15 any means, including by the use of credit cards,
16 debit cards, other payment cards, or other ac-
17 cess devices, accounts, original or substitute
18 checks, or electronic funds transfers;

19 (D) includes acting as a money transmit-
20 ting business which directly or indirectly makes
21 use of a depository institution in connection
22 with effectuating or facilitating a payment for
23 a cannabis-related legitimate business or service
24 provider in compliance with section 5330 of

1 title 31, United States Code, and any applicable
2 State law; and

3 (E) includes acting as an armored car
4 service for processing and depositing with a de-
5 pository institution or a Federal reserve bank
6 with respect to any monetary instruments (as
7 defined under section 1956(c)(5) of title 18,
8 United States Code.

9 (8) INDIAN COUNTRY.—The term “Indian coun-
10 try” has the meaning given that term in section
11 1151 of title 18.

12 (9) INDIAN TRIBE.—The term “Indian Tribe”
13 has the meaning given that term in section 102 of
14 the Federally Recognized Indian Tribe List Act of
15 1994 (25 U.S.C. 479a).

16 (10) INSURER.—The term “insurer” has the
17 meaning given that term under section 313(r) of
18 title 31, United States Code.

19 (11) MANUFACTURER.—The term “manufac-
20 turer” means a person who manufactures, com-
21 pounds, converts, processes, prepares, or packages
22 cannabis or cannabis products.

23 (12) PRODUCER.—The term “producer” means
24 a person who plants, cultivates, harvests, or in any
25 way facilitates the natural growth of cannabis.

1 (13) SERVICE PROVIDER.—The term “service
2 provider”—

3 (A) means a business, organization, or
4 other person that—

5 (i) sells goods or services to a can-
6 nabis-related legitimate business; or

7 (ii) provides any business services, in-
8 cluding the sale or lease of real or any
9 other property, legal or other licensed serv-
10 ices, or any other ancillary service, relating
11 to cannabis; and

12 (B) does not include a business, organiza-
13 tion, or other person that participates in any
14 business or organized activity that involves han-
15 dling cannabis or cannabis products, including
16 cultivating, producing, manufacturing, selling,
17 transporting, displaying, dispensing, distrib-
18 uting, or purchasing cannabis or cannabis prod-
19 ucts.

20 (14) STATE.—The term “State” means each of
21 the several States, the District of Columbia, Puerto
22 Rico, and any territory or possession of the United
23 States.

24 (o) DISCRETIONARY SURPLUS FUNDS.—Section
25 7(a)(3)(A) of the Federal Reserve Act (12 U.S.C.

1 289(a)(3)(A)) is amended by striking “\$6,825,000,000”
2 and inserting “\$6,821,000,000”.

3 **SEC. 607. SUPPORT FOR RESTAURANTS.**

4 (a) **SHORT TITLE.**—This section may be cited as the
5 “Real Economic Support That Acknowledges Unique Res-
6 taurant Assistance Needed To Survive Act of 2020” or
7 the “RESTAURANTS Act of 2020”.

8 (b) **DEFINITIONS.**—In this section:

9 (1) **COVERED PERIOD.**—The term “covered pe-
10 riod” means the period beginning on February 15,
11 2020, and ending on June 30, 2021.

12 (2) **ELIGIBLE ENTITY.**—The term “eligible enti-
13 ty”—

14 (A) means a restaurant, food stand, food
15 truck, food cart, caterer, saloon, inn, tavern,
16 bar, lounge, brewpub, tasting room, taproom, li-
17 censed facility, or premise of a beverage alcohol
18 producer where the public may taste, sample or
19 purchase products, or other similar place of
20 business—

21 (i) in which the public or patrons as-
22 semble for the primary purpose of being
23 served food or drink; and

24 (ii) that, as of March 13, 2020, is not
25 part of a chain or franchise with more

1 than 20 locations doing business under the
2 same name, regardless of the type of own-
3 ership of the locations;

4 (B) means an entity that is located in an
5 airport terminal and that, as of March 13,
6 2020, sold any food and beverage, if, as of
7 March 13, 2020, the entity is not part of a
8 chain or franchise with more than 20 locations
9 doing business under the same name, regardless
10 of the type of ownership of the locations; and

11 (C) does not include an entity described in
12 subparagraph (A) or (B) that is—

13 (i) publicly-traded, including a sub-
14 sidiary or affiliate thereof; or

15 (ii) part of a State or local govern-
16 ment facility, not including an airport.

17 (3) FUND.—The term “Fund” means the Res-
18 taurant Revitalization Fund established under sec-
19 tion subsection (c).

20 (4) IMMEDIATE FAMILY MEMBER.—With re-
21 spect to an individual, the term “immediate family
22 member” means any parent or child of the indi-
23 vidual.

24 (5) PAYROLL COSTS.—The term “payroll costs”
25 has the meaning given the term in section

1 7(a)(36)(A) of the Small Business Act (15 U.S.C.
2 636(a)(36)(A)).

3 (6) SECRETARY.—The term “Secretary” means
4 the Secretary of the Treasury.

5 (c) ESTABLISHMENT OF A RESTAURANT REVITAL-
6 IZATION FUND.—

7 (1) IN GENERAL.—There is established in the
8 Treasury of the United States a fund to be known
9 as the Restaurant Revitalization Fund.

10 (2) APPROPRIATIONS.—

11 (A) IN GENERAL.—There is appropriated
12 to the Fund, out of amounts in the Treasury
13 not otherwise appropriated, \$120,000,000,000,
14 to remain available until June 30, 2021.

15 (B) REMAINDER TO TREASURY.—Any
16 amounts remaining in the Fund after June 30,
17 2021 shall be deposited in the general fund of
18 the Treasury.

19 (3) USE OF FUNDS.—The Secretary shall use
20 amounts in the Fund to make grants described in
21 section subsection (d).

22 (d) RESTAURANT REVITALIZATION GRANTS.—

23 (1) IN GENERAL.—The Secretary shall award
24 grants to eligible entities in the order in which the
25 application is received by the Secretary.

1 (2) REGISTRATION.—The Secretary shall reg-
2 ister each grant awarded under this subsection using
3 the employer identification number of the eligible en-
4 tity.

5 (3) APPLICATION.—

6 (A) IN GENERAL.—An eligible entity desir-
7 ing a grant under this subsection shall submit
8 to the Secretary an application at such time, in
9 such manner, and containing such information
10 as the Secretary may require.

11 (B) CERTIFICATION.—An eligible entity
12 applying for a grant under this subsection shall
13 make a good faith certification—

14 (i) that the uncertainty of current eco-
15 nomic conditions makes necessary the
16 grant request to support the ongoing oper-
17 ations of the eligible entity;

18 (ii) acknowledging that funds will be
19 used to retain workers, for payroll costs,
20 and for other allowable expenses described
21 in paragraph (5) and not for any other
22 purposes;

23 (iii) that the eligible entity does not
24 have an application pending for a grant
25 under subsection (a)(36) or (b)(2) of sec-

tion 7 of the Small Business Act (15 U.S.C. 636) for the same purpose and that is duplicative of amounts applied for or received under this section; and

(iv) during the covered period, that the eligible entity has not received amounts under subsection (a)(36) or (b)(2) of section 7 of the Small Business Act (15 U.S.C. 636) for the same purpose and that is duplicative of amounts applied for or received under this section.

(C) HOLD HARMLESS.—An eligible entity applying for a grant under this subsection shall not be ineligible for a grant if the eligible entity is able to document—

(i) an inability to rehire individuals who were employees of the eligible entity on February 15, 2020; and

(ii) an inability to hire similarly qualified employees for unfilled positions on or before June 30, 2021.

(4) PRIORITY IN AWARDING GRANTS.—During the initial 14-day period in which the Secretary awards grants under this subsection, the Secretary shall—

1 (A) prioritize awarding grants to
2 marginalized and underrepresented commu-
3 nities, with a focus on women- and minority-
4 owned, and women- and minority-operated eligi-
5 ble entities; and

6 (B) only award grants to eligible entities
7 with annual revenues of less than \$1,500,000.

8 (5) GRANT AMOUNT.—

9 (A) DETERMINATION OF GRANT
10 AMOUNT.—

11 (i) IN GENERAL.—The amount of a
12 grant made to an eligible entity under this
13 subsection shall be equal to—

14 (I) the sum of the revenues or es-
15 timated revenues of the eligible entity
16 during each calendar quarter in 2020
17 subtracted from the sum of such reve-
18 nues during the same calendar quar-
19 ter in 2019, if such sum is greater
20 than zero; and

21 (II) if applicable, the additional
22 amount required to pay for sick leave
23 described under clause (ii).

24 (ii) SICK LEAVE.—An eligible entity
25 applying for a grant under this section—

1 (I) may request an additional
2 grant amount based on the amount
3 required to provide 10 days of paid
4 sick leave to each employee of the en-
5 tity to—

6 (aa) care for themselves or
7 an immediate family member who
8 is ill; or

9 (bb) provide care for chil-
10 dren when schools or childcare
11 providers are shut down due to
12 COVID-19; and

13 (II) shall, if provided a grant
14 under this section that includes an ad-
15 ditional amount for sick leave de-
16 scribed under subclause (I), provide
17 each employee of the entity with such
18 10 days of paid sick leave.

19 (iii) VERIFICATION.—An eligible enti-
20 ty shall submit to the Secretary such rev-
21 enue verification documentation as the
22 Secretary may require to determine the
23 amount of a grant under clause (i).

24 (iv) REPAYMENT.—Any amount of a
25 grant made under this subsection to an eli-

1 gible entity based on estimated revenues in
2 a calendar quarter in 2020 that is greater
3 than the actual revenues of the eligible en-
4 tity during that calendar quarter shall be
5 converted to a loan that has—

6 (I) an interest rate of 1 percent;

7 and

8 (II) a maturity date of 10 years

9 beginning on January 1, 2021.

10 (B) REDUCTION BASED ON PPP FORGIVE-
11 NESS OR EIDL EMERGENCY GRANT.—If an eligi-
12 ble entity has, at the time of application for a
13 grant under this subsection, received an ad-
14 vance under section 1110(e) of the CARES Act
15 (15 U.S.C. 9009(e)) or loan forgiveness under
16 section 1106 of such Act (15 U.S.C. 9005) re-
17 lated to expenses incurred during the covered
18 period, the maximum amount of a grant award-
19 ed to the eligible entity under this subsection
20 shall be reduced by the amount of funds ex-
21 pended by or forgiven for the eligible entity for
22 those expenses using amounts received under
23 such section 1110(e) or forgiven under such
24 section 1106.

1 (C) LIMITATION.—An eligible entity may
2 not receive more than 1 grant under this sub-
3 section.

4 (6) USE OF FUNDS.—

5 (A) IN GENERAL.—During the covered pe-
6 riod, an eligible entity that receives a grant
7 under this subsection may use the grant funds
8 for—

9 (i) payroll costs;

10 (ii) payments of principal or interest
11 on any mortgage obligation;

12 (iii) rent payments, including rent
13 under a lease agreement;

14 (iv) utilities;

15 (v) maintenance, including construc-
16 tion to accommodate outdoor seating;

17 (vi) supplies, including protective
18 equipment and cleaning materials;

19 (vii) food, beverage, and operational
20 expenses that are within the scope of the
21 normal business practice of the eligible en-
22 tity before the covered period;

23 (viii) debt obligations to suppliers that
24 were incurred before the covered period;

1 (ix) costs associated with providing
2 employees with 10 days of sick leave, as
3 described under paragraph (5)(A)(ii); and

4 (x) any other expenses that the Sec-
5 retary determines to be essential to main-
6 taining the eligible entity.

7 (B) RETURNING FUNDS.—If an eligible en-
8 tity that receives a grant under this subsection
9 permanently ceases operations on or before
10 June 30, 2021, the eligible entity shall return
11 to the Treasury any funds that the eligible enti-
12 ty did not use for the allowable expenses under
13 subparagraph (A).

14 (C) CONVERSION TO LOAN.—Any grant
15 amounts received by an eligible entity under
16 this subsection that are unused after June 30,
17 2021, shall be immediately converted to a loan
18 with—

19 (i) an interest rate of 1 percent; and

20 (ii) a maturity date of 10 years.

21 (7) REGULATIONS.—Not later than 15 days
22 after the date of enactment of this Act, the Sec-
23 retary shall issue regulations to carry out this sub-
24 section without regard to the notice and comment

1 requirements under section 553 of title 5, United
2 States Code.

3 (8) APPROPRIATIONS FOR STAFFING AND AD-
4 MINISTRATIVE EXPENSES.—

5 (A) IN GENERAL.—Of the amounts pro-
6 vided by paragraph (2)(A), \$300,000,000 shall
7 be for staffing and administrative expenses re-
8 lated to administering grants awarded under
9 this subsection.

10 (B) SET ASIDE.—Of amounts provided
11 under subparagraph (A), \$60,000,000 shall be
12 allocated for outreach to traditionally
13 marginalized and underrepresented commu-
14 nities, with a focus on women, veteran, and mi-
15 nority-owned and operated eligible entities, in-
16 cluding the creation of a resource center tar-
17 geted toward these communities.

18 (e) LIMITATION WITH RESPECT TO PRIVATE
19 FUNDS.—

20 (1) IN GENERAL.—No amounts received under
21 this section may be directly or indirectly used to pay
22 distributions, dividends, consulting fees, advisory
23 fees, interest payments, or any other fees, expenses,
24 or charges to—

1 (A) a person registered as an investment
2 adviser under the Investment Advisers Act of
3 1940 who advises a private fund;

4 (B) any affiliate of such adviser;

5 (C) any executive of such adviser or affil-
6 iate; or

7 (D) any employee, consultant, or other per-
8 son with a contractual relationship to provide
9 services for or on behalf of such adviser or affil-
10 iate.

11 (2) ANTI-EVASION.—No company in which a
12 private fund holds an ownership interest that has,
13 directly or indirectly, received amounts under this
14 title may pay any distributions, dividends, consulting
15 fees, advisory fees, interest payments, or any other
16 fees, expenses, or charges in excess of 10 percent of
17 such company's net operating profits for the cal-
18 endar year ending December 31, 2020 (and for each
19 successive year until the covered period has ended
20 and all loans created under this section have been
21 repaid) to—

22 (A) a person registered as an investment
23 adviser under the Investment Advisers Act of
24 1940 who advises a private fund;

25 (B) any affiliate of such adviser;

1 (C) any executive of such adviser or affil-
2 iate; or

3 (D) any employee, consultant, or other per-
4 son with a contractual relationship to provide
5 services for or on behalf of such adviser or affil-
6 iate.

7 (3) DEFINITIONS.—In this section:

8 (A) AFFILIATE.—The term “affiliate”
9 means, with respect to a person, any other per-
10 son directly or indirectly controlling, controlled
11 by, or under direct or indirect common control
12 with such person. A person shall be deemed to
13 control another person if such person possesses,
14 directly or indirectly, the power to direct or
15 cause the direction of the management and poli-
16 cies of such other person, whether through the
17 ownership of voting securities, by contract, or
18 otherwise.

19 (B) EXECUTIVE.—The term “executive”
20 means—

21 (i) any individual who serves an exec-
22 utive or director of a person, including the
23 principal executive officer, principal finan-
24 cial officer, comptroller or principal ac-
25 counting officer; and

1 (ii) an executive officer, as defined
2 under section 230.405 of title 17, Code of
3 Federal Regulations.

4 (C) PRIVATE FIND.—The term “private
5 fund” means an issuer that would be an invest-
6 ment company, as defined in the Investment
7 Company Act of 1940 (15 U.S.C. 80a-1 et
8 seq.), but for section 3(c)(1) or 3(c)(7) of that
9 Act.

10 (f) DEMOGRAPHIC DATA AND TRANSPARENCY.—

11 (1) DEMOGRAPHIC DATA.—In establishing an
12 application process for carrying out this section, the
13 Secretary shall include a voluntary request for cer-
14 tain demographic data with respect to the majority
15 ownership of eligible entities, including race, eth-
16 nicity, gender, and veteran-status.

17 (2) MONTHLY REPORTS.—Not later than the
18 end of the first month in which initial grants are
19 disbursed under this section, and every month there-
20 after until the date on which the last grant has been
21 disbursed under this section, the Secretary shall sub-
22 mit to the Committee on Financial Services of the
23 House of Representatives and the Committee on
24 Banking, Housing, and Urban Affairs of the Senate
25 a report providing the number and dollar amount of

1 grants approved for or disbursed to all eligible enti-
2 ties, including a list of eligible entities with the
3 grant amount they received, and a breakout of the
4 number and dollar of grants by State, congressional
5 district, demographics (including race, ethnicity,
6 gender, and veteran-status), and business type.

7 (3) QUARTERLY REPORTS.— Beginning on Jan-
8 uary 1, 2021, and every subsequent quarter until
9 the last grant that was converted to a loan under
10 this section is repaid, the Secretary shall submit to
11 the Committee on Financial Services of the House of
12 Representatives and the Committee on Banking,
13 Housing, and Urban Affairs of the Senate a report
14 on the number and dollar amount of grants ap-
15 proved for or disbursed to all eligible entities, includ-
16 ing a breakout of grants by State, congressional dis-
17 trict, demographics (including race, ethnicity, gen-
18 der, and veteran-status), and business type, as well
19 as the number and dollar amount of grants that con-
20 verted to loans under this section, including a break-
21 out of outstanding loans by State, congressional dis-
22 trict, demographics (including race, ethnicity, gen-
23 der, and veteran-status), and business type.

24 (4) DATA TRANSPARENCY.—Not later than 30
25 days after the date of enactment of this Act, the

1 Secretary shall make available on a publicly available
 2 website in a standardized and downloadable format,
 3 and update on a monthly basis, any data contained
 4 in a report submitted under this section.

5 **SEC. 608. CODIFICATION OF THE MINORITY BUSINESS DE-**
 6 **VELOPMENT ADMINISTRATION.**

7 (a) DEFINITIONS.—In this section:

8 (1) ADMINISTRATION.—The term “Administra-
 9 tion” means the Minority Business Development Ad-
 10 ministration.

11 (2) ADMINISTRATOR.—The term “Adminis-
 12 trator” means the Administrator of the Minority
 13 Business Development Administration.

14 (3) COVERED ENTITY.—The term “covered en-
 15 tity” means a private nonprofit organization that—

16 (A) is described in section 501(c)(3) of the
 17 Internal Revenue Code of 1986 and exempt
 18 from tax under section 501(a) of such Code;

19 (B) can demonstrate to the Administration
 20 that—

21 (i) the primary mission of the organi-
 22 zation is to provide services to minority
 23 business enterprises, whether through edu-
 24 cation, making grants, or other similar ac-
 25 tivities; and

1 (ii) the organization is unable to pay
2 financial obligations incurred by the orga-
3 nization, including payroll obligations; and
4 (C) due to the effects of COVID–19, is un-
5 able to engage in the same level of fundraising
6 in the year in which this Act is enacted, as
7 compared with the year preceding the year in
8 which this Act is enacted, including through
9 events or the collection of fees.

10 (4) MINORITY.—The term “minority” has the
11 meaning given the term in section 308(b) of the Fi-
12 nancial Institutions Reform, Recovery, and Enforce-
13 ment Act of 1989 and includes any indigenous per-
14 son in the United States or the territories of the
15 United States.

16 (5) MINORITY BUSINESS DEVELOPMENT CEN-
17 TER.—The term “minority business development
18 center” means a Business Center of the Administra-
19 tion, including its Specialty Center Program.

20 (6) MINORITY BUSINESS ENTERPRISE.—The
21 term “minority business enterprise” means a for-
22 profit business enterprise—

23 (A) that is not less than 51 percent-owned
24 by 1 or more minority individuals; and

1 (B) the management and daily business
2 operations of which are controlled by 1 or more
3 minority individuals.

4 (b) MINORITY BUSINESS DEVELOPMENT ADMINIS-
5 TRATION.—

6 (1) ESTABLISHMENT.—

7 (A) IN GENERAL.—The Minority Business
8 Development Administration is hereby estab-
9 lished.

10 (B) TRANSFER OF FUNCTIONS.—All func-
11 tions that, immediately before the date of enact-
12 ment of this Act, were functions of the Minority
13 Business Development Agency of the Depart-
14 ment of Commerce shall be functions of the Ad-
15 ministration.

16 (C) TRANSFER OF ASSETS.—So much of
17 the personnel, property, records, and unex-
18 pended balances of appropriations, allocations,
19 and other funds employed, used, held, available,
20 or to be made available in connection with a
21 function transferred under subparagraph (B)
22 shall be available to the Administration for use
23 in connection with the functions transferred.

24 (D) REFERENCES.—Any reference in any
25 other Federal law, Executive order, rule, regula-

tion, or delegation of authority, or any document of or pertaining to the Minority Business Development Agency of the Department of Commerce is deemed to refer to the Administration.

(2) ADMINISTRATOR.—

(A) APPOINTMENT AND DUTIES.—The Administration shall be headed by an Administrator, who shall be—

(i) appointed by the President, by and with the advice and consent of the Senate; and

(ii) except as otherwise expressly provided, responsible for the administration of this Act.

(B) COMPENSATION.—The Administrator shall be compensated at an annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code.

(C) TRANSITION PERIOD.—The individual serving as the Director of the Minority Business Development Agency on the day before the date of enactment of this Act shall serve as the Administrator of the Administration until such

1 time as the first Administrator is confirmed by
2 the Senate pursuant to subparagraph (A).

3 (3) REPORT TO CONGRESS.—Not later than
4 120 days after the date of enactment of this Act, the
5 Administrator shall submit to Congress a report that
6 describes the organizational structure of the Admin-
7 istration.

8 (4) ADMINISTRATIVE POWERS AND OTHER POW-
9 ERS OF THE ADMINISTRATION; MISCELLANEOUS
10 PROVISIONS.—

11 (A) IN GENERAL.—In carrying out the du-
12 ties and the responsibilities of the Administra-
13 tion, the Administrator may—

14 (i) hold hearings, sit and act, and
15 take testimony as the Administrator may
16 determine to be necessary or appropriate;

17 (ii) acquire, in any lawful manner,
18 any property that the Administrator may
19 determine to be necessary or appropriate;

20 (iii) make advance payments under
21 grants, contracts, and cooperative agree-
22 ments awarded by the Administration;

23 (iv) enter into agreements with other
24 Federal agencies;

1 (v) coordinate with the heads of the
2 Offices of Small and Disadvantaged Busi-
3 ness Utilization of Federal agencies;

4 (vi) require a coordinated review of all
5 training and technical assistance activities
6 that are proposed to be carried out by
7 Federal agencies in direct support of the
8 development of minority business enter-
9 prises to—

10 (I) assure consistency with the
11 purposes of this Act; and

12 (II) avoid duplication of existing
13 efforts; and

14 (vii) prescribe such rules, regulations,
15 and procedures as the Administration may
16 determine to be necessary or appropriate.

17 (B) EMPLOYMENT OF CERTAIN EXPERTS
18 AND CONSULTANTS.—

19 (i) IN GENERAL.—The Administrator
20 may employ experts and consultants or or-
21 ganizations that are composed of experts
22 or consultants, as authorized under section
23 3109 of title 5, United States Code.

24 (ii) RENEWAL OF CONTRACTS.—The
25 Administrator may annually renew a con-

1 tract for employment of an individual em-
2 ployed under clause (i).

3 (C) DONATION OF PROPERTY.—

4 (i) IN GENERAL.—Subject to clause
5 (ii), the Administrator may, without cost
6 (except for costs of care and handling), do-
7 nate for use by any public sector entity, or
8 by any recipient nonprofit organization, for
9 the purpose of the development of minority
10 business enterprises, any real or tangible
11 personal property acquired by the Adminis-
12 tration.

13 (ii) TERMS, CONDITIONS, RESERVA-
14 TIONS, AND RESTRICTIONS.—The Adminis-
15 trator may impose reasonable terms, condi-
16 tions, reservations, and restrictions upon
17 the use of any property donated under
18 clause (i).

19 (c) EMERGENCY GRANTS TO NON-PROFITS THAT
20 SUPPORT MINORITY BUSINESS ENTERPRISES.—

21 (1) ESTABLISHMENT.—Not later than 15 days
22 after the date of enactment of this Act, the Adminis-
23 tration shall establish a grant program for covered
24 entities—

1 (A) in order to help those covered entities
2 continue the necessary work of supporting mi-
3 nority business enterprises; and

4 (B) under which the Administration shall
5 make grants to covered entities as expeditiously
6 as possible.

7 (2) APPLICATION.—

8 (A) IN GENERAL.—A covered entity desir-
9 ing a grant under this subsection shall submit
10 to the Administration an application at such
11 time, in such manner, and containing such in-
12 formation as the Administration may require.

13 (B) PRIORITY.—The Administration
14 shall—

15 (i) establish selection criteria to en-
16 sure that, if the amounts made available to
17 carry out this subsection are not sufficient
18 to make a grant under this subsection to
19 every covered entity that submits an appli-
20 cation under subparagraph (A), the cov-
21 ered entities that are the most severely af-
22 fected by the effects of COVID–19 receive
23 priority with respect to those grants; and

24 (ii) give priority with respect to the
25 grants made under this subsection to a

1 covered entity that proposes to use the
2 grant funds for—

3 (I) providing paid sick leave to
4 employees of the covered entity who
5 are unable to work due to the direct
6 effects of COVID–19;

7 (II) continuing to make payroll
8 payments in order to retain employees
9 of the covered entity during an eco-
10 nomic disruption with respect to
11 COVID–19;

12 (III) making rent or mortgage
13 payments with respect to obligations
14 of the covered entity; or

15 (IV) repaying non-Federal obliga-
16 tions that the covered entity cannot
17 satisfy because of revenue losses that
18 are attributable to the effects of
19 COVID–19.

20 (3) AMOUNT OF GRANT.—

21 (A) IN GENERAL.—A grant made under
22 this subsection shall be in an amount that is
23 not more than \$500,000.

1 (B) SINGLE AWARD.—No covered entity
2 may receive, or directly benefit from, more than
3 1 grant made under this subsection.

4 (4) USE OF FUNDS.—A covered entity that re-
5 ceives a grant under this subsection may use the
6 grant funds to address the effects of COVID–19 on
7 the covered entity, including by making payroll pay-
8 ments, making a transition to the provision of online
9 services, and addressing issues raised by an inability
10 to raise funds.

11 (5) PROCEDURES.—The Administration shall
12 establish procedures to discourage and prevent
13 waste, fraud, and abuse by applicants for, and re-
14 cipients of, grants made under this subsection.

15 (6) NON-DUPLICATION.—The Administration
16 shall ensure that covered entities do not receive
17 grants under both this subsection and section 1108
18 of the CARES Act.

19 (7) GAO AUDIT.—Not later than 180 days
20 after the date on which the Administration begins
21 making grants under this subsection, the Comp-
22 troller General of the United States shall—

23 (A) conduct an audit of grants made under
24 this subsection, which shall seek to identify any

1 discrepancies or irregularities with respect to
2 the grants; and

3 (B) submit to Congress a report regarding
4 the audit conducted under subparagraph (A).

5 (8) UPDATES TO CONGRESS.—Not later than
6 30 days after the date of enactment of this Act, and
7 once every 30 days thereafter until the date de-
8 scribed in paragraph (11), the Administrator shall
9 submit to Congress a report that contains—

10 (A) the number of grants made under this
11 subsection during the period covered by the re-
12 port; and

13 (B) with respect to the grants described in
14 subparagraph (A), the geographic distribution
15 of those grants by State and county.

16 (9) TERMINATION.—The authority to make
17 grants under this subsection shall terminate on Sep-
18 tember 30, 2021.

19 (d) OUTREACH TO BUSINESS CENTERS.—

20 (1) IN GENERAL.—Not later than 10 days after
21 the date of enactment of this Act, the Administra-
22 tion shall conduct outreach to the business center
23 network of the Administration to provide guidance
24 to those centers regarding other Federal programs
25 that are available to provide support to minority

1 business enterprises, including programs at the De-
2 partment of the Treasury, the Small Business Ad-
3 ministration, and the Economic Development Ad-
4 ministration of the Department of Commerce.

5 (2) OUTREACH TO NATIVE COMMUNITIES.—

6 (A) IN GENERAL.—In carrying out this
7 subsection, the Administration shall ensure that
8 outreach is conducted in American Indian,
9 Alaska Native, and Native Hawaiian commu-
10 nities.

11 (B) DIRECT OUTREACH TO CERTAIN MI-
12 NORITY BUSINESS ENTERPRISES.—If the Ad-
13 ministrator determines that a particular Amer-
14 ican Indian, Alaska Native, or Native Hawaiian
15 community does not receive sufficient grant
16 amounts under subsection (c) or section 1108
17 of the CARES Act, the Administrator shall
18 carry out additional outreach directly to minor-
19 ity business enterprises located in that commu-
20 nity to provide guidance regarding Federal pro-
21 grams that are available to provide support to
22 minority business enterprises.

23 (3) USE OF APPROPRIATED FUNDS.—If, after
24 carrying out this subsection, there are remaining
25 funds made available to carry out this subsection

1 from the amount appropriated under subsection (e),
2 the Administration may use those remaining funds
3 to carry out other responsibilities of the Administra-
4 tion under subsection (c).

5 (e) AUTHORIZATION OF APPROPRIATIONS.—There is
6 authorized to be appropriated to the Administration, in
7 additional to any other amounts so authorized, for the fis-
8 cal year ending September 30, 2020, to remain available
9 until September 30, 2021, \$60,000,000, of which—

10 (1) \$10,000,000 are authorized for carrying out
11 subsection (c);

12 (2) \$5,000,000 are authorized for carrying out
13 subsection (d); and

14 (3) \$10,000,000 are authorized to be allocated
15 to the White House Initiative on Asian Americans
16 and Pacific Islanders.

17 (f) AUDITS.—

18 (1) RECORDKEEPING REQUIREMENT.—Each re-
19 cipient of assistance under this section shall keep
20 such records as the Administrator shall prescribe,
21 including records that fully disclose, with respect to
22 the assistance received by the recipient under this
23 section—

24 (A) the amount and nature of that assist-
25 ance;

1 (B) the disposition by the recipient of the
2 proceeds of that assistance;

3 (C) the total cost of the undertaking for
4 which the assistance is given or used;

5 (D) the amount and nature of the portion
6 of the cost of the undertaking described in sub-
7 paragraph (C) that is supplied by a source
8 other than the Administration; and

9 (E) any other records that will facilitate an
10 effective audit of the assistance.

11 (2) ACCESS BY GOVERNMENT OFFICIALS.—The
12 Administrator and the Comptroller General of the
13 United States shall have access, for the purpose of
14 audit, investigation, and examination, to any book,
15 document, paper, record, or other material of a re-
16 cipient of assistance.

17 (g) REVIEW AND REPORT BY COMPTROLLER GEN-
18 ERAL.—Not later than 4 years after the date of enactment
19 of this Act, the Comptroller General of the United States
20 shall—

21 (1) conduct a thorough review of the programs
22 carried out under this section; and

23 (2) submit to Congress a detailed report of the
24 findings of the Comptroller General under the review

1 carried out under paragraph (1), which shall in-
2 clude—

3 (A) an evaluation of the effectiveness of
4 the programs in achieving the purposes of this
5 section;

6 (B) a description of any failure by any re-
7 cipient of assistance under this section to com-
8 ply with the requirements under this section;
9 and

10 (C) recommendations for any legislative or
11 administrative action that should be taken to
12 improve the achievement of the purposes of this
13 section.

14 (h) ANNUAL REPORTS; RECOMMENDATIONS.—

15 (1) ANNUAL REPORT.—Not later than 90 days
16 after the last day of each fiscal year, the Adminis-
17 trator shall submit to Congress, and publish on the
18 website of the Administration, a report of each activ-
19 ity of the Administration carried out under this sec-
20 tion during the fiscal year preceding the date on
21 which the report is submitted.

22 (2) RECOMMENDATIONS.—The Administrator
23 shall periodically submit to Congress and the Presi-
24 dent recommendations for legislation or other ac-
25 tions that the Administrator determines to be nec-

1 necessary or appropriate to promote the purposes of
2 this section.

3 (i) EXECUTIVE ORDER 11625.—The powers and du-
4 ties of the Administration shall be determined—

5 (1) in accordance with this section and the re-
6 quirements of this section; and

7 (2) without regard to Executive Order 11625
8 (36 Fed. Reg. 19967; relating to prescribing addi-
9 tional arrangements for developing and coordinating
10 a national program for minority business enter-
11 prise).

12 (j) AMENDMENT TO THE FEDERAL ACQUISITION
13 STREAMLINING ACT OF 1994.—Section 7104(c) of the
14 Federal Acquisition Streamlining Act of 1994 (15 U.S.C.
15 644a(c)) is amended by striking paragraph (2) and insert-
16 ing the following:

17 “(2) The Administrator of the Minority Busi-
18 ness Development Administration.”.

19 **SEC. 609. EMERGENCY GRANTS TO MINORITY BUSINESS EN-**
20 **TERPRISES.**

21 (a) GRANTS DURING THE COVID–19 PANDEMIC.—
22 The Minority Business Development Agency shall provide
23 grants to address the needs of minority business enter-
24 prises impacted by the COVID–19 pandemic.

1 (b) RECIPIENTS.—The Agency may make grants
2 through non-profit organizations or directly to minority
3 business enterprises.

4 (c) PRIORITY AREAS.—In providing grants pursuant
5 to subsection (a), the Agency shall prioritize providing as-
6 sistance to—

7 (1) minority business enterprises that have been
8 unable to obtain loans from the Small Business Ad-
9 ministration’s Paycheck Protection Program and
10 other programs established under the CARES Act;

11 (2) minority business enterprises located in low-
12 income areas or areas that have been significantly
13 impacted by the COVID–19 pandemic; and

14 (3) minority business enterprises that do not
15 have access to capital and whose business is sub-
16 stantially impaired because of the impact of stay-at-
17 home orders implemented by State and local govern-
18 ments due to the COVID–19 pandemic.

19 (d) TERMS AND CONDITIONS.—

20 (1) IN GENERAL.—The Secretary of Commerce,
21 acting through the Minority Business Development
22 Agency, shall set such terms and conditions for the
23 grants made under this section as the Secretary de-
24 termines appropriate.

1 (2) NOTIFICATION.—No later than 15 days
2 prior to making any grants under this section, the
3 Secretary, acting through the Agency, shall provide
4 the terms and conditions for grants made under this
5 section to the Committee on Financial Services of
6 the House of Representatives and the Committee on
7 Banking, Housing, and Urban Affairs of the Senate.

8 (e) GAO OVERSIGHT.—Not later than six months
9 after the date of enactment of this Act, the Comptroller
10 General of the United States shall provide a report on the
11 effectiveness of the grants made under this section, includ-
12 ing the manner in which the Agency implemented the pri-
13 orities described in subsection (c).

14 (f) DEFINITIONS.—In this section:

15 (1) MINORITY.—The term “minority” has the
16 meaning given the term in section 308(b) of the Fi-
17 nancial Institutions Reform, Recovery, and Enforce-
18 ment Act of 1989 and includes any indigenous per-
19 son in the United States or the territories of the
20 United States.

21 (2) MINORITY BUSINESS ENTERPRISE.—The
22 term “minority business enterprise” means a for-
23 profit business enterprise—

24 (A) that is not less than 51 percent-owned
25 by 1 or more minority individuals; and

1 (B) the management and daily business
 2 operations of which are controlled by 1 or more
 3 minority individuals.

4 (g) AUTHORIZATION OF APPROPRIATIONS.—There
 5 are authorized to be appropriated \$3,000,000,000 to carry
 6 out this section. Such funds are authorized to be appro-
 7 priated to remain available until expended.

8 **TITLE VII—PROMOTING AND AD-**
 9 **VANCING COMMUNITIES OF**
 10 **COLOR THROUGH INCLUSIVE**
 11 **LENDING**

12 **SEC. 701. SHORT TITLE.**

13 This title may be cited as the “Promoting and Ad-
 14 vancing Communities of Color through Inclusive Lending
 15 Act”.

16 **SEC. 702. FINDINGS; SENSE OF CONGRESS.**

17 (a) FINDINGS.—The Congress finds the following:

18 (1) The Coronavirus 2019 (COVID–19) pan-
 19 demic and the resulting recession have led to more
 20 than 4.8 million cases and at least 157,000 deaths
 21 in the United States as of August 6, 2020; a 7.6
 22 percent increase in the unemployment rate from
 23 February to June, or approximately 12 million more
 24 persons who have lost their job; and an estimated 36

1 percent of renters and 4.1 million homeowners who
2 are struggling to pay their rent and mortgages.

3 (2) According to the Centers for Disease Con-
4 trol, “long-standing systemic health and social in-
5 equities have put some members of racial and ethnic
6 minority groups at increased risk of getting COVID-
7 19 or experiencing severe illness”.

8 (3) Minority-owned businesses are also facing
9 more difficult economic circumstances than others as
10 a result of the COVID-19 pandemic. In April 2020,
11 the Federal Reserve Bank of New York reported
12 that minority- and women-owned businesses were
13 not only more likely to show signs of limited finan-
14 cial health, but also twice as likely to be classified
15 as “at risk” or “distressed” than their non-minority
16 counterparts.

17 (4) During the Coronavirus 2019 (COVID-19)
18 pandemic, community development financial institu-
19 tions (CDFIs) and minority depository institutions
20 (MDIs) have delivered needed capital and relief to
21 underserved communities, many of which have borne
22 a disproportionate impact of the COVID-19 pan-
23 demic. Through August 8, 2020, CDFIs and MDIs
24 have provided more than \$16.4 billion in Paycheck
25 Protection Program (PPP) loans to small businesses

1 with a smaller median loan size of about \$74,000
2 compared to the overall program median loan size of
3 \$101,000.

4 (5) In addition to establishing relief funds and
5 services for local businesses and individuals experi-
6 encing loss of income, CDFIs and MDIs have pro-
7 vided mortgage forbearances, loan deferments, and
8 modifications to help address the needs of their bor-
9 rowers. CDFIs and MDIs are reaching underserved
10 communities and minority-owned businesses at a
11 critical time.

12 (6) The Community Development Financial In-
13 stitutions Fund (CDFI Fund) is an agency of the
14 U.S. Department of the Treasury and was estab-
15 lished by the Riegle Community Development and
16 Regulatory Improvement Act of 1994. The mission
17 of the CDFI Fund is “to expand economic oppor-
18 tunity for underserved people and communities by
19 supporting the growth and capacity of a national
20 network of community development lenders, inves-
21 tors, and financial service providers”. As of Sep-
22 tember 15, 2020, there were 1,137 certified CDFIs
23 in all 50 States, District of Columbia, Guam, and
24 Puerto Rico.

1 (7) Following the 2008 financial crisis and the
2 disproportionate impact the Great Recession had on
3 minority communities, the number of MDI banks fell
4 more than 30 percent over the following decade, to
5 143 as of the second quarter of 2020. Meanwhile,
6 MDI credit unions have seen similar declines, with
7 more than one-third of such institutions dis-
8 appearing since 2013.

9 (b) SENSE OF CONGRESS.—The following is the sense
10 of the Congress:

11 (1) The Department of the Treasury, Board of
12 Governors of the Federal Reserve System, Small
13 Business Administration (SBA), Office of the Comp-
14 troller of the Currency, Federal Deposit Insurance
15 Corporation, National Credit Union Administration,
16 and other Federal agencies should take steps to sup-
17 port, engage with, and utilize minority depository in-
18 stitutions and community development financial in-
19 stitutions in the near term, especially as they carry
20 out programs to respond to the COVID–19 pan-
21 demic, and the long term.

22 (2) The Board of Governors of the Federal Re-
23 serve System should, consistent with its mandates,
24 work to increase lending by minority depository in-
25 stitutions and community development financial in-

stitutions to underserved communities, and when appropriate, should work with the Department of the Treasury to increase lending by minority depository institutions and community development financial institutions to underserved communities.

(3) The Department of the Treasury and prudential regulators should establish a strategic plan identifying concrete steps that they can take to support existing minority depository institutions, as well as the formation of new minority depository institutions consistent with the goals established in the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (FIRREA) to preserve and promote minority depository institutions.

(4) Congress should increase funding and make other enhancements, including those provided by this legislation, to enhance the effectiveness of the CDFI Fund, especially reforms to support minority-owned and minority led CDFIs in times of crisis and beyond.

(5) Congress should conduct robust and ongoing oversight of the Department of the Treasury, CDFI Fund, Federal prudential regulators, SBA, and other Federal agencies to ensure they fulfill their obligations under the law as well as implement

1 this title and other laws in a manner that supports
2 and fully utilizes minority depository institutions
3 and community development financial intuitions, as
4 appropriate.

5 (6) The investments made by the Secretary of
6 the Treasury under this title and the amendments
7 made by this title should be designed to maximize
8 the benefit to low- and moderate-income and minor-
9 ity communities and contemplate losses to capital of
10 the Treasury.

11 **SEC. 703. PURPOSE.**

12 The purpose of this title is to—

13 (1) establish programs to revitalize and provide
14 long-term financial products and service availability
15 for, and provide investments in, low- and moderate-
16 income and minority communities;

17 (2) respond to the unprecedented loss of Black-
18 owned businesses and unemployment; and

19 (3) otherwise enhance the stability, safety and
20 soundness of community financial institutions that
21 support low- and moderate-income and minority
22 communities.

1 **SEC. 704. CONSIDERATIONS; REQUIREMENTS FOR CREDI-**
2 **TORS.**

3 (a) IN GENERAL.—In exercising the authorities
4 under this title and the amendments made by this title,
5 the Secretary of the Treasury shall take into consider-
6 ation—

7 (1) increasing the availability of affordable
8 credit for consumers, small businesses, and nonprofit
9 organizations, including for projects supporting af-
10 fordable housing, community-serving real estate, and
11 other projects, that provide direct benefits to low-
12 and moderate-income communities, low-income and
13 underserved individuals, and minorities;

14 (2) providing funding to minority-owned or mi-
15 nority-led eligible institutions and other eligible insti-
16 tutions that have a strong track record of serving
17 minority small businesses;

18 (3) protecting and increasing jobs in the United
19 States;

20 (4) increasing the opportunity for small busi-
21 ness, affordable housing and community develop-
22 ment in geographic areas and demographic segments
23 with poverty and high unemployment rates that ex-
24 ceed the average in the United States;

25 (5) ensuring that all low- and moderate-income
26 community financial institutions may apply to par-

1 participate in the programs established under this title
2 and the amendments made by this title, without dis-
3 crimination based on geography;

4 (6) providing transparency with respect to use
5 of funds provided under this title and the amend-
6 ments made by this title;

7 (7) promoting and engaging in financial edu-
8 cation to would-be borrowers; and

9 (8) providing funding to eligible institutions
10 that serve consumers, small businesses, and non-
11 profit organizations to support affordable housing,
12 community-serving real estate, and other projects
13 that provide direct benefits to low- and moderate-in-
14 come communities, low-income individuals, and mi-
15 norities directly affected by the COVID–19 pan-
16 demic.

17 (b) REQUIREMENT FOR CREDITORS.—Any creditor
18 participating in a program established under this title or
19 the amendments made by this title shall fully comply with
20 all applicable statutory and regulatory requirements relat-
21 ing to fair lending.

22 **SEC. 705. NEIGHBORHOOD CAPITAL INVESTMENT PRO-**
23 **GRAM.**

24 Title IV of the CARES Act (Public Law 116–136)
25 is amended—

1 (1) in section 4002 (15 U.S.C. 9041)—

2 (A) by redesignating paragraphs (7)
3 through (10) as paragraphs (9) through (12),
4 respectively; and

5 (B) by inserting after paragraph (6) the
6 following:

7 “(7) LOW- AND MODERATE-INCOME COMMU-
8 NITY FINANCIAL INSTITUTION.—The term ‘low- and
9 moderate-income community financial institution’
10 means any financial institution that is—

11 “(A) a community development financial
12 institution, as defined in section 103 of the Rie-
13 gle Community Development and Regulatory
14 Improvement Act of 1994 (12 U.S.C. 4702); or

15 “(B) a minority depository institution.

16 “(8) MINORITY DEPOSITORY INSTITUTION.—
17 The term ‘minority depository institution’—

18 “(A) has the meaning given that term
19 under section 308 of the Financial Institutions
20 Reform, Recovery, and Enforcement Act of
21 1989 (12 U.S.C. 1463 note);

22 “(B) means an entity considered to be a
23 minority depository institution by—

24 “(i) the appropriate Federal banking
25 agency (as such term is defined under sec-

1 tion 3 of the Federal Deposit Insurance
2 Act); or

3 “(ii) the National Credit Union Ad-
4 ministration, in the case of an insured
5 credit union; and

6 “(C) means an entity listed in the Federal
7 Deposit Insurance Corporation’s Minority De-
8 pository Institutions List published for the Sec-
9 ond Quarter 2020.”;

10 (2) in section 4003 (15 U.S.C. 9042), by add-
11 ing at the end the following:

12 “(i) NEIGHBORHOOD CAPITAL INVESTMENT PRO-
13 GRAM.—

14 “(1) DEFINITIONS.—In this subsection—

15 “(A) the term ‘community development fi-
16 nancial institution’ has the meaning given the
17 term in section 103 of the Riegle Community
18 Development and Regulatory Improvement Act
19 of 1994 (12 U.S.C. 4702);

20 “(B) the term ‘Fund’ means the Commu-
21 nity Development Financial Institutions Fund
22 established under section 104(a) of the Riegle
23 Community Development and Regulatory Im-
24 provement Act of 1994 (12 U.S.C. 4703(a));

1 “(C) the term ‘minority’ means any Black
2 American, Native American, Hispanic Amer-
3 ican, or Asian American;

4 “(D) the term ‘Program’ means the Neigh-
5 borhood Capital Investment Program estab-
6 lished under paragraph (2); and

7 “(E) the ‘Secretary’ means the Secretary
8 of the Treasury.

9 “(2) ESTABLISHMENT.—The Secretary of the
10 Treasury shall establish a Neighborhood Capital In-
11 vestment Program (the ‘Program’) to support the ef-
12 forts of low- and moderate-income community finan-
13 cial institutions to, among other things, provide
14 loans and forbearance for small businesses, minority-
15 owned businesses, and consumers, especially in low-
16 income and underserved communities, by providing
17 direct capital investments in low- and moderate-in-
18 come community financial institutions.

19 “(3) APPLICATION.—

20 “(A) ACCEPTANCE.—The Secretary shall
21 begin accepting applications for capital invest-
22 ments under the Program not later than the
23 end of the 30-day period beginning on the date
24 of enactment of this subsection, with priority in
25 distribution given to low- and moderate-income

1 community financial institutions that are mi-
2 nority lending institutions, as defined under
3 section 103 of the Community Development
4 Banking and Financial Institutions Act of 1994
5 (12 U.S.C. 4702).

6 “(B) REQUIREMENT TO PROVIDE A NEIGH-
7 BORHOOD INVESTMENT LENDING PLAN.—

8 “(i) IN GENERAL.—At the time that
9 an applicant submits an application to the
10 Secretary for a capital investment under
11 the Program, the applicant shall provide
12 the Secretary, along with the appropriate
13 Federal banking agency, an investment
14 and lending plan that—

15 “(I) demonstrates that not less
16 than 30 percent of the lending of the
17 applicant over the past 2 fiscal years
18 was made directly to low- and mod-
19 erate income borrowers, to borrowers
20 that create direct benefits for low- and
21 moderate-income populations, to other
22 targeted populations as defined by the
23 Fund, or any combination thereof, as
24 measured by the total number and
25 dollar amount of loans;

1 “(II) describes how the business
2 strategy and operating goals of the
3 applicant will address community de-
4 velopment needs, which includes the
5 needs of small businesses, consumers,
6 nonprofit organizations, community
7 development, and other projects pro-
8 viding direct benefits to low- and mod-
9 erate-income communities, low-income
10 individuals, and minorities within the
11 minority, rural, and urban low-income
12 and underserved areas served by the
13 applicant;

14 “(III) includes a plan to provide
15 linguistically and culturally appro-
16 priate outreach, where appropriate;

17 “(IV) includes an attestation by
18 the applicant that the applicant does
19 not own, service, or offer any financial
20 products at an annual percentage rate
21 of more than 36 percent interest, as
22 defined in section 987(i)(4) of title
23 10, United States Code, and is com-
24 pliant with State interest rate laws;
25 and

1 “(V) includes details on how the
2 applicant plans to expand or maintain
3 significant lending or investment ac-
4 tivity in low- or moderate-income mi-
5 nority communities, to historically dis-
6 advantaged borrowers, and to minori-
7 ties that have significant unmet cap-
8 ital or financial services needs.

9 “(ii) COMMUNITY DEVELOPMENT
10 LOAN FUNDS.—An applicant that is not an
11 insured community development financial
12 institution or otherwise regulated by a
13 Federal financial regulator shall submit
14 the plan described in clause (i) only to the
15 Secretary.

16 “(iii) DOCUMENTATION.—In the case
17 of an applicant that is certified as a com-
18 munity development financial institution as
19 of the date of enactment of this subsection,
20 for purposes of clause (i)(I), the Secretary
21 may rely on documentation submitted the
22 Fund as part of certification compliance
23 reporting.

24 “(4) INCENTIVES TO INCREASE LENDING AND
25 PROVIDE AFFORDABLE CREDIT.—

1 “(A) REQUIREMENTS ON PREFERRED
2 STOCK AND OTHER FINANCIAL INSTRUMENT.—

3 Any financial instrument issued to Treasury by
4 a low- and moderate-income community finan-
5 cial institution under the Program shall provide
6 the following:

7 “(i) No dividends, interest or other
8 payments shall exceed 2 percent per
9 annum.

10 “(ii) After the first 24 months from
11 the date of the capital investment under
12 the Program, annual payments may be re-
13 quired, as determined by the Secretary and
14 in accordance with this section, and ad-
15 justed downward based on the amount of
16 affordable credit provided by the low- and
17 moderate-income community financial in-
18 stitution to borrowers in minority, rural,
19 and urban low-income and underserved
20 communities.

21 “(iii) During any calendar quarter
22 after the initial 24-month period referred
23 to in clause (ii), the annual payment rate
24 of a low- and moderate-income community
25 financial institution shall be adjusted

1 downward to reflect the following schedule,
2 based on lending by the institution relative
3 to the baseline period:

4 “(I) If the institution in the most
5 recent annual period prior to the in-
6 vestment provides significant lending
7 or investment activity in low- or mod-
8 erate-income minority communities,
9 historically disadvantaged borrowers,
10 and to minorities that have significant
11 unmet capital or financial services,
12 the annual payment rate shall not ex-
13 ceed 0.5 percent per annum.

14 “(II) If the amount of lending
15 within minority, rural, and urban low-
16 income and underserved communities
17 and to low- and moderate-income bor-
18 rowers has increased dollar for dollar
19 based on the amount of the capital in-
20 vestment, the annual payment rate
21 shall not exceed 1 percent per annum.

22 “(III) If the amount of lending
23 within minority, rural, and urban low-
24 income and underserved communities
25 and to low- and moderate-income bor-

1 rowers has increased by twice the
2 amount of the capital investment, the
3 annual payment rate shall not exceed
4 0.5 percent per annum.

5 “(B) CONTINGENCY OF PAYMENTS BASED
6 ON CERTAIN FINANCIAL CRITERIA.—

7 “(i) DEFERRAL.—Any annual pay-
8 ments under this subsection shall be de-
9 ferred in any quarter or payment period if
10 any of the following is true:

11 “(I) The low- and moderate-in-
12 come community institution fails to
13 meet the Tier 1 capital ratio or simi-
14 lar ratio as determined by the Sec-
15 retary.

16 “(II) The low- and moderate-in-
17 come community financial institution
18 fails to achieve positive net income for
19 the quarter or payment period.

20 “(III) The low- and moderate-in-
21 come community financial institution
22 determines that the payment would be
23 detrimental to the financial health of
24 the institution.

1 “(ii) TESTING DURING NEXT PAY-
 2 MENT PERIOD.—Any deferred annual pay-
 3 ment under this subsection shall be tested
 4 against the metrics described in clause (i)
 5 at the beginning of the next payment pe-
 6 riod, and such payments shall continue to
 7 be deferred until the metrics described in
 8 that clause are no longer applicable.

9 “(5) RESTRICTIONS.—

10 “(A) IN GENERAL.—Each low- and mod-
 11 erate-income community financial institution
 12 may only issue financial instruments or senior
 13 preferred stock under this subsection with an
 14 aggregate principal amount that is—

15 “(i) not more than 15 percent of risk-
 16 weighted assets for an institution with as-
 17 sets of more than \$2,000,000,000;

18 “(ii) not more than 25 percent of
 19 risk-weighted assets for an institution with
 20 assets of not less than \$500,000,000 and
 21 not more than \$2,000,000,000; and

22 “(iii) not more than 30 percent of
 23 risk-weighted assets for an institution with
 24 assets of less than \$500,000,000.

1 “(B) HOLDING OF INSTRUMENTS.—Hold-
2 ing any instrument of a low- and moderate-in-
3 come community financial institution described
4 in subparagraph (A) shall not give the Treasury
5 or any successor that owns the instrument any
6 rights over the management of the institution.

7 “(C) SALE OF INTEREST.—With respect to
8 a capital investment made into a low- and mod-
9 erate-income community financial institution
10 under this subsection, the Secretary—

11 “(i) except as provided in clause (iv),
12 during the 10-year period following the in-
13 vestment, may not sell the interest of the
14 Secretary in the capital investment to a
15 third party;

16 “(ii) shall provide the low- and mod-
17 erate-income community financial institu-
18 tion a right of first refusal to buy back the
19 investment under terms that do not exceed
20 a value as determined by an independent
21 third party; and

22 “(iii) shall not sell more than a 5 per-
23 cent ownership interest in the capital in-
24 vestment to a single third party; and

1 “(iv) with the permission of the insti-
2 tution, may gift or sell the interest of the
3 Secretary in the capital investment for a
4 de minimus amount to a mission aligned
5 nonprofit affiliate of an applicant that is
6 an insured community development finan-
7 cial institution, as defined in section 103 of
8 the Riegle Community Development and
9 Regulatory Improvement Act of 1994 (12
10 U.S.C. 4702).

11 “(v) CALCULATION OF OWNERSHIP
12 FOR MINORITY DEPOSITORY INSTITU-
13 TIONS.—The calculation and determination
14 of ownership thresholds for a depository
15 institution to qualify as a minority deposi-
16 tory institution described in section
17 4002(7)(B) shall exclude any dilutive effect
18 of equity investments by the Federal Gov-
19 ernment, including under the Program or
20 through the Fund.

21 “(6) AVAILABLE AMOUNTS.—In carrying out
22 the Program, the Secretary shall use not more than
23 \$13,000,000,000, from amounts appropriated under
24 section 4027, and shall use not less than

1 \$7,000,000,000 of such amount for direct capital in-
2 vestments under the Program.

3 “(7) TREATMENT OF CAPITAL INVESTMENTS.—
4 In making any capital investment under the Pro-
5 gram, the Secretary shall ensure that the terms of
6 the investment are designed to ensure the invest-
7 ment receives Tier 1 capital treatment.

8 “(8) OUTREACH TO MINORITIES.—The Sec-
9 retary shall require low- and moderate-income com-
10 munity financial institutions receiving capital invest-
11 ments under the Program to provide linguistically
12 and culturally appropriate outreach and advertising
13 describing the availability and application process of
14 receiving loans made possible by the Program
15 through organizations, trade associations, and indi-
16 viduals that represent or work within or are mem-
17 bers of minority communities.

18 “(9) RESTRICTIONS.—

19 “(A) IN GENERAL.—Not later than the
20 end of the 30-day period beginning on the date
21 of enactment of this subsection, the Secretary
22 of the Treasury shall issue rules setting restric-
23 tions on executive compensation, share
24 buybacks, and dividend payments for recipients
25 of capital investments under the Program.

1 “(B) RULE OF CONSTRUCTION.—The pro-
2 visions of section 4019 apply to investments
3 made under the Program.

4 “(10) TERMINATION OF INVESTMENT AUTHOR-
5 ITY.—The authority to make capital investments in
6 low- and moderate-income community financial insti-
7 tutions, including commitments to purchase pre-
8 ferred stock or other instruments, provided under
9 the Program shall terminate on the date that is 36
10 months after the date of enactment of this sub-
11 section.

12 “(11) COLLECTION OF DATA.—Notwithstanding
13 the Equal Credit Opportunity Act (15 U.S.C. 1691
14 et seq.)—

15 “(A) any low- and moderate-income com-
16 munity financial institution may collect data de-
17 scribed in section 701(a)(1) of that Act (15
18 U.S.C. 1691(a)(1)) from borrowers and appli-
19 cants for credit for the purpose of monitoring
20 compliance under the plan required under para-
21 graph (4)(B); and

22 “(B) a low- and moderate-income commu-
23 nity financial institution that collects the data
24 described in subparagraph (A) shall not be sub-
25 ject to adverse action related to that collection

1 by the Bureau of Consumer Financial Protec-
2 tion or any other Federal agency.

3 “(12) DEPOSIT OF FUNDS.—All funds received
4 by the Secretary in connection with purchases made
5 pursuant this subsection, including interest pay-
6 ments, dividend payments, and proceeds from the
7 sale of any financial instrument, shall be deposited
8 into the Fund and used to provide financial and
9 technical assistance pursuant to section 108 of the
10 Riegle Community Development and Regulatory Im-
11 provement Act of 1994 (12 U.S.C. 4707), except
12 that subsection (e) of that section shall be waived.

13 “(13) EQUITY EQUIVALENT INVESTMENT OP-
14 TION.—

15 “(A) IN GENERAL.—The Secretary shall
16 establish an Equity Equivalent Investment Op-
17 tion, under which, with respect to a specific in-
18 vestment in a low- and moderate-income com-
19 munity financial institution—

20 “(i) 80 percent of such investment is
21 made by the Secretary under the Program;
22 and

23 “(ii) 20 percent of such investment if
24 made by a banking institution.

1 “(B) REQUIREMENT TO FOLLOW SIMILAR
 2 TERMS AND CONDITIONS.—The terms and con-
 3 ditions applicable to investments made by the
 4 Secretary under the Program shall apply to any
 5 investment made by a banking institution under
 6 this paragraph.

7 “(C) LIMITATIONS.—The amount of a spe-
 8 cific investment described under subparagraph
 9 (A) may not exceed \$10,000,000, but the re-
 10 ceipt of an investment under subparagraph (A)
 11 shall not preclude the recipient from being eligi-
 12 ble for other assistance under the Program.

