SECTION 1. SHORT TITLE.
This Act may be cited as the “Department of Veterans Affairs Website Accessibility Act of 2020”.

SEC. 2. STUDY ON THE ACCESSIBILITY OF WEBSITES OF THE DEPARTMENT OF VETERANS AFFAIRS TO INDIVIDUALS WITH DISABILITIES.
(a) STUDY.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Veterans Affairs shall conduct a study of the Department of Veterans Affairs to determine whether such websites are accessible to individuals with disabilities in accordance with section 508 of the Rehabilitation Act of 1973 (29 U.S.C. 794d).
(b) REPORT.—Not later than 90 days after completing the study under subsection (a), the Secretary shall submit to the Committee on Veterans’ Affairs of the Senate and the Committee on Veterans’ Affairs of the House of Representatives a report on such study.
(c) ELEMENTS.—The report required by subsection (b) shall include the following:
(1) A list of each website described in subsection (a) that is not accessible to individuals with disabilities in accordance with section 508 of the Rehabilitation Act of 1973 (29 U.S.C. 794d).
(2) For each website identified in the list under paragraph (1)—
(A) the plan of the Secretary to bring the website into compliance with the requirements of section 508 of the Rehabilitation Act of 1973 (29 U.S.C. 794d); and
(B) a description of the barriers to bringing the website into compliance with the requirements of such section, including any barriers relating to vacant positions at the Department of Veterans Affairs.
(d) WEBSITE DEFINED.—In this section, the term “website” includes the following:
(1) A file attached to a website.
(2) A web-based application.
(3) A kiosk at a medical facility of the Department of Veterans Affairs, the use of which is required to check in for scheduled appointments.

AMENDMENTS SUBMITTED AND PROPOSED
SA 1577. Mr. SAASSE (for himself, Mr. GRAHAM, Mr. SCOTT of South Carolina, Mr. SCOTT of Florida, Mr. CRUZ, Mr. JOHNSON, Mrs. BLACKBURN, and Mr. LEE) proposed an amendment to the bill S.1577, to amend the Internal Revenue Code of 1986 to repeal the excise tax on high cost employer-sponsored health coverage, as follows:
SEC. 1. SHORT TITLE.
This Act may be cited as the “Coronavirus Aid, Relief, and Economic Security Act” or the “CARES Act”.

SEC. 2. TABLE OF CONTENTS.
The table of contents for this Act is as follows:
Sec. 1. Short title.
Sec. 2. Table of contents.
Sec. 3. References.

DIVISION A—KEEPING WORKERS PAID AND EMPLOYED, HEALTH CARE SYSTEM ENHANCEMENTS, AND ECONOMIC STABILIZATION
TITLE I—KEEPING AMERICAN WORKERS PAID AND EMPLOYED
Sec. 101. Definitions.
Sec. 102. Paycheck protection program.
Sec. 103. Entrepreneurial development.
Sec. 104. State trade expansion program.
Sec. 105. Waiver of matching funds requirement under the women’s business center program.
Sec. 106. Loan forgiveness.
Sec. 107. Direct appropriations.
Sec. 108. Minority business development.
Sec. 109. United States Treasury Program Management Authority.
Sec. 110. Emergency EIDL grants.
Sec. 111. Resources and services in languages other than English.
Sec. 112. Subsidy for certain loan payments.
Sec. 113. Bankruptcy.
Sec. 114. Emergency rulemaking authority.

TITLE II—ASSISTANCE FOR AMERICAN WORKERS, FAMILIES, AND BUSINESSES
Sec. 201. Short title.
Sec. 203. Emergency unemployment relief for governmental entities and nonprofit organizations.
Sec. 204. Emergency unemployment compensation benefits.
Sec. 205. Temporary full Federal funding of the first week of uncompensable regular compensation for States with no waiting week.
Sec. 206. Emergency State staffing flexibility.
Sec. 207. Pandemic emergency unemployment compensation.
Sec. 208. Temporary financing of short-time compensation payments in States with programs in law.
Sec. 209. Temporary financing of short-time compensation agreements.
Sec. 211. Assistance and guidance in implementing programs.
Sec. 212. Waiver of the 7-day waiting period for benefits under the Railroad Unemployment Insurance Act.

TEXT OF AMENDMENTS
SA 1577. Mr. SASSE (for himself, Mr. GRAHAM, Mr. SCOTT of South Carolina, Mr. SCOTT of Florida, Mr. CRUZ, Mr. JOHNSON, Mrs. BLACKBURN, and Mr. LEE) proposed an amendment to the bill S.1577, to amend the Internal Revenue Code of 1986 to repeal the excise tax on high cost employer-sponsored health coverage, as follows:

Whereas public health officials have worked to educate their communities and implement policies that will curb the communal spread of COVID-19; and

Whereas every individual in the health care community, which includes doctors, nurses, custodial staff, administrative staff, registered nurses, patient care assistants, public health professionals, mental health professionals, researchers, lab technicians, and many others, has acted with excellence and professionalism to ensure that the citizens of the United States receive the care they need to get the United States through the COVID-19 crisis; Now, therefore, be it

Resolved, That the Senate—
(1) observes that the spirit of the United States remains resilient in the face of the crisis caused by Coronavirus disease 2019 (referred to in this resolution as “COVID-19”);
(2) expresses gratitude to the people of the United States for doing their part to stop the spread of COVID-19; and
(3) salutes health care professionals across the United States.

Whereas researchers and lab technicians have worked tirelessly to develop tests, find a treatment, and, ultimately, find a cure for COVID-19;
Sec. 2113. Enhanced benefits under the Railroad Unemployment Insurance Act.

Sec. 2114. Extended unemployment benefits under the Railroad Unemployment Insurance Act.

Sec. 2115. Funding for the DOL Office of Inspector General for oversight of unemployment provisions.

Sec. 2116. Implementation.

Subtitle B—Rebates and Other Individual Provisions

Sec. 2201. 2020 recovery rebates for individuals.

Sec. 2202. Special rules for use of retirement funds.

Sec. 2203. Temporary waiver of required minimum distribution rules for certain retirement plans and accounts.

Sec. 2204. Allowance of partial above the line deduction for charitable contributions.

Sec. 2205. Modification of limitations on charitable contributions during 2020.

Sec. 2206. Exclusion for certain employer payments of student loans.

Subtitle C—Business Provisions

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

Sec. 2302. Delay of payment of employer payroll taxes.

Sec. 2303. Modifications for net operating losses.

Sec. 2304. Modification of limitation on losses for taxpayers other than corporations.

Sec. 2305. Modification of credit for prior year minimum tax liability of corporations.

Sec. 2306. Modifications of limitation on business interest.

Sec. 2307. Technical amendments regarding qualified improvement property.

Sec. 2308. Temporary exception from excise tax for alcohol used to produce hand sanitizer.

Title III—Supporting America’s Health Care System in the Fight Against the Coronavirus

Subtitle A—Health Provisions

Sec. 3001. Short title.

PART I—Measuring Supply Shortages

SUBPART A—Medical Product Supplies

Sec. 3101. National Academies report on America’s medical product supply chain security.

Sec. 3102. Requiring the strategic national stockpile to include certain types of medical supplies.

Sec. 3103. Treatment of respiratory protective devices as covered countermeasures.

SUBPART B—Mitigating Emergency Drug Shortages

Sec. 3111. Prioritize reviews of drug applications; incentives.

Sec. 3112. Additional manufacturer reporting requirements in response to drug shortages.

SUBPART C—Preventing Medical Device Shortages

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

PART II—Access to Health Care for COVID-19 Patients

SUBPART A—Coverage of Testing and Preventive Services

Sec. 3201. Coverage of diagnostic testing for COVID-19.

Sec. 3202. Pricing of diagnostic testing.

Sec. 3203. Rapid coverage of preventive services and vaccines for coronavirus.

SUBPART B—Support for Health Care Providers

Sec. 3211. Supplemental awards for health centers.

Sec. 3212. Telehealth network and telehealth resource centers grant programs.

Sec. 3213. Rural health care services outreach, rural health network development, and small rural health care provider quality improvement grant programs.

Sec. 3214. United States Nurse Health Service Modernization.

Sec. 3215. Limitation on liability for volunteer health care professionals during COVID-19 emergency response.

Sec. 3216. Flexibility for members of National Health Service Corps during emergency period.

SUBPART C—Miscellaneous Provisions

Sec. 3221. Confidentiality and disclosure of records relating to substance use disorder.

Sec. 3222. Nutrition services.

Sec. 3223. Continuity of service and opportunities for participants in community service activities under title V of the Older Americans Act of 1965.


Sec. 3225. Reauthorization of healthy start program.

Sec. 3226. Importance of the blood supply.

PART III—Innovation

Sec. 3301. Removing the cap on OTA during public health emergencies.

Sec. 3302. Priority zoonotic animal drugs.

PART IV—Health Care Workforce

Sec. 3401. Reauthorization of health professions workforce programs.

Sec. 3402. Health workforce coordination.

Sec. 3403. Education and training relating to geriatrics.

Sec. 3404. Nursing workforce development.

SUBTITLE B—Education Provisions

Sec. 3501. Short title.

Sec. 3502. Definitions.

Sec. 3503. Campus-based aid waivers.

Sec. 3504. Use of supplemental educational opportunity grants for emergency aid.

Sec. 3505. Federal work-study during a qualifying emergency.

Sec. 3506. Adjustment of subsidized loan usage limits.

Sec. 3507. Exclusion from Federal Pell Grant duration limit.

Sec. 3508. Institutional refunds and Federal student loan flexibility.

Sec. 3509. Satisfactory academic progress.

Sec. 3510. Continuing education at affected foreign institutions.

Sec. 3511. National emergency educational relief.

Sec. 3512. HBCU Capital financing.

Sec. 3513. Temporary relief for federal student loan borrowers.

Sec. 3514. Programs related to the Corporation for National and Community Service.

Sec. 3515. Workforce response activities.

Sec. 3516. Technical amendments.

Sec. 3517. Waiver authority and reporting requirement for institutional aid.

Sec. 3518. Authorized uses and other modifications.

Sec. 3519. Service obligations for teachers.

SUBTITLE C—Labor Provisions

Sec. 3601. Limitation on paid leave.

Sec. 3602. Emergency Paid Sick Leave Act Limitation.

Sec. 3603. Unemployment insurance.

Sec. 3604. OMB Waiver of Paid Family and Medical Leave.

Sec. 3605. Paid leave for retired employees.

Sec. 3606. Advance refunding of credits.

Sec. 3607. Expansion of DOL authority to postpone certain deadlines.

Sec. 3608. Single-employer plan funding rules.

Sec. 3609. Application of cooperative and small employer charity pension plan rules to certain charitable employers whose primary exempt purpose is providing services with respect to mothers and children.

Sec. 3610. Federal contractor authority.

Sec. 3611. Technical corrections.

Subtitle D—Finance Committee

Sec. 3701. Exemption for telehealth services.

Sec. 3702. Inclusion of certain over-the-counter medical products as qualified medical expenses.

Sec. 3703. Increasing Medicare telehealth flexibilities during emergency period.

Sec. 3704. Enhancing Medicare telehealth services for Federally qualified health centers and rural health clinics during emergency period.

Sec. 3705. Temporary waiver of requirement for face-to-face visits between home dialysis patients and physicians.

Sec. 3706. Use of telehealth to conduct face-to-face encounter prior to recertification of eligibility for hospice care during emergency period.

Sec. 3707. Encouraging use of telecommunications technologies for home health services furnished during emergency period.

Sec. 3708. Improving care planning for Medicare home health services.

Sec. 3709. Adjustment of sequestration.

Sec. 3710. Medicare hospital inpatient prospective payment system add-on payment for COVID-19 patients during emergency period.

Sec. 3711. Increasing access to post-acute care during emergency period.

Sec. 3712. Revising payment rates for durable medical equipment under the Medicare program through the duration period.

Sec. 3713. Coverage of the COVID-19 vaccine under part B of the Medicare program without any cost-sharing.

Sec. 3714. Requiring Medicare prescription drug plans and MA–PD plans to allow during the COVID-19 emergency period for fill refills of covered part D drugs for up to a 3-month supply.

Sec. 3715. Providing home and community-based services in acute care hospitals.

Sec. 3716. Clarification regarding uninsured individuals.

Sec. 3717. Clarification regarding coverage of COVID-19 testing products.

Sec. 3718. Amendments relating to reporting requirements with respect to clinical diagnostic laboratory tests.

Sec. 3719. Expansion of the Medicare hospital accreditation program during the COVID-19 public health emergency.

Sec. 3720. Delaying requirements for enhanced FMAP to enable State legislation necessary for compliance.
Sec. 3824. Extension of the temporary assistance for neglected families program.

Sec. 3821. Extension of sexual risk avoidance education program.

Sec. 3832. Diabetes programs.

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

Sec. 3822. Extension of personal responsibility education program.

Sec. 3823. Extension of demonstration projects to address health professions workforce needs.

Sec. 3824. Extension of the temporary assistance for needy families program and related programs.

PART IV—PUBLIC HEALTH PROVISIONS

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

Sec. 3832. Diabetes programs.

PART V—MISCELLANEOUS PROVISIONS


Subtitle F—Over-the-Counter Drugs

PART I—OTC DRUG REVIEW

Sec. 3851. Regulation of certain nonprescription drugs that are marketed without an approved drug application.

Sec. 3852. Misbranding.

Sec. 3853. Drugs excluded from the over-the-counter drug review.

Sec. 3854. Treatment of Sunscreen Innovation Act.

Sec. 3855. Annual update to Congress on appropriate pediatric indication for certain OTC cough and cold drugs.

Sec. 3856. Technical corrections.

PART II—USER FEES

Sec. 3861. Finding.

Sec. 3862. Fees relating to over-the-counter drugs.

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

Subtitle A—Coronavirus Economic Stabilization Act of 2020

Sec. 4001. Short title.

Sec. 4002. Definitions.

Sec. 4003. Emergency relief and taxpayer protections.

Sec. 4004. Limitation on certain employee compensation.

Sec. 4005. Continuation of certain air service.

Sec. 4006. Coordination with Secretary of Transportation.

Sec. 4007. Suspension of certain aviation excise taxes.

Sec. 4008. Debt guarantee authority.

Sec. 4009. Temporary Government in the Sunshine Act relief.

Sec. 4010. Temporary hiring flexibility.

Sec. 4011. Temporary lending limit waiver.

Sec. 4012. Temporary relief for community banks.

Sec. 4013. Temporary relief from troubled debt restructurings.

Sec. 4014. Optional temporary relief from current expected credit losses.

Sec. 4015. Non-applicability of restrictions on ESF during national emergency.

Sec. 4016. Temporary credit union provisions.

Sec. 4017. Increasing access to materials necessary for national security and pandemic recovery.

Sec. 4018. Special Inspector General for Pandemic Recovery.

Sec. 4019. Conflicts of interest.

Sec. 4020. Congressional Oversight Commission.


Sec. 4022. Foreclosure moratorium and consumer right to request forbearance.

Sec. 4023. Forbearance of residential mortgage loan payments for multi-family properties with federally backed loans.

Sec. 4024. Temporary moratorium on eviction filings.

Sec. 4025. Protection of collective bargaining agreements.

Sec. 4026. Reports.

Sec. 4027. Direct appropriation.

Sec. 4028. Rule of construction.

Sec. 4029. Termination of authority.

Subtitle B—Air Carrier Worker Support

Sec. 4111. Definitions.

Sec. 4112. Pandemic relief for aviation workers.

Sec. 4113. Procedures for providing payroll support.

Sec. 4114. Required assurances.

Sec. 4115. Protection of collective bargaining agreements.

Sec. 4116. Limitation on certain employee compensation.

Sec. 4117. Taxpayer protection.

Sec. 4118. Reports.

Sec. 4119. Coordination.

Sec. 4120. Direct appropriation.

TITLE V—CORONAVIRUS RELIEF FUNDS

Sec. 5001. Coronavirus Relief Fund.

TITLE VI—MEDICARE PROVISIONS

Sec. 6001. COVID-19 borrowing authority for the United States Postal Service.

Sec. 6002. Emergency designation.

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

SEC. 5. REFERENCES.

Except as expressly provided otherwise, any reference to ‘‘this Act’’ contained in any division of this Act shall be treated as referring only to the provisions of that division.

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

TITLE I—KEEPING AMERICAN WORKERS PAID AND EMPLOYED ACT

SEC. 102. PAYCHECK PROTECTION PROGRAM.

(a) In General.—Section 7(a)(1) of the Small Business Act (15 U.S.C. 636(a)) is amended—

(1) in paragraph (2)—

(A) in subparagraph (A), in the matter preceding clause (i), by striking ‘‘(E)’’ and inserting ‘‘(E), and (F)’’; and

(B) by adding at the end the following:

‘‘(F) PARTICIPATION IN THE PAYCHECK PROTECTION PROGRAM.—In an agreement to participate in a loan on a deferred basis under paragraph (36), the participation by the Administrator shall be 100 percent.’’; and

(2) by adding at the end the following:

‘‘(36) PAYCHECK PROTECTION PROGRAM.—

‘‘(A) DEFINITIONS.—In this paragraph—

‘‘(i) the terms ‘appropriate Federal banking agency’ and ‘insured depository institution’ have the meanings given those terms in section 3 of the Federal Deposit Insurance Act (12 U.S.C. 1813);

‘‘(ii) the term ‘covered loan’ means a loan made under this paragraph during the covered period;

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

‘‘(iv) the term ‘eligible recipient’ means an individual or entity that is eligible to receive a covered loan; and

‘‘(v) the term ‘eligible self-employed individual’ has the meaning given the term in section 302(b)(1) of the Families First Coronavirus Response Act (Public Law 116-127);

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

‘‘(vii) the term ‘nonprofit organization’ means an organization that is described in section 501(c)(3) of the Internal Revenue Code of 1986 and that is exempt from taxation under section 501(a) of such Code;

‘‘(viii) the term ‘payroll costs’—

‘‘(A) means—

‘‘(aa) the sum of payments of any compensation with respect to employees that is—

‘‘(AA) salary, wage, commission, or similar compensation;

‘‘(BB) payment of cash tip or equivalent;

‘‘(CC) payment for vacation, parental, family, medical, or sick leave;

‘‘(DD) allowance for dismissal or separation;

‘‘(EE) payment required for the provisions of group health care benefits, including insurance premiums;

‘‘(FF) payment of any retirement benefit; or

‘‘(GG) payment of State or local tax assessed on the compensation of employees; and

‘‘(bb) the sum of payments of any compensation to or income of a sole proprietor or independent contractor that is a wage, commission, income, net earnings from self-employment, or similar compensation and that is in an amount less than $100,000 in 1 year, as prorated for the covered period; and

‘‘(ii) shall not include—

‘‘(aa) the compensation of an individual employee in excess of an annual salary of $100,000, as prorated for the covered period;

‘‘(bb) taxes imposed or withheld under chapters 21, 22, or 24 of the Internal Revenue Code of 1986 during the covered period; and

‘‘(cc) any compensation of an employee whose principal place of residence is outside of the United States;

‘‘(dd) qualified sick leave wages for which a credit is allowed under section 7001 of the Families First Coronavirus Response Act (Public Law 116-127); and

‘‘(ee) qualified family leave wages for which a credit is allowed under section 7003
of the Families First Coronavirus Response Act (Public Law 116–127); and

"(ix) the term "veterans organization" means an organization that is described in section 3(h) of the Families First Coronavirus Response Act (Public Law 116–127); and

"(x) the term "workers" means the employees of the eligible recipient.

"(b) PAYCHECK PROTECTION LOANS.—Except as otherwise provided in this paragraph, an eligible recipient shall be eligible to receive a covered loan if the business concern, nonprofit organization, or Tribal business concern employs not more than 500 employees or is deemed an eligible recipient under section 3(h) of the Families First Coronavirus Response Act.

"(c) PROHIBITION OF LOANS.—Not later than 15 days after the date on which a loan is made under this paragraph, the Administrator may require the eligible recipient to submit such documentation as is necessary to determine whether a business concern, nonprofit organization, or Tribal business concern employs not more than 500 employees; or is deemed an eligible recipient under section 3(h) of the Families First Coronavirus Response Act.

"(d) INCREASED ELIGIBILITY FOR CERTAIN SMALL BUSINESSES AND ORGANIZATIONS.—

"(i) in general.—During the covered period, in addition to small business concerns, any business concern, nonprofit organization, veterans organization, or Tribal business concern described in section 31(b)(2)(C) of this Act shall be eligible to receive a covered loan if the business concern, nonprofit organization, or Tribal business concern employs not more than the greater of—

'(1) 500 employees; or

'(2) if applicable, the size standard in number of employees established by the Administrator for the industry in which the business concern, nonprofit organization, veterans organization, or Tribal business concern operates.

"(ii) INCLUSION OF SOLE PROPRIETORS, INDEPENDENT CONTRACTORS, AND ELIGIBLE SELF-EMPLOYED INDIVIDUALS.—

'(I) in general.—During the covered period, any business concern, sole proprietorship, independent contractor, or eligible self-employed individual shall be eligible to receive a covered loan.

'(II) documentation.—An eligible self-employed individual, independent contractor, or sole proprietorship seeking a covered loan shall submit such documentation as is necessary to establish such individual as eligible, including payroll tax filings reported to the Internal Revenue Service, Forms 1099-MISC, and copies of documentation evidencing the business activity.

"(e) INCLUSION OF BUSINESS CONCERNS OPERATING AS A FRANCHISE AS A SINGLE ENTITY.—During the covered period, any business concern that employs not more than 500 employees and that is an eligible recipient under subsection (b) shall be eligible to receive a covered loan if the business concern operates as a single entity, and the applicable size standard is determined by aggregating the number of employees of such business concern.

"(f) INCLUSION OF BUSINESS CONCERNS WITH PHYSICAL LOCATION.—During the covered period, any business concern that employs not more than 500 employees and that is an eligible recipient under subsection (b) shall be eligible to receive a covered loan if the business concern operates on a full-time, part-time, or other basis at a single physical location.

"(g) REFINANCE.—A loan made under subsection (b)(2) during the period beginning on January 31, 2020 and ending on the date on which a covered loan is made available may be refinanced as part of a covered loan.

"(h) NONRECOGNITION.—Notwithstanding the waiver of the personal guarantee requirement or collateral under subparagraph (J), the Administrator shall have no recourse against any individual shareholder, member, or partner of an eligible recipient of a covered loan, except to the extent that such shareholder, member, or partner uses the covered loan proceeds for a purpose not authorized under clause (I).

"(i) BORROWER REQUIREMENTS.—

'(I) CERTIFICATION.—An eligible recipient applying for a covered loan shall make a good faith certification that the eligible recipient—

'(a) is eligible for a covered loan under this subsection; and

'(b) will use the covered loan proceeds for a purpose described in subsection (a).

'(II) REQUIRED DOCUMENTATION.—An eligible recipient shall make a good faith certification that the eligible recipient—

'(A) will use the proceeds of the covered loan for the purposes described in subsection (a); and

'(B) has a remaining balance after reduction of any principal payments or prepayment of the covered loan.

'(III) WITNESS Signature.—An eligible recipient applying for a covered loan shall make a good faith certification—

'(A) that the certified recipient—

'(a) is an eligible recipient of a covered loan; and

'(b) has a remaining balance after reduction of any principal payments or prepayment of the covered loan; and

'(B) to retain workers and maintain payroll or other business operations during the covered period.

'(IV) PAYROLL COSTS.—The maximum amount of a covered loan shall be for the 12-week period beginning on the date on which the covered loan is made available to the borrower.

'(V) ALLOWABLE USES OF COVERED LOANS.—

'(I) in general.—During the covered period, an eligible recipient shall use the covered loan proceeds—

'(A) to retain workers and maintain payroll or other business operations during the covered period; and

'(B) for the allowable uses of a loan made under this subsection.

'(II) costs related to the continuation of operations throughout the covered period.

'(III) utilities; and

'(IV) interest on any debt obligations that were incurred before the covered period.

'(V) DELEGATED AUTHORITY.—

'(I) in general.—For purposes of making covered loans for the purposes described in clause (ii)(I), the Administrator or a successor regulation shall be deemed to have been delegated authority by the Administrator to make and approve covered loans, subject to any limitations of this paragraph.

'(II) CONSIDERATIONS.—In evaluating the eligibility of a borrower for a covered loan with the terms described in this paragraph, a lender shall consider whether the borrower—

'(aa) was in operation on February 15, 2020; and

'(bb) (AA) had employees for whom the borrower paid salaries and payroll taxes; or

'(BB) paid independent contractors, as reported on a Form 1099-MISC.

"(j) NONCONFLICT WITH OTHER FEDERAL LAWS.—The authority to make loans under this paragraph shall be extended to additional lenders determined by the Administrator and the Secretary of the Treasury to have the necessary qualifications to process, close, disburse and service loans made with the guarantee of the Administrator.
"(I) INTEREST RATE REQUIREMENTS.—A covered loan shall bear an interest rate not to exceed 4 percent.

(II) LOAN DEFERMENT.—

(1) A covered small business concern shall receive a deferment of—

(1) principal, interest, and fees, and not more than 1 year.

(2) The deferment shall be made not later than 5 days after the disbursement of the covered loan.

(3) DEFERRAL.—During the covered period, the Administrator shall—

(a) exercise the authority to defer, on a case-by-case basis, the disbursement and interest and fees, and not more than 1 year.

(b) has an application for a covered loan to be an impacted borrower; and

(c) defer the processing and disbursement of the covered loan, of—

(1) an eligible recipient to prepare an application for a covered loan; or

(2) the number of shipments of components and raw materials, if an eligible recipient to prepare an application for a covered loan to be a small business concern that is approved or pending approval on or after the date of enactment of this paragraph.

(4) GUIDANCE.—Not later than 30 days after the date of enactment of this paragraph, the Administrator shall provide guidance to lenders under this paragraph on the deferment process described in this subparagraph.

(II) SECONDARY MARKET.—During the covered period, with respect to a covered loan that is approved or pending approval on or after the date of enactment of this paragraph, an eligible recipient may sell on the secondary market, if an eligible recipient to prepare an application for a covered loan to be a small business concern that is approved or pending approval on or after the date of enactment of this paragraph or is an impacted borrower with covered loan in relation to COVID–19-related disruption, for purposes of compliance with the requirements of the Federal Deposit Insurance Act (12 U.S.C. 1811 et seq.), until January 31, 2020 and ending on the date on which covered loans are available that is for a purpose other than paying payroll costs and other obligations described in subparagraph (F) from receiving assistance under this paragraph.

(II) PRESUMPTION.—For purposes of this subparagraph, a covered loan shall be considered as an eligible recipient to prepare an application for a covered loan.

(II) 5 percent for loans of not more than $2,000,000.

(II) INTEREST RATE REQUIREMENTS.—A covered loan shall bear an interest rate not to exceed 4 percent.

(III) 1 percent for loans of not less than $2,000,000.

(IV) SENSE OF THE SENATE.—It is the sense of the Senate that the Administrator should issue guidance to lenders and agents to ensure that the processing and disbursement of covered loans prioritizes small business concerns and entities in underserved and rural markets, including veterans and members of the military community, small business concerns owned and controlled by socially and economically disadvantaged individuals, as defined in section 8(d)(3)(C)), women, and businesses in operation for less than 2 years.

(5) DUPLICATION.—Nothing in this paragraph shall prohibit a recipient of an economic injury disaster loan made under subsection (b)(2) during the period beginning on January 31, 2020 and ending on the date on which covered loans are available that is for a purpose other than paying payroll costs and other obligations described in subparagraph (F) from receiving assistance under this paragraph.

(6) WAIVER OF PREPAYMENT PENALTY.—Notwithstanding any other provision of law, there shall be no prepayment penalty for any payment made on a covered loan.

(b) COMMITMENTS FOR 7(A) LOANS.—During the period beginning on February 15, 2020 and ending on June 30, 2020—

(1) the amount authorized for commitments for general business loans authorized under section 7(a) of the Small Business Act (15 U.S.C. 636(a)), including loans made under paragraph (36) of such section, as added by subsection (a), shall be $349,000,000,000; and

(2) the amount authorized for commitments for such loans under the heading "BUSINESS LOANS PROGRAM ACCOUNT" under the heading "SMALL BUSINESS ADMINISTRATION" under title V of the Consolidated Appropriations Act, 2020 (Public Law 116–93; 133 Stat. 2475) shall not apply.

(c) EXPRESS LOANS.—

(1) In general.—Section 7(a)(31)(D) of the Small Business Act (15 U.S.C. 636(a)(31)(D)) is amended by striking "$500,000" and inserting "$1,000,000.

(2) PROSPECTIVE REFERRAL.—Effective on January 1, 2021, section 7(a)(31)(D) of the Small Business Act (15 U.S.C. 636(a)(31)(D)) is amended by striking "$1,000,000" and inserting "$350,000."

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

(1) by striking clause (ii); and

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

(e) INTERIM RULE.—On and after the date of enactment of this Act, the interim final rule published by the Administrator entitled “Express Loan Programs: Affiliation Standards” (85 Fed. Reg. 7622 (February 10, 2020)) is permanently rescinded and shall have no force or effect.

SEC. 1103. ENTREPRENEURIAL DEVELOPMENT.

(a) DEFINITIONS.—In this section—

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

(A) supply chain disruptions, including changes in—

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

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

(iii) technology, including a compromised payment network;

(B) staff and training challenges;

(C) a decrease in gross receipts or customers; or

(D) a closure;

(2) the term "resource partner" means—

(A) a small business development center; and

(B) a women’s business center;

(3) the term "small business development center" has the meaning given the term in section 2 of the Small Business Act (15 U.S.C. 632); and

(4) the term "women’s business center" means a women’s business center described in section 29 of the Small Business Act (15 U.S.C. 636).

(b) EDUCATION, TRAINING, AND ADVISING GRANTS.

(1) IN GENERAL.—The Administration may provide financial assistance in the form of grants to resource partners to provide education, training, and advising to covered small business concerns.

(2) USE OF FUNDS.—Grants under this subsection shall be used for the education, training, and advising to cover small business concerns and their employees on—

(A) accessing and applying for resources provided by the Administration and other Federal resources relating to access to capital and business resiliency;

(B) the hazards and prevention of the transmission and communication of COVID–19 and other communicable diseases;

(C) the potential effects of COVID–19 on the supply chains, distribution, and sale of products of covered small business concerns and the mitigation of those effects;

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

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

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

(G) the mitigation of the effects of reduced travel or outside activities on covered small business concerns during COVID–19 or similar occurrences; and

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

(3) GRANT DETERMINATION.—

(A) SMALL BUSINESS DEVELOPMENT CENTERS.—The Administration shall award 80 percent of funds authorized to carry out this subsection to small business development centers, which shall be awarded pursuant to a formula jointly developed, negotiated, and agreed upon, with full participation of both parties, between the association formed under section 23(a)(3)(A) of the Small Business Act (15 U.S.C. 648(a)(3)(A)) and the Administration.

(B) WOMEN’S BUSINESS CENTERS.—The Administration shall award 20 percent of funds authorized to carry out this subsection to women’s business centers, which shall be awarded pursuant to a process established by the Administration in consultation with representatives of the Administration, with full participation of both parties, between the association formed under section 23(a)(3)(A) of the Small Business Act (15 U.S.C. 648(a)(3)(A)) and the Administration.

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

(d) FORMULA.—

(A) GOALS AND METRICS.—

(i) the term "goals and metrics" means;
(i) take into consideration the extent of the circumstances relating to the spread of COVID–19, or similar occurrences, that affect covered small business concerns located in the area; and
(ii) provide resources and technical assistance to borrowers, particularly in rural or economically distressed areas;
(iii) generally follow the use of funds outlined in subsection (b) but shall not restrict the activities of resource partners in responding to unique situations; and
(iv) take into consideration the extent of circumstances relating to COVID–19 affecting small business concerns, and the efforts made by the affected, the effect on sales, the disruptions in supply chains, and the efforts made by the Administration and resource partners; and
(b) with respect to the grant program under subsection (c)—
(i) the efforts of the Administrator and the association or associations to develop and evolve an online resource for small business concerns; and
(ii) the efforts of the Administrator and the association or associations to develop a training program for partner counselors, including the number of counselors trained.

SEC. 1104. STATE TRADE EXPANSION PROGRAM.
(a) IN GENERAL.—Notwithstanding paragraph (3)(C)(iii) of section 22(l) of the Small Business Act (15 U.S.C. 649(l)), for grants under the State Trade Expansion Program under such section (or a neighborhood grant made available for fiscal year 2018 or fiscal year 2019, the period of the grant shall continue through the end of fiscal year 2020.
(b) REMUNERATION.—The Administrator shall reimburse any recipient of assistance under section 22(l) of the Small Business Act (15 U.S.C. 649(l)) for financial losses relating to a foreign trade mission or a trade show exhibition that was cancelled solely due to a public health emergency declared due to COVID–19 if the reimbursement does not exceed a recipient’s grant funding.

SEC. 1105. WAIVER OF MATCHING FUNDS REQUIREMENT UNDER THE WOMEN’S BUSINESS CENTER PROGRAM.
During the 3-month period beginning on the date of enactment of this Act, the requirements described in paragraph (3)(C) of section 7(a) of the Small Business Act (15 U.S.C. 656(c)) are waived for any recipient of assistance under this section.

SEC. 1106. LOAN FORGIVENESS.
(a) DEFINITIONS.—In this section—
(1) the term ‘‘covered loan’’ means a loan guaranteed under section 7(a) of the Small Business Act (15 U.S.C. 636(a)), as added by section 1102 of this Act.
(2) the term ‘‘eligible recipient’’ means the recipient of a covered loan; and
(3) the term ‘‘expected forgiveness amount’’ means any indebtedness or debt incurred in the ordinary course of business that—
(A) is a liability of the borrower;
(B) is a mortgage on real or personal property; and
(C) was incurred before February 15, 2020.
(b) REDUCTION BASED ON REDUCTION IN NUMBERS OF EMPLOYEES.—The amount of loan forgiveness under this section is determined, after the date on which the amount of forgiveness under this section is determined, the Administrator shall remit to the lender an amount equal to the amount of forgiveness plus any interest accrued through the date of payment.
(c) TREATMENT OF AMOUNTS FORGIVEN.—
(1) AMOUNT MAY NOT EXCEED PRINCIPAL.—The amount of loan forgiveness under this section shall not exceed the principal amount of a loan guaranteed under section 7(a) of the Small Business Act (15 U.S.C. 636(a)), or, at the discretion of the Administrator, a third party participant in the secured market, an eligible recipient under the applicable covered loan.
(2) PURCHASE OF GUARANTEES.—For purposes of the purchase of guarantees under this section, the Administrator shall remit to the lender an amount equal to the amount of loan forgiveness under section 7(a) of the Small Business Act (15 U.S.C. 636(a)) for such guarantee.
(3) R EMITTANCE.—Not later than 90 days after the date on which the Administrator remits to the lender an amount equal to the amount of forgiveness plus any interest accrued through the date of payment.

SEC. 1107. WAIVER OF MATCHING FUNDS REQUIREMENT UNDER THE WOMEN’S BUSINESS CENTER PROGRAM.
(a) IN GENERAL.—A lender authorized under section 7(a) of the Small Business Act (15 U.S.C. 636(a)), or, at the discretion of the Administrator, a third party participant in the secured market, an eligible recipient under the applicable covered loan.
(b) PURCHASE.—The Administrator shall purchase the expected forgiveness amount described in subsection (b) with respect to each covered loan to which the report relates.
(c) TREATMENT OF AMOUNTS FORGIVEN.—
(1) AMOUNT MAY NOT EXCEED PRINCIPAL.—The amount of loan forgiveness under this section shall not exceed the principal amount of a loan guaranteed under section 7(a) of the Small Business Act (15 U.S.C. 636(a)), or, at the discretion of the Administrator, a third party participant in the secured market, an eligible recipient under the applicable covered loan.
(2) REDUCTION BASED ON REDUCTION IN NUMBERS OF EMPLOYEES.—
(i) IN GENERAL.—The amount of loan forgiveness under this section shall be reduced, but not increased, by multiplying the amount described in subsection (b) by the quotient obtained by dividing—
(A) the average number of full-time equivalent employees per month employed by the eligible recipient during the period beginning on February 15, 2019 and ending on June 30, 2019; or
(b) the number of unique covered small business concerns that were served by the Administration and resource partners; and
(ii) the number of unique covered small business concerns that were served by the Administration and resource partners; and
(iii) the average number of full-time equivalent employees per month employed by the eligible recipient for the period beginning on January 1, 2020 and ending on February 29, 2020; or
(aa) the number of unique covered small business concerns that were served by the Administration and resource partners; and
(bb) the number of full-time equivalent employees per month employed by the eligible recipient for the period beginning on February 15, 2019 and ending on June 30, 2019; or
(b) the number of unique covered small business concerns that were served by the Administration and resource partners; and
(iii) the average number of full-time equivalent employees per month employed by the eligible recipient for the period beginning on February 15, 2019 and ending on June 30, 2019;
(B) CALCULATION OF AVERAGE NUMBER OF EMPLOYEES.—For purposes of subparagraph (A), the average number of full-time equivalent employees shall be determined by calculating the number of full-time equivalent employees for each pay period falling within a month.

(3) REDUCTION RELATING TO SALARY AND WAGES.—(A) IN GENERAL.—The amount of loan forgiveness under this section shall be reduced by the amount of any reduction in total salary or wages of an employee described in subparagraph (B) during the covered period that is in excess of 25 percent of the total salary or wages of the employee during the most recent full quarter during which the employee was employed before the covered period.

(B) EMPLOYEES DESCRIBED.—An eligible employee described in this subparagraph is any employee who did not receive, during any single pay period during 2019, wages or salary at an annualized rate of pay in an amount more than $100,000.

(4) TIPPED WORKERS.—An eligible recipient with tipped employees described in section 3(m)(2)(A) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(m)(2)(A)) may receive forgiveness for additional wages paid to those employees.

(5) EXEMPTION FOR RE-HIRES.—(A) IN GENERAL.—In a circumstance described in subparagraph (B), the amount of loan forgiveness under this section shall be reduced by a reduction in the number of full-time equivalent employees of an eligible recipient or a reduction in the salary of 1 or more employees of the eligible recipient, as applicable, during the period beginning on February 15, 2020 and ending on the date that is 30 days after the date of enactment of this Act.

(B) CIRCUMSTANCES.—A circumstance described in this subparagraph is a circumstance—

(i) in which—

(I) the period beginning on February 15, 2020 and ending on the date that is 30 days after the date of enactment of this Act, there is a reduction, as compared to February 15, 2020, in the number of full-time equivalent employees of an eligible recipient; and

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

(ii) in which—

(I) the period beginning on February 15, 2020 and ending on the date that is 30 days after the date of enactment of this Act, there is a reduction, as compared to February 15, 2020, in the salary or wages of 1 or more employees of the eligible recipient; and

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

(iii) in which the events described in clause (I) and (II) occur.

(6) EXEMPTIONS.—The Administrator and the Secretary of the Treasury may prescribe regulations granting de minimis exemptions from this subsection.

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

(1) documentation verifying the number of full-time equivalent employees, pay and pay rates for the periods described in subsection (d), including—

(A) payroll tax filings reported to the Internal Revenue Service; and

(B) State income, payroll, and unemployment insurance filings;

(2) documentation, including cancelled checks, payment receipts, transcripts of accounts, or other documents verifying payments on covered mortgage obligations, payments on covered lease obligations, and covered utility payments;

(3) a certification from a representative of the eligible recipient authorized to make such certification that—

(A) the documentation presented is true and correct; and

(B) the amount for which forgiveness is requested is the amount the eligible recipient is required to retain employees, make interest payments on a covered mortgage obligation, make payments on a covered rent obligation, or make covered utility payments; and

(4) any other documentation the Administrator determines necessary.

(f) PROHIBITION ON FORGIVENESS WITHOUT DOCUMENTATION.—No eligible recipient shall receive forgiveness under this section without submitting to the lender that is servicing the covered loan the documentation required under subsection (e).

(g) DECISION.—Not later than 60 days after the date on which a lender receives an application for loan forgiveness under this section from an eligible recipient, the lender shall issue a decision on the application.

(h) HOLD HARMLESS.—If a lender has received the documentation required under this section and is not able to ascertain whether the eligible recipient has accurately verified the payments for payroll costs, payments on covered mortgage obligations, payments on covered lease obligations, or covered utility payments during covered period—

(1) an enforcement action may not be taken against the lender under section 47(e) of the Small Business Act (15 U.S.C. 657(e)) relating to loan forgiveness for the payments for payroll costs, payments on covered mortgage obligations, payments on covered lease obligations, or covered utility payments during covered period;

(2) the lender shall not be subject to any penalties by the Administrator relating to loan forgiveness for the payments for payroll costs, payments on covered mortgage obligations, payments on covered lease obligations, or covered utility payments, as the case may be; and

(3) the lender shall not be subject to any conditions or terms and conditions of the covered loan.

(i) TAXABILITY.—For purposes of the Internal Revenue Code, any amount which (but for this subsection) would be includible (but for this subsection) would be includible in gross income of the eligible recipient by reason of forgiveness described in subsection (b) shall be excluded from gross income.

(j) RULE OF CONSTRUCTION.—The cancella-

tion of indebtedness on a covered loan under this section shall not otherwise modify the terms and conditions of the covered loan.

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

SEC. 1107. DIRECT APPROPRIATIONS.

(a) IN GENERAL.—There is appropriated, to remain available until September 30, 2021, for additional amounts—

(1) $17,000,000,000 under the heading ''Small Business Administration—Emergency EIDL Grants''; and

(2) $675,000,000 under the heading ''Small Business Administration—Entrepreneur Development Programs'', of which—

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

(B) $25,000,000 shall be for carrying out section 1103(c) of this Act.

(b) MINORITY BUSINESS DEVELOPMENT AGENCY.

(a) DEFINITIONS.—In this section—

(1) the term ‘‘Agency’’ means the Minority Business Development Agency of the Department of Commerce;

(2) the term ‘‘minority business enterprise’’ means a business concern that—

(I) is owned by 1 or more socially disadvantaged individuals, as determined by the Agency; and

(II) is engaged in carrying out the provisions of the Department of Commerce in carrying out the provisions of this Act; and

(b) EDUCATION, TRAINING, AND ADVISING GRANTS.—(1) IN GENERAL.—The Agency may provide financial assistance in the form of grants to minority business centers and minority chambers of commerce to provide education, training, and advising to minority business enterprises.

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

(A) the hazards and prevention of the transmission and communication of COVID–19 and other communicable diseases;
the Committee on Small Business and Entrepreneurship, and the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Small Business and Entrepreneurship of the House of Representatives a report that describes—

(I) with respect to the period covered by the initial report—
(a) the programs and services developed and provided by the Agency, minority business centers, and minority chambers of commerce under subparagraph (b); and
(b) the initial efforts to provide those services under subsection (b); and
(II) with respect to subsequent years covered by the report—
(a) with respect to the grant program under subsection (b) —
(i) the efforts of the Agency, minority business centers, and minority chambers of commerce to develop services to assist minority business enterprises;
(ii) the challenges faced by owners of minority business enterprises in accessing services provided by the Agency, minority business centers, and minority chambers of commerce;
(iii) the number of unique minority business enterprises that were served by the Agency, minority business centers, or minority chambers of commerce; and
(iv) other relevant outcome performance data with respect to minority business enterprises, including the number of employees affected, the effect on sales, the disruptions of supply chains, and losses caused by the Agency, minority business centers, and minority chambers of commerce to mitigate these effects.

(c) AUTHORIZATION OF APPROPRIATIONS.—

There is authorized to be appropriated $10,000,000 to carry out this section, to remain available until September 30, 2021.

SEC. 1109. UNITED STATES TREASURY PROGRAM MANAGEMENT AUTHORITY.

(a) DEFINITIONS.—In this section—

(1) the terms “appropriate Federal banking agency” and “insured depository institution” have the meanings given those terms in section 3 of the Federal Deposit Insurance Act (12 U.S.C. 1813);
(2) the term “credit union” has the meaning given the term in section 101 of the Federal Credit Union Act (12 U.S.C. 1753); and
(3) the term “Secretary” means the Secretary of the Treasury.

(b) AUTHORIZATION TO INCLUDE ADDITIONAL FINANCIAL INSTITUTIONS.—The Department of the Treasury, in consultation with the Administrator, and the Chairman of the Farm Credit Administration shall establish criteria for insured depository institutions, insured credit unions, institutions of the Farm Credit System chartered under the Farm Credit Act of 1971 (12 U.S.C. 2011 et seq.), and other lenders that do not already participate in lending under programs of the Administrator, to participate in the paycheck protection program and loan guaranty program established under this section until the date on which the national emergency declared by the President under the National Emergencies Act (50 U.S.C. 1601 et seq.) with respect to the Coronavirus Disease 2019 (COVID–19) expires.

(c) SAFETY AND SOUNDNESS.—An insured depository institution, insured credit union, institution of the Farm Credit System chartered under the Farm Credit Act of 1971 (12 U.S.C. 2011 et seq.), or other lender that may only participate in lending under programs of the Administrator, to participate in the paycheck protection program and loan guaranty program established under this section if participation does not affect the safety and soundness of the institution or lender, as determined by the Secretary in consultation with the appropriate Federal banking agencies or the National Credit Union Administration Board, as applicable.

(d) REGULATIONS FOR LENDERS AND LOANS.—

(1) IN GENERAL.—The Secretary may issue regulations and guidance as necessary to carry out the purposes of this section, including—

(A) allow additional lenders to originate loans under this section; and
(B) establish terms and conditions for loans under this section, including terms and conditions concerning compensation, underwriting standards, interest rates, and maturity.

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

(A) A rate of interest that does not exceed the maximum permissible rate of interest available on a loan of comparable maturity under paragraph (36) of section 7(a) of the Small Business Act (15 U.S.C. 636(a)), as added by section 1102 of this Act;
(B) Terms and conditions that, to the maximum extent practicable, are consistent with the terms and conditions required under the following provisions of paragraph (36) of section 7(a) of the Small Business Act (15 U.S.C. 636(a), as added by section 1102 of this Act:
(i) Subparagraph (D), pertaining to borrower eligibility;
(ii) Subparagraph (E), pertaining to the maximum loan amount available;
(iii) Subparagraph (F)(1), pertaining to allowable uses of program loans;
(iv) Subparagraph (H), pertaining to fee waivers and other benefits; and
(v) Subparagraph (M), pertaining to loan deferment.

(D) Loan forgiveness under terms and conditions that, to the maximum extent practicable, is consistent with the guarantee percentage required under subparagraph (F) of section 7(a)(2) of the Small Business Act (15 U.S.C. 636(a)), as added by section 1102 of this Act.

(E) ADDITIONAL REGULATIONS GENERALLY.—

The Secretary may issue regulations and guidance as necessary to carry out the purposes of this section, including to allow additional lenders to originate loans under this title and to establish terms and conditions such as compensation, underwriting standards, interest rates, and maturity for this section.

(F) CERTIFICATION.—As a condition of receiving a loan under this section, a borrower shall certify under this title to the Secretary that the borrower—

(1) does not have an application pending for a loan under section 7(a) of the Small Business Act (15 U.S.C. 636(a)) for the same purpose; and
(2) has not received such a loan during the period beginning on February 15, 2020 and ending on December 31, 2020.

(G) OPT-IN FOR SBA QUALIFIED LENDERS.—

Lenders qualified to participate as a lender under section 7(a) of the Small Business Act (15 U.S.C. 636(a)) may opt-in to the paycheck protection program under the criteria, terms, and conditions established under this section, including that the lenders do not preclude the lenders from continuing participation as a lender under section 7(a) of the Small Business Act (15 U.S.C. 636(a)).

(H) APPLICATION OF GUIDANCE FROM THE SECRETARY.—

The Administrator shall administer the program established under this section, including that the funding and purchasing of guarantees on loans under the program, until the date on which the national emergency declared by the President under the National Emergencies Act (50 U.S.C. 1601 et seq.) with respect to the Coronavirus Disease 2019 (COVID–19) expires.
(1) **Criminal Penalties.**—A loan under this section shall be deemed to be a loan under the Small Business Act (15 U.S.C. 631 et seq.) for purposes of section 16 of such Act (15 U.S.C. 645).

SEC. 1110. EMERGENCY EIDL GRANTS.

(a) **Definitions.**—In this section—

(1) the term ‘‘covered period’’ means the period beginning on January 31, 2020 and ending on December 31, 2020; and

(2) the term ‘‘eligible entity’’ means—

(A) a business with not more than 500 employees;

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

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

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

(E) a tribal small business concern, as described in section 3(b)(2)(C) of the Small Business Act (15 U.S.C. 657a(b)(2)(C)), with not more than 500 employees.

(b) **Eligible Entities.**—During the covered period, a small business concern, a public nonprofit organization, and a small agricultural cooperative, an eligible entity shall be eligible for a loan under section 7(b)(2) of the Small Business Act (15 U.S.C. 636(b)(2)).

(c) **Terms; Credit Elsewhere.**—With respect to a loan made under section 7(b)(2) of the Small Business Act (15 U.S.C. 636(b)(2)) in response to COVID-19 during the covered period, the Administrator shall waive—

(1) any rules related the personal guarantees associated with loans of not more than $20,000 during the covered period for all applicants;

(2) the requirement that an applicant needs to have been in business for 1-year prior to the disaster, except that no waiver may be made for a business that was not in operation on January 31, 2020; and

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

(d) **Approval and Ability to Repay for Small Dollar Loans.**—With respect to a loan made under section 7(b)(2) of the Small Business Act (15 U.S.C. 636(b)(2)) in response to COVID-19 during the covered period, the Administrator may—

(1) approve an applicant based solely on the criterion that the applicant and shall not require an applicant to submit a tax return or a tax return transcript for such approval; or

(2) use alternative appropriate methods to determine an applicant’s ability to repay.

(e) **Emergency Grant.**—

(1) **In General.**—During the covered period, an emergency grant shall be available to an eligible entity under section 7(b)(2) of the Small Business Act (15 U.S.C. 636(b)(2)) in response to COVID-19. The Administrator may—

(A) provide an emergency grant to an eligible entity by accepting a self-certification that the applicant—

(i) is not on deferment, for the 6-month period beginning after the date of enactment of this Act and on deferment, for the 6-month period before the date of enactment of this Act and

(ii) pay the principal, interest, and any associated fees that are owed on a covered loan in a regular servicing status—

(A) with respect to a covered loan made before the date of enactment of this Act and

(B) with respect to a covered loan made before the date of enactment of this Act and on deferment, for the 6-month period beginning with the next payment due on the covered loan;

(2) **Approval and Payment.**—The Administrator shall—

(A) make an emergency grant to an eligible entity by accepting a self-certification that the applicant—

(i) is not on deferment, for the 6-month period beginning after the date of enactment of this Act and

(ii) pay the principal, interest, and any associated fees that are owed on a covered loan in a regular servicing status—

(A) with respect to a covered loan made before the date of enactment of this Act and

(B) with respect to a covered loan made before the date of enactment of this Act and on deferment, for the 6-month period beginning with the next payment due on the covered loan;

(3) **Eligibility.**—An eligible entity is eligible for an emergency grant if—

(A) the entity is not on deferment, for the 6-month period beginning after the date of enactment of this Act and

(B) pay the principal, interest, and any associated fees that are owed on a covered loan in a regular servicing status—

(A) with respect to a covered loan made before the date of enactment of this Act and

(B) with respect to a covered loan made before the date of enactment of this Act and on deferment, for the 6-month period beginning with the next payment due on the covered loan.

(f) **Authorization of Appropriations.**—There is authorized to be appropriated to the Administrator $25,000,000 to carry out this section.

SEC. 1111. SUBSIDY FOR CERTAIN LOAN PAYMENTS.

(a) **Definition of Covered Loan.**—In this section, the term ‘‘covered loan’’ means a loan that is—

(1) guaranteed by the Administrator under—

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

(i) including a loan made under the Community Advantage Pilot Program of the Administrator; and

(ii) excluding a loan made under paragraph (3) of such section 7(a), as added by section 1111 of the Coronavirus Aid, Relief, and Economic Security Act (15 U.S.C. 636(m)); or

(B) the title V of the Small Business Investment Act of 1958 (15 U.S.C. 665 et seq.); or

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

(b) **Eligibility.**—It is the sense of Congress that—

(1) all borrowers are adversely affected by COVID-19;

(2) relief payments by the Administrator are appropriate for all borrowers; and

(3) in addition to the relief provided under this Act, the Administration should encourage lenders to provide payment deferments, when appropriate, and to extend the maturity of covered loans, so as to avoid balloon payments or any requirement for increases in debt payments resulting from deferments provided by lenders during the period of the national emergency declared by the President under the National Emergencies Act (50 U.S.C. 1601 et seq.) and related to the Coronavirus Disease 2019 (COVID-19).

(c) **Principal and Interest Payments.**—

(1) **In General.**—The Administrator shall—

(A) provide an additional, interest-free, and any associated fees that are owed on a covered loan in a regular servicing status—

(A) with respect to a covered loan made before the date of enactment of this Act and

(B) with respect to a covered loan made before the date of enactment of this Act and on deferment, for the 6-month period beginning with the next payment due on the covered loan;

(2) **Timing of Payment.**—The Administrator shall—

(A) provide an additional, interest-free, and any associated fees that are owed on a covered loan in a regular servicing status—

(A) with respect to a covered loan made before the date of enactment of this Act and

(B) with respect to a covered loan made before the date of enactment of this Act and on deferment, for the 6-month period beginning with the next payment due on the covered loan.
(1) communicate and coordinate with the Federal Deposit Insurance Corporation, the Office of the Comptroller of the Currency, and State bank regulators to encourage those financial institutions to increase their reserves on account of receiving payments made by the Administrator under subsection (c); 
(2) waive statutory limits on maximum loan maturities for any covered loan durations where the lender provides a deferral and extends the maturity of covered loans during the 1-year period following the date of enactment of this Act; and 
(3) when necessary to provide more time because of the potential of higher volumes, travel restrictions, and the inability to access some properties during the COVID–19 pandemic, extend lender site visit requirements to—
(A) not more than 60 days (which may be extended at the discretion of the Administrator) after the occurrence of an adverse event, other than a payment default, causing a loan to be classified as in liquidation; and 
(B) not more than 90 days after a payment default.

(e) RULE OF CONSTRUCTION.—Nothing in this section may be construed to limit the authority of the Administrator to make payments pursuant to subsection (c) with respect to a covered loan solely because the covered loan has been sold in the secondary market.

(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Administrator $77,000,000,000 to carry out this section.

SEC. 1113. BANKRUPTCY.

(a) SMALL BUSINESS DEBTOR RHIGHONIZATION.—

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

“(1) DEBTOR.—The term ‘debtor’—

(A) subject to subparagraph (B), means a person engaged in commercial or business activities (including any affiliate of such person that is also a debtor under this title and excluding a person whose primary activity is the business of owning single asset real estate) that has aggregate noncontingent liquidated secured and unsecured debts as of the date of the filing of the petition or the date of the order for relief in an amount not more than $7,500,000 (excluding debts owed to 1 or more affiliates or insiders) not less than 50 percent of which arose from the commercial or business activities of the debtor; and

(B) does not include—

(i) a member of a group of affiliated debtors that has aggregate noncontingent liquidated secured and unsecured debts in an amount greater than $7,500,000 (excluding debts owed to 1 or more affiliates or insiders); 

(ii) any debtor that is a corporation subject to the reporting requirements under section 13 or 15(d) of the Securities Exchange Act of 1934 (15 U.S.C. 78m, 78o(d)); or

(iii) any debtor that is an affiliate of an issuer, as defined in section 3 of the Securities Exchange Act of 1934 (15 U.S.C. 78c).”;

(b) CONFIRMATION OF PLAN.—Subsection 1325(b)(2) of title 11, United States Code, is amended by inserting “payments made under Federal law relating to the national emergency declared under the National Emergencies Act (50 U.S.C. 1601 et seq.) with respect to the coronavirus disease 2019 (COVID–19),”.

(c) MODIFICATION OF PLAN AFTER CONFIRMATION.—Section 1329 of title 11, United States Code, is amended by adding at the end the following:

“(V) Payments made under Federal law relating to the national emergency declared by the President under the National Emergencies Act (50 U.S.C. 1601 et seq.) with respect to the coronavirus disease 2019 (COVID–19) and the National Emergencies Act (50 U.S.C. 1601 et seq.) with respect to the COVID-19 pandemic and other than

(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Administrator $77,000,000,000 to carry out this section.

SEC. 1114. EMERGENCY RULEMAKING AUTHORITY.

Not later than 15 days after the date of enactment of this Act, the Administrator shall issue regulations to carry out this title and the amendments made by this title without notice and opportunity for public comment under section 553(b) of title 5, United States Code.

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


SEC. 2101. SHORT TITLE.

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

SEC. 2102. PANDEMIC UNEMPLOYMENT ASSISTANCE.

(a) DEFINITIONS.—In this section:

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

(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 on January 27, 2020, with respect to the 2019 Novel Coronavirus.

(3) COVERED INDIVIDUAL.—The term “covered individual” means an individual who—

(A) is not eligible for regular compensation or extended benefits under State or Federal law or pandemic emergency unemployment compensation under section 2107, including an individual who has exhausted all rights to regular unemployment or extended benefits under State or Federal law or pandemic emergency unemployment compensation section 2107; and

(B) provides self-certification that the individual—

(i) is otherwise able to work and available for work within the meaning of applicable State law, except the individual is unemployed, partially unemployed, or unable or unavailable to work due to work held has been diagnosed with COVID–19; or

(ii) is otherwise able to work and available for work within the meaning of applicable State law, except the individual is unemployed, partially unemployed, or unable or unavailable to work due to work held has been diagnosed with COVID–19; or

(aa) the individual was scheduled to complete more than 50 percent of which arose from the commercial or business activities of the debtor; and

(bb) the individual was scheduled to complete more than 50 percent of which arose from the commercial or business activities of the debtor; and

(cc) the individual is providing care for a member of the individual’s household who has been diagnosed with COVID–19;

(dd) a child or other person in the household for which the individual has primary care responsibility is unable to attend school or another facility that is closed as a direct result of the COVID–19 public health emergency and such school or facility care is required for the individual to work;

(ee) the individual is unable to reach the place of employment because of a quarantine imposed as a direct result of the COVID–19 public health emergency;

(ff) the individual is unable to reach the place of employment because the individual has been advised by a health care provider to quarantine due to concerns related to COVID–19;

(gg) the individual was scheduled to commence employment and does not have a job or is otherwise able to work due to work held has been diagnosed with COVID–19; or

(hh) the individual has a job or is otherwise able to work due to work held has been diagnosed with COVID–19;

(i) the individual was scheduled to complete employment and was not able to complete employment because of the COVID–19 public health emergency;
RESULT OF COVID–19.—Subject to subsection (b), the Secretary shall provide the assistance authorized under subsection (b) for a week of unemployment, partial unemployment, or inability to work caused by COVID–19.

(b) FLEXIBILITY IN PAYING REIMBURSEMENT.—The Secretary shall establish a process for making assistance under this section available for weeks beginning on or after January 27, 2020, and before the date of enactment of this Act.

(d) AMOUNT OF ASSISTANCE.—(1) IN GENERAL.—The assistance authorized under subsection (b) for a week of unemployment, partial unemployment, or inability to work shall be—

(A) the weekly benefit amount authorized under the unemployment compensation law of the State where the covered individual was employed, except that the amount may not be less than the minimum weekly benefit amount described in section 625.6 of title 20, Code of Federal Regulations, or any successor thereto; and

(B) in the case of the individual’s place of employment is closed as a direct result of the COVID–19 public health emergency, the minimum weekly benefit amount after the date of enactment of this Act, increased in an amount equal to such increase.

(2) CALCULATIONS OF AMOUNTS FOR CERTAIN COVERED INDIVIDUALS.—In the case of a covered individual who is self-employed, who lives in a territory described in subsection (c) or (d) of section 625.6 of title 20, Code of Federal Regulations, or who would not otherwise qualify for unemployment compensation under State law, the assistance authorized under subsection (b) shall be calculated in accordance with section 625.6 of title 20, Code of Federal Regulations, or any successor thereto, and such benefit amount shall be increased in an amount equal to such increase.

(c) APPLICABILITY.—(1) IN GENERAL.—Except as provided in paragraph (2), the assistance authorized under subsection (b) shall be available to a covered individual—

(A) for weeks of unemployment, partial unemployment, or inability to work caused by COVID–19—

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

(ii) ending on or before January 27, 2020; and

(B) subject to subparagraph (A)(ii), the term “State” means the Secretary of Labor.

(5) EXCLUSION.—The term “State” includes the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, the Federated States of Micronesia, the Republic of the Marshall Islands, and the Republic of Palau.

(b) ASSISTANCE FOR UNEMPLOYMENT AS A RESULT OF COVID–19.—Subject to subsection (c), the Secretary shall provide to any covered individual the benefit assistance—

(A) who is unemployed, partially unemployed, or unable to work for weeks of such unemployment with respect to which the individual is not entitled to any other unemployment compensation; and

(B) who would otherwise not qualify for unemployment compensation under State law, the assistance authorized under subsection (b) for a week of unemployment, partial unemployment, or inability to work shall be—

(1) IN GENERAL.—The assistance authorized under subsection (b) for a week of unemployment, partial unemployment, or inability to work caused by COVID–19 continues.

(2) LIMITATION ON DURATION OF ASSISTANCE.—The total number of weeks for which a covered individual may receive assistance under subsection (b) shall not exceed ten weeks, and such total shall include any week for which a covered individual received regular compensation or extended benefits under any Federal or State law, except that if after the date of enactment of this Act, the duration of extended benefits is extended, the 39-week period described in this paragraph shall be extended by the number of weeks that is equal to the number of weeks by which the extended benefits were extended.

(3) DURATION OF UNEMPLOYMENT.—The Secretary shall establish a process for making assistance under this section available for weeks beginning on or after January 27, 2020, and before the date of enactment of this Act.

(d) AMOUNT OF ASSISTANCE.—(1) IN GENERAL.—The assistance authorized under subsection (b) for a week of unemployment, partial unemployment, or inability to work shall be—

(A) the weekly benefit amount authorized under the unemployment compensation law of the State where the covered individual was employed, except that the amount may not be less than the minimum weekly benefit amount described in section 625.6 of title 20, Code of Federal Regulations, or any successor thereto; and

(B) in the case of the individual’s place of employment is closed as a direct result of the COVID–19 public health emergency, the minimum weekly benefit amount after the date of enactment of this Act, increased in an amount equal to such increase.

