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## Senate

The Senate met at 10 a.m. and was called to order by the President pro tempore (Mr. GRASSLEY).

### PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Eternal Spirit, to whom we must give and account for all our powers and privileges, guide the Members of this body so that they will be faithful stewards of Your will.

Lord, open their minds and hearts to know and do Your bidding, teaching them to rely on Your strength and to serve You with honor. Help them to discover in their daily work the joy of a partnership with You. Use them to bring good news to the marginalized, to comfort the brokenhearted, and to announce that captives will be released and the shackled will be freed.

May our Senators depend upon the power of Your prevailing providence, for You are the author and finisher of our faith.

We pray in Your great Name. Amen.

### PLEDGE OF ALLEGIANCE

The President pro tempore led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

The PRESIDING OFFICER (Mrs. HYDE-SMITH). The Senator from Iowa.

Mr. GRASSLEY. Madam President, I ask unanimous consent to speak for 1 minute in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

### ABSENTEE VOTING

Mr. GRASSLEY. Madam President, Iowa's secretary of state Paul Pate will mail an absentee ballot request form to every registered Iowa voter for the No-

vember election. This is a request form, not a ballot, being mailed out to everybody.

Iowa's current absentee ballot system allows anyone who wants to vote by mail the option to do so. Just send in the request form when you receive it, or you may download it online, but if Iowans prefer to vote in person, that remains their choice.

There has been a lot of misinformation claiming that some massive, Federal intervention is needed to allow citizens to vote by mail. This isn't true in Iowa or elsewhere. Every State has vote-by-mail, and 16 States ask for a reason, such as being over 65, for example, but most have waived or loosened this requirement.

Some groups are now using the pandemic to push for a Federal mandate on States to adopt a new, universal vote-by-mail system overnight. It took 5 years when Washington State implemented voting by mail. Requiring every State to replace its current voting system with a whole new, centralized, mail-only system this close to our November election is a recipe for disaster. In such a system, every registered voter, including those who have died or moved away, would automatically be mailed a ballot with no voting in person.

Every Iowan who wants to vote absentee in November can do so, and those who want to vote in person can also do so safely. It is a voter's choice and should remain so.

I yield the floor.

### RECOGNITION OF THE MAJORITY LEADER

The PRESIDING OFFICER. The majority leader is recognized.

### HEALS ACT

Mr. MCCONNELL. Madam President, another day has come and gone in this once-in-a-century national battle for our country.

Yesterday, more of our neighbors had to say goodbye to loved ones whose lives were claimed by this virus. Yesterday, more doctors and more nurses worked long shifts on the frontlines, fighting to heal strangers and limit the national death toll that now exceeds 150,000. Yesterday, more workers brought home pink slips, and more Main Street businesses saw the end of their PPP lifelines fast approaching. Yesterday, more laid-off Americans filed new claims for unemployment insurance or lay awake wondering about next month's rent. Yesterday, more school officials wondered what to tell parents, students, and teachers about September.

What happened here in the Capitol yesterday? With the American people fighting all of these battles and more, what did the Speaker of the House and the Democratic leader do with yet another day of deliberations? Yet again, it was the exact same refrain. It never seems to change: We are feeling optimistic. We spoke very politely to the administration, but we are still nowhere close on the substance.

It has now been more than a week since Senate Republicans released a serious proposal for another major rescue package—\$1 trillion for kids, jobs, and healthcare. The Democrats are blocking it all. It is like they expect applause for merely keeping a civil tone with the President's team—never mind they are still obstructing any action for our country.

Senate Republicans want to revive a Federal add-on to unemployment insurance, which the Democratic leader would not let us extend last week. We want to send another round of direct checks straight into families' pockets. We want to supply generous, new incentives for rehiring American workers and workplace safety. We want to send historic money to schools for reopening and invest even more in testing and vaccine research. We want legal protections so schools, churches, charities, and businesses can reopen.

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



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The Democrats say they want many of the same things. I certainly believe that many of my Democratic colleagues who serve as ranking members want many of the same things and could easily find common ground with our chairmen if the Democratic leader would let them talk. Instead, we have gotten a full week of the Speaker of the House's and the Democratic leader's shutting out all of their own Members and refusing to move an inch off of demands that everyone knows are outlandish.

The Democratic leaders want the entirety of their massive, far-left wish list—all of it. Speaker PELOSI is still agitating for strange, new special interest carve-outs for the marijuana industry—even claiming they are COVID-related. She said that, with respect to this virus, marijuana is “a therapy that has proven successful.” You can't make this up. I hope she shared her breakthrough with Dr. Fauci. In the other corner, Leader SCHUMER is still demanding massive tax cuts for rich people in blue States or he won't let any relief become law.

These are the kinds of nongermane pet projects that our Democratic colleagues are demanding—not a dime for kids, jobs, and healthcare unless the administration let's them check off every leftwing lobbyist's Christmas list 5 months early.

Let's listen to what Speaker PELOSI's own House Democrats said about this bill when they passed it. Here is what House Democrats said about the bill that Speaker PELOSI and the Democratic leader now say is their absolute redline:

One quote: “The partisan nature and wide scope of this bill make it doomed upon arrival in the Senate.”

Another quote: “In response to COVID-19, our relief efforts must be targeted, timely, and transparent. The HEROES Act does not meet those standards.”

Another quote: “This isn't a plan; it's a wish list.”

Another quote: “Partisan gamesmanship.”

Another quote: “Some in my own party . . . have decided to use this package as an opportunity to make political statements and propose a bill that goes far beyond pandemic relief and has no chance at becoming law, further declaring the help so many need.”

Those are quotes from House Democrats' views about the so-called Heroes Act, but now the entire thing is the price of admission for giving hard-hit Americans any more aid.

What worked back in March with the CARES Act were productive and good-faith conversations between chairmen and ranking members—a bipartisan process led by Members.

But this time, the Speaker and the Democratic leader have forbidden their Members from negotiating at all. The ranking member on HELP cannot even discuss testing with Chairman ALEX-

ANDER. The ranking member on Small Business cannot even discuss PPP with Chairman RUBIO and Chairman COLLINS.

No, no; the Speaker and the Democratic leader only want themselves at the table so that behind closed doors they can say that nobody gets another dime of Federal unemployment money; nobody gets extra school funding; and nobody gets more money for testing and PPE unless they burn cash on 1,000 unrelated things.

I am talking about things like stimulus checks for illegal immigrants; a trillion-dollar slush fund for States, even though States and localities have only spent a quarter of the money we sent them in March. Let me say that again—a trillion-dollar slush fund for States, even though States and localities have only spent a quarter of the money we sent them in March. In my State, the State administration only spent 6 percent of the money we sent them—6 percent—diversity and inclusion studies, a soil health program, and on and on and on.

The House bill does all these things while completely forgetting a second round of the Paycheck Protection Program—no second round for PPP—and sending less money for schools than the Senate bill.

This is what they will not budge from. And every day the script is the same, and the script is: We had a pleasant conversation, but we don't feel like making a deal. Maybe tomorrow.

Here is the problem: Every day the Democratic leaders repeat the same act here in the Capitol, they are letting down the struggling people who need our help. Day after day, Americans are trying to stay above water—layoffs, benefit cuts, threats of eviction, the possibility of losing a family business forever, towns wondering if their Main Streets will ever come back, school principals with no idea what to tell communities.

That is the reality in Kentucky and in all 50 States, and none of these people are helped one bit, not one bit, by the Democratic leaders' charade.

What American families need is an outcome, a bipartisan result. Senate Republicans have had a roadmap sitting on the table for more than a week. We didn't put every Republican wish list item in history into an 1,800-page encyclopedia and insist on starting there.

We built a serious starting place based on the bipartisan programs we passed back in March—unanimously, by the way—and what the country needs now.

If our colleagues across the aisle would do the same—frankly, if our colleagues across the aisle were even allowed—allowed to take part in the discussions, we could get this done for our country. We did it in March. We could do it again, but both sides have to actually want it.

## RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under the previous order, the leadership time is reserved.

## EXECUTIVE SESSION

### EXECUTIVE CALENDAR

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to executive session and resume consideration of the following nomination, which the clerk will report.

The senior assistant legislative clerk read the nomination of Mark Wesley Menezes, of Virginia, to be Deputy Secretary of Energy.

Mr. MCCONNELL. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mr. SCHUMER. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

### RECOGNITION OF THE MINORITY LEADER

The Democratic leader is recognized.

### CORONAVIRUS

Mr. SCHUMER. Madam President, I just listened to my friend the Republican leader. The Republican leader is so tied in a knot by his own caucus and his President that all he can do is give Alice-in-Wonderland, partisan speeches. All he can do is threaten to force sham votes that will not pass and will not answer the anguished cries for help that are coming from so many of our fellow Americans.

On the other hand, over the weekend and yesterday, Speaker PELOSI and I continued our negotiations with the White House on the next phase of COVID-relief legislation. After a week of stalled talks because Republicans could not articulate a position on hardly anything, I believe we are making progress. We came closer together on several issues; however, we remain far apart on a number of issues, but we are finally moving in the right direction.

At the moment, the gap between our two parties in the negotiations is about priorities and about scale. As this huge crisis engulfs our Nation, Democrats believe we need a bold, strong, and vigorous response from the Federal Government. It will take a lot of resources, but if we don't commit those resources now, for sure the costs will only grow in the months to come.

Democrats are fighting to meet the needs of a desperate nation. Our Republican friends, however—President Trump, his aides, and the Republicans in the Senate—do not seem to appreciate the gravity of the situation. They do not understand the needs of the country that are so great, and they are not stepping up to meet those needs. This disease has washed over our country like a great flood, and Republicans

are acting as if we need to fix a leaky faucet.

Some of our Republican friends seem to be going through the motions, content to pass a bill—any bill so they can check a box and go home—but a bill that doesn't come close to meeting the needs of America. We cannot do that. We cannot pass an inadequate bill and then go home while the virus continues to spread, the economy continues to deteriorate, and the country gets worse. No box checking will work. We need real action.

We need a relief package that actually rescues American families, American schools, and American businesses; that helps defeat this evil virus and prevents our economy from sliding into a depression. Democrats are going to keep fighting until we get there.

Republicans on both ends of Pennsylvania Avenue are not yet awake to the enormity of the challenge, and we see it across a whole range of issues.

For example, Democrats believe we have an obligation to help every American put food on the table. Our Republican friends start negotiating by saying they don't think we need to do anything to help hungry families and children, but maybe they can compromise and help feed a small percentage. That is not going to cut it. Let's say 1 million families can't feed their kids. The Republican bill has zero, and we cover all 1 million. To say "Let's compromise and only cover half of them" is cruel and not going to solve the problem.

We want to see all our schools reopen in the fall, but they need the resources and guidance to do it safely—not 25 percent of the resources, not half. Schools need funding for masks and PPE, for converting space into more socially distant classrooms, for updating their ventilating systems. Some need to double the number of buses to keep from packing kids together on the morning route to school. It is going to cost money, and the Republicans have to understand that. Parents must have confidence that if their school is going to reopen, it has the protocols and infrastructure in place to keep their children safe.

It is the same with unemployment. Over 50 million Americans have filed for unemployment with millions more filing new claims each week. We proposed extending the enhanced unemployment benefits that Democrats secured in the CARES Act through the end of the year. The policy has kept as many as 12 million Americans out of poverty and boosted consumer spending—one of the few bright spots in our economy. But Republicans are intent on slashing those benefits or letting them expire long before the crisis is over. One Republican proposal would give newly out-of-work Americans a 30-percent pay cut; another would give them a 33-percent pay cut.

The Trump administration's own Department of Labor warned us that these proposals, which would pay a percentage of a worker's former wage, are

patently unworkable. It will take weeks and months if we adopt the Republican proposal before any checks wind up in the hands of millions of Americans, and our State unemployment offices that administer this program agree.

So Republicans need to step up to the plate and work with us to find a solution that shields millions of jobless Americans from further economic hardship. State, local, and Tribal governments have fought this evil virus on their frontlines with budgets strained. They are at risk of shedding teachers, firefighters, bus drivers, sanitation workers, slashing public services.

My good friend Senator CARPER is leading a group of Democratic Senators to talk about these issues today because Senate Republicans and the White House do not believe in giving support to our State and local governments. That is not an abstract concept. Again, these are firefighters and teachers and bus drivers and healthcare workers. We don't care if they are a blue State or red State; they need the help.

We must also address our elections and make sure that Americans can vote safely and confidently with the new challenges of coronavirus for the first time in a national election. That means they need to be able to vote in-person and by mail, whichever they choose. Adequate funding for State election systems in the post office shouldn't be a partisan issue. This is about preserving elections, making them fair, making every ballot count. That is the wellspring of our democracy, and it is COVID-related, and our Republican friends are resisting.

We are still fighting to get enough funding for testing and contact tracing. It is extraordinarily frustrating that 7 months into this crisis Democrats still have to argue with our Republican colleagues about delivering enough support for testing, contact tracing, Medicaid, and our healthcare system.

These are just some of the many issues we need to work through. When people ask "What is holding things up?" it is our view that not only are our Republican friends disorganized and all over the lot, not only is President Trump tweeting about so many different things but not taking any leadership in this crisis but, most of all, that we must meet the needs of this enormous crisis and really help the American people. We need a strong, robust bill. We are working hard for that. Our Republican colleagues, inch by inch, are beginning to see the light. I hope more of them will.

There are so many issues we must work through. Democrats want to get a deal done, but we need answers for all of them—not just a few. We can't pick out one or two: Oh, we will help schools but not kids who need food. That doesn't work. That doesn't work. We will help small businesses but not the unemployed. That doesn't work.

We have a big, broad, huge crisis—the greatest health crisis in 100 years, the greatest economic crisis since the Great Depression—and we have a lot of Herbert Hoovers over here who don't want to do anything—a lot of Herbert Hoovers on the Republican side. Well, remember what happened then: By not meeting the crisis head-on, they created the Great Depression—the Republicans did—under Hoover. Let's hope our Republican friends see the light and won't make that same mistake again.

Let me remind my Republican colleagues, when there is a crisis of this magnitude, the private sector cannot solve it. Individuals alone, even with courage and sacrifice, are not powerful enough to beat it back. Government is the only force large enough to staunch the bleeding and begin the healing of the Nation.

One of the main reasons holding things back—there are so many Republicans on the other side who do not believe the Federal Government even has a role to play. Leader MCCONNELL has admitted not once, not twice, not three times, but four times that there are as many as 20 Senate Republicans who will vote against any relief package for the American people.

Those Republicans, who seem to be the tail that wags the dog—and it is a pretty big tail with over 20 votes—those Republicans don't get it. We know you like the private sector over government, but there are times when there is nothing but government that can step up to the plate and solve the problem, and this is one of those times.

Faced with the greatest economic threat in 75 years, the greatest public health crisis in a century, more than a third of the Senate Republican majority will not vote for anything to help the American people. Those very same Republicans gleefully voted to give a \$1.5 trillion tax cut to help giant corporations pad their profit margins, but helping Americans put food on the table, go back to school safely, keep a roof over their heads, and survive a global pandemic—that is a bridge too far. How out of touch can they be?

These folks cannot be allowed to dictate our policy. By their own admission, they will not vote for anything. Remember that when Leader MCCONNELL claims that Senate Democrats are the obstacles to progress. More than one-third of the Senate Republican caucus doesn't want to vote for anything.

This week, our Republican colleagues have two choices. They can engage in the same kind of political theater that preluded the CARES Act. Leader MCCONNELL can schedule a show vote on legislation that even his own caucus will not support and, again, in his Alice-in-Wonderland style, get up on the floor and say that Democrats are the ones blocking it. He can engage in the same partisan maneuvers that have resulted in failure and won't answer the anguished cries of Americans.

As I said earlier—and I want to repeat it—the Republican leader is so tied in a knot by his own caucus and this President that one of his only options is to give Alice-in-Wonderland, partisan speeches and maybe force a sham vote that will not pass and will not answer the anguished cries for help from so many Americans.

On the other hand, Senate Republicans could roll up their sleeves, wake up to the crisis in our country, and figure out what they can support. I think we are all ready for the Republican majority to figure out just what that is.

What is dictating our policy and our positions on the Democratic side is very simple: the national need—large, large, large. That is our North Star, and we are going to keep pressing forward with the hard work of negotiations, hopeful that we can get a deal done to help the country in a time of severe crisis.

I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Madam President, I have a recommendation for my colleagues in the Senate. I recommend, as the Senator from New York does, that they go home—literally, leave Washington, go home, and meet up with the people who sent them to Washington to work for them.

I did last Friday, as I do every weekend. I asked specifically to meet with five individuals who are out of work. I wanted them to tell me their story and to share that story with the people of Chicago. It was quite a moving experience.

We have 800,000 Illinoisans who are claiming unemployment. Now there is a possibility that the \$600 a week Federal benefit that was coming to them to help pay their bills will disappear. Technically, it ended last Friday.

So I asked these unemployed Illinoisans to tell me their story. Roushaunda Williams told me a story about being a bartender for 19 years at the Palmer House Hilton before being laid off in March. She earned significantly more while working than she is receiving in unemployment. She is literally worried she is going to lose her home and healthcare if she loses that \$600 a week.

Andres Moreno worked at a restaurant in downtown Chicago before the pandemic. He was pretty proud of his career, working in the restaurant business. He said: I did well. He and his husband have both lost their jobs and their health insurance. Without the additional \$600 a week in unemployment compensation, they will not be able to even buy health coverage.

Aileen Dimery is an interesting person. She is in lighting technology. Her job involves big events. They set up the lights for concerts and other gatherings for thousands of people. She said: Nobody knows I am there, but I do. I am one of the first women who has ever been in this profession.

Well, those big concerts and crowded venues aren't there anymore. Aileen

doesn't have anyplace to go back to. She said one thing that still sticks with me. She said: I started working when I was 15. I worked 36 years. You know how many weeks, Senator, that I have had on unemployment in my 36-year work experience?

I said: No.

She said: One. This notion that I would rather stay home and draw unemployment than go back to work, that isn't who I am. I have proven over a lifetime that I am not someone who really doesn't want to earn their pay.

Her enhanced unemployment, if it expires, would mean that her bills—including paying rent—just can't be paid.

Jesus Morales worked at the Drake Hotel in Chicago for 33 years and made up to \$1,700 a week. He reminds me that I met him 20 years ago when he was a bartender and a waiter at an event that I attended. Well, he has been laid off since March, and without the \$600 payment, he is afraid he will not be able to make his mortgage payment, and the COBRA payment, which covers his health insurance for his family, would be impossible.

Samantha Arce is a mother of three. She just gave birth a few weeks before the lockdown began. Her place of work is closed, and her fiancé has lost his job. They quickly went from two working parents with three kids to no working parents. Enhanced unemployment payments help them pay hospital bills and care for their young kids. She brought her little boy. He is about 4 or 5 months old—cute little fellow. He smiled throughout the whole event. Little did he know what was going on in the minds of his mom and dad as they try to cope with the political decisions being made in Washington.

Losing that \$600-a-week payment, which the Republicans have proposed, would really create a devastating situation for these families and these individuals. I hear regularly and have heard it for a long time—there is this notion that if you are unemployed, you are just not trying hard enough. There are jobs out there, they say.

Well, that is not what the numbers tell us. There are four unemployed Americans for every available job—four for every available job. And employers who say: Well, if so-and-so would come back to work, but they are making too much on unemployment—of course, that is the case in some instances, but it is rare. Did you know that of the Americans who have gone back to work since we began this pandemic assault, of those who have gone back to work, 70 percent are making less than they made on unemployment? Well, why would they make that economic decision to go back to work and make less than unemployment?

Well, it is just like Aileen. They are workers. At their heart, they are workers. No. 1, they believe in the dignity of work; they are proud of what they do; and they want to go back to doing it. No. 2, they know unemployment is not forever. No. 3, sometimes there are

benefits when you go back to work that really count, like the health insurance policy that had the doctor and the hospital which you and your family need.

In June, the Illinois unemployment rate dropped to 14.6 percent, and the State added 142,000 jobs, but that unemployment rate of 14.6 percent is the greatest we have faced since the great recession. Since the beginning of March, around 1.7 million unemployment claims had been filed in our State of a little less than 13 million people. That is nearly 10 times the number of claims processed during the same period a year ago. The same thing is true in neighboring States like Kentucky, where the unemployment claims are 10 times what they were a year ago.

Nationwide, around 30 million Americans are relying on enhanced unemployment benefits just to keep things together. Trust me, they tell me. We are not saving this money. We are not investing this money. We are spending this money as fast as it is handed to us to pay for our home, our car, utilities, and food.

The Republican approach would cut the unemployment benefit check from the Federal Government from \$600 a week to \$200 a week—a \$400 cut. It would then require States to put in place a complex system of 70 percent wage replacement. It sounds so logical that if you are unemployed, you get 70 percent of your paycheck.

That is an interesting formula. How do you make a formula like that work? Well, you have to gather a lot of data about what a person was earning when they were employed and then put that into a computer, in terms of the payout each State would make under this new formula. It is different than what States are already doing. What we found out is, States are very different when it comes to their computer technology. We were told that, incidentally, by the Trump administration when we established the \$600-a-week payment. They told us back in March: Don't make this too complicated. Make it simple, a flat dollar amount because these 50 States have computers that range in sophistication from primitive to the most modern, and they are not going to change these computers in time to help the people who are currently unemployed.

The Republicans seem to have forgotten what we were told by the Trump administration when we initially enacted the \$600-a-week payment. This 70 percent payment for unemployment doesn't work if the computers can't make it work, and we are told it will take anywhere from 2 months to 5 months for these computer systems to even try.

What are these families supposed to do, the ones I just described to you, while the computer systems are being retooled, and who is going to pay for the retooling? If the States can't implement this program, and, instead, the flat cash payment goes from \$600 to

\$200 for month after month after month, trust me, the lines at the food pantries will be longer than ever.

The Economic Policy Institute has estimated that cutting this benefit to \$200 a week will reduce our gross domestic product by 2.5 percent and cost us 3.4 million jobs. Just what we need, more unemployment, thanks to the Republican formula.

Research from the JPMorgan Chase Institute suggests the enhanced benefits have helped thousands of households to continue purchasing critical needs: food, diapers, and the basics. Allowing these benefits to expire will result in household spending cuts and a reduction in economic activity, which is exactly the opposite of what we need to do right now.

This weekend, on television, there was a governor from the Federal Reserve in Minneapolis who basically said: This is exactly the wrong time to cut back on benefits to the unemployed.

And when the questioner said to him: Well, what about our deficit?

He was very frank about it. Yes, for the time being, it will add to the debt of the United States, but if the economy recovers, which we all have to work to achieve, that recovered economy will be able to take care of that debt. That is something to keep in mind too. It isn't just for the benefit of the families who are unemployed; it is for the benefit of the overall economy to put money back into it now.

We learned in basic economics that if you want to get out of a recession, the first dollar the government gives away should be to the unemployed. They will spend every penny of it, and they will spend it and then have it respend into the economy over and over again. That is how you create consumer demand. That is how you create demands for business activities, goods, and services.

So, I want to make it clear from what I learned last Friday in Chicago. No one—no one is getting rich off of unemployment. They are using their unemployment benefits to survive. Average rent is about \$1,400 a month in this country. COBRA health insurance, where you pick up the health insurance policy from the employer that just laid you off, runs about \$1,700 a month for a family and \$600 a month for an individual. The average cost of food for a male adult in America, between \$200 and \$400 a month. Add it all up. There isn't much left over. And if the Republican proposal of cutting \$400 a week from each of these unemployed becomes the law of the land to try to make ends meet, workers of color have a disproportionate impact when it comes to this economic collapse.

Overall unemployment was 11.1 percent in June. Unemployment among Black workers is 15.4 percent. It is 14.5 percent for Latinx workers. According to the National Bureau of Economic Research, Black households cut their household consumption by 50 percent more and Latino households cut their

consumption by 20 percent more than White households. That is the reality.

Let me address two or three particulars raised by the Senator from Kentucky about the state of play as we try to negotiate a satisfactory conclusion and next step. The first point: This week marks the third month—the third month since Speaker NANCY PELOSI and the House Democrats passed a rescue package. For 3 months, their effort, called the Heroes Act, has been sitting on the desk of Senator MCCONNELL. Initially, he said: I don't feel a sense of urgency to address this issue. Then he went on to say: We haven't spent all the money we appropriated the first round.

Whatever the reason, it wasn't until 7 days ago that the Senate Republicans kind of made a proposal. The only thing we have seen specific in writing was their proposal for liability immunity, which I will address in a moment. The rest of the things were oddly presented as potential legislation, which would be brought to the floor of the Senate.

Imagine that? We have the White House and congressional leaders sitting down negotiating, and Senator MCCONNELL said: Well, the Republicans will bring a bill to the floor. Well, if you follow the Senate, six or eight different bills to the floor, the first swipe is going through Republican majority committees. Second, how long is that going to take for us to debate and then negotiate between whatever we pass and what is pending in the Heroes Act? It makes no sense.

But I will tell you what makes even less sense. In the negotiations, these delicate and important life-changing negotiations that are taking place on Capitol Hill—these negotiations to determine what is next now that the \$600 Federal payment has expired under unemployment, for example—in these negotiations, there are six chairs. One chair is occupied by the Chief of Staff to the President of the United States, Mark Meadows. Another chair is occupied by Secretary Mnuchin from the Department of the Treasury. The third chair is Speaker of the House, NANCY PELOSI. The fourth chair is CHUCK SCHUMER, the Democratic leader of the U.S. Senate. But there are two empty chairs in this room for negotiations. Those two empty chairs should be occupied. One should be occupied by KEVIN MCCARTHY, the Republican leader of the House. He is not there. He doesn't attend these negotiations. And the other, of course, should be occupied by Senator MCCONNELL, the Republican leader of the Senate.

He has enough time to come to the floor each day and criticize Speaker PELOSI's measure that she passed 3 months ago, but he apparently doesn't have time to attend negotiations which could resolve the differences between the House and Senate and finally bring to rest the concerns of millions of Americans about whether or not there will be enough money coming in next

week to pay the bills. It is pretty tough to come to the floor each day and criticize the Democrats for not showing success in negotiations when the Republican leader in the Senate is boycotting the negotiation meetings. What is that all about? I have been around here for awhile. I have never seen that before where one leader is intentionally staying away from the negotiations. I don't see how that can end well.

I see my colleague from Texas has come to the floor. I want to say a word about a proposal which he is promoting and is likely to speak to this morning before I turn the floor over to him.

Remember when Senator MCCONNELL came to the floor in the last several months and said: I am drawing a redline. When it comes to any negotiations, this redline is liability immunity for corporations, and if you don't accept my language on liability immunity, there will be no negotiations, and there will be no positive outcome—redline.

He made that speech over and over again as he warned us about the flood, the tsunami—“tsunami” was his word—the tsunami of lawsuits that are going to be filed by people, by trial lawyers, these mischievous, frivolous lawsuits, over the issue of COVID-19. So we kept wondering, when are we going to get to see Senator MCCONNELL's liability immunity proposal? We waited week after week after week. Nothing. Just speeches on the floor. And then last Monday it was unveiled—a 65-page bill. We finally got to see what he was talking about. It is understandable why they held it back. It is the biggest giveaway to the biggest businesses in America in modern memory. This bill would literally override State laws that have been passed to deal with this issue of culpability and blame when it comes to the pandemic we face.

Twenty-eight States have already enacted laws to deal with it. This McConnell-Cornyn proposal would override those State laws. Sadly, their proposal would give incentives to cut corners when businesses deal with health and safety in the midst of this pandemic. This bill would jeopardize frontline workers and families, and, sadly, it would risk further spread of the virus.

Here is my top-10 list of what is wrong with this bill that is proposed on liability immunity:

First, the bill does nothing to protect workers, improve safety standards, or give businesses any incentive to take the proper precautions.

We had a hearing in the Judiciary Committee. I believe the senior Senator from Texas was at this hearing. A fellow representing a convenience store chain in Texas—his last name was Smartt—was the Republican witness. He was a very good witness, I might add. He told us how, in the hundreds of convenience stores he had in Texas, his company was literally doing everything they could think of to make the

work environment and the customer's environment safe. He talked about social distancing and masks and sanitizers. They were doing everything they could. But his plea to us was: Senators, what is my standard of care? What is the standard I am expected to achieve? If I know that, he said, I can move forward and meet that standard, and I am going to. I am committed to it.

Do you know what? I believed him. I believed his was a good-faith position. He said he wanted to know the standard—the public health standard—expected of him, and he would meet it.

I want to tell you, if somebody turned around and sued him afterwards because of that, I am convinced that there isn't a jury in America—let alone in Texas—who would find him to be liable for negligence or recklessness. He did what he was asked to do. He followed the standards he was given. But his plea to us was: "Give me a standard. I don't know where to turn." That is what he told us.

The second concern I have with this bill is that it would gut existing State law safety standards. It would federally preempt the right of workers and victims to bring cases under State law to seek accountability for coronavirus-related harms and would supplant State laws that require businesses to act with reasonable care.

Under the bill, the only way a victim could hold a business liable is if the victim proves by clear and convincing evidence—a higher standard than most—both that the corporation didn't even try to comply with the weakest available safety guideline and also—that the corporation was grossly negligent. I can just tell you, having spent a few years making a living as a lawyer, that those are almost impossible standards to meet.

Third, by setting an immunity threshold at "gross negligence," the bill would immunize corporations from accountability for conduct that meets the standards to prove negligence or recklessness under current State law. So you can get away with negligence; you can even get away with recklessness; but, boy, you just better not show gross negligence. That is what the bill says.

Fourth, the bill would enable corporations to be shielded from liability even if they make no effort—no effort—to comply with the guidelines from the Centers for Disease Control, due to the way the bill treats nonmandatory guidelines. Why would Congress federally preempt State laws and then allow businesses to ignore the Federal CDC safety guidelines?

Fifth, instead of establishing strong, clear, enforceable Federal safety standards by OSHA and CDC, the Republican bill would go the other direction and shield businesses from enforcement proceedings under Federal health and safety laws; in other words, specifically protecting businesses from being held accountable under existing health and

safety laws, Federal bills, laws like the Fair Labor Standards Act, the Americans with Disabilities Act, OSHA, and many, many more.

Sixth, my Republican colleagues say this bill is aimed only at frivolous coronavirus lawsuits, but the bill would wipe out legitimate claims by workers and victims. By forcing all COVID lawsuits to meet a higher standard of proof, heightened pleading requirements, limits on discovery, and other restrictive hurdles, the bill would make it nearly impossible for workers and victims to even file a claim, let alone prevail.

Seventh, the bill would upend the medical liability laws of all 50 States and impose 5 years of sweeping Federal preemption for nearly all healthcare liability cases, including for claims that are not related to COVID.

I went through this and read it over and over again because I used to deal with medical malpractice cases. I heard, on the floor, Senator MCCONNELL and Senator CORNYN say: "We have to protect the doctors. We have to protect the hospitals. We have to protect the nurses." That, of course, appeals to all of us because we feel such a debt of gratitude to the healthcare workers and what they are going through to protect us. So I took a look, and it turns out that they compiled the statistics on the number of medical malpractice cases filed in America, in the entire Nation, that mention coronavirus or COVID-19. Do you know how many medical malpractice cases have been filed during what they call a tsunami—a tsunami—of frivolous lawsuits against medical providers? How many do you think in the course of this year? Six. In the entire Nation of 50 States, 6 lawsuits—what a tsunami.

The provision on medical malpractice goes further and says: You don't have to prove that you were dealing with coronavirus to get this special treatment. You can say that the coronavirus had some impact on you as a medical provider.

Some impact. That is it? What does that mean? Coronavirus has had an impact on every single American. Some impact? It basically means that all medical malpractice suits are going to be put on hold for 4 or 5 years regardless of the circumstances, regardless of whether they had anything to do with COVID-19.

Eighth, the bill aims to solve a problem that does not exist. We are months into this epidemic, and there has been no tidal wave of worker or victim lawsuits that justifies this massive Federal preemption of State laws and grants of broad immunity. Out of 4.7 million Americans—and that is a low-ball number—4.7 million Americans who we think have been infected by COVID-19, there have been 6 COVID medical malpractice suits, 17 consumer personal injury suits, and 75 conditions-of-employment suits. Many of the lawsuits involving COVID-19 are between insurance companies: Does your policy cover, or does your policy cover?

Ninth, the bill is entirely one-sided in favor of corporations. Under the bill, corporations get immunity as defendants but can still bring COVID-related cases as plaintiffs. Only workers and infected victims have their rights cut off by this bill.

Finally, the bill even goes so far as to allow corporations and the Department of Justice to sue the workers for bringing claims for COVID infection.

The liability immunity this bill would grant would last for 5–5 years. The fact that our Republican colleagues are proposing 5 years of immunity for corporations but only a handful of months of assistance for workers and families tells you their priorities.

This Republican corporate immunity proposal is not credible, and there are serious questions as to whether it is even constitutional. This is an area traditionally governed by State law. Twenty-eight States have adjusted their laws to address it during this pandemic. The Federal Government has deferred to the States on nearly every aspect of COVID response—this President said: Leave it to your Governor; leave it to your mayor—from testing, to procuring PPE, to mask policies, to stay-at-home orders. There is no reason why the Federal Government now wants to step in at the expense of workers and at the expense of customers.

I urge my colleagues to oppose the Republican corporate immunity bill.

I yield the floor.

THE PRESIDING OFFICER (Mrs. LOEFFLER). The Senator from Texas.

Mr. CORNYN. Madam President, it was fortuitous that I was here on the floor when my friend from Illinois decided to talk about the liability provisions of the bill we filed last week, the next installment in the COVID-19 response. Let me just spend a couple of minutes talking about the issues he raised.

My friend, our colleague from Illinois, is a very talented lawyer. He has a lot of great experience in the courtroom. He understands how courts work and how the litigation practice works.

I think at last count I saw that roughly 3,000 to 3,500 lawsuits had been filed. I don't know what the exact number is, but it is pretty irrelevant because there is ordinarily, under State tort laws—at least in my State—a 2-year statute of limitations for a personal injury lawsuit. So I guarantee you that the flood is coming. Having survived one pandemic, the American economy is going to have to withstand a second pandemic of opportunistic lawsuits.

I think it is going to be hard for people to prove where they acquired the virus. Ordinarily, that would be an element of the plaintiff's burden of proof, but we know that in jury trials, where expert witnesses are hired, all they would need to say is that it is more likely than not that they got it at this daycare center or this nonprofit or in this hospital—enough to create a question for the jury. Then it is really a

matter of whose expert witness you believe, and, of course, the chances are that you will be found responsible based upon that contested factual issue.

It is more likely, I believe, that these lawsuits will have very little merit. The juries will be very skeptical of these lawsuits because they understand that this pandemic came out of nowhere. Actually, we know where it came from: China. But nobody was fully aware of all of the circumstances under which we would need to respond.

We have had to adapt as time has gone on, and we have had different advice from the CDC and the national experts. For example, I remember—I went back and checked. The CDC didn't recommend that we wear masks until roughly April. Before that, they were really considered ineffective. So if somebody files a lawsuit saying, well, you should have been wearing masks at your workplace, and because you didn't, somebody got the virus, well, what is the timeframe in which that guidance would apply? Would it be retroactive to January, when the virus first broke out here in the United States, or would it be sort of based on lessons learned down the road?

Here is the real problem: My friend from Illinois knows that lawsuits are filed every day in America with no real expectation of ever trying the case in front of a jury—or a judge, for that matter—because we all know that the costs of defending those lawsuits can be enough in and of themselves to deter people from reopening their business.

Frequently, what happens—there is a phenomenon known as nuance settlements, where defendants calculate, how much is this going to cost me to defend, and I will go ahead and pay that money now in order to avoid the further vexation of a lawsuit. And that is the seed money used to file the next lawsuit and the next lawsuit and the next lawsuit. I think we can reasonably expect that there will be a lot of class-action lawsuits.

The goal here is not to provide blanket immunity; the goal is to do what we did after the Y2K phenomenon, when we questioned whether our computers would actually register the change of the century rather than go back to the earlier century and whether the disruption in financial markets and the like would occur. This is roughly the same sort of thing we did after 9/11, too, to provide some stability, some certainty, to very chaotic and challenging times.

So we know that, in addition to the public health fight, we are trying to reopen our economy safely. Mothers and fathers and teachers and school officials are thinking about how can our children resume their education, whether online or in person, but safety, obviously, is the most important point.

The fact is, we had one of the best economies in my lifetime before this virus hit in January, and now we are in a recession. The question is, Are we

going to recover, rebound from this now that we have learned how to treat people with the COVID-19 virus better to save more lives, to prevent them from going on ventilators and the like? And, as we are in a race to come up with better treatments and, hopefully, a vaccine—which will be the gold standard, I believe, in terms of our learning to live with this virus—what is going to happen to the economy? What is going to happen to the jobs that used to be there but which no longer exist because of the recession we are in?

The threat of this second pandemic of litigation—opportunistic litigation—will be a body blow to an economy that wants to reopen, to people who want to go back to work safely, to children who want to go back to school, to parents who want to have a daycare facility watch their children in a safe environment while they go back to work.

One of the things we have talked about during all this is essential workers. Well, I think all work is essential. It is important. It is important to our personal well-being, it is important to our economy, and it is important to the families who depend on the wage earner to bring home a paycheck so that they can put food on the table and pay the rent.

I believe that this second pandemic of COVID-19 litigation—as I said, there is ordinarily a 2-year, I believe, statute of limitations—could well keep our economy shut down, destroy small businesses that have been holding on by a thread, and, frankly, punish people who had no choice but to show up for work.

I mean, if you are a physician or a nurse, you didn't have any option but to show up for work. You knew you had to do it in order to do your job, in order to pursue your profession. Are we then going to subject them to litigation risks because of their having to encounter something totally new and unprecedented?

I think it would be a cruel joke for us to say: Yes, you are an essential worker; yes, you have no choice but to show up; and, yes, you have no choice but to be subjected to a lawsuit because somebody 2 or 3 years later wants to second-guess the decisions you made in the middle of a pandemic. I just think it would be enormously unfair to those essential workers who had no choice but to show up.

I want to say, in conclusion, I disagree with my colleague on one other matter as well. I believe, by rewarding compliance with government public health guidelines, providing a safe harbor for negligence claims, it actually incentivizes people to follow those guidelines. Isn't that what we want to do? Isn't that what we want our schools, our daycare centers, our non-profits, our retail businesses—don't we want them to comply with those public health guidelines?

Well, this is one way to reward them and incentivize them to do exactly

that. I know we are still a long way away from a negotiated resolution of the things that separate us here on this next COVID-19 bill, but I agree with the majority leader that this is an essential ingredient in that next bill.

Prior to the arrival of COVID-19 in America, the Texas economy was booming, along with the rest of America's economy. Businesses have flocked to Texas, creating new jobs and attracting top talent from around the country. People are literally voting with their feet and coming to where they have an opportunity to work, provide for their family, and pursue their dreams.

We began the year with a 3.5-percent unemployment rate in Texas—3.5 percent, just one-tenth of a percent above the historic low set last summer. But as the pandemic began its deadly sweep across the country, everything changed. Texas businesses, as were required, closed their doors to stop the spread of the virus, and millions of workers were suddenly without a paycheck.

We didn't know when our economy would begin to recover, when we would reopen to a point where those who were laid off work could come back safely. And we knew State unemployment benefits alone were not sufficient to bridge the gap. That is why, when we passed the CARES Act late in March, we didn't just enhance the unemployment benefits; we actually sent a direct deposit to the bank account of all adults earning less than \$75,000 a year. We sent them \$1,200 to tide them over, to give them a lifeline, which I think was very, very important because, even if you are out of work, you can't get unemployment benefits instantaneously, and we know that a lot of the workforce commissions like those we have in Texas that administer the unemployment compensation program were overwhelmed with applications. So it was important that we provide that direct relief and then the enhanced unemployment benefit.

Well, in Texas, the average unemployment benefit is \$246 a week. With an additional \$600 a week, which we added as part of the CARES Act, that amount more than tripled. Since March, more than 3 million Texans have filed for unemployment benefits, and recipients have taken advantage of the bolstered benefits, which I supported.

This additional income, provided on a temporary basis, has helped families cover their rent, their groceries, and other critical expenses until they are able to return to work, and, for many workers, there is still a great deal of uncertainty about when that might happen.

When the CARES Act passed in March, we were all hopeful that the economic outlook at this point would be much brighter than it is today, and that is why these benefits came with an expiration date of July 31, last Friday. We had hoped that our economy



would be rebounding and we would be in better shape controlling and defeating this virus and that more businesses would be able to reopen their doors or create new jobs, which obviously has not happened as quickly as we would have liked.

In Texas, our unemployment rate went from 3.5 percent to 13.5 percent in April, a 10-point increase in unemployment. We have made progress since then, thankfully, with it dropping now down to 8.6 percent—still a historically high level of unemployment, but it is moving in the right direction.

While this is encouraging, we still have a long way to go, and we cannot allow those impacted to go another day without the income that they need to support their families. As Republicans and Democrats continue to work together toward an agreement on the next coronavirus response package, these individuals are being sacrificed and hurt in the interim.

Why did Democrats block our attempt to extend unemployment benefits last week? Is it because they don't care about the people who are hurting, who need those resources?

Our colleague from Arizona, Senator MCSALLY, offered a bill last week to extend these benefits for an additional week so that we could continue negotiating, but the minority leader, the Democratic leader, Senator SCHUMER, blocked it. He prevented us from passing the simple, 1-week extension to give us some time to complete our negotiations and make sure that people who needed that money would not be hurt.

I am embarrassed that the Senate could not overcome this partisan dysfunction in order to provide this extended benefit to people who need it while we do our job here. There is no excuse for allowing this provision to expire without even a temporary measure until a final decision is reached.

Even though we are coming up on the traditional August recess, I believe we need to stay here working until an agreement is reached to provide these workers with the support they need. Of course, there is a delicate balance between helping these workers and standing in the way of an economic recovery.

Here is the twist: Over the last few months, I have been hearing from a number of business owners in Texas who are struggling to rehire their employees because—get this—they are actually making more from unemployment than they made while working, and this is not just a one-off or an isolated issue.

According to the Texas Workforce Commission, with the \$600 Federal benefit on top of the State benefit, 80 percent of the recipients of unemployment insurance were making more money on unemployment than they were when previously employed—80 percent. I think that is a mistake. Paying people more not to work than they would make taking available work makes no sense whatsoever.

Now, obviously, if there is not a job for people to take, then they should continue to get unemployment benefits, but if there is a job, then I think the incentive should be to encourage them to safely return to work, not to pay them more not to work.

The bill proposed by House Democrats would extend the \$600 Federal benefit through next January, providing even less of an incentive for workers to safely reenter the workforce. This is just one of the countless places where the Democrats' \$3 trillion Heroes Act fails to deliver the relief our country actually needs. This is \$3 trillion on top of the roughly \$3 trillion that we have already spent.

Rather than helping Americans get back to work, the Heroes Act passed by the House includes a long list of liberal priorities, things like environmental justice grants—what in the heck does that have to do with COVID-19?—soil health studies, and not one but two subsidies for diversity and inclusion in the cannabis industry—hardly anything to do with COVID-19.

What is more, our colleagues across the aisle who railed about tax cuts for the rich, well, they want to allow millionaires and billionaires in blue States to pay less in taxes. They want a tax cut for the millionaires and billionaires in their States by eliminating the cap on the deductibility of State and local taxes.

For too long, people in my State and other parts of the country have had to subsidize the big-spending blue States by allowing them to deduct all of their State and local taxes. That means you and I have to pay to subsidize those high-tax jurisdictions like New York City, for example.

Well, in addition, the Heroes Act deepens the hiring struggle businesses are already facing, and it rapidly digs our Nation deeper and deeper into debt. It is so unpopular, even among our Democratic colleagues, that it barely managed to pass the House in May.

I want to credit the Senator from Wyoming, who is here in the Chamber, who pointed out some of the quotes from the New York Times and others at the time.

Here is what the New York Times said: "Even though the bill was more a messaging document than a viable piece of legislation, its fate was in doubt in the final hours before its passage."

National Public Radio, hardly a bastion of conservative news, said: "The more than 1,800-page bill marks a long wish list for Democrats."

If this bill were to become law, Texans' tax dollars wouldn't be supporting our response and recovery; they would be funding a range of completely unrelated liberal pet projects.

Speaker PELOSI knew the Heroes Act didn't have a chance of passing in the U.S. Senate. She never intended for that bill to pass in the Senate. It was all about messaging and posturing and trying to manage the radicals in the Democratic caucus in the House.

These unwanted, unaffordable, and, frankly, laughable proposals are not the types of solutions America needs to recover from this crisis, especially when it comes to rebuilding our economy.

In the next relief bill, Congress must include additional unemployment benefits to help those who, through no fault of their own, are out of work, but we can't defy common sense and continue paying some people more to stay home than to return to work. Our long-term economic recovery will depend on people safely returning to the workforce, and Congress cannot stand in the way.

In addition to supporting workers until they are able to return to work, we also need to ensure that they will have a job to go back to.

Madam President, I ask unanimous consent to proceed for 5 more minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CORNYN. Madam President, I thank my colleague for his indulgence.

One of the things we need to do is make sure that the Paycheck Protection Program is replenished as well. This is the most successful part of our coronavirus response—more than \$670 billion appropriated to help small businesses maintain their payroll, to keep their employees on the payroll.

More than 400,000 small businesses in Texas have received these loans, bringing in over \$41 billion to the Lone Star State. This money has kept countless Texans on the payroll not only for today but into the future. I hope we will continue the Paycheck Protection Program as part of the next COVID-19 response.

There is another provision that we need to address, though, and that has to do with the deductibility of the expenses of businesses that have received Paycheck Protection Program loans and grants. Unfortunately, while Congress made clear that we expected businesses that received these loans and grants to have the benefit of the ordinary business expenses, the Internal Revenue Service has said just the opposite.

The Joint Tax Committee that scores bills—tax bills—has said that a bill we have now introduced that would allow that deductibility to make that very clear has a zero score because they understood that Congress intended to allow those deductions in the first place.

We have two choices to help small businesses: We can write them another check, or we can allow them to deduct their ordinary business expenses. This would provide some more liquidity and provide additional assistance and cost nothing in terms of the score on the bill. It has bipartisan support that I believe merits our consideration.

In conclusion, we need to do everything we can to support the workers and families struggling to make it through this economic downturn, while simultaneously securing the foundation for a strong economic recovery.



The stakes are high, and I believe the Senate must stay in session until we are able to deliver the relief our country needs.

I yield the floor.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. BARRASSO. Madam President, I ask unanimous consent that I be able to complete my remarks prior to the scheduled vote.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BARRASSO. Madam President, I want to start by addressing a few of the things that the minority leader, Senator SCHUMER, discussed this morning.

Last week, Senator SCHUMER twice—twice—blocked an extension to the Federal unemployment bonus payments. Twice, the Democratic leader threw his hands up, and he said no. He said: Democrats will not support an extension of these benefits—he said—at any level. Why? He said why. He said he wants Republicans to pass his leader's bill. His leader is NANCY PELOSI. It is partisan, and it is loaded.

Senator SCHUMER likes to talk about some of the things in the Speaker's bill, but he carefully avoids much of it because one-third of the spending is completely unrelated to coronavirus—a full one-third.

Senator SCHUMER says we remain far apart. He said that the difference is between “priorities and scale.” Priorities and scale. Well, let's look at some of the priorities in the bill that he supports: direct payment checks to illegal immigrants; taxpayer-funded abortions; changes to election laws—permanent; tax breaks for the wealthy in New York and in California; millions and millions more for environmental justice, the National Endowment for the Arts. It is a long, long list.

The minority leader's statement was full of metaphors and analogies this morning, but he had very little, if any, substance.

The votes we had last week were not what he said—“sham votes”; they were real votes that would have extended real money to real people all over the country. The answer by Senate Democrats, according to their Senate Democratic leader, is a larger Federal Government. That is what they are proposing.

The minority leader used the analogy of a leaky faucet. He said that we have to take care of the flood, but he never mentioned actually fixing the faucet. Their bill does exactly that—never gets to fixing the problem; it just gives Americans a larger government.

The Republican plan provides 10 times more for vaccine development and distribution than what the Democrats passed in the House. It actually gets at beating the virus. The Democrats say they are rescuing schools and small businesses, but their bill actually zeroes out the Paycheck Protection Program and provides less money for schools.

As for understanding the needs of the country, Senate Republicans have

passed, in a bipartisan way, \$3 trillion in relief, and half of that is still unspent.

On the State and local government side, it is ironic to hear the minority leader mention all of his preferred public service workers, but not once in that discussion did he mention police officers. That is because the platform of the Democrats now really is to defund the police. And this is at a time when the murder rate in his own hometown—New York City—is at a record level.

I come to the floor to discuss the reckless spending and the partisan obstruction by the Democratic Party. It is the path they have chosen to deal with coronavirus. It is the Speaker's \$3 trillion runaway spending spree. Speaker PELOSI says it is her way or the highway, and the Senate Democratic leader, her deputy, CHUCK SCHUMER, has been 100 percent behind her political stunt.

At the same time, the Democrats are ignoring what the American people tell us they want and need. They want to resume their lives. People want to resume their lives safely and sensibly, and to do so, they need a safe work environment; they need a safe, effective vaccine; they need their jobs back; and they need their kids in school. Republicans are doing everything we can to provide this.

At this time of soaring national debt, we must make sure that every penny we spend is focused on the disease and the recovery. Congress has already approved nearly \$3 trillion in combined coronavirus aid. When the Senate passed the bipartisan CARES Act, it was the largest rescue package in U.S. history. Over \$1 trillion of the relief money still has not been spent, and at the same time, millions of people who lost their jobs in lockdowns remain out of work. Schools and small businesses face challenges in reopening as well.

Congress needs to act, and we need to act now. We want to support people who are most in need and to do it in a way that encourages, not discourages, work.

According to the University of Chicago study, two out of three unemployed people are currently making more at home than they would at work. That is due to this \$600-per-week bonus payment. It is not common sense.

Last week, when Republicans offered a sensible compromise, Democrats rejected it out of hand. They want to continue paying people more to stay home than they would make at work. Democratic leaders are holding the unemployed hostage—as they say, leverage—in their negotiations with the White House. Once again, the Democrats are putting politics above people, slowing the economic recovery, and destroying millions of jobs in the process.

Senate Republicans, meanwhile, introduced serious relief legislation. The Republican legislation is targeted, tailored to the emergency. Our bill pro-

vides resources for healthcare for kids and for jobs. We safely reopen the economy. We safely reopen schools. We fund testing, treatment, and vaccines. We provide liability protection. We shield the medical community, K-12 schools, colleges, universities, and small businesses from frivolous coronavirus lawsuits. We already see greedy trial lawyers trying to profit from the Nation's pain. Over 4,000 lawsuits have already been filed. An avalanche of abusive coronavirus lawsuits will flatten and flatline the economy as it just tries to awaken.

We continue to put the health, safety, and well-being of the American public first. We are doing everything we can to defeat the virus, and we contrast our serious efforts with Speaker PELOSI's pricey, partisan pipe dream. If enacted, her so-called Heroes Act would be a huge waste of taxpayer money—the largest waste of taxpayer money in U.S. history. In fact, her bill costs more than all previous coronavirus legislation combined. It may be her dream; it would be a nightmare for the American public.

We can go through the things that are in the Democrats' wish list, and anything I would say here would just be the tip of the iceberg. Let me remind you what POLITICO reported when the bill passed the House. It said: It is a Democratic wish list filled up with all the parties' favorite policies. National Public Radio said the bill marks a long wish list for Democrats. The New York Times said the bill was more a messaging document than a viable piece of legislation.

Government doesn't have a spending problem so much as an overspending problem. It is on full display right now as the Democrats promote runaway spending—spending that is unrelated to the challenge before us. Speaker PELOSI is wasting our Nation's time on a far-left fantasy that does not have a single chance in the world of becoming law.

Let me be clear. Republicans will hold the line on reckless spending. We need to keep the next relief bill to no more than \$1 trillion, and we need to ensure that the bill only includes things directly related to the coronavirus.

I am ready to act now. It is essential we get this right. And for the good of the country, this wild, willful, wasteful spending by the Democrats has to stop.

I yield the floor.

I ask for the yeas and nays.

The PRESIDING OFFICER. Under the previous order, the question is, Will the Senate advise and consent to the Menezes nomination?

Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The bill clerk called the roll.

Mr. THUNE. The following Senator is necessarily absent: the Senator from North Carolina (Mr. TILLIS).

Mr. DURBIN. I announce that the Senator from Maryland (Mr. CARDIN),

the Senator from Vermont (Mr. LEAHY), the Senator from Vermont (Mr. SANDERS), and the Senator from Virginia (Mr. WARNER) are necessarily absent.

The PRESIDING OFFICER (Mr. CRUZ). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 79, nays 16, as follows:

[Rollcall Vote No. 155 Ex.]

#### YEAS—79

Alexander	Feinstein	Peters
Baldwin	Fischer	Portman
Barrasso	Gardner	Reed
Bennet	Graham	Risch
Blackburn	Hassan	Roberts
Blunt	Hawley	Romney
Booker	Heinrich	Rounds
Boozman	Hoeben	Rubio
Braun	Hyde-Smith	Sasse
Brown	Inhofe	Scott (FL)
Burr	Johnson	Scott (SC)
Cantwell	Jones	Shaheen
Capito	Kaine	Shelby
Carper	Kennedy	Sinema
Casey	King	Smith
Cassidy	Lankford	Stabenow
Collins	Lee	Sullivan
Coons	Loeffler	Tester
Cornyn	Manchin	Thune
Cotton	McConnell	Toomey
Cramer	McSally	Udall
Crapo	Moran	Van Hollen
Cruz	Murkowski	Whitehouse
Daines	Murphy	Wicker
Duckworth	Murray	Young
Durbin	Paul	
Enzi	Perdue	

#### NAYS—16

Blumenthal	Hirono	Schatz
Cortez Masto	Klobuchar	Schumer
Ernst	Markey	Warren
Gillibrand	Menendez	Wyden
Grassley	Merkley	
Harris	Rosen	

#### NOT VOTING—5

Cardin	Sanders	Warner
Leahy	Tillis	

The nomination was confirmed.

The PRESIDING OFFICER. Under the previous order, the motion to reconsider is considered made and laid upon the table, and the President will be immediately notified of the Senate's actions.

The Senator from Kansas.

### LEGISLATIVE SESSION

#### MORNING BUSINESS

Mr. MORAN. Mr. President, I ask unanimous consent that the Senate proceed to legislative session for a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MORAN. I ask unanimous consent that Senator BLUMENTHAL, Senator COLLINS, and I be able to complete our remarks before the recess.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### EMPOWERING OLYMPIC AND AMATEUR ATHLETES ACT OF 2019

Mr. MORAN. Mr. President, I ask unanimous consent that the Senate

proceed to the immediate consideration of Calendar No. 503, S. 2330.

The PRESIDING OFFICER. The clerk will report the bill by title.

The bill clerk read as follows:

A bill (S. 2330) to amend the Ted Stevens Olympic and Amateur Sports Act to provide for congressional oversight of the board of directors of the United States Olympic and Paralympic Committee and to protect amateur athletes from emotional, physical, and sexual abuse, and for other purposes.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Commerce, Science, and Transportation, with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

#### SECTION 1. SHORT TITLE.

This Act may be cited as the “Empowering Olympic and Amateur Athletes Act of 2019”.

#### SEC. 2. FINDINGS.

Congress makes the following findings:

(1) The courageous voice of survivors is a call to action to end emotional, physical, and sexual abuse in the Olympic and Paralympic movement.

(2) Larry Nassar, the former national team doctor for USA Gymnastics, sexually abused over 300 athletes for over two decades because of ineffective oversight by USA Gymnastics and the United States Olympic Committee.

(3) While the case of Larry Nassar is unprecedented in scale, the case is hardly the only recent incident of sexual abuse in amateur sports.

(4) Survivors of Larry Nassar's abuse and all survivors of abuse in the Olympic and Paralympic movement deserve justice and redress for the wrongs the survivors have suffered.

(5) After a comprehensive congressional investigation, including interviews and statements from survivors, former and current organization officials, law enforcement, and advocates, Congress found that the United States Olympic Committee and USA Gymnastics fundamentally failed to uphold their existing statutory purposes and duty to protect amateur athletes from sexual, emotional, or physical abuse.

(6) USA Gymnastics and the United States Olympic Committee knowingly concealed abuse by Larry Nassar, leading to the abuse of dozens of additional amateur athletes during the period beginning in the summer of 2015 and ending in September 2016.

(7) Ending abuse in the Olympic and Paralympic movement requires enhanced oversight to ensure that the Olympic and Paralympic movement does more to serve athletes and protect their voice and safety.

#### SEC. 3. UNITED STATES OLYMPIC AND PARALYMPIC COMMITTEE.

(a) IN GENERAL.—Chapter 2205 of title 36, United States Code, is amended—

(1) in the chapter heading, by striking “UNITED STATES OLYMPIC COMMITTEE” and inserting “UNITED STATES OLYMPIC AND PARALYMPIC COMMITTEE”;

(2) in section 220501(b)(6), by striking “United States Olympic Committee” and inserting “United States Olympic and Paralympic Committee”;

(3) in section 220502, by amending subsection (c) to read as follows:

“(c) REFERENCES TO UNITED STATES OLYMPIC ASSOCIATION AND UNITED STATES OLYMPIC COMMITTEE.—Any reference to the United States Olympic Association or the United States Olympic Committee is deemed to refer to the United States Olympic and Paralympic Committee.”;

(4) in section 220506(a), by striking “United States Olympic Committee” and inserting “United States Olympic and Paralympic Committee”;

(5) in section 220531, by striking “United States Olympic Committee” each place it ap-

pears and inserting “United States Olympic and Paralympic Committee”.

(b) CONFORMING AMENDMENTS.—The table of chapters for part B of subtitle II of title 36, United States Code, is amended by striking the item relating to chapter 2205 and inserting the following:

“2205. United States Olympic and Paralympic Committee ... 220501”.

#### SEC. 4. CONGRESSIONAL OVERSIGHT OF UNITED STATES OLYMPIC AND PARALYMPIC COMMITTEE AND NATIONAL GOVERNING BODIES.

(a) IN GENERAL.—Chapter 2205 of title 36, United States Code, is amended—

(1) by redesignating the second subchapter designated as subchapter III (relating to the United States Center for SafeSport), as added by section 202 of the Protecting Young Victims from Sexual Abuse and Safe Sport Authorization Act of 2017 (Public Law 115-126; 132 Stat. 320) as subchapter IV; and

(2) by adding at the end the following:

“SUBCHAPTER V—DISSOLUTION OF BOARD OF DIRECTORS OF CORPORATION AND TERMINATION OF RECOGNITION OF NATIONAL GOVERNING BODIES

#### “§ 220551. Definitions

“In this subchapter, the term ‘joint resolution’ means a joint resolution—

“(1) which does not have a preamble; and

“(2) for which—

“(A)(i) the title is only as follows: ‘A joint resolution to dissolve the board of directors of the United States Olympic and Paralympic Committee’; and

“(ii) the matter after the resolving clause—

“(I) is as follows: ‘That Congress finds that dissolving the board of directors of the United States Olympic and Paralympic Committee would not unduly interfere with the operations of chapter 2205 of title 36, United States Code’; and

“(II) prescribes adequate procedures for forming a board of directors of the corporation with all reasonable expediency and in a manner that safeguards the voting power of the representatives of amateur athletes at all times; or

“(B)(i) the title is only as follows: ‘A joint resolution relating to terminating the recognition of a national governing body’; and

“(ii) the matter after the resolving clause is only as follows: ‘That Congress determines that \_\_\_\_\_, which is recognized as a national governing body under section 220521 of title 36, United States Code, has failed to fulfill its duties, as described in section 220524 of title 36, United States Code’, the blank space being filled in with the name of the applicable national governing body.

#### “§ 220552. Dissolution of board of directors of corporation and termination of recognition of national governing bodies

“(a) DISSOLUTION OF BOARD OF DIRECTORS OF CORPORATION.—Effective on the date of enactment of a joint resolution described in section 220551(2)(A) with respect to the board of directors of the corporation, such board of directors shall be dissolved.

“(b) TERMINATION OF RECOGNITION OF NATIONAL GOVERNING BODY.—Effective on the date of enactment of a joint resolution described in section 220551(2)(B) with respect to a national governing body, the recognition of the applicable amateur sports organization as a national governing body shall cease to have force or effect.

#### “§ 220553. Joint resolution

“(a) REFERRAL AND REPORTING.—

“(1) HOUSE OF REPRESENTATIVES.—

“(A) IN GENERAL.—In the House of Representatives, a joint resolution shall be referred to the Committee on Energy and Commerce.

“(B) DISCHARGE.—The Committee on Energy and Commerce shall be discharged from further consideration of a joint resolution and the joint

resolution shall be referred to the appropriate calendar on the date on which not less than three-fifths of the Members of the House of Representatives, duly chosen and sworn, are listed as cosponsors of the joint resolution.

“(C) **LIMITATION ON CONSIDERATION.**—Except as provided in subsection (e)(1), it shall not be in order for the House of Representatives to consider a joint resolution unless—

“(i) the joint resolution is reported by the Committee on Energy and Commerce; or

“(ii) the Committee on Energy and Commerce is discharged from further consideration of the joint resolution under subparagraph (B).

“(2) **SENATE.**—

“(A) **IN GENERAL.**—In the Senate, a joint resolution shall be referred to the Committee on Commerce, Science, and Transportation.

“(B) **DISCHARGE.**—The Committee on Commerce, Science, and Transportation shall be discharged from further consideration of the joint resolution and the joint resolution shall be referred to the appropriate calendar on the date on which not less than three-fifths of the Members of the Senate, duly chosen and sworn, are listed as cosponsors of the joint resolution.

“(C) **LIMITATION ON CONSIDERATION.**—Except as provided in subsection (e)(1), it shall not be in order for the Senate to consider a joint resolution unless—

“(i) the joint resolution is reported by the Committee on Commerce, Science, and Transportation; or

“(ii) the Committee on Commerce, Science, and Transportation is discharged from further consideration of the joint resolution under subparagraph (B).

“(b) **EXPEDITED CONSIDERATION IN HOUSE OF REPRESENTATIVES.**—

“(1) **PROCEEDING TO CONSIDERATION.**—After the Committee on Energy and Commerce reports a joint resolution to the House of Representatives or has been discharged from its consideration in accordance with subsection (a)(1)(B), it shall be in order to move to proceed to consider the joint resolution in the House of Representatives. All points of order against the motion are waived. Such a motion shall not be in order after the House of Representatives has disposed of a motion to proceed on a joint resolution. The previous question shall be considered as ordered on the motion to its adoption without intervening motion. The motion is highly privileged in the House of Representatives and is not debatable. A motion to reconsider the vote by which the motion is disposed of shall not be in order.

“(2) **CONSIDERATION.**—A joint resolution shall be considered as read. All points of order against the joint resolution and against its consideration are waived. The previous question shall be considered as ordered on the joint resolution to its final passage without intervening motion except 2 hours of debate equally divided and controlled by the proponent and an opponent. A motion to reconsider the vote on passage of the joint resolution shall not be in order.

“(c) **EXPEDITED PROCEDURE IN SENATE.**—

“(1) **MOTION TO PROCEED.**—Notwithstanding rule XXII of the Standing Rules of the Senate, after the Committee on Commerce, Science, and Transportation reports a joint resolution to the Senate or has been discharged from its consideration in accordance with subsection (a)(2)(B), it shall be in order for any Member of the Senate to move to proceed to the consideration of the joint resolution. A motion to proceed is in order even though a previous motion to the same effect has been disagreed to. The motion to proceed is not debatable. The motion is not subject to a motion to postpone. A motion to reconsider the vote by which the motion is agreed to or disagreed to shall not be in order. If a motion to proceed to the consideration of the joint resolution is agreed to, the joint resolution shall remain the unfinished business until disposed of.

“(2) **CONSIDERATION.**—Consideration of a joint resolution, and on all debatable motions and ap-

peals in connection therewith, shall be limited to not more than 10 hours, which shall be divided equally between the Majority and Minority Leaders or their designees. A motion further to limit debate is in order and not debatable. A motion to postpone, a motion to proceed to the consideration of other business, or a motion to recommit the joint resolution is not in order. Any debatable motion is debatable for not to exceed 1 hour, to be divided equally between those favoring and those opposing the motion. All time used for consideration of the joint resolution, including time used for quorum calls and voting, shall be counted against the total 10 hours of consideration.

“(3) **VOTE ON PASSAGE.**—If the Senate has voted to proceed to a joint resolution, the vote on passage of the joint resolution shall occur immediately following the conclusion of consideration of the joint resolution, and a single quorum call at the conclusion of the consideration if requested in accordance with the rules of the Senate.

“(4) **RULINGS OF THE CHAIR ON PROCEDURE.**—Appeals from the decisions of the Chair relating to the application of the rules of the Senate to the procedure relating to a joint resolution shall be decided without debate.

“(d) **AMENDMENTS NOT IN ORDER.**—A joint resolution shall not be subject to amendment in either the House of Representatives or the Senate.

“(e) **RULES TO COORDINATE ACTION WITH OTHER HOUSE.**—

“(1) **TREATMENT OF JOINT RESOLUTION OF OTHER HOUSE.**—

“(A) **IN GENERAL.**—If the Senate or House of Representatives fails to introduce or consider a joint resolution under this section, the joint resolution of the other House—

“(i) shall be entitled to expedited floor procedures described under this section; and

“(ii) may be referred in the receiving chamber or may be held at the desk.

“(B) **POTENTIAL REFERRAL.**—If a joint resolution referred to a committee under subparagraph (A)(i) is cosponsored by not less than three-fifths of the Members of the originating House, duly chosen and sworn, the committee shall report the joint resolution not later than 20 days after the date on which the joint resolution is referred to the committee.

“(2) **VETOES.**—If the President vetoes a joint resolution, debate on a veto message in the Senate under this section shall be 1 hour equally divided between the Majority and Minority leaders or their designees.

“(f) **RULEMAKING FUNCTION.**—This section is enacted by Congress—

“(1) as an exercise of the rulemaking power of the Senate and House of Representatives, respectively, and as such it is deemed a part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in that House in the case of a joint resolution, and it supersedes other rules only to the extent that it is inconsistent with such rules; and

“(2) with full recognition of the constitutional right of either House to change the rules (so far as relating to the procedure of that House) at any time, in the same manner, and to the same extent as in the case of any other rule of that House.”