13 “(D) BANKING INSTITUTION DEFINED.—
 14 In this paragraph, the term ‘banking institu-
 15 tion’ means any entity with respect to which
 16 there is an appropriate Federal banking agency
 17 under section 3 of the Federal Deposit Insur-
 18 ance Act.

19 “(j) APPLICATION OF THE MILITARY LENDING
 20 ACT.—

21 “(1) IN GENERAL.—No low- and moderate-in-
 22 come community financial institution that receives
 23 an equity investment under subsection (i) shall, for
 24 so long as the investment or participation continues,
 25 make any loan at an annualized percentage rate

1 above 36 percent, as determined in accordance with
 2 section 987(b) of title 10, United States Code (com-
 3 monly known as the ‘Military Lending Act’).

4 “(2) NO EXEMPTIONS PERMITTED.—The ex-
 5 emption authority of the Bureau under section
 6 105(f) of the Truth in Lending Act (15 U.S.C.
 7 1604(f)) shall not apply with respect to this sub-
 8 section.”.

9 **SEC. 706. EMERGENCY SUPPORT FOR CDFIS AND COMMU-**
 10 **NITIES.**

11 (a) AUTHORIZATION OF APPROPRIATIONS.—There is
 12 authorized to be appropriated to the Community Develop-
 13 ment Financial Institutions Fund \$2,000,000,000 for fis-
 14 cal year 2021, for providing financial assistance and tech-
 15 nical assistance under subparagraphs (A) and (B) of sec-
 16 tion 108(a)(1) of the Community Development Banking
 17 and Financial Institutions Act of 1994 (12 U.S.C.
 18 4707(a)(1)), except that subsections (d) and (e) of such
 19 section 108 shall not apply to the provision of such assist-
 20 ance, for the Bank Enterprise Award program, and for
 21 financial assistance, technical assistance, training, and
 22 outreach programs designed to benefit Native American,
 23 Native Hawaiian, and Alaska Native communities and
 24 provided primarily through qualified community develop-
 25 ment lender organizations with experience and expertise

1 in community development banking and lending in Indian
2 country, Native American organizations, Tribes and Trib-
3 al organizations, and other suitable providers.

4 (b) SET ASIDES.—Of the amounts appropriated pur-
5 suant to the authorization under subsection (a), the fol-
6 lowing amounts shall be set aside:

7 (1) Up to \$400,000,000, to remain available
8 until expended, to provide grants to community de-
9 velopment financial institutions—

10 (A) to expand lending or investment activ-
11 ity in low- or moderate-income minority commu-
12 nities and to minorities that have significant
13 unmet capital or financial services needs, of
14 which not less than \$10,000,000 may be for
15 grants to benefit Native American, Native Ha-
16 waiian, and Alaska Native communities; and

17 (B) using a formula that takes into ac-
18 count criteria such as certification status, finan-
19 cial and compliance performance, portfolio and
20 balance sheet strength, a diversity of commu-
21 nity development financial institution business
22 model types, and program capacity, as well as
23 experience making loans and investments to
24 those areas and populations identified in this
25 paragraph.

1 (2) Up to \$160,000,000, to remain available
2 until expended, for technical assistance, technology,
3 and training under sections 108(a)(1)(B) and 109,
4 respectively, of the Riegle Community Development
5 and Regulatory Improvement Act of 1994 (12
6 U.S.C. 4707(a)(1)(B), 4708), with a preference for
7 minority lending institutions.

8 (3) Up to \$800,000,000, to remain available
9 until expended, shall be for providing financial as-
10 sistance, technical assistance, awards, training, and
11 outreach programs described under subsection (a) to
12 recipients that are minority lending institutions.

13 (c) ADMINISTRATIVE EXPENSES.—Funds appro-
14 priated pursuant to the authorization under subsection (a)
15 may be used for administrative expenses, including admin-
16 istration of Fund programs and the New Markets Tax
17 Credit Program under section 45D of the Internal Rev-
18 enue Code.

19 (d) DEFINITIONS.—In this section:

20 (1) CDFI.—The term “CDFI” means a com-
21 munity development financial institution, as defined
22 in section 103 of the Riegle Community Develop-
23 ment and Regulatory Improvement Act of 1994 (12
24 U.S.C. 4702).

1 (2) **FUND.**—The term “Fund” means the Com-
2 munity Development Financial Institutions Fund es-
3 tablished under section 104(a) of the Riegle Commu-
4 nity Development and Regulatory Improvement Act
5 of 1994 (12 U.S.C. 4703(a)).

6 (3) **MINORITY; MINORITY LENDING INSTITU-**
7 **TION.**—The terms “minority” and “minority lending
8 institution” have the meaning given those terms, re-
9 spectively, under section 103 of the Community De-
10 velopment Banking and Financial Institutions Act of
11 1994 (12 U.S.C. 4702).

12 **SEC. 707. ENSURING DIVERSITY IN COMMUNITY BANKING.**

13 (a) **SENSE OF CONGRESS ON FUNDING THE LOAN-**
14 **LOSS RESERVE FUND FOR SMALL DOLLAR LOANS.**—The
15 sense of Congress is the following:

16 (1) The Community Development Financial In-
17 stitutions Fund (the “CDFI Fund”) is an agency of
18 the Department of the Treasury, and was estab-
19 lished by the Riegle Community Development and
20 Regulatory Improvement Act of 1994. The mission
21 of the CDFI Fund is “to expand economic oppor-
22 tunity for underserved people and communities by
23 supporting the growth and capacity of a national
24 network of community development lenders, inves-
25 tors, and financial service providers”. A community

1 development financial institution (a “CDFI”) is a
2 specialized financial institution serving low-income
3 communities and a Community Development Entity
4 (a “CDE”) is a domestic corporation or partnership
5 that is an intermediary vehicle for the provision of
6 loans, investments, or financial counseling in low-in-
7 come communities. The CDFI Fund certifies CDFIs
8 and CDEs. Becoming a certified CDFI or CDE al-
9 lows organizations to participate in various CDFI
10 Fund programs as follows:

11 (A) The Bank Enterprise Award Program,
12 which provides FDIC-insured depository institu-
13 tions awards for a demonstrated increase in
14 lending and investments in distressed commu-
15 nities and CDFIs.

16 (B) The CDFI Program, which provides
17 Financial and Technical Assistance awards to
18 CDFIs to reinvest in the CDFI, and to build
19 the capacity of the CDFI, including financing
20 product development and loan loss reserves.

21 (C) The Native American CDFI Assistance
22 Program, which provides CDFIs and spon-
23 soring entities Financial and Technical Assist-
24 ance awards to increase lending and grow the

1 number of CDFIs owned by Native Americans
2 to help build capacity of such CDFIs.

3 (D) The New Market Tax Credit Program,
4 which provides tax credits for making equity in-
5 vestments in CDEs that stimulate capital in-
6 vestments in low-income communities.

7 (E) The Capital Magnet Fund, which pro-
8 vides awards to CDFIs and nonprofit affordable
9 housing organizations to finance affordable
10 housing solutions and related economic develop-
11 ment activities.

12 (F) The Bond Guarantee Program, a
13 source of long-term, patient capital for CDFIs
14 to expand lending and investment capacity for
15 community and economic development purposes.

16 (2) The Department of the Treasury is author-
17 ized to create multi-year grant programs designed to
18 encourage low-to-moderate income individuals to es-
19 tablish accounts at federally insured banks, and to
20 improve low-to-moderate income individuals' access
21 to such accounts on reasonable terms.

22 (3) Under this authority, grants to participants
23 in CDFI Fund programs may be used for loan-loss
24 reserves and to establish small-dollar loan programs
25 by subsidizing related losses. These grants also allow

1 for the providing recipients with the financial coun-
2 seling and education necessary to conduct trans-
3 actions and manage their accounts. These loans pro-
4 vide low-cost alternatives to payday loans and other
5 nontraditional forms of financing that often impose
6 excessive interest rates and fees on borrowers, and
7 lead millions of Americans to fall into debt traps.
8 Small-dollar loans can only be made pursuant to
9 terms, conditions, and practices that are reasonable
10 for the individual consumer obtaining the loan.

11 (4) Program participation is restricted to eligi-
12 ble institutions, which are limited to organizations
13 listed in section 501(c)(3) of the Internal Revenue
14 Code and exempt from tax under 501(a) of such
15 Code, federally insured depository institutions, com-
16 munity development financial institutions and State,
17 local, or Tribal government entities.

18 (5) Since its founding, the CDFI Fund has
19 awarded over \$3,300,000,000 to CDFIs and CDEs,
20 allocated \$54,000,000,000 in tax credits, and
21 \$1,510,000,000 in bond guarantees. According to
22 the CDFI Fund, some programs attract as much as
23 \$10 in private capital for every \$1 invested by the
24 CDFI Fund. The Administration and the Congress
25 should prioritize appropriation of funds for the loan

1 loss reserve fund and technical assistance programs
2 administered by the Community Development Finan-
3 cial Institution Fund.

4 (b) DEFINITIONS.—In this section:

5 (1) COMMUNITY DEVELOPMENT FINANCIAL IN-
6 STITUTION.—The term “community development fi-
7 nancial institution” has the meaning given under
8 section 103 of the Riegle Community Development
9 and Regulatory Improvement Act of 1994 (12
10 U.S.C. 4702).

11 (2) MINORITY DEPOSITORY INSTITUTION.—The
12 term “minority depository institution” has the
13 meaning given under section 308 of the Financial
14 Institutions Reform, Recovery, and Enforcement Act
15 of 1989 (12 U.S.C. 1463 note).

16 (c) ESTABLISHMENT OF IMPACT BANK DESIGNA-
17 TION.—

18 (1) IN GENERAL.—Each Federal banking agen-
19 cy shall establish a program under which a deposi-
20 tory institution with total consolidated assets of less
21 than \$10,000,000,000 may elect to be designated as
22 an impact bank if the total dollar value of the loans
23 extended by such depository institution to low-in-
24 come borrowers is greater than or equal to 50 per-
25 cent of the assets of such bank.

1 (2) NOTIFICATION OF ELIGIBILITY.—Based on
2 data obtained through examinations of depository in-
3 stitutions, the appropriate Federal banking agency
4 shall notify a depository institution if the institution
5 is eligible to be designated as an impact bank.

6 (3) APPLICATION.—Regardless of whether or
7 not it has received a notice of eligibility under para-
8 graph (2), a depository institution may submit an
9 application to the appropriate Federal banking agen-
10 cy—

11 (A) requesting to be designated as an im-
12 pact bank; and

13 (B) demonstrating that the depository in-
14 stitution meets the applicable qualifications.

15 (4) LIMITATION ON ADDITIONAL DATA RE-
16 QUIREMENTS.—The Federal banking agencies may
17 only impose additional data collection requirements
18 on a depository institution under this subsection if
19 such data is—

20 (A) necessary to process an application
21 submitted by the depository institution to be
22 designated an impact bank; or

23 (B) with respect to a depository institution
24 that is designated as an impact bank, necessary

1 to ensure the depository institution's ongoing
2 qualifications to maintain such designation.

3 (5) REMOVAL OF DESIGNATION.—If the appro-
4 priate Federal banking agency determines that a de-
5 pository institution designated as an impact bank no
6 longer meets the criteria for such designation, the
7 appropriate Federal banking agency shall rescind
8 the designation and notify the depository institution
9 of such rescission.

10 (6) RECONSIDERATION OF DESIGNATION; AP-
11 PEALS.—Under such procedures as the Federal
12 banking agencies may establish, a depository institu-
13 tion may—

14 (A) submit to the appropriate Federal
15 banking agency a request to reconsider a deter-
16 mination that such depository institution no
17 longer meets the criteria for the designation; or

18 (B) file an appeal of such determination.

19 (7) RULEMAKING.—Not later than 1 year after
20 the date of the enactment of this Act, the Federal
21 banking agencies shall jointly issue rules to carry
22 out the requirements of this subsection, including by
23 providing a definition of a low-income borrower.

24 (8) REPORTS.—Each Federal banking agency
25 shall submit an annual report to the Congress con-

1 taining a description of actions taken to carry out
2 this subsection.

3 (9) FEDERAL DEPOSIT INSURANCE ACT DEFINI-
4 TIONS.—In this subsection, the terms “depository
5 institution”, “appropriate Federal banking agency”,
6 and “Federal banking agency” have the meanings
7 given such terms, respectively, in section 3 of the
8 Federal Deposit Insurance Act (12 U.S.C. 1813).

9 (d) MINORITY DEPOSITORIES ADVISORY COMMIT-
10 TEES.—

11 (1) ESTABLISHMENT.—Each covered regulator
12 shall establish an advisory committee to be called the
13 “Minority Depositories Advisory Committee”.

14 (2) DUTIES.—Each Minority Depositories Advi-
15 sory Committee shall provide advice to the respective
16 covered regulator on meeting the goals established
17 by section 308 of the Financial Institutions Reform,
18 Recovery, and Enforcement Act of 1989 (12 U.S.C.
19 1463 note) to preserve the present number of cov-
20 ered minority institutions, preserve the minority
21 character of minority-owned institutions in cases in-
22 volving mergers or acquisitions, provide technical as-
23 sistance, and encourage the creation of new covered
24 minority institutions. The scope of the work of each
25 such Minority Depositories Advisory Committee shall

1 include an assessment of the current condition of
2 covered minority institutions, what regulatory
3 changes or other steps the respective agencies may
4 be able to take to fulfill the requirements of such
5 section 308, and other issues of concern to covered
6 minority institutions.

7 (3) MEMBERSHIP.—

8 (A) IN GENERAL.—Each Minority Deposi-
9 tories Advisory Committee shall consist of no
10 more than 10 members, who—

11 (i) shall serve for one two-year term;

12 (ii) shall serve as a representative of
13 a depository institution or an insured cred-
14 it union with respect to which the respec-
15 tive covered regulator is the covered regu-
16 lator of such depository institution or in-
17 sured credit union; and

18 (iii) shall not receive pay by reason of
19 their service on the advisory committee,
20 but may receive travel or transportation
21 expenses in accordance with section 5703
22 of title 5, United States Code.

23 (B) DIVERSITY.—To the extent prac-
24 ticable, each covered regulator shall ensure that
25 the members of the Minority Depositories Advi-

1 sory Committee of such agency reflect the di-
2 versity of covered minority institutions.

3 (4) MEETINGS.—

4 (A) IN GENERAL.—Each Minority Deposi-
5 tories Advisory Committee shall meet not less
6 frequently than twice each year.

7 (B) NOTICE AND INVITATIONS.—Each Mi-
8 nority Depositories Advisory Committee shall—

9 (i) notify the Committee on Financial
10 Services of the House of Representatives
11 and the Committee on Banking, Housing,
12 and Urban Affairs of the Senate in ad-
13 vance of each meeting of the Minority De-
14 positories Advisory Committee; and

15 (ii) invite the attendance at each
16 meeting of the Minority Depositories Advi-
17 sory Committee of—

18 (I) one member of the majority
19 party and one member of the minority
20 party of the Committee on Financial
21 Services of the House of Representa-
22 tives and the Committee on Banking,
23 Housing, and Urban Affairs of the
24 Senate; and

1 (II) one member of the majority
2 party and one member of the minority
3 party of any relevant subcommittees
4 of such committees.

5 (5) NO TERMINATION OF ADVISORY COMMIT-
6 TEES.—The termination requirements under section
7 14 of the Federal Advisory Committee Act (5 U.S.C.
8 app.) shall not apply to a Minority Depositories Ad-
9 visory Committee established pursuant to this sub-
10 section.

11 (6) DEFINITIONS.—In this subsection:

12 (A) COVERED REGULATOR.—The term
13 “covered regulator” means the Comptroller of
14 the Currency, the Board of Governors of the
15 Federal Reserve System, the Federal Deposit
16 Insurance Corporation, and the National Credit
17 Union Administration.

18 (B) COVERED MINORITY INSTITUTION.—
19 The term “covered minority institution” means
20 a minority depository institution (as defined in
21 section 308(b) of the Financial Institutions Re-
22 form, Recovery, and Enforcement Act of 1989
23 (12 U.S.C. 1463 note)).

24 (C) DEPOSITORY INSTITUTION.—The term
25 “depository institution” has the meaning given

1 under section 3 of the Federal Deposit Insur-
2 ance Act (12 U.S.C. 1813).

3 (D) INSURED CREDIT UNION.—The term
4 “insured credit union” has the meaning given
5 in section 101 of the Federal Credit Union Act
6 (12 U.S.C. 1752).

7 (7) TECHNICAL AMENDMENT.—Section 308(b)
8 of the Financial Institutions Reform, Recovery, and
9 Enforcement Act of 1989 (12 U.S.C. 1463 note) is
10 amended by adding at the end the following new
11 paragraph:

12 “(3) DEPOSITORY INSTITUTION.—The term ‘de-
13 pository institution’ means an ‘insured depository in-
14 stitution’ (as defined in section 3 of the Federal De-
15 posit Insurance Act (12 U.S.C. 1813)) and an in-
16 sured credit union (as defined in section 101 of the
17 Federal Credit Union Act (12 U.S.C. 1752)).”.

18 (e) FEDERAL DEPOSITS IN MINORITY DEPOSITORY
19 INSTITUTIONS.—

20 (1) IN GENERAL.—Section 308 of the Financial
21 Institutions Reform, Recovery, and Enforcement Act
22 of 1989 (12 U.S.C. 1463 note) is amended—

23 (A) by adding at the end the following new
24 subsection:

1 “(d) FEDERAL DEPOSITS.—The Secretary of the
 2 Treasury shall ensure that deposits made by Federal agen-
 3 cies in minority depository institutions and impact banks
 4 are collateralized or insured, as determined by the Sec-
 5 retary. Such deposits shall include reciprocal deposits as
 6 defined in section 337.6(e)(2)(v) of title 12, Code of Fed-
 7 eral Regulations (as in effect on March 6, 2019).”; and

8 (B) in subsection (b), as amended by sub-
 9 section (d)(7), by adding at the end the fol-
 10 lowing new paragraph:

11 “(4) IMPACT BANK.—The term ‘impact bank’
 12 means a depository institution designated by the ap-
 13 propriate Federal banking agency pursuant to sec-
 14 tion 707(c) of the Promoting and Advancing Com-
 15 munities of Color through Inclusive Lending Act.”.

16 (2) TECHNICAL AMENDMENTS.—Section 308 of
 17 the Financial Institutions Reform, Recovery, and
 18 Enforcement Act of 1989 (12 U.S.C. 1463 note) is
 19 amended—

20 (A) in the matter preceding paragraph (1),
 21 by striking “section—” and inserting “sec-
 22 tion:”; and

23 (B) in the paragraph heading for para-
 24 graph (1), by striking “FINANCIAL” and insert-
 25 ing “DEPOSITORY”.

1 (f) MINORITY BANK DEPOSIT PROGRAM.—

2 (1) IN GENERAL.—Section 1204 of the Finan-
3 cial Institutions Reform, Recovery, and Enforcement
4 Act of 1989 (12 U.S.C. 1811 note) is amended to
5 read as follows:

6 **“SEC. 1204. EXPANSION OF USE OF MINORITY DEPOSITORY**
7 **INSTITUTIONS.**

8 “(a) MINORITY BANK DEPOSIT PROGRAM.—

9 “(1) ESTABLISHMENT.—There is established a
10 program to be known as the ‘Minority Bank Deposit
11 Program’ to expand the use of minority depository
12 institutions.

13 “(2) ADMINISTRATION.—The Secretary of the
14 Treasury, acting through the Fiscal Service, shall—

15 “(A) on application by a depository institu-
16 tion or credit union, certify whether such depos-
17 itory institution or credit union is a minority
18 depository institution;

19 “(B) maintain and publish a list of all de-
20 pository institutions and credit unions that have
21 been certified pursuant to subparagraph (A);
22 and

23 “(C) periodically distribute the list de-
24 scribed in subparagraph (B) to—

1 “(i) all Federal departments and
2 agencies;

3 “(ii) interested State and local govern-
4 ments; and

5 “(iii) interested private sector compa-
6 nies.

7 “(3) INCLUSION OF CERTAIN ENTITIES ON
8 LIST.—A depository institution or credit union that,
9 on the date of the enactment of this section, has a
10 current certification from the Secretary of the
11 Treasury stating that such depository institution or
12 credit union is a minority depository institution shall
13 be included on the list described under paragraph
14 (2)(B).

15 “(b) EXPANDED USE AMONG FEDERAL DEPART-
16 MENTS AND AGENCIES.—

17 “(1) IN GENERAL.—Not later than 1 year after
18 the establishment of the program described in sub-
19 section (a), the head of each Federal department or
20 agency shall develop and implement standards and
21 procedures to prioritize, to the maximum extent pos-
22 sible as permitted by law and consistent with prin-
23 ciples of sound financial management, the use of mi-
24 nority depository institutions to hold the deposits of
25 each such department or agency.

1 “(2) REPORT TO CONGRESS.—Not later than 2
2 years after the establishment of the program de-
3 scribed in subsection (a), and annually thereafter,
4 the head of each Federal department or agency shall
5 submit to Congress a report on the actions taken to
6 increase the use of minority depository institutions
7 to hold the deposits of each such department or
8 agency.

9 “(c) DEFINITIONS.—For purposes of this section:

10 “(1) CREDIT UNION.—The term ‘credit union’
11 has the meaning given the term ‘insured credit
12 union’ in section 101 of the Federal Credit Union
13 Act (12 U.S.C. 1752).

14 “(2) DEPOSITORY INSTITUTION.—The term ‘de-
15 pository institution’ has the meaning given in section
16 3 of the Federal Deposit Insurance Act (12 U.S.C.
17 1813).

18 “(3) MINORITY DEPOSITORY INSTITUTION.—
19 The term ‘minority depository institution’ has the
20 meaning given that term under section 308 of this
21 Act.”.

22 “(2) CONFORMING AMENDMENTS.—The fol-
23 lowing provisions are amended by striking
24 “1204(c)(3)” and inserting “1204(c)”:

1 (A) Section 808(b)(3) of the Community
 2 Reinvestment Act of 1977 (12 U.S.C.
 3 2907(b)(3)).

4 (B) Section 40(g)(1)(B) of the Federal De-
 5 posit Insurance Act (12 U.S.C.
 6 1831q(g)(1)(B)).

7 (C) Section 704B(h)(4) of the Equal Cred-
 8 it Opportunity Act (15 U.S.C. 1691c-2(h)(4)).

9 (g) DIVERSITY REPORT AND BEST PRACTICES.—

10 (1) ANNUAL REPORT.—Each covered regulator
 11 shall submit to Congress an annual report on diver-
 12 sity including the following:

13 (A) Data, based on voluntary self-identi-
 14 fication, on the racial, ethnic, and gender com-
 15 position of the examiners of each covered regu-
 16 lator, disaggregated by length of time served as
 17 an examiner.

18 (B) The status of any examiners of cov-
 19 ered regulators, based on voluntary self-identi-
 20 fication, as a veteran.

21 (C) Whether any covered regulator, as of
 22 the date on which the report required under
 23 this section is submitted, has adopted a policy,
 24 plan, or strategy to promote racial, ethnic, and

1 gender diversity among examiners of the cov-
2 ered regulator.

3 (D) Whether any special training is devel-
4 oped and provided for examiners related specifi-
5 cally to working with depository institutions
6 and credit unions that serve communities that
7 are predominantly minorities, low income, or
8 rural, and the key focus of such training.

9 (2) BEST PRACTICES.—Each Office of Minority
10 and Women Inclusion of a covered regulator shall
11 develop, provide to the head of the covered regulator,
12 and make publicly available best practices—

13 (A) for increasing the diversity of can-
14 didates applying for examiner positions, includ-
15 ing through outreach efforts to recruit diverse
16 candidate to apply for entry-level examiner posi-
17 tions; and

18 (B) for retaining and providing fair consid-
19 eration for promotions within the examiner
20 staff for purposes of achieving diversity among
21 examiners.

22 (3) COVERED REGULATOR DEFINED.—In this
23 subsection, the term “covered regulator” means the
24 Comptroller of the Currency, the Board of Gov-
25 ernors of the Federal Reserve System, the Federal

1 Deposit Insurance Corporation, and the National
2 Credit Union Administration.

3 (h) INVESTMENTS IN MINORITY DEPOSITORY INSTI-
4 TUTIONS AND IMPACT BANKS.—

5 (1) CONTROL FOR CERTAIN INSTITUTIONS.—

6 Section 7(j)(8)(B) of the Federal Deposit Insurance
7 Act (12 U.S.C. 1817(j)(8)(B)) is amended to read
8 as follows:

9 “(B) ‘control’ means the power, directly or indi-
10 rectly—

11 “(i) to direct the management or policies
12 of an insured depository institution; or

13 “(ii)(I) to vote 25 per centum or more of
14 any class of voting securities of an insured de-
15 pository institution; or

16 “(II) with respect to an insured depository
17 institution that is an impact bank (as des-
18 ignated pursuant to section 707(c) of the Pro-
19 moting and Advancing Communities of Color
20 through Inclusive Lending Act) or a minority
21 depository institution (as defined in section
22 308(b) of the Financial Institutions Reform,
23 Recovery, and Enforcement Act of 1989), of an
24 individual to vote 30 percent or more of any

1 class of voting securities of such an impact
 2 bank or a minority depository institution.”.

3 (2) RULEMAKING.—The Federal banking agen-
 4 cies (as defined in section 3 of the Federal Deposit
 5 Insurance Act (12 U.S.C. 1813)) shall jointly issue
 6 rules for de novo minority depository institutions to
 7 allow 3 years to meet the capital requirements other-
 8 wise applicable to minority depository institutions.

9 (3) REPORT.—Not later than 1 year after the
 10 date of the enactment of this Act, the Federal bank-
 11 ing agencies shall jointly submit to Congress a re-
 12 port on—

13 (A) the principal causes for the low num-
 14 ber of de novo minority depository institutions
 15 during the 10-year period preceding the date of
 16 the report;

17 (B) the main challenges to the creation of
 18 de novo minority depository institutions; and

19 (C) regulatory and legislative consider-
 20 ations to promote the establishment of de novo
 21 minority depository institutions.

22 (i) REPORT ON COVERED MENTOR-PROTEGE PRO-
 23 GRAMS.—

24 (1) REPORT.—Not later than 6 months after
 25 the date of the enactment of this Act and annually

1 thereafter, the Secretary of the Treasury shall sub-
 2 mit to Congress a report on participants in a cov-
 3 ered mentor-protege program, including—

4 (A) an analysis of outcomes of such pro-
 5 gram;

6 (B) the number of minority depository in-
 7 stitutions that are eligible to participate in such
 8 program but do not have large financial institu-
 9 tion mentors; and

10 (C) recommendations for how to match
 11 such minority depository institutions with large
 12 financial institution mentors.

13 (2) DEFINITIONS.—In this subsection:

14 (A) COVERED MENTOR-PROTEGE PRO-
 15 GRAM.—The term “covered mentor-protege pro-
 16 gram” means a mentor-protege program estab-
 17 lished by the Secretary of the Treasury pursu-
 18 ant to section 45 of the Small Business Act (15
 19 U.S.C. 657r).

20 (B) LARGE FINANCIAL INSTITUTION.—The
 21 term “large financial institution” means any
 22 entity—

23 (i) regulated by the Comptroller of the
 24 Currency, the Board of Governors of the
 25 Federal Reserve System, the Federal De-

posit Insurance Corporation, or the National Credit Union Administration; and

(ii) that has total consolidated assets greater than or equal to \$50,000,000,000.

(j) CUSTODIAL DEPOSIT PROGRAM FOR COVERED MINORITY DEPOSITORY INSTITUTIONS AND IMPACT BANKS.—

(1) IN GENERAL.—Not later than one year after the date of the enactment of this Act, the Secretary of the Treasury shall issue rules establishing a custodial deposit program under which a covered bank may receive deposits from a qualifying account.

(2) REQUIREMENTS.—In issuing rules under paragraph (1), the Secretary of the Treasury shall—

(A) consult with the Federal banking agencies;

(B) ensure each covered bank participating in the program established under this subsection—

(i) has appropriate policies relating to management of assets, including measures to ensure the safety and soundness of each such covered bank; and

(ii) is compliant with applicable law; and

1 (C) ensure, to the extent practicable that
2 the rules do not conflict with goals described in
3 section 308(a) of the Financial Institutions Re-
4 form, Recovery, and Enforcement Act of 1989
5 (12 U.S.C. 1463 note).

6 (3) LIMITATIONS.—

7 (A) DEPOSITS.—With respect to the funds
8 of an individual qualifying account, an entity
9 may not deposit an amount greater than the in-
10 sured amount in a single covered bank.

11 (B) TOTAL DEPOSITS.—The total amount
12 of funds deposited in a covered bank under the
13 custodial deposit program described under this
14 subsection may not exceed the lesser of—

15 (i) 10 percent of the average amount
16 of deposits held by such covered bank in
17 the previous quarter; or

18 (ii) \$100,000,000 (as adjusted for in-
19 flation).

20 (4) REPORT.—Each quarter, the Secretary of
21 the Treasury shall submit to Congress a report on
22 the implementation of the program established under
23 this subsection including information identifying
24 participating covered banks and the total amount of

1 deposits received by covered banks under the pro-
2 gram.

3 (5) DEFINITIONS.—In this subsection:

4 (A) COVERED BANK.—The term “covered
5 bank” means—

6 (i) a minority depository institution
7 that is well capitalized, as defined by the
8 appropriate Federal banking agency; or

9 (ii) a depository institution designated
10 pursuant to subsection (c) that is well cap-
11 italized, as defined by the appropriate Fed-
12 eral banking agency.

13 (B) INSURED AMOUNT.—The term “in-
14 sured amount” means the amount that is the
15 greater of—

16 (i) the standard maximum deposit in-
17 surance amount (as defined in section
18 11(a)(1)(E) of the Federal Deposit Insur-
19 ance Act (12 U.S.C. 1821(a)(1)(E))); or

20 (ii) such higher amount negotiated be-
21 tween the Secretary of the Treasury and
22 the Federal Deposit Insurance Corporation
23 under which the Corporation will insure all
24 deposits of such higher amount.

1 (C) FEDERAL BANKING AGENCIES.—The
 2 terms “appropriate Federal banking agency”
 3 and “Federal banking agencies” have the mean-
 4 ing given those terms, respectively, under sec-
 5 tion 3 of the Federal Deposit Insurance Act.

6 (D) QUALIFYING ACCOUNT.—The term
 7 “qualifying account” means any account estab-
 8 lished in the Department of the Treasury
 9 that—

10 (i) is controlled by the Secretary; and

11 (ii) is expected to maintain a balance
 12 greater than \$200,000,000 for the fol-
 13 lowing 24-month period.

14 (k) STREAMLINED COMMUNITY DEVELOPMENT FI-
 15 NANCIAL INSTITUTION APPLICATIONS AND REPORTING.—

16 (1) APPLICATION PROCESSES.—Not later than
 17 12 months after the date of the enactment of this
 18 Act and with respect to any person having assets
 19 under \$3,000,000,000 that submits an application
 20 for deposit insurance with the Federal Deposit In-
 21 surance Corporation that could also become a com-
 22 munity development financial institution, the Fed-
 23 eral Deposit Insurance Corporation, in consultation
 24 with the Administrator of the Community Develop-
 25 ment Financial Institutions Fund, shall—

1 (A) develop systems and procedures to
 2 record necessary information to allow the Ad-
 3 ministrator to conduct preliminary analysis for
 4 such person to also become a community devel-
 5 opment financial institution; and

6 (B) develop procedures to streamline the
 7 application and annual certification processes
 8 and to reduce costs for such person to become,
 9 and maintain certification as, a community de-
 10 velopment financial institution.

11 (2) IMPLEMENTATION REPORT.—Not later than
 12 18 months after the date of the enactment of this
 13 Act, the Federal Deposit Insurance Corporation
 14 shall submit to Congress a report describing the sys-
 15 tems and procedures required under paragraph (1).

16 (3) ANNUAL REPORT.—

17 (A) IN GENERAL.—Section 17(a)(1) of the
 18 Federal Deposit Insurance Act (12 U.S.C.
 19 1827(a)(1)) is amended—

20 (i) in subparagraph (E), by striking
 21 “and” at the end;

22 (ii) by redesignating subparagraph
 23 (F) as subparagraph (G);

24 (iii) by inserting after subparagraph
 25 (E) the following new subparagraph:

“(F) applicants for deposit insurance that could also become a community development financial institution (as defined in section 103 of the Riegle Community Development and Regulatory Improvement Act of 1994), a minority depository institution (as defined in section 308 of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989), or an impact bank (as designated pursuant to section 707(c) of the Promoting and Advancing Communities of Color through Inclusive Lending Act); and”.

(B) APPLICATION.—The amendment made by this paragraph shall apply with respect to the first report to be submitted after the date that is 2 years after the date of the enactment of this Act.

(I) TASK FORCE ON LENDING TO SMALL BUSINESS CONCERNS.—

(1) IN GENERAL.—Not later than 6 months after the date of the enactment of this Act, the Administrator of the Small Business Administration shall establish a task force to examine methods for improving relationships between the Small Business Administration and community development financial institutions, minority depository institutions,

1 and Impact Banks to increase the volume of loans
 2 provided by such institutions to small business con-
 3 cerns (as defined under section 3 of the Small Busi-
 4 ness Act (15 U.S.C. 632)).

5 (2) REPORT TO CONGRESS.—Not later than 18
 6 months after the establishment of the task force de-
 7 scribed in paragraph (1), the Administrator of the
 8 Small Business Administration shall submit to Con-
 9 gress a report on the findings of such task force.

10 **SEC. 708. ESTABLISHMENT OF FINANCIAL AGENT PART-**
 11 **nership PROGRAM.**

12 (a) IN GENERAL.—Section 308 of the Financial In-
 13 stitutions Reform, Recovery, and Enforcement Act of
 14 1989 (12 U.S.C. 1463 note), as amended by section
 15 706(e), is further amended by adding at the end the fol-
 16 lowing new subsection:

17 “(e) FINANCIAL AGENT PARTNERSHIP PROGRAM.—

18 “(1) IN GENERAL.—The Secretary of the
 19 Treasury shall establish a program to be known as
 20 the ‘Financial Agent Partnership Program’ (in this
 21 subsection referred to as the ‘Program’) under which
 22 a financial agent designated by the Secretary or a
 23 large financial institution may serve as a mentor,
 24 under guidance or regulations prescribed by the Sec-

1 retary, to a small financial institution to allow such
2 small financial institution—

3 “(A) to be prepared to perform as a finan-
4 cial agent; or

5 “(B) to improve capacity to provide serv-
6 ices to the customers of the small financial in-
7 stitution.

8 “(2) OUTREACH.—The Secretary shall hold
9 outreach events to promote the participation of fi-
10 nancial agents, large financial institutions, and small
11 financial institutions in the Program at least once a
12 year.

13 “(3) FINANCIAL PARTNERSHIPS.—

14 “(A) IN GENERAL.—Any large financial in-
15 stitution participating in a program with the
16 Department of the Treasury, if not already re-
17 quired to include a small financial institution,
18 shall offer not more than 5 percent of every
19 contract under that program to a small finan-
20 cial institution.

21 “(B) ACCEPTANCE OF RISK.—As a re-
22 quirement of participation in a contract de-
23 scribed under subparagraph (A), a small finan-
24 cial institution shall accept the risk of the

1 transaction equivalent to the percentage of any
2 fee the institution receives under the contract.

3 “(C) PARTNER.—A large financial institu-
4 tion partner may work with small financial in-
5 stitutions, if necessary, to train professionals to
6 understand any risks involved in a contract
7 under the Program.

8 “(D) INCREASED LIMIT FOR CERTAIN IN-
9 STITUTIONS.—With respect to a program de-
10 scribed under subparagraph (A), if the Sec-
11 retary of the Treasury determines that it would
12 be appropriate and would encourage capacity
13 building, the Secretary may alter the require-
14 ments under subparagraph (A) to require
15 both—

16 “(i) a higher percentage of the con-
17 tract be offered to a small financial institu-
18 tion; and

19 “(ii) require the small financial insti-
20 tution to be a community development fi-
21 nancial institution or a minority depository
22 institution.

23 “(4) EXCLUSION.—The Secretary shall issue
24 guidance or regulations to establish a process under
25 which a financial agent, large financial institution,

1 or small financial institution may be excluded from
2 participation in the Program.

3 “(5) REPORT.—The Office of Minority and
4 Women Inclusion of the Department of the Treasury
5 shall include in the report submitted to Congress
6 under section 342(e) of the Dodd-Frank Wall Street
7 Reform and Consumer Protection Act information
8 pertaining to the Program, including—

9 “(A) the number of financial agents, large
10 financial institutions, and small financial insti-
11 tutions participating in such Program; and

12 “(B) the number of outreach events de-
13 scribed in paragraph (2) held during the year
14 covered by such report.

15 “(6) DEFINITIONS.—In this subsection:

16 “(A) COMMUNITY DEVELOPMENT FINAN-
17 CIAL INSTITUTION.—The term ‘community de-
18 velopment financial institution’ has the meaning
19 given that term under section 103 of the Riegle
20 Community Development and Regulatory Im-
21 provement Act of 1994 (12 U.S.C. 4702).

22 “(B) FINANCIAL AGENT.—The term ‘fi-
23 nancial agent’ means any national banking as-
24 sociation designated by the Secretary of the

1 Treasury to be employed as a financial agent of
2 the Government.

3 “(C) LARGE FINANCIAL INSTITUTION.—

4 The term ‘large financial institution’ means any
5 entity regulated by the Comptroller of the Cur-
6 rency, the Board of Governors of the Federal
7 Reserve System, the Federal Deposit Insurance
8 Corporation, or the National Credit Union Ad-
9 ministration that has total consolidated assets
10 greater than or equal to \$50,000,000,000.

11 “(D) SMALL FINANCIAL INSTITUTION.—

12 The term ‘small financial institution’ means—

13 “(i) any entity regulated by the
14 Comptroller of the Currency, the Board of
15 Governors of the Federal Reserve System,
16 the Federal Deposit Insurance Corpora-
17 tion, or the National Credit Union Admin-
18 istration that has total consolidated assets
19 lesser than or equal to \$2,000,000,000; or

20 “(ii) a minority depository institu-
21 tion.”.

22 (b) EFFECTIVE DATE.—This section and the amend-
23 ments made by this section shall take effect 90 days after
24 the date of the enactment of this Act.

1 **SEC. 709. STRENGTHENING MINORITY LENDING INSTITU-**
2 **TIONS.**

3 (a) MINORITY LENDING INSTITUTION SET-ASIDE IN
4 PROVIDING ASSISTANCE.—

5 (1) IN GENERAL.—Section 108 of the Commu-
6 nity Development Banking and Financial Institu-
7 tions Act of 1994 (12 U.S.C. 4707) is amended by
8 adding at the end the following:

9 “(i) MINORITY LENDING INSTITUTION SET-ASIDE IN
10 PROVIDING ASSISTANCE.—Notwithstanding any other
11 provision of law, in providing any assistance, the Fund
12 shall reserve 40 percent of such assistance for minority
13 lending institutions.”.

14 (2) DEFINITIONS.—

15 (A) IN GENERAL.—Section 103 of the
16 Community Development Banking and Finan-
17 cial Institutions Act of 1994 (12 U.S.C. 4702)
18 is amended by adding at the end the following:

19 “(22) MINORITY LENDING INSTITUTION DEFINI-
20 TIONS.—

21 “(A) MINORITY.—The term ‘minority’
22 means any Black American, Hispanic Amer-
23 ican, Asian American, Native American, Native
24 Alaskan, Native Hawaiian, or Pacific Islander.

1 “(B) MINORITY LENDING INSTITUTION.—

2 The term ‘minority lending institution’ means a
3 community development financial institution—

4 “(i) with respect to which a majority
5 of the total number of loans and a major-
6 ity of the value of investments of the com-
7 munity development financial institution
8 are directed at minorities and other tar-
9 geted populations;

10 “(ii) that is a minority depository in-
11 stitution, as defined under section 308 of
12 the Financial Institutions Reform, Recov-
13 ery, and Enforcement Act of 1989 (12
14 U.S.C. 1463 note), or otherwise considered
15 to be a minority depository institution by
16 the appropriate Federal banking agency; or

17 “(iii) that is 51 percent owned by one
18 or more socially and economically dis-
19 advantaged individuals.

20 “(C) ADDITIONAL DEFINITIONS.—In this
21 paragraph, the terms ‘other targeted popu-
22 lations’ and ‘socially and economically disadvan-
23 taged individual’ shall have the meaning given
24 those terms by the Administrator.”.

1 (B) TEMPORARY SAFE HARBOR FOR CER-
 2 TAIN INSTITUTIONS.—A community develop-
 3 ment financial institution that is a minority de-
 4 pository institution listed in the Federal De-
 5 posit Insurance Corporation’s Minority Deposi-
 6 tory Institutions List published for the Second
 7 Quarter 2020 shall be deemed a “minority lend-
 8 ing institution” under section 103(22) of the
 9 Community Development Banking and Finan-
 10 cial Institutions Act of 1994 for purposes of—

11 (i) any program carried out using ap-
 12 propriations authorized for the Community
 13 Development Financial Institutions Fund
 14 under section 706; and

15 (ii) the Neighborhood Capital Invest-
 16 ment Program established under section
 17 4003(i) of the CARES Act.

18 (b) OFFICE OF MINORITY LENDING INSTITU-
 19 TIONS.—Section 104 of the Community Development
 20 Banking and Financial Institutions Act of 1994 (12
 21 U.S.C. 4703) is amended by adding at the end the fol-
 22 lowing:

23 “(1) OFFICE OF MINORITY LENDING INSTITU-
 24 TIONS.—

1 “(1) ESTABLISHMENT.—There is established
2 within the Fund an Office of Minority Lending In-
3 stitutions, which shall oversee assistance provided by
4 the Fund to minority lending institutions.

5 “(2) DEPUTY DIRECTOR.—The head of the Of-
6 fice shall be the Deputy Director of Minority Lend-
7 ing Institutions, who shall report directly to the Ad-
8 ministrator of the Fund.”.

9 (c) REPORTING ON MINORITY LENDING INSTITU-
10 TIONS.—Section 117 of the Community Development
11 Banking and Financial Institutions Act of 1994 (12
12 U.S.C. 4716) is amended by adding at the end the fol-
13 lowing:

14 “(g) REPORTING ON MINORITY LENDING INSTITU-
15 TIONS.—Each report required under subsection (a) shall
16 include a description of the extent to which assistance
17 from the Fund are provided to minority lending institu-
18 tions.”.

19 (d) SUBMISSION OF DATA RELATING TO DIVERSITY
20 BY COMMUNITY DEVELOPMENT FINANCIAL INSTITU-
21 TIONS.—Section 104 of the Riegle Community Develop-
22 ment and Regulatory Improvement Act of 1994 (12
23 U.S.C. 4703) is amended by adding at the end the fol-
24 lowing:

1 “(l) SUBMISSION OF DATA RELATING TO DIVER-
2 SITY.—

3 “(1) DEFINITIONS.—In this subsection—

4 “(A) the term ‘executive officer’ has the
5 meaning given the term in section 230.501(f) of
6 title 17, Code of Federal Regulations, as in ef-
7 fect on the date of enactment of this subsection;
8 and

9 “(B) the term ‘veteran’ has the meaning
10 given the term in section 101 of title 38, United
11 States Code.

12 “(2) SUBMISSION OF DISCLOSURE.—Each Fund
13 applicant and recipient shall provide the following:

14 “(A) Data, based on voluntary self-identi-
15 fication, on the racial, ethnic, and gender com-
16 position of—

17 “(i) the board of directors of the insti-
18 tution;

19 “(ii) nominees for the board of direc-
20 tors of the institution; and

21 “(iii) the executive officers of the in-
22 stitution.

23 “(B) The status of any member of the
24 board of directors of the institution, any nomi-
25 nee for the board of directors of the institution,

1 or any executive officer of the institution, based
 2 on voluntary self-identification, as a veteran.

3 “(C) Whether the board of directors of the
 4 institution, or any committee of that board of
 5 directors, has, as of the date on which the insti-
 6 tution makes a disclosure under this paragraph,
 7 adopted any policy, plan, or strategy to promote
 8 racial, ethnic, and gender diversity among—

9 “(i) the board of directors of the insti-
 10 tution;

11 “(ii) nominees for the board of direc-
 12 tors of the institution; or

13 “(iii) the executive officers of the in-
 14 stitution.

15 “(3) ANNUAL REPORT.—Not later than 18
 16 months after the date of enactment of this sub-
 17 section, and annually thereafter, the Fund shall sub-
 18 mit to the Committee on Banking, Housing, and
 19 Urban Affairs of the Senate and the Committee on
 20 Financial Services of the House of Representatives,
 21 and make publicly available on the website of the
 22 Fund, a report—

23 “(A) on the data and trends of the diver-
 24 sity information made available pursuant to
 25 paragraph (2); and

1 “(B) containing all administrative or legis-
 2 lative recommendations of the Fund to enhance
 3 the implementation of this title or to promote
 4 diversity and inclusion within community devel-
 5 opment financial institutions.”.

6 **SEC. 710. CDFI BOND GUARANTEE REFORM.**

7 Effective October 1, 2020, section 114A(e)(2)(B) of
 8 the Riegle Community Development and Regulatory Im-
 9 provement Act of 1994 (12 U.S.C. 4713a(e)(2)(B)) is
 10 amended by striking “\$100,000,000” and inserting
 11 “\$50,000,000”.

12 **SEC. 711. REPORTS.**

13 (a) IN GENERAL.—The Secretary of the Treasury
 14 shall provide to the appropriate committees of Congress—

15 (1) within 30 days of the end of each month
 16 commencing with the first month in which trans-
 17 actions are made under a program established under
 18 this title or the amendments made by this title, a
 19 written report describing all of the transactions
 20 made during the reporting period pursuant to the
 21 authorities granted under this title or the amend-
 22 ments made by this title; and

23 (2) after the end of March and the end of Sep-
 24 tember, commencing March 31, 2021, a written re-
 25 port on all projected costs and liabilities, all oper-

1 ating expenses, including compensation for financial
 2 agents, and all transactions made by the Community
 3 Development Financial Institutions Fund, including
 4 participating institutions and amounts each institu-
 5 tion has received under each program described in
 6 paragraph (1).

7 (b) BREAKDOWN OF FUNDS.—Each report required
 8 under subsection (a) shall specify the amount of funds
 9 under each program described under subsection (a)(1)
 10 that went to—

11 (1) minority depository institutions that are de-
 12 pository institutions;

13 (2) minority depository institutions that are
 14 credit unions;

15 (3) minority lending institutions;

16 (4) community development financial institution
 17 loan funds;

18 (5) community development financial institu-
 19 tions that are depository institutions; and

20 (6) community development financial institu-
 21 tions that are credit unions.

22 (c) DEFINITIONS.—In this section:

23 (1) APPROPRIATE COMMITTEES OF CON-
 24 GRESS.—The term “appropriate committees of Con-
 25 gress” means the Committee on Financial Services

1 of the House of Representatives and the Committee
2 on Banking, Housing, and Urban Affairs of the Sen-
3 ate.

4 (2) COMMUNITY DEVELOPMENT FINANCIAL IN-
5 STITUTION.—The term “community development fi-
6 nancial institution” has the meaning given that term
7 under section 103 of the Riegle Community Develop-
8 ment and Regulatory Improvement Act of 1994.

9 (3) CREDIT UNION.—The term “credit union”
10 means a State credit union or a Federal credit
11 union, as such terms are defined, respectively, under
12 section 101 of the Federal Credit Union Act.

13 (4) DEPOSITORY INSTITUTION.—The term “de-
14 pository institution” has the meaning given that
15 term under section 3 of the Federal Deposit Insur-
16 ance Act.

17 (5) MINORITY DEPOSITORY INSTITUTION.—The
18 term “minority depository institution” has the
19 meaning given under section 308 of the Financial
20 Institutions Reform, Recovery, and Enforcement Act
21 of 1989 .

22 (6) MINORITY LENDING INSTITUTION.—The
23 term “minority lending institution” has the meaning
24 given that term under section 103 of the Community

1 Development Banking and Financial Institutions Act
2 of 1994.

3 **SEC. 712. INSPECTOR GENERAL OVERSIGHT.**

4 (a) IN GENERAL.—The Inspector General of the De-
5 partment of the Treasury shall conduct, supervise, and co-
6 ordinate audits and investigations of any program estab-
7 lished under this title or the amendments made by this
8 title.

9 (b) REPORTING.—The Inspector General of the De-
10 partment of the Treasury shall issue a report not less fre-
11 quently than 2 times per year to Congress and the Sec-
12 retary of the Treasury relating to the oversight provided
13 by the Office of the Inspector General, including any rec-
14 ommendations for improvements to the programs de-
15 scribed in subsection (a).

16 **SEC. 713. STUDY AND REPORT WITH RESPECT TO IMPACT**
17 **OF PROGRAMS ON LOW- AND MODERATE-IN-**
18 **COME AND MINORITY COMMUNITIES.**

19 (a) STUDY.—The Secretary of the Treasury shall
20 conduct a study of the impact of the programs established
21 under this title or any amendment made by this title on
22 low- and moderate-income and minority communities.

23 (b) REPORT.—Not later than 18 months after the
24 date of enactment of this Act, the Secretary shall submit
25 to Congress a report on the results of the study conducted

1 pursuant to subsection (a), which shall include, to the ex-
 2 tent possible, the results of the study disaggregated by
 3 ethnic group.

4 (c) INFORMATION PROVIDED TO THE SECRETARY.—
 5 Eligible institutions that participate in any of the pro-
 6 grams described in subsection (a) shall provide the Sec-
 7 retary of the Treasury with such information as the Sec-
 8 retary may require to carry out the study required by this
 9 section.

10 **TITLE VIII—PROVIDING ASSIST-** 11 **ANCE FOR STATE, TERRI-** 12 **TORY, TRIBAL, AND LOCAL** 13 **GOVERNMENTS**

14 **SEC. 801. EMERGENCY RELIEF FOR STATE, TERRITORIAL,** 15 **TRIBAL, AND LOCAL GOVERNMENTS.**

16 (a) PURCHASE OF COVID-19 RELATED MUNICIPAL
 17 ISSUANCES.—Section 14(b) of the Federal Reserve Act
 18 (12 U.S.C. 355) is amended by adding at the end the fol-
 19 lowing new paragraph:

20 “(3) UNUSUAL AND EXIGENT CIR-
 21 CUMSTANCES.—Under unusual and exigent cir-
 22 cumstances, to buy any bills, notes, revenue bonds,
 23 and warrants issued by any State, county, district,
 24 political subdivision, municipality, or entity that is a
 25 combination of any of the several States, the District

1 of Columbia, or any of the territories and posses-
2 sions of the United States. In this paragraph, the
3 term ‘State’ means each of the several States, the
4 District of Columbia, each territory and possession
5 of the United States, and each federally recognized
6 Indian Tribe.”.

7 (b) FEDERAL RESERVE AUTHORIZATION TO PUR-
8 CHASE COVID–19 RELATED MUNICIPAL ISSUANCES.—
9 Within 7 days after the date of the enactment of this sub-
10 section, the Board of Governors of the Federal Reserve
11 System shall modify the Municipal Liquidity Facility (es-
12 tablished on April 9, 2020, pursuant to section 13(3) of
13 the Federal Reserve Act (12 U.S.C. 343(3))) to—

14 (1) ensure such facility is operational until Feb-
15 ruary 1, 2021;

16 (2) allow for the purchase of bills, notes, bonds,
17 and warrants with maximum maturity of 10 years
18 from the date of such purchase;

19 (3) ensure that any purchases made are at an
20 interest rate equal to the discount window primary
21 credit interest rate most recently published on the
22 Federal Reserve Statistical Release on selected inter-
23 est rates (daily or weekly), commonly referred to as
24 the “H.15 release” or the “Federal funds rate”;

1 (4) ensure that an eligible issuer does not need
2 to attest to an inability to secure credit elsewhere;
3 and

4 (5) include in the list of eligible issuers for such
5 purchases—

6 (A) any of the territories and possessions
7 of the United States;

8 (B) a political subdivision of a State with
9 a population of more than 50,000 residents;
10 and

11 (C) an entity that is a combination of any
12 of the several States, the District of Columbia,
13 or any of the territories and possessions of the
14 United States.

15 **SEC. 802. COMMUNITY DEVELOPMENT BLOCK GRANTS.**

16 (a) FUNDING AND ALLOCATIONS.—

17 (1) AUTHORIZATION OF APPROPRIATIONS.—

18 There is authorized to be appropriated
19 \$5,000,000,000 for assistance in accordance with
20 this section under the community development block
21 grant program under title I of the Housing and
22 Community Development Act of 1974 (42 U.S.C.
23 5301 et seq.), which shall remain available until
24 September 30, 2023.

1 (2) ALLOCATION.—Amounts made available
2 pursuant to paragraph (1) shall be distributed pur-
3 suant to section 106 of such Act (42 U.S.C. 5306)
4 to grantees and such allocations shall be made with-
5 in 30 days after the date of the enactment of this
6 Act.

7 (b) TIME LIMITATION ON EMERGENCY GRANT PAY-
8 MENTS.—Paragraph (4) of section 570.207(b) of the Sec-
9 retary’s regulations (24 C.F.R. 570.207(b)(4)) shall be
10 applied with respect to grants with amounts made avail-
11 able pursuant to subsection (a), by substituting “12 con-
12 secutive months” for “3 consecutive months”.

13 (c) MATCHING OF AMOUNTS USED FOR ADMINISTRA-
14 TIVE COSTS.—Any requirement for a State to match or
15 supplement amounts expended for program administration
16 of State grants under section 106(d) of the Housing and
17 Community Development Act of 1974 (42 U.S.C.
18 5306(d)) shall not apply with respect to amounts made
19 available pursuant to subsection (a).

20 (d) CAPER INFORMATION.—During the period that
21 begins on the date of enactment of this Act and ends on
22 the date of the termination by the Federal Emergency
23 Management Agency of the emergency declared on March
24 13, 2020, by the President under the Robert T. Stafford
25 Disaster Relief and Emergency Assistance Act (42 U.S.C.

1 4121 et seq.) relating to the Coronavirus Disease 2019
 2 (COVID–19) pandemic, the Secretary shall make all infor-
 3 mation included in Consolidated Annual Performance and
 4 Evaluation Reports relating to assistance made available
 5 pursuant to this section publicly available on its website
 6 on a quarterly basis.

7 (e) AUTHORITY; WAIVERS.—Any provisions of, and
 8 waivers and alternative requirements issued by the Sec-
 9 retary pursuant to, the heading “Department of Housing
 10 and Urban Development—Community Planning and De-
 11 velopment —Community Development Fund” in title XII
 12 of division B of the CARES Act (Public Law 116–136)
 13 shall apply with respect to amounts made available pursu-
 14 ant to subsection (a) of this section.

15 **TITLE IX—SUPPORT FOR A RO-** 16 **BUST GLOBAL RESPONSE TO** 17 **THE COVID–19 PANDEMIC**

18 **SEC. 901. UNITED STATES POLICIES.**

19 (a) UNITED STATES POLICIES AT THE INTER-
 20 NATIONAL FINANCIAL INSTITUTIONS.—

21 (1) IN GENERAL.—The Secretary of the Treas-
 22 ury shall instruct the United States Executive Direc-
 23 tor at each international financial institution (as de-
 24 fined in section 1701(c)(2) of the International Fi-
 25 nancial Institutions Act (22 U.S.C. 262r(c)(2))) to

1 use the voice and vote of the United States at the
2 respective institution—

3 (A) to seek to ensure adequate fiscal space
4 for world economies in response to the global
5 coronavirus disease 2019 (commonly referred to
6 as “COVID–19”) pandemic through—

7 (i) the suspension of all debt service
8 payments to the institution; and

9 (ii) the relaxation of fiscal targets for
10 any government operating a program sup-
11 ported by the institution, or seeking fi-
12 nancing from the institution, in response
13 to the pandemic;

14 (B) to oppose the approval or endorsement
15 of any loan, grant, document, or strategy that
16 would lead to a decrease in health care spend-
17 ing or in any other spending that would impede
18 the ability of any country to prevent or contain
19 the spread of, or treat persons who are or may
20 be infected with, the SARS–CoV–2 virus; and

21 (C) to require approval of all Special
22 Drawing Rights allocation transfers from
23 wealthier member countries to countries that
24 are emerging markets or developing countries,
25 based on confirmation of implementable trans-

1 parency mechanisms or protocols to ensure the
2 allocations are used for the public good and in
3 response the global pandemic.

4 (2) IMF ISSUANCE OF SPECIAL DRAWING
5 RIGHTS.—It is the policy of the United States to
6 support the issuance of a special allocation of not
7 less than 2,000,000,000,000 Special Drawing Rights
8 so that governments are able to access additional re-
9 sources to finance their responses to the global
10 COVID–19 pandemic. The Secretary of the Treas-
11 ury shall use the voice and vote of the United States
12 to support the issuance, and shall instruct the
13 United States Executive Director at the Inter-
14 national Monetary Fund to support the same.

15 (3) ALLOCATION OF U.S. SPECIAL DRAWING
16 RIGHTS.—It is also the policy of the United States,
17 which has large reserves and little use for its Special
18 Drawing Rights, to contribute a significant portion
19 of its current stock, and any future allocation of,
20 Special Drawing Rights to the Poverty Reduction
21 and Growth Facility (PRGF) or a similar special
22 purpose vehicle at the International Monetary Fund
23 to help developing and low-income countries respond
24 to the health and economic impacts of the COVID–
25 19 pandemic.

1 (4) IMPLEMENTATION.—The Secretary of the
2 Treasury shall instruct the United States Executive
3 Director at the International Monetary Fund to use
4 the voice and vote of the United States to actively
5 promote and take all appropriate actions with re-
6 spect to implementing the policy goals of the United
7 States set forth in paragraphs (2) and (3), and shall
8 post the instruction on the website of the Depart-
9 ment of the Treasury.

10 (b) UNITED STATES POLICY AT THE G20.—The Sec-
11 retary of the Treasury shall commence immediate efforts
12 to reach an agreement with the Group of Twenty to extend
13 through the end of 2021 the current moratorium on debt
14 service payments to official bilateral creditors by the
15 world’s poorest countries.

16 (c) REPORT REQUIRED.—The Chairman of the Na-
17 tional Advisory Council on International Monetary and Fi-
18 nancial Policies shall include in the annual report required
19 by section 1701 of the International Financial Institutions
20 Act (22 U.S.C. 262r) a description of progress made to-
21 ward advancing the policies described in subsection (a) of
22 this section.