(2) CALCULATIONS OF AMOUNTS FOR CERTAIN COVERED INDIVIDUALS.—In the case of a covered individual who is self-employed, who lives in a territory described in subsection (c) or (d) of section 625.6 of title 20, Code of Federal Regulations, or who would not otherwise qualify for unemployment compensation under State law, the assistance authorized under subsection (b) shall be calculated in accordance with section 625.6 of title 20, Code of Federal Regulations, or any successor thereto, and such benefit amount shall be increased in an amount equal to such increase.

(c) APPLICABILITY.—(1) IN GENERAL.—Except as provided in paragraph (2), the assistance authorized under subsection (b) shall be available to a covered individual—

(A) for weeks of unemployment, partial unemployment, or inability to work caused by COVID–19—

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

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

(B) subject to subparagraph (A)(ii), as long as—

(i) the term “COVID–19 public health emergency” were substituted for the term “major disaster” each place it appears in such section 625; and

(ii) the term “pandemic” were substituted for the term “disaster” each place it appears in such section 625.

SEC. 2105. EMERGENCY UNEMPLOYMENT RELIEF FOR GOVERNMENTAL ENTITIES AND NONPROFIT ORGANIZATIONS

(a) FLEXIBILITY IN PAYING REIMBURSEMENT.—The Secretary of Labor may issue clarifying guidance to allow States to interpret their State unemployment compensation laws in a manner that would provide maximum flexibility to reimbursing employers as it relates to timely payment and as necessary to make payments described in this section to employees as it relates to timely payment and as necessary to make payments described in this section to the Secretary of Labor.

(b) FEDERAL FUNDING.—Section 903 of the Social Security Act (42 U.S.C. 1103(a)) is amended by adding at the end the following:

“Transfers for Federal Reimbursement of State Unemployment Funds

(1) In general.—In any year, the Secretary shall provide for the transfer of funds during the applicable period to the accounts of the States as may be agreed upon by the Secretary and the State agency of the State involved.

(g) FUNDING.—

(A) IN GENERAL.—Funds in the extended unemployment compensation account (as established by section 905(a) of the Social Security Act (42 U.S.C. 1105(a)) of the Unemployment Trust Fund established by section 901(b)(1) of such Act (42 U.S.C. 1104(a)) shall be used to make payments to States pursuant to subsection (f)(2)(A).

(B) TRANSFER OF FUNDS.—Notwithstanding any other provision of law, the Secretary of the Treasury shall transfer from the general fund of the Treasury (from funds not otherwise appropriated) to the extended unemployment compensation account such sums as the Secretary of Labor estimates to be necessary to make payments described in paragraph (1) of subsection (f). There are appropriated from the general fund of the Treasury, without fiscal year limitation, the sums referred to in the preceding sentence and such sums shall not be required to be repaid.

(3) CERTIFICATIONS.—The Secretary of Labor shall from time to time certify to the Secretary of the Treasury for payment to each State the sums payable to such State under paragraphs (1) and (2).

(b) RELATIONSHIP BETWEEN PANDEMIC UNEMPLOYMENT ASSISTANCE AND DISASTER UNEMPLOYMENT ASSISTANCE.—Except as otherwise provided in this Act, the provisions of this Act (other than the provisions of this section or to the extent the Secretary otherwise provided in this section or to the extent the Secretary otherwise provided in this Act and the Secretary otherwise provided in this Act) are applicable to the provisions of this Act as if there is a conflict between this section and section 625 of title 20, Code of Federal Regulations, such section 625 shall apply to this section as if—

(1) the term “COVID–19 public health emergency” were substituted for the term “major disaster” each place it appears in such section 625; and

(2) the term “pandemic” were substituted for the term “disaster” each place it appears in such section 625.
in the Unemployment Trust Fund, by transfer from amounts reserved for that purpose in the Federal unemployment account, in accordance with the succeeding provisions of this section.

"(B) The amount of funds transferred to the account of a State under subparagraph (A) during a period shall, as determined by the Secretary of Labor, be equal to one-half of the amounts of compensation (as defined in section 3306(h) of the Internal Revenue Code of 1986) attributable under the State law to service to which section 3309(a)(2) of such Code applies that were paid by the State for weeks of unemployment beginning during such period. Such transfers shall be made at such times as the Secretary of Labor considers appropriate.

"(C) Any other funds transferred to the account of a State under subparagraph (A) shall be used exclusively to reimburse governmental entities and other organizations described in section 3309(a)(2) of such Code for amounts paid (in lieu of contributions) into the State unemployment fund pursuant to such agreement.

"(D) For purposes of this paragraph, the term ‘applied period’ means the period beginning on March 13, 2020, and ending on December 31, 2020.

"(2) Notwithstanding any other provision of law, the Secretary of the Treasury shall pay the general fund of the Treasury (from funds not otherwise appropriated) to the Federal unemployment account such sums as the Secretary of Labor estimates are necessary for purposes of making the transfers described in paragraph (1).

"(b) There are appropriated from the general fund of the Treasury, without fiscal year limitation, the sums referred to in subparagraph (A) and such sums shall not be required to be reappropriated from the general fund of the Treasury for the same purpose under the same appropriation Acts for the period beginning on March 13, 2020, and ending on December 31, 2020.

SEC. 2104. EMERGENCY INCREASE IN UNEMPLOYMENT COMPENSATION BENEFITS.

(a) FEDERAL-STATE AGREEMENTS.—Any State which desires to do so may enter into and participate in an agreement under this section with the Secretary of Labor (in this section referred to as the ‘Secretary’). Any State may enter into an agreement under this section only during the period beginning on March 13, 2020, and ending on December 31, 2020.

(b) PROVISIONS OF AGREEMENT.

(1) FEDERAL PANDEMIC UNEMPLOYMENT COMPENSATION.—Any agreement under this section shall provide for payments to individuals in amounts and for purposes as determined by the Secretary.

(2) CERTIFICATIONS.—The Secretary shall require each State that enters into an agreement under this section to certify that the State will be entitled to receive under such agreement sums as may be necessary for purposes of the preceding provisions of this section.

(c) NONRECESSION RULE.—

(1) IN GENERAL.—An agreement under this section shall not apply (or shall cease to apply) with respect to a State upon a determination by the Secretary that the method governing the computation of regular compensation under the State law of that State has been modified in a manner such that the method otherwise applies (the determinative period). The Secretary shall determine, on or before December 31, 2020, the amount of the average weekly benefit amount, of regular compensation which will be payable during the period of the agreement (determined disregarding any Federal Pandemic Unemployment Compensation), will be less than the number of weeks, or the average weekly benefit amount, of the average weekly benefit amount of regular compensation which would otherwise have been payable during such period under the State law, as in effect before 2020.

(2) MAXIMUM BENEFIT ENTITLEMENT.—In paragraph (1), the term ‘maximum benefit entitlement’ means the amount of regular unemployment compensation payable to an individual with respect to the individual’s benefit year.

(d) PAYMENTS TO STATES.

(1) IN GENERAL.—

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

(i) the total amount of Federal Pandemic Unemployment Compensation paid to individuals by the State pursuant to such agreement; and

(ii) any additional administrative expenses incurred by the State by reason of such agreement (as determined by the Secretary).

(B) TERMS OF PAYMENTS.—Sums payable to any State by reason of such State’s having an agreement under this section shall be payable on a weekly or biweekly payment of reimbursement (as determined by the Secretary), in such amounts as the Secretary estimates the State will be entitled to receive under this section for each calendar month, reduced or increased, as the case may be, by any amount by which the Secretary finds that his estimates for any prior calendar month were greater or less than the amounts which should have been paid to the State. Such estimates may be made on the basis of such statistical, sampling, or other method as may be agreed upon by the Secretary and the agency under this section shall be subject to review in the same manner and to the same extent as determinations under the State unemployment compensation law, and only in that manner and to that extent.

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

(1) beginning on the date on which such agreement is entered into; and

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

(f) FRAUD AND OVERPAYMENTS.

(1) IN GENERAL.—If an individual knowingly has made, or caused to be made by another, a false statement or representation of a material fact, or knowingly has failed, or caused another to fail, to disclose a material fact, and as a result of such false statement or representation or of such nondisclosure such individual has received an amount of Federal Pandemic Unemployment Compensation to which such individual was not entitled, such individual—

(A) shall be ineligible for further Federal Pandemic Unemployment Compensation in accordance with the provisions of the applicable State unemployment compensation law relating to fraud in connection with a claim for unemployment compensation; and

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

(2) Any reference to unemployment compensation described in this paragraph shall be considered to refer to—

(A) extended compensation (as defined by section 205 of the Federal-State Extended Unemployment Compensation Act of 1970); and

(B) regular compensation (as defined by section 85(b) of the Internal Revenue Code of 1986).
Secretary that the State law no longer applies (or shall cease to apply) with respect to such week under the unemployment compensation law of Canada; and

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

Section 2010f.—For purposes of paragraph (2)(A), an individual shall be deemed to have exhausted such individual’s rights to regular compensation under a State law when:

(A) no payments of regular compensation can be made under such law because such individual has received all regular compensation available to such individual based on unemployment or earnings during such individual’s base period; or

(B) such individual’s rights to such compensation have been terminated by reason of the expiration of the benefit year with respect to which such rights existed.

(4) WEEKLY BENEFIT AMOUNT, ETC.—For purposes of any agreement under this section—

(A) the amount of pandemic emergency unemployment compensation which shall be payable to any individual for any week of total unemployment shall be equal to—

(i) the maximum weekly benefit amount, of the average weekly benefit amount, or the average weekly benefit amount, of the average weekly benefit amount which would otherwise have been paid to the individual under the State law which apply to claims for regular compensation and to the payment thereof (including any terms and conditions relating to the availability for work, active search for work, and refusal to accept work) shall apply to claims for pandemic emergency unemployment compensation and the payment thereof, or except where otherwise inconsistent with the provisions of this section or with the regulations or operating instructions of the Secretary promulgated to carry out this section;

(C) the maximum amount of pandemic emergency unemployment compensation payable to any individual for whom an agreement under this section applies is equal to the maximum amount of pandemic emergency unemployment compensation and the payment thereof, or except where otherwise inconsistent with the provisions of this section or with the regulations or operating instructions of the Secretary promulgated to carry out this section;

(C) are not receiving compensation with respect to such week under the unemployment compensation law of Canada; and

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

Section 2010f.—For purposes of paragraph (2)(A), an individual shall be deemed to have exhausted such individual’s rights to regular compensation under a State law when:

(A) no payments of regular compensation can be made under such law because such individual has received all regular compensation available to such individual based on unemployment or earnings during such individual’s base period; or

(B) such individual’s rights to such compensation have been terminated by reason of the expiration of the benefit year with respect to which such rights existed.

(4) WEEKLY BENEFIT AMOUNT, ETC.—For purposes of any agreement under this section—

(A) the amount of pandemic emergency unemployment compensation which shall be payable to any individual for any week of total unemployment shall be equal to—

(i) the maximum weekly benefit amount, of the average weekly benefit amount, or the average weekly benefit amount, of the average weekly benefit amount which would otherwise have been paid to the individual under the State law which apply to claims for regular compensation and to the payment thereof (including any terms and conditions relating to the availability for work, active search for work, and refusal to accept work) shall apply to claims for pandemic emergency unemployment compensation and the payment thereof, or except where otherwise inconsistent with the provisions of this section or with the regulations or operating instructions of the Secretary promulgated to carry out this section;

(C) the maximum amount of pandemic emergency unemployment compensation payable to any individual for whom an agreement under this section applies is equal to the maximum amount of pandemic emergency unemployment compensation and the payment thereof, or except where otherwise inconsistent with the provisions of this section or with the regulations or operating instructions of the Secretary promulgated to carry out this section;

(C) are not receiving compensation with respect to such week under the unemployment compensation law of Canada; and

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

Section 2010f.—For purposes of paragraph (2)(A), an individual shall be deemed to have exhausted such individual’s rights to regular compensation under a State law when:

(A) no payments of regular compensation can be made under such law because such individual has received all regular compensation available to such individual based on unemployment or earnings during such individual’s base period; or

(B) such individual’s rights to such compensation have been terminated by reason of the expiration of the benefit year with respect to which such rights existed.

(4) WEEKLY BENEFIT AMOUNT, ETC.—For purposes of any agreement under this section—

(A) the amount of pandemic emergency unemployment compensation which shall be payable to any individual for any week of total unemployment shall be equal to—

(i) the maximum weekly benefit amount, of the average weekly benefit amount, or the average weekly benefit amount, of the average weekly benefit amount which would otherwise have been paid to the individual under the State law which apply to claims for regular compensation and to the payment thereof (including any terms and conditions relating to the availability for work, active search for work, and refusal to accept work) shall apply to claims for pandemic emergency unemployment compensation and the payment thereof, or except where otherwise inconsistent with the provisions of this section or with the regulations or operating instructions of the Secretary promulgated to carry out this section;

(C) the maximum amount of pandemic emergency unemployment compensation payable to any individual for whom an agreement under this section applies is equal to the maximum amount of pandemic emergency unemployment compensation and the payment thereof, or except where otherwise inconsistent with the provisions of this section or with the regulations or operating instructions of the Secretary promulgated to carry out this section;

(C) are not receiving compensation with respect to such week under the unemployment compensation law of Canada; and

(D) are able to work, available to work, and actively seeking work.
been payable during such period under the State law, as in effect on January 1, 2020.

(2) Maximum benefit entitlement.—In paragraph (A), the term ‘‘maximum benefit entitlement’’ means the amount of regular unemployment compensation payable to an individual with respect to the individual’s benefit year.

(3) Reimbursement claim.—If an individual has made a claim that has been denied in connection with a claim for unemployment compensation under this section in accordance with the procedures described in paragraph (A), there shall be paid to the Secretary of the Treasury, for deposit in the employment security account established by section 901(a) of the Social Security Act, an amount equal to 13 times the individual’s average weekly benefit amount, which includes the amount of Federal Pandemic Unemployment Compensation payable to such individual under section 2104, for the benefit year.

(d) Weekly benefit amount.—For purposes of this section, the amount of regular compensation payable to an individual with respect to any week for which the individual is eligible for regular compensation under this title shall be the sum of the weekly benefit amount and the base amount which is such amount as the Secretary estimates to be necessary for purposes of assisting States in meeting the costs of administering the regular unemployment compensation program of the State.

(e) Payments to States having agreements for the payment of pandemic emergency unemployment compensation.—(1) In general.—There shall be paid to each State that has entered into an agreement under this section an amount equal to 100 percent of the pandemic emergency unemployment compensation paid to individuals by the State pursuant to such agreement.

(2) Treatment of reimbursable compensation.—No payment shall be made to any State under this section in respect of any compensation to the extent the payment is entitled to reimbursement in respect of such compensation under any Federal law other than this section or chapter 85 of title 5, United States Code. A State shall not be entitled to any reimbursement under this section in respect of any compensation to the extent the State is entitled to reimbursement under this section in respect of such compensation.

(3) Limitation on amount.—Sums payable to any State by reason of such State having an agreement under this section shall be payable, either in advance or by way of reimbursement (as may be determined by the Secretary), in such amounts as the Secretary estimates the State will be entitled to receive under this section in the current month, reduced or increased, as the case may be, by any amount by which the Secretary finds that the Secretary’s estimates for any prior month were greater or less than the amounts which should have been paid to the State. Such estimates may be made on the basis of such statistical, sampling, or other methodology as the Secretary may, with or without agreement upon it by the Secretary and the State agency of the State involved.

(f) Financial provisions.—(1) Compensation.—(A) In general.—Funds in the extended unemployment compensation account (as established by section 800(a) of such Act) shall be used for the making of payments to States having agreements entered into under this section.

(B) Transfer of funds.—Notwithstanding any other provision of law, the Secretary of the Treasury shall transfer to the general fund of the Treasury from funds not otherwise appropriated the amount of extended unemployment compensation payable to such individual under any State unemployment compensation law relating to fraud in connection with such a claim for unemployment compensation.

(C) Payment of amounts.—In the case of individuals who have received amounts of pandemic emergency unemployment compensation under this section to which they were not entitled, the State shall require such individuals to repay the amounts of such pandemic emergency unemployment compensation to the State agency, except that the State agency may waive such repayment if it determines that—

(A) the payment of such pandemic emergency unemployment compensation was without fault on the part of any such individual; and

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

(2) Temporary financing of short-time compensation payments in States with programs in law.—(a) Payments to States.—(1) In general.—Subject to paragraph (3), there shall be paid to a State an amount equal to 100 percent of the amount of short-time compensation paid under a short-time compensation program in such State in the calendar year in respect of which the Secretary determines that—

(A) shall be ineligible for further pandemic emergency unemployment compensation under this section in accordance with the provisions of the applicable State unemployment compensation law relating to fraud in connection with a claim for unemployment compensation; and

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

(2) Repayment.—In the case of individuals who have received amounts of pandemic emergency unemployment compensation under this section to which they were not entitled, the State shall require such individuals to repay the amounts of such pandemic emergency unemployment compensation to the State agency, except that the State agency may waive such repayment if it determines that—

(A) the payment of such pandemic emergency unemployment compensation was without fault on the part of any such individual; and

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

(3) Recovery by State agency.—(1) In general.—For purposes of this section, the State agency shall recover the amount to be repaid, or any part thereof, by deductions from any payment of any weekly payment of unemployment compensation otherwise payable to such individual under any State 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 for which the individual was not entitled, during the 3-year period after the date such individual received the payment of the pandemic emergency unemployment compensation, or in accordance with the same procedures as apply to the recovery of overpayments of regular unemployment benefits paid by the State.

(2) Opportunity for hearing.—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 compensation law, and in the manner and to the extent prescribed by such law.

(f) Definitions.—In this section, the terms ‘‘compensation,’’ ‘‘regular compensation,’’ ‘‘extended compensation,’’ ‘‘benefit year,’’ ‘‘base period,’’ ‘‘State agency,’’ ‘‘State law,’’ and ‘‘week’’ have the respective meanings given such terms under section 205 of the Federal-State Extended Unemployment Compensation Act of 1970 (26 U.S.C. 3301 note).

(g) Applicability.—An agreement entered into under this section shall apply to weeks of unemployment not earlier than the beginning of the calendar year.
(2) TERMS OF PAYMENTS.—Payments made to a State under paragraph (1) shall be payable by way of reimbursement in such amounts as the Secretary estimates the State to require under this section for each calendar month, reduced or increased, as the case may be, by any amount by which the Secretary finds that the Secretary's estimates for any prior calendar month were greater or less than the amounts which should have been paid to the State. Such estimates may be made on the basis of such statistical, sampling, or other method as may be agreed upon by the Secretary and the State agency of the State involved.

(b) PROVISIONS OF FEDERAL-STATE AGREEMENT.—

(1) IN GENERAL.—Any agreement under this section shall provide that the State agency of the State will make payments of short-time compensation to individuals who are entitled to such compensation and to whom such payments are due under the State law. Such plan shall provide that payments are made in accordance with the requirements under section 3306(v) of the Internal Revenue Code of 1986.

(2) LIMITATIONS ON PLANS.—

(A) GENERAL PAYMENT LIMITATIONS.—A short-time compensation plan approved by a State under paragraph (1) of subsection (a) shall be available for a week of total unemployment.

(B) EMPLOYER LIMITATIONS.—A short-time compensation plan approved by a State under paragraph (1) of subsection (a) shall not provide payments to an individual if such individual is employed by the participating employer on a seasonal, temporary, or intermittent basis.

(c) NEW PROGRAMS.—Subject to subsection (b)(2), if at any point after the date of the enactment of this Act the State enacts a State law providing for the payment of short-time compensation under a plan approved by the Secretary under section 3306(v) of the Internal Revenue Code of 1986, the State shall be eligible for payments under this section after the effective date of such enactment.

(d) FUNDING AND CERTIFICATIONS.—

(1) FUNDING.—There are appropriated, out of moneys in the Treasury not otherwise appropriated, such sums as may be necessary for purposes of carrying out this section.

(2) CERTIFICATIONS.—The Secretary shall require a State to produce such evidence as the Secretary determines satisfactory to establish that payments under this section are being made in accordance with the requirements of this section.

(e) DEFINITIONS.—In this section:

(1) SECRETARY.—The term ‘Secretary’ means the Secretary of Labor.

(2) STATE; STATE AGENCY; STATE LAW.—The terms ‘State’, ‘State agency’, and ‘State law’ have the meanings given those terms in section 3306(v) of the Internal Revenue Code of 1986.

(f) TECHNICAL CORRECTION TO DEFINITION.—

(1) IN GENERAL.—The term 'Secretary of Labor' means the Secretary of Labor.

(2) NOTICE.—The Secretary shall, within 30 days of the date of enactment of this Act, publish such findings in the Federal Register. The Secretary may require. In no case may the Secretary award grants under section 3306(v) if the Internal Revenue Code of 1986, and a State is not in an agreement under section 3306(v).

(3) ELIGIBILITY.—

(A) IN GENERAL.—The Secretary shall determine eligibility for grants under paragraphs (1) and (2).

(B) ELIGIBILITY.—A State administering a short-time compensation program that does not meet the definition of a short-time compensation program under section 3306(v) of the Internal Revenue Code of 1986, and a State that entered into an agreement under section 3306(v), shall not be eligible to receive a grant under this section until such time as the Secretary determines that such law provides for payments under a short-time compensation program that meets such definition and such law.

(4) AMOUNT OF GRANTS.—In general, the maximum amount available for making grants to a State under paragraphs (1) and (2) shall be equal to the amount obtained by multiplying $100,000,000 (the amount used by the Secretary in subsection (d) of section 903 of the Social Security Act [42 U.S.C. 613]) for purposes of determining such State’s share of any excess amount (as described in subsection (a)(1) of such section) that would have been subject to transfer to State accounts, as of October 1, 2019, under the provisions of section 3306(v) of such section.
(3) Certification.—If the Secretary finds that the State law provisions meet the requirements for a grant under subsection (a), the Secretary shall thereupon make a certification that, in effect, to the Secretary of the Treasury, together with a certification as to the amount of the grant payment to be transferred to the State account in the Unemployment Trust Fund (as established in section 904(a) of the Social Security Act (42 U.S.C. 1104(a))) pursuant to that finding. The Secretary of the Treasury shall make the appropriate transfers to the State account within 7 days after receiving such certification.

(4) Requirement.—No certification of compliance with the requirements for a grant under subsection (a) (2) of this subsection may be made with respect to any State whose 

(A) State law is not otherwise eligible for certification under section 939 of the Social Security Act (42 U.S.C. 503) or approvable under section 3304 of the Internal Revenue Code of 1986; or 

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

(5) OF FUNDS.—The amount of any grant awarded under this section shall be used for the implementation of short-time compensation programs and the overall administration of such programs and the promotion and enrollment efforts associated with such programs, such as through—

(1) support of rapid response teams to advise employers about alternatives to layoffs;

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

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

(A) the submission and approval of plans; and

(B) the filing and approval of new and ongoing short-time compensation claims.

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

(f) COORDINATION.—The Secretary shall establish a process under which the Secretary shall recoup the amount of any grant awarded under paragraph (1) or (2) of subsection (a) if the Secretary determines that, during any 5-year period beginning on the first day that any such grant is awarded to the State, the State—

(1) terminated the State’s short-time compensation program; or

(2) failed to meet appropriate requirements with respect to such program (as established by the Secretary).

(g) FUNDING.—There are appropriated, out of moneys in the Treasury not otherwise appropriated, to the Secretary, $100,000,000 to carry out this section, to remain available without fiscal year limitation.

(h) REPORTING.—The Secretary may establish requirements for States receiving a grant under this section in order to provide oversight of grant funds.

(1) Definitions.—In this section:

(A) the term ‘Secretary’ means the Secretary of Labor.

(B) SHORT-TIME COMPENSATION PROGRAM.—The term ‘short-time compensation program’ means the program given such term in section 3306(v) of the Internal Revenue Code of 1986.

(C) STATE; STATE AGENCY; STATE LAW.—The terms ‘State’, ‘State agency’, and ‘State law’ have the meanings given those terms in section 205 of the Federal-State Extended Unemployment Compensation Act of 1970 (26 U.S.C. 3304 note).

SEC. 2111. ASSISTANCE AND GUIDANCE IN IMPLEMENTING PROGRAMS.

(a) In General.—The Secretary may assist States in establishing, qualifying, and implementing short-time compensation programs (as defined in section 3306(v) of the Internal Revenue Code of 1986), the Secretary of Labor (in this section referred to as the ‘Secretary’) shall—

(1) develop model legislative language, or other descriptive language, under which such programs, which may be used by States in developing and enacting such programs, and periodically review and revise such model legislative language (A) to allow sufficient flexibility by States and participating employers while ensuring accountability and program integrity.

(2) provide technical assistance and guidance in developing, enacting, and implementing such programs; and

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

(A) the number of estimated averted layoffs;

(B) the number of participating employers and workers; and

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

(b) Model Language.—The model language and guidance developed under subsection (a) shall allow sufficient flexibility by States and participating employers while ensuring accountability and program integrity.

(c) Consultation.—In developing the model legislative language and guidance under subsection (a), and in order to meet the requirements of subsection (b), the Secretary shall consult with employers, labor organizations, State workforce agencies, and other program experts. Existing model legislative language that has been developed through such a consultative process shall be made available to States.

(d) REPEAL.—Section 404 of the Emergency Unemployment Stabilization and Access to Act of 2020 (contained in division D of the Families First Coronavirus Response Act) is repealed.

SEC. 2112. WAIVER OF THE 7-DAY WAITING PERIOD FOR BENEFITS UNDER THE RAILROAD UNEMPLOYMENT INSURANCE ACT.

(a) No Waiver.—With respect to any registration period beginning after the date of enactment of this Act and ending on or before December 31, 2020, subparagraphs (A)(i) and (B)(ii) of section 2(c)(2)(D) of the Railroad Unemployment Insurance Act (45 U.S.C. 352a(v)) shall not apply.

(b) OPERATING INSTRUCTIONS OR REGULATIONS.—The Railroad Retirement Board may prescribe any operating instructions or regulations necessary to carry out this section.

(c) FUNDING.—Out of any funds in the Railroad Retirement Account, the Secretary of Labor may appropriate $50,000,000 to cover the costs of additional benefits payable due to the application of subsection (a). Upon the exhaustion of funds under this subsection, subsection (a) shall no longer apply with respect to any registration period beginning after the date of exhaustion of funds.

SEC. 2113. EXTENDED UNEMPLOYMENT BENEFITS UNDER THE RAILROAD UNEMPLOYMENT INSURANCE ACT.

(a) Extension.—Section 2(c)(2)(D)(i) of the Railroad Unemployment Insurance Act (46 U.S.C. 352(c)(2)(D)(i)) is amended—

(1) by striking ‘‘July 1, 2008’’ and inserting ‘‘July 1, 2019’’; and

(2) by striking ‘‘June 30, 2013’’ and inserting ‘‘June 30, 2020’’.

(b) Clarification of Authority To Use Funds.—Funds appropriated under either the first or second sentence of clause (iv) of section 2(c)(2)(D) of the Railroad Unemployment Insurance Act shall be available to cover the cost of additional extended unemployment benefits provided under such section 2(c)(2)(D) by reason of the amendments made by subsection (a), as well as to cover the cost of such benefits provided under such section 2(c)(2)(D) as in effect on the day before the date of enactment of this Act.

SEC. 2115. FUNDING FOR THE DOL OFFICE OF INSPECTOR GENERAL FOR OVERSIGHT OF UNEMPLOYMENT PROVISIONS.

There are appropriated, out of moneys in the Treasury not otherwise appropriated, to the Office of the Inspector General of the Department of Labor, $25,000,000 to carry out audits, investigations, and other oversight activities authorized by the Inspector General Act of 1978 (5 U.S.C. App.) that are related to the provisions of, and amendments made by, this subtitle, to remain available without fiscal year limitation.

SEC. 2116. IMPLEMENTATION.

(a) NON-APPLICATION OF THE PAPERWORK REDUCTION ACT.—Chapter 35 of title 44, United States Code (commonly referred to as the “Paperwork Reduction Act of 1995”), shall not apply to the provisions of, and the amendments made by, this subtitle.

(b) OPERATING INSTRUCTIONS OR OTHER GUIDANCE.—Notwithstanding any other provision of law, the Secretary of Labor may issue any operating instructions or other guidance necessary with respect to any provisions of, or the amendments made by, this subtitle.

Subtitle B—Rebates and Other Individual Provisions

SEC. 2201. 2020 RECOVERY REBATES FOR INDIVIDUALS.

(a) IN GENERAL.—Subtitle B of chapter 65 of title II of the Internal Revenue Code of 1986 (as amended by section 6227 of the Patient Protection and Affordable Care Act (Public Law 111-148; 124 Stat. 119-128)) is amended by adding after section 6227 the following new section:

SEC. 6428. 2020 RECOVERY REBATES FOR INDIVIDUALS.

(1) IN GENERAL.—In the case of an eligible individual, there shall be allowed as a credit against the tax imposed by subtitle A for the
first taxable year beginning in 2020 an amount equal to the sum of—

1. $1,200 ($2,400 in the case of eligible individuals filing a joint return), plus

2. the product of $500 multiplied by the number of qualifying children (within the meaning of section 24(c)) of the taxpayer.

(c) LIMITATION BASED ON ADJUSTED GROSS INCOME.—The amount of the credit allowed by subsection (a) shall be treated as allowed by subpart C of part IV of subchapter A of chapter 1.

(d) ELIGIBLE INDIVIDUAL.—For purposes of this section, the term ‘eligible individual’ means any individual other than—

1. any nonresident alien individual,

2. any individual with respect to whom a deduction under section 151 is allowable to another taxpayer attributable to a taxable year beginning in the calendar year in which the individual’s taxable year begins, and

3. an estate or trust.

(e) COORDINATION WITH ADVANCE REFUNDS OF CREDIT.—

(1) IN GENERAL.—The amount of credit which would (but for this paragraph) be allowable under this section shall be reduced (but not below zero) by the aggregate refunds and credits made or allowed to the taxpayer under subsection (f). Any failure to so reduce the credit shall be treated as arising out of a mathematical or clerical error and assessed according to section 6213(b)(1).

(2) JOIN T RETURNS.—In the case of a return or credit made or allowed under subsection (f) with respect to a joint return, half of such refund or credit shall be treated as having been made or allowed to each individual filing such return.

(f) ADVANCE REFUNDS AND CREDITS.—

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

(2) ADVANCE REFUND AMOUNT.—For purposes of this paragraph, the advance refund amount is the amount that would have been allowed as a credit under this section for such taxable year if this section (other than subsection (e) and this subsection) had applied to such taxable year.

(3) TIMING AND MANNER OF PAYMENTS.—

(A) TIMING.—The Secretary shall, subject to the requirements of law, refund or credit any overpayment attributable to this section as rapidly as possible. No refund or credit shall be made or allowed under this subsection after December 31, 2020.

(B) DELIVERY OF PAYMENTS.—Notwithstanding any other provision of law, the Secretary may certify and disburse refunds payable under section 6428 against any overpayment of tax attributable to any refund certificate to which the payee authorized, on or after January 1, 2018, the delivery of a refund of a tax under this title or of a Federal tax imposed under title 26 (as amended in section 3322 of title 31, United States Code).

(C) WAIVER OF CERTAIN RULES.—Notwithstanding section 3325 of title 31, United States Code, other provisions of law, with respect to any payment of a refund under this subsection, a disbursing official in the executive branch of the United States Government may modify payment information received from an officer or employee described in section 3322(a)(1)(B) of such title for the purpose of making payments that are accurate and efficient delivery of such payment. Except in cases of fraud or reckless neglect, no liability shall be imposed with respect to payments made under this subparagraph.

(4) NO INTEREST.—No interest shall be allowed on any overpayment attributable to this section.

(g) IDENTIFICATION NUMBER REQUIREMENT.—

(1) IN GENERAL.—No credit shall be allowed under subsection (a) to an eligible individual who does not include on the return of tax for the taxable year—

(A) a valid identification number, and

(B) in the case of a joint return, the valid identification number of such individual’s spouse, and

(C) in the case of any qualifying child taken into account under subsection (a)(2), the valid identification number of such qualifying child.

(2) VALID IDENTIFICATION NUMBER.—

(A) IN GENERAL.—For purposes of paragraph (1)(C), the term ‘valid identification number’ means a social security number (as such term is defined in section 24(h)(7)).

(B) ADOPTION TAXPAYER IDENTIFICATION NUMBER.—For purposes of paragraph (1)(C), in the case of a qualifying child who is adopted or placed for adoption, the term ‘valid identification number’ shall include the adoption taxpayer identification number of such child.

(h) REGULATIONS.—The Secretary shall prescribe such regulations or other guidance as may be necessary to carry out the purposes of this section, including any such regulations or other guidance which are necessary to avoid allowing multiple credits or rebates to a taxpayer.

(1) DEFINITION OF DEFICIENCY.—Section 6211(b)(4)(A) of the Internal Revenue Code of 1986 is amended by striking ‘‘and 36B, 162, 164, and 368B’’ and inserting ‘‘and 36B’’.

(2) MATHEMATICAL OR CLERICAL ERROR AUTHORITY.—Section 6213(g)(2)(L) of such Code is amended by striking ‘‘or 32’’ and inserting ‘‘or 32 or 33’’.

(o) TREATMENT OF POSSESSIONS.—

(1) PAYMENTS TO POSSESSIONS.—

(A) MIRROR CODE TAX SYSTEM.—The Secretary of the Treasury shall pay to each possession of the United States which has a mirror code tax system amounts equal to the taxes paid or allowed against United States income taxes under section 6428 of the Internal Revenue Code of 1986 (as added by this section) to each possession.

(B) OTHER POSSESSIONS.—The Secretary of the Treasury shall pay to each possession of the United States which does not have a mirror code tax system amounts estimated by the Secretary of the Treasury as being equal to the aggregate benefits (if any) that would have been provided to residents of such possession by reason of the amendments made by this section if a mirror code tax system had been in effect in such possession. The payment under this subsection to each respective possession has a plan, which has been approved by the Secretary of the Treasury, under which such possession will distribute such payments to its residents.

(2) COORDINATION WITH CREDIT ALLOWED AGAINST UNITED STATES INCOME TAXES.—No credit shall be allowed against United States income taxes under section 6428 of the Internal Revenue Code of 1986 (as added by this 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 (1)(B).

(3) DEFINITIONS AND SPECIAL RULES.—

(A) POSSESSION OF THE UNITED STATES.—For purposes of this subsection, the term ‘‘possession of the United States’’ includes the Commonwealth of Puerto Rico and the Commonwealth of the Northern Mariana Islands.

(B) OTHER POSSESSIONS.—For purposes of this subsection, the term ‘‘mirror code tax system’’ means, with respect to any possession of the United States, the income tax law of such possession.

(C) TREATMENT OF PAYMENTS.—For purposes of section 3323 of title 31, United States Code, any payment under this subsection shall be treated in the same manner as a refund due from a credit provision referred to in subsection (b)(2) of such section.

(D) WITHholding or Offs—Any credit or refund allowed or made to any individual by reason of section 6428 of the Internal Revenue Code of 1986 (as added by this section) or any payment under subsection (c) of this section shall not be—

1. subject to reduction or offset pursuant to section 3716 or 3720A of title 31, United States Code,

2. subject to reduction or offset pursuant to section 3716, or

3. reduced or offset by other assessed Federal taxes that would otherwise be subject to levy or collection.

(E) PUBLIC AWARENESS CAMPAIGN.—The Secretary of the Treasury (or the Secretary’s delegate) shall conduct a public awareness...
campaign, in coordination with the Commissioner of Social Security and the heads of other relevant Federal agencies, to provide information regarding the availability of the credit and rebate allowed under section 4520(f) of the Internal Revenue Code of 1986 (as added by this section), including information with respect to individuals who may have filed a tax return for taxable years 2018 or 2019.

(f) Appropriations to Carry Out Re-ATTEMPTS.—

(1) In general.—Immediately upon the enact-ment of this Act, the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2020:

(A) Department of the Treasury.—

(i) For an additional amount for “Department of the Treasury—Internal Revenue Service—Salaries and Expenses”, $78,650,000, to remain available until September 30, 2021.

(ii) For an additional amount for “Department of the Treasury—Internal Revenue Service—Taxpayer Services”, $283,500,000, to remain available until September 30, 2021.

(iii) For an additional amount for “Department of the Treasury—Internal Revenue Service—Operations Support”, $170,000,000, to remain available until September 30, 2021.

(iv) For an additional amount for “Department of the Treasury—Internal Revenue Service—Enforcement”, $37,200,000, to remain available until September 30, 2021.

(v) For an additional amount for “Social Security Administration—Limitation on Administrative Expenses”, $38,000,000, to remain available until September 30, 2021.

(vi) For an additional amount for “Social Security Administration—Limitation on Administrative Expenses”, $38,000,000, to remain available until September 30, 2021.

(vii) For an additional amount for “Social Security Administration—Limitation on Administrative Expenses”, $38,000,000, to remain available until September 30, 2021.

(viii) For an additional amount for “Social Security Administration—Limitation on Administrative Expenses”, $38,000,000, to remain available until September 30, 2021.

(2) Reports.—No later than 15 days after enactment of this Act, the Secretary of the Treasury shall submit a plan to the Committees on Appropriations of the House of Representatives and the Senate. Such transfer authority is in addition to any other transfer authority provided by law.

(b) Special Rules.—For purposes of this section, the term “coronavirus-related distribution” shall be treated as having been transferred to an individual retirement plan in a direct trustee to trustee transfer within 60 days of the distribution.

(c) Treatment of Repayments of Distributions from IRAs.—For purposes of the Internal Revenue Code of 1986, any distribution described in section 408(d)(3) of such Code shall be treated as a distribution.

(d) Inclusion of Distributions from IRA.—For purposes of the Internal Revenue Code of 1986, any distribution described in section 408(d)(3) of such Code shall be treated as a distribution.

(e) Delay of Repayment.—In the case of a qualified individual with an outstanding loan (or on the date of the enactment of this Act) from a qualified employer plan (as defined in section 72(p)(4) of the Internal Revenue Code of 1986) to which the loan made during the 180-day period beginning on the date of the enactment of this Act—

(A) clause (i) of section 72(p)(2)(A) of such Code, as modified by substituting “$100,000” for “$50,000”, and

(B) clause (ii) of such section shall be applied by substituting “the present value of the nonforfeitable accrued benefit of the employee under the plan” for “one-half of the present value of the nonforfeitable accrued benefit of the employee under the plan”.

(f) Inclusion Spread Over 3-Year Period.—

(A) In General.—In the case of any loan from a qualified employer plan (as defined in section 72(p)(4) of the Internal Revenue Code of 1986) to a qualified individual with an outstanding loan, the repayments shall be delayed for 1 year, ending on December 31, 2020, such due date as the date of the enactment of this Act and the Internal Revenue Code of 1986 is amended by inserting ‘‘(iii) on or after January 1, 2020, and before December 31, 2020, to an individual—

(i) who is diagnosed with the virus SARS-CoV-2 or with coronavirus disease 2019 (COVID-19) by a test approved by the Centers for Disease Control and Prevention, or

(ii) whose spouse or dependent (as defined in section 152 of the Internal Revenue Code of 1986) is diagnosed with such virus or disease by such a test, or

(iii) who experiences adverse financial conse-quences as a result of being quarantined, being furloughed or laid off or having work hours reduced due to such virus or disease, loss of job or selfemployed income due to such virus or disease, closing or reducing hours of a business owned or operated by the individual due to such virus or disease, or other factors as determined by the Secretary of the Treasury (or the Secretary’s delegate).
March 25, 2020

CONGRESSIONAL RECORD — SENATE S2081

(3) QUALIFIED INDIVIDUAL.—For purposes of this subsection, the term ‘qualified individual’ means any individual who is described in subsection (a)(4)(A)(i).

PROVISIONS RELATING TO PLAN AMENDMENTS.—

(1) IN GENERAL.—If this subsection applies to any amendment to any plan or annuity contract—

(A) such plan or contract shall be treated as being operated in accordance with the terms of the plan during the period described in paragraph (2)(B)(ii), and

(B) except as provided by the Secretary of the Treasury (or the Secretary’s delegate), such plan or contract shall not fail to meet the requirements of section 411(d)(6) of the Internal Revenue Code of 1986 and section 204(g) of the Employee Retirement Income Security Act of 1974 by reason of such amendment.

(2) AMENDMENTS TO WHICH SUBSECTION APPLIES.—

(A) IN GENERAL.—This subsection shall apply to any amendment to any plan or annuity contract which is made—

(i) pursuant to any provision of this section, before such provision is issued by the Secretary of the Treasury or the Secretary of Labor (or the delegate of either such Secretary) under any provision of this section, and

(ii) on or before the last day of the first plan year beginning on or after January 1, 2022, or such later date as the Secretary of the Treasury (or the Secretary’s delegate) may prescribe.

In the case of a governmental plan (as defined in section 414(d) of the Internal Revenue Code of 1986), clause (ii) shall be applied by substituting the date which is 2 years after the date otherwise applied under clause (i).

(B) CONDITIONS.—This subsection shall not apply to any amendment unless—

(i) beginning on the date that this section or such regulation described in subparagraph (A)(i) takes effect (or in the case of a plan or contract amendment not required by such section or such regulation, the effective date specified by the plan), and

(ii) ending on the date described in subparagraph (A)(ii) (or, earlier, the date the plan or contract amendment is adopted), the plan or contract is operated as if such plan or contract amendment were in effect, and

(iii) such plan or contract amendment applies retroactively for such period.

SECT. 2203. TEMPORARY WAIVER OF REQUIRED MINIMUM DISTRIBUTION RULES FOR CERTAIN RETIREMENT PLANS AND ACCOUNTS.

(a) IN GENERAL.—Section 401(a)(9) of the Internal Revenue Code of 1986 is amended by adding at the end the following new subparagraph:

‘‘(II) such distribution not having been made before January 1, 2020.’’

‘‘(III) SPECIAL RULES REGARDING WAIVER PERIOD.—For purposes of this paragraph—

‘‘(D) the required beginning date with respect to any individual shall be determined without regard to this subparagraph for purposes of applying this paragraph for calendar years after 2020 and

‘‘(II) if clause (ii) of subparagraph (B) applies, the 5-year period described in such clause shall be determined without regard to calendar year 2020.’’

(b) ELIGIBLE ROLLOVER DISTRIBUTIONS.—Section 402(c)(1) of the Internal Revenue Code of 1986 is amended by striking ‘‘2009’’ each place it appears and inserting ‘‘2020’’.

(c) EFFECTIVE DATES.—(1) The amendments made by this section shall apply for calendar years beginning after December 31, 2019.

(2) PROVISIONS RELATING TO PLAN OR CONTRACT AMENDMENTS.—

(A) IN GENERAL.—If this paragraph applies to any plan or contract amendment—

(i) such plan or contract shall not fail to meet the requirements of section 411(d)(6) of the Internal Revenue Code of 1986 and section 204(g) of the Employee Retirement Income Security Act of 1974 by reason of such amendment.

(B) AMENDMENTS TO WHICH PARAGRAPH APPLIES.—

(i) IN GENERAL.—This paragraph shall apply to any amendment to any plan or annuity contract which—

(I) is maintained by an employer described in section 403(a) or 403(b),

(II) is maintained by an employer described in this subsection or in section 403(b)(15), and

(III) an individual retirement plan.

(ii) special rule for required beginning dates in 2020.—Clause (i) shall apply to any distribution which is required to be made in calendar year 2020—

(I) a required beginning date occurring in such calendar year, and

(II) a required beginning date occurring in any calendar year after 2020 and before 2023 which is 1 year after such required beginning date occurring in such calendar year.

(iii) certain defined benefit plans.—In the case of a governmental plan, subclause (I) shall apply after January 1, 2022, to any amendment to any plan or annuity contract which is made—

(A) before January 1, 2020,

(B) for the plan year beginning on or after January 1, 2022, and

(C) which is—

(i) made to an organization described in section 170(b)(1)(A), and

(ii) not—

(I) to an organization described in section 509(a)(3), or

(II) for the establishment of a new, or maintenance of an existing, donor advised fund (as defined in section 594(d)(2) of such Code).

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

SECT. 2205. MODIFICATION OF LIMITATIONS ON CHARITABLE CONTRIBUTIONS DURING 2020.

SECTION 170.—

(a) TEMPORARY SUSPENSION OF LIMITATIONS ON CERTAIN CASH CONTRIBUTIONS.—

(1) IN GENERAL.—Except as otherwise provided in paragraphs (2), (3), and (4), the limitations and exceptions shall be disregarded in applying subsection (b) and (d) of section 170 of the Internal Revenue Code of 1986.

(2) TREATMENT OF EXCESS CONTRIBUTIONS.—

For purposes of section 170 of the Internal Revenue Code of 1986—

(A) INDIVIDUALS.—In the case of an individual—

(i) LIMITATION.—Any qualified contribution shall be allowed as a deduction only to the extent that the aggregate of such contributions does not exceed 25 percent of the taxpayer’s adjusted gross income (as determined under section 62), or the taxpayer’s contribution base (as defined in section 170(c) of such Code), whichever is less.

(ii) CARRYOVER.—If the aggregate amount of qualified contributions made in the contribution year (within the meaning of section 170(d)(1) of such Code) exceeds the limitation of clause (i), such excess shall be carried over to the contribution year described in section 170(b)(1)(G)(i).

(B) CORPORATIONS.—In the case of a corporation—

(i) LIMITATION.—Any qualified contribution shall be allowed as a deduction only to the extent that the aggregate of such contributions does not exceed 25 percent of the taxpayer’s adjusted gross income (as determined under paragraph (2) of section 170(b) of such Code) over the amount of all other charitable contributions allowed under section 170(b)(1) of such Code.

(ii) CARRYOVER.—If the aggregate amount of qualified contributions made in the contribution year (within the meaning of section 170(d)(2) of such Code) exceeds the limitation of clause (i), such excess shall be carried over to the contribution year described in section 170(b)(1)(G)(i).

(c) EFFECTIVE DATES.—

(1) IN GENERAL.—Section 170(b)(1)(A) and (D) of the Internal Revenue Code of 1986 is amended by adding at the end the following new subparagraph:

‘‘(ii) an organization described in section 509(a)(3), or’’.

(2) CONSEQUENCES.—If the aggregate amount of qualified contributions made in the contribution year (within the meaning of section 170(d)(2) of such Code) exceeds the limitation of clause (i), such excess shall be carried over to the contribution year described in section 170(b)(1)(G)(i).

(B) CORPORATIONS.—In the case of a corporation—

(i) LIMITATION.—Any qualified contribution shall be allowed as a deduction only to the extent that the aggregate of such contributions does not exceed 25 percent of the taxpayer’s adjusted gross income (as determined under paragraph (2) of section 170(b) of such Code) over the amount of all other charitable contributions allowed under such paragraph.

(ii) CARRYOVER.—If the aggregate amount of qualified contributions made in the contribution year (within the meaning of section 170(d)(2) of such Code) exceeds the limitation of clause (i), such excess shall be carried over to the contribution year described in section 170(b)(1)(G)(i).
SEC. 2206. EXCLUSION FOR CERTAIN EMPLOYER PAYMENTS OF STUDENT LOANS.

(a) In General.—(1) Paragraph (1) of section 127(c) of the Internal Revenue Code of 1986 is amended by striking ‘‘and’’ and inserting ‘‘, or’’ after paragraph (2) thereof.

(b) Compliance with Condition.—For purposes of subsection (a), any amounts due to the employer or employee for the period beginning after December 31, 2019, and before January 1, 2021, that are treated as income to the employee by reason of the student loan payment described in subsection (a) shall be treated as income to the employer by reason of the student loan payment (as so treated) for purposes of section 221(d)(1) instead of being treated as income to the employee by reason of that student loan payment

(c) Effective Date.—This section shall apply to taxable years ending after December 31, 2019.

SEC. 2301. EMPLOYEE RETENTION CREDIT FOR EMPLOYERS SUBJECT TO CLOSURE DUE TO COVID-19.

(a) In General.—(1) Wages Taken into Account.—The amount of wages paid or incurred by the employer during any calendar quarter with respect to any eligible employee is the amount described in subsection (b) and (c) of section 3111(a) of the Internal Revenue Code of 1986.

(b) Wages for Periods Determined by Secretary.—(i) In General.—The term ‘‘wages’’ means wages paid or incurred by the employer with respect to an employee during the period described in subparagraph (B).

(ii) Special Rule.—(I) For purposes of clause (i), such term shall not include wages paid or incurred with respect to an eligible employer for any period described in such subparagraph, if the average number of full-time employees employed by such employer during the period described in such subparagraph was greater than 100.

(iii) For purposes of clause (i), such term shall not include wages paid or incurred by an eligible employer described in paragraph (A)(i) with respect to an employee for any period described in such subparagraph, if such employee was employed by such employer during the period described in such subparagraph.

(iv) Exception.—The Secretary shall treat an eligible employer described in paragraph (A)(i) with respect to any employee who would have been paid for working an equivalent duration during the 30 days immediately preceding such period, as an employer with respect to such period.

(c) Effective Date.—This section shall apply to quarters beginning after March 31, 2020, and before January 1, 2021.

SEC. 2302. DETERMINATION OF ELIGIBLE EMPLOYER.

(a) In General.—(1) Wages Taken into Account.—The amount of wages paid or incurred by the employer during any calendar quarter with respect to any eligible employee is the amount described in subsection (b) and (c) of section 3111(a) of the Internal Revenue Code of 1986.

(b) Wages for Periods Determined by Secretary.—(i) In General.—The term ‘‘wages’’ means wages paid or incurred by the employer with respect to an employee during the period described in subparagraph (B).

(ii) Special Rule.—(I) For purposes of clause (i), such term shall not include wages paid or incurred with respect to an eligible employer for any period described in such subparagraph, if the average number of full-time employees employed by such employer during the period described in such subparagraph was greater than 100.

(iii) For purposes of clause (i), such term shall not include wages paid or incurred by an eligible employer described in paragraph (A)(i) with respect to an employee for any period described in such subparagraph, if such employee was employed by such employer during the period described in such subparagraph.

(iv) Exception.—The Secretary shall treat an eligible employer described in paragraph (A)(i) with respect to any employee who would have been paid for working an equivalent duration during the 30 days immediately preceding such period, as an employer with respect to such period.

(c) Effective Date.—This section shall apply to quarters beginning after March 31, 2020, and before January 1, 2021.
SEC. 2302. DELAY OF PAYMENT OF EMPLOYER BUSINESS INTERRUPTION LOAN.—If an eligible employer receives a covered loan under paragraph (36) of section 7(a) of the Small Business Act (15 U.S.C. 636(a)), as added by section 1002 of this Act, such employer shall not be eligible for the credit under this section.

(k) REGULATIONS AND GUIDANCE.—The Secretary shall issue such forms, instructions, regulations, and guidance as are necessary—

(1) to allow the advance payment of the credit under subsection (a), subject to the limitations provided in this section, based on such information as the Secretary shall require,

(2) to provide for the reconciliation of such advance payment with the amount advanced at the time of filing the return of tax for the applicable calendar quarter or taxable year,

(3) to provide for the recapture of the credit under this section if such credit is allowed to a taxpayer which receives a loan described in subsection (j) during a subsequent quarter,

(4) with respect to the application of the credit under subsection (a) to third party payors (including professional employer organizations, certified professional employer organizations, or agents under section 3504 of the Internal Revenue Code of 1986), including regulations or guidance allowing such payors to subdivide the credit in a manner consistent with the limitations provided in this section, based on such information as the Secretary shall require,

(5) for application of subparagraphs (A)(III) and (B) of subsection (c)(2) in the case of any employer which was not carrying on a trade or business for all or part of the same calendar quarter in the prior year.

(m) APPLICATION.—This section shall only apply to wages paid after March 12, 2020, and before January 1, 2021.

SEC. 2303. MODIFICATIONS FOR NET OPERATING LOSSES.

(a) TEMPORARY REPEAL OF TAXABLE INCOME LIMITATION.—

(1) IN GENERAL.—The first sentence of section 172(a) of the Internal Revenue Code of 1986 is amended by striking ''an amount equal to'' and all that follows and inserting ''an amount equal to—''

''(i) in the case of a taxable year beginning before January 1, 2023, the aggregate of the net operating loss carryovers to such year, plus the net operating loss carrybacks to such year, and''

''(ii) in the case of a taxable year beginning after December 31, 2020, the sum of—''

''(A) the aggregate amount of net operating losses arising in taxable years beginning after December 31, 2017, carried to such taxable year, plus''

''(B) the lesser of—''

''(i) the aggregate amount of net operating losses arising in taxable years beginning after December 31, 2017, carried to such taxable year, or''

''(ii) 80 percent of the excess (if any) of—''

''(I) taxable income computed without regard to the deductions under this section and sections 199A and 250, over''

''(II) the amount determined under subparagraph (A).''

(2) CONFORMING AMENDMENTS.—

(A) Section 172(b)(2)(C) of such Code is amended to read as follows:

''(2) the lesser of—''

''(A) taxable income computed without regard to the deductions under this section and sections 199A and 250, over''

''(B) the aggregate amount of net operating losses arising in taxable years beginning after December 31, 2017, carried to such taxable year, or''

''(C) the lesser of—''

''(i) the aggregate amount of net operating losses arising in taxable years beginning after December 31, 2017, carried to such taxable year, or''

''(ii) 80 percent of the excess (if any) of—''

''(I) taxable income computed without regard to the deductions under this section and sections 199A and 250, over''

''(II) the amount determined under subparagraph (A).''

(b) MODIFICATIONS OF RULES RELATING TO CARRYBACKS.—

(1) IN GENERAL.—Section 172(b)(1) of the Internal Revenue Code of 1986 is amended by adding at the end the following new subparagraph:

''(D) SPECIAL RULE FOR LOSSES ARISING IN 2018, 2019, AND 2020.—In the case of any net operating loss arising in a taxable year beginning after December 31, 2017, and before January 1, 2023, such loss shall be a net operating loss carryback to each of the 5 taxable years preceding the taxable year of such loss, and
"(II) (d) EFFECTIVE DATES.—

(1) NET OPERATING LOSS LIMITATION.—The amendments made by subsection (a) shall apply—

(A) to taxable years beginning after December 31, 2017, and

(B) to taxable years beginning on or before December 31, 2017, to which net operating losses arising in taxable years beginning after December 31, 2017, are carried.

(2) CARRYOVERS AND CARRYBACKS.—The amendment made by subsection (b) shall apply to—

(A) net operating losses arising in taxable years beginning before December 31, 2017, and

(B) taxable years beginning on or before December 31, 2017, to which net operating losses arising in taxable years beginning after December 31, 2017, are carried.

(3) TIME OF ELECTIONS.—An election under paragraph (3) (including an election described in clause (1)) with respect to a net operating loss arising in a taxable year beginning in 2018 or 2019 shall be made by the due date (including extensions of time) for filing the taxpayer’s return for the first tax- able year ending after the date of the enactment of this Act and—

(A) an election to—

(i) forgo any carryback of such net operating loss, or

(ii) reduce any period to which such net operating loss may be carried back, or

(B) an election to—

(i) forgo any carryback of such net operating loss, and

(ii) reduce any period to which such net operating loss may be carried back, or

(II) IN GENERAL.—A net operating loss for purposes of determining any net operating loss, may be carried back, or

(C) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply to—

(A) taxable years beginning after December 31, 2017, and

(B) taxable years beginning on or before December 31, 2017, to which net operating losses arising in taxable years beginning after December 31, 2017, are carried.

(B) TENTATIVE REFUND.—

(1) IN GENERAL.—For purposes of the Internal Revenue Code of 1986, a credit or refund for which an application described in paragraph (2)(A) is filed shall be treated as made under section 6411 of such Code.

(2) TENTATIVE REFUND.—A taxpayer may file an application for a tentative refund of any amount for which a refund is due by reason of an election under section 53(e)(5) of the Internal Revenue Code of 1986. Such application shall be in such manner and form as the Secretary of the Treasury (or the Secretary’s delegate) may prescribe and shall—

(A) be verified in the same manner as an application under section 6411(a) of such Code, and

(B) be verified in the same manner as an application under section 6411(a) of such Code, and

(C) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply to—

(A) taxable years beginning after December 31, 2017, and

(B) taxable years beginning on or before December 31, 2017, to which net operating losses arising in taxable years beginning after December 31, 2017, are carried.

(2) CARRYOVERS AND CARRYBACKS.—The amendment made by subsection (b) shall apply to—

(A) net operating losses arising in taxable years beginning before December 31, 2017, and

(B) taxable years beginning on or before December 31, 2017, to which net operating losses arising in taxable years beginning after December 31, 2017, are carried.

(3) TIME OF ELECTIONS.—An election under paragraph (3) (including an election described in clause (1)) with respect to a net operating loss arising in a taxable year beginning in 2018 or 2019 shall be made by the due date (including extensions of time) for filing the taxpayer’s return for the first taxable year ending after the date of the enactment of this Act and—

(A) an election to—

(i) forgo any carryback of such net operating loss, and

(ii) reduce any period to which such net operating loss may be carried back, or

(B) an election to—

(i) forgo any carryback of such net operating loss, or

(ii) reduce any period to which such net operating loss may be carried back, or

(II) IN GENERAL.—A net operating loss for purposes of determining any net operating loss, may be carried back, or

(C) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply to—

(A) taxable years beginning after December 31, 2017, and

(B) taxable years beginning on or before December 31, 2017, to which net operating losses arising in taxable years beginning after December 31, 2017, are carried.

(B) TENTATIVE REFUND.—A taxpayer may file an application for a tentative refund of any amount for which a refund is due by reason of an election under section 53(e)(5) of the Internal Revenue Code of 1986. Such application shall be in such manner and form as the Secretary of the Treasury (or the Secretary’s delegate) may prescribe and shall—

(A) be verified in the same manner as an application under section 6411(a) of such Code, and

(B) be verified in the same manner as an application under section 6411(a) of such Code, and

(C) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply to—

(A) taxable years beginning after December 31, 2017, and

(B) taxable years beginning on or before December 31, 2017, to which net operating losses arising in taxable years beginning after December 31, 2017, are carried.

(2) CARRYOVERS AND CARRYBACKS.—The amendment made by subsection (b) shall apply to—

(A) net operating losses arising in taxable years beginning before December 31, 2017, and

(B) taxable years beginning on or before December 31, 2017, to which net operating losses arising in taxable years beginning after December 31, 2017, are carried.

(3) TIME OF ELECTIONS.—An election under paragraph (3) (including an election described in clause (1)) with respect to a net operating loss arising in a taxable year beginning in 2018 or 2019 shall be made by the due date (including extensions of time) for filing the taxpayer’s return for the first taxable year ending after the date of the enactment of this Act and—

(A) an election to—

(i) forgo any carryback of such net operating loss, and

(ii) reduce any period to which such net operating loss may be carried back, or

(B) an election to—

(i) forgo any carryback of such net operating loss, or

(ii) reduce any period to which such net operating loss may be carried back, or

(II) IN GENERAL.—A net operating loss for purposes of determining any net operating loss, may be carried back, or

(C) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply to—

(A) taxable years beginning after December 31, 2017, and

(B) taxable years beginning on or before December 31, 2017, to which net operating losses arising in taxable years beginning after December 31, 2017, are carried.

(B) TENTATIVE REFUND.—A taxpayer may file an application for a tentative refund of any amount for which a refund is due by reason of an election under section 53(e)(5) of the Internal Revenue Code of 1986. Such application shall be in such manner and form as the Secretary of the Treasury (or the Secretary’s delegate) may prescribe and shall—

(A) be verified in the same manner as an application under section 6411(a) of such Code, and

(B) be verified in the same manner as an application under section 6411(a) of such Code, and

(C) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply to—

(A) taxable years beginning after December 31, 2017, and

(B) taxable years beginning on or before December 31, 2017, to which net operating losses arising in taxable years beginning after December 31, 2017, are carried.

(2) CARRYOVERS AND CARRYBACKS.—The amendment made by subsection (b) shall apply to—

(A) net operating losses arising in taxable years beginning before December 31, 2017, and

(B) taxable years beginning on or before December 31, 2017, to which net operating losses arising in taxable years beginning after December 31, 2017, are carried.

(3) TIME OF ELECTIONS.—An election under paragraph (3) (including an election described in clause (1)) with respect to a net operating loss arising in a taxable year beginning in 2018 or 2019 shall be made by the due date (including extensions of time) for filing the taxpayer’s return for the first taxable year ending after the date of the enactment of this Act and—

(A) an election to—

(i) forgo any carryback of such net operating loss, and

(ii) reduce any period to which such net operating loss may be carried back, or

(B) an election to—

(i) forgo any carryback of such net operating loss, or

(ii) reduce any period to which such net operating loss may be carried back, or

(II) IN GENERAL.—A net operating loss for purposes of determining any net operating loss, may be carried back, or

(C) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply to—

(A) taxable years beginning after December 31, 2017, and

(B) taxable years beginning on or before December 31, 2017, to which net operating losses arising in taxable years beginning after December 31, 2017, are carried.
(II) the amount of the refundable credit claimed under such section for any previously filed return for such taxable year, and

(III) the amount of the refund claimed.

(B) ALLOWANCE OF ADJUSTMENTS.—Within a period of 90 days from the date on which an application is filed under subparagraph (A), the Secretary of the Treasury (or the Secretary’s delegate) shall—

(i) review the application,

(ii) determine the amount of the overpayment, and

(iii) apply, credit, or refund such overpayment,

in a manner similar to the manner provided in section 6621(b) of the Internal Revenue Code of 1986.

(C) CONSOLIDATED RETURNS.—The provisions of section 6411(c) of the Internal Revenue Code of 1986 shall apply to an adjustment under this paragraph to the same extent and manner as the Secretary of the Treasury (or the Secretary’s delegate) may provide.

SEC. 2306. MODIFICATIONS OF LIMITATION ON BUSINESS INTEREST.

(a) In General.—Section 163(j)(5)(B) of the Internal Revenue Code of 1986 is amended by redesignating paragraph (10) as paragraph (11) and inserting after paragraph (9) the following new paragraph:

"(10) SPECIAL RULE FOR TAXABLE YEARS BEGINNING IN 2019 AND 2020.—

"(I) IN GENERAL.—Except as provided in clause (ii) or (iii), in the case of any taxable year beginning in 2019 or 2020, paragraph (11)(B) shall be applied by substituting ‘50 percent’ for ‘30 percent’.

"(II) SPECIAL RULE FOR PARTNERSHIPS.—In the case of a partnership—

"(i) the partnership shall not apply to any taxable year beginning in 2019, but

"(ii) unless a partner elects not to have this subclause apply, in the case of any excess business interest of the partnership for any taxable year beginning in 2019 which is allocated to the partner under paragraph (4)(B)(ii), (aa) 50 percent of such excess business interest shall be treated as business interest which, notwithstanding paragraph (4)(B)(ii), is paid or accrued by the partner in the partner’s first taxable year beginning in 2020 and which is not subject to the limits of paragraph (1), and

"(bb) the limitation of such excess business interest shall be subject to the limitations of paragraph (4)(B)(ii) in the same manner as any other excess business interest so allocated.