(b) **TECHNICAL AND CONFORMING AMENDMENTS.**—The table of sections for chapter 2205 of title 36, United States Code, is amended—

(1) by striking the second item relating to subchapter III (relating to the United States Center for SafeSport), as added by section 202 of the Protecting Young Victims from Sexual Abuse and Safe Sport Authorization Act of 2017 (Public Law 115-126; 132 Stat. 320) and inserting the following:

“SUBCHAPTER IV—UNITED STATES CENTER FOR SAFESPORT”; AND

(2) by adding at the end the following:

“SUBCHAPTER V—DISSOLUTION OF BOARD OF DIRECTORS OF CORPORATION AND TERMINATION OF RECOGNITION OF NATIONAL GOVERNING BODIES

“220551. Definitions.

“220552. Dissolution of board of directors of corporation and termination of recognition of national governing bodies.

“220553. Joint resolution.”

(c) **EFFECTIVE DATE.**—The amendments made by this section shall take effect on the date that is 1 year after the date of the enactment of this Act.

## SEC. 5. MODIFICATIONS TO UNITED STATES OLYMPIC AND PARALYMPIC COMMITTEE.

(a) **PURPOSES OF THE CORPORATION.**—Section 220503 of title 36, United States Code, is amended—

(1) in paragraph (9), by inserting “and access to” after “development of”;

(2) in paragraph (14), by striking “; and” and inserting a semicolon;

(3) in paragraph (15), by striking the period at the end and inserting “; and”; and

(4) by adding at the end the following:

“(16) to effectively oversee the national governing bodies with respect to compliance with and implementation of the policies and procedures of the corporation, including policies and procedures on the establishment of a safe environment in sports as described in paragraph (15).”

(b) **MODIFICATIONS TO MEMBERSHIP IN CORPORATION AND REPRESENTATION OF ATHLETES.**—

(1) **DEFINITION OF ATHLETES’ ADVISORY COUNCIL.**—Section 220501(b) of title 36, United States Code, is amended—

(A) by striking paragraph (9);

(B) by redesignating paragraphs (4) through (8) as paragraphs (5) through (9), respectively; and

(C) by inserting after paragraph (3) the following:

“(4) ‘Athletes’ Advisory Council’ means the entity established and maintained under section 220504(b)(2)(A) that—

“(A) is composed of, and elected by, amateur athletes to ensure communication between the corporation and currently active amateur athletes; and

“(B) serves as a source of amateur-athlete opinion and advice with respect to policies and proposed policies of the corporation.”

(2) **MEMBERSHIP AND REPRESENTATION.**—Section 220504 of title 36, United States Code, is amended—

(A) in subsection (a), by inserting “and membership shall be available only to national governing bodies” before the period at the end;

(B) in subsection (b)(2)—

(i) in the matter preceding subparagraph (A), by striking “within the preceding 10 years”;

(ii) by striking subparagraph (A) and inserting the following:

“(A) establish and maintain an Athletes’ Advisory Council;”

(iii) in subparagraph (B)—

(I) by striking “20 percent” and inserting “1/3”; and

(II) by inserting “, including any panel empowered to resolve grievances” before the semicolon;

(iv) by redesignating subparagraph (B) as subparagraph (D); and

(v) by inserting after subparagraph (A) the following:

“(B) ensure that the chair of the Athletes’ Advisory Council, or the designee of the chair, holds voting power on the board of directors of the corporation and in the committees and entities of the corporation;

“(C) require that 1/3 of the membership of the board of directors of the corporation shall be composed of, and elected by, such amateur athletes, including not fewer than one amateur athlete who—

“(i) is actively engaged in representing the United States in amateur athletic competition; or

“(ii) has represented the United States in international amateur athletic competition during the preceding 10-year period; and”; and

(C) by adding at the end the following:

“(c) **CONFLICT OF INTEREST.**—An athlete who represents athletes under subsection (b)(2) shall not be employed by the Center, or serve in a capacity that exercises decision-making authority on behalf of the Center, during the two-year period beginning on the date on which the athlete ceases such representation.

“(d) **CERTIFICATION REQUIREMENTS.**—The bylaws of the corporation shall include a description of all generally applicable certification requirements for membership in the corporation.”.

(c) **DUTIES.**—

(1) **IN GENERAL.**—Section 220505 of title 36, United States Code, is amended—

(A) in the section heading, by striking “**Powers**” and inserting “**Powers and duties**”; and

(B) by adding at the end the following:

“(d) **DUTIES.**—

“(1) **IN GENERAL.**—The duty of the corporation to amateur athletes includes the adoption, effective implementation, and enforcement of policies and procedures designed—

“(A) to immediately report to law enforcement and the Center any allegation of child abuse of an amateur athlete who is a minor;

“(B) to ensure that each national governing body has in place policies and procedures to report immediately any allegation of child abuse of an amateur athlete, consistent with—

“(i) the policies and procedures developed under paragraph (3) of section 220541(a); and

“(ii) the requirement described in paragraph (2)(A) of section 220542(a); and

“(C) to ensure that each national governing body and the corporation enforces temporary measures and sanctions issued pursuant to the authority of the Center.

“(2) **RULE OF CONSTRUCTION.**—Nothing in this subsection shall be construed to preempt or otherwise abrogate the duty of care of the corporation under State law or the common law.”.

(2) **CONFORMING AMENDMENT.**—The table of sections for chapter 2205 of title 36, United States Code, is amended by striking the item relating to section 220505 and inserting the following:

“220505. Powers and duties.”.

(d) **POLICY WITH RESPECT TO ASSISTING MEMBERS OR FORMER MEMBERS IN OBTAINING JOBS.**—Section 220507 of title 36, United States Code, is amended by adding at the end the following:

“(c) **POLICY WITH RESPECT TO ASSISTING MEMBERS OR FORMER MEMBERS IN OBTAINING JOBS.**—The corporation shall develop 1 or more policies that prohibit any individual who is an employee, contractor, or agent of the corporation from assisting a member or former member in obtaining a new job (except the routine transmission of administrative and personnel files) if the individual knows that such member or former member violated the policies or procedures of the Center related to sexual misconduct or was convicted of a crime involving sexual misconduct with a minor in violation of applicable law.”.

(e) **OFFICE OF THE ATHLETE OMBUDSMAN.**—Section 220509(b) of title 36, United States Code, is amended—

(1) in the subsection heading, by striking “**OMBUDSMAN**” and inserting “**OFFICE OF THE ATHLETE OMBUDSMAN**”; and

(2) in paragraph (2)—

(A) in subparagraph (A), by moving clauses (i) through (iii) two ems to the right;

(B) by striking “(2)(A) The procedure” and inserting the following:

“(2) **HIRING PROCEDURES; VACANCY; TERMINATION.**—

“(A) **HIRING PROCEDURES.**—The procedure”;

(C) in subparagraph (B)—

(i) by moving clauses (i) through (iii) two ems to the right; and

(ii) by striking “(B) The corporation” and inserting the following:

“(C) **TERMINATION.**—The corporation”; and

(D) in the undesignated matter following clause (iii) of subparagraph (A), by striking “If there is” and inserting the following:

“(B) **VACANCY.**—If there is”; and

(3) by redesignating paragraph (2) as paragraph (3);

(4) in paragraph (1), in the matter preceding subparagraph (A), by striking “(1) The corporation” and all that follows through “who shall—” and inserting the following:

“(1) **IN GENERAL.**—The corporation shall hire and provide salary, benefits, and administrative expenses for an ombudsman and support staff for athletes.

“(2) **DUTIES.**—The Office of the Athlete Ombudsman shall—”; and

(5) in paragraph (2), as so designated by paragraph (4)—

(A) by amending subparagraph (B) to read as follows:

“(B) assist in the resolution of athlete concerns.”;

(B) by redesignating subparagraph (C) as subparagraph (D); and

(C) by inserting after subparagraph (B) the following:

“(C) provide independent advice to athletes with respect to—

“(i) the role, responsibility, authority, and jurisdiction of the Center; and

“(ii) the relative value of engaging legal counsel; and”; and

(6) by adding at the end the following:

“(4) **CONFIDENTIALITY.**—

“(A) **IN GENERAL.**—The Office of the Athlete Ombudsman shall maintain as confidential any information communicated or provided to the Office of the Athlete Ombudsman in any matter involving the exercise of the official duties of the Office of the Athlete Ombudsman.

“(B) **EXCEPTION.**—The Office of the Athlete Ombudsman may disclose information described in subparagraph (A) as necessary to resolve or mediate a dispute, with the permission of the parties involved.

“(C) **JUDICIAL AND ADMINISTRATIVE PROCEEDINGS.**—

“(i) **IN GENERAL.**—The ombudsman and the staff of the Office of the Athlete Ombudsman shall not be compelled to testify or produce evidence in any judicial or administrative proceeding with respect to any matter involving the exercise of the duties of the Office of the Athlete Ombudsman.

“(ii) **WORK PRODUCT.**—Any memorandum, work product, notes, or case file of the Office of the Athlete Ombudsman—

“(1) shall be confidential; and

“(II) shall not be—

“(aa) subject to discovery, subpoena, or any other means of legal compulsion; or

“(bb) admissible as evidence in a judicial or administrative proceeding.

“(D) **APPLICABILITY.**—The confidentiality requirements under this paragraph shall not apply to information relating to—

“(i) applicable federally mandated reporting requirements;

“(ii) a felony personally witnessed by a member of the Office of the Athlete Ombudsman;

“(iii) a situation, communicated to the Office of the Athlete Ombudsman, in which an individual is at imminent risk of serious harm; or

“(iv) a congressional subpoena.

“(E) **DEVELOPMENT OF POLICY.**—

“(i) **IN GENERAL.**—Not later than 180 days after the date of the enactment of the Empowering Olympic and Amateur Athletes Act of 2019, the Office of the Athlete Ombudsman shall develop and publish in the Federal Register a confidentiality and privacy policy consistent with this paragraph.

“(ii) **DISTRIBUTION.**—The Office of the Athlete Ombudsman shall distribute a copy of the policy developed under clause (i) to—

“(I) employees of the national governing bodies; and

“(II) employees of the corporation.

“(iii) **PUBLICATION BY NATIONAL GOVERNING BODIES.**—Each national governing body shall—

“(I) publish the policy developed under clause (i) on the internet website of the national governing body; and

“(II) communicate to amateur athletes the availability of the policy.

“(5) **PROHIBITION ON RETALIATION.**—No employee, contractor, agent, volunteer, or member of the corporation shall take or threaten to take any action against an athlete as a reprisal for disclosing information to or seeking assistance from the Office of the Athlete Ombudsman.

“(6) **INDEPENDENCE IN CARRYING OUT DUTIES.**—The board of directors of the corporation or any other member or employee of the corporation shall not prevent or prohibit the Office of the Athlete Ombudsman from carrying out any duty or responsibility under this section.”.

(f) **REPORTS AND AUDITS.**—

(1) **IN GENERAL.**—Section 220511 of title 36, United States Code, is amended—

(A) in the section heading, by striking “**Report**” and inserting “**Reports and audits**”; and

(B) by striking subsection (b);

(C) by amending subsection (a) to read as follows:

“(a) **REPORT.**—

“(1) **SUBMISSION TO PRESIDENT AND CONGRESS.**—Not less frequently than annually, the corporation shall submit simultaneously to the President and to each House of Congress a detailed report on the operations of the corporation for the preceding calendar year.

“(2) **MATTERS TO BE INCLUDED.**—Each report required by paragraph (1) shall include the following:

“(A) A comprehensive description of the activities and accomplishments of the corporation during such calendar year.

“(B) Data concerning the participation of women, disabled individuals, and racial and ethnic minorities in the amateur athletic activities and administration of the corporation and national governing bodies.

“(C) A description of the steps taken to encourage the participation of women, disabled individuals, and racial minorities in amateur athletic activities.

“(D) A description of any lawsuit or grievance filed against the corporation, including any dispute initiated under this chapter.

“(E) The agenda and minutes of any meeting of the board of directors of the corporation that occurred during such calendar year.

“(F) A report by the compliance committee of the corporation that, with respect to such calendar year—

“(i) identifies—

“(I) the areas in which the corporation has met compliance standards; and

“(II) the areas in which the corporation has not met compliance standards; and

“(ii) assesses the compliance of each member of the corporation and provides a plan for improvement, as necessary.

“(G) A detailed description of any complaint of retaliation made during such calendar year, including the entity involved, the number of allegations of retaliation, and the outcome of such allegations.

“(3) **PUBLIC AVAILABILITY.**—The corporation shall make each report under this subsection available to the public on an easily accessible internet website of the corporation.”; and

(D) by adding at the end the following:

“(b) **AUDIT.**—

“(1) **IN GENERAL.**—Not less frequently than annually, the financial statements of the corporation for the preceding fiscal year shall be audited in accordance with generally accepted auditing standards by—

“(A) an independent certified public accountant; or

“(B) an independent licensed public accountant who is certified or licensed by the regulatory authority of a State or a political subdivision of a State.

“(2) LOCATION.—An audit under paragraph (1) shall be conducted at the location at which the financial statements of the corporation normally are kept.

“(3) ACCESS.—An individual conducting an audit under paragraph (1) shall be given full access to—

“(A) all records and property owned or used by the corporation, as necessary to facilitate the audit; and

“(B) any facility under audit for the purpose of verifying transactions, including any balance or security held by a depository, fiscal agent, or custodian.

“(4) REPORT.—

“(A) IN GENERAL.—Not later than 180 days after the end of the fiscal year for which an audit is carried out, the auditor shall submit a report on the audit to the Committee on Commerce, Science, and Transportation of the Senate, the Committee on Energy and Commerce of the House of Representatives, and the chair of the Athletes’ Advisory Council.

“(B) MATTERS TO BE INCLUDED.—Each report under subparagraph (A) shall include the following for the applicable fiscal year:

“(i) Any statement necessary to present fairly the assets, liabilities, and surplus or deficit of the corporation.

“(ii) An analysis of the changes in the amounts of such assets, liabilities, and surplus or deficit.

“(iii) A detailed statement of the income and expenses of the corporation, including the results of any trading, manufacturing, publishing, or other commercial endeavor.

“(iv) A detailed statement of the amounts spent on stipends and services for athletes.

“(v) A detailed statement of the amounts spent on compensation and services for executives and administration officials of the corporation, including the 20 employees of the corporation who receive the highest amounts of compensation.

“(vi) A detailed statement of the amounts allocated to the national governing bodies.

“(vii) Such comments and information as the auditor considers necessary to inform Congress of the financial operations and condition of the corporation.

“(viii) Recommendations relating to the financial operations and condition of the corporation.

“(ix) A description of any financial conflict of interest (including a description of any recusal or other mitigating action taken), evaluated in a manner consistent with the policies of the corporation, of—

“(I) a member of the board of directors of the corporation; or

“(II) any senior management personnel of the corporation.

“(C) PUBLIC AVAILABILITY.—

“(i) IN GENERAL.—The corporation shall make each report under this paragraph available to the public on an easily accessible internet website of the corporation.

“(ii) PERSONALLY IDENTIFIABLE INFORMATION.—A report made available under clause (i) shall not include the personally identifiable information of any individual.”

(2) CONFORMING AMENDMENT.—The table of sections for chapter 2205 of title 36, United States Code, is amended by striking the item relating to section 220511 and inserting the following:

“220511. Reports and audits.”

(g) POLICY WITH RESPECT TO BONUS AND SEVERANCE PAY.—

(1) IN GENERAL.—Section 220507 of title 36, United States Code, as amended by subsection (d), is further amended by adding at the end the following:

“(d) POLICY REGARDING TERMS AND CONDITIONS OF EMPLOYMENT.—The corporation shall establish a policy—

“(1) not to disperse bonus or severance pay to any individual named as a subject of an ethics investigation by the ethics committee of the corporation, until such individual is cleared of wrongdoing by such investigation; and

“(2) that provides that—

“(A) if the ethics committee determines that an individual has violated the policies of the corporation—

“(i) the individual is no longer entitled to bonus or severance pay previously withheld; and

“(ii) the compensation committee of the corporation may reduce or cancel the withheld bonus or severance pay; and

“(B) in the case of an individual who is the subject of a criminal investigation, the ethics committee shall investigate the individual.”

(2) APPLICABILITY.—The amendment made by paragraph (1) shall not apply to any term of employment for the disbursement of bonus or severance pay that is in effect as of the day before the date of the enactment of this Act.

(h) ANNUAL AMATEUR ATHLETE SURVEY.—

(1) IN GENERAL.—Subchapter I of chapter 2205 of title 36, United States Code, is amended by adding at the end the following:

#### “§220513. Annual amateur athlete survey

“(a) IN GENERAL.—Not less frequently than annually, the corporation shall enter into a contract with an independent third-party organization to conduct an anonymous survey of amateur athletes who are actively engaged in amateur athletic competition with respect to—

“(1) their satisfaction with the corporation and the applicable national governing body; and

“(2) the behaviors, attitudes, and feelings within the corporation and the applicable national governing body relating to sexual harassment and abuse.

“(b) CONSULTATION.—A contract under subsection (a) shall require the independent third-party organization to develop the survey in consultation with the Center.

“(c) PROHIBITION ON INTERFERENCE.—If the corporation or a national governing body makes any effort to undermine the independence of, introduce bias into, or otherwise influence a survey under subsection (a), the corporation or the national governing body shall be decertified.

“(d) PUBLIC AVAILABILITY.—The corporation shall make the results of each such survey available to the public on an internet website of the corporation.”

(2) CONFORMING AMENDMENT.—The table of sections for chapter 2205 of title 36, United States Code, is amended by adding at the end of subchapter I the following:

“220513. Annual amateur athlete survey.”

#### SEC. 6. MODIFICATIONS TO NATIONAL GOVERNING BODIES.

(a) CERTIFICATION OF NATIONAL GOVERNING BODIES.—

(1) IN GENERAL.—Section 220521 of title 36, United States Code, is amended—

(A) in the section heading, by striking “**Recognition of amateur sports organizations as national governing bodies**” and inserting “**Certification of national governing bodies**”; and

(B) by amending subsection (a) to read as follows:

“(a) IN GENERAL.—With respect to each sport included on the program of the Olympic Games, the Paralympic Games, or the Pan-American Games, the corporation—

“(1) may certify as a national governing body an amateur sports organization, a high-performance management organization, or a paralympic sports organization that files an application and is eligible for such certification under section 220522; and

“(2) may not certify more than 1 national governing body.”

(C) in subsection (b), by striking “recognizing” and inserting “certifying”;

(D) in subsection (c), by striking “recognizing” and inserting “certifying”; and

(E) by amending subsection (d) to read as follows:

“(d) REVIEW OF CERTIFICATION.—Not later than 8 years after the date of the enactment of the Empowering Olympic and Amateur Athletes Act of 2019, and not less frequently than once every 4 years thereafter, the corporation—

“(1) shall review all matters related to the continued certification of an organization as a national governing body;

“(2) may take action the corporation considers appropriate, including placing conditions on the continued certification of an organization as a national governing body;

“(3) shall submit to Congress a summary report of each review under paragraph (1); and

“(4) shall make each such summary report available to the public.”

(2) TECHNICAL AND CONFORMING AMENDMENTS.—

(A) Chapter 2205 of title 36, United States Code, is amended—

(i) in section 220501(b), as amended by section 5(b)(1), by amending paragraph (9) to read as follows:

“(9) ‘national governing body’ means an amateur sports organization, a high-performance management organization, or a paralympic sports organization that is certified by the corporation under section 220521.”

(ii) in section 220504(b), by amending paragraph (1) to read as follows:

“(1) national governing bodies, including through provisions that establish and maintain a National Governing Bodies’ Council that is composed of representatives of the national governing bodies who are selected by their boards of directors or other governing boards to ensure effective communication between the corporation and the national governing bodies;”

(iii) in section 220505(c), by amending paragraph (4) to read as follows:

“(4) certify national governing bodies for any sport that is included on the program of the Olympic Games, the Paralympic Games, or the Pan-American Games;”

(iv) in section 220509(b)(2)(A), as designated by subsection 5(e)(4), by striking “paralympic sports organizations;”

(v) in section 220512, by striking “or paralympic sports organization;”

(vi) in section 220522—

(I) by striking subsection (b); and

(II) in subsection (a)—

(aa) by striking “recognized” each place it appears and inserting “certified”; and

(bb) by striking “recognition” each place it appears and inserting “certification”; and

(cc) in paragraph (6), by inserting “, the Paralympic Games,” after “the Olympic Games”; and

(dd) in paragraph (11)—

(AA) in the matter preceding subparagraph (A), by inserting “, high-performance management organization, or paralympic sports organization” after “amateur sports organization”; and

(BB) in subparagraph (B), by striking “amateur sports” and inserting “applicable”; and

(ee) by striking the subsection designation and heading and all that follows through “An amateur sports organization” and inserting “An amateur sports organization, a high-performance management organization, or a paralympic sports organization”; and

(vii) in section 220524, by striking “amateur sports” each place it appears;

(viii) in section 220528—

(I) by striking “recognition” each place it appears and inserting “certification”; and

(II) by striking “recognize” each place it appears and inserting “certify”; and

(III) in subsection (g), in the subsection heading, by striking “RECOGNITION” and inserting “CERTIFICATION”;

(ix) in section 220531—  
 (I) by striking “, each national governing body, and each paralympic sports organization” each place it appears and inserting “and each national governing body”; and  
 (II) in subsection (c)(2), by striking “each paralympic sports organization,”;  
 (x) in section 220541—  
 (I) in subsection (a)—  
 (aa) in paragraph (2), by striking “, each national governing body, and each paralympic sports organization” and inserting “and each national governing body”; and  
 (bb) in paragraph (3), by striking “and paralympic sports organizations”; and  
 (II) in subsection (d)(3), by striking subparagraph (C);  
 (xi) in section 220542—  
 (I) by striking “or paralympic sports organization” each place it appears; and  
 (II) in subsection (a)(2)—  
 (aa) in subparagraph (A), by striking “, a paralympic sports organization,”;  
 (bb) in subparagraph (E), by striking “or a paralympic sports organization of each national governing body and paralympic sports organization”; and  
 (cc) in subparagraph (F)(i)—  
 (AA) by striking “, or an adult” and inserting “or an adult”;  
 (BB) by striking “, paralympic sports organization,”; and  
 (CC) by striking “, paralympic sports organizations,”.  
 (B) The table of sections for chapter 2205 of title 36, United States Code, is amended by striking the item relating to section 220521 and inserting the following:  
 “220521. Certification of national governing bodies.”.  
 (b) **ELIGIBILITY REQUIREMENTS WITH RESPECT TO GOVERNING BOARDS.**—Section 220522 of title 36, United States Code, as amended by subsection (a)(2), is further amended—  
 (1) in paragraph (2), by inserting “, including the ability to provide and enforce required athlete protection policies and procedures” before the semicolon;  
 (2) in paragraph (5), in the matter preceding subparagraph (A), by inserting “except with respect to the oversight of the organization,” after “sport,”;  
 (3) by redesignating paragraphs (10) through (15) as paragraphs (11) through (16), respectively;  
 (4) by inserting after paragraph (9) the following:  
 “(10) ensures that the selection criteria for individuals and teams that represent the United States are—  
 “(A) fair, as determined by the corporation in consultation with the national governing bodies, the Athletes’ Advisory Council, and the United States Olympians and Paralympians Association;  
 “(B) clearly articulated in writing and properly communicated to athletes in a timely manner; and  
 “(C) consistently applied, using objective and subjective criteria appropriate to the applicable sport,”;  
 (5) by striking paragraph (13), as so redesignated, and inserting the following:  
 “(13) demonstrates, based on guidelines approved by the corporation, the Athletes’ Advisory Council, and the National Governing Bodies’ Council, that—  
 “(A) its board of directors and other such governing boards have established criteria and election procedures for, and maintain among their voting members, individuals who are—  
 “(i) elected by amateur athletes; and  
 “(ii) actively engaged in amateur athletic competition in the sport for which certification is sought;  
 “(B) any exception to such guidelines by such organization has been approved by—

“(i) the corporation; and  
 “(ii) the Athletes’ Advisory Council; and  
 “(C) the voting power held by such individuals is not less than 1/3 of the voting power held by its board of directors and other such governing boards;”;  
 (6) in paragraph (15), as so redesignated, by striking “; and” and inserting a semicolon;  
 (7) in paragraph (16), as so redesignated, by striking the period at the end and inserting a semicolon; and  
 (8) by adding at the end the following:  
 “(17) commits to submitting annual reports to the corporation that include, for each calendar year—  
 “(A) a description of the manner in which the organization—  
 “(i) carries out the mission to promote a safe environment in sports that is free from abuse of amateur athletes (including emotional, physical, and sexual abuse); and  
 “(ii) addresses any sanctions or temporary measures required by the Center;  
 “(B) a description of any cause of action or complaint filed against the organization that was pending or settled during the preceding calendar year; and  
 “(C) a detailed statement of—  
 “(i) the income and expenses of the organization; and  
 “(ii) the amounts expended on stipends, bonuses, and services for amateur athletes, organized by the level and gender of the amateur athletes; and  
 “(18) commits to meeting any minimum standard or requirement set forth by the corporation.”.  
 (c) **GENERAL DUTIES OF NATIONAL GOVERNING BODIES.**—Section 220524 of title 36, United States Code, is amended—  
 (1) in the matter preceding paragraph (1), by striking “For the sport” and inserting the following:  
 “(a) **IN GENERAL.**—For the sport”;  
 (2) in subsection (a), as so designated—  
 (A) in paragraph (8), by striking “; and” and inserting a semicolon;  
 (B) in paragraph (9), by striking the period at the end and inserting a semicolon; and  
 (C) by adding at the end the following:  
 “(10) develop 1 or more policies that prohibit any individual who is an employee, contractor, or agent of the national governing body from assisting a member or former member in obtaining a new job (except for the routine transmission of administrative and personnel files) if the individual knows that such member or former member violated the policies or procedures of the Center related to sexual misconduct or was convicted of a crime involving sexual misconduct with a minor in violation of applicable law or the policies or procedures of the Center;  
 “(11) promote a safe environment in sports that is free from abuse of any amateur athlete, including emotional, physical, and sexual abuse;  
 “(12) take care to promote a safe environment in sports using information relating to any temporary measure or sanction issued pursuant to the authority of the Center;  
 “(13) immediately report to law enforcement any allegation of child abuse of an amateur athlete who is a minor; and  
 “(14) have in place policies and procedures to report immediately any allegation of child abuse of an amateur athlete, consistent with—  
 “(A) the policies and procedures developed under paragraph (3) of section 220541(a); and  
 “(B) the requirement described in paragraph (2)(A) of section 220542(a).”;  
 (3) by adding at the end the following:  
 “(b) **RULE OF CONSTRUCTION.**—Nothing in this section shall be construed to preempt or otherwise abrogate the duty of care of a national governing body under State law or the common law.”.  
 (d) **ELIMINATION OF EXHAUSTION OF REMEDIES REQUIREMENT.**—Section 220527 of title 36, United States Code, is amended—

(1) by striking subsection (b);  
 (2) in subsection (c), by striking “If the corporation” and all that follows through “subsection (b)(1) of this section, it” and inserting “The corporation”; and  
 (3) by redesignating subsections (c) and (d) as subsections (b) and (c), respectively.  
 (e) **ENSURE LIMITATIONS ON COMMUNICATIONS ARE INCLUDED IN LIMITATIONS ON INTERACTIONS.**—Section 220530(a) of title 36, United States Code, is amended—  
 (1) in paragraph (2), by inserting “, including communications,” after “interactions”; and  
 (2) in paragraph (4), by striking “makes” and all that follows through the period at the end and inserting the following: “makes—  
 “(A) a report under paragraph (1); or  
 “(B) any other report relating to abuse of any amateur athlete, including emotional, physical, and sexual abuse.”.  
**SEC. 7. MODIFICATIONS TO UNITED STATES CENTER FOR SAFESPORT.**  
 (a) **NAME OF CENTER.**—  
 (1) Subchapter IV of chapter 2205 of title 36, United States Code, as redesignated by section 4(a)(1), is amended in the subchapter heading by striking “SAFE SPORT” and inserting “SAFESPORT”.  
 (2) Section 220541 of title 36, United States Code, is amended—  
 (A) in the section heading by striking “SAFE SPORT” and inserting “SAFESPORT”; and  
 (B) in subsection (a), in the matter preceding paragraph (1), by striking “Safe Sport” and inserting “SafeSport”.  
 (3) Paragraph (5) of section 220501(b) of title 36, United States Code, as redesignated by section 5(b)(1), is amended by striking “United States Center for Safe Sport” and inserting “United States Center for SafeSport”.  
 (4) The table of sections for chapter 2205 of title 36, United States Code, is amended by striking the item relating to section 220541 and inserting the following:  
 “220541. Designation of United States Center for SafeSport.”.  
 (b) **LIST OF BARRED INDIVIDUALS; AUDIT AND COMPLIANCE.**—Section 220541(a) of title 36, United States Code, is amended—  
 (1) in paragraph (4), by striking “; and” and inserting a semicolon;  
 (2) in paragraph (5), by striking the period at the end and inserting a semicolon; and  
 (3) by adding at the end the following:  
 “(6) maintain an office for compliance and audit that shall—  
 “(A) ensure that the national governing bodies and the corporation implement and follow the policies and procedures developed by the Center to prevent and promptly report instances of abuse of amateur athletes, including emotional, physical, and sexual abuse; and  
 “(B) establish mechanisms that allow for the reporting and investigation of alleged violations of such policies and procedures; and  
 “(7) publish and maintain a publicly accessible internet website that contains a comprehensive list of adults who are barred by the Center.”.  
 (c) **LIMITATION ON LIABILITY.**—Section 220541(d) of title 36, United States Code, as amended by section 6(a)(2), is further amended—  
 (1) in paragraph (3), by inserting after subparagraph (B) the following:  
 “(C) the corporation;”;  
 (2) by redesignating paragraph (3) as paragraph (4); and  
 (3) by inserting after paragraph (2) the following:  
 “(3) **REMOVAL TO FEDERAL COURT.**—  
 “(A) **IN GENERAL.**—Any civil action brought in a State court against the Center relating to the responsibilities of the Center under this section, section 220542, or section 220543, shall be removed, on request by the Center, to the district court of the United States in the district in



which the action was brought, and such district court shall have original jurisdiction over the action without regard to the amount in controversy or the citizenship of the parties involved.

“(B) **RULE OF CONSTRUCTION.**—Nothing in this chapter shall be construed to create a private right of action.”.

(d) **TRAINING MATERIALS; INDEPENDENCE; FUNDING.**—Section 220541 of title 36, United States Code, is amended by adding at the end the following:

“(e) **TRAINING MATERIALS.**—The office for education and outreach referred to in subsection (a)(3) shall—

“(1) develop training materials for specific audiences, including coaches, trainers, doctors, young children, adolescents, adults, and individuals with disabilities; and

“(2) not less frequently than every 3 years, update such training materials.

“(f) **INDEPENDENCE.**—

“(1) **PROHIBITION WITH RESPECT TO FORMER EMPLOYEES AND BOARD MEMBERS.**—A former employee or board member of the corporation or a national governing body shall not work or volunteer at the Center during the 2-year period beginning on the date on which the former employee or board member ceases employment with the corporation or national governing body.

“(2) **ATHLETES SERVING ON BOARD OF DIRECTORS OF NATIONAL GOVERNING BODY.**—

“(A) **IN GENERAL.**—An athlete serving on the board of directors of a national governing body who is not otherwise employed by the national governing body, may volunteer at, or serve in an advisory capacity to, the Center.

“(B) **INELIGIBILITY FOR EMPLOYMENT.**—An athlete who has served on the board of directors of a national governing body shall not be eligible for employment at the Center during the 2-year period beginning on the date on which the athlete ceases to serve on such board of directors.

“(3) **CONFLICTS OF INTEREST.**—An executive or attorney for the Center shall be considered to have an inappropriate conflict of interest if the executive or attorney also represents the corporation or a national governing body.

“(4) **INVESTIGATIONS.**—

“(A) **IN GENERAL.**—The corporation and the national governing bodies shall not interfere in, or attempt to influence the outcome of, an investigation.

“(B) **REPORT.**—In the case of an attempt to interfere in, or influence the outcome of, an investigation, not later than 72 hours after such attempt, the Center shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Energy and Commerce of the House of Representatives a report describing the attempt.

“(C) **WORK PRODUCT.**—

“(i) **IN GENERAL.**—Any decision, report, memorandum, work product, notes, or case file of the Center—

“(I) shall be confidential; and

“(II) shall not be subject to discovery, subpoena, or any other means of legal compulsion in any civil action in which the Center is not a party to the action.

“(ii) **RULE OF CONSTRUCTION.**—Nothing in this subparagraph shall be construed to prohibit the Center from providing work product described in clause (i) to a law enforcement agency for the purpose of assisting in a criminal investigation.

“(g) **FUNDING.**—

“(1) **MANDATORY PAYMENTS.**—

“(A) **FISCAL YEAR 2020.**—Not later than 30 days after the date of the enactment of this subsection, the corporation shall make a mandatory payment of \$20,000,000 to the Center for operating costs of the Center for fiscal year 2020.

“(B) **SUBSEQUENT FISCAL YEARS.**—Beginning on January 1, 2020, the corporation shall make a mandatory payment of \$20,000,000 to the Center on January 1 each year for operating costs of the Center.

“(2) **FUNDS FROM NATIONAL GOVERNING BODIES.**—The corporation may use funds received from 1 or more national governing bodies to make a mandatory payment required by paragraph (1).

“(3) **FAILURE TO COMPLY.**—

“(A) **IN GENERAL.**—The Center may file a lawsuit to compel payment under paragraph (1).

“(B) **PENALTY.**—For each day of late or incomplete payment of a mandatory payment under paragraph (1) after January 1 of the applicable year, the Center shall be allowed to recover from the corporation an additional \$20,000.

“(4) **ACCOUNTABILITY.**—

“(A) **IN GENERAL.**—Amounts transferred to the Center by the corporation or a national governing body shall be used, in accordance with section 220503(15), primarily for the purpose of carrying out the duties and requirements under sections 220541 through 220543 with respect to the investigation and resolution of allegations of sexual misconduct, or other misconduct, made by amateur athletes.

“(B) **USE OF FUNDS.**—

“(i) **IN GENERAL.**—Of the amounts made available to the Center by the corporation or a national governing body in a fiscal year for the purpose described in section 220503(15)—

“(I) not less than 50 percent shall be used for processing the investigation and resolution of allegations described in subparagraph (A); and

“(II) not more than 10 percent may be used for executive compensation of officers and directors of the Center.

“(ii) **RESERVE FUNDS.**—

“(I) **IN GENERAL.**—If, after the Center uses the amounts as allocated under clause (i), the Center does not use the entirety of the remaining amounts for the purpose described in subparagraph (A), the Center may retain not more than 25 percent of such amounts as reserve funds.

“(II) **RETURN OF FUNDS.**—The Center shall return to the corporation and national governing bodies any amounts, proportional to the contributions of the corporation and national governing bodies, that remain after the retention described in subclause (I).

“(iii) **LOBBYING AND FUNDRAISING.**—Amounts made available to the Center under this paragraph may not be used for lobbying or fundraising expenses.

“(h) **COMPLIANCE AUDITS.**—

“(1) **IN GENERAL.**—Not less frequently than annually, the Center shall carry out an audit of the corporation and each national governing body—

“(A) to assess compliance with policies and procedures developed under this subchapter; and

“(B) to ensure that consistent training relating to the prevention of child abuse is provided to all staff of the corporation and national governing bodies who are in regular contact with amateur athletes and members who are minors subject to parental consent.

“(2) **CORRECTIVE MEASURES.**—

“(A) **IN GENERAL.**—The Center may impose on the corporation or a national governing body a corrective measure to achieve compliance with the policies and procedures developed under this subchapter or the training requirement described in paragraph (1)(B).

“(B) **INCLUSIONS.**—A corrective measure imposed under subparagraph (A) may include the implementation of an athlete safety program or specific policies, additional compliance audits or training, and the imposition of a probationary period.

“(C) **ENFORCEMENT.**—

“(i) **IN GENERAL.**—On request by the Center, the corporation shall—

“(I) enforce any corrective measure required under subparagraph (A); and

“(II) report the status of enforcement with respect to a national governing body within a reasonable timeframe.

“(ii) **METHODS.**—The corporation may enforce a corrective measure through any means avail-

able to the corporation, including by withholding funds from a national governing body, limiting the participation of the national governing body in corporation events, and decertifying a national governing body.

“(iii) **EFFECT OF NONCOMPLIANCE.**—If the corporation fails to enforce a corrective measure within 72 hours of a request under clause (i), the Center may submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Energy and Commerce of the House of Representatives a report describing the noncompliance.

“(3) **ANNUAL REPORT.**—

“(A) **IN GENERAL.**—Not less frequently than annually, the Center shall submit to Congress a report on the findings of the audit under paragraph (1) for the preceding year and the status of any corrective measures imposed as a result of the audit.

“(B) **PUBLIC AVAILABILITY.**—

“(i) **IN GENERAL.**—Each report under subparagraph (A) shall be made available to the public.

“(ii) **PERSONALLY IDENTIFIABLE INFORMATION.**—A report made available to the public shall not include the personally identifiable information of any individual.

“(i) **RETALIATION.**—

“(1) **PROHIBITION.**—The Center (or any officer, employee, contractor, subcontractor, or agent of the Center) may not retaliate against any protected individual because of any protected disclosure.

“(2) **REPORTING, INVESTIGATION, AND ARBITRATION.**—The Center shall establish mechanisms for the reporting, investigation, and resolution (through binding third-party arbitration) of complaints of alleged retaliation against a protected individual.

“(3) **DISCIPLINARY ACTION.**—If the Center finds that an officer or employee of the Center (or any contractor, subcontractor, or agent of the Center) has retaliated against a protected individual, the Center shall take appropriate disciplinary action with respect to any such individual found to have retaliated against the protected individual.

“(4) **REMEDIES.**—

“(A) **IN GENERAL.**—If the Center finds that an officer or employee of the Center (or any contractor, subcontractor, or agent of the Center) has retaliated against a protected individual, the Center shall promptly—

“(i) take affirmative action to abate the violation;

“(ii) reinstate the complainant to the former position with the same pay and terms and privileges; and

“(iii) pay compensatory damages, including economic damages (including backpay with interest) and any special damages sustained as a result of the retaliation, including damages for pain and suffering, reasonable attorney fees, and costs.

“(5) **ENFORCEMENT ACTION AND PROCEDURES.**—

“(A) **IN GENERAL.**—If the Center has not issued a final decision within 180 days of the filing of the complaint and there is no showing that such delay is due to the bad faith of the complainant, the complainant may bring an action at law or equity for de novo review in the appropriate district court of the United States, which shall have jurisdiction over such an action without regard to the amount in controversy.

“(B) **JURY TRIAL.**—A party to an action brought under paragraph (A) shall be entitled to trial by jury.

“(C) **RELIEF.**—The court shall have jurisdiction to grant all relief under paragraph (4).

“(6) **STATUTE OF LIMITATIONS.**—An action under paragraph (2) shall be commenced not later than 2 years after the date on which the violation occurs, or after the date on which the protected individual became aware of the violation.

“(7) **BURDENS OF PROOF.**—An action under paragraph (2) or (5) shall be governed as follows:



“(A) **REQUIRED SHOWING BY COMPLAINANT.**—The Center shall dismiss a complaint filed under this subsection and shall not conduct an investigation unless the complainant makes a prima facie showing that any retaliation was a contributing factor in the action alleged in the complaint.

“(B) **CRITERIA FOR DETERMINATION BY ARBITRATION.**—The arbitration may determine that a violation of paragraph (1) has occurred only if the complainant demonstrates that the retaliation was a contributing factor in the action alleged in the complaint.

“(C) **PROHIBITION.**—Relief may not be ordered under paragraph (4) if the Center demonstrates by clear and convincing evidence that the Center would have taken the same action in the absence of that behavior.

“(8) **REVIEW.**—Any person adversely affected or aggrieved by an order issued under paragraph (4) may obtain review of the order in the United States Court of Appeals for the circuit in which the violation, with respect to which the order was issued, allegedly occurred or the circuit in which the complainant resided on the date of such violation. The petition for review must be filed not later than 60 days after the date of the issuance of the arbitration decision of the Center. Review shall conform to chapter 7 of title 5, United States Code. The commencement of proceedings under this subparagraph shall not, unless ordered by the court, operate as a stay of the order.

“(9) **RIGHTS RETAINED BY EMPLOYEE.**—Nothing in this section shall be deemed to diminish the rights, privileges, or remedies of any employee under any Federal or State law, or under any collective bargaining agreement.

“(10) **NONENFORCEABILITY OF CERTAIN PROVISIONS WAIVING RIGHTS AND REMEDIES.**—The rights and remedies provided for in this section may not be waived by any agreement, policy form, or condition of employment.

“(11) **PROTECTED INDIVIDUAL.**—For purposes of this subsection, a protected individual includes any official or employee of the Center and any contractor or subcontractor of the Center.

“(j) **REPORTS TO CORPORATION.**—Not later than 30 days after the end of each calendar quarter that begins after the date of the enactment of the Empowering Olympic and Amateur Athletes Act of 2019, the Center shall submit to the corporation a statement of the following:

“(1) The number and nature of misconduct complaints referred to the Center, by sport.

“(2) The number and type of pending misconduct complaints under investigation by the Center.

“(3) The number of misconduct complaints for which an investigation was terminated or otherwise closed by the Center.

“(4) The number of such misconduct complaints reported to law enforcement agencies by the Center for further investigation.

“(5) The number of discretionary cases accepted or declined by the Center, by sport.

“(6) The average time required for resolution of such cases and misconduct complaints.

“(7) Information relating to the educational activities and trainings conducted by the office of education and outreach of the Center during the preceding quarter, including the number of educational activities and trainings developed and provided.

“(k) **CERTIFICATIONS OF INDEPENDENCE.**—

“(1) **IN GENERAL.**—Not later than 180 days after the end of a fiscal year, the Comptroller General of the United States shall make available to the public a certification relating to the Center's independence from the corporation.

“(2) **ELEMENTS.**—A certification required by paragraph (1) shall include the following:

“(A) A finding of whether a violation of a prohibition on employment of former employees or board members of the corporation under subsection (f) has occurred during the year preceding the certification.

“(B) A finding of whether an executive or attorney for the Center has had an inappropriate conflict of interest during that year.

“(C) A finding of whether the corporation has interfered in, or attempted to influence the outcome of, an investigation by the Center.

“(D) Any recommendations of the Comptroller General for resolving any potential risks to the Center's independence from the corporation.

“(3) **AUTHORITY OF COMPTROLLER GENERAL.**—

“(A) **IN GENERAL.**—The Comptroller General may take such reasonable steps as, in the view of the Comptroller General, are necessary to be fully informed about the operations of the corporation and the Center.

“(B) **SPECIFIC AUTHORITIES.**—The Comptroller General shall have—

“(i) access to, and the right to make copies of, any and all nonprivileged books, records, accounts, correspondence, files, or other documents or electronic records, including emails, of officers, agents, and employees of the Center or the corporation; and

“(ii) the right to interview any officer, employee, agent, or consultant of the Center or the corporation.

“(C) **TREATMENT OF PRIVILEGED INFORMATION.**—If, under this subsection, the Comptroller General seeks access to information contained within privileged documents or materials in the possession of the Center or the corporation, the Center or the corporation, as the case may be, shall, to the maximum extent practicable, provide the Comptroller General with the information without compromising the applicable privilege.”.

(e) **ADDITIONAL DUTIES.**—Section 220542 of title 36, United States Code, is amended—

(1) in the section heading, by striking the period at the end; and

(2) in subsection (a)—

(A) in paragraph (1), by striking “; and” and inserting a semicolon; and

(B) in paragraph (2)—

(i) in subparagraph (A), by striking clauses (i) and (ii) and inserting the following:

“(i) law enforcement consistent with section 226 of the Victims of Child Abuse Act of 1990 (34 U.S.C. 20341); and

“(ii) the Center, whenever such members or adults learn of facts leading them to suspect reasonably that an amateur athlete who is a minor has suffered an incident of child abuse;”;

(ii) by redesignating subparagraphs (B) through (F) as subparagraphs (E) through (I), respectively;

(iii) by inserting after subparagraph (A) the following:

“(B) a requirement that the Center shall immediately report to law enforcement consistent with section 226 of the Victims of Child Abuse Act of 1990 (34 U.S.C. 20341) any allegation of child abuse of an amateur athlete who is a minor, including any report of such abuse submitted to the Center by a minor or by any person who is not otherwise required to report such abuse;

“(C) 1 or more policies that prohibit any individual who is an employee, contractor, or agent of the Center from assisting a member or former member in obtaining a new job (except for the routine transmission of administrative and personnel files) if the individual knows that such member or former member violated the policies or procedures of the Center related to sexual misconduct or was convicted of a crime involving sexual misconduct with a minor in violation of applicable law;

“(D) a requirement that the Center, including any officer, agent, attorney, or staff member of the Center, shall not take any action to notify an alleged perpetrator of abuse of an amateur athlete of any ongoing investigation or accusation unless—

“(i) the Center has reason to believe an imminent hazard will result from failing to so notify the alleged perpetrator; or

“(ii) law enforcement—

“(I) authorizes the Center to take such action; or

“(II) declines or fails to act on, or fails to respond to the Center with respect to, the allegation within 72 hours after the time at which the Center reports to law enforcement under subparagraph (B);”;

(iv) in subparagraph (F), as so redesignated, by inserting “, including communications,” after “interactions”;

(v) by amending subparagraph (G), as so redesignated, to read as follows:

“(G) procedures to prohibit retaliation by the corporation or any national governing body against any individual who makes—

“(i) a report under subparagraph (A) or (E); or

“(ii) any other report relating to abuse of any amateur athlete, including emotional, physical, and sexual abuse;”;

(vi) in subparagraph (H), as so redesignated, by striking “; and” and inserting a semicolon;

(vii) in subparagraph (I), as so redesignated, by striking the period at the end of clause (ii) and inserting a semicolon; and

(viii) by adding at the end the following:

“(J) a prohibition on the use in a decision of the Center under section 220541(a)(4) of any evidence relating to other sexual behavior or the sexual predisposition of the alleged victim, or the admission of any such evidence in arbitration, unless the probative value of the use or admission of such evidence, as determined by the Center or the arbitrator, as applicable, substantially outweighs the danger of—

“(i) any harm to the alleged victim; and

“(ii) unfair prejudice to any party; and

“(K) training for investigators on appropriate methods and techniques for ensuring sensitivity toward alleged victims during interviews and other investigative activities.”.

(f) **RECORDS, AUDITS, AND REPORTS.**—Section 220543 of title 36, United States Code, is amended—

(1) by striking subsection (b) and inserting the following:

“(b) **AUDITS AND TRANSPARENCY.**—

“(1) **ANNUAL AUDIT.**—

“(A) **IN GENERAL.**—Not less frequently than annually, the financial statements of the Center for the preceding fiscal year shall be audited by an independent auditor in accordance with generally accepted accounting principles—

“(i) to ensure the adequacy of the internal controls of the Center; and

“(ii) to prevent waste, fraud, or misuse of funds transferred to the Center by the corporation or the national governing bodies.

“(B) **LOCATION.**—An audit under subparagraph (A) shall be conducted at the location at which the financial statements of the Center normally are kept.

“(C) **REPORT.**—Not later than 180 days after the date on which an audit under subparagraph (A) is completed, the independent auditor shall issue an audit report.

“(D) **CORRECTIVE ACTION PLAN.**—

“(i) **IN GENERAL.**—On completion of the audit report under subparagraph (C) for a fiscal year, the Center shall prepare, in a separate document, a corrective action plan that responds to any corrective action recommended by the independent auditor.

“(ii) **MATTERS TO BE INCLUDED.**—A corrective action plan under clause (i) shall include the following for each such corrective action:

“(I) The name of the person responsible for the corrective action.

“(II) A description of the planned corrective action.

“(III) The anticipated completion date of the corrective action.

“(IV) In the case of a recommended corrective action based on a finding in the audit report with which the Center disagrees, or for which the Center determines that corrective action is not required, an explanation and a specific reason for noncompliance with the recommendation.

“(2) ACCESS TO RECORDS AND PERSONNEL.—With respect to an audit under paragraph (1), the Center shall provide the independent auditor access to all records, documents, and personnel and financial statements of the Center necessary to carry out the audit.

“(3) PUBLIC AVAILABILITY.—

“(A) IN GENERAL.—The Center shall make available to the public on an easily accessible internet website of the Center—

“(i) each audit report under paragraph (1)(C);

“(ii) the Internal Revenue Service Form 990 of the Center for each year, filed under section 501(c) of the Internal Revenue Code of 1986; and

“(iii) the minutes of the quarterly meetings of the board of directors of the Center.

“(B) PERSONALLY IDENTIFIABLE INFORMATION.—An audit report or the minutes made available under subparagraph (A) shall not include the personally identifiable information of any individual.

“(4) RULE OF CONSTRUCTION.—For purposes of this subsection, the Center shall be considered a private entity.

“(c) REPORT.—The Center shall submit an annual report to Congress, including—

“(1) a strategic plan with respect to the manner in which the Center shall fulfill its duties under sections 220541 and 220542;

“(2) a detailed description of the efforts made by the Center to comply with such strategic plan during the preceding year;

“(3) any financial statement necessary to present fairly the assets, liabilities, and surplus or deficit of the Center for the preceding year;

“(4) an analysis of the changes in the amounts of such assets, liabilities, and surplus or deficit during the preceding year;

“(5) a detailed description of Center activities, including—

“(A) the number and nature of misconduct complaints referred to the Center;

“(B) the total number and type of pending misconduct complaints under investigation by the Center;

“(C) the number of misconduct complaints for which an investigation was terminated or otherwise closed by the Center; and

“(D) the number of such misconduct complaints reported to law enforcement agencies by the Center for further investigation;

“(6) a detailed description of any complaint of retaliation made during the preceding year by an officer or employee of the Center or a contractor or subcontractor of the Center that includes—

“(A) the number of such complaints; and

“(B) the outcome of each such complaint;

“(7) information relating to the educational activities and trainings conducted by the office of education and outreach of the Center during the preceding year, including the number of educational activities and trainings developed and provided; and

“(8) a description of the activities of the Center.

“(d) DEFINITIONS.—In this section—

“(1) ‘audit report’ means a report by an independent auditor that includes—

“(A) an opinion or a disclaimer of opinion that presents the assessment of the independent auditor with respect to the financial records of the Center, including whether such records are accurate and have been maintained in accordance with generally accepted accounting principles;

“(B) an assessment of the internal controls used by the Center that describes the scope of testing of the internal controls and the results of such testing; and

“(C) a compliance assessment that includes an opinion or a disclaimer of opinion as to whether the Center has complied with the terms and conditions of subsection (b); and

“(2) ‘independent auditor’ means an independent certified public accountant or independent licensed public accountant, certified or licensed by a regulatory authority of a State or

a political subdivision of a State, who meets the standards specified in generally accepted accounting principles.”.

#### SEC. 8. EXEMPTION FROM AUTOMATIC STAY IN BANKRUPTCY CASES.

Section 362(b) of title 11, United States Code, is amended—

(1) in paragraph (27), by striking “and” at the end;

(2) in paragraph (28), by striking the period at the end and inserting “; and”; and

(3) by inserting after paragraph (28) the following:

“(29) under subsection (a)(1) of this section, of any action by—

“(A) an amateur sports organization, as defined in section 220501(b) of title 36, to replace a national governing body, as defined in that section, under section 220528 of that title; or

“(B) the corporation, as defined in section 220501(b) of title 36, to revoke the recognition of a national governing body, as defined in that section, under section 220521 of that title.”.

#### SEC. 9. ENHANCED CHILD ABUSE REPORTING.

Section 226(c)(9) of the Victims of Child Abuse Act of 1990 (34 U.S.C. 20341(c)(9)) is amended—

(1) by striking “adult who is authorized” and inserting the following: “adult who—

“(A) is authorized”;

(2) in subparagraph (A), as so designated, by inserting “or” after the semicolon at the end; and

(3) by adding at the end the following:

“(B) is an employee or representative of the United States Center for SafeSport.”.

#### SEC. 10. COMMISSION ON THE STATE OF U.S. OLYMPICS AND PARALYMPICS.

(a) ESTABLISHMENT.—There is established within the legislative branch a commission, to be known as the “Commission on the State of U.S. Olympics and Paralympics” (referred to in this section as the “Commission”).

(b) COMPOSITION.—

(1) IN GENERAL.—The Commission shall be composed of 16 members, of whom—

(A) 4 members shall be appointed by the chairman of the Committee on Commerce, Science, and Transportation of the Senate;

(B) 4 members shall be appointed by the ranking member of the Committee on Commerce, Science, and Transportation of the Senate;

(C) 4 members shall be appointed by the chairman of the Committee on Energy and Commerce of the House of Representatives; and

(D) 4 members shall be appointed by the ranking member of the Committee on Energy and Commerce of the House of Representatives.

(2) CO-CHAIRS.—Of the members of the Commission—

(A) 1 co-chair shall be designated by the chairman of the Committee on Commerce, Science, and Transportation of the Senate; and

(B) 1 co-chair shall be designated by the chairman of the Committee on Energy and Commerce of the House of Representatives.

(3) QUALIFICATIONS.—

(A) IN GENERAL.—Each member appointed to the Commission shall have—

(i) experience in—

(I) amateur or professional athletics;

(II) athletic coaching;

(III) public service relating to sports; or

(IV) professional advocacy for increased minority participation in sports; or

(ii) expertise in bullying prevention and the promotion of a healthy organizational culture.

(B) OLYMPIC OR PARALYMPIC ATHLETES.—Not fewer than 8 members appointed under paragraph (1) shall be Olympic or Paralympic athletes.

(c) INITIAL MEETING.—Not later than 30 days after the date on which the last member is appointed under paragraph (1), the Commission shall hold an initial meeting.

(d) QUORUM.—11 members of the Commission shall constitute a quorum.

(e) NO PROXY VOTING.—Proxy voting by members of the Commission shall be prohibited.

(f) STAFF.—The co-chairs of the Commission shall appoint an executive director of the Commission, and such staff as appropriate, with compensation.

(g) PUBLIC HEARINGS.—The Commission shall hold 1 or more public hearings.

(h) TRAVEL EXPENSES.—Members of the Commission shall serve without pay, but shall receive travel expenses in accordance with sections 5702 and 5703 of title 5, United States Code.

(i) DUTIES OF COMMISSION.—

(1) STUDY.—

(A) IN GENERAL.—The Commission shall conduct a study on matters relating to the state of United States participation in the Olympic and Paralympic Games.

(B) MATTERS STUDIED.—The study under subparagraph (A) shall include—

(i) a description of proposed reforms to the structure of the United States Olympic and Paralympic Committee;

(ii) an assessment as to whether the board of directors of the United States Olympic and Paralympic Committee includes diverse members, including athletes;

(iii) an assessment of United States athlete participation levels in the Olympic and Paralympic Games;

(iv) a description of the status of any United States Olympic and Paralympic Committee licensing arrangement;

(v) an assessment as to whether the United States is achieving the goals for the Olympic and Paralympic Games set by the United States Olympic and Paralympic Committee;

(vi) an analysis of the participation in amateur athletics of—

(I) women;

(II) disabled individuals; and

(III) minorities;

(vii) a description of ongoing efforts by the United States Olympic and Paralympic Committee to recruit the Olympic and Paralympic Games to the United States;

(viii) an evaluation of the functions of the national governing bodies (as defined in section 220502 of title 36, United States Code) and an analysis of the responsiveness of the national governing bodies to athletes with respect to the duties of the national governing bodies under section 220524(a)(3) of title 36, United States Code; and

(ix) an assessment of the finances and the financial organization of the United States Olympic and Paralympic Committee.

(2) REPORT.—

(A) IN GENERAL.—Not later than 270 days after the date of the enactment of this Act, the Commission shall submit to Congress a report on the results of the study conducted under paragraph (1), including a detailed statement of findings, conclusions, recommendations, and suggested policy changes.

(B) PUBLIC AVAILABILITY.—The report required by subparagraph (A) shall be made available to the public on an internet website of the United States Government that is available to the public.

(j) POWERS OF COMMISSION.—

(1) SUBPOENA AUTHORITY.—The Commission may subpoena an individual the testimony of whom may be relevant to the purpose of the Commission.

(2) FURNISHING INFORMATION.—On request by the executive director of the Commission, the head of a Federal agency shall furnish information to the Commission.

(k) TERMINATION OF COMMISSION.—The Commission shall terminate 90 days after the date on which the Commission submits the report under subsection (i)(2).

(l) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated such sums as may be necessary to carry out this section.

**SEC. 11. PROTECTING ABUSE VICTIMS FROM RETALIATION.**

(a) **DEFINITIONS.**—Section 220501(b) of title 36, United States Code, as amended by section 6(a)(2), is further amended—

(1) by redesignating paragraphs (8), (9), and (10) as paragraphs (9), (10), and (14), respectively; and

(2) by inserting after paragraph (7) the following:

“(8) ‘covered entity’ means—

“(A) an officer or employee of the Center;

“(B) a coach, trainer, manager, administrator, or other employee or official associated with the corporation or a national governing body;

“(C) the Department of Justice;

“(D) a Federal or State law enforcement authority;

“(E) a Federal or State entity responsible for receiving reports of child abuse;

“(F) the Equal Employment Opportunity Commission or other State or Federal entity with responsibility over claims of sexual harassment; or

“(G) any other person who the protected individual reasonably believes has authority to investigate or act on information relating to abuse, including—

“(i) emotional, physical, or sexual abuse; and

“(ii) sexual harassment.”; and

(3) by inserting after paragraph (10), as so redesignated, the following:

“(11) ‘protected disclosure’ means any lawful act of a protected individual, or in the case of a protected individual who is a minor, an individual acting on behalf of a protected individual—

“(A) to provide information to, cause information to be provided to, or otherwise assist in an investigation by a covered entity (or to be perceived as providing information to, causing information to be provided to, or otherwise assisting in such an investigation) relating to abuse, including—

“(i) emotional, physical, or sexual abuse;

“(ii) sexual harassment; and

“(iii) a violation of anti-abuse policies, practices, and procedures established pursuant to paragraph (3) of section 220541(a) and paragraph (2) of section 220542(a);

“(B) to file, cause to be filed, testify, participate in, or otherwise assist in a proceeding filed or about to be filed (or be perceived as filing, causing to be filed, testifying, participating in, or otherwise assisting in such an investigation) relating to abuse, including—

“(i) emotional, physical, or sexual abuse;

“(ii) sexual harassment; and

“(iii) a violation of anti-abuse policies and procedures established pursuant to paragraph (3) of section 220541(a) and paragraph (2) of section 220542(a);

“(C) in communication with Congress; or

“(D) in the case of an amateur athlete, in communication with the Office of the Athlete Ombudsman.

“(12) ‘protected individual’ means any—

“(A) amateur athlete, coach, medical professional, or trainer associated with the corporation or a national governing body; or

“(B) any official or employee of the corporation, a national governing body, or a contractor or subcontractor of the corporation or a national governing body.

“(13) ‘retaliation’ means any adverse or discriminatory action, or the threat of an adverse or discriminatory action, carried out against a protected individual because of any protected disclosure, including—

“(A) discipline;

“(B) discrimination regarding pay, terms, or privileges;

“(C) removal from a training facility;

“(D) reduced coaching or training;

“(E) reduced meals or housing; and

“(F) removal from competition.”.

(b) **RESOLUTION OF DISPUTES.**—Section 220509 of title 36, United States Code, is amended—

(1) in subsection (a), in the first sentence, by inserting “complaints of retaliation or” after “relating to”; and

(2) by adding at the end the following:

“(C) **RETALIATION.**—

“(1) **IN GENERAL.**—The corporation, the national governing bodies, or any officer, employee, contractor, subcontractor, or agent of the corporation or a national governing body may not retaliate against any protected individual because of any protected disclosure.

“(2) **REPORTING, INVESTIGATION, AND ARBITRATION.**—The corporation shall establish mechanisms for the reporting, investigation, and resolution (through binding third-party arbitration) of complaints of alleged retaliation.

“(3) **DISCIPLINARY ACTION.**—If the corporation finds that an officer or employee of the corporation or a national governing body (or any contractor, subcontractor, or agent of the corporation or a national governing body) has retaliated against a protected individual, the corporation or national governing body, as applicable, shall take appropriate disciplinary action with respect to any such individual found to have retaliated against the protected individual.

“(4) **REMEDIES.**—

“(A) **IN GENERAL.**—If the corporation finds that an officer or employee of the corporation or a national governing body (or any contractor, subcontractor, or agent of the corporation or a national governing body) has retaliated against a protected individual, the corporation or national governing body, as applicable, shall promptly—

“(i) take affirmative action to abate the violation;

“(ii) reinstate the complainant to the former position with the same pay and terms and privileges; and

“(iii) pay compensatory damages, including economic damages (including backpay with interest) and any special damages sustained as a result of the retaliation, including damages for pain and suffering, reasonable attorney fees, and costs.

“(B) **REIMBURSEMENT FROM NATIONAL GOVERNING BODY.**—In the case of a national governing body found to have retaliated against a protected individual, the corporation may demand reimbursement from the national governing body for damages paid by the corporation under subparagraph (A).

“(5) **ENFORCEMENT ACTION AND PROCEDURES.**—

“(A) **IN GENERAL.**—If the corporation has not issued a final decision within 180 days of the filing of the complaint and there is no showing that such delay is due to the bad faith of the complainant, the complainant may bring an action at law or equity for de novo review in the appropriate district court of the United States, which shall have jurisdiction over such an action without regard to the amount in controversy.

“(B) **JURY TRIAL.**—A party to an action brought under paragraph (A) shall be entitled to trial by jury.

“(C) **RELIEF.**—The court shall have jurisdiction to grant all relief under paragraph (4).

“(6) **STATUTE OF LIMITATIONS.**—An action under paragraph (2) shall be commenced not later than 2 years after the date on which the violation occurs, or after the date on which the protected individual became aware of the violation.

“(7) **BURDENS OF PROOF.**—An action under paragraph (2) or (5) shall be governed as follows:

“(A) **REQUIRED SHOWING BY COMPLAINANT.**—The corporation shall dismiss a complaint filed under this subsection and shall not conduct an investigation unless the complainant makes a prima facie showing that any retaliation was a contributing factor in the action alleged in the complaint.

“(B) **CRITERIA FOR DETERMINATION BY THE ARBITRATION.**—The arbitration may determine that

a violation of paragraph (1) has occurred only if the complainant demonstrates that the retaliation was a contributing factor in the action alleged in the complaint.

“(C) **PROHIBITION.**—Relief may not be ordered under paragraph (4) if the corporation or national governing body, as applicable, demonstrates by clear and convincing evidence that the corporation or national governing body would have taken the same action in the absence of that behavior.

“(8) **REVIEW.**—Any person adversely affected or aggrieved by an order issued under paragraph (4) may obtain review of the order in the United States Court of Appeals for the circuit in which the violation, with respect to which the order was issued, allegedly occurred or the circuit in which the complainant resided on the date of such violation. The petition for review shall be filed not later than 60 days after the date of the issuance of the arbitration decision of the corporation. Review shall conform to chapter 7 of title 5, United States Code. The commencement of proceedings under this paragraph shall not, unless ordered by the court, operate as a stay of the order.

“(9) **RIGHTS RETAINED.**—Nothing in this subsection shall be deemed to diminish the rights, privileges, or remedies of any employee or other individual under any Federal or State law, or under any collective bargaining agreement.

“(10) **NONENFORCEABILITY OF CERTAIN PROVISIONS WAIVING RIGHTS AND REMEDIES.**—The rights and remedies provided for in this subsection may not be waived by any agreement, policy form, or condition of employment or association with the corporation or a national governing body.”.

(c) **ELIGIBILITY REQUIREMENTS FOR NATIONAL GOVERNING BODIES.**—Section 220522 of title 36, United States Code, as amended by section 6(b), is further amended—

(1) in clause (ii) of paragraph (17)(C), by striking “; and” and inserting a semicolon;

(2) in paragraph (18), by striking the period at the end and inserting “; and”; and

(3) by adding at the end the following:

“(19) provides protection from retaliation to protected individuals.”.

**SEC. 12. SEVERABILITY.**

If any provision of this Act, or an amendment made by this Act, is determined to be unenforceable or invalid, the remaining provisions of this Act and the amendments made by this Act shall not be affected.

Mr. MORAN. Mr. President, I ask unanimous consent that the committee-reported substitute amendment be withdrawn and that the Moran substitute amendment at the desk be agreed to; that the bill, as amended, be considered read a third time and passed; and that the motion to reconsider be considered made and laid upon the table.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The committee-reported amendment, in the nature of a substitute, was withdrawn.

The amendment (No. 2512), in the nature of a substitute, was agreed to.

(The amendment is printed in today's RECORD under “Text of Amendments.”)

The bill (S. 2330), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed.

Mr. MORAN. Mr. President, it is an honor and privilege to be here on the Senate floor today on this cause. Young athletes across this country dedicate years, sometimes decades, of

their lives to earn their spot on the world stage representing the United States at the Olympics. Standing on that podium, they should be proud of their hard work that earned them that place, the honor of wearing our flag's colors at the Games. But no athlete—no athlete—whether an amateur athlete or an Olympian, should have to endure abuse and mistreatment to pursue the sport they love.

Were it not for the pandemic, hundreds of our athletes would have been in Tokyo right now representing the United States of America at the Olympics. Even though our athletes are unable to compete today, we owe it to them to create for future athletes and future competitors a safe place in which to compete.

Today's passage of S. 2330 marks a step toward providing effective safeguards and protection to Olympic, Paralympic, and amateur athletes across the Nation.

On January 25, 2018, the day after Dr. Larry Nassar was sentenced to life in prison, as chairman of the Commerce Subcommittee on Manufacturing, Trade, and Consumer Protection, with jurisdiction and oversight over the health and safety of amateur athletes, I opened an investigation with my ranking member, Senator BLUMENTHAL, into how the U.S. Gymnastics, the U.S. Olympic and Paralympic Committee, and Michigan State University allowed girls and young women to be assaulted and abused over two decades.

Nassar was ultimately sentenced to 40 to 175 years in prison for his heinous crimes, but the fight to overhaul a system that had allowed him to evade justice and accountability was far, far from over.