23 (d) TERMINATION.—Subsections (a) and (c) shall
24 have no force or effect after the earlier of—

1 (1) the date that is 1 year after the date of the
2 enactment of this Act; or

3 (2) the date that is 30 days after the date on
4 which the Secretary of the Treasury submits to the
5 Committee on Foreign Relations of the Senate and
6 the Committee on Financial Services of the House of
7 Representatives a report stating that the SARS-
8 CoV-2 virus is no longer a serious threat to public
9 health in any part of the world.

10 **TITLE X—PROVIDING OVER-**
11 **SIGHT AND PROTECTING TAX-**
12 **PAYERS**

13 **SEC. 1001. MANDATORY REPORTS TO CONGRESS.**

14 (a) DISCLOSURE OF TRANSACTION REPORTS.—Sec-
15 tion 4026(b)(1)(A)(iii) of the CARES Act (Public Law
16 116–136) is amended—

17 (1) in subclause (IV)—

18 (A) by inserting “and the justification for
19 such exercise of authority” after “authority”;
20 and

21 (B) by striking “and” at the end;

22 (2) in subclause (V), by striking the period at
23 the end and inserting “; and”; and

24 (3) by adding at the end the following:

1 “(VI) the identity of each recipi-
2 ent of a loan or loan guarantee de-
3 scribed in subclause (I);

4 “(VII) the date and amount of
5 each such loan or loan guarantee and
6 the form in which each such loan or
7 loan guarantee was provided;

8 “(VIII) the material terms of
9 each such loan or loan guarantee, in-
10 cluding—

11 “(aa) duration;

12 “(bb) collateral pledged and
13 the value thereof;

14 “(cc) all interest, fees, and
15 other revenue or items of value to
16 be received in exchange for such
17 loan or loan guarantee;

18 “(dd) any requirements im-
19 posed on the recipient with re-
20 spect to employee compensation,
21 distribution of dividends, or any
22 other corporate decision in ex-
23 change for the assistance; and

24 “(ee) the expected costs to
25 the Federal Government with re-

1 spect to such loans or loan guar-
 2 antees.”.

3 (b) REPORTS BY THE SECRETARY OF THE TREAS-
 4 URY.—Section 4018 of the CARES Act (Public Law 116–
 5 136) is amended by adding at the end the following:

6 “(k) REPORTS BY THE SECRETARY.—Not later than
 7 7 days after the last day of each month, the Secretary
 8 shall submit to the Special Inspector General, the Com-
 9 mittee on Financial Services of the House of Representa-
 10 tives, and the Committee on Banking, Housing, and
 11 Urban Affairs of the Senate a report that includes the in-
 12 formation specified in subparagraphs (A) through (E) of
 13 subsection (c)(1) with respect to the making, purchase,
 14 management, and sale of loans, loan guarantees, and other
 15 investments made by the Secretary under any program es-
 16 tablished by the Secretary under this Act.”.

17 **SEC. 1002. DISCRETIONARY REPORTS TO CONGRESS.**

18 Section 4020(b) of the CARES Act (Public Law 116–
 19 136) is amended by adding at the end the following:

20 “(3) DISCRETIONARY REPORTS TO CON-
 21 GRESS.—In addition to the reports required under
 22 paragraph (2), the Oversight Commission may sub-
 23 mit other reports to Congress at such time, in such
 24 manner, and containing such information as the
 25 Oversight Commission determines appropriate.”.

1 **SEC. 1003. DEFINITION OF APPROPRIATE CONGRESSIONAL**
2 **COMMITTEES.**

3 (a) PANDEMIC RESPONSE ACCOUNTABILITY COM-
4 MITTEE.—Section 15010(a)(2) of the CARES Act (Public
5 Law 116–136) is amended—

6 (1) by redesignating subparagraphs (B)
7 through (D) as subparagraphs (D) through (F), re-
8 spectively; and

9 (2) by inserting after subparagraph (A) the fol-
10 lowing:

11 “(B) the Committee on Banking, Housing,
12 and Urban Affairs of the Senate;

13 “(C) the Committee on Financial Services
14 of the House of Representatives;”.

15 (b) OVERSIGHT AND AUDIT AUTHORITY.—Section
16 19010(a)(1) of the CARES Act (Public Law 116–136) is
17 amended—

18 (1) by redesignating subparagraphs (B)
19 through (G) as subparagraphs (D) through (I), re-
20 spectively; and

21 (2) by inserting after subparagraph (A) the fol-
22 lowing:

23 “(B) the Committee on Banking, Housing,
24 and Urban Affairs of the Senate;

25 “(C) the Committee on Financial Services
26 of the House of Representatives;”.

1 **SEC. 1004. ADDITIONAL REPORTING ON FUNDING FOR DI-**
2 **VERSE-OWNED BUSINESSES.**

3 Section 15010(d)(2) of the CARES Act (Public Law
4 116–136) is amended—

5 (1) by redesignating subparagraph (C) as sub-
6 paragraph (D); and

7 (2) by inserting after subparagraph (B) the fol-
8 lowing:

9 “(C) The Committee shall submit to Congress,
10 including the appropriate congressional committees,
11 quarterly reports that include an analysis of Federal
12 funds provided during the pandemic that have been
13 used to support communities of color, including mi-
14 nority-owned businesses and minority depository in-
15 stitutions, broken down by race and ethnicity.”; and

16 **SEC. 1005. REPORTING BY INSPECTORS GENERAL.**

17 (a) DEFINITION OF COVERED AGENCY.—In this sec-
18 tion, the term “covered agency” means—

19 (1) the Department of the Treasury;

20 (2) the Federal Deposit Insurance Corporation;

21 (3) the Office of the Comptroller of the Cur-
22 rency;

23 (4) the Board of Governors of the Federal Re-
24 serve System;

25 (5) the National Credit Union Administration;

1 (6) the Bureau of Consumer Financial Protec-
2 tion;

3 (7) the Department of Housing and Urban De-
4 velopment;

5 (8) the Department of Agriculture, Rural Hous-
6 ing Service;

7 (9) the Securities and Exchange Commission;
8 and

9 (10) the Federal Housing Finance Agency.

10 (b) REPORT.—The Inspector General of each covered
11 agency shall include in each semiannual report submitted
12 by the Inspector General the findings of the Inspector
13 General on the effectiveness of—

14 (1) rulemaking by the covered agency related to
15 COVID–19; and

16 (2) supervision and oversight by the covered
17 agency of institutions and entities that participate in
18 COVID–19-related relief, funding, lending, or other
19 programs of the covered agency.

20 (c) SUBMISSION.—The Inspector General of each cov-
21 ered agency shall submit the information required to be
22 included in each semiannual report under subsection (b)
23 to—

1 (1) the Special Inspector General for Pandemic
2 Recovery appointed under section 4018 of division A
3 of the CARES Act (Public Law 116–136);

4 (2) the Pandemic Response Accountability
5 Committee established under section 15010 of divi-
6 sion B of the CARES Act (Public Law 116–136);
7 and

8 (3) the Congressional Oversight Commission es-
9 tablished under section 4020 of division A of the
10 CARES Act (Public Law 116–136).

11 **DIVISION P—ACCESS ACT**

12 **SEC. 101. SHORT TITLE.**

13 This Act may be cited as the “American Coronavirus/
14 COVID–19 Election Safety and Security Act” or the “AC-
15 CESS Act”.

16 **SEC. 102. REQUIREMENTS FOR FEDERAL ELECTION CON-** 17 **TINGENCY PLANS IN RESPONSE TO NATURAL** 18 **DISASTERS AND EMERGENCIES.**

19 (a) IN GENERAL.—

20 (1) ESTABLISHMENT.—Not later than 90 days
21 after the date of the enactment of this Act, each
22 State and each jurisdiction in a State which is re-
23 sponsible for administering elections for Federal of-
24 fice shall establish and make publicly available a
25 contingency plan to enable individuals to vote in

1 elections for Federal office during a state of emer-
2 gency, public health emergency, or national emer-
3 gency which has been declared for reasons includ-
4 ing—

5 (A) a natural disaster; or

6 (B) an infectious disease.

7 (2) UPDATING.—Each State and jurisdiction
8 shall update the contingency plan established under
9 this subsection not less frequently than every 5
10 years.

11 (b) REQUIREMENTS RELATING TO SAFETY.—The
12 contingency plan established under subsection (a) shall in-
13 clude initiatives to provide equipment and resources need-
14 ed to protect the health and safety of poll workers and
15 voters when voting in person.

16 (c) REQUIREMENTS RELATING TO RECRUITMENT OF
17 POLL WORKERS.—The contingency plan established
18 under subsection (a) shall include initiatives by the chief
19 State election official and local election officials to recruit
20 poll workers from resilient or unaffected populations,
21 which may include—

22 (1) employees of other State and local govern-
23 ment offices; and

24 (2) in the case in which an infectious disease
25 poses significant increased health risks to elderly in-

1 individuals, students of secondary schools and institu-
2 tions of higher education in the State.

3 (d) ENFORCEMENT.—

4 (1) ATTORNEY GENERAL.—The Attorney Gen-
5 eral may bring a civil action against any State or ju-
6 risdiction in an appropriate United States District
7 Court for such declaratory and injunctive relief (in-
8 cluding a temporary restraining order, a permanent
9 or temporary injunction, or other order) as may be
10 necessary to carry out the requirements of this sec-
11 tion.

12 (2) PRIVATE RIGHT OF ACTION.—

13 (A) IN GENERAL.—In the case of a viola-
14 tion of this section, any person who is aggrieved
15 by such violation may provide written notice of
16 the violation to the chief election official of the
17 State involved.

18 (B) RELIEF.—If the violation is not cor-
19 rected within 20 days after receipt of a notice
20 under subparagraph (A), or within 5 days after
21 receipt of the notice if the violation occurred
22 within 120 days before the date of an election
23 for Federal office, the aggrieved person may, in
24 a civil action, obtain declaratory or injunctive
25 relief with respect to the violation.

1 (C) SPECIAL RULE.—If the violation oc-
2 curred within 5 days before the date of an elec-
3 tion for Federal office, the aggrieved person
4 need not provide notice to the chief election of-
5 ficial of the State involved under subparagraph
6 (A) before bringing a civil action under sub-
7 paragraph (B).

8 (e) DEFINITIONS.—

9 (1) ELECTION FOR FEDERAL OFFICE.—For
10 purposes of this section, the term “election for Fed-
11 eral office” means a general, special, primary, or
12 runoff election for the office of President or Vice
13 President, or of Senator or Representative in, or
14 Delegate or Resident Commissioner to, the Con-
15 gress.

16 (2) STATE.—For purposes of this section, the
17 term “State” includes the District of Columbia, the
18 Commonwealth of Puerto Rico, Guam, American
19 Samoa, the United States Virgin Islands, and the
20 Commonwealth of the Northern Mariana Islands.

21 (f) EFFECTIVE DATE.—This section shall apply with
22 respect to the regularly scheduled general election for Fed-
23 eral office held in November 2020 and each succeeding
24 election for Federal office.

1 **SEC. 103. EARLY VOTING AND VOTING BY MAIL.**

2 (a) REQUIREMENTS.—Title III of the Help America
3 Vote Act of 2002 (52 U.S.C. 21081 et seq.) is amended
4 by adding at the end the following new subtitle:

5 **“Subtitle C—Other Requirements**

6 **“SEC. 321. EARLY VOTING.**

7 “(a) REQUIRING ALLOWING VOTING PRIOR TO DATE
8 OF ELECTION.—

9 “(1) IN GENERAL.—Each State shall allow indi-
10 viduals to vote in an election for Federal office dur-
11 ing an early voting period which occurs prior to the
12 date of the election, in the same manner as voting
13 is allowed on such date.

14 “(2) LENGTH OF PERIOD.—The early voting
15 period required under this subsection with respect to
16 an election shall consist of a period of consecutive
17 days (including weekends) which begins on the 15th
18 day before the date of the election (or, at the option
19 of the State, on a day prior to the 15th day before
20 the date of the election) and ends on the date of the
21 election.

22 “(b) MINIMUM EARLY VOTING REQUIREMENTS.—
23 Each polling place which allows voting during an early vot-
24 ing period under subsection (a) shall—

25 “(1) allow such voting for no less than 10 hours
26 on each day;

1 “(2) have uniform hours each day for which
2 such voting occurs; and

3 “(3) allow such voting to be held for some pe-
4 riod of time prior to 9:00 a.m (local time) and some
5 period of time after 5:00 p.m. (local time).

6 “(c) LOCATION OF POLLING PLACES.—

7 “(1) PROXIMITY TO PUBLIC TRANSPOR-
8 TATION.—To the greatest extent practicable, a State
9 shall ensure that each polling place which allows vot-
10 ing during an early voting period under subsection
11 (a) is located within walking distance of a stop on
12 a public transportation route.

13 “(2) AVAILABILITY IN RURAL AREAS.—The
14 State shall ensure that polling places which allow
15 voting during an early voting period under sub-
16 section (a) will be located in rural areas of the State,
17 and shall ensure that such polling places are located
18 in communities which will provide the greatest op-
19 portunity for residents of rural areas to vote during
20 the early voting period.

21 “(d) STANDARDS.—

22 “(1) IN GENERAL.—The Commission shall issue
23 standards for the administration of voting prior to
24 the day scheduled for a Federal election. Such
25 standards shall include the nondiscriminatory geo-

1 graphic placement of polling places at which such
2 voting occurs.

3 “(2) DEVIATION.—The standards described in
4 paragraph (1) shall permit States, upon providing
5 adequate public notice, to deviate from any require-
6 ment in the case of unforeseen circumstances such
7 as a natural disaster, terrorist attack, or a change
8 in voter turnout.

9 “(e) BALLOT PROCESSING AND SCANNING REQUIRE-
10 MENTS.—

11 “(1) IN GENERAL.—The State shall begin proc-
12 essing and scanning ballots cast during early voting
13 for tabulation at least 14 days prior to the date of
14 the election involved.

15 “(2) LIMITATION.—Nothing in this subsection
16 shall be construed to permit a State to tabulate bal-
17 lots in an election before the closing of the polls on
18 the date of the election.

19 “(f) EFFECTIVE DATE.—This section shall apply
20 with respect to the regularly scheduled general election for
21 Federal office held in November 2020 and each succeeding
22 election for Federal office.

1 **“SEC. 322. PROMOTING ABILITY OF VOTERS TO VOTE BY**
2 **MAIL.**

3 “(a) UNIFORM AVAILABILITY OF ABSENTEE VOTING
4 TO ALL VOTERS.—

5 “(1) IN GENERAL.—If an individual in a State
6 is eligible to cast a vote in an election for Federal
7 office, the State may not impose any additional con-
8 ditions or requirements on the eligibility of the indi-
9 vidual to cast the vote in such election by absentee
10 ballot by mail.

11 “(2) ADMINISTRATION OF VOTING BY MAIL.—

12 “(A) PROHIBITING IDENTIFICATION RE-
13 QUIREMENT AS CONDITION OF OBTAINING BAL-
14 LOT.—A State may not require an individual to
15 provide any form of identification as a condition
16 of obtaining an absentee ballot, except that
17 nothing in this paragraph may be construed to
18 prevent a State from requiring a signature of
19 the individual or similar affirmation as a condi-
20 tion of obtaining an absentee ballot.

21 “(B) PROHIBITING REQUIREMENT TO PRO-
22 VIDE NOTARIZATION OR WITNESS SIGNATURE
23 AS CONDITION OF OBTAINING OR CASTING BAL-
24 LOT.—A State may not require notarization or
25 witness signature or other formal authentica-

1 tion (other than voter attestation) as a condi-
2 tion of obtaining or casting an absentee ballot.

3 “(C) DEADLINE FOR RETURNING BAL-
4 LOT.—A State may impose a deadline for re-
5 questing the absentee ballot and related voting
6 materials from the appropriate State or local
7 election official and for returning the ballot to
8 the appropriate State or local election official.

9 “(3) APPLICATION FOR ALL FUTURE ELEC-
10 TIONS.—At the option of an individual, a State shall
11 treat the individual’s application to vote by absentee
12 ballot by mail in an election for Federal office as an
13 application to vote by absentee ballot by mail in all
14 subsequent Federal elections held in the State.

15 “(b) DUE PROCESS REQUIREMENTS FOR STATES
16 REQUIRING SIGNATURE VERIFICATION.—

17 “(1) REQUIREMENT.—

18 “(A) IN GENERAL.—A State may not im-
19 pose a signature verification requirement as a
20 condition of accepting and counting an absentee
21 ballot submitted by any individual with respect
22 to an election for Federal office unless the
23 State meets the due process requirements de-
24 scribed in paragraph (2).

1 “(B) SIGNATURE VERIFICATION REQUIRE-
 2 MENT DESCRIBED.—In this subsection, a ‘sig-
 3 nature verification requirement’ is a require-
 4 ment that an election official verify the identi-
 5 fication of an individual by comparing the indi-
 6 vidual’s signature on the absentee ballot with
 7 the individual’s signature on the official list of
 8 registered voters in the State or another official
 9 record or other document used by the State to
 10 verify the signatures of voters.

11 “(2) DUE PROCESS REQUIREMENTS.—

12 “(A) NOTICE AND OPPORTUNITY TO CURE
 13 DISCREPANCY.—If an individual submits an ab-
 14 sentee ballot and the appropriate State or local
 15 election official determines that a discrepancy
 16 exists between the signature on such ballot and
 17 the signature of such individual on the official
 18 list of registered voters in the State or other of-
 19 ficial record or document used by the State to
 20 verify the signatures of voters, such election of-
 21 ficial, prior to making a final determination as
 22 to the validity of such ballot, shall—

23 “(i) make a good faith effort to imme-
 24 diately notify the individual by mail, tele-

1 phone, and (if available) electronic mail
2 that—

3 “(I) a discrepancy exists between
4 the signature on such ballot and the
5 signature of the individual on the offi-
6 cial list of registered voters in the
7 State, and

8 “(II) if such discrepancy is not
9 cured prior to the expiration of the
10 10-day period which begins on the
11 date the official notifies the individual
12 of the discrepancy, such ballot will not
13 be counted; and

14 “(ii) cure such discrepancy and count
15 the ballot if, prior to the expiration of the
16 10-day period described in clause (i)(II),
17 the individual provides the official with in-
18 formation to cure such discrepancy, either
19 in person, by telephone, or by electronic
20 methods.

21 “(B) NOTICE AND OPPORTUNITY TO PRO-
22 VIDE MISSING SIGNATURE.—If an individual
23 submits an absentee ballot without a signature,
24 the appropriate State or local election official,

1 prior to making a final determination as to the
2 validity of the ballot, shall—

3 “(i) make a good faith effort to imme-
4 diately notify the individual by mail, tele-
5 phone, and (if available) electronic mail
6 that—

7 “(I) the ballot did not include a
8 signature, and

9 “(II) if the individual does not
10 provide the missing signature prior to
11 the expiration of the 10-day period
12 which begins on the date the official
13 notifies the individual that the ballot
14 did not include a signature, such bal-
15 lot will not be counted; and

16 “(ii) count the ballot if, prior to the
17 expiration of the 10-day period described
18 in clause (i)(II), the individual provides the
19 official with the missing signature on a
20 form proscribed by the State.

21 “(C) OTHER REQUIREMENTS.—An election
22 official may not make a determination that a
23 discrepancy exists between the signature on an
24 absentee ballot and the signature of the indi-
25 vidual who submits the ballot on the official list

1 of registered voters in the State or other official
2 record or other document used by the State to
3 verify the signatures of voters unless—

4 “(i) at least 2 election officials make
5 the determination; and

6 “(ii) each official who makes the de-
7 termination has received training in proce-
8 dures used to verify signatures.

9 “(3) REPORT.—

10 “(A) IN GENERAL.—Not later than 120
11 days after the end of a Federal election cycle,
12 each chief State election official shall submit to
13 Congress a report containing the following in-
14 formation for the applicable Federal election
15 cycle in the State:

16 “(i) The number of ballots invalidated
17 due to a discrepancy under this subsection.

18 “(ii) Description of attempts to con-
19 tact voters to provide notice as required by
20 this subsection.

21 “(iii) Description of the cure process
22 developed by such State pursuant to this
23 subsection, including the number of ballots
24 determined valid as a result of such proc-
25 ess.

1 “(B) FEDERAL ELECTION CYCLE DE-
 2 FINED.—For purposes of this subsection, the
 3 term ‘Federal election cycle’ means the period
 4 beginning on January 1 of any odd numbered
 5 year and ending on December 31 of the fol-
 6 lowing year.

7 “(c) METHODS AND TIMING FOR TRANSMISSION OF
 8 BALLOTS AND BALLOTING MATERIALS TO VOTERS.—

9 “(1) METHOD FOR REQUESTING BALLOT.—In
 10 addition to such other methods as the State may es-
 11 tablish for an individual to request an absentee bal-
 12 lot, the State shall permit an individual to submit a
 13 request for an absentee ballot online. The State shall
 14 be considered to meet the requirements of this para-
 15 graph if the website of the appropriate State or local
 16 election official allows an absentee ballot request ap-
 17 plication to be completed and submitted online and
 18 if the website permits the individual—

19 “(A) to print the application so that the
 20 individual may complete the application and re-
 21 turn it to the official; or

22 “(B) request that a paper copy of the ap-
 23 plication be transmitted to the individual by
 24 mail or electronic mail so that the individual

1 may complete the application and return it to
2 the official.

3 “(2) ENSURING DELIVERY PRIOR TO ELEC-
4 TION.—If an individual requests to vote by absentee
5 ballot in an election for Federal office, the appro-
6 priate State or local election official shall ensure
7 that the ballot and relating voting materials are re-
8 ceived by the individual prior to the date of the elec-
9 tion so long as the individual’s request is received by
10 the official not later than 5 days (excluding Satur-
11 days, Sundays, and legal public holidays) before the
12 date of the election, except that nothing in this para-
13 graph shall preclude a State or local jurisdiction
14 from allowing for the acceptance and processing of
15 ballot requests submitted or received after such re-
16 quired period.

17 “(d) ACCESSIBILITY FOR INDIVIDUALS WITH DIS-
18 ABILITIES.—The State shall ensure that all absentee bal-
19 lots and related voting materials in elections for Federal
20 office are accessible to individuals with disabilities in a
21 manner that provides the same opportunity for access and
22 participation (including with privacy and independence) as
23 for other voters.

24 “(e) UNIFORM DEADLINE FOR ACCEPTANCE OF
25 MAILED BALLOTS.—

1 “(1) IN GENERAL.—A State may not refuse to
 2 accept or process a ballot submitted by an individual
 3 by mail with respect to an election for Federal office
 4 in the State on the grounds that the individual did
 5 not meet a deadline for returning the ballot to the
 6 appropriate State or local election official if—

7 “(A) the ballot is postmarked, signed, or
 8 otherwise indicated by the United States Postal
 9 Service to have been mailed on or before the
 10 date of the election; and

11 “(B) the ballot is received by the appro-
 12 priate election official prior to the expiration of
 13 the 10-day period which begins on the date of
 14 the election.

15 “(2) RULE OF CONSTRUCTION.—Nothing in
 16 this subsection shall be construed to prohibit a State
 17 from having a law that allows for counting of ballots
 18 in an election for Federal office that are received
 19 through the mail after the date that is 10 days after
 20 the date of the election.

21 “(f) ALTERNATIVE METHODS OF RETURNING BAL-
 22 LOTS.—

23 “(1) IN GENERAL.—In addition to permitting
 24 an individual to whom a ballot in an election was
 25 provided under this section to return the ballot to an

election official by mail, the State shall permit the individual to cast the ballot by delivering the ballot at such times and to such locations as the State may establish, including—

“(A) permitting the individual to deliver the ballot to a polling place on any date on which voting in the election is held at the polling place; and

“(B) permitting the individual to deliver the ballot to a designated ballot drop-off location.

“(2) PERMITTING VOTERS TO DESIGNATE OTHER PERSON TO RETURN BALLOT.—The State—

“(A) shall permit a voter to designate any person to return a voted and sealed absentee ballot to the post office, a ballot drop-off location, tribally designated building, or election office so long as the person designated to return the ballot does not receive any form of compensation based on the number of ballots that the person has returned and no individual, group, or organization provides compensation on this basis; and

“(B) may not put any limit on how many voted and sealed absentee ballots any des-

1 ignated person can return to the post office, a
 2 ballot drop off location, tribally designated
 3 building, or election office.

4 “(g) BALLOT PROCESSING AND SCANNING REQUIRE-
 5 MENTS.—

6 “(1) IN GENERAL.—The State shall begin proc-
 7 essing and scanning ballots cast by mail for tabula-
 8 tion at least 14 days prior to the date of the election
 9 involved.

10 “(2) LIMITATION.—Nothing in this subsection
 11 shall be construed to permit a State to tabulate bal-
 12 lots in an election before the closing of the polls on
 13 the date of the election.

14 “(h) RULE OF CONSTRUCTION.—Nothing in this sec-
 15 tion shall be construed to affect the authority of States
 16 to conduct elections for Federal office through the use of
 17 polling places at which individuals cast ballots.

18 “(i) NO EFFECT ON BALLOTS SUBMITTED BY AB-
 19 SENT MILITARY AND OVERSEAS VOTERS.—Nothing in
 20 this section may be construed to affect the treatment of
 21 any ballot submitted by an individual who is entitled to
 22 vote by absentee ballot under the Uniformed and Overseas
 23 Citizens Absentee Voting Act (52 U.S.C. 20301 et seq.).

24 “(j) EFFECTIVE DATE.—This section shall apply
 25 with respect to the regularly scheduled general election for

1 Federal office held in November 2020 and each succeeding
2 election for Federal office.

3 **“SEC. 323. ABSENTEE BALLOT TRACKING PROGRAM.**

4 “(a) REQUIREMENT.—Each State shall carry out a
5 program to track and confirm the receipt of absentee bal-
6 lots in an election for Federal office under which the State
7 or local election official responsible for the receipt of voted
8 absentee ballots in the election carries out procedures to
9 track and confirm the receipt of such ballots, and makes
10 information on the receipt of such ballots available to the
11 individual who cast the ballot, by means of online access
12 using the Internet site of the official’s office.

13 “(b) INFORMATION ON WHETHER VOTE WAS
14 COUNTED.—The information referred to under subsection
15 (a) with respect to the receipt of an absentee ballot shall
16 include information regarding whether the vote cast on the
17 ballot was counted, and, in the case of a vote which was
18 not counted, the reasons therefor.

19 “(c) USE OF TOLL-FREE TELEPHONE NUMBER BY
20 OFFICIALS WITHOUT INTERNET SITE.—A program estab-
21 lished by a State or local election official whose office does
22 not have an Internet site may meet the requirements of
23 subsection (a) if the official has established a toll-free tele-
24 phone number that may be used by an individual who cast
25 an absentee ballot to obtain the information on the receipt

1 of the voted absentee ballot as provided under such sub-
2 section.

3 “(d) EFFECTIVE DATE.—This section shall begin to
4 apply on that date that is 90 days after the date of the
5 enactment of this section.

6 **“SEC. 324. RULES FOR COUNTING PROVISIONAL BALLOTS.**

7 “(a) STATEWIDE COUNTING OF PROVISIONAL BAL-
8 LOTS.—

9 “(1) IN GENERAL.—For purposes of section
10 302(a)(4), notwithstanding the precinct or polling
11 place at which a provisional ballot is cast within the
12 State, the appropriate election official shall count
13 each vote on such ballot for each election in which
14 the individual who cast such ballot is eligible to vote.

15 “(2) EFFECTIVE DATE.—This subsection shall
16 apply with respect to the regularly scheduled general
17 election for Federal office held in November 2020
18 and each succeeding election for Federal office.

19 “(b) UNIFORM AND NONDISCRIMINATORY STAND-
20 ARDS.—

21 “(1) IN GENERAL.—Consistent with the re-
22 quirements of section 302, each State shall establish
23 uniform and nondiscriminatory standards for the
24 issuance, handling, and counting of provisional bal-
25 lots.

1 “(2) EFFECTIVE DATE.—This subsection shall
 2 apply with respect to the regularly scheduled general
 3 election for Federal office held in November 2020
 4 and each succeeding election for Federal office.

5 **“SEC. 325. COVERAGE OF COMMONWEALTH OF NORTHERN**
 6 **MARIANA ISLANDS.**

7 “In this subtitle, the term ‘State’ includes the Com-
 8 monwealth of the Northern Mariana Islands.

9 **“SEC. 326. MINIMUM REQUIREMENTS FOR EXPANDING**
 10 **ABILITY OF INDIVIDUALS TO VOTE.**

11 “The requirements of this subtitle are minimum re-
 12 quirements, and nothing in this subtitle may be construed
 13 to prevent a State from establishing standards which pro-
 14 mote the ability of individuals to vote in elections for Fed-
 15 eral office, so long as such standards are not inconsistent
 16 with the requirements of this subtitle or other Federal
 17 laws.”.

18 (b) CONFORMING AMENDMENT RELATING TO
 19 ISSUANCE OF VOLUNTARY GUIDANCE BY ELECTION AS-
 20 SISTANCE COMMISSION.—Section 311(b) of such Act (52
 21 U.S.C. 21101(b)) is amended—

22 (1) by striking “and” at the end of paragraph
 23 (2);

24 (2) by striking the period at the end of para-
 25 graph (3) and inserting “; and”; and

1 (3) by adding at the end the following new
2 paragraph:

3 “(4) in the case of the recommendations with
4 respect to subtitle C, June 30, 2020.”.

5 (c) ENFORCEMENT.—

6 (1) COVERAGE UNDER EXISTING ENFORCE-
7 MENT PROVISIONS.—Section 401 of such Act (52
8 U.S.C. 21111) is amended by striking “and 303”
9 and inserting “303, and subtitle C of title III”.

10 (2) AVAILABILITY OF PRIVATE RIGHT OF AC-
11 TION.—Title IV of such (52 U.S.C. 21111 et seq.)
12 is amended by adding at the end the following new
13 section:

14 **“SEC. 403. PRIVATE RIGHT OF ACTION FOR VIOLATIONS OF**
15 **CERTAIN REQUIREMENTS.**

16 “(a) IN GENERAL.—In the case of a violation of sub-
17 title C of title III, section 402 shall not apply and any
18 person who is aggrieved by such violation may provide
19 written notice of the violation to the chief election official
20 of the State involved.

21 “(b) RELIEF.—If the violation is not corrected within
22 20 days after receipt of a notice under subsection (a), or
23 within 5 days after receipt of the notice if the violation
24 occurred within 120 days before the date of an election
25 for Federal office, the aggrieved person may, in a civil ac-

tion, obtain declaratory or injunctive relief with respect to the violation.

“(c) SPECIAL RULE.—If the violation occurred within 5 days before the date of an election for Federal office, the aggrieved person need not provide notice to the chief election official of the State involved under subsection (a) before bringing a civil action under subsection (b).”.

(d) CLERICAL AMENDMENT.—The table of contents of such Act is amended—

(1) by adding at the end of the items relating to title III the following:

“Subtitle C—Other Requirements

“Sec. 321. Early voting.

“Sec. 322. Promoting ability of voters to vote by mail.

“Sec. 323. Absentee ballot tracking program.

“Sec. 324. Rules for counting provisional ballots.

“Sec. 325. Coverage of Commonwealth of Northern Mariana Islands.

“Sec. 326. Minimum requirements for expanding ability of individuals to vote.”;
and

(2) by adding at the end of the items relating to title IV the following new item:

“Sec. 403. Private right of action for violations of certain requirements.”.

SEC. 104. PERMITTING USE OF SWORN WRITTEN STATEMENT TO MEET IDENTIFICATION REQUIREMENTS FOR VOTING.

(a) PERMITTING USE OF STATEMENT.—Subtitle C of title III of the Help America Vote Act of 2002, as added by section 160003(a), is amended—

1 (1) by redesignating sections 325 and 326 as
 2 sections 326 and 327; and

3 (2) by inserting after section 324 the following
 4 new section:

5 **“SEC. 325. PERMITTING USE OF SWORN WRITTEN STATE-**
 6 **MENT TO MEET IDENTIFICATION REQUIRE-**
 7 **MENTS.**

8 “(a) USE OF STATEMENT.—

9 “(1) IN GENERAL.—Except as provided in sub-
 10 section (c), if a State has in effect a requirement
 11 that an individual present identification as a condi-
 12 tion of casting a ballot in an election for Federal of-
 13 fice, the State shall permit the individual to meet
 14 the requirement—

15 “(A) in the case of an individual who de-
 16 sires to vote in person, by presenting the appro-
 17 priate State or local election official with a
 18 sworn written statement, signed by the indi-
 19 vidual under penalty of perjury, attesting to the
 20 individual’s identity and attesting that the indi-
 21 vidual is eligible to vote in the election; or

22 “(B) in the case of an individual who de-
 23 sires to vote by mail, by submitting with the
 24 ballot the statement described in subparagraph
 25 (A).

1 “(2) DEVELOPMENT OF PRE-PRINTED VERSION
 2 OF STATEMENT BY COMMISSION.—The Commission
 3 shall develop a pre-printed version of the statement
 4 described in paragraph (1)(A) which includes a
 5 blank space for an individual to provide a name and
 6 signature for use by election officials in States which
 7 are subject to paragraph (1).

8 “(3) PROVIDING PRE-PRINTED COPY OF STATE-
 9 MENT.—A State which is subject to paragraph (1)
 10 shall—

11 “(A) make copies of the pre-printed
 12 version of the statement described in paragraph
 13 (1)(A) which is prepared by the Commission
 14 available at polling places for election officials
 15 to distribute to individuals who desire to vote in
 16 person; and

17 “(B) include a copy of such pre-printed
 18 version of the statement with each blank absen-
 19 tee or other ballot transmitted to an individual
 20 who desires to vote by mail.

21 “(b) REQUIRING USE OF BALLOT IN SAME MANNER
 22 AS INDIVIDUALS PRESENTING IDENTIFICATION.—An in-
 23 dividual who presents or submits a sworn written state-
 24 ment in accordance with subsection (a)(1) shall be per-

mitted to cast a ballot in the election in the same manner
as an individual who presents identification.

“(c) EXCEPTION FOR FIRST-TIME VOTERS REGISTERING BY MAIL.—Subsections (a) and (b) do not apply with respect to any individual described in paragraph (1) of section 303(b) who is required to meet the requirements of paragraph (2) of such section.”.

(b) REQUIRING STATES TO INCLUDE INFORMATION ON USE OF SWORN WRITTEN STATEMENT IN VOTING INFORMATION MATERIAL POSTED AT POLLING PLACES.—Section 302(b)(2) of such Act (52 U.S.C. 21082(b)(2)), is amended—

(1) by striking “and” at the end of subparagraph (E);

(2) by striking the period at the end of subparagraph (F) and inserting “; and”; and

(3) by adding at the end the following new subparagraph:

“(G) in the case of a State that has in effect a requirement that an individual present identification as a condition of casting a ballot in an election for Federal office, information on how an individual may meet such requirement by presenting a sworn written statement in accordance with section 303A.”.

1 (c) CLERICAL AMENDMENT.—The table of contents
2 of such Act, as amended by section 160003, is amended—

3 (1) by redesignating the items relating to sec-
4 tions 325 and 326 as relating to sections 326 and
5 327; and

6 (2) by inserting after the item relating to sec-
7 tion 324 the following new item:

“Sec. 325. Permitting use of sworn written statement to meet identification re-
quirements.”.

8 (d) EFFECTIVE DATE.—The amendments made by
9 this section shall apply with respect to elections occurring
10 on or after the date of the enactment of this Act.

11 **SEC. 105. VOTING MATERIALS POSTAGE.**

12 (a) PREPAYMENT OF POSTAGE ON RETURN ENVE-
13 LOPES.—

14 (1) IN GENERAL.—Subtitle C of title III of the
15 Help America Vote Act of 2002, as added by section
16 160003(a) and as amended by section 160004(a), is
17 further amended—

18 (A) by redesignating sections 326 and 327
19 as sections 327 and 328; and

20 (B) by inserting after section 325 the fol-
21 lowing new section:

1 **“SEC. 326. PREPAYMENT OF POSTAGE ON RETURN ENVE-**
 2 **LOPES FOR VOTING MATERIALS.**

3 “(a) PROVISION OF RETURN ENVELOPES.—The ap-
 4 propriate State or local election official shall provide a
 5 self-sealing return envelope with—

6 “(1) any voter registration application form
 7 transmitted to a registrant by mail;

8 “(2) any application for an absentee ballot
 9 transmitted to an applicant by mail; and

10 “(3) any blank absentee ballot transmitted to a
 11 voter by mail.

12 “(b) PREPAYMENT OF POSTAGE.—Consistent with
 13 regulations of the United States Postal Service, the State
 14 or the unit of local government responsible for the admin-
 15 istration of the election involved shall prepay the postage
 16 on any envelope provided under subsection (a).

17 “(c) NO EFFECT ON BALLOTS OR BALLOTING MATE-
 18 RIALS TRANSMITTED TO ABSENT MILITARY AND OVER-
 19 SEAS VOTERS.—Nothing in this section may be construed
 20 to affect the treatment of any ballot or balloting materials
 21 transmitted to an individual who is entitled to vote by ab-
 22 sentee ballot under the Uniformed and Overseas Citizens
 23 Absentee Voting Act (52 U.S.C. 20301 et seq.).

24 “(d) EFFECTIVE DATE.—This section shall take ef-
 25 fect on the date that is 90 days after the date of the enact-
 26 ment of this section, except that—

1 “(1) State and local jurisdictions shall make ar-
 2 rangements with the United States Postal Service to
 3 pay for all postage costs that such jurisdictions
 4 would be required to pay under this section if this
 5 section took effect on the date of enactment; and

6 “(2) States shall take all reasonable efforts to
 7 provide self-sealing return envelopes as provided in
 8 this section.”.

9 (2) CLERICAL AMENDMENT.—The table of con-
 10 tents of such Act, as amended by section 160004(c),
 11 is amended—

12 (A) by redesignating the items relating to
 13 sections 326 and 327 as relating to sections
 14 327 and 328; and

15 (B) by inserting after the item relating to
 16 section 325 the following new item:

“Sec. 326. Prepayment of postage on return envelopes for voting materials”.

17 (b) ROLE OF UNITED STATES POSTAL SERVICE.—

18 (1) IN GENERAL.—Chapter 34 of title 39,
 19 United States Code, is amended by adding after sec-
 20 tion 3406 the following:

21 **“§ 3407. Voting materials**

22 “(a) Any voter registration application, absentee bal-
 23 lot application, or absentee ballot with respect to any elec-
 24 tion for Federal office shall be carried expeditiously, with
 25 postage on the return envelope prepaid by the State or

1 unit of local government responsible for the administration
2 of the election.

3 “(b) As used in this section—

4 “(1) the term ‘absentee ballot’ means any ballot
5 transmitted by a voter by mail in an election for
6 Federal office, but does not include any ballot cov-
7 ered by section 3406; and

8 “(2) the term ‘election for Federal office’ means
9 a general, special, primary, or runoff election for the
10 office of President or Vice President, or of Senator
11 or Representative in, or Delegate or Resident Com-
12 missioner to, the Congress.

13 “(c) Nothing in this section may be construed to af-
14 fect the treatment of any ballot or balloting materials
15 transmitted to an individual who is entitled to vote by ab-
16 sentee ballot under the Uniformed and Overseas Citizens
17 Absentee Voting Act (52 U.S.C. 20301 et seq.).”.

18 (2) CLERICAL AMENDMENT.—The table of sec-
19 tions for chapter 34 of such title is amended by in-
20 serting after the item relating to section 3406 the
21 following:

“3407. Voting materials.”.

1 **SEC. 106. REQUIRING TRANSMISSION OF BLANK ABSENTEE**
 2 **BALLOTS UNDER UOCAVA TO CERTAIN VOT-**
 3 **ERS.**

4 (a) IN GENERAL.—The Uniformed and Overseas
 5 Citizens Absentee Voting Act (52 U.S.C. 20301 et seq.)
 6 is amended by inserting after section 103B the following
 7 new section:

8 **“SEC. 103C. TRANSMISSION OF BLANK ABSENTEE BALLOTS**
 9 **TO CERTAIN OTHER VOTERS.**

10 “(a) IN GENERAL.—

11 “(1) STATE RESPONSIBILITIES.—Subject to the
 12 provisions of this section, each State shall transmit
 13 blank absentee ballots electronically to qualified indi-
 14 viduals who request such ballots in the same manner
 15 and under the same terms and conditions under
 16 which the State transmits such ballots electronically
 17 to absent uniformed services voters and overseas vot-
 18 ers under the provisions of section 102(f), except
 19 that no such marked ballots shall be returned elec-
 20 tronically.

21 “(2) REQUIREMENTS.—Any blank absentee bal-
 22 lot transmitted to a qualified individual under this
 23 section—

24 “(A) must comply with the language re-
 25 quirements under section 203 of the Voting
 26 Rights Act of 1965 (52 U.S.C. 10503); and

1 “(B) must comply with the disability re-
2 quirements under section 508 of the Rehabilita-
3 tion Act of 1973 (29 U.S.C. 794d).

4 “(3) AFFIRMATION.—The State may not trans-
5 mit a ballot to a qualified individual under this sec-
6 tion unless the individual provides the State with a
7 signed affirmation in electronic form that—

8 “(A) the individual is a qualified individual
9 (as defined in subsection (b));

10 “(B) the individual has not and will not
11 cast another ballot with respect to the election;
12 and

13 “(C) acknowledges that a material
14 misstatement of fact in completing the ballot
15 may constitute grounds for conviction of per-
16 jury.

17 “(4) CLARIFICATION REGARDING FREE POST-
18 AGE.—An absentee ballot obtained by a qualified in-
19 dividual under this section shall be considered bal-
20 lotting materials as defined in section 107 for pur-
21 poses of section 3406 of title 39, United States
22 Code.

23 “(5) PROHIBITING REFUSAL TO ACCEPT BAL-
24 LOT FOR FAILURE TO MEET CERTAIN REQUIRE-
25 MENTS.—A State shall not refuse to accept and

1 process any otherwise valid blank absentee ballot
2 which was transmitted to a qualified individual
3 under this section and used by the individual to vote
4 in the election solely on the basis of the following:

5 “(A) Notarization or witness signature re-
6 quirements.

7 “(B) Restrictions on paper type, including
8 weight and size.

9 “(C) Restrictions on envelope type, includ-
10 ing weight and size.

11 “(b) QUALIFIED INDIVIDUAL.—

12 “(1) IN GENERAL.—In this section, except as
13 provided in paragraph (2), the term ‘qualified indi-
14 vidual’ means any individual who is otherwise quali-
15 fied to vote in an election for Federal office and who
16 meets any of the following requirements:

17 “(A) The individual—

18 “(i) has previously requested an ab-
19 sentee ballot from the State or jurisdiction
20 in which such individual is registered to
21 vote; and

22 “(ii) has not received such absentee
23 ballot at least 2 days before the date of the
24 election.

25 “(B) The individual—

1 “(i) resides in an area of a State with
2 respect to which an emergency or public
3 health emergency has been declared by the
4 chief executive of the State or of the area
5 involved within 5 days of the date of the
6 election under the laws of the State due to
7 reasons including a natural disaster, in-
8 cluding severe weather, or an infectious
9 disease; and

10 “(ii) has not previously requested an
11 absentee ballot.

12 “(C) The individual expects to be absent
13 from such individual’s jurisdiction on the date
14 of the election due to professional or volunteer
15 service in response to a natural disaster or
16 emergency as described in subparagraph (B).

17 “(D) The individual is hospitalized or ex-
18 pects to be hospitalized on the date of the elec-
19 tion.

20 “(E) The individual is an individual with a
21 disability (as defined in section 3 of the Ameri-
22 cans with Disabilities Act of 1990 (42 U.S.C.
23 12102)) and resides in a State which does not
24 offer voters the ability to use secure and acces-
25 sible remote ballot marking. For purposes of

1 this subparagraph, a State shall permit an indi-
2 vidual to self-certify that the individual is an in-
3 dividual with a disability.

4 “(2) EXCLUSION OF ABSENT UNIFORMED SERV-
5 ICES AND OVERSEAS VOTERS.—The term ‘qualified
6 individual’ shall not include an absent uniformed
7 services voter or an overseas voter.

8 “(c) STATE.—For purposes of this section, the term
9 ‘State’ includes the District of Columbia, the Common-
10 wealth of Puerto Rico, Guam, American Samoa, the
11 United States Virgin Islands, and the Commonwealth of
12 the Northern Mariana Islands.

13 “(d) EFFECTIVE DATE.—This section shall apply
14 with respect to the regularly scheduled general election for
15 Federal office held in November 2020 and each succeeding
16 election for Federal office.”.

17 (b) CONFORMING AMENDMENT.—Section 102(a) of
18 such Act (52 U.S.C. 20302(a)) is amended—

19 (1) by striking “and” at the end of paragraph
20 (10);

21 (2) by striking the period at the end of para-
22 graph (11) and inserting “; and”; and

23 (3) by adding at the end the following new
24 paragraph:

1 “(12) meet the requirements of section 103C
 2 with respect to the provision of blank absentee bal-
 3 lots for the use of qualified individuals described in
 4 such section.”.

5 (c) CLERICAL AMENDMENTS.—The table of contents
 6 of such Act is amended by inserting the following after
 7 section 103:

“Sec. 103A. Procedures for collection and delivery of marked absentee ballots
 of absent overseas uniformed services voters.

“Sec. 103B. Federal voting assistance program improvements.

“Sec. 103C. Transmission of blank absentee ballots to certain other voters.”.

8 **SEC. 107. VOTER REGISTRATION.**

9 (a) REQUIRING AVAILABILITY OF INTERNET FOR
 10 VOTER REGISTRATION.—

11 (1) REQUIRING AVAILABILITY OF INTERNET
 12 FOR REGISTRATION.—The National Voter Registra-
 13 tion Act of 1993 (52 U.S.C. 20501 et seq.) is
 14 amended by inserting after section 6 the following
 15 new section:

16 **“SEC. 6A. INTERNET REGISTRATION.**

17 “(a) REQUIRING AVAILABILITY OF INTERNET FOR
 18 ONLINE REGISTRATION.—

19 “(1) AVAILABILITY OF ONLINE REGISTRATION
 20 AND CORRECTION OF EXISTING REGISTRATION IN-
 21 FORMATION.—Each State, acting through the chief
 22 State election official, shall ensure that the following
 23 services are available to the public at any time on

1 the official public websites of the appropriate State
2 and local election officials in the State, in the same
3 manner and subject to the same terms and condi-
4 tions as the services provided by voter registration
5 agencies under section 7(a):

6 “(A) Online application for voter registra-
7 tion.

8 “(B) Online assistance to applicants in ap-
9 plying to register to vote.

10 “(C) Online completion and submission by
11 applicants of the mail voter registration applica-
12 tion form prescribed by the Election Assistance
13 Commission pursuant to section 9(a)(2), includ-
14 ing assistance with providing a signature as re-
15 quired under subsection (c).

16 “(D) Online receipt of completed voter reg-
17 istration applications.

18 “(b) ACCEPTANCE OF COMPLETED APPLICATIONS.—
19 A State shall accept an online voter registration applica-
20 tion provided by an individual under this section, and en-
21 sure that the individual is registered to vote in the State,
22 if—

23 “(1) the individual meets the same voter reg-
24 istration requirements applicable to individuals who
25 register to vote by mail in accordance with section

1 6(a)(1) using the mail voter registration application
2 form prescribed by the Election Assistance Commis-
3 sion pursuant to section 9(a)(2); and

4 “(2) the individual meets the requirements of
5 subsection (c) to provide a signature in electronic
6 form (but only in the case of applications submitted
7 during or after the second year in which this section
8 is in effect in the State).

9 “(c) SIGNATURE REQUIREMENTS.—

10 “(1) IN GENERAL.—For purposes of this sec-
11 tion, an individual meets the requirements of this
12 subsection as follows:

13 “(A) In the case of an individual who has
14 a signature on file with a State agency, includ-
15 ing the State motor vehicle authority, that is
16 required to provide voter registration services
17 under this Act or any other law, the individual
18 consents to the transfer of that electronic signa-
19 ture.

20 “(B) If subparagraph (A) does not apply,
21 the individual submits with the application an
22 electronic copy of the individual’s handwritten
23 signature through electronic means.

24 “(C) If subparagraph (A) and subpara-
25 graph (B) do not apply, the individual executes

1 a computerized mark in the signature field on
2 an online voter registration application, in ac-
3 cordance with reasonable security measures es-
4 tablished by the State, but only if the State ac-
5 cepts such mark from the individual.

6 “(2) TREATMENT OF INDIVIDUALS UNABLE TO
7 MEET REQUIREMENT.—If an individual is unable to
8 meet the requirements of paragraph (1), the State
9 shall—

10 “(A) permit the individual to complete all
11 other elements of the online voter registration
12 application;

13 “(B) permit the individual to provide a sig-
14 nature at the time the individual requests a bal-
15 lot in an election (whether the individual re-
16 quests the ballot at a polling place or requests
17 the ballot by mail); and

18 “(C) if the individual carries out the steps
19 described in subparagraph (A) and subpara-
20 graph (B), ensure that the individual is reg-
21 istered to vote in the State.

22 “(3) NOTICE.—The State shall ensure that in-
23 dividuals applying to register to vote online are noti-
24 fied of the requirements of paragraph (1) and of the

1 treatment of individuals unable to meet such re-
2 quirements, as described in paragraph (2).

3 “(d) CONFIRMATION AND DISPOSITION.—

4 “(1) CONFIRMATION OF RECEIPT.—Upon the
5 online submission of a completed voter registration
6 application by an individual under this section, the
7 appropriate State or local election official shall send
8 the individual a notice confirming the State’s receipt
9 of the application and providing instructions on how
10 the individual may check the status of the applica-
11 tion.

12 “(2) NOTICE OF DISPOSITION.—Not later than
13 7 days after the appropriate State or local election
14 official has approved or rejected an application sub-
15 mitted by an individual under this section, the offi-
16 cial shall send the individual a notice of the disposi-
17 tion of the application.

18 “(3) METHOD OF NOTIFICATION.—The appro-
19 priate State or local election official shall send the
20 notices required under this subsection by regular
21 mail and—

22 “(A) in the case of an individual who has
23 provided the official with an electronic mail ad-
24 dress, by electronic mail; and

1 “(B) at the option of an individual, by text
2 message.

3 “(e) PROVISION OF SERVICES IN NONPARTISAN
4 MANNER.—The services made available under subsection
5 (a) shall be provided in a manner that ensures that, con-
6 sistent with section 7(a)(5)—

7 “(1) the online application does not seek to in-
8 fluence an applicant’s political preference or party
9 registration; and

10 “(2) there is no display on the website pro-
11 moting any political preference or party allegiance,
12 except that nothing in this paragraph may be con-
13 strued to prohibit an applicant from registering to
14 vote as a member of a political party.

15 “(f) PROTECTION OF SECURITY OF INFORMATION.—
16 In meeting the requirements of this section, the State shall
17 establish appropriate technological security measures to
18 prevent to the greatest extent practicable any unauthor-
19 ized access to information provided by individuals using
20 the services made available under subsection (a).

21 “(g) ACCESSIBILITY OF SERVICES.—A state shall en-
22 sure that the services made available under this section
23 are made available to individuals with disabilities to the
24 same extent as services are made available to all other in-
25 dividuals.

1 “(h) USE OF ADDITIONAL TELEPHONE-BASED SYS-
 2 TEM.—A State shall make the services made available on-
 3 line under subsection (a) available through the use of an
 4 automated telephone-based system, subject to the same
 5 terms and conditions applicable under this section to the
 6 services made available online, in addition to making the
 7 services available online in accordance with the require-
 8 ments of this section.

9 “(i) NONDISCRIMINATION AMONG REGISTERED VOT-
 10 ERS USING MAIL AND ONLINE REGISTRATION.—In car-
 11 rying out this Act, the Help America Vote Act of 2002,
 12 or any other Federal, State, or local law governing the
 13 treatment of registered voters in the State or the adminis-
 14 tration of elections for public office in the State, a State
 15 shall treat a registered voter who registered to vote online
 16 in accordance with this section in the same manner as the
 17 State treats a registered voter who registered to vote by
 18 mail.”.

19 (2) SPECIAL REQUIREMENTS FOR INDIVIDUALS
 20 USING ONLINE REGISTRATION.—

21 (A) TREATMENT AS INDIVIDUALS REG-
 22 ISTERING TO VOTE BY MAIL FOR PURPOSES OF
 23 FIRST-TIME VOTER IDENTIFICATION REQUIRE-
 24 MENTS.—Section 303(b)(1)(A) of the Help
 25 America Vote Act of 2002 (52 U.S.C.

21083(b)(1)(A)) is amended by striking “by mail” and inserting “by mail or online under section 6A of the National Voter Registration Act of 1993”.

(B) REQUIRING SIGNATURE FOR FIRST-TIME VOTERS IN JURISDICTION.—Section 303(b) of such Act (52 U.S.C. 21083(b)) is amended—

(i) by redesignating paragraph (5) as paragraph (6); and

(ii) by inserting after paragraph (4) the following new paragraph:

“(5) SIGNATURE REQUIREMENTS FOR FIRST-TIME VOTERS USING ONLINE REGISTRATION.—

“(A) IN GENERAL.—A State shall, in a uniform and nondiscriminatory manner, require an individual to meet the requirements of subparagraph (B) if—

“(i) the individual registered to vote in the State online under section 6A of the National Voter Registration Act of 1993; and

“(ii) the individual has not previously voted in an election for Federal office in the State.

1 “(B) REQUIREMENTS.—An individual
2 meets the requirements of this subparagraph
3 if—

4 “(i) in the case of an individual who
5 votes in person, the individual provides the
6 appropriate State or local election official
7 with a handwritten signature; or

8 “(ii) in the case of an individual who
9 votes by mail, the individual submits with
10 the ballot a handwritten signature.

11 “(C) INAPPLICABILITY.—Subparagraph
12 (A) does not apply in the case of an individual
13 who is—

14 “(i) entitled to vote by absentee ballot
15 under the Uniformed and Overseas Citi-
16 zens Absentee Voting Act (52 U.S.C.
17 20302 et seq.);

18 “(ii) provided the right to vote other-
19 wise than in person under section
20 3(b)(2)(B)(ii) of the Voting Accessibility
21 for the Elderly and Handicapped Act (52
22 U.S.C. 20102(b)(2)(B)(ii)); or

23 “(iii) entitled to vote otherwise than
24 in person under any other Federal law.”.

1 (C) CONFORMING AMENDMENT RELATING
 2 TO EFFECTIVE DATE.—Section 303(d)(2)(A) of
 3 such Act (52 U.S.C. 21083(d)(2)(A)) is amend-
 4 ed by striking “Each State” and inserting “Ex-
 5 cept as provided in subsection (b)(5), each
 6 State”.

7 (3) CONFORMING AMENDMENTS.—

8 (A) TIMING OF REGISTRATION.—Section
 9 8(a)(1) of the National Voter Registration Act
 10 of 1993 (52 U.S.C. 20507(a)(1)) is amended—

11 (i) by striking “and” at the end of
 12 subparagraph (C);

13 (ii) by redesignating subparagraph
 14 (D) as subparagraph (E); and

15 (iii) by inserting after subparagraph
 16 (C) the following new subparagraph:

17 “(D) in the case of online registration
 18 through the official public website of an election
 19 official under section 6A, if the valid voter reg-
 20 istration application is submitted online not
 21 later than the lesser of 28 days, or the period
 22 provided by State law, before the date of the
 23 election (as determined by treating the date on
 24 which the application is sent electronically as
 25 the date on which it is submitted); and”.

1 (B) INFORMING APPLICANTS OF ELIGI-
 2 BILITY REQUIREMENTS AND PENALTIES.—Sec-
 3 tion 8(a)(5) of such Act (52 U.S.C.
 4 20507(a)(5)) is amended by striking “and 7”
 5 and inserting “6A, and 7”.

6 (4) EFFECTIVE DATE.—The amendments made
 7 by this subsection shall take effect on the date that
 8 is 90 days after the date of the enactment of this
 9 subsection.

10 (b) USE OF INTERNET TO UPDATE REGISTRATION
 11 INFORMATION.—

12 (1) UPDATES TO INFORMATION CONTAINED ON
 13 COMPUTERIZED STATEWIDE VOTER REGISTRATION
 14 LIST.—

15 (A) IN GENERAL.—Section 303(a) of the
 16 Help America Vote Act of 2002 (52 U.S.C.
 17 21083(a)) is amended by adding at the end the
 18 following new paragraph:

19 “(6) USE OF INTERNET BY REGISTERED VOT-
 20 ERS TO UPDATE INFORMATION.—

21 “(A) IN GENERAL.—The appropriate State
 22 or local election official shall ensure that any
 23 registered voter on the computerized list may at
 24 any time update the voter’s registration infor-
 25 mation, including the voter’s address and elec-

1 tronic mail address, online through the official
2 public website of the election official responsible
3 for the maintenance of the list, so long as the
4 voter attests to the contents of the update by
5 providing a signature in electronic form in the
6 same manner required under section 6A(c) of
7 the National Voter Registration Act of 1993.

8 “(B) PROCESSING OF UPDATED INFORMA-
9 TION BY ELECTION OFFICIALS.—If a registered
10 voter updates registration information under
11 subparagraph (A), the appropriate State or
12 local election official shall—

13 “(i) revise any information on the
14 computerized list to reflect the update
15 made by the voter; and

16 “(ii) if the updated registration infor-
17 mation affects the voter’s eligibility to vote
18 in an election for Federal office, ensure
19 that the information is processed with re-
20 spect to the election if the voter updates
21 the information not later than the lesser of
22 7 days, or the period provided by State
23 law, before the date of the election.

24 “(C) CONFIRMATION AND DISPOSITION.—

1 “(i) CONFIRMATION OF RECEIPT.—

2 Upon the online submission of updated
3 registration information by an individual
4 under this paragraph, the appropriate
5 State or local election official shall send
6 the individual a notice confirming the
7 State’s receipt of the updated information
8 and providing instructions on how the indi-
9 vidual may check the status of the update.

10 “(ii) NOTICE OF DISPOSITION.—Not
11 later than 7 days after the appropriate
12 State or local election official has accepted
13 or rejected updated information submitted
14 by an individual under this paragraph, the
15 official shall send the individual a notice of
16 the disposition of the update.