"(iii) ELECTRON OUT.—A taxpayer may elect, at such time and in such manner as the Secretary may prescribe, not to have clause (i) apply to any taxable year. Such an election, once made, may be revoked only with the consent of the Secretary. In the case of a partnership, any such election shall be made by the partnership and may be made only for taxable years beginning in 2020.

"(B) ELECTION TO USE 2019 ADJUSTED TAXABLE INCOME FOR TAXABLE YEARS BEGINNING IN 2020.—

"(i) IN GENERAL.—Subject to clause (ii), in the case of any taxable year beginning in 2020, the taxpayer may elect to apply this subsection substituting the adjusted taxable income of the taxpayer for the last taxable year beginning in 2019 for the adjusted taxable income for such taxable year. In the case of a partnership, any such election shall be made by the partnership.

"(ii) SPECIAL RULE FOR SHORTER TAXABLE YEARS.—If an election is made under clause (i) for a partnership in which is a short taxable year, the adjusted taxable income for the taxpayer’s last taxable year beginning in 2019 which is substituted under clause (i) shall be equal to the amount which bears the same ratio to such adjusted taxable income determined without regard to this clause as the number of months in the short taxable year bears to 12.”

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

SEC. 2307. TECHNICAL AMENDMENTS REGARDING QUALIFIED IMPROVEMENT PROPERTY.

(a) IN GENERAL.—Section 168 of the Internal Revenue Code of 1986 is amended—

(1) in subsection (e)—

(A) in paragraph (3)(E), by striking “and” at the end of clause (ii) by striking the period at the end of clause (vi) and inserting “.,” and

(B) in paragraph (4)(A), by inserting “made by the taxpayer” after “any improvement”,

and

(2) in the table contained in subsection (g)(3)(B), by adding at the end the following new paragraph:

“(vii) any qualified improvement property.”,

and

(b) Table.—The amendments made by this section shall take effect as if included in section 12204 of Public Law 115–97.

SEC. 2308. TEMPORARY EXCEPTION FROM EXCISE TAX FOR ALCOHOL USED TO PRODUCE HAND SANITIZER.

(a) IN GENERAL.—Section 5214(a) of the Internal Revenue Code of 1986 is amended—

(1) in paragraph (3), by striking the period at the end and inserting “; or”, and

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

“(14) with respect to distilled spirits removed after December 31, 2019, and before January 1, 2021, free of tax for use in or contained in hand sanitizer produced and distributed in a manner consistent with any guidance issued by the Food and Drug Administration that is related to the outbreak of virus SARS-CoV-2 or coronavirus disease 2019 (COVID-19).”.

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect as if added by this section shall—

(1) apply to taxable years beginning after December 31, 2019, and before January 1, 2021, free of tax for use in or contained in hand sanitizer produced and distributed in a manner consistent with any guidance issued by the Food and Drug Administration that is related to the outbreak of virus SARS-CoV-2 or coronavirus disease 2019 (COVID-19).”,

and

SEC. 2309. CLOSING CIRCUIT TELEVISION SECURITY ACT.

(a) IN GENERAL.—Section 2003(e) of the National Security Act of 1947 (50 U.S.C. 403(e)) is amended by striking “subsection” and inserting “subsection and”.
for the administration of drugs, vaccines and other biological products, medical devices, and diagnostic tests in the stockpile) after “other supplies” after

SEC. 3105. TREATMENT OF RESPIRATORY PRO-
Tective DEVICES AS COVERED COUNTERMEASURES.
Section 319F-3(1)(D) of the Public Health Service
Act (42 U.S.C. 247d-6(d)(1)(D)) is amended to read as follows:
“(D) a respiratory protective device that is
approved by the National Institute for
Occupational Safety and Health under part # 8 of
Title 42, Code of Federal Regulations (or any
successor regulations), and that the Sec-
retary determines to be a priority for use
during a public health emergency declared
under section 319.

Subpart B—Mitigating Emergency Drug Shortages
SEC. 3111. PRIORITIZE REVIEWS OF DRUG APPLI-
CATIONS; INCENTIVES.
Section 506C(g) of the Federal Food, Drug,
and Cosmetic Act (21 U.S.C. 356c(g)) is
amended—
(1) in paragraph (1), by striking “the Sec-
retary may” and inserting “the Secretary
shall, as appropriate”; and
(2) in paragraph (2), by inserting “prioritize and
before” expedite the re-

amended—
and Cosmetic Act (21 U.S.C. 356c) is
under section 319.”.

during a public health emergency declared
by the Secretary under section 319 of the
Public Health Service Act after “during
declared by the Secretary under section 319 of
the Public Health Serv-

(2) in paragraph (1), by inserting
“other supplies”. 

SEC. 3112. ADDITIONAL MANUFACTURER RE-
PORTING REQUIREMENTS IN RESPONSE TO DRUG SHORTAGES.
(a) EXPANSION TO INCLUDE ACTIVE PHARMA-
CEUTICAL INGREDIENTS.—Subsection (a) of
section 506C of the Federal Food, Drug,
and Cosmetic Act (21 U.S.C. 356c) is amended
(1) in paragraph (1), by striking “or any
such drug that is critical to the public
health during a public health emergency
declared by the Secretary under section 319 of
the Public Health Service Act” after “during
surgery” and
(2) in the flush text at the end:
(A) by inserting “; or a permanent dis-
continuance in the manufacture of an active
pharmaceutical ingredient or an interruption
in the manufacture of the active phar-
macetical ingredient of such drug that is
likely to lead to a meaningful disruption in
the supply of the active pharmaceutical
ingredient of such drug,” before “and the rea-
sons”;
(B) by adding at the end following:
“Notification under this subsection shall in-
clude disclosure of reasons for the dis-
continuance or interruption, and if applica-
able, an active pharmaceutical ingredient is a
reason for, or risk factor in, such discontinu-
ance or interruption, the source of the ac-
tive pharmaceutical ingredient and any al-
ternative sources for the active pharma-
cutical ingredient known by the manufac-
turer; whether any associated device used for
preparation or administration included in the
drug, shall develop, maintain, and imple-
ment, a redundant risk management plan that identifies and evalu-
ates risks to the supply of the drug, as appli-
cable, for each establishment in which such
drug or active pharmaceutical ingredient of
such drug is manufactured. A risk manage-
ment plan under this section shall be subject to
inspection or copying by the Secretary
pursuant to an inspection or a request under
subsection (a)(4).

(b) RISK MANAGEMENT.—Section 506C of
the Federal Food, Drug, and Cosmetic Act
(21 U.S.C. 356c) is amended by adding after
the end of (a) the following:
“(1) RISK MANAGEMENT PLANS.—Each man-
ufacturer of a drug described in subsection
(a) or any device, component or other dis-
trict or any associated medical device used
for preparation or administration included in
the drug, shall develop, maintain, and imple-
ment, a redundant risk management plan that identifies and evalu-
ates risks to the supply of the drug, as appli-
cable, for each establishment in which such
drug or active pharmaceutical ingredient of
such drug is manufactured. A risk manage-
ment plan under this section shall be subject to
inspection or copying by the Secretary
pursuant to an inspection or a request under
subsection (a)(4).

(c) ANNUAL NOTIFICATION.—Section 506E of
the Federal Food, Drug, and Cosmetic Act
(21 U.S.C. 356e) is amended by adding at the
end the following:
“(d) INTERAGENCY NOTIFICATION.—Not later
than 180 days after the date of enactment of
this subsection, and every 90 days thereafter,
the Secretary shall transmit a report regard-
ing the drugs of the current drug shortage list
under section 319 of the Public Health Se-

services.”.

(d) REPORTING AFTER INSPECTIONS.—Sec-
tion 704(b) of the Federal Food, Drug,
and Cosmetic Act (21 U.S.C. 374(b)) is amended—
(1) by redesignating paragraphs (1) and (2)
and subparagraphs (A) and (B);
(2) by striking “(b) Upon completion” and
inserting “(b) as soon as possible, as soon as practicable.
(3) by adding at the end the following:
“(2) In carrying out this subsection with
respect to any establishment manufacturing
a drug approved under subsection (c) or (j) of
section 505 for which a notification has been
submitted under section 506C, if the Sec-
tary determines that information required to be
submitted in accordance with section 506C is,
or has been in the last 5 years, listed on the
drug shortage list under section 506E, or that
is described in section 505(j)(1)(A), a copy of
the report shall be sent promptly to the ap-
propriate offices of the Food and Drug Ad-
ministration with expertise regarding drug
shortages.”.

SEC. 3121. DISCONTINUANCE OR INTERRUPT-
ION IN THE PRODUCTION OF MEDICAL DE-
VICES.
(a) IN GENERAL.—A manufacturer of a de-
vice that—
“(1) is critical to public health during a
public health emergency, including devices
that are life-supporting, life-sustaining, or
intended for use in emergency medical care
or during surgery; or
for which the Secretary determines that
information on potential meaningful
supply disruptions of such device is needed
during, or in advance of, a public health
emergency;
shall, during, or in advance of, a public
health emergency declared by the Secretary
under section 319 of the Public Health Ser-
vice Act, notify the Secretary, in accordance
with subsection (b), of a permanent dis-
continuance in the manufacture of the de-
vice (except for discontinuances as a result of
an approved modification of the device) or
an interruption of the manufacture of the de-
vice that is likely to lead to a meaningful
disruption in the supply of that device in the
United States, and for which information on
discontinuance or interruption.

(b) TIMING.—A notice required under sub-
section (a) shall be submitted to the Sec-
retary—
“(1) at least 6 months prior to the date of
the discontinuance or interruption; or
may choose not to make information
available pursuant to this section if the Secretary
determines that disclosure of such informa-
tion would adversely affect the public
health, such as by increasing the possibility
of unnecessary over purchase of product,
component parts, or other disruption of the
availability of medical devices to patients.
“(d) CONFIDENTIALITY.—Nothing in this
section shall be construed as authorizing the
Secretary to disclose any information that is
a trade secret or confidential information
subject to section 522(b)(4) of title 5, United
States Code, or section 1905 of title 18,
United States Code.

(e) FAILURE TO MEET REQUIREMENTS.—If a
person fails to submit information required
under subsection (a) in accordance with sub-
section (b)—
“(1) the Secretary shall issue a letter to
such person informing such person of such
failure;
(2) not later than 30 calendar days after
the issuance of a letter under paragraph (1), the
person who receives such letter shall submit to the Secretary a written
response to the Secretary’s letter, setting forth the basis for non-
compliance and providing information re-
quired under subsection (a); and

Chapter V of the Federal Food, Drug,
and Cosmetic Act (21 U.S.C. 351 et seq.) is amend-
ed by inserting after section 506I the fol-
lowing:
“SEC. 506I. DISCONTINUANCE OR INTERRUPT-
ION IN THE PRODUCTION OF MEDICAL DE-
VICES.
“(a) IN GENERAL.—A manufacturer of a de-
vice that—
“(1) is critical to public health during a
public health emergency, including devices
that are life-supporting, life-sustaining, or
intended for use in emergency medical care
or during surgery; or
for which the Secretary determines that
information on potential meaningful
supply disruptions of such device is needed
during, or in advance of, a public health
emergency;
shall, during, or in advance of, a public
health emergency declared by the Secretary
under section 319 of the Public Health Ser-
vice Act, notify the Secretary, in accordance
with subsection (b), of a permanent dis-
continuance in the manufacture of the de-
vice (except for discontinuances as a result of
an approved modification of the device) or
an interruption of the manufacture of the de-
vice that is likely to lead to a meaningful
disruption in the supply of that device in the
United States, and for which information on
discontinuance or interruption.

(b) TIMING.—A notice required under sub-
section (a) shall be submitted to the Sec-
retary—
“(1) at least 6 months prior to the date of
the discontinuance or interruption; or
may choose not to make information
available pursuant to this section if the Secretary
determines that disclosure of such informa-
tion would adversely affect the public
health, such as by increasing the possibility
of unnecessary over purchase of product,
component parts, or other disruption of the
availability of medical devices to patients.
“(d) CONFIDENTIALITY.—Nothing in this
section shall be construed as authorizing the
Secretary to disclose any information that is
a trade secret or confidential information
subject to section 522(b)(4) of title 5, United
States Code, or section 1905 of title 18,
United States Code.

(e) FAILURE TO MEET REQUIREMENTS.—If a
person fails to submit information required
under subsection (a) in accordance with sub-
section (b)—
“(1) the Secretary shall issue a letter to
such person informing such person of such
failure;
(2) not later than 30 calendar days after
the issuance of a letter under paragraph (1), the
person who receives such letter shall submit to the Secretary a written
response to the Secretary’s letter, setting forth the basis for non-
compliance and providing information re-
quired under subsection (a); and

“(3) not later than 45 calendar days after the issuance of a letter under paragraph (1), the Secretary shall make such letter and any response to such letter under paragraph (2) available on the public website of the Food and Drug Administration, with appropriate redactions made to protect information described in subsection (d), except that the Secretary determines that the letter under paragraph (1) was issued in error or, after review of such response, the person had a reasonable basis for not notifying as required under subsection (a), the requirements of this paragraph shall not apply.

(1) IMPROVEMENTS TO NETWORKS—If, based on notifications described in subsection (a) or any other relevant information, the Secretary concludes that there is, or is likely to be, a shortage of an device, the Secretary shall, as appropriate—

(1) prioritize and expedite the review of a subsection under section 513(f)(2), 515, review of a notification under section 510(k), or 520(m) for a device that could help mitigate or prevent such shortage; or

(2) prioritize and expedite an inspection or reinspection of an establishment that could help mitigate or prevent such shortage.

(8) DEVICE SHORTAGE LIST.—

(1) ESTABLISHMENT.—The Secretary shall establish and maintain an up-to-date list of devices that are determined by the Secretary to be a shortage in the United States.

(2) CONTENTS.—For each device included on the list under paragraph (1), the Secretary shall include the following information:

(A) The category or name of the device in shortage.

(B) The name of each manufacturer of such device.

(C) The reason for the shortage, as determined by the Secretary, selecting from the following categories:

(i) Requirements related to complying with good manufacturing practices.

(ii) Regulatory delay.

(iii) Shortage or discontinuance of a component or part.

(iv) Discontinuance of the manufacture of the device.

(v) Delay in shipping of the device.

(vi) Regulation of the device.

(vii) Demand increase for the device.

(viii) Facility closure.

(D) The estimated duration of the shortage as determined by the Secretary.

(3) PUBLIC AVAILABILITY.—

(A) IN GENERAL.—Subject to subparagraphs (B) and (C), the Secretary shall make the information in the list under paragraph (1) publically available.

(B) TRADE SECRETS AND CONFIDENTIAL INFORMATION.—Nothing in this subsection shall be construed to compel a company to alter or amend section 1905 of title 18, United States Code, or section 552(b)(4) of title 5 of such Code.

(C) PUBLIC HEALTH EXCEPTION.—The Secretary may delay making information collected under this subsection publicly available if the Secretary determines that disclosure of such information would adversely affect public health (such as by increasing the possibility of hoarding or other disruption of the availability of the device to patients).

(9) TOLLS OF CONSTRUCTION.—Nothing in this section shall be construed to affect the authority of the Secretary on the date of enactment of this section to expedite the review of devices under section 515 of the Federal Food, Drug, and Cosmetic Act, section 515B of such Act relating to the priority review program for devices, and section 564 of such Act relating to the emergency use authorization authorities.

(1) DEFINITIONS.—In this section:

(1) MEANINGFUL DISRUPTION.—The term ‘meaningful disruption’—

(A) means a change in production that is reasonably likely to lead to a reduction in the supply of a device by a manufacturer that is more than negligible and affects the ability of the manufacturer to fill orders or meet expectations of users of such a device;

(B) does not include interruptions in manufacturing due to matters such as routine maintenance or insignificant changes in manufacturing processes, or the manufacturer expects to resume operations in a short period of time, not to exceed 6 months;

(C) does not include interruptions in manufacturing so long as such interruptions do not result in a shortage of the device and the manufacturer expects to resume operations in a reasonable period of time; and

(D) does not include interruptions in manufacturing that do not lead to a reduction in procedures or diagnostic tests associated with a medical device designed to perform more than one procedure or diagnostic test.

(2) SHORTAGE.—The term ‘shortage’, with respect to a device, means a period of time when the demand or projected demand for the device within the United States exceeds the supply of the device.

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

Subpart A—Coverage of Testing and Preventive Services

SEC. 2201. COVERAGE OF DIAGNOSTIC TESTING FOR COVID-19.

Paragraph (1) of section 6001(a) of division F of the Families First Coronavirus Response Act (Public Law 116–127) is amended to read as follows:

‘‘(1) An in vitro diagnostic test defined in section 809.3 of title 21, Code of Federal Regulations or approved for the detection of SARS-CoV-2 or the diagnosis of the virus that causes COVID–19, and the administration of such a test, that—

(A) is approved, cleared, or authorized under section 510(k), 515, or 564 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360(k), 360c, 360e, 360bbb–3);

(B) the requester requested, or intends to request, emergency use authorization under section 564 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360b–3), unless and until the requester requests or authorizes receipt under such section 564 has been denied; or the developer of such test does not submit a request under such section within a reasonable period of time;

(C) is developed in and authorized by a State that has notified the Secretary of Health and Human Services of its intention not to require review tests intended to diagnose COVID–19; or

(D) other test that the Secretary determines appropriate in guidance.’’

SEC. 2202. PRIORITIZATION OF DIAGNOSTIC TESTING.

(a) REIMBURSEMENT RATES.—A group health plan or a health insurance issuer providing coverage of items and services described in section 6001(a) of division F of the Families First Coronavirus Response Act (Public Law 116–127) with respect to an enrollee shall reimburse the provider of the diagnostic testing as follows:

(1) If the health plan or issuer has a negotiated rate with such provider in effect before the public health emergency declared under section 361 of the Public Health Service Act (42 U.S.C. 247d), such negotiated rate shall apply throughout the period of such declaration.

(2) If the health plan or issuer does not have a negotiated rate with such provider, such plan or issuer shall reimburse the provider in an amount that equals the cash price for such service as listed by the provider on a public internet website, or such plan or issuer may negotiate a rate with such provider for each service.

(b) REQUIREMENT TO PUBLICIZE CASH PRICE FOR DIAGNOSTIC TESTING FOR COVID-19.—

(1) IN GENERAL.—During the emergency period declared under section 361 of the Public Health Service Act (42 U.S.C. 247d), each provider of a diagnostic test for COVID-19 shall make public the cash price for such test on a public internet website of such provider.

(2) CIVIL MONETARY PENALTIES.—The Secretary of Health and Human Services may impose civil monetary penalties on any provider of a diagnostic test for COVID-19 that is not in compliance with paragraph (1) and has not completed a corrective action plan to comply with the requirements of such paragraph, in an amount not to exceed $300 per day that the violation is ongoing.

SEC. 2203. RAPID COVERAGE OF PREVENTIVE SERVICES AND VACCINES FOR CORONAVIRUS.

(a) IN GENERAL.—Notwithstanding 2713(b) of the Public Health Service Act (42 U.S.C. 205a–2(b)) and 2713(c)(5) of the Public Health Service Act (42 U.S.C. 205a–2(c)(5)) with respect to an enrollee, the Secretary of Health and Human Services, the Secretary of Labor, and the Secretary of the Treasury shall require group health plans and health insurance issuers offering group or individual health insurance to cover (without cost-sharing) any qualifying coronavirus preventive service as described in such paragraphs, for any group health plan and health insurance issuer, pursuant to section 2713(a) of the Public Health Service Act (42 U.S.C. 205a–2(a)) (including the regulations under sections 2590–2713 to title 29, Code of Federal Regulations, section 54.981–2713 of title 26, Code of Federal Regulations, and section 147.130 of title 45, Code of Federal Regulations (or any successor regulations)). The requirement described in this subsection shall take effect with respect to a qualifying coronavirus preventive service on the specified date described in subsection (b)(2).

(b) DEFINITIONS.—For purposes of this section:

(1) QUALIFYING CORONAVIRUS PREVENTIVE SERVICE.—The term ‘qualifying coronavirus preventive service’ means an item, service, or immunization that is intended to prevent or mitigate coronavirus disease 2019 and that is—

(A) an evidence-based item or service that has in effect a rating of ‘A’ or ‘B’ in the current recommendations of the United States Preventive Services Task Force or the Advisory Committee on Immunization Practices of the Public Health Service Act (42 U.S.C. 300gg–13), the Secretary of Health and Human Services, the Secretary of Labor, and the Secretary of the Treasury shall require group health plans and health insurance issuers offering group or individual health insurance to cover (without cost-sharing) any qualifying coronavirus preventive service as described in such paragraphs, for any group health plan and health insurance issuer, pursuant to section 2713(a) of the Public Health Service Act (42 U.S.C. 205a–2(a)) (including the regulations under sections 2590–2713 to title 29, Code of Federal Regulations, section 54.981–2713 of title 26, Code of Federal Regulations, and section 147.130 of title 45, Code of Federal Regulations (or any successor regulations)). The requirement described in this subsection shall take effect with respect to a qualifying coronavirus preventive service on the specified date described in subsection (b)(2).

(B) an immunization that has in effect a recommendation from the Advisory Committee on Immunization Practices of the Public Health Service Act (42 U.S.C. 300gg–13), the Secretary of Health and Human Services, the Secretary of Labor, and the Secretary of the Treasury shall require group health plans and health insurance issuers offering group or individual health insurance to cover (without cost-sharing) any qualifying coronavirus preventive service as described in such paragraphs, for any group health plan and health insurance issuer, pursuant to section 2713(a) of the Public Health Service Act (42 U.S.C. 205a–2(a)) (including the regulations under sections 2590–2713 to title 29, Code of Federal Regulations, section 54.981–2713 of title 26, Code of Federal Regulations, and section 147.130 of title 45, Code of Federal Regulations (or any successor regulations)). The requirement described in this subsection shall take effect with respect to a qualifying coronavirus preventive service on the specified date described in subsection (b)(2).

(2) SPECIFIED DATE.—The term ‘specified date’ means the date that is 15 business days after the date on which a recommendation is made relating to the qualifying coronavirus preventive service as described in such paragraph.

(3) ADDITIONAL TERMS.—In this section, the terms ‘group health plan’, ‘health insurance issuer’, ‘group health insurance coverage’, and ‘individual health insurance coverage’ have the meanings given such terms in section 2791 of the Public Health Service Act (42 U.S.C. 300gg–91), section 733 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1191), and section 9832 of the Internal Revenue Code, as applicable.

Subpart B—Support for Health Care Providers

SEC. 2211. SUPPLEMENTAL AWARDS FOR HEALTH CARE CENTERS.

(a) SUPPLEMENTAL AWARDS.—Section 330(r) of the Public Health Service Act (42 U.S.C. 248(r)) is amended by adding at the end the following:
(6) ADDITIONAL AMOUNTS FOR SUPPLEMENTAL AWARDS.—In addition to any amounts made available pursuant to this subsection, section 602A of this Act, or section 603 of the Patient Protection and Affordable Care Act, there is authorized to be appropriated, and there is appropriated, out of any monies in the Treasury not otherwise appropriated, $400,000,000 for fiscal year 2020 for supplemental awards under subsection (d) for the detection of SARS-CoV-2 or the prevention, diagnosis, and treatment of COVID-19.

(b) APPLICATION OF PROVISIONS.—Amounts appropriated pursuant to the amendment made by this section (f) for fiscal year 2020 shall be subject to the requirements contained in Public Law 116-94 for funds for programs authorized under sections 330 through 339 of the Public Health Service Act (42 U.S.C. 254 through 256).

SEC. 3211. TELEHEALTH NETWORK AND TELEHEALTH RESOURCE CENTERS GRANT PROGRAMS.

Section 3301 of the Public Health Service Act (42 U.S.C. 254c–14) is amended—

(1) in subsection (d)—

(A) in paragraph (1)—

(i) in the matter preceding subparagraph (A), by striking “projects to demonstrate how telehealth technologies can be used through telehealth networks” and inserting “evidence-based projects that utilize telehealth technologies through telehealth networks”;

(ii) in subparagraph (A), by striking paragraph (2); and

(iii) in subparagraph (B), by striking “and patients and their families,” and inserting “to” after “grants”;

(B) in paragraph (2)—

(i) in the matter preceding clause (i), by striking “the quality of,” and inserting “access to, and the quality of,”; and

(ii) in clause (i), by striking “(such as laying cable or telephone lines, or purchasing or installing microwave towers, satellite dishes, amplifiers, or digital switching equipment)” and inserting “evidence-based projects that utilize telehealth technologies through telehealth networks”;

(C) in paragraph (3)(I), as so redesignated, by inserting “and substance use disorder” after “mental health”;

(D) in paragraph (3), as so redesignated, by striking “demonstrate how telehealth technologies can be used through telehealth networks” and inserting “evidence-based projects that utilize telehealth technologies through telehealth networks”;

(E) in paragraph (3), as so redesignated, by striking “the quality of,” and inserting “access to, and the quality of,”; and

(F) in paragraph (3), by striking “(such as laying cable or telephone lines, or purchasing or installing microwave towers, satellite dishes, amplifiers, or digital switching equipment)” and inserting “evidence-based projects that utilize telehealth technologies through telehealth networks”;

(2) in subsection (e), by striking “4 years” and inserting “5 years”;

(3) in subsection (f)—

(A) by striking paragraph (2); and

(B) in paragraph (3)—

(i) by inserting “to” after “grants”;

(ii) in subparagraph (A), by striking “3 years” and inserting “5 years”;

(iii) in subparagraph (B), by inserting “and” after “grant”;

(4) in subsection (g), by striking subsection (h); and

(5) by striking subsection (i).
the Senate and the Committee on Energy and Commerce of the House of Representatives a report on the activities and outcomes of the grant programs under subsections (e), (f), and (g), including the impact of projects funded under such programs on the health status of rural residents with chronic conditions; and

(ii) in subsection (j), by striking "$45,000,000 for each of fiscal years 2008 through 2012" and inserting "$79,500,000 for each of fiscal years 2021 through 2025"

SEC. 2214. UNITED STATES PUBLIC HEALTH SERVICE MODERNIZATION.

(a) COMMISSIONED CORPS AND READY RESERVE CORPS.—Section 203 of the Public Health Service Act (42 U.S.C. 204) is amended—

(1) in subsection (a)(1), by striking "a Ready Reserve Corps for service in time of national emergency" and inserting "for service in time of a public health or national emergency, a Ready Reserve Corps"; and

(2) in subsection (c)—

(A) in the heading, by striking "RESEARCH" and inserting "RESERVE"; and

(B) in paragraph (1), by inserting "during public health or national emergencies" before the period;

(C) in paragraph (2)—

(i) in the matter preceding subparagraph (A), by inserting "‘consistent with paragraph (1) thereof’" after "shall;"

(ii) in subparagraph (C), by inserting "during such emergencies" after "members;" and

(iii) in subparagraph (D), by inserting "consistent with subparagraph (C)" before the period; and

(D) by adding at the end the following:

"(3) STATUTORY REFERENCES TO RESERVE.—A reference to an officer in a federal statute, except in the case of subsection (b), to the ‘Reserve Corps’ of the Public Health Service or to the ‘reserve’ of the Public Health Service shall be deemed to be a reference to the Ready Reserve Corps.

(b) DEPLOYMENT READINESS.—Section 203A(a)(1)(B) of the Public Health Service Act (42 U.S.C. 204a(1)(B)) is amended by striking "‘Active Reserve’" and inserting "Ready Reserve Corps'.

(c) RETIREE OF COMMISSIONED OFFICERS.—Section 211 of the Public Health Service Act (42 U.S.C. 211) is amended—

(1) by adding at the end the following:

"(a) C OMMISSIONED CORPS AND READY RESERVE CORPS.—Section 211 of the Public Health Service Act (42 U.S.C. 211) is amended—

(1) in sections 204 and 207(c), by striking "Regular Corps or Ready Reserve Corps" each place it appears and inserting "Regular Corps and Ready Reserve Corps"; and

(2) in section 208(a), by striking "Regular Corps and Ready Reserve Corps'".

(d) RIGHTS, PRIVILEGS, ETC. OF OFFICERS.—Section 3212 of the Public Health Service Act (42 U.S.C. 254e) is amended—

(1) in subsection (a), by striking "a health care professional shall not be liable under Federal or State law for any harm caused by his commission of an act or omission of the professional in the provision of health care services during the public health emergency with respect to COVID-19 declared by the Secretary of Health and Human Services (referred to in this section as the ‘Secretary’) under section 319 of the Public Health Service Act (42 U.S.C. 247d) on January 31, 2020, if—

(i) the professional is providing health care services in response to such public health emergency, as a volunteer; and

(ii) the act or omission occurs during the period

(B) the assessment or care of the health of any person who is a member of the armed forces or a dependent or survivor of an armed forces member; or

(C) during the period described in subparagraphs (A) and (B).

(2) V OLU NT EER PROTECTION ACT.—Section 207(b) of the Public Health Service Act (42 U.S.C. 207(b)) is amended—

(1) in subsection (a), by striking "requires health care professional, or by any individual working under the supervision of a health care professional who, with respect to the health care services rendered, does not receive compensation or any other form of value in lieu of compensation, which compensation—"

(A) includes a payment under any insurance policy or health plan, or under any Federal or State health benefits program; and

(B) excludes—

(i) receipt of items to be used exclusively for rendering health care services in the health care professional’s capacity as a volunteer described in subsection (a)(1); and

(ii) any reimbursement for travel to the site where the volunteer services are rendered and any payments in cash or kind to cover room and board, if services are being rendered more than 75 miles from the volunteer’s principal place of residence.

(e) E EFFECTIVE DATE.—This section shall take effect upon the date of enactment of this Act, and applies to a claim for harm only if the act or omission that caused such harm occurred on or after the date of enactment.

(f) S UNSET.—This section shall be in effect only for the length of the public health declaration by the Secretary of Health and Human Services (referred to in this section as the ‘Secretary’) under section 319 of the Public Health Service Act (42 U.S.C. 247d) on January 31, 2020, with respect to COVID-19.

SEC. 2215. LIMITATION ON LIABILITY FOR VOLUNTEER HEALTH CARE PROFESSIONALS DURING COVID-19 EMERGENCY RESPONSE.

(a) LIMITATION.—Except as provided in subsection (b), a health care professional shall not be liable under Federal or State law for any harm caused by his commission of an act or omission of the professional in the provision of health care services during the public health emergency with respect to COVID-19 declared by the Secretary of Health and Human Services (referred to in this section as the ‘Secretary’) under section 319 of the Public Health Service Act (42 U.S.C. 247d) on January 31, 2020, if—

(1) the professional is providing health care services in response to such public health emergency, as a volunteer; and

(2) the act or omission occurs during the period

(B) the assessment or care of the health of any person who is a member of the armed forces or a dependent or survivor of an armed forces member; or

(C) during the period described in subparagraphs (A) and (B).

(2) the term ‘health care professional’ means an individual who is licensed, registered, or certified by a State or Federal authority or any political subdivision to practice medicine or surgery, a registered nurse, or by any individual working under the supervision of a health care professional who, with respect to the health care services rendered, does not receive compensation or any other form of value in lieu of compensation, which compensation—

(A) includes a payment under any insurance policy or health plan, or under any Federal or State health benefits program; and

(B) excludes—

(i) receipt of items to be used exclusively for rendering health care services in the health care professional’s capacity as a volunteer described in subsection (a)(1); and

(ii) any reimbursement for travel to the site where the volunteer services are rendered and any payments in cash or kind to cover room and board, if services are being rendered more than 75 miles from the volunteer’s principal place of residence.

Subpart C—Miscellaneous Provisions

SEC. 3221. CONFIDENTIALITY AND DISCLOSURE OF RECORDS RELATING TO SUBSTANCE USE DISORDER.

(a) CONFORMING CHANGES RELATING TO SUBSTANCE USE DISORDER.—Subsections (a) and (b) of section 543 of the Public Health Service Act (42 U.S.C. 247d-2) are each amended by striking "substance abuse" and inserting "substance use disorder".

(b) DISCLOSURE TO COVERED ENTITIES CONSISTENT WITH HIPAA.—Paragraph (1) of section 543(b) of the Public Health Service Act Act
(42 U.S.C. 290dd-2(b)) is amended to read as follows:

“(1) CONSENT.—The following shall apply with respect to the contents of any record referred to in subsection (a):

“(A) Such contents may be used or disclosed in accordance with the prior written consent of the patient with respect to whom such record is maintained.

“(B) Once prior written consent of the patient has been obtained, such contents may be used or disclosed by a covered entity, business associate, or a program subject to this section for purposes of treatment, payment, and health care operations as permitted by the HIPAA regulations. Any information so disclosed may then be redisclosed in accordance with the HIPAA regulations.

Section 13405(c) of the Health Information Technology and Clinical Health Act (42 U.S.C. 290dd-2) is amended by inserting at the end the following:

“(c) DISCLOSURES OF DE-IDENTIFIED HEALTH INFORMATION TO PUBLIC HEALTH AUTHORITIES.—Subsection (c) of section 543 of the Public Health Service Act (42 U.S.C. 290dd-2) shall apply to all disclosures pursuant to subsection (b)(1) of this section.

“(C) It shall be permissible for a patient’s prior written consent to be given once for all such future uses or disclosures for purposes of treatment, payment, and health care operations, until such time as the patient revokes such consent in writing.

“(D) Each reference to ‘no damages obtained under subsection (d)’ shall be treated as a reference to ‘this subsection (in effect as of the date of enactment of this Act),’.

(d) DEFINITIONS.—Section 543 of the Public Health Service Act (42 U.S.C. 290dd-2) is amended by inserting after subsection (h) the following:

“(i) ANTIDISCRIMINATION.—For purposes of this section:

“(1) IN GENERAL.—The Secretary of Health and Human Services, in consultation with appropriate Federal agencies, shall make such revisions to regulations as may be necessary for implementing and enforcing the provisions of this section, including such amendments as may be necessary to ensure that such amendments shall apply with respect to uses and disclosures of information occurring on or after the date that is 12 months after the date of enactment of this Act.

“(2) EASILY UNDERSTANDABLE NOTICE OF PRIVACY PRACTICES.—Not later than 1 year after the date of enactment of this Act, the Secretary of Health and Human Services, in consultation with appropriate legal, clinical, privacy, and civil rights experts, shall update section 164.520 of title 45, Code of Federal Regulations, so that covered entities and entities creating or maintaining the records described in subsection (a) provide notice to patients sufficient to inform patients of privacy practices regarding patient records referred to in section 543(a) of the Public Health Service Act (42 U.S.C. 290dd-2(a)), including—

“(B) a description of each purpose for which the covered entity is permitted or required to disclose protected health information without the patient’s written authorization (as required by subsection (b)(2) of such section 164.520).

“(b) a description of each purpose for which the covered entity is permitted or required to disclose protected health information without the patient’s written authorization (as required by subsection (b)(2) of such section 164.520).

“(c) RULES OF CONSTRUCTION.—Nothing in this Act or the amendments made by this Act shall be construed to limit—

“(1) a patient’s right, as described in section 164.522 of title 45, Code of Federal Regulations, or any successor regulation, to request a restriction on the use or disclosure of a record referred to in section 543(a) of the Public Health Service Act (42 U.S.C. 290dd-2(a)) for purposes of treatment, payment, or health care operations; or

“(2) a covered entity’s choice, as described in section 164.508 of the Public Health Service Act, Code of Federal Regulations, or any successor regulation, to obtain the consent of the individual to use or disclose a record referred to in such section 543(a) to carry out treatment, payment, or health care operation.

“(k) SENSE OF CONGRESS.—It is the sense of the Congress that—

“(1) any person treating a patient through a program or activity with respect to which the confidentiality requirements of section 13401 of the Health Information Assurance Act (42 U.S.C. 290dd-2) are enforced by the Secretary of Health and Human Services, in consultation with appropriate Federal agencies, shall make such revisions to regulations as may be necessary for implementing and enforcing the provisions of this section, including such amendments as may be necessary to ensure that such amendments shall apply with respect to uses and disclosures of information occurring on or after the date that is 12 months after the date of enactment of this Act.

“(2) patients have the right to request a restriction on the use or disclosure of a record referred to in section 543(a) of the Public Health Service Act (42 U.S.C. 290dd-2) to ensure access to the applicable State-based prescription drug monitoring program when clinically appropriate.

“(2) patients have the right to request a restriction on the use or disclosure of a record referred to in section 543(a) of the Public Health Service Act (42 U.S.C. 290dd-2) to ensure access to the applicable State-based prescription drug monitoring program when clinically appropriate.

“(2) patients have the right to request a restriction on the use or disclosure of a record referred to in section 543(a) of the Public Health Service Act (42 U.S.C. 290dd-2) to ensure access to the applicable State-based prescription drug monitoring program when clinically appropriate.

“(3) covered entities should make every reasonable effort to the extent feasible to comply with a patient’s request for a restriction regarding such use or disclosure;

“(4) for purposes of applying section 164.514 of title 45, Code of Federal Regulations, the definition of health care operations shall have the meaning given such term in such
section, except that clause (v) of paragraph (6) shall not apply; and

(5) programs creating records referenced to in section 524(a) of the Public Health Service Act (42 U.S.C. 305e(a)) should reasonably accommodate requests for voluntary incentives for discussing with their patients the benefits to consenting to share such records.

SEC. 3222. NUTRITION SERVICES CRITERIA.—During any portion of the COVID-19 public health emergency declared under section 319 of the Public Health Service Act (42 U.S.C. 247d), the Secretary shall allow a State agency or an area agency on aging, without prior approval, to transfer not more than 100 percent of the funds received by the State agency or area agency on aging, respectively, and attributable to funds appropriated under paragraph (1) or (2) of section 300(c) of the Older Americans Act of 1965 (42 U.S.C. 300(c)) to a cap the Secretary determines, in consultation with the Secretary of Health and Human Services under section 319 of the Public Health Service Act (42 U.S.C. 247d) with respect to an emergency declared under section 337 of the Older Americans Act of 1965 (42 U.S.C. 3035(c)), during the period that exceeds the period described in section 337(a). The Secretary may waive the requirements for meals provided under those subparts to comply with the requirements of clause (iv) of subsection (a)(2) of section 337(a) of such Act (42 U.S.C. 300q-2 et seq.) for such use as the State agency or area agency on aging considers appropriate to meet the needs of the State or area served.

(c) HOME-DELIVERED NUTRITION SERVICES WAIVER.—For purposes of State agencies’ determination of the delivery of nutrition services under section 337 of the Older Americans Act of 1965 (42 U.S.C. 300q(c)), during the period of the COVID-19 public health emergency declared under section 319 of the Public Health Service Act (42 U.S.C. 247d), the same meaning shall be given to an individual who is unable to obtain nutrition because the individual is practicing social distancing due to the emergency as is given to an individual who is reason of illness.

(d) DIETARY GUIDELINES WAIVER.—To facilitate implementation of subparts 1 and 2 of part C of title III of the Older Americans Act of 1965 (42 U.S.C. 3056c), during the period of the COVID-19 public health emergency declared under section 319 of the Public Health Service Act (42 U.S.C. 247d), the Assistant Secretary may waive the requirements for meals provided under those subparts to comply with the requirements of clause (iv) of subsection (a)(2) of section 337(a) of such Act (42 U.S.C. 300q-2 et seq.) for such use as the State agency or area agency on aging considers appropriate to meet the needs of the State or area served.

(3) in subsection (c) —

(A) in paragraph (1), by striking “such project and delivery of services, including projects, program grants by the Health Resources and Services Administration, including considerations made by such Administration regarding disparities in infant mortality or perinatal outcomes among urban and rural areas in making such awards.”;

(B) in paragraph (2), by inserting “in the prioritization of Healthy Start programs” after “in the prioritization of Healthy Start programs.”;

(C) in paragraph (3), by inserting “in the prioritization of Healthy Start programs” after “in the prioritization of Healthy Start programs.”;

(D) in paragraph (4), by striking “(B) by adding at the end the following:” and inserting the following:

“(V) by adding at the end the following:

“(vi) project, described in section 502(c)(3) of the Older Americans Act of 1965 (42 U.S.C. 3056(c)(3)) to an amount not to exceed 20 percent of the grant amount if the Secretary determines that such increase is necessary to adequately respond to the additional administrative needs to respond to the COVID–19 public health emergency declared under section 319 of the Public Health Service Act (42 U.S.C. 247d).

SEC. 3224. GUIDANCE ON PROTECTED HEALTH INFORMATION.

Not later than 180 days after the date of enactment of this Act, the Secretary of Health and Human Services shall issue guidance on the use of protected health information pursuant to section 160.103 of title 45, Code of Federal Regulations (or any successor regulations) during 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 an emergency declared under section 337 of the Older Americans Act of 1965 (42 U.S.C. 3035(c)), during the period that exceeds the period described in section 337(a).

SEC. 3225. REAUTHORIZATION OF HEALTHY START PROGRAM.

(a) Reauthorization.—Section 339H of the Public Health Service Act (42 U.S.C. 254–8) is amended—

(1) in subsection (a)—

(A) in paragraph (1), by striking “, during fiscal year 2001 and subsequent years,”; and

(B) in paragraph (2), by inserting “or increasing above the national average” after “areas with”;

(2) in subsection (b)—

(A) in paragraph (1), by striking “consumers of project services, public health department health centers under section 330 and State substance abuse agencies”: and

(B) in paragraph (2)—

(i) in subparagraph (A), by striking “such as low birthweight” and inserting “in including high-risk perinatal outcomes (such as low birthweight and preterm birth) and social determinants of health”;

(ii) by redesignating subparagraph (B) as subparagraph (C) as follows:

(1) by inserting “in the prioritization of Healthy Start programs,” after “in the prioritization of Healthy Start programs.”;

(iii) by inserting after subparagraph (A), the following:

“(B) Organizational entities with—

(i) high rates of infant mortality or poor perinatal outcomes; or

(ii) high rates of infant mortality or perinatal outcomes in specific subpopulations within the community.”;

and

(iv) in subparagraph (C) (as so redesignated)—

(1) by redesignating clauses (i) and (ii) as clauses (ii) and (iii), respectively;

(II) by inserting before clause (ii) (as so redesignated) the following:

“(i) the extent to which the local community in the development of the project;”;

(III) in clause (ii) (as so redesignated), by striking “and” at the end;

(IV) in clause (iii) (as so redesignated), by striking the period and inserting “and”; and

(V) by adding at the end the following:

“(v) the use and collection of data demonstrating the effectiveness of such program in decreasing infant mortality rates and improving perinatal outcomes, as applicable, or the process by which new applicants plan to collect this data.”;

(3) in subsection (c)—

(A) by striking “grantees of grants” and inserting the following:

“(1) IN GENERAL.—Grantees of grants;” and

(B) by adding at the end the following:

“(2) OTHER PROGRAMS.—The Secretary shall ensure coordination of the program with other programs and activities related to the reduction of the rate of infant mortality and improved perinatal and infant health outcomes supported by the Department.”;

(4) in subsection (e)—

(A) in paragraph (1), by striking “appropriated”— and all that follows through the end and inserting “appropriated $125,500,000 for each of fiscal years 2021 through 2025.”; and

(B) in paragraph (2)(B), by adding at the end the following:

“Evaluation may include, to the extent practicable, information related to—

“(i) progress toward achieving any grant management outcome related to reducing infant mortality rates, improving perinatal outcomes, or reducing the disparity in health status;

“(ii) recommendations on potential improvements that may assist with addressing gaps, as applicable and appropriate; and

“(iii) the extent to which the grantees are {coordinated} with the community in which the grantees is located in the development of the project and delivery of services, including with respect to technical assistance and mentorship programs.”;

and

(5) by adding at the end the following:

“(C) GAO REPORT.—

(1) IN GENERAL.—Not later than 4 years after the date of the enactment of this subsection, the Comptroller General of the United States shall conduct an independent evaluation, and submit to the appropriate Committees of Congress a report, concerning the Healthy Start program under this section.

(2) EVALUATION.—In conducting the evaluation under paragraph (1), the Comptroller General shall consider, as applicable and appropriate, the GAO’s recommendations, as appropriate, on the following:

“(A) The allocation of Healthy Start program grants by the Health Resources and Services Administration, including considerations made by such Administration regarding disparities in infant mortality or perinatal outcomes among urban and rural areas in making such awards.”;

“(B) Trends in the progress made toward meeting the evaluation criteria pursuant to subsection (e)(2)(B), including programs which decrease infant mortality rates and improve perinatal outcomes, programs that have not decreased infant mortality rates or improved perinatal outcomes, and programs that have made an impact on disparities in infant mortality or perinatal outcomes.”;

“(C) The ability of grantees to improve health outcomes for project participants, particularly the underserved populations, as applicable, by making an impact on disparities through quality improvement, performance monitoring, evaluation, and the effect such
metrics may have toward decreasing the rate of infant mortality and improving perinatal outcomes.

"(D) The extent to which such Federal programs support awareness and the identification of opportunities for improved coordination in such Federal programs and activities.".

SEC. 3009. REMOVING THE CAP ON OTA DURING A PUBLIC HEALTH EMERGENCY.
Section 319L(c)(5)(A) of the Public Health Service Act (42 U.S.C. 247d-7(c)(5)(A)) is amended—

(I) by redesignating clause (ii) as clause (iv); and

(II) by inserting after clause (ii) the following:

"(iii) AUTHORITY DURING A PUBLIC HEALTH EMERGENCY.—
"(I) In general.—Not later than 2 years after the date of enactment of this Act, the Secretary shall submit to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Energy and Commerce of the House of Representatives, a report that shall include—

(1) a description of the activities carried out under subsection (a);

(2) a description of trends in blood supply donations; and

(3) an evaluation of the impact of the public awareness campaign, including any geographic or population variations.

PART III—INNOVATION

SEC. 3010. REAUTHORIZATION OF HEALTH PROFESSIONS WORKFORCE PROGRAMS.
Title VII of the Public Health Service Act (42 U.S.C. 294d et seq.) is amended—

(1) in section 736 (42 U.S.C. 294d) by striking "$30,000,000 for fiscal year 2010 and such sums as may be necessary for each of fiscal years 2011 through 2025" and inserting "$48,924,000 for each of fiscal years 2021 through 2025"; and

(2) in section 749 (42 U.S.C. 293l) by striking "$51,000,000 for fiscal year 2010 and such sums as may be necessary for each of fiscal years 2011 through 2025" and inserting "$51,470,000 for each of fiscal years 2021 through 2025";

(3) in subsection (b), by striking "$5,000,000 for each of the fiscal years 2010 through 2014" and inserting "$1,950,000 for each of fiscal years 2021 through 2025"; and

(4) in subsection (c), by striking "$60,000,000 for fiscal year 2010 and such sums as may be necessary for each of the fiscal years 2011 through 2014" and inserting "$6,000,000 for each of fiscal years 2021 through 2025"; and

(5) in subsection (d), by striking "Not Later than 6 months after the date of enactment of this Act, the Secretary shall carry out projects under this subsection for public and professional awareness and education.

(c) CONSULTATION.—In carrying out subsection (a), the Secretary shall consult with the Council on Medical Service and with the Congress under section 743 (42 U.S.C. 293k-2) of the Public Health Service Act and the heads of other relevant Federal agencies, and relevant accrediting bodies and professional organizations.

(d) REPORT TO CONGRESS.—Not later than 2 years after the date of enactment of this Act, the Secretary shall submit to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Energy and Commerce of the House of Representatives, a report that shall include—

(1) a description of the activities carried out under subsection (a);

(2) a description of trends in blood supply donations; and

(3) an evaluation of the impact of the public awareness campaign, including any geographic or population variations.

PART IV—HEALTH CARE WORKFORCE
SEC. 3401. REAUTHORIZATION OF HEALTH PROFESSIONS WORKFORCE PROGRAMS.
Title VII of the Public Health Service Act (42 U.S.C. 294d et seq.) is amended—

(1) in section 736 (42 U.S.C. 294d) by striking subsection (i) and inserting the following:

"(i) AUTHORIZATION OF APPROPRIATIONS.—To carry out this section, there is authorized to be appropriated $23,711,000 for each of fiscal years 2021 through 2025.".

(2) in section 749 (42 U.S.C. 293l) by striking—

(A) in subsection (a), by striking "$51,000,000 for fiscal year 2010, and such sums as may be necessary for each of the fiscal years 2011 through 2014" and inserting "$51,470,000 for each of fiscal years 2021 through 2025"; and

(B) in subsection (b), by striking "$5,000,000 for each of the fiscal years 2010 through 2014" and inserting "$1,950,000 for each of fiscal years 2021 through 2025"; and

(C) in subsection (c), by striking "$60,000,000 for fiscal year 2010 and such sums as may be necessary for each of the fiscal years 2011 through 2014" and inserting "$6,000,000 for each of fiscal years 2021 through 2025"; and

(D) in subsection (d), by striking "Not Later than 6 months after the date of enactment of this part, the Secretary shall prepare and submit to the appropriate committees of Congress" and inserting: "Not later than September 30, 2025, and every five years thereafter, the Secretary shall prepare and submit to the Committee on Health, Education, Labor, and Pensions of the Senate, and the Committee on Energy and Commerce of the House of Representatives.";

(3) in section 747 (42 U.S.C. 293k) by striking—

(A) in subsection (a), by inserting "to plan, develop, and operate a demonstration program that provides training" and inserting: "to plan, develop, and operate a program that identifies and develops innovative models of providing care, and trains primary care physicians on such models"; and

(ii) by adding at the end the following:

"(3) PRIORITIES.—In awarding grants or contracts under paragraph (1), the Secretary may give priority to qualified applicants that train residents in rural areas, including for Tribal or Tribal Organizations in such areas.";

(B) in subsection (b)(3)(E), by striking "substance-related disorders" and inserting "substance use disorders"; and

(C) in subsection (c)(1), by striking "$125,000,000 for fiscal year 2010, and such sums as may be necessary for each of the fiscal years 2011 through 2014" and inserting "$48,924,000 for each of fiscal years 2021 through 2025"; and

(D) in subsection (c)(2), by striking "$30,000,000 for fiscal year 2010 and such sums as may be necessary for each of fiscal years 2011 through 2015" and inserting "$28,531,000 for each of fiscal years 2021 through 2025".

(4) in section 748 (42 U.S.C. 293k-2) by striking—

(A) in subsection (c)(5), by striking "substance-related disorders" and inserting "substance use disorders"; and

(B) in subsection (d)(5), by striking "$30,000,000 for fiscal year 2010 and such sums as may be necessary for each of fiscal years 2011 through 2015" and inserting "$26,531,000 for each of fiscal years 2021 through 2025".

(5) in section 749(d)(2) (42 U.S.C. 293l(d)(2)), by striking "Committee on Labor and Human Resources of the Senate, and the Committee on Health, Education, Labor, and Pensions of the Senate, and the Committee on Energy and Commerce of the House of Representatives" and inserting "Committee on Health, Education, Labor, and Pensions of the Senate, the Committee on Energy and Commerce of the House of Representatives";

(6) in section 751(j)(1) (42 U.S.C. 294d(j)(1)), by striking "$250,000,000 for each of the fiscal years 2010 through 2014" and inserting "$1,950,000 for each of fiscal years 2021 through 2025";

(7) in section 752(b)(1)(A) (42 U.S.C. 294d(b)(1)) by striking "new and innovative" and inserting "innovative and evidence-based";

(8) in section 755(b)(1)(A) (42 U.S.C. 294d(b)(1)) by striking "the elderly" and inserting "geriatric populations or for maternal and child health";
(9) in section 762(e) (42 U.S.C. 294c(e)—
(A) in paragraph (1)(A), by striking "$7,500,000 for each of fiscal years 2010 through 2014" and inserting "$5,663,000 for each of fiscal years 2021 through 2025"; and
(B) in paragraph (2), by striking "subsection (a)" and inserting "paragraph (1)";
(10) in section 762 (42 U.S.C. 294c)—
(A) in subsection (a)(1), by striking "Committee on Labor and Human Resources" and inserting "Committee on Health, Education, Labor, and Pensions";
(B) in subparagraph (B); and
(11) in paragraph (2), by striking "Health Care Financing Administration" and inserting "Centers for Medicare & Medicaid Services";
(12) in section 766(b)(1) (42 U.S.C. 295b(b)(1)), by striking "that plans" and all that follows through the period and inserting "that plans, develops, operates, and evaluates education and training programs; health profession prevention and disease prevention, or access to and quality of health care services in rural or medically underserved communities; and
(D) by redesigning subsection (1) as subsection (i);
(13) in section 766(b)(1) (42 U.S.C. 295b(b)(1)), by striking "$43,000,000 for fiscal year 2011, and such sums as may be necessary for each of fiscal years 2012 through 2015" and inserting "$17,000,000 for each of fiscal years 2021 through 2025"; and
(14) in subsection (e) (42 U.S.C. 295e(e)), by striking "$398,000,000 and all that follows through the period and inserting "such sums as may be necessary for each of fiscal years 2021 through 2025".

SEC. 3402. HEALTH WORKFORCE COORDINATION.

(a) STRATEGIC PLAN.—
(1) PLAN.—Not later than 1 year after the date of enactment of this Act, the Secretary of Health and Human Services (referred to in this Act as the "Secretary"), in consultation with the Advisory Committee on Training in Primary Care Medicine and Dentistry and the Advisory Council on Graduate Medical Education, shall develop a comprehensive, integrated plan with respect to the health care workforce development programs of the Department of Health and Human Services, including education and training programs.

(b) REQUIREMENTS.—The plan under paragraph (1) shall—
(A) include performance measures to determine the extent to which the programs described in paragraph (1) are strengthening the Nation’s health care system;
(B) identify any gaps that exist between the outcomes of the programs described in paragraph (1) and projected health care workforce needs identified in workforce projection reports conducted by the Health Resources and Services Administration;
(C) identify actions to address the gaps described in subparagraph (B); and
(D) identify barriers, if any, to implementing the actions identified under subparagraph (C).

(b) COORDINATION WITH OTHER AGENCIES.—The Secretary shall coordinate with the heads of other Federal agencies and departments that fund or administer health care workforce development programs, including education and training programs.

(1) evaluate the performance of such programs, including the extent to which such programs are efficient and effective and are meeting the nation’s health workforce needs; and
(2) identify opportunities to improve the quality and consistency of the information collected within and across such programs, and to implement such improvements.

(c) REPORT.—Not later than 2 years after the date of enactment of this Act, the Secretary shall submit to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Energy and Commerce of the House of Representatives, a report describing the plan developed under subsection (a) and actions taken to implement such plan.

SEC. 3403. EDUCATION AND TRAINING RELATING TO GERIATRICS.

Section 753 of the Public Health Service Act (42 U.S.C. 294c) is amended to read as follows:

"SEC. 753. EDUCATION AND TRAINING RELATING TO GERIATRICS.

(1) GериATRICS WORKFORCE ENHANCEMENT PROGRAM.—
(A) IN GENERAL.—The Secretary shall award grants, contracts, or cooperative agreements under this subsection to entities described in paragraph (1), (2), or (3) of section 759B, section 805D(d), or other health professions schools or programs approved by the Secretary, for the establishment or operation of Geriatrics Workforce Enhancement Programs that meet the requirements of paragraph (2).

(B) REQUIREMENTS.—
(A) IN GENERAL.—A Geriatrics Workforce Enhancement Program receiving an award under this section shall support the training of health professionals in geriatrics, including traineeships or fellowships. Such programs shall emphasize, as appropriate, patient and family engagement, integration of geriatrics with primary and other appropriate specialties and collaborations with community partners to address gaps in care for older adults.

(B) ACTIVITIES.—Activities conducted by a program under this section may include the following:
(i) Clinical training on providing integrated geriatrics and primary care delivery services.
(ii) Interprofessional training to practitioners from multiple disciplines and specialties, including training on the provision of care to older adults.
(iii) Establishing or maintaining trainee- and trainee-related community-based programs for older adults and caregivers to improve health outcomes for older adults.
(iv) Providing education on Alzheimer’s disease and related dementias to families and caregivers of older adults, direct care workers, and health professions students, faculty, and providers.

(2) DURATION.—Each grant, contract, or cooperative agreement or contract awarded under this subsection (1) shall be for a period not to exceed 5 years.

(3) APPLICATIONS.—To be eligible to receive a grant, contract, or cooperative agreement or contract awarded under this subsection (1), an entity described in such paragraph shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.

(3) PROGRAM REQUIREMENTS.—
(A) IN GENERAL.—In awarding grants, contracts, or cooperative agreements under paragraph (1), the Secretary—
(i) shall give priority to programs that demonstrate coordination with another Federal program or another public or private entity;
(ii) shall give priority to applicants with programs or activities that are expected to directly benefit rural or medically underserved populations of older adults, or serve older adults in Indian Tribes or Tribal organizations; and
(iii) may give priority to any program that—
(I) integrates geriatrics into primary care practices;

(IV) provides training to integrate geriatric care into other specialties across care settings, including participating in the specialty care workforce, faculty, and professionals who participated in programs under this section;
“(ii) information on the impact of the program conducted under this section on the health status of older adults, including in areas with a shortage of health professionals; and

“(iii) information on outreach and education provided under this section to families and caregivers of older adults.

“(C) effect of the Secretary shall make reports submitted under paragraph (B) publically available on the website of the Department of Health and Human Services.

“(b) Geriatric Academic Awards.

“(1) Establishment of Program.—The Secretary shall, as appropriate, establish or maintain a program to provide academic career awards to eligible entities to support the development of human resources in geriatrics, including the training of interprofessional teams of health care professionals. The program shall maintain a rate of at least 75 percent of the obligations of such individual under the award.

“(C) Nonapplicability of Provision.—Notwithstanding any other provision of this title, section 791(a) shall not apply to awards made under this section.

“(2) Eligibility.—For purposes of this subsection, the term ‘eligible entity’ means—

“(i) an entity described in paragraph (1), (3), or (4) of section 799B or section 801(2); or

“(ii) an eligible entity, on behalf of an eligible individual, shall—

“(B)(ii), the individual shall continue to be treated as an eligible individual through the period of an appointment in a health professions institution or has a junior, nontenured, faculty appointment in a health professions school or graduate program approved by the Secretary.

“(3) Eligible Individual.—For purposes of this subsection, the term ‘eligible individual’ means an individual who—

“(I) is board certified or board eligible in internal medicine, family practice, psychiatry, or licensed dentistry, or has completed required training in a discipline and is employed in an accredited health professions school or graduate program that is approved by the Secretary; or

“(II) has completed an approved fellowship program in geriatrics, or has completed specialty training in geriatrics as required by the discipline and any additional geriatrics training as required by the Secretary; and

“(III) has a junior, nontenured, faculty appointment at an accredited health professions school or graduate program in geriatrics or a geriatrics health profession.

“(C) Clarification.—If an eligible individual continues to meet the criteria of subparagraph (B)(ii), the individual shall continue to be treated as an eligible individual through the term of the award.

“(D) Application Requirements.—In order to receive an award under paragraph (1), an eligible entity, on behalf of an eligible individual, shall—

“(A) submit to the Secretary an application, at such time, in such manner, and containing such information as the Secretary may require;

“(B) provide, in such form and manner as the Secretary may require, assurances that the eligible entity will meet the award requirement described in paragraph (E); and

“(C) provide, in such form and manner as the Secretary may require, assurances that the eligible entity has a full-time faculty appointment in a health professions institution and documented commitment from such eligible entity that the individual will spend 75 percent of the individual’s time that is supported by the award on teaching and developing skills in interdisciplinary education in geriatrics.

“(E) Suitable Distribution.—In making awards under this subsection, the Secretary shall seek to ensure geographical distribution among award recipients, including among medically underserved areas of the United States.

“(5) Amount and Duration.—

“(A) Amount.—The amount of an award under this subsection shall be at least $75,000 for fiscal year 2021, adjusted for subsequent years in accordance with the consumer price index provided in section 802. The amount of an award under this subsection for individuals who are not physicians.

“(B) Duration.—The Secretary shall make awards under paragraph (1) for a period not to exceed 5 years.

“(6) Service Requirement.—An individual who receives an award under this subsection shall fulfill the obligations of such individual under the award.

“(C) Authorization of Appropriations.—There is authorized to be appropriated $40,737,000 for each of fiscal years 2021 through 2025 for purposes of carrying out this section.

“SEC. 3404. Nursing Workforce Development.

“(a) In General.—Title VIII of the Public Health Service Act (42 U.S.C. 296 et seq.) is amended—

“(1) in section 801 (42 U.S.C. 296b), by adding at the end the following:

“(B) Nurse Managed Health Clinic.—The term ‘nurse managed health clinic’ means a nurse-practice arrangement, managed by advanced practice nurses, that provides primary care or wellness services to under served or vulnerable populations and that is associated with a school, college, university or department of nursing, federally qualified health center, or independent nonprofit health center or similar entity.

“(2) in section 802(c) (42 U.S.C. 296b), by inserting ‘, and’ and such project aligns with the goals in section 806(a)’ before the period in the second sentence,

“(3) in section 803(b) (42 U.S.C. 296b), by adding at the end the following: ‘Such Federal funds are intended to supplement, not supplant, existing non-Federal expenditures for such activities.’

“(4) in section 806 (42 U.S.C. 296c)—

“(A) in subsection (a), by striking ‘as needed to’ and all enacting the following: ‘as needed to address national nursing needs, including—

“(I) addressing challenges, through support and education of nursing students, related to the distribution of the nursing workforce and existing or projected nursing workforce shortages in geographic areas that have been identified as having, or that are projected to have, a nursing shortage;’

“(II) increasing access to and the quality of health care services, including by supporting the training of professional registered nurses, advanced practice registered nurses, and advanced education nurses within community based a variety of health delivery system settings; or

“(III) addressing the strategic goals and priorities identified by the Secretary and that are in accordance with this title,

“(B) in subsection (b)(2), by striking ‘a demonst’ion and all that follows and inserting the following: ‘the reporting of data and information demonstrating that satisfactory progress has been made by the program or project in meeting the performance outcome standards (as described in section 802) of such program or project’;

“(C) in subsection (e)(2), by inserting ‘, and have relevant expertise and experience’ befor the period at the end of the first sentence; and

“(D) by adding at the end the following:—

“(1) BISENNIAL REPORT ON NURSING WORKFORCE GRANTS PROGRAM.—Not later than September 30, 2020, and biennially thereafter, the Secretary shall submit to the Committee on Energy and Commerce of the House of Representatives, a report that contains an assessment of the impact of the programs of the Department of Health and Human Services related to enhancing the nursing workforce, including the extent to which programs developed for the respective programs meet the identified goals and performance measures developed for the respective programs; and the extent to which the Department coordinates with other Federal departments regarding programs designed to improve the nursing workforce.