Over the next 18 months, we conducted hundreds of interviews with athlete survivors, reviewed over 70,000 pages of documents, and held 4 subcommittee hearings, including listening to the horrific stories from survivors, issuing subpoenas to leaders who failed these athletes, watching those who were charged to protect them plead the Fifth, and even referring witnesses to the Justice Department for failure to tell the truth.

Senator BLUMENTHAL and I stood in the Russell Senate Office Building with more than 80 courageous survivors of abuse. Some of these women had been assaulted by Nassar while competing at the Olympics, some while training with the national team, others while attending Michigan State. One by one, they told us the organizations that were supposed to protect them had failed them.

One person's abuse is too much, but the question asked that day by one of the athletes was, Why was there more than one? That question has stayed with me since it was spoken. Not only do we condemn the abuse, but we condemn those who allowed it to continue, who failed in their responsibilities as human beings as well as in their profes-

sional capacities to care for and protect these young men and women.

The bipartisan effort of Senator BLUMENTHAL and I culminated in production of a comprehensive investigative report which is this document here—a significant work for a serious challenge. It also resulted in S. 2330, the Empowering Olympic, Paralympic, and Amateur Athletes Act, the bill we are on today.

This legislation is intended to strengthen legal liabilities and accountability mechanisms in the governance structure of the Olympics organizations, restore a culture that puts athletes first through clear procedures and reporting requirements, and fortify the independence and capabilities of the U.S. Center for SafeSport through dependable funding and oversight.

During the November 13, 2019, markup of this legislation, the Senate Commerce, Science, and Transportation Committee, our colleagues provided thoughtful input through amendments to strengthen this legislation. As such, I take this moment to thank my colleagues—Senator CANTWELL, Senator PETERS, Senator GRASSLEY, and Senator THUNE—for their efforts in improving the legislation to put us in the position that we are in today.

I specifically thank Senator LEE for his input in the markup and his continued contribution to the legislation to improve the processes governed by the bill. Additionally, Senator GARDNER's leadership on this legislation was paramount to S. 2330's successful passage just a few moments ago. Senator GARDNER's own legislation to establish a commission to study the broader issues within the Olympic and Paralympic movements strengthens our ability to guide future oversight efforts. Senator GARDNER's support for this package was critical.

I would be remiss not to thank Senator WICKER, the chairman of the full committee, for his continued support as the jurisdictional chairman of the Senate Commerce, Science, and Transportation Committee from the early stages of this effort, and the support of his predecessor, Senator THUNE, then the chairman of the Commerce Committee, who was fundamental in this effort gaining the momentum it needed to get us to the point we are at now.

Finally, this entire effort would not have been possible if not for the tireless and thorough work of Senator BLUMENTHAL and his staff. Serving as chairman and ranking member of the same Commerce subcommittee has allowed us to work on a number of important issues and legislative items together, but I can honestly say this effort could very well be one of the most important bipartisan efforts and pieces of legislation resulting therefrom that I have been a part of as a U.S. Senator. I thank Senator BLUMENTHAL for his leadership and his team's efforts, again, to see that these survivors' answers could be attained and their safety protected in the future.

Most importantly, if there is anyone who deserves thanks and gratitude, it is the athletes and survivors for their exceptional bravery—the bravery they demonstrated through their willingness to share their stories, to tell what happened to them, to talk to us and to talk to the rest of the world. This legislation and the prior investigation are only possible because of the hundreds of courageous and selfless survivors who spoke out against abuse, shared their stories, and offered input on how we can create change to make certain all future athletes can participate in the sports they love without fear of abuse.

I especially want to recognize the athletes who we worked with and who shared their circumstances with us during our committee hearings and in a number of meetings and phone calls over 2½ years: Jordyn Wieber, Jamie Dantzscher, Aly Raisman, McKayla Maroney, Maggie Nichols, Rachael Denhollander, Jeanette Antolin, Emily Goetz, Jessica Howard, Sarah Klein, Kaylee Lorincz, Morgan McCaul, Hannah Morrow, Bridie Farrell, and Craig Maurizi.

We told these survivors that while powerful institutions had failed them in the past, we—our subcommittee, the committee, and the Senate—were not going to. I would also like to thank the staff and individuals who have advocated for our athletes.

On my staff: George Redden, Matthew Beccio, Tom Bush, Mark Crowley, Conor McGrath, Morgan Said, Trent Kennedy, Angela Lingg, Miranda Moore, and Thomas Brandt.

On Senator WICKER's staff: Olivia Trusty, Chapin Gregor, Tyler Levins, Crystal Tully, and John Keast.

And on Senator THUNE's staff: Peter Feldman, Jason Van Beek, and Nick Rossi.

Despite the Olympics being postponed and everything that is going on around the world today, I am grateful that we were able to deliver good news and take this step today. We are not done. We intend to keep that promise and get this bill across the finish line.

We now will continue to work with our colleagues in the House of Representatives and the White House to ensure the timely consideration and enactment of the Empowering Olympic, Paralympic, and Amateur Athletes Act of 2020. One is too many, but why was there ever more than one? May we never have to ask that question again and may there never be one in the first place.

I yield to the ranking member, the Senator from Connecticut.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. BLUMENTHAL. Mr. President, I am here with profound gratitude and pride—first of all, gratitude to Senator MORAN for his leadership, his vision, his courage, and his steadfastness on a journey that had many bumps. This task was far from easy intellectually, legally, politically, and emotionally.

He stayed with it, and he demonstrated the spirit of bipartisanship that I think will enable us, as partners, to achieve more but also perhaps to reflect a model that this body may take in the future, even as we go through one of the most difficult periods in the history of the Senate.

I hope that the work that we have done on this bill, which affects real lives and real people who suffered such grievous harm—and I will begin where he ended and say that the heroes here are really the athletes and survivors.

As extraordinary as is their performance on the field of athletic endeavor and as wonderful as is their prowess and their grace, what will last in history as their enduring legacy will be the courage and strength they showed us again and again and again. They relived one of the most deeply tragic and painful chapters of their lives.

As much as they celebrated victories in gymnastics and other sports, they endured the abuse—emotional, physical, and other abuse—from coaches and trainers whom they trusted. They put their trust in people who betrayed them. It was more than just one coach—Larry Nassar. It was more than just one sport—gymnastics. It was more than just 1 year or one episode, and it was more than just one form of abuse.

Larry Nassar became the face of a pattern of systemic failure and abuse, and he reflected a culture of putting medals and money above the lives of athletes, prioritizing those tangible signs of victory above the human lives that were impacted so adversely. Systemic failures were reflected in Larry Nassar's success in terrorizing these young athletes, and it affected other trainers and other coaches who similarly betrayed trust. It affected other sports: figure skating, swimming, as well as gymnastics. None were immune from the sexual, physical, or emotional abuse.

Almost exactly a year ago, Senator MORAN and I issued the report that he just showed on the floor of the Senate showing that this investigation into sexual abuse in gymnastics and the Olympic movement should lead to a bill. I thank not only Senator MORAN for his partnership but also other colleagues, as he has mentioned: Senator WICKER, Senator THUNE, Senator SHAHEEN, Senator FEINSTEIN, as well as Senator PETERS and Senator CORTEZ MASTO. Each of them provided very important assistance in this effort.

But most importantly—and I simply cannot say it enough times—the real heroes here are the athletes who shared their stories and stood steadfast in the face of betrayals from the very organizations that were supposed to protect them. These survivors were failed at every level by their doctors, by their coaches, by the U.S. Olympic and Paralympic Committee, and by the national governing boards of their individual sports. The gymnasts who survived Larry Nassar's abuse were also

failed by Michigan State University, by the FBI, and by local police departments. Given the monumental abdication of responsibility from countless people in power, no one could have blamed them for surrendering hope that change was possible. But against those odds, they persevered, and they are the reason that we have passed this bill today. They stood with us—physically stood with us—on so many occasions, evoking their suffering and pain.

I ask unanimous consent that the names of 140 of the Larry Nassar survivors be printed in the RECORD with my remarks so that history will forever remember their bravery and strength.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

LIST OF SURVIVORS OF LARRY NASSAR'S ABUSE

Kyle Stephens, Jessica Thomashow, Chelsey Markham, Jade Capua, Alexis Moore, Olivia Cowan, Rebecca Mark, Bethany Bauman, Kate Mahon, Danielle Moore, Marion Siebert, Annette Hill, Taylor Stevens, Amanda Cormier, Jennifer Rood Bedford, Nicole Soos, Ashley Erickson, Melissa Imrie, Megan Halicek, Katelyn Skrabis, Brianne Randall.

Anna Ludes, Lindsey Schuett, Maggie Nichols, Tiffany Thomas Lopez, Jeanette Antolin, Amanda Thomashow, Gwen Anderson, Amanda Barterian, Jaime Doski, Jenelle Moul, Madeleine Jones, Kayla Spicher, Jennifer Hayes, Nicole Walker, Chelsea Williams, Stephanie Robinson, Carrie Hogan, Helena Weick, Taryn Look.

Jamie Dantzschler, McKayla Maroney, Lindsey Lemke, Nicole Reeb, Lyndsy Gamet, Taylor Cole, Jessica Smith, Arianna Guerrero, Melody Posthuma Van der Veen, Christine Harrison, Kristen Thelen, Katie Rasmussen, Jessica Tarrant, Mary Fisher-Follmer, Jordyn Wieber, Chelsea Zervas, Samantha Ursch, Kara Johnson, Maddie Johnson, Marie Anderson.

Amy Labadie, Ashley Yost, Aly Raisman, Kassie Powell, Megan Ginter, Katherine Gordon, Katelynne Hall, Anya Gillengerten, Kaylee McDowell, Lindsay Woolever, Hannah Morrow, Bayle Pickel, Alexis Alvarado, Morgan McCaul, Trenea Gonzcar, Larissa Boyce, Bailey Lorenzen, Valerie Webb, Whitney Mergens, Marta Stern, Clasina Syrovoy.

Emma Ann Miller, Amanda Smith, Taylor Livingston, Presley Allison, Kamerin Moore, Krista Wakeman, Samantha Daniels, Alliree Gingerich, Megan Farnsworth, Kourtney Weidner, Charla Burill, Lauren Michalak, Vanasia Bradley, Breanne Rata, Erin McCann, Catherine Hannum, Jessica Chedler Rodriguez, Morgan Margraves, Whitney Burns, Isabell Hutchins.

Meaghan Ashcraft, Natalie Woodland, Jillian Swinehart, Alison Chauvette, Anne Dayton, Olivia Venuto, Mattie Larson, Jessica Howard, Alexandra Romano, Arianna Castillo, Selena Brennan, Makayla Thrush, Emily Morales, Abigail Mealy, Ashley Bremer, Brooke Hylek, Abigayle Bergeron, Emily Meinke, Morgan Valley, Christina Barba.

Amanda McGeachie, Sterling Riethman, Kaylee Lorinez, Rachel Denholander, Simone Biles, Gabby Douglas, Rebecca Whitehurst, Jennifer Millington Bott, Victoria Carlson, Nicole Hamiester, Cassidea Avery, Emily Vincent, Erika Davis, Julia Epple, Angela Stewart, Meaghan Williams, Kristin Nagle, Alyssa Zalenski, Kelsey Morris.

Mr. BLUMENTHAL. Mr. President, I would like to recognize the 193 addi-

tional survivors who have chosen not to be identified publicly by name. They, too, contributed to this cause, and they, too, deserve to be recognized, as do survivors in the future who will come forward under the tools and mechanisms that we are establishing today. They should be recognized, valued, and cherished for their courage in the future, as well as the past.

Over these past years, Senator MORAN and I heard again and again and again that the USOPC and the NGBs have failed their athletes at every turn. Men and women in these organizations knew what was happening, and they did nothing. They already had a legal duty under the law to report what was going on. Clearly, laying out in the law what should be obvious—that you must report allegations of sexual misconduct involving minors—was not enough for them. They betrayed not only their trust to these athletes but their legal and moral responsibilities.

The bill that we have passed today provides for enforcement and deterrence, and it gives Congress essential oversight tools to assure that the U.S. Olympic and Paralympic Committee and NGBs will comply with the heightened standards that this bill spells out. No one in these organizations can plausibly claim ignorance now of the duty to report these heinous crimes, and, if they try, Congress has the ability and responsibility to intervene.

This bill also ensures that SafeSport, the organization tasked with investigating and adjudicating reports of athlete abuse, has the resources and independence it needs to do its vital work. The U.S. Olympic and Paralympic Committee should play no role in determining how much money the organization charged with investigating its members' worst crimes will receive each year or how that organization is run. Once this bill is signed into law, SafeSport will be independent of the resource and other powers that have prevailed in the past.

The bill enacts numerous other reforms that ensure that athlete safety and well-being are prioritized in the Olympic movement. It assures that morals and athletes' interests are put first and that medals and money do not take the place of athletes and their interests.

I want to finish by stressing the urgency of this task. I urge the House to follow our model here and move in a bipartisan way to enact these measures.

The Tokyo Games have been delayed until next year, but it is essential that our framework go into effect as soon as possible and that athletes be given the protection they need and deserve. The urgency of this task should be shared by the House.

My hope is that the survivors of these horrible abuses, who have waited years for this act, will see it happen during this session and as soon as possible.

I want to say finally how grateful I am to my staff. Thank you to Anna Yu,

Madeline Daly, Adam Bradlow, Subhan Cheema, Natalie Mathes, Charlotte Schwartz, Colleen Bell, and Maria McElwain.

I want to join in thanking Senator MORAN's staff. Our staffs worked together with the teamwork that I think can also provide a model for this body.

Finally, this act is profoundly important to the future of Olympic athletes and sports generally in our country. In effect, it says that trainers and coaches, the organizations that represent them—the organizations that are supposed to care for athletes should do their jobs and keep their trust for these athletes; protect them, not betray them; put them ahead of whatever the other tangible signs of success may be, medals or money. It would depend on protective, strong enforcement and on deterrence.

My hope is that we will look back on this day and say that it transformed this athletic endeavor; that it was a transformative moment; that it changed the culture, not just the rule; that it changed the way sports in the United States are played; and that it embodied the best values of competition and athletics in our great country.

Thank you.

I yield the floor.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. MORAN. Mr. President, I would like to recognize the efforts of Senator COLLINS, the Senator from Maine, her substantive and persistent endeavors throughout our process to see that a just and right result occurs.

I yield to the Senator from Maine.

The PRESIDING OFFICER. The Senator from Maine.

Ms. COLLINS. Mr. President, let me begin by thanking my two colleagues, Senator MORAN and Senator BLUMENTHAL, for their tremendous leadership on the Empowering Olympic, Paralympic, and Amateur Athletics Act. I am very proud to be a cosponsor of their bill. This shows what the Senate can do when we work together to accomplish such a critical goal. I salute both of them.

This bill takes effective action to end the negligent behavior by some members of the U.S. Olympic Committee and the amateur athletic organizations that oversee Olympic sports that have, on far too many occasions, failed to protect young athletes from truly horrific instances of abuse.

Right after the Larry Nassar scandal broke, Senator FEINSTEIN and I introduced the Protecting Young Victims from Sexual Assault and Abuse Act. Members of the USA Gymnastics team gave powerful and compelling testimony before the Senate Judiciary Committee about the abuses they had suffered and endured. We learned more about the horrific acts, the crimes committed by Larry Nassar against the members of the USA Gymnastics team.

Our bill, which became law in 2018, required prompt reporting of every allegation of sexual abuse to the proper

authorities, and it is helping survivors obtain justice and protect our young athletes.

Senator MORAN and Senator BLUMENTHAL then launched an 18-month bipartisan investigation into the failures of the U.S. Olympic organization. They found that these governing bodies also failed to protect their athletes from acts of abuse committed by coaches and other powerful individuals within their organization. I am delighted that they have led the way and that Congress has continued to focus on this issue to protect the courageous young athletes across the country who have come forward to tell their horrific stories.

This bill strengthens legal liability against the Olympic and amateur sports governing bodies for the sexual abuses perpetrated by coaches and employees, and it gives the athletes greater representation on these governing boards. It will also ensure that Congress conducts more systemic oversight. It will strengthen reporting mandates for adults with knowledge of abuse allegations. These young athletes who train to represent our country at the top levels of competition and, indeed, those at all levels of competition and those who aspire to compete should never have to fear victimization by trusted coaches and sports officials.

I, too, commend the young athletes with whom DIANNE FEINSTEIN and I met and who have worked so closely with Senators MORAN and BLUMENTHAL for coming forward. These survivors have told their stories. We are now going to make a difference for them and for future athletes.

I hope this legislation will be enacted and signed into law very soon.

Thank you.

The PRESIDING OFFICER. The Senator from Arizona.

Ms. MCSALLY. Mr. President, I ask unanimous consent that Senator WYDEN and I be able to complete our remarks prior to the recess.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### UNANIMOUS CONSENT REQUEST

Ms. MCSALLY. Mr. President, 5 days ago, I stood before you and this body and urged our fellow Senators to reach across the aisle and find agreement on how we can best help millions of Americans who have lost their livelihoods through no fault of their own due to this once-in-a-century pandemic. I made a simple request for Senators to be pragmatic, to meet in the middle, and to expand the unemployment benefits through Friday—for 7 days—while Congress continues to work through our differences and comes up with a solution.

I asked: Who could possibly be against this? Well, it turns out the minority leader came to the floor personally in order to object. The Senator from New York decided to play politi-

cal theater and thought it was more important than assisting Americans who have been struggling to make ends meet. Once again, he led the way and used hard-working Arizonans and Americans as pawns in a political game.

For the many Arizonans who are out of work right now, this is not a game. So here I am again, asking for a simple extension through the end of this week so that Arizonans don't see an interruption to these benefits as we work through our differences. Again, I ask: Who could possibly be against this?

While some States continue expanded checks after they expired on Friday for a few weeks, Arizonans got their last one. These Arizonans live in my neighborhood. They live on my street. They worked paycheck to paycheck before this pandemic hit, and then they couldn't work.

These Arizonans are people we know, like the single mom of two from Phoenix who for the first time in her life had to rely on unemployment to survive. She is the owner of a catering business. She has seen her income drop drastically, as weddings and large events continue to be canceled. The \$840 she collected a week on unemployment is helping her get through, keeping her afloat, keeping her business and her family afloat to care for her two sons, one of whom is autistic and requires significant support.

I am pleading with my fellow Senators: As we work through our differences, let's extend her benefit for 1 week. Who could possibly be against her?

Last week I heard from another single mother of three who lives in Tucson. She told me she is terrified of falling into poverty because she is forced to live on \$240 a week. The extra that we provided during this once-in-a-century pandemic helped her pay her bills and make ends meet.

I am imploring my fellow Senators to extend her benefits, to keep her afloat for 1 week while we work through our differences, to address what we need to do to fight this pandemic, to defeat this virus, which we will, and provide the economic support and the recovery we need, because America will emerge stronger from this. We need to work through those differences. Let's just extend this for a week. Who could possibly be against her?

Arizona seniors are also suffering. A 70-year-old man in Arizona drove for Uber and Lyft before the pandemic hit. He can no longer safely drive strangers throughout Phoenix given his high-risk status. He, too, benefited from the extended unemployment. That additional week will really make a difference for him. Again, I ask my fellow Senators: Who could possibly be against his getting those benefits for another week?

These are just three of the countless stories I have heard from Arizonians. They are pleading with Congress to put the bickering and the dysfunction aside and work together.



When I got back home last weekend, people were asking: Why did they object? It was for 7 days while you guys work through your differences. Why can't you guys get your act together? Why can't you just do your jobs and, in the meantime, just give us 7 more days?

That is a reasonable request. That is why I am here again to offer a simple, commonsense solution—to extend the expanded \$600 for unemployed Americans through the week while we continue to work through our differences here to provide economic support, relief, and economic recovery for America. Who could possibly be against this? Who could possibly be against this?

Therefore, I ask unanimous consent that the Senate proceed to the immediate consideration of my bill at the desk. I further ask unanimous consent that the bill be considered and read a third time and passed and that the motion to reconsider be considered made and laid upon the table.

The PRESIDING OFFICER. Is there objection?

Mr. WYDEN. Reserving the right to object.

The PRESIDING OFFICER. The Senator for Oregon.

Mr. WYDEN. Mr. President and colleagues, the only thing worse than what the Republicans have done here—cutting off desperately needed unemployment insurance to millions of American families and communities—would be to allow a bill to pass that promises money without actually delivering it. Even if this short-term extension were to pass, State agencies—the experts in this field—have told us and the ranking Democrat on the Finance Committee in very clear terms that States don't have enough time to reprogram their systems and avoid a lapse in benefits.

The State unemployment systems are not equipped to flip these unemployment benefits on and off. Short-term extensions don't work and will not work from an administrative standpoint.

No Senator has to take my word for it. The National Association of State Workforce Agencies has said what I have just said: A short-term extension isn't enough for the hard-working Americans relying on this lifeline who don't have jobs to go back to. What about next week and the week after that?

The only responsible route is to agree to the extension with triggers that will lower the payments only when it is appropriate to do so, and that means when the economy is in recovery, not when the economy is in freefall like it still is now.

Republicans wish to cover for the fact that they refused to come to the negotiating table for months. I looked at the record. Literally, for months—as the author of the \$600 more each month and the expansion to cover gig workers and others—we asked Senate Republicans to join us in negotiations. The

Democratic leader, Senator SCHUMER, and the Speaker, NANCY PELOSI, all made that request again and again, and Republicans were unwilling to do that. So Republicans are trying to cover for the fact that they refused to come to the negotiating table for months.

Our country needs a long-term solution that ensures the extra \$600 remains available for as long as this four-alarm economic crisis continues.

I object.

The PRESIDING OFFICER. Objection is heard.

The Senator from Arizona.

Ms. MCSALLY. Mr. President, I am just picturing, if you are one of my neighbors or one of the people I mentioned who are watching TV right now—this is Washington. These are bureaucratic reasons why we can't just simply do what I am asking, which is extend for 1 week what we all agreed upon in the past while we continue to work together to try and solve problems on behalf of Arizonans. That is all I am asking.

Bureaucratic reasons or posturing or finger-pointing—people are so tired of it. I am tired of it. That is why I first ran to come into this deployed zone and fight in a different way than when I did in uniform but with the same exact oath. We are here to solve problems. We are here to represent the people we represent.

And, while we work through our differences, there is political theater happening. Arizonans. There is political theater. There is unserious negotiations, unfortunately, happening because some people, like the minority leader, think that this is the path to power. Somehow, Arizonans can be hurt, and others can be hurt. Somehow, that is going to work in their favor. I am disgusted by that. I am simply asking for us to do our job.

Maybe I need to offer another bill that all Members of Congress have their pay held until we sit down and solve this. I did that before when the CARES Act was being delayed for political reasons.

This is frustrating. It is disappointing. It is simply a 7-day extension while we work through our differences.

Once again, friends on the other side of the aisle have let Arizonans and Americans down, but we need to keep working to solve this issue and support the people we represent. This is a commonsense request, and it is very disappointing that they are not letting it through.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon.

#### UNANIMOUS CONSENT REQUEST— S. 4143

Mr. WYDEN. Mr. President, I would like to offer a proposal that really is going to help working families and those who are trying to make rent, trying to pay for groceries, who every sin-

gle day walk an economic tightrope balancing their food bill against their fuel bill.

We just heard a little bit about how we really need to solve the problem. This does that because, under our bill, S. 4143, the American Workforce Rescue Act of 2020, what we wish to do on our side is tie these unemployment benefits to the actual conditions of the American economy on the ground.

We have had this proposal for months now because, to some extent—and I see my good friend from South Dakota. He made an important point in this discussion. He is a member of the Finance Committee, and I saw an article in which he stated, you know, it is important for people who are really hurting in a tough economy—it is important for them to get benefits that let them pay the rent and buy groceries. Then my good friend from South Dakota made a point I agree with. He said: You know, when the economy gets better and unemployment goes down, then—in the words of the Senator from South Dakota—the benefits can taper off to reflect that.

That is essentially what S. 4143, the American Workforce Rescue Act that I have authored with the Democratic leader, Senator SCHUMER, does is it ensures that we are not going to have millions of workers every month or every few months live in fear that Donald Trump and MITCH MCCONNELL are going to pull the rug out from under them.

We would have a benefit that would reflect economic conditions on the ground, and it would deal with this economic challenge for all the months until the economy recovers. That is what Senator SCHUMER and I put forward some time ago. The \$600 would gradually phase down based on the State's average unemployment rate over 3 months. This would provide certainty for families and ensure the broader economy continues to receive the support it needs.

And, especially, it doesn't set up artificial timelines. That is what the Senate ought to be avoiding, to just set arbitrary dates. What we need to do is make sure that politicians—and, certainly, Donald Trump and MITCH MCCONNELL have been willing to pull the rug out from under the unemployed. We need to make sure that there is a plan going forward.

That is what S. 4143 does, the American Workforce Rescue Act. It will provide certainty for families and ensure the broader economic recovery will be our focus, and there will be support until we see that kind of recovery.

So I ask unanimous consent that the Committee on Finance be discharged from further consideration of S. 4143, the American Workforce Rescue Act; that the bill be considered read a third time and passed; and the motion to reconsider be considered made and laid upon the table with no intervening action or debate.

The PRESIDING OFFICER. Is there objection?



Mr. THUNE. Mr. President, reserving the right to object, I would just say that the fact that the Senator from Oregon is down here right now instead of the Democratic leader I would characterize as movement in the right direction. And the fact that he is making a proposal that is based upon legislation that, as he mentioned, he has introduced that actually has a trigger, if you will, or a way of phasing down unemployment benefits, I think, is a step in the right direction because, up until now, every time that the Senator from Arizona has come down here to offer up a 1-week extension of unemployment benefits—and, by the way, I think it is very reasonable and, to the Senator from Oregon's point, I find it hard to believe that any State and any computer system which is already paying out the \$600 bonus wouldn't be able to continue that. It strikes me as just really unexplainable that you would have problems adjusting a computer system that is already programmed to pay \$600 to continue to do that for an additional week. That defies logic to me.

So I think that is a very reasonable request. It would allow us additional time to work on proposals like what the Senator from Oregon has suggested. And there are others out there. The Senator from Utah, Senator ROMNEY, has a proposal that would ramp down the unemployment benefits over time. It seems to me, at least, we might be able to find some common ground there between what the Senator from Oregon has proposed and what the Senator from Utah or other Members on our side have proposed.

I do believe that what the Senator from Oregon is suggesting—that is, to lock in the \$600 bonus indefinitely—one, puts it on autopilot; two, sort of takes Congress out of the equation; and, three, it continues to offer a benefit that, for five out of the six people who are receiving unemployment benefits, offers them more in terms of a benefit than what they were making when they were working.

That, to me, is something that I think needs to be addressed. And if you talk to any small business across this country right now, they will tell you one of the big challenges they have is trying to find workers and to compete with an unemployment payment that actually pays them more than when they were working. Trying to get those employees back, I think, has been a real challenge for a lot of the employers across the country.

So I think that is an issue that has to be addressed, and I have heard people on this side of the aisle, both House and Senate, say the same thing. There have been Democratic Governors who say the same thing, that the \$600 benefit needs to be modified in a way that more reflects what people were actually making when they were working.

So I think there is some common ground that we can find, but, again, the idea that has been advanced by the

other side prior to the Senator from Oregon coming down here, which has been put forward by the Democratic leader, is that the Heroes Act should be taken up and passed by unanimous consent. That has been the unanimous consent request now on multiple occasions when Senator MCSALLY or others have come down here to try and get action on this unemployment issue, which is to come over and offer unanimous consent to pick up and pass the Heroes Act, which, as we all know, is not a serious piece of legislation.

In fact, the Democratic leader's paper of record in New York, the New York Times, said: "The bill was more a messaging document than a viable piece of legislation." That comes from the New York Times. Many of the proposals in that legislation had nothing to do with the coronavirus and, in fact, addressed a lot of other what I would call extraneous items on the policy agenda of the Democratic majority in the House of Representatives, to include mentioning "cannabis" more times than it mentioned the word "jobs" in that legislation.

There are studies authorized in the Heroes Act that look at diversity—diversity—in the cannabis industry—more mentions of that than mention of the word "jobs," which I think right there tells you that it wasn't a serious piece of legislation.

It, furthermore, included—if you can imagine this—tax cuts, tax cuts for Manhattan millionaires. Tax cuts for Manhattan millionaires is included in the Heroes Act—again, not something that has anything to do with helping the people who are hurting as a result of the pandemic or get at the point that the Senator from Oregon is talking about; that is, addressing the unemployment issue.

So I view this as progress. I view this as movement in the right direction, the fact that the Senator, not the Democratic leader, is down here offering an unemployment proposal, not the Heroes Act. I hope we can build on that and find that common ground that would enable us to address clearly what are serious needs among lots of Americans who are, through no fault of their own, unemployed as a result of this pandemic.

Having said that, I will object to the request of the Senator from Oregon right now but suggest to him that he and Democrats other than the leader—and I think there are a number of Democrats on this side of the aisle, including those who lead committees like the Senator from Oregon, who is the ranking member on the Finance Committee, a committee on which I serve and with whom I have worked on a lot of issues—can sit down and find common ground.

But as long as rank-and-file members and leaders of relevant committees are sort of locked out and the leaders continue to try and do this behind closed doors, it is going to be very hard, I think, to find those types of practical, real-world, commonsense solutions.

I object.

The PRESIDING OFFICER. Objection is heard.

Mr. WYDEN. Mr. President, while my colleague is here, just a brief reaction—and I think my colleague knows that you don't go out and negotiate from the seat of your pants on the floor.

First, I want to be clear on this proposal. This is a proposal the Democratic leader and I, as the ranking Democrat on the Finance Committee, worked very closely together on. It is a proposal that many Senate Democrats think could be the basis of reform, and lots of people who look at the future of these kinds of economic challenges find this idea attractive. That is No. 1.

No. 2, my friend from South Dakota thinks that somehow the benefits can just be turned on with a snap of the finger. The National Association of State Workforce Agencies have said that the proposal offered by the Senator from Arizona would not get benefits that make rent and pay groceries to people anytime soon.

The question is, Are you going to solve a real economic challenge here? The economy has faced, last week, a staggering economic contraction. According to the Bureau of Labor Statistics, the last numbers, there are four unemployed workers for every job. This idea that unemployed folks don't want to work is just insulting.

What unemployed people tell me at home is that if somebody offers them a job on Monday night, they will be there first thing Tuesday morning.

What is really needed are solutions to this question of unemployment insurance that ties the benefits to the real world conditions on the ground. In fact, when you have unemployment like this—well over 10 percent—the \$600 extra per week coverage is clearly what is necessary to make rent and pay groceries. But make no mistake about it—I see my colleague from South Dakota leaving the floor—I listened when he said that there ought to be a benefit for folks when unemployment is high and that when unemployment goes down, the benefits would reflect that. That is the American Workforce Rescue Act.

If my colleagues are saying they want to back S. 4143, I would like to get that message in a direct kind of way.

With that, I yield the floor.

#### RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 2:15 p.m.

Thereupon, the Senate, at 1:18 p.m., recessed until 2:16 p.m. when called to order by the Presiding Officer (Mrs. CAPITO).

#### MORNING BUSINESS—Continued

The PRESIDING OFFICER. The Senator from Tennessee.

# THE GREAT AMERICAN OUTDOORS ACT

Mr. ALEXANDER. Madam President, this morning, I had the privilege of attending the President's signing of the Great American Outdoors Act.

Now, this is a town, Washington, DC, that is accustomed to hyperbole—that is exaggeration—and excessive partisanship. Yet, today, we had neither. As the Secretary of the Interior said, the bill the President signed is, clearly, the most important conservation and outdoor recreation legislation that has passed in this Congress and become law in at least a half century. It may only be exceeded by the actual funding of the National Park System itself as it was gradually created, over time, to become an agency with 419 properties.

This legislation does two things.

One, it tackles the deferred maintenance backlogs in the Park System. By that I mean, look at our campground in the Great Smokies, which normally has 5,000 families camping there, but it has been closed for a number of years because the sewage system doesn't work. There are examples all across this country, from the Pearl Harbor Visitor Center to the National Mall, of worn-out trails, of roads with holes in them, of roofs that leak, and of sewage systems that don't work. As a result, campgrounds are closed because bathrooms don't operate.

All of these are our national parks and our public lands, which is where we want to go and where we especially want to go right now because what all of us want is to get out. We want to get outdoors. We want some fresh, clean air that we can breathe.

The head of Bass Pro Shops was telling me at the White House this morning that, at first, COVID really hurt Bass Pro Shops and that they had to close a lot of stores. Guess what is happening now. The purchasing of fishing licenses is going up at a record level. People are taking their sons and daughters and grandsons and granddaughters fishing and hunting—outdoors and to the parks. This is something that everyone who cares about the outdoors has been worried about since the last generation—that young people were not going out to the parks. They are going today because they want to get outside.

So today was a wonderful day, and everyone agreed that this was the most important bill for conservation and the outdoors in at least a half century. The Republicans agree with that. The Democrats agree with that. Hundreds of conservation groups agree with that. The President of the United States also agrees with that. It is no exaggeration to say that something remarkable and historic happened today when the President signed the Great American Outdoors Act. It is also accurate to say it was wholly bipartisan because it never would have passed if it had not been, and it barely passed even though it was. It took a Herculean effort. So I come to the floor briefly today to talk

about some of those persons who made a difference in this historic event.

There were many marchers in this parade. There always are when something passes in the U.S. Senate. One Senator never really does anything. It takes a parade of Senators—almost always of both parties—and it takes the House of Representatives. It also takes the President of the United States.

Because Presidents don't always get the credit they deserve, I want to say that there were many marchers in this parade—there were Democrats and Republicans, and there were hundreds of outdoors groups—but this historic conservation legislation would not have happened had it not been for President Trump. Here is why.

He is the first President of the United States to allow and support the use of money derived from energy exploration on Federal lands for deferred maintenance in our national parks, and if the President and the Office of Management and Budget don't support that, it is not going to happen, which is one reason this bill hasn't happened even though people have been trying to do it for years.

I mentioned the history of this and the deferred maintenance. As the Secretary of the Interior pointed out, it was in the Eisenhower years when we had the last big investment in our National Park System. I know for a fact that the Land and Water Conservation Fund, which was the other important part of this legislation—\$900 million a year permanently for the Land and Water Conservation Fund—was a recommendation of the Rockefeller Commission in the Lyndon Johnson administration, which Congress enacted in 1964.

I spent some time on that myself when I was Chairman of the President's Commission on Americans Outdoors in 1985 and 1986. It was our No. 1 recommendation that Congress should do what had been recommended in 1964, and now we are in 2020.

So good people have been working since 1964 to make the Land and Water Conservation Fund permanent, and it was signed into law today. Good people have been working since the Eisenhower years to deal with the deferred maintenance backlog—the potholes, the roofs, the sewage systems, the visitor centers, and the malls—in our national parks. That bill was signed today. It is historic. If the President had not allowed the money to be used in that way and had not supported it strongly in the Republican caucus, where we had some trouble getting enough votes until we got plenty of votes, it wouldn't have happened.

He did one other thing which people don't know about. Our bipartisan group of Senators asked me if I would ask him, when he visited Tennessee in early March, if he would add to the bill or if he would support adding to the bill the national forests and the national wildlife refuges in the Bureau of Land Management and the Indian

schools, which are in disrepair, so that the deferred maintenance of all of those would be added to this.

He said: Yes, let's do it.

I called that information back to the bipartisan group of managers, and the group was excited. It was added to the bill, and that became law today as well.

Take the Cherokee National Forest, which is adjacent to the Great Smoky Mountains National Park. We hear more about the Smokies, for 10 million, 11 million, 12 million people go there every year. It has a \$224 million maintenance backlog. This will cut that in half over 5 years. The Cherokee National Forest is right next to the Smokies and has 3 million visitors a year, which is more than most national parks. It has a \$27 million backlog, and this will cut that in half. The Indian schools will get hundreds of millions of dollars in order to build them back up, and they are in bad shape.

So the President deserves credit for that. There were many important marchers in that parade, but it would not have happened without President Trump.

Let me just mention some of the other marchers, and let's talk about the ones in the U.S. Senate. I will not go on at great length about them, but I do want to acknowledge them.

Let's start with Senator WARNER, of Virginia, and Senator PORTMAN, of Ohio. They, in working with the National Parks Conservation Association and others, introduced the bill to reduce the maintenance backlog in the parks. Secretary Zinke came to Tennessee 3 years ago and asked me to do a similar thing, and I worked with Senator KING of Maine. We introduced a bill. Then we put those bills together. So Senator WARNER, Senator KING, and Senator PORTMAN deserve a lot of credit for the work they have done on that part of the bill.

Then we have the Land and Water Conservation Fund. I mentioned how long that work had been going on. Senator BURR of North Carolina has been an advocate of that for many years. Senator CANTWELL, a Democrat from Washington State, has been as well. More recently, Senator MANCHIN, who is the ranking Democrat on the Energy and Natural Resources Committee, has taken a major leadership role in the Land and Water Conservation Fund.

Then there were Senators GARDNER and DAINES. If there were a parade, you would have to say they were the drum majors. They were out front. They helped to work with the President. They helped to work with this group. So you can see what kind of parade we are talking about.

Senator HEINRICH of New Mexico—a strong, progressive Democrat, with great respect in his caucus—made sure that we kept the thing on balance and brought a real conservationist zeal to this effort.

We take him for granted, but let us give Senator MCCONNELL, the majority

leader, some credit. In the middle of COVID, he agreed, at our request, to give us 2 weeks to debate this bill and try to pass it—2 weeks of Senate floor time. If MITCH MCCONNELL had not put the bill on the floor, the bill would never have had a chance to pass.

I thank the Democratic leader, as well, for creating an environment within his caucus wherein we could work through the difficult issues that arose.

Now, that is just part of the honor roll of U.S. Senators who were involved in all of this, but it is an important honor roll.

I should add Senator COLLINS, of Maine, who, from the beginning, was a strong supporter of both the Land and Water Conservation Fund and of the Restore Our Parks Act.

So, when I say “parade,” that is what I am talking about. There are many marchers in this parade, and every single one of those U.S. Senators—both Democrats and Republicans—was essential to the passage of this bill.

The final group was made up of outside groups. Some people said there were more than 800 conservation and outdoor groups in support of this. That sounds a little bit like hyperbole to me, but I think it might have been true. I mean, this is something that organizations have worked on for decades—literally decades. Some of the people I saw at the White House today were the same people I met in the mid-1980s when I was the Chairman of President Reagan’s Commission on Americans Outdoors. Most of the people involved with the Rockefeller Commission are gone now, which was in 1963 and 1964, but people for decades have worked on this. I couldn’t begin to mention all of them, but The Nature Conservancy would be one. Pew would be another. Then there is the National Wildlife Federation, the Congressional Sportsmen’s Foundation, the National Parks Conservation Association, and the National Park Foundation. Sally Jewell, the former Secretary of the Interior in the last administration, helped to organize and lead many of these folks.

So you can see, with that sort of breadth and every Interior Secretary from Babbitt to Zinke, we had quite a parade of Americans who wanted to celebrate the great American outdoors.

People say that Italy has its art, that England has its history, that Egypt has its pyramids, but that the United States has the great American outdoors. We celebrated that today, and I was proud to be one marcher in that parade.

As the President signed the legislation, I was thinking of some gesture I could make to him or gift I could give him that would be appropriate so as to recognize, of all of the marchers in the parade, that he was the most consequential because, if he had not supported it, it wouldn’t have happened. So I took with me a walking stick that was as tall as I am—about his size—that was given to me in 1978 when I was

walking across Tennessee in my campaign for the Governor of Tennessee. I walked in a red and black shirt—a lot like the mask I wear today. People would give me walking sticks, and this was a walking stick that was carved by a Smoky Mountain craftsman. It is a mountain man walking stick. It is, really, a beautiful stick.

I gave it to the President. He looked a little surprised, and then he took it and walked away with it.

I said: Mr. President, you may find this will come in handy during the rest of the year.

He said: I think it will.

So that was a heartfelt gesture to the President. I am glad he liked it. I know the people in the Great Smoky Mountains like this piece of legislation and are grateful for his work on it. I hope he keeps that walking stick as a token of respect for his support and appreciation for what he has done to help this whole parade of Senators on both sides of the aisle create this new law.

I yield the floor.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Madam President, the last 6 months have been among our country’s most trying and pain-filled in recent history. Nearly 160,000 Americans have lost their lives—that is more than enough people to fill Seattle’s CenturyLink stadium twice—and 4.7 million Americans have been infected. Everywhere, nationwide, we see the economic consequences of this virus—millions of people losing their jobs and their healthcare; millions more at risk of losing their homes; food lines a mile long. All of this as our country begins long-overdue work to grapple not just with police brutality against Black people and communities of color but also with the racial injustice imbedded in our laws and policies, which has caused COVID-19 to have vastly disproportionate impacts on those very same communities.

Since my home State of Washington was hit hard early back in February, I have been ringing alarm bells every day, day in and day out, about the need for the Trump administration and this Republican-controlled Senate to act with urgency, to listen to public health experts, and to follow the science and put the health and safety of workers and families above any political consideration. So you can imagine my frustration that for months, as Democrats urged Republicans to work with us on additional relief and pass legislation to do just that in the House, Republicans have refused.

As we got closer and closer to laid-off workers seeing dramatic cuts in unemployment benefits, as we got closer to the expiration of the eviction moratorium, we heard the Senate Republican leader was “in favor of States just going bankrupt.” That was April. We heard that Senate Republicans didn’t feel any urgency to act. That was May. Now it is August, and with this virus still raging, Senate Republican leaders

finally produced a so-called relief package that actually grants corporations a “get out of jail free” card if their employees or customers get sick. It guts jobless benefits. It rolls back critical civil rights protections for workers, including communities of color, LGBTQIA and other people, women, older Americans, and people with disabilities.

It is a package that fails to keep our childcare sector stabilized for more than a month; to provide the significant funding we need to finally make testing and contact tracing fast, free, and everywhere; and to require the type of end-to-end, comprehensive plan that we need to make sure safe, effective vaccines are cost-free and widely available.

Their package will not help the millions who have lost health insurance coverage during this crisis or help people suffering from the virus afford treatment. It does nothing to address the impact of this virus on Black, Latinx, Tribal communities, and other communities of color, and it provides zero relief for State, local, and Tribal governments, which is an absolute necessity for my State and so many others.

If that is not enough, one of the centerpiece of this bill is a demand, tweeted out by the President of the United States, which I, as a former preschool teacher and a mom and a grandmother, find especially insidious and harmful. This is the Republican policy to try to force schools to reopen for in-person learning, regardless of what the public health experts recommend. This policy is a lose, lose, lose. It threatens the health and safety of students and families, educators and communities. It would in particular pressure high-need school districts to reopen in person despite the risk, and it could spread this virus further and longer.

Many school districts are already rejecting that policy and planning for distance learning this fall for every student because, let me be clear, no student’s education, regardless of where it takes place, should falter because the President wants to pretend this virus has gone away or because Republicans in the Senate are unwilling to stand up to him.

If a school cannot safely reopen in person, they need the resources to ensure that every student and educator has access to a computer, to the internet, and to other equipment necessary to learn outside of a traditional classroom. So what we need to do is pass the Coronavirus Child Care and Education Relief Act, which provides K-12 schools with \$175 billion to make sure schools can continue to educate students in whatever way is safest.

It makes addition investments in stabilizing our childcare and higher education systems, which are facing financial crisis, and it helps ensure that students of all ages, who are disproportionately impacted by this virus, are supported through all they are facing.

I know there are some who say the investments we are proposing are too much. Well, what I would say to them, as a former chair of the Budget Committee in the Senate, is that budgets are statements of our values and our priorities, and I believe that one of our top priorities at all times, but especially in a pandemic, should be making sure that students and families and educators do not have to choose between safety and quality public education.

The parents and families I am hearing from are under such immense pressure right now. My question to Republican leaders is, why, when things are already so hard, are you determined to make them harder for people who are already struggling so much?

This question is personal for me for a lot of reasons, one of which is because, when I was growing up, my family fell on hard times. My dad, who was a World War II veteran, was diagnosed with multiple sclerosis, and he couldn't work any longer. That meant that my mom, who had stayed home to raise our family, had to take care of him while also working to support our family. Her job didn't pay enough to support me and my six brothers and sisters or cover the growing medical bills. For several months, we had to rely on food stamps, and then my mom got Federal support to go back to school, and she got a better job. My brothers and sisters and I got grants and student loans to go to college.

The point is, I know things could have gone a far different way for us had the government just said: Sorry; you are on your own.

Well, right now, families across the country have fallen on incredibly hard times. They are worried and scared because, so far, "You are on your own" is largely what this Republican-controlled Senate and administration have told them.

We owe every worker and family, including immigrant families—so many of whom are on the frontlines of this fight—relief that reflects the depth of this crisis and helps them get back on their feet, just like mine was able to; relief that helps kids learn safely and keeps families in their homes, with food on the table, until we can get through this; relief that helps us come back stronger as a nation. It is not too much to ask. In fact, it is what we are supposed to be here to do, and it is what I and Democrats are going to keep fighting for.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mr. GRASSLEY. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### TRIBUTE TO JOE BARKSDALE

Mr. GRASSLEY. Madam President, for the benefit of my colleagues who want to speak next, I have a 1-minute remark and approximately 5 minutes of remarks.

Today is National Chocolate Chip Cookie Day. It is a perfect day to salute an Iowa entrepreneur who built a cookie empire at the Iowa State Fair. Last year, his business sold 2 million chocolate chip cookies during the 11 days of the fair.

A lifelong salesperson and legendary concessionaire, this 92-year-old Iowan is in a league of his own. After more than a quarter century rolling cookie dough at the State fair, Joe Barksdale decided it was time to hang up his apron. However, his legacy will continue for generations to come. He is paying it forward by giving back to the people of Iowa. Joe gifted his legendary cookie recipe to the Iowa State Fair so that its profits could be reinvested for years to come.

As of today, Barksdale's State Fair Cookies has a brand new home. The permanent cookie building will shorten customer wait times with a dozen sales windows. For anyone who hasn't tasted this State delicacy, I suggest you put it on your bucket list.

#### CATTLE SPOT PRICING

Mr. GRASSLEY. On another matter, Madam President, Iowa is home to 86,000 family farms and leads the Nation in the production of commodities, such as corn, where we are No. 1; soybeans, No. 2; pork, and eggs, No. 1. Iowa also ranks in the top 10 in cattle production, as many family farms raise livestock alongside their corn and soybeans.

The 2017 USDA Census of Agriculture showed over 23,000 farms in Iowa that raise cattle or calves, with annual sales of \$4.7 billion. Caring for livestock takes a spirit of commitment, selflessness, and, of course, hard work. These farmers get up very, very early in the morning, work on their farms all day, and are active members of their communities. These families and their values form the foundation of what makes up our rural communities across Iowa.

However, over the years, the consolidation of the beef industry has threatened the very livelihood of these families and rural communities where they reside. From the 2012 USDA Agriculture Census to the 2017 Agriculture Census, Iowa lost nearly 1,500 cattle producers. This is not a new issue to the beef industry. The concern of fair and transparent cattle pricing has seen increased attention due to disruptions in our food supply chain. It has been very obvious during this period of the virus pandemic.

For background, the U.S. Department of Agriculture mandates price reporting for live cattle and tracks the spread between fed cattle prices—what the producer gets paid—and the boxed

beef values, which is what the packing company gets paid.

For the years 2016 to 2018, this spread averaged about \$21 per hundredweight. Soon I will be comparing that to a very, very big increase from that \$21. However, during April and May, there were major beef supply disruptions, as large numbers of plant workers contracted COVID-19. Because there are only four companies that slaughter 80-percent of the cattle, companies have the advantage of purchasing cattle from thousands of producers, acting as a chokepoint for the entire industry. These packers dominate the marketplace and limit opportunities for price negotiation.

During this time, in these recent months, packer profit margins topped out at a spread of \$279 per hundredweight compared to the \$21 that I previously mentioned. This was the largest spread between the price of fed cattle and the price of boxed beef since the inception of the mandatory price reporting law of 2001. So while all the packers were making record profits, the independent producer had nowhere even to market his livestock.

It is important to note that the impact of consolidation doesn't just hurt producers. It hurts consumers. We have seen the price of ground beef and steaks—a staple in many American diets—double or triple recently. Grocery stores also limited the amount of meat that families could buy. All this has made it very clear that the cattle market is broken and real action is needed to fix it.

Thankfully, the Trump administration stepped up to this cause. It has responded with two decisive actions to address the country's cattle market. First, the U.S. Department of Agriculture and the Department of Justice are both investigating the practices of these packing companies, particularly the four that dominate the market. While this will take time, President Trump has personally asked for these investigations and said he did it because he wants to protect the family farmer.

Second, on July 22, the USDA issued a significant report that lays out a roadmap to fix the cattle marketplace. The U.S. Department of Agriculture mentions 12 different ways to create additional price discovery, increase marketplace competition, and have a more transparent relationship between the price of live cattle and the beef products that the consumer buys.

This investigation and report are very much a breath of fresh air, particularly for this Senator who has been bringing this issue to the attention of Agriculture Department and Justice Departments under both Republican and Democratic administrations for a long period of time. We have had multiple administrations from Democrats to Republicans ignoring independent cattle producers and the broken cattle market. So I am very grateful that President Trump and Secretary Perdue

take this issue seriously, when so many others before them have ignored this problem.

In the report issued by Secretary Perdue, one of the considerations for Congress is to create a mechanism to mandate negotiated cash trades. I am getting to one of the very key reasons why I am on the floor today, because I see some of the actions in this report from Secretary Perdue as almost an endorsement of the Grassley-Tester 50/14 concept.

The Grassley-Tester bill will require half of packers' weekly volume of beef slaughter to come as a result of purchases made on the cash market. The fact is that without a mandated amount of cash trade, independent producers become residual suppliers and then lack the leverage to fairly negotiate with packing companies.

Besides the Grassley-Tester bill, Congress has the responsibility to fully vet the 11 other considerations that the Trump administration lays out in its report. The Agriculture, Nutrition, and Forestry Committee should hold hearings on this road map. We should bring a diverse set of stakeholders, government officials, business executives, and subject matter experts to explain the challenges that cattle producers are facing. The hearings would allow the committee to properly vet proposals to improve mandatory price reporting, which needs to be reauthorized by September 30 of this year.

The beef industry employs hundreds of thousands of hard-working men and women who work each day to help feed our country and, because we export so much, you can say feed the world.

As the U.S. Department of Agriculture Census shows, we are losing producers due to consolidation. We need to show these men and women that Washington, DC, is listening. We need to show our rural communities that we want them to survive. We must develop solutions to the problems that they are facing.

I will continue to be the voice for independent producers. Today, I am asking my colleagues and Congress to be that voice with me. Support my bill with Senator TESTER and bring competition and price transparency back to the cattle markets. While I am at it, I want to reemphasize something I previously said. The Ag committee should hold a hearing on these issues and do it very soon.

I am happy to see Senator TESTER on the floor, who I think is here to speak on the very same issue.

I yield the floor.

The PRESIDING OFFICER. The Senator from Montana.

Mr. TESTER. Madam President, I want to thank Senator GRASSLEY for his leadership on this issue. He has known for a long time, as I have known, that something is amiss in the competition in the cattle business.

I rise today to speak about that. It isn't talked about enough in this body or in the United States in general, but

the fact is that rural America is being cast aside, and it is falling prey to corporate interests whose only concern is about making a quick buck. The truth of the matter is that the American cattle ranchers are suffering.

It is an open secret that meat packers have been taking advantage of small-scale ranchers, family ranchers, and the small and medium-sized feeders for years. While some of us have been raising the issue for some time, it is now becoming apparent and it has come into the national spotlight.

Almost 1 year ago exactly, a fire at a beef packing plant in Holcomb, KS, halted 5 percent of our country's beef distribution capacity. It caused the price of meat in grocery stores to skyrocket and caused a sharp decline in cattle prices at the farm gate. It was Montana producers and producers across this country who took the hit while the meatpacking industry reported record profits.

Following that fire, Senator GRASSLEY and I demanded that the Department of Agriculture conduct an investigation looking into price manipulation by the largest packers. Although this investigation is ongoing, their findings thus far have been disturbing. Their findings clearly show that markets are being manipulated and the packing industry is walking all over America's ranchers and consumers.

Just when we thought that conditions for producers couldn't get much worse and as we saw cattle prices drop lower than they have been in decades, ranchers were hit with yet another disaster. That disaster was the coronavirus pandemic.

This virus forced many of the largest packing plants to shut their doors, depleting the Nation's beef capacity by nearly 40 percent. Yet again, it was our small-scale cow calf operators, along with everyday consumers, who have seen skyrocketing beef prices throughout the last year, and we have seen lower and lower prices for the cow calf operators and the small to medium-sized feeders. They are the ones taking the hit. In April and May of this year, we saw the largest ever price discrepancy between the price of boxed beef and the price received by the cattle owner, growing from \$66 per hundred-weight on the boxed beef to \$279.

I need to repeat that, because it is nothing short of ridiculous. From early April to the middle of May, the price for what American cattle ranchers were selling for the beef shipped to stores across this country increased by 323 percent.

Mission control, we have a problem here.

Our ranchers and the American public are being taken advantage of in the midst of a global health crisis that has also driven us into an economic crisis. To top it off, cattle transactions on the cash market took a steep decline following the Holcomb Fire, allowing for even more price manipulation by the packers while the number of cows slaughtered increased by 5,000 head.

Now, it is obvious to anybody who looks at this situation that the packers are using these crises to force markets to work for them only. One of the ways the packers get away with this is by limiting transactions that take place on the spot for cash markets. Instead, they set prices with formulas that allow them to use unfair market power to put corporate profits over families, ranchers, feeders, and over consumers.

That is why Senator GRASSLEY and I wrote a bill requiring large-scale packers to increase the proportion of spot transactions to 50 percent of the total cattle purchases. This would hold corporate packers accountable; make pricing fairer for our producers—cow-calf operators, small- and medium-size feeders; and bring more money into rural economies and into the pockets of these families who are feeding this country and the world.

I fear these words are falling on deaf ears. The fact is, we need more support from this body. We need our colleagues on both sides of the aisle to sign on to this critical legislation so that we can ensure that folks who have been raising our food for generations are able to meet the bottom lines and that families in both rural and urban areas who rely on affordable beef can keep putting food on the table. We needed you to join us yesterday because rural America needs help today. Folks across my State need help now.

I know many of my colleagues—especially those of you who are on the campaign trail—are always looking for ways to show support for rural America. I am calling on you to join Senator GRASSLEY and me in standing up against this profiteering.

Another way you can help American ranchers today is by supporting a bill that my colleague Senator ROUNDS and I wrote, the New Markets for State-Inspected Meat and Poultry Act. It is a critical bill that will cut needless red-tape preventing ranchers from properly utilizing State-inspected meat facilities to be able to sell their products across State lines.

We have an opportunity to work on these commonsense bills together—something that doesn't happen very often in this Senate. We have a critical chance to support folks who are the very reason we can enjoy a juicy burger or a tender steak.

Let me close with the words of a person who is in the cattle industry on the ground in Montana who told me about 60 days ago that we are at a crisis point in production agriculture when it comes to beef. If something is not done on this issue of packer control of prices in the marketplace, if something isn't done to ensure that capitalism isn't working here and that we need to put some sideboards on this to funnel some of the money down to the growers and the small- and medium-sized feeders, then our food chain for red meat will change. I know for the vegetarians in the crowd that might sound like a good deal, but it is not because the fact is,

when the food chain in rural America goes bust—because that is what we are on the verge of—this whole country will be diminished by that.

So it is important that my colleagues here in the Senate work with Senator GRASSLEY and me to fix this problem. It will not be fixed by not doing the things we need to do in this body. Senator GRASSLEY and I have a bill, and Senators ROUNDS and KING have a bill, and we need to get those two bills passed and move on to ensure fairness in the marketplace.

I yield the floor.

The PRESIDING OFFICER. The Senator from Louisiana.

### CORONAVIRUS

Mr. CASSIDY. Madam President, I rise to address the issues regarding the COVID crisis. Now, as we know, the COVID crisis is a public health crisis which has led to an economic crisis and, in turn, an educational crisis.

Today, I am going to speak about an aspect of the economic crisis—specifically State and local governments, which have had to shut down their economy and, in turn, have lost all the tax revenue they otherwise would receive and, because they have lost that tax revenue, have put the jobs of firefighters, police officers, teachers, sanitation workers, and other essential frontline workers at risk. So let me proceed.

Senate Republicans have unveiled a proposal for a second line of support for American families and small businesses as our Nation continues to combat the COVID-19 pandemic. The virus is an unprecedented challenge, but we shall overcome, and the HEALS Act attempts to do that.

The introduction of this proposal signals Republicans' commitment to seeing America through this challenging time, as was with the CARES Act. The ultimate safety of the people of Louisiana and the United States are my top priority, and the HEALS Act, as with all major bills, is a starting point of negotiations to build consensus among Members of both parties for the best path forward.

The HEALS Act includes stimulus checks for Americans, support for small businesses, and billions to help schools reopen. While these are critically important to economic recovery, so, too, are the essential services provided by States and local communities. I am talking about police officers, firefighters, teachers, sanitation workers, and other municipal workers. Because of this economic lockdown, State and local governments have seen their tax base erode, which threatens their ability to keep these very people we need employed—these people who keep our communities running.

I don't want to see, for example, a situation where cities slash police budgets and force layoffs of those who put their lives on the line to keep us safe. That is why Congress should in-

clude additional relief for State and local communities in this relief package.

Senator BOB MENENDEZ—and his staff has been a wonderful team to work with—and I have offered a bipartisan proposal called the SMART Act to help communities through this pandemic. I am privileged to be joined today by Senator MENENDEZ and Senator COLLINS to speak on its behalf.

The SMART Act calls for \$500 billion in funding for State and local governments, and it would be dispersed in thirds. One-third is based on a State's population. Clearly, California needs more than Alaska. One-third is based upon the COVID-19 impact. My State has had one of the highest per capita incidences of coronavirus infection. We have been terribly impacted. One-third is based upon revenue lost, which, again, my State, as well as the States of my colleagues, has been very impacted. It is a fair formula that prioritizes funding to the hardest hit.

The need is great. S&P Global released a report detailing the State susceptibility to fiscal distress in a COVID-19 recession. There were 38 States that had a high or very high risk of economic exposure. S&P's findings echo a Moody's report that also predicted dire effects to States and cities if nothing is done. Moody's found that 34 States will see tax revenue fall by double-digit percentage points, the worst of which are Alaska falling 80 percent, Louisiana at 46 percent, and North Dakota at 44 percent.

According to the National Association of Counties, local communities—not States; local communities—anticipate a \$202 billion impact to budgets through 2021. Their report shows that 71 percent of counties have delayed capital investments, including infrastructure and economic development projects; 68 percent have cut or delayed county services—or parish services in the case of Louisiana—human services, public safety, and community development support; and 25 percent have cut the county workforce. Moody's estimates that 1.3 million have already been laid off, and an estimated 1.4 million more State and parish county workers and municipal workers will be laid off in the coming fiscal year. Sixty-six percent of counties receiving CARES Act coronavirus relief indicate that the funding will not cover the COVID-19 budget or they are uncertain if the budgetary impacts will be covered. This is the impact of what has happened.

By the way, we spoke earlier of \$202 billion, and this is how the breakdown is in terms of lost revenue and lost State funding, et cetera. The impact upon State and county and municipal governments is huge. All told, the National Association of Counties predicts a loss of 4.9 million jobs and \$344 billion lost in GDP. It does not have to be that way. We can save jobs for police officers, firefighters, teachers, and others by including State and local support in the act we are considering.

As I mentioned before, Louisiana, my State, is facing serious shortfalls. We are still struggling with a second wave of COVID cases. Yesterday, we had the No. 1 per capita incidence of coronavirus. The State is having to continue in a phase 2 lockdown, which strains not only my folks in Louisiana but also the revenue of the local communities where they would otherwise spend their money.

Folks back home know the consequences if they don't receive support. There were 22 parish presidents who signed a letter supporting the SMART Act. They wrote:

As elected leaders with parish populations ranging from over 400,000 to 18,000, the COVID-19 pandemic has created unprecedented challenges for all local governments not only within Louisiana, but nationally. The extreme loss of tax revenues, which provide for essential services, coupled with unforeseen costs brought onto us by the response to COVID-19 pandemic, has the potential to have an extremely detrimental effect on our role to provide for the citizens of our parishes.

I received a letter from more than 80 mayors across my State giving "their strong support and thanks" for efforts to pass the SMART Act because they know I am working to deliver the support they need for their communities or mutual constituents. And mayors ranging from cities as large as Shreveport to as small as Glenmora and Athens wrote:

The SMART Act would provide funding for municipal economic recovery that will support the reopening of businesses and allow Louisiana to move forward. We are grateful for Senator CASSIDY's bipartisan efforts and for his longstanding partnership with Louisiana's governments.

The same sentiments have been echoed by Louisiana's Chamber of Commerce.

I understand concerns about spending money on State and local government. Some are worried the money will be used to bail out poor management decisions and overly generous and unfunded pension plans. I share those concerns, which is why the SMART Act includes specific provisions prohibiting spending in those areas. The SMART Act money replaces lost revenue caused by COVID-19 and nothing more. A city or parish or county would have to show their books and show that they have lost revenue relative to a year ago before they would be eligible to receive funding from this.

I understand concerns about spending, but the cost of doing nothing is worse. Federal Reserve Chairman Jerome Powell spoke on the State and local funding needs, saying that while costly, it would be "worth it if it helps avoid long-term damage and leaves us with a stronger economy."

Congress should not allow police officers, firefighters, first responders, teachers, sanitation workers, and others to lose their jobs by the millions at a time when our country needs them most. The United States cannot fully recover economically if local communities cannot provide basic services, allowing commerce to flow.



As I end, I commend my colleagues on the work thus far on the HEALS Act. More work is left to be done, and I look forward to working with others in this Chamber in the coming days to strengthen this bill even further and finding a common path forward with our Democratic colleagues. We cannot let Americans down in this time of tremendous need. By working together, we can deliver the support they need, and we will be stronger as a nation for having done so.

I yield the floor.

The PRESIDING OFFICER (Mrs. BLACKBURN). The Senator from New Jersey.

Mr. MENENDEZ. Madam President, I rise today to join my Republican colleagues from Louisiana and Maine to make a plea for us to break any partisan logjam and support bipartisan, commonsense solutions. I want to especially commend Senator CASSIDY, who from the beginning has joined me in this effort and has been true to his commitment to the issue and to his work. We have engaged in a series of conferences with major national organizations in support of the legislation, and I appreciate his leadership in this regard. I also appreciate Senator COLLINS, who joined us from the very beginning in this effort.

Exactly 76 days ago—yes, 2.5 months ago—Senator CASSIDY and I stood here on the floor of the Senate with our colleagues Senator COLLINS and BOOKER to talk about the challenges facing our State and local governments and the need for Congress to deliver robust, flexible assistance to help them deal with the pandemic and economic fallout.

In 76 days, we have seen COVID-19 sweep across our land. The virus is surging in States coast to coast. From the Deep South to the Upper Midwest, no community has been spared.

America is no stranger to tough times. In just the past 100 years, we have fought two World Wars. We have faced a Great Depression. We have confronted a nuclear-armed Soviet Union. We have faced calamitous disasters, both natural and manmade, from Hurricanes Katrina and Sandy to the terrorist attacks on 9/11. We have lived through many dark days of our history, but no matter how steep the challenge, no matter how hopeless things appeared at the moment, we always came together as a country, and we saw ourselves as Americans above all else.

I am proud to be a New Jerseyan. I am proud to be from a State that invests in its people, has a great educational system, and has an innovative economy. But when my parents fled tyranny in Cuba, their dream wasn't to move to any one State. No, they dreamed of moving to the United States of America to give me and my siblings the opportunity they never had.

We are not a collection of 50 separate States. No, we are one Nation, indivisible. When hurricanes hit the gulf

coast, flooding inundated communities along the Mississippi River, or wildfires raged in the West, I have never hesitated to act and cast my vote to help my fellow Americans. I have never asked how many New Jerseyans were affected or how this would impact my State. But some in this body have chosen to undermine that unity and to, instead, pit Americans in one State versus their fellow citizens in another. They have derided Senator CASSIDY's and my efforts to avoid millions of layoffs of essential workers as a "Blue State Bailout."

For example, the junior Senator from Florida has said he refuses to support assistance because it will go to progressive States like New Jersey, New York, and California. He spreads falsehoods about States carrying over large annual budget deficits, even though he must be well aware that States, unlike the Federal Government, must balance their budgets according to their State Constitution.

He has the gall to chide other States about taking from Florida, even as his own State is the second largest "taker" State in the entire country. Indeed, according to the latest estimates, Florida receives about \$45 billion more from the Federal Government than it pays each and every year. By comparison, New Jersey actually pays about \$21 billion more each year to the Federal Government than it receives. Let me say that again. Florida takes \$45 billion more per year out of the Federal coffers than they put in. New Jersey puts \$21 billion back in.

To my colleague from Florida: You are welcome.

Why is New Jersey a donor or "maker" State while Florida is a "taker" State? Quite simply, it is because we invest in our people and in our communities. New Jersey has the best public schools in the country, ranking No. 1 in Education Week's 2019 report. Florida, well, it ranked in the bottom half of the States.

A better education leads to a better economy with higher paying jobs, so it is no surprise that New Jersey also has the highest per capita income among States at over \$110,000 per year. By comparison, Florida's per capita income is almost \$35,000 less, which puts it, once again, in the bottom half of States.

So if you want your children to have a quality education, if you want to work in a vibrant economy that creates high-paying jobs, you should live in a State like New Jersey. But New Jersey, like all States—and through no fault of our own—is facing a health and fiscal crisis of historic magnitude. And because here in Washington we have failed to implement a national response to a national emergency, our local towns, cities, counties, and States have to deal with this crisis alone rather than united as a nation, and they are running out of money.

They are running out of money to combat this deadly disease. They are

running out of money to maintain the services our residents and businesses depend upon. They are running out of money to pay our first responders: police, firefighters, paramedics, and emergency personnel. They are running out of money to make sure that there are teachers in the classrooms when our kids can safely head back to school and nurses in our hospitals when a sick patient is brought in. They are running out of money to make sure the trash gets picked up, the buses and trains run on time, and the lights stay on at City Hall.

They have been squeezed on both sides of the ledger, spending billions of dollars in unforeseen costs on emergency response while watching revenues dry up due to the slowing economy and necessary orders to contain the virus.