17 “(iii) METHOD OF NOTIFICATION.—
18 The appropriate State or local election offi-
19 cial shall send the notices required under
20 this subparagraph by regular mail and—

21 “(I) in the case of an individual
22 who has requested that the State pro-
23 vide voter registration and voting in-
24 formation through electronic mail, by
25 electronic mail; and

1 “(II) at the option of an indi-
2 vidual, by text message.”.

3 (B) CONFORMING AMENDMENT RELATING
4 TO EFFECTIVE DATE.—Section 303(d)(1)(A) of
5 such Act (52 U.S.C. 21083(d)(1)(A)) is amend-
6 ed by striking “subparagraph (B),” and insert-
7 ing “subparagraph (B) and subsection (a)(6),”.

8 (2) ABILITY OF REGISTRANT TO USE ONLINE
9 UPDATE TO PROVIDE INFORMATION ON RESI-
10 DENCE.—Section 8(d)(2)(A) of the National Voter
11 Registration Act of 1993 (52 U.S.C.
12 20507(d)(2)(A)) is amended—

13 (A) in the first sentence, by inserting after
14 “return the card” the following: “or update the
15 registrant’s information on the computerized
16 Statewide voter registration list using the online
17 method provided under section 303(a)(6) of the
18 Help America Vote Act of 2002”; and

19 (B) in the second sentence, by striking
20 “returned,” and inserting the following: “re-
21 turned or if the registrant does not update the
22 registrant’s information on the computerized
23 Statewide voter registration list using such on-
24 line method,”.

25 (c) SAME DAY REGISTRATION.—

1 (1) IN GENERAL.—Subtitle C of title III of the
 2 Help America Vote Act of 2002, as added by section
 3 160003(a) and as amended by sections 160004(a)
 4 and 160005(a), is further amended—

5 (A) by redesignating sections 327 and 328
 6 as sections 328 and 329; and

7 (B) by inserting after section 326 the fol-
 8 lowing new section:

9 **“SEC. 327. SAME DAY REGISTRATION.**

10 “(a) IN GENERAL.—

11 “(1) REGISTRATION.—Each State shall permit
 12 any eligible individual on the day of a Federal elec-
 13 tion and on any day when voting, including early
 14 voting, is permitted for a Federal election—

15 “(A) to register to vote in such election at
 16 the polling place using a form that meets the
 17 requirements under section 9(b) of the National
 18 Voter Registration Act of 1993 (or, if the indi-
 19 vidual is already registered to vote, to revise
 20 any of the individual’s voter registration infor-
 21 mation); and

22 “(B) to cast a vote in such election.

23 “(2) EXCEPTION.—The requirements under
 24 paragraph (1) shall not apply to a State in which,
 25 under a State law in effect continuously on and after

1 the date of the enactment of this section, there is no
 2 voter registration requirement for individuals in the
 3 State with respect to elections for Federal office.

4 “(b) ELIGIBLE INDIVIDUAL.—For purposes of this
 5 section, the term ‘eligible individual’ means, with respect
 6 to any election for Federal office, an individual who is oth-
 7 erwise qualified to vote in that election.

8 “(c) EFFECTIVE DATE.—Each State shall be re-
 9 quired to comply with the requirements of subsection (a)
 10 for the regularly scheduled general election for Federal of-
 11 fice occurring in November 2020 and for any subsequent
 12 election for Federal office.”.

13 (2) CLERICAL AMENDMENT.—The table of con-
 14 tents of such Act, as added by section 160003 and
 15 as amended by sections 160004 and 160005, is fur-
 16 ther amended—

17 (A) by redesignating the items relating to
 18 sections 327 and 328 as relating to sections
 19 328 and 329; and

20 (B) by inserting after the item relating to
 21 section 326 the following new item:

“Sec. 327. Same day registration.”.

22 (d) PROHIBITING STATE FROM REQUIRING APPLI-
 23 CANTS TO PROVIDE MORE THAN LAST 4 DIGITS OF SO-
 24 CIAL SECURITY NUMBER.—

1 (1) FORM INCLUDED WITH APPLICATION FOR
 2 MOTOR VEHICLE DRIVER'S LICENSE.—Section
 3 5(c)(2)(B)(ii) of the National Voter Registration Act
 4 of 1993 (52 U.S.C. 20504(c)(2)(B)(ii)) is amended
 5 by striking the semicolon at the end and inserting
 6 the following: “, and to the extent that the applica-
 7 tion requires the applicant to provide a Social Secu-
 8 rity number, may not require the applicant to pro-
 9 vide more than the last 4 digits of such number;”.

10 (2) NATIONAL MAIL VOTER REGISTRATION
 11 FORM.—Section 9(b)(1) of such Act (52 U.S.C.
 12 20508(b)(1)) is amended by striking the semicolon
 13 at the end and inserting the following: “, and to the
 14 extent that the form requires the applicant to pro-
 15 vide a Social Security number, the form may not re-
 16 quire the applicant to provide more than the last 4
 17 digits of such number;”.

18 (3) EFFECTIVE DATE.—The amendments made
 19 by this subsection shall apply with respect to the
 20 regularly scheduled general election for Federal of-
 21 fice held in November 2020 and each succeeding
 22 election for Federal office.

23 **SEC. 108. ACCOMMODATIONS FOR VOTERS RESIDING IN IN-**
 24 **DIAN LANDS.**

25 (a) ACCOMMODATIONS DESCRIBED.—

1 (1) DESIGNATION OF BALLOT PICKUP AND COL-
2 LECTION LOCATIONS.—Given the widespread lack of
3 residential mail delivery in Indian Country, an In-
4 dian Tribe may designate buildings as ballot pickup
5 and collection locations with respect to an election
6 for Federal office at no cost to the Indian Tribe. An
7 Indian Tribe may designate one building per pre-
8 cinct located within Indian lands. The applicable
9 State or political subdivision shall collect ballots
10 from those locations. The applicable State or polit-
11 ical subdivision shall provide the Indian Tribe with
12 accurate precinct maps for all precincts located with-
13 in Indian lands 60 days before the election.

14 (2) PROVISION OF MAIL-IN AND ABSENTEE
15 BALLOTS.—The State or political subdivision shall
16 provide mail-in and absentee ballots with respect to
17 an election for Federal office to each individual who
18 is registered to vote in the election who resides on
19 Indian lands in the State or political subdivision in-
20 volved without requiring a residential address or a
21 mail-in or absentee ballot request.

22 (3) USE OF DESIGNATED BUILDING AS RESI-
23 DENTIAL AND MAILING ADDRESS.—The address of a
24 designated building that is a ballot pickup and col-
25 lection location with respect to an election for Fed-

1 eral office may serve as the residential address and
2 mailing address for voters living on Indian lands if
3 the tribally designated building is in the same pre-
4 cinct as that voter. If there is no tribally designated
5 building within a voter's precinct, the voter may use
6 another tribally designated building within the In-
7 dian lands where the voter is located. Voters using
8 a tribally designated building outside of the voter's
9 precinct may use the tribally designated building as
10 a mailing address and may separately designate the
11 voter's appropriate precinct through a description of
12 the voter's address, as specified in section
13 9428.4(a)(2) of title 11, Code of Federal Regula-
14 tions.

15 (4) LANGUAGE ACCESSIBILITY.—In the case of
16 a State or political subdivision that is a covered
17 State or political subdivision under section 203 of
18 the Voting Rights Act of 1965 (52 U.S.C. 10503),
19 that State or political subdivision shall provide ab-
20 sentee or mail-in voting materials with respect to an
21 election for Federal office in the language of the ap-
22 plicable minority group as well as in the English lan-
23 guage, bilingual election voting assistance, and writ-
24 ten translations of all voting materials in the lan-
25 guage of the applicable minority group, as required

1 by section 203 of the Voting Rights Act of 1965 (52
2 U.S.C. 10503), as amended by subsection (b).

3 (5) CLARIFICATION.—Nothing in this section
4 alters the ability of an individual voter residing on
5 Indian lands to request a ballot in a manner avail-
6 able to all other voters in the State.

7 (6) DEFINITIONS.—In this section:

8 (A) ELECTION FOR FEDERAL OFFICE.—

9 The term “election for Federal office” means a
10 general, special, primary or runoff election for
11 the office of President or Vice President, or of
12 Senator or Representative in, or Delegate or
13 Resident Commissioner to, the Congress.

14 (B) INDIAN.—The term “Indian” has the

15 meaning given the term in section 4 of the In-
16 dian Self-Determination and Education Assist-
17 ance Act (25 U.S.C. 5304).

18 (C) INDIAN LANDS.—The term “Indian

19 lands” includes—

20 (i) any Indian country of an Indian

21 Tribe, as defined under section 1151 of
22 title 18, United States Code;

23 (ii) any land in Alaska owned, pursu-

24 ant to the Alaska Native Claims Settle-
25 ment Act (43 U.S.C. 1601 et seq.), by an

1 Indian Tribe that is a Native village (as
2 defined in section 3 of that Act (43 U.S.C.
3 1602)) or by a Village Corporation that is
4 associated with an Indian Tribe (as de-
5 fined in section 3 of that Act (43 U.S.C.
6 1602));

7 (iii) any land on which the seat of the
8 Tribal Government is located; and

9 (iv) any land that is part or all of a
10 Tribal designated statistical area associ-
11 ated with an Indian Tribe, or is part or all
12 of an Alaska Native village statistical area
13 associated with an Indian Tribe, as defined
14 by the Census Bureau for the purposes of
15 the most recent decennial census.

16 (D) INDIAN TRIBE.—The term “Indian
17 Tribe” has the meaning given the term “Indian
18 tribe” in section 4 of the Indian Self-Deter-
19 mination and Education Assistance Act (25
20 U.S.C. 5304).

21 (E) TRIBAL GOVERNMENT.—The term
22 “Tribal Government” means the recognized
23 governing body of an Indian Tribe.

24 (7) ENFORCEMENT.—

1 (A) ATTORNEY GENERAL.—The Attorney
2 General may bring a civil action in an appro-
3 priate district court for such declaratory or in-
4 junctive relief as is necessary to carry out this
5 subsection.

6 (B) PRIVATE RIGHT OF ACTION.—

7 (i) A person or Tribal Government
8 who is aggrieved by a violation of this sub-
9 section may provide written notice of the
10 violation to the chief election official of the
11 State involved.

12 (ii) An aggrieved person or Tribal
13 Government may bring a civil action in an
14 appropriate district court for declaratory
15 or injunctive relief with respect to a viola-
16 tion of this subsection, if—

17 (I) that person or Tribal Govern-
18 ment provides the notice described in
19 clause (i); and

20 (II)(aa) in the case of a violation
21 that occurs more than 120 days be-
22 fore the date of an election for Fed-
23 eral office, the violation remains and
24 90 days or more have passed since the
25 date on which the chief election offi-

1 cial of the State receives the notice
2 under clause (i); or

3 (bb) in the case of a violation
4 that occurs 120 days or less before
5 the date of an election for Federal of-
6 fice, the violation remains and 20
7 days or more have passed since the
8 date on which the chief election offi-
9 cial of the State receives the notice
10 under clause (i).

11 (iii) In the case of a violation of this
12 section that occurs 30 days or less before
13 the date of an election for Federal office,
14 an aggrieved person or Tribal Government
15 may bring a civil action in an appropriate
16 district court for declaratory or injunctive
17 relief with respect to the violation without
18 providing notice to the chief election offi-
19 cial of the State under clause (i).

20 (b) BILINGUAL ELECTION REQUIREMENTS.—Section
21 203 of the Voting Rights Act of 1965 (52 U.S.C. 10503)
22 is amended—

23 (1) in subsection (b)(3)(C), by striking “1990”
24 and inserting “2010”; and

1 (2) by striking subsection (c) and inserting the
2 following:

3 “(c) PROVISION OF VOTING MATERIALS IN THE LAN-
4 GUAGE OF A MINORITY GROUP.—

5 “(1) IN GENERAL.—Whenever any State or po-
6 litical subdivision subject to the prohibition of sub-
7 section (b) of this section provides any registration
8 or voting notices, forms, instructions, assistance, or
9 other materials or information relating to the elec-
10 toral process, including ballots, it shall provide them
11 in the language of the applicable minority group as
12 well as in the English language.

13 “(2) EXCEPTIONS.—

14 “(A) In the case of a minority group that
15 is not American Indian or Alaska Native and
16 the language of that minority group is oral or
17 unwritten, the State or political subdivision
18 shall only be required to furnish, in the covered
19 language, oral instructions, assistance, trans-
20 lation of voting materials, or other information
21 relating to registration and voting.

22 “(B) In the case of a minority group that
23 is American Indian or Alaska Native, the State
24 or political subdivision shall only be required to
25 furnish in the covered language oral instruc-

1 tions, assistance, or other information relating
2 to registration and voting, including all voting
3 materials, if the Tribal Government of that mi-
4 nority group has certified that the language of
5 the applicable American Indian or Alaska Na-
6 tive language is presently unwritten or the
7 Tribal Government does not want written trans-
8 lations in the minority language.

9 “(3) WRITTEN TRANSLATIONS FOR ELECTION
10 WORKERS.—Notwithstanding paragraph (2), the
11 State or political division may be required to provide
12 written translations of voting materials, with the
13 consent of any applicable Indian Tribe, to election
14 workers to ensure that the translations from English
15 to the language of a minority group are complete,
16 accurate, and uniform.”.

17 (c) EFFECTIVE DATE.—This section and the amend-
18 ments made by this section shall apply with respect to the
19 regularly scheduled general election for Federal office held
20 in November 2020 and each succeeding election for Fed-
21 eral office.

1 **SEC. 109. PAYMENTS BY ELECTION ASSISTANCE COMMIS-**
 2 **SION TO STATES TO ASSIST WITH COSTS OF**
 3 **COMPLIANCE.**

4 (a) AVAILABILITY OF GRANTS.—Subtitle D of title
 5 II of the Help America Vote Act of 2002 (52 U.S.C.
 6 21001 et seq.) is amended by adding at the end the fol-
 7 lowing new part:

8 **“PART 7—PAYMENTS TO ASSIST WITH COSTS OF**
 9 **COMPLIANCE WITH ACCESS ACT**
 10 **“SEC. 297. PAYMENTS TO ASSIST WITH COSTS OF COMPLI-**
 11 **ANCE WITH ACCESS ACT.**

12 “(a) AVAILABILITY AND USE OF PAYMENTS.—

13 “(1) IN GENERAL.—The Commission shall
 14 make a payment to each eligible State to assist the
 15 State with the costs of complying with the American
 16 Coronavirus/COVID–19 Election Safety and Secu-
 17 rity Act and the amendments made by such Act, in-
 18 cluding the provisions of such Act and such amend-
 19 ments which require States to pre-pay the postage
 20 on absentee ballots and balloting materials.

21 “(2) PUBLIC EDUCATION CAMPAIGNS.—For
 22 purposes of this part, the costs incurred by a State
 23 in carrying out a campaign to educate the public
 24 about the requirements of the American
 25 Coronavirus/COVID–19 Election Safety and Secu-
 26 rity Act and the amendments made by such Act

1 shall be included as the costs of complying with such
2 Act and such amendments.

3 “(b) PRIMARY ELECTIONS.—

4 “(1) PAYMENTS TO STATES.—In addition to
5 any payments under subsection (a), the Commission
6 shall make a payment to each eligible State to assist
7 the State with the costs incurred in voluntarily elect-
8 ing to comply with the American Coronavirus/
9 COVID–19 Election Safety and Security Act and
10 the amendments made by such Act with respect to
11 primary elections for Federal office held in the State
12 in 2020.

13 “(2) STATE PARTY-RUN PRIMARIES.—In addi-
14 tion to any payments under paragraph (1), the Com-
15 mission shall make payments to each eligible polit-
16 ical party of the State for costs incurred by such
17 parties to send absentee ballots and return envelopes
18 with prepaid postage to eligible voters participating
19 in such primaries during 2020.

20 “(c) PASS-THROUGH OF FUNDS TO LOCAL JURISDIC-
21 TIONS.—

22 “(1) IN GENERAL.—If a State receives a pay-
23 ment under this part for costs that include costs in-
24 curred by a local jurisdiction or Tribal government
25 within the State, the State shall pass through to

1 such local jurisdiction or Tribal government a por-
 2 tion of such payment that is equal to the amount of
 3 the costs incurred by such local jurisdiction or Trib-
 4 al government.

5 “(2) TRIBAL GOVERNMENT DEFINED.—In this
 6 subsection, the term ‘Tribal Government’ means the
 7 recognized governing body of an Indian tribe (as de-
 8 fined in section 4 of the Indian Self-Determination
 9 and Education Assistance Act (25 U.S.C. 5304).

10 “(d) SCHEDULE OF PAYMENTS.—As soon as prac-
 11 ticable after the date of the enactment of this part and
 12 not less frequently than once each calendar year there-
 13 after, the Commission shall make payments under this
 14 part.

15 “(e) COVERAGE OF COMMONWEALTH OF NORTHERN
 16 MARIANA ISLANDS.—In this part, the term ‘State’ in-
 17 cludes the Commonwealth of the Northern Mariana Is-
 18 lands.

19 “(f) LIMITATION.—No funds may be provided to a
 20 State under this part for costs attributable to the elec-
 21 tronic return of marked ballots by any voter.

22 **“SEC. 297A. AMOUNT OF PAYMENT.**

23 “(a) IN GENERAL.—The amount of a payment made
 24 to an eligible State for a year under this part shall be
 25 determined by the Commission.

1 “(b) CONTINUING AVAILABILITY OF FUNDS AFTER
 2 APPROPRIATION.—A payment made to an eligible State
 3 or eligible unit of local government under this part shall
 4 be available without fiscal year limitation.

5 **“SEC. 297B. REQUIREMENTS FOR ELIGIBILITY.**

6 “(a) APPLICATION.—Each State that desires to re-
 7 ceive a payment under this part for a fiscal year, and each
 8 political party of a State that desires to receive a payment
 9 under section 297(b)(2), shall submit an application for
 10 the payment to the Commission at such time and in such
 11 manner and containing such information as the Commis-
 12 sion shall require.

13 “(b) CONTENTS OF APPLICATION.—Each application
 14 submitted under subsection (a) shall—

15 “(1) describe the activities for which assistance
 16 under this part is sought; and

17 “(2) provide such additional information and
 18 certifications as the Commission determines to be es-
 19 sential to ensure compliance with the requirements
 20 of this part.

21 **“SEC. 297C. AUTHORIZATION OF APPROPRIATIONS.**

22 “There are authorized to be appropriated for pay-
 23 ments under this part such sums as may be necessary for
 24 fiscal year 2021.

1 **“SEC. 297D. REPORTS.**

2 “(a) REPORTS BY RECIPIENTS.—Not later than 6
3 months after the end of each fiscal year for which an eligi-
4 ble State received a payment under this part, the State
5 shall submit a report to the Commission on the activities
6 conducted with the funds provided during the year.

7 “(b) REPORTS BY COMMISSION TO COMMITTEES.—
8 With respect to each fiscal year for which the Commission
9 makes payments under this part, the Commission shall
10 submit a report on the activities carried out under this
11 part to the Committee on House Administration of the
12 House of Representatives and the Committee on Rules
13 and Administration of the Senate.”.

14 (b) CLERICAL AMENDMENT.—The table of contents
15 of such Act is amended by adding at the end of the items
16 relating to subtitle D of title II the following:

“PART 7—PAYMENTS TO ASSIST WITH COSTS OF COMPLIANCE WITH
ACCESS ACT

“Sec. 297. Payments to assist with costs of compliance with Access Act.

“Sec. 297A. Amount of payment.

“Sec. 297B. Requirements for eligibility.

“Sec. 297C. Authorization of appropriations.

“Sec. 297D. Reports.”.

17 **SEC. 110. GRANTS TO STATES FOR CONDUCTING RISK-LIM-**
18 **ITING AUDITS OF RESULTS OF ELECTIONS.**

19 (a) AVAILABILITY OF GRANTS.—Subtitle D of title
20 II of the Help America Vote Act of 2002 (52 U.S.C.
21 21001 et seq.), as amended by section 160009(a), is fur-
22 ther amended by adding at the end the following new part:

1 **“PART 8—GRANTS FOR CONDUCTING RISK-**
 2 **LIMITING AUDITS OF RESULTS OF ELECTIONS**
 3 **“SEC. 298. GRANTS FOR CONDUCTING RISK-LIMITING AU-**
 4 **DITS OF RESULTS OF ELECTIONS.**

5 “(a) AVAILABILITY OF GRANTS.—The Commission
 6 shall make a grant to each eligible State to conduct risk-
 7 limiting audits as described in subsection (b) with respect
 8 to the regularly scheduled general elections for Federal of-
 9 fice held in November 2020 and each succeeding election
 10 for Federal office.

11 “(b) RISK-LIMITING AUDITS DESCRIBED.—In this
 12 part, a ‘risk-limiting audit’ is a post-election process—

13 “(1) which is conducted in accordance with
 14 rules and procedures established by the chief State
 15 election official of the State which meet the require-
 16 ments of subsection (c); and

17 “(2) under which, if the reported outcome of
 18 the election is incorrect, there is at least a predeter-
 19 mined percentage chance that the audit will replace
 20 the incorrect outcome with the correct outcome as
 21 determined by a full, hand-to-eye tabulation of all
 22 votes validly cast in that election that ascertains
 23 voter intent manually and directly from voter-
 24 verifiable paper records.

25 “(c) REQUIREMENTS FOR RULES AND PROCE-
 26 DURES.—The rules and procedures established for con-

1 ducting a risk-limiting audit shall include the following
2 elements:

3 “(1) Rules for ensuring the security of ballots
4 and documenting that prescribed procedures were
5 followed.

6 “(2) Rules and procedures for ensuring the ac-
7 curacy of ballot manifests produced by election agen-
8 cies.

9 “(3) Rules and procedures for governing the
10 format of ballot manifests, cast vote records, and
11 other data involved in the audit.

12 “(4) Methods to ensure that any cast vote
13 records used in the audit are those used by the vot-
14 ing system to tally the election results sent to the
15 chief State election official and made public.

16 “(5) Procedures for the random selection of
17 ballots to be inspected manually during each audit.

18 “(6) Rules for the calculations and other meth-
19 ods to be used in the audit and to determine wheth-
20 er and when the audit of an election is complete.

21 “(7) Procedures and requirements for testing
22 any software used to conduct risk-limiting audits.

23 “(d) DEFINITIONS.—In this part, the following defi-
24 nitions apply:

1 “(1) The term ‘ballot manifest’ means a record
2 maintained by each election agency that meets each
3 of the following requirements:

4 “(A) The record is created without reliance
5 on any part of the voting system used to tab-
6 ulate votes.

7 “(B) The record functions as a sampling
8 frame for conducting a risk-limiting audit.

9 “(C) The record contains the following in-
10 formation with respect to the ballots cast and
11 counted in the election:

12 “(i) The total number of ballots cast
13 and counted by the agency (including
14 undervotes, overvotes, and other invalid
15 votes).

16 “(ii) The total number of ballots cast
17 in each election administered by the agency
18 (including undervotes, overvotes, and other
19 invalid votes).

20 “(iii) A precise description of the
21 manner in which the ballots are physically
22 stored, including the total number of phys-
23 ical groups of ballots, the numbering sys-
24 tem for each group, a unique label for each

1 group, and the number of ballots in each
2 such group.

3 “(2) The term ‘incorrect outcome’ means an
4 outcome that differs from the outcome that would be
5 determined by a full tabulation of all votes validly
6 cast in the election, determining voter intent manu-
7 ally, directly from voter-verifiable paper records.

8 “(3) The term ‘outcome’ means the winner of
9 an election, whether a candidate or a position.

10 “(4) The term ‘reported outcome’ means the
11 outcome of an election which is determined accord-
12 ing to the canvass and which will become the official,
13 certified outcome unless it is revised by an audit, re-
14 count, or other legal process.

15 **“SEC. 298A. ELIGIBILITY OF STATES.**

16 “A State is eligible to receive a grant under this part
17 if the State submits to the Commission, at such time and
18 in such form as the Commission may require, an applica-
19 tion containing—

20 “(1) a certification that, not later than 5 years
21 after receiving the grant, the State will conduct risk-
22 limiting audits of the results of elections for Federal
23 office held in the State as described in section 298;

24 “(2) a certification that, not later than one year
25 after the date of the enactment of this section, the

1 chief State election official of the State has estab-
2 lished or will establish the rules and procedures for
3 conducting the audits which meet the requirements
4 of section 298(c);

5 “(3) a certification that the audit shall be com-
6 pleted not later than the date on which the State
7 certifies the results of the election;

8 “(4) a certification that, after completing the
9 audit, the State shall publish a report on the results
10 of the audit, together with such information as nec-
11 essary to confirm that the audit was conducted prop-
12 erly;

13 “(5) a certification that, if a risk-limiting audit
14 conducted under this part leads to a full manual
15 tally of an election, State law requires that the State
16 or election agency shall use the results of the full
17 manual tally as the official results of the election;
18 and

19 “(6) such other information and assurances as
20 the Commission may require.

21 **“SEC. 298B. AUTHORIZATION OF APPROPRIATIONS.**

22 “There are authorized to be appropriated for grants
23 under this part \$20,000,000 for fiscal year 2021, to re-
24 main available until expended.”.

1 (b) CLERICAL AMENDMENT.—The table of contents
 2 of such Act, as amended by section 160009(b), is further
 3 amended by adding at the end of the items relating to
 4 subtitle D of title II the following:

“PART 8—GRANTS FOR CONDUCTING RISK-LIMITING AUDITS OF RESULTS
 OF ELECTIONS

“Sec. 298. Grants for conducting risk-limiting audits of results of elections.

“Sec. 298A. Eligibility of States.

“Sec. 298B. Authorization of appropriations.

5 (c) GAO ANALYSIS OF EFFECTS OF AUDITS.—

6 (1) ANALYSIS.—Not later than 6 months after
 7 the first election for Federal office is held after
 8 grants are first awarded to States for conducting
 9 risk-limiting audits under part 8 of subtitle D of
 10 title II of the Help America Vote Act of 2002 (as
 11 added by subsection (a)) for conducting risk-limiting
 12 audits of elections for Federal office, the Comptroller General of the United States shall conduct an
 13 analysis of the extent to which such audits have improved the administration of such elections and the
 14 security of election infrastructure in the States receiving such grants.

18 (2) REPORT.—The Comptroller General of the
 19 United States shall submit a report on the analysis
 20 conducted under subsection (a) to the appropriate
 21 congressional committees.

1 **SEC. 111. ADDITIONAL APPROPRIATIONS FOR THE ELEC-**
2 **TION ASSISTANCE COMMISSION.**

3 (a) IN GENERAL.—In addition to any funds other-
4 wise appropriated to the Election Assistance Commission
5 for fiscal year 2021, there is authorized to be appropriated
6 \$3,000,000 for fiscal year 2021 in order for the Commis-
7 sion to provide additional assistance and resources to
8 States for improving the administration of elections.

9 (b) AVAILABILITY OF FUNDS.—Amounts appro-
10 priated pursuant to the authorization under this sub-
11 section shall remain available without fiscal year limita-
12 tion.

13 **SEC. 112. DEFINITION.**

14 (a) DEFINITION OF ELECTION FOR FEDERAL OF-
15 FICE .—Title IX of the Help America Vote Act of 2002
16 (52 U.S.C. 21141 et seq.) is amended by adding at the
17 end the following new section:

18 **“SEC. 907. ELECTION FOR FEDERAL OFFICE DEFINED.**

19 “For purposes of titles I through III, the term ‘elec-
20 tion for Federal office’ means a general, special, primary,
21 or runoff election for the office of President or Vice Presi-
22 dent, or of Senator or Representative in, or Delegate or
23 Resident Commissioner to, the Congress.”.

1 (b) CLERICAL AMENDMENT.—The table of contents
 2 of such Act is amended by adding at the end of the items
 3 relating to title IX the following new item:

“Sec. 907. Election for Federal office defined.”.

4 **DIVISION Q—TRANSPORTATION**
 5 **AND INFRASTRUCTURE**
 6 **TITLE I—AVIATION**

7 **SECTION 101. SHORT TITLE.**

8 This title may be cited as the “Payroll Support Pro-
 9 gram Extension Act”.

10 **SEC. 102. DEFINITIONS.**

11 Unless otherwise specified, the definitions in section
 12 40102(a) of title 49, United States Code, shall apply to
 13 this title, 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,
 18 provisions and related supplies for delivery, and the
 19 delivery of such items, directly to aircraft or to a lo-
 20 cation on or near airport property for subsequent
 21 delivery 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; se-
11 curity; 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
19 an air carrier or a contractor; and

20 (5) the term “Secretary” means the Secretary
21 of the Treasury.

22 **SEC. 103. 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
2 financial assistance that shall exclusively be used for the
3 continuation of payment of employee wages, salaries, and
4 benefits to—

5 (1) passenger air carriers, in an aggregate
6 amount up to \$25,000,000,000;

7 (2) cargo air carriers, in an aggregate amount
8 up to \$300,000,000; 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 funds
13 made available under section 4112(b) of the CARES Act
14 (15 U.S.C. 9072(b)) for costs and administrative expenses
15 associated with providing financial assistance under this
16 title.

17 **SEC. 104. PROCEDURES FOR PROVIDING PAYROLL SUP-**
18 **PORT.**

19 (a) AWARDABLE AMOUNTS.—The Secretary shall
20 provide financial assistance under this title—

21 (1) to an air carrier required to file reports pur-
22 suant to part 241 of title 14, Code of Federal Regu-
23 lations, as of March 27, 2020, in an amount equal
24 to—

1 (A) the amount such air carrier received
2 under section 4113 of the CARES Act (15
3 U.S.C. 9073); or

4 (B) at the request of such air carrier, or
5 in the event such an air carrier did not receive
6 assistance under section 4113 of the CARES
7 Act (15 U.S.C. 9073), the amount of the sala-
8 ries and benefits reported by the air carrier to
9 the Department of Transportation pursuant to
10 such part 241, for the period from October 1,
11 2019, through March 31, 2020;

12 (2) to an air carrier that did not transmit re-
13 ports under such part 241, as of March 27, 2020,
14 in an amount equal to—

15 (A) the amount such air carrier received
16 under section 4113 of the CARES Act (15
17 U.S.C. 9073), plus an additional 15 percent of
18 such amount; or

19 (B) at the request of such air carrier, or
20 in the event such an air carrier did not receive
21 assistance under section 4113 of the CARES
22 Act (15 U.S.C. 9073), an amount that such an
23 air carrier certifies, using sworn financial state-
24 ments or other appropriate data, as the amount
25 of total salaries and related fringe benefits that

1 such air carrier incurred and would be required
2 to be reported to the Department of Transpor-
3 tation pursuant to such part 241, if the air car-
4 rier were required to transmit such information
5 during the period from October 1, 2019,
6 through March 31, 2020; and

7 (3) to a contractor in an amount equal to—

8 (A) the amount such contractor received
9 under section 4113 of the CARES Act (15
10 U.S.C. 9073); or

11 (B) or in the event such contractor did not
12 receive assistance under section 4113 of the
13 CARES Act (15 U.S.C. 9073), an amount that
14 the contractor certifies, using sworn financial
15 statements or other appropriate data, as the
16 amount of wages, salaries, benefits, and other
17 compensation that such contractor paid the em-
18 ployees of such contractor during the period
19 from October 1, 2019, through March 31,
20 2020.

21 (b) DEADLINES AND PROCEDURES.—

22 (1) IN GENERAL.—

23 (A) FORMS; TERMS AND CONDITIONS.—Fi-
24 nancial assistance provided to an air carrier or
25 contractor under this title shall—

1 (i) be in such form, on such terms
2 and conditions (including requirements for
3 audits and the clawback of any financial
4 assistance provided upon failure by a pas-
5 senger air carrier, cargo air carrier, or con-
6 tractor to honor the assurances specified in
7 section 105 of this division), as agreed to
8 by the Secretary and the recipient for as-
9 sistance received under section 4113 of the
10 CARES Act (15 U.S.C. 9073), except
11 where inconsistent with this title; or

12 (ii) in the event such an air carrier or
13 contractor did not receive assistance under
14 section 4113 of the CARES Act (15
15 U.S.C. 9073), be in such form, on such
16 terms and conditions (including require-
17 ments for audits and the clawback of any
18 financial assistance provided upon failure
19 by a passenger air carrier, cargo air car-
20 rier, or contractor to honor the assurances
21 specified in section 105 of this division), as
22 the Secretary determines appropriate.

23 (B) PROCEDURES.—The Secretary shall
24 publish streamlined and expedited procedures
25 not later than 5 days after the date of enact-

1 ment of this title for air carriers and contrac-
2 tors to submit requests for financial assistance
3 under this title.

4 (2) DEADLINE FOR IMMEDIATE PAYROLL AS-
5 SISTANCE.—Not later than 10 days after the date of
6 enactment of this title, the Secretary shall make ini-
7 tial payments to air carriers and contractors that
8 submit requests for financial assistance approved by
9 to the Secretary.

10 (d) PRO RATA REDUCTIONS.—The amounts under
11 subsections (a)(1)(B) and (a)(2)(B) shall, to the max-
12 imum extent practicable, be subject to the same pro rata
13 reduction applied by the Secretary to air carriers or con-
14 tractors, as applicable, that received assistance under sec-
15 tion 4113 of the CARES Act (15 U.S.C. 9073).

16 (e) AUDITS.—The Inspector General of the Depart-
17 ment of the Treasury shall audit certifications made under
18 subsection (a).

19 **SEC. 105. REQUIRED ASSURANCES.**

20 (a) IN GENERAL.—To be eligible for financial assist-
21 ance under this title, an air carrier or contractor shall
22 enter into an agreement with the Secretary, or otherwise
23 certify in such form and manner as the Secretary shall
24 prescribe, that the air carrier or contractor shall—

1 (1) refrain from conducting involuntary fur-
2 loughs or reducing pay rates and benefits until—

3 (A) with respect to air carriers, March 31,
4 2021; or

5 (B) with respect to contractors, March 31,
6 2021, or the date on which the contractor ex-
7 hausts such financial assistance, whichever is
8 later;

9 (2) ensure that neither the air carrier or con-
10 tractor nor any affiliate of the air carrier or con-
11 tractor may, in any transaction, purchase an equity
12 security of the air carrier or contractor or the parent
13 company of the air carrier or contractor that is list-
14 ed on a national securities exchange through—

15 (A) with respect to air carriers, March 31,
16 2022; or

17 (B) with respect to contractors, March 31,
18 2022, or the date on which the contractor ex-
19 hausts such financial assistance, whichever is
20 later;

21 (3) ensure that the air carrier or contractor
22 shall not pay dividends, or make other capital dis-
23 tributions, with respect to common stock (or equiva-
24 lent interest) of the air carrier or contractor
25 through—

1 (A) with respect to air carriers, March 31,
2 2022; or

3 (B) with respect to contractors, March 31,
4 2022, or the date on which the contractor ex-
5 hausts such financial assistance, whichever is
6 later;

7 (4) meet the requirements of sections 106 and
8 107 of this division; and

9 (5) affirm that the air carrier or contractor has
10 not conducted involuntary furloughs or reduced pay
11 rates and benefits between—

12 (A) the date the air carrier or contractor
13 entered into an agreement with the Secretary
14 for loans, loan guarantees, other investments,
15 or financial assistance under title IV of the
16 CARES Act (Public Law 116–136) and the
17 date the air carrier or contractor enters into an
18 agreement with the Secretary for financial as-
19 sistance under this title; or

20 (B) in the case of an air carrier or con-
21 tractor that did not receive loans, loan guaran-
22 tees, other investments, or financial assistance
23 under title IV of the CARES Act, the date of
24 enactment of this title and the date the air car-

1 rier or contractor enters into an agreement with
2 the Secretary for funding under this title.

3 **SEC. 106. PROTECTION OF COLLECTIVE BARGAINING**
4 **AGREEMENTS.**

5 (a) IN GENERAL.—Neither the Secretary, nor any
6 other actor, department, or agency of the Federal Govern-
7 ment, shall condition the issuance of financial assistance
8 under this title on an air carrier’s or contractor’s imple-
9 mentation of measures to enter into negotiations with the
10 certified bargaining representative of a craft or class of
11 employees of the air carrier or contractor under the Rail-
12 way Labor Act (45 U.S.C. 151 et seq.) or the National
13 Labor Relations Act (29 U.S.C. 151 et seq.), regarding
14 pay or other terms and conditions of employment.

15 (b) AIR CARRIER PERIOD OF EFFECT.—With respect
16 to any air carrier to which financial assistance is provided
17 under this title, this section shall be in effect with respect
18 to the air carrier beginning on the date on which the air
19 carrier is first issued such financial assistance and ending
20 on March 31, 2021.

21 (c) CONTRACTOR PERIOD OF EFFECT.—With respect
22 to any contractor to which financial assistance is provided
23 under this title, this section shall be in effect with respect
24 to contractor beginning on the date on which the con-
25 tractor is first issued such financial assistance and ending

1 on March 31, 2021, or until the date on which all funds
2 are expended, whichever is later.

3 **SEC. 107. LIMITATION ON CERTAIN EMPLOYEE COMPENSA-**
4 **TION.**

5 (a) IN GENERAL.—The Secretary may only provide
6 financial assistance under this title to an air carrier or
7 contractor after such carrier or contractor enters into an
8 agreement with the Secretary which provides that, during
9 the 2-year period beginning October 1, 2020, and ending
10 October 1, 2022, no officer or employee of the air carrier
11 or contractor whose total compensation exceeded
12 \$425,000 in calendar year 2019 (other than an employee
13 whose compensation is determined through an existing col-
14 lective bargaining agreement entered into prior to enact-
15 ment of this title)—

16 (1) will receive from the air carrier or con-
17 tractor total compensation which exceeds, during
18 any 12 consecutive months of such 2-year period,
19 the total compensation received by the officer or em-
20 ployee from the air carrier or contractor in calendar
21 year 2019;

22 (2) will receive from the air carrier or con-
23 tractor severance pay or other benefits upon termi-
24 nation of employment with the air carrier or con-
25 tractor which exceeds twice the maximum total com-

1 pensation received by the officer or employee from
 2 the air carrier or contractor in calendar year 2019;
 3 and

4 (3) no officer or employee of the air carrier or
 5 contractor whose total compensation exceeded
 6 \$3,000,000 in calendar year 2019 may receive dur-
 7 ing any 12 consecutive months of such period total
 8 compensation in excess of the sum of—

9 (A) \$3,000,000; and

10 (B) 50 percent of the excess over
 11 \$3,000,000 of the total compensation received
 12 by the officer or employee from the air carrier
 13 or contractor in calendar year 2019.

14 (b) TOTAL COMPENSATION DEFINED.—In this sec-
 15 tion, the term “total compensation” includes salary, bo-
 16 nuses, awards of stock, and other financial benefits pro-
 17 vided by an air carrier or contractor to an officer or em-
 18 ployee of the air carrier or contractor.

19 **SEC. 108. MINIMUM AIR SERVICE GUARANTEES.**

20 (a) IN GENERAL.—The Secretary of Transportation
 21 is authorized to require, to the extent reasonable and prac-
 22 ticable, an air carrier provided financial assistance under
 23 this title to maintain scheduled air transportation, as the
 24 Secretary of Transportation determines necessary, to en-
 25 sure services to any point served by that air carrier before

1 March 1, 2020, continues to receive a basic level of air
2 service.

3 (b) REQUIRED CONSIDERATIONS.—When considering
4 whether to exercise the authority provided by this section,
5 the Secretary of Transportation shall take into consider-
6 ation the air transportation needs of small and remote
7 communities, the need to maintain well-functioning health
8 care supply chains, including medical devices and supplies,
9 and pharmaceutical supply chains, and such other matters
10 as the public interest requires.

11 (c) SUNSET.—The authority provided under this sec-
12 tion shall terminate on September 1, 2022, and any re-
13 quirements issued by the Secretary of Transportation
14 under this section shall cease to apply after that date.

15 **SEC. 109. TAX PAYER PROTECTION.**

16 (a) CARES ACT ASSISTANCE RECIPIENTS.—With re-
17 spect to a recipient of assistance under section 4113 of
18 the CARES Act (15 U.S.C. 9073) that receives assistance
19 under this title, the Secretary may receive warrants, op-
20 tions, preferred stock, debt securities, notes, or other fi-
21 nancial instruments issued by such recipient in the same
22 form and amount, and under the same terms and condi-
23 tions, as agreed to by the Secretary and the recipient for
24 assistance received under such section 4113 to provide ap-

1 appropriate compensation to the Federal Government for the
2 provision of the financial assistance under this title.

3 (b) OTHER APPLICANTS.—With respect to an appli-
4 cant that did not receive assistance under such section
5 4113, the Secretary may receive warrants, options, pre-
6 ferred stock, debt securities, notes, or other financial in-
7 struments issued by an applicant that receives assistance
8 under this title in a form and amount that are, to the
9 maximum extent practicable, the same as the terms and
10 conditions as agreed to by the Secretary and similarly situ-
11 ated recipients of assistance under such section 4113 to
12 provide appropriate compensation to the Federal Govern-
13 ment for the provision of the financial assistance under
14 this title.

15 **SEC. 110. REPORTS.**

16 (a) REPORT.—Not later than May 1, 2021, the Sec-
17 retary shall update and submit to the Committee on
18 Transportation and Infrastructure and the Committee on
19 Financial Services of the House of Representatives and
20 the Committee on Commerce, Science, and Transportation
21 and the Committee on Banking, Housing, and Urban Af-
22 fairs of the Senate a report on the financial assistance
23 provided to air carriers and contractors under this title,
24 which includes—

1 (1) a description of any financial assistance
2 provided to air carrier and contractors under this
3 title;

4 (2) any audits of air carriers or contractors re-
5 ceiving financial assistance under this title;

6 (3) any reports filed by air carriers or contrac-
7 tors receiving financial assistance under this title;

8 (4) any non-compliances by air carriers or con-
9 tractors receiving financial assistance under this title
10 with the terms and conditions of this title or agree-
11 ments entered into with the Secretary to receive
12 such financial assistance; and

13 (5) information relating to any clawback of any
14 financial assistance provided to air carriers or con-
15 tractors under this title.

16 (b) INTERNET UPDATES.—The Secretary shall up-
17 date the website of the Department of the Treasury on
18 a daily basis as necessary to reflect new or revised dis-
19 tributions of financial assistance under this title with re-
20 spect to each air carrier or contractor that receives such
21 assistance, the identification of any applicant that applied
22 for financial assistance under this title, and the date of
23 application.

24 (c) SUPPLEMENTAL UPDATE.—Not later than the
25 last day of the 1-year period following the date of enact-

1 ment of this title, the Secretary shall update and submit
 2 to the Committee on Transportation and Infrastructure
 3 and the Committee on Financial Services of the House of
 4 Representatives and the Committee on Commerce,
 5 Science, and Transportation and the Committee on Bank-
 6 ing, Housing, and Urban Affairs of the Senate, the report
 7 submitted under subsection (a).

8 **SEC. 111. COORDINATION.**

9 In implementing this title, the Secretary shall coordi-
 10 nate with the Secretary of Transportation.

11 **SEC. 112. DIRECT APPROPRIATION.**

12 Notwithstanding any other provision of law, there is
 13 appropriated, out of amounts in the Treasury not other-
 14 wise appropriated, \$28,300,000,000 to carry out this title.

15 **SEC. 113. TECHNICAL CORRECTIONS AND CLARIFICATION.**

16 (a) Section 4003(c)(1)(B) of the CARES Act (15
 17 U.S.C. 9042(c)(1)(B)) is amended—

18 (1) by striking “As soon” and inserting the fol-
 19 lowing:

20 “(i) IN GENERAL.—Subject to clause
 21 (ii), as soon”; and

22 (2) by adding at the end the following:

23 “(ii) REQUIREMENT.—The procedures
 24 and any related guidance issued under
 25 clause (i) shall not prohibit any air carrier

1 from applying for or receiving a loan or
2 loan guarantee under paragraph (1), (2),
3 or (3) of subsection (b) based on the
4 amount of the loan or loan guarantee re-
5 quested.”; and

6 (b) Section 4113(c) of the CARES Act (15 U.S.C.
7 9073(c)) is amended by striking “ section 4112” and in-
8 serting “subsection (a)”.

9 (c) Section 4114 of the CARES Act (15 U.S.C. 9074)
10 is amended by adding at the end the following new sub-
11 sections:

12 “(c) CONTINUED APPLICATION.—

13 “(1) IN GENERAL.—If, after September 30,
14 2020, a contractor expends funds made available
15 pursuant to section 4112 and distributed pursuant
16 to section 4113, the assurances under this section
17 shall continue to apply until all funds are expended,
18 notwithstanding the time limits included in para-
19 graphs (1) through (3) of subsection (a), or section
20 4115 or 4116.

21 “(2) SPECIAL RULE.—Not later than January
22 5, 2021, each contractor that has received funds
23 pursuant to such section 4112 shall report to the
24 Secretary on the amount of such funds that the con-
25 tractor has expended through December 31, 2020. If

1 the contractor has expended an amount that is less
2 than 50 percent of the total amount of funds the
3 contractor received under such section, the Secretary
4 shall initiate an action to recover any funds that re-
5 main unexpended as of January 31, 2021.

6 “(d) CLAWBACK OF ASSISTANCE.—Any contractor
7 that conducted involuntary furloughs or reduced pay rates
8 and benefits, between March 27, 2020, and the date on
9 which the contractor entered into an agreement with the
10 Secretary related to financial assistance under this sub-
11 title, shall attempt in good faith to rehire employees who
12 were involuntary furloughed, or the Secretary shall claw
13 back such financial assistance, as necessary.”.

14 **SEC. 114. NATIONAL AVIATION PREPAREDNESS PLAN.**

15 (a) IN GENERAL.—Not later than 1 year after the
16 date of enactment of this section, the Secretary of Trans-
17 portation, in coordination with the Secretary of Health
18 and Human Services, the Secretary of Homeland Security,
19 and the heads of such other Federal departments or agen-
20 cies as the Secretary considers appropriate, shall develop
21 and regularly update a national aviation preparedness
22 plan to ensure the aviation system is prepared to respond
23 to epidemics and pandemics of infectious diseases.

24 (b) CONTENTS OF PLAN.—A plan developed under
25 subsection (a) shall, at a minimum—

1 (1) provide airports and air carriers with an
2 adaptable and scalable framework with which to
3 align the individual plans of such airports and air
4 carriers and provide appropriate guidance as to each
5 individual plan;

6 (2) improve coordination among airports, air
7 carriers, U.S. Customs and Border Protection, the
8 Centers for Disease Control and Prevention, other
9 appropriate Federal entities, and State and local
10 governments or health agencies on developing poli-
11 cies that increase the effectiveness of screening,
12 quarantining, and contact-tracing with respect to in-
13 bound international passengers;

14 (3) ensure that at-risk employees are equipped
15 with appropriate personal protective equipment to
16 reduce the likelihood of exposure to pathogens in the
17 event of a pandemic;

18 (4) ensure aircraft and enclosed facilities
19 owned, operated, or used by an air carrier or airport
20 are cleaned, disinfected, and sanitized frequently in
21 accordance with Centers for Disease Control and
22 Prevention guidance; and

23 (5) incorporate all elements referenced in the
24 recommendation of the Comptroller General of the
25 United States to the Secretary of Transportation

1 contained in the report titled “Air Travel and Com-
2 municable Diseases: Comprehensive Federal Plan
3 Needed for U.S. Aviation System’s Preparedness”
4 issued in December 2015 (GAO–16–127).

5 (c) CONSULTATION.—When developing a plan under
6 subsection (a), the Secretary of Transportation shall con-
7 sult with aviation industry and labor stakeholders, includ-
8 ing representatives of—

9 (1) air carriers;

10 (2) small, medium, and large hub airports;

11 (3) labor organizations that represent airline pi-
12 lots, flight attendants, air carrier airport customer
13 service representatives, and air carrier maintenance,
14 repair, and overhaul workers;

15 (4) the labor organization certified under sec-
16 tion 7111 of title 5, United States Code, as the ex-
17 clusive bargaining representative of air traffic con-
18 trollers of the Federal Aviation Administration;

19 (5) the labor organization certified under such
20 section as the exclusive bargaining representative of
21 airway transportation systems specialists and avia-
22 tion safety inspectors of the Federal Aviation Ad-
23 ministration; and

24 (6) such other stakeholders as the Secretary
25 considers appropriate.

1 (d) REPORT.—Not later than 30 days after the plan
 2 is developed under subsection (a), the Secretary shall sub-
 3 mit to the appropriate committees of Congress such plan.

4 (e) DEFINITION OF AT-RISK EMPLOYEES.—In this
 5 section, the term “at-risk employees” means—

6 (1) individuals whose job duties require inter-
 7 action with air carrier passengers on a regular and
 8 continuing basis that are employees of—

9 (A) air carriers;

10 (B) air carrier contractors;

11 (C) airports; and

12 (D) Federal departments or agencies; and

13 (2) air traffic controllers and systems safety
 14 specialists of the Federal Aviation Administration.

15 **TITLE II—FEDERAL EMERGENCY** 16 **MANAGEMENT AGENCY**

17 **SEC. 201. COST SHARE.**

18 (a) TEMPORARY FEDERAL SHARE.—Notwith-
 19 standing sections 403(b), 403(c)(4), 404(a), 406(b),
 20 408(d), 408(g)(2), 428(e)(2)(B), and 503(a) of the Robert
 21 T. Stafford Disaster Relief and Emergency Assistance Act
 22 (42 U.S.C. 5121 et seq.), for any emergency or major dis-
 23 aster declared by the President under such Act during the
 24 period beginning on January 1, 2020 and ending on De-
 25 cember 31, 2020, the Federal share of assistance provided

1 under such sections shall be not less than 90 percent of
2 the eligible cost of such assistance.

3 (b) COST SHARE UNDER COVID EMERGENCY DEC-
4 LARATION.—Notwithstanding subsection (a), assistance
5 provided under the emergency declaration issued by the
6 President on March 13, 2020, pursuant to section 501(b)
7 of the Robert T. Stafford Disaster Relief and Emergency
8 Assistance Act (42 U.S.C. 5191(b)), and under any subse-
9 quent major disaster declaration under section 401 of such
10 Act (42 U.S.C. 5170) that supersedes such emergency
11 declaration, shall be at a 100 percent Federal cost share.

12 **SEC. 202. CLARIFICATION OF ASSISTANCE.**

13 (a) IN GENERAL.—For the emergency declared on
14 March 13, 2020 by the President under section 501 of
15 the Robert T. Stafford Disaster Relief and Emergency As-
16 sistance Act (42 U.S.C. 5191), the President may provide
17 assistance for activities, costs, and purchases of States,
18 Indian tribal governments, or local governments, includ-
19 ing—

20 (1) activities eligible for assistance under sec-
21 tions 301, 415, 416, and 426 of the Robert T. Staf-
22 ford Disaster Relief and Emergency Assistance Act
23 (42 U.S.C. 5141, 5182, 5183, 5189d);

24 (2) backfill costs for first responders and other
25 essential employees who are ill or quarantined;

1 (3) increased operating costs for essential gov-
2 ernment services due to such emergency, including
3 costs for implementing continuity plans, and shel-
4 tering or housing for first responders, emergency
5 managers, health providers and other essential em-
6 ployees;

7 (4) costs of providing guidance and information
8 to the public and for call centers to disseminate such
9 guidance and information, including private non-
10 profit organizations;

11 (5) costs associated with establishing and oper-
12 ating virtual services;

13 (6) costs for establishing and operating remote
14 test sites, including comprehensive community based
15 testing;

16 (7) training provided specifically in anticipation
17 of or in response to the event on which such emer-
18 gency declaration is predicated;

19 (8) personal protective equipment and other
20 critical supplies and services for first responders and
21 other essential employees, including individuals
22 working in public schools, courthouses, and public
23 transit systems;

1 (9) medical equipment, regardless of whether
2 such equipment is used for emergency or inpatient
3 care;

4 (10) public health costs, including provision and
5 distribution of medicine and medical supplies;

6 (11) costs associated with maintaining alternate
7 care facilities or related facilities currently inactive
8 but related to future needs tied to the ongoing pan-
9 demic event;

10 (12) costs of establishing and operating shelters
11 and providing services, including transportation, that
12 help alleviate the need of individuals for shelter; and

13 (13) costs, including costs incurred by private
14 nonprofit organizations, of procuring and distrib-
15 uting food to individuals affected by the pandemic
16 through networks established by State, local, or
17 Tribal governments, or other organizations, includ-
18 ing restaurants and farms, and for the purchase of
19 food directly from food producers and farmers.

20 (b) APPLICATION TO SUBSEQUENT MAJOR DIS-
21 ASTER.—The activities described in subsection (a) may
22 also be eligible for assistance under any major disaster de-
23 clared by the President under section 401 of such Act (42
24 U.S.C. 5170) that supersedes the emergency declaration
25 described in such subsection.

1 (c) FINANCIAL ASSISTANCE FOR FUNERAL EX-
2 PENSES.—For any emergency or major disaster described
3 in subsection (a) or (b), the President shall provide finan-
4 cial assistance to an individual or household to meet dis-
5 aster-related funeral expenses under section 408(e)(1) of
6 such Act (42 U.S.C. 5174(e)).

7 (d) ADVANCED ASSISTANCE.—

8 (1) IN GENERAL.—In order to facilitate activities
9 under this section, the President, acting through the Ad-
10 ministrator of the Federal Emergency Management Agen-
11 cy, may provide assistance in advance to an eligible appli-
12 cant if a failure to do so would prevent the applicant from
13 carrying out such activities.

14 (2) ANNUAL REPORT.—The Administrator shall sub-
15 mit to the Committee on Transportation and Infrastruc-
16 ture of the House of Representatives and the Committee
17 on Homeland Security and Governmental Affairs of the
18 Senate a report on assistance provided in advance pursu-
19 ant to paragraph (1).

20 (e) RULE OF CONSTRUCTION.—Nothing in this sec-
21 tion shall be construed to make ineligible any assistance
22 that would otherwise be eligible under section 403, 408,
23 or 502 of such Act (42 U.S.C. 5170b, 5192).

24 (f) STATE; INDIAN TRIBAL GOVERNMENT; LOCAL
25 GOVERNMENT DEFINED.—In this section, the terms

1 “State”, “Indian tribal government”, and “local govern-
2 ment” have the meanings given such terms in section 102
3 of the Robert T. Stafford Disaster Relief and Emergency
4 Assistance Act (42 U.S.C. 5122).

5 **SEC. 203. HAZARD MITIGATION APPROVAL.**

6 For all States or Indian tribal governments, as such
7 terms are defined in section 102 of the Robert T. Stafford
8 Disaster Relief and Emergency Assistance Act (42 U.S.C.
9 5122), receiving an emergency declaration on March 13,
10 2020 by the President under section 501 of the Robert
11 T. Stafford Disaster Relief and Emergency Assistance Act
12 (42 U.S.C. 5191), and a major disaster declared by the
13 President under section 401 of such Act (42 U.S.C. 5170)
14 that supersedes such emergency declaration, the President
15 shall approve the availability of hazard mitigation assist-
16 ance pursuant to section 404 of the Robert T. Stafford
17 Disaster Relief and Emergency Assistance Act (42 U.S.C.
18 5170c) as part of such major disaster declarations, if re-
19 quested, and the President may contribute up to 100 per-
20 cent of hazard mitigation measures authorized under sec-
21 tion 404(a) of such Act.

1 **TITLE III—OTHER MATTERS**

2 **SEC. 301. REQUIREMENTS FOR OWNERS AND OPERATORS**
3 **OF EQUIPMENT OR FACILITIES USED BY PAS-**
4 **SENGER OR FREIGHT TRANSPORTATION EM-**
5 **PLOYERS.**

6 (a) DEFINITIONS.—In this section:

7 (1) AT-RISK EMPLOYEE.—The term “at-risk
8 employee” means an employee (including a Federal
9 employee) or contractor of a passenger or freight
10 transportation employer—

11 (A) whose job responsibilities involve inter-
12 action with—

13 (i) passengers;

14 (ii) the public; or

15 (iii) coworkers who interact with the
16 public;

17 (B) who handles items which are handled
18 or will be handled by the public; or

19 (C) who works in locations where social
20 distancing and other preventative measures
21 with respect to the Coronavirus Disease 2019
22 (COVID–19) are not possible.

23 (2) PASSENGER OR FREIGHT TRANSPORTATION
24 EMPLOYER.—The term “passenger or freight trans-
25 portation employer” includes—

1 (A) the owner, charterer, managing oper-
2 ator, master, or other individual in charge of a
3 passenger vessel (as defined in section 2101 of
4 title 46, United States Code);

5 (B) an air carrier (as defined in section
6 40102 of title 49, United States Code);

7 (C) a commuter authority (as defined in
8 section 24102 of title 49, United State Code);

9 (D) an entity that provides intercity rail
10 passenger transportation (as defined in section
11 24102 of title 49, United States Code);

12 (E) a rail carrier (as defined in section
13 10102 of title 49, United States Code);

14 (F) a regional transportation authority (as
15 defined in section 24102 of title 49, United
16 States Code);

17 (G) a provider of public transportation (as
18 defined in section 5302 of title 49, United
19 States Code);

20 (H) a provider of motorcoach services (as
21 defined in section 32702 of the Motorcoach En-
22 hanced Safety Act of 2012 (49 U.S.C. 31136
23 note; Public Law 112–141));

24 (I) a motor carrier that owns or operates
25 more than 100 motor vehicles (as those terms

1 are defined in section 390.5 of title 49, Code of
2 Federal Regulations (or successor regulations));

3 (J) a sponsor, owner, or operator of a pub-
4 lic-use airport (as defined in section 47102 of
5 title 49, United States Code);

6 (K) a marine terminal operator (as defined
7 in section 40102 of title 46, United States
8 Code) and the relevant authority or operator of
9 a port or harbor;

10 (L) the Transportation Security Adminis-
11 tration, exclusively with respect to Transpor-
12 tation Security Officers; and

13 (M) a marine terminal operator (as defined
14 in section 40102 of title 46, United States
15 Code) and the relevant authority or operator of
16 a port or harbor, or any other employer of indi-
17 viduals covered under section 2(3) of the
18 Longshore and Harbor Workers' Compensation
19 Act (33 U.S.C. 902(3)).