“(2) Public Availability.—In order to receive an award under section (e), the Secretary shall—

“(A) in subsection (b)—

“(i) by striking ‘Master’s and inserting ‘graduate’; and

“(ii) by inserting ‘clinical nurse leaders,’ after ‘nurse administrators,’;

“(B) by redesignating subsections (f) and (g) as subsections (g) and (h), respectively; and

“(C) by inserting after subsection (e), the following:

“(1) Authorized Clinical Nurse Specialist Programs.—Clinical nurse specialist programs eligible for this section are education programs that—

“(I) provide registered nurses with fulltime clinical nurse specialist education; and

“(II) have as their objective the education of clinical nurse specialists who will, upon completion of such a program, be qualified to effectively provide care through the wellness and illness continuum to inpatients and outpatients experiencing acute and chronic illness.

“(2) Advanced Education Programs.—(I) by striking ‘nurse administrators,’ and inserting ‘other high-risk groups such as the elderly, individuals with HIV/AIDS, substance abusers, the homeless, and victims’; and

“(II) by striking ‘and inserting ‘professional registered nurses, advanced education nurses, licensed practical nurses, certified nurse assistants, and home health aides’ and inserting ‘professional registered nurses, advanced practice registered nurses, and nurses with graduate nursing education’; and

“(III) by adding at the end the following:—

“(ii) individuals including licensed practical nurses, licensed vocational nurses, certified nurse assistants, home health aides, diploma degree or associate degree nurses, and other health professionals, such as health aides or community health practitioners certified under the Community Health Aide Program of the Indian Health Service, to become registered nurses with baccalaureate degrees or nurses with graduate nursing education; and

“(ii) in subparagraph (B), by striking the period and inserting ‘; and’; and

“(iii) by adding at the end the following:—

“(II) developing and implementing internships, accredited fellowships, and accreditation programs in collaboration with...
one or more accredited schools of nursing, to encourage the mentoring and development of specialities;”.

(b) by striking subsection (e) and (h);

(c) by designating subsections (f) and (g), as subsections (e) and (f), respectively;

(d) by striking subsection (e) as so redesignated, by striking “the Secretary shall submit to the Congress by the end of each fiscal year” and inserting “As part of the report on nursing workforce programs described in section 866(1), the Secretary shall include”;

(e) by redesignating subsections (f) and (g), as subsection (e) and (f), respectively;

(f) in subsection (e) as so redesignated, by striking “a school of nursing, as defined in section 801(2),” and inserting “an accredited school of nursing, as defined in section 801(2),”;

(g) by striking “federally qualified health centers or nurse-managed health clinics, or a partnership of such a school and facility”;

(h) by striking section 831A (42 U.S.C. 296p–1);

(i) in section 846 (42 U.S.C. 297n–1), by striking the last sentence of subsection (a); and

(j) in section 886A (42 U.S.C. 297n–1), by striking subsection (f);

(k) in section 887 (42 U.S.C. 297o), by striking subsection (g);

(l) in section 851 (42 U.S.C. 297t–7), by striking subsection (b); and

(m) in section 852 (42 U.S.C. 297t–7), by striking subsection (c).

SEC. 19. QUALEIFICATION EMERGENCY. —The term “qualification emergency” means an institution of higher education located outside the United States that has the meaning given the term in section 102 of the Higher Education Act of 1965 (20 U.S.C. 102).

SEC. 20. QUALIFYING EMERGENCY. —The term “qualifying emergency” means—

(A) a public health emergency related to the coronavirus declared by the Secretary of Health and Human Services pursuant to section 319 of the Public Health Service Act (42 U.S.C. 247d);

(B) an event related to the coronavirus for which the President declared a major disaster under section 701 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5171 et seq.); and

(C) a national emergency related to the coronavirus declared by the President under section 201 of the National Emergencies Act (50 U.S.C. 1601 et seq.).

(2) REPEAL.—Not later than 18 months after the enactment of this Act, the Comptroller General shall submit to the Committee on Health, Education, Labor, and Pensions of the Senate, the Committee on Energy and Commerce of the House of Representatives, a report on the evaluation under paragraph (1), which may include recommendations to improve relevant nursing workforce loan repayment programs.

SEC. 21. B—EDUCATION PROVISIONS.

SEC. 2501. SHORT TITLE.

This subtitle may be cited as the “COVID-19 Pandemic Education Relief Act of 2020”.

SEC. 2502. DEFINITIONS.

(a) DEFINITIONS. —In this subtitle:

(1) CORONAVIRUS.—The term “coronavirus” has the meaning given in section 506 of the Coronavirus Preparedness and Resurgence Supplemental Appropriations Act, 2020 (Public Law 116–123).

(2) FEDERAL PELL GRANT.—The term “federal Pell Grant” means the Federal Pell Grant for the applicable award year.

(b) AWARD RECIPIENTS. —In determining eligibility for and awarding emergency financial aid grants under this section, an institution of higher education may—

(1) waive the amount of need calculation under section 471 of the Higher Education Act of 1965 (20 U.S.C. 1057); and

(2) allow for a student affected by a qualifying emergency to receive funds in an amount that is not more than the maximum Federal Pell Grant for the applicable award year.

(3) use a contract with a scholarship-granting organization designated for the sole purpose of accepting applications from or disbursing funds to students enrolled in the institution of higher education, such scholarship-granting organization disburses those funds to the institution of higher education to the recipients.

(c) SPECIAL RULE.—An emergency financial aid grant to students under this section shall not be treated as other financial assistance for the purposes of section 471 of the Higher Education Act of 1965 (20 U.S.C. 1057).

SEC. 3505. FEDERAL WORK-STUDY DURING A QUALIFYING EMERGENCY.

(a) IN GENERAL.—In the event of a qualifying emergency, an institution of higher education participating in the program under part C of title IV of the Higher Education Act of 1965 (20 U.S.C. 1087–51 et seq.) may make payments to affected work-study students, for the period of time (not to exceed one academic year) in which affected students were unable to fulfill the students’ work-study obligation for all or part of such academic year due to such qualifying emergency, as follows:

(1) Payments may be made under such part to affected work-study students in an amount equal to or less than the amount of wages such students would have been paid under such part for work performed prior to the occurrence of the qualifying emergency.

(2) Any payments made to affected work-study students under this subsection shall be treated as loans made under section 443 of the Higher Education Act of 1965 (20 U.S.C. 1087–3), unless such matching requirements are waived by the Secretary.
enrolled at an eligible institution participating in the program under part D of title IV of the Higher Education Act of 1965 (20 U.S.C. 1087–51 et seq.), who—

(1) receives-study obligation for all or any portion of such academic year; and
(2) has an approved leave of absence for a qualifying emergency.
(b) ELIGIBILITY.—An otherwise eligible program that is offered in whole or in part through distance education by a foreign institution who is a borrower of a loan made under part D of title IV of the Higher Education Act of 1965 (20 U.S.C. 1087a et seq.), with respect to the amount of grant or loan assistance (other than assistance received under part C of title IV of such Act) associated with each such recipient, and the total amount of grant or loan assistance (other than assistance received under part C of title IV of such Act) associated with each such recipient, and the total amount of

SEC. 3505. ELIGIBILITY, FACTORS, AND DETERMINATIONS FOR AID TO STUDENT LOAN ASSISTANCE.

Eligibility, factors, and determinations for aid to student loan assistance are described in section 481 of the Higher Education Act of 1965 (20 U.S.C. 1087a et seq.) with respect to the amount of grant or loan assistance (other than assistance received under part C of title IV of such Act) associated with each such recipient, and the total amount of grant or loan assistance (other than assistance received under part C of title IV of such Act) associated with each such recipient, and the total amount of

SEC. 3506. ELIGIBILITY, FACTORS, AND DETERMINATIONS FOR ELIGIBLE INSTITUTIONS.

Eligibility, factors, and determinations for eligible institutions are described in section 481 of the Higher Education Act of 1965 (20 U.S.C. 1087a et seq.) with respect to the amount of grant or loan assistance (other than assistance received under part C of title IV of such Act) associated with each such recipient, and the total amount of grant or loan assistance (other than assistance received under part C of title IV of such Act) associated with each such recipient, and the total amount of

SEC. 3507. ELIMINATION OF THE DEPENDENCY FILING REQUIREMENT.

The Secretary shall exclude from the student’s period of enrollment for purposes of loans made under part D of title IV of the Higher Education Act of 1965 (20 U.S.C. 1087a et seq.) any semester (or the equivalent) that the student does not complete due to a qualifying emergency, if the Secretary is able to administer such policy in a manner that limits complexity and the burden on the student.

SEC. 3508. ELIMINATION OF THE DEPENDENCY FILING REQUIREMENT FOR FOREIGN STUDENTS.

(a) IN GENERAL.—The Secretary shall waive the dependency filing requirement under section 484 of the Higher Education Act of 1965 (20 U.S.C. 1087a) with respect to the amount of grant or loan assistance (other than assistance received under part C of title IV of such Act) associated with each such recipient, and the total amount of grant or loan assistance (other than assistance received under part C of title IV of such Act) associated with each such recipient, and the total amount of

SEC. 3509. SATISFACTORY ACADEMIC PROGRESS.

(a) IN GENERAL.—The Secretary shall exclude from the student’s period of enrollment for purposes of loans made under part D of title IV of the Higher Education Act of 1965 (20 U.S.C. 1087a et seq.) any semester (or the equivalent) that the student does not complete due to a qualifying emergency, if the Secretary is able to administer such policy in a manner that limits complexity and the burden on the student.

(b) ELIGIBILITY.—An otherwise eligible program that is offered in whole or in part through distance education by a foreign institution who is a borrower of a loan made under part D of title IV of the Higher Education Act of 1965 (20 U.S.C. 1087a et seq.) with respect to the amount of grant or loan assistance (other than assistance received under part C of title IV of such Act) associated with each such recipient, and the total amount of grant or loan assistance (other than assistance received under part C of title IV of such Act) associated with each such recipient, and the total amount of

SEC. 3510. CONTINUING EDUCATION AT AFFEC TED FOREIGN INSTITUTIONS.

(a) IN GENERAL.—The Secretary shall exclude from the student’s period of enrollment for purposes of loans made under part D of title IV of the Higher Education Act of 1965 (20 U.S.C. 1087a) with respect to the amount of grant or loan assistance (other than assistance received under part C of title IV of such Act) associated with each such recipient, and the total amount of grant or loan assistance (other than assistance received under part C of title IV of such Act) associated with each such recipient, and the total amount of

SEC. 3511. NATIONAL EMERGENCY EDUCATIONAL WAIVERS.

(a) IN GENERAL.—Notwithstanding any other provision of law, the Secretary may, upon the request of a State educational agency or Indian tribe, waive any statutory or regulatory provision described under paragraphs (1) and (2) of subsection (b), and upon the request of an eligible institution, waive any statutory or regulatory provision described under paragraph (3) of subsection (b), if the Secretary determines that such a waiver is necessary due to the emergency involving Federal primary responsibility determined to exist by the President under section 101 of the Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5191) with respect to the Coronavirus Disease 2019 (COVID-19).

(b) APPLICABLE PROVISIONS OF LAW.—

(1) STREAMLINED WAIVERS.—The Secretary shall create an expedited application process to request a waiver and the Secretary may, upon receiving any written request for a State educational agency (related to assessments, accountability, and reporting requirements related to assessments and accountability), if the Secretary determines that such a waiver is necessary and appropriate as described in subsection (a), under the following provisions of law:

(i) Section 111 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 1111): (i) Paragraphs (2) and (3) of subsection (b), (ii) Subparagraph (C) of subsection (b) (iii) Subparagraphs (C) and (D) of subsection (d)(2).

The following provisions under section 111 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 1111): (i) Clauses (i), (ii), (iii), (iv), (v), (vi), (vii), and (x) of paragraph (1)(C).
(II) Paragraph (2)(C) with respect to the waived requirements under subclause (I).
(III) Clauses (i) and (ii) of paragraph (2)(C).
(B) Section 421(b) of the General Education Improvement Act of 1965 (20 U.S.C. 1221(b)).

(2) STATE AND LOCALLY-REQUESTED WAIVERS.—For a State educational agency, local educational agency, or Indian tribe that requests a waiver for purposes of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.) or under the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.) that requests a waiver under subsection (c), the Secretary may not waive any statutory or regulatory requirements under any of the following provisions of such Act:
(A) Section 1114(a), (B) Section 1118(a) and section 8521.
(C) Section 1127.
(D) Section 4106(d).
(E) Subparagraphs (C), (D), and (E) of section 4106(e)(2).
(F) Section 4109(b).
(G) The definition under section 8103(42) for purposes of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.).

(3) APPLICABILITY TO CHARTER SCHOOLS.—Any waivers issued by the Secretary under this section shall be implemented, as applicable—
(A) for all public schools, including public charter schools within the boundaries of the recipient of the waiver;
(B) in accordance with State charter school law; and
(C) pursuant to section 1111(o)(5) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6111(c)(5)).

(4) LIMITATION.—Nothing in this section shall be construed to allow the Secretary to waive any statutory or regulatory requirements under applicable civil rights laws.

(5) ACCOUNTABILITY AND IMPROVEMENT.—Any State educational agency that receives a waiver under paragraph (1) and that is identified for comprehensive support and improvement, targeted support and improvement, or additional targeted support in the 2019-2020 school year under section 1111(c)(4)(D) or section 1111(d)(2) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(c)(5)).

(6) IMPOSITION OF SANCTIONS.—If the Secretary does not find that the recipient of the waiver has made progress toward meeting the timetables established under this section, the Secretary shall impose sanctions on the recipient of the waiver.

(7) REPORTING AND PUBLICATION.—(A) A State educational agency, Indian Tribe, or local educational agency requesting a waiver under subsection (b)(2) shall provide the public and all local educational agencies in the State with notice of, and the opportunity to comment on, the waiver request and the process for commenting on the waiver request.

(B) The Secretary shall provide notice of any public comments received on a waiver request and any action taken by the Secretary.

SEC. 3512. TEMPORARY RELIEF FOR FEDERAL STUDENT LOAN BORROWERS.

(a) IN GENERAL.—The Secretary shall suspend all payments due for loans made under part D and part B (that are held by the Department of Education) of title IV of the Higher Education Act of 1965 (20 U.S.C. 1078 et seq.; 1971 et seq.) for periods of up to 180 days after the date of enactment of this Act, and extend such periods by 180 days thereafter during the period beginning on the first day of the qualifying emergency and ending on September 30 of the fiscal year following the qualifying emergency.

(b) NO ACCRUAL OF INTEREST.—Notwithstanding any other provision of the Higher Education Act of 1965 (20 U.S.C. 1078 et seq.; 1971 et seq.) or any other provision of law, interest accrued on a loan during any period for which a loan payment was suspended under this section shall not be charged to the borrower or recorded as interest required under the loan agreement.

(c) REGISTRATION.—The Secretary shall, not later than 30 days after the date of enactment of this Act, register with each State's consumer保护 agency, the governor or other officer designated by the governor, and each institution that has received a loan under part D or B of the Higher Education Act of 1965 (20 U.S.C. 1078 et seq.; 1971 et seq.) or the Carl D. Perkins Career and Technical Education Act of 1965 (20 U.S.C. 2901 et seq.), the Secretary shall prepare and submit a report to the Committee on Health, Education, Labor, and Pensions of the Senate, the Committee on Appropriations of the Committee on Education and Labor of the House of Representatives, and the Committee on Appropriations of the House of Representatives of such waiver.

(d) PUBLICATION.—Not later than 7 days after granting a waiver under this section, the Secretary shall publish a notice in the Federal Register and on the website of the Department of Education.

(e) T ERM S.—In this section, the term ‘partime student loan program’ means any Federal or State student loan program that is not otherwise appropriated, $62,000,000 to on which the Secretary is required to carry out its responsibilities.
(d) REPORTING TO CONSUMER REPORTING AGENCIES.—During the period in which the Secretary suspends payments on a loan under subsection (a), the Secretary shall ensure that, for the purpose of reporting information about the loan to a consumer reporting agency, any payment that has been suspended is treated as if it were a regularly scheduled payment made by a borrower.

(e) SUSPENDING INVOLUNTARY COLLECTION.—During the period in which the Secretary suspends payments on a loan under subsection (a), the Secretary shall suspend all involuntary collection related to the loan, including—

(1) wage garnishment authorized under section 48A of the Higher Education Act of 1965 (20 U.S.C. 1095a) or section 3720D of title 31, United States Code;

(2) involuntary refund by amount of debt authorized under section 3720A of title 31, United States Code, or section 6402(d) of the Internal Revenue Code of 1986; and

(3) a reduction of any other Federal benefit payment by administrative offset authorized under section 3716 of title 31, United States Code (including a benefit payment due to an individual under the Social Security Act or any other provision described in subsection (c)(3)(A)(i) of such section); and

(4) any other involuntary collection activity by the Department.

(f) WAIVERS.—In carrying out this section, the Secretary may waive the application of—

(1) subchapter I of chapter 35 of title 44, United States Code, known as the “Paperwork Reduction Act”;

(2) the master calendar requirements under section 462 of the Higher Education Act of 1965 (20 U.S.C. 1089);

(3) negotiated rulemaking under section 492 of the Higher Education Act of 1965 (20 U.S.C. 1099); and

(4) the requirement to publish the notices related to the system of records of the agency before implementation required under paragraphs (4) and (11) of section 552a(e) of title 5, United States Code (commonly known as the “Privacy Act of 1974”), except that the notices shall be published not later than 180 days after the date of enactment of this Act.

(g) NOTICE TO BORROWERS AND TRANSITION PERIOD.—To inform borrowers of the actions taken under this section and ensure an effective transition, the Secretary shall—

(1) not later than 15 days after the date of enactment of this Act, notify borrowers—

(A) of the actions taken in accordance with subsections (a) and (b) for whom payments have been suspended and interest waived;

(B) of the actions taken in accordance with subsection (e) for whom collections have been suspended;

(C) of the option to continue making payments toward principal; and

(D) that the program under this section is a temporary program.

(2) beginning on August 1, 2020, carry out a program to provide not less than 6 notices by postal mail, telephone, or electronic communication to borrowers indicating—

(A) when the borrower’s normal payment obligation will become payable; and

(B) that the borrower has the option to enroll in income-driven repayment, including a brief description of such options.

SEC. 3514. PROVISIONS RELATED TO THE CORPORATION FOR NATIONAL AND COMMUNITY SERVICE.

(a) ACCRUAL FOR FUTURE YEARS.—

(1) ACCRUAL THROUGH OTHER SERVICE HOURS.—

(A) IN GENERAL.—Notwithstanding any other provision of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 4950 et seq.) or the National and Community Service Act of 1990 (42 U.S.C. 12501 et seq.), the Corporation for National and Community Service shall allow an individual described in subparagraph (B) to accrue other service hours that will count toward the levels needed for the individual’s education award.

(B) AFFECTED INDIVIDUALS.—Subparagraph (A) shall apply to any individual serving in a position eligible for an educational award under title I of the National and Community Service Act of 1990 (42 U.S.C. 12601 et seq.).

(i) who is performing limited service due to COVID-19; or

(ii) whose position has been suspended or placed on hold due to COVID-19.

(2) Provisioning EARLY EXIT.—In any case where an individual serving in a position eligible for an educational award under title I of the National and Community Service Act of 1990 (42 U.S.C. 12601 et seq.) was required to exit the position early at the direction of the Corporation for National and Community Service, the Chief Executive Officer of the Corporation for National and Community Service may—

(A) deem such individual as having met the requirements of the position; and

(B) award to the individual the full value of the educational award under such title for which the individual would otherwise have been eligible.

(3) AVAILABILITY OF FUNDS.—Notwithstanding any other provision of law, all funds made available to the Corporation for National and Community Service under any Act, including the amounts appropriated to the Corporation under the headings “OPERATING EXPENSES”, “SALARIES AND EXPENSES”, and “OFFICE OF THE INSPECTOR GENERAL” under the heading “CORPORATION FOR NATIONAL AND COMMUNITY SERVICE” under title IV of Division A of the Further Consolidated Appropriations Act, 2020 (Public Law 116-94), shall remain available for the fiscal year ending September 30, 2021.

(c) NO REQUIRED RETURN OF GRANT FUNDS.—Notwithstanding section 129(b)(3)(A)(ii) of the National and Community Service Act of 1990 (42 U.S.C. 12581(b)(3)(A)(ii)), the Chief Executive Officer of the Corporation for National and Community Service may permit grant recipients under such section 129(b) to maintain a pro rata amount of grant funds, at the discretion of the Corporation for National and Community Service, for participants who exited, were suspended, or are serving in a limited capacity due to COVID-19, to enable the grant recipients to maintain operations and to keep participants.

(d) EXTENSION OF TERMS AND AGE LIMITS.—Notwithstanding any other provision of law, the Corporation for National and Community Service may extend the term of service (for a period not to exceed the 1-year period immediately following the end of the national emergency) or waive any upper age limit (except in no case shall the maximum age exceed 26 years of age) for national service programs carried out by the National Civilian Community Corps under title E of title I of the National and Community Service Act of 1990 (42 U.S.C. 12611 et seq.), and the participants in such programs, for the purpose of—

(1) addressing disruptions due to COVID-19; and

(2) minimizing the difficulty in returning to full operations due to COVID-19 on such programs and participants.

SEC. 3515. WORKFORCE RESPONSE ACTIVITIES.

(a) ADMINISTRATIVE COSTS.—Notwithstanding section 128(b)(4) of the Workforce Innovation and Opportunity Act (29 U.S.C. 3163(b)(4)), of the total amount allocated to a local area (including the total amount allotted to a single State local area) under sub-title B of title I of such Act (29 U.S.C. 3151 et seq.) for program year 2019, not more than 20 percent of the total amount may be used for the administrative costs of carrying out local workforce investment activities under chapter 2 or chapter 3 of sub-title B of title I of such Act, if the portion of the total amount that exceeds 20 percent of the total amount is used to respond to a qualifying emergency.

(b) LOCAL RESPONSE ACTIVITIES.—

(1) STATEWIDE RAPID RESPONSE.—Of the funds reserved by a Governor for program year 2019 for statewide activities under section 133(a)(2) of the Workforce Innovation and Opportunity Act (29 U.S.C. 3173(a)(2)) that remain unobligated, such funds may be used for statewide rapid response activities as described in section 139(a)(2)(A) of such Act (29 U.S.C. 3173(a)(2)(A)) for responding to a qualifying emergency.

(2) LOCAL BOARDS.—Of the funds reserved by a Governor for program year 2019 under section 133(a)(2) of such Act (29 U.S.C. 3173(a)(2)) that remain unobligated, such funds may be released within 30 days after the date of enactment of this Act to the local boards most impacted by the coronavirus at the determination of the Governor for rapid response activities related to responding to a qualifying emergency.

(c) DEFINITIONS.—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).

SEC. 3516. TECHNICAL AMENDMENTS.

(a) IN GENERAL.—

(1) Section 6103(a)(3) of the Internal Revenue Code of 1986, as amended by the FUTURE Act (Public Law 116-91), is further amended by striking “(13),” (16), and inserting “(13), (16),”.

(2) Section 6103(p)(3)(A) of such Code, as so amended, is further amended by striking “12,” and inserting “(12), (13), (15),”.

(3) Section 6103(p) of such Code, as so amended, is further amended by striking “13” or “16” each place it appears and inserting “13,” or “16,”.

(4) Section 6103(p) of such Code, as so amended and as amended by paragraph (3), is further amended by striking “(13) each place it appears and inserting “(13),”.

(5) Section 6103(p)(13)(C)(ii) of such Code, as added by the FUTURE Act (Public Law 116-91), is amended by striking “section 236A(e)(4)” and inserting “section 236A(e)(4)”.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply as if included in the enactment of the FUTURE Act (Public Law 116-91).

SEC. 3517. WAIVER AUTHORITY AND REPORTING REQUIREMENT FOR INSTITUTIONAL AID.

(a) WAIVER AUTHORITY.—Notwithstanding any other provision of the Higher Education Act of 1965 (U.S.C. 1001 et seq.), unless enacted with specific reference to this section, for any institution of higher education that was receiving assistance under title III, title V, or subpart 4 of part A of title VII of such Act (20 U.S.C. 1061 et seq.; 1101 et seq.; 1106a et seq.) at the time of the qualifying emergency, the Secretary may, for the period beginning on the first day of the qualifying emergency and ending on September 30 of the second year following the end of the qualifying emergency—

(1) AVOID WAIVER.—Notwithstanding any other provision of the Higher Education Act of 1965 (20 U.S.C. 1001 et seq.), unless enacted with specific reference to this section, for any institution of higher education that was receiving assistance under title III, title V, or subpart 4 of part A of title VII of such Act (20 U.S.C. 1061 et seq.; 1101 et seq.; 1106a et seq.) at the time of the qualifying emergency, the Secretary may, for the period beginning on the first day of the qualifying emergency and ending on September 30 of the second year following the end of the qualifying emergency—

(A) the eligibility, determination requirements set forth in section 101(d) and §200.1 of the Higher Education Act of 1965 (20 U.S.C. 1068(d); 1103(e));
be carried over and expended during the suc-
funds were first paid to the institution, may
5-year period following the date on which the
Higher Education Act of 1965 (20 U.S.C. 1051
or subpart 4 of part A of title VII of the
paid to an institution under title III, title V,
subpart 4 of part A of title VII
that were receiving assistance under title
Higher Education Act of 1965 (20 U.S.C.
sequ.; 1136a et seq.) at the time of a qualifying
III, title V, or subpart 4 of part A of title VII
latory provision to ensure that institutions
1059e(d)(4); 1062(c)(2)); and
Higher Education Act of 1965 (20 U.S.C.
sections 723(f)(3) and 724(f)(3); and
D), and (E) of section 724(f)(3) of the Higher
Education Act of 1965 (20 U.S.C. 1136a(f)(3);
(G) the allotment restriction set forth in
sections 101(2)(A) and 101(2)(B)(ii), the
be a recipient of a grant under part A of title
(2) waive or modify any statutory or regu-
regulatory provision to ensure that institutions
were receiving assistance under title III, title V,
Finance Act of 2012 (20 U.S.C. 1003)) a report
education or other grant recipient that re-
physicians (2) and (3) of subsection 318(e) of the
G) the allotment restriction set forth in
sections 101(2)(A) and 101(2)(B)(ii), the
(2) waive or modify any statutory or regu-
A) the Secretary shall submit to the au-
tions under title II of the

As a result of a qualifying emergency, for the
30 of the fiscal year following the end of the
qualifying emergency and ending on Sep-
tember 30 of the fiscal year following the end of the
qualifying emergency.
(3) Reports shall be submitted within
180 days thereafter for the period beginning on the
day of enactment of this Act, and every
180 days thereafter for the period beginning on the
day of enactment of this Act, and every
the Secretary shall submit to the authorizing
committees (as defined in section 103 of the Higher
Education Act of 1965 (20 U.S.C. 1003)) a report
identifies each insti-
tution that received a waiver or modifica-
tion under such section.

SEC. 3513. AUTHORIZED USES AND OTHER MODI-
(a) In General.—The Secretary is author-
ized to modify the required and allowed uses
of funds for grants awarded under part
A or B of title III, chapter I or II of subpart
2 of part A of title IV, title V, or subpart 4
of part A of title VII of the Higher
Education Act of 1965 (20 U.S.C. 1057 et seq.; 1060 et seq.;
1070a et seq.; 1136a et seq.) to an institution of higher
education or other grant recipient (not includ-
ing individual recipients of Federal student
financial aid) for a waiver of the qualifying
effort for the period beginning on the first day of
the qualifying emergency and ending on Sep-
ember 30 of the fiscal year following the end of the
qualifying emergency.

(b) MATCHING REQUIREMENT MODIFI-
CATIONS.—Notwithstanding any other provision
1001 et seq.), the Secretary is authorized
to modify any Federal share or other financial
matching requirement for a grant awarded
when a competitive grant is awarded under part
A or B of title III or subpart 4 of part A of title VII of the Higher
Education Act of 1965 (20 U.S.C. 1136a et seq.) at the request of
an institution of higher education or other grant recipient as a
result of a qualifying emergency, for the period beginning on the
day of the qualifying emergency and ending on Sep-
tember 30 of the fiscal year following the end of the
qualifying emergency.

(c) REPORTS.—The Secretary shall submit
within 180 days after the date of enactment of this Act, and every
180 days thereafter for the period beginning on the
day of enactment of this Act, and every
180 days thereafter for the period beginning on the
day of enactment of this Act, and every

SEC. 3521. LIMITATION ON PAID LEAVE.

Section 101(b)(2)(B) of the Family and Med-
cal Leave Act of 1993, as added by section 315(b)
of the Families First Coronavirus Response Act (division E of the
Families First Coronavirus Response Act) is amended by
inserting the following:

"(A) ELIGIBLE EMPLOYEE.—In lieu of the
definition in sections 101(2)(A) and 101(2)(B)(i), the
term ‘eligible employee’ means an employee who has been employed for at least 30 cal-
derays prior to the borrower’s re-
hiring by the employer.''

(2) RULE REGARDING REHIRED EMPLOY-
ERS.—For purposes of clause (1), the term
‘eligible employee’ includes an employee
who was laid off by that employer not earlier
than March 1, 2020, had worked for the em-
ployer for not less than 30 of the last 60 cal-
derays prior to the borrower’s re-
hiring by the employer.''

(3) ADVANCE REFUNDING OF CREDITS.

Section 5001(b)(2)(B) of the Emergency Paid Sick
Leave Act (division E of the Families First
Coronavirus Response Act) is amended by
inserting the following:

"(A) PAYROLL CREDIT FOR REQUIRED PAID
SICK LEAVE.—Section 7001 of division G of
the Families First Coronavirus Response Act is amended—
(1) in subsection (b)(4)(A)—

"(B) by adding at the end the following:

The State ensures that applications for

"(1) $511 per day and $5,110 in the aggregate
for each employee, when the employee is
taking leave for a reason described in para-
graph (1), (2), or (3) of section 5102(a); or

(2) $200 per day and $2,000 in the aggregate
for each employee, when the employee is
at
paragraph (5), (6), or (7) of section 5102(a)."

SEC. 3529. UNEMPLOYMENT INSURANCE.

Section 903(h)(2)(B) of the Social Security
Act (42 U.S.C. 1103(h)(2)(B)), as added by sec-
tion 4102 of the Emergency Unemployment
Insurance Stabilization and Access Act of
2020, is amended to read as follows:

"(2) The Director of the Office of Manage-
ment and Budget shall have the authority to
to exclude for good cause from the require-
ments under subsection (b) certain employ-
ers of the United States Government with re-
certain categories of Executive Branch
employees.''

(b) EMERGENCY PAID SICK LEAVE.—The
Emergency Paid Sick Leave Act (division E
of the Families First Coronavirus Response Act) is amended by
inserting at the end the following:

"(5) The Director of the Office of Manage-
ment and Budget shall have the authority to
to exclude for good cause from the require-
ments under subsection (a) certain employ-
ers of the United States Government with re-
certain categories of Executive Branch
employees.''

SEC. 3550. PAID LEAVE FOR RETIRED EMPLOY-
ERS. Section 110(a)(1)(A) of the Family and Med-
cal Leave Act of 1993, as added by section 313
of the Families First Coronavirus Response Act, is amended by
inserting the following:

"(A) ELIGIBLE EMPLOYEE.—An employee
described in clause (i), includes an employee
with respect to an employee and an employer
from whom leave is requested under section
102(a)(1)(F)."
"(1) ADVANCING CREDIT.—In anticipation of the credit, including the refundable portion under clause (i), the credit may be advanced, according to forms and instructions provided by the Secretary, up to an amount calculated under subsection (a), subject to the limits under subsection (b), both calculated through the end of the most recent payroll period for the quarter.

(2) in subsection (f)—

(A) in paragraph (4), by striking "‘‘and’’ and inserting a comma;

(B) in paragraphs (5) and (6), by striking the period at the end and inserting "‘‘; and’’; and

(C) by adding at the end the following:

"‘‘(6) regulations or other guidance to permit the advancement of the credit determined under subsection (a).’’; and

(3) by inserting after subsection (b) the following new subsection:

‘‘(1) TREATMENT OF DEPOSITS.—The Secretary of the Treasury (or the Secretary’s delegate) shall waive any penalty under section 6656 of the Internal Revenue Code of 1986 for any failure to make a deposit of the tax imposed by section 501(a) or 502(a) of such Code if the Secretary determines that such failure was due to the anticipation of the credit allowed under this section.’’

(b) PAYROLL CREDIT FOR REQUIRED PAID FAMILY LEAVE.—Section 7003 of division G of the Families First Coronavirus Response Act is amended—

(1) in subsection (b)(3)—

(A) by striking "‘‘If the amount’’ and inserting "‘‘(A) Credit is refundable.—If the amount’’;

(B) by adding at the end the following:

"‘‘(B) ADVANCING CREDIT.—In anticipation of the credit, including the refundable portion under section 6656 of the Internal Revenue Code of 1986, the Secretary may elect to treat the plan’s adjusted funding target attainment percentage for the last plan year ending before January 1, 2020, as the adjusted funding target attainment percentage for plan years which include calendar year 2020.’’;

(2) in subsection (f)—

(A) in paragraph (4), by striking "‘‘and’’ and inserting "‘‘(A)’’;

(B) in paragraph (5), by striking the period at the end and inserting "‘‘; and’’; and

(C) by adding at the end the following:

"‘‘(6) regulations or other guidance to permit the advancement of the credit determined under subsection (a).’’; and

(3) by inserting after subsection (b) the following new subsection:

‘‘(1) TREATMENT OF DEPOSITS.—The Secretary of the Treasury (or the Secretary’s delegate) shall waive any penalty under section 6656 of the Internal Revenue Code of 1986 for any failure to make a deposit of the tax imposed by section 501(a) or 502(a) of such Code if the Secretary determines that such failure was due to the anticipation of the credit allowed under this section.’’

SEC. 3607. EXPANSION OF DOL AUTHORITY TO POSTPONE CERTAIN DEADLINES.

Section 518 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1148) is amended by striking "‘‘or a terroristic or military action (as defined in section 692(c)(2) of such Code), the Secretary may’’ and inserting "‘‘or a terroristic or military action (as defined in section 692(c)(2) of such Code), or a public health emergency declared by the Secretary of Health and Human Services pursuant to section 319 of the Public Health Service Act, the Secretary may’’.

SEC. 3608. SINGLE-EMPLOYER PLAN FUNDING RULES.

(a) DELAY IN PAYMENT OF MINIMUM REQUIRED CONTRIBUTIONS.—In the case of any minimum required contribution that is determined under section 430(a) of the Internal Revenue Code of 1986 and section 303(a) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1083(a)) which (but for this section) would otherwise be due under section 430(j) of such Code (including quarterly contributions and contributions) and section 303(j) of such Act (29 U.S.C. 1083(j)) (including quarterly contributions under paragraph (3) thereof) during calendar year 2020—

(1) the due date for such contributions shall be January 1, 2021, and

(2) the amount of each such minimum required contribution shall be increased by an interest accruing for the period between the original due date (without regard to this section) for the contribution and the payment date, at the rate determined for the plan for the plan year which includes such payment date.

(b) BENEFIT RESTRICTION STATUS.—For purposes of section 436 of the Internal Revenue Code of 1986 and section 206(g) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1066(g)), a plan sponsor may elect to treat the plan’s adjusted funding target attainment percentage for the last plan year ending before January 1, 2020, as the adjusted funding target attainment percentage for plan years which include calendar year 2020.

SEC. 3609. APPLICATION OF COOPERATIVE AND SELF-HELP CHARITY PENION PLAN RULES TO CERTAIN CHARITABLE EMPLOYERS WHOSE PRIMARY EXEMPT PURPOSE IS PROVIDING SERVICES WITH RESPECT TO MOTHERS AND CHILDREN.

(a) EMPLOYER RETIREMENT-INCOME SECURITY ACT OF 1974.—Section 210(c)(1) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1060(c)(1)) is amended—

(1) by striking ‘‘or’’ at the end of subparagraph (B);

(2) by striking the period at the end of subparagraph (C)(iv) and inserting ‘‘; or’’; and

(3) by inserting after subparagraph (C) the following new subparagraph:

‘‘(D) that, as of January 1, 2000, was maintained by an employer—

‘‘(i) described in section 501(c)(3) of the Internal Revenue Code of 1986,

‘‘(ii) who has been in existence since at least 1938,

‘‘(iii) who conducts medical research directly or indirectly through grant making, and

‘‘(iv) whose primary exempt purpose is to provide services with respect to mothers and children.’’;

(b) INTERNAL REVENUE CODE OF 1986.—Section 414(y)(1) of the Internal Revenue Code of 1986 is amended—

(1) by striking ‘‘or’’ at the end of subparagraph (B);

(2) by striking the period at the end of subparagraph (C)(iv) and inserting ‘‘; or’’; and

(3) by inserting after subparagraph (C) the following new subparagraph:

‘‘(D) that, as of January 1, 2000, was maintained by an employer—

‘‘(i) described in section 501(c)(3),

‘‘(ii) who has been in existence since at least 1938,

‘‘(iii) who conducts medical research directly or indirectly through grant making, and

‘‘(iv) whose primary exempt purpose is to provide services with respect to mothers and children.’’;

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

SEC. 3610. TECHNICAL CORRECTIONS.

(a) Section 110(a)(3) of the Family and Medical Leave Act of 1993 (as added by the Emergency and Medical Leave Expansion Act) is amended by striking ‘‘553(d)(A)’’ and inserting ‘‘553(d)(3)’’.

(b) Section 5111 of the Emergency Paid Sick Leave Act (division E of the Families First Coronavirus Reponses Act) is amended by striking ‘‘553(d)(A)’’ and inserting ‘‘553(d)(3)’’.

(c) Section 310(c) of the Family and Medical Leave Act of 1993 (as added by the Emergency and Medical Leave Expansion Act) is amended by striking ‘‘subsection (a)(2)(A)(iii)’’ and inserting ‘‘subsection (a)(A)’’.

(d) Section 3104 of the Emergency Family and Medical Leave Expansion Act (division C and division E of the Families First Coronavirus Response Act) is amended—

(A) by striking ‘‘110(a)(B)’’ and inserting ‘‘110(a)(1)(B)’’ of the Family and Medical Leave Act of 1993’’; and

(B) by striking ‘‘section 107(a) for a violation of section 102(a)(2)(F) if the employer does not meet the definition of employer set forth in section 101(d)(A)(i) of such Act’’.

(e) Section 5101 of the Emergency Paid Sick Leave Act (division E of the Families First Coronavirus Reponses Act) is amended—

(A) in the matter preceding subparagraph (A), by striking ‘‘terms’’ and inserting ‘‘term’’; and

(B) in subparagraph (A)(i), by striking ‘‘paragraph (5)(A)’’ and inserting ‘‘paragraph (5)(A)’’.

(f) Section 5102(b)(ii) of the Emergency Paid Sick Leave Act (division E of the Families First Coronavirus Response Act) is amended by striking ‘‘clause (i)’’ and inserting ‘‘clause (i)V’’.

(g) Section 5101(a)(3) of the Family and Medical Leave Act of 1993 (as added by the Emergency and Medical Leave Expansion Act) is amended—

(A) by striking ‘‘and’’ after the semicolon at the end of subparagraph (A); and

(B) by striking the period at end of subparagraph (B) and inserting ‘‘; and’’; and

(C) by adding at the end the following:

‘‘(C) as necessary to carry out the purposes of this Act, including to ensure consistency between this Act and Division E and Division G of the Families First Coronavirus Response Act.’’.
SEC. 3701. EXEMPTION FOR TELEHEALTH SERVICES.

(a) In General.—Paragraph (2) of section 223(c) of the Internal Revenue Code of 1986 is amended by adding at the end the following new subparagraph:

"(ii) by striking ''subject to subparagraph (D)'' and inserting "subject to paragraph (8), the term;";

(b) Effective Date.—The amendment made by this section shall take effect on the date of the enactment of this Act.

SEC. 3702. INCLUSION OF CERTAIN OVER-THE-COUNTER MEDICAL PRODUCTS AS QUALIFIED MEDICAL EXPENSES.

(a) HSAs.—Section 223(d)(2) of the Internal Revenue Code of 1986 is amended—

(1) by striking the last sentence of subparagraph (A) and inserting the following:

"For purposes of this subparagraph, amounts paid for menstrual care products shall be treated as paid for medical care;"; and

(2) by adding at the end the following new subparagraph:

"(D) MENSTRUAL CARE PRODUCT.—For purposes of this subparagraph, the term "menstrual care product" means a tampon, pad, liner, cup, sponge, or similar product used by individuals with respect to menstruation or other genital-tract secretions.";

(b) Archer MSAs.—Section 220(d)(2)(A) of such Code is amended by striking the last sentence and inserting the following:

"For purposes of this subparagraph, amounts paid for menstrual care products (as defined in section 223(d)(2)(D)) shall be treated as paid for medical care.";

(c) Health Flexible Spending Arrangements and Health Reimbursement Arrangements.—Section 106 of such Code is amended by striking subparagraph (D) and inserting the following as a new subparagraph (D):

"(D) REIMBURSEMENTS FOR MENSTRUAL CARE PRODUCTS.—Subparagraphs (A) through (G) of this section and section 105, expenses incurred for menstrual care products (as defined in section 223(d)(2)(D)) shall be treated as incurred for medical care.";

(d) Effective Dates.—

(1) DISTRIBUTIONS FROM SAVINGS ACCOUNTS.—The amendment made by subsection (c) shall apply to amounts paid after December 31, 2019.

(2) REIMBURSEMENTS.—The amendment made by subsection (c) shall apply to expenses incurred after December 31, 2019.

SEC. 3703. INCREASING MEDICARE TELEHEALTH FLEXIBILITIES DURING EMERGENCY PERIOD.

Section 1135 of the Social Security Act (42 U.S.C. 1320d-5) is amended—

(1) in subsection (b)(8), by striking "to an individual by a qualified provider (as defined in section (g)(3))" and all that follows through the period and inserting "to a qualified provider of care";

(2) in subsection (g), by striking paragraph (3).

SEC. 3704. ENHANCING MEDICARE TELEHEALTH SERVICES FOR FEDERALLY QUALIFIED HEALTH CENTERS AND RURAL HEALTH CLINICS DURING EMERGENCY PERIOD.

Section 1834(m) of the Social Security Act (42 U.S.C. 1395m(m)) is amended—

(1) in the first sentence of paragraph (1), by striking "The Secretary" and inserting "Subject to paragraph (8), the Secretary;"

(2) in paragraph (2)(A), by striking "The Secretary" and inserting "Subject to paragraph (8), the Secretary;"

(3) in paragraph (4)—

"(A) in subparagraph (A), by striking "The term" and inserting "Subject to paragraph (8), the term;" and

"(B) in subparagraph (F)(1), by striking "The term" and inserting "Subject to paragraph (8), the term;" and

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

"(B) ENHANCING TELEHEALTH SERVICES FOR FEDERALLY QUALIFIED HEALTH CENTERS AND RURAL HEALTH CLINICS DURING EMERGENCY PERIOD.—

"(A) In General.—During the emergency period described in section 1135(g)(1)(B), the Secretary shall pay for telehealth services that are furnished via a telecommunication system by a Federally qualified health center or a rural health clinic to an eligible telehealth individual enrolled under this part notwithstanding that the Federally qualified health center or rural health clinic providing the telehealth service is not at the same location as the beneficiary;";

(b) IN GENERAL.—The amendments made by this section shall take effect on the date of the enactment of this Act.

SEC. 3705. TEMPORARY WAIVER OF REQUIREMENT FOR RECERTIFICATION OF ELIGIBILITY FOR HOSPICE CARE DURING EMERGENCY PERIOD.

Section 1861(a)(1)(B) of the Social Security Act (42 U.S.C. 1395a(1)(B)) is amended—

(1) by striking "a hospice" and inserting "subject to subparagraph (I);" and

(2) by adding the following new subparagraph:

"(I) for purposes of this subsection—

"(i) the term ‘distant site’ includes a Federally qualified health center or rural health clinic that furnishes service to an eligible telehealth individual; and

"(ii) the term ‘telehealth services’ includes a rural health clinic service or Federally qualified health center service that furnishes service to an eligible telehealth individual under this part not associated with the Federally qualified health center or rural health clinic providing the telehealth service as described in paragraph (1).

With respect to home health services (as defined in section 1861(m) of the Social Security Act (42 U.S.C. 1395x(m)) that are furnished during the emergency period described in section 1135(g)(1)(B) of such Act (42 U.S.C. 1320b-5(g)), the Secretary of Health and Human Services shall consider ways to encourage the use of telecommunication systems, including for remote patient monitoring as described in section 108(b)(6) of title 42, Code of Federal Regulations or any successor regulation, and other communications or monitoring services, consistent with the plan of care for the individual, including by clarifying guidance and conducting outreach.

SEC. 3706. IMPROVING CARE PLANNING FOR MEDICARE HOME HEALTH SERVICES FURNISHED DURING EMERGENCY PERIOD.

(a) PART A PROVISIONS.—Section 1814(a)(2)(A)(v) of the Social Security Act (42 U.S.C. 1395a(a)(2)(A)(v)) is amended—

(1) by striking "a hospice" and inserting "subject to subparagraph (I);" and

(2) by adding the following new subparagraph:

"(I) the term ‘distant site’ includes a Federally qualified health center or rural health clinic that furnishes service to an eligible telehealth individual under this part not associated with the Federally qualified health center or rural health clinic providing the telehealth service as described in paragraph (1), a hospice physician or nurse practitioner may conduct a face-to-face encounter required under this clause via telehealth, as determined appropriate by the Secretary; and";

(b) IN GENERAL.—The amendments made by this section shall take effect on the date of the enactment of this Act.
may be) after a date specified by the Secretary (but in no case later than the date that is 6 months after the date of the enactment of the CARES Act), prior to making such certification, a physician, nurse practitioner, clinical nurse specialist, or physician assistant must document that a physician, nurse practitioner, clinical nurse specialist, certified nurse-midwife (as defined in section 1861(gg)) as authorized by State law, or physician assistant has had a face-to-face encounter; “(A) by striking “physician certification” and inserting “certification’’; and “(B) in the case of regulations to implement the amendments made by section 3708 of the CARES Act the Secretary shall prescribe regulations which shall become effective no later than 6 months after the date of the enactment of such Act’’ after “1981’’; and “(C) by striking “a physician who’’ and inserting “a physician, nurse practitioner, clinical nurse specialist, or physician assistant’’ after “physician’’; and “(D) by striking “or no later than 6 months after the date of the enactment of the CARES Act’’ and inserting “shall become effective no later than 6 months after the date of the enactment of such Act’’; and “(E) by inserting “the Secretary shall prescribe regulations which shall become effective no later than 6 months after the date of the enactment of this legislation. The Secretary shall promulgate an interim final rule if necessary, to comply with the required effective date.’’

SEC. 3709. ADJUSTMENT OF SEQUESTRATION.

(a) Temporary Suspension of Medicare Sequestration.—During the period beginning on May 1, 2020, and ending on December 31, 2020, the Medicare programs under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.) shall be exempt from reduction under any sequestration order issued before, on, or after the date of enactment of this Act.

(b) Extension of Direct Spending Reductions Through Fiscal Year 2030.—Section 251A of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901a(b)) is amended—

(1) in subparagraph (B), in the matter preceding clause (i), by striking “through 2025’’ and inserting “through ‘2029’’; and

(2) in subparagraph (C), in the matter preceding clause (i), by striking “fiscal year 2029’’ and inserting “fiscal year 2030’’.

SEC. 3710. MEDICARE HOSPITAL INPATIENT PROSPECTIVE PAYMENT SYSTEM ADD-ON PAYMENT FOR COVID-19 PATIENTS DURING EMERGENCY PERIOD.

(a) In General.—Section 1886(l)(4)(C) of the Social Security Act (42 U.S.C. 1395ww(d)(4)(C)) is amended by adding at the end the following new clause:

“(I) for discharges occurring during the emergency period described in section 1135(g)(1)(B), in the case of a discharge of an individual diagnosed with COVID-19, the Secretary shall increase the weighting factor that would otherwise apply to the diagnosis-related group to which the discharge is assigned by 20 percent. The Secretary shall identify a discharge of such an individual through the use of diagnosis codes, condition codes, or other such means as may be necessary.

“(II) Any adjustment under subclause (I) shall not be taken into account in applying budget neutrality under clause (iii).

“(III) In the case of a State for which the Secretary has waived the application of this section under the authority of section 1115A, nothing in this section shall preclude such State from implementing an adjustment to the adjustment under subclause (I).”.

(b) IMPLEMENTATION.—Notwithstanding any other provision of law, the Secretary shall make the adjustment made by subsection (a) by program instruction or otherwise.

SEC. 3711. INCREASING ACCESS TO POST-ACUTE CARE DURING EMERGENCY PERIOD.

(a) Waiver of IRF 3-Hour Rule.—With respect to inpatient rehabilitation services furnished by a rehabilitation facility described in section 1886(h)(1) of the Social Security Act (42 U.S.C. 1395ww(j)(1)) during the emergency period described in section 1135(g)(1)(B) of the Social Security Act (42 U.S.C. 1395w–21(j)(1)), the Secretary of Health and Human Services shall waive section 412.262(a)(3)(ii) of title 42, Code of Federal Regulations (or any successor regulation) relating to the provision of an inpatient rehabilitation facility service to each patient at least 15 hours of therapy per week.
(b) Wavier of Site-Neutral Payment Rate Provisions for Long-Term Care Hospitals.—With respect to inpatient hospital services furnished by a long-term care hospital described in section 1395(x)(1)(B) of the Social Security Act (42 U.S.C. 1395w(d)(1)(B)(iv)) during the emergency period described in section 1135(g)(1)(B), the Secretary of Health and Human Services shall waive the following provisions of section 1886(m)(6) of such Act (42 U.S.C. 1395ww(m)(6)): (1) Lotch 50-Percent Rule.—Subparagraph (C)(ii) of such section, relating to the payment adjustment for long-term care hospitals that do not have a discharge payment percentage for the period that is at least 50 percent. (2) Site-Neutral IPPS Payment Rate.—Subparagraph (A)(i) of such section, relating to the application of the site-neutral payment rate (and payment shall be made to a long-term care hospital without regard to such section) for a discharge if the admission occurs during such emergency period and is in response to the public health emergency described in section 1135(g)(1)(B). SEC. 3712. REVISIONING PAYMENT RATES FOR DURABLE MEDICAL EQUIPMENT UNDER TITLE XVIII THROUGH DURATION OF EMERGENCY PERIOD. (a) Rural and Noncontiguous Areas.—The Secretary of Health and Human Services shall implement section 1412.10(g)(9)(iii) of title 42, Code of Federal Regulations (or any successor regulation), to apply the transition rule described in such section to all applicable items and services furnished in rural areas and noncontiguous areas (as such terms are defined for purposes of such section) as planned through December 31, 2020, and through the duration of the emergency period described in section 1135(g)(1)(B) of the Social Security Act (42 U.S.C. 1395w–5(1)(B)), if longer. (b) Areas Other Than Rural and Noncontiguous Areas.—With respect to items and services furnished on or after the date that is 30 days after the date of the enactment of this Act, the Secretary of Health and Human Services shall implement section 1412.10(g)(1)(v)(i) of title 42, Code of Federal Regulations (or any successor regulation), as if the reference to “dates of service from June 1, 2020 through December 31, 2020” based on the fee schedule amount for the area is equal to 100 percent of the adjusted payment amount established under this section” was instead “dates of service from March 6, 2020, through the remainder of the duration of the emergency period described in section 1135(g)(1)(B) of the Social Security Act (42 U.S.C. 1395w–5(1)(B)), based on the fee schedule amount for the area is equal to 75 percent of the adjusted payment amount established under this section and 25 percent of the unduplicated schedule amount.” SEC. 3713. COVERAGE OF THE COVID-19 VACCINE UNDER PART B OF THE MEDICARE PROGRAM WITHOUT ANY COST-SHARING. (a) Medical and Other Health Services.—Section 1861(s)(10A)(A) of the Social Security Act (42 U.S.C. 1395(s)(10A)(A)) is amended by inserting “, and COVID-19 vaccine and its administration” after “infusion vaccine or medication” of such section. (b) Part B Deductible.—The first sentence of section 1825(b) of the Social Security Act (42 U.S.C. 1395b(b)) is amended— (1) by striking “(10)” by striking “(1)” and “(2) such deductible apply with respect to a COVID-19 vaccine and its administration described in section 1861(s)(10A)(A)”.” (c) Medicare Advantage.—Section 1852(a)(1)(B) of the Social Security Act (42 U.S.C. 1395w–22(a)(1)(B)) is amended— (1) in clause (iv)— (A) by redesignating clause (VI) as subclause (VII); and (B) by inserting after subclause (V) the following new subclause: ("(VI) A COVID-19 vaccine and its administration described in section 1861(s)(10A)(A).”); and (2) in clause (v), by striking “subclauses (IV) and (V)” inserting “subclauses (IV), (V), and (VI)”. (d) Effective Date.—The amendments made by this section shall take effect on the effective date of the emergency period described in section 1861(s)(10A)(A).” SEC. 3714. REQUIRING MEDICARE PRESCRIPTION DRUG PLANS TO ALLOW DURING THE COVID-19 EMERGENCY PERIOD FOR FILLS AND REFILLS OF COVERED PART D DRUGS FOR UP TO A 3-MONTH SUPPLY. (a) In General.—Section 1860D-4(b)(1) of the Social Security Act (42 U.S.C. 1395w–4(b)(1)) is amended by adding at the end the following new paragraph: “(4) Ensuring Access During COVID-19 Public Health Emergency Period.—” (4) Ensuring Access During COVID-19 Public Health Emergency Period.—"(A) In general.—During the emergency period described in section 1135(g)(1)(B), subject to subparagraph (B), a prescription drug plan or MA-PD plan may not impose any cost and utilization management, medication therapy management, or other such programs under this part, permit a part D eligible individual enrolled in such plan to obtain in a single fill or refill, at the option of such individual, the total daily supply (not to exceed a 90-day supply) prescribed for such individual for a covered part D drug. (B) Safety Edit Exception.—A prescription drug plan or MA-PD plan may not permit a part D eligible individual to obtain a single fill or refill that is inconsistent with an applicable safety edit.”. (b) Implementation.—Notwithstanding any other provision of law, the Secretary may implement the provisions of, and the requirements under, this section by proposing, or by publishing a final determination, a rule by program instruction or otherwise. SEC. 3715. ESTABLISHMENT OF MEDICARE PAYMENT REQUIREMENTS WITH RESPECT TO CLINICAL DIAGNOSTIC LABORATORY TESTING. (a) Revised Reporting Period for Reporting of Private Sector Payment Rates for Establishment of Medicare Payment Rates.—Section 1834(a)(1)(B) of the Social Security Act (42 U.S.C. 1395l(a)(1)(B)) is amended— (1) by striking “December 31, 2020” and inserting “December 31, 2021”; and (2) in clause (i)— (A) by striking “January 1, 2021” and inserting “January 1, 2022”; and (B) by striking “March 31, 2021” and inserting “June 30, 2022”. (b) Revised Phase-In of Reductions from Private Payor Rate Implementation.—Section 1834(a)(1)(B)(3) of the Social Security Act (42 U.S.C. 1395l(a)(1)(B)(3)) is amended— (1) in subparagraph (A), by striking “through 2023” and inserting “through 2024”; and (2) in subparagraph (B)— (A) in clause (i), by striking “and” at the end; and (B) by redesignating clause (ii) as clause (i). (C) by inserting after clause (i) the following new clause: (iv) for 2021, 0 percent; and (v) clause (iv) as redesignated by subparagraph (B), by striking “2021 through 2023” and inserting “2022 through 2024”.
SEC. 3719. EXPANSION OF THE MEDICARE HOSPITAL-PACER ACCELERATED PAYMENT PROGRAM DURING THE COVID-19 PUBLIC HEALTH EMERGENCY.

Section 1815 of the Social Security Act (42 U.S.C. 1395g) is amended—

(1) in subsection (e)(3), by striking “In the case and inserting “Subject to subsection (f), in the case and”;

(2) by adding at the end the following new subsection:

“(f)(1) During the emergency period described in section 1135(e)(1)(B), the Secretary shall expand the program under subsection (e)(3) pursuant to paragraph (2).

“(2) In expanding the program under subsection (e)(3), the following shall apply:

“(A)(i) The Secretary may implement the program:

“(I) Hospitals described in clause (ii) of section 1186(d)(1)(B).

“(II) Hospitals described in clause (v) of section 1186(d)(1)(B).

“(III) Critical access hospitals (as defined in section 1661(mm)(1)).

“(ii) Subject to appropriate safeguards against fraud, waste, and abuse, upon a request of a hospital described in clause (i), the Secretary shall provide accelerated payments under the program to such hospital.

“(B) Upon the request of the hospital, the Secretary may do any of the following:

“(i) Make accelerated payments on a periodic or lump sum basis.

“(ii) Increase the amount of payment that would otherwise be made to hospitals under the program up to 100 percent (or, in the case of critical access hospitals, up to 125 percent).

“(iii) Extend the period that accelerated payments cover so that it covers up to a 6-month period.

“(C) Upon the request of the hospital, the Secretary shall do the following:

“(i) Provide up to 120 days before claims are offset to recoup the accelerated payment.

“(ii) Allow not less than 12 months from the date of the first accelerated payment before requiring that the outstanding balance be paid in full.

“(3) Nothing in this subsection shall preclude the Secretary from carrying out the provisions described in clauses (i), (ii), and (iii) of paragraph (2)(B) and clauses (i) and (ii) of paragraph (2)(C) under the program under subsection (e)(3) after the period for which this subsection applies.

“(4) Notwithstanding any other provision of law, the Secretary may implement the provisions of this subsection by program instruction or otherwise.”.

SEC. 3720. DELAYING REQUIREMENTS FOR ENHANCED FUNDING TO ENABLE STATE LEGISLATION TO MEET FEDERAL COMPLIANCE.

Section 6008 of the Families First Coronavirus Response Act is amended by adding at the end the following new subsection:

“(d) DELAY IN APPLICATION OF PREMIUM REQUIREMENT.—During the 30 day period beginning on the date of enactment of this Act, a State shall not be ineligible for the increase to the Federal medical assistance percentage of the State described in subsection (a) on the basis that the State imposes a premium that violates the requirement of subsection (b)(2) if such premium was in effect on the date of enactment of this Act.”.

Subtitle E—Health and Human Services Extenders

PART I—MEDICARE PROVISIONS

SEC. 3801. EXPANSION OF THE WORK GEOGRAPHIC INDEX FLOOR UNDER THE MEDICARE PROGRAM.


SEC. 3802. EXTENSION OF FUNDING FOR QUALITY MEASURE ENDORSEMENT, INPUT, DISSEMINATION, AND SELECTION.

(a) IN GENERAL.—Section 1890(d)(2) of the Social Security Act (42 U.S.C. 1395aa(d)(2)) is amended—

“(1) in the first sentence, by striking ‘and $4,830,000 for the period beginning on October 1, 2019, and ending on May 22, 2020’ and inserting ‘$22,000,000 for fiscal year 2020, and for the period beginning on October 1, 2020, and ending on November 30, 2020, the amount equal to the pro rata portion of the amount appropriated for such period for fiscal year 2020’; and

“(2) in the third sentence, by striking ‘and 2019’ and inserting ‘and 2020’.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect as if included in the enactment of the Further Consolidated Appropriations Act, 2020 (Public Law 116–94).

SEC. 3803. EXTENSION OF FUNDING OUTREACH AND ASSISTANCE FOR LOW-INCOME PROGRAMS.

(a) FUNDING EXTENSIONS.—


“(x) for fiscal year 2020, of $13,000,000; and

“(xi) for the period beginning on October 1, 2020, and ending on November 30, 2020, the amount equal to the pro rata portion of the amount appropriated for such period for fiscal year 2020.”.

(2) ADDITIONAL FUNDING FOR AREA AGENCIES ON AGING.—Subsection (b)(1)(B) of such section 119, as so amended, is amended by striking clauses (x) through (xii) and inserting the following new clauses:

“(x) for fiscal year 2020, of $7,500,000; and

“(xi) for the period beginning on October 1, 2020, and ending on November 30, 2020, the amount equal to the pro rata portion of the amount appropriated for such period for fiscal year 2020.”

(3) ADDITIONAL FUNDING FOR AGING AND DISABILITY RESOURCE CENTERS.—Subsection (c)(1)(B) of such section 119, as so amended, is amended by striking clauses (x) through (xii) and inserting the following new clauses:

“(x) for fiscal year 2020, of $5,000,000; and

“(xi) for the period beginning on October 1, 2020, and ending on November 30, 2020, the amount equal to the pro rata portion of the amount appropriated for such period for fiscal year 2020.”.

(b) E FFECTIVE DATE.—The amendments made by subsection (a) shall take effect as if included in the enactment of the Further Consolidated Appropriations Act, 2020 (Public Law 116–94).

PART II—MEDICAID PROVISIONS

SEC. 3811. EXTENSION OF THE MONEY FOLLOWS THE PERSON REBALANCING DEMONSTRATION.

Section 6071(h) of the Deficit Reduction Act of 2005 (42 U.S.C. 1396a note) is amended—

(1) in paragraph (1), by striking subparagraph (G) and inserting the following:

“(G) subject to paragraph (3), $337,500,000 for the period beginning on January 1, 2020, and ending on September 30, 2020; and

“(H) subject to paragraph (3), for the period beginning on October 1, 2020, and ending on November 30, 2020, the amount equal to the pro rata portion of the amount appropriated for such period for fiscal year 2020.”;

and

(2) in paragraph (3), by striking “(G)” and inserting “(H)”.

SEC. 3812. EXTENSION OF SPUALC IMPLEMENTATION PROTECTIONS.

(a) IN GENERAL.—Section 2404 of Public Law 111–148 (42 U.S.C. 1396e–5 note) is amended by striking “May 22, 2020” and inserting “November 30, 2020”.

(b) RULE OF CONSTRUCTION.—Nothing in section 2404 of Public Law 111–148 (42 U.S.C. 1396e–5 note) or section 1902(a)(17) or 1924 of the Social Security Act (42 U.S.C. 1396a(a)(17), 1396b–5) shall be construed as permitting a State to—

(1) applying an income or resource disregard under a methodology authorized under section 1902(c)(2) of such Act (42 U.S.C. 1396a(a)(10), (11), (12), (13)) to any income or resources of any individual’s spouse; or

(2) disregarding an individual’s spousal income and assets under a plan amendment to provide medical assistance for home and community-based services for an individual by reason of being determined eligible under section 1902(a)(10)(C) of such Act (42 U.S.C. 1396a(a)(10)(C)), including a disregard of the income or resources of such individual’s spouse; or

on the basis of an individual’s need for home and community-based services for an individual authorized under subsection (c), (d), (i), or (k) of section 1915 of such Act (42 U.S.C. 1396n) or under section 1115 of such Act (42 U.S.C. 1396d–6); or

on the basis of a reduction of income based on costs incurred for medical or other remedial care under which the State disregarded the income and assets of the individual’s spouse in determining the initial and ongoing financial eligibility of an individual for
such services in place of the spousal impoverishment provisions applied under section 1924 of such Act (42 U.S.C. 1396r–5).