Without help from Washington, our States, counties, and municipalities will have to swallow a toxic cocktail of tax hikes, service cuts, and layoffs that will only poison our economic recovery.

It would be the height of irony—and a horrible one at that—for the men and women we have needed the most to be the ones fired as a result of the economic distress that the virus has created. We need our essential workers on the job dealing with the pandemic, not on the unemployment line.

Already, nearly 1.5 million State and local workers have been furloughed or laid off—and that is only since February—and double the total local public sector jobs we lost during the entire great recession of a decade ago.

If we fail to deliver the robust, flexible funding our States and communities need, we will effectively be sending pink slips to millions of Americans. We will be saying to all of them: You are fired.

That will be millions more who aren't collecting a paycheck, millions who can't afford to shop at our stores, eat at our restaurants, pay their rent, or their mortgage.

Leading economists respected by both parties predict it would decimate our economy and send us on the path to another Great Depression. We can't allow that to happen.

That is why Senator CASSIDY, Senator COLLINS, Senator HYDE-SMITH, and I came together. We saw early on the impact COVID-19 was having on our home States and constituents, so we came up with the State and Municipal Assistance for Recovery and Transition, or the SMART Act.

As Senator CASSIDY says, it delivers \$500 billion in flexible funding to frontline States, counties, and municipalities. It targets areas with the greatest need based on infection rate and lost revenues. Unfortunately, from when we started this, that is a growing reality across the country. Every single town, city, and county, regardless of its size, would qualify for direct funding. No one is left out.



We immediately built a bipartisan coalition with Senators COLLINS, BOOKER, HYDE-SMITH, MANCHIN, and SINEMA—Republicans and Democrats from all walks of life, cutting across the political and geographic spectrum.

We knew the assistance Congress provided our State and local governments in the CARES Act wasn't enough to deal with the growing need, and we warned our colleagues—each and every one—that what was happening in New Jersey, Louisiana, and elsewhere would eventually come to their State if we didn't get this pandemic under control. Well, we haven't, and it is raging. Our fellow Americans are suffering, and too many of them are dying.

We have waited for 76 days. What is now being offered is wholly inadequate to address the needs of the American people. In Colorado, for example, the estimated State and local shortfall due to the pandemic is \$10 billion, and counting, through 2022. In Alaska, it is expected to exceed \$4 billion. In Georgia, it will be \$2.5 billion in 2021 alone. Kentucky could see nearly a 20-percent drop in its revenues in 2021, at a time when the State's fiscal house is already in disorder. But we are being offered not a dime—zero—to help our cities, counties, and States confront this challenge—zero, nothing. That is not something that is acceptable.

That is the problem when we ignore regular order and let leadership hijack the legislative process: We lose our voice, and the needs of our constituents are left out.

I, for one, didn't come to Washington to sit on the sidelines and wait for a handful of people to reach a deal behind closed doors, forced to vote on a 1,000-page bill within an hour of seeing it. But that is exactly what we have been doing here for far too long.

We need to end this high-stakes game of closed-door posturing and restore the Senate back to the foundation as the greatest deliberative body in the world.

It would have been easier for me just to embrace the \$900 billion for fiscal relief in the Heroes Act. It would have been easier for Senators CASSIDY, COLLINS, and HYDE-SMITH to just toe the party line, but we all knew that sticking to our respective corners wasn't going to help a single one of our constituents.

It is not too late for the Senate to get back on track. Let's do our jobs. Let's work together on a bipartisan solution that delivers the Federal support our States, counties, and cities on the frontlines of this pandemic need to defeat COVID-19 and serve the American people.

Let's bring the SMART Act up in committee, allow Members on both sides of the aisle to offer amendments to make the legislation even better. You all know what our State and local governments will get if we leave it up to the present status—absolutely nothing. Good luck explaining that to the people back at home.

I hear some of my colleagues speak from this floor, calling not for unity but for division. They callously ignore the pleas for help from the fellow Americans, comforted by the selfish but mistaken belief their communities are immune to the fiscal Armageddon facing our communities.

Let me be clear. It doesn't really matter how fiscally responsible or conservative your State budget has been when your revenue drops 30 percent overnight. It is not a random blue State issue; it is an American priority.

I believe that history will look kindly upon those who stood up for some unity and compromise over demagoguery and obstinacy, those who put the well-being of the country over scoring partisan points, those who stuck their necks out and took a political risk for no reason other than it was the right thing to do. That is what I believe we are doing on the floor right now—the right thing.

With that, I am happy to turn to my friend Senator COLLINS.

The PRESIDING OFFICER. The Senator from Louisiana.

The PRESIDING OFFICER. The Senator from Maine.

Ms. COLLINS. Madam President, I have listened to the presentations of my two colleagues, Senator CASSIDY and Senator MENENDEZ, and I could not agree with them more. We have an opportunity to solve a problem that is affecting each and every community in our country.

With the COVID-19 pandemic continuing to devastate our public health and our economy, towns and cities across our country are facing increasingly significant new challenges and plummeting revenues at the exact same time. I urge my colleagues to be problem-solvers, to address this crisis as part of the relief package that is now being negotiated. We cannot wait.

I have joined with Senators MENENDEZ and CASSIDY and others in this Chamber in introducing the SMART Act. It would provide much needed financial assistance to State and local governments while providing safeguards to prevent wasteful spending.

It is a lifeline to our communities, just as the Paycheck Protection Program has been a lifeline to our small businesses and their employees.

The consequences of local government shortfalls are dire. Without our providing them relief, communities face having to lay off essential employees and reduced services at the worst possible time for working families.

What is their alternative? They cannot raise taxes. That would be the worst thing for them to do. Municipalities are already scaling back their budgets, furloughing workers, and postponing needed purchases and projects.

These cuts threaten the jobs of our police officers, our firefighters, our EMS personnel, our dispatchers, our sanitation crews, and our public works employees at the time when their serv-

ices are vitally needed. They are the people who make our communities operate, who make them livable. We need them.

We already know about the stresses our schools are undergoing. Do we really want school budgets to be cut and educators laid off at this important time?

The CARES Act did provide \$150 billion to our States and to very large communities, but those funds came with restrictions, and they did not require direct distributions to municipalities with populations under 500,000. There is not a single county in Maine, much less a city or town, that has a population of that level.

The National Governors Association has called for \$500 billion in assistance to aid our Nation's recovery. Organizations supporting our towns and our cities and our counties have all endorsed the SMART Act.

Moody's Analytics warns that failing to act could shave 3 percentage points from real GDP, from our economic growth, and result in the loss of 4 million jobs. That is the worst thing to happen at this time.

This week, the Maine Municipal Association released projections anticipating a combined \$146 million in lost revenue from Maine cities and towns by the end of this year alone. We know that the revenues are going to take a while to recover and are going to affect next year as well.

This builds on Maine's Revenue Forecasting Committee, which expects a \$1.4 billion State budget shortfall from lost sales and income tax revenues over the next 3 years.

As people are driving less, we are also seeing our gas tax revenues plummet.

I have talked with town and city managers, with mayors and members of town councils, selectmen and -women, all across the State of Maine about the difficult decisions they are facing as they attempt to balance their budgets.

These cuts are not theoretical. The harm is not just possible; it is occurring today. Let's look briefly at what some Maine communities are already having to do.

The city of Westbrook has announced a hiring freeze affecting all city departments, including the police department. Well, that police department has five open positions that it needs to fill and cannot do so.

Auburn, a city in Androscoggin County, has had to freeze six vacant positions because of expected revenue losses—again, vital positions: two firefighters, a police officer, and three public works employees. These cuts come as the city of Auburn has spent more than \$200,000 in new expenses to respond to the virus.

The town of Falmouth has eliminated four open positions, including a police officer, and can no longer go ahead with the purchase of a much needed new firetruck.

The town of Windham has kept seven needed positions open. These are not

large communities. This is a large number of positions. Five of these are public works positions, without which, how is the plowing going to be done this winter to keep the roads safe and clear?

The town has also postponed \$1.6 million in capital projects. That has a ripple effect on the local economy. It means the contractor is neither buying supplies nor hiring employees at this time.

In northern Maine, in the northern Maine city of Madawaska, the town manager has shared with my office that the town has had to scrap a \$3 million road-paving project and will have to keep at least three positions vacant.

This is what they are doing already. It is only going to get worse for these towns and cities as revenues continue to plummet.

Senator MENENDEZ made a very important point that I want to reiterate, and that is, the way our bill is structured, every city, every town, regardless of size, will receive direct assistance. Every county will receive direct assistance. They will not be dependent on the largesse of the State. The money will go to them to meet these essential needs.

It is common sense to provide the relief needed to avoid these widespread layoffs and cuts to essential services at the local level, where they often are most often needed. These are the public servants who keep our communities and our citizens safe. They are the public servants who keep our communities and our citizens healthy. They are the public servants who keep our communities and our citizens educated. They are the ones who are plowing our roads and repairing our bridges. They are the ones who make our towns, our cities, our neighborhoods livable.

Congress must act to provide assistance to every community. This is a problem we can solve. Let's enact the SMART Act as part of the next coronavirus package.

The PRESIDING OFFICER (Mr. CASIDY). The Senator from Delaware.

#### CORONAVIRUS

Mr. CARPER. Mr. President, I am going to briefly remove my mask.

We are about 1 week into baseball season. I will lighten this up a little bit. We are 1 week into baseball season. Some of us here are huge baseball fans. This is the home of the Nationals—home of the world championship Washington Nationals. The best two pitchers come from the Detroit Tigers, my favorite team.

For those who might not have been watching baseball over the weekend, there is a young guy who is a relief pitcher for the Tigers. His name is Tyler Alexander. He was brought in in relief in the second or third inning and struck out nine straight bats. He struck out the first nine batters he faced. I think one other person has done that in Major League history.

So, as we gather here today to figure out how to get out of this mess, his job that day was to try to figure out how to get out of another mess, and my hope is that our efforts here in the Senate, the House, and the White House will be as successful as were his.

I am happy to follow today our friend from Maine; our colleague from New Jersey; and you, Mr. President, as the Senator from Louisiana, in actually pointing to something we can agree on. People are always saying to me and, I know, to my colleagues when we go home: Can't you guys and gals ever agree on anything?

Well, as it turns out, a number of us agree that States and local governments could use some help—some additional help beyond that which we have already provided. That is a good thing. We don't have to pit blue States against red States. We can actually work together, and in this case we are.

Very few of us actually come here and start our first elected job being in the U.S. Senate—some, but not a lot. A number of people are former mayors, former Governors, former Representatives. But every now and then, somebody slips through without ever having run for elected office.

I am a former State treasurer. People call me a recovering Governor, but I am really a recovering State treasurer. I was elected State treasurer when I was 29. When I was elected State treasurer and took my oath, our State had the worst credit rating in the country.

I was elected in 1976—the same year that a Republican named Pete du Pont was elected Governor of our State. He turned out to be a terrific Governor at a time when we needed one. He was a good mentor for me and someone I always looked up to, and I hope I was a good partner to him and Democrats and Republicans in the legislature to pull our State out of a real mess.

Not only did we have the worst credit rating in the country that year—1977, actually—we had the worst credit rating, we had no pension fund, we had no rainy day fund, and we had the lowest start rate of new businesses of any State in America.

We couldn't balance our budgets if we had to. In order to actually have money to spend, we issued revenue anticipation notes.

When I got to the State treasurer's office, I said: What is a revenue anticipation note?

They said: That is the way the State borrows money until tax monies come in the following April, so that we can actually pay payroll and pensions and stuff like that.

I said: You are kidding.

They said: No, we are not.

That was then; this is now. When Pete du Pont was our Governor and I was treasurer, we had a bipartisan legislature. The house and senate were split between Democrats and Republicans. But we created a rainy day fund and never invaded it. We created and fully amortized our pension fund. We

had no pension fund. We fully amortized it within about 10 years. We did all kinds of things, all kinds of budget reforms in order to get us on the right track.

Now, I have heard some of my colleagues say the States got themselves in a mess and they are going to have to get out of it. They said they can file for bankruptcy; they are badly managed.

Let me just say, my State is a AAA State. We got a AAA rating when I was Governor, and we never lost it to this day.

Most States are better run fiscally than the Federal Government. You only have to look at the way we spend money around here—not just in the middle of a pandemic. Look at the year before the pandemic, at how much our Nation's deficit and debt increased. But even fiscally responsible, well-managed States like Delaware and some other States that are represented on this floor right here are finding themselves in a situation that one could not have imagined just a few months ago. That is especially true when we have an administration that is simultaneously asking State and local governments to shoulder the burden of responding to the coronavirus.

Leader MCCONNELL and Secretary Mnuchin say that States don't need more money because they haven't used the coronavirus relief funds that Congress provided in the CARES Act. Well, unfortunately, that is just not true. A survey conducted by the National Association of State Budget Officers shows that States have already allocated nearly 75 percent of these funds already to fight the pandemic and help struggling families and small businesses through this crisis.

If States across this country see a resurgence in infection rates, the cost of addressing the health and economic crisis is not going down; it is going up.

At the same time that the cost of addressing this pandemic has skyrocketed, businesses are shuttered, and tourism and commerce have come, in many places, to a standstill. That means that hundreds of billions of dollars in lost revenues for States and local governments have occurred.

Delaware is certainly not alone. So let me be very clear. This is not a red State or a blue State problem; it is a United States problem. It is not a consequence of poor management either.

Over the past couple months, weeks, I have had conversations, as my colleagues know, with dozens of them on both sides of the aisle about what States and local communities across our country are facing as a result of COVID-19. In those conversations with my Democratic and Republican colleagues, time and again I have heard a familiar refrain: The pandemic has caused State and local government revenues to plummet in a way that none of us have ever experienced or would have or could have foreseen.

Income tax revenues have fallen and unemployment numbers have reached

unprecedented levels over the course of just a few months. Delaying Federal tax deadlines—while it was the right thing to do—has wreaked havoc on the ability of States to balance their budgets. Sales tax collections and revenue from tourism, gas taxes, and tolls have dried up as the virus has compelled many people to just stay at home. And States highly dependent on oil and gas revenues, as the Presiding Officer's State is, have been doubly hit by the pandemic and turmoil in global energy markets.

Unlike the Federal Government, State and local governments have to balance their budgets. This means that Governors, State legislators, and local officials—mayors, city and county councils—have had no choice but to make deep cuts that will inevitably hurt the ability of their communities to recover.

Since the pandemic hit our country, State and local governments alone have lost 1.5 million jobs.

Let me say that again. Since the pandemic hit our country, State and local governments alone have lost 1.5 million jobs.

Those are not private sector jobs. Those are not Federal Government jobs. Those are just State and local, county jobs: teachers, firefighters, police, and more.

This staggering statistic is bad enough on its own, but what does it mean if you aren't one of the one in every eight American workers who is employed by a State or local government?

Here is what it means. Cuts to education budgets means larger class sizes. It means fewer bus drivers. It means fewer custodians at a time when schools are struggling to figure out how they will reopen safely this fall.

I talked earlier this week to a number of our finest school superintendents in Delaware. We talked about—they are struggling—how to open up and reopen schools. As it turns out, they are going to have to hire more bus drivers if schools reopen—more bus drivers because kids will be separated. They have to separate kids. You can't put as many kids on the school bus. They are going to have to hire substitute teachers. If somebody gets sick and they are unable to come to work, they will have to hire a substitute teacher and pay for them as well. And for nurses, it is the same way. To be there to help administer—whether it is taking people's temperatures or administering tests and that kind of thing, we are going to need more health professionals in our schools rather than fewer.

Cuts to first responder budgets mean people must wait longer for EMTs and firefighters to arrive during emergency situations.

Cuts in transportation budgets mean canceled or delayed infrastructure—transportation infrastructure projects—and fewer construction jobs when we are in the middle of the summer construction season.

These cuts impact all of us and create a ripple effect across the broader economy. That is why economists across the political spectrum, including Federal Reserve Chairman Jerome Powell, agree that State and local budget cuts will weigh down our path to economic recovery, not just for a couple of weeks, not just for a couple of months, but for years to come.

In fact, based on evidence from the last recession, one recent economic report found that every dollar in cuts cost the overall economy \$1.50 to \$2. That is one reason the U.S. Chamber of Commerce has called for additional Federal aid for States and for cities. The Chamber also recognizes that its lost revenue will force officials out of State and local levels to either miss payments or raise taxes in order to make up the shortfall.

We know that this is impacting every part of our Nation. The longer we wait to get much needed assistance for our State and local governments, the more our communities will suffer and the more at risk we put our entire economy.

We are here. We are sort of like almost in overtime. In fact, we are in overtime when it comes to the supplemental unemployment insurance benefits having expired. We don't have time to wait. Let's pass long overdue assistance. Let's pass it so that our hometowns and our States don't take an even bigger hit that we can't afford but a hit that is avoided.

With that, I want to yield to some of my colleagues who are here to present their own perspectives, and we look forward to hearing from them. The first one, right out of the starting block, is a former Governor of New Hampshire—like me, a recovering Governor—and a terrific U.S. Senator, MAGGIE HASSAN.

I am happy to yield the floor to Senator MAGGIE HASSAN.

The PRESIDING OFFICER. The Senator from New Hampshire.

Ms. HASSAN. Thank you, Mr. President, and thank you to my colleague from Delaware, not only for the kind introduction but for the very articulate overview that he just gave of the challenge before us and the importance of providing aid in this next relief package to State and local governments. They have been at the forefront of our Nation's response to COVID-19. They provide people and businesses with vital support, scouring the world for personal protective equipment, setting up testing centers, and providing emergency relief for families and businesses. They also employ millions of essential public employees who are on the frontlines of this crisis, including first responders, teachers, and many others.

Unfortunately, as this crisis rages on, State and local communities are facing uncertainty, mounting costs, and a devastating loss of revenue. For too long, the Senate majority leader, Mr. MCCONNELL, stalled action on an

additional relief package, which has only made matters worse.

Now, as negotiations are finally underway, we must ensure that the next relief bill provides significant additional Federal resources to support State and local governments' efforts to save lives, protect the public's health, and keep the economy moving.

As my colleague from Delaware mentioned, I am a former Governor. I understand the challenges that State and local officials are experiencing. In New Hampshire, following public health guidance, local and State officials took necessary steps to close down portions of the economy in order to save lives.

They are now feeling the impacts of revenue shortfalls directly related to those actions, all while keeping up their efforts to provide the frontline services necessary to save lives and provide economic relief.

In a virtual roundtable with mayors and municipal leaders from all across the Granite State last month, officials described to me the dire situation that they are up against. Dover Mayor Bob Carrier stated: "The tsunami of lost revenue is on its way." Claremont Mayor Charlene Lovett noted how budgetary strains are halting infrastructure projects. With the added burden of increased expenses and loss of revenue, Claremont risks falling behind on much needed infrastructure improvements like fixing roads. And a number of mayors explained their challenges with budgets for the upcoming school year.

As educators and parents make decisions on whether schools will be in person, remote, or a hybrid version, local officials are facing deep uncertainty about what the operational costs for schools will be. Situations like these are playing out in cities and towns all across our country.

Without additional funding from the Federal Government, States will be forced to slash education, to slash infrastructure, and to slash public health budgets, which would be devastating, especially in the midst of a pandemic. It is not just a loss in the services that people depend on. Millions of additional jobs would be lost as well—not only the jobs of public workers, by the way, but, for example, the private vendors who often do some of this work. Think about construction workers on an infrastructure project.

Moody's Analytics reported that without significant Federal support for State and local governments, 4 million more people—4 million more people—could lose their jobs. That loss would be catastrophic. The ripple effect would be felt throughout our entire economy. We can't let that happen.

Senate Democrats are focused on providing significant economic relief for State and local governments throughout our country because we recognize that it is essential for economic recovery. And, as part of our efforts to support economic recovery, we must ensure that States have the flexibility to

use this funding to backfill revenue loss due to COVID-19 and preserve jobs. Providing this funding will mitigate some of the economic damage caused by this pandemic.

In addition, as we have heard from local leaders, from educators, from parents, it is vital that we provide separate, dedicated funding for schools. Senate Democrats have proposed \$430 billion to help schools implement public health protocols, address the challenges of students who have fallen behind, and provide quality education to all students, regardless of how the schools reopen.

Our approach stands in stark contrast to the inadequate proposal put forward by Senator MCCONNELL, which provides too few resources to schools and would actually withhold aid if schools don't fully reopen in person, even as the administration has failed to provide supplies and a strategy that would support such efforts to reopen.

We need our Republican colleagues to work with us and deliver sufficient relief without any further delay. We need to provide State and local governments—as well as our schools, our first responders, our teachers—with strong bipartisan support from the Federal Government.

I know that right now in New Hampshire, even as teachers face uncertainty, they are making lesson plans and trying to figure out how they are going to make sure that their children engage in their remote learning at home if their school system doesn't reopen, while providing services to their students as well.

All across our State, I know that if today's heavy rains caused flooding, our public workers will be out there around the clock protecting their communities. I know that our law enforcement, our firefighters will continue to respond to calls whether or not they have enough personal protective equipment because that is what they do. They protect, and they serve. They do it with dedication, and they do it with commitment. They provide essential services that keep our communities safe and healthy. It has never been as important as it is now.

All we are asking is that we come together across party lines, with the White House, and support our State and local governments in this time of need so that we can continue to fight this pandemic and so that we can continue to mitigate the economic harm that is ravaging our country.

That is what State and local aid will provide to the people of New Hampshire and the people of our country. That is what this moment—this moment of the worst healthcare crisis that we have seen in 100 years and the worst economic crisis since the Great Depression—that is what this moment demands. The livelihoods of millions of Americans and the lives of millions of Americans depend on our taking action right now.

I yield the floor to my colleague from Ohio.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. BROWN. Mr. President, I thank Senator HASSAN for her leadership. She speaks about State government and local government so well because she was Governor of New Hampshire. She is one of only two women in American history who has been a Governor and a Senator—a senator, a Governor, and then a Senator. Thank you for your ongoing leadership.

Senator CARPER, thank you for leading this effort.

We know Senator MCCONNELL's office is down the hall there. For months, we have been begging—begging—Senator MCCONNELL, begging President Trump to do something, to actually let us do our jobs. We wanted to legislate. We wanted to do the things that Senator HASSAN has just talked about.

I am not really sure how MITCH MCCONNELL has spent his summer. What I do know is that in May, the House of Representatives passed the Heroes Act. It helped local governments. It helped people stay in their homes so they wouldn't be evicted. It helped our public school system. It provided \$600 to unemployed workers, and what is remarkable about that is even during this pandemic, we haven't seen the poverty rate go up in this country because of the \$600 per week that millions of unemployed workers are receiving, which they have earned.

The House did that in May. I don't know what Senator MCCONNELL has done since—through May, through June, through July, now into August, and, finally, he comes up with something. We have asked him to extend the unemployment insurance for literally the hundreds of thousands of workers in my State, the thousands of workers in Nevada, the tens of thousands of workers in Louisiana. We have asked the President and the majority leader to extend that unemployment insurance.

But do you know what?

It is pretty unbelievable to hear of people on this side of the aisle making \$175,000 a year as U.S. Senators—most of my colleagues are millionaires—and they complain that these unemployed workers are getting \$600 a week. They complain that these workers are getting too much money as we earn \$175,000 a year.

Last week, Senator MCCONNELL finally came up with a plan that does nothing to extend the \$600 a week and that does nothing to keep people in their homes and help them pay the bills. The last thing we should want is a tidal wave of evictions so that people will have to go into crowded homeless shelters or sleep in their cousins' basements because they don't have places to live.

The bill does nothing to help State and local governments. Their plan has zero dollars for communities—for Clark County, OH, or Clark County, NV. We know how hard their budgets have been hit. Ohio's Governor has al-

ready announced \$750 million in State budget cuts, including for education and Medicaid, and counties and cities and towns are facing similar impossible choices. We know, with there being hundreds of thousands of Ohioans out of jobs, if they don't get the \$600 a week, it will mean that more of them will go into poverty, that more of them will have trouble feeding their families, and that more of them will go into homeless shelters. It will only get worse if we don't step in.

Let's be clear about what it will mean if we don't get more funding. It will mean the layoff of teachers, the layoff of firefighters, the layoff of children's services workers. It will mean less money for schools—and not just to buy new technology they need for remote learning. School costs have gone up. They have to make the buses safer and the cafeterias safer and the technology for remote learning and the classrooms safer. It will mean fewer resources for schools to expand broadband and close the digital divide. It will mean putting critical infrastructure projects on hold. It will mean property tax hikes and sales tax increases.

I have talked to mayors and teachers and school board members. I spend a good chunk of my time, as I know my colleagues do, on virtual roundtables and conference calls. I talk to mayors and teachers, school board members and firefighters, chambers of commerce, county health commissioners, and university and college presidents.

I was on the phone yesterday with 100 county commissioners in Ohio—most of them Republicans. I had a call organized by the Richland County Chamber of Commerce—my hometown—with, probably, mostly Republicans. Last week, it was the Cincinnati Chamber—probably mostly Republicans—the Ohio college presidents, and Northeast Ohio parents and educators. There was another call with Southwest Ohio parents and educators.

In every one of these calls, I heard the fear in people's voices and the demand that we do something—that we don't just walk away like President Trump and MITCH MCCONNELL are doing. They are going to either raise taxes on Ohioans who are hurting or they are going to lay off workers and cut services people rely on.

One issue that comes up over and over is the fear that communities are being set back years in our fight against addiction. The addiction crisis didn't go away; it just got layered on top of this new health and economic catastrophe. If we don't get State and local governments additional funding, they are going to cut addiction services, and they are going to cut mental health services. You know that, clearly, the number of child abuse cases has gone up during this but not the reported cases. We don't know about them because kids aren't going to school and church to be able to have teachers, parents, people in the community, and ministers report cases of

child abuse. Also, the social workers who go into the homes have been laid off.

We need to be clear about what “mass layoffs” means. It means, if a county in Ohio cuts the staff for schools, it is not just the individual educators who get hurt; obviously, our kids suffer, and the economy suffers. It means a longer recession, a deeper recession. Yet Senator MCCONNELL says 20 people on his side of the aisle are just going to walk away. They are not even willing to vote for help for schools, for unemployed workers, for people about to be foreclosed on or evicted, or for local governments. You know, the stock market is doing OK, but the stock market is not the economy.

We will not have a real recovery until we invest in the real economy in communities in Ohio and Nevada and Arkansas and across this country. Ohioans shouldn’t have to fend for themselves in the middle of a once-in-a-generation crisis. That is essentially what the Trump-McConnell plan—if you can even call it a serious plan—tells Ohio communities: You are on your own. You are on your own.

We must pass a recovery bill, and it must include new, flexible funding. Trust the communities. Trump and MCCONNELL don’t trust local communities. They send a few dollars here and there. They attach strings to it because they don’t trust local communities. I trust my local school boards. I trust my local county commissioners. I trust my local mayors. We have to get them help. They know what is best for their communities. Let them do their jobs.

Senator MCCONNELL and President Trump, let us do our jobs.

I yield the floor to the junior Senator from Nevada.

The PRESIDING OFFICER. The Senator from Nevada.

Ms. ROSEN. Mr. President, I rise today because our States, cities, and Tribes are in trouble, and they desperately need our help.

State, local, and Tribal governments are on the frontlines in this fight against the coronavirus. We have seen local leaders in each of our States step up during this difficult time to do what is necessary to mitigate the spread of this virus, to protect the health and well-being of their residents, and to prevent critical industries and institutions from failing.

Their goal is the same as ours—to protect the lives and livelihoods of the people whom they represent. I know this to be true in Nevada, where dedicated heroes are working tirelessly to combat the COVID-19 pandemic in every corner of the Silver State. However, this proactive and necessary response has not come without a cost. In addition to the coronavirus, Nevada must also deal with an alarming budget shortfall that has been exacerbated by a struggling economy that relies on tourism and a massive drop in tax revenue.

Before this crisis began, Nevada had not mismanaged its State’s finances. The State had a record-low unemployment rate of 3.6 percent, and we had a rainy day fund for emergencies, but we have needed to use hundreds of millions of dollars from that rainy day fund in order to try to address our budget shortfall. Nevada has a tough road ahead and difficult choices to make, but Nevada is not alone. Many States across the country are identical. They are in similar situations. Red and blue States are facing this very challenge due to no fault of their own. Cities and towns are struggling to contain the health and fiscal impacts of this pandemic.

During a special session of the Nevada State Legislature, lawmakers overwhelmingly approved a resolution to ask Congress and the Trump administration for funding for State, local, and Tribal governments in order to help offset an expected \$1.2 billion budget shortfall caused by this pandemic, and they needed the flexibility to spend it based on local needs.

Nevada’s Governor, Steve Sisolak, offered a stern warning, one that applies to the whole Nation: Without additional Federal support for State and local funding, States will be “forced to make impossible decisions regarding funding critical public health, education, and more.”

Without additional State and local funding from Congress, our State’s budget shortfall will make it overwhelmingly difficult to provide healthcare to everyone who needs it, to fund our local school systems, and to pay our first responders, and it would leave countless Nevadans in distress who rely on public programs.

The CARES Act established a coronavirus relief fund to support States, Tribes, and large local governments. In Nevada, that funding has helped to provide support for Medicare providers, which has allowed continued healthcare for our seniors and treatment for those high-risk COVID-19 patients. It has provided for enhanced testing and contact tracing in our communities. It has provided for childcare programs that are used by essential workers. It has provided home-delivered meals, home healthcare, and support for families and their caregivers. It has provided PPE and critical supplies, like gloves and masks and sanitizers.

Does any of this sound unnecessary to you?

This crisis isn’t over, and those needs are still here. I have spoken to mayors and county commissioners across Nevada, and they are worried. They must make it through to the other side of this crisis. They want to protect and they want to secure their communities. They are counting on us. They are counting on Congress to have their backs in this effort. Congress must ensure that support reaches all Americans in every kind of community.

One of the CARES Act relief fund’s shortcomings was that it provided no

direct support to cities and localities with populations under 500,000. For a State like Nevada, that means, except for Las Vegas, every other city in the Silver State would be excluded from direct funding from the Federal Government. That is why, in April, Senator CORTEZ MASTO and I joined Senator HEINRICH in introducing the Coronavirus Community Relief Act—legislation that would provide \$250 billion in new stabilization funds directly to cities and counties with populations under 500,000.

We know State and local leaders are the ones best equipped to respond to their communities’ unique needs, and they are desperate. They desperately need the resources to do this. Unfortunately, Leader MCCONNELL has refused to allow the Senate to take up the Heroes Act—legislation passed by the House that provides continued support for State, local, and Tribal governments, including those cities and counties with under 500,000 residents. It recognizes that the pandemic continues to damage our communities and that this recovery will take time.

The Heroes Act would allow States to pay for frontline healthcare workers, first responders, teachers, and other workers, and would continue to provide those essential services to all of our residents. The House passed the Heroes Act over 80 days ago—80 days ago—while the majority leader’s own proposed legislation, the HEALS Act, does absolutely nothing to address the critical issue of State and local funding.

Without action, States across the Nation will face consequences that could have a devastating impact on countless lives. History will judge the way we treated each other during this pandemic. Each of us in the U.S. Senate is in a position to do something—just something. I implore my colleagues to consider the lives of their constituents, to really pay attention, to really hear what is happening in their communities and in communities across this Nation—in town after town, in city after city—and I want them to remember that we are all in this together.

I yield the floor to the great senior Senator from the State of Nevada, CATHERINE CORTEZ MASTO.

The PRESIDING OFFICER. (Mr. BOOZMAN). The Senator from Nevada.

Ms. CORTEZ MASTO. Mr. President, you can hear the passion not only in my colleague Senator ROSEN, with whom I am proud to stand side by side to represent the great State of Nevada, but in all of the Senators on the floor today in their talking about this particular issue.

At kitchen tables all over the country, including in Nevada, families are sitting down and are pouring over their budgets. Too many of them are trying to figure out how to stretch those budgets with no income, and they are making difficult decisions on which bills need the most urgent attention.

Our State and local and Tribal governments across this country are doing

the same thing. With the economic downturn caused by the coronavirus pandemic, State and local governments have less revenue at a time when they need those resources to combat the virus and keep Nevadans safe. That is why, when Congress passed the CARES Act in March, the Democrats fought so hard for funding for State, local, and Tribal governments.

We wanted to make sure that State and local governments had enough cash on hand to cover the urgent costs of the pandemic so that they could keep services running and expand their responses during this crisis. We needed to guarantee these governments could cover the costs of emergency shelters for COVID patients. We had to make sure that frontline responders had enough personal protective equipment on hand for them to do their jobs. We also wanted local governments to help people stay in their homes. We allocated \$150 billion from the coronavirus relief fund for State, local, and Tribal governments in March. That was a compromise. We came together. We worked together to solve that problem. I heard on the floor of the Senate today that there is bipartisan support for this funding as well, but we all knew back in March, when we passed the \$150 billion as part of the CARES Act, that it was not going to be enough.

We weren't sure, but now we know it is not enough, and we have to do something about it.

We are seeing across the country how local governments and States are dealing with this pandemic.

Senator ROSEN just noted that in Nevada, we are in the middle of a special session. The Governor had to call a special session of our legislature because we have a budget hole of about \$1.2 billion related to COVID-19 pandemic and the impact it has had.

What is that impact? It is the impact we all have asked across this country. Listen, we are in the middle of a health crisis. Until we have that vaccine, we have to keep people safe. And the one thing that we have asked them across the country, including in the State of Nevada, in every county, is that if you shelter in place, if you go home, if you shut your business and help us stem the spread of this virus, we will take care of you. We will help you put food on the table. We will help you pay your rent, make sure you have a roof over your head, pay your utility bills. We will put money in your pockets.

Oh, and by the way, we will make sure that those small businesses have access to liquidity so that when we can come outside and outdoors again safely and securely, our economy will spring back that much quicker.

Unfortunately, when we asked everyone across the country to follow that advice and stay safe, we made a commitment to them as well—a long-term commitment—that we would continue to work together in a bipartisan way to solve this problem and make sure that people and individuals had money in

their pockets and that businesses had access to liquidity so that we could get through this crisis together.

In Nevada—and we have seen this conversation happening across the country—schools are opening in just a few short weeks, and many of the leaders in my State at the State and local level are looking to Washington for help.

Most States aren't allowed to borrow to meet these expenses, and I know our esteemed majority leader has thought that bankruptcy is an option for them, but I can tell you that for me and for Nevada, this is not an option. It just cannot happen.

In the State of Nevada, like most States, they are required by law to balance their budgets. Tribal councils, county commissions, and the Nevada State Legislature are doing what families have been asked to do—they are coming together to ask themselves how they can pay the most urgent bills in that big stack of bills that are coming due right now. They are working around the clock to get Nevadans the support they need to deliver the services they expect—everything from fighting wildfires that are happening right now in Nevada and across the West to rethinking how we address and open our schools safely for our kids and for our staff, for the teachers and the administrators. But those repairs that are required for our roads and bridges—the work that still needs to be done on a daily basis—have to continue. So governments across this country are continuing to juggle those many needs.

On top of all of that, we know we want them to all securely hold 2020 elections. We want to make sure that our families are connected to school and work, that there is no homework gap, and that Medicaid benefits to those in need are available. We need to keep EMTs on the job and help businesses comply with safety regulations during the middle of this pandemic. With all these demands, States haven't been able to keep up with those essential bills.

I will tell you this: I have talked to, in my State, like many of us do—we go home, or when we are here, we make sure that we are communicating with so many people across our State.

In Nevada, we have beautifully diverse communities, and we have urban and rural areas. I have talked to the leaders of all of our counties, our city governments, and our Governor. Whether they are Republican or Democratic or Independent, there is still one thing in common: They want us to come together to find a solution to help and support them during this time when there is no revenue coming in because our economy has been ground to a halt as we address this health crisis.

They have all asked both me and JACKY ROSEN, Senator ROSEN: Please continue to fight for us and make sure that the money not only is there and available, because we need it to keep our constituents safe, but make sure it

is flexible. Make sure we have the opportunity not just to work through the State, but that the money goes directly to some of our local governments, who I have found—and I don't know, as you all go home, but I have found that the money that we did give to them through the CARES Act has been put to good use because—do you know why—because local and State governments and Tribal governments know what their communities need.

Why should we dictate to them if they want to use that money to help people who need rental assistance at this point in time or if they want to use that money to put food on people's tables because they are not working? I mean, isn't that what this is about—all of us working together to help our families across this country, to make sure we can all stay safe but still pay those bills and still keep our families safe and make sure our businesses are taken care of.

But I know this: At the end of the day, in the middle of a crisis, our governments at the State, local, and Tribal government level are the social safety nets. Where do you think our constituents go when they need that help?

So I think and know that we have an obligation at the Federal level to continue to work with our State and local governments and our Tribal governments to provide them the necessary resources that are needed right now in the middle of this pandemic because our economy has been ground to a halt.

So I think it is time for our body to come together and do what the American people expect of us, which is to work in a bipartisan way to solve this problem and really look at how we can continue the funding that is necessary for our State and local governments. Families not only in Nevada but across this country expect that of us now.

So I would hope the majority leader would be willing to bring to the floor whatever bill is appropriate to have this discussion. And I will tell you, there are three out there right now. There is the Heroes Act, there is the SMART Act, which has bipartisan support, and there is the Coronavirus Community Relief Act. There are three bills. Let's bring them to the floor. Let's have this discussion, with the focus on coming together to get the funding to our State and local governments and our Tribal communities that is needed right now.

I yield the floor.

The PRESIDING OFFICER. The Senator from Hawaii.

Mr. SCHATZ. Mr. President, we are on the precipice of a depression because of politics. Right now, every single State and most counties and most cities are experiencing a budget crisis like they haven't seen in generations.

Tax revenues are down due to high unemployment, rising healthcare costs, and the drop in consumer spending and emergency relief costs continue to skyrocket, and that means our States, our cities, and our towns have run out of



money or are quickly running out of money. But in the latest proposal, the Republicans allocate nothing at all to State and local government. You heard that correctly. In midst of the biggest public health crisis in a century, Republicans will not send a single dollar in emergency aid to our States, our cities, and to our counties.

Economically, this is just ridiculously bad. It will cost roughly 4 million jobs, and it will have a direct impact on GDP and on the programs and services that we need in order to come out on the other side of this pandemic.

Budget shortfalls among State and local governments are approaching half a trillion already, and for my home State of Hawaii, we are confronting over a billion dollars in losses.

Unlike the Federal Government, our State and local governments are operating with finite amounts of dollars. They don't have an unlimited line of credit. And a majority of States require a balanced budget by the end of the year. So it is one thing for States and counties and municipalities to juggle and survive for a few months by moving money around, using cash flow management, paying bills late, relying on rainy day or reserve funds, but they can't do that forever. By now, many have burned up their reserves, and the cupboard is bare, and the bills are due.

The decisions that the Republicans are making right now—the official policy as it relates to funding local governments is to force millions to be laid off in the middle of the worst pandemic in 100 years.

Refusing to send aid to States and local governments isn't just cruel; it is bad economic strategy. Moody's released a report projecting that it could shave as much as three full percentage points from GDP—three full percentage points from GDP.

There are certain things that are not within the U.S. Senate's control as it relates to GDP, but this is a choice we are about to make—to lay off public service workers, to actually—I mean, we passed the PPP program, which basically subsidizes keeping people employed. We passed this expanded unemployment insurance, which—as Senator CORTEZ MASTO pointed out, we mandatorily said: Stay home, and we will take care of you. Now the official public policy of the Republican conference is to lay off firefighters and nurses and teachers.

I know that we get real heated in terms of our rhetoric sometimes on the Senate floor, and we accuse the other side of things that are maybe shading the truth in ways that are unfavorable. But I just want to point out that that is the official public policy of the Republicans right now—that States and counties and cities get zero; firehouses get zero; public health nurses get zero; teachers get zero—and that if they had their way, they would pass a coronavirus aid package that forces us to lay people off—public health nurses, public school administrators, public

sanitation workers, teachers—in the middle of a situation where the virus is much worse than it was 3 months ago and the economy is much worse than it was 3 months ago.

So I reject the premise that this is some sort of Democratic ask. Now, I could go through the list of the National Conference of Mayors, the National Governors Association, the National Conference of State Legislatures—all of the organizations that on a bipartisan basis represent governance. They all want State and county relief to come into this package. I could go through that, but I just reject the premise on a human level that we have to demand, as though it is some sort of progressive wish list—it is not a carbon tax, right? It is not criminal justice reform. It is not gay rights. This is allowing firefighters to stay employed. This is allowing our public hospitals not to lay off people in the middle of a pandemic. This is allowing our school systems not to lay off teachers.

This isn't a Democratic ask, this is an American ask, and I reject the premise that the leader of the Senate, MITCH MCCONNELL, is going to treat this as something that is to be traded for. We don't trade for keeping our firefighters employed. We don't trade for keeping our nurses employed. We just do that because it is the right thing to do, and we especially do that in the middle of the worst public health crisis in a century and the worst economic situation we have had in almost a century.

I reject the idea that Leader SCHUMER and Leader MCCONNELL and Speaker PELOSI and Secretary Mnuchin have to cut a deal on State and local funding. Every single Member of the U.S. Senate, as soon as this ends up in the bill, is going to take credit for it. They are going to say: Look, I got you money. But let the record reflect that the proposal from the Republican conference was that States, counties, and municipalities get zero, and that is not tenable.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mrs. SHAHEEN. Mr. President, I wanted to join my colleagues on the floor today to support legislation that would address the needs that we are hearing from State and local governments and that would support bipartisan legislation to address this pandemic. That is what we have had to date, and there is no reason why we can't get there this time.

As you know so well, last week the United States crossed a devastating milestone. More than 150,000 Americans, including 417 Granite Staters, have died due to complications from COVID-19. Sadly, as we all know, those numbers keep increasing. The coronavirus pandemic has also wreaked havoc on our economy. The Commerce Department reported on Friday that our gross domestic product had shrunk

to nearly 33 percent—the sharpest economic decline in modern American history.

For months, my colleagues and I have been coming to the floor, week after week, urging the majority to take up proposals that would provide critical changes to our healthcare system and comprehensive relief for our economy, but what we have gotten is a package that fails to address many of the concerns I have heard from Granite Staters.

The bill that was presented to this Senate by the Republican majority doesn't provide dedicated funding to help nursing homes and long-term care facilities, which are the most vulnerable to COVID-19. In fact, in New Hampshire, 80 percent of our deaths from coronavirus have been to people in long-term care facilities—the highest percentage in the country.

This package doesn't include housing assistance and eviction protections. It inadequately funds testing, and it pressures schools to reopen in order to receive assistance.

Importantly, the bill lacks any support for State and local governments that are struggling to maintain essential services while they are also on the frontlines battling this pandemic. Every day, mayors and community leaders tell me about what they are facing—the massive reduction in local tax revenues and increased costs due to COVID-19 response efforts. These challenges have left our State and municipal governments in dire straits.

I would like to read an excerpt from a letter I received from Mayor Joyce Craig, the mayor of Manchester, New Hampshire's largest city. She says:

Prior to the COVID-19 pandemic, Manchester was thriving. Over the past two years, we saw over \$250 million in new, private investments in economic development; we expanded air service from the Manchester-Boston Regional Airport; and we were seeing a continual decrease in opioid overdoses. But due to the COVID-19 pandemic, our bright path forward has grown foggy, and I am concerned about what lays ahead for my city.

Mayor Craig goes on to say that since the pandemic began, Manchester's revenue is down by over \$3.5 million, including a \$1.6 million decrease in property taxes that are collected. In total, the State of New Hampshire expects to experience a budget shortfall of nearly \$540 million. That is about a 20-percent drop in State revenues.

Mr. President, I ask unanimous consent that the letter I quoted from Mayor Craig of Manchester be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:



JULY 27, 2020.

Senator JEANNE SHAHEEN,  
Washington, DC.

Senator MAGGIE HASSAN,  
Washington, DC.

Congressman CHRIS PAPPAS,  
Washington, DC.

Congresswoman ANNIE KUSTER,  
Washington, DC.

DEAR SEN. SHAHEEN, SEN. HASSAN, REP. KUSTER & REP. PAPPAS: Thank you for your leadership in the midst of this global pandemic.

As you know, New Hampshire's cities and towns are on the front lines of responding to COVID-19. Day in and day out, we see the direct impact this pandemic is having on our residents, businesses, and non-profits. It's a time of disruption like we have never experienced before.

None of us know how long this crisis will last, but we are thankful for your tireless efforts to advocate for Granite Staters through the 'Coronavirus Aid, Relief, and Economic Security (CARES) Act. I am writing you today to urge you to support and advocate for sending additional relief directly to municipalities like the City of Manchester in the 'Health and Economic Recovery Omnibus Emergency Solutions (HEROES) Act.

Prior to the COVID-19 pandemic, Manchester was thriving. Over the past two years, we saw over \$250 million dollars in new, private investments in economic development; we expanded air service from the Manchester-Boston Regional Airport; and we were seeing a continual decrease in opioid overdoses. But due to the COVID-19 pandemic, our bright path forward has grown foggy, and I am concerned about what lays ahead for my city.

Just as many small businesses and corporations are struggling, so are our municipalities. In an effort to reduce the financial burden on our citizens and business, local governments have absorbed many costs, which has resulted in a significant reduction in revenue. Since the pandemic began, our City's revenue is down by over \$3.5 million to date, including a \$1.6 million decrease in property taxes collected, and a \$750,000 in parking revenue reduction. Additionally, our partners, like the New Hampshire Fisher Cats, are asking for financial help from the City to ensure they make it through this difficult time.

While Manchester and other New Hampshire cities and towns have received some additional funding through the CARES Act, we are extremely limited in the way that we're able to use these funds. We are often unable to be reimbursed for the expenses that the City needs most at this time, like revenue losses, property tax relief and affordable housing.

We have had to make hard decisions to keep our city afloat. City departments have had to hold 28 vacancies, have put a freeze on all non-essential spending, and have been forced to reduce some City services, like parks and recreation activities and facilities. Our city employees have gone above and beyond to fill these gaps, but without additional funding, our staffing and service reductions will continue to grow.

Our citizens are fueling the burden of the COVID-19 pandemic. Many have had their hours cut back or have lost their jobs. They have lost childcare, and some are on the verge of losing their homes. At this difficult time, cities need to be increasing the services that it offers to our residents, not decreasing them. Manchester is facing an affordable housing and homelessness crisis that has been exasperated by COVID-19. As we inch closer to the moratorium on evictions being lifted, it is more important than

ever that municipalities like Manchester receive federal funds that can be used to prevent homelessness and alleviate our housing crisis.

Just as financial assistance was sent directly to individuals and small businesses impacted by COVID-19, the cities and towns managing local responses to this pandemic should be allocated the necessary resources to properly care for our citizens.

I appreciate the work that you are all doing in Washington to fight for the people of New Hampshire. When you are fighting for the Granite State in Congress, I urge you to keep the State's municipalities in mind.

Sincerely,

JOYCE CRAIG.

Mayor,

City of Manchester.

Mrs. SHAHEEN. Today, I also spoke to the mayor of Nashua, Jim Donchess. The mayor told me that he expects to lose 10 percent to 20 percent of the revenue base in Nashua. That is \$7 million to \$15 million. That means that services would be affected and workers would have to be laid off.

In fact, as he told me, if he had to take all of the savings that he would need to achieve from the revenue losses from just one agency, it would result in laying off half of the entire police department in the city or laying off 150 to 200 teachers. Obviously, that is not tenable.

I also heard from the mayor of Berlin, Paul Grenier, the mayor of New Hampshire's northernmost city. He told me because of the impacts of COVID-19, the State of New Hampshire is also facing revenue shortfalls. As I said, they are expecting about \$540 million in revenue losses. As he said, if the Federal Government doesn't provide some help to State and local communities, his city of Berlin is expected to lose not just any potential funding at the Federal level but State funds it had budgeted for because it was anticipating that it would get State funding as it usually does. So losing help from Congress in any COVID-4 package would have a double impact on the city of Berlin and other cities and municipalities across New Hampshire.

I heard from mayors, town administrators, from local leaders, and from our Republican Governor Kirsten Noonan. All of them are grappling with whether they will be able to fund the services that they have committed to, whether they will have to lay off first responders, firefighters, police and teachers if Federal assistance doesn't arrive soon.

New Hampshire is not alone. We just heard Senator SCHATZ talking about the impact on Hawaii and Senators CORTEZ MASTO and ROSEN talking about the impact on Nevada. Everyone who has been to the floor is talking about what will happen in their States if we don't do something to help.

No State could have anticipated the economic fallout from this pandemic. That is why it is essential that Congress provide Federal support to help State and local governments as they respond to this crisis.

We have done that before in the bipartisan CARES Act. New Hampshire

was able to receive \$1.25 billion to help reimburse the State for its COVID-19 response. These funds have been used in New Hampshire to create relief programs for county and municipal governments, small businesses, nonprofits of all sizes, frontline workers, and for healthcare providers. But of course, as we know, that money is running out, and so more needs to be done.

We need State and local funds to provide additional support for families who are experiencing housing insecurity or homelessness, minority- and women-owned small businesses and individuals in recovery or are in need of mental health services. New Hampshire has been severely affected by the opioid epidemic, and people who have substance use disorders are feeling the impact of this coronavirus perhaps more than their neighbors and other people in our State.

In addition to providing dedicated funding for State and local jurisdictions, the next relief package should remove bureaucratic restrictions preventing these governments from using emergency relief funds as they see fit. Congress should also provide dedicated funding for counties, cities, and for municipalities with fewer than 500,000 residents. They need access to this funding because they are just as much on the frontlines—the rural communities in my State—as the biggest cities in this Nation. Communities of all sizes are facing substantial loss of revenue due to COVID-19, and they need our help.

Local leaders are calling out for help. We can't just sit idly by and let these governments go bankrupt, as the majority leader suggests.

This shouldn't be a partisan issue. We all have a common interest in preserving as much of our economy as possible so that we are positioned for a full and robust recovery once we get this coronavirus behind us. So I would hope that all of my colleagues in the Senate would recognize the urgency of this situation we are in and that we will take up and pass legislation that will provide assistance to State and local governments and provide the relief that Americans are calling for.

The House passed legislation more than 2 months ago. Too much time has been lost, and it is time for Congress to act now.

I yield the floor.

The PRESIDING OFFICER (Mr. CASIDY). The Senator from Rhode Island.

Mr. REED. Mr. President, we are heartbroken for the more than 155,000 Americans we have lost in this pandemic. We are grateful for those on the frontlines—the doctors, nurses, the healthcare workers who have served and sacrificed, and we are committed to finding a better way forward.

There is no excuse for how this virus has spread here in the United States. We have the capacity, the expertise, but we have not demonstrated the coordinated strategy or Presidential leadership to overcome this pandemic

and economic disaster. Instead, the President engages in a pattern of denial and delay, downplaying the scope of this crisis.

This failed approach has led to thousands of premature deaths, double-digit unemployment, shuttered businesses, and spiking infection rates throughout the country. The economy will not snap back until we get COVID-19 under control and until States and communities have the resources they need to get a handle on this public health emergency.

The costs of fighting COVID-19 is rising. State and local budgets are now under severe strain while demand for essential public services, including medical care, safety, and sanitation, is going up and up and up. Moreover, schools need additional resources to reopen and support students, and the revenue that is coming in to our States and cities and towns is insufficient.

Without more help, they will be forced to make drastic cuts which, in my State, could mean cutting critical funding for hospitals and nursing homes in a State with one of the oldest populations in the country, zeroing out the State's job training program, closing a prison facility, cutting Medicaid eligibility for vulnerable adults, and reducing childcare reimbursement rates, impacting working families and childcare providers throughout the State.

With State and local governments forced to lay off more workers, the unemployment crisis worsens, the customer base for Main Street shrinks, and the economy slides even further away from rebuilding. Indeed, the U.S. economy shrank at a 32.9-percent annualized pace between April and June.

We must break this vicious cycle by passing another emergency relief package that is right-sized to the challenge.

The CARES Act is about \$1.7 trillion, a huge number—difficult to fathom. It wasn't enough. Not even close. In fact, the pricetag was smaller than the 2017 Republican tax bill. Those who now claim they can't afford to help the unemployed and the communities throughout America are the same who quickly passed that \$1.9 trillion tax bill in 2017, which largely benefited big businesses and the very wealthy at the expense of the average taxpayer who needs our help now.

If there was a will then to spend so much so quickly on an ill-conceived and misdirected tax bill, the majority should have no qualms about spending whatever it takes now to beat this virus that is attacking our citizens and our economy.

For starters, we need improved testing and contact tracing, more support for our hospitals and healthcare providers, and an effective approach to vaccine development and distribution. All while preserving as much of our economy as we can to have a strong foundation from which to rebuild and rebound.

As Federal Reserve Chairman Jay Powell said last Wednesday, "The path of the economy is going to depend to a very high extent on the course of the virus, on the measures that we take to keep it in check. . . . We can't say it enough."

That is why we need additional and flexible Federal assistance for State and local governments that are fighting this virus on the frontlines while also trying to keep their local economies afloat. I said before the CARES Act passed, we needed \$750 billion for State and local governments to do both. The CARES Act included \$150 billion, and I have new legislation to provide \$600 billion more.

We should support our State and local governments because they support our economy and, just as importantly, they protect our constituents from COVID-19.

By standing in the way of additional Federal funds for State and local governments, Republicans may force these governments to raise taxes on our constituents, make additional cuts to critical services, or worst, do both. Let's avoid more self-inflicted pain.

Getting a handle on COVID-19 also means keeping families in their homes and avoiding waves of evictions and foreclosures that would lead to a major spike in homelessness, which would likely mean more infections.

At the same time, we should continue expanded unemployment benefits and provide nutrition assistance so people in desperate circumstances, through no fault of their own, can afford to pay their bills and eat. We must provide relief for the hardest hit businesses, many of which will continue to be shut down for the foreseeable future, including relief to the transportation sector.

Any agreement should also include more help for childcare providers, public schools, and college campuses to safely reopen, and support for libraries to keep our communities connected. We must do all of this so that once we have gotten a better handle on the coronavirus, we have enough workers and businesses with which to rebuild our economy.

We also can't lose sight of the need to safeguard our election infrastructure. Our Nation and our economy can't take any more uncertainty. Hand in hand with that is supporting the U.S. Postal Service and its employees, who will play an integral role in delivering mail ballots and are continuing to provide a lifeline to Americans.

For the past 60 consecutive years, Democrats and Republicans have come together to strengthen our national security by passing the National Defense Authorization Act. I hope we can carry this same spirit of courtesy and cooperation as we craft the next fiscal relief package. Indeed, our national security also depends on the critical pillar of a strong and vibrant economy. We need to act sooner rather than later on a comprehensive and robust fiscal package.

With that, I yield the floor in the hopes that we will move quickly to legislation that will satisfy the needs of our cities and towns of all Americans so we can move forward together.

Thank you.

The PRESIDING OFFICER. The Senator from West Virginia.

#### TRIBUTE TO GEORGE KAROS

Mrs. CAPITO. Mr. President, I rise today to honor and thank a very good friend of mine, Mayor George Karos of the city of Martinsburg—I said his name wrong, and I don't want to do that because he is a good friend of mine—for his great service to the city of Martinsburg and the entire State of West Virginia.

He was always really great to work with and always gave credit to staff, and he did it with such good humor.

George is the son of Greek immigrants who did not speak English when they came to this country. They moved to Martinsburg before he was born. George was born in the early 1930s. George has called Martinsburg his home his entire life.

Growing up, he worked at Patterson's Drug Store on Queens Street, where he swept the floors and rode his bike to deliver prescriptions. Over time, he worked his way up in the ranks, taking over the soda fountain and eventually worked as an assistant in the pharmacy section of the drugstore.

George did leave Martinsburg briefly when he served his country in the U.S. Naval Hospital Corps, where he was stationed at both Bethesda Naval Hospital and Quantico Marine Corps Base in Virginia. He eventually returned to his home that he loved—Martinsburg—and he returned to Patterson's Drug Store, which he later bought in 1980 and operated until his retirement in 2015. He then began a career as a public servant.

George was first elected to the city council as a councilperson-at-large in June of 1974, where he served for 26 years.

Following this, he decided to run for mayor of Martinsburg, and he served as the mayor for about 20 years and will retire this year at the age of 88.

George and I started our careers together. I started as his Congresswoman in the year 2000, and George started as mayor.

I know I speak for all of those from the Martinsburg community when I say that Mayor Karos truly made Martinsburg a better place to work and live.

I have had the honor and privilege of working closely with Mayor Karos during his entire time serving as the mayor of Martinsburg. We had a field hearing out in Martinsburg, and I remember the mayor being there and welcoming us. I see him at many ribbon cuttings and openings. I have been to his drugstore to be served at the counter. He is just a wonderful, wonderful man.

One of my proudest moments with Mayor Karos was when we successfully secured the funds for infrastructure improvement, such as the Big Spring water plan and the Raleigh Street expansion project. George also helped create The Martinsburg Initiative most recently, which is a program I have spoken about before many times on the Senate floor.

This initiative is spearheaded by the Martinsburg Police Department, the Berkeley County Schools, and Shepherd University, as well as a wide array of local partners, such as the Boys and Girls Club of the Eastern Panhandle.

The goal of the program is to stem the horrible opioid addiction problem by identifying and trying to eliminate the basic causes of drug abuse in at-risk families. The mayor has been dedicated to this. The program is extremely successful and has made a tremendous impact in the Martinsburg community.

It is also a perfect example of how a community can come together at different levels and work together to create a lasting and impactful solution to a big, big problem.

Through the actions taken under Mayor Karos's administration, countless children in the Martinsburg area have now seen that there is a life away from illicit drugs and opioid addiction.

George exemplified hard work, dedication, and loyalty. He still does. This is evident in the length of time he served his community and also through the results that came from his vision and his collaboration with so many others in Martinsburg.

The rest of the State agreed with this because George was named "Mayor of the Year" and "Public Official of the Year." This came as no surprise to me and many, many others.

George's favorite motto is "Plan your work and work your plan." That is what the mayor did. His second motto was something I think we could probably use around here: "A closed mouth catches no flies." These were the words George followed every day when he was working as mayor. They helped to keep progress moving, and they perfectly describe how George conducted himself each and every day, which is why he was reelected many times but also so beloved in his community.

After 46 years of devoted service to his city and the community, Mayor Karos is retiring. While I am sad that this chapter is coming to a close, I am grateful for the opportunity to work together with him to better the city of Martinsburg. His leadership, successes, and his life mottos will serve as an example to follow.

I really thank Mayor Karos for being a good friend and for letting me get to know him. I really thank him for his service and wish him the very best in his retirement.

I yield back.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. WHITEHOUSE. Mr. President, I had the chance to at least hear the end of Senator CAPITO's speech. I thank her for the work she has done on the opioid issue that she was talking about. It is one of the very productive areas of bipartisanship going all the way back to CARA with Senator PORTMAN and myself. I know West Virginia, like Rhode Island, had a terrible situation. I appreciate very much her comments.

#### CLIMATE CHANGE

Mr. WHITEHOUSE. Mr. President, I am here today for a different topic. I am here for the 269th time with my increasingly battered "Time to Wake Up" poster to try to alert this Chamber to the threat of climate change—something, obviously, Louisiana knows very well—and to the forces that are blocking action on climate.

In these climate speeches, I have talked often about the insidious encroachment on American Government of special interest power, which is what is behind all this climate denial and obstruction.

It didn't happen on its own. The fossil fuel industry's political forces used the cover of anonymous funding—what we call dark money—and they used phony front groups and clever propaganda to accomplish their aims.

In effect, these fossil fuel political forces have run a covert operation against our own government. We observe the disturbances; we hear the rustling in the leaves; we see strange sites, but many of us haven't connected the dots. Those who are familiar with some of the elements may not put the whole story together. Some are so accustomed to this sinister behavior that they think it is normal. Some folks are like a city dweller in the jungle, needing a field biologist to identify the behaviors going on around them.

Let me give you this field biologist's overview. We understand pretty well the crew of bad actors lurking behind climate denial. Democrats in the Senate have repeatedly called out and reported on this web of denial funded by the fossil fuel industry. Investigative journalists like Jane Mayer and scholars like Naomi Oreskes have dug into this scheme. There is actually a robust academic subspecialty that analyzes this web of denial as a novel socioeconomic and political phenomenon.

The covert special interest machinery behind that effort is not just dedicated to opposing climate legislation. Another covert operation it runs is chronicled in our recent Senate Democrats' report here that examines the bad actors behind the special interest Court capture operation. This operation has crept forward over years, even decades. The Republican Party is more the tool of this effort than its principal. Big donors are behind it. The goal here is to fashion for the donors a Supreme Court that will not just rule for but reset society's ground rules to favor the big donors behind the scheme.

On yet another front, there has been recent public reporting revealing the bad actors rushing to stand up a new and improved Republican voter suppression apparatus as they start to panic about the November election.

Earlier this year, longtime partisan court fixer Leonard Leo stepped down from his formal role as executive vice president of the Court capture command center at the Federalist Society. At the same time, a mysterious new project called the Honest Elections Project began voter suppression work in swing States like Florida, Nevada, Wisconsin, and Michigan. It ran ads accusing Democrats of cheating with mail-in ballots; it sent threatening letters to election officials challenging voter rolls; and it filed legal proceedings—lots of legal proceedings—arguing for more voting restrictions ahead of November.

But in their hurry, they did a weak job of covering their tracks. Reporters quickly uncovered that the Honest Elections Project is a rebrand of the Judicial Education Project—a key cog in that same Leonard Leo's machine.

As the Guardian reporters who broke the story observed, "By having a hand in both voting litigation and the judges on the Federal bench, [Leo's] network could create a system where conservative donors have an avenue to both oppose voting rights and appoint judges who would back at that effort."

Last, we pretty well know who funds the massive and often anonymous political operation that props up the Republican Party. Take 2016, for instance, when the fossil fuel billionaire Koch brothers' political operation spent \$2 million on ads targeting viable Democratic candidates in just two Senate races—Ohio and Wisconsin.

Over a year before the election, they were already at work bombing those candidates. They didn't use their names. They hid behind phony front groups. It took years to dig this out, but that is what happened.

The anonymously funded U.S. Chamber of Commerce spent nearly \$40 million in 2016 and 2018 supporting Republican House and Senate candidates.

Dark waves of untraceable dark money pour everywhere into Republican elections. From slips and leaks and investigative reporting, we can see enough overlap across these four efforts to state the general proposition: It is the same crew.

If you look at it as a covert operation run by special interests against their own country, it has at least these four programs, but it has one set of interests behind it: They run the climate denial covert op. They run the Court capture covert op. They rushed out the voter suppression op. And, with their money, they captured the Republican Party to use as their front.

If this operation were not covert, if it were obvious, if the press and the public could readily connect the dots, it wouldn't work. People would know it was fossil fuel polluter money. They

would get the joke. That is why it has to be a covert operation, and that means it needs dark money—anonymous, untraceable funds.

A virulent little galaxy of 501(c)(4) groups, shell corporations, donor trusts, and other screening tools has been crafted to anonymize the donors and hide the connections. Why? Because the blood pumping through this beast that gives it life is dark money. If we expose that secret blood flow, the whole beast shrivels up: no dark money, no covert operations.

That is why efforts to expose the dark money donors provoke such hysterical reactions from the front groups and from their operatives and from their mouthpieces like the Wall Street Journal editorial page.

I have experienced these hysterical reactions over and over. Indeed, there was one in the news today. This speech might provoke even another.

But at the end of the day, as Americans, I believe we share the proposition that nothing could be more corrupting than large flows of anonymous money in politics. That sort of money doesn't even have to be spent to be corrupting. The mere threat of a political attack can do the job, and the donor saves the money. Or it could be a private promise of unlimited support.

Once a political weapon is permissible, private threats and promises to use or withhold that weapon are inevitable, and they are inevitably corrupting.

But don't think the prospect of corruption daunts the schemers. A political regime that allows their corruption and helps cover up their covert operations is precisely what the dark money donors want.

Why else would we do nothing about climate change when it is so obvious? Why else would we ignore every respectable scientist in the field? Why else ignore warnings of financial meltdown looming from bankers and economists across the country, even across the world? Why else ignore the fires that are burning up Siberia, for Pete's sake, and, closer to home, the flood warnings along our coasts and the droughts and the floods and the storms across our States?

When astronomers see celestial bodies behave inexplicably, they look for the dark star, the black hole that influences the behavior of the visible bodies. Dark money is the dark star, the evil star influencing Congress's behavior—or I should say misbehavior—on climate change.

So a preview of coming attractions here: The dark-money-funded race to capture the Court is also a race by the schemers to establish a new constitutional doctrine protecting their dark money schemes. Such a doctrine is already being grown in the dark-money-funded ideological hothouses, a theory that dark money anonymity is protected by the First Amendment rights of association and petition—a theory giving powerful interests the constitu-

tional right to run covert operations against their own government, leaving regular citizens beguiled or bewildered.

That theory may seem ludicrous, and, indeed, this notion got only the one vote from Justice Thomas in *Citizens United*, but remember that Thomas is the dark money crowd's leading indicator on the Court.

Don't scoff. This argument is now popping up all over the corporate right-wing. Twice so far I have had corporate entities from whom I requested information about their dark money dealings "plead the First" in response to my questions.

The game is on, whether we realize it or not, and one of the stakes in the game is climate action. We cannot be idle about this. Groups that run covert operations against our own country are not to be trusted with that country's welfare.

What a foul convergence it would be if the dark money schemers used dark money to fund a Court capture operation that delivered a Court-created doctrine hatched in dark money hot-houses, protecting that dark money from disclosure for eternity, permanently etching into our Constitution this pathway of corruption.

As I have said over and over, take away the corrupting dark money weaponry from the fossil fuel industry, and we solve climate change. We have lost a decade to *Citizens United*, the decision that gave this industry the weaponry to kill climate bipartisanship. It is a decade we and our children will rue having lost.

Let's lose no more time. Let's, once and for all, root out the corrupting dark money machinery, expose its nefarious and crooked covert operations, shut it down, and start running a real democracy around here again.

If we can't do this now, then let's pray for an election that lets us do it soon.

I yield the floor.

The PRESIDING OFFICER. The Senator from Ohio.

#### THE GREAT AMERICAN OUTDOORS ACT

Mr. PORTMAN. Mr. President, I am here on the floor today to talk about some positive news and some positive news that happened just today. It is not about the coronavirus. It is not about politics. It is not about Hurricane Isaias.

It has to do with some urgent and historic help for our national parks, something that is really important to all of us. We all love our parks.