20 (b) REQUIREMENTS.—For the purposes of respond-
21 ing to, or for purposes relating to operations during the
22 national emergency declared by the President under the
23 National Emergencies Act (50 U.S.C. 1601 et seq.) re-
24 lated to the pandemic of SARS-CoV-2 or coronavirus
25 disease 2019 (COVID-19), the Secretary shall require—

1 (1) the owners or operators of equipment, sta-
2 tions, or facilities used by passenger or freight
3 transportation employers, as applicable—

4 (A) to clean, disinfect, and sanitize, in ac-
5 cordance with guidance issued by the Centers
6 for Disease Control and Prevention or the safe-
7 ty alert for operators issued by the Federal
8 Aviation Administration on May 11, 2020,
9 numbered SAFO 20009 (including any similar
10 successor safety alert or applicable guidance),
11 the equipment and facilities, including, as appli-
12 cable—

13 (i) buses and transit vehicles;

14 (ii) commercial motor vehicles;

15 (iii) freight and passenger rail loco-
16 motives;

17 (iv) freight and passenger rail cars;

18 (v) vessels;

19 (vi) airports;

20 (vii) fleet vehicles used for the trans-
21 portation of workers to job sites;

22 (viii) aircraft, including the cockpit
23 and the cabin; and

24 (ix) other equipment and facilities;

1 (B) to ensure that stations and facilities,
2 including enclosed facilities, owned, operated,
3 and used by passenger or freight transportation
4 employers, including facilities used for employee
5 training or the performance of indoor or out-
6 door maintenance, repair, or overhaul work, are
7 disinfected and sanitized frequently in accord-
8 ance with guidance issued by the Centers for
9 Disease Control and Prevention or the safety
10 alert for operators issued by the Federal Avia-
11 tion Administration on May 11, 2020, num-
12 bered SAFO 20009 (including any similar suc-
13 cessor safety alert or applicable guidance);

14 (C) to provide to at-risk employees—

- 15 (i) masks or protective face coverings;
- 16 (ii) gloves;
- 17 (iii) hand sanitizer;
- 18 (iv) sanitizing wipes with sufficient al-
19 cohol content; and
- 20 (v) training on the proper use of per-
21 sonal protective equipment and sanitizing
22 equipment;

23 (D) to ensure that employees whose job re-
24 sponsibilities include the cleaning, disinfecting,

1 or sanitizing described in subparagraph (A) or
2 (B) are provided—

3 (i) masks or protective face coverings;

4 (ii) gloves;

5 (iii) hand sanitizer; and

6 (iv) sanitizing wipes with sufficient al-
7 cohol content;

8 (E) to establish guidelines, or adhere to
9 any existing applicable guidelines, including the
10 safety alert for operators issued by the Federal
11 Aviation Administration on May 11, 2020,
12 numbered SAFO 20009 (including any similar
13 successor safety alert or applicable guidance),
14 for notifying an employee of the owner or oper-
15 ator of a confirmed diagnosis of the
16 Coronavirus Disease 2019 (COVID–19) with
17 respect to any other employee of the owner or
18 operator with whom the notified employee had
19 physical contact or a physical interaction during
20 the 48-hour period preceding the time at which
21 the diagnosed employee developed symptoms;

22 (F) to require the wearing of masks or
23 protective face coverings, subject to the require-
24 ments of the Americans with Disabilities Act of
25 1990 (42 U.S.C. 12101 et seq.), section 41705

1 of title 49, United States Code, (commonly
2 known as the “Air Carrier Access Act of
3 1986”), and section 501 of the Rehabilitation
4 Act of 1973 (29 U.S.C. 791), as applicable,
5 by—

6 (i) passengers traveling on transpor-
7 tation provided by a passenger or freight
8 transportation employer; and

9 (ii) employees of passenger or freight
10 transportation employers when—

11 (I) interacting with passengers,
12 the public, or coworkers who interact
13 with the public; or

14 (II) working in locations where
15 social distancing and other preventa-
16 tive measures with respect to the
17 Coronavirus Disease 2019 (COVID-
18 19) are not possible;

19 (G) to require each flight crew member to
20 wear a mask or protective face covering while
21 on board an aircraft and outside the flight
22 deck; and

23 (H) ensure that each contractor of an
24 owner or operator identified under this para-
25 graph provides masks or protective face cov-

1 erings, gloves, hand sanitizer, and sanitizing
 2 wipes with sufficient alcohol content, to employ-
 3 ees of such contractor whose job responsibilities
 4 include the cleaning, disinfecting, or sanitizing
 5 described in subparagraph (A) or (B); and

6 (2) an air carrier to submit to the Adminis-
 7 trator of the Federal Aviation Administration a pro-
 8 posal to permit flight crew members to wear masks
 9 or protective face coverings in the flight deck, in-
 10 cluding a safety risk assessment with respect to that
 11 proposal.

12 (c) MARKET UNAVAILABILITY OF NECESSARY
 13 ITEMS.—

14 (1) NOTICE OF MARKET UNAVAILABILITY.—

15 (A) IN GENERAL.—If an owner or operator
 16 described in paragraph (1) of subsection (b) is
 17 unable to acquire 1 or more items necessary to
 18 comply with the requirements prescribed under
 19 that paragraph due to market unavailability of
 20 the items, the owner or operator shall—

21 (i) not later than 7 days after the
 22 date on which the owner or operator is un-
 23 able to acquire each applicable item, sub-
 24 mit to the Secretary a written notice ex-
 25 plaining the efforts made and obstacles

1 faced by the owner or operator to acquire
2 that item; and

3 (ii) continue making efforts to acquire
4 that item until the item is acquired.

5 (B) UPDATED NOTICE WITH RESPECT TO
6 THE SAME ITEM.—If an owner or operator is
7 unable to acquire an item described in a notice
8 submitted under subparagraph (A) by the date
9 described in paragraph (4)(B)(ii) with respect
10 to the notice, the owner or operator may submit
11 an updated notice with respect to that item.

12 (2) REASONABLE EFFORT DETERMINATION.—
13 With respect to each notice submitted under para-
14 graph (1), the Secretary shall determine whether the
15 owner or operator submitting the notice has made
16 reasonable efforts to acquire the item described in
17 the notice.

18 (3) NOTICE OF COMPLIANCE.—Not later than 7
19 days after the date on which an owner or operator
20 acquires an item described in a notice submitted by
21 that owner or operator under paragraph (1) in a
22 quantity sufficient to comply with the requirements
23 prescribed under subsection (b)(1), the owner or op-
24 erator shall submit to the Secretary a written notice
25 of compliance with those requirements.

1 (4) LISTS OF OWNERS AND OPERATORS MAKING
2 REASONABLE EFFORTS TO ACQUIRE UNAVAILABLE
3 ITEMS.—

4 (A) IN GENERAL.—The Secretary shall
5 publish on a public website of the Department
6 of Transportation a list that, with respect to
7 each notice submitted to the Secretary under
8 paragraph (1) for which the Secretary has
9 made a positive determination under paragraph
10 (2)—

11 (i) identifies the owner or operator
12 that submitted the notice;

13 (ii) identifies the item that the owner
14 or operator was unable to acquire; and

15 (iii) describes the reasonable efforts
16 made by the owner or operator to acquire
17 that item.

18 (B) REMOVAL FROM LIST.—The Secretary
19 shall remove each entry on the list described in
20 subparagraph (A) on the earlier of—

21 (i) the date on which the applicable
22 owner or operator submits to the Secretary
23 a notice of compliance under paragraph (3)
24 with respect to the item that is the subject
25 of the entry; and

1 (ii) the date that is 90 days after the
2 date on which the entry was added to the
3 list.

4 (d) PROTECTION OF CERTAIN FEDERAL AVIATION
5 ADMINISTRATION EMPLOYEES.—

6 (1) IN GENERAL.—For the purposes of re-
7 sponding to, or for purposes relating to operations
8 during the national emergency declared by the Presi-
9 dent under the National Emergencies Act (50
10 U.S.C. 1601 et seq.) related to the pandemic of
11 SARS-CoV-2 or coronavirus disease 2019
12 (COVID-19), in order to maintain the safe and effi-
13 cient operation of the air traffic control system, the
14 Administrator of the Federal Aviation Administra-
15 tion shall—

16 (A) provide any air traffic controller and
17 airway transportation systems specialist of the
18 Federal Aviation Administration with masks or
19 protective face coverings, gloves, and hand sani-
20 tizer and wipes of sufficient alcohol content,
21 and provide training on the proper use of per-
22 sonal protective equipment and sanitizing
23 equipment;

24 (B) ensure that each air traffic control fa-
25 cility is cleaned, disinfected, and sanitized fre-

quently in accordance with Centers for Disease
Control and Prevention guidance; and

(C) provide any employee of the Federal
Aviation Administration whose job responsibil-
ities involve cleaning, disinfecting, and sani-
tizing a facility described in subparagraph (B)
with masks or protective face coverings and
gloves, and ensure that each contractor of the
Federal Aviation Administration provides any
employee of the contractor with those materials.

(2) SOURCE OF EQUIPMENT.—The items de-
scribed in paragraph (1)(A) may be procured or pro-
vided under that paragraph through any source
available to the Administrator of the Federal Avia-
tion Administration.

**SEC. 302. PROPERTY DISPOSITION FOR AFFORDABLE
HOUSING.**

Section 5334(h)(1) of title 49, United States Code,
is amended to read as follows:

“(1) IN GENERAL.—If a recipient of assistance
under this chapter decides an asset acquired under
this chapter at least in part with that assistance is
no longer needed for the purpose for which such
asset was acquired, the Secretary may authorize the
recipient to transfer such asset to—

1 “(A) a local governmental authority to be
2 used for a public purpose with no further obli-
3 gation to the Government if the Secretary de-
4 cides—

5 “(i) the asset will remain in public use
6 for at least 5 years after the date the asset
7 is transferred;

8 “(ii) there is no purpose eligible for
9 assistance under this chapter for which the
10 asset should be used;

11 “(iii) the overall benefit of allowing
12 the transfer is greater than the interest of
13 the Government in liquidation and return
14 of the financial interest of the Government
15 in the asset, after considering fair market
16 value and other factors; and

17 “(iv) through an appropriate screen-
18 ing or survey process, that there is no in-
19 terest in acquiring the asset for Govern-
20 ment use if the asset is a facility or land;
21 or

22 “(B) a local governmental authority, non-
23 profit organization, or other third party entity
24 to be used for the purpose of transit-oriented

1 development with no further obligation to the
2 Government if the Secretary decides—

3 “(i) the asset is a necessary compo-
4 nent of a proposed transit-oriented devel-
5 opment project;

6 “(ii) the transit-oriented development
7 project will increase transit ridership;

8 “(iii) at least 40 percent of the hous-
9 ing units offered in the transit-oriented de-
10 velopment , including housing units owned
11 by nongovernmental entities, are legally
12 binding affordability restricted to tenants
13 with incomes at or below 60 percent of the
14 area median income and/or owners with in-
15 comes at or below 60 percent the area me-
16 dian income;

17 “(iv) the asset will remain in use as
18 described in this section for at least 30
19 years after the date the asset is trans-
20 ferred; and

21 “(v) with respect to a transfer to a
22 third party entity—

23 “(I) a local government authority
24 or nonprofit organization is unable to
25 receive the property;

1 “(II) the overall benefit of allow-
 2 ing the transfer is greater than the in-
 3 terest of the Government in liquida-
 4 tion and return of the financial inter-
 5 est of the Government in the asset,
 6 after considering fair market value
 7 and other factors; and

8 “(III) the third party has dem-
 9 onstrated a satisfactory history of
 10 construction or operating an afford-
 11 able housing development.”.

12 **SEC. 303. TREATMENT OF PAYMENTS FROM THE RAILROAD**

13 **UNEMPLOYMENT INSURANCE ACCOUNT.**

14 (a) IN GENERAL.—Section 256(i)(1) of the Balanced
 15 Budget and Emergency Deficit Control Act of 1985 (2
 16 U.S.C. 906(i)(1)) is amended—

17 (1) in subparagraph (B), by striking “and” at
 18 the end;

19 (2) in subparagraph (C), by inserting “and” at
 20 the end; and

21 (3) by inserting after subparagraph (C) the fol-
 22 lowing new subparagraph:

23 “(D) any payment made from the Railroad Un-
 24 employment Insurance Account (established by sec-
 25 tion 10 of the Railroad Unemployment Insurance

1 Act) for the purpose of carrying out the Railroad
 2 Unemployment Insurance Act, and funds appro-
 3 priated or transferred to or otherwise deposited in
 4 such Account,”.

5 (b) EFFECTIVE DATE.—The treatment of payments
 6 made from the Railroad Unemployment Insurance Ac-
 7 count pursuant to the amendment made by subsection (a)
 8 shall take effect 7 days after the date of enactment of this
 9 Act and shall apply only to obligations incurred on or after
 10 such effective date for such payments.

11 **SEC. 304. CLARIFICATION OF OVERSIGHT AND IMPLEMEN-**
 12 **TATION OF RELIEF FOR WORKERS AFFECTED**
 13 **BY CORONAVIRUS ACT.**

14 (a) AUDITS, INVESTIGATIONS, AND OVERSIGHT.—
 15 Notwithstanding section 2115 of the Relief for Workers
 16 Affected by Coronavirus Act (subtitle A of title II of divi-
 17 sion A of Public Law 116–136), the authority of the In-
 18 spector General of the Department of Labor to carry out
 19 audits, investigations, and other oversight activities that
 20 are related to the provisions of such Act shall not extend
 21 to any activities related to sections 2112, 2113, or 2114
 22 of such Act. Such authority with respect to such sections
 23 shall belong to the Inspector General of the Railroad Re-
 24 tirement Board.

1 (b) OPERATING INSTRUCTIONS OR OTHER GUID-
 2 ANCE.—Notwithstanding section 2116(b) of the Relief for
 3 Workers Affected by Coronavirus Act (subtitle A of title
 4 II of division A of Public Law 116–136), the authority
 5 of the Secretary of Labor to issue any operating instruc-
 6 tions or other guidance necessary to carry out the provi-
 7 sions of such Act shall not extend to any activities related
 8 to sections 2112, 2113, or 2114 of such Act. Such author-
 9 ity with respect to such sections shall belong to the Rail-
 10 road Retirement Board.

11 **SEC. 305. EXTENSION OF WAIVER OF THE 7-DAY WAITING**
 12 **PERIOD FOR BENEFITS UNDER THE RAIL-**
 13 **ROAD UNEMPLOYMENT INSURANCE ACT.**

14 (a) IN GENERAL.—Section 2112(a) of the CARES
 15 Act (15 U.S.C. 9030) is amended by striking “December
 16 31, 2020” and inserting “January 31, 2021”.

17 (b) OPERATING INSTRUCTIONS AND REGULA-
 18 TIONS.—The Railroad Retirement Board may prescribe
 19 any operating instructions or regulations necessary to
 20 carry out this section.

21 (c) CLARIFICATION ON AUTHORITY TO USE
 22 FUNDS.—Funds appropriated under section 2112(c) of
 23 the CARES Act shall be available to cover the cost of addi-
 24 tional benefits payable due to section 2112(a) of the
 25 CARES Act by reason of the amendments made by sub-

1 section (a) as well as to cover the cost of such benefits
 2 payable due to section 2112(a) of the CARES Act as in
 3 effect on the day before the date of enactment of this Act.

4 **SEC. 306. EXTENDED UNEMPLOYMENT BENEFITS UNDER**
 5 **THE RAILROAD UNEMPLOYMENT INSURANCE**
 6 **ACT.**

7 (a) IN GENERAL.—Section 2(c)(2)(D)(iii) of the
 8 Railroad Unemployment Insurance Act (45 U.S.C.
 9 352(c)(2)(D)(iii) is amended—

10 (1) by striking “June 30, 2020” and inserting
 11 “June 30, 2021”; and

12 (2) by striking “no extended benefit period
 13 under this paragraph shall begin after December 31,
 14 2020” and inserting “the provisions of clauses (i)
 15 and (ii) shall not apply to any employee with respect
 16 to any registration period beginning on or after Feb-
 17 ruary 1, 2021”.

18 (b) CLARIFICATION ON AUTHORITY TO USE FUND.—
 19 Funds appropriated under either the first or second sen-
 20 tence of clause (iv) of section 2(c)(2)(D) of the Railroad
 21 Unemployment Insurance Act shall be available to cover
 22 the cost of additional extended unemployment benefits
 23 provided under such section 2(c)(2)(D) by reason of the
 24 amendments made by subsection (a) as well as to cover
 25 the cost of such benefits provided under such section

1 2(c)(2)(D) as in effect on the day before the date of enact-
2 ment of this Act.

3 **SEC. 307. ADDITIONAL ENHANCED BENEFITS UNDER THE**
4 **RAILROAD UNEMPLOYMENT INSURANCE ACT.**

5 (a) IN GENERAL.—Section 2(a)(5)(A) of the Railroad
6 Unemployment Insurance Act (45 U.S.C. 352(a)(5)(A) is
7 amended—

8 (1) by inserting “for registration periods begin-
9 ning on or after September 6, 2020, but on or be-
10 fore January 31, 2021, and for any registration pe-
11 riods during a period of continuing unemployment
12 which began on or before January 31, 2021,” after
13 “July 31, 2020,”;

14 (2) by striking “July 1, 2019” and inserting
15 “July 1, 2019, or July 1, 2020”; and

16 (3) by adding at the end “No recovery benefit
17 under this section shall be payable for any registra-
18 tion period beginning on or after April 1, 2021. For
19 registration periods beginning on or after February
20 1, 2021, a recovery benefit under this section shall
21 only be payable to a qualified employee with respect
22 to any registration period in which the employee re-
23 ceived normal unemployment benefits as defined in
24 paragraph (c)(1), but shall not be payable to a
25 qualified employee who did not receive unemploy-

1 ment benefits or who received extended benefits as
2 defined in paragraph (c)(2) for such registration pe-
3 riod.”

4 (b) ADDITIONAL APPROPRIATIONS.—Section
5 2(a)(5)(B) of the Railroad Unemployment Insurance Act
6 (45 U.S.C. 352(a)(5)(B) is amended by adding at the end
7 the following:

8 “In addition to the amount appropriated by the pre-
9 ceding sentence, out of any funds in the Treasury not oth-
10 erwise appropriated, there are appropriated \$300,000,000
11 to cover the cost of recovery benefits provided under sub-
12 paragraph (A), to remain available until expended.”.

13 (c) DISREGARD OF RECOVERY BENEFITS FOR PUR-
14 POSES OF ALL FEDERAL AND FEDERALLY ASSISTED
15 PROGRAMS.—Section 2(a)(5) of the Railroad Unemploy-
16 ment Insurance Act (45 U.S.C. 352(a)(5)) is amended by
17 adding at the end the following:

18 “(C) A recovery benefit payable under subparagraph
19 (A) shall not be regarded as income and shall not be re-
20 garded as a resource for the month of receipt and the fol-
21 lowing 9 months, for purposes of determining the eligi-
22 bility of the recipient (or the recipient’s spouse or family)
23 for benefits or assistance, or the amount or extent of bene-
24 fits or assistance, under any Federal program or under

1 any State or local program financed in whole or in part
2 with Federal funds.”.

3 (d) CLARIFICATION ON AUTHORITY TO USE
4 FUNDS.—Funds appropriated under either the first or
5 second sentence of subparagraph (B) of section 2(a)(5)
6 of the Railroad Unemployment Insurance Act shall be
7 available to cover the cost of recovery benefits provided
8 under such section 2(a)(5) by reason of the amendments
9 made by subsection (a) as well as to cover the cost of such
10 benefits provided under such section 2(a)(5) as in effect
11 on the day before the date of enactment of this Act.

12 **SEC. 308. OFFICE OF DISASTER RECOVERY.**

13 (a) IN GENERAL.—Title V of the Public Works and
14 Economic Development Act of 1965 (42 U.S.C. 3191 et
15 seq.) is amended by adding at the end the following:

16 **“SEC. 508. OFFICE OF DISASTER RECOVERY.**

17 “(a) IN GENERAL.—The Secretary shall create an
18 Office of Disaster Recovery to direct and implement the
19 Agency’s post-disaster economic recovery responsibilities
20 pursuant to sections 209(c)(2) and 703.

21 “(b) AUTHORIZATION.—The Secretary is authorized
22 to appoint and fix the compensation of such temporary
23 personnel as may be necessary to implement disaster re-
24 covery measures, without regard to the provisions of title
25 5, United States Code, governing appointments in the

1 competitive service. The Secretary is authorized to appoint
 2 such temporary personnel, after serving continuously for
 3 2 years, to positions in the Economic Development Admin-
 4 istration in the same manner that competitive service em-
 5 ployees with competitive status are considered for trans-
 6 fer, reassignment, or promotion to such positions. An indi-
 7 vidual appointed under the preceding sentence shall be-
 8 come a career-conditional employee, unless the employee
 9 has already completed the service requirements for career
 10 tenure.”.

11 (b) CLERICAL AMENDMENT.—The table of contents
 12 for the Public Works and Economic Development Act of
 13 1965 is amended by inserting after the item relating to
 14 section 507 the following new item:

“508. Office of Disaster Recovery.”.

15 **SEC. 309. GRADUATION REQUIREMENTS FOR THE UNITED**
 16 **STATES MERCHANT MARINE ACADEMY AND**
 17 **STATE MARITIME ACADEMIES.**

18 (a) UNITED STATES MERCHANT MARINE ACAD-
 19 EMY.—

20 (1) Notwithstanding section 51309(a)(1)(B) of
 21 title 46, United States Code, and subject to such
 22 terms and conditions as set forth in this subsection
 23 and other conditions as the Secretary may deter-
 24 mine, the Superintendent of the United States Mer-
 25 chant Marine Academy may confer degrees on indi-

viduals scheduled to receive such degrees from the United States Merchant Marine Academy in calendar year 2020.

(2) With respect to an individual described in paragraph (1), the Secretary of Transportation may—

(A) defer until not later than December 31, 2021, the requirements of section 51306(a)(2) of title 46, United States Code, and relevant regulations;

(B) defer until not later than December 31, 2021, and modify as necessary, requirements under paragraphs (3) through (5) of section 51306(a) of title 46, United States Code, and relevant regulations; and

(C) conditionally waive requirements under paragraphs (2) through (5) of section 51306(a) of title 46, United States Code, and relevant regulations, for an individual who—

(i) within 3 months of receiving a degree has accepted a commission as an officer on active duty in an armed force of the United States or a commission as an officer of the National Oceanic and Atmospheric Administration or the Public Health

1 Service, pursuant to section 51306(e) of
2 title 46, United States Code; and

3 (ii) serves for the 5-year period fol-
4 lowing commissioning as an officer on ac-
5 tive duty as described in clause (i).

6 (3) An individual upon whom the United States
7 Merchant Marine Academy confers a degree pursu-
8 ant to paragraph (1) shall—

9 (A) fulfill the requirements under section
10 51306(a)(2) of title 46, United States Code,
11 and relevant regulations, by the date set by the
12 Secretary, which shall be not later than Decem-
13 ber 31, 2021; or

14 (B) for the 5-year period following gradua-
15 tion from the Academy as described in para-
16 graph (2)(C)(i), serve as a commissioned officer
17 on active duty in an armed force of the United
18 States or as a commissioned officer of the Na-
19 tional Oceanic and Atmospheric Administration
20 or the Public Health Service, pursuant to sec-
21 tion 51306(e) of title 46, United States Code.

22 (4) If the United States Merchant Marine
23 Academy confers a degree upon an individual pursu-
24 ant to paragraph (1) and the individual fails to com-

1 ply with the requirements established by the Sec-
2 retary, the Secretary may—

3 (A) revoke the degree conferred on the in-
4 dividual by the United States Merchant Marine
5 Academy; and

6 (B) exercise the remedies under section
7 51306 of title 46, United States Code.

8 (b) STATE MARITIME ACADEMY.—

9 (1) Notwithstanding section 51506(a)(3) of title
10 46, United States Code, and subject to such terms
11 and conditions as set forth in this subsection and
12 other conditions as the Secretary may determine, a
13 State maritime academy may confer degrees upon
14 individuals scheduled to graduate from a State mari-
15 time academy in calendar year 2020. With respect
16 to an individual who has received student incentive
17 payments under section 51509 of title 46, United
18 States Code, and fails to comply with such terms
19 and conditions, the Secretary may exercise the au-
20 thorities set forth in paragraphs (3) of this sub-
21 section.

22 (2) For an individual to be eligible to be con-
23 ferred a degree pursuant to paragraph (1), the State
24 maritime academy shall require such individual to
25 pass the examination required for the issuance of a

1 license under section 7101 of title 46, United States
2 Code, by December 31, 2021, and such State mari-
3 time academy shall advise all such individuals who
4 have not passed the examination prerequisite to
5 issuance of a license that any degree so awarded is
6 subject to revocation and such State maritime acad-
7 emy shall advise any individuals who have not
8 passed.

9 (3) The Secretary of Transportation may—

10 (A) require a State maritime academy, as
11 a condition of receiving an annual payment
12 under section 51506(a) of title 46, United
13 States Code, to report to the Secretary, in a
14 manner determined by the Secretary, on the
15 compliance with paragraph (2);

16 (B) withhold payments under section
17 51506(a) of title 46, United States Code, in an
18 amount not greater than the fractional amount
19 of the direct payment that is proportional to the
20 number of graduates who fail to comply with
21 requirements under paragraph (2) and whose
22 degrees have not been revoked by the State
23 maritime academy and the total number of indi-
24 viduals graduating from such State maritime
25 academy in calendar year 2020; and

1 (C) reduce the amount of direct payments
2 withheld under subparagraph (B) below the
3 maximum amount authorized.

4 (4) For an individual graduating from a State
5 maritime academy in calendar year 2020 who has
6 received student incentive payments under section
7 51509 of title 46, United States Code, the Secretary
8 of Transportation may—

9 (A) defer until not later than December
10 31, 2021, the requirements under sections
11 51509(d)(2) of title 46, United States Code,
12 and relevant regulations;

13 (B) defer until not later than December
14 31, 2021, and modify as necessary as deter-
15 mined by the Secretary, the requirements under
16 paragraphs (3) through (5) of section 51509(d)
17 of title 46, United States Code, and relevant
18 regulations; and

19 (C) conditionally waive requirements under
20 paragraphs (2) through (5) of section 51509(d)
21 of title 46, United States Code, and relevant
22 regulations, for an individual who—

23 (i) within 3 months of graduation is
24 commissioned as an officer on active duty
25 in an armed force of the United States or

1 as a commissioned officer of the National
2 Oceanic and Atmospheric Administration
3 or the Public Health Service, pursuant to
4 section 51509(h) of title 46, United States
5 Code; and

6 (ii) serves for the 5-year period fol-
7 lowing commissioning as an officer on ac-
8 tive duty as provided for in clause (i).

9 (5) An individual conferred a degree from a
10 State maritime academy pursuant to paragraph (1)
11 who has received student incentive payments as pro-
12 vided for in section 51509 of title 46, United States
13 Code, shall—

14 (A) fulfill the requirements under section
15 51509(d)(2) of title 46, United States Code,
16 and relevant regulations not later than Decem-
17 ber 31, 2021; or

18 (B) for the 5-year period following gradua-
19 tion from an academy described in paragraph
20 (4)(C)(ii), serve as a commissioned officer on
21 active duty in an armed force of the United
22 States or as a commissioned officer of the Na-
23 tional Oceanic and Atmospheric Administration
24 or the Public Health Service, pursuant to sec-
25 tion 51509(h) of title 46, United States Code.

1 (6) If an individual conferred a degree from a
2 State maritime academy pursuant to paragraph (1)
3 fails to comply with the requirements established by
4 the Secretary, the Secretary may exercise the rem-
5 edies under section 51509 of title 46, United States
6 Code.

7 (c) **EXTENSION OF AUTHORIZATION.**—The Secretary
8 may apply the provisions of subsections (a) and (b) to sub-
9 sequent graduating classes at the United States Merchant
10 Marine Academy and State maritime academies, and ex-
11 tend compliance dates applicable to such graduates, if the
12 Secretary determines it is necessary to respond to the pub-
13 lic health emergency declared by the Secretary of Health
14 and Human Services issued on January 27, 2020, titled
15 “Concerning the Novel Coronavirus”.

16 **SEC. 310. REGULATION OF ANCHORAGE AND MOVEMENT**
17 **OF VESSELS DURING NATIONAL EMERGENCY.**

18 Section 70051 of title 46, United States Code, is
19 amended—

20 (1) in the section heading by inserting “or pub-
21 lic health emergency” after “national emergency”;

22 (2) by inserting “or whenever the Secretary of
23 Health and Human Services determines a public
24 health emergency exists,” after “international rela-
25 tions of the United States”;

1 (3) by inserting “or to ensure the safety of ves-
 2 sels and persons in any port and navigable water-
 3 way,” after “harbor or waters of the United States”;

4 (4) by inserting “or public health emergency,”
 5 after “subversive activity”; and

6 (5) by inserting “or to ensure the safety of ves-
 7 sels and persons in any port and navigable water-
 8 way,” after “injury to any harbor or waters of the
 9 United States,”.

10 **DIVISION R—ACCOUNTABILITY**
 11 **AND GOVERNMENT OPERATIONS**
 12 **TITLE I—ACCOUNTABILITY**

13 **SEC. 101. CONGRESSIONAL NOTIFICATION OF CHANGE IN**
 14 **STATUS OF INSPECTOR GENERAL.**

15 (a) CHANGE IN STATUS OF INSPECTOR GENERAL OF
 16 OFFICES.—Section 3(b) of the Inspector General Act of
 17 1978 (5 U.S.C. App.) is amended—

18 (1) by inserting “, is placed on paid or unpaid
 19 non-duty status,” after “is removed from office”;

20 (2) by inserting “, change in status,” after
 21 “any such removal”; and

22 (3) by inserting “, change in status,” after “be-
 23 fore the removal”.

24 (b) CHANGE IN STATUS OF INSPECTOR GENERAL OF
 25 DESIGNATED FEDERAL ENTITIES.—Section 8G(e)(2) of

1 the Inspector General Act of 1978 (5 U.S.C. App.) is
2 amended—

3 (1) by inserting “, is placed on paid or unpaid
4 non-duty status,” after “office”;

5 (2) by inserting “, change in status,” after
6 “any such removal”; and

7 (3) by inserting “, change in status,” after “be-
8 fore the removal”.

9 (c) EFFECTIVE DATE.—The amendments made by
10 this section shall take effect 30 days after the date of the
11 enactment of this Act.

12 **SEC. 102. PRESIDENTIAL EXPLANATION OF FAILURE TO**
13 **NOMINATE AN INSPECTOR GENERAL.**

14 (a) IN GENERAL.—Subchapter III of chapter 33 of
15 title 5, United States Code, is amended by inserting after
16 section 3349d the following new section:

17 **“§ 3349e. Presidential explanation of failure to nomi-**
18 **nate an Inspector General**

19 “If the President fails to make a formal nomination
20 for a vacant Inspector General position that requires a for-
21 mal nomination by the President to be filled within the
22 period beginning on the date on which the vacancy oc-
23 curred and ending on the day that is 210 days after that
24 date, the President shall communicate, within 30 days
25 after the end of such period, to Congress in writing—

1 “(1) the reasons why the President has not yet
2 made a formal nomination; and

3 “(2) a target date for making a formal nomina-
4 tion.”.

5 (b) CLERICAL AMENDMENT.—The table of sections
6 for chapter 33 of title 5, United States Code, is amended
7 by inserting after the item relating to 3349d the following
8 new item:

“3349e. Presidential explanation of failure to nominate an Inspector General.”.

9 (c) EFFECTIVE DATE.—The amendment made by
10 subsection (a) shall take effect on the date of the enact-
11 ment of this Act and shall apply to any vacancy first oc-
12 curring on or after that date.

13 **SEC. 103. INSPECTOR GENERAL INDEPENDENCE.**

14 (a) SHORT TITLE.—This section may be cited as the
15 “Inspector General Independence Act”.

16 (b) AMENDMENT.—The Inspector General Act of
17 1978 (5 U.S.C. App.) is amended—

18 (1) in section 3(b)—

19 (A) by striking “An Inspector General”
20 and inserting “(1) An Inspector General”;

21 (B) by inserting after “by the President”
22 the following: “in accordance with paragraph
23 (2)”; and

24 (C) by inserting at the end the following
25 new paragraph:

1 “(2) The President may remove an Inspector
2 General only for any of the following grounds:

3 “(A) Permanent incapacity.

4 “(B) Inefficiency.

5 “(C) Neglect of duty.

6 “(D) Malfeasance.

7 “(E) Conviction of a felony or conduct in-
8 volving moral turpitude.

9 “(F) Knowing violation of a law, rule, or
10 regulation.

11 “(G) Gross mismanagement.

12 “(H) Gross waste of funds.

13 “(I) Abuse of authority.”; and

14 (2) in section 8G(e)(2), by adding at the end
15 the following new sentence: “An Inspector General
16 may be removed only for any of the following
17 grounds:

18 “(A) Permanent incapacity.

19 “(B) Inefficiency.

20 “(C) Neglect of duty.

21 “(D) Malfeasance.

22 “(E) Conviction of a felony or conduct in-
23 volving moral turpitude.

24 “(F) Knowing violation of a law, rule, or
25 regulation.

1 “(G) Gross mismanagement.

2 “(H) Gross waste of funds.

3 “(I) Abuse of authority.”.

4 **SEC. 104. USPS INSPECTOR GENERAL OVERSIGHT RESPON-**
5 **SIBILITIES.**

6 The Inspector General of the United States Postal
7 Service shall—

8 (1) conduct oversight, audits, and investigations
9 of projects and activities carried out with funds pro-
10 vided in division A of this Act to the United States
11 Postal Service; and

12 (2) not less than 90 days after the Postal Serv-
13 ice commences use of funding provided by division A
14 of this Act, and annually thereafter, initiate an audit
15 of the Postal Service’s use of appropriations and
16 borrowing authority provided by any division of this
17 Act, including the use of funds to cover lost reve-
18 nues, costs due to COVID–19, and expenditures,
19 and submit a copy of such audit to the Committee
20 on Homeland Security and Governmental Affairs of
21 the Senate, the Committee on Oversight and Reform
22 of the House of Representatives, and the Commit-
23 tees on Appropriations of the House of Representa-
24 tives and the Senate.

1 **TITLE II—CENSUS MATTERS**

2 **SEC. 201. MODIFICATION OF 2020 CENSUS DEADLINES AND**
3 **TABULATION OF POPULATION.**

4 (a) CENSUS DEADLINE MODIFICATION.—Notwith-
5 standing the timetables provided in subsections (b) and
6 (c) of section 141 of title 13, United States Code, and
7 section 22(a) of the Act entitled “An Act to provide for
8 the fifteenth and subsequent decennial censuses and to
9 provide for apportionment of Representatives in Con-
10 gress”, approved June 18, 1929 (2 U.S.C. 2a(a)), for the
11 2020 decennial census of population—

12 (1) the tabulation of total population by States
13 required by subsection (a) of such section 141 for
14 the apportionment of Representatives in Congress
15 among the several States shall be—

16 (A) completed and reported by the Sec-
17 retary of Commerce (referred to in this section
18 as the “Secretary”) to the President no earlier
19 than one year after the decennial census date of
20 April 1, 2020, and not later than April 30,
21 2021; and

22 (B) made public by the Secretary not later
23 than the date on which the tabulation is re-
24 ported to the President under subparagraph
25 (A);

1 (2) the President shall transmit to Congress a
2 statement showing the whole number of persons in
3 each State, and the number of Representatives to
4 which each State would be entitled under an appor-
5 tionment of the then existing number of Representa-
6 tives, as required by such section 22(a), and deter-
7 mined solely as described therein, immediately upon
8 receipt of the tabulation reported by the Secretary;
9 and

10 (3) the tabulations of populations required by
11 subsection (c) of such section 141 shall be completed
12 by the Secretary as expeditiously as possible after
13 the census date of April 1, 2020, taking into account
14 the deadlines of each State for legislative apportion-
15 ment or districting, and reported to the Governor of
16 the State involved and to the officers or public bod-
17 ies having responsibility for legislative apportion-
18 ment or districting of that State, except that the
19 tabulations of population of each State requesting a
20 tabulation plan, and basic tabulations of population
21 of each other State, shall be completed, reported,
22 and transmitted to each respective State not later
23 than July 30, 2021.

24 (b) NRFU OPERATION.—For the 2020 decennial
25 census of population, the Bureau of the Census shall con-

1 clude the Nonresponse Followup operation and the self-
2 response operation no earlier than October 31, 2020.

3 **SEC. 202. REPORTING REQUIREMENTS FOR 2020 CENSUS.**

4 On the first day of each month during the period be-
5 tween the date of enactment of this Act and July 1, 2021,
6 the Director of the Bureau of the Census shall submit,
7 to the Committee on Oversight and Reform of the House
8 of Representatives, the Committee on Homeland Security
9 and Governmental Affairs of the Senate, and the Commit-
10 tees on Appropriations of the House and the Senate, a
11 report regarding the 2020 decennial census of population
12 containing the following information:

13 (1) The total number of field staff, sorted by
14 category, hired by the Bureau compared to the num-
15 ber of field staff the Bureau estimated was nec-
16 essary to carry out such census.

17 (2) Retention rates of such hired field staff.

18 (3) Average wait time for call center calls and
19 average wait time for each language provided.

20 (4) Anticipated schedule of such census oper-
21 ations.

22 (5) Total tabulated responses, categorized by
23 race and Hispanic origin.

1 (6) Total appropriations available for obligation
2 for such census and a categorized list of total dis-
3 bursements.

4 (7) Non-Response Follow-Up completion rates
5 by geographic location.

6 (8) Update/Enumerate and Update/Leave com-
7 pletion rates by geographic location.

8 (9) Total spending to date on media, advertise-
9 ments, and partnership specialists, including a geo-
10 graphic breakdown of such spending.

11 (10) Post-enumeration schedule and subsequent
12 data aggregation and delivery progress.

13 **SEC. 203. LIMITATION ON TABULATION OF CERTAIN DATA.**

14 (a) **LIMITATION.**—The Bureau of the Census may
15 not compile or produce any data product or tabulation as
16 part of, in combination with, or in connection with, the
17 2020 decennial census of population or any such census
18 data produced pursuant to section 141(c) of title 13,
19 United States Code, that is based in whole or in part on
20 data that is not collected in such census.

21 (b) **EXCEPTION.**—The limitation in subsection (a)
22 shall not apply to any data product or tabulation that is
23 required by sections 141(b) or (c) of such title, that uses
24 the same or substantially similar methodology and data
25 sources as a decennial census data product produced by

1 the Bureau of the Census before January 1, 2019, or that
2 uses a methodology and data sources that the Bureau of
3 the Census finalized and made public prior to January 1,
4 2018.

5 **TITLE III—FEDERAL** 6 **WORKFORCE**

7 **SEC. 301. COVID-19 TELEWORKING REQUIREMENTS FOR** 8 **FEDERAL EMPLOYEES.**

9 (a) MANDATED TELEWORK.—

10 (1) IN GENERAL.—Effective immediately upon
11 the date of enactment of this Act, the head of any
12 Federal agency shall require any employee of such
13 agency who is authorized to telework under chapter
14 65 of title 5, United States Code, or any other provi-
15 sion of law to telework during the period beginning
16 on the date of enactment of this Act and ending on
17 December 31, 2020.

18 (2) DEFINITIONS.—In this subsection—

19 (A) the term “employee” means—

20 (i) an employee of the Library of Con-
21 gress;

22 (ii) an employee of the Government
23 Accountability Office;

24 (iii) a covered employee as defined in
25 section 101 of the Congressional Account-

ability Act of 1995 (2 U.S.C. 1301), other
than an applicant for employment;

(iv) a covered employee as defined in
section 411(c) of title 3, United States
Code;

(v) a Federal officer or employee cov-
ered under subchapter V of chapter 63 of
title 5, United States Code; or

(vi) any other individual occupying a
position in the civil service (as that term is
defined in section 2101(1) of title 5,
United States Code); and

(B) the term “telework” has the meaning
given that term in section 6501(3) of such title.

(b) TELEWORK PARTICIPATION GOALS.—Chapter 65
of title 5, United States Code, is amended as follows:

(1) In section 6502—

(A) in subsection (b)—

(i) in paragraph (4), by striking
“and” at the end;

(ii) in paragraph (5), by striking the
period at the end and inserting a semi-
colon; and

(iii) by adding at the end the fol-
lowing:

1 “(6) include annual goals for increasing the
2 percent of employees of the executive agency partici-
3 pating in teleworking—

4 “(A) three or more days per pay period;

5 “(B) one or 2 days per pay period;

6 “(C) once per month; and

7 “(D) on an occasional, episodic, or short-
8 term basis; and

9 “(7) include methods for collecting data on, set-
10 ting goals for, and reporting costs savings to the ex-
11 ecutive agency achieved through teleworking, con-
12 sistent with the guidance developed under section
13 301(c) of division R of The Heroes Act.”; and

14 (B) by adding at the end the following:

15 “(d) NOTIFICATION FOR REDUCTION IN TELE-
16 WORKING PARTICIPATION.—Not later than 30 days before
17 the date that an executive agency implements or modifies
18 a teleworking plan that would reduce the percentage of
19 employees at the agency who telework, the head of the ex-
20 ecutive agency shall provide written notification, including
21 a justification for the reduction in telework participation
22 and a description of how the agency will pay for any in-
23 creased costs resulting from that reduction, to—

24 “(1) the Director of the Office of Personnel
25 Management;

1 “(2) the Committee on Oversight and Reform
2 of the House of Representatives; and

3 “(3) the Committee on Homeland Security and
4 Governmental Affairs of the Senate.

5 “(e) PROHIBITION ON AGENCY-WIDE LIMITS ON
6 TELEWORKING.—An agency may not prohibit any delin-
7 eated period of teleworking participation for all employees
8 of the agency, including the periods described in subpara-
9 graphs (A) through (D) of subsection (b)(6). The agency
10 shall make any teleworking determination with respect to
11 an employee or group of employees at the agency on a
12 case-by-case basis.”.

13 (2) In section 6506(b)(2)—

14 (A) in subparagraph (F)(vi), by striking
15 “and” at the end;

16 (B) in subparagraph (G), by striking the
17 period at the end and inserting a semicolon;
18 and

19 (C) by adding at the end the following:

20 “(H) agency cost savings achieved through
21 teleworking, consistent with the guidance devel-
22 oped under section 2(c) of the Telework Metrics
23 and Cost Savings Act; and

24 “(I) a detailed explanation of a plan to in-
25 crease the Government-wide teleworking partici-

1 pation rate above such rate applicable to fiscal
 2 year 2016, including agency-level plans to main-
 3 tain or improve such rate for each of the tele-
 4 working frequency categories listed under sub-
 5 paragraph (A)(iii).”.

6 (c) GUIDANCE.—Not later than 90 days after the
 7 date of the enactment of this Act, the Director of the Of-
 8 fice of Personnel Management, in collaboration with the
 9 Chief Human Capital Officer Council, shall establish uni-
 10 form guidance for agencies on how to collect data on, set
 11 goals for, and report cost savings achieved through, tele-
 12 working. Such guidance shall account for cost savings re-
 13 lated to travel, energy use, and real estate.

14 (d) TECHNICAL CORRECTION.—Section 6506(b)(1)
 15 of title 5, United States Code, is amended by striking
 16 “with Chief” and inserting “with the Chief”.

17 **SEC. 302. RETIREMENT FOR CERTAIN EMPLOYEES.**

18 (a) CSRS.—Section 8336(c) of title 5, United States
 19 Code, is amended by adding at the end the following:

20 “(3)(A) In this paragraph—

21 “(i) the term ‘affected individual’
 22 means an individual covered under this
 23 subchapter who—

24 “(I) is performing service in a
 25 covered position;

1 “(II) is diagnosed with COVID–
2 19 before the date on which the indi-
3 vidual becomes entitled to an annuity
4 under paragraph (1) of this sub-
5 section or subsection (e), (m), or (n),
6 as applicable;

7 “(III) because of the illness de-
8 scribed in subclause (II), is perma-
9 nently unable to render useful and ef-
10 ficient service in the employee’s cov-
11 ered position, as determined by the
12 agency in which the individual was
13 serving when such individual incurred
14 the illness; and

15 “(IV) is appointed to a position
16 in the civil service that—

17 “(aa) is not a covered posi-
18 tion; and

19 “(bb) is within an agency
20 that regularly appoints individ-
21 uals to supervisory or administra-
22 tive positions related to the ac-
23 tivities of the former covered po-
24 sition of the individual;

1 “(ii) the term ‘covered position’ means
2 a position as a law enforcement officer,
3 customs and border protection officer, fire-
4 fighter, air traffic controller, nuclear mate-
5 rials courier, member of the Capitol Police,
6 or member of the Supreme Court Police;
7 and

8 “(iii) the term ‘COVID–19’ means the
9 2019 Novel Coronavirus or 2019-nCoV.

10 “(B) Unless an affected individual files an
11 election described in subparagraph (E), cred-
12 itable service by the affected individual in a po-
13 sition described in subparagraph (A)(i)(IV)
14 shall be treated as creditable service in a cov-
15 ered position for purposes of this chapter and
16 determining the amount to be deducted and
17 withheld from the pay of the affected individual
18 under section 8334.

19 “(C) Subparagraph (B) shall only apply if
20 the affected employee transitions to a position
21 described in subparagraph (A)(i)(IV) without a
22 break in service exceeding 3 days.

23 “(D) The service of an affected individual
24 shall no longer be eligible for treatment under

1 subparagraph (B) if such service occurs after
2 the individual—

3 “(i) is transferred to a supervisory or
4 administrative position related to the ac-
5 tivities of the former covered position of
6 the individual; or

7 “(ii) meets the age and service re-
8 quirements that would subject the indi-
9 vidual to mandatory separation under sec-
10 tion 8335 if such individual had remained
11 in the former covered position.

12 “(E) In accordance with procedures estab-
13 lished by the Director of the Office of Personnel
14 Management, an affected individual may file an
15 election to have any creditable service per-
16 formed by the affected individual treated in ac-
17 cordance with this chapter without regard to
18 subparagraph (B).

19 “(F) Nothing in this paragraph shall be
20 construed to apply to such affected individual
21 any other pay-related laws or regulations appli-
22 cable to a covered position.”.

23 (b) FERS.—

24 (1) IN GENERAL.—Section 8412(d) of title 5,
25 United States Code, is amended—

1 (A) by redesignating paragraphs (1) and
2 (2) as subparagraphs (A) and (B), respectively;
3 (B) by inserting “(1)” before “An em-
4 ployee”; and

5 (C) by adding at the end the following:

6 “(2)(A) In this paragraph—

7 “(i) the term ‘affected individual’
8 means an individual covered under this
9 chapter who—

10 “(I) is performing service in a
11 covered position;

12 “(II) is diagnosed with COVID—
13 19 before the date on which the indi-
14 vidual becomes entitled to an annuity
15 under paragraph (1) of this sub-
16 section or subsection (e), as applica-
17 ble;

18 “(III) because of the illness de-
19 scribed in subclause (II), is perma-
20 nently unable to render useful and ef-
21 ficient service in the employee’s cov-
22 ered position, as determined by the
23 agency in which the individual was
24 serving when such individual incurred
25 the illness; and

1 “(IV) is appointed to a position
2 in the civil service that—

3 “(aa) is not a covered posi-
4 tion; and

5 “(bb) is within an agency
6 that regularly appoints individ-
7 uals to supervisory or administra-
8 tive positions related to the ac-
9 tivities of the former covered po-
10 sition of the individual;

11 “(ii) the term ‘covered position’ means
12 a position as a law enforcement officer,
13 customs and border protection officer, fire-
14 fighter, air traffic controller, nuclear mate-
15 rials courier, member of the Capitol Police,
16 or member of the Supreme Court Police;
17 and

18 “(iii) the term ‘COVID–19’ means the
19 2019 Novel Coronavirus or 2019-nCoV.

20 “(B) Unless an affected individual files an
21 election described in subparagraph (E), cred-
22 itable service by the affected individual in a po-
23 sition described in subparagraph (A)(i)(IV)
24 shall be treated as creditable service in a cov-
25 ered position for purposes of this chapter and

1 determining the amount to be deducted and
2 withheld from the pay of the affected individual
3 under section 8422.

4 “(C) Subparagraph (B) shall only apply if
5 the affected employee transitions to a position
6 described in subparagraph (A)(i)(IV) without a
7 break in service exceeding 3 days.

8 “(D) The service of an affected individual
9 shall no longer be eligible for treatment under
10 subparagraph (B) if such service occurs after
11 the individual—

12 “(i) is transferred to a supervisory or
13 administrative position related to the ac-
14 tivities of the former covered position of
15 the individual; or

16 “(ii) meets the age and service re-
17 quirements that would subject the indi-
18 vidual to mandatory separation under sec-
19 tion 8425 if such individual had remained
20 in the former covered position.

21 “(E) In accordance with procedures estab-
22 lished by the Director of the Office of Personnel
23 Management, an affected individual may file an
24 election to have any creditable service per-
25 formed by the affected individual treated in ac-

cordance with this chapter without regard to
subparagraph (B).

“(F) Nothing in this paragraph shall be
construed to apply to such affected individual
any other pay-related laws or regulations appli-
cable to a covered position.”.

(2) TECHNICAL AND CONFORMING AMEND-
MENTS.—

(A) Chapter 84 of title 5, United States
Code, is amended—

(i) in section 8414(b)(3), by inserting
“(1)” after “subsection (d)”;

(ii) in section 8415—

(I) in subsection (e), in the mat-
ter preceding paragraph (1), by in-
serting “(1)” after “subsection (d)”;
and

(II) in subsection (h)(2)(A), by
striking “(d)(2)” and inserting
“(d)(1)(B)”;

(iii) in section 8421(a)(1), by insert-
ing “(1)” after “(d)”;

(iv) in section 8421a(b)(4)(B)(ii), by
inserting “(1)” after “section 8412(d)”;

1 (v) in section 8425, by inserting “(1)”
 2 after “section 8412(d)” each place it ap-
 3 pears; and

4 (vi) in section 8462(c)(3)(B)(ii), by
 5 inserting “(1)” after “subsection (d)”.

6 (B) Title VIII of the Foreign Service Act
 7 of 1980 (22 U.S.C. 4041 et seq.) is amended—

8 (i) in section 805(d)(5) (22 U.S.C.
 9 4045(d)(5)), by inserting “(1)” after “or
 10 8412(d)”; and

11 (ii) in section 812(a)(2)(B) (22
 12 U.S.C. 4052(a)(2)(B)), by inserting “(1)”
 13 after “or 8412(d)”.

14 (c) CIA EMPLOYEES.—Section 302 of the Central In-
 15 telligence Agency Retirement Act (50 U.S.C. 2152) is
 16 amended by adding at the end the following:

17 “(d) EMPLOYEES DISABLED ON DUTY.—

18 “(1) DEFINITIONS.—In this subsection—

19 “(A) the term ‘affected employee’ means
 20 an employee of the Agency covered under sub-
 21 chapter II of chapter 84 of title 5, United
 22 States Code, who—

23 “(i) is performing service in a position
 24 designated under subsection (a);

1 “(ii) is diagnosed with COVID–19 be-
2 fore the date on which the employee be-
3 comes entitled to an annuity under section
4 233 of this Act or section 8412(d)(1) of
5 title 5, United States Code;

6 “(iii) because of the illness described
7 in clause (ii), is permanently unable to
8 render useful and efficient service in the
9 employee’s covered position, as determined
10 by the Director; and

11 “(iv) is appointed to a position in the
12 civil service that is not a covered position
13 but is within the Agency;

14 “(B) the term ‘covered position’ means a
15 position as—

16 “(i) a law enforcement officer de-
17 scribed in section 8331(20) or 8401(17) of
18 title 5, United States Code;

19 “(ii) a customs and border protection
20 officer described in section 8331(31) or
21 8401(36) of title 5, United States Code;

22 “(iii) a firefighter described in section
23 8331(21) or 8401(14) of title 5, United
24 States Code;

1 “(iv) an air traffic controller described
2 in section 8331(30) or 8401(35) of title 5,
3 United States Code;

4 “(v) a nuclear materials courier de-
5 scribed in section 8331(27) or 8401(33) of
6 title 5, United States Code;

7 “(vi) a member of the United States
8 Capitol Police;

9 “(vii) a member of the Supreme Court
10 Police;

11 “(viii) an affected employee; or

12 “(ix) a special agent described in sec-
13 tion 804(15) of the Foreign Service Act of
14 1980 (22 U.S.C. 4044(15)); and

15 “(C) the term ‘COVID–19’ means the
16 2019 Novel Coronavirus or 2019-nCoV.

17 “(2) TREATMENT OF SERVICE AFTER DIS-
18 ABILITY.—Unless an affected employee files an elec-
19 tion described in paragraph (3), creditable service by
20 the affected employee in a position described in
21 paragraph (1)(A)(iv) shall be treated as creditable
22 service in a covered position for purposes of this Act
23 and chapter 84 of title 5, United States Code, in-
24 cluding eligibility for an annuity under section 233
25 of this Act or 8412(d)(1) of title 5, United States

1 Code, and determining the amount to be deducted
2 and withheld from the pay of the affected employee
3 under section 8422 of title 5, United States Code.

4 “(3) BREAK IN SERVICE.—Paragraph (2) shall
5 only apply if the affected employee transitions to a
6 position described in paragraph (1)(A)(iv) without a
7 break in service exceeding 3 days.

8 “(4) LIMITATION ON TREATMENT OF SERV-
9 ICE.—The service of an affected employee shall no
10 longer be eligible for treatment under paragraph (2)
11 if such service occurs after the employee is trans-
12 ferred to a supervisory or administrative position re-
13 lated to the activities of the former covered position
14 of the employee.

15 “(5) OPT OUT.—An affected employee may file
16 an election to have any creditable service performed
17 by the affected employee treated in accordance with
18 chapter 84 of title 5, United States Code, without
19 regard to paragraph (2).”.

20 (d) FOREIGN SERVICE RETIREMENT AND DIS-
21 ABILITY SYSTEM.—Section 806(a)(6) of the Foreign Serv-
22 ice Act of 1980 (22 U.S.C. 4046(a)(6)) is amended by
23 adding at the end the following:

24 “(D)(i) In this subparagraph—

1 “(I) the term ‘affected special
2 agent’ means an individual covered
3 under this subchapter who—

4 “(aa) is performing service
5 as a special agent;

6 “(bb) is diagnosed with
7 COVID–19 before the date on
8 which the individual becomes en-
9 titled to an annuity under section
10 811;

11 “(cc) because of the illness
12 described in item (bb), is perma-
13 nently unable to render useful
14 and efficient service in the em-
15 ployee’s covered position, as de-
16 termined by the Secretary; and

17 “(dd) is appointed to a posi-
18 tion in the Foreign Service that
19 is not a covered position;

20 “(II) the term ‘covered position’
21 means a position as—

22 “(aa) a law enforcement of-
23 ficer described in section
24 8331(20) or 8401(17) of title 5,
25 United States Code;

1 “(bb) a customs and border
2 protection officer described in
3 section 8331(31) or 8401(36) of
4 title 5, United States Code;

5 “(cc) a firefighter described
6 in section 8331(21) or 8401(14)
7 of title 5, United States Code;

8 “(dd) an air traffic con-
9 troller described in section
10 8331(30) or 8401(35) of title 5,
11 United States Code;

12 “(ee) a nuclear materials
13 courier described in section
14 8331(27) or 8401(33) of title 5,
15 United States Code;

16 “(ff) a member of the
17 United States Capitol Police;

18 “(gg) a member of the Su-
19 preme Court Police;

20 “(hh) an employee of the
21 Agency designated under section
22 302(a) of the Central Intelligence
23 Agency Retirement Act (50
24 U.S.C. 2152(a)); or

25 “(ii) a special agent; and

1 “(III) the term ‘COVID–19’
2 means the 2019 Novel Coronavirus or
3 2019-nCoV.

4 “(ii) Unless an affected special agent files
5 an election described in clause (iv), creditable
6 service by the affected special agent in a posi-
7 tion described in clause (i)(I)(dd) shall be treat-
8 ed as creditable service as a special agent for
9 purposes of this subchapter, including deter-
10 mining the amount to be deducted and withheld
11 from the pay of the individual under section
12 805.

13 “(iii) Clause (ii) shall only apply if the spe-
14 cial agent transitions to a position described in
15 clause (i)(I)(dd) without a break in service ex-
16 ceeding 3 days.

17 “(iv) The service of an affected employee
18 shall no longer be eligible for treatment under
19 clause (ii) if such service occurs after the em-
20 ployee is transferred to a supervisory or admin-
21 istrative position related to the activities of the
22 former covered position of the employee.

23 “(v) In accordance with procedures estab-
24 lished by the Secretary, an affected special
25 agent may file an election to have any cred-

1 itable service performed by the affected special
2 agent treated in accordance with this sub-
3 chapter, without regard to clause (ii).”.

4 (e) IMPLEMENTATION.—

5 (1) OFFICE OF PERSONNEL MANAGEMENT.—

6 The Director of the Office of Personnel Management
7 shall promulgate regulations to carry out the amend-
8 ments made by subsections (a) and (b).

9 (2) CIA EMPLOYEES.—The Director of the
10 Central Intelligence Agency shall promulgate regula-
11 tions to carry out the amendment made by sub-
12 section (c).

13 (3) FOREIGN SERVICE RETIREMENT AND DIS-
14 ABILITY SYSTEM.—The Secretary of State shall pro-
15 mulgate regulations to carry out the amendment
16 made by subsection (d).

17 (4) AGENCY REAPPOINTMENT.—The regula-
18 tions promulgated to carry out the amendments
19 made by this section shall ensure that, to the great-
20 est extent possible, the head of each agency appoints
21 affected employees or special agents to supervisory
22 or administrative positions related to the activities of
23 the former covered position of the employee or spe-
24 cial agent.

1 (5) TREATMENT OF SERVICE.—The regulations
2 promulgated to carry out the amendments made by
3 this section shall ensure that the creditable service
4 of an affected employee or special agent (as the case
5 may be) that is not in a covered position pursuant
6 to an election made under such amendments shall be
7 treated as the same type of service as the covered
8 position in which the employee or agent suffered the
9 qualifying illness.

10 (f) EFFECTIVE DATE; APPLICABILITY.—The amend-
11 ments made by this section—

12 (1) shall take effect on the date of enactment
13 of this section; and

14 (2) shall apply to an individual who suffers an
15 illness described in section 8336(c)(3)(A)(i)(II) or
16 section 8412(d)(2)(A)(i)(II) of title 5, United States
17 Code (as amended by this section), section
18 302(d)(1)(A)(ii) of the Central Intelligence Agency
19 Retirement Act (as amended by this section), or sec-
20 tion 806(a)(6)(D)(i)(I)(bb) of the Foreign Service
21 Act of 1980 (as amended by this section), on or
22 after the date that is 2 years after the date of enact-
23 ment of this section.