SEC. 3813. DELAY OF DSH REDUCTIONS.

Section 1924(d)(1) of the Social Security Act (42 U.S.C. 1396r–4(d)(1)(A)) is amended—

(1) in clause (i), in the matter preceding subclause (I), by striking “May 23, 2020, and ending September 30, 2020, and for each fiscal year thereafter”; and

(2) in clause (ii), in the matter preceding subparagraph (C), by striking “December 31, 2019” and inserting “December 31, 2020, and for each fiscal year thereafter.”

SEC. 3814. EXPANSION AND EXPANSION OF COMMUNITY MENTAL HEALTH SERVICES DEMONSTRATION PROGRAM.

(a) In General.—Section 223(d) of the Protecting Access to Medicare Act of 2014 (42 U.S.C. 1396a note) is amended—

(1) in paragraph (1)—

(A) by striking “Not more than” and inserting “Subject to paragraph (8), not more than”;

(B) in subclause (I), by striking “May 23, 2020, and ending September 30, 2020” and inserting “December 1, 2020, and ending September 30, 2021” and (C) in subclause (II), by striking “2021” and inserting “2022”.

SEC. 3815. PROVISIONS FOR ENROLLMENT AND EXPANSION OF COMMUNITY MENTAL HEALTH SERVICES DEMONSTRATION PROGRAM.

(a) In General.—Section 10503(b)(1)(F) of the Patient Protection and Affordable Care Act (42 U.S.C. 713) is amended—

(1) in paragraph (1)—

(i) by striking “and 2019 and for the period beginning October 1, 2020, and ending November 30, 2020” and inserting “and 2019 and for the period beginning October 1, 2020, and ending November 30, 2020” and

(ii) by striking “2020, and ending November 30, 2020” and inserting “2020, and ending December 31, 2021”.

(b) Community Health Centers.—Section 1108(b) of the Social Security Act shall continue through November 30, 2020, in the manner authorized for fiscal year 2019, and out of any money in the Treasury of the United States not otherwise appropriated, there are hereby appropriated such sums as may be necessary for such purposes.

SEC. 3824. EXTENSION OF THE TEMPORARY ASSISTANCE FOR NEEDY FAMILIES PROGRAM AND RELATED PROGRAMS.

(a) Community Health Centers.—Section 1924(d)(1) of the Protecting Access to Medicare Act of 2014 (42 U.S.C. 1396a note) is amended—

(1) in paragraph (1)—

(A) in the matter preceding subparagraph (C), by striking “2020, and ending November 30, 2020” and inserting “2020, and ending December 31, 2021”.

(b) National Health Service Corps.—Section 10503(b)(2) of the Patient Protection and
Affordable Care Act (42 U.S.C. 254b–2(b)(2)) is amended—

(1) in subparagraph (F), by striking “and” at the end; and

(2) by inserting paragraph (G) and inserting the following:

“(G) $310,000,000 for fiscal year 2020; and

“(H) $31,808,219 for the period beginning on October 1, 2020, and ending on November 30, 2020.”

(c) Teaching Health Centers That Operate Graduate Medical Education Programs—Section 360E(h) of the Public Health Service Act (42 U.S.C. 256g(h)(1)) is amended by striking “and 2019, and” and $31,844,955 for the period beginning on November 1, 2019, and ending on May 22, 2020” and inserting “through 2020, and $25,068,493 for the period beginning on October 1, 2019, and ending on November 30, 2020.”

(d) Application of Provisions.—Amounts appropriated pursuant to the amendments made by this section for fiscal year 2020 and for the period beginning on October 1, 2020, and ending on November 30, 2020, shall be subject to the requirements contained in Public Law 116–94 for funds for programs authorized under sections 338–340 of the Further Consolidated Appropriations Act, 2020, and inserting “section 3831 of the CARES Act.”

SEC. 3832. DIABETES PROGRAMS.

(a) Type I.—Section 330B(b)(2)(D) of the Public Health Service Act (42 U.S.C. 254c–2(b)(2)(D)) is amended by striking “and 2019,” and $96,575,342 for the period beginning on October 1, 2019, and ending on May 22, 2020” and inserting “through 2020, and $25,068,493 for the period beginning on October 1, 2020, and ending on November 30, 2020.”

(b) Indians.—Section 330C(c)(2)(D) of the Public Health Service Act (42 U.S.C. 254c–3(c)(2)(D)) is amended by striking “and 2019,” and $96,575,342 for the period beginning on October 1, 2019, and ending on May 22, 2020” and inserting “through 2020, and $25,068,493 for the period beginning on October 1, 2020, and ending on November 30, 2020.”

PART V—MISCELLANEOUS PROVISIONS

SEC. 3841. PREVENTION OF DUPLICATE APPROPRIATIONS FOR FISCAL YEAR 2020.

Expenditure of any provision of law amended in this title pursuant to the amendments made by the Continuing Appropriations Act, 2020, and Health Extenders Act of 2019 (Public Law 116–98), the Further Continuing Appropriations Act, 2020, and Further Health Extenders Act of 2019 (Public Law 116–69), and the Further Consolidated Appropriations Act, 2020 (Public Law 116–94) for fiscal year 2020 shall be charged to the applicable appropriation or authorization provided by the amendments made by this title to such provision of law for such fiscal year.

Subtitle F—Over-the-Counter Drugs

PART I—OTC DRUG REVIEW

SEC. 3851. REGULATION OF CERTAIN NON-PRESCRIPTION DRUGS THAT MARKETED WITHOUT AN APPROVED DRUG APPLICATION.

(a) In General.—Chapter V of the Federal Food, Drug, and Cosmetic Act is amended by inserting after section 505P of such Act (21 U.S.C. 356g) the following:

“(a) Nonprescription Drugs Marketed Without an Approved Application.—Non-prescription drugs marketed without an approved drug application under section 505, as of the date of the enactment of this section, shall be treated in accordance with this subsection.

“(1) Drugs Subject to a Final Monograph.—Category I drugs subject to a tentative final monograph—A drug is deemed to be generally recognized as safe and effective under section 201(p)(1), not a new drug under section 201(p), and not subject to section 508(b)(1), if—

“A. the drug is—

“(i) in conformity with the requirements for nonprescription use of a final monograph issued under part 330 of title 21, Code of Federal Regulations (except as provided in paragraph (2)), the general requirements for nonprescription drugs, and conditions or requirements under subsections (b), (c), and (k); and

“(ii) except as permitted by an order issued under subsection (b) or, in the case of a minor change in the drug, in conformity with an order issued under subsection (c), in a dosage form that, immediately prior to the date of the enactment of this section, has been used to a material extent and for a material time under section 201(p)(2); or

“(B) the drug is—

“(i) classified in category I for safety and effectiveness under a final tentative monograph that is the most recently applicable proposal or determination issued under part 330 of title 21, Code of Federal Regulations; and

“(ii) in conformity with the proposed requirements for nonprescription use of such tentative final monograph, any applicable subsequent determination by the Secretary, the general requirements for nonprescription drugs, and conditions or requirements under subsections (b), (c), and (k); and

“(iii) except as permitted by an order issued under subsection (b) or, in the case of a minor change in the drug, in conformity with an order issued under subsection (c), in a dosage form that, immediately prior to the date of the enactment of this section, has been used to a material extent and for a material time under section 201(p)(2).

“(2) Treatment of Sunscreen Drugs.—With respect to sunscreen drugs subject to this section, the applicable requirements in terms of composition, labeling and specifications, for a drug, a class of drugs, or a combination of drugs—

“(A) are classified in such tentative final monograph as safety and effectiveness under a final monograph, for purposes of paragraph (1)(A)(ii), shall be the requirements specified in part 352 of title 21, Code of Federal Regulations, as published May 19, 1988; and

“(B) are classified as generally recognized as safe and effective in a proposed rule that is the most recently applicable proposal or determination issued under part 330 of title 21, Code of Federal Regulations.

“(3) Category II Drugs Subject to a Tentative Final Monograph; Category I Drugs Not Subject to a Tentative Final Monograph, or Advance Notice of Proposed Rulemaking.—A drug that is not described in paragraph (1), (2), or (4) is not required to be the subject of an application approved under section 505, is misbranded under section 502(b)(1), if—

“(A) the drug is—

“(i) classified in category III for safety or effectiveness in the preamble of a proposed rule establishing a tentative final monograph that is the most recently applicable proposal or determination issued under part 330 of title 21, Code of Federal Regulations; and

“(ii) in conformity with—

“(I) the conditions of use, including indication and dosage strength, if any, described for such category III drug in such preamble or in an applicable subsequent proposed rule;

“(II) the proposed requirements for drugs classified in such tenta- tive final monograph in category I in the most recently proposed rule establishing requirements related to such tentative final monograph and in any final rule establishing requirements that are applicable to the drug; and

“(iii) the general requirements for nonprescription drugs and conditions or requirements under subsection (b) or (k); and

“(B) the drug is—

“(i) generally recognized as safe and effective under a tentative final monograph or advance notice of proposed rulemaking that is the most recently applicable proposal or determination for such drug issued under part 330 of title 21, Code of Federal Regulations;

“(ii) in conformity with the requirements for nonprescription use of such proposed monograph or advance notice of proposed rulemaking, any applicable subsequent determination by the Secretary, the general requirements for nonprescription drugs, and conditions or requirements under subsection (b) or (k); and

“(iii) in a dosage form that, immediately prior to the date of the enactment of this section, has been used to a material extent and for a material time under section 201(p)(2).

“(4) Category II Drugs Deemed Approved New Drugs.—A drug that is not subject to a tentative final monograph or that is subject to a determination to be not generally recognized as safe and effective in a proposed rule that is the most recently applicable proposal or determination issued under part 330 of title 21, Code of Federal Regulations, shall be deemed to be a new drug under section 201(p), misbranded under section 502(ee), and subject to the requirement for an approved new drug application under section 505 beginning on the day that is 180 calendar days after the date of the enactment of this section, unless, before such day, the Secretary determines that it is in the interest of public health to extend the period during which the drug may be marketed without such an approved new drug application.

“(5) Drugs Not Deemed New Drugs.—A drug that has been determined not to be generally recognized as safe and effective under section 201(p)(1) under a final determination issued under part 330 of title 21, Code of Federal Regulations, shall be deemed to be a new drug under section 201(p), misbranded under section 502(ee), and subject to the requirement for an approved new drug application under section 505.

“(6) Other Drugs Deemed New Drugs.—Except as provided in subsection (m), a drug is deemed to be a new drug under section 201(p) and misbranded under section 502(ee) if the drug—

“(A) is not subject to section 502(b)(1); and

“(B) is not described in paragraph (1), (2), (3), (4), or (5), or subsection (b)(1)(B).

“(b) Administrative Orders.—The Secretary may, on the initiative of the Secretary or at the request of one or more requestors, issue an administrative order determining whether there are conditions under which a specific drug, a class of drugs, or a combination of drugs, is determined to be—

“(1) not subject to section 502(b)(1); and

“(2) generally recognized as safe and effective under section 201(p).”

“(B) Effect.—A drug or combination of drugs shall be deemed not to require an approval under section 505 if such drug or combination of drugs—
“(i) is determined by the Secretary to meet the conditions specified in clauses (i) and (ii) of subparagraph (A); and

“(ii) is marketed in conformity with an administrative order for this subsection in a manner that is reasonably expected to mitigate a significant or unreasonable risk of a serious adverse event associated with use of the drug, class of drugs, or combination of drugs under paragraph (1), together with a detailed statement of reasons for such order; and

“(iii) the general categories of data the Secretary has determined necessary to establish that the drug is generally recognized as safe and effective under section 201(p)(1); and

“(A) make reasonable efforts to notify in formally, not later than 2 business days before the issuance of the proposed order, the sponsors of drugs that have a listing in effect under section 506(c)(2)(A), for the drugs or combination of drugs that will be subject to the administrative order; and

“(B) provide for a public comment period of not less than 45 calendar days; and

“(C) meet the general requirements for nonprescription drugs; and

“(iv) if, after completion of the proceedings specified in clauses (i) through (iii), the Secretary determines that it is appropriate to issue a final administrative order—

“(I) issue a proposed administrative order by publishing it on the website of the Food and Drug Administration and include in such order reasons for the issuance of such order; and

“(II) publish a notice of availability of such proposed order in the Federal Register; and

“(III) except as provided in subparagraph (B), provide for a public comment period with respect to such proposed order of not less than 30 calendar days.

“(v) if, after completion of the proceedings specified in clauses (i) through (iv), the Secretary determines that it is appropriate to issue a final administrative order—

“(I) the Secretary shall follow the procedures in subparagraph (A), except that—

“(I) make reasonable efforts to notify in formally, not later than 48 hours before the issuance of the order, the persons whose hearing requests were granted a request for such order, together with a detailed statement of reasons for such order; presented by other parties. Where appropriate, the presiding officer may require that cross-examination by parties representing substantially the same interests be consolidated to promote efficiency and avoid duplication.

“(2) DETERMINATION.—(A) GENERAL.—In the case of a determina tion by the Secretary that a drug, class of drugs, or combination of drugs under paragraph (1) poses an imminent hazard to the public health, the Secretary, after first making reasonable efforts to notify, not later than 48 hours before issuance of such order under this subparagraph, sponsors who have reasonable cause or reasonable cause to believe that such order may be required, the date on which the time for requesting a hearing expires.

“(A) The Secretary shall provide for a public comment period of no less than 180 calendar days with respect to such proposed order, except when the Secretary determines, for good cause, that a shorter period is in the interest of public health; and

“(B) any person who submits data in such comment period shall provide information concerning the safety or effectiveness of such drug, class of drugs, or combination of drugs under paragraph (1), together with a detailed statement of reasons for such order; and

“(C) make reasonable efforts to notify in formally, not later than 2 business days before the issuance of the proposed order, the sponsors of drugs that have a listing in effect under section 506(c)(2)(A), for the drugs or combination of drugs that will be subject to the administrative order; and

“(D) provide for a public comment period of not less than 45 calendar days; and

“(E) meet the general requirements for nonprescription drugs; and

“(F) if, after completion of the proceedings specified in clauses (i) through (D), the Secretary determines that it is appropriate to issue a final administrative order—

“(I) issue a proposed administrative order by publishing it on the website of the Food and Drug Administration and include in such order reasons for the issuance of such order; and

“(II) publish a notice of availability of such proposed order in the Federal Register; and

“(III) except as provided in subparagraph (B), provide for a public comment period with respect to such proposed order of not less than 30 calendar days.

“(G) if, after completion of the proceedings specified in clauses (i) through (G), the Secretary determines that it is appropriate to issue a final administrative order—

“(I) the Secretary shall follow the procedures in subparagraph (A), except that—

“(I) make reasonable efforts to notify in formally, not later than 48 hours before the issuance of the order, the persons whose hearing requests were granted a request for such order, together with a detailed statement of reasons for such order; presented by other parties. Where appropriate, the presiding officer may require that cross-examination by parties representing substantially the same interests be consolidated to promote efficiency and avoid duplication.

“(2) DETERMINATION.—(A) GENERAL.—In the case of a determina tion by the Secretary that a drug, class of drugs, or combination of drugs under paragraph (1) poses an imminent hazard to the public health, the Secretary, after first making reasonable efforts to notify, not later than 48 hours before issuance of such order under this subparagraph, sponsors who have reasonable cause or reasonable cause to believe that such order may be required, the date on which the time for requesting a hearing expires.

“(A) The Secretary shall provide for a public comment period of no less than 180 calendar days with respect to such proposed order, except when the Secretary determines, for good cause, that a shorter period is in the interest of public health; and

“(B) any person who submits data in such comment period shall provide information concerning the safety or effectiveness of such drug, class of drugs, or combination of drugs under paragraph (1), together with a detailed statement of reasons for such order; and

“(C) make reasonable efforts to notify in formally, not later than 2 business days before the issuance of the proposed order, the sponsors of drugs that have a listing in effect under section 506(c)(2)(A), for the drugs or combination of drugs that will be subject to the administrative order; and

“(D) provide for a public comment period of not less than 45 calendar days; and

“(E) meet the general requirements for nonprescription drugs; and

“(F) if, after completion of the proceedings specified in clauses (i) through (D), the Secretary determines that it is appropriate to issue a final administrative order—

“(I) issue a proposed administrative order by publishing it on the website of the Food and Drug Administration and include in such order reasons for the issuance of such order; and

“(II) publish a notice of availability of such proposed order in the Federal Register; and

“(III) except as provided in subparagraph (B), provide for a public comment period with respect to such proposed order of not less than 30 calendar days.

“(G) if, after completion of the proceedings specified in clauses (i) through (G), the Secretary determines that it is appropriate to issue a final administrative order—

“(I) the Secretary shall follow the procedures in subparagraph (A), except that—

“(I) make reasonable efforts to notify in formally, not later than 48 hours before the
issuance of the interim final order, the sponsors of drugs who have a listing in effect under section 505(i) for such drug or combination of drugs;

(ii) after reasonable efforts of notification, issue an interim final administrative order in accordance with paragraph (i) to require such change, together with a detailed statement for such order;

(iii) publish in the Federal Register a notice of availability of such order; and

(iv) provide for a public comment period of at least 45 calendar days with respect to such interim final order.

(ii) CONTENT OF ORDER.—An interim final order issued under subparagraph (A) or (B) shall take effect on a date specified by the Secretary.

(i) FINAL ORDER.—After the completion of the proceedings in subparagraph (A) or (B), the Secretary shall—

(1) issue a final order in accordance with paragraph (1);

(1) provide a notice of availability of such final administrative order in the Federal Register; and

(1) afford sponsors of such drugs that will be subject to such an order the opportunity for formal dispute resolution up to the level of the Director of the Center for Drug Evaluation and Research, which must initiate proceedings within 45 calendar days of the issuance of the order, and for subsequent levels of appeal, within 30 calendar days of the prior decision.

(ii) HEARINGS.—A sponsor of a drug subject to a final order issued under subparagraph (D) and that participated in each stage of formal dispute resolution under clause (iii) of such subparagraph may request a hearing on such order. The provisions of subparagraphs (A), (B), and (C) of paragraph (3), other than paragraph (3)(C)(v), shall apply with respect to a hearing on such order in the same manner and to the same extent as such provisions apply with respect to a hearing on an administrative order issued under paragraph (2)(A)(iv).

(iii) TIMING.—

(1) FINAL ORDER AND HEARING.—The Secretary shall specify in an interim final order issued under subparagraph (A) or (B) such shorter periods for requesting dispute resolution under subparagraph (D)(iii) as are necessary to meet the requirements of this subparagraph.

(1) JUDICIAL REVIEW.—A final order issued pursuant to subparagraph (F) shall be subject to judicial review in accordance with paragraph (3)(D).

(1) ADMINISTRATIVE ORDER INITIATED AT THE REQUEST OF A REQUESTOR.—

(A) IN GENERAL.—In issuing an administrative order under paragraph (1) at the request of a requestor with respect to certain drugs, classes of drugs, or combinations of drugs;

(ii) the Secretary shall, after receiving a request under this subparagraph, determine whether the request is sufficiently complete and formatted to permit a substantive review, the Secretary shall—

(i) file the request; and

(1) subject to the limitations under clause (iv),

(ii) CHANGES DESCRIBED.—A change described in this clause is a change subject to an order specified in clause (i), which—

(i) provides for a drug to contain an active ingredient not previously incorporated in a drug described in clause (iii); or

(ii) provides for a change in the conditions of use of a drug, for which new human data studies conducted or sponsored by the requestor is sufficient.
“(i) may file such request, if the request includes information specified under subparagraph (C) with respect to safe nonprescription marketing and use of such drug; or
“(ii) if the request fails to include information specified under subparagraph (C), shall refuse to file such request and require that nonprescription marketing of the drug be pursuant to a new drug application as described in subparagraph (D).

“(B) Drug described.—A drug described in this subparagraph is a nonprescription drug which contains an active ingredient not previously incorporated in a drug—
“(i) specified in subsection (a)(1), (a)(2), or (a)(3); or
“(ii) subject to a final sunscreen order (as defined in section 586(2)(A)).

“(C) Information demonstrating prima facie safe nonprescription marketing and use.—Information specified in this subparagraph, with respect to a request described in subparagraph (A)(1), is—
“(i) information sufficient for a prima facie determination that the drug is a nonprescription drug; or
“(ii) if the drug has not been previously marketed in the United States as a nonprescription drug, information sufficient for a prima facie determination that the drug is a nonprescription drug which was marketed and safely used under comparable conditions of marketing and use in a country listed in section 502(b)(1)(A) or designated by the Secretary in accordance with section 502(b)(1)(B)—
“(I) for such period as needed to provide reasonable assurance concerning the safe nonprescription use of the drug; and
“(II) during such time was subject to sufficient monitoring by a regulatory body considered acceptable by the Secretary for such monitoring purposes, including for adverse events associated with nonprescription use of the drug; or
“(iii) if the Secretary determines that information described in clause (I) or (II) is not needed to provide a prima facie demonstration that the drug can be safely marketed and used, information concerning such other information the Secretary determines is sufficient for such purposes.

“(D) Procedure pursuant to new drug application.—In the case of a request described in subparagraph (A)(1), the drug subject to such request may be resubmitted for filing only if—
“(i) the drug is marketed as a nonprescription drug, under conditions of use comparable to the conditions specified in the request; or
“(ii) the Secretary determines appropriate (not to exceed 5 consecutive years) pursuant to an application approved under section 505; and
“(iii) submitted, 1,000,000 retail packages of the drug, or an equivalent quantity as determined by the Secretary, were distributed for retail sale, as determined in such manner as the Secretary finds appropriate.

“(E) Rule of application.—Except in the case of a request involving a drug described in section 586(9), as in effect on January 1, 2017, if the Secretary refuses to file a request under this paragraph, the requestor may not file such request over protest under paragraph (A).

“(7) Packaging.—An administrative order issued under paragraph (2), (4)(A), or (5) may include requirements for the packaging of a drug subject to such an order in accordance with good manufacturing practice. Such requirements may include unit dose packaging, requirements for products intended for use by pediatric populations, requirements to reduce risk of harm from unsupervised ingestion, and other appropriate requirements. This paragraph does not authorize the Secretary to require standards or testing procedures as described in paragraph (B) shall be deemed to be a final administrative order under this subsection and may be amended, revoked, or otherwise modified in accordance with the procedures of this subsection.

“(B) Monographs described.—For purposes of subparagraph (A), a final monograph or tentative final monograph is described in this subparagraph if it—
“(i) establishes conditions of use for a drug described in paragraph (1) or (2) of subsection (a); and
“(ii) represents the most recently promulgated version of such conditions, including as modified, in whole or in part, by any proposed or final rule.

“(C) Deemed orders include harmonizing technical amendments.—The deemed establishment of a final administrative order under this subparagraph include any technical amendments to such order as the Secretary determines necessary to ensure that such order is appropriately harmonized. In terms of terminology or cross-references, with the applicable provisions of this Act (and regulations thereunder) and any other orders issued under this section.

“(D) Procedure for minor changes.—
“(1) In general.—Minor changes in the dosage form of a drug that is described in this subparagraph or the subject of an order issued under subsection (b) may be made by a requestor without the issuance of an order under subsection (b) if—
“(A) the requestor maintains such information as is necessary to demonstrate that the change—
“(I) will not affect the safety or effectiveness of the drug;
“(II) will not materially affect the extent of absorption or other exposure to the active ingredient in comparison to a suitable reference product; and
“(B) the change is in conformity with the requirements of an applicable administrative order issued by the Secretary under paragraph (3).

“(2) Additional information.—
“(A) Access to records.—A sponsor shall submit records requested by the Secretary relating to such a minor change under section 704(a)(4), within 15 business days of receiving such a request, or such longer period as the Secretary may provide.

“(B) Insufficiency of information.—If the Secretary determines that the information contained in such records is not sufficient to demonstrate that the change does not affect the safety or effectiveness of the drug or materially affect the extent of absorption or other exposure to the active ingredient, the Secretary—
“(i) may so inform the sponsor of the drug in writing; and
“(ii) if the Secretary so informs the sponsor, shall provide the sponsor of the drug with a reasonable opportunity to provide additional information.

“(C) Failure to submit sufficient information.—If the sponsor fails to provide such additional information within a period specified by the Secretary, the Secretary may take such action as is necessary to ensure that such order is appropriately harmonized. In terms of terminology or cross-references, with the applicable provisions of this Act (and regulations thereunder) and any other orders issued under this section.

“(D) Limitations on public availability.—Information described in subparagraph (A) shall not be made public if—
“(i) the information pertains to pharmaceutical quality information, unless such information is necessary to establish standards under which a drug is generally recognized as safe and effective under section 201(p); or
“(ii) the information is made available to the Secretary in response to a requestor-initiated request, but the requestor withdraws such request, in accordance with withdrawal procedures established by the Secretary, before the Secretary issues the proposed order.

“(iii) the Secretary requests and obtains the information under subsection (c) and such information is submitted in a form that is not available to the Secretary in relation to an order under subsection (b); or
“(iv) the information is of the type contained in raw datasets.

“(E) Updates to drug listing information.—A sponsor who makes a change to a drug subject to this section shall submit up-to-date information to the Secretary in accordance with section 516(h) within 30 calendar days of the date the change is first commercially marketed, except that a sponsor may delay such submission with respect to an order subject to subsection (b)(5)(C) or a license, assignee, or successor to the drug.
in interest of such requestor) shall submit updated drug listing information on or before the date when the drug is first commercially marketed.

"(d) EFFECT ON EXISTING REGULATIONS GOVERNING NONPRESCRIPTION DRUGS.—"(1) REGULATIONS OF GENERAL APPLICABILITY NONPRESCRIPTION DRUGS.—Except as provided in this subsection, nothing in this section supersedes regulations establishing general requirements for nonprescription drugs. Each such regulation of general applicability contained in parts 201, 250, and 330 of title 21, Code of Federal Regulations, or any successor regulations. The Secretary shall establish or modify such regulations by means of rulemaking in accordance with section 553 of title 5, United States Code.

"(2) REGULATIONS ESTABLISHING REQUIREMENTS FOR SPECIFIC NONPRESCRIPTION DRUGS.—"(A) The provisions of section 310.545 of title 21, Code of Federal Regulations, in effect on the day before the date of the enactment of this section, shall be deemed to be final orders under subsection (b), only as they apply to drugs—

- subject to paragraph (1), (2), (3), or (4) of subsection (a); or

- otherwise subject to an order under this section.

"(3) WITHDRAWAL OF REGULATIONS.—The Secretary shall withdraw regulations establishing final rules promulgated under this section, if the Secretary determines that the withdrawal is necessary to support submissions under this section, including—

- a brief description of each such order; and

- the content of such final order and intermediate final order in effect, including the complete text of the order; and

- the procedures proposed under development under subsection (b)(2), including—

- (A) a brief description of each such order; and

- (B) the Secretary’s expectations, if resources permit, for issuance of proposed orders over a 3-year period.

"(h) DEVELOPMENT ADVICE TO SPONSORS OR REQUESTORS.—The Secretary shall establish procedures under which sponsors or requestors may meet with appropriate officials of the Food and Drug Administration to obtain advice on the studies and other information necessary to support submissions under this section and other matters relevant to the regulation of nonprescription drugs and the development of new nonprescription drugs under this section.

"(i) PARTICIPATION OF MULTIPLE SPONSORS OR REQUESTORS.—The Secretary shall establish procedures to facilitate efficient participation by multiple sponsors or requestors in processes under this section, including provision for joint meetings with multiple sponsors or requestors or with organizations nominated by sponsors or requestors to represent the interests in a proceeding.

"(j) ELECTRONIC FORMAT.—All submissions under this section shall be in electronic format.

"(k) EFFECT ON EXISTING REGULATIONS GOVERNING NONPRESCRIPTION DRUGS.—"(1) REGULATIONS OF GENERAL APPLICABILITY NONPRESCRIPTION DRUGS.—Except as provided in this subsection, nothing in this section supersedes regulations establishing general requirements for nonprescription drugs. Each such regulation of general applicability contained in parts 201, 250, and 330 of title 21, Code of Federal Regulations, or any successor regulations. The Secretary shall establish or modify such regulations by means of rulemaking in accordance with section 553 of title 5, United States Code.

"(2) REGULATIONS ESTABLISHING REQUIREMENTS FOR SPECIFIC NONPRESCRIPTION DRUGS.—"(A) The provisions of section 310.545 of title 21, Code of Federal Regulations, in effect on the day before the date of the enactment of this section, shall be deemed to be a final order under subsection (b).

"(B) Nothing in subsection (a) shall be construed to prohibit the Secretary from issuing an order under this section finding a drug to be not generally recognized as safe and effective under section 505(j), as the Secretary determines appropriate.

"(C) DEFINITIONS.—In this section:

- (1) the term ‘nonprescription drug’ refers to a drug not subject to the requirements of section 505G;

- (2) the term ‘sponsor’ refers to any person marketing, manufacturing, or processing a drug that—

- (A) is listed pursuant to section 510(i); and

- (B) is or will be subject to an administrative order under this section of the Food and Drug Administration;

- (3) the term ‘requestor’ refers to any person or group of persons marketing, manufacturing, processing, or developing a drug.

"(b) GAO STUDY.—Not later than 4 years after the enactment of this Act, the Comptroller General of the United States shall submit a study to the Committee on Energy and Commerce of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate addressing the effectiveness and overall impact of exclusivity under section 505G of the Federal Food, Drug, and Cosmetic Act, as added by section (a), and section 586C of such Act (21 U.S.C. 360ff-3), including the impact of such exclusivity on consumer access. Such study shall include—

- (1) an analysis of the impact of exclusivity under such section 505G for nonprescription drug products, including—

- the number of nonprescription drug products that were granted exclusivity and the indication for which the nonprescription drug products were determined to be generally recognized as safe and effective; and

- (B) the exclusivity for such drug products was granted for—

- (i) a new active ingredient (including any extract or salt of the active ingredient); and

- (ii) changes in the conditions of use of a drug, for which new human data studies conducted or sponsored by the requestor were essential;

- (C) whether, and to what extent, the exclusivity impacted the requestor’s or sponsor’s decision to develop the drug product; and

- (D) an analysis of the implementation of the exclusivity provision in such section 505G, including—

- (i) the resources used by the Food and Drug Administration;

- (ii) the impact of such provision on innovation, as well as research and development in the nonprescription drug market;

- (iii) the impact of such provision on competition in the nonprescription drug market;

- (iv) the impact of such provision on consumer access to nonprescription drug products; and

- (v) the impact of such provision on the prices of nonprescription drug products; and

- (vi) whether the administrative orders initiated by requestors under such section 505G have been sufficient to encourage the development of nonprescription drug products that would likely not be otherwise developed, or developed in as timely a manner; and

- (E) whether the administrative orders initiated by requestors under such section 505G have been sufficient to encourage innovation in the nonprescription drug market; and

"(c) INAPPLICABILITY OF PAPERWORK REDUCTION ACT.—Chapter 35 of title 44, United States Code, shall not apply to collections of information made under this section.
(2) an analysis of the impact of exclusivity under such section 586C for sunscreen ingredients, including—

(A) the number of sunscreen ingredients that have been the subject of an order of exclusivity and the specific ingredient that was determined to be generally recognized as safe and effective;

(B) whether, and to what extent, the exclusivity of a sunscreen ingredient has been the basis for a sponsor’s decision to develop the sunscreen ingredient;

(C) whether, and to what extent, the sunscreen ingredient granted exclusity had previously been available outside of the United States;

(D) an analysis of the implementation of the exclusivity provision in such section 586C, including—

(i) the resources used by the Food and Drug Administration;

(ii) the impact of such provision on innovation, as well as research and development in the sunscreen market;

(iii) the impact of such provision on competition in the sunscreen market;

(iv) the impact of such provision on consumer access to sunscreen products;

(v) the impact of such provision on the prices of sunscreen products; and

(vi) whether the existing sunscreen ingredient orders that have been utilized by sunscreen ingredient sponsors and whether such process has been sufficiently lawful.


(a) REVISION OF FINAL SUNSCREEN ORDER.—Paragraph (1) of section 505G of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360fff–3) is amended by adding at the end the following:

(1) APPLICABILITY OF SECTION 505G FOR PENDING SUBMISSIONS.—

(A) IN GENERAL.—A sponsor of a non-prescription sunscreen active ingredient or prescription sunscreen active ingredient that, as of the date of enactment of this Act, is the subject of a proposed sunscreen order under such section 586C of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360fff–3) may amend, by means of giving written notification to the Secretary of Health and Human Services within 30 calendar days of the date of enactment of this Act, to transition into the review of such ingredient or combination of ingredients pursuant to the process set out in such section 586C or the Federal Food, Drug, and Cosmetic Act, as added by section 3851 of this subtitle.

(B) ELECTION EXERCISED.—Upon receipt by the Secretary of Health and Human Services of a timely notification under subparagraph (A)—

(i) the proposed sunscreen order involved is deemed to be a request for an order under subsection (b) of section 505G of the Federal Food, Drug, and Cosmetic Act, as added by section 3851 of this subtitle; and

(ii) such order shall have been accepted for filing under subsection (b)(6)(A)(i) of such section 505G.

(C) ELECTION NOT EXERCISED.—If a notification under subparagraph (A) is not received by the Secretary of Health and Human Services within 30 calendar days of the date of enactment of this Act, the review of the proposed sunscreen order described in subparagraph (A)—

(i) shall continue under section 586C of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360fff–3); and

(ii) shall not be eligible for review under section 505G, added by section 3851 of this subtitle.

(b) DEFINITIONS.—In this subsection, the terms “sponsor”, “nonprescription”, “sunscreen active ingredient”, and “proposed sunscreen order” have the meanings given to those terms in section 586 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360fff–3).

(c) AMENDMENTS TO SUNSCREEN PROVISIONS.—

(1) FINAL SUNSCREEN ORDERS.—Paragraph (3) of section 586C of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360fff–3) is amended to read as follows:

“(3) RELATIONSHIP TO ORDERS UNDER SECTION 505G.—A proposed sunscreen order shall be deemed to be a final sunscreen order under section 505G.”.

(2) MEETINGS.—Paragraph (7) of section 586C of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360fff–3) is amended by adding—

(A) by striking “A sponsor may request” and inserting “A sponsor shall request”;

(B) by adding at the end the following:

(1) CONFIDENTIAL MEETINGS.—A sponsor may request one more confidential meetings with respect to a proposed sunscreen order, including a letter deemed to be a proposed sunscreen order under paragraph (3), to discuss matters relating to data requirements to support a general recognition of safety and effectiveness involving confidential information and public information related to such order or similar sunscreen orders, as appropriate. The Secretary shall convene a confidential meeting with such sponsor in a reasonable time period. If a sponsor requests more than one confidential meeting for the same proposed sunscreen order, the Secretary may refuse to grant an additional confidential meeting request if the Secretary determines that the additional meeting is not reasonably necessary for the sponsor to advance its proposed sunscreen order, or if the request for a confidential meeting fails to include sufficient information upon which to base a substantive discussion. The Secretary shall publish a post- request notice summarizing the discussion at the meeting under this subparagraph that does not disclose confidential commercial information or trade secrets. This subparagraph does not limit the disclosure of confidential commercial information or trade secrets subject to 522(b)(4) of title 5, United States Code, or section 1905 of title 18, United States Code.

(2) CHANGES DESCRIBED.—A change described in this paragraph is a change subject to the conditions specified in paragraph (1) that permits a sunscreen to contain an active sunscreen ingredient not previously incorporated in a marketed sunscreen listed in paragraph (3).

(3) MARKETED SUNSCREEN.—The marketed sunscreen ingredients described in this paragraph are sunscreen ingredients that were marketed in accordance with a final monograph for sunscreen drug products set forth at part 352 of title 21, Code of Federal Regulations (as published at 61 Fed. Reg. 27687); or

(B) marketed in accordance with a final order issued under this section.

(4) LIMITATIONS ON EXCLUSIVITY.—Only one sunscreen ingredient per year may be granted per ingredient under paragraph (1).

(5) LISTING OF LICENSEES, ASSIGNORS, OR SUCCESSORS IN INTERSTATE COMMERCE.—Any sponsor shall submit to the Secretary at the time when a drug subject to such request is introduced or delivered for introduction into interstate commerce, a list of licensees, assignees, or successors in interest of such requestor with respect to the subject of such request and listed under paragraph (5) of the sunscreen ingredient granted exclusivity.

(6) SUNSET PROVISION.—Subchapter I of chapter V of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360fff et seq.) is amended by adding at the end the following:

“SEC. 586HH. SUNSET.

This subchapter shall cease to be effective at the end of fiscal year 2022.”

(7) TREATMENT OF AUTHORITY REGARDING FINALIZATION OF SUNSCREEN MONOGRAPH.—

(A) REVISION OF FINAL SUNSCREEN ORDER.—The Secretary of Health and Human Services shall amend and revise the final sunscreen order under which the sunscreen ingredient (referred to in this subsection as the “sunscreen order”) for which the content, prior to the date of enactment of this Act, was represented by the final monograph set forth in part 352 of title 21, Code of Federal Regulations (as in effect on May 21, 1999).
(B) Issuance of Revised Sunscreen Order; Effective Date.—A revised sunscreen order described in subparagraph (A) shall be:
(i) issued in accordance with the procedures in section 505(b)(6) of the Federal Food, Drug, and Cosmetic Act; and
(ii) issued in proposed form not later than 18 months after the date of enactment of this Act.

(2) REPORTS.—If a revised sunscreen order issued under paragraph (1) does not include provisions related to the effectiveness of various sunscreens at various levels, and does not address all dosage forms known to the Secretary to be used in sunscreens marketed in the United States without a new drug application described in section 565 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355), the Secretary shall submit a report to the Committee on Energy and Commerce of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate on the rationale for omission of such provisions from such order, timeline to compile any information necessary to address such provisions through such order.

(d) NOTIFICATION, Tracker, and Extent Applications.—
(1) IN GENERAL.—Any application described in section 581F of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360fff–6) that was submitted to the Secretary pursuant to section 330.14 of title 21, Code of Federal Regulations, as such provisions were in effect immediately prior to the date of enactment of this Act, shall be extended, as of such date of enactment, subject to paragraph (2), to any sunscreen drug, if such changes conform to the provisions of such sunscreen drug as set forth in the Congressional Record.

(2) ORDER REQUEST.—Nothing in paragraph (1) precludes the submission of an order request under section 565(b)(3) of the Federal Food, Drug, and Cosmetic Act, as added by section 3651 of this subtitle, with respect to a drug that was the subject of an application extinguished under paragraph (1).

SEC. 3851. TECHNICAL CORRECTIONS.

(1) IMPORTS AND EXPORTS.—Section 801(e)(4)(E)(iii) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 381(e)(4)(E)(iii)) is amended by inserting “paragraph” each place such term appears and inserting “paragraphs”.

(2) FDA REAUTHORIZATION ACT OF 2017.—
(1) IN GENERAL.—Section 905(b)(4) of the FDA Reauthorization Act of 2017 (Public Law 115–52) is amended by striking “section 744I(a)(2)” and inserting “section 744I(a)(2)(B)”.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect as of the enactment of the FDA Reauthorization Act of 2017 (Public Law 115–52).

PART II—USER FEES

SEC. 3861. FINDING.

The Congress finds that the fees authorized by the amendments in this subtitle will be dedicated to OTC monograph drug activities, as set forth in the goals identified for purposes of part 10 of subchapter C of chapter VII of the Federal Food, Drug, and Cosmetic Act, in the letters from the Secretary of Health and Human Services to the Chairman of the Committee on Health, Education, Labor, and Pensions of the Senate and the Chairman of the Committee on Energy and Commerce of the House of Representatives, as set forth in the Congressional Record.

SEC. 3862. FEES RELATING TO OVER-THE-COUNTER DRUGS.

Subchapter C of chapter VII of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379f et seq.) is amended, and in section 744L(f)(2)(B), as added by the FDA Reauthorization Act of 2017 (Public Law 115–52), as follows:

(1) The term ‘affiliate’ means a business entity that has a relationship with a second business entity either directly or indirectly—
(A) one business entity controls, or has the power to control, the other business entity; or
(B) a third party controls, or has power to control, both of the business entities.

(2) The term ‘contract manufacturing organization facility’ means an OTC monograph drug facility where neither the owner of such manufacturing facility nor any affiliate of such owner or facility sells the OTC monograph drug produced at such facility directly to wholesalers, retailers, or consumers in the United States.

(3) The term ‘OTC monograph drug’ means an OTC monograph drug that was the subject of an application submitted under section 505(b)(3).

(4) The term ‘FDA establishment identifier’ is the unique number automatically generated by Food and Drug Administration’s Field Accomplishments and Compliance Tracking System (FACTS) (or any successor system).

(5) The term ‘OTC monograph drug’ means a nonprescription drug without an approved new drug application which is governed by the provisions of this subtitle.

(6) The term ‘OTC monograph drug activities’ includes activities of the Secretary associated with OTC monograph drugs and ingredients.

(i) orders proposing or finalizing applicable conditions of use for OTC monograph drugs;

(ii) orders affecting status regarding general recognition of safety and effectiveness of an OTC monograph ingredient or combination of ingredients under specified conditions of use;

(iii) all OTC monograph drug development and review activities, including intragency collaboration;

(iv) regulation and policy development activities related to OTC monograph drugs;

(v) development of product standards for products subject to review and evaluation; and

(vi) all regulatory science activities related to OTC monograph drugs.

(2) Inspections related to OTC monograph drugs.

(c) Monitoring of clinical and other research conducted in connection with OTC monograph drugs.

(D) Safety activities with respect to OTC monograph drugs, including—
(i) collecting, developing, and reviewing safety information on OTC monograph drugs, including adverse event reports;

(ii) developing and using improved adverse event data-collection systems, including information technology systems; and

(iii) developing and using improved analytical tools to assess inherent risks, including access to external databases.

(E) Other activities necessary for implementation of section 565G.

(3) The term ‘Tier 2 OTC monograph order request’ means a request for an order submitted under section 505G(b)(5).

(8) The term ‘Tier 1 OTC monograph order request’ means any OTC monograph order request not determined to be a Tier 2 OTC monograph order request.

(i) the reorder of existing information in the drug facts label of an OTC monograph drug;

(ii) the addition of information to the other information section of the drug facts label of an OTC monograph drug, as limited by section 201(t)(7) of title 21, Code of Federal Regulations (or any successor regulations);

(iii) modification to the directions for use section of the drug facts label of an OTC monograph drug, if such changes conform to changes made pursuant to section 505G(c)(3)(A);

(iv) the standardization of the concentration or dose of a specific finalized ingredient within a particular finalized monograph;
“(v) a change to ingredient nomenclature to align with nomenclature of a standards-setting organization; or
“(vi) addition of an interchangeable term in accordance with section 360.1 of title 21, Code of Federal Regulations (or any successor regulations).

“(B) The Secretary may, based on program implementation experience or other factors found appropriate by the Secretary, characterize any OTC monograph order request as a Tier 2 OTC monograph order request (including recharacterizing a request from Tier 1 to Tier 2) and publish such determination in a proposed order issued pursuant to section 505G.

“(BI)(A) The term ‘OTC monograph drug facility’ means a foreign or domestic business or other entity that—
“(1) is—
“(i) under one management, either direct or indirect; and
“(ii) at one geographic location or address engaged in manufacturing or processing the finished dosage form of an OTC monograph drug;
“(ii) includes a finished dosage form manufacturer facility in a contractual relationship with the manufacturer of one or more OTC monograph drugs to manufacture or process such drugs; and
“(iii) does not include a business or other entity that—
“(A) is only manufacturing or processing activities conducted in such buildings or locations;
“(B) is already in a final packaged form prior to product contained within the overpackaging is ready in a final packaged form prior to placement in the outer overpackaging.

“(B) For purposes of subparagraph (A)(II), separate buildings or locations within close proximity are considered to be at one geographic location or address if the activities conducted in such buildings or locations are—
“(i) closely related to the same business enterprise;
“(ii) under the supervision of the same local management; and
“(iii) under a single FDA establishment identifier and capable of being inspected by the Food and Drug Administration during a single inspection.

“(C) If a business or other entity would meet criteria specified in subparagraph (A), but for being under multiple management, the business or other entity is deemed to consist of one or more business or other entities, one per management entity, for purposes of this paragraph.

“(G) OTC monograph drug meeting means any meeting regarding the content of a proposed OTC monograph order request.

“(H) The term ‘person’ includes an affiliate of a person.

“SEC. 740M. AUTHORITY TO ASSESS AND USE OTC MONOGRAPH FEES.

“(a) Types of fees.—Beginning with fiscal year 2021, the Secretary shall assess and collect fees in accordance with this section as follows:

“(1) Facility fee.—
“(A) In general.—Each person that owns a facility identified as an OTC monograph drug facility on December 31 of the fiscal year or at any time during the preceding 12-month period shall be assessed an annual fee for each such facility as determined under subsection (c).
“(B) Except—

“(2) OTC monograph order request fee.—
“(A) In general.—For each OTC monograph order request, the amount of such fee shall be—
“(i) for a Tier 1 OTC monograph order request, $500,000, adjusted for inflation for the fiscal year (as determined under subsection (c)(1)(B)); and
“(ii) for a Tier 2 OTC monograph order request, $100,000, adjusted for inflation for the fiscal year (as determined under subsection (c)(1)(B)).

“(B) Due date.—The OTC monograph order request fees required under subparagraph (A) shall be due on the later of—
“(i) the first business day of June of such year; or
“(ii) the first business day after the enactment of an appropriations Act providing for the collection and obligation of fees under this section for such year.

“(C) Amount.—The amount of fees established under subparagraph (A) shall be established under subsection (c).

“(D) Due date.—Each person that submits an OTC monograph order request shall be subject to a fee for an OTC monograph order request. The amount of such fee shall be—
“(i) for a Tier 1 OTC monograph order request, $500,000, adjusted for inflation for the fiscal year (as determined under subsection (c)(1)(B)); and
“(ii) for a Tier 2 OTC monograph order request, $100,000, adjusted for inflation for the fiscal year (as determined under subsection (c)(1)(B)).

“(E) Refund of fee if order request refused for filing or withdrawn before filing.—If the Secretary refuses to file an OTC monograph order request, the Secretary shall refund 75 percent of the fee paid under subparagraph (B) for filing such request if it is withdrawn before being accepted or for filing.

“(F) Fees for order requests previously refused for filing or withdrawn before filing.—If an OTC monograph order request that was submitted but was refused for filing, or was withdrawn before being accepted for filing, the Secretary shall refund the full fee under subparagraph (A) upon being resubmitted or filed over protest.

“(G) Refund of fee if order request withdrawn.—If an order request is withdrawn after the order request was filed, the Secretary may refund the fee or a portion of the fee if no substantial work was performed on the order request after the application was filed. The Secretary shall have the sole discretion to refund a fee or a portion of the fee under this section.

“(H) Fees for order requests previously refused for filing or withdrawn before filing.—If an OTC monograph order request is refused for filing or withdrawn before filing, the Secretary shall refund the requestor the difference between the Tier 1 and Tier 2 fees determined as a Tier 2 OTC monograph order request.

“(I) Facilities that cease activities.—A fee shall not be assessed under subparagraph (A) if the Secretary determines that the OTC monograph drug facility—
“(I) has ceased all activities related to OTC monograph drugs prior to December 31 of the year immediately preceding the applicable fiscal year; and
“(II) has updated its registration to reflect such change under the requirements for drug establishment registration set forth in section 510.

“(J) Contract manufacturing organization.—The amount of the fee for a contract manufacturing organization facility shall be equal to two-thirds of the amount of the fee for an OTC monograph drug facility that is not a contract manufacturing organization facility.

“(K) Amount.—The amount of fees established under subparagraph (A) shall be established under subsection (c).

“(L) Due date.—(1) For first program year.—For fiscal year 2021, the facility fees required under subparagraph (A) shall be due on the later of—
“(i) the first business day of June of 2020; or
“(ii) 45 calendar days after publication of the Federal Register notice provided for under subsection (c)(4)(A).

“(2) Subsequent fiscal years.—For each fiscal year after fiscal year 2021, the facility fees required under subparagraph (A) shall be due on the later of—
“(i) the first business day of June of such year; or
“(ii) the first business day after the enactment of an appropriations Act providing for the collection and obligation of fees under this section for such fiscal year.

“(B) OTC monograph order request fee.—
“(A) In general.—Each person that submits an OTC monograph order request shall be subject to a fee for an OTC monograph order request. The amount of such fee shall be—
“(i) for a Tier 1 OTC monograph order request, $500,000, adjusted for inflation for the fiscal year (as determined under subsection (c)(1)(B)); and
“(ii) for a Tier 2 OTC monograph order request, $100,000, adjusted for inflation for the fiscal year (as determined under subsection (c)(1)(B)).

“(B) Due date.—The OTC monograph order request fees required under subparagraph (A) shall be due on the later of—
“(i) 45 calendar days after publication of the Federal Register notice provided for under subsection (c)(4)(A); and
“(ii) 45 calendar days after publication of the Federal Register notice provided for under subparagraph (A) as determined under subsection (c)(4)(A).

“(C) Amount.—The amount of fees established under subparagraph (A) shall be due on the later of—
“(i) the first business day of June of such year; or
“(ii) the first business day after the enactment of an appropriations Act providing for the collection and obligation of fees under this section for such fiscal year.

“(D) Due date.—(1) Fiscal year 2021.—For fiscal year 2021, fees under subsection (a)(1) shall be established to generate a total facility fee revenue amount equal to the sum of—
“(A) the annual base revenue for fiscal year 2021 (as determined under paragraph (3));
“(B) the dollar amount equal to the operating reserve adjustment for the fiscal year, if applicable (as determined under subsection (c)(2)); and
“(C) additional direct cost adjustments (as determined under subsection (c)(3)).

“(2) Subsequent fiscal years.—For each of the fiscal years 2022 through 2025, fees under subsection (a)(1) shall be established to generate a total facility fee revenue amount equal to the sum of—
“(A) the annual base revenue for the fiscal year (as determined under paragraph (3));
“(B) the dollar amount equal to the inflation adjustment for the fiscal year (as determined under subsection (c)(1));
“(C) the dollar amount equal to the operating reserve adjustment for the fiscal year, if applicable (as determined under subsection (c)(2)); and
“(D) additional direct cost adjustments (as determined under subsection (c)(3)); and
“(E) additional dollar amounts for each fiscal year as follows:
“(i) $7,000,000 for fiscal year 2022.
“(ii) $8,000,000 for fiscal year 2023.
“(iii) $9,000,000 for fiscal year 2024.
“(iv) $10,000,000 for fiscal year 2025.

“(F) Fiscal year 2021.—For purposes of paragraphs (1) and (2), the dollar amount of the annual base revenue for a fiscal year shall be—
“(A) $7,000,000 for fiscal year 2021, $8,000,000; and
“(B) for fiscal years 2022 through 2025, the dollar amount of the total revenue amount
established under this subsection for the previous fiscal year, not including any adjustments made under subsection (c)(2) or (c)(3).

(2) OPERATING RESERVE ADJUSTMENT.—
   (A) IN GENERAL.—For purposes of subparagraph (b)(2)(B), the dollar amount of the inflation adjustment to the annual base fee revenue for fiscal year 2022 and each subsequent fiscal year shall be equal to the product of—
   (i) such annual base fee revenue for the fiscal year preceding the fiscal year in question, multiplied by the proportion of personnel costs, employees, and advisory committees so funded in appropriation Acts, or otherwise made available until expended, to total costs of OTC monograph drug activities for the fiscal year involved.
   (ii) the applicable fee subsection under subparagraph (a)(2) for the preceding fiscal year; and
   (iii) the inflation adjustment percentage under subparagraph (C).

   (B) OTC MONOGRAPH ORDER REQUEST FEES.—For purposes of subparagraph (b)(2)(B), the dollar amount of the inflation adjustment to the fee for OTC monograph order requests for fiscal year 2022 and each subsequent fiscal year shall be equal to the product of—
   (i) such annual base fee revenue for the fiscal year preceding the fiscal year in question, multiplied by the proportion of all costs of the preceding 4 fiscal years, multiplied by the proportion of personnel compensation and benefits costs to total costs of OTC monograph drug activities for the first 3 years of the preceding 4 fiscal years, and
   (ii) the average annual increase in the Consumer Price Index for urban consumers (Washington-Baltimore, DC-MD-VA-WV; Not Seasonally Adjusted; All items; Annual Index) for the first 3 years of the preceding 4 years of available data; and
   (iii) for each of fiscal years 2023 and 2024, the sum of—
   (1) the average annual percent change in the cost, per full-time equivalent position of personnel, and fees if such an adjustment is necessary under subparagraph (b)(2)(B); and
   (2) OPERATING RESERVE ADJUSTMENT.—
   (A) IN GENERAL.—For fiscal years 2021 and subsequent fiscal years, for purposes of subparagraph (b)(2)(B)(ii) of this subsection, the Secretary may, in addition to adjustments under paragraph (1), further increase the fee revenue and fees authorized by this section for each fiscal year (excluding amounts from fees collected under this section) no less than $12,000,000, multiplied by the adjustment factor applicable to the fiscal year involved under subsection (c)(1).

   (B) NUMBER OF WEEKS.—The number of weeks specified in this subparagraph is—
   (1) 5 weeks for fiscal year 2021;
   (2) 10 weeks for fiscal year 2022; and
   (3) 15 weeks for fiscal year 2023; and
   (4) 20 weeks for fiscal year 2024; and
   (5) 25 weeks for fiscal year 2025.

   (C) DECREASE.—If the Secretary has carryover balances for such process in excess of 10 weeks of the operating reserves referred to in subparagraph (A), the Secretary shall decrease, by subtracting such balances from paragraph (b)(2)(B)(i) of this subsection, to provide for not more than 10 weeks of such operating reserves.

   (D) RATIONALE FOR ADJUSTMENT.—If an adjustment is made under subparagraph (b)(2)(B), the Secretary shall provide a rationale for the amount of the increase or decrease (as applicable) in fee revenue and fees shall be contained in the annual Federal Register notice under paragraph (4) establishing fee revenue and fees for the fiscal year involved.

   (ii) establish OTC monograph drug facility fees for fiscal year 2021 under subsection (a), based on the revenue amounts under subsection (b) and the adjustments provided under this subsection; and
   (iii) publish fee revenue, facility fees, and OTC monograph order requests in the Federal Register.

   (B) SUBSEQUENT FISCAL YEARS.—The Secretary shall, for each fiscal year that begins after September 30, 2021, not later than the second Monday in March that precedes such fiscal year—
   (1) establish such fiscal year, based on the revenue amounts under subsection (b) and the adjustments provided under this subsection—
   (A) OTC monograph drug facility fees under subsection (a)(1); and
   (B) OTC monograph order request fees under subsection (a)(2).
identified in the letters described in section 3861(b) of the CARES Act during such fiscal year and the future plans of the Food and Drug Administration for meeting such goals.

(b) Directory.—Not later than 120 calendar days after the end of fiscal year 2021 and each subsequent fiscal year for which fees are collected under this part, the Secretary shall prepare and submit to the Committee on Energy and Commerce of the House of Representatives and the Committee on Appropriations of the Senate a report on the implementation of the authority for such fees during such fiscal year and the use, by the Food and Drug Administration, of the fees collected for such fiscal year.

(c) Public Availability.—The Secretary shall make the reports required under subsections (a) and (b) available to the public on the internet website of the Food and Drug Administration.

(d) Reauthorization.—

(1) Consultation.—In developing recommendations to present to the Congress with respect to the goals described in subsection (a), and plans for meeting the goals, for fiscal year 2022 and each subsequent fiscal year, the Secretary shall consult with—

(A) the Committee on Energy and Commerce of the House of Representatives;
(B) the Committee on Health, Education, Labor, and Pensions of the Senate; and
(C) scientific and academic experts;
(D) health care professionals;
(E) representatives of patient and consumer advocacy groups; and
(F) the regulated industry.

(2) Public Review of Recommendations.—After negotiations with the regulated industry, the Secretary shall—

(A) present the recommendations developed under paragraph (1) to the congressional committees specified in such paragraph;
(B) publish such recommendations in the Federal Register;
(C) provide for a period of 30 calendar days for the public to provide written comments on such recommendations; and
(D) hold a meeting at which the public may present its views on such recommendations.

(E) After consideration of such public views and comments, revise such recommendations as necessary.

(3) Transmittal of Recommendations.—Not later than January 15, 2025, the Secretary shall transmit to the Congress the revised recommendations under paragraph (2), a summary of the views and comments received under such paragraph, and any changes made to the recommendations in response to such comments.

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

Subtitle A—Coronavirus Economic Stabilization Act of 2020

SEC. 4001. SHORT TITLE.

This subtitle may be cited as the “Coronavirus Economic Stabilization Act of 2020.”

SEC. 4002. DEFINITIONS.

In this subtitle:

(1) AIR CARRIER.—The term “air carrier” has the meaning such term has under section 40102 of title 49, United States Code.

(2) CORONAVIRUS.—The term “coronavirus” means SARS-CoV-2 or another coronavirus with similar characteristics.

(3) COVERED LOSS.—The term “covered loss” includes losses incurred directly or indirectly as a result of coronavirus, as determined by the Secretary.

(4) ELIGIBLE BUSINESS.—The term “eligible business” means—

(A) an air carrier; or
(B) a United States business that has not otherwise received adequate economic relief in the form of loans or loan guarantees provided under paragraphs (1), (2), and (3) that are not used as provided under those paragraphs shall be available to make loans and loan guarantees to, and other investments in, passenger air carriers, eligible businesses that are certified under part 145 of title 14, Code of Federal Regulations, and approved to perform inspection, repair, replace, or overhaul services (as defined in section 40102 of title 49, United States Code).

(2) Not more than $14,000,000,000 shall be available to make loans and loan guarantees for cargo air carriers.

(3) Not more than $17,000,000,000 shall be available to make loans and loan guarantees for businesses critical to maintaining national security.

(4) Not more than the sum of $454,000,000,000 and any amounts available under paragraphs (1), (2), and (3) that are not used as provided under those paragraphs shall be available to make loans and loan guarantees to, and other investments in, passenger air carriers, eligible businesses that are certified under part 145 of title 14, Code of Federal Regulations, and approved to perform inspection, repair, replace, or overhaul services (as defined in section 40102 of title 49, United States Code).
operations in and a majority of its employees based in the United States; and

(i) for purposes of a loan or loan guarantee under paragraphs (1), (2), and (3) of subsection (b), the business must be a business and not an enterprise organized for the primary purpose of making direct loans to, or capital markets transactions.

(2) FEDERAL RESERVE PROGRAMS OR FACILITIES.—

(A) TERMS AND CONDITIONS.—

(i) DEFINITION.—In this paragraph, the term ‘direct loan’ means a loan under a bilateral loan agreement that is—

(I) provided directly to an eligible business as a borrower; and

(ii) not part of a syndicated loan, a loan originated by a financial institution in the ordinary course of its business, or on a securities or capital markets transaction.

(B) PURPOSES.—Such terms and conditions shall be designed to provide for a reasonable participation by the Secretary, for the benefit of taxpayers, in equity appreciation in the case of a warrant or other equity interest, or a reasonable interest rate premium, in the case of a debt instrument.

(C) SUFFICIENCY.—If the Secretary determines that the eligible business cannot feasibly issue warrants or other equity interests as required by this subsection, the Secretary may accept a senior debt instrument in an amount and on such terms as the Secretary deems appropriate.

(D) PROHIBITION ON LOAN FORGIVENESS.—The principal amount of any obligation issued by an eligible business under a program described in subsection (b) shall not be reduced through loan forgiveness.

(E) DEPOSIT OF PROCEEDS.—Amounts collected under subsection (b) shall be deposited in the following order of priority:

(1) Into the financial accounts established under section 505 of the Federal Credit Reform Act of 1990 (2 U.S.C. 661d) to implement this subtitle, up to an amount equal to the sum of—

(A) the amount transferred from the appropriation made under section 427 to the financial accounts; and

(B) the amount necessary to repay any amounts lent from the Treasury to such financial accounts.

(2) After the deposits specified in paragraph (1) of this subsection have been made, into the Federal Old-Age and Survivors Insurance Trust Fund established under section 201(a) of the Social Security Act (42 U.S.C. 601).

(3) ADMINISTRATIVE PROVISIONS.—Notwithstanding any other provision of law, the Secretary may use not greater than $100,000,000 of the funds made available under section 427 to pay costs and administrative expenses associated with the loans, loan guarantees, and other investments authorized under this section. The Secretary is authorized to take such actions as the Secretary deems necessary to carry out the authorities in this subtitle, including, without limitation—

(A) using direct hiring authority to hire employees to administer this subtitle;

(B) entering into contracts, including contracts for services authorized by this subtitle;

(C) establishing vehicles that are authorized, subject to supervision by the Secretary, to seek the implementation of a program or facility described in subsection (b)(4) that provides financing to banks and other lenders that make direct loans to eligible businesses including, to the extent practicable, nonprofit organizations, with between 500 and 2,500 employees, that are being subject to an annualized interest rate that is not higher than 2 percent per annum. For the first 6 months after any such direct loan is made, the Secretary may determine in his discretion, no principal or interest shall be due and payable. Any eligible borrower applying for a direct loan under this program shall make a good-faith certification that—

(I) the uncertainty of economic conditions as of the date of the application makes necessary the loan request to support the ongoing operations of the recipient; and

(II) the funds it receives will be used to retain at least a majority of the recipient's workforce, at full compensation and benefits, until September 30, 2020.

(iii) WAIVER.—The Secretary may defer the requirement under clause (ii) with respect to any program or facility upon a determination that such waiver is necessary to protect the interests of the Federal Government. If the Secretary exercises a waiver under this clause, the Secretary shall make himself available to testify before the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives regarding the reasons for the waiver.

(F) FEDERAL RESERVE ACT TAXPAYER PROTECTION PROVISIONS.—For the avoidance of doubt, any applicable requirements under section 13(3) of the Federal Reserve Act (12 U.S.C. 343(3)), including requiring time to loan collateralization, taxpayer protection, and borrower solvency, shall apply with respect to any program or facility described in subsection (b)(4).

(G) UNITED STATES BUSINESSES.—A program or facility in which the Secretary makes a loan, loan guarantee, or other investment under this subsection shall only purchase obligations or other interests (other than securities that are based on an index or that are based on a diversified pool of securities) from, or make loans or other advances to, businesses that are created or organized in the United States or under the laws of the United States and that have significant operations in and a majority of its employees based in the United States.