Today President Trump signed into law the landmark Great American Outdoors Act, landmark, bipartisan legislation that will protect and conserve our public lands. I am happy to see this effort finally cross the finish line because the natural beauty and rich history of America is something that we must preserve for future generations.

A big part of the new law is bipartisan legislation that is called the Re-

store Our Parks Act that I have worked on for more than 3 years with my colleagues on both sides of the aisle. Senator MARK WARNER from Virginia was my partner in this, as well as Senator LAMAR ALEXANDER of Tennessee and Senator ANGUS KING of Maine. Our legislation involves urgent stewardship of our national parks, which is something that I have spent more than a dozen years working on. I guess I shouldn't admit that. Sometimes things take a long time around here. But going back to my days as Director of the Office of Management and Budget under President George W. Bush, I started focusing on this issue of the backlog of maintenance projects at our national parks.

It is alarming. It has been growing. It now adds up to over \$12 billion, far more than the parks could ever afford to take care of based on the annual budgets we provide them from Congress. By the way, the annual budget from Congress for all operations and all maintenance is less than \$3 billion. Yet there is a \$12 billion maintenance backlog.

When Teddy Roosevelt started the national parks, he wanted to preserve some of the most beautiful, pristine lands in America. He wanted to be sure they were going to be there for public use. It was a good decision. We now have 84 million acres of parkland all around the country. Some are those beautiful, pristine places like Yosemite and Yellowstone and the Tetons with spectacular, beautiful vistas, but others preserve our history.

We have historical parks around the country. We have battlefields that we have preserved around the country to tell the story of our country, good and bad. We have Presidents' homes that have been preserved to be able to help, again, tell the story of America.

Recently, I was at one of our national park sites in Ohio, and it is the home of an individual who was the first Black colonel in the United States Army. He was also the first Black superintendent of a national park. The home is also a site on the Underground Railroad, so it is a place where people can go and see where escaping slaves were harbored and understand more of the history, not just of slavery but also of the cooperation and the seeking for freedom that came out of the Underground Railroad. This is the Charles Young home near Xenia, OH.

So our national parks are really important for so many reasons. Yet, during the past couple of decades, we haven't taken care of them as we should, and this backlog has built up.

People appreciate our parks. During the past decade or so, we have had an increase of about 58 million in the number of visitors to our national parks. More are coming every year. Why? It is a relatively inexpensive vacation. They are beautiful. People from all over the world know about our national parks, and it is one of the things they love about America.

The problem is that, when these people visit the parks nowadays, they are

going to find that, over the years, we haven't kept up with these maintenance needs so the water systems, the roads, the bridges, the bathrooms, the visitor centers, some of the trails—many of these are now in bad shape. Some are closed, actually.

When you go to a national park, you may find that a facility is closed because of a lack of funding for the deferred maintenance. We just haven't had the funding to do the capital improvements they need so that they can stay functional.

Just the other week, I saw that first-hand at Cuyahoga Valley National Park in Northeast Ohio. It is a great park. It is the 13th most visited national park in America. It kind of runs between Cleveland and Akron, OH.

It suffered from these deferred maintenance problems for years. I saw a crumbling trail. I saw trails that were falling into the Cuyahoga River and couldn't be used. I saw rusting historic train tracks that run through the park. It is a tourist railroad that runs through. Train tracks are an expensive thing to replace. Again, it has to be done. I saw a bridge that was really unsafe to be on and has to be restored. It is a historic bridge. We want to preserve it, but the costs are just too high given the annual budget for that park.

Their maintenance backlog at that park alone is \$50 million, yet their annual budget is about \$11 million, which goes to the rangers and the programs and the maintenance and operations but is not enough money to take care of these big problems.

In a way, by not fixing these problems, we are also increasing the cost. Think about it. These costs compound year after year. In your own house, you might think about what happens if you don't fix the leak in the roof. What happens is the drywall begins to have problems. You might have mold. The floors begin to get wet and wood floors begin to buckle. You have additional costs that, if you had just fixed that roof, you wouldn't have.

Well, that is where we are with the parks. If we take the time and the effort to make the fixes now, we will save money over time for taxpayers because we will not have the compounding costs. Every day, it gets worse and worse.

Now, finally, we have come up with a way to deal with it. Congress has asked our parks, over the last few years, to give us their deferred maintenance projects with specificity: What are your priority projects? What are the top priorities? We have asked them to lay it out in detail.

It has been very helpful because we now know we have over \$12 billion in maintenance needs but about \$6.5 billion of that is high-priority projects—the projects most in need of immediate attention. We know what they are. They are shovel-ready. They have been vetted. We are proposing a source of funding to be able to deal with that because, again, the annual appropriations

process does not come near enough to matching what we need to have done.

The highest priority needs at the parks is about \$6.5 billion. In this legislation—now law of the land—royalty income is taken from onshore and offshore oil and gas, and some of that royalty is directed toward this use.

The next 5 years, enough of that funding will be there to deal with the \$6.5 billion, half of the maintenance backlog. We would like to do better, but, frankly, this is historic. Never have we had so much funding go to the parks, never have we been able to deal with these backlogs that have built up over years.

It is really a debt unpaid. That is how I look at it. It is something we should have been doing all along. We weren't. The costs have now snowballed, and now we need to deal with it. It is not so much a new responsibility as it is stewardship we never did in the first place. It is a debt unpaid.

Second, again, it is going to save us money over time—assuming we want the parks to be working, we want the trails to be open, we want the visitors centers to be welcoming—all of which, of course, we do want and we must have.

The bill is not just important for our parks but also our economy, too, because these projects are infrastructure projects. We have talked a lot about that here on how to get more jobs into our economy right now. With the impact of coronavirus on our economy, we need more opportunities out there. Infrastructure is one. These are infrastructure jobs—over 100,000 new jobs in this legislation alone.

Again, these projects are shovel-ready. They are vetted. They are ones that Congress—thanks to our asking the Park Service for the information—knows what jobs are out there and what projects need to be done.

It is a long-term investment too. As of 2019, visitor spending in communities near our parks resulted in \$41.7 billion of benefit to the Nation's economy and supported 340,000 jobs. It is new jobs in terms of construction, but it is also ensuring the parks continue to be able to be attracting these visitors, which adds such a big economic boost to our economy.

I am proud that Congress has come together as Republicans and Democrats in a nonpartisan way to support this important initiative, and I am thankful for the President and his support. He showed bold leadership by saying: You know what, we are going to do this. Other Presidents have talked about it. In the last three or four administrations, we have talked about it. Again, I have been working on it for a dozen years. Now we have actually been able to do it.

I also want to thank the Director of Office of Management and Budget, Russ Vought, for his help; the Secretary of the Interior, David Bernhardt; and other members of the President's team, including Ivanka Trump, who

has always been strongly supportive of our national parks.

This is about responsible stewardship. These repairs were a debt unpaid. We are finally addressing them before the cost increase. Our parks have stood tall for more than a century now as the embodiment of American history and our shared commitment to preserving some of our most magnificent lands. Thanks to Restore Our Parks Act, we will now ensure that those parks stand tall for centuries to come.

#### HEROES ACT AND HEALS ACT

Mr. PORTMAN. Mr. President, I also want to talk this afternoon a little about the Heroes legislation, the HEALS legislation, and some of the commonalities I see between the two. On the floor of the Senate this week, there has been some discussion about the need for us to come together in a bipartisan way to put together a package to deal with the coronavirus. Some call it the COVID 5.0 package. It is really probably 8.0. We have done a lot of legislation already, but there are things that still need to be done and some urgent matters, including dealing with the expiration of the unemployment insurance.

I am on the floor today to talk about how I see the opportunity for us to move ahead by looking at some of the commonalities between the Democratic support and the Republican support for different legislation. As we all know, the discussions over the past week have not moved forward as quickly as we would like. In fact, it is pretty discouraging. Despite the fact that many people thought the Heroes Act was really a messaging bill—POLITICO wrote a story, one of our news media sources up here—and said: “a messaging bill that has no chance of becoming law.” Others made the same comments. Why? Because it was a \$3.5 trillion pricetag for legislation, which would make it by far the most expensive bill ever passed by either House of Congress. But also, at a time when we had \$1.1 trillion leftover from the CARES package and States have only allocated an average of about 25 percent of their CARES Act funding, it seemed like pushing taxpayers to foot the bill for the costliest legislation in history maybe wasn't the right way to go.

Also, it had virtually no support from Republicans. Also, this legislation included a lot of stuff that had nothing to do with COVID-19. The sense was: Yes, it is an important messaging bill for Democrats—that is out there—but that we needed to figure out a way now to come together as Republicans and Democrats.

Leader MCCONNELL also introduced legislation. That legislation is called the HEALS Act. It is time for us to figure out how to come together and figure out a solution going forward. Particularly with regard to some of these

urgent matters like unemployment insurance, we are already past time. Unemployment insurance already expired last Friday. We have to move forward with that. We should not be playing politics with people's livelihoods and making this a political football.

Last week, and again today, my colleague from Arizona, Senator MCSALLY, introduced what I thought was a great commonsense idea: Let's extend the existing unemployment insurance, \$600 per week Federal supplement, for another week while we continue these negotiations so that people are not going to see their unemployment insurance checks decrease substantially. They would lose all the Federal benefit unless we do that. They would still have the State benefit but lose the \$600 per week.

Unfortunately, Senate Democrats said no, objected to this commonsense idea. I don't quite get that. I think we ought to keep the \$600 in place while we negotiate for the next week, and we ought to be sure and put the interests of the American people first and come to a commonsense solution. Now isn't the time for games. It is the time to get it right.

I also note that with regard to unemployment insurance, there are lots of ideas out there. For the last few months, I have been proposing the idea of a return-to-work bonus. Maybe that is not the best idea. Maybe people have better ideas. The notion there would be the \$600, which is the current Federal benefit, allows people on unemployment insurance, in many cases, to have more income on unemployment than they would working.

According to the studies that have been done, including by the University of Chicago, about 68 percent of the people on unemployment insurance are making more money on unemployment insurance than they were making at work.

Most Americans, including most Members of this Chamber—Republicans and Democrats alike—think that is not right. You shouldn't make more not to work. Unemployment insurance is meant to give you a little help. In Ohio, it is about 50 percent, up to a certain cap, but it is not meant to replace your wages, plus—which is what is happening—on average, 134-percent increase in wages if you are on unemployment insurance.

There must be a way for us to come together and to solve this problem. There are Democrats and Republicans alike who have talked about perhaps lowering that amount from \$600. I heard one of my Democratic colleagues on the floor today—the Senator from Oregon—talk about maybe you can tie it to the unemployment in the State. Others of us, again, and I have talked about the return-to-work bonus. You could take some of that \$600 with you and go back to work, which would deal with, on a voluntary basis, the need for people to go back to work because employers are looking for folks.

Right now in Ohio, we have a lot of jobs open, a lot of manufacturing jobs, as an example. I was at a plant recently—a Ford plant—where they are looking for people. They have a 25-percent absenteeism rate right now. They attribute a lot of that to the fact that people can make more money on unemployment insurance, but they need the workers badly.

There are Honda plants in Ohio—that is another one of our manufacturers—where the white-collar workers are going to work on the assembly lines because they can't get enough workers coming in.

I hear it across the board. I have heard it from those who are involved with developmental disabilities trying to get their workforce back. I have heard it from people who are involved with the treatment for opioids, so the alcohol and drug addiction boards are trying to get their people to come back to work. I have heard it from our small businesses that are trying to figure out how to reopen and reopen safely but have a tough time getting people to come back to work. There is a need for us to figure this out.

For the workers themselves, it is much better for them to be connected with their employer again, isn't it? After all, that is where they are likely to get their healthcare. If they have it, they are likely to get their retirement savings. They are likely to get the training there to be able to keep up with the times.

It is good to have people at work. The dignity and self-respect you get from work is something that is of value. We should all want that. All of us in this Chamber should focus on this issue and say: OK. The \$600 was put in place during a tough summer. Let's be honest. A lot of people had a really tough time, and some people are still having a tough time. There should still be, in my view, a Federal supplement, but it can't be paying people more not to work than to work. That makes no sense, as we are starting to open this economy and open it safely. We have to figure out a way forward here.

There are some Democrats who have worked on this issue. Timothy Geithner is an example of one who was Secretary of Treasury under President Obama, who put forward, along with other Democrats and Republicans, a proposal that said: Let's lower the amount, and let's tie it to the unemployment.

This is something that, in talking to my colleagues on both sides of the aisle, including some Democratic colleagues who have talked to me privately, that, you know, they get it; this is not working, and we need to fix it. Let's do that. It seems to me there is a lot of commonality there, and we should be able to figure out a way forward.

Let me mention some of the other places where I see a lot of commonality. First, both Republicans and Democrats agree that it is absolutely

essential that as people return to work they do so safely. In the legislation we talked about earlier, the HEALS package, which Senator MCCONNELL introduced, there is a proposal that is called the Healthy Workplace Tax Credit Act. Basically, what it says is, if a business is willing to put in place safety measures like a Plexiglas shield or do testing or have the PPE—the gloves and the masks and, in some cases, the gowns that are needed to stay safe—they should be able to get a tax credit for that. It not only encourages more employment, but it encourages employers to open in a safe way.

I spoke to a bunch of restaurants yesterday from Ohio. They called in to talk about the legislation. They love this because they have a lot of costs associated with making their places safe during the coronavirus pandemic. But this legislation, again, is stuck because we can't seem to get to a negotiation. That is one where Democrats and Republicans could come together.

There is another one that I think makes a lot of sense. It is called the Work Opportunity Tax Credit Expansion. That also is in the HEALS legislation. This has always been a bipartisan issue—the work opportunity tax credit. We have said simply that just as you can get a tax credit to hire veterans or to hire second-chance individuals who have come out of the prison system, you should be able to hire people from unemployment insurance who have lost their job because of COVID-19 and get a tax credit. This is something that, again, Democrats and Republicans should be able to work on together.

Finally, in the HEALS package, we also have legislation that has a lot of appeal to Republicans and Democrats that is an expansion of the employee retention tax credit from the bipartisan CARES Act. This is legislation that passed 96 to 0 around here. We say, let's make this employee retention tax credit work better. We expand the amount you can get in terms of tax credit, expand the amount of time that has to be covered. It makes it a much better package for small businesses to use to be able to attract employees and to retain the employees they have. Again, this is nonpartisan, I would say, and certainly one that can be bipartisan.

Historically, these tax provisions have had bipartisan support. I worked with my friend BEN CARDIN in designing the employee retention credit in March, expanding the opportunity tax credit, which has always had bipartisan support, and the healthy workplace tax credit. Senator SINEMA actually has a very similar bill.

Second, there is agreement on both sides of the aisle, we have to support our schools and our businesses so our kids can get back into the classroom and our parents can get back to work.

With regard to schools, there is supposedly a big partisan divide over this issue. When I see it, I see schools,



money being practically identical in the HEALS package and the Heroes Act that passed the House of Representatives. In fact, House Democrats provided around \$58 billion for K-12. The HEALS Act actually increases that to \$70 billion. There is actually more money in the HEALS legislation.

On the business front, both Democrats and Republicans have seen value in the Paycheck Protection Program we introduced in the CARES Act, which is why both bills seek to expand it. Albeit in somewhat different ways, but there is greater consensus here than one might think. We just need to sort out the details.

My colleague from Louisiana is here with me tonight in the Chamber. He has talked a lot about the need for us to improve the way we provide funding to local governments, municipalities, and to provide more flexibility. I don't think there is much disagreement about that on either side of the aisle. There may be a disagreement the numbers, the amount of funding, but, again, the HEALS package has funding. The Democrats have more funding. But flexibility—that is one where I think there is a lot of bipartisan consensus.

I know it is a popular right now to say that we are so far apart we can never get together, but as I look at this, when you actually look at the individual pieces of this, I see a lot of commonalities. The final one I want to mention is one where I would think all of us should be together. That is addressing the underlying health crisis we face.

Both the HEALS package and the Heroes Act provide increased funding for research into vaccines and antiviral treatments for this disease. Both acts also recognize the importance of increasing funding for testing, which is critical in making sure we can safely and sustainably reopen.

There are more points of commonality between the Republican and Democratic approaches that I could touch on, like providing another \$1,200 in stimulus checks for all Americans who make less than \$75,000 a year. That, I understand, is something that both Democrats and Republicans support. That would be a huge part of this new package.

The House-passed Heroes Act has, again, a pricetag that is just too high—\$3.5 trillion. I think most people would acknowledge that. I also know there is a big difference between that and the \$1 trillion that was in the proposal from Senator MCCONNELL—\$1 trillion. That used to be a lot of money.

Again, when you look at the actual details of this, when you look at what is actually in these two pieces of legislation, there is so much commonality. I think it is critical that we get this legislation right. We have time to do that. In the meantime, as Senator MCSALLY has proposed, let's continue the \$600 for the next week.

Let's be sure that we can build on these commonalities we see between

these two pieces of legislation. Retreating into partisan corners at this critical time doesn't benefit any of us. It certainly doesn't benefit the United States, and it doesn't benefit us as an institution. It certainly doesn't benefit the people I represent.

I yield the floor.

The PRESIDING OFFICER (Mr. BARASSO). The Senator from Louisiana.

#### AIR AMERICA

Mr. CASSIDY. Mr. President, I rise to speak of a largely unknown aspect of the Vietnam war and a too neglected aspect. I rise to highlight Air America and its role in military conflicts from the 1940s through the Cold War.

Air America, which was previously known as the Civil Air Transport, operated under a shroud of mystery, intrigue, and, at times, purposeful deceit to allow the organization to continue covert operations. Its members lived the motto "Anything, Anywhere, Anytime, Professionally."

Now, if you would look at this picture, you would think that this must be an Army helicopter pilot performing a rescue on an active battlefield. No, that pilot was a civilian. He was a contractor of sorts with the U.S. Government and was flying that helicopter to rescue that soldier or that marine, not an enlisted person. Its members, again, lived the motto "Anything, Anywhere, Anytime, Professionally," including rescuing those from battlefields.

They garnered respect as cargo and charter airline pilots during the Secret War in Laos in the 1960s and 1970s. As the war progressed, the U.S. Government increasingly relied on Air America pilots to conduct search-and-rescue missions of downed U.S. military pilots—often in heavy combat areas with no weapons of their own. The daily risks that they took to save others earned them the reputation as being the most shot at airline. I shouldn't laugh, but there is, I am sure, kind of a gallows humor they felt when they said that, "the most shot at airline."

Here is a depiction of a plaque in Richardson, TX, that President Reagan dedicated. On it are the names of those who died as Air America pilots.

At the plaque dedication in Dallas, President Ronald Reagan said: "Although free people everywhere owe you more than we can hope to repay, our greatest debt is to your companions who gave their last full measure of devotion."

While President Reagan recognized the contributions that these pilots made to the United States, Air America has received mixed support throughout its history. The Department of Defense and the CIA, among others, have argued that Air America pilots are not veterans, saying their heroic rescues of American soldiers were not part of their contracts or within the scope of their mission.

These sentiments have kept Air America pilots from receiving veteran

status and the benefits that come with the status. This needs to change. This need to change is based on declassified materials that show these pilots are deserving of such recognition for their exploits.

Who were these dedicated Americans serving in Air America?

Most crews had military training. Many bore the scars of fighting on the ground in Korea and Vietnam. They are former POWs and Special Forces—all tough as nails. They were also crop dusters and water bombers who fought forest fires. They were smoke jumpers and flight mechanics. Thousands of personnel were indigenous people, both male and female. Air America members came from all walks of life to answer the call to serve.

Military aircraft was provided to employees to conduct combat-related activity in areas where the U.S. Armed Forces could not go due to treaties. They served at considerable risk. Numerous employees died or were seriously injured. However, their sacrifices were not given the same recognition as military members.

Lowell Pirkle was killed when an RPG hit his helicopter, and it burned to the ground. Sadly, it took years for his remains to be repatriated and sent to Honolulu. When Deborah, Lowell's wife, insisted that he be buried in Arlington Cemetery, she was informed that Lowell was ineligible because he died not in the military but as part of Air America. He would eventually be buried in Arlington due to his previous military service, though the work in both engagements was essentially the same.

Let me just pause for a second. Let's look at this poster.

From 1962 to 1975, Air America inserted and extracted U.S. military personnel and provided combat support across the entire Vietnam field. Air America rescued hundreds of Americans and stranded Vietnamese, including the last out of Saigon in April 1975. Who can forget these dramatic photographs?

Air America pioneered remote landings during the Vietnam war to resupply U.S. troops and key allies, like the Hmong in Laos, and Air America pilots were the only known civilian employees to operate non-FAA-certified military aircraft in combat zones.

Lastly, as I previously mentioned, here is the memorial plaque in Richardson, TX, that honors the 146 Air America veterans who were killed. These men served "Anything, Anywhere, Anytime, Professionally." Again, it has been denied that they actually performed these military duties, but, once more, declassified documents show that the U.S. Government owes Air America and, therefore, its members status as veterans.

In August 1965, Secretary of State Dean Rusk wrote: "Political factors require that Air America helicopters continue to assume responsibility for all search-and-rescue operations in Laos."

A year prior, Ambassador to Laos Leonard Unger said: "Search and rescue is a crucial factor in maintaining the morale of pilots, and there is no prospect at this juncture of establishing effective search-and-rescue procedures without the use of both civilian (Air America) and U.S. military personnel."

The stories go on, but I will add one more.

CIA Assistant General Counsel James Harris wrote to the Civil Service Commission: "In the case of Air America, it would have been virtually impossible to preserve the cover story had all the corporate employees been advised that they were really employees of the United States Government."

It is time for the U.S. Government to set the record straight about Air America. Their service is commended by all who served with them, especially by those servicemembers whose lives were saved by Air America. We owe them more than a debt of gratitude. I urge my colleagues to consider the story of these brave pilots and work toward providing the recognition they deserve as Federal employees, including granting veteran status and the associated benefits.

I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

(The remarks of Mr. DURBIN pertaining to the introduction of S.J. Res. 75 are printed in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. DURBIN. I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. INHOFE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

### PROTESTS

Mr. INHOFE. Mr. President, I want to start by doing something that has become a little controversial. It shouldn't be, and the fact that it is reflects a sad time in our Nation's history. Here it is:

To our Nation's police, sheriffs, and all other law enforcement officers out there—State and Federal—thank you. I appreciate you and am grateful for your service.

Why has that become controversial? Because all of a sudden, criticizing and demonizing our Nation's law enforcement has become the popular liberal thing to do.

Over the last few days, you have probably seen the liberal mainstream media making wild claims and accusations that President Trump has deployed so-called secret police to Portland. These allegations got even more attention over the last few weeks because some of my Democratic col-

leagues came down to the floor and made the wildest accusations about how the Federal officers were the worst in the world.

Some of the words they used were: "bold," "sadistic," "Gestapos," "storm troopers," "paramilitary"—words designed to stir the emotions of everyone watching. They were talking about the law enforcement community. They were talking about sheriffs and police. Rather than letting these wild allegations go unchecked, let's remember how we got here.

For over 60 days, violent demonstrators have laid siege on Portland. That is not an exaggeration. They have specifically and deliberately attacked a Federal courthouse, attempting to destroy it. Let's be clear: These are not peaceful protesters. Everyone agrees in the First Amendment and the support for peaceful demonstrations. We all agree on that. That is not what we are talking about here. That is not what happened when the anarchist groups co-opted the peaceful protests with the fires, the lasers, the bricks, the Molotov cocktails, the sledgehammers, and more.

See the chart. This chart we have here, the one on the right says:

Day 53. Federal facilities and law enforcement officials targeted and attacked overnight. One officer injured and 5 arrested.

The one on the left says:

Day 56. Last night six DHS law enforcement officers were injured in Portland. To be clear, criminals assaulted FEDERAL officers on FEDERAL property . . . and the city of Portland did nothing.

The response from local leaders? They have caved to the mob and will not allow local law enforcement to protect Federal property. In fact, they have demanded Federal law enforcement leave and surrender to the mob. Can you imagine? This is in America that this happened.

So that leaves us two options: One, completely give in to the mob and let them burn down the taxpayer-funded courthouse—and we all know that they will not stop there—or, two, send additional Federal resources to Portland.

We are a nation of law and order. Additional Federal resources is the only correct answer here. The Department of Homeland Security doesn't have a choice. They are legally required to protect these facilities.

Contrary to what has been reported in the media, these Federal officers are acting in accordance with the law. They have the legal authority and responsibility to protect Federal property, as well as detain, question, and arrest anyone in accordance with that. Specifically, that is found in 40 U.S. Code 1315. So they aren't some sort of secret police; they are legal law enforcement doing what local law enforcement wasn't being allowed to do locally there, so they took up their responsibilities and performed.

Last week, Governor Brown finally conceded. I guess he just got to the point where he was willing to be fearful

for the people and their injuries and the terrorist activity that was going on. But he conceded and allowed the Portland Police Bureau to clear out the downtown parks that were a base for the agitators and let the State police officers defend Federal properties.

That is the responsible thing to do, and it shows the President's commitment to working with State and local law enforcement when additional resources are needed.

It could be easy to think that this is an outlier, but, sadly, the national "defund the police" movement—it is a movement in this country now. Everyone is talking about it, defund law enforcement. The movement is having a real impact throughout America.

The result? Shootings have increased in New York by 277 percent this year; in Chicago, by 50 percent this year, and in May, they saw the most violent weekend in modern history; and in Minneapolis, the murder rate is expected to surpass an alltime high.

In fact, as President Trump mentioned recently, the 20-most dangerous cities in America are run by Democrats. I have to mention this because the Washington Post tried to fact check the President's statement. And do you know what? It is a good thing that they did. The result? The Post showed that, per capita, 19 of the 20 cities with the most violent crime per 10,000 residents were controlled by Democrats, and the one that wasn't controlled by Democrats was an Independent, but that Independent is a Democrat.

I guess they hoped we would only read the headline and not see the data that shows the impact of the lack of leadership. In case you can't tell watching at home, the blue lines on the chart that will go up here—what we have here is the claim "that the most dangerous cities in America all run by Democrats. They aren't." But then they found out that they are. Here they are. The blue lines are run by the Democrats; the red lines, Independents. So that is a problem.

Honorable, good law enforcement officers are enduring severe budget cuts from spineless politicians who want to concede to the far left "defund the police" movement. They are being over-stretched and overburdened.

That doesn't even get into the injuries law enforcement has endured during these violent protests recently. In Portland alone, three officers are facing possible permanent blindness after having high-intensity lasers shown in their eyes. Other officers have faced injuries from being hit with bricks and fireworks. They have endured verbal assaults, been spit on, and called the most offensive names. At least 30 officers have been victims of a doxing, where anarchists share where their families live online so they can have access to them. In fact, since July 4, over 245 Federal law enforcement officers have been injured in Portland.

Fortunately, President Trump is taking action, standing up for our police

and also for law enforcement in our communities. Last week, he launched Operation Legend, a Federal law enforcement initiative that will work with State and local officials to address the spike in violent crimes that we are seeing in too many cities. This is the right approach to restore law and order.

The last thing I will leave you with on the floor is, 2 weeks ago, in the midst of sensationalizing statements, the junior Senator from Oregon challenged me, basically, implying that if what was happening in Portland was happening in Oklahoma, I would feel differently. Well, that isn't—the difference isn't how I would feel. The difference is between Oklahoma City and Oregon, I guess. In Oklahoma, we respect our police and the sheriffs and the State troopers.

This is a good one here. This is in the Springlake Division. This is in Oklahoma. I walk past this every time we come and go from the station. What a wonderful community we see serving here in Oklahoma City. You can read statements of people saying how much they appreciate our law enforcement officers. This is the door that was there, and it is covered with hearts on the door. That tells the story.

The sacrifice they make daily is real. They put their lives on the line to protect and serve our communities, but they also work long hours in difficult conditions. Here is a reminder of that sacrifice.

I will put up two officers here. There are two officers whom I am going to show you. Last month, two Tulsa police officers were conducting a routine traffic stop, pulling over a car with expired tags. As any veteran officer will tell you, there is no such thing as a routine anything in law enforcement. This is no exception. Officer Zarkeshan, a rookie, and Sergeant Craig Johnson had no way of knowing that the man they had just pulled over was armed. The man on the left is Craig Johnson. Both officers were shot multiple times. Sergeant Johnson, who has two young sons, died. Officer Zarkeshan, after enduring multiple surgeries, is blessed. He is now stable and making good progress.

"Protect and serve" isn't just a phrase for the hundreds of thousands of law enforcement officers around the country; it is a calling, a sacrifice for them. Too often, officers have to sacrifice their lives for their communities. That is why, when liberal politicians are tripping over themselves, trying as hard as they can to demonize all police officers, I want to make it clear that some of us are standing up against defunding police and in favor of defending police.

I will always stand with President Trump in defense of our good, honorable law enforcement officers. They will sacrifice anything for those of us here, and to not stand up and defend them is to dishonor them.

In Oregon, politicians are clamoring to defend the terrorists who are trying

to destroy law and order. On the other side, our President is trying to defend it. God bless America's law enforcement officers and our President.

The police and our law enforcement aren't the only things the new cancel culture has come for more recently. While not a literal mob trying to burn down buildings, the online liberal mob is still seeking to destroy our American icons by canceling them, subjecting them to public backlash fueled by the progressive ideology.

Just before July Fourth—our national holiday—they came for the National Anthem. The Yahoo music editor-in-chief wrote that the "Star-Spangled Banner" seems to be striking a wrong note." The Los Angeles Times wrote an op-ed titled, "It's time to cancel the 'Star-Spangled Banner.'" This is America we are talking about.

Why do they do that? Because in the fourth stanza of the song—and I didn't even know until a month ago that it had more than one stanza. They knew it was more than just one stanza. But in the fourth stanza, there is a couplet that reads:

No refuge could save the hireling and slave  
From the terror of flight in the gloom of the grave.

Now, because of that, they want to cancel the Star-Spangled Banner. Marc Ferris, who literally wrote the book on the Star-Spangled Banner, stated that Key was likely using the term loosely, contrasting the free, patriot Americans against the British soldiers subjected to the yoke of the monarchy.

But Yahoo's article even says if there is "a tradition that hurts any part of society," it is time to just throw it away. That throwing it away has extended to statues of our Founders, like George Washington and Thomas Jefferson. It also includes Mahatma Gandhi and Ulysses S. Grant.

It even includes historical items from popular culture like "Gone with the Wind"—yes, "Gone with the Wind." They wanted to do away with "Gone with the Wind." The organization that has a program where, online, they can dial up any movie that they want to do, one of them is "Gone with the Wind," and they want to do it because of—they say—the culture. That happens to be the one that Hattie McDaniel was the first Black American to win an Oscar for.

This is, again, what is going on right now. Like so many American families, I watch with shock and dismay as to how many are setting aside critical thinking in favor of an emotional mob that moves closer and closer to a total Cultural Revolution takeover.

Should we have expected anything less from the Democratic Party as they continue to run toward socialism and proudly embrace communist beliefs?

Remember, we have seen this before. Chairman Mao knew that, to fully seize control and build a socialist country, he needed to destroy our "four olds": old ideas, old culture, old customs, and old habits. The Communists in China

needed the Orwellian control of "History has stopped" in 1966, and the Communists here in America need it today.

How else can they erase our ideas, culture, and customs in order to impose their radical policies on all of us?

How much longer do we need to wait for their cries of "Abolish rent" to become "Jail the bourgeois landlord"? We already see professors accused of wrong thinking for having the audacity to teach or advocate for anything unapproved by the progressive mob. How long until they are denounced as class traitors?

Does our Nation have flaws? Of course. But what is unique and is perhaps the most beautiful part of our Nation is that we have the ability to see those flaws, to change them, and to grow. And we do it under the promise of liberty and justice for all.

We did that after the Civil War. We saw it again after World War II. We saw that growth in the civil rights movement.

The reality of this leftwing "cancel culture" mob is that there is no goal of debate. The goal is to shame, humiliate, and ridicule into conformity through a vicious attack reminiscent of the Chinese Communist Party struggle session. Liberty is under siege.

Just remember what happened in the opinion pages of the New York Times for merely publishing an opinion that was held by the majority of Americans but rejected by the progressive mob. Senator COTTON put forward a well-researched op-ed—requested by the Times—that advocated the President, only as a last resort, should use the Insurrection Act to put down the terrorist activity we saw in too many cities over the past few months.

Again, a national poll held that 58 percent of registered voters agreed with Senator COTTON, but some reporters at the New York Times and the progressive mob didn't. They raised such a protest that the head of the editorial page issued an apology, claiming that it wasn't to the standards of the Times, that it was too extreme. And that wasn't enough for the mob. He was fired.

Before the "cancel culture" mob goes further still to embrace their Presidential candidate—who has gone through enough twists and turns to make sure that he, too, conforms to the progressive demands—we should all remember our Nation was founded on liberty, and it will only endure with true liberty. That means being willing to live together in the midst of all kinds of diversity, especially diversity of thought.

So, as we began, we can't forget what this is all about: The terrorists ran, unchecked, in Portland for 60 days. No one raced to stop them. Federal officials had to step in because the State and local governments wouldn't allow their law enforcement to police the riots.

Scenes like we saw in Portland will not happen in Oklahoma, but they

could happen in other cities where lawlessness is pervasive. Thankfully, we have a President who stands up for law and order and for our law enforcers.

Where would we be without our brave police and sheriffs? I hope we never find that out.

With that, Mr. President, I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. LANKFORD). The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

## EXECUTIVE SESSION

### EXECUTIVE CALENDAR

Mr. MCCONNELL. Mr. President, I move to proceed to executive session to consider Calendar No. 645.

The PRESIDING OFFICER. The question is on agreeing to the motion.

The motion was agreed to.

The PRESIDING OFFICER. The clerk will report the nomination.

The senior assistant legislative clerk read the nomination of John Peter Cronan, of New York, to be United States District Judge for the Southern District of New York.

#### CLOTURE MOTION

Mr. MCCONNELL. Mr. President, I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The senior assistant legislative clerk read as follows:

#### CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the nomination of John Peter Cronan, of New York, to be United States District Judge for the Southern District of New York.

Mitch McConnell, Richard C. Shelby, Lamar Alexander, Pat Roberts, Mike Crapo, Marsha Blackburn, David Perdue, Kevin Cramer, John Cornyn, Shelley Moore Capito, John Thune, Cindy Hyde-Smith, Cory Gardner, Roy Blunt, Martha McSally, John Barrasso, John Boozman.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the mandatory quorum call be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

## LEGISLATIVE SESSION

### MORNING BUSINESS

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to legislative session for a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

### TRIBUTE TO EUGENE F. COYLE

Mr. THUNE. Mr. President, today I wish to recognize and pay tribute to Mr. Eugene F. Coyle, a patriot who served in the U.S. Army during the Korean war.

At the age of 23, Sergeant Eugene F. Coyle enlisted in the U.S. Army, just 3 months after the war started in Korea. As a rifleman and machinegunner assigned to the 24th Infantry Division, 21st Regiment, 2nd Battalion, F Company, Eugene was quickly put into the fight, experiencing a number of combat engagements with the enemy.

One such engagement occurred in April 1951 near the Hwachon Reservoir, South Korea, where Eugene exhibited composure under fire. As squad leader, Eugene led an advance against the enemy until his position was hit by mortar fire. Despite sustaining injuries from the shelling, he continued to provide covering fire for his unit.

During another combat engagement in early July 1951, in the vicinity of Sabanggo-ri, North Korea, an enemy mortar round threw Eugene from his fighting position. Eugene, though injured by shrapnel, would not leave the fight. He regained his footing and ran to aid a severely injured soldier, getting him to cover. Eugene was later sent to the hospital ship USS *Repose* for his own injuries.

Eugene, deserving of commendation for his courage under fire, as well as for his wounds resulting from close engagement with enemy forces, would unfortunately wait decades before the Nation properly recognized him for his service and sacrifice, even as he carried a piece of shrapnel embedded within his body for over 60 years.

On November 15, 2017, Eugene F. Coyle was awarded the Purple Heart in addition to the United Nations Service Medal, the National Defense Service Medal, the Korean War Service Medal, and the Combat Infantry Badge. Like many veterans of his generation have experienced, poor or lost records have made it difficult to meet stringent administrative requirements for certain military awards. This challenge does not diminish their courage, nor our gratitude, for their actions in defense of freedom.

The gallantry of Eugene F. Coyle reminds us what we owe heroes like him for the sacrifices, often unrecognized and unrequited, that they have made. I am honored to pay tribute to Eugene F. Coyle and thank him for his exemplary service to our county.

### TRIBUTE TO TIMOTHY MCCARTHY

Mr. DURBIN. Mr. President, Timothy McCarthy has had an amazing career in law enforcement where he was at the right place when needed. Whether it was protecting Presidents or his hometown of Orland Park, Tim has been

where people needed him most. After 48 years, he will be retiring, and today, I lend my voice to the many who honor him.

Tim dared to try out for the University of Illinois' football team as a walk-on in 1967, even though he had not played the sport at Leo High School in Chicago. However, he was so impressive that he was given a full scholarship the next year, playing strong safety for the Fighting Illini. Injuries cut his football career short, but he found himself on another career path, the Secret Service.

With a father who served in the Chicago Police Department as a sergeant, law enforcement was a natural draw for him. He started out as an investigator in the Chicago field office for the Secret Service in 1972. Tim moved to the Presidential protection division for President Jimmy Carter.

On March 30, 1981, Tim was protecting President Ronald Reagan in Washington. A coin toss with a fellow agent put him into duty that fateful day. He remembers wearing a brandnew blue-gray suit when John Hinckley, Jr., stepped out from a crowd with a handgun and attempted to kill the President.

In 1.7 seconds, John Hinckley, Jr., fired six bullets. The first bullet hit Press Secretary James Brady. The second hit Washington, DC, police officer Tom Delahanty. The third was set to hit President Reagan, but Tim, with that extraordinary courage, stepped in front of the President and took the bullet in the chest. Another bullet ricocheted, hitting the President under the arm. Hinckley might have killed President Reagan, but that day, we were lucky to have Tim McCarthy doing his duty to protect the Gipper.

Tim spent 2 weeks in the hospital and was back on the job that June. He would never be able to do the 5 to 7-mile runs he used to do, but he continued in the Secret Service. Tim received the National Collegiate Athletic Association Award of Valor in 1982 for his heroic deed. He remained in touch with President Reagan and his wife, Nancy, for the rest of their lives. Tim also served in the Presidential protection division for President George H.W. Bush before returning to Chicago to run the Secret Service office there.

In 1994, Tim accepted the position of the Orland Park police chief in Illinois. Often, police chiefs serve 3 to 5 years, but Tim stayed on for 26 years. He led the development of new policing strategies, including bike patrol officers, cookouts with police, and community meetings with beat officers. Under his leadership, the police department launched village-wide initiatives, addressing mental illness through a crisis intervention team that focuses on responses to mental health-related incidents.

Tim was a hands-on leader, whether it was back up for a search warrant or reporting a crime scene at early hours of the morning or packing sandbags

during a flood. In 2016, he received the very first Chief of Police of the Year Award from the Illinois Association of Chiefs of Police.

This month, Tim is retiring to be with the center of his life his wife, Carol, his three kids, and seven grandchildren. He has more than earned it.

Tim McCarthy did more than make history in saving the life of President Reagan. He has dedicated his life to making America a safer nation. We were fortunate to be blessed with his courage and his amazing record of public service.

### CORONAVIRUS

Mrs. FEINSTEIN. Mr. President, I rise today to speak about coronavirus, now clearly the worst pandemic in a century.

I will also speak briefly about the need for a national response plan that is guided by science and public health, not politics.

The first case of COVID-19 was reported in the United States on January 20. In the intervening 6 months, we have seen cases climb, then fall, and now surge once again.

More than 4 million Americans have been infected with coronavirus. So far, more than 155,000 have died.

Every day for the last 4 months, I have received an update from my staff on coronavirus numbers.

I have watched, day by day, the number of positive cases climb. In California right now, 30 of our 58 counties have had more than 1,000 positive cases.

The numbers just go up and up and up. It becomes impossible to look at the charts and graphs and not come to the conclusion that we have to do more—and maybe significantly more.

Simply put, this is the worst pandemic in my lifetime. You have to go back more than 100 years to the Spanish flu epidemic to find something comparable.

But the unprecedented scale of this crisis is no excuse for our failure to respond more forcefully and in a nationally coordinated manner.

Once we realized the scale of the outbreak in the spring, both by the increased cases at home, as well as monitoring stricken countries like Italy, it became clear that we needed strong leadership from the top.

We didn't get that.

Instead, the White House and President Trump blamed states for the lack of testing equipment, the hoarding of sanitizing supplies and the absence of protective gear.

In March, President Trump said, "I don't take responsibility at all."

That is a direct quote from the President of the United States, in the midst of a global pandemic with body counts rising around the country. We must do better.

More recently, during the renewed surge in cases, we have seen a repeat of those problems. We know we need more

testing supplies and protective equipment, but rather than implement the Defense Production Act and stock up on supplies, we saw little action from the White House.

I have been thinking back to the early days of the pandemic. In March, San Francisco's Bay Area imposed the first significant stay-at-home order in the country. California soon followed.

It was criticized at the time as an overreaction, but it succeeded in slowing the rate of spread, and the death toll remained lower than many other large States. Soon, much of the country had similar orders in place.

In April and early May, there was a sense of shared sacrifice. People stayed at home, schools closed, many lost their jobs. Our way of life shifted in the most abrupt way since at least 9/11, if not World War II.

But the understanding was that we made these sacrifices because they would help control the virus. We would "bend the curve," we would produce sufficient protective gear, and we would make it safe for people to return to their lives.

The idea was that, by the end of summer, life would return—if not back to normal, at least back to some version of it.

It is now almost August. The number of new cases climbs each day. K-12 schools have announced they will be closed in the fall. Many colleges are following suit. Job losses continue, with more than 30 million still receiving unemployment benefits.

Simply put, America failed the test of reopening.

If we had responded like other countries, with comprehensive national policies for mask use, avoiding crowds and increasing testing capacity, we could have been returning to normal life right now.

Instead, many cities and States are rolling back their reopening plans and may have to reinstitute stay-at-home orders to get the Nation back to where we were before Memorial Day.

President Trump last week said the administration is "in the process of developing a strategy" to fight coronavirus.

At some point, we will want to know why it took 7 months for him to acknowledge a national plan was necessary. Right now, however, we need to focus on what that plan will entail.

Just as importantly, we need to focus on who should have input into the tenets of such a plan—in a word, "experts."

This is a challenge that requires the combined minds of our best and brightest, particularly public health and infectious disease experts. This is not an arena for politics, period.

So what do those public health experts propose? After reading material and listening to a range of opinions, there are five areas that appear to have broad consensus:

First, we need to ensure that masks are used everywhere.

Early on, we knew simple acts like talking and even breathing caused airborne transmission of the virus, especially in confined areas like office buildings.

We also knew individuals who weren't showing symptoms could spread the virus to others because symptoms don't appear for 5 to 7 days.

And research continues to show masks are one of the best tools to slow the spread of the virus. Scientific modeling is clear: Masks prevent the spread of the virus.

Yet even with this knowledge, we still continue to see a patchwork of policies around the country.

A national mask mandate would dramatically reduce the spread of the virus, especially by those who don't yet show symptoms.

On July 14, the CDC called on all Americans to wear masks. CDC Director Robert Redfield said if all Americans wore masks, the current surge in cases could be brought under control within 2 months.

Masks work. We need a national mask mandate.

The second step is a national program for testing.

Months into this pandemic, we continue to hear stories of people not able to receive a test. In some cases, my office has heard from people with fevers and coughing but are still told to stay home and not get tested.

Simply put, anyone who wants to be tested should be, and the results should be returned within 24 hours, not a week later.

Studies have found that if we only test individuals who show symptoms, it is too late to stop further transmission.

That means States and cities need sufficient supplies to dramatically increase testing. At this time, that is not happening.

A national testing strategy would help coordinate action and prevent States from having to compete against each other.

The third step, related to increased testing, is ensuring we have enough testing supplies and safety equipment for frontline workers.

The President could quickly implement the Defense Production Act. This law would allow the Federal Government to address supply chain issues and increase production and distribution of testing supplies, medical equipment and personal protective equipment.

This should have been done months ago, but so far, the President has only selectively used this tool. He should broaden its use immediately.

It is unconscionable that 6 months after this virus appeared on our shores, essential workers around the country still lack personal protective equipment, not only doctors and nurses but grocery clerks, agricultural workers, public transportation operators, educators; and many others.

These individuals are putting themselves at risk to provide necessary

services to the public, and they should have access to masks and other equipment to keep themselves safe.

The fourth step is expanding contact tracing, another area where we see a patchwork of policies across the country rather than a cohesive national effort.

To work, contact tracing must occur immediately after an individual is found to be infected. A team determines everyone with whom an infected individual had recent close contact and encourages them to get tested, self-isolate, and monitor their health.

Right now, on average, everyone who gets COVID passes it to more than one other person. In other words, the spread is increasing, often by those who don't know they have been exposed. Contact tracing will help solve that.

The logistics, however, often aren't feasible for local governments. That is why a Federal contact tracing program, possibly using Peace Corps and AmeriCorps volunteers as has been suggested, is so important.

Finally, the fifth area is the need for a plan to manufacture and distribute a vaccine once it is developed.

A key component is determining priorities for vaccine distribution. Should it go first to essential workers on the frontlines? Or should it go to people most likely to get the virus, the vulnerable populations, and those in hard-hit areas? These aren't easy questions, and we should work on answers now.

We also need to handle the logistics involved to ensure rapid distribution of the vaccine nationwide.

These are obvious challenges, but they are also complex, and we need a plan in place now, ahead of vaccine development, rather than waiting until a vaccine is developed.

In addition to those five health-related planks, I also believe we need a coordinated plan to help the small businesses and workers suffering during this time.

One example is the Paycheck Protection Program that helped many small businesses. The program provides forgivable loans if businesses use funds on employee salaries and other necessities to remain afloat, which will allow them to quickly reopen when it is safe.

Another example is the additional \$600 in unemployment benefits in the CARES Act. This assistance allows millions of families to pay rent, cover bills, buy food, and contribute to the economic recovery. Unfortunately, that vital aid has lapsed.

Since mid-March, more than 60 million Americans have filed for unemployment benefits. Today, more than 30 million people continue to depend on these benefits.

We can't cut these lifelines until jobs are available for those out of work. If the economy remains shuttered and we do nothing to help families and businesses, we are telling millions of Americans that we don't care they are hurting.

Moreover, we are hurting our own economic recovery by taking aid from those who most need it, the very people who are most likely to spend it to support the economy.

The Federal Government exists for a reason, and that is to help Americans do things they can't do for themselves. The same goes for States, which are responsible and powerful but can't do it on their own.

A global pandemic calls for a robust Federal response, which must entail a national response plan. And that plan has to be based on science and on data, not politics.

Thank you.

#### ADDITIONAL STATEMENTS

##### RECOGNIZING MAAG PRESCRIPTION AND MEDICAL SUPPLY

• Mr. RISCH. Mr. President, as a member and former chairman of the Senate Committee on Small Business and Entrepreneurship, each month, I recognize and celebrate the American entrepreneurial spirit by highlighting the success of a small business in my home State of Idaho. Today I am pleased to honor Maag Prescription and Medical Supply in Pocatello as the Idaho Small Business of the Month for August 2020 and congratulate them on 70 years of business.

Maag Prescription and Medical Supply is an independent, locally owned pharmacy which has been operated by the Maag family since 1950. Established by Irvin and Genevieve Maag, the couple ran all aspects of the business and quickly developed a reputation for providing exemplary service while meeting the specific needs of their customers. As the business flourished and ownership transitioned to their son and daughter-in-law, Greg and Kathy Maag, a fire ravaged the facility in 1977. Despite this obstacle, the Maags persevered and built a new storefront, expanding it three times to accommodate the business's growth. Maag Prescription and Medical Supply's resiliency and service to the community has not gone unnoticed. For the past 2 years the business received the Idaho State Journal's annual Reader's Choice Award.

Today, Maag Prescription and Medical Supply plays an important role serving the community and providing more than 20 jobs to Southeast Idaho in the midst of the COVID-19 pandemic. The Maags have made it a priority to support their customers while maintaining customer and employee safety. Their business stands as a true testament to American industriousness, exemplifying one of our Nation's most treasured values. Now, in one of the most economically uncertain times, their story reminds us of the importance of commitment to our communities and resilience in the face of adversity.

Congratulations to Greg and Kathy Maag, and all of the employees of Maag

Prescription and Medical Supply on being selected as the Idaho Small Business of the Month for August 2020. You make our great State proud, and I look forward to your continued growth and success.●

#### MESSAGES FROM THE HOUSE

##### ENROLLED BILLS SIGNED

At 11:16 a.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the Speaker has signed the following enrolled bills:

S. 2163. An act to establish the Commission on the Social Status of Black Men and Boys, to study and make recommendations to address social problems affecting Black men and boys, and for other purposes.

S. 3607. An act to extend public safety officer death benefits to public safety officers whose death is caused by COVID-19, and for other purposes.

S. 3637. An act to amend the Servicemembers Civil Relief Act to extend lease protections for servicemembers under stop movement orders in response to local, national, or global emergency, and for other purposes.

The enrolled bills were subsequently signed by the President pro tempore (Mr. GRASSLEY).

At 2:16 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 6395. An act to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

#### ENROLLED BILLS PRESENTED

The Secretary of the Senate reported that on today, August 4, 2020, she had presented to the President of the United States the following enrolled bills:

S. 2163. An act to establish the Commission on the Social Status of Black Men and Boys, to study and make recommendations to address social problems affecting Black men and boys, and for other purposes.

S. 3607. An act to extend public safety officer death benefits to public safety officers whose death is caused by COVID-19, and for other purposes.

S. 3637. An act to amend the Servicemembers Civil Relief Act to extend lease protections for servicemembers under stop movement orders in response to a local, national, or global emergency, and for other purposes.

#### EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-5218. A communication from the Assistant Secretary for Legislation, Department of Health and Human Services, transmitting,



pursuant to law, a report entitled “Report to Congress on Nurse Education, Practice, Quality and Retention Programs; Fiscal Year 2019”; to the Committee on Health, Education, Labor, and Pensions.

EC-5219. A communication from the Chief of the Regulatory Coordination Division, Citizenship and Immigration Services, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled “U.S. Citizenship and Immigration Services Fee Schedule and Changes to Certain Other Immigration Benefit Request Requirements” (RIN1615-AC18) received in the Office of the President of the Senate on August 3, 2020; to the Committee on the Judiciary.

EC-5220. A communication from the Agency Representative, Patent and Trademark Office, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled “Setting and Adjusting Patent Fees during Fiscal Year 2020” (RIN0651-AD31) received during adjournment of the Senate in the Office of the President of the Senate on July 31, 2020; to the Committee on the Judiciary.

EC-5221. A communication from the Director, Office of Regulation Policy and Management, Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule entitled “Home Visits in Program of Comprehensive Assistance for Family Caregivers During COVID-19 National Emergency” (RIN2900-AQ96) received during adjournment of the Senate in the Office of the President of the Senate on July 31, 2020; to the Committee on Veterans’ Affairs.

EC-5222. A communication from the Director, Office of Regulation Policy and Management, Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule entitled “Extension of Veterans’ Group Life Insurance Application Period in Response to the COVID-19 Public Health Emergency” (RIN2900-AQ98) received during adjournment of the Senate in the Office of the President of the Senate on July 31, 2020; to the Committee on Veterans’ Affairs.

EC-5223. A communication from the Director, Office of Regulation Policy and Management, Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule entitled “VA Acquisition Regulation: Administrative and Information Matters; Publicizing Contract Actions; and Termination of Contracts” (RIN2900-AQ77) received during adjournment of the Senate in the Office of the President of the Senate on July 31, 2020; to the Committee on Veterans’ Affairs.

EC-5224. A communication from the Director, Office of Regulation Policy and Management, Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule entitled “Veterans Employment Pay for Success Grant Program” (RIN2900-AP72) received during adjournment of the Senate in the Office of the President of the Senate on July 31, 2020; to the Committee on Veterans’ Affairs.

EC-5225. A communication from the Director, Office of Regulation Policy and Management, Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule entitled “Informed Consent and Advance Directives” (RIN2900-AQ97) received during adjournment of the Senate in the Office of the President of the Senate on July 31, 2020; to the Committee on Veterans’ Affairs.

EC-5226. A communication from the Director, Office of Regulation Policy and Management, Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule entitled “Health Professional Scholarship Program” (RIN2900-AQ62) received during adjournment of the Senate in the Office of the President of the Senate on July 31, 2020; to the Committee on Veterans’ Affairs.

EC-5227. A communication from the Director, Office of Regulation Policy and Management, Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule entitled “Program of Comprehensive Assistance for Family Caregivers Improvements and Amendments under the VA Maintaining Systems and Strengthening Integrated Outside Networks (MISSION) Act of 2018” (RIN2900-AQ48) received during adjournment of the Senate in the Office of the President of the Senate on July 31, 2020; to the Committee on Veterans’ Affairs.

EC-5228. A communication from the Director of Legislative Affairs, Federal Deposit Insurance Corporation, transmitting, pursuant to law, the report of a rule entitled “Final Rule - Margin and Capital Requirements for Covered Swap Entities” (RIN3064-AF55) received in the Office of the President of the Senate on July 21, 2020; to the Committee on Agriculture, Nutrition, and Forestry.

EC-5229. A communication from the Congressional Assistant, Board of Governors of the Federal Reserve System, transmitting, pursuant to law, the report of a rule entitled “Interim Rule: Margin and Capital Requirements for Covered Swap Entities” (RIN7100-AF92) received during adjournment of the Senate in the Office of the President of the Senate on July 15, 2020; to the Committee on Agriculture, Nutrition, and Forestry.

EC-5230. A communication from the Director of Legislative Affairs, Federal Deposit Insurance Corporation, transmitting, pursuant to law, the report of a rule entitled “Final Rule—Margin and Capital Requirements for Covered Swap Entities” (RIN3064-AF08) received during adjournment of the Senate in the Office of the President of the Senate on July 15, 2020; to the Committee on Agriculture, Nutrition, and Forestry.

EC-5231. A communication from the Program Specialist, Office of the Comptroller of the Currency, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled “Margin and Capital Requirements for Covered Swap Entities” (RIN1557-AE98) received in the Office of the President of the Senate on July 21, 2020; to the Committee on Agriculture, Nutrition, and Forestry.

EC-5232. A communication from the Program Specialist, Office of the Comptroller of the Currency, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled “Margin and Capital Requirements for Covered Swap Entities” (RIN1557-AE69) received during adjournment of the Senate in the Office of the President of the Senate on July 8, 2020; to the Committee on Agriculture, Nutrition, and Forestry.

EC-5233. A communication from the Congressional Assistant, Board of Governors of the Federal Reserve System, transmitting, pursuant to law, the report of a rule entitled “Final Rule—Margin and Capital Requirements for Covered Swap Entities” (RIN7100-AF62) received during adjournment of the Senate in the Office of the President of the Senate on July 15, 2020; to the Committee on Agriculture, Nutrition, and Forestry.

EC-5234. A communication from the Assistant Secretary for Legislation, Department of Health and Human Services, transmitting, pursuant to law, a report entitled “Reducing Barriers to Using Telehealth and Remote Patient Monitoring for Pediatric Populations under Medicaid Final Report”; to the Committee on Finance.

EC-5235. A communication from the Assistant Secretary for Legislation, Department of Health and Human Services, transmitting, pursuant to law, a report entitled “Report on Abuse-Deterrent Opioid Formulations and Access Barriers Under Medicare”; to the Committee on Health, Education, Labor, and Pensions.

EC-5236. A communication from the Acting Register of Copyrights and Director, United States Copyright Office, Library of Congress, transmitting, pursuant to law, a report relative to the adjustment of timing provisions in the Copyright Act related to the declaration of the COVID-19 national emergency; to the Committee on the Judiciary.

## PETITIONS AND MEMORIALS

The following petition or memorial was laid before the Senate and was referred or ordered to lie on the table as indicated:

POM-231. A petition from a citizen of the State of Texas relative to legislation mandating transparency in prescription drug production costs; to the Committee on Health, Education, Labor, and Pensions.

## EXECUTIVE REPORTS OF COMMITTEE

The following executive reports of nominations were submitted:

By Mr. INHOFE for the Committee on Armed Services.

Marine Corps nomination of Col. Jason G. Woodworth, to be Brigadier General.

\*Army nomination of Lt. Gen. James H. Dickinson, to be General.

\*Air Force nomination of Lt. Gen. Glen D. VanHerck, to be General.

Air Force nomination of Lt. Gen. Richard M. Clark, to be Lieutenant General.

Air Force nomination of Maj. Gen. Sam C. Barrett, to be Lieutenant General.

Space Force nomination of Maj. Gen. Nina M. Armagno, to be Major General.

Space Force nomination of Maj. Gen. William J. Liquori, Jr., to be Major General.

Space Force nomination of Maj. Gen. Bradley C. Saltzman, to be Major General.

Space Force nomination of Maj. Gen. Stephen N. Whiting, to be Major General.

Space Force nomination of Maj. Gen. Nina M. Armagno, to be Lieutenant General.

Space Force nomination of Maj. Gen. William J. Liquori, Jr., to be Lieutenant General.

Space Force nomination of Maj. Gen. Bradley C. Saltzman, to be Lieutenant General.

Space Force nomination of Maj. Gen. Stephen N. Whiting, to be Lieutenant General.

Mr. INHOFE. Mr. President, for the Committee on Armed Services I report favorably the following nomination lists which were printed in the RECORDS on the dates indicated, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar that these nominations lie at the Secretary’s desk for the information of Senators.

The PRESIDING OFFICER. Without objection, it is so ordered.

Air Force nominations beginning with Vincent W. Abruzzese and ending with Monica Sarai Zapater, which nominations were received by the Senate and appeared in the Congressional Record on May 4, 2020.

Air Force nomination of Peter B. French, to be Colonel.

Air Force nomination of Laura A. King, to be Colonel.

Air Force nomination of Ismael H. Soto Rivas, to be Lieutenant Colonel.

Army nomination of Benjamin J. Powell, to be Major.

Army nomination of Alfredo Carinorivera, to be Major.

Army nomination of Alexander V. Harlamor, to be Colonel.

Army nomination of Keith A. McGee, to be Colonel.

Army nomination of LeRoy Carr III, to be Colonel.

Army nomination of Cherryann M. Joseph, to be Colonel.

Army nomination of William H. Putnam, to be Colonel.

Army nomination of Dana M. Murphy, to be Major.

\*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

## INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. UDALL (for himself, Ms. WARREN, Mr. BOOKER, and Mr. SANDERS):

S. 4406. A bill to amend the Federal Insecticide, Fungicide, and Rodenticide Act to fully protect the safety of children and the environment, to remove dangerous pesticides from use, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. DURBIN (for himself and Ms. DUCKWORTH):

S. 4407. A bill to amend the Carl D. Perkins Career and Technical Education Act of 2006 to give the Department of Education the authority to award competitive grants to eligible entities to establish, expand, or support school-based mentoring programs to assist at-risk students in middle school and high school in developing cognitive and social-emotional skills to prepare them for success in high school, postsecondary education, and the workforce; to the Committee on Health, Education, Labor, and Pensions.

By Ms. HASSAN (for herself, Mr. YOUNG, and Ms. CORTEZ MASTO):

S. 4408. A bill to amend the Internal Revenue Code of 1986 to expand and modify employer educational assistance programs, and for other purposes; to the Committee on Finance.

By Mr. DURBIN:

S. 4409. A bill to designate the facility of the United States Postal Service located at 303 East Mississippi Avenue in Elwood, Illinois, as the "Lawrence M. 'Larry' Walsh Sr. Post Office"; to the Committee on Homeland Security and Governmental Affairs.

By Mr. SCOTT of South Carolina (for himself and Mr. CARDIN):

S. 4410. A bill to amend the Public Health Service Act to provide for racial and ethnic approaches to community health; to the Committee on Health, Education, Labor, and Pensions.

By Mr. GRAHAM (for himself, Mr. WARNER, and Mr. SCOTT of South Carolina):

S. 4411. A bill to amend the Communications Act of 1934 to establish in the Federal Communications Commission the Broadband Development Grant Program; to the Committee on Commerce, Science, and Transportation.

By Mr. TESTER (for himself and Mr. ROUNDS):

S. 4412. A bill to amend title 38, United States Code, to improve the ability of veterans to access and submit disability benefit

questionnaire forms of the Department of Veterans Affairs, and for other purposes; to the Committee on Veterans' Affairs.

By Ms. HASSAN (for herself and Mr. JOHNSON):

S. 4413. A bill to improve the response of the Department of Defense to threats to United States forces worldwide from small unmanned aircraft systems; to the Committee on Armed Services.

By Mr. JONES (for himself, Mr. GARDNER, and Mr. BROWN):

S. 4414. A bill to amend the Internal Revenue Code of 1986 to establish qualified down payment savings program; to the Committee on Finance.

By Mr. BLUMENTHAL (for himself and Ms. BALDWIN):

S. 4415. A bill to provide health care and benefits to veterans who were exposed to toxic substances while serving as members of the Armed Forces at Karshi Khanabad Air Base, Uzbekistan, and for other purposes; to the Committee on Veterans' Affairs.

By Ms. CORTEZ MASTO:

S. 4416. A bill to provide funding for the Assistant Secretary for Mental Health and Substance Use to award grants for the purpose of supporting virtual peer behavioral health support services, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Ms. HIRONO (for herself, Mrs. GILLIBRAND, Ms. SMITH, Ms. BALDWIN, Mr. HEINRICH, Ms. HARRIS, Ms. KLOBUCHAR, and Mr. UDALL):

S. 4417. A bill to provide temporary impact aid construction grants to eligible local educational agencies, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. MURPHY:

S. 4418. A bill to amend chapter 83 of title 41, United States Code (popularly referred to as the Buy American Act) and certain other laws with respect to certain waivers under those laws, to provide greater transparency regarding exceptions to domestic sourcing requirements, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Mr. ROUNDS (for himself, Mr. CASSIDY, and Mrs. BLACKBURN):

S. 4419. A bill to amend title 38, United States Code, to direct the Secretary of Veterans Affairs to provide outer burial receptacles for each new grave in cemeteries that are the subjects of certain grants made by the Secretary of Veterans Affairs, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. ROUNDS (for himself, Mr. CASSIDY, and Mrs. BLACKBURN):

S. 4420. A bill to amend title 38, United States Code, to authorize the Secretary of Veterans Affairs to pay costs relating to the transportation of certain deceased veterans to certain State and tribal veterans' cemeteries, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. MURPHY (for himself and Mr. BLUNT):

S. 4421. A bill to provide temporary licensing reciprocity for telehealth and interstate health care treatment; to the Committee on Health, Education, Labor, and Pensions.

By Mr. WICKER (for himself and Mr. SCOTT of South Carolina):

S. 4422. A bill to establish the Office of Minority Broadband Initiatives within the National Telecommunications and Information Administration, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. BROWN (for himself and Mrs. CAPITO):

S. 4423. A bill to amend title XI of the Social Security Act to provide the Secretary of

Health and Human Services with the authority to temporarily modify certain Medicare requirements for hospice care during the COVID public health emergency; to the Committee on Finance.

By Mrs. LOEFFLER (for herself and Mr. COTTON):

S. 4424. A bill to withhold a percentage of Federal funding from State and local prosecutors who fail to faithfully prosecute crimes related to protests and riots; to the Committee on the Judiciary.

By Mrs. LOEFFLER:

S. 4425. A bill to amend title 18, United States Code, to create a Federal crime of destruction of property and looting of certain commercial entities; to the Committee on the Judiciary.

By Mr. MURPHY (for himself and Mr. PERDUE):

S. 4426. A bill to establish an Office of Subnational Diplomacy within the Department of State, and for other purposes; to the Committee on Foreign Relations.

By Ms. HASSAN (for herself, Mr. BRAUN, and Ms. MURKOWSKI):

S. 4427. A bill to provide for transparency in emergency use authorization of vaccine products, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. PORTMAN (for himself, Mr. UDALL, Mr. BURR, Mr. SCHATZ, and Mr. WHITEHOUSE):

S. 4428. A bill to reauthorize the Tropical Forest and Coral Reef Conservation Act of 1998; to the Committee on Foreign Relations.

By Mrs. BLACKBURN (for herself, Ms. BALDWIN, and Mrs. FEINSTEIN):

S. 4429. A bill to direct the Secretary of Defense to conduct a study regarding toxic exposure by members of the Armed Forces deployed to Karshi Khanabad Air Base, Uzbekistan, to include such members in the open burn pit registry, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. SCHATZ (for himself, Ms. BALDWIN, Mr. VAN HOLLEN, Mrs. GILLIBRAND, Mr. WYDEN, Ms. WARREN, Mrs. FEINSTEIN, Mr. BLUMENTHAL, Mr. SANDERS, Mr. HEINRICH, and Mr. MERKLEY):

S. 4430. A bill to amend the Community Development Banking and Financial Institutions Act of 1994 to establish a CDFI National Crisis Fund, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mrs. FEINSTEIN (for herself and Mr. DAINES):

S. 4431. A bill to increase wildfire preparedness and response throughout the United States, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. PAUL:

S. 4432. A bill to allow Federal funds appropriated for kindergarten through grade 12 education to follow the student; to the Committee on Health, Education, Labor, and Pensions.

By Mr. CORNYN (for himself and Mr. KAINE):

S. 4433. A bill to authorize the National Medal of Honor Museum Foundation to establish a commemorative work in the District of Columbia and its environs, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. WYDEN (for himself and Mr. BOOKER):

S. 4434. A bill to carry out a Civilian Conservation Corps program, provide supplemental appropriations for certain conservation activities, to provide for increased reforestation across the United States, to provide incentives for agricultural producers to carry out climate stewardship practices, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. MANCHIN (for himself and Mr. PETERS):

S. 4435. A bill to prohibit the closure of postal facilities during the COVID-19 public health emergency; to the Committee on Homeland Security and Governmental Affairs.

By Mr. YOUNG (for himself and Ms. HASSAN):

S. 4436. A bill to provide a tax credit for employers that provide remote work equipment and services to their employees, and for other purposes; to the Committee on Finance.

By Ms. SMITH (for herself and Ms. KLOBUCHAR):

S. 4437. A bill to clarify the eligibility of high school students to receive Pandemic Unemployment Compensation, and for other purposes; to the Committee on Finance.