1 **TITLE IV—FEDERAL**
2 **CONTRACTING PROVISIONS**

3 **SEC. 401. MANDATORY TELEWORK.**

4 (a) IN GENERAL.—During the emergency period, the
5 Director of the Office of Management and Budget shall
6 direct agencies to allow telework for all contractor per-
7 sonnel to the maximum extent practicable. Additionally,
8 the Director shall direct contracting officers to document
9 any decision to not allow telework during the emergency
10 period in the contract file.

11 (b) EMERGENCY PERIOD DEFINED.—In this section,
12 the term “emergency period” means the period that—

13 (1) begins on the date that is not later than 15
14 days after the date of the enactment of this Act; and

15 (2) ends on the date that the public health
16 emergency declared pursuant to section 319 of the
17 Public Health Service Act (42 U.S.C. 247d) as re-
18 sult of COVID–19, including any renewal thereof,
19 expires.

20 **SEC. 402. GUIDANCE ON THE IMPLEMENTATION OF SEC-**
21 **TION 3610 OF THE CARES ACT.**

22 Not later than 15 days after the date of the enact-
23 ment of this Act, the Director of the Office of Manage-
24 ment and Budget shall issue guidance to ensure uniform
25 implementation across agencies of section 3610 of the

1 CARES Act (Public Law 116–136). Any such guidance
2 shall—

3 (1) limit the basic requirements for reimburse-
4 ment to those included in such Act and the effective
5 date for such reimbursement shall be January 31,
6 2020; and

7 (2) clarify that the term “minimum applicable
8 contract billing rates” as used in such section in-
9 cludes the financial impact incurred as a con-
10 sequence of keeping the employees or subcontractors
11 of the contractor in a ready state (such as the base
12 hourly wage rate of an employee, plus indirect costs,
13 fees, and general and administrative expenses).

14 **SEC. 403. PAST PERFORMANCE RATINGS.**

15 Section 1126 of title 41, United States Code, is
16 amended by adding at the end the following new sub-
17 section:

18 “(c) EXCEPTION FOR FAILURE TO DELIVER GOODS
19 OR COMPLETE WORK DUE TO COVID–19.—If the head of
20 an executive agency determines that a contractor failed
21 to deliver goods or complete work as a result of measures
22 taken as a result of COVID–19 under a contract with the
23 agency by the date or within the time period imposed by
24 the contract, any information relating to such failure may
25 not be—

1 “(1) included in any past performance database
2 used by executive agencies for making source selec-
3 tion decisions; or

4 “(2) evaluated unfavorably as a factor of past
5 contract performance.”.

6 **SEC. 404. ACCELERATED PAYMENTS.**

7 Not later than 10 days after the date of the enact-
8 ment of this Act and ending on the expiration of the public
9 health emergency declared pursuant to section 319 of the
10 Public Health Service Act (42 U.S.C. 247d) as a result
11 of COVID–19, including any renewal thereof, the Director
12 of the Office of Management and Budget shall direct con-
13 tracting officers to establish an accelerated payment date
14 for any prime contract (as defined in section 8701 of title
15 41, United States Code) with payments due 15 days after
16 the receipt of a proper invoice.

17 **TITLE V—DISTRICT OF**
18 **COLUMBIA**

19 **SEC. 501. SPECIAL BORROWING BY THE DISTRICT OF CO-**
20 **LUMBIA.**

21 (a) **AUTHORIZING BORROWING UNDER MUNICIPAL**
22 **LIQUIDITY FACILITY OF FEDERAL RESERVE BOARD AND**
23 **SIMILAR FACILITIES OR PROGRAMS.**—The Council of the
24 District of Columbia (hereafter in this section referred to
25 as the “Council”) may by act authorize the issuance of

1 bonds, notes, and other obligations, in amounts deter-
2 mined by the Chief Financial Officer of the District of
3 Columbia to meet cash-flow needs of the District of Co-
4 lumbia government, for purchase by the Board of Gov-
5 ernors of the Federal Reserve under the Municipal Liquid-
6 ity Facility of the Federal Reserve or any other facility
7 or program of the Federal Reserve or another entity of
8 the Federal government which is established in response
9 to the COVID–19 Pandemic.

10 (b) REQUIRING ISSUANCE TO BE COMPETITIVE
11 WITH OTHER FORMS OF BORROWING.—The Council may
12 authorize the issuance of bonds, notes, or other obligations
13 under subsection (a) only if the issuance of such bonds,
14 notes, and other obligations is competitive with other
15 forms of borrowing in the financial market.

16 (c) TREATMENT AS GENERAL OBLIGATION.—Any
17 bond, note, or other obligation issued under subsection (a)
18 shall, if provided in the act of the Council, be a general
19 obligation of the District.

20 (d) PAYMENTS NOT SUBJECT TO APPROPRIATION.—
21 No appropriation is required to pay—

22 (1) any amount (including the amount of any
23 accrued interest or premium) obligated or expended
24 from or pursuant to subsection (a) for or from the

1 sale of any bonds, notes, or other obligation under
2 such subsection;

3 (2) any amount obligated or expended for the
4 payment of principal of, interest on, or any premium
5 for any bonds, notes, or other obligations issued
6 under subsection (a);

7 (3) any amount obligated or expended pursuant
8 to provisions made to secure any bonds, notes, or
9 other obligations issued under subsection (a); or

10 (4) any amount obligated or expended pursuant
11 to commitments, including lines of credit or costs of
12 issuance, made or entered in connection with the
13 issuance of any bonds, notes, or other obligations for
14 operating or capital costs financed under subsection
15 (a).

16 (e) RENEWAL.—Any bond, note, or other obligation
17 issued under subsection (a) may be renewed if authorized
18 by an act of the Council.

19 (f) PAYMENT.—Any bonds, notes, or other obliga-
20 tions issued under subsection (a), including any renewal
21 of such bonds, notes, or other obligations, shall be due
22 and payable on such terms and conditions as are con-
23 sistent with the terms and conditions of the Municipal Li-
24 quidity Facility or other facility or program referred to
25 in subsection (a).

1 (g) INCLUSION OF PAYMENTS IN ANNUAL BUDG-
 2 ET.—The Council shall provide in each annual budget for
 3 the District of Columbia government sufficient funds to
 4 pay the principal of and interest on all bonds, notes, or
 5 other obligations issued under subsection (a) of this sec-
 6 tion becoming due and payable during such fiscal year.

7 (h) OBLIGATION TO PAY.—The Mayor of the District
 8 of Columbia shall ensure that the principal of and interest
 9 on all bonds, notes, or other obligations issued under sub-
 10 section (a) are paid when due, including by paying such
 11 principal and interest from funds not otherwise legally
 12 committed.

13 (i) SECURITY INTEREST IN DISTRICT REVENUES.—
 14 The Council may by act provide for a security interest in
 15 any District of Columbia revenues as additional security
 16 for the payment of any bond, note, or other obligation
 17 issued under subsection (a).

18 **TITLE VI—OTHER MATTERS**

19 **SEC. 601. ESTIMATES OF AGGREGATE ECONOMIC GROWTH** 20 **ACROSS INCOME GROUPS.**

21 (a) SHORT TITLE.—This section may be cited as the
 22 “Measuring Real Income Growth Act of 2020”.

23 (b) DEFINITIONS.—In this section:

1 (1) BUREAU.—The term “Bureau” means the
2 Bureau of Economic Analysis of the Department of
3 Commerce.

4 (2) GROSS DOMESTIC PRODUCT ANALYSIS.—
5 The term “gross domestic product analysis”—

6 (A) means a quarterly or annual analysis
7 conducted by the Bureau with respect to the
8 gross domestic product of the United States;
9 and

10 (B) includes a revision prepared by the
11 Bureau of an analysis described in subpara-
12 graph (A).

13 (3) RECENT ESTIMATE.—The term “recent es-
14 timate” means the most recent estimate described in
15 subsection (c) that is available on the date on which
16 the gross domestic product analysis with which the
17 estimate is to be included is conducted.

18 (c) INCLUSION IN REPORTS.—Beginning in 2020, in
19 each gross domestic product analysis conducted by the Bu-
20 reau, the Bureau shall include a recent estimate of, with
21 respect to specific percentile groups of income, the total
22 amount that was added to the economy of the United
23 States during the period to which the recent estimate per-
24 tains, including in—

25 (1) each of the 10 deciles of income; and

1 (2) the highest 1 percent of income.

2 (d) AUTHORIZATION OF APPROPRIATIONS.—There
3 are authorized to be appropriated to the Secretary of Com-
4 merce such sums as are necessary to carry out this sec-
5 tion.

6 **SEC. 602. WAIVER OF FEDERAL FUND LIMITATION FOR THE**
7 **DRUG-FREE COMMUNITIES SUPPORT PRO-**
8 **GRAM.**

9 (a) IN GENERAL.—Subject to subsection (b), if the
10 Administrator of the Drug-Free Communities Support
11 Program determines that, as a result of the public health
12 emergency declared pursuant to section 319 of the Public
13 Health Service Act (42 U.S.C. 247d) as a result of
14 COVID–19, an eligible coalition is unable to raise the
15 amount of non-Federal funds, including in-kind contribu-
16 tions, agreed to be raised by the coalition for a fiscal year
17 under an agreement entered into with the Administrator
18 pursuant to paragraph (1)(A) or (3)(D) of section 1032(b)
19 of the Anti-Drug Abuse Act of 1988 (21 U.S.C. 1532(b)),
20 the Administrator may, notwithstanding such paragraphs,
21 provide to the eligible coalition the grant or renewal grant,
22 as applicable, for that fiscal year in an amount—

23 (1) with respect to an initial grant or renewal
24 grant described under paragraph (1)(A) of such sec-
25 tion, that exceeds the amount of non-Federal funds

1 raised by the eligible coalition, including in-kind con-
2 tributions, for that fiscal year;

3 (2) with respect to a renewal grant described
4 under paragraph (3)(D)(i) of such section, that ex-
5 ceeds 125 percent of the amount of non-Federal
6 funds raised by the eligible coalition, including in-
7 kind contributions, for that fiscal year; and

8 (3) with respect to a renewal grant described
9 under paragraph (3)(D)(ii) of such section, that ex-
10 ceeds 150 percent of the amount of non-Federal
11 funds raised by the eligible coalition, including in-
12 kind contributions, for that fiscal year.

13 **SEC. 603. UNITED STATES POSTAL SERVICE BORROWING**
14 **AUTHORITY.**

15 Subsection (b)(2) of section 6001 of the Coronavirus
16 Aid, Relief, and Economic Security Act (Public Law 116–
17 136) is amended to read as follows:

18 “(2) the Secretary of the Treasury shall lend up
19 to the amount described in paragraph (1) at the re-
20 quest of the Postal Service subject to the terms and
21 conditions of the note purchase agreement between
22 the Postal Service and the Federal Financing Bank
23 in effect on September 29, 2018.”.

1 **DIVISION S—FOREIGN AFFAIRS**
2 **PROVISIONS**
3 **TITLE I—MATTERS RELATING**
4 **TO THE DEPARTMENT OF STATE**

5 **SEC. 101. EFFORTS TO ASSIST FEDERAL VOTERS OVERSEAS**
6 **IMPACTED BY COVID-19.**

7 (a) SENSE OF CONGRESS.—It is the sense of Con-
8 gress that the Secretary of State, in consultation with the
9 Secretary of Defense and the Postmaster General, should
10 undertake efforts to mitigate the effects of limited or cur-
11 tailed diplomatic pouch capacities or other operations con-
12 straints at United States diplomatic and consular posts,
13 due to coronavirus, on overseas voters (as such term is
14 defined in section 107(5) of the Uniformed and Overseas
15 Citizens Absentee Voting Act (52 U.S.C. 20310(5))) seek-
16 ing to return absentee ballots and other balloting mate-
17 rials under such Act with respect to elections for Federal
18 office held in 2020. Such efforts should include steps to—

19 (1) restore or augment diplomatic pouch capaci-
20 ties;

21 (2) facilitate using the Army Post Office, Fleet
22 Post Office, Diplomatic Post Office, the United
23 States mails, or private couriers, if available;

24 (3) mitigate other operations constraints affect-
25 ing eligible overseas voters;

1 (4) develop specific outreach plans to educate
2 eligible overseas voters about accessing all available
3 forms of voter assistance prior to the date of the
4 regularly scheduled general election for Federal of-
5 fice; and

6 (5) ensure any employees at Department of
7 State overseas posts interacting with Federal over-
8 seas voters seeking to return their ballots are in-
9 formed of and exercise necessary protocols to avoid
10 the spoilage or invalidating of ballots for which the
11 Department of State is helping to facilitate return.

12 (b) REPORT ON EFFORTS TO ASSIST AND INFORM
13 FEDERAL VOTERS OVERSEAS.—Not later than 15 days
14 before the date of the regularly scheduled general election
15 for Federal office held in November 2020, the Secretary
16 of State, in consultation with the Secretary of Defense,
17 shall report to the appropriate congressional committees
18 on the efforts described in subsection (a).

19 (c) APPROPRIATE CONGRESSIONAL COMMITTEES DE-
20 FINED.—In this section, the term “appropriate congres-
21 sional committees” means—

22 (1) the Committee on Foreign Affairs and the
23 Committee on Armed Services of the House of Rep-
24 resentatives; and

1 (2) the Committee on Foreign Relations and
2 the Committee on Armed Services of the Senate.

3 **SEC. 102. REPORT ON EFFORTS OF THE CORONAVIRUS RE-**
4 **PATRIATION TASK FORCE.**

5 Not later than 90 days after the date of the enact-
6 ment of this division, the Secretary of State shall submit
7 to the Committee on Foreign Affairs of the House of Rep-
8 resentatives and the Committee on Foreign Relations of
9 the Senate a report evaluating the efforts of the
10 Coronavirus Repatriation Task Force of the Department
11 of State to repatriate United States citizens and legal per-
12 manent residents in response to the 2020 coronavirus out-
13 break. The report shall identify—

14 (1) the most significant impediments to repa-
15 triating such persons;

16 (2) the lessons learned from such repatriations;
17 and

18 (3) any changes planned to future repatriation
19 efforts of the Department of State to incorporate
20 such lessons learned.

21 **TITLE II—GLOBAL HEALTH**
22 **SECURITY ACT OF 2020**

23 **SEC. 201. SHORT TITLE.**

24 This title may be cited as the “Global Health Security
25 Act of 2020”.

1 **SEC. 202. FINDINGS.**

2 Congress finds the following:

3 (1) In December 2009, President Obama re-
4 leased the National Strategy for Countering Biologi-
5 cal Threats, which listed as one of seven objectives
6 “Promote global health security: Increase the avail-
7 ability of and access to knowledge and products of
8 the life sciences that can help reduce the impact
9 from outbreaks of infectious disease whether of nat-
10 ural, accidental, or deliberate origin”.

11 (2) In February 2014, the United States and
12 nearly 30 other nations launched the Global Health
13 Security Agenda (GHSA) to address several high-
14 priority, global infectious disease threats. The
15 GHSA is a multi-faceted, multi-country initiative in-
16 tended to accelerate partner countries’ measurable
17 capabilities to achieve specific targets to prevent, de-
18 tect, and respond to infectious disease threats,
19 whether naturally occurring, deliberate, or acci-
20 dental.

21 (3) In 2015, the United Nations adopted the
22 Sustainable Development Goals (SDGs), which in-
23 clude specific reference to the importance of global
24 health security as part of SDG 3 “ensure healthy
25 lives and promote well-being for all at all ages” as
26 follows: “strengthen the capacity of all countries, in

1 particular developing countries, for early warning,
2 risk reduction and management of national and
3 global health risks”.

4 (4) On November 4, 2016, President Obama
5 signed Executive Order 13747, “Advancing the
6 Global Health Security Agenda to Achieve a World
7 Safe and Secure from Infectious Disease Threats”.

8 (5) In October 2017 at the GHSA Ministerial
9 Meeting in Uganda, the United States and more
10 than 40 GHSA member countries supported the
11 “Kampala Declaration” to extend the GHSA for an
12 additional 5 years to 2024.

13 (6) In December 2017, President Trump re-
14 leased the National Security Strategy, which in-
15 cludes the priority action: “Detect and contain bio-
16 threats at their source: We will work with other
17 countries to detect and mitigate outbreaks early to
18 prevent the spread of disease. We will encourage
19 other countries to invest in basic health care systems
20 and to strengthen global health security across the
21 intersection of human and animal health to prevent
22 infectious disease outbreaks”.

23 (7) In September 2018, President Trump re-
24 leased the National Biodefense Strategy, which in-
25 cludes objectives to “strengthen global health secu-

1 rity capacities to prevent local bioincidents from be-
2 coming epidemics”, and “strengthen international
3 preparedness to support international response and
4 recovery capabilities”.

5 **SEC. 203. STATEMENT OF POLICY.**

6 It is the policy of the United States to—

7 (1) promote global health security as a core na-
8 tional security interest;

9 (2) advance the aims of the Global Health Se-
10 curity Agenda;

11 (3) collaborate with other countries to detect
12 and mitigate outbreaks early to prevent the spread
13 of disease;

14 (4) encourage other countries to invest in basic
15 resilient and sustainable health care systems; and

16 (5) strengthen global health security across the
17 intersection of human and animal health to prevent
18 infectious disease outbreaks and combat the growing
19 threat of antimicrobial resistance.

20 **SEC. 204. GLOBAL HEALTH SECURITY AGENDA INTER-**
21 **AGENCY REVIEW COUNCIL.**

22 (a) ESTABLISHMENT.—The President shall establish
23 a Global Health Security Agenda Interagency Review
24 Council (in this section referred to as the “Council”) to
25 perform the general responsibilities described in sub-

1 section (c) and the specific roles and responsibilities de-
2 scribed in subsection (e).

3 (b) MEETINGS.—The Council shall meet not less than
4 four times per year to advance its mission and fulfill its
5 responsibilities.

6 (c) GENERAL RESPONSIBILITIES.—The Council shall
7 be responsible for the following activities:

8 (1) Provide policy-level recommendations to
9 participating agencies on Global Health Security
10 Agenda (GHSA) goals, objectives, and implementa-
11 tion.

12 (2) Facilitate interagency, multi-sectoral en-
13 gagement to carry out GHSA implementation.

14 (3) Provide a forum for raising and working to
15 resolve interagency disagreements concerning the
16 GHSA.

17 (4)(A) Review the progress toward and work to
18 resolve challenges in achieving United States com-
19 mitments under the GHSA, including commitments
20 to assist other countries in achieving the GHSA tar-
21 gets.

22 (B) The Council shall consider, among other
23 issues, the following:

24 (i) The status of United States financial
25 commitments to the GHSA in the context of

1 commitments by other donors, and the con-
2 tributions of partner countries to achieve the
3 GHSA targets.

4 (ii) The progress toward the milestones
5 outlined in GHSA national plans for those
6 countries where the United States Government
7 has committed to assist in implementing the
8 GHSA and in annual work-plans outlining
9 agency priorities for implementing the GHSA.

10 (iii) The external evaluations of United
11 States and partner country capabilities to ad-
12 dress infectious disease threats, including the
13 ability to achieve the targets outlined within the
14 WHO Joint External Evaluation (JEE) tool, as
15 well as gaps identified by such external evalua-
16 tions.

17 (d) PARTICIPATION.—The Council shall consist of
18 representatives, serving at the Assistant Secretary level or
19 higher, from the following agencies:

20 (1) The Department of State.

21 (2) The Department of Defense.

22 (3) The Department of Justice.

23 (4) The Department of Agriculture.

24 (5) The Department of Health and Human
25 Services.

- 1 (6) The Department of Labor.
- 2 (7) The Department of Homeland Security.
- 3 (8) The Office of Management and Budget.
- 4 (9) The United States Agency for International
5 Development.
- 6 (10) The Environmental Protection Agency.
- 7 (11) The Centers for Disease Control and Pre-
8 vention.
- 9 (12) The Office of Science and Technology Pol-
10 icy.
- 11 (13) The National Institutes of Health.
- 12 (14) The National Institute of Allergy and In-
13 fectionous Diseases.
- 14 (15) Such other agencies as the Council deter-
15 mines to be appropriate.
- 16 (e) SPECIFIC ROLES AND RESPONSIBILITIES.—
17 (1) IN GENERAL.—The heads of agencies de-
18 scribed in subsection (d) shall—
19 (A) make the GHSA and its implementa-
20 tion a high priority within their respective agen-
21 cies, and include GHSA-related activities within
22 their respective agencies’ strategic planning and
23 budget processes;

1 (B) designate a senior-level official to be
2 responsible for the implementation of this divi-
3 sion;

4 (C) designate, in accordance with sub-
5 section (d), an appropriate representative at the
6 Assistant Secretary level or higher to partici-
7 pate on the Council;

8 (D) keep the Council apprised of GHSA-
9 related activities undertaken within their re-
10 spective agencies;

11 (E) maintain responsibility for agency-re-
12 lated programmatic functions in coordination
13 with host governments, country teams, and
14 GHSA in-country teams, and in conjunction
15 with other relevant agencies;

16 (F) coordinate with other agencies that are
17 identified in this section to satisfy pro-
18 grammatic goals, and further facilitate coordi-
19 nation of country teams, implementers, and do-
20 nors in host countries; and

21 (G) coordinate across GHSA national
22 plans and with GHSA partners to which the
23 United States is providing assistance.

24 (2) ADDITIONAL ROLES AND RESPONSIBIL-
25 ITIES.—In addition to the roles and responsibilities

1 described in paragraph (1), the heads of agencies de-
2 scribed in subsection (d) shall carry out their respec-
3 tive roles and responsibilities described in sub-
4 sections (b) through (i) of section 3 of Executive
5 Order 13747 (81 Fed. Reg. 78701; relating to Ad-
6 vancing the Global Health Security Agenda to
7 Achieve a World Safe and Secure from Infectious
8 Disease Threats), as in effect on the day before the
9 date of the enactment of this division.

10 **SEC. 205. UNITED STATES COORDINATOR FOR GLOBAL**
11 **HEALTH SECURITY.**

12 (a) IN GENERAL.—The President shall appoint an in-
13 dividual to the position of United States Coordinator for
14 Global Health Security, who shall be responsible for the
15 coordination of the interagency process for responding to
16 global health security emergencies. As appropriate, the
17 designee shall coordinate with the President’s Special Co-
18 ordinator for International Disaster Assistance.

19 (b) CONGRESSIONAL BRIEFING.—Not less frequently
20 than twice each year, the employee designated under this
21 section shall provide to the appropriate congressional com-
22 mittees a briefing on the responsibilities and activities of
23 the individual under this section.

1 **SEC. 206. SENSE OF CONGRESS.**

2 It is the sense of the Congress that, given the complex
3 and multisectoral nature of global health threats to the
4 United States, the President—

5 (1) should consider appointing an individual
6 with significant background and expertise in public
7 health or emergency response management to the
8 position of United States Coordinator for Global
9 Health Security, as required by section 205(a), who
10 is an employee of the National Security Council at
11 the level of Deputy Assistant to the President or
12 higher; and

13 (2) in providing assistance to implement the
14 strategy required under section 207(a), should—

15 (A) coordinate, through a whole-of-govern-
16 ment approach, the efforts of relevant Federal
17 departments and agencies to implement the
18 strategy;

19 (B) seek to fully utilize the unique capa-
20 bilities of each relevant Federal department and
21 agency while collaborating with and leveraging
22 the contributions of other key stakeholders; and

23 (C) utilize open and streamlined solicita-
24 tions to allow for the participation of a wide
25 range of implementing partners through the
26 most appropriate procurement mechanisms,

1 which may include grants, contracts, coopera-
2 tive agreements, and other instruments as nec-
3 essary and appropriate.

4 **SEC. 207. STRATEGY AND REPORTS.**

5 (a) STRATEGY.—The United States Coordinator for
6 Global Health Security (appointed under section 205(a))
7 shall coordinate the development and implementation of
8 a strategy to implement the policy aims described in sec-
9 tion 203, which shall—

10 (1) set specific and measurable goals, bench-
11 marks, timetables, performance metrics, and moni-
12 toring and evaluation plans that reflect international
13 best practices relating to transparency, account-
14 ability, and global health security;

15 (2) support and be aligned with country-owned
16 global health security policy and investment plans
17 developed with input from key stakeholders, as ap-
18 propriate;

19 (3) facilitate communication and collaboration,
20 as appropriate, among local stakeholders in support
21 of a multi-sectoral approach to global health secu-
22 rity;

23 (4) support the long-term success of programs
24 by building the capacity of local organizations and
25 institutions in target countries and communities;

1 (5) develop community resilience to infectious
2 disease threats and emergencies;

3 (6) leverage resources and expertise through
4 partnerships with the private sector, health organi-
5 zations, civil society, nongovernmental organizations,
6 and health research and academic institutions; and

7 (7) support collaboration, as appropriate, be-
8 tween United States universities, and public and pri-
9 vate institutions in target countries and communities
10 to promote health security and innovation.

11 (b) COORDINATION.—The President, acting through
12 the United States Coordinator for Global Health Security,
13 shall coordinate, through a whole-of-government approach,
14 the efforts of relevant Federal departments and agencies
15 in the implementation of the strategy required under sub-
16 section (a) by—

17 (1) establishing monitoring and evaluation sys-
18 tems, coherence, and coordination across relevant
19 Federal departments and agencies; and

20 (2) establishing platforms for regular consulta-
21 tion and collaboration with key stakeholders and the
22 appropriate congressional committees.

23 (c) STRATEGY SUBMISSION.—

24 (1) IN GENERAL.—Not later than 180 days
25 after the date of the enactment of this division, the

1 President, in consultation with the head of each rel-
2 evant Federal department and agency, shall submit
3 to the appropriate congressional committees the
4 strategy required under subsection (a) that provides
5 a detailed description of how the United States in-
6 tends to advance the policy set forth in section 203
7 and the agency-specific plans described in paragraph
8 (2).

9 (2) AGENCY-SPECIFIC PLANS.—The strategy re-
10 quired under subsection (a) shall include specific im-
11 plementation plans from each relevant Federal de-
12 partment and agency that describes—

13 (A) the anticipated contributions of the de-
14 partment or agency, including technical, finan-
15 cial, and in-kind contributions, to implement
16 the strategy; and

17 (B) the efforts of the department or agen-
18 cy to ensure that the activities and programs
19 carried out pursuant to the strategy are de-
20 signed to achieve maximum impact and long-
21 term sustainability.

22 (d) REPORT.—

23 (1) IN GENERAL.—Not later than 1 year after
24 the date on which the strategy required under sub-
25 section (a) is submitted to the appropriate congres-

1 sional committees under subsection (c), and not later
2 than October 1 of each year thereafter, the Presi-
3 dent shall submit to the appropriate congressional
4 committees a report that describes the status of the
5 implementation of the strategy.

6 (2) CONTENTS.—The report required under
7 paragraph (1) shall—

8 (A) identify any substantial changes made
9 in the strategy during the preceding calendar
10 year;

11 (B) describe the progress made in imple-
12 menting the strategy;

13 (C) identify the indicators used to establish
14 benchmarks and measure results over time, as
15 well as the mechanisms for reporting such re-
16 sults in an open and transparent manner;

17 (D) contain a transparent, open, and de-
18 tailed accounting of expenditures by relevant
19 Federal departments and agencies to implement
20 the strategy, including, to the extent prac-
21 ticable, for each Federal department and agen-
22 cy, the statutory source of expenditures,
23 amounts expended, partners, targeted popu-
24 lations, and types of activities supported;

1 (E) describe how the strategy leverages
2 other United States global health and develop-
3 ment assistance programs;

4 (F) assess efforts to coordinate United
5 States global health security programs, activi-
6 ties, and initiatives with key stakeholders;

7 (G) incorporate a plan for regularly review-
8 ing and updating strategies, partnerships, and
9 programs and sharing lessons learned with a
10 wide range of stakeholders, including key stake-
11 holders, in an open, transparent manner; and

12 (H) describe the progress achieved and
13 challenges concerning the United States Gov-
14 ernment's ability to advance the Global Health
15 Security Agenda across priority countries, in-
16 cluding data disaggregated by priority country
17 using indicators that are consistent on a year-
18 to-year basis and recommendations to resolve,
19 mitigate, or otherwise address the challenges
20 identified therein.

21 (e) FORM.—The strategy required under subsection
22 (a) and the report required under subsection (d) shall be
23 submitted in unclassified form but may contain a classi-
24 fied annex.

1 **SEC. 208. COMPLIANCE WITH THE FOREIGN AID TRANS-**
2 **PARENCY AND ACCOUNTABILITY ACT OF**
3 **2016.**

4 Section 2(3) of the Foreign Aid Transparency and
5 Accountability Act of 2016 (Public Law 114–191; 22
6 U.S.C. 2394c note) is amended—

7 (1) in subparagraph (C), by striking “and” at
8 the end;

9 (2) in subparagraph (D), by striking the period
10 at the end and inserting “; and”; and

11 (3) by adding at the end the following:

12 “(E) the Global Health Security Act of
13 2020.”.

14 **SEC. 209. DEFINITIONS.**

15 In this title:

16 (1) **APPROPRIATE CONGRESSIONAL COMMIT-**
17 **TEES.**—The term “appropriate congressional com-
18 mittees” means—

19 (A) the Committee on Foreign Affairs and
20 the Committee on Appropriations of the House
21 of Representatives; and

22 (B) the Committee on Foreign Relations
23 and the Committee on Appropriations of the
24 Senate.

25 (2) **GLOBAL HEALTH SECURITY.**—The term
26 “global health security” means activities supporting

1 epidemic and pandemic preparedness and capabili-
2 ties at the country and global levels in order to mini-
3 mize vulnerability to acute public health events that
4 can endanger the health of populations across geo-
5 graphical regions and international boundaries.

6 **SEC. 210. SUNSET.**

7 This title (other than section 205), and the amend-
8 ments made by this title, shall cease to be effective on
9 December 31, 2024.

10 **TITLE III—SECURING AMERICA**
11 **FROM EPIDEMICS ACT**

12 **SEC. 301. FINDINGS.**

13 Congress finds the following:

14 (1) Due to increasing population and popu-
15 lation density, human mobility, and ecological
16 change, emerging infectious diseases pose a real and
17 growing threat to global health security.

18 (2) While vaccines can be the most effective
19 tools to protect against infectious disease, the ab-
20 sence of vaccines for a new or emerging infectious
21 disease with epidemic potential is a major health se-
22 curity threat globally, posing catastrophic potential
23 human and economic costs.

24 (3) The 1918 influenza pandemic infected
25 500,000,000 people, or about one-third of the

1 world's population at the time, and killed
2 50,000,000 people—more than died in the First
3 World War.

4 (4) The economic cost of an outbreak can be
5 devastating. The estimated global cost today, should
6 an outbreak of the scale of the 1918 influenza pan-
7 demic strike, is 5 percent of global gross domestic
8 product.

9 (5) Even regional outbreaks can have enormous
10 human costs and substantially disrupt the global
11 economy and cripple regional economies. The 2014
12 Ebola outbreak in West Africa killed more than
13 11,000 and cost \$2,800,000,000 in losses in the af-
14 fected countries alone.

15 (6) The ongoing novel coronavirus outbreak re-
16 flects the pressing need for quick and effective vac-
17 cine and countermeasure development.

18 (7) While the need for vaccines to address
19 emerging epidemic threats is acute, markets to drive
20 the necessary development of vaccines to address
21 them—a complex and expensive undertaking—are
22 very often critically absent. Also absent are mecha-
23 nisms to ensure access to those vaccines by those
24 who need them when they need them.

1 (8) To address this global vulnerability and the
2 deficit of political commitment, institutional capac-
3 ity, and funding, in 2017, several countries and pri-
4 vate partners launched the Coalition for Epidemic
5 Preparedness Innovations (CEPI). CEPI's mission
6 is to stimulate, finance, and coordinate development
7 of vaccines for high-priority, epidemic-potential
8 threats in cases where traditional markets do not
9 exist or cannot create sufficient demand.

10 (9) Through funding of partnerships, CEPI
11 seeks to bring priority vaccines candidates through
12 the end of phase II clinical trials, as well as support
13 vaccine platforms that can be rapidly deployed
14 against emerging pathogens.

15 (10) CEPI has funded multiple partners to de-
16 velop vaccine candidates against the novel
17 coronavirus, responding to this urgent, global re-
18 quirement.

19 (11) Support for and participation in CEPI is
20 an important part of the United States own health
21 security and biodefense and is in the national inter-
22 est, complementing the work of many Federal agen-
23 cies and providing significant value through global
24 partnership and burden-sharing.

1 **SEC. 302. AUTHORIZATION FOR UNITED STATES PARTICI-**
2 **PATION.**

3 (a) IN GENERAL.—The United States is hereby au-
4 thorized to participate in the Coalition for Epidemic Pre-
5 paredness Innovations.

6 (b) BOARD OF DIRECTORS.—The Administrator of
7 the United States Agency for International Development
8 is authorized to designate an employee of such Agency to
9 serve on the Investors Council of the Coalition for Epi-
10 demic Preparedness Innovations as a representative of the
11 United States.

12 (c) REPORTS TO CONGRESS.—Not later than 180
13 days after the date of the enactment of this division, the
14 President shall submit to the appropriate congressional
15 committees a report that includes the following:

16 (1) The United States planned contributions to
17 the Coalition for Epidemic Preparedness Innovations
18 and the mechanisms for United States participation
19 in such Coalition.

20 (2) The manner and extent to which the United
21 States shall participate in the governance of the Co-
22 alition.

23 (3) How participation in the Coalition supports
24 relevant United States Government strategies and
25 programs in health security and biodefense, to in-
26 clude—

1 (A) the Global Health Security Strategy
2 required by section 7058(c)(3) of division K of
3 the Consolidated Appropriations Act, 2018
4 (Public Law 115–141);

5 (B) the applicable revision of the National
6 Biodefense Strategy required by section 1086 of
7 the National Defense Authorization Act for Fis-
8 cal Year 2017 (6 U.S.C. 104); and

9 (C) any other relevant decision-making
10 process for policy, planning, and spending in
11 global health security, biodefense, or vaccine
12 and medical countermeasures research and de-
13 velopment.

14 (d) APPROPRIATE CONGRESSIONAL COMMITTEES.—
15 In this section, the term “appropriate congressional com-
16 mittees” means—

17 (1) the Committee on Foreign Affairs and the
18 Committee on Appropriations of the House of Rep-
19 resentatives; and

20 (2) the Committee on Foreign Relations and
21 the Committee on Appropriations of the Senate.

DIVISION T—JUDICIARY
MATTERS
TITLE I—IMMIGRATION
MATTERS

SEC. 101. EXTENSION OF FILING AND OTHER DEADLINES.

(a) NEW DEADLINES FOR EXTENSION OR CHANGE
OF STATUS OR OTHER BENEFITS.—

(1) FILING DELAYS.—In the case of an alien who was lawfully present in the United States on January 26, 2020, the alien’s application for an extension or change of nonimmigrant status, application for renewal of employment authorization, or any other application for extension or renewal of a period of authorized stay, shall be considered timely filed if the due date of the application is within the period described in subsection (d) and the application is filed not later than 60 days after it otherwise would have been due.

(2) DEPARTURE DELAYS.—In the case of an alien who was lawfully present in the United States on January 26, 2020, the alien shall not be considered to be unlawfully present in the United States during the period described in subsection (d).

(3) SPECIFIC AUTHORITY.—

1 (A) IN GENERAL.—With respect to any
2 alien whose immigration status, employment
3 authorization, or other authorized period of stay
4 has expired or will expire during the period de-
5 scribed in subsection (d), during the one-year
6 period beginning on the date of the enactment
7 of this title, or during both such periods, the
8 Secretary of Homeland Security shall automati-
9 cally extend such status, authorization, or pe-
10 riod of stay until the date that is 90 days after
11 the last day of whichever of such periods ends
12 later.

13 (B) EXCEPTION.—If the status, authoriza-
14 tion, or period of stay referred to in subpara-
15 graph (A) is based on a grant of deferred ac-
16 tion, or a grant of temporary protected status
17 under section 244 of the Immigration and Na-
18 tionality Act (8 U.S.C. 1254a), the extension
19 under such subparagraph shall be for a period
20 not less than the period for which deferred ac-
21 tion or temporary protected status originally
22 was granted by the Secretary of Homeland Se-
23 curity.

24 (b) IMMIGRANT VISAS.—

1 (1) EXTENSION OF VISA EXPIRATION.—Not-
2 withstanding the limitations under section 221(c) of
3 the Immigration and Nationality Act (8 U.S.C.
4 1201(c)), in the case of any immigrant visa issued
5 to an alien that expires or expired during the period
6 described in subsection (d), the period of validity of
7 the visa is extended until the date that is 90 days
8 after the end of such period.

9 (2) ROLLOVER OF UNUSED VISAS.—

10 (A) IN GENERAL.—For fiscal years 2021
11 and 2022, the worldwide level of family-spon-
12 sored immigrants under subsection (c) of sec-
13 tion 201 of the Immigration and Nationality
14 Act (8 U.S.C. 1151), the worldwide level of em-
15 ployment-based immigrants under subsection
16 (d) of such section, and the worldwide level of
17 diversity immigrants under subsection (e) of
18 such section shall each be increased by the
19 number computed under subparagraph (B) with
20 respect to each of such worldwide levels.

21 (B) COMPUTATION OF INCREASE.—For
22 each of the worldwide levels described in sub-
23 paragraph (A), the number computed under
24 this subparagraph is the difference (if any) be-
25 tween the worldwide level established for the

1 previous fiscal year under the applicable sub-
2 section of section 201 of the Immigration and
3 Nationality Act (8 U.S.C. 1151) and the num-
4 ber of visas that were, during the previous fiscal
5 year, issued and used as the basis for an appli-
6 cation for admission into the United States as
7 an immigrant described in the applicable sub-
8 section.

9 (C) CLARIFICATIONS.—

10 (i) ALLOCATION AMONG PREFERENCE
11 CATEGORIES.—The additional visas made
12 available for fiscal years 2021 and 2022 as
13 a result of the computations made under
14 subparagraphs (A) and (B) shall be pro-
15 portionally allocated as set forth in sub-
16 sections (a), (b), and (c) of section 203 of
17 the Immigration and Nationality Act (8
18 U.S.C. 1153).

19 (ii) ELIMINATION OF FALL ACROSS.—
20 For fiscal years 2021 and 2022, the num-
21 ber computed under subsection (c)(3)(C) of
22 section 201 of the Immigration and Na-
23 tionality Act (8 U.S.C. 1151), and the
24 number computed under subsection

1 (d)(2)(C) of such section, are deemed to
2 equal zero.

3 (iii) DIVERSITY VISAS.—The addi-
4 tional visas made available for fiscal year
5 2021 for the worldwide level of diversity
6 immigrants under subsection (e) of section
7 201 of the Immigration and Nationality
8 Act (8 U.S.C. 1151) as a result of the
9 computations made under subparagraphs
10 (A) and (B) shall be first made available
11 to diversity immigrants selected in the lot-
12 tery for fiscal year 2020.

13 (c) VOLUNTARY DEPARTURE.—Notwithstanding sec-
14 tion 240B of the Immigration and Nationality Act (8
15 U.S.C. 1229c), if a period for voluntary departure under
16 such section expires or expired during the period described
17 in subsection (d), such voluntary departure period is ex-
18 tended until the date that is 90 days after the end of such
19 period.

20 (d) PERIOD DESCRIBED.—The period described in
21 this subsection—

22 (1) begins on the first day of the public health
23 emergency declared by the Secretary of Health and
24 Human Services under section 319 of the Public

1 Health Service Act (42 U.S.C. 247d) with respect to
2 COVID–19; and

3 (2) ends 90 days after the date on which such
4 public health emergency terminates.

5 **SEC. 102. TEMPORARY ACCOMMODATIONS FOR NATU-**
6 **RALIZATION OATH CEREMONIES DUE TO**
7 **PUBLIC HEALTH EMERGENCY.**

8 (a) REMOTE OATH CEREMONIES.—Not later than 30
9 days after the date of the enactment of this title, the Sec-
10 retary of Homeland Security shall establish procedures for
11 the administration of the oath of renunciation and alle-
12 giance under section 337 of the Immigration and Nation-
13 ality Act (8 U.S.C. 1448) using remote videoconferencing,
14 or other remote means for individuals who cannot reason-
15 ably access remote videoconferencing, as an alternative to
16 an in-person oath ceremony.

17 (b) ELIGIBLE INDIVIDUALS.—Notwithstanding sec-
18 tion 310(b) of the Immigration and Nationality Act (8
19 U.S.C. 1421(b)), an individual may complete the natu-
20 ralization process by participating in a remote oath cere-
21 mony conducted pursuant to subsection (a) if such indi-
22 vidual—

23 (1) has an approved application for naturaliza-
24 tion;

1 (2) is unable otherwise to complete the natu-
2 ralization process due to the cancellation or suspen-
3 sion of in-person oath ceremonies during the public
4 health emergency declared by the Secretary of
5 Health and Human Services under section 319 of
6 the Public Health Service Act (42 U.S.C. 247d) with
7 respect to COVID–19; and

8 (3) elects to participate in a remote oath cere-
9 mony in lieu of waiting for in-person ceremonies to
10 resume.

11 (c) **ADDITIONAL REQUIREMENTS.**—Upon estab-
12 lishing the procedures described in subsection (a), the Sec-
13 retary of Homeland Security shall—

14 (1) without undue delay, provide written notice
15 to individuals described in subsection (b)(1) of the
16 option of participating in a remote oath ceremony in
17 lieu of a participating in an in-person ceremony;

18 (2) to the greatest extent practicable, ensure
19 that remote oath ceremonies are administered to in-
20 dividuals who elect to participate in such a ceremony
21 not later than 30 days after the individual so noti-
22 fies the Secretary; and

23 (3) administer oath ceremonies to all other eli-
24 gible individuals as expeditiously as possible after

1 the end of the public health emergency referred to
2 in subsection (b)(2).

3 (d) AVAILABILITY OF REMOTE OPTION.—The Sec-
4 retary of Homeland Security shall begin administering re-
5 mote oath ceremonies on the date that is 60 days after
6 the date of the enactment of this title and shall continue
7 administering such ceremonies until a date that is not ear-
8 lier than 90 days after the end of the public health emer-
9 gency referred to in subsection (b)(2).

10 (e) CLARIFICATION.—Failure to appear for a remote
11 oath ceremony shall not create a presumption that the in-
12 dividual has abandoned his or her intent to be naturalized.

13 (f) REPORT TO CONGRESS.—Not later than 180 days
14 after the end of the public health emergency referred to
15 in subsection (b)(2), the Secretary of Homeland Security
16 shall submit a report to Congress that identifies, for each
17 State and political subdivision of a State, the number of—

18 (1) individuals who were scheduled for an in-
19 person oath ceremony that was cancelled due to such
20 public health emergency;

21 (2) individuals who were provided written notice
22 pursuant to subsection (c)(1) of the option of par-
23 ticipating in a remote oath ceremony;

1 (3) individuals who elected to participate in a
2 remote oath ceremony in lieu of an in-person public
3 ceremony;

4 (4) individuals who completed the naturaliza-
5 tion process by participating in a remote oath cere-
6 mony; and

7 (5) remote oath ceremonies that were conducted
8 within the period described in subsection (d).

9 **SEC. 103. TEMPORARY PROTECTIONS FOR ESSENTIAL CRIT-**
10 **ICAL INFRASTRUCTURE WORKERS.**

11 (a) PROTECTIONS FOR ESSENTIAL CRITICAL INFRA-
12 STRUCTURE WORKERS.—During the period described in
13 subsection (e), an alien described in subsection (d) shall
14 be deemed to be in a period of deferred action and author-
15 ized for employment for purposes of section 274A of the
16 Immigration and Nationality Act (8 U.S.C. 1324a).

17 (b) EMPLOYER PROTECTIONS.—During the period
18 described in subsection (e), the hiring, employment, or
19 continued employment of an alien described in subsection
20 (d) is not a violation of section 274A(a) of the Immigra-
21 tion and Nationality Act (8 U.S.C. 1324a(a)).

22 (c) CLARIFICATION.—Nothing in this section shall be
23 deemed to require an alien described in subsection (d), or
24 such alien’s employer—

1 (1) to submit an application for employment
2 authorization or deferred action, or register with, or
3 pay a fee to, the Secretary of Homeland Security or
4 the head of any other Federal agency; or

5 (2) to appear before an agent of the Depart-
6 ment of Homeland Security or any other Federal
7 agency for an interview, examination, or any other
8 purpose.

9 (d) ALIENS DESCRIBED.—An alien is described in
10 this subsection if the alien—

11 (1) on the date of the enactment of this title—

12 (A) is physically present in the United
13 States; and

14 (B) is inadmissible to, or deportable from,
15 the United States; and

16 (2) engaged in essential critical infrastructure
17 labor or services in the United States prior to the
18 period described in subsection (e) and continues to
19 engage in such labor or services during such period.

20 (e) PERIOD DESCRIBED.—The period described in
21 this subsection—

22 (1) begins on the first day of the public health
23 emergency declared by the Secretary of Health and
24 Human Services under section 319 of the Public

1 Health Service Act (42 U.S.C. 247d) with respect to
 2 COVID–19; and

3 (2) ends 90 days after the date on which such
 4 public health emergency terminates.

5 (f) ESSENTIAL CRITICAL INFRASTRUCTURE LABOR
 6 OR SERVICES.—For purposes of this section, the term “es-
 7 sential critical infrastructure labor or services” means
 8 labor or services performed in an essential critical infra-
 9 structure sector, as described in the “Advisory Memo-
 10 randum on Identification of Essential Critical Infrastruc-
 11 ture Workers During COVID–19 Response”, revised by
 12 the Department of Homeland Security on April 17, 2020.

13 **SEC. 104. SUPPLEMENTING THE COVID RESPONSE WORK-**
 14 **FORCE.**

15 (a) EXPEDITED GREEN CARDS FOR CERTAIN PHYSI-
 16 CIANS IN THE UNITED STATES.—

17 (1) IN GENERAL.—During the period described
 18 in paragraph (3), an alien described in paragraph
 19 (2) may apply to acquire the status of an alien law-
 20 fully admitted to the United States for permanent
 21 residence consistent with section 201(b)(1) of the
 22 Immigration and Nationality Act (8 U.S.C.
 23 1151(b)(1)).

1 (2) ALIEN DESCRIBED.—An alien described in
2 this paragraph is an alien physician (and the spouse
3 and children of such alien) who—

4 (A) has an approved immigrant visa peti-
5 tion under section 203(b)(2)(B)(ii) of the Immi-
6 gration and Nationality Act (8 U.S.C.
7 1153(b)(2)(B)(ii)) and has completed the serv-
8 ice requirements for a waiver under such sec-
9 tion on or before the date of the enactment of
10 this title; and

11 (B) provides a statement to the Secretary
12 of Homeland Security attesting that the alien is
13 engaged in or will engage in the practice of
14 medicine or medical research involving the diag-
15 nosis, treatment, or prevention of COVID–19.

16 (3) PERIOD DESCRIBED.—The period described
17 in this paragraph is the period beginning on the date
18 of the enactment of this title and ending 180 days
19 after the termination of the public health emergency
20 declared by the Secretary of Health and Human
21 Services under section 319 of the Public Health
22 Service Act (42 U.S.C. 247d), with respect to
23 COVID–19.

24 (b) EXPEDITED PROCESSING OF NONIMMIGRANT PE-
25 TITIONS AND APPLICATIONS.—

1 (1) IN GENERAL.—In accordance with the pro-
2 cedures described in paragraph (2), the Secretary of
3 Homeland Security shall expedite the processing of
4 applications and petitions seeking employment or
5 classification of an alien as a nonimmigrant to prac-
6 tice medicine, provide healthcare, engage in medical
7 research, or participate in a graduate medical edu-
8 cation or training program involving the diagnosis,
9 treatment, or prevention of COVID–19.

10 (2) APPLICATIONS OR PETITIONS FOR NEW EM-
11 PLOYMENT OR CHANGE OF STATUS.—

12 (A) INITIAL REVIEW.—Not later than 15
13 days after the Secretary of Homeland Security
14 receives an application or petition for new em-
15 ployment or change of status described in para-
16 graph (1), the Secretary shall conduct an initial
17 review of such application or petition and, if ad-
18 ditional evidence is required, shall issue a re-
19 quest for evidence.

20 (B) DECISION.—

21 (i) IN GENERAL.—The Secretary of
22 Homeland Security shall issue a final deci-
23 sion on an application or petition described
24 in paragraph (1) not later than 30 days
25 after receipt of such application or peti-

tion, or, if a request for evidence is issued, not later than 15 days after the Secretary receives the applicant or petitioner's response to such request.

(ii) E-MAIL.—In addition to delivery through regular mail services, decisions described in clause (i) shall be transmitted to the applicant or petitioner via electronic mail, if the applicant or petitioner provides the Secretary of Homeland Security with an electronic mail address.

(3) TERMINATION.—This subsection shall take effect on the date of the enactment of this title and shall cease to be effective on the date that is 180 days after the termination of the public health emergency declared by the Secretary of Health and Human Services under section 319 of the Public Health Service Act (42 U.S.C. 247d), with respect to COVID–19.

(c) EMERGENCY VISA PROCESSING.—

(1) VISA PROCESSING.—

(A) IN GENERAL.—The Secretary of State shall prioritize the processing of applications submitted by aliens who are seeking a visa based on an approved nonimmigrant petition to

1 practice medicine, provide healthcare, engage in
2 medical research, or participate in a graduate
3 medical education or training program involving
4 the diagnosis, treatment, or prevention of
5 COVID–19.

6 (B) INTERVIEW.—

7 (i) IN GENERAL.—The Secretary of
8 State shall ensure that visa appointments
9 are scheduled for aliens described in sub-
10 paragraph (A) not later than 7 business
11 days after the alien requests such an ap-
12 pointment.

13 (ii) SUSPENSION OF ROUTINE VISA
14 SERVICES.—If routine visa services are un-
15 available in the alien’s home country—

16 (I) the U.S. embassy or consulate
17 in the alien’s home country shall—

18 (aa) conduct the visa inter-
19 view with the alien via video-tele-
20 conferencing technology; or

21 (bb) grant an emergency
22 visa appointment to the alien not
23 later than 10 business days after
24 the alien requests such an ap-
25 pointment; or

1 (II) the alien may seek a visa ap-
2 pointment at any other U.S. embassy
3 or consulate where routine visa serv-
4 ices are available, and such embassy
5 or consulate shall make every reason-
6 able effort to provide the alien with an
7 appointment within 10 business days
8 after the alien requests such an ap-
9 pointment.

10 (2) INTERVIEW WAIVERS.—Except as provided
11 in section 222(h)(2) of the Immigration and Nation-
12 ality Act (8 U.S.C. 1202(h)(2)), the Secretary of
13 State shall waive the interview of any alien seeking
14 a nonimmigrant visa based on an approved petition
15 described in paragraph (1)(A), if—

16 (A) such alien is applying for a visa—

17 (i) not more than 3 years after the
18 date on which such alien’s prior visa ex-
19 pired;

20 (ii) in the visa classification for which
21 such prior visa was issued; and

22 (iii) at a consular post located in the
23 alien’s country of residence or, if otherwise
24 required by regulation, country of nation-
25 ality; and

1 (B) the consular officer has no indication
2 that such alien has failed to comply with the
3 immigration laws and regulations of the United
4 States.

5 (3) TERMINATION.—This subsection shall take
6 effect on the date of the enactment of this title and
7 shall cease to be effective on the date that is 180
8 days after the termination of the public health emer-
9 gency declared by the Secretary of Health and
10 Human Services under section 319 of the Public
11 Health Service Act (42 U.S.C. 274d), with respect
12 to COVID-19.

13 (d) IMPROVING MOBILITY OF NONIMMIGRANT
14 COVID-19 WORKERS.—

15 (1) LICENSURE.—Notwithstanding section
16 212(j)(2) of the Immigration and Nationality Act (8
17 U.S.C. 1182(j)(2)), for the period described in para-
18 graph (6), the Secretary of Homeland Security may
19 approve a petition for classification as a non-
20 immigrant described under section
21 101(a)(15)(H)(i)(b) of such Act, filed on behalf of a
22 physician for purposes of performing direct patient
23 care if such physician possesses a license or other
24 authorization required by the State of intended em-
25 ployment to practice medicine, or is eligible for a

1 waiver of such requirement pursuant to an executive
2 order, emergency rule, or other action taken by the
3 State to modify or suspend regular licensing require-
4 ments in response to the COVID-19 public health
5 emergency.

6 (2) TEMPORARY LIMITATIONS ON AMENDED H-
7 1B PETITIONS.—

8 (A) IN GENERAL.—Notwithstanding any
9 other provision of law, the Secretary of Home-
10 land Security shall not require an employer of
11 a nonimmigrant alien described in section
12 101(a)(15)(H)(i)(b) of the Immigration and
13 Nationality Act (8 U.S.C.
14 1101(a)(15)(H)(i)(b)) to file an amended or
15 new petition under section 214(a) of such Act
16 (8 U.S.C. 1184(a)) if upon transferring such
17 alien to a new area of employment, the alien
18 will practice medicine, provide healthcare, or
19 engage in medical research involving the diag-
20 nosis, treatment, or prevention of COVID-19.

21 (B) CLARIFICATION ON TELEMEDICINE.—
22 Nothing in the Immigration and Nationality
23 Act or any other provision of law shall be con-
24 strued to require an employer of a non-
25 immigrant alien described in section

1 101(a)(15)(H)(i)(b) of the Immigration and
2 Nationality Act (8 U.S.C.
3 1101(a)(15)(H)(i)(b)) to file an amended or
4 new petition under section 214(a) of such Act
5 (8 U.S.C. 1184(a)) if the alien is a physician or
6 other healthcare worker who will provide remote
7 patient care through the use of real-time audio-
8 video communication tools to consult with pa-
9 tients and other technologies to collect, analyze,
10 and transmit medical data and images.

11 (3) PERMISSIBLE WORK ACTIVITIES FOR J-1
12 PHYSICIANS.—

13 (A) IN GENERAL.—Notwithstanding any
14 other provision of law, the diagnosis, treatment,
15 or prevention of COVID-19 shall be considered
16 an integral part of a graduate medical edu-
17 cation or training program and a nonimmigrant
18 described in section 101(a)(15)(J) of the Immi-
19 gration and Nationality Act (8 U.S.C.
20 1101(a)(15)(J)) who is participating in such a
21 program—

22 (i) may be redeployed to a new rota-
23 tion within the host training institution as
24 needed to engage in COVID-19 work; and

1 (ii) may receive compensation for such
2 work.

3 (B) OTHER PERMISSIBLE EMPLOYMENT
4 ACTIVITIES.—A nonimmigrant described in sec-
5 tion 101(a)(15)(J) of the Immigration and Na-
6 tionality Act (8 U.S.C. 1101(a)(15)(J)) who is
7 participating in a graduate medical education
8 or training program may engage in work out-
9 side the scope of the approved program, if—

10 (i) the work involves the diagnosis,
11 treatment, or prevention of COVID–19;

12 (ii) the alien has maintained lawful
13 nonimmigrant status and has otherwise
14 complied with the terms of the education
15 or training program; and

16 (iii) the program sponsor approves the
17 additional work by annotating the non-
18 immigrant’s Certificate of Eligibility for
19 Exchange Visitor (J–1) Status (Form DS–
20 2019) and notifying the Immigration and
21 Customs Enforcement Student and Ex-
22 change Visitor Program of the approval of
23 such work.

24 (C) CLARIFICATION ON TELEMEDICINE.—
25 Section 214(l)(1)(D) of the Immigration and

1 Nationality Act (8 U.S.C. 1184(l)(1)(D)) may
2 be satisfied through the provision of care to pa-
3 tients located in areas designated by the Sec-
4 retary of Health and Human Services as having
5 a shortage of health care professionals, through
6 the physician's use of real-time audio-video
7 communication tools to consult with patients
8 and other technologies to collect, analyze, and
9 transmit medical data and images.

10 (4) PORTABILITY OF O-1 NONIMMIGRANTS.—A
11 nonimmigrant who was previously issued a visa or
12 otherwise provided nonimmigrant status under sec-
13 tion 101(a)(15)(O)(i) of the Immigration and Na-
14 tionality Act (8 U.S.C. 1101(a)(15)(O)(i)), and is
15 seeking an extension of such status, is authorized to
16 accept new employment under the terms and condi-
17 tions described in section 214(n) of such Act (8
18 U.S.C. 1184(n)).

19 (5) INCREASING THE ABILITY OF PHYSICIANS
20 TO CHANGE NONIMMIGRANT STATUS.—

21 (A) CHANGE OF NONIMMIGRANT CLASSI-
22 FICATION.—Section 248(a) of the Immigration
23 and Nationality Act (8 U.S.C. 1184(l)), is
24 amended—

- 1 (i) in paragraph (1), by inserting
 2 “and” after the comma at the end;
 3 (ii) by striking paragraphs (2) and
 4 (3); and
 5 (iii) by redesignating paragraph (4) as
 6 paragraph (2).

7 (B) ADMISSION OF NONIMMIGRANTS.—
 8 Section 214(l)(2)(A) of the Immigration and
 9 Nationality Act (8 U.S.C. 1184(l)(2)(A)) is
 10 amended by striking “Notwithstanding section
 11 248(a)(2), the” and inserting “The”.

12 (6) TERMINATION.—This subsection shall take
 13 effect on the date of the enactment of this title and
 14 except as provided in paragraphs (2)(B), (3)(C), (4),
 15 and (5), shall cease to be effective on that date that
 16 is 180 days after the termination of the public
 17 health emergency declared by the Secretary of
 18 Health and Human Services under section 319 of
 19 the Public Health Service Act (42 U.S.C. 247d),
 20 with respect to COVID–19.

21 (e) CONRAD 30 PROGRAM.—

22 (1) PERMANENT AUTHORIZATION.—Section
 23 220(c) of the Immigration and Nationality Technical
 24 Corrections Act of 1994 (Public Law 103–416; 8

1 U.S.C. 1182 note) is amended by striking “and be-
2 fore September 30, 2015”.

3 (2) ADMISSION OF NONIMMIGRANTS.—Section
4 214(l) of the Immigration and Nationality Act (8
5 U.S.C. 1184(l)), is amended—

6 (A) in paragraph (1)(B)—

7 (i) by striking “30” and inserting
8 “35”; and

9 (ii) by inserting “, except as provided
10 in paragraph (4)” before the semicolon at
11 the end; and

12 (B) by adding at the end the following:

13 “(4) ADJUSTMENT IN WAIVER NUMBERS.—

14 “(A) INCREASES.—

15 “(i) IN GENERAL.—Except as pro-
16 vided in clause (ii), if in any fiscal year,
17 not less than 90 percent of the waivers
18 provided under paragraph (1)(B) are uti-
19 lized by States receiving at least 5 such
20 waivers, the number of such waivers allot-
21 ted to each State shall increase by 5 for
22 each subsequent fiscal year.