(H) ASSISTANCE FOR MID-SIZED BUSINESSES.—

(i) IN GENERAL.—Without limiting the terms and conditions of the programs and facilities that the Secretary may otherwise provide financial assistance to under subsection (b), this language shall apply to the implementation of a program or facility described in subsection (b)(4) that
to purchase, hold, and sell assets and issue obligations; and

(4) issuing such regulations and other guidance as may be necessary or appropriate to carry out the authorities or purposes of this subtitle.

(g) FINANCIAL AGENTS.—The Secretary is authorized to designate financial institutions, including but not limited to banks, thrifts, credit unions, insurance companies, brokers, dealers, and other institutions, as financial agents of the United States for purposes of this section.

(h) COORDINATION BY THE DEPARTMENT OF THE TREASURY TREATED AS INDEBTEDNESS FOR TAX PURPOSES.—

(i) In General.—Any loan made by or guaranteed by the Department of the Treasury under this section shall be treated as issued for its stated principal amount, and stated income Code of 1986, shall be treated as issued for its stated principal amount, and stated income Code of 1986.

(ii) Performance of the Secretary.—The Secretary shall perform all duties using appropriated funds, and stated income Code of 1986, shall be treated as qualified stated interest.

(i) REGULATIONS OR GUIDANCE.—The Secretary of the Treasury (or the Secretary’s delegate) shall prescribe such regulations or guidance as may be necessary or appropriate to carry out the purposes of this section, including—

(A) providing that any transaction (including the issuance of warrants, stock options, common or preferred stock or other equity under this section) does not result in an ownership change for purposes of section 368 of the Internal Revenue Code of 1986.

(j) LIMITATION ON CERTAIN EMPLOYEE COMPENSATION.—

(a) In General.—The Secretary may only enter into an agreement with an eligible business to make a loan or loan guarantee under paragraph (1), (2) or (3) of section 4003(b) if such agreement provides that, during the period beginning on the date on which the loan is approved and ending on the date that is 1 year after the date on which the loan guarantee is in effect, the total compensation paid to an officer of the eligible business, and to any other employee of the eligible business (whether or not such officer or employee is an officer or employee of the eligible business, for its stated principal amount, and stated income Code of 1986, shall be treated as issued for its stated principal amount, and stated income Code of 1986), shall be treated as issued for its stated principal amount, and stated income Code of 1986.

(b) COORDINATION WITH TRANSPORTATION.—In implementing this subtitle with respect to air carriers, the Secretary shall coordinate with the Secretary of Transportation.

(c) INDEBTEDNESS FOR TAX PURPOSES.—Any indebtedness incurred by an eligible business under this section shall include a maximum amount of outstanding debt that is guaranteed.

(d) FEDERAL CREDIT UNION TRANSACTION ACCOUNT GUARANTEES.—Notwithstanding any other provision of law, if the Chairman of the Board of Governors of the Federal Reserve System determines, in writing, that unusual and exigent circumstances exist, the Board may conduct meetings without regard to the requirements of section 522b of title 5, United States Code, during the period beginning on the date of enactment of this Act and ending on the earlier of—

(i) the date on which the national emergency concerning the novel coronavirus disease (COVID–19) outbreak declared by the President on March 13, 2020, under the National Emergencies Act (50 U.S.C. 1601 et seq.) terminates; or


(e) RECORDS.—The Board of Governors of the Federal Reserve System shall keep a record of all Board votes and the reasons for such votes during the period described in subsection (a).

(f) TEMPORARY LOAN CONSIDERATION.—

(a) IN GENERAL.—For purposes of the Federal Credit Union Transaction Account Guarantee program and any such guarantee shall terminate not later than December 31, 2020.

(b) RECORDS.—The Board of Governors of the Federal Reserve System shall keep a record of all Board votes and the reasons for such votes during the period described in subsection (a).

(g) SUNSHINE ACT RELIEF.—

(a) DEFINITION.—In this section, the term “covered period” means the period beginning on the date of enactment of this Act and ending on the sooner of—

(i) the termination date of the national emergency concerning the novel coronavirus disease (COVID–19) outbreak declared by the President on March 13, 2020, under the National Emergencies Act (50 U.S.C. 1601 et seq.) terminates; or


(b) AUTHORITY.—During the covered period, the Secretary of Housing and Urban Development, the Securities and Exchange Commission, and the Futures Trading Commission may, without regard to sections 3309 through 3318 of title 5, United States Code, recruit and appoint candidates to all temporary and term appointments within their respective agencies upon a determination that those expedited procedures are necessary and appropriate to enable the respective agencies to prevent, prepare for, or respond to COVID–19.
SEC. 4012. TEMPORARY RELIEF FOR COMMUNITY BANKS.

(a) Definitions.—In this section—

(1) the term ‘‘applicable Federal banking agencies’’ means the terms defined in section 2 of the Economic Growth, Regulatory Relief, and Consumer Protection Act (12 U.S.C. 5371 note); and

(2) the terms ‘‘Community Bank Leverage Ratio’’ and ‘‘qualifying community bank’’ have the meanings given in the terms in section 20(a) of the Economic Growth, Regulatory Relief, and Consumer Protection Act (12 U.S.C. 5371 note).

(b) Interim Rule.—

(1) IN GENERAL.—Notwithstanding any other provision of law or regulation, the applicable Federal banking agencies shall issue an interim final rule that provides that, for purposes of section 201 of the Economic Growth, Regulatory Relief, and Consumer Protection Act (12 U.S.C. 5371 note),—

(A) the Community Bank Leverage Ratio shall be 8 percent;

(B) a qualifying community bank that fails below the Community Bank Leverage Ratio established under subparagraph (A) shall have a reasonable grace period to satisfy the Community Bank Leverage Ratio.

(2) EFFECTIVE PERIOD.—The interim rule issued under paragraph (1) shall be effective during a grace period beginning on the date on which the appropriate Federal banking agencies issue the rule and ending on the sooner of—

(A) the termination date of the national emergency concerning the novel coronavirus disease (COVID–19) outbreak declared by the President on March 13, 2020; or

(B) December 31, 2020.

(c) Grace Period.—During a grace period described in paragraph (b)(1), a qualifying community bank to which the grace period applies may continue to be treated as a qualifying community bank and shall be presumed to satisfy the capital and leverage requirements described in section 201(c) of the Economic Growth, Regulatory Relief, and Consumer Protection Act (12 U.S.C. 5371 note).

(2) the appropriate Federal banking agencies may collect data about such loans for supervisory purposes.

SEC. 4014. TEMPORARY RELIEF FROM CURRENT EXPECTED CREDIT LOSSES.

(a) DEFINITIONS.—In this section:

(1) A PPLICABLE FEDERAL BANKING AGENCY.—The term ‘‘applicable Federal banking agency’’ means—

(A) has the meaning given the term in section 3 of the Federal Deposit Insurance Act (12 U.S.C. 1813); and

(B) includes the National Credit Union Administration.

(2) INSURED DEPOSITORY INSTITUTION.—The term ‘‘insured depository institution’’—

(A) has the meaning given the term in section 3 of the Federal Deposit Insurance Act (12 U.S.C. 1813); and

(B) includes a credit union.

(b) TEMPORARY RELIEF FROM CECL STANDARDS.—Notwithstanding any other provision of law, no insured depository institution, bank holding company, or any affiliate thereof shall be required to comply with the Financial Accounting Standards Board Accounting Standards Update No. 2016–13 (‘‘Measurement of Credit Losses on Financial Instruments’’), including the current expected credit loss methodology for estimating allowances for credit losses, during the period beginning on the date of enactment of this Act and ending on the earlier of—

(1) the date on which the national emergency concerning the novel coronavirus disease (COVID–19) outbreak declared by the President on March 13, 2020, under the National Emergencies Act (50 U.S.C. 1601 et seq.) terminates; or


SEC. 4015. NON-APPLICABILITY OF RESTRICTIONS ON ESF DURING NATIONAL EMERGENCY.

(a) IN GENERAL.—During the period beginning on the date of enactment of this Act and ending on December 31, 2020, any guarantee established as a result of the application of subsection (a) shall—

(1) have a reasonable grace period to satisfy the capital and leverage requirements of section 5302(a)(1) of title 31, United States Code, for any funds that are used for the Treasury Money Market Funds Guaranty Program for the United States money market mutual fund industry to the extent a claim payment made exceeds the balance of fees collected by the fund.

(b) DIRECT APPROPRIATION.—Upon the expiration of the period on which subsection (a) applies, there is appropriated, out of amounts in the Treasury not otherwise appropriated, such sums as may be necessary to reimburse the Treasury for guarantee payments made under section 5302(a)(1) of title 31, United States Code, for any funds that are used for the Treasury Money Market Funds Guaranty Program for the United States money market mutual fund industry to the extent a claim payment made exceeds the balance of fees collected by the fund.
SEC. 4017. INCREASING ACCESS TO MATERIALS NECESSARY FOR NATIONAL SECURITY AND PANDEMIC RECOVERY.

Notwithstanding any other provision of law—

(1) during the 2-year period beginning on the date of enactment of this Act, the requiring description in sections 302(d)(1) and 303(e) of the Defense Production Act of 1950 (50 U.S.C. 4533(a)(6)(C), 4534(e)) shall not apply; and

(2) during the 1-year period beginning on the date of enactment of this Act, the requirements described in sections 302(d)(1) and 363(a)(6)(B) of the Defense Production Act of 1950 (50 U.S.C. 4533(d)(1), 4534(a)(6)(B)) shall not apply.

SEC. 4018. SPECIAL INSPECTOR GENERAL FOR PANDEMIC RECOVERY.

(a) OFFICE OF INSPECTOR GENERAL.—There is hereby established within the Department of the Treasury the Office of the Special Inspector General for Pandemic Recovery.

(b) APPOINTMENT OF INSPECTOR GENERAL; REMOVAL.—

(1) IN GENERAL.—The head of the Office of the Special Inspector General for Pandemic Recovery shall be the Special Inspector General for Pandemic Recovery (referred to in this section as the “Special Inspector General”), who shall be appointed by the President, by and with the advice and consent of the Senate.

(2) NOMINATION.—The nomination of the Special Inspector General shall be made on the basis of integrity and demonstrated ability in accounting, auditing, financial analysis, law, management analysis, public administration, or investigations. The nomination of an individual as Special Inspector General shall be made as soon as practicable after any loan, loan guarantee, or other investment made by the Secretary.

(3) REMOVAL.—The Special Inspector General shall be removable from office in accordance with the provisions of section 3(b) of the Inspector General Act of 1978 (5 U.S.C. App.).

(c) DUTIES.—

(1) IN GENERAL.—The head of the Office of the Special Inspector General shall have the authorities provided in section 6 of the Inspector General Act of 1978 (5 U.S.C. App.).

(2) TREATMENT OF OFFICE.—The Office of the Special Inspector General for Pandemic Recovery shall be considered to be an office described in section 6(f)(3) of the Inspector General Act of 1978 (5 U.S.C. App.) and shall not be exempt from an initial determination by the Attorney General under section 6(f)(2) of that Act.

(d) PERSONNEL, FACILITIES, AND OTHER RESOURCES.—

(1) APPOINTMENT OF OFFICERS AND EMPLOYEES.—The Special Inspector General may appoint, in accordance with section 5(c)(1) of the Inspector General Act of 1978 (5 U.S.C. App.), such officers and employees as may be necessary for carrying out the duties of the Special Inspector General.

(2) EXPERTS AND CONSULTANTS.—The Special Inspector General may enter into contracts and other arrangements for audits, studies, analyses, and other services with public agencies and with private persons, and make such payments as may be necessary to carry out the duties of the Inspector General.

(3) COSTS.—The Special Inspector General may enter into contracts and other arrangements for audits, studies, analyses, and other services with public agencies and with private persons, and make such payments as may be necessary to carry out the duties of the Inspector General.

(4) REQUESTS FOR INFORMATION.—

(A) IN GENERAL.—Upon request of the Special Inspector General for information or assistance from any department, agency, or other entity of the Federal Government, the head of that department, agency, or other entity shall, to the extent practicable and not in contravention of any existing law, furnish that information or assistance to the Special Inspector General.

(B) REFUSAL TO PROVIDE REQUESTED INFORMATION.—Whenever information or assistance requested by the Special Inspector General is held by a covered individual or entity, the Special Inspector General may make a written request to the covered individual or entity for such information or assistance.

(C) COVERED INDIVIDUAL.—The term “covered individual” means—

D a listing of, and detailed biographical information with respect to, each person hired to manage or service each loan, loan guarantee, or other investment made under section 4003.

E a current, as of the date on which the information is collected, estimate of the total amount of each loan, loan guarantee, or other investment made under section 4003 that is outstanding, the amount of interest and fees accrued and received with respect to each loan or loan guarantee, the total amount of all insured loans, the types and amount of collateral, if any, and any losses or gains, if any, recorded or accrued for each loan, loan guarantee, or other investment.

A report submitted under subparagraph (A) shall be considered by the Special Inspector General to carry out this section as the “Special Inspector General to carry out this section.”

H reporters shall be submitted to the appropriate committees of Congress a report summarizing the activities of the Special Inspector General during the 3-month period ending on the date on which the Special Inspector General submits the report.

B CONTENTS.—Each report submitted under subparagraph (A) shall include, for the period covered by the report, a detailed statement of all loans, loan guarantees, other transactions, obligations, expenditures, and revenues associated with any program established by the Secretary under section 4003, as well as the information collected under subsection (c)(1).

2 RULE OF CONSTRUCTION.—Nothing in this subsection may be construed to authorize the public disclosure of information that is—

A specifically prohibited from disclosure by any other provision of law;

B specifically required to be protected from disclosure in the interest of national defense or national security or in the conduct of foreign affairs; or

C is a part of an ongoing criminal investigation.

G FUNDING.—

(1) IN GENERAL.—Of the amounts made available to the Secretary under section 4027, $25,000,000 shall be made available to the Special Inspector General to carry out this section.

(2) AVAILABILITY.—The amounts made available to the Special Inspector General under paragraph (1) shall remain available until expended.

H TERMINATION.—The Office of the Special Inspector General shall terminate on the date 5 years after the enactment of this Act.


J REPORTING REQUIREMENTS.—The Special Inspector General shall—

(1) take action to address deficiencies identified by a report or investigation of the Special Inspector General or the head of an agency with respect to a deficiency identified under paragraph (1), certify to the Committee on Banking, Housing, and Urban Affairs of the Senate, the Committee on Financial Services of the House of Representatives, and the Committee on Ways and Means of the House of Representatives that no action is necessary or appropriate.

SEC. 4019. CONFLICTS OF INTEREST.

(a) DEFINITIONS.—In this section:

(1) CONTROLLING INTEREST.—The term “controlling interest” means owning, controlling, or holding not less than 20 percent, by vote or value, of the outstanding amount of any class of equity interest in an entity. A person who owns not less than 20 percent of an equity interest is a covered individual directly or indirectly holds a controlling interest. For the purpose of determining whether an individual (A) is a covered individual, the securities owned, controlled, or held by 2 or more individuals who are related as described in paragraph (3)(B) shall be aggregated.

(2) COVERED INDIVIDUAL.—The term “covered individual” means—
(A) the President, the Vice President, the head of an Executive department, or a Member of Congress; and
(B) the spouse, child, son-in-law, or daugh-
ter-in-law of any person described in subparagraph (A).

(2) REGULAR REPORTS.—
(A) conduct oversight of the implementa-
tion of this subtitle by the Department of the Treasury and the Board of Governors of the Federal Reserve System, including eff-
orts of the Department and the Board to provide economic stability as a result of the coronavirus disease 2019 (COVID-19) pand-
emic described in paragraph (1); and
(B) submit to Congress reports under para-
graph (2); and
(C) review the implementation of this sub-
title by the Federal Government.

(2) REGULAR REPORTS.—
(A) IN GENERAL.—Reports of the Oversight Commission shall include the following:
(1) the actions of the Secretary and the Board of Governors of the Federal Reserve System of the authority under this subtitle, including
(2) the impact of loans, loan guarantees, and investments made under this subtitle on the financial well-being of the people of the United States and the United States econ-
omy, financial markets, and financial instit-
tutions.
(3) the extent to which the information made available on transactions under this subtitle has contributed to market trans-
parency.
(4) the effectiveness of loans, loan guar-
antees, and investments made under this sub-
title of minimizing long-term costs to the
taxpayers and maximizing the benefits for taxpayers.
(B) TIMING.—The reports required under this paragraph shall be submitted not later than 60 days after enactment of this subsection by the Secretary and the Board of Governors of the Federal Reserve System of the authority under this subtitle and every 30 days there-
after.

(3) POWERS OF MEMBERS AND AGENTS.—Any member or agent of the Oversight Commiss-
ion may, if authorized by the Oversight Com-
mission, take any action which the Oversight Com-
mission is authorized to take by this section.

(4) OBTAINING OFFICIAL DATA.—The Over-
sight Commission may secure directly from any department or agency of the United States information necessary to enable it to carry out this section. Upon request of the Chairperson of the Oversight Commission, the head of that department or agency shall furnish that information to the Oversight Commission.

(5) FUNDING.—The Oversight Commission shall receive and consider all reports re-
quired to be submitted to the Oversight Commission under this subtitle.

(TERMINATION.—The Oversight Commission shall terminate on September 30, 2025.)
described in item (aa), report the credit obliga-
tion or account as current.

‘‘(iii) EXCEPTION.—Clause (ii) shall not apply
with respect to a credit obligation or account if
such consumer has that account charged-off.’’

SEC. 4022. FORECLOSURE MORATORIUM AND
CONSUMER RIGHT TO REQUEST FORBEARANCE.

(a) DEFINITIONS.—In this section:

(1) COVID–19 EMERGENCY.—The term ‘‘COVID–19 emergency’’ means the national emergency concerning the novel coronavirus disease (COVID–19) outbreak declared by the President on March 13, 2020 under the National Emergencies Act (50 U.S.C. 1601 et seq.).

(2) FEDERALLY BACKED MORTGAGE LOAN.—The term ‘‘Federally backed mortgage loan’’ includes a mortgage loan that—

(A) is secured by a first or subordinate lien on residential real property (including individual units of condominiums and cooperatives) designed principally for the occupancy of from 1 to 4 families that is—

(i) insured by the Federal Housing Administration under title II of the National Housing Act (12 U.S.C. 1707 et seq.);

(ii) insured under section 255 of the National Housing Act (12 U.S.C. 1715z–2);

(iii) section 181 or 184A of the Housing and Community Development Act of 1992 (12 U.S.C. 1715z–1a, 1715z–1b);

(iv) guaranteed or insured by the Department of Veterans Affairs;

(v) guaranteed or insured by the Department of Agriculture; or

(vi) made by the Department of Agriculture.

(B) has a—

(i) Federally backed multifamily mortgage loan; or

(ii) any multifamily mortgage loan described in item (aa), report the credit obligation or account as current.

(2) FEDERALLY BACKED MULTIFAMILY MORTGAGE LOANS.—The term ‘‘Federally backed multifamily mortgage loan’’ includes a mortgage loan that—

(A) is secured by a first or subordinate lien on residential multifamily property (including individual units of condominiums and cooperatives) designed principally for the occupancy of from 5 or more families, including any such secured loan, the proceeds of which are used to prepay or pay off an existing loan secured by the same property; and

(B) is insured by the Federal Housing Administration under title II of the National Housing Act (12 U.S.C. 1707 et seq.) or the Housing and Community Development Act (12 U.S.C. 1715z–2) or section 255 of the National Housing Act (12 U.S.C. 1715z–2).

SEC. 4023. FORBEARANCE OF RESIDENTIAL MORTGAGE LOAN PAYMENTS FOR MULTI-FAMILY PROPERTIES WITH FEDERALLY BACKED LOANS.

(a) IN GENERAL.—During the covered pe-
riod, a multifamily borrower with a Feder-
ally backed multifamily mortgage loan expe-
riencing a financial hardship due, directly or
indirectly, to the COVID–19 emergency may request a forbearance under the terms set forth in this section.

(b) REQUEST FOR RELIEF.—A multifamily 
borrower with a Federally backed multi-
family mortgage loan, at any time during the period beginning on March 18, 2020, may submit an oral or written request for forbearance under subsection (a) to the servicer affirming that the multifamily bor-
rrower is experiencing a financial hardship during the COVID–19 emergency.

(c) FORBEARANCE PERIOD.—(1) IN GENERAL.—Upon receipt of an oral or written request for forbearance from a multi-
family borrower, a servicer shall—

(A) document the financial hardship;

(B) provide the forbearance for up to 30 days; and

(C) extend the forbearance for up to 2 addi-
tional 30 days after the request of the 
borrower provided that, the borrower’s re-
quest for an extension is made during the 
covered period described under subparagraph (B).

(2) RIGHT TO DISCONTINUE.—A multifamily 
borrower shall have the option to dis-
continue the forbearance at any time.

(d) RENTER PROTECTIONS DURING FORBEAR-
ANCE PERIOD.—A multifamily borrower that 
receives a forbearance under this section may not, for the duration of the forbear-
ance—

(1) evict or initiate the eviction of a tenant from a dwelling unit located in or on the applic-
able property solely for nonpayment of rent or other fees or charges; or

(2) charge any late fees, penalties, or other 
charges to a tenant described in paragraph (1) for late payment of rent.

(e) NOTICE.—A multifamily borrower that 
receives a forbearance under this section—

(1) shall not require a tenant to vacate a 
dwelling unit located in or on the applicable 
property before the date that is 30 days after 
the date on which the borrower provides the 
tenant with a written notice; and

(2) may not issue a notice to vacate under 
paragraph (1) until after the expiration of the 
forbearance.

(f) DEFINITIONS.—In this section:

(1) APPLICABLE PROPERTY.—The term ‘‘ap-
icable property’’ has the same meaning as the term ‘‘Federally backed mortgage loan’’ in section 921(b)(1) of the Truth in Lending Act (15 U.S.C. 1639b(b)(1)), except that the term shall not include any property described in section 410 of the Truth in Lending Act (15 U.S.C. 1601c).

(2) A person is an owner of an applicable property, with respect to which the term ‘‘Federally backed mortgage loan’’ includes an applicable property, if the owner is the legal and equitable owner of the applicable property and, on the date of the notice under paragraph (1), the property is subject to the mortgage loan described in section 1117(b) of the Housing and Community Development Act (12 U.S.C. 1715z–1b).
program administered by any other such officer or agency, or is purchased or securitized by the Federal Home Loan Mortgage Corporation or the Federal National Mortgage Association.

(5) FEDERALLY BACKED MULTIFAMILY MORTGAGE LOAN.—The term ‘‘Federally backed multifamily mortgage loan’’ includes any loan or loan guarantee (or authority financing such as a construction loan) that—

(A) is secured by a first or subordinate lien on residential multifamily real property designed, principally for occupancy by more families, including any such secured loan, the proceeds of which are used to prepay or pay off an existing loan secured by the same property; and

(B) is made in whole or in part, or insured, guaranteed, supplemented, or assisted in any way, by any officer or agency of the Federal Government or under or in connection with a housing or urban development program administered by the Secretary of Housing and Urban Development or a housing or related program administered by any other such officer or agency, or is purchased or securitized by the Federal Home Loan Mortgage Corporation or the Federal National Mortgage Association.

(b) Moratorium.—During the 120-day period beginning on the date of enactment of this Act, the lessor of a covered dwelling may not—

(1) make, or cause to be made, any filing with the court of jurisdiction to initiate a legal action to recover possession of the covered dwelling from the tenant for nonpayment of rent or other fees or charges; or

(2) charge fees, penalties, or other charges to the tenant related to such nonpayment of rent.

(c) Notice.—The lessor of a covered dwelling unit—

(1) may not require the tenant to vacate the covered dwelling unit before the date that is 30 days after the date on which the lessor provides the tenant with a notice to vacate; and

(2) may not issue a notice to vacate under paragraph (1) until after the expiration of the period described in subsection (b).

SEC. 4025. PROTECTION OF COLLECTIVE BARGAINING AGREEMENT.

(a) In General.—Neither the Secretary, nor any other actor, department, or agency of the Federal Government, shall condition the issuance of a loan or loan guarantee under paragraph (1), (2), or (3) of section 4003(b) of this subtitle on the existence of a valid and enforceable collective bargaining agreement.

(b) Period of Effect.—With respect to an air carrier or eligible business to which the loan or loan guarantee is provided under this section, the period shall be in effect with respect to the air carrier or eligible business beginning on the date on which the air carrier or eligible business is first issued such loan or guarantee and ending on the date that is 1 year after the loan or loan guarantee is no longer outstanding.

SEC. 4026. REPORTS.

(a) Disclosure of Transactions.—Not later than 72 hours after any transaction by the Secretary under paragraph (1), (2), or (3) of section 4003(b), the Secretary shall publish on the website of the Department of the Treasury—

(1) a plain-language description of the transaction, including the date of application approval, and identity of the counterparty;

(2) the amount of the loan or loan guarantee;

(3) the interest rate, conditions, and any other material or financial terms associated with the transaction, if applicable; and

(4) a copy of the relevant and final term sheet and any contract or other relevant documentation regarding the transaction.

(b) Reports.—

(1) To Congress.—

(A) IN GENERAL.—In addition to such reports as are required under section 5302(c) of title 31, United States Code, not later than 7 days after the Secretary makes any loan or loan guarantee under paragraph (1), (2), or (3) of section 4003(b), the Secretary shall submit to the Chairman and Ranking Members of the Committee on Banking, Housing, and Urban Affairs and the Committee on Finance of the Senate and the Chairmen and Ranking Members of the Committee on Financial Services and the Committee on Ways and Means of the House of Representatives a report summarizing—

(I) an overview of actions taken by the Secretary under paragraph (1), (2) or (3) of section 4003(b) during such period;

(II) the actual obligations, expenditure, and disbursements of the funds during such period; and

(III) a detailed financial statement with respect to the authority under paragraph (1), (2) or (3) of section 4003(b) showing—

(I) all loans and loan guarantees made, renewed, or restored;

(II) all transactions during such period, including the types of parties involved;

(III) the nature of the assets purchased;

(IV) a description of the vehicles established to exercise such authority; and

(V) any or all repayment activity, delinquencies or defaults on loans and loan guarantees issued under paragraph (1), (2) or (3) of section 4003(b).

(B) Publication.—Not later than 7 days after the date on which the Secretary submits a report under subparagraph (A) to the committees of Congress described in such subparagraph, the Secretary shall publish such report on the website of the Department of the Treasury.

(c) Study.—The Comptroller General of the United States shall conduct a study to examine whether the loans, loan guarantees, and other investments made under section 4003 are outstanding, the Comptroller General shall submit to the Committee on Financial Services, the Committee on Transportation and Infrastructure, the Committee on Appropriations, and the Committee on the Budget of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs, the Committee on Commerce, Science, and Transportation, the Committee on Appropriations, and the Committee on the Budget of the Senate a report on the loans, loan guarantees, and other investments made under section 4003.

SEC. 4027. DIRECT APPROPRIATION.

(a) In General.—Notwithstanding any other provision of law, there is appropriated, out of amounts in the Treasury not otherwise appropriated, to the fund established under section 5302(a)(1) of title 31, United States Code, $500,000,000,000 to carry out this subtitle.

(b) Technical and Conforming Amendment.—Section 5302(a) of title 31, United States Code, is amended—

(1) by striking ‘‘and’’ before ‘‘section 3’’; and

(2) by inserting ‘‘and the Coronavirus Economic Stabilization Act of 2020’’ before ‘‘and for investing’’.

(c) Clarification.—

(1) In General.—On or after January 1, 2021, any remaining funds made available under section 4003(b) not otherwise appropriated to the fund established under section 5302(a)(1) of title 31, United States Code, are transferred to—

(A) modifications, restructurings, or other amendments of loans, loan guarantees, or other investments made in accordance with section 4003(b)(1); and

(B) exercising any options, warrants, or other investments made prior to January 1, 2021.

(2) Paying Costs and Administrative Expenses.—The costs and administrative expenses as provided in section 4003(f).

(3) Deficit Reduction.—On January 1, 2026, any amounts described in paragraph (1) that are remaining will be transferred to the general fund of the Treasury to be used for deficit reduction.

SEC. 4028. RULE OF CONSTRUCTION.

Nothing in this subtitle shall be construed to allow the Secretary to provide relief to ineligible businesses, States, and municipalities.
except in the form of loans, loan guarantees, and other investments as provided in this subtitle and under terms and conditions that are in the interest of the Federal Government.

SEC. 4029. TERMINATION OF AUTHORITY.
(a) IN GENERAL.—Except as provided in subsection (b), on December 31, 2020, the authority under this subtitle to make new loans, loan guarantees, or other investments shall terminate.
(b) OUTSTANDING.—(1) GENERAL.—Except as provided in paragraph (2), any loan, loan guarantee, or other investment outstanding on the date described in subsection (a) shall expire.
(2) MODIFICATION.—The duration of any loan or loan guarantee made under section 4003(b)(1) that is modified, restructured, or otherwise amended shall extend more than 5 years from the initial origination date of the loan or loan guarantee.

Subtitle B—Air Carrier Worker Support

SEC. 4111. DEFINITIONS.
Unless otherwise specified, the terms in section 40102(a) of title 49, United States Code, shall apply to this subtitle, except that—
(1) the term “airline catering employee” means an employee who performs airline catering services;
(2) the term “airline catering services” means preparation, assembly, or both, of food, beverages, provisions, and related supplies for delivery, and the delivery of such items, directly to aircraft or to a location on or near airport property for subsequent delivery to aircraft;
(3) the term “contractor” means—
(A) a person that performs, under contract with a carrier or contractor which exceeds, twice the total compensation which exceeds, an employee whose compensation is determined through an existing collective bargaining agreement;
(B) an affiliate of the air carrier or contractor that is listed on a national securities exchange; or
(C) a person, entity, or entity that has an interest in any transaction, purchase an equity security of the air carrier or contractor or the parent company of the air carrier or contractor that is listed on a national securities exchange;
(4) paragraph (2) will receive from the air carrier or contractor which exceeds, twice the total compensation which exceeds, the total compensation which exceeds, an individual who is employed by an air carrier or a contractor, or
(5) the term “Secretary” means the Secretary of the Treasury.

SEC. 4112. PROCEDURES FOR PROVIDING PAY-ROLL SUPPORT.
(a) AWARDEE AMOUNTS.—The Secretary shall provide financial assistance under this subtitle—
(1) to an air carrier in an amount equal to the sum of—
(A) wages, salaries, and benefits of all passengers and crew salaries, wages, and benefits paid by the air carrier to the Department of Transportation pursuant to part 241 of title 14, Code of Federal Regulations, for the period from April 1, 2019, through September 30, 2019; and
(B) the total compensation paid by the air carrier to the Department of Transportation pursuant to paragraph (2), in an amount that the Secretary, using sworn financial statements or other appropriate data, as the amount of wages, salaries, benefits, and other compensation that such air carrier paid the employees of such air carrier during the period from April 1, 2019, through September 30, 2019; and
(2) to a contractor, in an amount that the contractor certifies, using sworn financial statements or other appropriate data, as the amount of wages, salaries, benefits, and other compensation that such contractor paid the employees of such contractor during the period from April 1, 2019, through September 30, 2019; and
(b) MODIFICATION.—The duration of any loan or loan guarantee made under section 4003(b)(1) that is modified, restructured, or otherwise amended under paragraph (1) shall not be extended beyond 5 years from the initial origination date of the loan or loan guarantee.

CONGRESSIONAL RECORD—SENATE
maximum total compensation received by the officer or employee from the air carrier or contractor in calendar year 2019; and
(3) no officer or employee of the eligible business of Columbia exceeded $3,000,000 in calendar year 2019 may receive during any 12 consecutive months of such period total compensation in excess of the sum of—
(A) $3,000,000; and
(B) 50 percent of the excess over $3,000,000 of the total compensation received by the officer or employee from the eligible business in calendar year 2019.
(b) Total Compensation Defined.—In this section, the term ‘total compensation’ includes salary, bonuses, awards of stock, and other financial benefits provided by an air carrier or contractor to an officer or employee of the air carrier or contractor.
SEC. 4117. TAX PAYER PROTECTION.
The Secretary may receive warrants, options, preferred stock, debt securities, notes, or other financial instruments issued by reipients of financial assistance under this subtitle which, in the sole determination of the Secretary, provide appropriate compensation to the Federal Government for the provision of financial assistance.  
SEC. 4118. REPORTS.
(a) Report.—Not later than November 1, 2020, the Secretary shall submit to the Committee on Banking, Housing, and Urban Affairs of the Senate a report on the financial assistance provided to air carriers and contractors under this subtitle, including a description of any financial assistance provided.
(b) Update.—Not later than the last day of the 1-year period following the date of enactment of this section, the Secretary shall update and submit to the Committee on Transportation and the Committee on Financial Services and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation and the Committee on Banking, Housing, and Urban Affairs of the Senate the report described in subsection (a).
SEC. 4119. COORDINATION.
In implementing this subtitle the Secretary shall coordinate with the Secretary of Transportation.
SEC. 4120. DIRECT APPROPRIATION.
Notwithstanding any other provision of law, there is appropriated, out of amounts in the Treasury not otherwise appropriated, $32,000,000,000 to carry out this subtitle.

TITLE V—CORONAVIRUS RELIEF FUNDS
SEC. 5001. CORONAVIRUS RELIEF FUNDS.
(a) In General.—Out of any money in the Treasury of the United States not otherwise appropriated, there is appropriated $8,000,000,000 for fiscal year 2020 to carry out this subtitle.

(b) Authority to Make Payments.—
(1) In General.—Subject to paragraph (2), the Secretary shall make payments to States, tribal government, and unit of local government under this subsection, in the amount determined by the Secretary for fiscal year 2020, to a State or tribal government, or unit of local government, for meeting the conditions and requirements under this section for fiscal year 2020 to a State that is the District of Columbia or a territory specified in subsection (a)(2)(A).  
(2) Amounts for States, Tribal Government, and Units of Local Government.—If a State submits the certification required by subsection (e) for purposes of receiving a payment under this subsection, the amount determined in subsection (a)(1) shall be the amount equal to the relative State population proportion amount determined for the State under paragraph (3) for such fiscal year.

(1) In General.—Subject to paragraph (2), the amount under this section for fiscal year 2020 to a State that is the District of Columbia or a territory specified in subsection (a)(2)(A) shall be the amount equal to—
(A) 45 percent of the amount of the payment for the State under paragraph (3) for fiscal year 2019; and
(B) the amount set aside under subsection (a)(2)(A) for such fiscal year and
(C) the amount set aside under subsection (a)(2)(A) for such fiscal year.

(2) Amounts for States, Tribal Government, and Units of Local Government.—If a State submits the certification required by subsection (e) for purposes of receiving a payment under this subsection, the amount determined in subsection (a)(1) shall be the amount equal to the relative State population proportion amount determined for the State under paragraph (3) for such fiscal year.

(1) Minimum Payment.—
(A) In General.—No State that is 1 of the 50 States shall receive a payment under this section for fiscal year 2020 that is less than $1,250,000,000.
(B) Pro Rata Adjustments.—The Secretary shall adjust the payments on a pro rata basis the amount of the payments for each of the 50 States determined under this paragraph without regard to this subparagraph to the extent necessary to comply with the requirements of subparagraph (A).

(3) Relative State Population Proportion Amount.—For purposes of paragraph (1), the relative population proportion amount determined under this paragraph for a State for fiscal year 2020 is the product of—
(A) the amount appropriated under paragraph (1) of subsection (a) for fiscal year 2020 that remains after the application of paragraph (2) of that subsection and
(B) the relative State population proportion (as defined in paragraph (4)).

(4) Relative State Population Proportion Determination.—For purposes of this paragraph, the term ‘relative State population proportion’ means, with respect to a State, the quotient of—
(A) the population of the State; and
(B) the total population of all States (excluding the District of Columbia and territories specified in subsection (a)(2)(A)).

(2) Amounts for Local Governments.—(A) The relative unit of local government proportion amount determined for a unit of local government that—
(1) are necessary expenditures incurred during any 12 consecutive months of such period
(2) are necessary expenditures incurred due to the Coronavirus Disease 2019 (COVID-19); and
(3) are incurred during the period that begins on March 1, 2020, and ends on December 30, 2020.

(1) Certification.—In order to receive a payment under this subsection, a unit of local government shall provide the Secretary with a certification signed by the Chief Executive of the unit of local government that the payment is necessary expenditures incurred due to the Coronavirus Disease 2019 (COVID-19).

(2) Recoupment.—If the Inspector General of the Department of the Treasury determines that a State, tribal government, or unit of local government has failed to comply with subsection (d), the amount equal to the amount of funds used in violation of such subsection shall be booked as a debt of such entity owed to the Federal Government. Amounts recovered under this subsection shall be deposited into the general fund of the Treasury.

(3) Appropriation.—Out of any money in the Treasury of the United States not otherwise appropriated, there is appropriated to the Inspector General of the Department of the Treasury, $35,000,000 to carry out oversight and recoupment activities under this subsection. Amounts appropriated under the preceding sentence shall remain available until expended.

(4) Authority of Inspector General.—Nothing in this subsection shall be construed to diminish the authority of the Inspector General, including such authority as provided in the Inspector General Act of 1978 (5 U.S.C. App.).

(5) Definitions.—In this section—
(A) Indian Tribe.—The term ‘Indian Tribe’ has the meaning given that term in section
DIVISION B—EMERGENCY APPROPRIATIONS FOR CORONAVIRUS HEALTH RESPONSE AND AGENCY OPERATIONS

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

TITLE I
AGRICULTURAL PROGRAMS

OFFICE OF THE SECRETARY

For an additional amount for “Office of the Secretary”, $9,500,000,000, to remain available until expended, to prevent, prepare for, and respond to coronavirus by providing disaster assistance to farmers impacted by coronavirus, including producers of specialty crops, producers that supply local food systems, including farmers markets, restaurants, and schools, and livestock producers, including dairy producers: 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.

OFFICE OF INSPECTOR GENERAL

For an additional amount for “Office of Inspector General”—$45,000,000, to remain available until September 30, 2021, to prevent, prepare for, and respond to coronavirus, domestically or internationally: Provided, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

FOOD SAFETY AND INSPECTION SERVICE

For an additional amount for “Food Safety and Inspection Service”, $65,000,000, to remain available until September 30, 2021, to prevent, prepare for, and respond to coronavirus, domestically or internationally, including necessary expenses for salary costs associated with the Agriculture Quarantine and Inspection Program: 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.

AGRICULTURAL MARKETING SERVICE

MARKETING SERVICES

For an additional amount for “Marketing Services”, $45,000,000, to remain available until September 30, 2021, to prevent, prepare for, and respond to coronavirus, domestically or internationally, including necessary expenses for salary costs associated with commodity grading, inspection, and audit activities: 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.

FOOD SAFETY AND INSPECTION SERVICE

For an additional amount for “Food Safety and Inspection Service”$, $3,000,000,000, to remain available until September 30, 2021, to prevent, prepare for, and respond to coronavirus, domestically or internationally: Provided, That of the amount provided under this heading in this Act that 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.

RURAL DEVELOPMENT PROGRAMS
RURAL BUSINESS—COOPERATIVE SERVICE

For an additional amount for “Rural Business Program Account”, $20,500,000, to remain available until September 30, 2021, to prevent, prepare for, and respond to coronavirus, domestically or internationally: Provided, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

DOMESTIC FOOD PROGRAMS
FOOD AND NUTRITION SERVICE

CHILD NUTRITION PROGRAMS

For an additional amount for “Child Nutrition Programs”, $3,800,000,000, to remain available until September 30, 2021, to prevent, prepare for, and respond to coronavirus, domestically or internationally: Provided, That of the amount provided under this heading in this Act that 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.

SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM

For an additional amount for “Supplemental Nutrition Assistance Program”, $15,810,000,000, to remain available until September 30, 2021, to prevent, prepare for, and respond to coronavirus, domestically or internationally: Provided, That of the amount provided under this heading in this Act that 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.
heading in this Act, $100,000,000 shall be for the food distribution program on Indian reservations program as authorized by Section 4(b) of the Food and Nutrition Act of 2008 (7 U.S.C. 790h-3) and Section 4(a) of the Agriculture and Consumer Protection Act of 1973 (7 U.S.C. 1431) to prevent, prepare for, and respond to coronavirus, of which $50,000,000 shall be for competitive grants for facility improvements and equipment upgrades and of which $50,000,000 shall be for the costs relating to additional food purchases: Provided further. That the amount provided under this heading in this Act, $200,000,000 to remain available through September 30, 2021, shall be available for the Secretary of Agriculture to provide grants to the Commonwealth of the Northern Mariana Islands, Puerto Rico, and American Samoa for nutrition assistance to prevent, prepare for, and respond to coronavirus, domestically or internationally: 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.

COMMUNITY ASSISTANCE PROGRAM

For an additional amount for “Community Assistance Program”, $450,000,000, to remain available through September 30, 2021, to prevent, prepare for, and respond to coronavirus, domestically or internationally, for the emergency food assistance program as authorized by section 27(a) of the Food and Nutrition Act of 2008 (7 U.S.C. 2013) and section 294(a)(1) of the Emergency Food Assistance Act of 1985 (7 U.S.C. 2013a): Provided, That of the funds made available, the Secretary may use up to $150,000,000 for costs associated with the distribution of commodities: 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.

FOREIGN ASSISTANCE AND RELATED PROGRAMS

FOREIGN AGRICULTURAL SERVICE

SALARIES AND EXPENSES

For an additional amount for “Salaries and Expenses”, $4,000,000, to remain available until September 30, 2021, to prevent, prepare for, and respond to coronavirus, domestically or internationally, including funds otherwise made available for such purpose, not more than 3 percent may be used for administrative costs to carry out loan, guarantee, and grant activities that the Secretary determines to be necessary to prevent, prepare for, and respond to coronavirus, domestically or internationally: Provided, That such funds shall be transferred to, and merged with, the appropriate accounts for “Salaries and Expenses” and, once transferred, shall be used only to prevent, prepare for, and respond to coronavirus, domestically or internationally: Provided further, that this transfer authority is in addition to any other transfer authority provided by law.

COMMUNITY CREDIT CORPORATION

REIMBURSEMENT OF PRESENT NET REALIZED LOSSES

SEC. 11002. Of the amounts provided in the Further Consolidated Appropriations Act, 2020 (Public Law 116–94) under the heading “Emergency Coronavirus Program—Reimbursement of Present Net Realized Losses”, $14,000,000,000, may be used, prior to the completion of the report described in 15 U.S.C. 713a–11, to reimburse the Community Credit Corporation, but not previously reimbursed, as reflected in the June 2020 report of its financial condition: 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.

SEC. 11003. The Secretary may extend the term of a marketing assistance loan authorized by section 1201 of the Agricultural Act of 2014 (7 U.S.C. 9033) for any loan commodity account, that competitive service employees with competitive status are considered for transfer, reassignment, or promotion to such positions, and that the authority is extended in the manner that competitive service employees with competitive status are considered for transfer, reassignment, or promotion to such positions: Provided further. That within the amount appropriated under this heading in this Act, $5,000,000 shall be transferred to the “Office of Inspector General” account for carrying out investigations and activities related to the protected funding to prevent, prepare for, and respond to coronavirus, domestically and internationally, including the continuity of operations, including measurement science to support viral testing and biomanufacturing: 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.

NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY

SCIENTIFIC AND TECHNICAL RESEARCH AND SERVICES

For an additional amount for “Scientific and Technical Research and Services”, $6,000,000, to remain available until September 30, 2021, to prevent, prepare for, and respond to coronavirus, domestically or internationally, by supporting continuity of operations, including measurement science to support viral testing and biomanufacturing: 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.
shall be for the Hollings Manufacturing Extension Partnership to assist manufacturers to prevent, prepare for, and respond to coronavirus and $10,000,000 shall be for the National Network for Manufacturing Innovation (also known as "Manufacturing USA") to prevent, prepare for, and respond to coronavirus, including to support development of medical countermeasures and biomedical equipment and supplies: Provided further, That none of the funds provided under this heading in this Act shall be subject to cost share requirements under this heading in 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.

FEDERAL BUREAU OF INVESTIGATION SALARIES AND EXPENSES

For an additional amount for "Federal Bureau of Investigation, Salaries and Expenses", $15,000,000, to prevent, prepare for, and respond to coronavirus, domestically or internationally, including the impact of coronavirus on the work of the Department of Justice: 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.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

For an additional amount for "Space, Science and Mission Services", $75,000,000, to remain available until September 30, 2021, to prevent, prepare for, and respond to coronavirus, domestically or internationally, including to fund research grants and other necessary expenses: 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.

SCIENCE NATIONAL AERONAUTICS AND SPACE ADMINISTRATION SAFETY, SECURITY AND MISSION SERVICES

For an additional amount for "Safety, Security and Mission Services", $10,000,000, to remain available until September 30, 2021, to prevent, prepare for, and respond to coronavirus, domestically or internationally, including to fund research grants and other necessary expenses: 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.

FEDERAL BUREAU OF INVESTIGATION SALARIES AND EXPENSES

For an additional amount for "Federal Bureau of Investigation, Salaries and Expenses", $20,000,000, to remain available until September 30, 2021, to prevent, prepare for, and respond to coronavirus, domestically or internationally, including the impact of coronavirus on the work of the Department of Justice: 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.

DRUG ENFORCEMENT ADMINISTRATION SALARIES AND EXPENSES

For an additional amount for "Drug Enforcement Administration, Salaries and Expenses", $15,000,000, to prevent, prepare for, and respond to coronavirus, domestically or internationally, including the impact of coronavirus on the work of the Department of Justice: 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.

FEDERAL PRISON SYSTEM SALARIES AND EXPENSES

For an additional amount for "Federal Prison System, Salaries and Expenses", $100,000,000, to prevent, prepare for, and respond to coronavirus, domestically or internationally, including the impact of coronavirus on the work of the Department of Justice: 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.

STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE

For an additional amount for "State and Local Law Enforcement Assistance", $850,000,000, to remain available until expended, to prevent, prepare for, and respond to coronavirus, domestically or internationally, to be awarded pursuant to the formula allocation (adjusted in proportion to the relative amounts statutorily designated therefor) that was used in fiscal year 2019 for the Edward Byrne Memorial Justice Assistance Grant program as authorized by subpart 1 of part C of title II of the Omnibus Crime Control and Safe Streets Acts of 1968 ("1968 Act"): Provided, That the allocation provisions under sections 505(a) through (e) and the special rule for Puerto Rico under subsection 505(g), and section 1001(c), of the 1968 Act, shall not apply to the amount provided under this heading in this Act: Provided further, that awards hereunder, shall not be subject to restrictions or special conditions that are the same as (or substantially similar to) those, imposed on awards under such sections or the 1968 Act, and shall not interfere with Federal law enforcement: 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.

GENERAL PROVISIONS—THIS TITLE

For an additional amount for "SALARIES AND EXPENSES", $15,000,000, to prevent, prepare for, and respond to coronavirus, domestically or internationally, including the impact of coronavirus on the work of the Department of Justice: 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.

LEGAL SERVICES CORPORATION PAYMENT TO THE LEGAL SERVICES CORPORATION

For an additional amount for "Payment to the Legal Services Corporation", $50,000,000, to prevent, prepare for, and respond to coronavirus, domestically or internationally: Provided, That none of the funds appropriated under this heading in this Act to the Legal Services Corporation shall be expended for any purpose prohibited or limited by, or contrary to any of the provisions of, sections 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, and 517 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (Public Law 90–351), as amended, or any of the provisions of the Omnibus Crime Control and Safe Streets Act of 1984 (Public Law 98–473) as amended by Public Law 100–76, as well as any other necessary expenses: 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.
that also receives funding from a State that is conditioned upon the application of a Federal cost sharing requirement.

SEC. 12002. (a) Funds appropriated in this title for the National Science Foundation may be made available to restore amounts, either directly or through reimbursement, for obligations incurred by the National Science Foundation in support of other necessary expenses to prevent, prepare for, and respond to coronavirus, domestically or internationally, prior to the date of enactment of this Act.

(b) Grants or cooperative agreements made by the National Science Foundation under this title, to carry out research grants and other assistance, including grants to institutions of higher education and other nonprofit entities, to prevent, prepare for, and respond to coronavirus, domestically or internationally, shall include amounts to reimburse costs for these purposes incurred between January 20, 2020, and the date of issuance of such grants or agreements.

BUREAU OF PRISONS

SEC. 12003. (a) DEFINITIONS.—In this section—

(1) the term ‘‘Bureau’’ means the Bureau of Prisons;

(2) the term ‘‘covered emergency period’’ means the period beginning on the date on which the President declared a national emergency under the National Emergencies Act (50 U.S.C. 1601 et seq.) with respect to the Coronavirus Disease 2019 (COVID-19) and ending 30 days after the date on which the President declares that the national emergency declaration terminates; and

(3) the term ‘‘Secretary’’ means the Secretary of Health and Human Services.

(b) SUPPLY OF PERSONAL PROTECTIVE EQUIPMENT AND TEST KITS TO BUREAU OF PRISONS.—

(1) PERSONAL PROTECTIVE EQUIPMENT AND TEST KITS.—

(A) FINDINGS.—Congress finds the following:

(i) There is an urgent need for personal protective equipment and test kits to the Bureau based on the density of the inmate population, the high traffic, the high volume of inmates, the high rate of turnover of inmates and personnel, and the number of high-security areas, within the facilities of the Bureau.

(ii) The inability of the Bureau to secure the purchase of infectious disease personal protective equipment and related supplies now as an urgent matter poses a vulnerability.

(iii) The Bureau is currently competing in and engaging the same landscape of vendors as all other Federal agencies and private entities.

(iv) The ability of the Bureau to purchase needed equipment and supplies is currently subject to an individual manufacturer’s specific recognition of the Bureau as a priority and subsequent allocation of the inventory of the manufacturer to the Bureau.

(B) CONSIDERATION.—The Secretary shallappropriate, relative to other priorities of the Department of Health and Human Services for high-risk and high-need populations, the distribution of infectious disease personal protective equipment and COVID-19 test kits to the Bureau for use by inmates and personnel of the Bureau.

(2) HOME CONFINEMENT AUTHORITY.—During the covered emergency period, if the Attorney General finds that emergency conditions will materially affect the functioning of the Bureau, the Director of the Bureau may lengthen the maximum amount of time for which the Director is authorized to place a prisoner in home confinement under the first sentence of section 3624(c)(2) of title 18, United States Code, as the Director determines appropriate.

(c) VIDEO VISITATION.—

(1) IN GENERAL.—During the covered emergency period, if the Attorney General finds that emergency conditions will materially affect the functioning of the Bureau, the Director of the Bureau may exercise the period for which the Director is authorized to place a prisoner in home confinement under the first sentence of section 3624(c)(2) of title 18, United States Code, as the Director determines appropriate.

(2) APPLICABILITY.—In this section—

(a) the authorities provided under this section are not intended to be construed as limiting other statutory authority of the Director to grant relief regarding filings or deadlines.

(b) DEFINITIONS.—In this section:

(1) DIRECTOR.—The term ‘‘Director’’ means the Under Secretary of Commerce for Intellectual Property and Director of the United States Patent and Trademark Office.

(2) TRADEMARK ACT.—The term ‘‘Trademark Act’’ means the Act entitled ‘‘An Act to provide for the registration and protection of trademarks used in commerce, to carry out the provisions of certain international conventions, and for other purposes’’, approved July 5, 1946 (15 U.S.C. 1051 et seq.).

(3) TRADEMARKS.—The term ‘‘trademarks’’ includes direct relief payments.

(4) EMERGENCY REQUIREMENT.—The amount provided by this section 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.

ASSISTANCE TO FISHERY PARTICIPANTS

SEC. 12005. (a) IN GENERAL.—The Secretary of Commerce is authorized to provide assistance to Tribal, subsistence, commercial, and charter fishery participants affected by the novel coronavirus (COVID–19), which may include direct relief payments.

(b) FISHERY PARTICIPANTS.—For the purposes of this section, ‘‘fishery participants’’ include Tribes, persons, fishing communities, aquaculture businesses not otherwise eligible for assistance under title 7 of the Code of Federal Regulations for losses related to COVID–19, processors, or other fishery-related businesses, who have incurred as a direct or indirect result of the coronavirus pandemic—

(1) economic revenue losses greater than 35 percent as compared to the prior 5-year average revenue;

(2) any negative impacts to subsistence, cultural, or ceremonial fisheries.

(c) ROLLING BASIS.—Funds may be awarded under this section on a rolling basis, and within a fishing season, to ensure rapid delivery of funds during the COVID–19 pandemic.

(d) APPROPRIATIONS.—In addition to funds that are otherwise made available to assist fishery participants under this Act, there are appropriated, $300,000,000, to remain available until September 30, 2021, to carry out this section, of which up to 2 percent may be used for administration and oversight activities.

(e) EMERGENCY REQUIREMENT.—The amount provided by this section 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.

TITLE III

DEPARTMENT OF DEFENSE

MILITARY PERSONNEL

NATIONAL GUARD PERSONNEL, ARMY

For an additional amount for ‘‘National Guard Personnel, Army’’, $746,591,000, 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.

NATIONAL GUARD PERSONNEL, AIR FORCE

For an additional amount for ‘‘National Guard Personnel, Air Force’’, $862,125,000, 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.
OPERATION AND MAINTENANCE, ARMY

For an additional amount for “Operation and Maintenance, Army”, $48,000,000, 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.

OPERATION AND MAINTENANCE, NAVY

For an additional amount for “Operation and Maintenance, Navy”, $360,308,000, 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.

OPERATION AND MAINTENANCE, MARINE CORPS

For an additional amount for “Operation and Maintenance, Marine Corps”, $90,000,000, 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.

OPERATION AND MAINTENANCE, AIR FORCE

For an additional amount for “Operation and Maintenance, Air Force”, $155,000,000, 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.

OPERATION AND MAINTENANCE, ARMY RESERVE

For an additional amount for “Operation and Maintenance, Army Reserve”, $48,000,000, 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.

OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD

For an additional amount for “Operation and Maintenance, Army National Guard”, $186,869,000, 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.

OPERATION AND MAINTENANCE, AIR NATIONAL GUARD

For an additional amount for “Operation and Maintenance, Air National Guard”, $75,754,000, 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.

PROCUREMENT

DEFENSE PRODUCTION ACT PURCHASES

For an additional amount for “Defense Production Act Purchases”, $1,000,000,000, to remain available until expended, to prevent, prepare for, and respond to coronavirus, domestically or internationally: Provided, That for the two-year period beginning with the date of enactment of this Act, the requirement to provide funds pursuant to section 302(c)(1) of Public Law 81-774, shall be waived: 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.

REVOLVING AND MANAGEMENT FUNDS

DEFENSE WORKING CAPITAL FUNDS

For an additional amount for Defense Working Capital Funds, $1,450,000,000, to prevent, position, prepare for, and respond to coronavirus, domestically or internationally: Provided, That of the amount provided under this heading, $475,000,000 shall be for the Navy Working Capital Fund, $475,000,000 shall be for the Air Force Working Capital Fund, and $500,000,000 shall be for the Army Working Capital Fund: 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.

OTHER DEPARTMENT OF DEFENSE PROGRAMS

DEFENSE HEALTH PROGRAM

For an additional amount for “Defense Health Program”, $3,805,600,000, of which $3,390,600,000 shall be for operation and maintenance, and $415,000,000 shall be for research, development, testing, and evaluation, to remain available until September 30, 2021, to prevent, prepare for, and respond to coronavirus, domestically or internationally: Provided, That one percent of funding for operation and maintenance made available under this heading in Public Law 116-93 shall remain available for obligations incurred until September 30, 2021: 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.

OFFICE OF THE INSPECTOR GENERAL

For an additional amount for “Office of the Inspector General”, $20,000,000, to prevent, prepare for, and respond to coronavirus, domestically or internationally: Provided, That the funding made available under this heading in this Act shall be used for conducting audits and investigations of projects and activities funded with funds made available in this Act to the Department of Defense to prevent, prepare for, and respond to coronavirus, domestically or internationally: 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.

GENERAL PROVISIONS—THIS TITLE

SNC. 13001. Funds appropriated by this title may be transferred to, and merged with, other applicable appropriations of the Department of Defense or the Defense Working Capital Fund for the prevention and response 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.
committees a notice on the carrying out of such transaction as soon as is practicable after the commencement of the carrying out of such transaction.

(3) In this subsection, the term “congressional defense committees” has the meaning given such term in section 101(a)(16) of title 10, United States Code.

SEC. 13007. (a) The President may extend the appointment of the Chief of Army Reserve as prescribed in section 7038(c) of title 10, United States Code, for the incumbent in that position as of the date of enactment of this Act until the date of the appointment of the successor to such incumbent, notwithstanding any limitation otherwise imposed on such term by section 8083(c).

(b) The President may extend the appointment of the Chief of Navy Reserve as prescribed in section 8088(c) of title 10, United States Code, for the incumbent in that position as of the date of the enactment of this Act until the date of the appointment of the successor to such incumbent, notwithstanding any limitation otherwise imposed on such term by section 8083(c).

(c) The President may extend the appointment of the Chief of Staff of the Air Force prescribed in section 10503(a)(1) of title 10, United States Code, for the incumbent in that position as of the date of the enactment of this Act until the date of the appointment of the successor to such incumbent, notwithstanding any limitation otherwise imposed on such term by section 10503(a)(1).

(d) The President may extend the appointment of the Chief of Space Operations, as prescribed in section 9082(a)(2) of title 10, United States Code, for the incumbent in that position as of the date of the enactment of this Act until the date of the appointment of the successor to such incumbent, notwithstanding any limitation otherwise imposed on such term by section 9082(a)(2).

(e) The President may extend the appointment of the Chief of the National Guard Bureau as prescribed in section 10502(b) of title 10, United States Code, for the incumbent in that position as of the date of the enactment of this Act until the date of the appointment of the successor to such incumbent, notwithstanding any limitation otherwise imposed on such term by section 10502(b).

(f) The President may extend the appointment of Director, Army National Guard and Director, Air National Guard as prescribed in section 10506(a)(3)(D) of title 10, United States Code, for the incumbent in that position as of the date of the enactment of this Act until the date of the appointment of the successor to such incumbent, notwithstanding any limitation otherwise imposed on such term by section 10506(a)(3)(D).

(g) Notwithstanding paragraph (4) of section 10505(a) of title 10, United States Code, the Secretary of Defense may waive the limitations in paragraphs (2) and (3) of that section for a period not more than 270 days.

(b)(1) The President may delegate the exercise of the authorities in subsections (a) through (f) to the Secretary of Defense.

(2) The Secretary of Defense may redelegated the exercise of any authority delegated to the Secretary pursuant to paragraph (1), and may not delegate the exercise of the authority in subsection (g).

TITLE IV
CORPS OF ENGINEERS—CIVIL DEPARTMENT OF THE ARMY
OPERATION AND MAINTENANCE

For an additional amount for “Operation and Maintenance”, $50,000,000, to remain available until September 30, 2021, to prevent, prepare for, and respond to coronavirus, domestically or internationally: Provided, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

For an additional amount for “Expenses”, $3,300,000, to remain available until September 30, 2021, to prevent, prepare for, and respond to coronavirus, domestically or internationally: Provided, That, notwithstanding 42 U.S.C. 2214, such amount shall be derived from fee revenue: 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.

DEPARTMENT OF THE INTERIOR BUREAU OF RECLAMATION WATER AND RELATED RESOURCES (INCLUDING TRANSFER OF FUNDS)

For an additional amount for “Water and Related Resources”, $12,500,000, to remain available until September 30, 2021, to prevent, prepare for, and respond to coronavirus, domestically or internationally: Provided, That $500,000 of the funds provided under this heading in this Act shall be transferred to the “Central Utah Project Completion Account” to prevent, prepare for, and respond to coronavirus: 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.

POLICY AND ADMINISTRATION

For an additional amount for “Policy and Administration”, $8,100,000, to remain available until September 30, 2021, to prevent, prepare for, and respond to coronavirus, domestically or internationally: Provided, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

DEPARTMENT OF ENERGY ENERGY PROGRAMS SCIENCE

For an additional amount for “Science”, $99,500,000, to remain available until September 30, 2021, to prevent, prepare for, and respond to coronavirus, domestically or internationally: Provided, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

DEPARTMENTAL ADMINISTRATION (INCLUDING TRANSFER OF FUNDS)

For an additional amount for “Departmental Administration”, $99,500,000, to remain available until September 30, 2021, to prevent, prepare for, and respond to coronavirus, domestically or internationally: Provided, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

For an additional amount for “Salaries and Expenses”, $3,300,000, to remain available until September 30, 2021, to prevent, prepare for, and respond to coronavirus, domestically or internationally: Provided, That notwithstanding 42 U.S.C. 2214, such amount shall be derived from fee revenue: 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.

GENERAL PROVISIONS—THIS TITLE

Ssc. 14001. Funds appropriated in this title may be made available to restore amounts, either directly or through reimbursement, for obligations incurred to prevent, prepare for, and respond to coronavirus prior to the date of enactment of this Act.

Ssc. 14002. (a) Section 404 of the Bipartisan Budget Act of 2015 (42 U.S.C. 6239 note) is amended—

(1) in subsection (e), by striking “2020” and inserting “2022”;

and

(2) in subsection (g), by striking “2020” and inserting “2022”.

(b) Title III of division C of the Further Consolidated Appropriations Act, 2020 (Public Law 116–94) is amended in the matter under the heading “Department of Energy—Energy Programs—Strategic Petroleum Reserve” by striking the three provisos before the final period and inserting the following:

“Provided, That, as authorized by section 404 of the Bipartisan Budget Act of 2015 (Public Law 114–74; 42 U.S.C. 2214), the Secretary of Energy shall draw down and sell not to exceed a total of $450,000,000 of crude oil from the Strategic Petroleum Reserve in fiscal year 2020, fiscal year 2021, or fiscal year 2022: Provided further, That the proceeds from such drawdown and sale shall be deposited into the Energy Security and Infrastructure Modernization Fund during the fiscal year in which the sale occurs and shall be made available in such fiscal year, to remain available until expended, for necessary expenses to carry out the Life Extension II project for the Strategic Petroleum Reserve: Provided further, That the amount provided by this section 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.

Ssc. 14003. Any discretionary appropriation for the Corps of Engineers derived from the Harbor Maintenance Trust Fund (not to exceed the total amount deposited in the Harbor Maintenance Trust Fund in the prior fiscal year) shall be subtracted from the estimate of discretionary budget authority and outlays for any estimate of an appropriation Act under the Congressional Budget and Impoundment Control Act of 1974 or the Balanced Budget and Emergency Deficit Control Act of 1985.