By Mr. DURBIN (for himself, Ms. WARREN, Mr. SANDERS, Mr. MERKLEY, Ms. HIRONO, Mr. MARKEY, Mr. VAN HOLLEN, and Mr. BLUMENTHAL):

S.J. Res. 75. A joint resolution proposing an amendment to the Constitution of the United States relative to the fundamental right to vote; to the Committee on the Judiciary.

#### SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. CASSIDY (for himself and Mr. RUBIO):

S. Res. 666. A resolution honoring the faithful and unwavering service of Civil Air Transport and Air America to the United States; to the Select Committee on Intelligence.

#### ADDITIONAL COSPONSORS

S. 514

At the request of Mr. TESTER, the name of the Senator from West Virginia (Mr. MANCHIN) was added as a cosponsor of S. 514, a bill to amend title 38, United States Code, to improve the benefits and services provided by the Department of Veterans Affairs to women veterans, and for other purposes.

S. 624

At the request of Ms. KLOBUCHAR, the name of the Senator from California (Ms. HARRIS) was added as a cosponsor of S. 624, a bill to amend the Help America Vote Act of 2002 to require States to provide for same day registration.

S. 695

At the request of Mr. SASSE, the name of the Senator from Georgia (Mrs. LOEFFLER) was added as a cosponsor of S. 695, a bill to amend the Elementary and Secondary Education Act of 1965 to allow parents of eligible military dependent children to establish Military Education Savings Accounts, and for other purposes.

S. 892

At the request of Mr. CASEY, the names of the Senator from Oregon (Mr. MERKLEY), the Senator from New York (Mrs. GILLIBRAND), the Senator from Minnesota (Ms. SMITH), the Senator from California (Mrs. FEINSTEIN), the

Senator from Kansas (Mr. MORAN), the Senator from Texas (Mr. CORNYN) and the Senator from North Dakota (Mr. HOEVEN) were added as cosponsors of S. 892, a bill to award a Congressional Gold Medal, collectively, to the women in the United States who joined the workforce during World War II, providing the aircraft, vehicles, weaponry, ammunition, and other materials to win the war, that were referred to as "Rosie the Riveter", in recognition of their contributions to the United States and the inspiration they have provided to ensuing generations.

S. 1193

At the request of Mr. MANCHIN, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 1193, a bill to amend the Surface Mining Control and Reclamation Act of 1977 to extend the period during which certain reclamation fees are required to be paid.

S. 1764

At the request of Ms. DUCKWORTH, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 1764, a bill to amend the Communications Act of 1934 to require the Federal Communications Commission to ensure just and reasonable charges for telephone and advanced communications services in the correctional and detention facilities.

S. 1802

At the request of Mr. KAINE, the name of the Senator from Nevada (Ms. CORTEZ MASTO) was added as a cosponsor of S. 1802, a bill to provide a work opportunity tax credit for military spouses and to provide for flexible spending arrangements for childcare services for military families.

S. 2226

At the request of Ms. KLOBUCHAR, the name of the Senator from California (Ms. HARRIS) was added as a cosponsor of S. 2226, a bill to require States to carry out congressional redistricting in accordance with plans developed and enacted into law by independent redistricting commissions, and for other purposes.

S. 2233

At the request of Mr. UDALL, his name was added as a cosponsor of S. 2233, a bill to nullify the effect of the recent executive order that requires Federal agencies to share citizenship data.

S. 2330

At the request of Mr. MORAN, the name of the Senator from Utah (Mr. ROMNEY) was added as a cosponsor of S. 2330, a bill to amend the Ted Stevens Olympic and Amateur Sports Act to provide for congressional oversight of the board of directors of the United States Olympic and Paralympic Committee and to protect amateur athletes from emotional, physical, and sexual abuse, and for other purposes.

S. 2399

At the request of Mr. LEE, the name of the Senator from Georgia (Mrs.

LOEFFLER) was added as a cosponsor of S. 2339, a bill to amend the Higher Education Act of 1965 to provide for accreditation reform, to require institutions of higher education to publish information regarding student success, to provide for fiscal accountability, and to provide for school accountability for student loans.

S. 2548

At the request of Mr. CASEY, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 2548, a bill to amend the Elementary and Secondary Education Act of 1965 to address and take action to prevent bullying and harassment of students.

S. 3190

At the request of Mr. DURBIN, the name of the Senator from Colorado (Mr. BENNET) was added as a cosponsor of S. 3190, a bill to authorize dedicated domestic terrorism offices within the Department of Homeland Security, the Department of Justice, and the Federal Bureau of Investigation to analyze and monitor domestic terrorist activity and require the Federal Government to take steps to prevent domestic terrorism.

S. 3206

At the request of Mr. CASEY, the names of the Senator from Ohio (Mr. BROWN), the Senator from Massachusetts (Mr. MARKEY) and the Senator from Maryland (Mr. VAN HOLLEN) were added as cosponsors of S. 3206, a bill to amend the Help America Vote Act of 2002 to increase voting accessibility for individuals with disabilities and older individuals, and for other purposes.

S. 3233

At the request of Mr. MENENDEZ, the name of the Senator from Alaska (Ms. MURKOWSKI) was added as a cosponsor of S. 3233, a bill to amend title XVIII of the Social Security Act to improve access to skilled nursing facility services for hemophilia patients.

S. 3235

At the request of Ms. MCSALLY, the name of the Senator from Georgia (Mrs. LOEFFLER) was added as a cosponsor of S. 3235, a bill to direct the Secretary of Veterans Affairs to conduct a pilot program on posttraumatic growth, and for other purposes.

S. 3369

At the request of Ms. HASSAN, the names of the Senator from Iowa (Ms. ERNST) and the Senator from Pennsylvania (Mr. CASEY) were added as cosponsors of S. 3369, a bill to require the Office of Management and Budget to revise the Standard Occupational Classification system to establish a separate code for direct support professionals, and for other purposes.

S. 3391

At the request of Mr. KAINE, his name was added as a cosponsor of S. 3391, a bill to direct the Secretary of Transportation to carry out an active transportation investment program to make grants to eligible applicants to

build safe and connected options for bicycles and walkers within and between communities, and for other purposes.

S. 3490

At the request of Ms. MURKOWSKI, the name of the Senator from Oregon (Mr. MERKLEY) was added as a cosponsor of S. 3490, a bill for the relief of Rebecca Trimble.

S. 3544

At the request of Mr. CASEY, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 3544, a bill to assist older Americans and people with disabilities affected by COVID-19.

S. 3612

At the request of Mr. CORNYN, the name of the Senator from Arizona (Ms. SINEMA) was added as a cosponsor of S. 3612, a bill to clarify for purposes of the Internal Revenue Code of 1986 that receipt of coronavirus assistance does not affect the tax treatment of ordinary business expenses.

S. 3672

At the request of Mr. WYDEN, the name of the Senator from Wisconsin (Ms. BALDWIN) was added as a cosponsor of S. 3672, a bill to provide States and Indian Tribes with flexibility in administering the temporary assistance for needy families program due to the public health emergency with respect to the Coronavirus Disease (COVID-19), to make emergency grants to States and Indian Tribes to provide financial support for low-income individuals affected by that public health emergency, and for other purposes.

S. 3693

At the request of Mr. GRASSLEY, the name of the Senator from Louisiana (Mr. KENNEDY) was added as a cosponsor of S. 3693, a bill to amend the Agricultural Marketing Act of 1946 to foster efficient markets and increase competition and transparency among packers that purchase livestock from producers.

S. 3703

At the request of Ms. COLLINS, the name of the Senator from Oklahoma (Mr. INHOFE) was added as a cosponsor of S. 3703, a bill to amend the Elder Abuse Prevention and Prosecution Act to improve the prevention of elder abuse and exploitation of individuals with Alzheimer's disease and related dementias.

S. 3704

At the request of Mr. WICKER, the name of the Senator from Nevada (Ms. ROSEN) was added as a cosponsor of S. 3704, a bill to amend the Scientific and Advanced-Technology Act of 1992 to further support advanced technological manufacturing, and for other purposes.

S. 3705

At the request of Mr. WARNER, the name of the Senator from Alabama (Mr. JONES) was added as a cosponsor of S. 3705, a bill to establish a private-public partnership to preserve jobs in the aviation manufacturing industry, and for other purposes.

S. 3748

At the request of Mr. CORNYN, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 3748, a bill to award a Congressional Gold Medal to the United States Army Dust Off crews of the Vietnam War, collectively, in recognition of their extraordinary heroism and life-saving actions in Vietnam.

S. 3763

At the request of Mr. CASEY, the name of the Senator from Connecticut (Mr. BLUMENTHAL) was added as a cosponsor of S. 3763, a bill to establish the Pandemic Responder Service Award program to express our gratitude to front-line health care workers.

S. 3768

At the request of Mr. CASEY, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 3768, a bill to protect older adults and people with disabilities living in nursing homes, intermediate care facilities, and psychiatric hospitals from COVID-19.

S. 3806

At the request of Mrs. HYDE-SMITH, the names of the Senator from Maryland (Mr. CARDIN) and the Senator from New Hampshire (Ms. HASSAN) were added as cosponsors of S. 3806, a bill to waive cost share requirements for certain Federal assistance provided under the Robert T. Stafford Disaster Relief and Emergency Assistance Act.

S. 3814

At the request of Mr. BENNET, the name of the Senator from Massachusetts (Mr. MARKEY) was added as a cosponsor of S. 3814, a bill to establish a loan program for businesses affected by COVID-19 and to extend the loan forgiveness period for paycheck protection program loans made to the hardest hit businesses, and for other purposes.

S. 3896

At the request of Mr. CARPER, the name of the Senator from Oregon (Mr. MERKLEY) was added as a cosponsor of S. 3896, a bill to amend title 5, United States Code, to require the Director of the Office of Personnel Management to establish and maintain a public directory of the individuals occupying Government policy and supporting positions, and for other purposes.

S. 3900

At the request of Ms. ROSEN, the name of the Senator from Alabama (Mr. JONES) was added as a cosponsor of S. 3900, a bill to direct the Secretary of Defense to carry out a grant program to support science, technology, engineering, and mathematics education in the Junior Reserve Officers' Training Corps and for other purposes.

S. 3910

At the request of Mr. MANCHIN, the name of the Senator from Oregon (Mr. MERKLEY) was added as a cosponsor of S. 3910, a bill to establish a presumption that certain firefighters who are

Federal employees and have COVID-19 contracted that disease while in the performance of their official duties, and for other purposes.

S. 3964

At the request of Mr. COONS, the names of the Senator from Illinois (Mr. DURBIN) and the Senator from Missouri (Mr. BLUNT) were added as cosponsors of S. 3964, a bill to amend the national service laws to prioritize national service programs and projects that are directly related to the response to and recovery from the COVID-19 public health emergency, and for other purposes.

S. 4017

At the request of Mr. HOEVEN, the name of the Senator from Tennessee (Mrs. BLACKBURN) was added as a cosponsor of S. 4017, a bill to extend the period for obligations or expenditures for amounts obligated for the National Disaster Resilience competition.

S. 4032

At the request of Mr. LANKFORD, the name of the Senator from Tennessee (Mrs. BLACKBURN) was added as a cosponsor of S. 4032, a bill to amend the Internal Revenue Code of 1986 to allow above-the-line deductions for charitable contributions for individuals not itemizing deductions.

S. 4061

At the request of Mr. CORNYN, the names of the Senator from Louisiana (Mr. CASSIDY) and the Senator from California (Ms. HARRIS) were added as cosponsors of S. 4061, a bill to provide emergency nutrition assistance to States, and for other purposes.

S. 4075

At the request of Mrs. CAPITO, the names of the Senator from Oregon (Mr. MERKLEY) and the Senator from Iowa (Ms. ERNST) were added as cosponsors of S. 4075, a bill to amend the Public Works and Economic Development Act of 1965 to provide for the release of certain Federal interests in connection with certain grants under that Act, and for other purposes.

S. 4117

At the request of Mr. CRAMER, the name of the Senator from Oklahoma (Mr. LANKFORD) was added as a cosponsor of S. 4117, a bill to provide automatic forgiveness for paycheck protection program loans under \$150,000, and for other purposes.

S. 4150

At the request of Mr. REED, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 4150, a bill to require the Secretary of the Treasury to provide assistance to certain providers of transportation services affected by the novel coronavirus.

S. 4152

At the request of Mr. HOEVEN, the names of the Senator from Montana (Mr. DAINES) and the Senator from South Carolina (Mr. SCOTT) were added as cosponsors of S. 4152, a bill to provide for the adjustment or modification by the Secretary of Agriculture of

loans for critical rural utility service providers, and for other purposes.

S. 4156

At the request of Mr. INHOFE, the name of the Senator from Indiana (Mr. BRAUN) was added as a cosponsor of S. 4156, a bill to require the Secretary of Agriculture to provide relief from hardship due to the COVID-19 pandemic to agricultural producers, and for other purposes.

S. 4177

At the request of Mr. MENENDEZ, the names of the Senator from Nevada (Ms. CORTEZ MASTO) and the Senator from Oregon (Mr. MERKLEY) were added as cosponsors of S. 4177, a bill to authorize supplemental funding for supportive housing for the elderly, and for other purposes.

S. 4235

At the request of Mr. TILLIS, the name of the Senator from North Dakota (Mr. CRAMER) was added as a cosponsor of S. 4235, a bill to amend the Defense Production Act of 1950 to include the Secretary of Agriculture as a member of the Committee on Foreign Investment in the United States, and for other purposes.

S. 4258

At the request of Mr. CORNYN, the names of the Senator from North Carolina (Mr. TILLIS), the Senator from Minnesota (Ms. SMITH), the Senator from Massachusetts (Mr. MARKEY) and the Senator from Missouri (Mr. BLUNT) were added as cosponsors of S. 4258, a bill to establish a grant program for small live venue operators and talent representatives.

S. 4285

At the request of Ms. COLLINS, the name of the Senator from Alaska (Ms. MURKOWSKI) was added as a cosponsor of S. 4285, a bill to establish a pilot program through which the Institute of Museum and Library Services shall allocate funds to States for the provision of Internet-connected devices to libraries.

S. 4299

At the request of Ms. CORTEZ MASTO, the name of the Senator from Arizona (Ms. SINEMA) was added as a cosponsor of S. 4299, a bill to provide grants for tourism and events support and promotion in areas affected by the Coronavirus Disease 2019 (COVID-19), and for other purposes.

S. 4308

At the request of Ms. SINEMA, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 4308, a bill to amend the Social Security Act to include special districts in the coronavirus relief fund, to direct the Secretary to include special districts as an eligible issuer under the Municipal Liquidity Facility, and for other purposes.

S. 4324

At the request of Mr. GRAHAM, the name of the Senator from West Virginia (Mrs. CAPITO) was added as a cosponsor of S. 4324, a bill to facilitate

the availability, development, and production of domestic resources to meet national personal protective equipment and material needs, and ensure American leadership in advanced research and development and semiconductor manufacturing.

S. 4340

At the request of Mr. CRUZ, the name of the Senator from Utah (Mr. LEE) was added as a cosponsor of S. 4340, a bill to ensure that a State or local jurisdiction is ineligible to receive or use funds allocated, appropriated, or authorized to address COVID-19 if that State or jurisdiction discriminates against religious individuals or religious institutions, and for other purposes.

S. 4345

At the request of Mr. CRUZ, the name of the Senator from Arizona (Ms. MCSALLY) was added as a cosponsor of S. 4345, a bill to amend section 212 of the Immigration and Nationality Act to ensure that efforts to engage in espionage or technology transfer are considered in visa issuance, and for other purposes.

S. 4371

At the request of Ms. SMITH, the name of the Senator from Maryland (Mr. VAN HOLLEN) was added as a cosponsor of S. 4371, a bill to amend the Internal Revenue Code of 1986 to require employers to cash out the flexible spending accounts of employees who separate from employment, and for other purposes.

S. 4372

At the request of Ms. SMITH, the name of the Senator from Maryland (Mr. VAN HOLLEN) was added as a cosponsor of S. 4372, a bill to provide for unused benefits in a dependent care FSA to be carried over from 2020 to 2021, to provide for benefits to be accessed after termination of employment, and for other purposes.

S. 4393

At the request of Mrs. BLACKBURN, her name was added as a cosponsor of S. 4393, a bill to improve the provision of health care and other benefits from the Department of Veterans Affairs for veterans who were exposed to toxic substances, and for other purposes.

S. RES. 624

At the request of Mr. COONS, the names of the Senator from New Hampshire (Mrs. SHAHEEN) and the Senator from Colorado (Mr. GARDNER) were added as cosponsors of S. Res. 624, a resolution expressing the sense of the Senate that the activities of Russian national Yevgeniy Prigozhin and his affiliated entities pose a threat to the national interest and national security of the United States.

S. RES. 663

At the request of Mr. TOOMEY, the names of the Senator from Tennessee (Mrs. BLACKBURN), the Senator from West Virginia (Mrs. CAPITO), the Senator from New Mexico (Mr. HEINRICH) and the Senator from Montana (Mr. TESTER) were added as cosponsors of S.

Res. 663, a resolution supporting mask-wearing as an important measure to limit the spread of the Coronavirus Disease 2019 (COVID-19).

## STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. DURBIN (for himself and Ms. DUCKWORTH):

S. 4407. A bill to amend the Carl D. Perkins Career and Technical Education Act of 2006 to give the Department of Education the authority to award competitive grants to eligible entities to establish, expand, or support school-based mentoring programs to assist at-risk students in middle school and high school in developing cognitive and social-emotional skills to prepare them for success in high school, postsecondary education, and the workforce; to the Committee on Health, Education, Labor, and Pensions.

Mr. DURBIN. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 4407

*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 “Mentoring to Succeed Act of 2020”.

### SEC. 2. PURPOSE.

The purpose of this Act is to make assistance available for school-based mentoring programs for at-risk students in order to—

- (1) establish, expand, or support school-based mentoring programs;
- (2) assist at-risk students in middle school and high school in developing cognitive and social-emotional skills; and
- (3) prepare such at-risk students for success in high school, postsecondary education, and the workforce.

### SEC. 3. SCHOOL-BASED MENTORING PROGRAM.

Part C of title I of the Carl D. Perkins Career and Technical Education Act of 2006 (20 U.S.C. 2351 et seq.) is amended by adding at the end the following:

#### “SEC. 136. DISTRIBUTION OF FUNDS FOR SCHOOL-BASED MENTORING PROGRAMS.

“(a) DEFINITIONS.—In this section:

“(1) AT-RISK STUDENT.—The term ‘at-risk student’ means a student who—

“(A) is failing academically or at risk of dropping out of school;

“(B) is pregnant or a parent;

“(C) is a gang member;

“(D) is a child or youth in foster care or a youth who has been emancipated from foster care, but is still enrolled in high school;

“(E) is or has recently been a homeless child or youth;

“(F) is chronically absent;

“(G) has changed schools 3 or more times in the past 6 months;

“(H) has come in contact with the juvenile justice system in the past;

“(I) has a history of multiple suspensions or disciplinary actions;

“(J) is an English learner;

“(K) has one or both parents incarcerated;

“(L) has experienced one or more adverse childhood experiences, traumatic events, or toxic stressors, as assessed through an evidence-based screening;

“(M) lives in a high-poverty area with a high rate of community violence;

“(N) has a disability; or

“(O) shows signs of alcohol or drug misuse or abuse or has a parent or guardian who is struggling with substance abuse.

“(2) **DISABILITY.**—The term ‘disability’ has the meaning given the term for purposes of section 602(3) of the Individuals with Disabilities Education Act (20 U.S.C. 1401(3)).

“(3) **ELIGIBLE ENTITY.**—The term ‘eligible entity’—

“(A) means a high-need local educational agency, high-need school, or local government entity; and

“(B) may include a partnership between an entity described in subparagraph (A) and a nonprofit, community-based, or faith-based organization, or institution of higher education.

“(4) **ENGLISH LEARNER.**—The term ‘English learner’ has the meaning given the term in section 8101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

“(5) **FOSTER CARE.**—The term ‘foster care’ has the meaning given the term in section 1355.20 of title 45, Code of Federal Regulations.

“(6) **HIGH-NEED LOCAL EDUCATIONAL AGENCY.**—The term ‘high-need local educational agency’ means a local educational agency that serves at least one high-need school.

“(7) **HIGH-NEED SCHOOL.**—The term ‘high-need school’ has the meaning given the term in section 2211(b) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6631(b)).

“(8) **HOMELESS CHILDREN AND YOUTHS.**—The term ‘homeless children and youths’ has the meaning given the term in section 725 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11434a).

“(9) **SCHOOL-BASED MENTORING.**—The term ‘school-based mentoring’ means a structured, managed, evidenced-based program conducted in partnership with teachers, administrators, school psychologists, school social workers or counselors, and other school staff, in which at-risk students are appropriately matched with screened and trained professional or volunteer mentors who provide guidance, support, and encouragement, involving meetings, group-based sessions, and educational and workforce-related activities on a regular basis to prepare at-risk students for success in high school, postsecondary education, and the workforce.

“(b) **SCHOOL-BASED MENTORING COMPETITIVE GRANT PROGRAM.**—

“(1) **IN GENERAL.**—The Secretary shall award grants on a competitive basis to eligible entities to establish, expand, or support school-based mentoring programs that—

“(A) are designed to assist at-risk students in high-need schools in developing cognitive skills and promoting social-emotional learning to prepare them for success in high school, postsecondary education, and the workforce by linking them with mentors who—

“(i) have received mentor training, including on trauma-informed practices, youth engagement, cultural competency, and social-emotional learning; and

“(ii) have been screened using appropriate reference checks and criminal background checks;

“(B) provide coaching and technical assistance to mentors in each such mentoring program;

“(C) provide at-risk students with a positive relationship with a skilled adult offering support and guidance;

“(D) improve the academic achievement of at-risk students;

“(E) foster positive relationships between at-risk students and their peers, teachers, other adults, and family members;

“(F) reduce dropout rates and absenteeism and improve school engagement of at-risk students and their families;

“(G) reduce juvenile justice involvement of at-risk students;

“(H) develop the cognitive and social-emotional skills of at-risk students;

“(I) develop the workforce readiness skills of at-risk students by exploring paths to employment, including encouraging students with disabilities to explore transition services;

“(J) encourage at-risk students to participate in community service activities; and

“(K) encourage at-risk students to set goals and plan for their futures, including encouraging such students to make plans and identify goals for postsecondary education and the workforce.

“(2) **DURATION.**—The Secretary shall award grants under this section for a period not to exceed 5 years.

“(3) **APPLICATION.**—To receive a grant under this section, an eligible entity shall submit to the Secretary an application that includes—

“(A) a needs assessment that includes baseline data on the measures described in paragraph (6)(A)(ii); and

“(B) a plan to meet the requirements of paragraph (1).

“(4) **PRIORITY.**—In selecting grant recipients, the Secretary shall give priority to applicants that—

“(A) serve children and youth with the greatest need living in high-poverty, high-crime areas, rural areas, or who attend schools with high rates of community violence;

“(B) provide at-risk students with opportunities for postsecondary education preparation and career development, including—

“(i) job training, professional development, work shadowing, internships, networking, resume writing and review, interview preparation, transition services for students with disabilities, application assistance and visits to institutions of higher education, and leadership development through community service; and

“(ii) partnerships with the private sector and local businesses to provide internship and career exploration activities and resources; and

“(C) seek to provide match lengths between at-risk students and mentors for at least 1 academic year.

“(5) **USE OF FUNDS.**—An eligible entity that receives a grant under this section may use such funds to—

“(A) develop and carry out regular training for mentors, including on—

“(i) the impact of adverse childhood experiences;

“(ii) trauma-informed practices and interventions;

“(iii) supporting homeless children and youths;

“(iv) supporting children and youth in foster care or youth who have been emancipated from foster care, but are still enrolled in high school;

“(v) cultural competency;

“(vi) meeting all appropriate privacy and confidentiality requirements for students, including students in foster care;

“(vii) working in coordination with a public school system;

“(viii) positive youth development and engagement practices; and

“(ix) disability inclusion practices to ensure access and participation by students with disabilities;

“(B) recruit, screen, match, and train mentors;

“(C) hire staff to perform or support the objectives of the school-based mentoring program;

“(D) provide inclusive and accessible youth engagement activities, such as—

“(i) enrichment field trips to cultural destinations; and

“(ii) career awareness activities, including job site visits, informational interviews, resume writing, interview preparation, and networking; and

“(iii) academic or postsecondary education preparation activities, including trade or vocational school visits, visits to institutions of higher education, and assistance in applying to institutions of higher education; and

“(E) conduct program evaluation, including by acquiring and analyzing the data described under paragraph (6).

“(6) **REPORTING REQUIREMENTS.**—

“(A) **IN GENERAL.**—Not later than 6 months after the end of each academic year during the grant period, an eligible entity receiving a grant under this section shall submit to the Secretary a report that includes—

“(i) the number of students who participated in the school-based mentoring program that was funded in whole or in part with the grant funds;

“(ii) data on the academic achievement, dropout rates, truancy, absenteeism, outcomes of arrests for violent crime, summer employment, and postsecondary education enrollment of students in the program;

“(iii) the number of group sessions and number of one-to-one contacts between students in the program and their mentors;

“(iv) the average attendance of students enrolled in the program;

“(v) the number of students with disabilities connected to transition services;

“(vi) data on social-emotional development of students as assessed with a validated social-emotional assessment tool; and

“(vii) any other information that the Secretary may require to evaluate the success of the school-based mentoring program.

“(B) **STUDENT PRIVACY.**—An eligible entity shall ensure that the report submitted under subparagraph (A) is prepared in a manner that protects the privacy rights of each student in accordance with section 444 of the General Education Provisions Act (commonly referred to as the ‘Family Educational Rights and Privacy Act of 1974’) (20 U.S.C. 1232g).

“(7) **MENTORING RESOURCES AND COMMUNITY SERVICE COORDINATION.**—

“(A) **BEST PRACTICES.**—The Secretary shall work with the Office of Juvenile Justice and Delinquency Prevention to—

“(i) refer grantees under this section to the National Mentoring Resource Center to obtain resources on best practices and research related to mentoring and to request no-cost training and technical assistance; and

“(ii) provide grantees under this section with information to promote positive youth development, including transitional services for at-risk students returning from correctional facilities, and transition services for students with disabilities.

“(B) **TECHNICAL ASSISTANCE.**—The Secretary shall coordinate with the Corporation for National and Community Service, including through entering into an interagency agreement or a memorandum of understanding, to provide technical assistance and other resources to support grantees under this section as they provide mentoring and community service-related activities for at-risk students.

“(C) **AUTHORIZATION OF FUNDS.**—There are authorized to be appropriated to carry out this section such sums as may be necessary for each of fiscal years 2020 through 2025.”

#### SEC. 4. INSTITUTE OF EDUCATION SCIENCES STUDY ON SCHOOL-BASED MENTORING PROGRAMS.

(a) **IN GENERAL.**—The Secretary of Education, acting through the Director of the



Institute of Education Sciences, shall conduct a study to—

(1) identify successful school-based mentoring programs and effective strategies for administering and monitoring such programs;

(2) evaluate the role of mentors in promoting cognitive development and social-emotional learning to enhance academic achievement and to improve workforce readiness; and

(3) evaluate the effectiveness of the grant program under section 136 of the Carl D. Perkins Career and Technical Education Act of 2006, as added by section 3, on student academic outcomes and youth career development.

(b) **TIMING.**—Not later than 3 years after the date of enactment of this Act, the Secretary of Education, acting through the Director of the Institute of Education Sciences, shall submit the results of the study to the appropriate congressional committees.

By Mrs. FEINSTEIN (for herself and Mr. DAINES):

S. 4431. A bill to increase wildfire preparedness and response throughout the United States, and for other purposes; to the Committee on Energy and Natural Resources.

Mrs. FEINSTEIN. Mr. President. I rise to speak in support of the bipartisan Emergency Wildfire and Public Safety Act of 2020, a bill that Senator DAINES and I are introducing today to protect our constituents from the increasing threat of catastrophic wildfires.

As a result of climate change, California and other Western States are experiencing a growing crisis. Over my 27 years in the Senate, I have witnessed dozens of massive wildfires. But the level of destruction we have seen in recent years and the transformation of wildfire from a seasonal phenomenon into a year-round threat require bold, new action. Our bill would do just that by giving Federal, State, and local governments new tools to better manage wildfires and protect communities.

While California has always had dangerous wildfires, the particularly devastating fires in 2017 and 2018 were a wake-up call and a harsh example of the consequences of inaction on climate change. The latest National Climate Assessment found that, over the past three decades, the number of acres burned in the Western United States is double what would have burned if the climate weren't changing. Nowhere is this being felt more than in California.

The 2018 Camp Fire killed 86 people in town of Paradise and destroyed 15,000 homes. That fire spread as fast as 80 acres a minute according to some estimates. After the 2017 Tubbs Fire, I visited the Coffey Park subdivision of Santa Rosa, which was destroyed when wildfire swept through Napa and Sonoma. The devastation was unlike anything I have ever seen.

According to California Department of Forestry and Fire Protection statistics, 10 of the 20 most destructive wildfires in California state history have occurred in just the last 5 years and 2018 was the most destructive wildfire season in recorded California his-

tory: nearly 2 million acres burned in our State, displacing hundreds of thousands and leading to billions of dollars of damage.

These problems will only grow worse as temperatures continue to rise as a result of climate change. But we can't simply wait for the world to roll back emissions to address our wildfire problem. Preparing for these challenges will require an all-of-the-above approach utilizing the latest science, even if some solutions aren't politically popular.

There are more than 150 million dead trees in California's forests, the result of both the historic drought and bark beetle populations that are thriving as temperatures warm. A single spark in the middle of those dead trees can lead to an inferno. And while 60 percent of the forestland in California is owned by the Federal Government, fires don't stop at the borders between federal, state, and private land, so any action must be coordinated.

I have joined California leaders and environmentalists in opposing the wholesale clearing of forests. There is a growing consensus around what appropriate forest management actions consist of, and I am encouraged by cooperative efforts such as the Tahoe-Central Sierra Initiative.

We can and should increase the use of firebreaks to stop massive wildfires from spreading into communities, and we can identify landscapes that are overgrown and restore resilience to our forests. But we must do it in a smart and sustainable way.

We should also continue to expand commercial markets for timber and wood products. Biomass energy generation would not only help remove overgrowth from the forests but would also provide energy for California homes and businesses.

We should increase our use of advanced detection systems to identify outbreaks sooner, and invest in safer power transmission lines and other methods to harden infrastructure. While California has requirements for defensible space around at-risk homes, incentives should be provided for homeowners to use fire-safe building materials. The Federal Government should also increase support for outreach efforts, so that risks and mitigation strategies are communicated to vulnerable individuals and communities.

This is why I am introducing The Emergency Wildfire and Public Safety Act of 2020. Our bill would protect communities by reducing wildfire risk in Federal forests, getting the private sector more involved in addressing wildfire risk, improving best practices for addressing wildfire, and creating more resilient communities and energy grids.

The bill would authorize the Forest Service to undertake three priority wildfire mitigation projects that would be limited to 75,000 acres in size, would allow for expedited environmental re-

views regarding the installation of fuel breaks near existing roads, trails, transmission lines and pipelines, and would include a technical fix to ensure that the Forest Service consults with the Fish and Wildlife Service when new public peer-reviewed research demonstrates potential harm to threatened or endangered species. The bill would also codify an existing administrative practice that allows the Forest Service to expedite hazardous fuel removal projects in emergency situations where it is immediately necessary to protect life, property, or natural and cultural resources.

The bill also makes important changes to stimulate the private market for low-value timber that poses a wildfire danger. The bill would establish a new \$100 million biomass infrastructure program to provide grant funding to build biomass facilities near forests that are at risk of wildfire and to offset the cost of transporting dead and dying trees out of high-hazard fire zones. The bill would also lift the current export ban on unprocessed timber from federal lands in the west for trees that are dead, dying, or if there is no demand in the United States. These measures are necessary to ensure that we can mitigate wildfire in a commercially viable way, and not just through continued government funding.

In terms of utilizing the latest science and techniques, the bill would also expedite permitting for the installation of wildfire detection equipment such as sensors, cameras, and other relevant equipment and expand the use of satellite data to assist wildfire response. The bill would also establish a new prescribed fire center to coordinate research and training of foresters and forest managers in the latest methods and innovations in prescribed fire practices to reduce the likelihood of catastrophic fires and improve the health of forests.

Given the generational shortage of workers in the forest management field, the bill would authorize a new workforce development program to assist in developing a career training pipeline for forestry workers.

Lastly, the bill would create more resilient communities and energy grids by expanding the Energy Department's weatherization program to allow for the retrofit of homes to make them more resilient to wildfire through the use of fire-resistant building materials and other methods, and by establishing a new \$100 million grant program to help critical facilities like hospitals and police stations become more energy efficient and better adapted to function during power shutoffs. The new program would also provide funding for the expanded use of distributed energy systems, including microgrids. Finally, the bill would allow FEMA hazard mitigation funding to be used for the installation of fire-resistant wires and infrastructure as well as for the undergrounding of wires.

It is important to be realistic about the threat we face. There have always

been wildfires in the West, and there always will be. But we must face the reality that climate change and rising temperatures will mean more risk of wildfires. We can and should prepare for this future beginning today. That is why we have introduced this new bill, and I urge my colleagues to take it up and pass it as soon as possible.

By Mr. DURBIN (for himself, Ms. WARREN, Mr. SANDERS, Mr. MERKLEY, Ms. HIRONO, Mr. MARKEY, Mr. VAN HOLLEN, and Mr. BLUMENTHAL):

S.J. Res. 75. A joint resolution proposing an amendment to the Constitution of the United States relative to the fundamental right to vote; to the Committee on the Judiciary.

Mr. DURBIN. Mr. President, in the days since we lost our colleague Congressman JOHN LEWIS, many of us have come to the floor to talk about his extraordinary courage and tenacity.

At the age of 25—25—he joined 600 civil rights activists to march across the Edmund Pettus Bridge in Selma, AL, in pursuit of the right to vote. We have talked about how that day became known as Bloody Sunday, after John and the other courageous marchers were met with brutal beatings from Alabama State troopers, and how, in the days that followed, President Lyndon B. Johnson called on Congress to pass the Voting Rights Act.

It was 55 years ago this week that President Johnson sat at a desk in the President's Room right off this Chamber, a room that we walk by many times each week, and signed the Voting Rights Act into law. He noted at the signing ceremony:

[L]ast March, with the outrage of Selma still fresh, I came down to this Capitol one evening and asked Congress and the people for swift and for sweeping action to guarantee to every man and woman the right to vote. In less than 48 hours, I sent the Voting Rights Act of 1965 to Congress. In little more than 4 months the Congress, with overwhelming majorities, enacted one of the most monumental laws in the history of American freedom.

Those were the words of Lyndon Johnson. He signed the Voting Rights Act in 1965.

Well, we have made significant progress since that day, thanks to great men like John Lewis, who marched to enact the Voting Rights Act, and the advocates and litigators who battled for decades to enforce it.

But there is a grim reality. Insidious voter suppression efforts still continue in America today. These efforts may not seem as obvious as the old-school poll taxes and literacy tests. But make no mistake. They are aimed at denying the fundamental right to vote, and all too often they are successful.

When I was chairman of the Judiciary Subcommittee on the Constitution, Civil Rights, and Human Rights, I decided to travel to the States of Florida and Ohio for public hearings to speak to officials and experts on the ground and to determine why those States,

through their legislatures, were passing laws—what I considered burdensome laws, such as reducing opportunities for early voting. Why were they making it harder to vote in Ohio and Florida?

In both States I asked witnesses, under oath, what evidence of widespread voter fraud prompted these laws that made it more difficult for people to vote and limited the time when they could vote. The answer was simple. Under oath, what was the evidence of fraud? There was no evidence of fraud.

It turned out that there were a handful of election fraud cases here and there, rarely prosecuted, and that is it.

In contrast to the mere specter of widespread voter fraud, we learned that these voter suppression laws really had consequences. We heard over and over that restrictive voting laws have a disproportionate impact on whom? Low income voters, Black voters, Brown voters, young voters, elderly, vulnerable voting populations.

When you make it harder to vote, it is tougher for these people to show up and vote. Someone knew that.

After the hearings, we learned more about the real reason behind those laws. According to news reports, Republican consultants and former officials admitted after the 2012 election that the Florida law discussed at my hearing was literally designed to suppress the vote, particularly among those leaning toward the Democratic column.

A year later, the Supreme Court announced its decision in *Shelby County v. Holder*. In a 5-to-4 vote, the divided Court struck down the provisions of the Voting Rights Act that required certain jurisdictions to preclear any changes in their voting laws with the Department of Justice.

The decision effectively gutted the Voting Rights Act of 1965, and in the aftermath, several State legislatures pushed through discriminatory restrictions on voting that previously would have required approval by the Justice Department ahead of time.

As an example, in North Carolina the legislature enacted a massive voter suppression bill, including a strict photo ID requirement, early voting cutbacks, and the elimination of same-day registration, out-of-precinct voting, and preregistration for teenagers who were about to turn 18 before an election.

What did a three-judge Federal panel have to say about this North Carolina law? They said “it targeted African Americans with almost surgical precision” and “enacted the law with discriminatory intent.”

Those are unequivocal words. Despite all the press releases to the contrary, the Court knew exactly what was going on in North Carolina. They were trying to stop African-American voters in that State from being counted.

Unfortunately, litigation targeting these voter suppression efforts has faced an increasingly uphill battle, as

President Trump has packed the Federal courts with partisan, rightwing judges, including several with appalling records on voting rights.

And though the Supreme Court continues to state that the right to vote is both “fundamental” and “preservative of other basic civil and political rights,” the Court has also continued to permit broad assaults on America's access to the ballot box.

Let me give you an example. In April, the Court forced thousands of Wisconsin primary voters in April of this year to choose between their health and exercising their right to vote in the middle of a COVID-19 pandemic. The Court refused to extend the deadline for returning absentee ballots, despite the public health national emergency we face.

A State official in Wisconsin recently said that at least 71 people were infected with COVID-19 after voting in person or working at the polls during that primary election.

In June, the Supreme Court turned down a request to reinstate a Texas district court judge's order which would have ensured that all voters in the State could ask to vote by mail, in light of the pandemic.

And just last month, the same Court refused to lift a stay in Florida that will prevent hundreds of thousands of otherwise eligible Floridians from voting in this month's primary election, simply because they can't pay the fines and fees imposed on them long ago as part of a criminal sentence.

What did Justice Sotomayor say in her dissent about this Florida case? “This court's inaction continues a trend of condoning disfranchisement.”

Well, it is time for this to end. I am introducing today a joint resolution. I don't do this lightly.

In the time that I have served in Congress, I believe that this is only the second time that I have proposed an amendment to this Constitution.

I believe, at least personally, that I am humbled by this document. I know it was far from perfect when written. We have learned that over the years with all the amendments and the history that has followed. But I have never thought myself worthy to add words to that document. One other time, on abolishing the electoral college, I had a bipartisan measure that I offered. But this is only the second time I have done it.

This joint resolution would create and enshrine an explicit, individual right to vote in the U.S. Constitution, and protect all Americans who seek to exercise this fundamental right.

Specifically, the amendment would provide an affirmative right to vote for every American citizen of legal voting age at any public election held in the jurisdiction in which they reside.

It would also require that any efforts to limit the fundamental right to vote would be subject to the strictest level of review in the courts.

Additionally, it would ensure that States could no longer rely on section

2 of the 14th Amendment to prevent Americans from voting due to an earlier criminal conviction.

Finally, the amendment would provide that Congress has the irrefutable authority to protect the right to vote through legislation.

If ratified, this constitutional amendment would protect against nefarious election administration changes that lead to long lines and people beating on doors, trying to get in to vote. These long lines have reduced voter turnout on election day. How in the world can we be a stronger nation if fewer people participate in the most important part of democracy?

It would protect against photo identification requirements that disproportionately harm low-income voters and African Americans and Hispanics.

Black lives matter. Brown lives matter. American lives matter. And when it comes to voting, this insidious effort to undermine the opportunity for these people to vote has to be called out for what it is.

It would also provide a path to end discriminatory criminal disfranchisement laws that are a relic of the Jim Crow era and yet continue to strip millions of citizens of their fundamental right to participate in our democracy.

Some may ask why we should pursue this amendment, when there are clearer, perhaps easier, steps that Congress can take right now to protect voting rights under its existing constitutional authority.

Let me give you an example. The Senate can quickly pass the JOHN LEWIS Voting Rights Act amendment, which the House passed last year, but that would rely on the decision by Senator MCCONNELL to actually let the Senate vote on a measure coming over from the House. There is little hope that is going to happen.

Given the ongoing ruthless assault on voting rights in America, it is clear that additional tools are necessary to push back against widespread voter suppression. I recognize that amending the Constitution is no small matter. I am well aware that introducing this amendment today is not going to lead to any immediate change, but I also believe that this moment represents the next step in a movement—a movement in America that will ultimately lead to a ratification of this amendment.

I am going to work with my colleagues and constituents to build support. I will ask opponents as to why they believe that fundamental right, preservation of all other rights in America, should not be affirmatively granted to the American people and literally enshrined in the United States Constitution—the right to vote. I plan to work with grassroots organizations who are fighting for their voting rights to be restored.

I am going to work with Representative MARK POCAN of Wisconsin, who has led this effort in the House, and I plan to work with civil rights leaders, in-

cluding an old friend, Jessie Jackson, who for years has called for this amendment to be introduced in the Senate.

I want to thank Reverend Jackson for his timeless leadership and advocacy. I am grateful to have the support of the Rainbow/Push Coalition as we introduce this amendment, along with the Advancement Project national office. Let me thank Senators WARREN, SANDERS, MERKLEY, HIRONO, MARKEY, VAN HOLLEN, and BLUMENTHAL for co-sponsoring, and I hope others will join us.

By accident, I was given a book several years ago entitled “White Rage,” written by Carol Anderson. Carol Anderson is a professor at Emory University. The book was given to me by my brother-in-law, and I was skeptical that I would even read it, let alone like it. Well, I have to state that I have read it and recommended it over and over to my colleagues in the Senate, including giving a copy to then Senate Majority Leader Harry Reid. He decided, after reading the book, that it was so good that he invited Professor Carol Anderson to come speak to our caucus. She is an amazing person and a great historian.

She followed “White Rage” with this book, “One Person, No Vote.” In it she tells the history of voter suppression. It is an eye-opener.

After the Civil War and all those deaths to end slavery, after the assassination of Lincoln and after the effort was made to finally give to Blacks in the South a chance to become full-fledged citizens, they ran into Jim Crow laws.

She talks about something which I had heard of but knew little about. I would like to say a word from the book.

The question is about the efforts made to suppress the Black vote in the South, and she writes:

That became most apparent in 1890 when the Magnolia State passed the Mississippi Plan, a dizzying array of poll taxes, literacy tests, understanding clauses, newfangled voter registration rules, and “good character” clauses—all intentionally racially discriminatory but dressed up in the genteel garb of bringing “integrity” to the voting booth. This feigned legal innocence was legislative evil genius.

Virginia representative Carter Glass, like so many others, swooned at the thought of bringing the Mississippi Plan to his own state [of Virginia], especially after he saw how well it had worked. He rushed to champion a bill in the legislature that would “eliminate the darkey as a political factor . . . in less than five years.” Glass, whom President Franklin Roosevelt would one day describe as an “unreconstructed rebel,” planned not to “deprive a single white man of the ballot, but [to] inevitably cut from the existing electorate four-fifths of the Negro voters” in Virginia.

One delegate questioned him: “Will it not be done by fraud and discrimination?”

“By fraud, no. By discrimination, yes,” Glass retorted. “Discrimination! Why, that is precisely what we propose . . . to discriminate to the very extremity . . . permissible . . . under . . . the Federal Constitution,

with a view to the elimination of every negro voter who can be gotten rid of, legally, without materially impairing the numerical strength of the white electorate.”

Unapologetic, straight in his remarks, his racism was rampant, and so it was across the country.

Black lives matter. America matters. And our democracy matters. Once and for all, the right to vote should be enshrined in our Constitution. People died for it. It is time for us to work hard to show that we care.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S.J. RES. 75

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States:*

“ARTICLE—

“SECTION 1. Every citizen of the United States, who is of legal voting age, shall have the fundamental right to vote in any public election held in the jurisdiction in which the citizen resides.

“SECTION 2. The fundamental right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State or political subdivision within a State unless such denial or abridgment is in furtherance of a compelling governmental interest and is the least restrictive means of furthering that compelling governmental interest.

“SECTION 3. The portion of section 2 of the fourteenth article of amendment to the Constitution of the United States that consists of the phrase ‘or other crime,’ is repealed.

“SECTION 4. The Congress shall have the power to enforce this article and protect against any denial or abridgement of the fundamental right to vote by legislation.”.

#### SUBMITTED RESOLUTIONS

#### SENATE RESOLUTION 666—HONORING THE FAITHFUL AND UNWAVERING SERVICE OF CIVIL AIR TRANSPORT AND AIR AMERICA TO THE UNITED STATES

Mr. CASSIDY (for himself and Mr. RUBIO) submitted the following resolution; which was referred to the Select Committee on Intelligence:

S. RES. 666

Whereas, over the course of 4 decades, the courage, dedication to duty, superior airmanship, and sacrifice of the men and women of Civil Air Transport and Air America set high standards for future covert air operations;

Whereas, during the Cold War, aircrews and ground personnel of Civil Air Transport and Air America gave selflessly in service to the worldwide battle against communist oppression;

Whereas, across multiple active military theaters from the Far East to Southeast Asia, the legendary men and women of Civil Air Transport and Air America served heroically, and many of those men and women gave their lives in the defense of freedom;

Whereas, often at great personal risk of enemy ground fire and possible capture, Air America acted quickly and decisively to conduct search and rescue operations to recover downed aviators in trouble, always fully embodying the "Airman's Creed"; and

Whereas the individuals of Air America performed these search and rescue operations despite often outdated equipment, hazardous terrain, dangerous weather, and the bureaucracy of their own governments: Now, therefore, be it

*Resolved*, That the Senate—

(1) recognizes the skill, bravery and loyalty of veterans of Civil Air Transport and Air America; and

(2) honors the sacrifices of veterans of Civil Air Transport and Air America to defend freedom and protect the United States.

#### AMENDMENTS SUBMITTED AND PROPOSED

SA 2505. Mr. RUBIO (for himself and Ms. COLLINS) submitted an amendment intended to be proposed to amendment SA 2499 proposed by Mr. MCCONNELL to the bill S. 178, to condemn gross human rights violations of ethnic Turkic Muslims in Xinjiang, and calling for an end to arbitrary detention, torture, and harassment of these communities inside and outside China; which was ordered to lie on the table.

SA 2506. Mr. RUBIO (for himself and Ms. COLLINS) submitted an amendment intended to be proposed by him to the bill S. 178, supra; which was ordered to lie on the table.

SA 2507. Mr. RUBIO (for himself and Ms. COLLINS) submitted an amendment intended to be proposed to amendment SA 2499 proposed by Mr. MCCONNELL to the bill S. 178, supra; which was ordered to lie on the table.

SA 2508. Mr. RUBIO (for himself and Ms. COLLINS) submitted an amendment intended to be proposed by him to the bill S. 178, supra; which was ordered to lie on the table.

SA 2509. Mr. GRASSLEY submitted an amendment intended to be proposed to amendment SA 2499 proposed by Mr. MCCONNELL to the bill S. 178, supra; which was ordered to lie on the table.

SA 2510. Mr. GRASSLEY submitted an amendment intended to be proposed to amendment SA 2499 proposed by Mr. MCCONNELL to the bill S. 178, supra; which was ordered to lie on the table.

SA 2511. Mr. GRASSLEY submitted an amendment intended to be proposed to amendment SA 2499 proposed by Mr. MCCONNELL to the bill S. 178, supra; which was ordered to lie on the table.

SA 2512. Mr. MORAN (for himself and Mr. BLUMENTHAL) proposed an amendment to the bill S. 2330, to amend the Ted Stevens Olympic and Amateur Sports Act to provide for congressional oversight of the board of directors of the United States Olympic and Paralympic Committee and to protect amateur athletes from emotional, physical, and sexual abuse, and for other purposes.

SA 2513. Mr. CASSIDY (for himself, Mr. DAINES, Mr. ROMNEY, and Mr. RUBIO) submitted an amendment intended to be proposed to amendment SA 2499 proposed by Mr. MCCONNELL to the bill S. 178, to condemn gross human rights violations of ethnic Turkic Muslims in Xinjiang, and calling for an end to arbitrary detention, torture, and harassment of these communities inside and outside China; which was ordered to lie on the table.

SA 2514. Ms. MCSALLY submitted an amendment intended to be proposed to amendment SA 2499 proposed by Mr. MCCONNELL to the bill S. 178, supra; which was ordered to lie on the table.

SA 2515. Ms. MCSALLY (for herself, Mr. DAINES, Mr. CORNYN, and Mr. SULLIVAN) sub-

mitted an amendment intended to be proposed to amendment SA 2499 proposed by Mr. MCCONNELL to the bill S. 178, supra; which was ordered to lie on the table.

SA 2516. Ms. MCSALLY submitted an amendment intended to be proposed by her to the bill S. 178, supra; which was ordered to lie on the table.

SA 2517. Ms. MCSALLY submitted an amendment intended to be proposed to amendment SA 2499 proposed by Mr. MCCONNELL to the bill S. 178, supra; which was ordered to lie on the table.

SA 2518. Mr. BLUNT (for himself, Mrs. CAPITO, and Mrs. HYDE-SMITH) submitted an amendment intended to be proposed by him to the bill S. 178, supra; which was ordered to lie on the table.

SA 2519. Mr. BLUNT (for himself and Mr. DAINES) submitted an amendment intended to be proposed by him to the bill S. 178, supra; which was ordered to lie on the table.

SA 2520. Mr. BLUNT (for himself and Mr. ALEXANDER) submitted an amendment intended to be proposed by him to the bill S. 178, supra; which was ordered to lie on the table.

SA 2521. Mr. BLUNT submitted an amendment intended to be proposed to amendment SA 2499 proposed by Mr. MCCONNELL to the bill S. 178, supra; which was ordered to lie on the table.

SA 2522. Mr. BLUNT (for himself, Mrs. CAPITO, and Mrs. HYDE-SMITH) submitted an amendment intended to be proposed to amendment SA 2499 proposed by Mr. MCCONNELL to the bill S. 178, supra; which was ordered to lie on the table.

SA 2523. Mr. BLUNT (for himself and Mr. DAINES) submitted an amendment intended to be proposed to amendment SA 2499 proposed by Mr. MCCONNELL to the bill S. 178, supra; which was ordered to lie on the table.

SA 2524. Mr. BLUNT (for himself and Mr. ALEXANDER) submitted an amendment intended to be proposed to amendment SA 2499 proposed by Mr. MCCONNELL to the bill S. 178, supra; which was ordered to lie on the table.

SA 2525. Mr. BLUNT submitted an amendment intended to be proposed by him to the bill S. 178, supra; which was ordered to lie on the table.

SA 2526. Mr. TOOMEY submitted an amendment intended to be proposed to amendment SA 2499 proposed by Mr. MCCONNELL to the bill S. 178, supra; which was ordered to lie on the table.

SA 2527. Mr. TOOMEY submitted an amendment intended to be proposed by him to the bill S. 178, supra; which was ordered to lie on the table.

SA 2528. Mr. TOOMEY (for himself and Mrs. CAPITO) submitted an amendment intended to be proposed by him to the bill S. 178, supra; which was ordered to lie on the table.

SA 2529. Mr. TOOMEY (for himself and Mrs. CAPITO) submitted an amendment intended to be proposed to amendment SA 2499 proposed by Mr. MCCONNELL to the bill S. 178, supra; which was ordered to lie on the table.

SA 2530. Mr. ALEXANDER submitted an amendment intended to be proposed to amendment SA 2499 proposed by Mr. MCCONNELL to the bill S. 178, supra; which was ordered to lie on the table.

SA 2531. Mr. ALEXANDER submitted an amendment intended to be proposed to amendment SA 2499 proposed by Mr. MCCONNELL to the bill S. 178, supra; which was ordered to lie on the table.

SA 2532. Mr. ALEXANDER submitted an amendment intended to be proposed to amendment SA 2499 proposed by Mr. MCCONNELL to the bill S. 178, supra; which was ordered to lie on the table.

SA 2533. Mr. ALEXANDER submitted an amendment intended to be proposed to amendment SA 2499 proposed by Mr. MCCONNELL to the bill S. 178, supra; which was ordered to lie on the table.

SA 2534. Mr. ALEXANDER submitted an amendment intended to be proposed to amendment SA 2499 proposed by Mr. MCCONNELL to the bill S. 178, supra; which was ordered to lie on the table.

SA 2535. Mrs. CAPITO (for herself and Ms. COLLINS) submitted an amendment intended to be proposed to amendment SA 2499 proposed by Mr. MCCONNELL to the bill S. 178, supra; which was ordered to lie on the table.

SA 2536. Mrs. CAPITO (for herself and Ms. COLLINS) submitted an amendment intended to be proposed by her to the bill S. 178, supra; which was ordered to lie on the table.

SA 2537. Mr. DAINES submitted an amendment intended to be proposed to amendment SA 2499 proposed by Mr. MCCONNELL to the bill S. 178, supra; which was ordered to lie on the table.

SA 2538. Mr. GRAHAM submitted an amendment intended to be proposed to amendment SA 2499 proposed by Mr. MCCONNELL to the bill S. 178, supra; which was ordered to lie on the table.

SA 2539. Mr. GRAHAM submitted an amendment intended to be proposed to amendment SA 2499 proposed by Mr. MCCONNELL to the bill S. 178, supra; which was ordered to lie on the table.

SA 2540. Mr. BARRASSO submitted an amendment intended to be proposed to amendment SA 2499 proposed by Mr. MCCONNELL to the bill S. 178, supra; which was ordered to lie on the table.

SA 2541. Mr. BARRASSO submitted an amendment intended to be proposed by him to the bill S. 178, supra; which was ordered to lie on the table.

SA 2542. Mr. CRAPO submitted an amendment intended to be proposed to amendment SA 2499 proposed by Mr. MCCONNELL to the bill S. 178, supra; which was ordered to lie on the table.

SA 2543. Mr. WICKER submitted an amendment intended to be proposed by him to the bill S. 178, supra; which was ordered to lie on the table.

SA 2544. Mr. WICKER submitted an amendment intended to be proposed to amendment SA 2499 proposed by Mr. MCCONNELL to the bill S. 178, supra; which was ordered to lie on the table.

SA 2545. Mr. PERDUE (for himself and Mr. BLUNT) submitted an amendment intended to be proposed to amendment SA 2499 proposed by Mr. MCCONNELL to the bill S. 178, supra; which was ordered to lie on the table.

SA 2546. Mr. PERDUE (for himself and Mr. BLUNT) submitted an amendment intended to be proposed by him to the bill S. 178, supra; which was ordered to lie on the table.

SA 2547. Mr. DAINES (for himself and Mr. ALEXANDER) submitted an amendment intended to be proposed to amendment SA 2499 proposed by Mr. MCCONNELL to the bill S. 178, supra; which was ordered to lie on the table.

SA 2548. Mr. DAINES submitted an amendment intended to be proposed by him to the bill S. 178, supra; which was ordered to lie on the table.

SA 2549. Mr. GRASSLEY submitted an amendment intended to be proposed to amendment SA 2499 proposed by Mr. MCCONNELL to the bill S. 178, supra; which was ordered to lie on the table.

SA 2550. Mr. SCOTT, of Florida submitted an amendment intended to be proposed to amendment SA 2499 proposed by Mr. MCCONNELL to the bill S. 178, supra; which was ordered to lie on the table.

SA 2551. Mr. SCOTT, of Florida submitted an amendment intended to be proposed to

amendment SA 2499 proposed by Mr. MCCONNELL to the bill S. 178, supra; which was ordered to lie on the table.

SA 2552. Mr. SCOTT, of Florida (for himself, Ms. ERNST, and Ms. MCSALLY) submitted an amendment intended to be proposed to amendment SA 2499 proposed by Mr. MCCONNELL to the bill S. 178, supra; which was ordered to lie on the table.

SA 2553. Mr. ENZI submitted an amendment intended to be proposed to amendment SA 2499 proposed by Mr. MCCONNELL to the bill S. 178, supra; which was ordered to lie on the table.

SA 2554. Mr. ENZI submitted an amendment intended to be proposed by him to the bill S. 178, supra; which was ordered to lie on the table.

SA 2555. Mr. ENZI submitted an amendment intended to be proposed to amendment SA 2499 proposed by Mr. MCCONNELL to the bill S. 178, supra; which was ordered to lie on the table.

SA 2556. Mr. ENZI submitted an amendment intended to be proposed by him to the bill S. 178, supra; which was ordered to lie on the table.

SA 2557. Mr. ENZI submitted an amendment intended to be proposed to amendment SA 2499 proposed by Mr. MCCONNELL to the bill S. 178, supra; which was ordered to lie on the table.

SA 2558. Mr. ENZI submitted an amendment intended to be proposed by him to the bill S. 178, supra; which was ordered to lie on the table.

SA 2559. Mr. ROMNEY (for himself, Ms. COLLINS, and Ms. MCSALLY) submitted an amendment intended to be proposed to amendment SA 2499 proposed by Mr. MCCONNELL to the bill S. 178, supra; which was ordered to lie on the table.

SA 2560. Mr. COTTON submitted an amendment intended to be proposed to amendment SA 2499 proposed by Mr. MCCONNELL to the bill S. 178, supra; which was ordered to lie on the table.

SA 2561. Mrs. CAPITO submitted an amendment intended to be proposed to amendment SA 2499 proposed by Mr. MCCONNELL to the bill S. 178, supra; which was ordered to lie on the table.

SA 2562. Mrs. CAPITO submitted an amendment intended to be proposed to amendment SA 2499 proposed by Mr. MCCONNELL to the bill S. 178, supra; which was ordered to lie on the table.

SA 2563. Mr. YOUNG submitted an amendment intended to be proposed to amendment SA 2499 proposed by Mr. MCCONNELL to the bill S. 178, supra; which was ordered to lie on the table.

SA 2564. Mr. MORAN submitted an amendment intended to be proposed to amendment SA 2499 proposed by Mr. MCCONNELL to the bill S. 178, supra; which was ordered to lie on the table.

SA 2565. Mr. CORNYN (for himself and Mr. MCCONNELL) submitted an amendment intended to be proposed to amendment SA 2499 proposed by Mr. MCCONNELL to the bill S. 178, supra; which was ordered to lie on the table.

SA 2566. Mrs. HYDE-SMITH submitted an amendment intended to be proposed to amendment SA 2499 proposed by Mr. MCCONNELL to the bill S. 178, supra; which was ordered to lie on the table.

SA 2567. Mr. MCCONNELL (for Mrs. CAPITO (for herself and Mr. PETERS)) proposed an amendment to the bill S. 384, to require the Secretary of Commerce, acting through the Director of the National Institute of Standards and Technology, to help facilitate the adoption of composite technology in infrastructure in the United States, and for other purposes.

## TEXT OF AMENDMENTS

**SA 2505.** Mr. RUBIO (for himself and Ms. COLLINS) submitted an amendment intended to be proposed to amendment SA 2499 proposed by Mr. MCCONNELL to the bill S. 178, to condemn gross human rights violations of ethnic Turkic Muslims in Xinjiang, and calling for an end to arbitrary detention, torture, and harassment of these communities inside and outside China; which was ordered to lie on the table; as follows:

At the end of the amendment, add the following:

### SEC. 3. SMALL BUSINESS RECOVERY.

(a) **SHORT TITLE.**—This section may be cited as the “Continuing Small Business Recovery and Paycheck Protection Program Act”.

(b) **DEFINITIONS.**—In this section:

(1) **ADMINISTRATION; ADMINISTRATOR.**—The terms “Administration” and “Administrator” mean the Small Business Administration and the Administrator thereof, respectively.

(2) **SMALL BUSINESS CONCERN.**—The term “small business concern” has the meaning given the term in section 3 of the Small Business Act (15 U.S.C. 632).

(c) **EMERGENCY RULEMAKING AUTHORITY.**—Not later than 30 days after the date of enactment of this Act, the Administrator shall issue regulations to carry out this section and the amendments made by this section without regard to the notice requirements under section 553(b) of title 5, United States Code.

(d) **ADDITIONAL ELIGIBLE EXPENSES.**—

(1) **ALLOWABLE USE OF PPP LOAN.**—Section 7(a)(36)(F)(i) of the Small Business Act (15 U.S.C. 636(a)(36)(F)(i)) is amended—

(A) in subclause (VI), by striking “and” at the end;

(B) in subclause (VII), by striking the period at the end and inserting a semicolon; and

(C) by adding at the end the following:

“(VIII) covered operations expenditures, as defined in section 1106(a) of the CARES Act (15 U.S.C. 9005(a));

“(IX) covered property damage costs, as defined in such section 1106(a);

“(X) covered supplier costs, as defined in such section 1106(a); and

“(XI) covered worker protection expenditures, as defined in such section 1106(a).”.

(2) **LOAN FORGIVENESS.**—Section 1106 of the CARES Act (15 U.S.C. 9005) is amended—

(A) in subsection (a)—

(i) by redesignating paragraphs (6), (7), and (8) as paragraphs (10), (11), and (12), respectively;

(ii) by redesignating paragraph (5) as paragraph (8);

(iii) by redesignating paragraph (4) as paragraph (6);

(iv) by redesignating paragraph (3) as paragraph (4);

(v) by inserting after paragraph (2) the following:

“(3) the term ‘covered operations expenditure’ means a payment for any business software or cloud computing service that facilitates business operations, product or service delivery, the processing, payment, or tracking of payroll expenses, human resources, sales and billing functions, or accounting or tracking of supplies, inventory, records and expenses;”;

(vi) by inserting after paragraph (4), as so redesignated, the following:

“(5) the term ‘covered property damage cost’ means a cost related to property damage and vandalism or looting due to public disturbances that occurred during 2020 that

was not covered by insurance or other compensation;”;

(vii) by inserting after paragraph (6), as so redesignated, the following:

“(5) the term ‘covered supplier cost’ means an expenditure made by an entity to a supplier of goods pursuant to a contract in effect before February 15, 2020 for the supply of goods that are essential to the operations of the entity at the time at which the expenditure is made;”;

(viii) by inserting after paragraph (8), as so redesignated, the following:

“(9) the term ‘covered worker protection expenditure’—

“(A) means an operating or a capital expenditure that is required to facilitate the adaptation of the business activities of an entity to comply with requirements established or guidance issued by the Department of Health and Human Services, the Centers for Disease Control, or the Occupational Safety and Health Administration during the period beginning on March 1, 2020 and ending December 31, 2020 related to the maintenance of standards for sanitation, social distancing, or any other worker or customer safety requirement related to COVID-19;

“(B) may include—

“(i) the purchase, maintenance, or renovation of assets that create or expand—

“(I) a drive-through window facility;

“(II) an indoor, outdoor, or combined air or air pressure ventilation or filtration system;

“(III) a physical barrier such as a sneeze guard;

“(IV) an indoor, outdoor, or combined commercial real property;

“(V) an onsite or offsite health screening capability; or

“(VI) other assets relating to the compliance with the requirements or guidance described in subparagraph (A), as determined by the Administrator in consultation with the Secretary of Health and Human Services and the Secretary of Labor; and

“(ii) the purchase of—

“(I) covered materials described in section 328.103(a) of title 44, Code of Federal Regulations, or any successor regulation;

“(II) particulate filtering facepiece respirators approved by the National Institute for Occupational Safety and Health, including those approved only for emergency use authorization; or

“(III) other kinds of personal protective equipment, as determined by the Administrator in consultation with the Secretary of Health and Human Services and the Secretary of Labor; and

“(C) does not include residential real property or intangible property;”;

(ix) in paragraph (11), as so redesignated—

(I) in subparagraph (C), by striking “and” at the end;

(II) in subparagraph (D), by striking “and” at the end; and

(III) by adding at the end the following:

“(E) covered operations expenditures;

“(F) covered property damage costs;

“(G) covered supplier costs; and

“(H) covered worker protection expenditures; and”;

(B) in subsection (b), by adding at the end the following:

“(5) Any covered operations expenditure.

“(6) Any covered property damage cost.

“(7) Any covered supplier cost.

“(8) Any covered worker protection expenditure.”;

(C) in subsection (d)(8), by inserting “any payment on any covered operations expenditure, any payment on any covered property damage cost, any payment on any covered supplier cost, any payment on any covered worker protection expenditure,” after “rent obligation.”; and

(D) in subsection (e)—

(i) in paragraph (2), by inserting “payments on covered operations expenditures, payments on covered property damage costs, payments on covered supplier costs, payments on covered worker protection expenditures,” after “lease obligations,”; and

(ii) in paragraph (3)(B), by inserting “make payments on covered operations expenditures, make payments on covered property damage costs, make payments on covered supplier costs, make payments on covered worker protection expenditures,” after “rent obligation,”.

(e) LENDER SAFE HARBOR.—Subsection (h) of section 1106 of the CARES Act (15 U.S.C. 9005) is amended to read as follows:

“(h) HOLD HARMLESS.—

“(1) IN GENERAL.—A lender may rely on any certification or documentation submitted by an applicant for a covered loan or an eligible recipient of a covered loan that—

“(A) is submitted pursuant to any statutory requirement relating to covered loans or any rule or guidance issued to carry out any action relating to covered loans; and

“(B) attests that the applicant or eligible recipient, as applicable, has accurately verified any certification or documentation provided to the lender.

“(2) NO ENFORCEMENT ACTION.—With respect to a lender that relies on a certification or documentation described in paragraph (1)—

“(A) an enforcement action may not be taken against the lender acting in good faith relating to origination or forgiveness of a covered loan based on such reliance; and

“(B) the lender acting in good faith shall not be subject to any penalties relating to origination or forgiveness of a covered loan based on such reliance.”.

(f) SELECTION OF COVERED PERIOD FOR FORGIVENESS.—Section 1106 of the CARES Act (15 U.S.C. 9005) is amended—

(1) by amending paragraph (4) of subsection (a), as so redesignated by subsection (d) of this section, to read as follows:

“(4) the term ‘covered period’ means the period—

“(A) beginning on the date of the origination of a covered loan; and

“(B) ending on a date selected by the eligible recipient of the covered loan that occurs during the period—

“(i) beginning on the date that is 8 weeks after such date of origination; and

“(ii) ending on December 31, 2020;”;

(2) by striking subsection (1).