23 “(ii) EXCEPTION.—If 45 or more
24 waivers are allotted to States in any fiscal
25 year, an increase of 5 waivers in subse-

1 quent fiscal years shall be provided only in
2 the case that not less than 95 percent of
3 such waivers are utilized by States receiv-
4 ing at least 1 waiver.

5 “(B) DECREASES.—If in any fiscal year in
6 which there was an increase in waivers, the
7 total number of waivers utilized is 5 percent
8 lower than in the previous fiscal year, the num-
9 ber of such waivers allotted to each State shall
10 decrease by 5 for each subsequent fiscal year,
11 except that in no case shall the number of waiv-
12 ers allotted to each State drop below 35.”.

13 (f) TEMPORARY PORTABILITY FOR PHYSICIANS AND
14 CRITICAL HEALTHCARE WORKERS IN RESPONSE TO
15 COVID–19 PUBLIC HEALTH EMERGENCY.—

16 (1) IN GENERAL.—Not later than 30 days after
17 the date of the enactment of this title, the Secretary
18 of Homeland Security, in consultation with the Sec-
19 retary of Labor and the Secretary of Health and
20 Human Services, shall establish emergency proce-
21 dures to provide employment authorization to aliens
22 described in paragraph (2), for purposes of facili-
23 tating the temporary deployment of such aliens to
24 practice medicine, provide healthcare, or engage in

1 medical research involving the diagnosis, treatment,
2 or prevention of COVID–19.

3 (2) ALIENS DESCRIBED.—An alien described in
4 this paragraph is an alien who is—

5 (A) physically present in the United
6 States;

7 (B) maintaining lawful nonimmigrant sta-
8 tus that authorizes employment with a specific
9 employer incident to such status; and

10 (C) working in the United States in a
11 healthcare occupation essential to COVID–19
12 response, as determined by the Secretary of
13 Health and Human Services.

14 (3) EMPLOYMENT AUTHORIZATION.—

15 (A) APPLICATION.—

16 (i) IN GENERAL.—The Secretary of
17 Homeland Security may grant employment
18 authorization to an alien described in para-
19 graph (2) if such alien submits an Applica-
20 tion for Employment Authorization (Form
21 I–765 or any successor form), which shall
22 include—

23 (I) evidence of the alien’s current
24 nonimmigrant status;

1 (II) copies of the alien's academic
2 degrees and any licenses, credentials,
3 or other documentation confirming
4 authorization to practice in the alien's
5 occupation; and

6 (III) any other evidence deter-
7 mined necessary by the Secretary of
8 Homeland Security to establish by a
9 preponderance of the evidence that
10 the alien meets the requirements of
11 paragraph (2).

12 (ii) CONVERSION OF PENDING APPLI-
13 CATIONS.—The Secretary of Homeland Se-
14 curity shall establish procedures for the ad-
15 judication of any employment authoriza-
16 tion applications for aliens described in
17 paragraph (2) that are pending on the date
18 of the enactment of this title, and the
19 issuance of employment authorization doc-
20 uments in connection with such applica-
21 tions in accordance with the terms and
22 conditions of this subsection, upon request
23 by the applicant.

24 (B) FEES.—The Secretary of Homeland
25 Security shall collect a fee for the processing of

1 applications for employment authorization as
2 provided under this paragraph.

3 (C) REQUEST FOR EVIDENCE.—If all re-
4 quired initial evidence has been submitted
5 under this subsection but such evidence does
6 not establish eligibility, the Secretary of Home-
7 land Security shall issue a request for evidence
8 not later than 15 days after receipt of the ap-
9 plication for employment authorization.

10 (D) DECISION.—The Secretary of Home-
11 land Security shall issue a final decision on an
12 application for employment authorization under
13 this subsection not later than 30 days after re-
14 ceipt of such application, or, if a request for
15 evidence is issued, not later than 15 days after
16 the Secretary receives the alien’s response to
17 such request.

18 (E) EMPLOYMENT AUTHORIZATION
19 CARD.—An employment authorization document
20 issued under this subsection shall—

21 (i) be valid for a period of not less
22 than 1 year;

23 (ii) include the annotation “COVID-
24 19”; and

1 (iii) notwithstanding any other provi-
2 sion of law, allow the bearer of such docu-
3 ment to engage in employment during its
4 validity period, with any United States em-
5 ployer to perform services described in
6 paragraph (1).

7 (F) RENEWAL.—Subject to paragraph (5),
8 the Secretary of Homeland Security may renew
9 an employment authorization document issued
10 under this subsection in accordance with proce-
11 dures established by the Secretary.

12 (G) CLARIFICATIONS.—

13 (i) MAINTENANCE OF STATUS.—Not-
14 withstanding a reduction in hours or ces-
15 sation of work with the employer that peti-
16 tioned for the alien's underlying non-
17 immigrant status, an alien granted employ-
18 ment authorization under this subsection,
19 and the spouse and children of such alien
20 shall, for the period of such authorization,
21 be deemed—

22 (I) to be lawfully present in the
23 United States; and

24 (II) to have continuously main-
25 tained the alien's underlying non-

1 immigrant status for purposes of an
2 extension of such status, a change of
3 nonimmigrant status under section
4 248 of the Immigration and Nation-
5 ality Act (8 U.S.C. 1258), or adjust-
6 ment of status under section 245 of
7 such Act (8 U.S.C. 1255).

8 (ii) LIMITATIONS.—An employment
9 authorization document described in sub-
10 paragraph (E) may not be—

11 (I) utilized by the alien to engage
12 in any employment other than that
13 which is described in paragraph (1);
14 or

15 (II) accepted by an employer as
16 evidence of authorization under sec-
17 tion 274A(b)(1)(C) of the Immigra-
18 tion and Nationality Act (8 U.S.C.
19 1324a(b)(1)(C)), to engage in employ-
20 ment other than that which is de-
21 scribed in paragraph (1).

22 (4) TREATMENT OF TIME SPENT ENGAGING IN
23 COVID—19-RELATED WORK.—Notwithstanding any
24 other provision of law, time spent by an alien physi-
25 cian engaged in direct patient care involving the di-

1 agnosis, treatment, or prevention of COVID–19
2 shall count towards—

3 (A) the 5 years that an alien is required to
4 work as a full-time physician for purposes of a
5 national interest waiver under section
6 203(b)(2)(B)(ii) of the Immigration and Na-
7 tionality Act (8 U.S.C. 1153(b)(2)(B)(ii)); and

8 (B) the 3 years that an alien is required
9 to work as a full-time physician for purposes of
10 a waiver of the 2-year foreign residence require-
11 ment under section 212(e) of the Immigration
12 and Nationality Act (8 U.S.C. 1182(e)), as pro-
13 vided in section 214(l) of such Act (8 U.S.C.
14 1184(l)).

15 (5) EXTENSION OR TERMINATION.—The proce-
16 dures described in paragraph (1) shall take effect on
17 the date that is 30 days after the date of the enact-
18 ment of this title and shall remain in effect until
19 180 days after the termination of the public health
20 emergency declared by the Secretary of Health and
21 Human Services under section 319 of the Public
22 Health Service Act (42 U.S.C. 247d), with respect
23 to COVID–19.

1 (g) SPECIAL IMMIGRANT STATUS FOR NON-
2 IMMIGRANT COVID-19 WORKERS AND THEIR FAMI-
3 LIES.—

4 (1) IN GENERAL.—The Secretary of Homeland
5 Security may grant a petition for special immigrant
6 classification to an alien described in paragraph (2)
7 (and the spouse and children of such alien) if the
8 alien files a petition for special immigrant status
9 under section 204 of the Immigration and Nation-
10 ality Act (8 U.S.C. 1154) for classification under
11 section 203(b)(4) of such Act (8 U.S.C. 1153(b)(4)).

12 (2) ALIENS DESCRIBED.—An alien is described
13 in this paragraph if, during the period beginning on
14 the date that the COVID-19 public health emer-
15 gency was declared by the Secretary of Health and
16 Human Services under section 319 of the Public
17 Health Service Act (42 U.S.C. 247d) and ending
18 180 days after the termination of such emergency,
19 the alien was—

20 (A) authorized for employment in the
21 United States and maintaining a nonimmigrant
22 status; and

23 (B) engaged in the practice of medicine,
24 provision of healthcare services, or medical re-

1 search involving the diagnosis, treatment, or
2 prevention of COVID–19 disease.

3 (3) PRIORITY DATE.—Subject to paragraph (5),
4 immigrant visas under paragraph (1) shall be made
5 available to aliens in the order in which a petition
6 on behalf of each such alien is filed with the Sec-
7 retary of Homeland Security, except that an alien
8 shall maintain any priority date that was assigned
9 with respect to an immigrant visa petition or appli-
10 cation for labor certification that was previously filed
11 on behalf of such alien.

12 (4) PROTECTIONS FOR SURVIVING SPOUSES
13 AND CHILDREN.—

14 (A) SURVIVING SPOUSES AND CHIL-
15 DREN.—Notwithstanding the death of an alien
16 described in paragraph (2), the Secretary of
17 State may approve an application for an immi-
18 grant visa, and the Secretary of Homeland Se-
19 curity may approve an application for adjust-
20 ment of status to lawful permanent resident,
21 filed by or on behalf of a spouse or child of
22 such alien.

23 (B) AGE-OUT PROTECTION.—For purposes
24 of an application for an immigrant visa or ad-
25 justment of status filed by or on behalf of a

1 child of an alien described in paragraph (2), the
2 determination of whether the child satisfies the
3 age requirement under section 101(b)(1) of the
4 Immigration and Nationality Act (8 U.S.C.
5 1101(b)(1)) shall be made using the age of the
6 child on the date the immigrant visa petition
7 under paragraph (1) was approved.

8 (C) CONTINUATION OF NONIMMIGRANT
9 STATUS.—A spouse or child of an alien de-
10 scribed in paragraph (2) shall be considered to
11 have maintained lawful nonimmigrant status
12 until the earlier of the date—

13 (i) on which the Secretary of Home-
14 land Security accepts for filing, an applica-
15 tion for adjustment of status based on a
16 petition described in paragraph (1); or

17 (ii) that is 2 years after the date of
18 the principal nonimmigrant's death.

19 (5) NUMERICAL LIMITATIONS.—

20 (A) IN GENERAL.—The total number of
21 principal aliens who may be provided special
22 immigrant status under this subsection may not
23 exceed 4,000 per year for each of the 3 fiscal
24 years beginning after the date of the enactment
25 of this title.

1 (B) EXCLUSION FROM NUMERICAL LIMITA-
2 TIONS.—Aliens provided special immigrant sta-
3 tus under this subsection shall not be counted
4 against any numerical limitations under section
5 201(d), 202(a), or 203(b)(4) of the Immigra-
6 tion and Nationality Act (8 U.S.C. 1151(d),
7 1152(a), or 1153(b)(4)).

8 (C) CARRY FORWARD.—If the numerical
9 limitation specified in subparagraph (A) is not
10 reached during a given fiscal year referred to in
11 such subparagraph, the numerical limitation
12 specified in such subparagraph for the following
13 fiscal year shall be increased by a number equal
14 to the difference between—

15 (i) the numerical limitation specified
16 in subparagraph (A) for the given fiscal
17 year; and

18 (ii) the number of principal aliens pro-
19 vided special immigrant status under this
20 subsection during the given fiscal year.

21 **SEC. 105. ICE DETENTION.**

22 (a) REVIEWING ICE DETENTION.—During the public
23 health emergency declared by the Secretary of Health and
24 Human Services under section 319 of the Public Health
25 Service Act (42 U.S.C. 247d) with respect to COVID–19,

1 the Secretary of Homeland Security shall review the immi-
2 gration files of all individuals in the custody of U.S. Immi-
3 gration and Customs Enforcement to assess the need for
4 continued detention. The Secretary of Homeland Security
5 shall prioritize for release on recognizance or alternatives
6 to detention individuals who are not subject to mandatory
7 detention laws, unless the individual is a threat to public
8 safety or national security.

9 (b) ACCESS TO ELECTRONIC COMMUNICATIONS AND
10 HYGIENE PRODUCTS.—During the period described in
11 subsection (c), the Secretary of Homeland Security shall
12 ensure that—

13 (1) all individuals in the custody of U.S. Immi-
14 gration and Customs Enforcement—

15 (A) have access to telephonic or video com-
16 munication at no cost to the detained indi-
17 vidual;

18 (B) have access to free, unmonitored tele-
19 phone calls, at any time, to contact attorneys or
20 legal service providers in a sufficiently private
21 space to protect confidentiality;

22 (C) are permitted to receive legal cor-
23 respondence by fax or email rather than postal
24 mail; and

1 (D) are provided sufficient soap, hand san-
2 itizer, and other hygiene products; and

3 (2) nonprofit organizations providing legal ori-
4 entation programming or know-your-rights program-
5 ming to individuals in the custody of U.S. Immigra-
6 tion and Customs Enforcement are permitted broad
7 and flexible access to such individuals—

8 (A) to provide group presentations using
9 remote videoconferencing; and

10 (B) to schedule and provide individual ori-
11 entations using free telephone calls or remote
12 videoconferencing.

13 (c) PERIOD DESCRIBED.—The period described in
14 this subsection—

15 (1) begins on the first day of the public health
16 emergency declared by the Secretary of Health and
17 Human Services under section 319 of the Public
18 Health Service Act (42 U.S.C. 247d) with respect to
19 COVID–19; and

20 (2) ends 90 days after the date on which such
21 public health emergency terminates.

22 **SEC. 106. CONDITION ON FURLOUGH.**

23 U.S. Citizenship and Immigration Services may not
24 furlough any employee in any pay period in fiscal year

1 2021 if the agency has sufficient available balances for
2 compensation for such employee during such pay period.

3 **SEC. 107. LIMITATION ON USE OF FUNDS BY OTHER AGEN-**
4 **CIES.**

5 Notwithstanding any other provision of law, none of
6 the funds deposited into the Immigration Examinations
7 Fee Account pursuant to subsection (m) or (u) of section
8 286 of the Immigration and Nationality Act (8 U.S.C.
9 1356), may be made available to any other Federal agency
10 for such other agency's purpose, unless such funds were
11 made available to such agency for such purpose in fiscal
12 year 2019.

13 **SEC. 108. CHIEF FINANCIAL OFFICER.**

14 (a) REPORT TO DIRECTOR.—The Chief Financial Of-
15 ficer of U.S. Citizenship and Immigration Services shall
16 report to the Director of U.S. Citizenship and Immigra-
17 tion Services.

18 (b) REQUIRED CONSULTATION.—Prior to imple-
19 menting any substantive change to a policy, program, or
20 process, the Director of U.S. Citizenship and Immigration
21 Services shall consider the impact of such change on the
22 agency's revenue, expenditures, and reserve funding in
23 consultation with the agency's Chief Financial Officer.

1 **SEC. 109. INDEPENDENT VERIFICATION AND VALIDATION**
2 **REVIEW.**

3 Not later than 180 days after the date of enactment
4 of this Act, the Director of U.S. Citizenship and Immigra-
5 tion Services shall submit to the Committees on the Judi-
6 ciary of the House of Representatives and the Senate, and
7 the Committees on Appropriations of the House of Rep-
8 resentatives and the Senate, the results and recommenda-
9 tions of an Independent Verification and Validation review
10 of each model used by the agency to inform adjustments
11 of fees charged for the adjudication of immigration and
12 citizenship benefit requests.

13 **SEC. 110. REPORTING REQUIREMENT.**

14 (a) IN GENERAL.—In addition to the requirements
15 of section 286(o) of the Immigration and Nationality Act
16 (8 U.S.C. 1356(o)), the Secretary of Homeland Security
17 shall prepare a report on the fiscal status of U.S. Citizen-
18 ship and Immigration Services that includes the following,
19 disaggregated by funding source—

20 (1) the annual operating plan broken out by di-
21 rectorate and program office within such agency,
22 which shall include obligations and current year ex-
23 penditures for the preceding quarter, along with pro-
24 jected obligations and expenditures for the current
25 quarter and the subsequent quarters;

1 (2) fee receipts for each form type for the pre-
2 ceding quarter and estimates of such receipts for the
3 current and subsequent quarter;

4 (3) other agency expenses, including payments
5 or transfers to other Federal agencies and general
6 operating expenses;

7 (4) the percentage of revenue generated from
8 premium processing receipts used for the adjudica-
9 tion of non-premium benefit applications;

10 (5) carryover or reserve funding projections, ob-
11 ligations, and expenditures;

12 (6) productivity measurement data, by form
13 type, directorate, and program office, measured
14 against baseline capacity and workload volumes;

15 (7) the impact on such measurement data from
16 changes in personnel, technology usage, or processes;

17 (8) processing times by program office and di-
18 rectorate, disaggregated by form type; and

19 (9) backlogs by form type, including petitions
20 for family- and employment-based immigration bene-
21 fits and for asylum and other humanitarian protec-
22 tions.

23 (b) REVIEW.—The report required in subsection (a)
24 shall be—

1 (1) validated and reviewed by the Chief Finan-
2 cial Officer of the Department of Homeland Secu-
3 rity; and

4 (2) submitted to the Committees on the Judici-
5 ary of the Senate and the House of Representatives
6 and the Committees on Appropriations of the Senate
7 and the House of Representatives not later than 90
8 days after the date of enactment of this Act and
9 every 180 days thereafter.

10 (c) PUBLIC AVAILABILITY.—The information de-
11 scribed in paragraphs (6) through (9) of subsection (a)
12 shall also be made available not later than 15 days after
13 the end of each fiscal quarter on a publicly available
14 website.

15 (d) REVENUE EARNINGS REPORT.—Not later than
16 60 days after the date of enactment of this Act and up-
17 dated monthly thereafter, the Director of U.S. Citizenship
18 and Immigration Services shall publish on a publicly avail-
19 able website in a downloadable, searchable, and sortable
20 format a revenue earnings report that includes data begin-
21 ning October 1, 2009, which shall be disaggregated by
22 month and revenue source.

23 (e) INDEPENDENT REVIEW.—The Comptroller Gen-
24 eral of the United States shall conduct an independent re-
25 view of the first report submitted pursuant to subsection

1 (b) and shall examine the circumstances that led to fiscal
2 situation for U.S. Citizenship and Immigration Services
3 for the fiscal years 2017 through 2020.

4 **TITLE II—PRISONS AND JAILS**

5 **SEC. 201. SHORT TITLE.**

6 This title may be cited as the “Pandemic Justice Re-
7 sponse Act”.

8 **SEC. 202. EMERGENCY COMMUNITY SUPERVISION ACT.**

9 (a) FINDINGS.—Congress finds the following:

10 (1) As of the date of introduction of this Act,
11 the novel coronavirus has spread to all 50 States,
12 the District of Columbia, and at least 4 territories.

13 (2) As of September 27, 2020, more than
14 7,119,400 people in the United States had been in-
15 fected with the coronavirus and at least 204,400 had
16 died.

17 (3) Although the United States has less than 5
18 percent of the world’s population, the United States
19 holds approximately 21 percent of the world’s pris-
20 oners and leads the world in the number of individ-
21 uals incarcerated, with nearly 2,200,000 people in-
22 carcerated in State and Federal prisons and local
23 jails.

24 (4) Studies have shown that individuals age out
25 of crime starting around 25 years of age, and re-

1 leased individuals over the age of 50 have a very low
2 recidivism rate.

3 (5) According to public health experts, incarcerated
4 individuals are particularly vulnerable to being
5 gravely impacted by the novel corona virus pandemic
6 because—

7 (A) they have higher rates of underlying
8 health issues than members of the general public,
9 including higher rates of respiratory disease,
10 heart disease, diabetes, obesity, HIV/AIDS,
11 substance abuse, hepatitis, and other conditions
12 that suppress immune response; and

13 (B) the close conditions and lack of access
14 to hygiene products in prisons make these institutions
15 unusually susceptible to viral
16 pandemics.

17 (6) The spread of communicable disease in the
18 United States generally constitutes a serious, heightened
19 threat to the safety of incarcerated individuals,
20 and there is a serious threat to the general public
21 that prisons may become incubators of community
22 spread of communicable viral disease.

23 (b) DEFINITIONS.—In this section:

1 (1) COVERED HEALTH CONDITION.—The term
2 “covered health condition” with respect to an indi-
3 vidual, means the individual—

4 (A) is pregnant;

5 (B) has chronic lung disease or asthma;

6 (C) has congestive heart failure or coro-
7 nary artery disease;

8 (D) has diabetes;

9 (E) has a neurological condition that weak-
10 ens the ability to cough or breathe;

11 (F) has HIV;

12 (G) has sickle cell anemia;

13 (H) has cancer; or

14 (I) has a weakened immune system.

15 (2) COVERED INDIVIDUAL.—The term “covered
16 individual”—

17 (A) means an individual who—

18 (i) is a juvenile (as defined in section
19 5031 of title 18, United States Code);

20 (ii) is 50 years of age or older;

21 (iii) has a covered health condition; or

22 (iv) is within 12 months of release
23 from incarceration; and

24 (B) includes an individual described in
25 subparagraph (A) who is serving a term of im-

1 prisonment for an offense committed before No-
2 vember 1, 1987, or who is serving a term of im-
3 prisonment in the custody of the Bureau of
4 Prisons for a sentence imposed pursuant to a
5 conviction for a criminal offense under the laws
6 of the District of Columbia.

7 (3) NATIONAL EMERGENCY RELATING TO A
8 COMMUNICABLE DISEASE.—The term “national
9 emergency relating to a communicable disease”
10 means—

11 (A) an emergency involving Federal pri-
12 mary responsibility determined to exist by the
13 President under the section 501(b) of the Rob-
14 ert T. Stafford Disaster Relief and Emergency
15 Assistance Act (42 U.S.C. 5191(b)) with re-
16 spect to a communicable disease; or

17 (B) a national emergency declared by the
18 President under the National Emergencies Act
19 (50 U.S.C. 1601 et seq.) with respect to a com-
20 municable disease.

21 (c) PLACEMENT OF CERTAIN INDIVIDUALS IN COM-
22 MUNITY SUPERVISION.—

23 (1) AUTHORITY.—Except as provided in para-
24 graph (2), beginning on the date on which a national
25 emergency relating to a communicable disease is de-

1 clared and ending on the date that is 60 days after
2 such national emergency expires or is terminated—

3 (A) notwithstanding any other provision of
4 law, the Director of the Bureau of Prisons shall
5 place in community supervision all covered indi-
6 viduals who are in the custody of the Bureau of
7 Prisons; and

8 (B) the district court of the United States
9 for each judicial district shall place in commu-
10 nity supervision all covered individuals who are
11 in the custody and care of the United States
12 Marshals Service.

13 (2) EXCEPTIONS.—

14 (A) BUREAU OF PRISONS.—In carrying out
15 paragraph (1)(A), the Director—

16 (i) may not place in community super-
17 vision any individual determined, by clear
18 and convincing evidence, taking into ac-
19 count the individual's offense of conviction,
20 to be likely to pose a specific and substan-
21 tial risk of causing bodily injury to or
22 using violent force against the person of
23 another;

24 (ii) shall place in the file of each indi-
25 vidual described in clause (i) documenta-

tion of such determination, including the
evidence used to make the determination;
and

(iii) not later than 180 days after the
date on which the national emergency re-
lating to a communicable disease expires,
shall provide a report to Congress docu-
menting—

(I) the demographic data (includ-
ing race, gender, age, offense of con-
viction, and criminal history level) of
the individuals denied placement in
community supervision under clause
(i); and

(II) the justification for the deni-
als described in subclause (I).

(B) DISTRICT COURTS.—In carrying out
paragraph (1)(B), each district court of the
United States—

(i) shall conduct an immediate and ex-
pedited review of the detention orders of
all covered individuals in the custody and
care of the United States Marshals Serv-
ice, which may be conducted sua sponte
and ex parte, without—

1 (I) appearance by the defendant
2 or any party; or

3 (II) requiring a petition, motion,
4 or other similar document to be filed;

5 (ii) may not place in community su-
6 pervision any individual if the court deter-
7 mines, after a hearing and the attorney for
8 the Government shows by clear and con-
9 vincing evidence based on individualized
10 facts, that detention is necessary because
11 the individual's release will pose a specific
12 and substantial risk that the individual will
13 cause bodily injury or use violent force
14 against the person of another and that no
15 conditions of release will reasonably miti-
16 gate that risk;

17 (iii) in carrying out clauses (i) and
18 (ii), may—

19 (I) rely on evidence presented in
20 prior court proceedings; and

21 (II) if the court determines it
22 necessary, request additional informa-
23 tion from the parties to make the de-
24 termination.

1 (3) LIMITATION ON COMMUNITY SUPERVISION
2 PLACEMENT.—In placing covered individuals into
3 community supervision under this section, the Direc-
4 tor of the Bureau of Prisons and the district court
5 of the United States for each judicial district shall
6 take into account and prioritize placements that en-
7 able adequate social distancing, which include home
8 confinement or other forms of low in-person-contact
9 supervised release.

10 (d) LIMITATION ON PRE-TRIAL DETENTION.—

11 (1) NO BOND CONDITIONS ON RELEASE.—Not-
12 withstanding section 3142 of title 18, United States
13 Code, beginning on the date on which a national
14 emergency relating to a communicable disease is de-
15 clared and ending on the date that is 60 days after
16 such national emergency expires or is terminated, in
17 imposing conditions of release, the judicial officer
18 may not require payment of cash bail, proof of abil-
19 ity to pay an unsecured bond, execution of a bail
20 bond, a solvent surety to co-sign a secured or unse-
21 cured bond, or posting of real property.

22 (2) LIMITATION.—

23 (A) IN GENERAL.—Beginning on the date
24 on which a national emergency relating to a
25 communicable disease is declared and ending on

1 the date that is 60 days after such national
2 emergency expires or is terminated, at any ini-
3 tial appearance hearing, detention hearing,
4 hearing on a motion for pretrial release, or any
5 other hearing where the attorney for the Gov-
6 ernment is seeking the detention or continued
7 detention of any individual, the judicial officer
8 shall order the pretrial release of the individual
9 on personal recognizance or on a condition or
10 combination of conditions under section 3142(c)
11 of title 18, United States Code, unless the at-
12 torney for the Government shows by clear and
13 convincing evidence based on individualized
14 facts that detention is necessary because the in-
15 dividual's release will pose a specific and sub-
16 stantial risk that the individual will cause bodily
17 injury or use violent force against the person of
18 another and that no conditions of release will
19 reasonably mitigate that risk.

20 (B) REQUIRED CONSIDERATION OF CER-
21 TAIN FACTORS.—If the judicial officer finds
22 that the attorney for the Government has made
23 the requisite showing under subparagraph (A),
24 the judicial officer shall take into consideration,
25 in determining whether detention is necessary—

1 (i) whether the individual's age or
2 medical condition renders them especially
3 vulnerable; and

4 (ii) whether detention will compromise
5 the individual's access to adequate medical
6 treatment, access to medications, or ability
7 to privately consult with counsel and
8 meaningfully prepare a defense.

9 (C) JUVENILES.—

10 (i) IN GENERAL.—Beginning on the
11 date on which a national emergency relat-
12 ing to a communicable disease is declared
13 and ending on the date that is 60 days
14 after such national emergency expires or is
15 terminated, notwithstanding sections 5031
16 through 5035 of title 18, United States
17 Code, and except as provided under clause
18 (ii), in the case of a juvenile alleged to
19 have committed an act of juvenile delin-
20 quency, the judicial officer shall release the
21 juvenile to their parent, guardian, custo-
22 dian, or other responsible party (including
23 the director of a shelter-care facility) upon
24 their promise to bring such juvenile before

1 the appropriate court when requested by
2 the judicial officer.

3 (ii) EXCEPTION.—A juvenile alleged
4 to have committed an act of juvenile delin-
5 quency may be detained pending trial only
6 if, at a hearing at which the juvenile is
7 represented by counsel, the attorney for
8 the Government shows by clear and con-
9 vincing evidence based on individualized
10 facts that detention is necessary because
11 the juvenile's release will pose a specific
12 and substantial risk that the juvenile will
13 use violent force against a reasonably iden-
14 tifiable person and that no conditions of
15 release will reasonably mitigate that risk,
16 except that in no case may a judicial offi-
17 cer order the detention of a juvenile if it
18 will compromise the juvenile's access to
19 adequate medical treatment, access to
20 medications, or ability to privately consult
21 with counsel and meaningfully prepare a
22 defense.

23 (iii) LEAST RESTRICTIVE DETEN-
24 TION.—In the case that the judicial officer
25 orders the detention of a juvenile under

1 clause (ii), the judicial officer shall order
2 the detention of the juvenile in the least
3 restrictive and safest environment possible,
4 taking the national emergency relating to a
5 communicable disease into consideration.

6 (iv) CONTENTS OF DETENTION
7 ORDER.—In the case that the judicial offi-
8 cer orders the detention of a juvenile under
9 clause (ii), the judicial officer shall issue a
10 written detention order that includes—

11 (I) findings of fact;

12 (II) the reasons for the deten-
13 tion;

14 (III) a description of the risk
15 identified under clause (ii);

16 (IV) an explanation of why no
17 conditions will reasonably mitigate the
18 risk identified under clause (ii);

19 (V) a statement that detention
20 will not compromise the juvenile's ac-
21 cess to adequate medical treatment,
22 access to medications, or ability to
23 privately consult with counsel and
24 meaningfully prepare a defense; and

1 (VI) a statement establishing
2 that the detention environment is the
3 least restrictive and safest possible in
4 accordance with the requirement
5 under clause (iii).

6 (e) LIMITATION ON SUPERVISED RELEASE.—Begin-
7 ning on the date on which a national emergency relating
8 to a communicable disease is declared and ending on the
9 date that is 60 days after such national emergency expires,
10 the Office of Probation and Pretrial Services of the Ad-
11 ministrative Office of the United States Courts shall take
12 measures to prevent the spread of the communicable dis-
13 ease among individuals under supervision by—

14 (1) suspending the requirement that individuals
15 determined to be a lower risk of reoffending, or any
16 other individuals determined to be appropriate by
17 the supervising probation officer, report in person to
18 their probation or parole officer;

19 (2) identifying individuals who have successfully
20 completed not less than 18 months of supervision
21 and transferring such individuals to administrative
22 supervision or petitioning the court to terminate su-
23 pervision, as appropriate; and

1 (3) suspending the request for detention and
2 imprisonment as a sanction for violations of proba-
3 tion, supervised release, or parole.

4 (f) PROHIBITION.—No individual who is granted
5 placement in community supervision, termination of su-
6 pervision, placement on administrative supervision, or pre-
7 trial release shall be re-incarcerated, placed on supervision
8 or active supervision, or ordered detained pre-trial only as
9 a result of the expiration of the national emergency relat-
10 ing to a communicable disease.

11 (g) PROHIBITION ON TECHNICAL VIOLATIONS AND
12 CERTAIN MANDATORY REVOCATIONS OF PROBATION OR
13 SUPERVISED RELEASE.—

14 (1) RESENTENCING IN CASES OF PROBATION
15 AND SUPERVISED RELEASE.—

16 (A) IN GENERAL.—Beginning on the date
17 on which a national emergency relating to a
18 communicable disease is declared and ending on
19 the date that is 60 days after such national
20 emergency expires, and notwithstanding section
21 3582(b) of title 18, United States Code, a court
22 shall order the resentencing of a defendant who
23 is serving a term of imprisonment resulting
24 from a revocation of probation, or supervised
25 release for a Grade C violation for conduct

1 under section 7B1.1(c)(3)(B) of the United
2 States Sentencing Guidelines, upon motion of
3 the defendant.

4 (B) RESENTENCING.—The court shall
5 order the resentencing of a defendant described
6 in subparagraph (A) as follows:

7 (i) In the case of a revoked sentence
8 of probation, the court shall resentence the
9 defendant to probation, the duration of
10 which shall be equal to the period of time
11 remaining on the term of probation origi-
12 nally imposed at the time the defendant
13 was most recently placed in custody, unless
14 the court determines that decreasing the
15 length of the term of probation is in the
16 interest of justice.

17 (ii) In the case of a revoked term of
18 supervised release, the court shall continue
19 the defendant on supervised release, the
20 duration of which shall be equal to the pe-
21 riod of time the defendant had remaining
22 on supervised release when the defendant
23 was most recently placed in custody, unless
24 the court determines that decreasing the

1 term of supervised release is in the interest
2 of justice.

3 (2) RESENTENCING IN CASES OF PAROLE.—

4 (A) IN GENERAL.—Beginning on the date
5 on which a national emergency relating to a
6 communicable disease is declared and ending on
7 the date that is 60 days after such national
8 emergency expires, the court shall order the re-
9 sentencing of a defendant who is serving a term
10 of imprisonment resulting from a technical vio-
11 lation of the defendant's parole.

12 (B) RESENTENCING.—The court shall re-
13 sentence the defendant to parole, the duration
14 of which shall be equal to the period of time re-
15 maining on the defendant's term of parole at
16 the time the defendant was most recently
17 placed in custody, unless the court determines
18 that decreasing the length of the term of parole
19 is in the interest of justice.

20 (3) HEARING.—The court may grant, but not
21 deny, a motion without a hearing under this section.

22 (4) NO MANDATORY REVOCATION.—

23 (A) IN GENERAL.—Beginning on the date
24 on which a national emergency relating to a
25 communicable disease is declared and ending on

1 the date that is 60 days after such national
2 emergency expires, a court is not required to re-
3 voke a defendant's probation or supervised re-
4 lease under sections 3565(b) and 3583(g) of
5 title 18, United States Code, based on a finding
6 that the defendant refused to comply with drug
7 treatment.

8 (B) DISSEMINATION OF POLICY
9 CHANGE.—Not later than 10 days after the
10 date of enactment of this title, the Judicial
11 Conference of the United States shall issue and
12 disseminate to all district courts of the United
13 States a temporary policy change suspending
14 mandatory revocation of probation or super-
15 vised release for refusal to comply with drug
16 testing.

17 (5) PROMPT DETERMINATION.—Any motion
18 under this subsection shall be determined promptly.

19 (6) COUNSEL.—To effectuate the purposes of
20 this subsection, counsel shall be appointed as early
21 as possible to represent any indigent defendant.

22 (7) DEFINITIONS.—In this subsection, the term
23 “defendant” includes individuals adjudicated delin-
24 quent under the Federal Juvenile Delinquency Act
25 and applies to persons serving time in official deten-

1 tion for a revocation of juvenile probation or super-
2 vised release.

3 **SEC. 203. COURT AUTHORITY TO REDUCE SENTENCES AND**
4 **TEMPORARY RELEASE AUTHORITY FOR NON-**
5 **VIOLENT OFFENDERS.**

6 (a) COURT AUTHORITY TO REDUCE SENTENCES.—

7 (1) IN GENERAL.—Notwithstanding section
8 3582 of title 18, United States Code, the court shall,
9 during the covered emergency period, upon motion
10 of a covered individual (as such term is defined in
11 section 202(b)) or on the court’s own motion, reduce
12 a term of imposed imprisonment on that individual,
13 unless the government shows, by clear and con-
14 vincing evidence, that the individual poses a risk of
15 serious, imminent injury to a reasonably identifiable
16 person.

17 (2) SENTENCE REDUCTION DEEMED AUTHOR-
18 IZED.—Any sentence that is reduced under this sub-
19 section is deemed to be authorized under section
20 3582(c)(1)(B) of title 18, United States Code.

21 (3) RULE OF CONSTRUCTION.—In addition to
22 the reduction of sentences authorized under this
23 subsection, the court may continue to reduce and
24 modify sentences under section 3582 of title 18,

1 United States Code, during the covered emergency
2 period.

3 (4) SPECIAL RULE.—During the covered emer-
4 gency period, a covered individual who is serving a
5 term of imprisonment for an offense committed be-
6 fore November 1, 1987, who would not otherwise be
7 eligible to file a motion under section 3582(c)(1)(A)
8 of title 18, United States Code, is eligible to file
9 such a motion and for relief under such section. Any
10 motion for relief filed in accordance with this para-
11 graph before the expiration or termination of the
12 covered emergency period shall not disqualify such
13 motion based solely on such expiration or termi-
14 nation.

15 (b) COURT AUTHORITY TO AUTHORIZE TEMPORARY
16 RELEASE OF PERSONS AWAITING DESIGNATION OR
17 TRANSPORTATION TO A BUREAU OF PRISONS FACIL-
18 ITY.—Notwithstanding sections 3582 and 3621 of title 18,
19 United States Code, during the covered emergency period,
20 the court, upon motion of an individual (including individ-
21 uals adjudicated delinquent under the Federal Juvenile
22 Delinquency Act) awaiting designation or transportation
23 to a Bureau of Prisons or other facility for service of sen-
24 tence or official detention, or on the court's own motion,
25 may, taking into account the individual's offense of convic-

tion or adjudication, order the temporary release of the individual, for a limited period ending not later than the expiration or termination of the COVID–19 emergency, if such release is for the purpose of avoiding or mitigating the risks associated with imprisonment during the covered emergency period, either generally with respect to the individual’s place of imprisonment or specifically with respect to the individual.

(c) HEARING REQUIREMENT.—The court may grant, but not deny, a motion without a hearing under this section. Any motion under this section shall be determined promptly.

(d) EFFECTIVE REPRESENTATION DURING NATIONAL EMERGENCY.—

(1) ACCESS TO COURT.—During the covered emergency period, any procedural requirement under section 3582(c)(1)(A) of title 18, United States Code, that would delay a defendant from directly petitioning the court shall not apply, and the defendant may petition the court directly for relief.

(2) APPOINTMENT OF COUNSEL.—The court shall appoint counsel for indigent defendants or prisoners, at no cost to the defendant or prisoner, as early as possible to effectuate the purposes of this

1 section and the purposes of section 3582(c)(1)(A) of
2 title 18, United States Code.

3 (3) ACCESS TO MEDICAL RECORDS.—

4 (A) IN GENERAL.—In order to expedite
5 proceedings under this section and proceedings
6 under 3582(c)(1)(A) of title 18, United States
7 Code, during the covered emergency period, the
8 Director of the Bureau of Prisons shall prompt-
9 ly release all medical records in the possession
10 of the Bureau of Prisons to a prisoner who re-
11 quests them on their own behalf, or to the
12 counsel of record for a prisoner upon submis-
13 sion to the court of an affidavit, signed by such
14 counsel under penalty of perjury, that such
15 counsel has reason to believe that the prisoner
16 has a covered health condition (as such term is
17 defined in section 202(b)) or a condition that
18 would entitle them to relief under section
19 3582(c)(1)(A) of title 18, United States Code.

20 (B) INDIVIDUALS IN THE CUSTODY OF
21 THE U.S. MARSHALS SERVICE.—In order to ex-
22 pedite proceedings under this section, in the
23 case of an individual who is in the custody or
24 care of the U.S. Marshals Service, the Director
25 of the U.S. Marshals Service shall facilitate the

1 provision of any medical records of the indi-
2 vidual to the individual or the counsel of record
3 of the individual, upon request of the individual
4 or counsel.

5 **SEC. 204. EXEMPTION FROM EXHAUSTING ADMINISTRA-**
6 **TIVE REMEDIES DURING COVERED EMER-**
7 **GENCY PERIOD.**

8 Section 7 of the Civil Rights of Institutionalized Per-
9 sons Act (42 U.S.C. 1997e) is amended by adding at the
10 end the following:

11 “(i) COVERED EMERGENCY PERIOD.—

12 “(1) RELIEF WITHOUT EXHAUSTING ADMINIS-
13 TRATIVE REMEDIES.—Notwithstanding the other
14 provisions of this section, during the covered emer-
15 gency period, a prisoner may commence, without ex-
16 hausting all administrative remedies, an action relat-
17 ing to conditions of imprisonment under which the
18 prisoner is at significant risk of harm or under
19 which the prisoner’s access to counsel has been im-
20 paired. If the court determines the prisoner is rea-
21 sonably likely to prevail, the court may order such
22 appropriate relief, limited in time and scope, as may
23 be necessary to prevent or remedy the significant
24 risk of harm or provide access to counsel.

1 “(2) RETALIATION PROHIBITED.—Section 6
2 shall apply in the case of retaliation against a pris-
3 oner who files an administrative claim or lawsuit
4 during the covered emergency period or attempts to
5 so file.

6 “(3) DEFINITIONS.—For purposes of this sub-
7 section, the term ‘covered emergency period’ has the
8 meaning given the term in section 12003 of the
9 CARES Act (Public Law 116–136).”.

10 **SEC. 205. INCREASING AVAILABILITY OF HOME DETENTION**
11 **FOR NON-VIOLENT ELDERLY OFFENDERS.**

12 (a) GOOD CONDUCT TIME CREDITS FOR CERTAIN
13 ELDERLY NONVIOLENT OFFENDERS.—Section
14 231(g)(5)(A)(ii) of the Second Chance Act of 2007 (34
15 U.S.C. 60541(g)(5)(A)(ii)) is amended by striking “to
16 which the offender was sentenced” and inserting “reduced
17 by any credit toward the service of the prisoner’s sentence
18 awarded under section 3624(b) of title 18, United States
19 Code”.

20 (b) INCREASING ELIGIBILITY FOR HOME DETENTION
21 FOR CERTAIN ELDERLY NONVIOLENT OFFENDERS.—
22 During the covered emergency period an offender who is
23 in the custody of the Bureau of Prisons, including pursu-
24 ant to a conviction for a criminal offense under the laws
25 of the District of Columbia, shall be considered an eligible

1 elderly offender under section 231(g) of the Second
2 Chance Act of 2007 (34 U.S.C. 60541(g)) if the of-
3 fender—

4 (1) is not less than 50 years of age;

5 (2) has served 1/2 of the term of imprisonment
6 reduced by any credit toward the service of the pris-
7 oner's sentence awarded under section 3624(b) of
8 title 18, United States Code; and

9 (3) is otherwise described in such section
10 231(g)(5)(A).

11 **SEC. 206. EFFECTIVE ASSISTANCE OF COUNSEL IN THE**
12 **DIGITAL ERA ACT.**

13 (a) PROHIBITION ON MONITORING.—Not later than
14 180 days after the date of the enactment of this title, the
15 Attorney General shall create a program or system, or
16 modify any program or system that exists on the date of
17 enactment of this title, through which an incarcerated per-
18 son sends or receives an electronic communication, to ex-
19 clude from monitoring the contents of any privileged elec-
20 tronic communication. In the case that the Attorney Gen-
21 eral creates a program or system in accordance with this
22 subsection, the Attorney General shall, upon implementing
23 such system, discontinue using any program or system
24 that exists on the date of enactment of this title through
25 which an incarcerated person sends or receives a privileged

1 electronic communication, except that any program or sys-
2 tem that exists on such date may continue to be used for
3 any other electronic communication.

4 (b) RETENTION OF CONTENTS.—A program or sys-
5 tem or a modification to a program or system under sub-
6 section (a) may allow for retention by the Bureau of Pris-
7 ons of, and access by an incarcerated person to, the con-
8 tents of electronic communications, including the contents
9 of privileged electronic communications, of the person
10 until the date on which the person is released from prison.

11 (c) ATTORNEY-CLIENT PRIVILEGE.—Attorney-client
12 privilege, and the protections and limitations associated
13 with such privilege (including the crime fraud exception),
14 applies to electronic communications sent or received
15 through the program or system established or modified
16 under subsection (a).

17 (d) ACCESSING RETAINED CONTENTS.—Contents re-
18 tained under subsection (b) may only be accessed by a per-
19 son other than the incarcerated person for whom such con-
20 tents are retained under the following circumstances:

21 (1) ATTORNEY GENERAL.—The Attorney Gen-
22 eral may only access retained contents if necessary
23 for the purpose of creating and maintaining the pro-
24 gram or system, or any modification to the program
25 or system, through which an incarcerated person

1 sends or receives electronic communications. The At-
2 torney General may not review retained contents
3 that are accessed pursuant to this paragraph.

4 (2) INVESTIGATIVE AND LAW ENFORCEMENT
5 OFFICERS.—

6 (A) WARRANT.—

7 (i) IN GENERAL.—Retained contents
8 may only be accessed by an investigative or
9 law enforcement officer pursuant to a war-
10 rant issued by a court pursuant to the pro-
11 cedures described in the Federal Rules of
12 Criminal Procedure.

13 (ii) APPROVAL.—No application for a
14 warrant may be made to a court without
15 the express approval of a United States
16 Attorney or an Assistant Attorney General.

17 (B) PRIVILEGED INFORMATION.—

18 (i) REVIEW.—Before retained con-
19 tents may be accessed pursuant to a war-
20 rant obtained under subparagraph (A),
21 such contents shall be reviewed by a
22 United States Attorney to ensure that
23 privileged electronic communications are
24 not accessible.

1 (ii) BARRING PARTICIPATION.—A
2 United States Attorney who reviews re-
3 tained contents pursuant to clause (i) shall
4 be barred from—

5 (I) participating in a legal pro-
6 ceeding in which an individual who
7 sent or received an electronic commu-
8 nication from which such contents are
9 retained under subsection (b) is a de-
10 fendant; or

11 (II) sharing the retained contents
12 with an attorney who is participating
13 in such a legal proceeding.

14 (3) MOTION TO SUPPRESS.—In a case in which
15 retained contents have been accessed in violation of
16 this subsection, a court may suppress evidence ob-
17 tained or derived from access to such contents upon
18 motion of the defendant.

19 (e) DEFINITIONS.—In this section—

20 (1) the term “agent of an attorney or legal rep-
21 resentative” means any person employed by or con-
22 tracting with an attorney or legal representative, in-
23 cluding law clerks, interns, investigators, paraprofes-
24 sionals, and administrative staff;

1 (2) the term “contents” has the meaning given
2 such term in 2510 of title 18, United States Code;

3 (3) the term “electronic communication” has
4 the meaning given such term in section 2510 of title
5 18, United States Code, and includes the Trust
6 Fund Limited Inmate Computer System;

7 (4) the term “monitoring” means accessing the
8 contents of an electronic communication at any time
9 after such communication is sent;

10 (5) the term “incarcerated person” means any
11 individual in the custody of the Bureau of Prisons
12 or the United States Marshals Service who has been
13 charged with or convicted of an offense against the
14 United States, including such an individual who is
15 imprisoned in a State institution; and

16 (6) the term “privileged electronic communica-
17 tion” means—

18 (A) any electronic communication between
19 an incarcerated person and a potential, current,
20 or former attorney or legal representative of
21 such a person; and

22 (B) any electronic communication between
23 an incarcerated person and the agent of an at-
24 torney or legal representative described in sub-
25 paragraph (A).

1 **SEC. 207. COVID-19 CORRECTIONAL FACILITY EMERGENCY**
2 **RESPONSE ACT OF 2020.**

3 Title I of the Omnibus Crime Control and Safe
4 Streets Act of 1968 (34 U.S.C. 10101 et seq.) is amended
5 by adding at the end the following:

6 **“PART OO—PANDEMIC CORRECTIONAL FACILITY**
7 **EMERGENCY RESPONSE**

8 **“SEC. 3061. FINDINGS; PURPOSES.**

9 “(a) IMMEDIATE RELEASE OF VULNERABLE AND
10 LOW-RISK INDIVIDUALS.—The purpose of the grant pro-
11 gram under section 3062 is to provide for the testing, ini-
12 tiation and transfer to treatment in the community, and
13 provision of services in the community, by States and units
14 of local government as they relate to preventing, detecting,
15 and stopping the spread of COVID-19 in correctional fa-
16 cilities.

17 “(b) PRETRIAL CITATION AND RELEASE.—

18 “(1) FINDINGS.—Congress finds as follows:

19 “(A) With the dramatic growth in pretrial
20 detention resulting in county and city correc-
21 tional facilities regularly exceeding capacity,
22 such correctional facilities may serve to rapidly
23 increase the spread of COVID-19, as facilities
24 that hold large numbers of individuals in
25 congregant living situations may promote the
26 spread of COVID-19.

1 “(B) While individuals arrested and proc-
2 essed at local correctional facilities may only be
3 held for hours or days, exposure to large num-
4 ber of individuals in holding cells and court-
5 rooms promotes the spread of COVID–19.

6 “(C) Pretrial detainees and individuals in
7 correctional facilities are then later released
8 into the community having being exposed to
9 COVID–19.

10 “(2) PURPOSE.—The purpose of the grant pro-
11 gram under section 3065 is to substantially increase
12 the use of risk-based citation release for all individ-
13 uals who do not present a public safety risk.

14 **“SEC. 3062. IMMEDIATE RELEASE OF VULNERABLE AND**
15 **LOW-RISK INDIVIDUALS.**

16 “(a) AUTHORIZATION.—The Attorney General shall
17 carry out a grant program to make grants to States and
18 units of local government that operate correctional facili-
19 ties, to establish and implement policies and procedures
20 to prevent, detect, and stop the presence and spread of
21 COVID–19 among arrestees, detainees, inmates, correc-
22 tional facility staff, and visitors to the facilities.

23 “(b) PROGRAM ELIGIBILITY.—

24 “(1) IN GENERAL.—Eligible applicants under
25 this section are States and units of local government

1 that release or have a plan to release the persons de-
2 scribed in paragraph (2) from custody in order to
3 ensure that, not later than 90 days after enactment
4 of this section, the total population of arrestees, de-
5 tainees, and inmates at a correctional facility does
6 not exceed the number established under subsection
7 (c).

8 “(2) PERSONS DESCRIBED.—A person de-
9 scribed in this paragraph is a person who, taking
10 into account the person’s offense of conviction—

11 “(A) does not pose a risk of serious, immi-
12 nent injury to a reasonably identifiable person;
13 or

14 “(B) is—

15 “(i) 50 years of age or older;

16 “(ii) a juvenile;

17 “(iii) an individual with serious chron-
18 ic medical conditions, including heart dis-
19 ease, cancer, diabetes, HIV, sickle cell ane-
20 mia, a neurological disease that interferes
21 with the ability to cough or breathe, chron-
22 ic lung disease, asthma, or respiratory ill-
23 ness;

24 “(iv) a pregnant woman;

1 “(v) an individual who is
2 immunocompromised or has a weakened
3 immune system; or

4 “(vi) an individual who has a health
5 condition or disability that makes them
6 vulnerable to COVID–19.

7 “(c) TARGET CORRECTIONAL POPULATION.—

8 “(1) TARGET POPULATION.—An eligible appli-
9 cant shall establish individualized, facility-specific
10 target capacities at each correction facility that will
11 receive funds under this section that reflect the max-
12 imum number of individuals who may be incarcer-
13 ated safely in accordance with the Centers for Dis-
14 ease Control and Prevention guidelines for correc-
15 tional facilities pertaining to COVID–19, with con-
16 sideration given to Centers for Disease Control and
17 Prevention guidelines pertaining to community-based
18 physical distancing, hygiene, and sanitation. A cor-
19 rectional facility receiving funds under this section
20 may not use isolation in a punitive or non-medical
21 manner as a way of achieving specific target capac-
22 ities established under this paragraph.

23 “(2) CERTIFICATION.—An eligible applicant
24 shall include in its application for a grant under this
25 section a certification by a public health professional

1 who is certified in epidemiology or infectious dis-
2 eases that each correctional facility that will receive
3 funds under this section in its jurisdiction meets the
4 appropriate target capacity standard established
5 under paragraph (1).

6 “(d) AUTHORIZED USES.—Funds awarded pursuant
7 to this section shall be used by grantees (including acting
8 through nonprofit entities) to—

9 “(1) test all arrestees, detainees, and inmates,
10 and initiate treatment for COVID–19, and transfer
11 such an individual for an appropriate treatment at
12 external medical facility, as needed;

13 “(2) test for COVID–19—

14 “(A) correctional facility staff;

15 “(B) volunteers;

16 “(C) visitors, including family members
17 and attorneys;

18 “(D) court personnel that have regular
19 contact with arrestees, detainees, and inmates;

20 “(E) law enforcement officers who trans-
21 port arrestees, detainees, and inmates; and

22 “(F) personnel outside the correctional fa-
23 cility who provide medical treatment to
24 arrestees, detainees, and inmates;

1 “(3) curtail booking and in-facility processing
2 for individuals who have committed technical parole
3 or probation violations; and

4 “(4) provide transition and reentry support
5 services to individuals released pursuant to this sec-
6 tion, including programs that—

7 “(A) increase access to and participation
8 in reentry services;

9 “(B) promote a reduction in recidivism
10 rates;

11 “(C) facilitate engagement in educational
12 programs, job training, or employment;

13 “(D) place reentering individuals in safe
14 and sanitary temporary transitional housing;

15 “(E) facilitate the enrollment of reentering
16 individuals with a history of substance use dis-
17 order in medication-assisted treatment and a
18 referral to overdose prevention services, mental
19 health services, or other medical services; and

20 “(F) facilitate family reunification or sup-
21 port services, as needed.

22 “(e) AUTHORIZATION OF APPROPRIATIONS.—There
23 is authorized to be appropriated \$500,000,000 to carry
24 out this section and section 3065 for each of fiscal years
25 2020 and 2021.

1 **“SEC. 3063. JUVENILE SPECIFIC SERVICES.**

2 “(a) IN GENERAL.—The Attorney General, acting
3 through the Administrator of the Office Juvenile Justice
4 and Delinquency Prevention, consistent with section 261
5 of the Juvenile Justice and Delinquency Prevention Act
6 of 1974 (34 U.S.C. 11171), is authorized to make grants
7 to States and units of local government or combinations
8 thereof to assist them in planning, establishing, operating,
9 coordinating, and evaluating projects directly, or through
10 grants and contracts with public and private agencies and
11 nonprofit entities (as such term is defined under section
12 408(5)(A) of the Juvenile Justice and Delinquency Pre-
13 vention Act of 1974 (34 U.S.C. 11296(5)(A))), for the de-
14 velopment of more effective education, training, research,
15 prevention, diversion, treatment, and rehabilitation pro-
16 grams in the area of juvenile delinquency and programs
17 to improve the juvenile justice system, consistent with sub-
18 section (b).

19 “(b) USE OF GRANT FUNDS.—Grants under this sec-
20 tion shall be used for the exclusive purpose of providing
21 juvenile specific services that—

22 “(1) provide rapid mass testing for COVID–19
23 in juvenile facilities, notification of the results of
24 such tests to juveniles and authorized family mem-
25 bers or legal guardians, and include policies and pro-
26 cedures for non-punitive quarantine that does not in-

1 involve solitary confinement, and provide for examina-
2 tion by a doctor for any juvenile who tests positive
3 for COVID-19;

4 “(2) examine all pre- and post-adjudication re-
5 lease processes and mechanisms applicable to juve-
6 niles and begin employing these as quickly as pos-
7 sible;

8 “(3) provide juveniles in out of home place-
9 ments with continued access to appropriate edu-
10 cation;

11 “(4) provide juveniles with access to legal coun-
12 sel through confidential visits or teleconferencing;

13 “(5) provide staff and juveniles with appro-
14 priate personal protective equipment, hand washing
15 facilities, toiletries, and medical care to reduce the
16 spread of the virus;

17 “(6) provide juveniles with frequent and no cost
18 calls home to parents, legal guardians, and other
19 family members;

20 “(7) advance policies and procedures for juve-
21 nile delinquency program proceedings (including
22 court proceedings) and probation conditions so that
23 in-person reporting requirements for juveniles are
24 replaced with virtual or telephonic appearances with-
25 out penalty;

1 “(8) expand opportunities for juveniles to par-
2 ticipate in community based services and social serv-
3 ices through videoconferencing or teleconferencing;
4 or

5 “(9) place a moratorium on all requirements for
6 juveniles to attend and pay for court and probation-
7 ordered programs, community service, and labor,
8 that violate any applicable social distancing or stay
9 at home order.

10 Each element described in paragraph (1) through (9) shall
11 be trauma-informed, reflect the science of adolescent de-
12 velopment, and be designed to meet the needs of at-risk
13 juveniles and juveniles who come into contact with the jus-
14 tice system.

15 “(c) DEFINITIONS.—Terms used in this section have
16 the meanings given such terms in the Juvenile Justice and
17 Delinquency Prevention Act of 1974. The term ‘juvenile’
18 has the meaning given such term in section 1809 of this
19 Act.

20 “(d) AUTHORIZATION OF APPROPRIATIONS.—There
21 is authorized to be appropriated to carry out this section
22 \$75,000,000 for each of fiscal years 2020 and 2021.

23 **“SEC. 3064. RAPID COVID-19 TESTING.**

24 “(a) IN GENERAL.—The Attorney General shall
25 make grants to grantees under section 3062 for the exclu-

1 sive purpose of providing for rapid COVID–19 testing of
2 arrestees, detainees, and inmates who are exiting the cus-
3 tody of a correctional facility prior to returning to the
4 community.

5 “(b) USE OF FUNDS.—Grants provided under this
6 section may be used for any of the following:

7 “(1) Purchasing or leasing medical devices au-
8 thorized by the U.S. Food and Drug Administration
9 to detect COVID–19 that produce results in less
10 than one hour.

11 “(2) Purchasing or securing COVID–19 testing
12 supplies and personal protective equipment used by
13 the correctional facility to perform such tests.

14 “(3) Contracting with medical providers to ad-
15 minister such tests.

16 “(c) AUTHORIZATION OF APPROPRIATIONS.—There
17 is authorized to be appropriated to carry out this section
18 \$25,000,000 for each of fiscal years 2020 and 2021.

19 **“SEC. 3065. PRETRIAL CITATION AND RELEASE.**

20 “(a) AUTHORIZATION.—The Attorney General shall
21 make grants under this section to eligible applicants for
22 the purposes set forth in section 3061(b)(2).

23 “(b) PROGRAM ELIGIBILITY.—Eligible applicants
24 under this section are States and units of local government
25 that implement or continue operation of a program de-

1 scribed in subsection (c)(1) and not fewer than 2 of the
2 other programs enumerated in such subsection.

3 “(c) USE OF GRANT FUNDS.—A grantee shall use
4 amounts provided as a grant under this section for pro-
5 grams that provide for the following:

6 “(1) Adopting and operating a cite-and-release
7 process for individuals who are suspected of commit-
8 ting misdemeanor and felony offenses and who do
9 not pose a risk of serious, imminent injury to a rea-
10 sonably identifiable person.