Ssc. 14004. Section 14321(a)(2)(B)(ii) of title 40, United States Code, is amended by inserting “, except that a discretionary grant to respond to economic distress directly related to the impacts of the Coronavirus Disease 2019 (COVID–19) shall not be included in such aggregate amount” before the period at the end.
TITLE V
DEPARTMENT OF THE TREASURY
INTERNAL REVENUE SERVICE
ADMINISTRATIVE PROVISION—INTERNAL REVENUE SERVICE
(INCLUDING TRANSFER OF FUNDS)

Sec. 15001. In addition to the amounts otherwise available to the Internal Revenue Service in fiscal year 2020, $250,000,000, to remain available until September 30, 2021, shall be available to prevent, prepare for, and respond to coronavirus, domestically or internationally, including costs associated with the extended filing season and implementation of the Families First Coronavirus Response Act: Provided, That such funds may be transferred by the Commissioner to the “Taxpayer Services,” “Enforcement,” or “Operations Support” accounts of the Internal Revenue Service for an additional amount to be used solely to prevent, prepare for, and respond to coronavirus, domestically or internationally: Provided further, That the Committees on Appropriations of the House of Representatives and the Senate shall be notified in advance of any such transfer: Provided further, That such transfer authority is in addition to any other transfer authority provided by law: Provided further, That not later than 30 days after the date of enactment of this Act, the Commissioner shall submit to the Committees on Appropriations of the House of Representatives and the Senate a spending plan for such funds: 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.

THE JUDICIARY
SUPREME COURT OF THE UNITED STATES
SALARIES AND EXPENSES

For an additional amount for “Salaries and Expenses”, $15,000,000, 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.

COURTS OF APPEAL, DISTRICT COURTS, AND OTHER JUDICIAL SERVICES
SALARIES AND EXPENSES

For an additional amount for “Salaries and Expenses”, $250,000,000, 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.

DEFENDER SERVICIES

For an additional amount for “Defender Services”, $1,000,000, 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.

ADMINISTRATIVE PROVISION—THE JUDICIARY
VIDEO TELECONFERENCING FOR CRIMINAL PROCEEDINGS

Sec. 15002. (a) DEFINITION.—In this section, the term “emergency period” means the period beginning on the date on which the President declared a national emergency under the National Emergencies Act (50 U.S.C. 1601 et seq.) with respect to the Coronavirus Disease 2019 (COVID–19) and ending on the date that is 90 days after the date on which the national emergency declaration terminates.

(b) VIDEO TELECONFERENCING FOR CRIMINAL PROCEEDINGS.—

(1) IN GENERAL.—Subject to paragraphs (3), (4), and (5), if the Judicial Conference of the United States finds that emergency conditions due to the national emergency declared by the President under the National Emergencies Act (50 U.S.C. 1601 et seq.) with respect to the Coronavirus Disease 2019 (COVID–19) will materially affect the functioning of either the Federal courts generally or a particular district court of the United States, the chief judge of a district court covered by the finding (or, if the chief judge is unavailable, the most senior available active judge of the court or the chief judge or circuit justice of the circuit that includes the district court), upon application of the Attorney General or the designee of the Attorney General, or on motion of the judge or justice, may authorize the use of video teleconferencing, telephone conferencing, or telephone conferencing authorized under paragraph (5), to conduct arraignments, preliminary hearings, detention hearings, plea and sentencing, or disposition proceedings under chapter 403 of title 18, United States Code (commonly known as the “Federal Juvenile Delinquency Act”).

(2) FELONY PLEAS AND SENTENCING.—

(A) IN GENERAL.—Subject to paragraphs (3), (4), and (5), if the Judicial Conference of the United States finds that emergency conditions due to the national emergency declared by the President under the National Emergencies Act (50 U.S.C. 1601 et seq.) with respect to the Coronavirus Disease 2019 (COVID–19) will materially affect the functioning of either the Federal courts generally or a particular district court of the United States, the chief judge of a district court covered by the finding (or, if the chief judge is unavailable, the most senior available active judge of the court or the chief judge or circuit justice of the circuit that includes the district court) specifically finds, upon application of the Attorney General or the designee of the Attorney General, or on motion of the judge or justice, that felony pleas under Rule 11 of the Federal Rules of Criminal Procedure and felony sentencings under Rule 32 of the Federal Rules of Criminal Procedure shall be conducted in person without seriously jeopardizing public health and safety, and the district judge in a particular case finds for specific reasons that due process of law cannot be further delayed without serious harm to the interests of justice, the plea or sentencing in that case may be conducted by video teleconference, or by telephone conference if video teleconferencing is not reasonably available.

(3) APPLICABILITY TO JUVENILES.—The video teleconferencing and telephone conferencing authority described in subparagraph (A) shall apply with respect to equivalent pleas and sentencing, or disposition, procedures described in chapter 403 of the United States Code (commonly known as the “Federal Juvenile Delinquency Act”).

(4) REVIEW.—

(A) IN GENERAL.—On the date that is 90 days after the date on which an authorization for the use of video teleconferencing or telephone conferencing under paragraph (1) or (2) is issued, if the emergency authority has not been terminated under paragraph (5), the chief judge of the district court (or, if the chief judge is unavailable, the most senior available active judge of the court or the chief judge or circuit justice of the circuit that includes the district court) to which the authorization applies shall review the authorization and determine whether to extend that authorization.

(B) ADDITIONAL REVIEW.—If an authorization is extended under subparagraph (A), the chief judge of the district court (or, if the chief judge is unavailable, the most senior available active judge of the court or the chief judge or circuit justice of the circuit that includes the district court) to which the authorization applies shall extend the authorization not less frequently than once every 90 days until the earlier of—

(i) the date on which the chief judge (or other judge or justice) determines the authorization is no longer warranted; or

(ii) the date on which the emergency authority is terminated under paragraph (5).

(C) CONSENT.—Video teleconferencing or telephone conferencing authorized under paragraph (1) or (2) may only take place with the consent of the defendant, or the juvenile, after consultation with counsel.

(5) TERMINATION OF EMERGENCY AUTHORITY.—The authority provided under paragraphs (1), (2), and (3), and any specific authorizations issued under those paragraphs, shall terminate on the earlier of—

(A) the last day of the covered emergency period; or

(B) the date on which the Judicial Conference of the United States finds that emergency conditions due to the national emergency declared by the President under the National Emergencies Act (50 U.S.C. 1601 et seq.) with respect to the Coronavirus Disease 2019 (COVID–19) no longer materially affect the functioning of either the Federal courts generally or the district court in question.

(6) NATIONAL EMERGENCIES GENERALLY.—The Judicial Conference of the United States and the Supreme Court of the United States shall consider rule amendments under chapter 131 of title 28, United States Code (commonly known as the “Rules Enabling Act”), that address emergency measures that may be taken by the Federal courts when the President declares a national emergency under the National Emergencies Act (50 U.S.C. 1601 et seq.).

(7) RULE OF CONSTRUCTION.—Nothing in this subsection shall abate a defendant’s right to counsel under the Sixth Amendment to the Constitution of the United States, any Federal statute, or the Federal Rules of Criminal Procedure.

(o) The amount provided by this section 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.
FEDERAL FUNDS

FEDERAL PAYMENT FOR EMERGENCY PLANNING AND SECURITY COSTS IN THE DISTRICT OF COLUMBIA

For an additional amount for “Federal Payment for Emergency Planning and Security Costs in the District of Columbia”, $5,000,000, to remain available until expended, to prevent, prepare for, and respond to coronavirus, domestically or internationally, pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

INDEPENDENT AGENCIES

ELECTION ASSISTANCE COMMISSION

ELECTION SECURITY GRANTS

For an additional amount for “Election Security Grants”, $480,000,000, to prevent, prepare for, and respond to coronavirus, domestically or internationally, for the 2020 Federal election cycle: Provided, That a State receiving a payment with funds provided under this heading shall provide the Election Assistance Commission, within 20 days of each election in the 2020 Federal election cycle in that State, a report that includes the methodology for the payment and an explanation of how such uses allowed the State to prevent, prepare for, and respond to coronavirus: Provided further, That, within 3 days of its receipt of a report required in the preceding proviso, the Election Assistance Commission will transmit the report to the Committee on Appropriations and the Committee on House Administration of the House of Representatives and the Committee on Appropriations and the Committee on Rules and Administration of the Senate: Provided further, That not later than 30 days after the date of enactment of this Act, the Election Assistance Commission shall make the payments to States under this heading: Provided further, That any portion of a payment made to a State with funds provided under this heading in this Act which is unobligated on December 31, 2020, shall be returned to the Treasury: Provided, That the amounts provided under this heading may be transferred to, and merged with, accounts within the Federal Buildings Fund in amounts necessary to cover costs incurred to prevent, prepare for, and respond to coronavirus, domestically or internationally: Provided further, That the Administrator of General Services shall notify the Committees on Appropriations of the House of Representatives and the Senate of the amounts provided under this heading in this Act.

FEDERAL COMMUNICATIONS COMMISSION

SALARIES AND EXPENSES

For an additional amount for “Salaries and Expenses”, $220,000,000, to remain available until expended, to prevent, prepare for, and respond to coronavirus, domestically or internationally, including to support efforts of health care providers to address coronavirus by providing telecommunication services, information services, and devices necessary to enable the provision of telehealth services during an emergency period, as defined in section 113(g)(1) of the Social Security Act (42 U.S.C. 1320b-5(g)(1)):

Provided, That the Federal Communications Commission on the ruling of the Commission under part 54 of title 47, Code of Federal Regulations, in administering the amount provided under the heading in this Act for the purposes of paragraph (1) of this subsection determines that an action taken by the Administrator to acquire real property or to improve real property is necessary for public interest: 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.

ADMINISTRATIVE PROVISION—GENERAL SERVICES ADMINISTRATION

ADMINISTRATIVE PROVISION—GENERAL SERVICES ADMINISTRATION

SEC. 15003. Notwithstanding 41 U.S.C. 3304(a)(7)(B), the Administrator may make a determination that use of noncompetitive procedures is necessary for public interest in accordance with 41 U.S.C. 3304(a)(7)(A), unless the Administrator determines that such a determination is not less than 3 days prior to the award of the contract.

SEC. 15010. In this section—

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

(2) the term “appropriate congressional committees” means—

(A) the Committees on Appropriations of the House of Representatives and the Senate; and

(B) the Committee on Homeland Security and Governmental Affairs of the Senate;
(C) the Committee on Oversight and Reform of the House of Representatives; and

(D) any other relevant congressional committee of jurisdiction;

(3) The term ‘Chairperson’ means the Chairperson of the Committee;

(4) the term ‘Committee’ means the Council of the Inspectors General on Integrity and Efficiency established under section 4 of the Inspector General Act of 1978 (5 U.S.C. App.);

(5) the term ‘Committee’ means the Pandemic Response Accountability Committee established under section (b);

(6) the term ‘covered funds’ means any funds, including loans, that are made available in any form to any non-Federal entity, not including an individual, under—

(A) this Act;

(B) the Coronavirus Preparedness and Response Supplemental Appropriations Act, 2020 (Public Law 116–127); or

(C) any other Act primarily making appropriations for the Coronavirus response and related activities; and

(7) the term ‘Coronavirus response’ means the Federal Government’s response to the national emergency declared by the Secretary of Health and Human Services, retroactive to January 27, 2020, pursuant to section 319 of the Public Health Service Act, as a result of confirmed cases of the novel coronavirus (COVID–19) in the United States;

(b) established within the Council the Pandemic Response Accountability Committee to promote transparency and conduct and support oversight of covered funds and the Coronavirus response to—

(1) prevent and detect fraud, waste, abuse, and mismanagement; and

(2) mitigate major risks that cut across program and agency boundaries.

(c)(1) The Chairperson of the Committee shall be selected by the Chairperson of the Council from among Inspectors General described in subparagraphs (B), (C), and (D) of paragraph (2) with experience managing oversight of large organizations and expenditures.

(2) The members of the Committee shall include—

(A) the Chairperson;

(B) the Inspector General of the Department of Defense, Education, Health and Human Services, Homeland Security, Justice, Labor, and the Treasury;

(C) the Inspector General of the Small Business Administration;

(D) the Treasury Inspector General for Tax Administration; and

(E) any other Inspector General, as designated by the Chairperson from any agency that expends or obligates covered funds or is involved in the Coronavirus response.

(2) The Committee shall have an Executive Director and a Deputy Executive Director of the Committee.

(3)(A) Not later than 30 days after the date of enactment of this Act, the Executive Director of the Committee shall be appointed by the Chairperson of the Council, in consultation with the majority leader of the Senate, the Speaker of the House of Representatives, the minority leader of the Senate, and the minority leader of the House of Representatives.

(B) Not later than 90 days after the date of enactment of this Act, the Deputy Executive Director of the Committee shall be appointed by the Chairperson of the Council, in consultation with the majority leader of the Senate, the Speaker of the House of Representatives, the minority leader of the Senate, the majority leader of the House of Representatives, and the Executive Director of the Committee.

(ii) The Executive Director and the Deputy Executive Director of the Committee shall—

(I) have demonstrated ability in accounting, auditing, and financial analysis;

(II) have oversight of large organizations and expenditures; and

(III) be full-time employees of the Committee.

(C) The Executive Director of the Committee shall—

(i) report directly to the Chairperson;

(ii) appoint staff of the Committee, subject to the approval of the Chairperson, consistent with subsection (f);

(iii) supervise and coordinate Committee functions; and

(iv) perform any other duties assigned to the Executive Director by the Committee.

(D) Members of the Committee may not receive additional compensation for services performed.

(B) The Executive Director and Deputy Executive Director of the Committee shall be determined whether such an expense is prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code.

(d)(1)(A) The Committee shall conduct and coordinate oversight of covered funds and the Coronavirus response and support Inspectors General of covered funds and the Coronavirus response in order to—

(i) detect and prevent fraud, waste, abuse, and mismanagement; and

(ii) identify major risks that cut across programs and agency boundaries.

(B) The functions of the Committee shall include—

(i) developing a strategic plan to ensure coordinated, efficient, and effective comprehensive oversight of covered funds and the Coronavirus response;

(ii) auditing or reviewing covered funds, including contracts and grants using covered funds and the Coronavirus response;

(iii) reviewing whether the reporting of contracts and grants using covered funds meets applicable standards and specifies the purpose of the contract or grant and measures of performance;

(iv) reviewing the economy, efficiency, and effectiveness of the administration of, and the detection of fraud, waste, abuse, and mismanagement in, Coronavirus response programs and operations;

(v) reviewing whether competition requirements applicable to contracts and grants using covered funds are met; and

(vi) serving as a liaison to the Director of the Office of Management and Budget, the Secretary of the Treasury, and other officials responsible for implementing the Coronavirus response;

(vii) reviewing whether there are sufficient qualified acquisition, grant, and other applicable personnel existing and performing to manage covered funds and the Coronavirus response;

(viii) reviewing whether personnel whose duties involve the Coronavirus response or making decisions with covered funds or otherwise related to the Coronavirus response receive adequate training, technology support, and other resources; and

(ix) exercising any appropriate mechanisms for interagency collaboration relating to the oversight of covered funds and the Coronavirus response, including coordinating and collaborating to the extent practicable with State and local government entities.

(C) The Committee, in conducting its own investigative, audit, and review activities or at the request of the President and Congress, shall submit reports to the President and Congress, including the appropriate congressional committees, audit findings, and recommendations.

(D) The Committee shall submit biannual reports to the President and Congress, including the appropriate congressional committees, and may submit additional reports as appropriate—

(i) summarizing the findings of the Committee; and

(ii) identifying and quantifying the impact of any tax expenditures or credits authorized under this Act to the extent practicable.

(C)(i) All reports submitted under this paragraph shall be made publicly available, if that portion would disclose information that is not subject to disclosure under sections 552 and 552a of title 5, United States Code, or is otherwise prohibited from disclosure by law.

(C)(ii) The Committee shall make recommendations to agencies on measures to prevent or address fraud, waste, abuse and mismanagement, and to mitigate risks that cut across programs and agency boundaries, relating to covered funds and the Coronavirus response.

(B) Not later than 30 days after receipt of a recommendation under subparagraph (A), the Inspector General shall submit to the President and the appropriate congressional committees—

(i) whether the agency agrees or disagrees with the recommendation;

(ii) any actions the agency will take to implement the recommendations, which shall also be included in the report required under section 2(b) of the GAO-IG Act (31 U.S.C. 571 note).

(e)(1) The Committee shall conduct audits and reviews of programs, operations, and expenditures related to covered funds and the Coronavirus response and coordinate on such activities with the Inspector General of the relevant agency to avoid unnecessary duplication and overlap of work.

(2) The Committee may—

(A) conduct its own independent investigations, audits, and reviews relating to covered funds or the Coronavirus response;

(B) collaborate on audits and reviews relating to covered funds with any Inspector General of an agency; and

(C) provide support to relevant Inspector General on matters related to oversight of covered funds and the Coronavirus response.
(ii) may issue subpoenas to compel the testimony of persons who are not Federal officers or employees; and

(iii) may enforce such subpoenas in the event of a refusal to comply with any subpoena issued by any appropriate United States district court as provided for under section 6 of the Inspector General Act of 1978 (5 U.S.C. App.).

(b) The Committee shall carry out the powers under paragraphs (1) and (2) in accordance with section 4(b)(1) of the Inspector General Act of 1978 (5 U.S.C. App.).

(c) The Committee shall not, in requesting assistance requested by the Committee or an Inspector General is unreasonably refused or not provided, the Committee shall immediately report the refusal to the appropriate congressional committees.

(d) The Committee shall leverage existing information technology resources within the Council, such as oversight.gov, to carry out the duties of the Committee.

(4)(A) The Committee may hold public hearings and Committee personnel may conduct necessary inquiries.

(B) The head of each agency shall make all officers and employees of that agency available to provide testimony to the Committee and Committee personnel.

(C) The Committee may issue subpoenas to compel the testimony of persons who are not Federal officers or employees at such public hearings, which may be enforced in the same manner as provided for subpoenas under section 6 of the Inspector General Act of 1978 (5 U.S.C. App.).

(D) The Committee may enter into contracts to enable the Committee to discharge its duties, retaining contracts and other arrangements for audits, studies, analyses, and other services with public agencies and with private persons, and make such payments as may be necessary to carry out the duties of the Committee.

(E) The Committee may establish subcommittees to facilitate the ability of the Committee to discharge its duties.

(F) The Committee may transfer funds appropriated to the Committee for expenses to support administrative support services and audits, reviews, or other activities related to oversight by the Committee of covered funds or the Coronavirus response to any Office of the Inspector General or the General Services Administration.

(1)(A)(i) Subject to subparagraph (B), the Committee may exercise the authorities described in clause (i), the Chairperson shall consult with members of the Committee.

(ii) The authority provided by section 316(c) of title 5, United States Code, upon the request of an Inspector General, the Committee may detail, on a nonreimbursable basis, any personnel of the Council to that Inspector General to assist in carrying out any audit, review, or investigation pertaining to the oversight of covered funds or the Coronavirus response.

(B) In exercising the employment authorities under section 316(b) of title 5, United States Code, as provided under subparagraph (A) of this subsection, the Committee may detail, on a nonreimbursable basis, any personnel of the Council to that Inspector General to assist in carrying out any audit, review, or investigation pertaining to the oversight of covered funds or the Coronavirus response.

(i) A person employed by the Committee shall acquire competitive status for appointment to any position in the competitive service for which the employee possesses the qualifications and experience required by completion of 2 years of continuous service as an employee under this subsection.

(ii) No person who is first employed as described in paragraph (i) shall be eligible to acquire competitive status under clause (i) until 2 years after the date of enactment of this Act may acquire competitive status under clause (i).

(C) The Committee shall leverage existing information technology resources within the Council, such as oversight.gov, to carry out the duties of the Committee.

(D) The Committee shall leverage existing information technology resources within the Council, such as oversight.gov, to carry out the duties of the Committee.

(2) If the Committee requests that an Inspector General responsible for conducting oversight related to covered funds or the Coronavirus response may, consistent with applicable laws, regulations, policies, and procedures of the Inspector General, provide information requested by the Committee or an Inspector General on the Committee relating to the responsibilities of the Committee.

(3) The website shall provide account information explaining the Coronavirus response and how covered funds are being used. The materials shall be easy to understand and not in contravention of any existing laws, and consistent with section 6 of the Inspector General Act of 1978 (5 U.S.C. App.), furnish such information or assistance to the Committee, or an authorized designee, including an Inspector General designated by the Chairperson.

(4) Any Inspector General responsible for conducting oversight related to covered funds or the Coronavirus response may, consistent with applicable laws, regulations, policies, and procedures of the Inspector General, provide information requested by the Committee or an Inspector General on the Committee relating to the responsibilities of the Committee.

(5) The Committee may exclude posting any Inspector General responsible for conducting oversight related to covered funds or the Coronavirus response.

(6) The Committee may exclude posting any Inspector General responsible for conducting oversight related to covered funds or the Coronavirus response.

(7) The Committee may exclude posting any Inspector General responsible for conducting oversight related to covered funds or the Coronavirus response.

(xvii) The website shall present the data in a way to key information relating to the oversight of covered funds and the Coronavirus response, including recommendations made to agencies relating to covered funds or the Coronavirus response, as well as the status of each recommendation.

(xviii) The website shall be enhanced and updated as necessary to carry out the purposes of this section.

(xix) The Committee may exclude posting contractual or other information on the website on a case-by-case basis when necessary to protect national security or to protect information contained therein from disclosure under section 552 of title 5, United States Code.

(x) The website shall provide information on Federal allocations of mandatory and discretionary programs by State, territory, or other geographical unit related to covered funds or the Coronavirus response.

(xi) The website shall provide information on Federal allocations of mandatory and discretionary programs by State, territory, or other geographical unit related to covered funds or the Coronavirus response.

(xii) The website shall provide information on Federal allocations of mandatory and discretionary programs by State, territory, or other geographical unit related to covered funds or the Coronavirus response.

(xiii) The website shall provide information on Federal allocations of mandatory and discretionary programs by State, territory, or other geographical unit related to covered funds or the Coronavirus response.

(xiv) The website shall provide information on Federal allocations of mandatory and discretionary programs by State, territory, or other geographical unit related to covered funds or the Coronavirus response.

(xv) The website shall provide information on Federal allocations of mandatory and discretionary programs by State, territory, or other geographical unit related to covered funds or the Coronavirus response.

(xvi) The website shall provide information on Federal allocations of mandatory and discretionary programs by State, territory, or other geographical unit related to covered funds or the Coronavirus response.

(xvii) The website shall provide information on Federal allocations of mandatory and discretionary programs by State, territory, or other geographical unit related to covered funds or the Coronavirus response.

(xviii) The website shall provide information on Federal allocations of mandatory and discretionary programs by State, territory, or other geographical unit related to covered funds or the Coronavirus response.

(xix) The website shall provide information on Federal allocations of mandatory and discretionary programs by State, territory, or other geographical unit related to covered funds or the Coronavirus response.
for the purchase of personal protective equipment and sanitization materials: Provided, That funds provided under this heading in this Act may be transferred by the Secretary of Homeland Security between appropriations in the Department only for the purchase of personal protective equipment and sanitization materials to prevent, prepare for, and respond to coronavirus, domestically or internationally: 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.

TRANSPORTATION SECURITY ADMINISTRATION OPERATIONS AND SUPPORT

For an additional amount for "Operations and Support", $100,000,000, to remain available until September 30, 2021, to prevent, prepare for, and respond to coronavirus, domestically or internationally, which shall be for cleaning and sanitization at checkpoints and other airport common areas; overtime and travel costs; and explosive detection materials: 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.

UNITED STATES COAST GUARD OPERATIONS AND SUPPORT

For an additional amount for "Operations and Support", $140,800,000, to remain available until September 30, 2021, to prevent, prepare for, and respond to coronavirus, domestically or internationally, which shall be for mobilization of reservists and increasing the capability and capacity of Coast Guard information technology systems and infrastructure: 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.

FEDERAL EMERGENCY MANAGEMENT AGENCY OPERATIONS AND SUPPORT

For an additional amount for "Operations and Support", $14,957,000, to remain available until September 30, 2021, to prevent, prepare for, and respond to coronavirus, domestically or internationally, which shall be for enhancement of information technology and for facilities support: 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.

DISASTER RELIEF FUND

For an additional amount for "Disaster Relief Fund", $15,000,000,000, to remain available until expended: Provided, That of the amount provided under this heading in this Act, $25,000,000,000 shall be for major disasters declared pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.): Provided further, That of the amount provided under this heading in this Act, $15,000,000,000 may be used for all purposes authorized under such Act, if such amount is designated by the Congress as being for disaster relief pursuant to section 251(b)(2)(D) of the Balanced Budget and Emergency Deficit Control Act of 1985. That every 30 days the Administrator shall provide the Committees on Appropriations of the Senate and the House of Representatives with a report describing the funds provided under this heading for major disasters and any other expenses: Provided further, That of the amounts provided under this heading, $13,000,000,000 shall be transferred to "Office of Inspector General" and shall remain available only for oversight of activities supported by funds provided under this heading: 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.

FEDERAL ASSISTANCE

For an additional amount for "Federal Assistance", $400,000,000, to remain available until September 30, 2021, to prevent, prepare for, and respond to coronavirus, domestically or internationally: Provided, That of the amount provided under this heading in this Act, $9,000,000 shall be for Emergency Firefighter Grants for the purchase of personal protective equipment and related supplies, including reimbursements: $100,000,000 shall be for Emergency Performance Grants; and $200,000,000 shall be for the Emergency Food and Shelter Program: 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.

SECTION 16001. Notwithstanding any other provision of law, funds made available under each heading in this title, except for "Federal Emergency Management Agency—Disaster Relief Fund", shall be used for the purposes specifically described under that heading.

SECTION 16002. Notwithstanding any other provision of law, any amounts appropriated for "Federal Emergency Management Agency—Disaster Relief Fund" in this Act are available primarily related to preparation, prevention, or response to coronavirus, any premium pay for the purchase of personal protective equipment and sanitization materials: Provided, That funds provided under this heading in this Act may be transferred to the authority in section 503 of the Department of Homeland Security Appropriations Act, 2020: 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.
that is funded, either directly or through reimbursement, by the Federal Emergency Management Agency shall be exempted from the aggregate of basic pay and premium pay calculated under section 5313(a) of title 5, United States Code, and any other provision of law limiting the aggregate amount of premium pay payable on a biweekly or calendar year basis.

(b) OVERTIME AUTHORITY.—Any overtime that is funded for such services described in subsection (a), either directly or through reimbursement, by the Federal Emergency Management Agency shall be exempted from any annual limit on the amount of overtime payable for fiscal year.

c) APPLICABILITY OF AGRGREGATE LIMITATION ON PAY.—In determining whether an employee has reached the applicable annual rate of basic pay payable under section 5307 of title 5, United States Code, the head of an Executive agency shall not include pay exempted under this section.

(d) LIMITATION OF PAY AUTHORITY.—Pay exempted from otherwise applicable limits under subsection (a) shall not cause the aggregate pay earned for the calendar year in which the exempted pay is earned to exceed the rate of basic pay payable for a position at level I of the Executive Schedule under section 5313 of title 5, United States Code.

e) EFFECTIVE DATE.—This section shall take effect as if enacted on January 1, 2020.

SEC. 16006. The Secretary of Homeland Security, under the authority granted under section 205(b) of the REAL ID Act of 2005 (Public Law 109–13; 49 U.S.C. 3001 note) shall extend the deadline by which States are required to meet the driver license and identification card issuance requirements under section 202(a)(1) of such Act until not earlier than September 30, 2021.

SEC. 16007. Section 5 of the Protecting and Securing Chemical Facilities from Terrorism Attacks Act of 2010 (42 U.S.C. 5173–5179; 6 U.S.C. 621 note) is amended by striking ‘‘the date that is 5 years and 3 months after the effective date of this Act’’ and inserting ‘‘July 20, 2020’’.

SEC. 16010. That as soon as practicable after the date of enactment of this Act, the Secretary shall transfer $1,000,000 to the Office of the Inspector General, ‘‘Salaries and Expenses’’ account for oversight activities related to the implementation of programs, activities or projects funded herein: Provided further, That such amounts designated 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.
For an additional amount for “Science and Technology”, $2,250,000, to remain available until September 30, 2021, to prevent, prepare for, and respond to coronavirus, domestically or internationally: Provided, That the amount provided under this heading in this Act, $376,000 shall be for necessary expenses for cleaning and disinfecting equipment or facilities of, or for use by, the Environmental Protection Agency, and $1,500,000 shall be for research on methods to reduce the release of hazardous materials and clean-up of coronavirus via contaminated surfaces or materials: 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.

ENVIRONMENTAL PROGRAMS AND MANAGEMENT

For an additional amount for “Environmental Management”, $3,700,000, to remain available until September 30, 2021, to prevent, prepare for, and respond to coronavirus, domestically or internationally: Provided, That amounts provided under this heading in this Act shall be for necessary expenses for cleaning and disinfecting equipment or facilities of, or for use by, the Environmental Protection Agency, and $1,500,000 shall be for research on methods to reduce the release of hazardous materials and clean-up of coronavirus via contaminated surfaces or materials: 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.

For an additional amount for “National Forest System”, $750,000 shall be for necessary expenses for cleaning and disinfecting equipment or facilities of, or for use by, the Environmental Protection Agency: 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.

NATIONAL FOREST SYSTEM

For an additional amount for “National Forest System”, $3,910,000, to remain available until September 30, 2021, to prevent, prepare for, and respond to coronavirus, domestically or internationally: Provided, That amounts provided under this heading in this Act shall be for necessary expenses for cleaning and disinfecting equipment or facilities of, or for use by, the Environmental Protection Agency, and $1,500,000 shall be for research on methods to reduce the release of hazardous materials and clean-up of coronavirus via contaminated surfaces or materials: 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.

BUILDINGS AND FACILITIES

For an additional amount for “Buildings and Facilities”, $380,000, to remain available until September 30, 2021, to prevent, prepare for, and respond to coronavirus, domestically or internationally: Provided, That amounts provided under this heading in this Act shall be for necessary expenses for cleaning and disinfecting equipment or facilities of, or for use by, the Environmental Protection Agency: 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.

HAZARDOUS SUBSTANCE SUPERFUND

For an additional amount for “Hazardous Substance Superfund”, $770,000, to remain available until September 30, 2021, to prevent, prepare for, and respond to coronavirus, domestically or internationally: Provided, That the funds provided under this heading in this Act shall be for necessary expenses for cleaning and disinfecting equipment or facilities of, or for use by, the Environmental Protection Agency: 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.

For an additional amount for “Indian Health Services”, $1,032,000,000, to remain available until September 30, 2021, to prevent, prepare for, and respond to coronavirus, domestically or internationally: Provided, That amounts provided under this heading in this Act shall be for necessary expenses for cleaning and disinfecting equipment or facilities of, or for use by, the Environmental Protection Agency: 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.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Indian Health Service

For an additional amount for “Indian Health Service”, $6,810,000, to remain available until September 30, 2021, to prevent, prepare for, and respond to coronavirus, domestically or internationally: Provided, That amounts provided under this heading in this Act shall be for necessary expenses for cleaning and disinfecting equipment or facilities of, or for use by, the Environmental Protection Agency: 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.

For an additional amount for “Salaries and Expenses”, $7,500,000, to remain available until September 30, 2021, to prevent, prepare for, and respond to coronavirus, domestically or internationally: Provided, That amounts provided under this heading in this Act shall be for necessary expenses for cleaning and disinfecting equipment or facilities of, or for use by, the Environmental Protection Agency: 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.

For an additional amount for “Salaries and Expenses”, $50,000,000, to remain available until September 30, 2021, to prevent, prepare for, and respond to coronavirus, domestically or internationally: Provided, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

For an additional amount for “Forest and Rangeland Research”, $3,000,000, to remain available until September 30, 2021, to prevent, prepare for, and respond to coronavirus, domestically or internationally: Provided, That amounts provided under this heading in this Act shall be for necessary expenses for cleaning and disinfecting equipment or facilities of, or for use by, the Environmental Protection Agency: 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.

RELATED AGENCIES

DEPARTMENT OF AGRICULTURE

FOREST SERVICE

For an additional amount for “Forest and Rangeland Research”, $3,000,000, to remain available until September 30, 2021, to prevent, prepare for, and respond to coronavirus, domestically or internationally: Provided, That amounts provided under this heading in this Act shall be for necessary expenses for cleaning and disinfecting equipment or facilities of, or for use by, the Environmental Protection Agency: 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.
For an additional amount for “Operations and Maintenance”, $25,000,000, to remain available until September 30, 2021, to prevent, prepare for, and respond to coronavirus, domestically or internationally, facility funding for deep cleaning and information technology to improve telework capability and for operations and maintenance requirements related to the consequences of coronavirus: Provided, That notwithstanding the provisions of 20 U.S.C. 76 et seq., funds provided under this heading in this Act shall be made available to cover operating expenses required to ensure the continuity of the John F. Kennedy Center for the Performing Arts and its affiliates, including for employee compensation and benefits, grants, contracts, payments for rent or utilities, fees for artists or performers, information technology, and other administrative expenses: Provided further, That no later than October 15, 2020, the Board of Trustees of the Center shall submit a report to the Committees on Appropriations of the House of Representatives and Senate that includes a detailed accounting of the distribution of the funds 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.

NATIONAL FOUNDATION ON THE ARTS AND HUMANITIES

DEPARTMENTAL MANAGEMENT

For an additional amount for “Grants and Administration”, $75,000,000, to remain available until September 30, 2021, to prevent, prepare for, and respond to coronavirus, including to enforce worker protection laws and regulations, and to oversee and coordinate activities related to division C, division D, division E, and division F of Public Law 116–127: Provided further, That 40 percent of such funds shall be distributed to State arts agencies and regional arts and humanities organizations on a formulaic basis based on the number of State residents in each State or the number of non-federally owned facilities to improve the maintenance, construction, alteration, or renovation of such facilities: Provided further, That notwithstanding any other provision of law, such funds may also be used by the recipients of such grants for purposes of the general operations of such recipients: Provided further, That the matching requirements under subsection (h)(2)(A) of section 5 of the National Foundation on the Arts and Humanities Act of 1965 may be waived with respect to such grants: 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.

DEPARTMENTAL MANAGEMENT

NATIONAL ENDOWMENT FOR THE ARTS

For an additional amount for “Grants and Administration”, $75,000,000, to remain available until September 30, 2021, to prevent, prepare for, and respond to coronavirus, including to enforce worker protection laws and regulations, and to oversee and coordinate activities related to division C, division D, division E, and division F of Public Law 116–127: Provided further, That 40 percent of such funds shall be distributed to State arts agencies and regional arts and humanities organizations on a formulaic basis based on the number of State residents in each State or the number of non-federally owned facilities to improve the maintenance, construction, alteration, or renovation of such facilities: Provided further, That notwithstanding any other provision of law, such funds may also be used by the recipients of such grants for purposes of the general operations of such recipients: Provided further, That the matching requirements under subsection (h)(2)(A) of section 5 of the National Foundation on the Arts and Humanities Act of 1965 may be waived with respect to such grants: 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.

DEPARTMENTAL MANAGEMENT

NATIONAL ENDOWMENT FOR THE ARTS

For an additional amount for “Grants and Administration”, $75,000,000, to remain available until September 30, 2021, to prevent, prepare for, and respond to coronavirus, including to enforce worker protection laws and regulations, and to oversee and coordinate activities related to division C, division D, division E, and division F of Public Law 116–127: Provided further, That 40 percent of such funds shall be distributed to State arts agencies and regional arts and humanities organizations on a formulaic basis based on the number of State residents in each State or the number of non-federally owned facilities to improve the maintenance, construction, alteration, or renovation of such facilities: Provided further, That notwithstanding any other provision of law, such funds may also be used by the recipients of such grants for purposes of the general operations of such recipients: Provided further, That the matching requirements under subsection (h)(2)(A) of section 5 of the National Foundation on the Arts and Humanities Act of 1965 may be waived with respect to such grants: 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.
For an additional amount for “National Institutes of Health, National Heart, Lung, and Blood Institute”, $103,400,000, to remain available until September 30, 2024, 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.

NATIONAL INSTITUTE OF ALLERGY AND INFECTION DISEASES

For an additional amount for “National Institute of Allergy and Infectious Diseases”, $706,600,000, to remain available until September 30, 2024, 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.

NATIONAL INSTITUTE OF BIOMEDICAL IMAGING AND BIOENGINEERING

For an additional amount for “National Institute of Biomedical Imaging and Bioengineering”, $60,000,000, to remain available until September 30, 2024, 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.

NATIONAL LIBRARY OF MEDICINE

For an additional amount for “National Library of Medicine”, $10,000,000, to remain available until September 30, 2024, 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.

NATIONAL CENTER FOR ADVANCING TRANSLATIONAL SCIENCES

For an additional amount for “National Center for Advancing Translational Sciences”, $36,000,000, to remain available until September 30, 2024, 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.

OFFICE OF THE DIRECTOR

For an additional amount for “Office of the Director”, $30,000,000, to remain available until September 30, 2024, to prevent, prepare for, and respond to coronavirus, domestically or internationally: Provided, That these funds shall be available for the Common Fund established under section 222(c)(1) of the PHS Act: 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.
ratio to such portion as the number of enrolled children served by the agency involved bears to the number of enrolled children by all Head Start agencies: Provided further, That funds appropriated under this paragraph shall be for aging and disability resource centers authorized in sections 320(b) and 411 of the OAA to prevent, prepare for, and respond to coronavirus: Provided further, That of the amount made available under this heading in this Act to prevent, prepare for, and respond to coronavirus, shall be available for centers for independent living, and other activities authorized under part C of chapter I of title VII of the Rehabilitation Act of 1973: Provided further, That the transfer authority under section 308(b)(4)(A) of the OAA shall apply to funds made available under this heading in this Act by substituting “100 percent” for “40 percent”: Provided further, That the State Long-Term Care Ombudsman shall have continuing direct access (or other telecommunication or electronic means) to residents of long-term care facilities during any portion of the public health emergency relating to coronavirus beginning on the date of enactment of this Act: Provided further, That any funds made available under this provision in this Act in anticipation of the Secretary to be adequate to address the public health emergency pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985: Public Health and Social Services Emergency Fund (Including Transfer of Funds)

For an additional amount for “Public Health and Social Services Emergency Fund”, $27,014,500,000, to remain available until September 30, 2024, to prevent, prepare for, and respond to coronavirus, domestically or internationally, prior to the date of enactment of this Act: Provided further, That such amount is designated 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.
owned facilities to improve preparedness and response capability at the State and local level: Provided further, That funds appropriated under this paragraph in this Act may be used, subject to the concurrence of the Secretary, for the renovation of non-federally owned facilities for the production of vaccines, therapeutics, and devices, in consultation with the State and local health departments; Provided further, That such a contract is necessary to secure sufficient amounts of such supplies: Provided further, That such amount is designated 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.

For an additional amount for “Public Health and Social Services Emergency Fund”, $100,000,000,000, to remain available until expended, to prevent, prepare for, and respond to coronavirus, domestically or internationally, for necessary expenses to re- imburse entities, be reimbursed, or to reimburse, health care providers for health care related expenses or lost revenues that are attributable to coronavirus: Provided further, That such amount is designated 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.

For an additional amount for “Health Services and Resources Administration—Ryan White HIV/AIDS Program” to remain available until September 30, 2022 for modifications to existing contract, leases, and rural health related agreements and cooperative agreements under parts A, B, C, D, and section 200(a) of title XXVI of the PHS Act (referred to as “PHS” Act) to respond to coronavirus, domestically or internationally: Provided, That $90,000,000 of the funds appropriated under this paragraph shall be transferred to “Health Resources and Services Administration—Health Care Systems” to remain available until September 30, 2022, for activities under section 330 of the PHS Act (42 U.S.C. 254b), as may be used to respond to coronavirus, domestically or internationally: Provided further, That such amount is designated 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.

For an additional amount for “Education Stabilization Fund”, $30,750,000,000, to remain available through September 30, 2021, for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

For an additional amount for “Emergency Deficit Control Act of 1985.”
(3) provide support to any other institution of higher education, local educational agency, or education-related entity within the State that the Governor deems essential for carrying out the purposes of the emergency relief funds awarded to students for authorized activities described in section 18003(d)(1) of this title or the Higher Education Act, the provision of which the Governor determines have the greatest unmet needs related to coronavirus, which may be used to defray expenses (including lost revenue, reinsurance, housing, course materials, technology, health care, and child care).

(3) 2.5 percent for part B of title VII of the Higher Education Act for institutions of higher education that the Secretary determines have the greatest unmet needs related to coronavirus, which may be used to defray expenses (including lost revenue, reinsurance, housing, course materials, technology, health care, and child care).

(b) A LLOCATIONS TO STATES.—The amount of each grant under subsection (a) shall be allocated by the Secretary to each State in the same manner as each State was awarded funds under part A of title I of the ESEA of 1965 in the most recent fiscal year.

(c) SUBGRANTS TO LOCAL EDUCATIONAL AGENCIES.—Each State shall allocate not less than 90 percent of the grant funds awarded to the State under this section as subgrants to local educational agencies (including charter schools that are local educational agencies in the State in proportion to the amount of funds such local educational agencies receive under part A of title I of the ESEA of 1965 in the most recent fiscal year.

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


(2) Prevention of preparedness and response efforts of local educational agencies with State, local, Tribal, and territorial public health departments, and other relevant agencies, and prevention of coordinated services among such entities to prevent, prepare for, and respond to coronavirus.

(3) Providing principals and other school leaders with the necessary resources to address the needs of their individual schools.

(4) Activities to address the unique needs of low-income children or students, children with disabilities, bilingual and ethnic minorities, students experiencing homelessness, and foster care youth, including how outreach and service delivery will meet the needs of diverse student populations.

(5) Developing and implementing procedures and systems to improve the preparedness and response efforts of local educational agencies.

(6) Training and professional development for staff of the local educational agency on sanitation and minimizing the spread of infectious diseases.

(7) Purchasing supplies to sanitize and clean the facilities of a local educational agency, including buildings operated by such agency.

(8) Planning for and coordinating during long-term closures, including for how to provide educational services to prevent, prepare for, and respond to online learning to all students, how to provide guidance for carrying out requirements under the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.) and how to ensure other educational services can continue to be provided consistent with all Federal, State, and local requirements.

(9) Purchasing educational technology (including hardware, software, and connectivity) for students who are served by the local educational agency that aids in regular and substantive educational interaction between students and their classroom instructors, including low-income students and students with disabilities, which may include assistive technology or adaptive equipment.

(10) Providing mental health services and supports.

(11) Planning and implementing activities related to summer learning and supplemental afterschool programs, including providing continuing education for learning during the summer months and addressing the needs of low-income students, students with disabilities, English learners, migrant students, students experiencing homelessness, and children in foster care.

(12) Other activities that are necessary to maintain the operation of and continuity of services and programs and continuing to employ existing staff of the local educational agency.

(e) STATE FUNDING.—With funds not otherwise allocated under subsection (c), a State may reserve not more than 1/2 of 1 percent of funds to provide administrative costs and the remainder for emergency needs as determined by the state educational agency to address issues responding to coronavirus, which may be addressed through the use of grants or contracts.

(f) REALLOCATION.—A State shall return to the Secretary any funds received under this section that the Secretary does not award within one year of receiving such funds and the Secretary shall reallocate such funds to the remaining States in accordance with subsection (b).

HIGHER EDUCATION EMERGENCY RELIEF FUND

SEC. 18004. (a) I N GENERAL.—The Secretary shall allocate funding under this section as follows:

(1) 90 percent to each institution of higher education to prevent, prepare for, and respond to coronavirus, by apportioning it—

(A) 75 percent according to the relative share of full-time equivalent enrollment of Federal Pell Grant recipients who are not exclusively enrolled in distance education courses prior to the coronavirus emergency; and

(B) 25 percent according to the relative share of full-time equivalent enrollment of students who were not Federal Pell Grant recipients who are not exclusively enrolled in distance education courses prior to the coronavirus emergency.

(2) 7.5 percent for additional awards under parts A and B of title III, parts A and B of title V, and subpart 4 of part A of title VII of the Higher Education Act to address needs directly related to coronavirus, that shall be in addition to awards made in section 18003(b) of this title and allocated by the Secretary proportionally to such programs based on the relative share of funding appropriated to such programs in the Further Consolidated Appropriations Act, 2020 (Public Law 116-94) and which may be used to defray expenses (including lost revenue, reinsurance, housing, course materials, technology, health care, and child care).

(b) DISTRIBUTION.—The funds made available through each institution of section (a)(1) shall be distributed by the Secretary using the same systems as the Secretary otherwise distributes funding to each institution under title IV of the Higher Education Act of 1965 (20 U.S.C. 1011 et seq.).

(c) USES OF FUNDS.—Except as otherwise specified in subsection (a), an institution of higher education receiving funds under this section may use the funds received to cover any costs associated with significant changes to the delivery of instruction due to the coronavirus, such as costs to do not include payment to contractors for the provision of pre-enrollment recruitment activities; enrollment; or capital outlays associated with facilities related to athletics, sectarian instruction, or religious worship. Institutions of higher education shall use no less than 50 percent of such funds to provide emergency financial aid grants to students for expenses related to the disruption of campus operations due to coronavirus (including higher education that the Secretary determines have the greatest unmet needs related to coronavirus, which may be used to defray expenses (including lost revenue, reinsurance, housing, course materials, technology, health care, and child care).

(d) SPECIAL PROVISIONS.—(1) In awarding grants under section 18004(a)(3) of this title, the Secretary shall give priority to any institution of higher education that is otherwise eligible for funding under paragraphs (1) and (2) of section 18004(a) of this title at least $500,000 and demonstrates significant greater needs related to expenses associated with coronavirus.

(2) A Historically Black College and University or a Minority Serving Institution that is not otherwise eligible for funding under sections 18002 or 18003 of this title shall provide equitable services in the same manner as provided under section 117 of the ESEA of 1965, including in consultation with representatives of non-public schools, as determined in consultation with representatives of non-public schools.
(b) **PUBLIC CONTROL OF FUNDS.—**The control of funds for the services and assistance provided to a non-public school under subsection (a), and title to materials, equipment, and property purchased with such funds, shall be in a public agency, and a public agency shall administer such funds, materials, equipment, and property and shall provide employees or contractors for the provision of such services with a public or private entity.

**CONTINUED PAYMENT TO EMPLOYEES**

SEC. 18006. A local educational agency, State educational agency, or other entity that receives funds under “Education Stabilization Fund”, shall to the greatest extent practicable, continue to pay its employees and contractors during the period of any disruptions or closures related to coronavirus.

**DEFINITIONS**

SEC. 18007. Except as otherwise provided in sections 18001–18006 of this title, as used in this section—

(1) the terms “elementary education” and “secondary education” have the meaning given such terms under State law;

(2) the term “institution of higher education” has the meaning given such term in title I of the Higher Education Act of 1965 (20 U.S.C. 1001 et seq.);

(3) the term “Secretary” means the Secretary of Education;

(4) the term “State” means each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico;

(5) the term “cost of attendance” has the meaning given such term in section 472 of the Higher Education Act of 1965;

(6) the term “Non-public school” means a non-public elementary and secondary school that (A) is accredited, licensed, or otherwise recognized by a State or a State agency;

(7) the term “public school” means a public elementary or secondary school;

(8) any other term used that is defined in any Act of Congress.

**MAINTENANCE OF EFFORT**

SEC. 18008. In making funds available out of this Act for projects or programs for the purpose of helping elementary, secondary and postsecondary schools and to assist in counseling and distance learning and associated costs: 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.

**GALLAUDDIT UNIVERSITY**

For an additional amount for “Gallaudet University”, $7,000,000, to remain available through September 30, 2021, to prevent, prepare for, and respond to coronavirus, domestically or internationally, including to help defray the expenses directly caused by coronavirus and to enable grants to students for expenses directly related to coronavirus and the disruption of university operations: 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.

**STUDENT AID ADMINISTRATION**

For an additional amount for “Student Aid Administration”, $40,000,000, to remain available through September 30, 2021, to prevent, prepare for, and respond to coronavirus, domestically or internationally, including to help defray the expenses directly caused by coronavirus and to enable grants to students for expenses directly related to coronavirus and the disruption of university operations: 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.

**HOWARD UNIVERSITY**

For an additional amount for “Howard University”, $33,000,000, to remain available through September 30, 2021, to prevent, prepare for, and respond to coronavirus, domestically or internationally, including to help defray the expenses caused by coronavirus and to enable grants to students for expenses directly related to coronavirus and the disruption of university operations: 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.

**DEPARTMENTAL MANAGEMENT**

For an additional amount for “Program Administration”, $8,000,000, to remain available through September 30, 2021, to prevent, prepare for, and respond to coronavirus, domestically or internationally, including to help defray the expenses directly caused by coronavirus and to enable grants to students for expenses directly related to coronavirus and the disruption of university operations: 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.

**OFFICE OF THE INSPECTOR GENERAL**

For an additional amount for “Office of the Inspector General”, $7,000,000, to remain available through September 30, 2022, to prevent, prepare for, and respond to coronavirus, domestically or internationally, including, for salaries and expenses necessary for oversight and audit of programs, projects, and grants funded in this Act to respond to coronavirus: 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.

**CORPORATION FOR PUBLIC BROADCASTING**

For an additional amount for “Corporation for Public Broadcasting”, $8,000,000, to remain available through September 30, 2021, to prevent, prepare for, and respond to coronavirus, including for fiscal stabilization grants to public telecommunications entities, as defined by 47 U.S.C. 397(d), with no deduction for administrative or other costs of the Corporation, to address disruptions resulting from programming and services and preserve small and rural stations threatened by declines in non-Federal revenues: 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.

**INSTITUTE OF MUSEUM AND LIBRARY SERVICES**

For an additional amount for “Institute of Museum and Library Services”, $5,000,000, to remain available until September 30, 2021, to prevent, prepare for, and respond to coronavirus, including grants to States, territories and tribes to expand digital network access, purchase internet accessible devices, and provide technical support services: Provided, That any matching funds requirements for States, tribes, libraries, and museums waived for grants provided with funds made available under this heading in this Act: 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.

**RAILROAD RETIREMENT BOARD**

**LIMITATION ON ADMINISTRATION**

For an additional amount for the “Railroad Retirement Board”, $5,000,000, to remain available until September 30, 2021, to prevent, prepare for, and respond to coronavirus, including grants to States, territories and tribes to expand digital network access, purchase internet accessible devices, and provide technical support services: Provided, That any matching funds requirements for States, tribes, libraries, and museums waived for grants provided with funds made available under this heading in this Act: 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.

**SOCIAL SECURITY ADMINISTRATION**

**LIMITATION ON ADMINISTRATIVE EXPENSES**

For an additional amount for “Social Security Administration”, $300,000,000, to remain available through September 30, 2021, to prevent, prepare for, and respond to coronavirus, domestically or internationally, including to help defray the expenses directly caused by coronavirus and to enable grants to states for expenses related to coronavirus and the disruption of university operations: 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.

**RAILROAD RETIREMENT BOARD**

**LIMITATION ON ADMINISTRATION**

For an additional amount for the “Railroad Retirement Board”, $5,000,000, to remain available until September 30, 2021, to prevent, prepare for, and respond to coronavirus, including grants to States, territories and tribes to expand digital network access, purchase internet accessible devices, and provide technical support services: Provided, That any matching funds requirements for States, tribes, libraries, and museums waived for grants provided with funds made available under this heading in this Act: 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.

**GENERAL PROVISIONS—THIS TITLE**

Including Transfer of Funds

SEC. 18108. Funds appropriated by this title may be used by the Secretary of the Department of Health and Human Services to appoint, without regard to the provisions of sections 3309 through 3319 of title 5 of the United States Code, candidates needed for positions to perform critical work relating to coronavirus for which—

(1) public notice has been given; and

(2) the Secretary of Health and Human Services has determined that such a public health threat exists.

SEC. 18109. Funds made available by this title may be used to enter into contracts
with individuals for the provision of personal services (as described in section 104 of title 5, Code of Federal Regulations (48 CFR 37.104)) to support the prevention of, preparation for, or response to coronavirus domestically and internationally, subject to prior notification to the Committees on Appropriations of the House of Representatives and the Senate: Provided further, That such employees may not be deemed employees of the United States for the purpose of any law administered by the Office of Personnel Management: Provided further, That such employees may be transferred to, and merged and treated as basic pay for purposes of a limitation on the amount of overtime pay attributable to such services, any pay that is disregarded under this subsection (a) or (b) shall be disregarded in calculating any annual limit on the amount of overtime pay payable in a calendar year.

(ii) For purposes of applying this subsection to an employee who would otherwise be subject to the premium pay limits established under section 5547 of title 5, United States Code, “premium pay” means the premium pay paid under the provisions of law cited in section 5547(a).

(d)(1) Pay that is disregarded under subsection (a) or (b) shall not cause the aggregate of such employee’s basic pay and premium pay for services attributable to the same employee for any purpose; or

(2) be used in computing a lump-sum payment to the covered employee for accumulated and accrued annual leave under section 5552 or section 5552 of title 5, United States Code.

Sect. 18111. Funds appropriated by this title to the heading “Department of Health and Human Services” may be transferred to, and merged and treated as basic pay for purposes of a limitation on the amount of overtime pay attributable to such services, any pay that is disregarded under either subsection (a) or (b) shall be disregarded in calculating any annual limit on the amount of overtime pay payable in a calendar year.

(iii) For purposes of applying this subsection to an employee who would otherwise be subject to the premium pay limits established under section 5547 of title 5, United States Code, “premium pay” means the premium pay paid under the provisions of law cited in section 5547(a).

(3) For purposes of applying this subsection to an employee for whom overtime pay is authorized under section 5307 of title 5, United States Code, as in effect at the end of such calendar year.

(i) This section shall take effect as if enacted on February 2, 2020.

(ii) If application of this section results in the payment of additional premium pay to a covered employee of a type that is normally creditable as basic pay for retirement or any other purpose, that additional pay shall not—

(1) be considered to be basic pay of the covered employee for any purpose; or

(2) be used in computing a lump-sum payment to the covered employee for accumulated and accrued annual leave under section 5552 or section 5552 of title 5, United States Code.

Sect. 18111. Funds appropriated by this title to the heading “Department of Health and Human Services” may be transferred to, and merged and treated as basic pay for purposes of a limitation on the amount of overtime pay attributable to such services, any pay that is disregarded under this subsection (a) or (b) shall be disregarded in calculating any annual limit on the amount of overtime pay payable in a calendar year.

SEC. 18114. (a) Funds appropriated in title III of the Coronavirus Preparedness and Response Supplemental Appropriations Act, 2020, and in the “Department of Homeland Security—Countering Weapons of Mass Destruction Office—Federal Assistance” account for costs incurred prior to the enactment of this Act, under other transaction authority and related to screening for coronavirus, domestically or internationally:

Provided, That the Inspector General of the Department of Homeland Security shall consult with the Committees on Appropriations of the House of Representatives and the Senate prior to obligating such funds: Provided further, That the transfer authority provided by this section is in addition to any other transfer authority provided by law.

(b) The term coronavirus has the meaning given in the term in section 506 of the Coronavirus Preparedness and Response Supplemental Appropriations Act, 2020.

(c) The amounts repurposed in this section that were previously 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.

(d) Repealer—Section 1702 of division A of the Families First Coronavirus Response Act is repealed.

TITLE IX LEGISLATIVE BRANCH SENATE CONTINGENT EXPENSES OF THE SENATE SERGEANT AT ARMS AND DOORKEEPER OF THE SENATE

For an additional amount for “Sergeant at Arms and Doorkeeper of the Senate”, $1,000,000, 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.

MISCELLANEOUS ITEMS

For an additional amount for “Miscellaneous Items”, $9,000,000, to remain available until expended, to prevent, prepare for, and respond to coronavirus, domestically or internationally, subject to approval by the Committee on Appropriations of the Senate and the Senate Committee on Rules and Administration: Provided, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

HOUSE OF REPRESENTATIVES SALARIES AND EXPENSES

For an additional amount for “Salaries and Expenses”, $25,000,000, to remain available until September 30, 2021, except that $5,000,000 shall, 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.

JOINT ITEMS OFFICE OF THE ATTENDING PHYSICIAN

For an additional amount for “Office of the Attending Physician”, $400,000, 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.

CAPITOL POLICE SALARIES

For an additional amount for “Salaries”, $12,000,000, to remain available until September 30, 2021, to prevent, prepare for, and respond to coronavirus, domestically or internationally: Provided, That the Capitol Police may transfer amounts appropriated under this heading in this Act to “General Expenses” without the approval requirement.
of 2 U.S.C. 1907(a): 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.

ARCHITECT OF THE CAPITOL
CAPITAL CONSTRUCTION AND OPERATIONS
For an additional amount for “Capital Construction and Operations”, $25,000,000, to remain available until September 30, 2021, to prevent, prepare for, and respond to coronavirus, domestically or internationally, including to purchase and distribute cleaning and sanitation products throughout all facilities and grounds under the care of the Architect of the Capitol, whose activities have been expanded, and any related services and operational costs: Provided, That the Architect of the Capitol shall provide a report within 30 days thereafter, to the Committees on Appropriations of the Senate and House of Representatives, the Senate Committee on Rules and Administration, and the Committee on House Administration on expenditure of funds from amounts appropriated under this heading in this Act: Provided further, That this amount is designated 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.

LIBRARY OF CONGRESS
SALARIES AND EXPENSES
For an additional amount for “SALARIES AND EXPENSES”, $700,000, to remain available until September 30, 2021, to prevent, prepare for, and respond to coronavirus, domestically or internationally, to be made available to the Little Scholars Child Development Center, subject to approval by the Committees on Appropriations of the Senate and House of Representatives, the Senate Committee on Rules and Administration, and the Committee on House Administration: 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.

GOVERNMENT ACCOUNTABILITY OFFICE
SALARIES AND EXPENSES
For an additional amount for “SALARIES AND EXPENSES”, $20,000,000, to remain available until expended, to prevent, prepare for, and respond to coronavirus, domestically or internationally, for audits and investigations and for reimbursement of the Tiny Findings Child Development Center for salaries for employees, as authorized by this Act: Provided further, That $504,164,000 shall be made available to the Tiny Findings Child Development Center, subject to approval by the Committees on Appropriations of the Senate and House of Representatives, the Senate Committee on Rules and Administration, and the Committee on House Administration: 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.

GENERAL PROVISIONS—THIS TITLE
SOURCE OF FUNDS USED FOR PAYMENT OF SALARIES AND EXPENSES OF SENATE EMPLOYEES
SEC. 19001. The Secretary of the Senate shall reimburse the Senate Employee Child Care Center and Senate Intelligence Center, starting on April 1, 2020, for employees of such Center who have been ordered to cease working due to measures taken in the Capitol complex to combat coronavirus, not to exceed $84,000 per month, from amounts in the appropriations account “Miscellaneous Items” within the contingent fund of the Senate.

SOURCE OF FUNDS USED FOR PAYMENT OF SALARIES AND EXPENSES OF HOUSE REPRESENTATIVES CHILD CARE CENTER
SEC. 19002. (a) AUTHORIZATION OF USE OF REVOLVING FUND OR APPROPRIATED FUNDS.—Section 312(d)(3)(A) of the Legislative Branch Appropriations Act, 1992 (2 U.S.C. 2062(d)(3)(A)) is amended—
(1) in subparagraph (A), by striking the period at the end and inserting the following: “, and, at the option of the Chief Administrative Officer during an emergency situation, the payment of the salary of other employees of the Center.’’; and
(2) by adding at the end the following new subparagraph:
“(c) During an emergency situation, the payment of such other expenses for activities carried out under this section as the Chief Administrative Officer determines appropriate.’’.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to fiscal year 2020 and each succeeding fiscal year.

PAYMENTS TO ENSURE CONTINUING AVAILABILITY OF GOODS AND SERVICES DURING THE CORONAVIRUS EMERGENCY
SEC. 19003. (a) AUTHORIZATION TO MAKE PAYMENTS.—Notwithstanding any other provision of law and subject to subsection (b), during an emergency situation, the Chief Administrative Officer of the House of Representatives may make payments under contracts with vendors providing goods and services to the House in amounts and under terms and conditions other than those provided under the contract in order to ensure that those goods and services remain available to the House throughout the duration of the emergency.

(b) CONDITIONS.—
(1) APPROVAL REQUIRED.—The Chief Administrative Officer may not make payments under the authority of subsection (a) without approval of the Committee on House Administration of the House of Representatives.

(2) AVAILABILITY OF APPROPRIATIONS.—The Chief Administrative Officer to make payments under the authority of subsection (a) may be made available to the appropriations account “Government Accountability Office—Salaries and Expenses”.

(3) APPLICABILITY.—This section shall apply with respect to the fiscal year 2020 and each succeeding fiscal year.

SOURCE OF FUNDS USED FOR PAYMENT OF SALARIES AND EXPENSES OF LITTLE SCHOLARS CHILD DEVELOPMENT CENTER
SEC. 19004. The Library of Congress shall reimburse Little Scholars Child Development Center for salaries for employees incurred from April 1, 2020, to September 30, 2020, for employees of such Center who have been ordered to cease working due to measures taken in the Capitol complex to combat coronavirus, not to exceed $113,000 per month, from amounts in the appropriations account “Library of Congress—Salaries and Expenses”.

AUTHORIZING PAYMENTS UNDER SERVICE CONTRACTS DURING THE CORONAVIRUS EMERGENCY
SEC. 19005. (a) AUTHORIZING PAYMENTS.—Notwithstanding section 3321 of title 31, United States Code, or any other provision of law and subject to subsection (b), if the employee of a contractor with a service contract with the Architect of the Capitol are furloughed or otherwise unable to work during closures, stop work orders, or reductions in service arising from or related to the impacts of coronavirus, the Architect of the Capitol may continue to make the payments provided for under the contract for the weekly salaries and benefits of such employees for more than 16 weeks.

(b) AVAILABILITY OF APPROPRIATIONS.—The authority of the Architect of the Capitol to make payments under the authority of subsection (a) is subject to the availability of appropriations to make such payments.

(c) REGULATIONS.—The Architect of the Capitol shall promulgate such regulations as may be necessary to carry out this section.

MASS MAILINGS AS FRANKED MAIL
SEC. 19006. (a) WAIVER.—Section 3210(a)(6)(B) of title 39, United States Code, is amended by striking the period at the end of the first sentence and inserting the following: “, and, in the case of the Commission, to waive this paragraph in the case of mailings sent in response to or to address threats to life safety.’’.

(b) EFFECTIVE DATE.—The amendments made by this subsection shall apply with respect to mailings sent after the date of the enactment of this Act.

TECHNICAL CORRECTION
SEC. 19007. In the matter preceding the first proviso under the heading “Library of Congress—Salaries and Expenses” in division E of the Further Consolidated Appropriations Act, 2020 (Public Law 116-94), strike “ $504,164,000’’ and insert “ $510,164,000’’.