(g) SIMPLIFIED APPLICATION.—Section 1106 of the CARES Act (15 U.S.C. 9005), as amended by subsection (f) of this section, is amended—

(1) in subsection (e), in the matter preceding paragraph (1), by striking “An eligible” and inserting “Except as provided in subsection (1), an eligible”;

(2) in subsection (f), by inserting “or the information required under subsection (1), as applicable” after “subsection (e)”;

(3) by adding at the end the following:

“(1) SIMPLIFIED APPLICATION.—

“(1) COVERED LOANS UNDER \$150,000.—

“(A) IN GENERAL.—Notwithstanding subsection (e), with respect to a covered loan made to an eligible recipient that is not more than \$150,000, the covered loan amount shall be forgiven under this section if the eligible recipient—

“(i) signs and submits to the lender an attestation that the eligible recipient made a good faith effort to comply with the requirements under section 7(a)(36) of the Small Business Act (15 U.S.C. 636(a)(36)); and

“(ii) for the 1-year period following submission of the attestation under clause (i), retains records relevant to the attestation that prove compliance with those requirements.

“(B) DEMOGRAPHIC INFORMATION.—An eligible recipient of a covered loan described in subparagraph (A) may complete and submit any form related to borrower demographic information.

“(C) AUDIT.—The Administrator may—

“(i) review and audit covered loans described in subparagraph (A); and

“(ii) in the case of fraud, ineligibility, or other material noncompliance with applicable loan or loan forgiveness requirements, modify—

“(I) the amount of a covered loan described in subparagraph (A); or

“(II) the loan forgiveness amount with respect to a covered loan described in subparagraph (A).

“(2) COVERED LOANS BETWEEN \$150,000 AND \$2,000,000.—

“(A) IN GENERAL.—Notwithstanding subsection (e), with respect to a covered loan made to an eligible recipient that is more than \$150,000 and not more than \$2,000,000—

“(i) the eligible recipient seeking loan forgiveness under this section—

“(I) is not required to submit the supporting documentation described in paragraph (1) or (2) of subsection (e) or the certification described in subsection (e)(3)(A);

“(II) shall retain all relevant schedules, worksheets, and supporting documentation for the 3-year period following submission of the application for loan forgiveness; and

“(III) may complete and submit any form related to borrower demographic information;

“(ii) review by the lender of an application submitted by the eligible recipient for loan forgiveness under this section shall be limited to whether the lender received a complete application, with all fields completed, initialed, or signed, as applicable; and

“(iii) the lender shall—

“(I) accept the application submitted by the eligible recipient for loan forgiveness under this section; and

“(II) submit the application to the Administrator.

“(B) AUDIT.—The Administrator may—

“(i) review and audit covered loans described in subparagraph (A); and

“(ii) in the case of fraud, ineligibility, or other material noncompliance with applicable loan or loan forgiveness requirements, modify—

“(I) the amount of a covered loan described in subparagraph (A); or

“(II) the loan forgiveness amount with respect to a covered loan described in subparagraph (A).

“(3) AUDIT PLAN.—

“(A) IN GENERAL.—Not later than 30 days after the date of enactment of the Continuing Small Business Recovery and Paycheck Protection Program Act, the Administrator shall submit to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives an audit plan that details—

“(i) the policies and procedures of the Administrator for conducting reviews and audits of covered loans; and

“(ii) the metrics that the Administrator shall use to determine which covered loans will be audited for each category of covered loans described in paragraphs (1) and (2).

“(B) REPORTS.—Not later than 30 days after the date on which the Administrator submits the audit plan required under subparagraph (A), and each month thereafter, the Administrator shall submit to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives a report on the review and audit activities of the Administrator under this subsection, which shall include—

“(i) the number of active reviews and audits;

“(ii) the number of reviews and audits that have been ongoing for more than 60 days; and

“(iii) any substantial changes made to the audit plan submitted under subparagraph (A).”.

(h) GROUP INSURANCE PAYMENTS AS PAYROLL COSTS.—Section 7(a)(36)(A)(viii)(I)(aa)(EE) of the Small Business Act (15 U.S.C. 636(a)(36)(A)(viii)(I)(aa)(EE)) is amended by inserting “and other group insurance” before “benefits”.

(i) PAYCHECK PROTECTION PROGRAM SECOND DRAW LOANS.—Section 7(a) of the Small Business Act (15 U.S.C. 636(a)) is amended by adding at the end the following:

“(37) PAYCHECK PROTECTION PROGRAM SECOND DRAW LOANS.—

“(A) DEFINITIONS.—In this paragraph—

“(i) the terms ‘community financial institutions’, ‘credit union’, ‘eligible self-employed individual’, ‘insured depository institution’, ‘nonprofit organization’, ‘payroll costs’, ‘seasonal employer’, and ‘veterans organization’ have the meanings given those terms in paragraph (36), except that ‘eligible entity’ shall be substituted for ‘eligible recipient’ each place it appears in the definitions of those terms;

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

“(iii) the terms ‘covered mortgage obligation’, ‘covered operating expenditure’, ‘covered property damage cost’, ‘covered rent obligation’, ‘covered supplier cost’, ‘covered utility payment’, and ‘covered worker protection expenditure’ have the meanings given those terms in section 1106(a) of the CARES Act (15 U.S.C. 9005(a));

“(iv) the term ‘covered period’ means the period beginning on the date of the origination of a covered loan and ending on December 31, 2020;

“(v) the term ‘eligible entity’—

“(I) means any business concern, nonprofit organization, veterans organization, Tribal business concern, eligible self-employed individual, sole proprietor, independent contractor, or small agricultural cooperative that—

“(aa)(AA) with respect to a business concern, would qualify as a small business concern by the annual receipts size standard (if applicable) established by section 121.201 of title 13, Code of Federal Regulations, or any successor regulation; or

“(BB) if the entity does not qualify as a small business concern, meets the alternative size standard established under section 3(a)(5);

“(bb) employs not more than 300 employees; and

“(cc)(AA) except as provided in subitems (BB), (CC), and (DD), had gross receipts during the first or second quarter in 2020 that are not less than 35 percent less than the gross receipts of the entity during the same quarter in 2019;

“(BB) if the entity was not in business during the first or second quarter of 2019, but was in business during the third and fourth quarter of 2019, had gross receipts during the first or second quarter of 2020 that are less than 35 percent of the amount of the gross receipts of the entity during the third or fourth quarter of 2019;

“(CC) if the entity was not in business during the first, second, or third quarter of 2019, but was in business during the fourth quarter of 2019, had gross receipts during the first or second quarter of 2020 that are less than 35 percent of the amount of the gross receipts of the entity during the fourth quarter of 2019; or

“(DD) if the entity was not in business during 2019, but was in operation on February



15, 2020, had gross receipts during the second quarter of 2020 that are less than 35 percent of the amount of the gross receipts of the entity during the first quarter of 2020;

“(II) includes an organization described in subparagraph (D)(vii) of paragraph (36) that is eligible to receive a loan under that paragraph and that meets the requirements described in items (aa) and (cc) of subclause (I); and

“(III) does not include—

“(aa) an issuer, the securities of which are listed on an exchange registered a national securities exchange under section 6 of the Securities Exchange Act of 1934 (15 U.S.C. 78f);

“(bb) any entity that—

“(AA) is a type of business concern described in subsection (b), (c), (d), (e), (f), (h), (l) (m), (p), (q), (r), or (s) of section 120.110 of title 13, Code of Federal Regulations, or any successor regulation;

“(BB) is a type of business concern described in section 120.110(g) of title 13, Code of Federal Regulations, or any successor regulation, except as otherwise provided in the interim final rule of the Administration entitled ‘Business Loan Program Temporary Changes; Paycheck Protection Program—Additional Eligibility Criteria and Requirements for Certain Pledges of Loans’ (85 Fed. Reg. 21747 (April 20, 2020));

“(CC) is a type of business concern described in section 120.110(i) of title 13, Code of Federal Regulations, or any successor regulation, except if the business concern is an organization described in paragraph (36)(D)(vii);

“(DD) is a type of business concern described in section 120.110(j) of title 13, Code of Federal Regulations, or any successor regulation, except as otherwise provided in the interim final rules of the Administration entitled ‘Business Loan Program Temporary Changes; Paycheck Protection Program—Eligibility of Certain Electric Cooperatives’ (85 Fed. Reg. 29847 (May 19, 2020)) and ‘Business Loan Program Temporary Changes; Paycheck Protection Program—Eligibility of Certain Telephone Cooperatives’ (85 Fed. Reg. 35550 (June 11, 2020)) or any other guidance or rule issued or that may be issued by the Administrator;

“(EE) is a type of business concern described in section 120.110(n) of title 13, Code of Federal Regulations, or any successor regulation, except as otherwise provided in the interim final rule of the Administration entitled ‘Business Loan Program Temporary Changes; Paycheck Protection Program—Additional Eligibility Revisions to First Interim Final Rule’ (85 Fed. Reg. 38301 (June 26, 2020)) or any other guidance or rule issued or that may be issued by the Administrator;

“(FF) is a type of business concern described in section 120.110(o) of title 13, Code of Federal Regulations, or any successor regulation, except as otherwise provided in any guidance or rule issued or that may be issued by the Administrator; or

“(GG) is an entity that is organized for research or for engaging in advocacy in areas such as public policy or political strategy or otherwise describes itself as a think tank in any public documents;

“(HH) is an entity that would be described in the subsections listed in subitems (AA) through (GG) if the entity were a business concern; or

“(II) is assigned, or was approved for a loan under paragraph (36) with, a North American Industry Classification System code beginning with 52;

“(cc) any business concern or entity primarily engaged in political or lobbying activities, which shall include any entity that is organized for research or for engaging in advocacy in areas such as public policy or

political strategy or otherwise describes itself as a think tank in any public documents; or

“(dd) any business concern or entity—

“(AA) for which an entity created in or organized under the laws of the People’s Republic of China or the Special Administrative Region of Hong Kong, or that has significant operations in the People’s Republic of China or the Special Administrative Region of Hong Kong, owns or holds, directly or indirectly, not less than 20 percent of the economic interest of the business concern or entity, including as equity shares or a capital or profit interest in a limited liability company or partnership; or

“(BB) that retains, as a member of the board of directors of the business concern, a person who is a resident of the People’s Republic of China;

“(vi) the terms ‘exchange’, ‘issuer’, and ‘security’ have the meanings given those terms in section 3(a) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a)); and

“(vii) the term ‘Tribal business concern’ means a Tribal business concern described in section 31(b)(2)(C).

“(B) LOANS.—Except as otherwise provided in this paragraph, the Administrator may guarantee covered loans to eligible entities under the same terms, conditions, and processes as a loan made under paragraph (36).

“(C) MAXIMUM LOAN AMOUNT.—

“(i) IN GENERAL.—Except as otherwise provided in this subparagraph, the maximum amount of a covered loan made to an eligible entity is the lesser of—

“(I) the product obtained by multiplying—

“(aa) at the election of the eligible entity, the average total monthly payment for payroll costs incurred or paid by the eligible entity during—

“(AA) the 1-year period before the date on which the loan is made; or

“(BB) calendar year 2019; by

“(bb) 2.5; or

“(II) \$2,000,000.

“(ii) SEASONAL EMPLOYERS.—The maximum amount of a covered loan made to an eligible entity that is a seasonal employer is the lesser of—

“(I) the product obtained by multiplying—

“(aa) at the election of the eligible entity, the average total monthly payments for payroll costs incurred or paid by the eligible entity—

“(AA) for a 12-week period beginning February 15, 2019 or March 1, 2019 and ending June 30, 2019; or

“(BB) for a consecutive 12-week period between May 1, 2019 and September 15, 2019; by

“(bb) 2.5; or

“(II) \$2,000,000.

“(iii) NEW ENTITIES.—The maximum amount of a covered loan made to an eligible entity that did not exist during the 1-year period preceding February 15, 2020 is the lesser of—

“(I) the product obtained by multiplying—

“(aa) the quotient obtained by dividing—

“(AA) the sum of the total monthly payments by the eligible entity for payroll costs paid or incurred by the eligible entity as of the date on which the eligible entity applies for the covered loan; by

“(BB) the number of months in which those payroll costs were paid or incurred; by

“(bb) 2.5; or

“(II) \$2,000,000.

“(iv) LIMIT FOR MULTIPLE LOCATIONS.—With respect to an eligible entity with more than 1 physical location, the total amount of all covered loans shall be not more than \$2,000,000.

“(v) LOAN NUMBER LIMITATION.—An eligible entity may only receive 1 covered loan.

“(vi) 90 DAY RULE FOR MAXIMUM LOAN AMOUNT.—The maximum aggregate loan

amount of loans guaranteed under this subsection that are approved for an eligible entity (including any affiliates) within 90 days of approval of another loan under this subsection for the eligible entity (including any affiliates) shall not exceed \$10,000,000.

“(D) EXCEPTION FROM CERTAIN CERTIFICATION REQUIREMENTS.—An eligible entity applying for a covered loan shall not be required to make the certification described in subclause (III) or (IV) of paragraph (36)(G)(i).

“(E) FEE WAIVER.—With respect to a covered loan—

“(i) in lieu of the fee otherwise applicable under paragraph (23)(A), the Administrator shall collect no fee; and

“(ii) in lieu of the fee otherwise applicable under paragraph (18)(A), the Administrator shall collect no fee.

“(F) ELIGIBLE CHURCHES AND RELIGIOUS ORGANIZATIONS.—

“(i) SENSE OF CONGRESS.—It is the sense of Congress that the interim final rule of the Administration entitled ‘Business Loan Program Temporary Changes; Paycheck Protection Program’ (85 Fed. Reg. 20817 (April 15, 2020)) properly clarified the eligibility of churches and religious organizations for loans made under paragraph (36).

“(ii) APPLICABILITY OF PROHIBITION.—The prohibition on eligibility established by section 120.110(k) of title 13, Code of Federal Regulations, or any successor regulation, shall not apply to a covered loan.

“(G) GROSS RECEIPTS FOR NONPROFIT AND VETERANS ORGANIZATIONS.—For purposes of calculating gross receipts under subparagraph (A)(v)(I)(cc) for an eligible entity that is a nonprofit organization, a veterans organization, or an organization described in subparagraph (A)(v)(II), gross receipts—

“(i) shall include proceeds from fund-raising events, federated campaigns, gifts, donor-advised funds, and funds from similar sources; and

“(ii) shall not include—

“(I) Federal grants (excluding any loan forgiveness on loans received under paragraph (36) or this paragraph);

“(II) revenues from a supporting organization;

“(III) grants from private foundations that are disbursed over the course of more than 1 calendar year; or

“(IV) any contribution of property other than money, stocks, bonds, and other securities, provided that the non-cash contribution is not sold by the organization in a transaction unrelated to the tax-exempt purpose of the organization.

“(H) LOAN FORGIVENESS.—

“(i) IN GENERAL.—Except as otherwise provided in this subparagraph, an eligible entity shall be eligible for forgiveness of indebtedness on a covered loan in the same manner as an eligible recipient with respect to a loan made under paragraph (36), as described in section 1106 of the CARES Act (15 U.S.C. 9005).

“(ii) FORGIVENESS AMOUNT.—An eligible entity shall be eligible for forgiveness of indebtedness on a covered loan in an amount equal to the sum of the following costs incurred or expenditures made during the covered period:

“(I) Payroll costs.

“(II) Any payment of interest on any covered mortgage obligation (which shall not include any prepayment of or payment of principal on a covered mortgage obligation).

“(III) Any covered operations expenditure.

“(IV) Any covered property damage cost.

“(V) Any payment on any covered rent obligation.

“(VI) Any covered utility payment.

“(VII) Any covered supplier cost.

“(VIII) Any covered worker protection expenditure.

“(iii) LIMITATION ON FORGIVENESS FOR ALL ELIGIBLE ENTITIES.—The forgiveness amount under this subparagraph shall be equal to the lesser of—

“(I) the amount described in clause (ii); and

“(II) the amount equal to the quotient obtained by dividing—

“(aa) the amount of the covered loan used for payroll costs during the covered period; and

“(bb) 0.60.

“(I) LENDER ELIGIBILITY.—Except as otherwise provided in this paragraph, a lender approved to make loans under paragraph (36) may make covered loans under the same terms and conditions as in paragraph (36).

“(J) REIMBURSEMENT FOR LOAN PROCESSING AND SERVICING.—The Administrator shall reimburse a lender authorized to make a covered loan in an amount that is—

“(i) 3 percent of the principal amount of the financing of the covered loan up to \$350,000; and

“(ii) 1 percent of the principal amount of the financing of the covered loan above \$350,000, if applicable.

“(K) SET ASIDE FOR SMALL ENTITIES.—Not less than \$25,000,000,000 of the total amount of covered loans guaranteed by the Administrator shall be made to eligible entities with not more than 10 employees as of February 15, 2020.

“(L) SET ASIDE FOR COMMUNITY FINANCIAL INSTITUTIONS, SMALL INSURED DEPOSITORY INSTITUTIONS, CREDIT UNIONS, AND FARM CREDIT SYSTEM INSTITUTIONS.—Not less than \$10,000,000,000 of the total amount of covered loans guaranteed by the Administrator shall be made by—

“(i) community financial institutions;

“(ii) insured depository institutions with consolidated assets of less than \$10,000,000,000;

“(iii) credit unions with consolidated assets of less than \$10,000,000,000; and

“(iv) institutions of the Farm Credit System chartered under the Farm Credit Act of 1971 (12 U.S.C. 2001 et seq.) with consolidated assets of less than \$10,000,000,000 (not including the Federal Agricultural Mortgage Corporation).

“(M) PUBLICATION OF GUIDANCE.—Not later than 10 days after the date of enactment of this paragraph, the Administrator shall issue guidance addressing barriers to accessing capital for minority, underserved, veteran, and women-owned business concerns for the purpose of ensuring equitable access to covered loans.

“(N) STANDARD OPERATING PROCEDURE.—The Administrator shall, to the maximum extent practicable, allow a lender approved to make covered loans to use existing program guidance and standard operating procedures for loans made under this subsection.

“(O) PROHIBITION ON USE OF PROCEEDS FOR LOBBYING ACTIVITIES.—None of the proceeds of a covered loan may be used for—

“(i) lobbying activities, as defined in section 3 of the Lobbying Disclosure Act of 1995 (2 U.S.C. 1602);

“(ii) lobbying expenditures related to a State or local election; or

“(iii) expenditures designed to influence the enactment of legislation, appropriations, regulation, administrative action, or Executive order proposed or pending before Congress or any State government, State legislature, or local legislature or legislative body.”

(j) CONTINUED ACCESS TO THE PAYCHECK PROTECTION PROGRAM.—

(1) IN GENERAL.—Section 7(a)(36)(E)(ii) of the Small Business Act (15 U.S.C. 636(a)(36)(E)(ii)) is amended by striking “\$10,000,000” and inserting “\$2,000,000”.

(2) APPLICABILITY OF MAXIMUM LOAN AMOUNT CALCULATION.—

(A) DEFINITIONS.—In this paragraph, the terms “covered loan” and “eligible recipient” have the meanings given those terms in section 7(a)(36) of the Small Business Act (15 U.S.C. 636(a)(36)).

(B) APPLICABILITY.—The amendment made by paragraph (1) shall apply only with respect to a covered loan applied for by an eligible recipient on or after the date of enactment of this Act.

(K) INCREASED ABILITY FOR PAYCHECK PROTECTION PROGRAM BORROWERS TO REQUEST AN INCREASE IN LOAN AMOUNT DUE TO UPDATED REGULATIONS.—

(1) DEFINITIONS.—In this subsection, the terms “covered loan” and “eligible recipient” have the meanings given those terms in section 7(a)(36) of the Small Business Act (15 U.S.C. 636(a)(36)).

(2) INCREASED AMOUNT.—Notwithstanding the interim final rule issued by the Administration entitled “Business Loan Program Temporary Changes; Paycheck Protection Program—Loan Increases” (85 Fed. Reg. 29842 (May 19, 2020)), an eligible recipient of a covered loan that is eligible for an increased covered loan amount as a result of any interim final rule that allows for covered loan increases may submit a request for an increase in the covered loan amount even if—

(A) the initial covered loan amount has been fully disbursed; or

(B) the lender of the initial covered loan has submitted to the Administration a Form 1502 report related to the covered loan.

(I) CALCULATION OF MAXIMUM LOAN AMOUNT FOR FARMERS AND RANCHERS UNDER THE PAYCHECK PROTECTION PROGRAM.—

(1) IN GENERAL.—Section 7(a)(36) of the Small Business Act (15 U.S.C. 636(a)(36)), as amended by subsection (j) of this section, is amended—

(A) in subparagraph (E), in the matter preceding clause (i), by striking “During” and inserting “Except as provided in subparagraph (T), during”; and

(B) by adding at the end the following:

“(T) CALCULATION OF MAXIMUM LOAN AMOUNT FOR FARMERS AND RANCHERS.—

“(i) DEFINITION.—In this subparagraph, the term ‘covered recipient’ means an eligible recipient that—

“(I) operates as a sole proprietorship or as an independent contractor, or is an eligible self-employed individual;

“(II) reports farm income or expenses on a Schedule F (or any equivalent successor schedule); and

“(III) was in business during the period beginning on February 15, 2019 and ending on June 30, 2019.

“(ii) NO EMPLOYEES.—With respect to covered recipient without employees, the maximum covered loan amount shall be the lesser of—

“(I) the sum of—

“(aa) the product obtained by multiplying—

“(AA) the gross income of the covered recipient in 2019, as reported on a Schedule F (or any equivalent successor schedule), that is not more than \$100,000, divided by 12; and

“(BB) 2.5; and

“(bb) the outstanding amount of a loan under subsection (b)(2) that was made during the period beginning on January 31, 2020 and ending on April 3, 2020 that the borrower intends to refinance under the covered loan, not including any amount of any advance under the loan that is not required to be repaid; or

“(II) \$2,000,000.

“(iii) WITH EMPLOYEES.—With respect to a covered recipient with employees, the maximum covered loan amount shall be cal-

culated using the formula described in subparagraph (E), except that the gross income of the covered recipient described in clause (ii)(I)(aa)(AA) of this subparagraph, as divided by 12, shall be added to the sum calculated under subparagraph (E)(i)(I).

“(iv) RECALCULATION.—A lender that made a covered loan to a covered recipient before the date of enactment of this subparagraph may, at the request of the covered recipient—

“(I) recalculate the maximum loan amount applicable to that covered loan based on the formula described in clause (ii) or (iii), as applicable, if doing so would result in a larger covered loan amount; and

“(II) provide the covered recipient with additional covered loan amounts based on that recalculation.”

(m) FARM CREDIT SYSTEM INSTITUTIONS.—

(1) DEFINITION OF FARM CREDIT SYSTEM INSTITUTION.—In this subsection, the term “Farm Credit System institution”

(A) means an institution of the Farm Credit System chartered under the Farm Credit Act of 1971 (12 U.S.C. 2001 et seq.); and

(B) does not include the Federal Agricultural Mortgage Corporation.

(2) FACILITATION OF PARTICIPATION IN PPP AND SECOND DRAW LOANS.—

(A) APPLICABLE RULES.—Solely with respect to loans under paragraphs (36) and (37) of section 7(a) of the Small Business Act (15 U.S.C. 636(a)), Farm Credit Administration regulations and guidance issued as of July 14, 2020, and compliance with such regulations and guidance, shall be deemed functionally equivalent to requirements referenced in section 3(a)(iii)(II) of the interim final rule of the Administration entitled “Business Loan Program Temporary Changes; Paycheck Protection Program” (85 Fed. Reg. 20811 (April 15, 2020)) or any similar requirement referenced in that interim final rule in implementing such paragraph (37).

(B) APPLICABILITY OF CERTAIN LOAN REQUIREMENTS.—For purposes of making loans under paragraph (36) or (37) of section 7(a) of the Small Business Act (15 U.S.C. 636(a)) or forgiving those loans in accordance with section 1106 of the CARES Act (15 U.S.C. 9005) and subparagraph (H) of such paragraph (37), sections 4.13, 4.14, and 4.14A of the Farm Credit Act of 1971 (12 U.S.C. 2199, 2202, 2202a) (including regulations issued under those sections) shall not apply.

(C) RISK WEIGHT.—

(i) IN GENERAL.—With respect to the application of Farm Credit Administration capital requirements, a loan described in clause (ii)—

(I) shall receive a risk weight of zero percent; and

(II) shall not be included in the calculation of any applicable leverage ratio or other applicable capital ratio or calculation.

(ii) LOANS DESCRIBED.—A loan referred to in clause (i) is—

(I) a loan made by a Farm Credit Bank described in section 1.2(a) of the Farm Credit Act of 1971 (12 U.S.C. 2002(a)) to a Federal Land Bank Association, a Production Credit Association, or an agricultural credit association described in that section to make loans under paragraph (36) or (37) of section 7(a) of the Small Business Act (15 U.S.C. 636(a)) or forgive those loans in accordance with section 1106 of the CARES Act (15 U.S.C. 9005) and subparagraph (H) of such paragraph (37); or

(II) a loan made by a Federal Land Bank Association, a Production Credit Association, an agricultural credit association, or the bank for cooperatives described in section 1.2(a) of the Farm Credit Act of 1971 (12 U.S.C. 2002(a)) under paragraph (36) or (37) of section 7(a) of the Small Business Act (15 U.S.C. 636(a)).

(D) RESERVATION OF LOAN GUARANTEES.—Section 7(a)(36)(S) of the Small Business Act (15 U.S.C. 636(a)(36)(S)) is amended—

(i) in clause (i)—

(I) in subclause (I), by striking “and” at the end;

(II) in subclause (II), by striking the period at the end and inserting “; and”; and

(III) by adding at the end the following:

“(III) institutions of the Farm Credit System chartered under the Farm Credit Act of 1971 (12 U.S.C. 2001 et seq.) with consolidated assets of not less than \$10,000,000,000 and less than \$50,000,000,000.”; and

(ii) in clause (ii)—

(I) in subclause (II), by striking “and” at the end;

(II) in subclause (III), by striking the period at the end and inserting “; and”; and

(III) by adding at the end the following:

“(IV) institutions of the Farm Credit System chartered under the Farm Credit Act of 1971 (12 U.S.C. 2001 et seq.) with consolidated assets of less than \$10,000,000,000.”.

(n) DEFINITION OF SEASONAL EMPLOYER.—

(1) PPP LOANS.—Section 7(a)(36)(A) of the Small Business Act (15 U.S.C. 636(a)(36)(A)) is amended—

(A) in clause (xi), by striking “and” at the end;

(B) in clause (xii), by striking the period at the end and inserting “; and”; and

(C) by adding at the end the following:

“(xiii) the term ‘seasonal employer’ means an eligible recipient that—

“(I) does not operate for more than 7 months in any calendar year; or

“(II) during the preceding calendar year, had gross receipts for any 6 months of that year that were not more than 33.33 percent of the gross receipts of the employer for the other 6 months of that year.”.

(2) LOAN FORGIVENESS.—Paragraph (12) of section 1106(a) of the CARES Act (15 U.S.C. 9005(a)), as so redesignated by subsection (d)(2) of this section, is amended to read as follows:

“(12) the terms ‘payroll costs’ and ‘seasonal employer’ have the meanings given those terms in section 7(a)(36) of the Small Business Act (15 U.S.C. 636(a)(36)).”.

(o) CHANGES TO THE 7(A) LOAN GUARANTY PROGRAM FOR RECOVERY SECTOR BUSINESS CONCERNS.—Section 7(a) of the Small Business Act (15 U.S.C. 636(a)), as amended by subsection (i) of this section, is amended by adding at the end the following:

“(38) RECOVERY SECTOR LOANS.—

“(A) DEFINITIONS.—In this paragraph—

“(i) the term ‘covered loan’ means a loan made under this paragraph;

“(ii) the term ‘covered population census tract’ means a population census tract for which—

“(I) in the case of a tract that is not located within a metropolitan area, the median income does not exceed 80 percent of the statewide (or, with respect to a possession or territory of the United States, the possession- or territory-wide) median family income; or

“(II) in the case of a tract that is located within a metropolitan area, the median family income does not exceed 80 percent of the greater of the statewide (or, with respect to a possession or territory of the United States, the possession- or territory-wide) median family income and the metropolitan area median family income;

“(iii) the term ‘covered seasonal employer’ means a small business concern that—

“(I) is a seasonal employer, as defined in paragraph (36); and

“(II) during the preceding calendar year—

“(aa) had gross receipts as described in paragraph (36)(A)(xiii)(II); and

“(bb) employed not more than 250 employees during not fewer than 5 months out of that year;

“(iv) the term ‘eligible entity’—

“(I) means any small business concern that—

“(aa) except with respect to a covered seasonal employer, employs not more than 500 employees;

“(bb)(AA) except as provided in subitems (BB), (CC), and (DD), had gross receipts during the first or second quarter in 2020 that are less than 50 percent of the gross receipts of the business concern during the same quarter in 2019;

“(BB) if the small business concern was not in business during the first or second quarter of 2019, but was in business during the third and fourth quarter of 2019, had gross receipts during the first or second quarter of 2020 that are less than 50 percent of the amount of the gross receipts of the small business concern during the third or fourth quarter of 2019;

“(CC) if the small business concern was not in business during the first, second, or third quarter of 2019, but was in business during the fourth quarter of 2019, had gross receipts during the first or second quarter of 2020 that are less than 50 percent of the amount of the gross receipts of the small business concern during the fourth quarter of 2019; or

“(DD) if the small business concern was not in business during the first or second quarter of 2020, had gross receipts during any 2-month period during 2020 that are less than 50 percent of the amount of the gross receipts of the small business concern during any other 2-month period during 2020; and

“(cc)(AA) is a covered seasonal employer seeking a covered loan of not more than \$2,000,000; or

“(BB) is a small business concern the principal place of business of which is in, and not less than 50 percent of the total gross income of which is derived from the active conduct of the business concern within, a small business low-income census tract; and

“(II) does not include—

“(aa) an entity described in paragraph (37)(A)(v)(II);

“(bb) any entity that received a loan under paragraph (37); or

“(cc) any entity that received a loan under paragraph (36) after the date of enactment of this paragraph; and

“(v) the term ‘small business low-income census tract’—

“(I) means—

“(aa) a covered population census tract for which the poverty rate is not less than 20 percent; or

“(bb) an area—

“(AA) that is not tracted as a population census tract;

“(BB) for which the poverty rate in the equivalent county division (as defined by the Bureau of the Census) is not less than 20 percent; and

“(CC) for which the median income in the equivalent county division (as defined by the Bureau of the Census) does not exceed 80 percent of the statewide (or, with respect to a possession or territory of the United States, the possession- or territory-wide) median income; and

“(II) does not include any area or population census tract with a median family income that is not less than 120 percent of the median family income in the United States, according to the most recent American Communities Survey data from the Bureau of the Census.

“(B) LOANS.—Except as otherwise provided in this paragraph, the Administrator may guarantee covered loans made to eligible entities—

“(i) under the same terms, conditions, and processes as a loan made under this subsection; and

“(ii) to meet working capital needs, acquire fixed assets, or refinance existing indebtedness while recovering from the COVID-19 pandemic.

“(C) MAXIMUM LOAN AMOUNT.—The maximum amount of a covered loan made to an eligible entity shall be the lesser of—

“(i) \$10,000,000; or

“(ii) the amount equal to 200 percent of the average annual receipts of the eligible entity.

“(D) LOAN NUMBER LIMITATION.—An eligible entity may only receive 1 covered loan.

“(E) 90 DAY RULE FOR MAXIMUM LOAN AMOUNT.—The maximum aggregate loan amount of loans guaranteed under this subsection that are approved for an eligible entity (including any affiliates) within 90 days of approval of another loan under this subsection for the eligible entity (including any affiliates) shall not exceed \$10,000,000.

“(F) APPLICATION DEADLINE.—An eligible entity desiring a covered loan shall submit an application not later than December 31, 2020.

“(G) FEE WAIVER.—With respect to a covered loan—

“(i) in lieu of the fee otherwise applicable under paragraph (23)(A), the Administrator shall collect no fee; and

“(ii) in lieu of the fee otherwise applicable under paragraph (18)(A), the Administrator shall collect no fee.

“(H) LOAN TERMS.—

“(i) IN GENERAL.—In order to receive a covered loan, an eligible entity shall not be required to show that the eligible entity is unable to obtain credit elsewhere.

“(ii) MATURITY AND INTEREST RATE.—A covered loan shall—

“(I) have a maturity of 20 years; and

“(II) bear an interest rate of equal to the sum of—

“(aa) the Secured Overnight Financing Rate in effect for each of the days in the relevant quarter that interest is charged, as compiled and released by the Federal Reserve Bank of New York; and

“(bb) 300 basis points.

“(iii) GUARANTEE.—In an agreement to participate in a covered loan on a deferred basis, the participation by the Administration shall be 100 percent of the covered loan.

“(iv) SUBSIDY FOR INTEREST PAYMENTS.—

“(I) IN GENERAL.—The Administrator shall pay the amount of interest that is owed on a covered loan in regular servicing status for the maturity of the loan such that the interest rate paid by the eligible entity is, at all times, equal to a rate of 1 percent.

“(II) TIMING OF PAYMENT.—The Administrator shall—

“(aa) begin making payments under subclause (I) not later than 30 days after the date on which the first such payment is due; and

“(bb) make payments without regard to the payment deferral described in clause (iv).

“(III) APPLICATION OF PAYMENT.—Any payment made by the Administrator under subclause (I) shall be applied to the covered loan such that the eligible entity is relieved of the obligation to pay that amount.

“(v) PAYMENT DEFERRAL.—

“(I) IN GENERAL.—No payment of principal or interest shall be due on a covered loan for the first 2 years of the covered loan.

“(II) ADDITIONAL DEFERRAL.—After the 2-year deferral period under subclause (I), the Administrator may grant not more than an additional 2 years of principal deferral to the eligible entity if the eligible entity is certified by the Administrator and the Secretary as economically distressed based on

publicly available criteria established by the Administrator.

“(vi) LIMITATION ON CHANGES IN TERMS.—Notwithstanding any other provision of this subsection, for a covered loan, the Administrator shall not approve any increase in loan amount or change in guaranty percentage, interest rate, interest accrual method, or maturity, except for such changes as may be necessary for prepayment and the deferment of payment under clause (v).

“(I) PROHIBITION ON USE OF PROCEEDS FOR DISASTER LOANS.—An eligible entity shall not use the proceeds of a covered loan to refinance any loan made under subsection (b).

“(J) SECONDARY MARKET.—In order to increase the liquidity of the secondary market for covered loans, the Administrator shall, not later than 60 days after the date of enactment of this paragraph, substantially reduce barriers to the sale of covered loans on the secondary market.

“(K) LENDER ELIGIBILITY.—In order to increase access to and the equitable distribution of covered loans, the Administrator shall establish a process by which a lender approved to make loans under paragraph (36) may make covered loans.

“(L) REIMBURSEMENT FOR LOAN PROCESSING AND SERVICING.—The Administrator shall reimburse a lender authorized to make a covered loan in an amount that is—

“(i) 3 percent of the principal amount of the financing of the covered loan up to \$350,000; and

“(ii) 1 percent of the principal amount of the financing of the covered loan above \$350,000, if applicable.

“(M) STANDARD OPERATING PROCEDURE.—The Administrator shall, to the maximum extent practicable, allow a lender approved to make covered loans to use existing program guidance and standard operating procedures for loans made under this subsection.”.

(p) ELIGIBILITY OF 501(C)(6) ORGANIZATIONS FOR LOANS UNDER THE PAYCHECK PROTECTION PROGRAM.—Section 7(a)(36)(D) of the Small Business Act (15 U.S.C. 636(a)(36)(D)) is amended—

(1) in clause (v), by inserting “or whether an organization described in clause (vii) employs not more than 150 employees,” after “clause (i)(I),”;

(2) in clause (vi), by inserting “, an organization described in clause (vii),” after “non-profit organization”; and

(3) by adding at the end the following:

“(vii) ELIGIBILITY FOR CERTAIN 501(C)(6) ORGANIZATIONS.—

“(I) IN GENERAL.—Except as provided in subclause (II), any organization that is described in section 501(c)(6) of the Internal Revenue Code and that is exempt from taxation under section 501(a) of such Code (excluding professional sports leagues and organizations with the purpose of promoting or participating in a political campaign or other activity) shall be eligible to receive a covered loan if—

“(aa) the organization does not receive more than 10 percent of its receipts from lobbying activities;

“(bb) the lobbying activities of the organization do not comprise more than 10 percent of the total activities of the organization; and

“(cc) the organization employs not more than 150 employees.

“(II) DESTINATION MARKETING ORGANIZATIONS.—Notwithstanding subclause (I), during the covered period, any destination marketing organization shall be eligible to receive a covered loan if—

“(aa) the destination marketing organization does not receive more than 10 percent of its receipts from lobbying activities;

“(bb) the lobbying activities of the destination marketing organization do not comprise

more than 10 percent of the total activities of the organization;

“(cc) the destination marketing organization employs not more than 150 employees; and

“(dd) the destination marketing organization—

“(AA) is described in section 501(c) of the Internal Revenue Code and is exempt from taxation under section 501(a) of such Code; or

“(BB) is a quasi-governmental entity or is a political subdivision of a State or local government, including any instrumentality of those entities.”.

(q) PROHIBITION ON USE OF LOAN PROCEEDS FOR LOBBYING ACTIVITIES.—Section 7(a)(36)(F) of the Small Business Act (15 U.S.C. 636(a)(36)(F)) is amended by adding at the end the following:

“(vi) PROHIBITION.—None of the proceeds of a covered loan may be used for—

“(I) lobbying activities, as defined in section 3 of the Lobbying Disclosure Act of 1995 (2 U.S.C. 1602);

“(II) lobbying expenditures related to a State or local election; or

“(III) expenditures designed to influence the enactment of legislation, appropriations, regulation, administrative action, or Executive order proposed or pending before Congress or any State government, State legislature, or local legislature or legislative body.”.

(r) EFFECTIVE DATE; APPLICABILITY.—The amendments made to paragraph (36) of section 7(a) of the Small Business Act (15 U.S.C. 636(a)) and title I of the CARES Act (Public Law 116-136) under this section shall be effective as if included in the CARES Act and shall apply to any loan made pursuant to section 7(a)(36) of the Small Business Act (15 U.S.C. 636(a)(36)).

(s) BANKRUPTCY PROVISIONS.—

(1) IN GENERAL.—Section 364 of title 11, United States Code, is amended by adding at the end the following:

“(g)(1) The court, after notice and a hearing, may authorize a debtor in possession or a trustee that is authorized to operate the business of the debtor under section 1183, 1184, 1203, 1204, or 1304 of this title to obtain a loan under paragraph (36) or (37) of section 7(a) of the Small Business Act (15 U.S.C. 636(a)), and such loan shall be treated as a debt to the extent the loan is not forgiven in accordance with section 1106 of the CARES Act (15 U.S.C. 9005) or subparagraph (H) of such paragraph (37), as applicable, with priority equal to a claim of the kind specified in subsection (c)(1) of this section.

“(2) The trustee may incur debt described in paragraph (1) notwithstanding any provision in a contract, prior order authorizing the trustee to incur debt under this section, prior order authorizing the trustee to use cash collateral under section 363, or applicable law that prohibits the debtor from incurring additional debt.

“(3) The court shall hold a hearing within 7 days after the filing and service of the motion to obtain a loan described in paragraph (1).”.

(2) ALLOWANCE OF ADMINISTRATIVE EXPENSES.—Section 503(b) of title 11, United States Code, is amended—

(A) in paragraph (8)(B), by striking “and” at the end;

(B) in paragraph (9), by striking the period at the end and inserting “; and”; and

(C) by adding at the end the following:

“(10) any debt incurred under section 364(g)(1) of this title.”.

(3) CONFIRMATION OF PLAN FOR REORGANIZATION.—Section 1191 of title 11, United States Code, is amended by adding at the end the following:

“(f) SPECIAL PROVISION RELATED TO COVID-19 PANDEMIC.—Notwithstanding sec-

tion 1129(a)(9)(A) of this title and subsection (e) of this section, a plan that provides for payment of a claim of a kind specified in section 503(b)(10) of this title may be confirmed under subsection (b) of this section if the plan proposes to make payments on account of such claim when due under the terms of the loan giving rise to such claim.”.

(4) CONFIRMATION OF PLAN FOR FAMILY FARMERS AND FISHERMEN.—Section 1225 of title 11, United States Code, is amended by adding at the end the following:

“(d) Notwithstanding section 1222(a)(2) of this title and subsection (b)(1) of this section, a plan that provides for payment of a claim of a kind specified in section 503(b)(10) of this title may be confirmed if the plan proposes to make payments on account of such claim when due under the terms of the loan giving rise to such claim.”.

(5) CONFIRMATION OF PLAN FOR INDIVIDUALS.—Section 1325 of title 11, United States Code, is amended by adding at the end the following:

“(d) Notwithstanding section 1322(a)(2) of this title and subsection (b)(1) of this section, a plan that provides for payment of a claim of a kind specified in section 503(b)(10) of this title may be confirmed if the plan proposes to make payments on account of such claim when due under the terms of the loan giving rise to such claim.”.

(6) EFFECTIVE DATE; SUNSET.—

(A) EFFECTIVE DATE.—The amendments made by paragraphs (1) through (5) shall—

(i) take effect on the date on which the Administrator submits to the Director of the Executive Office for United States Trustees a written determination that, subject to satisfying any other eligibility requirements, any debtor in possession or trustee that is authorized to operate the business of the debtor under section 1183, 1184, 1203, 1204, or 1304 of title 11, United States Code, would be eligible for a loan under paragraphs (36) and (37) of section 7(a) of the Small Business Act (15 U.S.C. 636(a)); and

(ii) apply to any case pending on or commenced on or after the date described in clause (i).

(B) SUNSET.—

(i) IN GENERAL.—If the amendments made by this subsection take effect under subparagraph (A), effective on the date that is 2 years after the date of enactment of this Act—

(I) section 364 of title 11, United States Code, is amended by striking subsection (g);

(II) section 503(b) of title 11, United States Code, is amended—

(aa) in paragraph (8)(B), by adding “and” at the end;

(bb) in paragraph (9), by striking “; and” at the end and inserting a period; and

(cc) by striking paragraph (10);

(III) section 1191 of title 11, United States Code, is amended by striking subsection (f);

(IV) section 1225 of title 11, United States Code, is amended by striking subsection (d); and

(V) section 1325 of title 11, United States Code, is amended by striking subsection (d).

(ii) APPLICABILITY.—Notwithstanding the amendments made by clause (i) of this subparagraph, if the amendments made by paragraphs (1), (2), (3), (4), and (5) take effect under subparagraph (A) of this paragraph, such amendments shall apply to any case under title 11, United States Code, commenced before the date that is 2 years after the date of enactment of this Act.

(t) OVERSIGHT.—

(1) COMPLIANCE WITH OVERSIGHT REQUIREMENTS.—

(A) IN GENERAL.—Except as provided in subparagraph (B), on and after the date of enactment of this Act, the Administrator shall comply with any data or information

requests or inquiries made by the Comptroller General of the United States not later than 30 days (or such later date as the Comptroller General may specify) after receiving the request or inquiry.

(B) EXCEPTION.—If the Administrator is unable to comply with a request or inquiry described in subparagraph (A) within the 30-day period or, if applicable, later period described in that clause, the Administrator shall, during that 30-day (or later) period, submit to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives a notification that includes a detailed justification for the inability of the Administrator to comply with the request or inquiry.

(2) TESTIMONY.—Not later than the date that is 30 days after the date of enactment of this Act, and every quarter thereafter until the date that is 2 years after the date of enactment of this Act, the Administrator and the Secretary of the Treasury shall testify before the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives regarding implementation of this section and the amendments made by this section.

(u) CONFLICTS OF INTEREST.—

(1) DEFINITIONS.—In this subsection:

(A) 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.

(B) COVERED ENTITY.—

(i) DEFINITION.—The term “covered entity” means an entity in which a covered individual directly or indirectly holds a controlling interest.

(ii) TREATMENT OF SECURITIES.—For the purpose of determining whether an entity is a covered entity, the securities owned, controlled, or held by 2 or more individuals who are related as described in subparagraph (C)(ii) shall be aggregated.

(C) COVERED INDIVIDUAL.—The term “covered individual” means—

(i) the President, the Vice President, the head of an Executive department, or a Member of Congress; and

(ii) the spouse, child, son-in-law, or daughter-in-law, as determined under applicable common law, of an individual described in clause (i).

(D) EXECUTIVE DEPARTMENT.—The term “Executive department” has the meaning given the term in section 101 of title 5, United States Code.

(E) MEMBER OF CONGRESS.—The term “Member of Congress” means a Member of the Senate or House of Representatives, a Delegate to the House of Representatives, and the Resident Commissioner from Puerto Rico.

(F) EQUITY INTEREST.—The term “equity interest” means—

(i) a share in an entity, without regard to whether the share is—

(I) transferable; or

(II) classified as stock or anything similar;

(ii) a capital or profit interest in a limited liability company or partnership; or

(iii) a warrant or right, other than a right to convert, to purchase, sell, or subscribe to a share or interest described in clause (i) or (ii), respectively.

(2) REQUIREMENT.—The principal executive officer and the principal financial officer, or individuals performing similar functions, of an entity seeking to enter a transaction made under paragraph (36), (37), or (38) of section 7(a) of the Small Business Act (15 U.S.C. 636(a)), as added and amended by this section, shall, before that transaction is ap-

proved, disclose to the Administrator whether the entity is a covered entity.

(3) APPLICABILITY.—The requirement under paragraph (2)—

(A) shall apply with respect to any transaction made under paragraph (36), (37), or (38) of section 7(a) of the Small Business Act (15 U.S.C. 636(a)), as added and amended by this section, on or after the date of enactment of this Act; and

(B) shall not apply with respect to—

(i) any transaction described in subparagraph (A) that was made before the date of enactment of this Act; or

(ii) forgiveness under section 1106 of the CARES Act (15 U.S.C. 9005) or any other provision of law of any loan associated with any transaction described in subparagraph (A) that was made before the date of enactment of this Act.

(V) SMALL BUSINESS INVESTMENT COMPANY PROGRAM.—

(1) IN GENERAL.—Part A of title III of the Small Business Investment Act of 1958 (15 U.S.C. 681 et seq.) is amended—

(A) in section 302(a) (15 U.S.C. 682(a))—

(i) in paragraph (1)—

(I) in subparagraph (A), by striking “or” at the end;

(II) in subparagraph (B), by striking the period at the end and inserting “; or”; and

(III) by adding at the end the following:

“(C) \$20,000,000, adjusted every 5 years for inflation, with respect to each licensee authorized or seeking authority to sell bonds to Administration as a participating investment company under section 321.”; and

(B) by adding at the end the following:

“SEC. 321. SMALL BUSINESS AND DOMESTIC PRODUCTION RECOVERY INVESTMENT FACILITY.

“(a) DEFINITIONS.—In this section:

“(1) ELIGIBLE SMALL BUSINESS CONCERN.—The term ‘eligible small business concern’—

“(A) means a small business concern that—

“(i) meets the revenue reduction requirements established by paragraph (37)(A)(v)(I)(cc) of section 7(a) of the Small Business Act (15 U.S.C. 636(a));

“(ii) is a manufacturing business that is assigned a North American Industry Classification System code beginning with 31, 32, or 33 at the time at which the small business concern receives an investment from a participating investment company under the facility; or

“(iii) is located in a small business low-income census tract; and

“(B) does not include an entity described in paragraph (37)(A)(v)(II) of such section 7(a).

“(2) FACILITY.—The term ‘facility’ means the facility established under subsection (b).

“(3) FUND.—The term ‘Fund’ means the fund established under subsection (h).

“(4) PARTICIPATING INVESTMENT COMPANY.—The term ‘participating investment company’ means a small business investment company approved under subsection (d) to participate in the facility

“(5) PROTÉGÉ INVESTMENT COMPANY.—The term ‘protégé investment company’ means a small business investment company that—

“(A) is majority managed by new, inexperienced, or otherwise underrepresented fund managers; and

“(B) elects and is selected by the Administration to participate in the pathway-protégé program under subsection (g).

“(6) SMALL BUSINESS CONCERN.—The term ‘small business concern’ has the meaning given the term in section 3(a) of the Small Business Act (15 U.S.C. 632(a)).

“(7) SMALL BUSINESS LOW-INCOME CENSUS TRACT.—The term ‘small business low-income census tract’ has the meaning given the term in section 7(a)(38)(A) of the Small Business Act.

“(b) ESTABLISHMENT.—

“(1) FACILITY.—The Administrator shall establish and carry out a facility to improve the recovery of eligible small business concerns from the COVID-19 pandemic, increase resiliency in the manufacturing supply chain of eligible small business concerns, and increase the economic development of small business low-income census tracts by providing financial assistance to participating investment companies that facilitate equity financings to eligible small business concerns in accordance with this section.

“(2) ADMINISTRATION OF FACILITY.—The facility shall be administered by the Administrator acting through the Associate Administrator described in section 201.

“(c) APPLICATIONS.—

“(1) IN GENERAL.—Any small business investment company may submit to the Administrator an application to participate in the facility.

“(2) REQUIREMENTS FOR APPLICATION.—An application to participate in the facility shall include the following:

“(A) A business plan describing how the applicant intends to make successful equity investments in eligible small business concerns.

“(B) Information regarding the relevant investment qualifications and backgrounds of the individuals responsible for the management of the applicant.

“(C) A description of the extent to which the applicant meets the selection criteria under subsection (d)(2).

“(3) EXCEPTIONS TO APPLICATION FOR NEW LICENSEES.—Not later than 90 days after the date of enactment of this section, the Administrator shall reduce requirements for applicants applying to operate as a participating investment company under this section in order to encourage the participation of new small business investment companies in the facility under this section, which may include the requirements established under part 107 of title 13, Code of Federal Regulations, or any successor regulation, relating to—

“(A) the approval of initial management expenses;

“(B) the management ownership diversity requirement;

“(C) the disclosure of general compensatory practices and fee structures; or

“(D) any other requirement that the Administrator determines to be an obstacle to achieving the purposes described in this paragraph.

“(d) SELECTION OF PARTICIPATING INVESTMENT COMPANIES.—

“(1) DETERMINATION.—

“(A) IN GENERAL.—Except as provided in paragraph (3), not later than 60 days after the date on which the Administrator receives an application under subsection (c), the Administrator shall—

“(i) make a final determination to approve or disapprove such applicant to participate in the facility; and

“(ii) transmit the determination to the applicant in writing.

“(B) COMMITMENT AMOUNT.—Except as provided in paragraph (3), at the time of approval of an applicant, the Administrator shall make a determination of the amount of the commitment that may be awarded to the applicant under this section.

“(2) SELECTION CRITERIA.—In making a determination under paragraph (1), the Administrator shall consider—

“(A) the probability that the investment strategy of the applicant will successfully repay any financial assistance provided by the Administration, including the probability of a return significantly in excess thereof;

“(B) the probability that the investments made by the applicant will—

“(i) provide capital to eligible small business concerns; or

“(ii) create or preserve jobs in the United States;

“(C) the probability that the applicant will meet the objectives in the business plan of the applicant, including the financial goals, and, if applicable, the pathway-protégé program in accordance with subsection (g); and

“(D) the probability that the applicant will assist eligible small business concerns in achieving profitability.

“(3) APPROVAL OF PARTICIPATING INVESTMENT COMPANIES.—

“(A) PROVISIONAL APPROVAL.—

“(i) IN GENERAL.—Notwithstanding paragraph (1), with respect to an application submitted by an applicant to operate as a participating investment company under this section, the Administrator may provide provisional approval for the applicant in lieu of a final determination of approval and determination of the amount of the commitment under that paragraph.

“(ii) PURPOSE.—The purpose of a provisional approval under clause (i) is to—

“(I) encourage applications from investment companies with an investment mandate from the committed private market capital of the investment company that does not conform to the requirements described in this section at the time of application;

“(II) allow the applicant to more effectively raise capital commitments in the private markets by referencing the intent of the Administrator to award the applicant a commitment; and

“(III) allow the applicant to more precisely request the desired amount of commitment pending the securing of capital from private market investors.

“(iii) LIMIT ON PERIOD OF THE TIME.—The period between a provisional approval under clause (i) and the final determination of approval under paragraph (1) shall not exceed 12 months.

“(e) COMMITMENTS AND SBIC BONDS.—

“(1) IN GENERAL.—The Administrator may, out of amounts available in the Fund, purchase or commit to purchase from a participating investment company 1 or more accruing bonds that include equity features as described in this subsection.

“(2) BOND TERMS.—A bond purchased by the Administrator from a participating investment company under this subsection shall have the following terms and conditions:

“(A) TERM AND INTEREST.—

“(i) IN GENERAL.—The bond shall be issued for a term of not less than 15 years and shall bear interest at a rate determined by the Administrator of not more than 2 percent.

“(ii) ACCRUAL OF INTEREST.—Interest on the bond shall accrue and shall be payable in accordance with subparagraph (D).

“(iii) PREPAYMENT.—The bond shall be prepayable without penalty after the end of the 1-year period beginning on the date on which the bond was purchased.

“(B) PROFITS.—

“(i) IN GENERAL.—The Administration shall be entitled to receive a share of the profits net of any profit sharing performance compensation of the participating investment company equal to the quotient obtained by dividing—

“(I) one-third of the commitment that the participating investment company is approved for under subsection (d); by

“(II) the commitment approved under subsection (d) plus the regulatory capital of the participating investment company at the time of approval under that subsection.

“(ii) DETERMINATION OF PERCENTAGE.—The share to which the Administration is entitled under clause (i)—

“(I) shall be determined at the time of approval under subsection (d); and

“(II) without the approval of the Administration, shall not be revised, including to reflect subsequent distributions of profits, returns of capital, or repayments of bonds, or otherwise.

“(C) PROFIT SHARING PERFORMANCE COMPENSATION.—

“(i) RECEIPT BY ADMINISTRATION.—The Administration shall receive a share of profits of not more than 2 percent, which shall be deposited into the Fund and be available to make commitments under this subsection.

“(ii) RECEIPT BY MANAGERS.—The managers of the participating investment company may receive a maximum profit sharing performance compensation of 25 percent minus the share of profits paid to the Administration under clause (i).

“(D) PROHIBITION ON DISTRIBUTIONS.—No distributions on capital, including profit distributions, shall be made by the participating investment company to the investors or managers of the participating investment company until the Administration has received payment of all accrued interest on the bond committed under this section.

“(E) REPAYMENT OF PRINCIPAL.—Except as described in subparagraph (F), repayments of principal of the bond of a participating investment company shall be—

“(i) made at the same time as returns of private capital; and

“(ii) in amounts equal to the pro rata share of the Administration of the total amount being repaid or returned at such time.

“(F) LIQUIDATION OR DEFAULT.—Upon any liquidation event or default, as defined by the Administration, any unpaid principal or accrued interest on the bond shall—

“(i) have a priority over all equity of the participating investment company; and

“(ii) be paid before any return of equity or any other distributions to the investors or managers of the participating investment company.

“(3) AMOUNT OF COMMITMENTS AND PURCHASES.—

“(A) MAXIMUM AMOUNT.—The maximum amount of outstanding bonds and commitments to purchase bonds for any participating investment company under the facility shall be the lesser of—

“(i) twice the amount of the regulatory capital of the participating investment company; or

“(ii) \$200,000,000.

“(4) COMMITMENT PROCESS.—Commitments by the Administration to purchase bonds under the facility shall remain available to be sold by a participating investment company until the end of the fourth fiscal year following the year in which the commitment is made, subject to review and approval by the Administration based on regulatory compliance, financial status, change in management, deviation from business plan, and such other limitations as may be determined by the Administration by regulation or otherwise.

“(5) COMMITMENT CONDITIONS.—

“(A) IN GENERAL.—As a condition of receiving a commitment under the facility, not less than 50 percent of amounts invested by the participating investment company shall be invested in eligible small business concerns.

“(B) EXAMINATIONS.—In addition to the matters set forth in section 310(c), the Administration shall examine each participating investment company in such detail so as to determine whether the participating investment company has complied with the requirements under this subsection.

“(f) DISTRIBUTIONS AND FEES.—

“(1) DISTRIBUTION REQUIREMENTS.—

“(A) DISTRIBUTIONS.—As a condition of receiving a commitment under the facility, a participating investment company shall make all distributions to the Administrator in the same form and in a manner as are made to investors, or otherwise at a time and in a manner consistent with regulations or policies of the Administration.

“(B) ALLOCATIONS.—A participating investment company shall make allocations of income, gain, loss, deduction, and credit to the Administrator with respect to any outstanding bonds as if the Administrator were an investor.

“(2) FEES.—The Administrator may not charge fees for participating investment companies other than examination fees that are consistent with the license of the participating investment company.

“(3) BIFURCATION.—Losses on bonds issued by participating investment companies shall not be offset by fees or any other charges on debenture small business investment companies.

“(g) PROTÉGÉ PROGRAM.—The Administrator shall establish a pathway-protégé program in which a protégé investment company may receive technical assistance and program support from a participating investment company on a voluntary basis and without penalty for non-participation.

“(h) LOSS LIMITING FUND.—

“(1) IN GENERAL.—There is established in the Treasury a fund for making commitments and purchasing bonds with equity features under the facility and receiving capital returned by participating investment companies.

“(2) USE OF FUNDS.—Amounts appropriated to the Fund or deposited in the Fund under paragraph (3) shall be available to the Administrator, without further appropriation, for making commitments and purchasing bonds under the facility and expenses and payments, excluding administrative expenses, relating to the operations of the Administrator under the facility.

“(3) DEPOSITING OF AMOUNTS.—

“(A) IN GENERAL.—All amounts received by the Administrator from a participating investment company relating to the facility, including any moneys, property, or assets derived by the Administrator from operations in connection with the facility, shall be deposited in the Fund.

“(B) PERIOD OF AVAILABILITY.—Amounts deposited under subparagraph (A) shall remain available until expended.

“(i) APPLICATION OF OTHER SECTIONS.—To the extent not inconsistent with requirements under this section, the Administrator may apply sections 309, 311, 312, 313, and 314 to activities under this section and an officer, director, employee, agent, or other participant in a participating investment company shall be subject to the requirements under such sections.

“(j) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for the first fiscal year beginning after the date of enactment of this part \$10,000,000,000 to carry out the facility. Amounts appropriated pursuant to this subsection shall remain available until the end of the second fiscal year beginning after the date of enactment of this section.”

(2) APPROVAL OF BANK-OWNED, NON-LEVERAGED APPLICANTS.—Section 301(c)(2) of the Small Business Investment Act of 1958 (15 U.S.C. 681(c)(2)) is amended—

(A) in subparagraph (B), in the matter preceding clause (i), by striking “Within” and inserting “Except as provided in subparagraph (C), within”; and

(B) by adding at the end the following:

“(C) EXCEPTION FOR BANK-OWNED, NON-LEVERAGED APPLICANTS.—Notwithstanding subparagraph (B), not later than 45 days after



the date on which the Administrator receives a completed application submitted by a bank-owned, non-leveraged applicant in accordance with this subsection and in accordance with such requirements as the Administrator may prescribe by regulation, the Administrator shall—

“(i) review the application in its entirety; and

“(ii)(I) approve the application and issue a license for such operation to the applicant if the requirements of this section are satisfied; or

“(II) disapprove the application and notify the applicant in writing of the disapproval.”.

(3) **ELECTRONIC SUBMISSIONS.**—Part A of title III of the Small Business Investment Act of 1958 (15 U.S.C. 681 et seq.), as amended by paragraph (1) of this subsection, is amended by adding at the end the following:

**“SEC. 322. ELECTRONIC SUBMISSIONS.**

“The Administration shall permit any document submitted under this title, or pursuant to a regulation carrying out this title, to be submitted electronically, including by permitting an electronic signature for any signature that is required on such a document.”.

(w) **COMMITMENT AUTHORITY AND APPROPRIATIONS.**—

(1) **COMMITMENT AUTHORITY.**—

(A) **CARES ACT AMENDMENTS.**—Section 1102(b) of the CARES Act (Public Law 116-136) is amended—

(i) in paragraph (1)—

(I) in the paragraph heading, by inserting “AND SECOND DRAW” after “PPP”; and

(II) by striking “August 8, 2020” and inserting “December 31, 2020”; and

(III) by striking “paragraph (36)” and inserting “paragraphs (36) and (37)”; and

(IV) by striking “\$659,000,000,000” and inserting “\$748,990,000,000”; and

(ii) by amending paragraph (2) to read as follows:

“(B) **OTHER 7(A) LOANS.**—During fiscal year 2020, the amount authorized for commitments for section 7(a) of the Small Business Act (15 U.S.C. 636(a)) under the heading ‘Small Business Administration—Business Loans Program Account’ in the Financial Services and General Government Appropriations Act, 2020 (division C of Public Law 116-193) shall apply with respect to any commitments under such section 7(a) other than under paragraphs (36), (37), and (38) of such section 7(a).”.

(B) **RECOVERY SECTOR LOANS.**—During the period beginning on the date of enactment of this Act and ending on December 31, 2020, the amount authorized for commitments under paragraph (38) of section 7(a) of the Small Business Act (15 U.S.C. 636(a)), as added by this section, shall be \$100,000,000,000.

(2) **DIRECT APPROPRIATIONS.**—

(A) **RESCISSION.**—With respect to unobligated balances under the heading “‘Small Business Administration—Business Loans Program Account, CARES Act’” as of the day before the date of enactment of this Act, \$100,000,000,000 shall be rescinded and deposited into the general fund of the Treasury.

(B) **NEW DIRECT APPROPRIATIONS.**—There is appropriated, out of amounts in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2020—

(i) to remain available until September 30, 2021, for additional amounts—

(I) \$189,990,000,000 under the heading “Small Business Administration—Business Loans Program Account, CARES Act” for the cost of guaranteed loans as authorized under paragraph (36) and (37) of section 7(a) of the Small Business Act (15 U.S.C. 636(a)), as amended and added by this section; and

(II) \$57,700,000,000 under the heading “Small Business Administration—Recovery

Sector Loans” for the cost of guaranteed loans as authorized under paragraph (38) of section 7(a) of the Small Business Act (15 U.S.C. 636(a)), as added by this section; and

(III) \$10,000,000 under the heading under the heading “Department of Commerce—Minority Business Development Agency” for minority business centers of the Minority Business Development Agency to provide technical assistance to small business concerns; and

(ii) to remain available until September 30, 2023, \$10,000,000,000 under the heading “Small Business Administration—SBIC” to carry out part D of title III of the Small Business Investment Act of 1958 (15 U.S.C. 681 et seq.), as added by this section.

(C) **AVAILABILITY OF AMOUNTS APPROPRIATED FOR THE OFFICE OF INSPECTOR GENERAL.**—Section 1107(a)(3) of the CARES Act (15 U.S.C. 9006(a)(3)) is amended by striking “September 20, 2024” and inserting “expended”.

(x) **EMERGENCY DESIGNATION.**—

(1) **IN GENERAL.**—The amounts provided under this section are designated as an emergency requirement pursuant to section 4(g) of the Statutory Pay-As-You-Go Act of 2010 (2 U.S.C. 933(g)).

(2) **DESIGNATION IN SENATE.**—In the Senate, this section is designated as an emergency requirement pursuant to section 4112(a) of H. Con. Res. 71 (115th Congress), the concurrent resolution on the budget for fiscal year 2018.

**SA 2506.** Mr. RUBIO (for himself and Ms. COLLINS) submitted an amendment intended to be proposed by him to the bill S. 178, to condemn gross human rights violations of ethnic Turkic Muslims in Xinjiang, and calling for an end to arbitrary detention, torture, and harassment of these communities inside and outside China; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. . SMALL BUSINESS RECOVERY.**

(a) **SHORT TITLE.**—This section may be cited as the “Continuing Small Business Recovery and Paycheck Protection Program Act”.

(b) **DEFINITIONS.**—In this section:

(1) **ADMINISTRATION; ADMINISTRATOR.**—The terms “Administration” and “Administrator” mean the Small Business Administration and the Administrator thereof, respectively.

(2) **SMALL BUSINESS CONCERN.**—The term “small business concern” has the meaning given the term in section 3 of the Small Business Act (15 U.S.C. 632).

(c) **EMERGENCY RULEMAKING AUTHORITY.**—Not later than 30 days after the date of enactment of this Act, the Administrator shall issue regulations to carry out this section and the amendments made by this section without regard to the notice requirements under section 553(b) of title 5, United States Code.

(d) **ADDITIONAL ELIGIBLE EXPENSES.**—

(1) **ALLOWABLE USE OF PPP LOAN.**—Section 7(a)(36)(F)(i) of the Small Business Act (15 U.S.C. 636(a)(36)(F)(i)) is amended—

(A) in subclause (VI), by striking “and” at the end;

(B) in subclause (VII), by striking the period at the end and inserting a semicolon; and

(C) by adding at the end the following:

“(VIII) covered operations expenditures, as defined in section 1106(a) of the CARES Act (15 U.S.C. 9005(a));

“(IX) covered property damage costs, as defined in such section 1106(a);

“(X) covered supplier costs, as defined in such section 1106(a); and

“(XI) covered worker protection expenditures, as defined in such section 1106(a).”.