11 “(2) Curtailing booking and in-facility proc-
12 essing for individuals who have committed technical
13 parole or probation violations.

14 “(3) Ensuring that defense counsel is appointed
15 at the earliest hearing that could result in pretrial
16 detention so that low-risk defendants are not unnec-
17 essarily further exposed to COVID–19.

18 “(4) Establishing early review of charges by an
19 experienced prosecutor, so only arrestees and detain-
20 ees who will be charged are detained.

21 “(5) Providing appropriate victims’ services
22 supports and safety-focused residential accommoda-
23 tions for victims and community members who have
24 questions or concerns about releases described in
25 this subsection.

1 **“SEC. 3066. REPORT.**

2 “(a) IN GENERAL.—Not later than 6 months after
3 the date on which grants are initially made under this
4 part, and biannually thereafter during the grant period,
5 the Attorney General shall submit to Congress a report
6 on the program, which shall include—

7 “(1) the number of grants made, the number of
8 grantees, and the amount of funding distributed to
9 each grantee pursuant to this part;

10 “(2) the location of each correctional facility
11 where activities are carried out using grant amounts;

12 “(3) the number of persons in the custody of
13 correctional facilities where activities are carried out
14 using grant amounts, including incarcerated persons
15 released on parole, community supervision, good
16 time or early release, clemency or commutation, as
17 a result of the national emergency under the Na-
18 tional Emergencies Act (50 U.S.C. 1601 et seq.) de-
19 clared by the President with respect to the
20 Coronavirus Disease 2019 (‘COVID–19’),
21 disaggregated by type of offense, age, race, sex, and
22 ethnicity; and

23 “(4) for each facility receiving funds under sec-
24 tion 3062—

25 “(A) the total number of tests for COVID–
26 19 performed;

1 “(B) the results of such COVID–19 tests
2 (confirmed positive or negative);

3 “(C) the total number of probable
4 COVID–19 infections;

5 “(D) the total number of COVID–19-re-
6 lated hospitalizations, the total number of in-
7 tensive care unit admissions, and the duration
8 of each such hospitalization;

9 “(E) recoveries from COVID–19; and

10 “(F) COVID–19 deaths,
11 disaggregated by race, ethnicity, age, disability, sex,
12 pregnancy status, and whether the individual is a
13 staff member of or incarcerated at the facility.

14 “(b) PRIVACY.—Data reported under this section
15 shall be reported in accordance with applicable privacy
16 laws and regulations.

17 **“SEC. 3067. NO MATCHING REQUIRED.**

18 “The Attorney General shall not require grantees to
19 provide any matching funds with respect to the use of
20 funds under this part.

21 **“SEC. 3068. DEFINITION.**

22 “For purposes of this part:

23 “(1) CORRECTIONAL FACILITY.—The term ‘cor-
24 rectional facility’ includes a juvenile facility.

1 “(2) COVERED EMERGENCY PERIOD.—The term
 2 ‘covered emergency period’ has the meaning given
 3 the term in section 12003 of the CARES Act (Pub-
 4 lic Law 116–136).

5 “(3) COVID–19.—The term ‘COVID–19’ means
 6 a disease caused by severe acute respiratory syn-
 7 drome coronavirus 2 (SARS–CoV–2).

8 “(4) DETAINEE; ARRESTEE; INMATE.—The
 9 terms ‘detainee’, ‘arrestee’, and ‘inmate’ each in-
 10 clude juveniles.”.

11 **SEC. 208. MORATORIUM ON FEES AND FINES.**

12 (a) IN GENERAL.—During the covered emergency pe-
 13 riod, and for fiscal years 2020, 2021, and 2022, the Attor-
 14 ney General is authorized make grants to State and local
 15 courts that comply with the requirement under subsection
 16 (b) to ensure that such recipients are able to continue op-
 17 erations.

18 (b) REQUIREMENT TO IMPOSE MORATORIUM ON IM-
 19 POSITION AND COLLECTION OF FEES AND FINES.—To be
 20 eligible for a grant under this section, a court shall imple-
 21 ment a moratorium on the imposition and collection (in-
 22 cluding by a unit of local government or a State) of fees
 23 and fines imposed by that court—

24 (1) not later than 120 day after the date of the
 25 enactment of this section;

1 (2) retroactive to a period beginning 30 days
2 prior the covered emergency period; and

3 (3) continuing for an additional 90 days after
4 the date the covered emergency period terminates.

5 (c) GRANT AMOUNT.—In making grants under this
6 section, the Attorney General shall—

7 (1) give preference to applicants that implement
8 a moratorium on the imposition and collection of
9 fines and fees related to juvenile delinquency pro-
10 ceedings for each of fiscal years 2020 through 2022;
11 and

12 (2) make such grants in amounts that are pro-
13 portionate to the number of individuals in the juris-
14 diction of the court.

15 (d) USE OF FUNDS.—Funds made available under
16 this section may be used to ensure that the recipient is
17 able to continue court operations during the covered emer-
18 gency period.

19 (e) NO MATCHING REQUIREMENT.—There is no
20 matching requirement for grants under this section.

21 (f) DEFINITIONS.—In this section:

22 (1) The term “fees”—

23 (A) means monetary fees that are imposed
24 for the costs of fine surcharges or court admin-
25 istrative fees; and

1 (B) includes additional late fees, payment-
2 plan fees, interest added if an individual is un-
3 able to pay a fine in its entirety, collection fees,
4 and any additional amounts that do not include
5 the fine.

6 (2) The term “fines” means monetary fines im-
7 posed as punishment.

8 (g) AUTHORIZATION OF APPROPRIATIONS.—There is
9 authorized to be appropriated to carry out this section
10 \$150,000,000 for each of fiscal years 2020 through 2022.

11 **SEC. 209. DEFINITION.**

12 In this title, the term “covered emergency period”
13 has the meaning given the term in section 12003 of the
14 CARES Act (Public Law 116–136).

15 **SEC. 210. SEVERABILITY.**

16 If any provision of this title or any amendment made
17 by this title, or the application of a provision or amend-
18 ment to any person or circumstance, is held to be invalid,
19 the remainder of this title and the amendments made by
20 this title, and the application of the provisions and amend-
21 ments to any other person not similarly situated or to
22 other circumstances, shall not be affected by the holding.

1 **TITLE III—VICTIMS OF CRIME**
 2 **ACT AMENDMENTS**

3 **SEC. 301. SHORT TITLE.**

4 This title may be cited as the “Victims of Crime Act
 5 Fix Act of 2020”.

6 **SEC. 302. DEPOSITS OF FUNDING INTO THE CRIME VICTIMS**
 7 **FUND.**

8 Section 1402(b) of the Victims of Crime Act of 1984
 9 (34 U.S.C. 20101(b)) is amended—

10 (1) in paragraph (4), by striking “and” at the
 11 end;

12 (2) in paragraph (5), by striking the period at
 13 the end and inserting “; and”; and

14 (3) by adding at the end the following:

15 “(6) any funds that would otherwise be depos-
 16 ited in the general fund of the Treasury collected as
 17 pursuant to—

18 “(A) a deferred prosecution agreement; or

19 “(B) a non-prosecution agreement.”.

20 **SEC. 303. WAIVER OF MATCHING REQUIREMENT.**

21 (a) IN GENERAL.—Notwithstanding any other provi-
 22 sion of VOCA, during the COVID–19 emergency period
 23 and for the period ending one year after the date on which
 24 such period expires or is terminated, the Attorney General,
 25 acting through the Director of the Office for Victims of

1 Crime, may not impose any matching requirement as a
2 condition of receipt of funds under any program to provide
3 assistance to victims of crimes authorized under the Vic-
4 tims of Crime Act of 1984 (34 U.S.C. 20101 et seq.).

5 (b) DEFINITION.—In this section, the term
6 “COVID–19 emergency period” means the period begin-
7 ning on the date on which the President declared a na-
8 tional emergency under the National Emergencies Act (50
9 U.S.C. 1601 et seq.) with respect to the Coronavirus Dis-
10 ease 2019 (COVID–19) and ending on the date that is
11 30 days after the date on which the national emergency
12 declaration is terminated.

13 (c) APPLICATION.—This section shall apply with re-
14 spect to—

15 (1) applications submitted during the period de-
16 scribed under subsection (a), including applications
17 for which funds will be distributed after such period;
18 and

19 (2) distributions of funds made during the pe-
20 riod described under subsection (a), including dis-
21 tributions made pursuant to applications submitted
22 before such period.

1 **TITLE IV—JABARA-HEYER NO**
2 **HATE ACT**

3 **SEC. 401. SHORT TITLE.**

4 This title may be cited as the “Jabara-Heyer Na-
5 tional Opposition to Hate, Assault, and Threats to Equal-
6 ity Act of 2020” or the “Jabara-Heyer NO HATE Act”.

7 **SEC. 402. FINDINGS.**

8 Congress finds the following:

9 (1) The incidence of violence known as hate
10 crimes or crimes motivated by bias poses a serious
11 national problem.

12 (2) According to data obtained by the Federal
13 Bureau of Investigation, the incidence of such vio-
14 lence increased in 2017, the most recent year for
15 which data is available.

16 (3) In 1990, Congress enacted the Hate Crime
17 Statistics Act (Public Law 101–275; 28 U.S.C. 534
18 note) to provide the Federal Government, law en-
19 forcement agencies, and the public with data regard-
20 ing the incidence of hate crime. The Hate Crimes
21 Statistics Act and the Matthew Shepard and James
22 Byrd, Jr. Hate Crimes Prevention Act (division E of
23 Public Law 111–84; 123 Stat. 2835) have enabled
24 Federal authorities to understand and, where appro-
25 priate, investigate and prosecute hate crimes.

1 (4) A more complete understanding of the na-
2 tional problem posed by hate crime is in the public
3 interest and supports the Federal interest in eradi-
4 cating bias-motivated violence referenced in section
5 249(b)(1)(C) of title 18, United States Code.

6 (5) However, a complete understanding of the
7 national problem posed by hate crimes is hindered
8 by incomplete data from Federal, State, and local
9 jurisdictions through the Uniform Crime Reports
10 program authorized under section 534 of title 28,
11 United States Code, and administered by the Fed-
12 eral Bureau of Investigation.

13 (6) Multiple factors contribute to the provision
14 of inaccurate and incomplete data regarding the in-
15 cidence of hate crime through the Uniform Crime
16 Reports program. A significant contributing factor is
17 the quality and quantity of training that State and
18 local law enforcement agencies receive on the identi-
19 fication and reporting of suspected bias-motivated
20 crimes.

21 (7) The problem of crimes motivated by bias is
22 sufficiently serious, widespread, and interstate in na-
23 ture as to warrant Federal financial assistance to
24 States and local jurisdictions.

1 (8) Federal financial assistance with regard to
2 certain violent crimes motivated by bias enables Fed-
3 eral, State, and local authorities to work together as
4 partners in the investigation and prosecution of such
5 crimes.

6 **SEC. 403. DEFINITIONS.**

7 In this title:

8 (1) HATE CRIME.—The term “hate crime”
9 means an act described in section 245, 247, or 249
10 of title 18, United States Code, or in section 901 of
11 the Civil Rights Act of 1968 (42 U.S.C. 3631).

12 (2) PRIORITY AGENCY.—The term “priority
13 agency” means—

14 (A) a law enforcement agency of a unit of
15 local government that serves a population of not
16 less than 100,000, as computed by the Federal
17 Bureau of Investigation; or

18 (B) a law enforcement agency of a unit of
19 local government that—

20 (i) serves a population of not less than
21 50,000 and less than 100,000, as com-
22 puted by the Federal Bureau of Investiga-
23 tion; and

24 (ii) has reported no hate crimes
25 through the Uniform Crime Reports pro-

1 gram in each of the 3 most recent calendar
2 years for which such data is available.

3 (3) STATE.—The term “State” has the mean-
4 ing given the term in section 901 of title I of the
5 Omnibus Crime Control and Safe Streets Act of
6 1968 (34 U.S.C. 10251).

7 (4) UNIFORM CRIME REPORTS.—The term
8 “Uniform Crime Reports” means the reports author-
9 ized under section 534 of title 28, United States
10 Code, and administered by the Federal Bureau of
11 Investigation that compile nationwide criminal sta-
12 tistics for use—

13 (A) in law enforcement administration, op-
14 eration, and management; and

15 (B) to assess the nature and type of crime
16 in the United States.

17 (5) UNIT OF LOCAL GOVERNMENT.—The term
18 “unit of local government” has the meaning given
19 the term in section 901 of title I of the Omnibus
20 Crime Control and Safe Streets Act of 1968 (34
21 U.S.C. 10251).

22 **SEC. 404. REPORTING OF HATE CRIMES.**

23 (a) IMPLEMENTATION GRANTS.—

24 (1) IN GENERAL.—The Attorney General may
25 make grants to States and units of local government

1 to assist the State or unit of local government in im-
2 plementing the National Incident-Based Reporting
3 System, including to train employees in identifying
4 and classifying hate crimes in the National Incident-
5 Based Reporting System.

6 (2) PRIORITY.—In making grants under para-
7 graph (1), the Attorney General shall give priority to
8 States and units of local government with larger
9 populations.

10 (b) REPORTING.—

11 (1) COMPLIANCE.—

12 (A) IN GENERAL.—Except as provided in
13 subparagraph (B), in each fiscal year beginning
14 after the date that is 3 years after the date on
15 which a State or unit of local government first
16 receives a grant under subsection (a), the State
17 or unit of local government shall provide to the
18 Attorney General, through the Uniform Crime
19 Reporting system, information pertaining to
20 hate crimes committed in that jurisdiction dur-
21 ing the preceding fiscal year.

22 (B) EXTENSIONS; WAIVER.—The Attorney
23 General—

24 (i) may provide a 120-day extension
25 to a State or unit of local government that

1 is making good faith efforts to comply with
2 subparagraph (A); and

3 (ii) shall waive the requirements of
4 subparagraph (A) if compliance with that
5 subparagraph by a State or unit of local
6 government would be unconstitutional
7 under the constitution of the State or of
8 the State in which the unit of local govern-
9 ment is located, respectively.

10 (2) FAILURE TO COMPLY.—If a State or unit of
11 local government that receives a grant under sub-
12 section (a) fails to substantially comply with para-
13 graph (1) of this subsection, the State or unit of
14 local government shall repay the grant in full, plus
15 reasonable interest and penalty charges allowable by
16 law or established by the Attorney General.

17 **SEC. 405. GRANTS FOR STATE-RUN HATE CRIME HOTLINES.**

18 (a) GRANTS AUTHORIZED.—

19 (1) IN GENERAL.—The Attorney General shall
20 make grants to States to create State-run hate
21 crime reporting hotlines.

22 (2) GRANT PERIOD.—A grant made under
23 paragraph (1) shall be for a period of not more than
24 5 years.

1 (b) HOTLINE REQUIREMENTS.—A State shall ensure,
2 with respect to a hotline funded by a grant under sub-
3 section (a), that—

4 (1) the hotline directs individuals to—

5 (A) law enforcement if appropriate; and

6 (B) local support services;

7 (2) any personally identifiable information that
8 an individual provides to an agency of the State
9 through the hotline is not directly or indirectly dis-
10 closed, without the consent of the individual, to—

11 (A) any other agency of that State;

12 (B) any other State;

13 (C) the Federal Government; or

14 (D) any other person or entity;

15 (3) the staff members who operate the hotline
16 are trained to be knowledgeable about—

17 (A) applicable Federal, State, and local
18 hate crime laws; and

19 (B) local law enforcement resources and
20 applicable local support services; and

21 (4) the hotline is accessible to—

22 (A) individuals with limited English pro-
23 ficiency, where appropriate; and

24 (B) individuals with disabilities.

1 (c) BEST PRACTICES.—The Attorney General shall
 2 issue guidance to States on best practices for imple-
 3 menting the requirements of subsection (b).

4 **SEC. 406. INFORMATION COLLECTION BY STATES AND**
 5 **UNITS OF LOCAL GOVERNMENT.**

6 (a) DEFINITIONS.—In this section:

7 (1) APPLICABLE AGENCY.—The term “applica-
 8 ble agency”, with respect to an eligible entity that
 9 is—

10 (A) a State, means—

11 (i) a law enforcement agency of the
 12 State; and

13 (ii) a law enforcement agency of a
 14 unit of local government within the State
 15 that—

16 (I) is a priority agency; and

17 (II) receives a subgrant from the
 18 State under this section; and

19 (B) a unit of local government, means a
 20 law enforcement agency of the unit of local gov-
 21 ernment that is a priority agency.

22 (2) COVERED AGENCY.—The term “covered
 23 agency” means—

24 (A) a State law enforcement agency; or

25 (B) a priority agency.

1 (3) ELIGIBLE ENTITY.—The term “eligible enti-
2 ty” means—

3 (A) a State; or

4 (B) a unit of local government that has a
5 priority agency.

6 (b) GRANTS.—

7 (1) IN GENERAL.—The Attorney General may
8 make grants to eligible entities to assist covered
9 agencies within the jurisdiction of the eligible entity
10 in conducting law enforcement activities or crime re-
11 duction programs to prevent, address, or otherwise
12 respond to hate crime, particularly as those activities
13 or programs relate to reporting hate crimes through
14 the Uniform Crime Reports program, including—

15 (A) adopting a policy on identifying, inves-
16 tigating, and reporting hate crimes;

17 (B) developing a standardized system of
18 collecting, analyzing, and reporting the inci-
19 dence of hate crime;

20 (C) establishing a unit specialized in iden-
21 tifying, investigating, and reporting hate
22 crimes;

23 (D) engaging in community relations func-
24 tions related to hate crime prevention and edu-
25 cation such as—

1 (i) establishing a liaison with formal
2 community-based organizations or leaders;
3 and

4 (ii) conducting public meetings or
5 educational forums on the impact of hate
6 crimes, services available to hate crime vic-
7 tims, and the relevant Federal, State, and
8 local laws pertaining to hate crimes; and

9 (E) providing hate crime trainings for
10 agency personnel.

11 (2) SUBGRANTS.—A State that receives a grant
12 under paragraph (1) may award a subgrant to a pri-
13 ority agency of a unit of local government within the
14 State for the purposes under that paragraph.

15 (c) INFORMATION REQUIRED OF STATES AND UNITS
16 OF LOCAL GOVERNMENT.—

17 (1) IN GENERAL.—For each fiscal year in
18 which an eligible entity receives a grant under sub-
19 section (b), the eligible entity shall—

20 (A) collect information from each applica-
21 ble agency summarizing the law enforcement
22 activities or crime reduction programs con-
23 ducted by the agency to prevent, address, or
24 otherwise respond to hate crime, particularly as
25 those activities or programs relate to reporting

1 hate crimes through the Uniform Crime Re-
2 ports program; and

3 (B) submit to the Attorney General a re-
4 port containing the information collected under
5 subparagraph (A).

6 (2) SEMIANNUAL LAW ENFORCEMENT AGENCY
7 REPORT.—

8 (A) IN GENERAL.—In collecting the infor-
9 mation required under paragraph (1)(A), an eli-
10 gible entity shall require each applicable agency
11 to submit a semiannual report to the eligible
12 entity that includes a summary of the law en-
13 forcement activities or crime reduction pro-
14 grams conducted by the agency during the re-
15 porting period to prevent, address, or otherwise
16 respond to hate crime, particularly as those ac-
17 tivities or programs relate to reporting hate
18 crimes through the Uniform Crime Reports pro-
19 gram.

20 (B) CONTENTS.—In a report submitted
21 under subparagraph (A), a law enforcement
22 agency shall, at a minimum, disclose—

23 (i) whether the agency has adopted a
24 policy on identifying, investigating, and re-
25 porting hate crimes;

1 (ii) whether the agency has developed
2 a standardized system of collecting, ana-
3 lyzing, and reporting the incidence of hate
4 crime;

5 (iii) whether the agency has estab-
6 lished a unit specialized in identifying, in-
7 vestigating, and reporting hate crimes;

8 (iv) whether the agency engages in
9 community relations functions related to
10 hate crime, such as—

11 (I) establishing a liaison with for-
12 mal community-based organizations or
13 leaders; and

14 (II) conducting public meetings
15 or educational forums on the impact
16 of hate crime, services available to
17 hate crime victims, and the relevant
18 Federal, State, and local laws per-
19 taining to hate crime; and

20 (v) the number of hate crime
21 trainings for agency personnel, including
22 the duration of the trainings, conducted by
23 the agency during the reporting period.

24 (d) COMPLIANCE AND REDIRECTION OF FUNDS.—

1 (1) IN GENERAL.—Except as provided in para-
2 graph (2), beginning not later than 1 year after the
3 date of enactment of this title, an eligible entity re-
4 ceiving a grant under subsection (b) shall comply
5 with subsection (c).

6 (2) EXTENSIONS; WAIVER.—The Attorney Gen-
7 eral—

8 (A) may provide a 120-day extension to an
9 eligible entity that is making good faith efforts
10 to collect the information required under sub-
11 section (c); and

12 (B) shall waive the requirements of sub-
13 section (c) for a State or unit of local govern-
14 ment if compliance with that subsection by the
15 State or unit of local government would be un-
16 constitutional under the constitution of the
17 State or of the State in which the unit of local
18 government is located, respectively.

19 **SEC. 407. REQUIREMENTS OF THE ATTORNEY GENERAL.**

20 (a) INFORMATION COLLECTION AND ANALYSIS; RE-
21 PORT.—In order to improve the accuracy of data regard-
22 ing the incidence of hate crime provided through the Uni-
23 form Crime Reports program, and promote a more com-
24 plete understanding of the national problem posed by hate
25 crime, the Attorney General shall—

1 (1) collect and analyze the information provided
2 by States and units of local government under sec-
3 tion 406 for the purpose of developing policies re-
4 lated to the provision of accurate data obtained
5 under the Hate Crime Statistics Act (Public Law
6 101–275; 28 U.S.C. 534 note) by the Federal Bu-
7 reau of Investigation; and

8 (2) for each calendar year beginning after the
9 date of enactment of this title, publish and submit
10 to Congress a report based on the information col-
11 lected and analyzed under paragraph (1).

12 (b) CONTENTS OF REPORT.—A report submitted
13 under subsection (a) shall include—

14 (1) a qualitative analysis of the relationship be-
15 tween—

16 (A) the number of hate crimes reported by
17 State law enforcement agencies or priority
18 agencies through the Uniform Crime Reports
19 program; and

20 (B) the nature and extent of law enforce-
21 ment activities or crime reduction programs
22 conducted by those agencies to prevent, ad-
23 dress, or otherwise respond to hate crime; and

1 (2) a quantitative analysis of the number of
2 State law enforcement agencies and priority agencies
3 that have—

4 (A) adopted a policy on identifying, inves-
5 tigating, and reporting hate crimes;

6 (B) developed a standardized system of
7 collecting, analyzing, and reporting the inci-
8 dence of hate crime;

9 (C) established a unit specialized in identi-
10 fying, investigating, and reporting hate crimes;

11 (D) engaged in community relations func-
12 tions related to hate crime, such as—

13 (i) establishing a liaison with formal
14 community-based organizations or leaders;
15 and

16 (ii) conducting public meetings or
17 educational forums on the impact of hate
18 crime, services available to hate crime vic-
19 tims, and the relevant Federal, State, and
20 local laws pertaining to hate crime; and

21 (E) conducted hate crime trainings for
22 agency personnel during the reporting period,
23 including—

24 (i) the total number of trainings con-
25 ducted by each agency; and

1 (ii) the duration of the trainings de-
 2 scribed in clause (i).

3 **SEC. 408. ALTERNATIVE SENTENCING.**

4 Section 249 of title 18, United States Code, is
 5 amended by adding at the end the following:

6 “(e) SUPERVISED RELEASE.—If a court includes, as
 7 a part of a sentence of imprisonment imposed for a viola-
 8 tion of subsection (a), a requirement that the defendant
 9 be placed on a term of supervised release after imprison-
 10 ment under section 3583, the court may order, as an ex-
 11 plicit condition of supervised release, that the defendant
 12 undertake educational classes or community service di-
 13 rectly related to the community harmed by the defendant’s
 14 offense.”.

15 **TITLE V—BANKRUPTCY**
 16 **PROTECTIONS**

17 **SEC. 501. BANKRUPTCY PROTECTIONS.**

18 (a) BANKRUPTCY PROTECTIONS FOR FEDERAL
 19 CORONAVIRUS RELIEF PAYMENTS.—Section 541(b) of
 20 title 11, United States Code, is amended—

21 (1) in paragraph (9), in the matter following
 22 subparagraph (B), by striking “or”;

23 (2) in paragraph (10)(C), by striking the period
 24 at the end and inserting “; or”; and

1 (3) by inserting after paragraph (10) the fol-
2 lowing:

3 “(11) payments made under Federal law relat-
4 ing to the national emergency declared by the Presi-
5 dent under the National Emergencies Act (50
6 U.S.C. 1601 et seq.) with respect to the coronavirus
7 disease 2019 (COVID–19).”.

8 (b) PROTECTION AGAINST DISCRIMINATORY TREAT-
9 MENT OF HOMEOWNERS IN BANKRUPTCY.—Section 525
10 of title 11, United States Code, is amended by adding at
11 the end the following:

12 “(d) A person may not be denied any forbearance,
13 assistance, or loan modification relief made available to
14 borrowers by a mortgage creditor or servicer because the
15 person is or has been a debtor, or has received a discharge,
16 in a case under this title.”.

17 (c) INCREASING THE HOMESTEAD EXEMPTION.—
18 Section 522 of title 11, United States Code, is amended—

19 (1) in subsection (d)(1), by striking “\$15,000”
20 and inserting “\$100,000”; and

21 (2) by adding at the end the following:

22 “(r) Notwithstanding any other provision of applica-
23 ble nonbankruptcy law, a debtor in any State may exempt
24 from property of the estate the property described in sub-
25 section (d)(1) not to exceed the value in subsection (d)(1)

1 if the exemption for such property permitted by applicable
2 nonbankruptcy law is lower than that amount.”.

3 (d) EFFECT OF MISSED MORTGAGE PAYMENTS ON
4 DISCHARGE.—Section 1328 of title 11, United States
5 Code, is amended by adding at the end the following:

6 “(i) A debtor shall not be denied a discharge under
7 this section because, as of the date of discharge, the debtor
8 did not make 6 or fewer payments directly to the holder
9 of a debt secured by real property.

10 “(j) Notwithstanding subsections (a) and (b), upon
11 the debtor’s request, the court shall grant a discharge of
12 all debts provided for in the plan that are dischargeable
13 under subsection (a) if the debtor—

14 “(1) has made payments under a confirmed
15 plan for at least 1 year; and

16 “(2) is experiencing or has experienced a mate-
17 rial financial hardship due, directly or indirectly, to
18 the coronavirus disease 2019 (COVID-19) pan-
19 demic.”.

20 (e) EXPANDED ELIGIBILITY FOR CHAPTER 13.—Sec-
21 tion 109(e) of title 11, United States Code, is amended—

22 (1) by striking “\$250,000” each place the term
23 appears and inserting “\$850,000”; and

24 (2) by striking “\$750,000” each place the term
25 appears and inserting “\$2,600,000”.

1 (f) EXTENDED CURE PERIOD FOR HOMEOWNERS
2 HARMED BY COVID–19 PANDEMIC.—

3 (1) IN GENERAL.—Chapter 13 of title 11,
4 United States Code, is amended by adding at the
5 end thereof the following:

6 **“§ 1331. Special provisions related to COVID–19 pan-**
7 **demic**

8 “(a) Notwithstanding subsections (b)(2) and (d) of
9 section 1322, if the debtor is experiencing or has experi-
10 enced a material financial hardship due, directly or indi-
11 rectly, to the coronavirus disease 2019 (COVID–19) pan-
12 demic, a plan may provide for the curing of any default
13 within a reasonable time, not to exceed 7 years after the
14 time that the first payment under the original confirmed
15 plan was due, and maintenance of payments while the case
16 is pending on any unsecured claim or secured claim on
17 which the last payment is due after the expiration of such
18 time. Any such plan provision shall not affect the applica-
19 ble commitment period under section 1325(b).

20 “(b) For purposes of sections 1328(a) and 1328(b),
21 any cure or maintenance payments under subsection (a)
22 that are made after the end of the period during which
23 the plan provides for payments (other than payments
24 under subsection (a)) shall not be treated as payments
25 under the plan.

1 “(c) Notwithstanding section 1329(c), a plan modi-
 2 fied under section 1329 at the debtor’s request may pro-
 3 vide for cure or maintenance payments under subsection
 4 (a) over a period that is not longer than 7 years after
 5 the time that the first payment under the original con-
 6 firmed plan was due.

7 “(d) Notwithstanding section 362(c)(2), during the
 8 period after the debtor receives a discharge and the period
 9 during which the plan provides for the cure of any default
 10 and maintenance of payments under the plan, section
 11 362(a) shall apply to the holder of a claim for which a
 12 default is cured and payments are maintained under sub-
 13 section (a) and to any property securing such claim.

14 “(e) Notwithstanding section 1301(a)(2), the stay of
 15 section 1301(a) terminates upon the granting of a dis-
 16 charge under section 1328 with respect to all creditors
 17 other than the holder of a claim for which a default is
 18 cured and payments are maintained under subsection
 19 (a).”.

20 (2) TABLE OF CONTENTS.—The table of sec-
 21 tions of chapter 13, title 11, United States Code, is
 22 amended by adding at the end thereof the following:

“Sec. 1331. Special provisions related to COVID–19 Pandemic.”.

23 (3) APPLICATION.—The amendments made by
 24 this paragraph shall apply only to any case under
 25 title 11, United States Code, commenced before 3

1 years after the date of enactment of this Act and
 2 pending on or commenced after such date of enact-
 3 ment, in which a plan under chapter 13 of title 11,
 4 United States Code, was not confirmed before March
 5 27, 2020.

6 **DIVISION U—OTHER MATTERS**
 7 **TITLE I—PRESUMPTION OF**
 8 **SERVICE CONNECTION FOR**
 9 **CORONAVIRUS DISEASE 2019**

10 **SEC. 101. PRESUMPTIONS OF SERVICE-CONNECTION FOR**
 11 **MEMBERS OF ARMED FORCES WHO CON-**
 12 **TRACT CORONAVIRUS DISEASE 2019 UNDER**
 13 **CERTAIN CIRCUMSTANCES.**

14 (a) IN GENERAL.—Subchapter VI of chapter 11 of
 15 title 38, United States Code, is amended by adding at the
 16 end the following new section:

17 **“§ 1164. Presumptions of service-connection for**
 18 **Coronavirus Disease 2019**

19 “(a) PRESUMPTIONS GENERALLY.—(1) For purposes
 20 of laws administered by the Secretary and subject to sec-
 21 tion 1113 of this title, if symptoms of Coronavirus Disease
 22 2019 (in this section referred to as ‘COVID–19’) de-
 23 scribed in subsection (d) manifest within one of the mani-
 24 festation periods described in paragraph (2) in an indi-

1 individual who served in a qualifying period of duty described
2 in subsection (b)—

3 “(A) infection with severe acute respiratory
4 syndrome coronavirus 2 (in this section referred to
5 as ‘SARS-CoV-2’) shall be presumed to have oc-
6 curred during the qualifying period of duty;

7 “(B) COVID-19 shall be presumed to have
8 been incurred during the qualifying period of duty;
9 and

10 “(C) if the individual becomes disabled or dies
11 as a result of COVID-19, it shall be presumed that
12 the individual became disabled or died during the
13 qualifying period of duty for purposes of establishing
14 that the individual served in the active military,
15 naval, or air service.

16 “(2)(A) The manifestation periods described in this
17 paragraph are the following:

18 “(i) During a qualifying period of duty de-
19 scribed in subsection (b), if that period of duty was
20 more than 48 continuous hours in duration.

21 “(ii) Within 14 days after the individual’s com-
22 pletion of a qualifying period of duty described in
23 subsection (b).

24 “(iii) An additional period prescribed under
25 subparagraph (B).

1 “(B)(i) If the Secretary determines that a manifesta-
2 tion period of more than 14 days after completion of a
3 qualifying period of service is appropriate for the presump-
4 tions under paragraph (1), the Secretary may prescribe
5 that additional period by regulation.

6 “(ii) A determination under clause (i) shall be made
7 in consultation with the Director of the Centers for Dis-
8 ease Control and Prevention.

9 “(b) QUALIFYING PERIOD OF DUTY DESCRIBED.—
10 A qualifying period of duty described in this subsection
11 is a period of—

12 “(1) active duty; or

13 “(2) the following duty or training not covered
14 by paragraph (1) performed under orders issued on
15 or after March 13, 2020, during the national emer-
16 gency declared by the President under the National
17 Emergencies Act (50 U.S.C. 1601 et seq.):

18 “(A) Training duty under title 10.

19 “(B) Full-time National Guard duty (as
20 defined in section 101 of title 10).

21 “(c) APPLICATION OF PRESUMPTIONS FOR TRAINING
22 DUTY.—When, pursuant to subsection (a), COVID–19 is
23 presumed to have been incurred during a qualifying period
24 of duty described in subsection (b)(2)—

1 “(1) COVID–19 shall be deemed to have been
2 incurred in the line of duty during a period of active
3 military, naval, or air service; and

4 “(2) where entitlement to benefits under this
5 title is predicated on the individual who was disabled
6 or died being a veteran, benefits for disability or
7 death resulting from COVID–19 as described in sub-
8 section (a) shall be paid or furnished as if the indi-
9 vidual was a veteran, without regard to whether the
10 period of duty would constitute active military,
11 naval, or air service under section 101 of this title.

12 “(d) SYMPTOMS OF COVID–19.—For purposes of
13 subsection (a), symptoms of COVID–19 are those symp-
14 toms that competent medical evidence demonstrates are
15 experienced by an individual affected and directly related
16 to COVID–19.

17 “(e) MEDICAL EXAMINATIONS AND OPINIONS.—If
18 there is a question of whether the symptoms experienced
19 by an individual described in paragraph (1) of subsection
20 (a) during a manifestation period described in paragraph
21 (2) of such subsection are attributable to COVID–19 re-
22 sulting from infection with SARS–CoV–2 during the
23 qualifying period of duty, in determining whether a med-
24 ical examination or medical opinion is necessary to make
25 a decision on the claim within the meaning of section

1 5103A(d) of this title, a qualifying period of duty de-
 2 scribed in subsection (b) of this section shall be treated
 3 as if it were active military, naval, or air service for pur-
 4 poses of section 5103A(d)(2)(B) of this title.”.

5 (b) CLERICAL AMENDMENT.—The table of sections
 6 at the beginning of such subchapter is amended by adding
 7 at the end the following new item:

“1164. Presumptions of service-connection for Coronavirus Disease 2019.”.

8 **TITLE II—CORONAVIRUS RELIEF** 9 **FUND AMENDMENTS**

10 **SEC. 201. CONGRESSIONAL INTENT RELATING TO TRIBAL** 11 **GOVERNMENTS ELIGIBLE FOR CORONAVIRUS** 12 **RELIEF FUND PAYMENTS.**

13 (a) PURPOSE.—The purpose of this section and the
 14 amendments made by subsection (b) is to clarify the intent
 15 of Congress that only Federally recognized Tribal govern-
 16 ments are eligible for payments from the Coronavirus Re-
 17 lief Fund established in section 601 of the Social Security
 18 Act, as added by section 5001(a) of the Coronavirus Aid,
 19 Relief, and Economic Security Act (Public Law 116–136).

20 (b) ELIGIBLE TRIBAL GOVERNMENTS.—Effective as
 21 if included in the enactment of the Coronavirus Aid, Re-
 22 lief, and Economic Security Act (Public Law 116–136),
 23 section 601 of the Social Security Act, as added by section
 24 5001(a) of the Coronavirus Aid, Relief, and Economic Se-
 25 curity Act, is amended—

(1) in subsection (c)(7), by striking “Indian Tribes” and inserting “Tribal governments”; and

(2) in subsection (g)—

(A) by striking paragraph (1);

(B) by redesignating paragraphs (2) through (5) as paragraphs (1) through (4), respectively; and

(C) by striking paragraph (4) (as redesignated by subparagraph (B)) and inserting the following:

“(4) TRIBAL GOVERNMENT.—The term ‘Tribal government’ means the recognized governing body of any Indian or Alaska Native tribe, band, nation, pueblo, village, community, component band, or component reservation, individually identified (including parenthetically) in the list published most recently as of the date of enactment of this Act pursuant to section 104 of the Federally Recognized Indian Tribe List Act of 1994 (25 U.S.C. 5131).”.

(c) RULES RELATING TO PAYMENTS MADE BEFORE THE DATE OF ENACTMENT OF THIS ACT.—

(1) PAYMENTS MADE TO INELIGIBLE ENTITIES.—The Secretary of the Treasury shall require any entity that was not eligible to receive a payment from the amount set aside for fiscal year 2020

1 under subsection (a)(2)(B) of section 601 of the So-
2 cial Security Act, as added by section 5001(a) of the
3 Coronavirus Aid, Relief, and Economic Security Act
4 (Public Law 116–136) and after the application of
5 the amendments made by subsection (a) clarifying
6 congressional intent relating to eligibility for such a
7 payment, to return the full payment to the Depart-
8 ment.

9 (2) DISTRIBUTION OF PAYMENTS RETURNED
10 BY INELIGIBLE ENTITIES.—The Secretary of the
11 Treasury shall distribute payments returned under
12 paragraph (1), without further appropriation or fis-
13 cal year limitation and not later than 7 days after
14 receiving any returned funds as required under
15 paragraph (1) to Tribal governments eligible for
16 payments under such section 601 of the Social Secu-
17 rity Act, as amended by subsection (a), in accord-
18 ance with subsection (c)(7) of such Act.

19 (3) LIMITATION ON SECRETARIAL AUTHOR-
20 ITY.—The Secretary of the Treasury is prohibited
21 from requiring an entity that is eligible for a pay-
22 ment from the amount set aside for fiscal year 2020
23 under subsection (a)(2)(B) of section 601 of the So-
24 cial Security Act, as amended by subsection(a), and
25 that received a payment before the date of enact-

1 ment of this Act, from requiring the entity to return
 2 all or part of the payment except to the extent au-
 3 thorized under section 601(f) of such Act in the case
 4 of a determination by the Inspector General of the
 5 Department of the Treasury that the Tribal govern-
 6 ment failed to comply with the use of funds require-
 7 ments of section 601(d) of such Act.

8 **SEC. 202. REDISTRIBUTION OF AMOUNTS RECOVERED OR**
 9 **RECOUPED FROM PAYMENTS FOR TRIBAL**
 10 **GOVERNMENTS; REPORTING REQUIRE-**
 11 **MENTS.**

12 Effective as if included in the enactment of the
 13 Coronavirus Aid, Relief, and Economic Security Act (Pub-
 14 lic Law 116–136), section 601(c)(7) of the Social Security
 15 Act, as added by section 5001(a) of the Coronavirus Aid,
 16 Relief, and Economic Security Act, is amended—

17 (1) by striking “From the amount” and insert-
 18 ing the following:

19 “(A) IN GENERAL.—From the amount”;

20 and

21 (2) by adding at the end the following:

22 “(B) REDISTRIBUTION OF FUNDS.—

23 “(i) REQUIREMENT.—In carrying out
 24 the requirement under subparagraph (A)
 25 to ensure that all amounts available under

1 subsection (a)(2)(B) for fiscal year 2020
2 are distributed to Tribal governments, the
3 Secretary of the Treasury shall redistribute
4 any amounts from payments for Tribal
5 governments that are recovered through
6 recoupment activities carried out by the
7 Inspector General of the Department of
8 the Treasury under subsection (f), without
9 further appropriation, using a procedure
10 and methodology determined by the Sec-
11 retary in consultation with Tribal govern-
12 ments, to Tribal Governments that apply
13 for payments from such amounts.

14 “(ii) REPAYMENT.—In carrying out
15 the recoupment activities by the Inspector
16 General of the Department of the Treasury
17 under subsection (f), the Secretary of the
18 Treasury shall not impose any additional
19 fees, penalties, or interest payments on
20 Tribal governments associated with any
21 amounts that are recovered.

22 “(C) DISCLOSURE AND REPORTING RE-
23 QUIREMENTS.—

24 “(i) DISCLOSURE OF FUNDING FOR-
25 MULA AND METHODOLOGY.—Not later

1 than 24 hours before any payments for
2 Tribal governments are distributed by the
3 Secretary of the Treasury pursuant to the
4 requirements under subparagraph (A) and
5 subparagraph (B), the Secretary shall pub-
6 lish on the website of the Department of
7 the Treasury—

8 “(I) a detailed description of the
9 funding allocation formula; and

10 “(II) a detailed description of the
11 procedure and methodology used to
12 determine the funding allocation for-
13 mula.

14 “(ii) REPORT ON FUND DISTRIBUTION.—No later than 7 days after pay-
15 ments for Tribal governments are distrib-
16 uted by the Secretary of the Treasury pur-
17 suant to the requirements under subpara-
18 graph (A) or subparagraph (B), the Sec-
19 retary shall publish on the website of the
20 Department of the Treasury the date and
21 amount of all fund disbursements, broken
22 down by individual Tribal government re-
23 cipient.”.

1 **SEC. 203. USE OF RELIEF FUNDS.**

2 Effective as if included in the Coronavirus, Aid, Re-
3 lief, and Economic Security Act (Public Law 116–136),
4 section 601 of the Social Security Act, as added by section
5 5001(a) of such Act, is amended by striking subsection
6 (d) and inserting the following:

7 “(d) USE OF FUNDS.—A State, Tribal government,
8 and unit of local government shall use the funds provided
9 under a payment made under this section to

10 “(1) cover only those costs of the State, Tribal
11 government, or unit of local government that—

12 “(A) Are necessary expenditures incurred
13 due to the public health emergency with respect
14 to the coronavirus disease 2019 (COVID–19);

15 “(B) were not accounted for in the budget
16 most recently approved as of the date of enact-
17 ment of this section for the State or govern-
18 ment; and

19 “(C) were incurred during the period that
20 begins on January 31, 2020, and ends on De-
21 cember 31, 2021; or

22 “(2) Replace lost, delayed, or decreased reve-
23 nues, stemming from the public health emergency
24 with respect to the coronavirus disease (COVID–
25 19).”.

1 **TITLE III—ENERGY AND**
2 **ENVIRONMENT PROVISIONS**

3 **SEC. 301. HOME ENERGY AND WATER SERVICE CON-**
4 **TINUITY.**

5 Any entity receiving financial assistance pursuant to
6 any division of this Act shall, to the maximum extent prac-
7 ticable, establish or maintain in effect policies to ensure
8 that no home energy service or public water system service
9 to a residential customer, which is provided or regulated
10 by such entity, is or remains disconnected or interrupted
11 during the emergency period described in section
12 1135(g)(1)(B) of the Social Security Act because of non-
13 payment, and all reconnections of such public water sys-
14 tem service are conducted in a manner that minimizes risk
15 to the health of individuals receiving such service. For pur-
16 poses of this section, the term “home energy service”
17 means a service to provide home energy, as such term is
18 defined in section 2603 of the Low-Income Home Energy
19 Assistance Act of 1981, or service provided by an electric
20 utility, as such term is defined in section 3 of the Public
21 Utility Regulatory Policies Act of 1978, and the term
22 “public water system” has the meaning given that term
23 in section 1401 of the Safe Drinking Water Act. Nothing
24 in this section shall be construed to require forgiveness
25 of any debt incurred or owed to an entity or to absolve

1 an individual of any obligation to an entity for service,
2 nor to preempt any State or local law or regulation gov-
3 erning entities that provide such services to residential
4 customers.

5 **SEC. 302. ENVIRONMENTAL JUSTICE GRANT PROGRAMS.**

6 (a) ENVIRONMENTAL JUSTICE GRANTS.—The Ad-
7 ministrator of the Environmental Protection Agency shall
8 continue to carry out—

9 (1) the Environmental Justice Small Grants
10 Program and the Environmental Justice Collabo-
11 rative Problem-Solving Cooperative Agreement Pro-
12 gram, as those programs are in existence on the date
13 of enactment of this Act; and

14 (2) the Community Action for a Renewed Envi-
15 ronment grant programs I and II, as in existence on
16 January 1, 2012.

17 (b) USE OF FUNDS FOR GRANTS IN RESPONSE TO
18 COVID–19 PANDEMIC.—With respect to amounts appro-
19 priated by division A of this Act that are available to carry
20 out the programs described in subsection (a), the Adminis-
21 trator of the Environmental Protection Agency may only
22 award grants under such programs for projects that will
23 investigate or address the disproportionate impacts of the
24 COVID–19 pandemic in environmental justice commu-
25 nities.

1 (c) AUTHORIZATION OF APPROPRIATIONS.—There is
2 authorized to be appropriated to carry out the programs
3 described in subsection (a) \$50,000,000 for fiscal year
4 2021, and such sums as may be necessary for each fiscal
5 year thereafter.

6 (d) DISTRIBUTION.—Not later than 30 days after
7 amounts are made available pursuant to subsection (c),
8 the Administrator of the Environmental Protection Agen-
9 cy shall make awards of grants under each of the pro-
10 grams described in subsection (a).

11 **SEC. 303. LOW-INCOME HOUSEHOLD DRINKING WATER AND**
12 **WASTEWATER ASSISTANCE.**

13 (a) AUTHORIZATION OF APPROPRIATIONS.—There is
14 authorized to be appropriated \$1,500,000,000 to the Sec-
15 retary to carry out this section.

16 (b) LOW-INCOME HOUSEHOLD DRINKING WATER
17 AND WASTEWATER ASSISTANCE.—The Secretary shall
18 make grants to States and Indian Tribes to assist low-
19 income households, particularly those with the lowest in-
20 comes, that pay a high proportion of household income
21 for drinking water and wastewater services, by providing
22 funds to owners or operators of public water systems or
23 treatment works to reduce rates charged to such house-
24 holds for such services.

1 (c) NONDUPLICATION OF EFFORT.—In carrying out
2 this section, the Secretary, States, and Indian Tribes, as
3 applicable, shall, as appropriate and to the extent prac-
4 ticable, use existing processes, procedures, policies, and
5 systems in place to provide assistance to low-income
6 households, including by using existing application and ap-
7 proval processes.

8 (d) ALLOTMENT.—

9 (1) IN GENERAL.—Except as provided in para-
10 graph (2), the Secretary shall allot amounts appro-
11 priated pursuant to this section to a State or Indian
12 Tribe based on the following:

13 (A) The percentage of households in the
14 State, or under the jurisdiction of the Indian
15 Tribe, with income equal to or less than 150
16 percent of the Federal poverty line.

17 (B) The percentage of such households in
18 the State, or under the jurisdiction of the In-
19 dian Tribe, that spend more than 30 percent of
20 monthly income on housing.

21 (C) The extent to which the State or In-
22 dian Tribe has been affected by the public
23 health emergency, including the rate of trans-
24 mission of COVID–19 in the State or area over
25 which the Indian Tribe has jurisdiction, the

1 number of COVID–19 cases compared to the
2 national average, and economic disruptions re-
3 sulting from the public health emergency.

4 (2) RESERVED FUNDS.—The Secretary shall re-
5 serve not more than 10 percent of the amounts ap-
6 propriated pursuant to this section for allotment to
7 States and Indian Tribes based on the economic dis-
8 ruptions to the States and Indian Tribes resulting
9 from the emergency described in the emergency dec-
10 laration issued by the President on March 13, 2020,
11 pursuant to section 501(b) of the Robert T. Stafford
12 Disaster Relief and Emergency Assistance Act (42
13 U.S.C. 5191(b)), during the period covered by such
14 emergency declaration and any subsequent major
15 disaster declaration under section 401 of such Act
16 (42 U.S.C. 5170) that supersedes such emergency
17 declaration.

18 (e) DETERMINATION OF LOW-INCOME HOUSE-
19 HOLDS.—

20 (1) MINIMUM DEFINITION OF LOW-INCOME.—In
21 determining whether a household is considered low-
22 income for the purposes of this section, a State or
23 Indian Tribe—

24 (A) shall ensure that, at a minimum—

1 (i) all households with income equal to
2 or less than 150 percent of the Federal
3 poverty line are included as low-income
4 households; and

5 (ii) all households with income equal
6 to or less than 60 percent of the State me-
7 dian income are included as low-income
8 households;

9 (B) may include households that have been
10 adversely economically affected by job loss or
11 severe income loss related to the public health
12 emergency; and

13 (C) may include other households, includ-
14 ing households in which 1 or more individuals
15 are receiving—

16 (i) assistance under the State pro-
17 gram funded under part A of title IV of
18 the Social Security Act (42 U.S.C. 601 et
19 seq.);

20 (ii) supplemental security income pay-
21 ments under title XVI of the Social Secu-
22 rity Act (42 U.S.C. 1381 et seq.);

23 (iii) supplemental nutrition assistance
24 program benefits under the Food and Nu-

trition Act of 2008 (7 U.S.C. 2011 et seq.); or

(iv) payments under section 1315, 1521, 1541, or 1542 of title 38, United States Code, or under section 306 of the Veterans' and Survivors' Pension Improvement Act of 1978.

(2) HOUSEHOLD DOCUMENTATION REQUIREMENTS.—States and Indian Tribes shall—

(A) to the maximum extent practicable, seek to limit the income history documentation requirements for determining whether a household is considered low-income for the purposes of this section; and

(B) for the purposes of income eligibility, accept proof of job loss or severe income loss dated after February 29, 2020, such as a layoff or furlough notice or verification of application of unemployment benefits, as sufficient to demonstrate lack of income for an individual or household.

(f) APPLICATIONS.—Each State or Indian Tribe desiring to receive a grant under this section shall submit an application to the Secretary, in such form as the Secretary shall require.

1 (g) UTILITY RESPONSIBILITIES.—Owners or opera-
2 tors of public water systems or treatment works receiving
3 funds pursuant to this section for the purposes of reducing
4 rates charged to low-income households for service shall—

5 (1) conduct outreach activities designed to en-
6 sure that such households are made aware of the
7 rate assistance available pursuant to this section;

8 (2) charge such households, in the normal bill-
9 ing process, not more than the difference between
10 the actual cost of the service provided and the
11 amount of the payment made by the State or Indian
12 Tribe pursuant to this section; and

13 (3) within 45 days of providing assistance to a
14 household pursuant to this section, notify in writing
15 such household of the amount of such assistance.

16 (h) STATE AGREEMENTS WITH DRINKING WATER
17 AND WASTEWATER PROVIDERS.—To the maximum extent
18 practicable, a State that receives a grant under this sec-
19 tion shall enter into agreements with owners and operators
20 of public water systems, owners and operators of treat-
21 ment works, municipalities, nonprofit organizations asso-
22 ciated with providing drinking water, wastewater, and
23 other social services to rural and small communities, and
24 Indian Tribes, to assist in identifying low-income house-
25 holds and to carry out this section.

1 (i) ADMINISTRATIVE COSTS.—A State or Indian
2 Tribe that receives a grant under this section may use up
3 to 8 percent of the granted amounts for administrative
4 costs.

5 (j) FEDERAL AGENCY COORDINATION.—In carrying
6 out this section, the Secretary shall coordinate with the
7 Administrator of the Environmental Protection Agency
8 and consult with other Federal agencies with authority
9 over the provision of drinking water and wastewater serv-
10 ices.

11 (k) AUDITS.—The Secretary shall require each State
12 and Indian Tribe receiving a grant under this section to
13 undertake periodic audits and evaluations of expenditures
14 made by such State or Indian Tribe pursuant to this sec-
15 tion.

16 (l) REPORTS TO CONGRESS.—The Secretary shall
17 submit to Congress a report on the results of activities
18 carried out pursuant to this section—

19 (1) not later than 1 year after the date of en-
20 actment of this section; and

21 (2) upon disbursement of all funds appropriated
22 pursuant to this section.

23 (m) DEFINITIONS.—In this section:

24 (1) INDIAN TRIBE.—The term “Indian Tribe”
25 means any Indian Tribe, band, group, or community

1 recognized by the Secretary of the Interior and exer-
2 cising governmental authority over a Federal Indian
3 reservation.

4 (2) MUNICIPALITY.—The term “municipality”
5 has the meaning given such term in section 502 of
6 the Federal Water Pollution Control Act (33 U.S.C.
7 1362).

8 (3) PUBLIC HEALTH EMERGENCY.—The term
9 “public health emergency” means the public health
10 emergency described in section 1135(g)(1)(B) of the
11 Social Security Act (42 U.S.C. 1320b–5).

12 (4) PUBLIC WATER SYSTEM.—The term “public
13 water system” has the meaning given such term in
14 section 1401 of the Safe Drinking Water Act (42
15 U.S.C. 300f).

16 (5) SECRETARY.—The term “Secretary” means
17 the Secretary of Health and Human Services.

18 (6) STATE.—The term “State” means a State,
19 the District of Columbia, the Commonwealth of
20 Puerto Rico, the Virgin Islands of the United States,
21 Guam, American Samoa, and the Commonwealth of
22 the Northern Mariana Islands.

23 (7) TREATMENT WORKS.—The term “treatment
24 works” has the meaning given that term in section

1 212 of the Federal Water Pollution Control Act (33
2 U.S.C. 1292).

3 **SEC. 304. HOME WATER SERVICE CONTINUITY.**

4 (a) CONTINUITY OF SERVICE.—Any entity receiving
5 financial assistance under division A of this Act shall, to
6 the maximum extent practicable, establish or maintain in
7 effect policies to ensure that, with respect to any service
8 provided by a public water system or treatment works to
9 an occupied residence, which service is provided or regu-
10 lated by such entity—

11 (1) no such service is or remains disconnected
12 or interrupted during the emergency period because
13 of nonpayment;

14 (2) all reconnections of such service are con-
15 ducted in a manner that minimizes risk to the health
16 of individuals receiving such service; and

17 (3) no fees for late payment of bills for such
18 service are charged or accrue during the emergency
19 period.

20 (b) EFFECT.—Nothing in this section shall be con-
21 strued to require forgiveness of outstanding debt owed to
22 an entity or to absolve an individual of any obligation to
23 an entity for service.

24 (c) DEFINITIONS.—In this section:

1 (1) EMERGENCY PERIOD.—The term “emer-
2 gency period” means the emergency period described
3 in section 1135(g)(1)(B) of the Social Security Act
4 (42 U.S.C. 1320b–5).

5 (2) PUBLIC WATER SYSTEM.—The term “public
6 water system” has the meaning given such term in
7 section 1401 of the Safe Drinking Water Act (42
8 U.S.C. 300f).

9 (3) TREATMENT WORKS.—The term “treatment
10 works” has the meaning given that term in section
11 212 of the Federal Water Pollution Control Act (33
12 U.S.C. 1292).

13 **TITLE IV—MISCELLANEOUS** 14 **MATTERS**

15 **SEC. 401. TECHNICAL CORRECTIONS AND CLARIFICATION.**

16 (a) Section 4002 of the CARES Act (Public Law
17 116–136; 15 U.S.C. 9041) is amended by adding at the
18 end the following new paragraph:

19 “(13) BUSINESSES CRITICAL TO MAINTAINING
20 NATIONAL SECURITY.—The term ‘businesses critical
21 to maintaining national security’ includes businesses
22 that manufacture and produce aerospace-related
23 products, civil or defense, including those that de-
24 sign, integrate, assemble, supply, maintain and re-
25 pair such products, and other businesses as further

1 defined by the Secretary, in consultation with the
2 Secretary of Defense and the Secretary of Transpor-
3 tation. For purposes of the preceding sentence, aero-
4 space-related products include, but are not limited
5 to, components, parts, or systems of aircraft, air-
6 craft engines, or appliances for inclusion in an air-
7 craft, aircraft engine, or appliance.”.

8 **SEC. 402. TRADE OF INJURIOUS SPECIES AND SPECIES**
9 **THAT POSE A RISK TO HUMAN HEALTH.**

10 Section 42 of title 18, United States Code, is amend-
11 ed—

12 (1) in subsection (a)—

13 (A) in paragraph (1)—

14 (i) by inserting “or any interstate
15 transport between States within the conti-
16 nental United States,” after “shipment be-
17 tween the continental United States, the
18 District of Columbia, Hawaii, the Com-
19 monwealth of Puerto Rico, or any posses-
20 sion of the United States,”; and

21 (ii) by striking “to be injurious to
22 human beings, to the interests of agri-
23 culture” and inserting “to be injurious to
24 or to transmit a pathogen that can cause

1 disease in humans, to be injurious to the
2 interests of agriculture”; and

3 (B) by adding at the end the following:

4 “(6) In the case of an emergency posing a sig-
5 nificant risk to the health of humans, the Secretary
6 of the Interior may designate a species by interim
7 final rule. At the time of publication of the regula-
8 tion in the Federal Register, the Secretary shall
9 publish therein detailed reasons why such regulation
10 is necessary, and in the case that such regulation
11 applies to a native species, the Secretary shall give
12 actual notice of such regulation to the State agency
13 in each State in which such species is believed to
14 occur. Any regulation promulgated under the au-
15 thority of this paragraph shall cease to have force
16 and effect at the close of the 365-day period fol-
17 lowing the date of publication unless, during such
18 365-day period, the rulemaking procedures which
19 would apply to such regulation without regard to
20 this paragraph are complied with. If at any time
21 after issuing an emergency regulation the Secretary
22 determines, on the basis of the best appropriate data
23 available to the Secretary, that substantial evidence
24 does not exist to warrant such regulation, the Sec-
25 retary shall withdraw it.

1 “(7) Not more than 90 days after receiving a
2 petition of an interested person under section 553(e)
3 of title 5, United States Code, to determine that a
4 species is injurious under this section, the Secretary
5 of the Interior shall determine whether such petition
6 has scientific merit. If the Secretary determines a
7 petition has scientific merit, such Secretary shall
8 make a determination regarding such petition not
9 more than 12 months after the date such Secretary
10 received such petition.”; and

11 (2) by amending subsection (b) to read as fol-
12 lows:

13 “(b) Any person who knowingly imports, ships, or
14 transports any species in violation of subsection (a) of this
15 section and who reasonably should have known that the
16 species at issue in such violation is a species listed in sub-
17 section (a) of this section, or in any regulation issued pur-
18 suant thereto, shall be fined under this title or imprisoned
19 not more than six months, or both.”.

20 **SEC. 403. RESCISSION OF FUNDS.**

21 Of the unobligated balances available under section
22 4027 of division A of the CARES Act (Public Law 116–
23 136), \$146,000,000,000 is hereby permanently rescinded.

Calendar No. 581

116TH CONGRESS
2D Session

S. 4800

A BILL

To provide Coronavirus relief.

NOVEMBER 9, 2020

Read the second time and placed on the calendar