SEC. 19008. Section 110(a)(1)(A) of the Family and Medical Leave Act of 1993 (as added by section 3102 of the First Coronavirus Response Act (Public Law 116–127)) is amended by striking the period at the end and inserting the following: “, and in lieu of the definition in section 202(a)(2)(B) of the Act (2 U.S.C. 1312(a)(2)(B))’’.

SEC. 19009. The Government Accountability Office may reimburse the Tiny Findings Child Development Center for salaries for employees incurred from April 1, 2020, to September 30, 2020, for employees of such Center who have been ordered to cease working due to measures taken in the Capitol complex to combat coronavirus, not to exceed $100,000 per month, from amounts in the appropriations account “Government Accountability Office—Salaries and Expenses”.

OVERTSIGHT AND AUDIT AUTHORITY
SEC. 19010. (a) DEFINITIONS.—In this section—
(1) the term ‘appropriate congressional committees’ means—
(A) the Committee on Appropriations of the Senate;
(B) the Committee on Homeland Security and Governmental Affairs of the Senate;
(C) the Committee on Health, Education, Labor, and Pensions of the Senate;
(D) the Committee on Appropriations of the House of Representatives;
(E) the Committee from Homeland Security of the House of Representatives;
(F) the Committee on Oversight and Reform of the House of Representatives; and
(G) the Committee on Energy and Commerce of the House of Representatives;

(b) AUTHORITY.—The Comptroller General shall conduct monitoring and oversight of the efforts, or the contractors, subcontractors, disbursement, and use of funds made available, under this Act or any other Act to prepare for, respond to, and recover from the Coronavirus 2019 pandemic and the effect of the pandemic on the health, economy, and public and private institutions of the United States, including public health and homeland security efforts of the Federal Government and the use of selected funds under this Act or any other Act related to the Coronavirus 2019 pandemic, (1) perform comprehensive audit and review of charges made to Federal contracts pursuant to authorities provided in the Coronavirus Aid, Relief, and Economic Security Act (CARES Act) (P.L. 116-136) and any other Act, including private entities receiving such assistance, and (2) the term ‘Comptroller General’ means the Comptroller General of the United States.

(c) REPORTS.—In conducting monitoring and oversight under subsection (b), the Comptroller General shall—

(1) during the period beginning on the date of enactment of this Act and ending on the date on which the national emergency declared by the President under the National Emergencies Act (50 U.S.C. 1601 et seq.) with respect to the Coronavirus Disease 2019 (COVID-19) expires, offer regular briefings on the ongoing monitoring and oversight activities under this section; and

(2) publish reports regarding the ongoing monitoring and oversight efforts, which, along with any audits and investigations conducted by the Comptroller General, shall be submitted to the appropriate congressional committees regarding Federal public health and homeland security efforts;

(d) ACCESS TO INFORMATION.—In conducting monitoring and oversight under subsection (b), the Comptroller General may—

(1) inspect, copy, transcribe, or otherwise access any Federal record or information, and may interview Federal, State, or local officials, contractor staff, grantee staff, recipients, or subrecipients pertaining to any Federal effort or assistance of any type related to the Coronavirus 2019 pandemic under this Act or any other Act, including private entities receiving such assistance;

(2) inspect, copy, transcribe, or otherwise access any Federal record or information, and may interview Federal, State, or local officials, contractor staff, grantee staff, recipients, or subrecipients carry out their responsibilities related to the Coronavirus 2019 pandemic.

(e) ENFORCEMENT.—Access rights under this subsection shall be subject to enforcement consistent with section 716 of title 31, United States Code.

(f) RELATIONSHIP TO EXISTING AUTHORITY.—Nothing in this section shall be construed to limit, amend, supersede, or restrict in any manner any existing authority of the Comptroller General.

NATIONAL EMERGENCY RELIEF AUTHORITY FOR THE REGISTRATION OF COPYRIGHTS

Sec. 105. (a) The Register of Copyrights shall, except as provided in section 115(e)(15), such adjustment shall not affect the ability to commence actions for any claim of infringement of exclusive rights provided by paragraphs (1) and (3) of section 106 (relating to the unauthorized reproduction or distribution of a musical work by such digital music provider in the course of engaging a digital music provider in the course of engaging in the ordinary course of conducting a public performance or display of any musical work by such digital music provider and commencing within the time periods prescribed under section 115(d)(10)(C)(i) or (115(d)(10)(C)(ii) as calculated from the adjusted license availability date.

(b) A UTHORITY.—The Comptroller General shall—

(1) right of access .—In conducting monitoring and oversight activities under this section, the Comptroller General shall have access to records, upon request, of any Federal, State, or local agency, contractor, grantee, recipient, or subrecipient pertaining to any Federal effort or assistance of any type related to the Coronavirus 2019 pandemic under this Act or any other Act, including private entities receiving such assistance.

(2) COPYRIGHT TERM EXCEPTION.—The authority described in subsection (a) (and any other Act related to the Coronavirus 2019 pandemic and the effect of the pandemic on the health, economy, and public and private institutions of the United States, including public health and homeland security efforts of the Federal Government and the use of selected funds under this Act or any other Act related to the Coronavirus 2019 pandemic, the term ‘Comptroller General’ means the Comptroller General of the United States, the term ‘Congress’ means the Congress of the United States, and the term ‘Register’ means the Register of Copyrights.

(3) STATEMENT REQUIRED.—Except as provided in subsection (d), as soon as practicable, the Register shall submit to Congress a statement detailing the action being taken by the Register in response to the national emergency under subsection (a) is sufficient to effectuate such action. The Register may make such action effective both prospectively and retroactively in relation to a particular provision or part thereof, or to all such provisions or parts, as is determined to be appropriate based on the timing, scope, and nature of the public emergency, but any action by the Register may only be retroactive with respect to any provision that has not already been passed before the declaration described in subsection (a).

(4) STATEMENT REQUIRED.—Except as provided in subsection (d), as soon as practicable, the Register shall submit to Congress a statement detailing the action taken, the relevant background, and rationale for the action.

(5) ENFORCEMENT.—Access rights under this subsection shall be subject to enforcement consistent with section 716 of title 31, United States Code.

TITLES X
DEPARTMENT OF VETERANS AFFAIRS

VETERANS BENEFITS ADMINISTRATION

GENERAL OPERATING EXPENSES, VETERANS BENEFITS ADMINISTRATION

For an additional amount for ‘General Operating Expenses, Veterans Benefits Administration’ $13,000,000, to remain available until September 30, 2021, to prevent, prepare for, and respond to coronavirus, domestically or internationally: Provided, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

VETERANS HEALTH ADMINISTRATION

MEDICAL SERVICES

For an additional amount for ‘Medical Services’, $14,432,000,000, to remain available until September 30, 2021, to prevent, prepare for, and respond to coronavirus, domestically or internationally, including related impacts on health care delivery, and for support to veterans who are homeless or at risk of becoming homeless: Provided, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

MEDICAL COMMUNITY CARE

For an additional amount for ‘Medical Community Care’, $2,100,000,000, to remain available until September 30, 2021, to prevent, prepare for, and respond to coronavirus, domestically or internationally, including related impacts on health care delivery, and for support to veterans who are homeless or at risk of becoming homeless: Provided, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.
care delivery: 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.

MEDICAL SUPPORT AND COMPLIANCE

For an additional amount for “Medical Support and Compliance”, $100,000,000, to remain available until September 30, 2021, to prevent, prepare for, and respond to coronavirus, domestically or internationally, including related impacts on health care delivery: 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.

MEDICAL FACILITIES

For an additional amount for “Medical Facilities”, $500,000,000, to remain available until September 30, 2021, to prevent, prepare for, and respond to coronavirus, domestically or internationally, including related impacts on health care delivery: 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.

DEPARTMENTAL ADMINISTRATION

GENERAL ADMINISTRATION

For an additional amount for “General Administration”, $500,000,000, to remain available until September 30, 2021, to prevent, prepare for, and respond to coronavirus, domestically or internationally, including related impacts on health care delivery: 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.

INFORMATION TECHNOLOGY SYSTEMS

For an additional amount for “Information Technology Systems”, $2,150,000,000, to remain available until September 30, 2021, to prevent, prepare for, and respond to coronavirus, domestically or internationally, including related impacts on health care delivery: Provided, That the Secretary shall transmit to the Committees on Appropriations of both Houses of Congress a spend plan detailing the allocation of such funds between pay and associated costs, operations and maintenance, and information technology support: Provided further, That after such transmittal is provided, funds may only be reprogrammed among the three subaccounts referenced in the previous proviso after the Chief Executive Officer of the Department of Veterans Affairs submits notice to the Committees on Appropriations of both Houses of Congress: 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.

OFFICE OF INSPECTOR GENERAL

For an additional amount for “Office of Inspector General”, $2,500,000,000, to remain available until September 30, 2022, to prevent, prepare for, and respond to coronavirus, domestically or internationally, including related impacts on health care delivery: Provided. That the Secretary requests from the Committees on Appropriations of both Houses of Congress the authority to make the transfer and an approval is issued.

SEC. 20005. (a) WAIVER OF OCCUPANCY RATE REQUIREMENTS.—During a public health emergency, occupancy rate requirements for State homes set forth in section 51.210(d) of title 38, Code of Federal Regulations, or successor regulations, shall not apply.

(b) WAIVER OF VETERAN PERCENTAGE REQUIREMENTS.—During a public health emergency, the veteran percentage requirements for State homes set forth in section 51.210(d) of title 38, Code of Regulations, or successor regulations, shall not apply.

(c) PROVISION OF MEDICINE, EQUIPMENT, AND SUPPLIES.—(1) IN GENERAL.—During a public health emergency, the Secretary of Veterans Affairs may enter into short-term agreements or contracts with telecommunications companies to provide temporary, complimentary or subsidized, mobile broadband service or other purposes of providing expanded mental health services to isolated veterans through telehealth or VA Video Connect during a public health emergency.

(b) ELIGIBILITY.—(1) IN GENERAL.—The Secretary may expand eligibility for services described in subparagraph (a) to veterans Affairs to include veterans already receiving care from the Department who may not be eligible for mental health services or other health care services delivered through telehealth or VA Video Connect.

(2) PRIORITY.—For purposes of expanding eligibility under paragraph (1), the Secretary shall prioritize—(A) veterans who are in underserved and underserved areas;

(B) veterans who reside in rural and highly rural areas, as defined in the Rural-Urban Commuting Areas coding system of the Department of Agriculture;

(C) low-income veterans; and

(D) veterans that the Secretary considers to be at a higher risk for suicide and mental health concerns during isolation periods due to a public health emergency.

(c) DEFINITIONS.—In this section—

(1) TELEHEALTH.—(A) In general.—The term “telehealth” means the use of electronic information and telecommunications technologies to support and promote distant clinical health care, patient and professional health-related activities:

(b) TECHNOLOGIES.—For purposes of paragraphs (1) through the All Hazards Emergence Cache of the Department of Veterans Affairs or any other source available to the Department.

(2) WAIVER OF VETERAN PERCENTAGE REQUIREMENTS.—During a public health emergency, the veteran percentage requirements for State homes set forth in section 51.210(d) of title 38, Code of Regulations, or successor regulations, shall not apply.

(c) PROVISION OF MEDICINE, EQUIPMENT, AND SUPPLIES.—

(1) IN GENERAL.—(A) In general.—During a public health emergency, the Secretary of Veterans Affairs may enter into short-term agreements or contracts with telecommunications companies to provide temporary, complimentary or subsidized, mobile broadband service or other purposes of providing expanded mental health services to isolated veterans through telehealth or VA Video Connect during a public health emergency.

(b) ELIGIBILITY.—(1) IN GENERAL.—The Secretary may expand eligibility for services described in subparagraph (a) to veterans Affairs to include veterans already receiving care from the Department who may not be eligible for mental health services or other health care services delivered through telehealth or VA Video Connect.

(2) PRIORITY.—For purposes of expanding eligibility under paragraph (1), the Secretary shall prioritize—(A) veterans who are in underserved and underserved areas;

(B) veterans who reside in rural and highly rural areas, as defined in the Rural-Urban Commuting Areas coding system of the Department of Agriculture;

(C) low-income veterans; and

(D) veterans that the Secretary considers to be at a higher risk for suicide and mental health concerns during isolation periods due to a public health emergency.

(c) DEFINITIONS.—In this section—

(1) TELEHEALTH.—(A) In general.—The term “telehealth” means the use of electronic information and telecommunications technologies to support and promote distant clinical health care, patient and professional health-related activities:

(b) TECHNOLOGIES.—For purposes of paragraphs (1) through the All Hazards Emergence Cache of the Department of Veterans Affairs or any other source available to the Department.

(2) WAIVER OF VETERAN PERCENTAGE REQUIREMENTS.—During a public health emergency, the veteran percentage requirements for State homes set forth in section 51.210(d) of title 38, Code of Regulations, or successor regulations, shall not apply.

(c) PROVISION OF MEDICINE, EQUIPMENT, AND SUPPLIES.—

(1) IN GENERAL.—(A) In general.—During a public health emergency, the Secretary of Veterans Affairs may enter into short-term agreements or contracts with telecommunications companies to provide temporary, complimentary or subsidized, mobile broadband service or other purposes of providing expanded mental health services to isolated veterans through telehealth or VA Video Connect during a public health emergency.

(b) ELIGIBILITY.—(1) IN GENERAL.—The Secretary may expand eligibility for services described in subparagraph (a) to veterans Affairs to include veterans already receiving care from the Department who may not be eligible for mental health services or other health care services delivered through telehealth or VA Video Connect.

(2) PRIORITY.—For purposes of expanding eligibility under paragraph (1), the Secretary shall prioritize—(A) veterans who are in underserved and underserved areas;

(B) veterans who reside in rural and highly rural areas, as defined in the Rural-Urban Commuting Areas coding system of the Department of Agriculture;

(C) low-income veterans; and

(D) veterans that the Secretary considers to be at a higher risk for suicide and mental health concerns during isolation periods due to a public health emergency.

(c) DEFINITIONS.—In this section—

(1) TELEHEALTH.—(A) In general.—The term “telehealth” means the use of electronic information and telecommunications technologies to support and promote distant clinical health care, patient and professional health-related activities:

(b) TECHNOLOGIES.—For purposes of paragraphs (1) through the All Hazards Emergence Cache of the Department of Veterans Affairs or any other source available to the Department.

(2) WAIVER OF VETERAN PERCENTAGE REQUIREMENTS.—During a public health emergency, the veteran percentage requirements for State homes set forth in section 51.210(d) of title 38, Code of Regulations, or successor regulations, shall not apply.

(c) PROVISION OF MEDICINE, EQUIPMENT, AND SUPPLIES.—

(1) IN GENERAL.—(A) In general.—During a public health emergency, the Secretary of Veterans Affairs may enter into short-term agreements or contracts with telecommunications companies to provide temporary, complimentary or subsidized, mobile broadband service or other purposes of providing expanded mental health services to isolated veterans through telehealth or VA Video Connect during a public health emergency.

(b) ELIGIBILITY.—(1) IN GENERAL.—The Secretary may expand eligibility for services described in subparagraph (a) to veterans Affairs to include veterans already receiving care from the Department who may not be eligible for mental health services or other health care services delivered through telehealth or VA Video Connect.

(2) PRIORITY.—For purposes of expanding eligibility under paragraph (1), the Secretary shall prioritize—(A) veterans who are in underserved and underserved areas;

(B) veterans who reside in rural and highly rural areas, as defined in the Rural-Urban Commuting Areas coding system of the Department of Agriculture;

(C) low-income veterans; and

(D) veterans that the Secretary considers to be at a higher risk for suicide and mental health concerns during isolation periods due to a public health emergency.

(c) DEFINITIONS.—In this section—

(1) TELEHEALTH.—(A) In general.—The term “telehealth” means the use of electronic information and telecommunications technologies to support and promote distant clinical health care, patient and professional health-related activities:
prevent the wearer from contracting COVID–19, including gloves, N–95 respirator masks, gowns, goggles, face shields, or other equipment required for safety.

(2) PUBLIC HEALTH EMERGENCY.—The term “public health emergency” means an emergency with respect to COVID–19 declared by a Federal, State, or local authority.

(3) The term “State home” has the meaning given that term in section 101(19) of title 38, United States Code.

MODIFICATIONS TO VETERAN DIRECTED CARE PROGRAM OF DEPARTMENT OF VETERANS AFFAIRS

SEC. 20006. (a) TELEPHONE OR TELEHEALTH RENEWALS.—For the Veteran Directed Care program of the Department of Veterans Affairs (commonly referred to as the “Program”), during a public health emergency, the Secretary of Veterans Affairs shall—

(1) waive the requirement that an area agency on aging process new enrollments and six-month renewals for the Program via an in-person or home visit; and

(2) allow new enrollments and sixth-month renewals for the Program to be conducted via telephone or telehealth modality.

(b) NO SUSPENSION OR DISENROLLMENT.—During a public health emergency, the Secretary may not suspend or dis-enroll a veteran or caregiver of a veteran from the Program unless—

(1) requested to do so by the veteran or a representative of the veteran; or

(2) a mutual decision is made between the veteran and a health care provider of the veteran to suspend or dis-enroll the veteran or caregiver from the Program.

(c) WAIVER OF PAPERWORK REQUIREMENT.—During a public health emergency, the Secretary may waive the requirement for signed, mailed paperwork to confirm the enrollment or renewal.

(d) WAIVER OF OTHER REQUIREMENTS.—During a public health emergency, the Secretary shall waive—

(1) any penalty for late paperwork relating to the Program; and

(2) any requirement to stop payments for veteran or caregiver of veteran if the Program if they are out of State for more than 14 days.

(e) AREA AGENCY ON AGING DEFINED.—In this section, the term “area agency on aging” has the meaning given that term in section 102 of the Older Americans Act of 1965 (42 U.S.C. 3002).

PROVISION OF PERSONAL PROTECTIVE EQUIPMENT THROUGH NON–DEPARTMENT PROVIDERS DURING PUBLIC HEALTH EMERGENCY

SEC. 20007. The Secretary of Veterans Affairs shall, to the extent practicable, and except for veterans who are receiving or are eligible to receive a prosthetic appliance under section 1714 or 1719 of title 38, United States Code, be able to receive such an appliance that the Secretary determines is needed from a non–Department of Veterans Affairs provider.

PROVISION OF PERSONAL PROTECTIVE EQUIPMENT TO VETERAN AFFAIRS MEDICAL CENTERS DURING PUBLIC HEALTH EMERGENCY

SEC. 20008. (a) IN GENERAL.—For each month that the Secretary waives a limitation under subsection (a), the Secretary shall submit to the Committee on Veterans’ Affairs of the Senate and the Committee on Veterans’ Affairs of the House of Representatives a report on the waiver.

(1) CONTENTS. Each report submitted under paragraph (1) shall include the following:

(A) Where the waiver or waivers were used, including in which component of the Department, and, as applicable, medical center of the Department.

(B) For how many employees the waiver or waivers were used by component of the Department and, if applicable, medical center of the Department.

(C) The average amount by which each payment exceeded the waived pay limitation that was waived, disaggregated by component of the Department and, if applicable, medical center of the Department.

(D) EMPLOYEE OF THE DEPARTMENT OF VETERANS AFFAIRS DEFINED.—In this section, the term “employee of the Department of Veterans Affairs” includes any employee of the Department, regardless of the authority under which the employee was hired.

(b) WAIVER OF PAY CAPS FOR EMPLOYEES OF DEPARTMENT OF VETERANS AFFAIRS DURING A PUBLIC HEALTH EMERGENCY

SEC. 20009. (a) PROVISION OF EQUIPMENT.—

(1) IN GENERAL.—During a public health emergency, the Secretary shall—

(a) provide the personal protective equipment necessary to provide home care to veterans under the laws administered by the Secretary.

(b) SOURCE OF EQUIPMENT.—Personal protective equipment may be provided under paragraph (1) from the Hazardous Emergency Cache of the Department or any other source available to the Department.

(c) DEFINITIONS.—In this section:

(1) HOME CARE.—The term “home care” has the meaning given that term in section 1803(c) of title 38, United States Code.

(2) PERSONAL PROTECTIVE EQUIPMENT.—The term “personal protective equipment” means any protective equipment required to prevent the wearer from contracting COVID–19, including gloves, N–95 respirator masks, gowns, goggles, face shields, or other equipment required for safety.

ClARIFICATION OF TREATMENT OF PAYMENTS FOR PURPOSES OF ELIGIBILITY FOR VETERANS PENSION AND OTHER BENEFITS

SEC. 20010. Amounts paid to a person under the 2020 Recovery Rebate in the Coronavirus Aid, Relief, and Economic Security Act shall not be treated as income or resources for purposes of determining eligibility for pension under chapter 15 of title 38, United States Code, or any other benefit under a law administered by the Secretary of Veterans Affairs.

AVAILABILITY OF TELEHEALTH FOR CARE MANAGERS AND HOMELESS VETERANS

SEC. 20011. The Secretary of Veterans Affairs shall ensure that telehealth capabilities are available during a public health emergency for case managers of, and homeless veterans participating in, the Department of Veterans Affairs ‘Homeless Veterans Prevention Program’.

DEPARTMENT OF STATE

MIGRATION AND REFUGEE ASSISTANCE

For an additional amount for “Migration and Refugee Assistance”, $250,000,000, to remain available until expended, to prevent, prepare for, and respond to coronavirus: 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.

INDEPENDENT AGENCIES

PEACE CORPS

For an additional amount for “Peace Corps” there are authorized to be appropriated, until September 30, 2022, to prevent, prepare for, and respond to coronavirus: 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

EXCEPTING FUNDING ITEMS: For the purposes of this Act, any amounts designated by the Congress for fiscal year 2020, as an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, of government funds provided or made available under section 904 of the Foreign Assistance Act of 1961 (22 U.S.C. 2371) are hereby excepted from any requirement of the Balanced Budget and Emergency Deficit Control Act of 1985.

SEC. 21002. Provided, That the Bal-

SEC. 21003. The reporting requirement of this Act applies to the Bipartisan Budget Act of 2018.

SEC. 21004. Provided, That the Bal-}

SEC. 21005. Provided, That the Bal-}

SEC. 21006. Provided, That the Bal-}
(3) In order to carry out the purposes of a one-time decision of the Executive Directors of the International Monetary Fund (the Fund) to expand the resources of the New Arrangements to Borrow, pursuant to the decision of January 27, 1997, referred to in paragraph (1), the Secretary of the Treasury is authorized to make loans, in an amount not to exceed the dollar equivalent of $20,322,546,000 of Special Drawing Rights, in addition to any amounts previously authorized under this section, except that prior to ratification of the New Arrangements to Borrow, the Secretary of the Treasury shall report to Congress whether supplementary resources are needed to forestall or cope with an impairment of monetary system and whether the Fund has fully explored other means of funding the Fund:

(II) by inserting after paragraph (6), as so redesignated, by striking "paragraph (4)" and inserting "paragraph (5)"; and

(4) AFRICAN DEVELOPMENT FUND.—The African Development Bank Act (22 U.S.C. 290g et seq.) is amended by adding at the end the following new section:

**SEC. 226. FIFTEENTH REPLENISHMENT.**

(a) VOTES AUTHORIZED.—The United States Governor of the Corporation is authorized to vote in favor of the Bank:

(1) to increase the authorized capital stock of the Corporation by $32,623.998 shares, to implement the conversion of a portion of the shares of the Corporation into paid-in capital, which will result in the United States being issued an additional 3.771,689 shares of capital stock, without any cash outlay; and

(2) to increase the authorized capital stock of the Corporation on a selective basis by $19,998 shares.

(b) AUTHORIZATION OF APPROPRIATIONS.—The United States Governor of the Corporation is authorized to agree to and accept an amendment to article II, section 307(h), of the articles of association of the Corporation that would increase the vote by which the Board of Governors of the Corporation may increase the capital stock of the Corporation from a four-fifths majority to an eighty-five percent majority.

(c) AFRICAN DEVELOPMENT BANK.—The African Development Bank Act (22 U.S.C. 290g et seq.) is amended by adding at the end the following new section:

**SEC. 1345. SEVENTH CAPITAL INCREASE.**

(a) SUBSCRIPTION AUTHORIZED.—

(1) IN GENERAL.—The United States Governor of the Bank may subscribe on behalf of the United States to $32,623.998 additional shares of the capital stock of the Bank.

(2) LIMITATION.—Any subscription by the United States to the capital stock of the Bank shall be effective only to such extent and in such amounts as are provided in appropriations Acts.

(b) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—In order to pay for the increase in the United States subscription to the Bank under subsection (a), there are authorized to be appropriated, without fiscal year limitation, $7,286,877,008 for payment by the Secretary of the Treasury.

(2) SHARE TYPES.—Of the amount authorized to be obligated under paragraph (1)—

(A) $437,190,006 shall be for paid in shares of the Bank; and

(B) $6,849,998,992 shall be for callable shares of the Bank.

(c) AFRICAN DEVELOPMENT FUND.—The African Development Bank Act (22 U.S.C. 290g et seq.) is amended by adding at the end the following new section:

**SEC. 228. FIFTEENTH REPLENISHMENT.**

(a) IN GENERAL.—The United States Governor of the Fund is authorized to contribute on behalf of the United States $513,900,000 to the fifteenth replenishment of the resources of the Fund, subject to obtaining the necessary appropriations.

(b) AUTHORIZATION OF APPROPRIATIONS.—

In order to pay for the United States contribution provided for in subsection (a), there are authorized to be appropriated, without fiscal year limitation, $513,900,000 for payment by the Secretary of the Treasury.

(5) INTERNATIONAL MONETARY FUND AUTHORIZATION FOR NEW ARRANGEMENTS TO BORROW.—

(A) IN GENERAL.—Section 17 of the Bretton Woods Agreements Act (22 U.S.C. 286e–2) is amended—

(1) in subsection (a)—

(I) by redesignating paragraphs (3), (4), and (5) as paragraphs (4), (5), and (6), respectively;

(II) by inserting after paragraph (2) the following new paragraph:

(3) Providing further, That such amounts provided under this heading in this Act shall only be available to sponsors of airports defined in section 47102 of title 49, United States Code: Provided further, That funds provided under this heading in the Act may not be used for any purpose not directly related to the airport: Provided further, That the amounts appropriated under this heading in this Act—

(1) Not less than $500,000,000 shall be available to pay a Federal share of 100 percent of the costs for which assistance is provided under Public Law 116–94: Provided, That any remaining funds after the apportionment under this paragraph (1) shall be distributed as described in paragraph (2) under this heading in this Act;

(2) Not less than $7,400,000,000 shall be available for any purpose for which airport revenues may lawfully be used: Provided, That 50 percent of such funds shall be allocated among all commercial service airports based on each sponsor’s 2018 enplanements as a percentage of total 2018 enplanements for all commercial service airports: Provided further, That the remaining 50 percent of such funds shall be allocated among all commercial service airports based on an equal combination of each sponsor’s fiscal year 2018 debt service as a percentage of the combined debt service for all commercial service airports and each sponsor’s ratio of unrestricted reserves to their respective debt service: Provided further, That the Federal share payable under this paragraph shall be 100 percent;

(3) Up to $2,000,000,000 shall be available for any purpose for which airport revenues may lawfully be used, and: (A) be apportioned as set forth in section 47114(c)(1)(C)(i), 47114(c)(1)(C)(ii), or 47114(c)(1)(H) of title 49, United States Code; (B) not be subject to the reduced apportionments of 49 U.S.C. 47114(f); and (C) have no maximum apportionment limit, notwithstanding 47114(c)(1)(C)(iii) of title 49, United States Code. That any remaining funds after the apportionment under this paragraph shall be distributed as described in paragraph (2) under this heading in this Act;

(4) Not less than $100,000,000 shall be available for general aviation airports for any purpose for which airport revenues may lawfully be used, and, which the Secretary shall apportion directly to each eligible airport. Provided, That any remaining funds after the apportionment under this heading in this Act, except the funds provided under this heading in this Act to fund the award and oversight by the Administrator of grants made under this heading in this Act, if any, shall not be subject to any limitations on obligations.
provided in Public Law 116-94: Provided further, That all airports receiving funds under this heading in this Act shall continue to employ, through December 31, 2020, at least 90 percent of the workforce of the airport or carrier (or a direct recipient of funds) (after making adjustments for retirements or voluntary employee separations) by the airport as of the date of enactment of this Act. That the Secretary may waive the workforce retention requirement in the previous proviso, if the Secretary determines the airport is experiencing economic hardship as a direct result of the requirement, or the requirement reduces aviation safety or security: Provided further, That the workforce retention requirement shall not apply to any airport or primary airports receiving funds under this heading in this Act: 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.

FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION
MOTOR CARRIER SAFETY OPERATIONS AND PROGRAMS

Of prior year unobligated contract authority and other funds provided for Motor Carrier Safety in the Transportation Equity Act for the 21st Century (Public Law 105-178), SAFETEA-LU (Public Law 109-59), or other appropriations or authorization acts, in addition to the amounts appropriated in fiscal year 2020 for “Motor Carrier Safety Operations and Programs”, $150,000 in additional obligation limitation is provided and repurposed for obligations incurred to support activities to prevent, prepare for, and respond to coronavirus.

FEDERAL RAILROAD ADMINISTRATION
SAFETY AND OPERATIONS

For an additional amount for “Safety and Operations”, $250,000, to remain available until September 30, 2021, to prevent, prepare for, and respond to coronavirus: 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.

NORTHEAST CORRIDOR GRANTS TO THE NATIONAL RAILROAD PASSENGER CORPORATION (INCLUDING TRANSFER OF FUNDS)

For an additional amount for “Northeast Corridor unforeseen expenses”, $492,000,000, to remain available until expended, to prevent, prepare for, and respond to coronavirus, including to enable the Secretary of Transportation to make or amend existing grants to the National Railroad Passenger Corporation for amounts included in the National Railroad Passenger Corporation’s Fixing America’s Surface Transportation Act (division A of Public Law 114-94): Provided further, That the amount made available under this heading in this Act shall be transferred to and merged with “Northeast Corridor Grants to the National Railroad Passenger Corporation” to prevent, prepare for, and respond to coronavirus: 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.

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

For an additional amount for “National Network Grants to the National Railroad Passenger Corporation”, $526,000,000, to remain available until expended, to prevent, prepare for, and respond to coronavirus, including to enable the Secretary of Transportation to make or amend existing grants to the National Railroad Passenger Corporation for amounts included in the National Railroad Passenger Corporation’s Fixing America’s Surface Transportation Act (division A of Public Law 114-94): Provided further, That the amount made available under this heading in this Act shall be transferred to and merged with “National Network Grants to the National Railroad Passenger Corporation” to prevent, prepare for, and respond to coronavirus: 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.
coronavirus, for the Office of the Chief Financial Officer, including for Department-wide salaries and expenses, Information Technology purposes, and to support the Department in a telework environment: Provided, That the amounts provided under this heading shall be in addition to amounts otherwise available for such purposes, including amounts made available under the heading "Program Offices" in this Act: Provided further, 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.

PUBLIC AND INDIAN HOUSING

For an additional amount for "Program Offices": $75,000,000, to remain available until September 30, 2021, to prevent, prepare for, and respond to coronavirus: Provided, That the amounts made available under this heading in this Act—

(1) $5,000,000 shall be available for the Office of Public and Indian Housing; and

(2) $20,000,000 shall be available for the Office of Community Planning and Development: 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.

PUBLIC AND INDIAN HOUSING

For an additional amount for "Tenant-Based Rental Assistance": $1,250,000,000, to remain available until expended, to prevent, prepare for, and respond to coronavirus, including for the public funding for public housing agencies to maintain normal operations and take other necessary actions during the period that the program is impacted by coronavirus: Provided, That the amounts made available under this heading in this Act, $850,000,000 shall be available for both administrative expenses and other expenses of public housing agencies for their section 8 programs, including Mainstream vouchers: Provided further, That such other expenses shall be new eligible activities to be defined by the Secretary and shall include activities to support or maintain the health and safety of assisted individuals and families, and costs related to retention and support services for owners: Provided further, That amounts made available under paragraph (3) under this heading in Public Law 116–94 may be used for such other expenses in the previous proviso in addition to their other available uses: Provided further, That the amounts made available under this heading in this Act, $400,000,000 shall be available for adjustments in the calendar year 2020 section 8 renewal funding allocations, in addition to any other appropriations available for such purpose, including reductions in voucher per-unit costs due to extraordinary circumstances or that, despite such reductions in voucher per-unit cost savings measures, as determined by the Secretary, would otherwise be required to terminate rental assistance for families as a result of insufficient funds: Provided further, That the Secretary shall allocate amounts provided in the previous proviso based on need, as determined by the Secretary: Provided further, That such amounts may waive, or specify alternative requirements for, any provision of any statute or regulation that the Secretary administers in connection with the use of the appropriated funds, consistent with the purposes described under this heading in this Act, to prevent, prepare for, and respond to coronavirus: Provided further, That the amounts made available under this heading shall be available to public housing agencies to prevent, prepare for, and respond to coronavirus in a manner consistent with the safe Public Notice at the appropriate Government web site or through other electronic media, as determined by the Secretary: Provided further, That any such waivers or alternative requirements shall remain in effect for the time and duration specified by the Secretary in such public notice and may be extended if necessary upon additional notice by the Secretary: Provided further, That for the purposes of NAHASDA: 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.

PUBLIC HOUSING OPERATING FUND

For an additional amount for "Public Housing Operating Fund", as authorized by section 9(e) of the United States Housing Act of 1937 (42 U.S.C. 1437f(e)), $685,000,000, to remain available until September 30, 2021, to prevent, prepare for, and respond to coronavirus, including for the public funding for public housing agencies to maintain normal operations and take other necessary actions during the period that the program is impacted by coronavirus: Provided, That the amount provided under this heading shall be made available with the amount appropriated for the same purpose under the same heading of Public Law 116–94, and distributed to all public housing agencies on a pro rata basis in connection with the funding formula at part 900 of title 24, Code of Federal Regulations: Provided further, That for the period from the enactment of this Act until September 30, 2021, the total amount or funds made available under this heading in this Act shall be used to cover or reimburse allowable costs to prevent, prepare for, and respond to coronavirus, including activities to support or maintain the health and safety of assisted individuals and families, and activities to support education and child care for impacted families: Provided further, That amounts made available under the headings "Public Housing Operating Fund" and "Public Housing Capital Fund" in prior Acts, except for any set-asides listed under such headings, may be used for all of the purposes described in this proviso or for other purposes reasonably related to preventing, preparing for, and responding to coronavirus: Provided further, That the expanded uses and funding flexibilities described in the previous two provisos shall be available to all public housing agencies in a manner consistent with the safe Public Notice at the appropriate Government web site or through other electronic media, as determined by the Secretary: 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.

NATIVE AMERICAN PROGRAMS

For an additional amount for "Native American Programs", $300,000,000, to remain available until September 30, 2024, to prevent, prepare for, and respond to coronavirus, for activities and assistance authorized under title I of the Native American Housing Assistance and Self-Determination Act of 1996 (NAHASDA) (25 U.S.C. 4111 et seq.), and under title I of the Housing and Community Development Act of 1974 with respect to Indian tribes (42 U.S.C. 5306(a)(1)): Provided, That the amounts made available under this heading in this Act are as follows: (1) No less than $200,000,000 shall be available for the Native American Housing Block Grant Program: Provided further, That amounts made available under this heading shall be available in accordance with the provisions of NAHASDA: Provided, That amounts made available under this paragraph shall be distributed according to the same funding formula at part 900 of title 24, Code of Federal Regulations: Provided further, That for the period from the enactment of this Act until September 30, 2024, the total amount or funds made available under this heading in this Act shall be used to cover or reimburse allowable costs to prevent, prepare for, and respond to coronavirus, including activities to support or maintain the health and safety of assisted individuals and families, and activities to support education and child care for impacted families: Provided further, That amounts made available under the headings "Native American Housing Block Grant Program" and "Public Housing Capital Fund" in prior Acts, except for any set-asides listed under such headings, may be used for all of the purposes described in this proviso or for other purposes reasonably related to preventing, preparing for, and responding to coronavirus: Provided further, That the expanded uses and funding flexibilities described in the previous two provisos shall be available to all public housing agencies in a manner consistent with the safe Public Notice at the appropriate Government web site or through other electronic media, as determined by the Secretary: 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.

March 25, 2020
coronavirus that are incurred by a recipient, including for costs incurred prior to the date of enactment of this Act: Provided further, That the Secretary may waive, or specify alternative requirements for, any provision of any statute or regulation that the Secretary administers in connection with the use of amounts made available under this paragraph or under the same paragraph in Public Law 116–94 unless such waivers or alternative requirements are necessary to expedite or facilitate the use of such amounts to prevent, prepare for, and respond to coronavirus: Provided further, That any such waivers shall be deemed to be effective as of the date an Indian tribe or tribe-designated housing entity began preparing for coronavirus and shall apply to the amounts made available under this paragraph and to the previously appropriated amounts described in the previous proviso; and

(2) Up to $100,000,000 shall be available for grants to Indian tribes under the Indian Community Planning and Development Block Grant Program under title I of the Housing and Community Development Act of 1974, notwithstanding section 106(a)(1) of such Act, to prevent, prepare for, and respond to coronavirus: Provided further, That such amounts are used by grantees for the purpose of providing, in order to prevent, prepare for, and respond to coronavirus: Provided further, That such amounts to prevent, prepare for, and respond to coronavirus: Provided further, That the Secretary shall prioritize, without competition, allocations of such amounts for Indian tribes or tribe-designated housing entity that are designated for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.
prior awards to existing technical assistance providers, without competition, to provide an immediate increase in capacity building and technical assistance to support the use of amounts made available under this heading in this Act and under the same heading in prior Acts to prevent, prepare for, and respond to coronavirus: 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.

HOMELESS ASSISTANCE GRANTS

For an additional amount for “Homeless Assistance Grants”, $4,000,000,000, to remain available until September 30, 2022, to prevent, prepare for, and respond to coronavirus, among individuals and families who are homeless or receiving homeless assistance and to support additional homeless assistance activities as a condition for receiving shelter services to mitigate the impacts created by coronavirus under the Emergency Solutions Grants program as authorized under subtitle B of title IV of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11371 et seq.), as amended: Provided. That up to $2,000,000,000 of the amount appropriated under this Act shall be contributed pursuant to 24 CFR 576.3 to grantees that received allocations pursuant to that same formula in fiscal year 2020, and that such allocations shall be made within 30 days of enactment of this Act: Provided further, That, remaining amounts shall be allocated among the States by the Department of Housing and Urban Development by a formula to be developed by the Secretary and that such allocations shall be made within 90 days of enactment of this Act: Provided further, That the Secretary shall allocate such amounts for the benefit of unsheltered homeless, by geographic base, the Secretary shall allocate such amounts for the benefit of unsheltered homeless, and, those at risk of homelessness, to geographic areas that are determined to be experiencing a severe housing shortage based on factors to be determined by the Secretary, such as risk of transmission of coronavirus, the number of sheltered and unsheltered homeless, and economic and housing market conditions as determined by the Secretary: Provided further, That in no event shall any of the funds made available under this heading in this Act does not exceed the Very Low-Income Limit of the area, as determined by the Secretary, shall be considered at risk of homelessness and shall be eligible for homelessness prevention if they meet the criteria in section 401(b)(2)(B) of such Act (42 U.S.C. 11360(c)(1)(B) and (C): Provided further, That the spending cap established pursuant to section 341(b)(1) of such Act may be used to cover or reimburse allowable amounts for emergency management, including the purchase of personal protective equipment, to prevent, prepare for, and respond to coronavirus: Provided further, That the use of such amounts provided under this heading in this Act shall not be subject to the consultation, citizen participation, or public access requirements that otherwise apply to the Emergency Solutions Grants program, except that a recipient must publish how it has and will utilize its allocation, at a minimum, on the Internet at the appropriate Government website or through other electronic media: Provided further, That the Secretary shall notify the public through the Federal Register or other appropriate means of any such waiver or alternative requirement, and that such notification may be provided, at a minimum, on the Internet at the appropriate Government website or through other electronic media, as determined by the Secretary: Provided further, That any additional activities or authorities authorized pursuant to this Act, including temporary emergency shelters, and allocations established by the Secretary pursuant to this Act, may also apply at the discretion of the Secretary for emergency management, including the purchase of personal protective equipment, to prevent, prepare for, and respond to coronavirus: Provided further, That up to 1 percent of amounts made available under this heading in this Act may be used to make funds available to those awarded made to existing technical assistance providers with experience in providing health care services to homeless populations, without competition, to provide an immediate increase in capacity building and technical assistance to support recipients of amounts for the Balanced Budget and Emergency Deficit Control Act of 1985.

HOUSING PROGRAMS

PROJECT-BASED RENTAL ASSISTANCE

For an additional amount for “Project-Based Rental Assistance”, $1,000,000,000, to remain available until expended, to prevent, prepare for, and respond to coronavirus, including to provide additional funds to maintain normal operations during the necessary actions during the period that the program is impacted by coronavirus, for assistance to owners or sponsors of properties receiving project-based rental assistance pursuant to section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f et seq.): Provided, That such amounts may be used for the payment of administrative requirements for, any provision of any statute or regulation that the Secretary administers in connection with the use of amounts made available under this heading in this Act (except for requirements related to fair housing, nondiscrimination, labor standards, and the environment), upon a finding by the Secretary that such waivers or alternative requirements are necessary to expedite or facilitate the use of
such amounts to prevent, prepare for, and respond to coronavirus, and such waiver or alternative requirement is consistent with the purposes described under this heading in this Act: Provided further, that the Secretary shall notify the public through the Federal Register or other appropriate means of any such waiver or alternative requirement to take effect, and that such public notice may be provided, at a minimum, on the Internet at the appropriate Government web site or through other electronic media, as determined by the Secretary: 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.

HOUSEHOLD ECONOMIC ASSISTANCE—FAIR HOUSING AND EQUAL OPPORTUNITY

For an additional amount for “Housing for the Elderly”, $50,000,000, to remain available until September 30, 2023, to prevent, prepare for, and respond to coronavirus, including to provide additional funds to maintain normal operations and take other necessary actions during the period that the program is impacted by coronavirus, for assistance to owners of, or to project-based assistance pursuant to section 202 of the Housing Act of 1969 (12 U.S.C. 170q), as amended: Provided, That the amount provided to provide such assistance under this Act, up to $10,000,000 shall be for service coordinators and the continuation of existing congregate service grants for residents of assisted housing projects: Provided further, That the Secretary may waive, or specify alternative requirements for, any provision of any statute or regulation that the Secretary administers in connection with the use of amounts made available under this heading in this Act (except for requirements related to fair housing, nondiscrimination, labor standards, and the environment), upon a finding by the Secretary that any such waivers or alternative requirements are necessary to facilitate the use of such amounts to prevent, prepare for, and respond to coronavirus, and such waiver or alternative requirement is consistent with the purposes described under this heading in this Act: Provided further, That the Secretary shall notify the public through the Federal Register or other appropriate means of any such waiver or alternative requirement to take effect, and that such public notice may be provided, at a minimum, on the Internet at the appropriate Government web site or through other electronic media, as determined by the Secretary: 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.

FAIR HOUSING AND EQUAL OPPORTUNITY

For an additional amount for “Fair Housing Activities”, $2,500,000, to remain available until September 30, 2021, for contracts, as authorized by section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, for the purpose of providing for, and respond to coronavirus: 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.

Office of Inspector General

For an additional amount for “Office of Inspector General”, $5,000,000, to remain available until expended, to prevent, prepare for, and respond to coronavirus: 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.

HOUSEHOLD ECONOMIC ASSISTANCE—HOUSING FOR THE ELDERLY

For an additional amount for “Housing for the Elderly”, $50,000,000, to remain available until September 30, 2023, to prevent, prepare for, and respond to coronavirus, including to provide additional funds to maintain normal operations and take other necessary actions during the period that the program is impacted by coronavirus, for assistance to owners of, or to project-based assistance pursuant to section 202 of the Housing Act of 1969 (12 U.S.C. 170q), as amended: Provided, That the amount provided to provide such assistance under this Act, up to $10,000,000 shall be for service coordinators and the continuation of existing congregate service grants for residents of assisted housing projects: Provided further, That the Secretary may waive, or specify alternative requirements for, any provision of any statute or regulation that the Secretary administers in connection with the use of amounts made available under this heading in this Act (except for requirements related to fair housing, nondiscrimination, labor standards, and the environment), upon a finding by the Secretary that any such waivers or alternative requirements are necessary to facilitate the use of such amounts to prevent, prepare for, and respond to coronavirus, and such waiver or alternative requirement is consistent with the purposes described under this heading in this Act: Provided further, That the Secretary shall notify the public through the Federal Register or other appropriate means of any such waiver or alternative requirement to take effect, and that such public notice may be provided, at a minimum, on the Internet at the appropriate Government web site or through other electronic media, as determined by the Secretary: 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.

Office of Inspector General

For an additional amount for “Office of Inspector General”, $5,000,000, to remain available until expended, to prevent, prepare for, and respond to coronavirus: 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. 22004. (a) In General.—The Secretary of Transportation (hereafter referred to as the “Secretary”) may waive or postpone any requirement under section 402, 404, 405, or 412 of title 23, United States Code, section 412(c) of the Propane Cylinder Act of 1928 (29 U.S.C. 642), section 412(b) of the Code of Federal Regulations (or successor regulation) of Federal Motor Carrier Safety Administration, section 412(c) of the Code of Federal Regulations (or successor regulation) of the Federal Railroad Administration, or section 412(c) of the Code of Federal Regulations (or successor regulation) of the Federal Aviation Administration (49 U.S.C. 32313), as determined by the Secretary: Provided, That the Secretary may waive, or specify alternative requirements for, any provision of any statute or regulation that the Secretary administers in connection with the use of amounts made available under this heading in this Act (except for requirements related to fair housing, nondiscrimination, labor standards, and the environment), upon a finding by the Secretary that any such waivers or alternative requirements are necessary to facilitate the use of such amounts to prevent, prepare for, and respond to coronavirus, and such waiver or alternative requirement is consistent with the purposes described under this heading in this Act: Provided further, That the Secretary shall notify the public through the Federal Register or other appropriate means of any such waiver or alternative requirement to take effect, and that such public notice may be provided, at a minimum, on the Internet at the appropriate Government web site or through other electronic media, as determined by the Secretary: 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.

Highway Safety Grants Emergency Authority

Sec. 22005. (a) In General.—The Secretary of Transportation (referred to in this title as the “Secretary”) may waive or postpone any requirement under section 402, 404, 405, or 412 of title 23, United States Code, section 412(c) of the Propane Cylinder Act of 1928 (29 U.S.C. 642), section 412(b) of the Code of Federal Regulations (or successor regulation) of the Federal Motor Carrier Safety Administration, section 412(c) of the Code of Federal Regulations (or successor regulation) of the Federal Railroad Administration, or section 412(c) of the Code of Federal Regulations (or successor regulation) of the Federal Aviation Administration (49 U.S.C. 32313), as determined by the Secretary: Provided, That the amount made available by this Act under the headings “Northeast Corridor Grants to the National Railroad Passenger Corporation” and “National Network Grants to the National Railroad Passenger Corporation”, the Secretary of Transportation may waive or postpone any requirement under section 412(c) of the Propane Cylinder Act of 1928 (29 U.S.C. 642), section 412(b) of the Code of Federal Regulations (or successor regulation) of the Federal Motor Carrier Safety Administration, section 412(c) of the Code of Federal Regulations (or successor regulation) of the Federal Railroad Administration, or section 412(c) of the Code of Federal Regulations (or successor regulation) of the Federal Aviation Administration (49 U.S.C. 32313), as determined by the Secretary: Provided, That such amounts made available by this Act under such headings “Northeast Corridor Grants to the National Railroad Passenger Corporation” and “National Network Grants to the National Railroad Passenger Corporation”, the Secretary of Transportation may waive or postpone any requirement under section 412(c) of the Propane Cylinder Act of 1928 (29 U.S.C. 642), section 412(b) of the Code of Federal Regulations (or successor regulation) of the Federal Motor Carrier Safety Administration, section 412(c) of the Code of Federal Regulations (or successor regulation) of the Federal Railroad Administration, or section 412(c) of the Code of Federal Regulations (or successor regulation) of the Federal Aviation Administration (49 U.S.C. 32313), as determined by the Secretary: Provided, That the amounts made available by this Act under the headings “Northeast Corridor Grants to the National Railroad Passenger Corporation” and “National Network Grants to the National Railroad Passenger Corporation”, the Secretary of Transportation may waive or postpone any requirement under section 412(c) of the Propane Cylinder Act of 1928 (29 U.S.C. 642), section 412(b) of the Code of Federal Regulations (or successor regulation) of the Federal Motor Carrier Safety Administration, section 412(c) of the Code of Federal Regulations (or successor regulation) of the Federal Railroad Administration, or section 412(c) of the Code of Federal Regulations (or successor regulation) of the Federal Aviation Administration (49 U.S.C. 32313), as determined by the Secretary: Provided, That the amounts made available by this Act under the headings “Northeast Corridor Grants to the National Railroad Passenger Corporation” and “National Network Grants to the National Railroad Passenger Corporation”, the Secretary of Transportation may waive or postpone any requirement under section 412(c) of the Propane Cylinder Act of 1928 (29 U.S.C. 642), section 412(b) of the Code of Federal Regulations (or successor regulation) of the Federal Motor Carrier Safety Administration, section 412(c) of the Code of Federal Regulations (or successor regulation) of the Federal Railroad Administration, or section 412(c) of the Code of Federal Regulations (or successor regulation) of the Federal Aviation Administration (49 U.S.C. 32313), as determined by the Secretary: Provided, That the amounts made available by this Act under the headings “Northeast Corridor Grants to the National Railroad Passenger Corporation” and “National Network Grants to the National Railroad Passenger Corporation”, the Secretary of Transportation may waive or postpone any requirement under section 412(c) of the Propane Cylinder Act of 1928 (29 U.S.C. 642), section 412(b) of the Code of Federal Regulations (or successor regulation) of the Federal Motor Carrier Safety Administration, section 412(c) of the Code of Federal Regulations (or successor regulation) of the Federal Railroad Administration, or section 412(c) of the Code of Federal Regulations (or successor regulation) of the Federal Aviation Administration (49 U.S.C. 32313), as determined by the Secretary.
States or the Secretary to address the Coronavirus Disease 2019 (COVID-19).

(b) REPORT.—The Secretary shall periodically submit to the relevant committees of Congress:

(1) determination made by the Secretary under subsection (a); and

(2) each waiver or postponement of a requirement.

(c) EMERGENCY REQUIREMENT.—The amount provided by this section is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget Control Act of 1985, and the budgetary effects of this provision shall be estimated for purposes of section 251 of such Act.

(d) ENSURING NO WITHIN-SESSION SEQUESTRATION.—For the purpose of calculating a breach within a category for fiscal year 2020 pursuant to section 251(a)(6) or section 254(g) of the Balanced Budget and Emergency Deficit Control Act of 1985, and notwithstanding any other provision of this division, the budgetary effects from this division shall be counted as amounts designated as being for an emergency requirement pursuant to section 251(b)(2)(A) of such Act.

This division may be cited as the “Emerging Appropriations for Coronavirus Health Response and Agency Operations”.

SA 1579. Mr. MCDONNELL (for Mr. Moran) proposed an amendment to the bill H.R. 7480, to amend title 38, United States Code, to provide for improvements to the specially adapted housing program of the Department of Veterans Affairs, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the “Ryan Kules and Paul Benne Speciality Adaptive Housing Improvement Act of 2020”.

SEC. 2. AUTHORITY OF SECRETARY OF VETERANS AFFAIRS TO ASSIST BLIND VETERANS WHO HAVE NOT LOST USE OF A LEG IN ACQUIRING SPECIALLY ADAPTED HOUSING.

Section 2101 of title 38, United States Code, is amended—

(1) in subsection (a)(2)—

(A) in subparagraph (A), by striking “permanent and total”; and

(B) in subparagraph (B),

(i) in clauses (i), (iii), (iv), and (v), by inserting “permanent and total” before “disability”, and

(ii) in clause (ii), by inserting “permanent” before “disability”;

(ii) by striking “due to—” and inserting “due to blindness in both eyes, having central visual acuity of 20/200 or less in the better eye with the use of a standard correcting lens. For the purposes of this clause, an eye with a limitation in the fields of vision such that the widest diameter of the visual field subtends an angle no greater than 20 degrees shall be considered as having a central visual acuity of 20/200 or less.”;

and

(iii) by striking subclauses (I) and (II);

and

(2) in subsection (b)—

(A) by striking subparagraph (A); and

(B) by redesignating subparagraphs (B) and (C) as subParagraphs (A) and (B), respectively.

SEC. 3. INCREASE IN AMOUNTS OF SPECIALLY ADAPTED HOUSING ASSISTANCE PROVIDED BY DEPARTMENT OF VETERANS AFFAIRS.

(a) INCREASE OF NUMBER OF GRANTS PER VETERAN.—Section 2102(d)(3) of such title is amended—

(1) by striking “No veteran” and inserting “Notwithstanding section 7058(c)(1) of division B of title 12, amounts designated under this Act for the Infectious Diseases Rapid Response Reserve Fund, established pursuant to section 241 of division B of Public Law 115-31, or to funds made available in this Act for the Infectious Diseases Rapid Response Reserve Fund, established pursuant to section 241 of division B of Public Law 115-31,”;

and

(c) THIS SECTION SHALL NOT APPLY TO TITLE VI OF THIS ACT.

SEC. 4. PROVISION OF ADDITIONAL AMOUNTS OF SPECIALLY ADAPTED HOUSING ASSISTANCE FOR CERTAIN VETERANS.

Section 2102 of such title, as amended by section 3, is further amended by adding at the end the following new subsection:

“(d) INCREASE IN AGGREGATE AMOUNT OF ASSISTANCE FOR ACQUISITION OF HOUSING WITH ADAPTATIONS.—Section 2102(d)(1) of such title is amended by striking “$63,780” and inserting “$86,902.”

SEC. 5. TREATMENT OF CERTAIN PREPARATORY COURSES AS PROGRAMS OF EDUCATION FOR PURPOSES OF DEPARTMENT OF VETERANS AFFAIRS EDUCATIONAL ASSISTANCE PROGRAMS.

(a) IN GENERAL.—Chapter 33 of title 38, United States Code, is amended by inserting after section 3315A the following new section:

“§ 3315B. Preparatory courses for licensure, certification, fee charged

“(a) IN GENERAL.—An individual entitled to educational assistance under this chapter shall also be entitled to payment for a covered preparatory course.

(b) AMOUNT.—The amount of educational assistance payable under this chapter for a covered preparatory course is the lesser of—

(1) the fee charged for the covered preparatory course; or

(2) the amount of entitlement available to the individual under this chapter at the time of payment for the covered preparatory course under this section.

(c) CHARGE AGAINST ENTITLEMENT.—The amount of months of entitlement charged for the covered preparatory course shall be pro-rated based on the actual amount of the fee charged for the covered preparatory course relative to the time for which the individual is entitled to educational assistance.

(d) COVERED PREPARATORY COURSE DEFINED.—For purposes of this section, the term ‘covered preparatory course’ means a course—

(1) for a licensing or certification test that is required or used to enter into, maintain, or advance in a pre-determined and identified vocation or profession; and

(2) for an academic year beginning on August 1, 2020, $2,042; or

(3) for an academic year beginning on any subsequent August 1, the amount for the previous academic year beginning on August 1 under this subsection, as increased by the percentage increase equal to the most recent percentage increase determined under section 3015(b).”

March 25, 2020
“(2) that has been approved by the State approving agency concerned.’’

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by striking the item relating to section 3315A the following new item:

‘‘3315B. Preparatory courses for licensure, certification, or national tests.’’

(c) CONFORMING AMENDMENTS.—Section 3532(g) of title 38, United States Code, is amended—

(1) in paragraph (1), by inserting ‘‘or a covered preparatory course’’ after ‘‘test’’

(2) in paragraphs (2) and (3), by inserting ‘‘or a covered preparatory course’’ after ‘‘test’’

(d) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on August 1, 2021.

SEC. 6. IMPROVEMENT TO WORK-STUDY ALLOWANCE PROGRAM.

(a) PAYMENT OF ALLOWANCE.—Subsection (a) of section 3485 of title 38, United States Code, is amended—

(1) in paragraph (1), by striking ‘‘Individuals’’ and inserting ‘‘In accordance with paragraph (4), individuals’’;

(2) by redesignating paragraphs (4), (5), and (6) as paragraphs (5), (6), and (7), respectively;

(3) by inserting after paragraph (3) the following new paragraph:

‘‘(4)(A) With respect to covered work-study activities, the Secretary shall carry out this section by providing to participating educational institutions an annual amount for the institution to use in paying work-study allowances provided to individuals enrolled at the institution.

(B) With respect to a participating educational institution that participated in the work-study program under this section during the academic year beginning August 1, 2018, the Secretary shall determine the annual amount provided to a participating educational institution under subparagraph (A) to individuals enrolled at the institution during the academic year beginning August 1, 2018.

(ii) Except as provided by clauses (ii) or (iii) of subparagraph (B)(i), the Secretary determines the annual amount provided to a participating educational institution under subparagraph (B) or (C) that is more than 25 percent more than the total amount the educational institution pays to individuals under paragraph (1) for covered work-study activities, the educational institution shall return to the Secretary the unpaid amount and the Secretary shall transfer such amount into the general fund of the Treasury.

(iii) If the annual amount provided to a participating educational institution under subparagraph (B) or (C) is less than 25 percent more than the total amount the educational institution pays to individuals under paragraph (1) for covered work-study activities, and the educational institution plans to participate in the work-study program during the subsequent academic year, the educational institution may retain the amount of the overpayment and the intention of the educational institution to retain such amount. Any amount retained by an educational institution under this clause may only be used by the educational institution to provide work-study allowance to individuals enrolled at the educational institution.

(2) by inserting ‘‘(i) For the first academic year in which the educational institution participates in the work-study program under this section during the academic year beginning August 1, 2018, the Secretary shall determine the annual amount provided to a participating educational institution under subparagraph (B) or (C) that is more than the total amount the educational institution pays to individuals under paragraph (1) for covered work-study activities, the educational institution shall return to the Secretary the unpaid amount and the Secretary shall transfer such amount into the general fund of the Treasury.’’

(3) by inserting the following after paragraph (5):

‘‘(6) as paragraphs (5), (6), and (7), respectively.’’

(b) CONFORMING AMENDMENT.—Subsection (a)(1) of such section is amended by striking ‘‘subsection (a)(4)’’ and inserting ‘‘subsection (a)(5)’’.

(c) APPLICATION.—The amendments made by this section shall apply with respect to a quarter, semester, or term, as applicable, commencing on or after August 1, 2021.

SEC. 7. ADJUSTMENT OF LOAN FEES.

Section 3729(b)(2) of title 38, United States Code, is amended by striking the loan fee table and inserting the following:

<table>
<thead>
<tr>
<th>Type of loan</th>
<th>Active duty veteran</th>
<th>Reservist</th>
<th>Other obligor</th>
</tr>
</thead>
<tbody>
<tr>
<td>(A)(i) Initial loan described in section 3710(a) to purchase or construct a dwelling with 0-down, or any other initial loan described in section 3710(a) other than with 5-down or 10-down (closed on or after October 1, 2004, and before January 1, 2020)</td>
<td>2.15</td>
<td>2.40</td>
<td>NA</td>
</tr>
<tr>
<td>(A)(ii) Initial loan described in section 3710(a) to purchase or construct a dwelling with 0-down, or any other initial loan described in section 3710(a) other than with 5-down or 10-down (closed on or after January 1, 2020, and before April 7, 2021)</td>
<td>2.30</td>
<td>2.30</td>
<td>NA</td>
</tr>
<tr>
<td>(A)(iii) Initial loan described in section 3710(a) to purchase or construct a dwelling with 0-down, or any other initial loan described in section 3710(a) other than with 5-down or 10-down (closed on or after April 7, 2021)</td>
<td>2.15</td>
<td>2.15</td>
<td>NA</td>
</tr>
<tr>
<td>(A)(iv) Initial loan described in section 3710(a) to purchase or construct a dwelling with 0-down, or any other initial loan described in section 3710(a) other than with 5-down or 10-down (closed on or after October 1, 2029)</td>
<td>1.40</td>
<td>1.40</td>
<td>NA</td>
</tr>
<tr>
<td>(B)(i) Subsequent loan described in section 3710(a) to purchase or construct a dwelling with 0-down, or any other subsequent loan described in section 3710(a) (closed on or after January 1, 2020, and before April 7, 2021)</td>
<td>3.30</td>
<td>3.30</td>
<td>NA</td>
</tr>
<tr>
<td>(B)(ii) Subsequent loan described in section 3710(a) to purchase or construct a dwelling with 0-down, or any other subsequent loan described in section 3710(a) (closed on or after January 1, 2021, and before April 7, 2021)</td>
<td>3.60</td>
<td>3.60</td>
<td>NA</td>
</tr>
</tbody>
</table>
The amendment was ordered to be engrossed and the bill to be read a third time. The bill was read the third time. The bill (H.R. 3731), as amended, was passed.

VA TELE-HEARING MODERNIZATION ACT

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Committee on Veterans’ Affairs be discharged from further consideration of H.R. 4771 and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. The clerk will report the bill by title. The legislative clerk read as follows:

A bill (H.R. 4771) to amend title 38, United States Code, to permit appellants to appear in cases before the Board of Veterans’ Appeals by picture and voice transmission from locations other than facilities of the Department of Veterans Affairs, and for other purposes.

There being no objection, the committee was discharged, and the Senate proceeded to consider the bill.

Mr. McCONNELL. Mr. President, I ask unanimous consent that the bill be considered read a third time and passed and the motion to reconsider be considered made and laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 3587) was ordered to be engrossed for a third reading, was read the third time, and passed as follows:

S. 3587

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled.

SECTION 1. SHORT TITLE.

This Act may be cited as the “Department of Veterans Affairs Website Accessibility Act of 2019.”

SEC. 2. STUDY ON THE ACCESSIBILITY OF WEBSITES OF THE DEPARTMENT OF VETERANS AFFAIRS TO INDIVIDUALS WITH DISABILITIES.

(a) STUDY.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to the Committee on Veterans’ Affairs of the Senate and the Committee on Veterans’ Affairs of the House of Representatives a report on such study.

(b) REPORT.—Not later than 90 days after completing the study under subsection (a), the Secretary shall submit to the Committee on Veterans’ Affairs of the Senate and the Committee on Veterans’ Affairs of the House of Representatives a report on such study.

(c) ELEMENTS.—The report required by subsection (b) shall include the following:

(1) A list of each website described in subsection (a) that is not accessible to individuals with disabilities in accordance with section 508 of the Rehabilitation Act of 1973 (29 U.S.C. 794d).

(2) For each website identified in the list under paragraph (1)—