(2) **LOAN FORGIVENESS.**—Section 1106 of the CARES Act (15 U.S.C. 9005) is amended—

(A) in subsection (a)—

(i) by redesignating paragraphs (6), (7), and (8) as paragraphs (10), (11), and (12), respectively;

(ii) by redesignating paragraph (5) as paragraph (8);

(iii) by redesignating paragraph (4) as paragraph (6);

(iv) by redesignating paragraph (3) as paragraph (4);

(v) by inserting after paragraph (2) the following:

“(3) the term ‘covered operations expenditure’ means a payment for any business software or cloud computing service that facilitates business operations, product or service delivery, the processing, payment, or tracking of payroll expenses, human resources, sales and billing functions, or accounting or tracking of supplies, inventory, records and expenses;”;

(vi) by inserting after paragraph (4), as so redesignated, the following:

“(5) the term ‘covered property damage cost’ means a cost related to property damage and vandalism or looting due to public disturbances that occurred during 2020 that was not covered by insurance or other compensation;”;

(vii) by inserting after paragraph (6), as so redesignated, the following:

“(5) the term ‘covered supplier cost’ means an expenditure made by an entity to a supplier of goods pursuant to a contract in effect before February 15, 2020 for the supply of goods that are essential to the operations of the entity at the time at which the expenditure is made;”;

(viii) by inserting after paragraph (8), as so redesignated, the following:

“(9) the term ‘covered worker protection expenditure’—

“(A) means an operating or a capital expenditure that is required to facilitate the adaptation of the business activities of an entity to comply with requirements established or guidance issued by the Department of Health and Human Services, the Centers for Disease Control, or the Occupational Safety and Health Administration during the period beginning on March 1, 2020 and ending December 31, 2020 related to the maintenance of standards for sanitation, social distancing, or any other worker or customer safety requirement related to COVID-19;

“(B) may include—

“(i) the purchase, maintenance, or renovation of assets that create or expand—

“(I) a drive-through window facility;

“(II) an indoor, outdoor, or combined air or air pressure ventilation or filtration system;

“(III) a physical barrier such as a sneeze guard;

“(IV) an indoor, outdoor, or combined commercial real property;

“(V) an onsite or offsite health screening capability; or

“(VI) other assets relating to the compliance with the requirements or guidance described in subparagraph (A), as determined by the Administrator in consultation with the Secretary of Health and Human Services and the Secretary of Labor; and

“(ii) the purchase of—

“(I) covered materials described in section 328.103(a) of title 44, Code of Federal Regulations, or any successor regulation;

“(II) particulate filtering facepiece respirators approved by the National Institute for Occupational Safety and Health, including those approved only for emergency use authorization; or

“(III) other kinds of personal protective equipment, as determined by the Administrator in consultation with the Secretary of Health and Human Services and the Secretary of Labor; and

“(C) does not include residential real property or intangible property;” and

(ix) in paragraph (11), as so redesignated—(I) in subparagraph (C), by striking “and” at the end;

(II) in subparagraph (D), by striking “and” at the end; and

(III) by adding at the end the following:

“(E) covered operations expenditures;

“(F) covered property damage costs;

“(G) covered supplier costs; and

“(H) covered worker protection expenditures; and”;

(B) in subsection (b), by adding at the end the following:

“(5) Any covered operations expenditure.

“(6) Any covered property damage cost.

“(7) Any covered supplier cost.

“(8) Any covered worker protection expenditure.”;

(C) in subsection (d)(8), by inserting “any payment on any covered operations expenditure, any payment on any covered property damage cost, any payment on any covered supplier cost, any payment on any covered worker protection expenditure,” after “rent obligation.”; and

(D) in subsection (e)—

(i) in paragraph (2), by inserting “payments on covered operations expenditures, payments on covered property damage costs, payments on covered supplier costs, payments on covered worker protection expenditures,” after “lease obligations.”; and

(ii) in paragraph (3)(B), by inserting “make payments on covered operations expenditures, make payments on covered property damage costs, make payments on covered supplier costs, make payments on covered worker protection expenditures,” after “rent obligation.”.

(e) LENDER SAFE HARBOR.—Subsection (h) of section 1106 of the CARES Act (15 U.S.C. 9005) is amended to read as follows:

“(h) HOLD HARMLESS.—

“(1) IN GENERAL.—A lender may rely on any certification or documentation submitted by an applicant for a covered loan or an eligible recipient of a covered loan that—

“(A) is submitted pursuant to any statutory requirement relating to covered loans or any rule or guidance issued to carry out any action relating to covered loans; and

“(B) attests that the applicant or eligible recipient, as applicable, has accurately verified any certification or documentation provided to the lender.

“(2) NO ENFORCEMENT ACTION.—With respect to a lender that relies on a certification or documentation described in paragraph (1)—

“(A) an enforcement action may not be taken against the lender acting in good faith relating to origination or forgiveness of a covered loan based on such reliance; and

“(B) the lender acting in good faith shall not be subject to any penalties relating to origination or forgiveness of a covered loan based on such reliance.”.

(f) SELECTION OF COVERED PERIOD FOR FORGIVENESS.—Section 1106 of the CARES Act (15 U.S.C. 9005) is amended—

(1) by amending paragraph (4) of subsection (a), as so redesignated by subsection (d) of this section, to read as follows:

“(4) the term ‘covered period’ means the period—

“(A) beginning on the date of the origination of a covered loan; and

“(B) ending on a date selected by the eligible recipient of the covered loan that occurs during the period—

“(i) beginning on the date that is 8 weeks after such date of origination; and

“(ii) ending on December 31, 2020.”; and

(2) by striking subsection (1).

(g) SIMPLIFIED APPLICATION.—Section 1106 of the CARES Act (15 U.S.C. 9005), as amended by subsection (f) of this section, is amended—

(1) in subsection (e), in the matter preceding paragraph (1), by striking “An eligible” and inserting “Except as provided in subsection (1), an eligible”;

(2) in subsection (f), by inserting “or the information required under subsection (1), as applicable” after “subsection (e)”;

(3) by adding at the end the following:

“(1) SIMPLIFIED APPLICATION.—

“(1) COVERED LOANS UNDER \$150,000.—

“(A) IN GENERAL.—Notwithstanding subsection (e), with respect to a covered loan made to an eligible recipient that is not more than \$150,000, the covered loan amount shall be forgiven under this section if the eligible recipient—

“(i) signs and submits to the lender an attestation that the eligible recipient made a good faith effort to comply with the requirements under section 7(a)(36) of the Small Business Act (15 U.S.C. 636(a)(36)); and

“(ii) for the 1-year period following submission of the attestation under clause (i), retains records relevant to the attestation that prove compliance with those requirements.

“(B) DEMOGRAPHIC INFORMATION.—An eligible recipient of a covered loan described in subparagraph (A) may complete and submit any form related to borrower demographic information.

“(C) AUDIT.—The Administrator may—

“(i) review and audit covered loans described in subparagraph (A); and

“(ii) in the case of fraud, ineligibility, or other material noncompliance with applicable loan or loan forgiveness requirements, modify—

“(I) the amount of a covered loan described in subparagraph (A); or

“(II) the loan forgiveness amount with respect to a covered loan described in subparagraph (A).

“(2) COVERED LOANS BETWEEN \$150,000 AND \$2,000,000.—

“(A) IN GENERAL.—Notwithstanding subsection (e), with respect to a covered loan made to an eligible recipient that is more than \$150,000 and not more than \$2,000,000—

“(i) the eligible recipient seeking loan forgiveness under this section—

“(I) is not required to submit the supporting documentation described in paragraph (1) or (2) of subsection (e) or the certification described in subsection (e)(3)(A);

“(II) shall retain all relevant schedules, worksheets, and supporting documentation for the 3-year period following submission of the application for loan forgiveness; and

“(III) may complete and submit any form related to borrower demographic information;

“(ii) review by the lender of an application submitted by the eligible recipient for loan forgiveness under this section shall be limited to whether the lender received a complete application, with all fields completed, initialed, or signed, as applicable; and

“(iii) the lender shall—

“(I) accept the application submitted by the eligible recipient for loan forgiveness under this section; and

“(II) submit the application to the Administrator.

“(B) AUDIT.—The Administrator may—

“(i) review and audit covered loans described in subparagraph (A); and

“(ii) in the case of fraud, ineligibility, or other material noncompliance with applica-

ble loan or loan forgiveness requirements, modify—

“(I) the amount of a covered loan described in subparagraph (A); or

“(II) the loan forgiveness amount with respect to a covered loan described in subparagraph (A).

“(3) AUDIT PLAN.—

“(A) IN GENERAL.—Not later than 30 days after the date of enactment of the Continuing Small Business Recovery and Paycheck Protection Program Act, the Administrator shall submit to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives an audit plan that details—

“(i) the policies and procedures of the Administrator for conducting reviews and audits of covered loans; and

“(ii) the metrics that the Administrator shall use to determine which covered loans will be audited for each category of covered loans described in paragraphs (1) and (2).

“(B) REPORTS.—Not later than 30 days after the date on which the Administrator submits the audit plan required under subparagraph (A), and each month thereafter, the Administrator shall submit to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives a report on the review and audit activities of the Administrator under this subsection, which shall include—

“(i) the number of active reviews and audits;

“(ii) the number of reviews and audits that have been ongoing for more than 60 days; and

“(iii) any substantial changes made to the audit plan submitted under subparagraph (A).”.

(h) GROUP INSURANCE PAYMENTS AS PAYROLL COSTS.—Section 7(a)(36)(A)(viii)(I)(aa)(EE) of the Small Business Act (15 U.S.C. 636(a)(36)(A)(viii)(I)(aa)(EE)) is amended by inserting “and other group insurance” before “benefits”.

(i) PAYCHECK PROTECTION PROGRAM SECOND DRAW LOANS.—Section 7(a) of the Small Business Act (15 U.S.C. 636(a)) is amended by adding at the end the following:

“(37) PAYCHECK PROTECTION PROGRAM SECOND DRAW LOANS.—

“(A) DEFINITIONS.—In this paragraph—

“(i) the terms ‘community financial institutions’, ‘credit union’, ‘eligible self-employed individual’, ‘insured depository institution’, ‘nonprofit organization’, ‘payroll costs’, ‘seasonal employer’, and ‘veterans organization’ have the meanings given those terms in paragraph (36), except that ‘eligible entity’ shall be substituted for ‘eligible recipient’ each place it appears in the definitions of those terms;

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

“(iii) the terms ‘covered mortgage obligation’, ‘covered operating expenditure’, ‘covered property damage cost’, ‘covered rent obligation’, ‘covered supplier cost’, ‘covered utility payment’, and ‘covered worker protection expenditure’ have the meanings given those terms in section 1106(a) of the CARES Act (15 U.S.C. 9005(a));

“(iv) the term ‘covered period’ means the period beginning on the date of the origination of a covered loan and ending on December 31, 2020;

“(v) the term ‘eligible entity’—

“(I) means any business concern, nonprofit organization, veterans organization, Tribal business concern, eligible self-employed individual, sole proprietor, independent contractor, or small agricultural cooperative that—

“(aa)(AA) with respect to a business concern, would qualify as a small business concern by the annual receipts size standard (if applicable) established by section 121.201 of title 13, Code of Federal Regulations, or any successor regulation; or

“(BB) if the entity does not qualify as a small business concern, meets the alternative size standard established under section 3(a)(5);

“(bb) employs not more than 300 employees; and

“(cc)(AA) except as provided in subitems (BB), (CC), and (DD), had gross receipts during the first or second quarter in 2020 that are not less than 35 percent less than the gross receipts of the entity during the same quarter in 2019;

“(BB) if the entity was not in business during the first or second quarter of 2019, but was in business during the third and fourth quarter of 2019, had gross receipts during the first or second quarter of 2020 that are less than 35 percent of the amount of the gross receipts of the entity during the third or fourth quarter of 2019;

“(CC) if the entity was not in business during the first, second, or third quarter of 2019, but was in business during the fourth quarter of 2019, had gross receipts during the first or second quarter of 2020 that are less than 35 percent of the amount of the gross receipts of the entity during the fourth quarter of 2019; or

“(DD) if the entity was not in business during 2019, but was in operation on February 15, 2020, had gross receipts during the second quarter of 2020 that are less than 35 percent of the amount of the gross receipts of the entity during the first quarter of 2020;

“(II) includes an organization described in subparagraph (D)(vii) of paragraph (36) that is eligible to receive a loan under that paragraph and that meets the requirements described in items (aa) and (cc) of subclause (I); and

“(III) does not include—

“(aa) an issuer, the securities of which are listed on an exchange registered a national securities exchange under section 6 of the Securities Exchange Act of 1934 (15 U.S.C. 78f);

“(bb) any entity that—

“(AA) is a type of business concern described in subsection (b), (c), (d), (e), (f), (h), (l) (m), (p), (q), (r), or (s) of section 120.110 of title 13, Code of Federal Regulations, or any successor regulation;

“(BB) is a type of business concern described in section 120.110(g) of title 13, Code of Federal Regulations, or any successor regulation, except as otherwise provided in the interim final rule of the Administration entitled ‘Business Loan Program Temporary Changes; Paycheck Protection Program—Additional Eligibility Criteria and Requirements for Certain Pledges of Loans’ (85 Fed. Reg. 21747 (April 20, 2020));

“(CC) is a type of business concern described in section 120.110(i) of title 13, Code of Federal Regulations, or any successor regulation, except if the business concern is an organization described in paragraph (36)(D)(vii);

“(DD) is a type of business concern described in section 120.110(j) of title 13, Code of Federal Regulations, or any successor regulation, except as otherwise provided in the interim final rules of the Administration entitled ‘Business Loan Program Temporary Changes; Paycheck Protection Program—Eligibility of Certain Electric Cooperatives’ (85 Fed. Reg. 29847 (May 19, 2020)) and ‘Business Loan Program Temporary Changes; Paycheck Protection Program—Eligibility of Certain Telephone Cooperatives’ (85 Fed. Reg. 35550 (June 11, 2020)) or any other guid-

ance or rule issued or that may be issued by the Administrator;

“(EE) is a type of business concern described in section 120.110(n) of title 13, Code of Federal Regulations, or any successor regulation, except as otherwise provided in the interim final rule of the Administration entitled ‘Business Loan Program Temporary Changes; Paycheck Protection Program—Additional Eligibility Revisions to First Interim Final Rule’ (85 Fed. Reg. 38301 (June 26, 2020)) or any other guidance or rule issued or that may be issued by the Administrator;

“(FF) is a type of business concern described in section 120.110(o) of title 13, Code of Federal Regulations, or any successor regulation, except as otherwise provided in any guidance or rule issued or that may be issued by the Administrator; or

“(GG) is an entity that is organized for research or for engaging in advocacy in areas such as public policy or political strategy or otherwise describes itself as a think tank in any public documents;

“(HH) is an entity that would be described in the subsections listed in subitems (AA) through (GG) if the entity were a business concern; or

“(II) is assigned, or was approved for a loan under paragraph (36) with, a North American Industry Classification System code beginning with 52;

“(cc) any business concern or entity primarily engaged in political or lobbying activities, which shall include any entity that is organized for research or for engaging in advocacy in areas such as public policy or political strategy or otherwise describes itself as a think tank in any public documents; or

“(dd) any business concern or entity—

“(AA) for which an entity created in or organized under the laws of the People’s Republic of China or the Special Administrative Region of Hong Kong, or that has significant operations in the People’s Republic of China or the Special Administrative Region of Hong Kong, owns or holds, directly or indirectly, not less than 20 percent of the economic interest of the business concern or entity, including as equity shares or a capital or profit interest in a limited liability company or partnership; or

“(BB) that retains, as a member of the board of directors of the business concern, a person who is a resident of the People’s Republic of China;

“(vi) the terms ‘exchange’, ‘issuer’, and ‘security’ have the meanings given those terms in section 3(a) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a)); and

“(vii) the term ‘Tribal business concern’ means a Tribal business concern described in section 31(b)(2)(C).

“(B) LOANS.—Except as otherwise provided in this paragraph, the Administrator may guarantee covered loans to eligible entities under the same terms, conditions, and processes as a loan made under paragraph (36).

“(C) MAXIMUM LOAN AMOUNT.—

“(i) IN GENERAL.—Except as otherwise provided in this subparagraph, the maximum amount of a covered loan made to an eligible entity is the lesser of—

“(I) the product obtained by multiplying—

“(aa) at the election of the eligible entity, the average total monthly payment for payroll costs incurred or paid by the eligible entity during—

“(AA) the 1-year period before the date on which the loan is made; or

“(BB) calendar year 2019; by

“(bb) 2.5; or

“(II) \$2,000,000.

“(ii) SEASONAL EMPLOYERS.—The maximum amount of a covered loan made to an eligible entity that is a seasonal employer is the lesser of—

“(I) the product obtained by multiplying—

“(aa) at the election of the eligible entity, the average total monthly payments for payroll costs incurred or paid by the eligible entity—

“(AA) for a 12-week period beginning February 15, 2019 or March 1, 2019 and ending June 30, 2019; or

“(BB) for a consecutive 12-week period between May 1, 2019 and September 15, 2019; by

“(bb) 2.5; or

“(II) \$2,000,000.

“(iii) NEW ENTITIES.—The maximum amount of a covered loan made to an eligible entity that did not exist during the 1-year period preceding February 15, 2020 is the lesser of—

“(I) the product obtained by multiplying—

“(aa) the quotient obtained by dividing—

“(AA) the sum of the total monthly payments by the eligible entity for payroll costs paid or incurred by the eligible entity as of the date on which the eligible entity applies for the covered loan; by

“(BB) the number of months in which those payroll costs were paid or incurred; by

“(bb) 2.5; or

“(II) \$2,000,000.

“(iv) LIMIT FOR MULTIPLE LOCATIONS.—With respect to an eligible entity with more than 1 physical location, the total amount of all covered loans shall be not more than \$2,000,000.

“(v) LOAN NUMBER LIMITATION.—An eligible entity may only receive 1 covered loan.

“(vi) 90 DAY RULE FOR MAXIMUM LOAN AMOUNT.—The maximum aggregate loan amount of loans guaranteed under this subsection that are approved for an eligible entity (including any affiliates) within 90 days of approval of another loan under this subsection for the eligible entity (including any affiliates) shall not exceed \$10,000,000.

“(D) EXCEPTION FROM CERTAIN CERTIFICATION REQUIREMENTS.—An eligible entity applying for a covered loan shall not be required to make the certification described in subclause (III) or (IV) of paragraph (36)(G)(i).

“(E) FEE WAIVER.—With respect to a covered loan—

“(i) in lieu of the fee otherwise applicable under paragraph (23)(A), the Administrator shall collect no fee; and

“(ii) in lieu of the fee otherwise applicable under paragraph (18)(A), the Administrator shall collect no fee.

“(F) ELIGIBLE CHURCHES AND RELIGIOUS ORGANIZATIONS.—

“(i) SENSE OF CONGRESS.—It is the sense of Congress that the interim final rule of the Administration entitled ‘Business Loan Program Temporary Changes; Paycheck Protection Program’ (85 Fed. Reg. 20817 (April 15, 2020)) properly clarified the eligibility of churches and religious organizations for loans made under paragraph (36).

“(ii) APPLICABILITY OF PROHIBITION.—The prohibition on eligibility established by section 120.110(k) of title 13, Code of Federal Regulations, or any successor regulation, shall not apply to a covered loan.

“(G) GROSS RECEIPTS FOR NONPROFIT AND VETERANS ORGANIZATIONS.—For purposes of calculating gross receipts under subparagraph (A)(v)(I)(cc) for an eligible entity that is a nonprofit organization, a veterans organization, or an organization described in subparagraph (A)(v)(II), gross receipts—

“(i) shall include proceeds from fundraising events, federated campaigns, gifts, donor-advised funds, and funds from similar sources; and

“(ii) shall not include—

“(I) Federal grants (excluding any loan forgiveness on loans received under paragraph (36) or this paragraph);

“(II) revenues from a supporting organization;

“(III) grants from private foundations that are disbursed over the course of more than 1 calendar year; or

“(IV) any contribution of property other than money, stocks, bonds, and other securities, provided that the non-cash contribution is not sold by the organization in a transaction unrelated to the tax-exempt purpose of the organization.

“(H) LOAN FORGIVENESS.—

“(i) IN GENERAL.—Except as otherwise provided in this subparagraph, an eligible entity shall be eligible for forgiveness of indebtedness on a covered loan in the same manner as an eligible recipient with respect to a loan made under paragraph (36), as described in section 1106 of the CARES Act (15 U.S.C. 9005).

“(ii) FORGIVENESS AMOUNT.—An eligible entity shall be eligible for forgiveness of indebtedness on a covered loan in an amount equal to the sum of the following costs incurred or expenditures made during the covered period:

“(I) Payroll costs.

“(II) Any payment of interest on any covered mortgage obligation (which shall not include any prepayment of or payment of principal on a covered mortgage obligation).

“(III) Any covered operations expenditure.

“(IV) Any covered property damage cost.

“(V) Any payment on any covered rent obligation.

“(VI) Any covered utility payment.

“(VII) Any covered supplier cost.

“(VIII) Any covered worker protection expenditure.

“(iii) LIMITATION ON FORGIVENESS FOR ALL ELIGIBLE ENTITIES.—The forgiveness amount under this subparagraph shall be equal to the lesser of—

“(I) the amount described in clause (ii); and

“(II) the amount equal to the quotient obtained by dividing—

“(aa) the amount of the covered loan used for payroll costs during the covered period; and

“(bb) 0.60.

“(I) LENDER ELIGIBILITY.—Except as otherwise provided in this paragraph, a lender approved to make loans under paragraph (36) may make covered loans under the same terms and conditions as in paragraph (36).

“(J) REIMBURSEMENT FOR LOAN PROCESSING AND SERVICING.—The Administrator shall reimburse a lender authorized to make a covered loan in an amount that is—

“(i) 3 percent of the principal amount of the financing of the covered loan up to \$350,000; and

“(ii) 1 percent of the principal amount of the financing of the covered loan above \$350,000, if applicable.

“(K) SET ASIDE FOR SMALL ENTITIES.—Not less than \$25,000,000,000 of the total amount of covered loans guaranteed by the Administrator shall be made to eligible entities with not more than 10 employees as of February 15, 2020.

“(L) SET ASIDE FOR COMMUNITY FINANCIAL INSTITUTIONS, SMALL INSURED DEPOSITORY INSTITUTIONS, CREDIT UNIONS, AND FARM CREDIT SYSTEM INSTITUTIONS.—Not less than \$10,000,000,000 of the total amount of covered loans guaranteed by the Administrator shall be made by—

“(i) community financial institutions;

“(ii) insured depository institutions with consolidated assets of less than \$10,000,000,000;

“(iii) credit unions with consolidated assets of less than \$10,000,000,000; and

“(iv) institutions of the Farm Credit System chartered under the Farm Credit Act of 1971 (12 U.S.C. 2001 et seq.) with consolidated assets of less than \$10,000,000,000 (not includ-

ing the Federal Agricultural Mortgage Corporation).

“(M) PUBLICATION OF GUIDANCE.—Not later than 10 days after the date of enactment of this paragraph, the Administrator shall issue guidance addressing barriers to accessing capital for minority, underserved, veteran, and women-owned business concerns for the purpose of ensuring equitable access to covered loans.

“(N) STANDARD OPERATING PROCEDURE.—The Administrator shall, to the maximum extent practicable, allow a lender approved to make covered loans to use existing program guidance and standard operating procedures for loans made under this subsection.

“(O) PROHIBITION ON USE OF PROCEEDS FOR LOBBYING ACTIVITIES.—None of the proceeds of a covered loan may be used for—

“(i) lobbying activities, as defined in section 3 of the Lobbying Disclosure Act of 1995 (2 U.S.C. 1602);

“(ii) lobbying expenditures related to a State or local election; or

“(iii) expenditures designed to influence the enactment of legislation, appropriations, regulation, administrative action, or Executive order proposed or pending before Congress or any State government, State legislature, or local legislature or legislative body.”.

(J) CONTINUED ACCESS TO THE PAYCHECK PROTECTION PROGRAM.—

(1) IN GENERAL.—Section 7(a)(36)(E)(ii) of the Small Business Act (15 U.S.C. 636(a)(36)(E)(ii)) is amended by striking “\$10,000,000” and inserting “\$2,000,000”.

(2) APPLICABILITY OF MAXIMUM LOAN AMOUNT CALCULATION.—

(A) DEFINITIONS.—In this paragraph, the terms “covered loan” and “eligible recipient” have the meanings given those terms in section 7(a)(36) of the Small Business Act (15 U.S.C. 636(a)(36)).

(B) APPLICABILITY.—The amendment made by paragraph (1) shall apply only with respect to a covered loan applied for by an eligible recipient on or after the date of enactment of this Act.

(K) INCREASED ABILITY FOR PAYCHECK PROTECTION PROGRAM BORROWERS TO REQUEST AN INCREASE IN LOAN AMOUNT DUE TO UPDATED REGULATIONS.—

(1) DEFINITIONS.—In this subsection, the terms “covered loan” and “eligible recipient” have the meanings given those terms in section 7(a)(36) of the Small Business Act (15 U.S.C. 636(a)(36)).

(2) INCREASED AMOUNT.—Notwithstanding the interim final rule issued by the Administration entitled “Business Loan Program Temporary Changes; Paycheck Protection Program—Loan Increases” (85 Fed. Reg. 29842 (May 19, 2020)), an eligible recipient of a covered loan that is eligible for an increased covered loan amount as a result of any interim final rule that allows for covered loan increases may submit a request for an increase in the covered loan amount even if—

(A) the initial covered loan amount has been fully disbursed; or

(B) the lender of the initial covered loan has submitted to the Administration a Form 1502 report related to the covered loan.

(I) CALCULATION OF MAXIMUM LOAN AMOUNT FOR FARMERS AND RANCHERS UNDER THE PAYCHECK PROTECTION PROGRAM.—

(1) IN GENERAL.—Section 7(a)(36) of the Small Business Act (15 U.S.C. 636(a)(36)), as amended by subsection (j) of this section, is amended—

(A) in subparagraph (E), in the matter preceding clause (i), by striking “During” and inserting “Except as provided in subparagraph (T), during”; and

(B) by adding at the end the following:

“(T) CALCULATION OF MAXIMUM LOAN AMOUNT FOR FARMERS AND RANCHERS.—

“(i) DEFINITION.—In this subparagraph, the term ‘covered recipient’ means an eligible recipient that—

“(I) operates as a sole proprietorship or as an independent contractor, or is an eligible self-employed individual;

“(II) reports farm income or expenses on a Schedule F (or any equivalent successor schedule); and

“(III) was in business during the period beginning on February 15, 2019 and ending on June 30, 2019.

“(ii) NO EMPLOYEES.—With respect to covered recipient without employees, the maximum covered loan amount shall be the lesser of—

“(I) the sum of—

“(aa) the product obtained by multiplying—

“(AA) the gross income of the covered recipient in 2019, as reported on a Schedule F (or any equivalent successor schedule), that is not more than \$100,000, divided by 12; and

“(BB) 2.5; and

“(bb) the outstanding amount of a loan under subsection (b)(2) that was made during the period beginning on January 31, 2020 and ending on April 3, 2020 that the borrower intends to refinance under the covered loan, not including any amount of any advance under the loan that is not required to be repaid; or

“(II) \$2,000,000.

“(iii) WITH EMPLOYEES.—With respect to a covered recipient with employees, the maximum covered loan amount shall be calculated using the formula described in subparagraph (E), except that the gross income of the covered recipient described in clause (ii)(I)(aa)(AA) of this subparagraph, as divided by 12, shall be added to the sum calculated under subparagraph (E)(i)(I).

“(iv) RECALCULATION.—A lender that made a covered loan to a covered recipient before the date of enactment of this subparagraph may, at the request of the covered recipient—

“(I) recalculate the maximum loan amount applicable to that covered loan based on the formula described in clause (ii) or (iii), as applicable, if doing so would result in a larger covered loan amount; and

“(II) provide the covered recipient with additional covered loan amounts based on that recalculation.”.

(m) FARM CREDIT SYSTEM INSTITUTIONS.—

(1) DEFINITION OF FARM CREDIT SYSTEM INSTITUTION.—In this subsection, the term “Farm Credit System institution”—

(A) means an institution of the Farm Credit System chartered under the Farm Credit Act of 1971 (12 U.S.C. 2001 et seq.); and

(B) does not include the Federal Agricultural Mortgage Corporation.

(2) FACILITATION OF PARTICIPATION IN PPP AND SECOND DRAW LOANS.—

(A) APPLICABLE RULES.—Solely with respect to loans under paragraphs (36) and (37) of section 7(a) of the Small Business Act (15 U.S.C. 636(a)), Farm Credit Administration regulations and guidance issued as of July 14, 2020, and compliance with such regulations and guidance, shall be deemed functionally equivalent to requirements referenced in section 3(a)(iii)(II) of the interim final rule of the Administration entitled “Business Loan Program Temporary Changes; Paycheck Protection Program” (85 Fed. Reg. 20811 (April 15, 2020)) or any similar requirement referenced in that interim final rule in implementing such paragraph (37).

(B) APPLICABILITY OF CERTAIN LOAN REQUIREMENTS.—For purposes of making loans under paragraph (36) or (37) of section 7(a) of the Small Business Act (15 U.S.C. 636(a)) or

forgiving those loans in accordance with section 1106 of the CARES Act (15 U.S.C. 9005) and subparagraph (H) of such paragraph (37), sections 4.13, 4.14, and 4.14A of the Farm Credit Act of 1971 (12 U.S.C. 2199, 2202, 2202a) (including regulations issued under those sections) shall not apply.

(C) RISK WEIGHT.—

(i) IN GENERAL.—With respect to the application of Farm Credit Administration capital requirements, a loan described in clause (ii)—

(I) shall receive a risk weight of zero percent; and

(II) shall not be included in the calculation of any applicable leverage ratio or other applicable capital ratio or calculation.

(ii) LOANS DESCRIBED.—A loan referred to in clause (i) is—

(I) a loan made by a Farm Credit Bank described in section 1.2(a) of the Farm Credit Act of 1971 (12 U.S.C. 2002(a)) to a Federal Land Bank Association, a Production Credit Association, or an agricultural credit association described in that section to make loans under paragraph (36) or (37) of section 7(a) of the Small Business Act (15 U.S.C. 636(a)) or forgive those loans in accordance with section 1106 of the CARES Act (15 U.S.C. 9005) and subparagraph (H) of such paragraph (37); or

(II) a loan made by a Federal Land Bank Association, a Production Credit Association, an agricultural credit association, or the bank for cooperatives described in section 1.2(a) of the Farm Credit Act of 1971 (12 U.S.C. 2002(a)) under paragraph (36) or (37) of section 7(a) of the Small Business Act (15 U.S.C. 636(a)).

(D) RESERVATION OF LOAN GUARANTEES.—Section 7(a)(36)(S) of the Small Business Act (15 U.S.C. 636(a)(36)(S)) is amended—

(i) in clause (i)—

(I) in subclause (I), by striking “and” at the end;

(II) in subclause (II), by striking the period at the end and inserting “; and”; and

(III) by adding at the end the following:

“(III) institutions of the Farm Credit System chartered under the Farm Credit Act of 1971 (12 U.S.C. 2001 et seq.) with consolidated assets of not less than \$10,000,000,000 and less than \$50,000,000,000.”; and

(ii) in clause (ii)—

(I) in subclause (II), by striking “and” at the end;

(II) in subclause (III), by striking the period at the end and inserting “; and”; and

(III) by adding at the end the following:

“(IV) institutions of the Farm Credit System chartered under the Farm Credit Act of 1971 (12 U.S.C. 2001 et seq.) with consolidated assets of less than \$10,000,000,000.”.

(n) DEFINITION OF SEASONAL EMPLOYER.—

(1) PPP LOANS.—Section 7(a)(36)(A) of the Small Business Act (15 U.S.C. 636(a)(36)(A)) is amended—

(A) in clause (xi), by striking “and” at the end;

(B) in clause (xii), by striking the period at the end and inserting “; and”; and

(C) by adding at the end the following:

“(xiii) the term ‘seasonal employer’ means an eligible recipient that—

“(I) does not operate for more than 7 months in any calendar year; or

“(II) during the preceding calendar year, had gross receipts for any 6 months of that year that were not more than 33.33 percent of the gross receipts of the employer for the other 6 months of that year.”.

(2) LOAN FORGIVENESS.—Paragraph (12) of section 1106(a) of the CARES Act (15 U.S.C. 9005(a)), as so redesignated by subsection (d)(2) of this section, is amended to read as follows:

“(12) the terms ‘payroll costs’ and ‘seasonal employer’ have the meanings given

those terms in section 7(a)(36) of the Small Business Act (15 U.S.C. 636(a)(36)).”.

(o) CHANGES TO THE 7(A) LOAN GUARANTY PROGRAM FOR RECOVERY SECTOR BUSINESS CONCERNS.—Section 7(a) of the Small Business Act (15 U.S.C. 636(a)), as amended by subsection (i) of this section, is amended by adding at the end the following:

“(38) RECOVERY SECTOR LOANS.—

“(A) DEFINITIONS.—In this paragraph—

“(i) the term ‘covered loan’ means a loan made under this paragraph;

“(ii) the term ‘covered population census tract’ means a population census tract for which—

“(I) in the case of a tract that is not located within a metropolitan area, the median income does not exceed 80 percent of the statewide (or, with respect to a possession or territory of the United States, the possession- or territory-wide) median family income; or

“(II) in the case of a tract that is located within a metropolitan area, the median family income does not exceed 80 percent of the greater of the statewide (or, with respect to a possession or territory of the United States, the possession- or territory-wide) median family income and the metropolitan area median family income;

“(iii) the term ‘covered seasonal employer’ means a small business concern that—

“(I) is a seasonal employer, as defined in paragraph (36); and

“(II) during the preceding calendar year—

“(aa) had gross receipts as described in paragraph (36)(A)(xiii)(II); and

“(bb) employed not more than 250 employees during not fewer than 5 months out of that year;

“(iv) the term ‘eligible entity’—

“(I) means any small business concern that—

“(aa) except with respect to a covered seasonal employer, employs not more than 500 employees;

“(bb)(AA) except as provided in subitems (BB), (CC), and (DD), had gross receipts during the first or second quarter in 2020 that are less than 50 percent of the gross receipts of the business concern during the same quarter in 2019;

“(BB) if the small business concern was not in business during the first or second quarter of 2019, but was in business during the third and fourth quarter of 2019, had gross receipts during the first or second quarter of 2020 that are less than 50 percent of the amount of the gross receipts of the small business concern during the third or fourth quarter of 2019;

“(CC) if the small business concern was not in business during the first, second, or third quarter of 2019, but was in business during the fourth quarter of 2019, had gross receipts during the first or second quarter of 2020 that are less than 50 percent of the amount of the gross receipts of the small business concern during the fourth quarter of 2019; or

“(DD) if the small business concern was not in business during the first or second quarter of 2020, had gross receipts during any 2-month period during 2020 that are less than 50 percent of the amount of the gross receipts of the small business concern during any other 2-month period during 2020; and

“(cc)(AA) is a covered seasonal employer seeking a covered loan of not more than \$2,000,000; or

“(BB) is a small business concern the principal place of business of which is in, and not less than 50 percent of the total gross income of which is derived from the active conduct of the business concern within, a small business low-income census tract; and

“(II) does not include—

“(aa) an entity described in paragraph (37)(A)(v)(II);

“(bb) any entity that received a loan under paragraph (37); or

“(cc) any entity that received a loan under paragraph (36) after the date of enactment of this paragraph; and

“(v) the term ‘small business low-income census tract’—

“(I) means—

“(aa) a covered population census tract for which the poverty rate is not less than 20 percent; or

“(bb) an area—

“(AA) that is not tracted as a population census tract;

“(BB) for which the poverty rate in the equivalent county division (as defined by the Bureau of the Census) is not less than 20 percent; and

“(CC) for which the median income in the equivalent county division (as defined by the Bureau of the Census) does not exceed 80 percent of the statewide (or, with respect to a possession or territory of the United States, the possession- or territory-wide) median income; and

“(II) does not include any area or population census tract with a median family income that is not less than 120 percent of the median family income in the United States, according to the most recent American Communities Survey data from the Bureau of the Census.

“(B) LOANS.—Except as otherwise provided in this paragraph, the Administrator may guarantee covered loans made to eligible entities—

“(i) under the same terms, conditions, and processes as a loan made under this subsection; and

“(ii) to meet working capital needs, acquire fixed assets, or refinance existing indebtedness while recovering from the COVID-19 pandemic.

“(C) MAXIMUM LOAN AMOUNT.—The maximum amount of a covered loan made to an eligible entity shall be the lesser of—

“(i) \$10,000,000; or

“(ii) the amount equal to 200 percent of the average annual receipts of the eligible entity.

“(D) LOAN NUMBER LIMITATION.—An eligible entity may only receive 1 covered loan.

“(E) 90 DAY RULE FOR MAXIMUM LOAN AMOUNT.—The maximum aggregate loan amount of loans guaranteed under this subsection that are approved for an eligible entity (including any affiliates) within 90 days of approval of another loan under this subsection for the eligible entity (including any affiliates) shall not exceed \$10,000,000.

“(F) APPLICATION DEADLINE.—An eligible entity desiring a covered loan shall submit an application not later than December 31, 2020.

“(G) FEE WAIVER.—With respect to a covered loan—

“(i) in lieu of the fee otherwise applicable under paragraph (23)(A), the Administrator shall collect no fee; and

“(ii) in lieu of the fee otherwise applicable under paragraph (18)(A), the Administrator shall collect no fee.

“(H) LOAN TERMS.—

“(i) IN GENERAL.—In order to receive a covered loan, an eligible entity shall not be required to show that the eligible entity is unable to obtain credit elsewhere.

“(ii) MATURITY AND INTEREST RATE.—A covered loan shall—

“(I) have a maturity of 20 years; and

“(II) bear an interest rate of equal to the sum of—

“(aa) the Secured Overnight Financing Rate in effect for each of the days in the relevant quarter that interest is charged, as compiled and released by the Federal Reserve Bank of New York; and

“(bb) 300 basis points.

“(iii) GUARANTEE.—In an agreement to participate in a covered loan on a deferred basis, the participation by the Administrator shall be 100 percent of the covered loan.

“(iv) SUBSIDY FOR INTEREST PAYMENTS.—

“(I) IN GENERAL.—The Administrator shall pay the amount of interest that is owed on a covered loan in regular servicing status for the maturity of the loan such that the interest rate paid by the eligible entity is, at all times, equal to a rate of 1 percent.

“(II) TIMING OF PAYMENT.—The Administrator shall—

“(aa) begin making payments under subclause (I) not later than 30 days after the date on which the first such payment is due; and

“(bb) make payments without regard to the payment deferral described in clause (iv).

“(III) APPLICATION OF PAYMENT.—Any payment made by the Administrator under subclause (I) shall be applied to the covered loan such that the eligible entity is relieved of the obligation to pay that amount.

“(v) PAYMENT DEFERRAL.—

“(I) IN GENERAL.—No payment of principal or interest shall be due on a covered loan for the first 2 years of the covered loan.

“(II) ADDITIONAL DEFERRAL.—After the 2-year deferral period under subclause (I), the Administrator may grant not more than an additional 2 years of principal deferral to the eligible entity if the eligible entity is certified by the Administrator and the Secretary as economically distressed based on publicly available criteria established by the Administrator.

“(vi) LIMITATION ON CHANGES IN TERMS.—Notwithstanding any other provision of this subsection, for a covered loan, the Administrator shall not approve any increase in loan amount or change in guaranty percentage, interest rate, interest accrual method, or maturity, except for such changes as may be necessary for prepayment and the deferment of payment under clause (v).

“(I) PROHIBITION ON USE OF PROCEEDS FOR DISASTER LOANS.—An eligible entity shall not use the proceeds of a covered loan to refinance any loan made under subsection (b).

“(J) SECONDARY MARKET.—In order to increase the liquidity of the secondary market for covered loans, the Administrator shall, not later than 60 days after the date of enactment of this paragraph, substantially reduce barriers to the sale of covered loans on the secondary market.

“(K) LENDER ELIGIBILITY.—In order to increase access to and the equitable distribution of covered loans, the Administrator shall establish a process by which a lender approved to make loans under paragraph (36) may make covered loans.

“(L) REIMBURSEMENT FOR LOAN PROCESSING AND SERVICING.—The Administrator shall reimburse a lender authorized to make a covered loan in an amount that is—

“(i) 3 percent of the principal amount of the financing of the covered loan up to \$350,000; and

“(ii) 1 percent of the principal amount of the financing of the covered loan above \$350,000, if applicable.

“(M) STANDARD OPERATING PROCEDURE.—The Administrator shall, to the maximum extent practicable, allow a lender approved to make covered loans to use existing program guidance and standard operating procedures for loans made under this subsection.”.

(p) ELIGIBILITY OF 501(C)(6) ORGANIZATIONS FOR LOANS UNDER THE PAYCHECK PROTECTION PROGRAM.—Section 7(a)(36)(D) of the Small Business Act (15 U.S.C. 636(a)(36)(D)) is amended—

(1) in clause (v), by inserting “or whether an organization described in clause (vii) employs not more than 150 employees,” after “clause (i)(I),”;

(2) in clause (vi), by inserting “, an organization described in clause (vii),” after “non-profit organization”; and

(3) by adding at the end the following:

“(vii) ELIGIBILITY FOR CERTAIN 501(C)(6) ORGANIZATIONS.—

“(I) IN GENERAL.—Except as provided in subclause (II), any organization that is described in section 501(c)(6) of the Internal Revenue Code and that is exempt from taxation under section 501(a) of such Code (excluding professional sports leagues and organizations with the purpose of promoting or participating in a political campaign or other activity) shall be eligible to receive a covered loan if—

“(aa) the organization does not receive more than 10 percent of its receipts from lobbying activities;

“(bb) the lobbying activities of the organization do not comprise more than 10 percent of the total activities of the organization; and

“(cc) the organization employs not more than 150 employees.

“(II) DESTINATION MARKETING ORGANIZATIONS.—Notwithstanding subclause (I), during the covered period, any destination marketing organization shall be eligible to receive a covered loan if—

“(aa) the destination marketing organization does not receive more than 10 percent of its receipts from lobbying activities;

“(bb) the lobbying activities of the destination marketing organization do not comprise more than 10 percent of the total activities of the organization;

“(cc) the destination marketing organization employs not more than 150 employees; and

“(dd) the destination marketing organization—

“(AA) is described in section 501(c) of the Internal Revenue Code and is exempt from taxation under section 501(a) of such Code; or

“(BB) is a quasi-governmental entity or is a political subdivision of a State or local government, including any instrumentality of those entities.”.

(q) PROHIBITION ON USE OF LOAN PROCEEDS FOR LOBBYING ACTIVITIES.—Section 7(a)(36)(F) of the Small Business Act (15 U.S.C. 636(a)(36)(F)) is amended by adding at the end the following:

“(vi) PROHIBITION.—None of the proceeds of a covered loan may be used for—

“(I) lobbying activities, as defined in section 3 of the Lobbying Disclosure Act of 1995 (2 U.S.C. 1602);

“(II) lobbying expenditures related to a State or local election; or

“(III) expenditures designed to influence the enactment of legislation, appropriations, regulation, administrative action, or Executive order proposed or pending before Congress or any State government, State legislature, or local legislature or legislative body.”.

(r) EFFECTIVE DATE; APPLICABILITY.—The amendments made to paragraph (36) of section 7(a) of the Small Business Act (15 U.S.C. 636(a)) and title I of the CARES Act (Public Law 116-136) under this section shall be effective as if included in the CARES Act and shall apply to any loan made pursuant to section 7(a)(36) of the Small Business Act (15 U.S.C. 636(a)(36)).

(s) BANKRUPTCY PROVISIONS.—

(1) IN GENERAL.—Section 364 of title 11, United States Code, is amended by adding at the end the following:

“(g)(1) The court, after notice and a hearing, may authorize a debtor in possession or a trustee that is authorized to operate the business of the debtor under section 1183, 1184, 1203, 1204, or 1304 of this title to obtain a loan under paragraph (36) or (37) of section 7(a) of the Small Business Act (15 U.S.C.

636(a)), and such loan shall be treated as a debt to the extent the loan is not forgiven in accordance with section 1106 of the CARES Act (15 U.S.C. 9005) or subparagraph (H) of such paragraph (37), as applicable, with priority equal to a claim of the kind specified in subsection (c)(1) of this section.

“(2) The trustee may incur debt described in paragraph (1) notwithstanding any provision in a contract, prior order authorizing the trustee to incur debt under this section, prior order authorizing the trustee to use cash collateral under section 363, or applicable law that prohibits the debtor from incurring additional debt.

“(3) The court shall hold a hearing within 7 days after the filing and service of the motion to obtain a loan described in paragraph (1).”.

(2) ALLOWANCE OF ADMINISTRATIVE EXPENSES.—Section 503(b) of title 11, United States Code, is amended—

(A) in paragraph (8)(B), by striking “and” at the end;

(B) in paragraph (9), by striking the period at the end and inserting “; and”; and

(C) by adding at the end the following:

“(10) any debt incurred under section 364(g)(1) of this title.”.

(3) CONFIRMATION OF PLAN FOR REORGANIZATION.—Section 1191 of title 11, United States Code, is amended by adding at the end the following:

“(f) SPECIAL PROVISION RELATED TO COVID-19 PANDEMIC.—Notwithstanding section 1129(a)(9)(A) of this title and subsection (e) of this section, a plan that provides for payment of a claim of a kind specified in section 503(b)(10) of this title may be confirmed under subsection (b) of this section if the plan proposes to make payments on account of such claim when due under the terms of the loan giving rise to such claim.”.

(4) CONFIRMATION OF PLAN FOR FAMILY FARMERS AND FISHERMEN.—Section 1225 of title 11, United States Code, is amended by adding at the end the following:

“(d) Notwithstanding section 1222(a)(2) of this title and subsection (b)(1) of this section, a plan that provides for payment of a claim of a kind specified in section 503(b)(10) of this title may be confirmed if the plan proposes to make payments on account of such claim when due under the terms of the loan giving rise to such claim.”.

(5) CONFIRMATION OF PLAN FOR INDIVIDUALS.—Section 1325 of title 11, United States Code, is amended by adding at the end the following:

“(d) Notwithstanding section 1322(a)(2) of this title and subsection (b)(1) of this section, a plan that provides for payment of a claim of a kind specified in section 503(b)(10) of this title may be confirmed if the plan proposes to make payments on account of such claim when due under the terms of the loan giving rise to such claim.”.

(6) EFFECTIVE DATE; SUNSET.—

(A) EFFECTIVE DATE.—The amendments made by paragraphs (1) through (5) shall—

(i) take effect on the date on which the Administrator submits to the Director of the Executive Office for United States Trustees a written determination that, subject to satisfying any other eligibility requirements, any debtor in possession or trustee that is authorized to operate the business of the debtor under section 1183, 1184, 1203, 1204, or 1304 of title 11, United States Code, would be eligible for a loan under paragraphs (36) and (37) of section 7(a) of the Small Business Act (15 U.S.C. 636(a)); and

(ii) apply to any case pending on or commenced on or after the date described in clause (i).

(B) SUNSET.—

(i) IN GENERAL.—If the amendments made by this subsection take effect under subparagraph (A), effective on the date that is 2



years after the date of enactment of this Act—

(I) section 364 of title 11, United States Code, is amended by striking subsection (g);

(II) section 503(b) of title 11, United States Code, is amended—

(aa) in paragraph (8)(B), by adding “and” at the end;

(bb) in paragraph (9), by striking “; and” at the end and inserting a period; and

(cc) by striking paragraph (10);

(III) section 1191 of title 11, United States Code, is amended by striking subsection (f);

(IV) section 1225 of title 11, United States Code, is amended by striking subsection (d); and

(V) section 1325 of title 11, United States Code, is amended by striking subsection (d).

(ii) **APPLICABILITY.**—Notwithstanding the amendments made by clause (i) of this subparagraph, if the amendments made by paragraphs (1), (2), (3), (4), and (5) take effect under subparagraph (A) of this paragraph, such amendments shall apply to any case under title 11, United States Code, commenced before the date that is 2 years after the date of enactment of this Act.

(t) **OVERSIGHT.**—

(1) **COMPLIANCE WITH OVERSIGHT REQUIREMENTS.**—

(A) **IN GENERAL.**—Except as provided in subparagraph (B), on and after the date of enactment of this Act, the Administrator shall comply with any data or information requests or inquiries made by the Comptroller General of the United States not later than 30 days (or such later date as the Comptroller General may specify) after receiving the request or inquiry.

(B) **EXCEPTION.**—If the Administrator is unable to comply with a request or inquiry described in subparagraph (A) within the 30-day period or, if applicable, later period described in that clause, the Administrator shall, during that 30-day (or later) period, submit to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives a notification that includes a detailed justification for the inability of the Administrator to comply with the request or inquiry.

(2) **TESTIMONY.**—Not later than the date that is 30 days after the date of enactment of this Act, and every quarter thereafter until the date that is 2 years after the date of enactment of this Act, the Administrator and the Secretary of the Treasury shall testify before the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives regarding implementation of this section and the amendments made by this section.

(u) **CONFLICTS OF INTEREST.**—

(1) **DEFINITIONS.**—In this subsection:

(A) **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.

(B) **COVERED ENTITY.**—

(i) **DEFINITION.**—The term “covered entity” means an entity in which a covered individual directly or indirectly holds a controlling interest.

(ii) **TREATMENT OF SECURITIES.**—For the purpose of determining whether an entity is a covered entity, the securities owned, controlled, or held by 2 or more individuals who are related as described in subparagraph (C)(ii) shall be aggregated.

(C) **COVERED INDIVIDUAL.**—The term “covered individual” means—

(i) the President, the Vice President, the head of an Executive department, or a Member of Congress; and

(ii) the spouse, child, son-in-law, or daughter-in-law, as determined under applicable common law, of an individual described in clause (i).

(D) **EXECUTIVE DEPARTMENT.**—The term “Executive department” has the meaning given the term in section 101 of title 5, United States Code.

(E) **MEMBER OF CONGRESS.**—The term “Member of Congress” means a Member of the Senate or House of Representatives, a Delegate to the House of Representatives, and the Resident Commissioner from Puerto Rico.

(F) **EQUITY INTEREST.**—The term “equity interest” means—

(i) a share in an entity, without regard to whether the share is—

(I) transferable; or

(II) classified as stock or anything similar;

(ii) a capital or profit interest in a limited liability company or partnership; or

(iii) a warrant or right, other than a right to convert, to purchase, sell, or subscribe to a share or interest described in clause (i) or (ii), respectively.

(2) **REQUIREMENT.**—The principal executive officer and the principal financial officer, or individuals performing similar functions, of an entity seeking to enter a transaction made under paragraph (36), (37), or (38) of section 7(a) of the Small Business Act (15 U.S.C. 636(a)), as added and amended by this section, shall, before that transaction is approved, disclose to the Administrator whether the entity is a covered entity.

(3) **APPLICABILITY.**—The requirement under paragraph (2)—

(A) shall apply with respect to any transaction made under paragraph (36), (37), or (38) of section 7(a) of the Small Business Act (15 U.S.C. 636(a)), as added and amended by this section, on or after the date of enactment of this Act; and

(B) shall not apply with respect to—

(i) any transaction described in subparagraph (A) that was made before the date of enactment of this Act; or

(ii) forgiveness under section 1106 of the CARES Act (15 U.S.C. 9005) or any other provision of law of any loan associated with any transaction described in subparagraph (A) that was made before the date of enactment of this Act.

(V) **SMALL BUSINESS INVESTMENT COMPANY PROGRAM.**—

(1) **IN GENERAL.**—Part A of title III of the Small Business Investment Act of 1958 (15 U.S.C. 681 et seq.) is amended—

(A) in section 302(a) (15 U.S.C. 682(a))—

(i) in paragraph (1)—

(I) in subparagraph (A), by striking “or” at the end;

(II) in subparagraph (B), by striking the period at the end and inserting “; or”; and

(III) by adding at the end the following:

“(C) \$20,000,000, adjusted every 5 years for inflation, with respect to each licensee authorized or seeking authority to sell bonds to Administration as a participating investment company under section 321.”; and

(B) by adding at the end the following:

“**SEC. 321. SMALL BUSINESS AND DOMESTIC PRODUCTION RECOVERY INVESTMENT FACILITY.**

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

“(1) **ELIGIBLE SMALL BUSINESS CONCERN.**—The term ‘eligible small business concern’—

“(A) means a small business concern that—

“(i) meets the revenue reduction requirements established by paragraph (37)(A)(v)(I)(cc) of section 7(a) of the Small Business Act (15 U.S.C. 636(a));

“(ii) is a manufacturing business that is assigned a North American Industry Classification System code beginning with 31, 32, or 33 at the time at which the small business concern receives an investment from a par-

ticipating investment company under the facility; or

“(iii) is located in a small business low-income census tract; and

“(B) does not include an entity described in paragraph (37)(A)(v)(II) of such section 7(a).

“(2) **FACILITY.**—The term ‘facility’ means the facility established under subsection (b).

“(3) **FUND.**—The term ‘Fund’ means the fund established under subsection (h).

“(4) **PARTICIPATING INVESTMENT COMPANY.**—The term ‘participating investment company’ means a small business investment company approved under subsection (d) to participate in the facility

“(5) **PROTÉGÉ INVESTMENT COMPANY.**—The term ‘protégé investment company’ means a small business investment company that—

“(A) is majority managed by new, inexperienced, or otherwise underrepresented fund managers; and

“(B) elects and is selected by the Administration to participate in the pathway-protégé program under subsection (g).

“(6) **SMALL BUSINESS CONCERN.**—The term ‘small business concern’ has the meaning given the term in section 3(a) of the Small Business Act (15 U.S.C. 632(a)).

“(7) **SMALL BUSINESS LOW-INCOME CENSUS TRACT.**—The term ‘small business low-income census tract’ has the meaning given the term in section 7(a)(38)(A) of the Small Business Act.

“(b) **ESTABLISHMENT.**—

“(1) **FACILITY.**—The Administrator shall establish and carry out a facility to improve the recovery of eligible small business concerns from the COVID-19 pandemic, increase resiliency in the manufacturing supply chain of eligible small business concerns, and increase the economic development of small business low-income census tracts by providing financial assistance to participating investment companies that facilitate equity financings to eligible small business concerns in accordance with this section.

“(2) **ADMINISTRATION OF FACILITY.**—The facility shall be administered by the Administrator acting through the Associate Administrator described in section 201.

“(c) **APPLICATIONS.**—

“(1) **IN GENERAL.**—Any small business investment company may submit to the Administrator an application to participate in the facility.

“(2) **REQUIREMENTS FOR APPLICATION.**—An application to participate in the facility shall include the following:

“(A) A business plan describing how the applicant intends to make successful equity investments in eligible small business concerns.

“(B) Information regarding the relevant investment qualifications and backgrounds of the individuals responsible for the management of the applicant.

“(C) A description of the extent to which the applicant meets the selection criteria under subsection (d)(2).

“(3) **EXCEPTIONS TO APPLICATION FOR NEW LICENSEES.**—Not later than 90 days after the date of enactment of this section, the Administrator shall reduce requirements for applicants applying to operate as a participating investment company under this section in order to encourage the participation of new small business investment companies in the facility under this section, which may include the requirements established under part 107 of title 13, Code of Federal Regulations, or any successor regulation, relating to—

“(A) the approval of initial management expenses;

“(B) the management ownership diversity requirement;

“(C) the disclosure of general compensation practices and fee structures; or

“(D) any other requirement that the Administrator determines to be an obstacle to achieving the purposes described in this paragraph.

“(d) SELECTION OF PARTICIPATING INVESTMENT COMPANIES.—

“(1) DETERMINATION.—

“(A) IN GENERAL.—Except as provided in paragraph (3), not later than 60 days after the date on which the Administrator receives an application under subsection (c), the Administrator shall—

“(i) make a final determination to approve or disapprove such applicant to participate in the facility; and

“(ii) transmit the determination to the applicant in writing.

“(B) COMMITMENT AMOUNT.—Except as provided in paragraph (3), at the time of approval of an applicant, the Administrator shall make a determination of the amount of the commitment that may be awarded to the applicant under this section.

“(2) SELECTION CRITERIA.—In making a determination under paragraph (1), the Administrator shall consider—

“(A) the probability that the investment strategy of the applicant will successfully repay any financial assistance provided by the Administration, including the probability of a return significantly in excess thereof;

“(B) the probability that the investments made by the applicant will—

“(i) provide capital to eligible small business concerns; or

“(ii) create or preserve jobs in the United States;

“(C) the probability that the applicant will meet the objectives in the business plan of the applicant, including the financial goals, and, if applicable, the pathway-protégé program in accordance with subsection (g); and

“(D) the probability that the applicant will assist eligible small business concerns in achieving profitability.

“(3) APPROVAL OF PARTICIPATING INVESTMENT COMPANIES.—

“(A) PROVISIONAL APPROVAL.—

“(i) IN GENERAL.—Notwithstanding paragraph (1), with respect to an application submitted by an applicant to operate as a participating investment company under this section, the Administrator may provide provisional approval for the applicant in lieu of a final determination of approval and determination of the amount of the commitment under that paragraph.

“(ii) PURPOSE.—The purpose of a provisional approval under clause (i) is to—

“(I) encourage applications from investment companies with an investment mandate from the committed private market capital of the investment company that does not conform to the requirements described in this section at the time of application;

“(II) allow the applicant to more effectively raise capital commitments in the private markets by referencing the intent of the Administrator to award the applicant a commitment; and

“(III) allow the applicant to more precisely request the desired amount of commitment pending the securing of capital from private market investors.

“(iii) LIMIT ON PERIOD OF THE TIME.—The period between a provisional approval under clause (i) and the final determination of approval under paragraph (1) shall not exceed 12 months.

“(e) COMMITMENTS AND SBIC BONDS.—

“(1) IN GENERAL.—The Administrator may, out of amounts available in the Fund, purchase or commit to purchase from a participating investment company 1 or more accru-

ing bonds that include equity features as described in this subsection.

“(2) BOND TERMS.—A bond purchased by the Administrator from a participating investment company under this subsection shall have the following terms and conditions:

“(A) TERM AND INTEREST.—

“(i) IN GENERAL.—The bond shall be issued for a term of not less than 15 years and shall bear interest at a rate determined by the Administrator of not more than 2 percent.

“(ii) ACCRUAL OF INTEREST.—Interest on the bond shall accrue and shall be payable in accordance with subparagraph (D).

“(iii) PREPAYMENT.—The bond shall be prepayable without penalty after the end of the 1-year period beginning on the date on which the bond was purchased.

“(B) PROFITS.—

“(i) IN GENERAL.—The Administration shall be entitled to receive a share of the profits net of any profit sharing performance compensation of the participating investment company equal to the quotient obtained by dividing—

“(I) one-third of the commitment that the participating investment company is approved for under subsection (d); by

“(II) the commitment approved under subsection (d) plus the regulatory capital of the participating investment company at the time of approval under that subsection.

“(ii) DETERMINATION OF PERCENTAGE.—The share to which the Administration is entitled under clause (i)—

“(I) shall be determined at the time of approval under subsection (d); and

“(II) without the approval of the Administration, shall not be revised, including to reflect subsequent distributions of profits, returns of capital, or repayments of bonds, or otherwise.

“(C) PROFIT SHARING PERFORMANCE COMPENSATION.—

“(i) RECEIPT BY ADMINISTRATION.—The Administration shall receive a share of profits of not more than 2 percent, which shall be deposited into the Fund and be available to make commitments under this subsection.

“(ii) RECEIPT BY MANAGERS.—The managers of the participating investment company may receive a maximum profit sharing performance compensation of 25 percent minus the share of profits paid to the Administration under clause (i).

“(D) PROHIBITION ON DISTRIBUTIONS.—No distributions on capital, including profit distributions, shall be made by the participating investment company to the investors or managers of the participating investment company until the Administration has received payment of all accrued interest on the bond committed under this section.

“(E) REPAYMENT OF PRINCIPAL.—Except as described in subparagraph (F), repayments of principal of the bond of a participating investment company shall be—

“(i) made at the same time as returns of private capital; and

“(ii) in amounts equal to the pro rata share of the Administration of the total amount being repaid or returned at such time.

“(F) LIQUIDATION OR DEFAULT.—Upon any liquidation event or default, as defined by the Administration, any unpaid principal or accrued interest on the bond shall—

“(i) have a priority over all equity of the participating investment company; and

“(ii) be paid before any return of equity or any other distributions to the investors or managers of the participating investment company.

“(3) AMOUNT OF COMMITMENTS AND PURCHASES.—

“(A) MAXIMUM AMOUNT.—The maximum amount of outstanding bonds and commitments to purchase bonds for any partici-

pating investment company under the facility shall be the lesser of—

“(i) twice the amount of the regulatory capital of the participating investment company; or

“(ii) \$200,000,000.

“(4) COMMITMENT PROCESS.—Commitments by the Administration to purchase bonds under the facility shall remain available to be sold by a participating investment company until the end of the fourth fiscal year following the year in which the commitment is made, subject to review and approval by the Administration based on regulatory compliance, financial status, change in management, deviation from business plan, and such other limitations as may be determined by the Administration by regulation or otherwise.

“(5) COMMITMENT CONDITIONS.—

“(A) IN GENERAL.—As a condition of receiving a commitment under the facility, not less than 50 percent of amounts invested by the participating investment company shall be invested in eligible small business concerns.

“(B) EXAMINATIONS.—In addition to the matters set forth in section 310(c), the Administration shall examine each participating investment company in such detail so as to determine whether the participating investment company has complied with the requirements under this subsection.

“(f) DISTRIBUTIONS AND FEES.—

“(1) DISTRIBUTION REQUIREMENTS.—

“(A) DISTRIBUTIONS.—As a condition of receiving a commitment under the facility, a participating investment company shall make all distributions to the Administrator in the same form and in a manner as are made to investors, or otherwise at a time and in a manner consistent with regulations or policies of the Administration.

“(B) ALLOCATIONS.—A participating investment company shall make allocations of income, gain, loss, deduction, and credit to the Administrator with respect to any outstanding bonds as if the Administrator were an investor.

“(2) FEES.—The Administrator may not charge fees for participating investment companies other than examination fees that are consistent with the license of the participating investment company.

“(3) BIFURCATION.—Losses on bonds issued by participating investment companies shall not be offset by fees or any other charges on debenture small business investment companies.

“(g) PROTÉGÉ PROGRAM.—The Administrator shall establish a pathway-protégé program in which a protégé investment company may receive technical assistance and program support from a participating investment company on a voluntary basis and without penalty for non-participation.

“(h) LOSS LIMITING FUND.—

“(1) IN GENERAL.—There is established in the Treasury a fund for making commitments and purchasing bonds with equity features under the facility and receiving capital returned by participating investment companies.

“(2) USE OF FUNDS.—Amounts appropriated to the Fund or deposited in the Fund under paragraph (3) shall be available to the Administrator, without further appropriation, for making commitments and purchasing bonds under the facility and expenses and payments, excluding administrative expenses, relating to the operations of the Administrator under the facility.

“(3) DEPOSITING OF AMOUNTS.—

“(A) IN GENERAL.—All amounts received by the Administrator from a participating investment company relating to the facility, including any moneys, property, or assets

derived by the Administrator from operations in connection with the facility, shall be deposited in the Fund.

“(B) PERIOD OF AVAILABILITY.—Amounts deposited under subparagraph (A) shall remain available until expended.

“(i) APPLICATION OF OTHER SECTIONS.—To the extent not inconsistent with requirements under this section, the Administrator may apply sections 309, 311, 312, 313, and 314 to activities under this section and an officer, director, employee, agent, or other participant in a participating investment company shall be subject to the requirements under such sections.

“(j) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for the first fiscal year beginning after the date of enactment of this part \$10,000,000,000 to carry out the facility. Amounts appropriated pursuant to this subsection shall remain available until the end of the second fiscal year beginning after the date of enactment of this section.”.

(2) APPROVAL OF BANK-OWNED, NON-LEVERAGED APPLICANTS.—Section 301(c)(2) of the Small Business Investment Act of 1958 (15 U.S.C. 681(c)(2)) is amended—

(A) in subparagraph (B), in the matter preceding clause (i), by striking “Within” and inserting “Except as provided in subparagraph (C), within”; and

(B) by adding at the end the following:

“(C) EXCEPTION FOR BANK-OWNED, NON-LEVERAGED APPLICANTS.—Notwithstanding subparagraph (B), not later than 45 days after the date on which the Administrator receives a completed application submitted by a bank-owned, non-leveraged applicant in accordance with this subsection and in accordance with such requirements as the Administrator may prescribe by regulation, the Administrator shall—

“(i) review the application in its entirety; and

“(ii)(I) approve the application and issue a license for such operation to the applicant if the requirements of this section are satisfied; or

“(II) disapprove the application and notify the applicant in writing of the disapproval.”.

(3) ELECTRONIC SUBMISSIONS.—Part A of title III of the Small Business Investment Act of 1958 (15 U.S.C. 681 et seq.), as amended by paragraph (1) of this subsection, is amended by adding at the end the following:

**“SEC. 322. ELECTRONIC SUBMISSIONS.**

“The Administration shall permit any document submitted under this title, or pursuant to a regulation carrying out this title, to be submitted electronically, including by permitting an electronic signature for any signature that is required on such a document.”.

(w) COMMITMENT AUTHORITY AND APPROPRIATIONS.—

(1) COMMITMENT AUTHORITY.—

(A) CARES ACT AMENDMENTS.—Section 1102(b) of the CARES Act (Public Law 116-136) is amended—

(i) in paragraph (1)—

(I) in the paragraph heading, by inserting “AND SECOND DRAW” after “PPP”; and

(II) by striking “August 8, 2020” and inserting “December 31, 2020”;

(III) by striking “paragraph (36)” and inserting “paragraphs (36) and (37)”; and

(IV) by striking “\$659,000,000,000” and inserting “\$748,990,000,000”; and

(ii) by amending paragraph (2) to read as follows:

“(B) OTHER 7(A) LOANS.—During fiscal year 2020, the amount authorized for commitments for section 7(a) of the Small Business Act (15 U.S.C. 636(a)) under the heading ‘Small Business Administration—Business Loans Program Account’ in the Financial

Services and General Government Appropriations Act, 2020 (division C of Public Law 116-193) shall apply with respect to any commitments under such section 7(a) other than under paragraphs (36), (37), and (38) of such section 7(a).”.

(B) RECOVERY SECTOR LOANS.—During the period beginning on the date of enactment of this Act and ending on December 31, 2020, the amount authorized for commitments under paragraph (38) of section 7(a) of the Small Business Act (15 U.S.C. 636(a)), as added by this section, shall be \$100,000,000,000.

(2) DIRECT APPROPRIATIONS.—

(A) RESCISSION.—With respect to unobligated balances under the heading “‘Small Business Administration—Business Loans Program Account, CARES Act’” as of the day before the date of enactment of this Act, \$100,000,000,000 shall be rescinded and deposited into the general fund of the Treasury.

(B) NEW DIRECT APPROPRIATIONS.—There is appropriated, out of amounts in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2020—

(i) to remain available until September 30, 2021, for additional amounts—

(I) \$189,990,000,000 under the heading “‘Small Business Administration—Business Loans Program Account, CARES Act’” for the cost of guaranteed loans as authorized under paragraph (36) and (37) of section 7(a) of the Small Business Act (15 U.S.C. 636(a)), as amended and added by this section;

(II) \$57,700,000,000 under the heading “‘Small Business Administration—Recovery Sector Loans’” for the cost of guaranteed loans as authorized under paragraph (38) of section 7(a) of the Small Business Act (15 U.S.C. 636(a)), as added by this section; and

(III) \$10,000,000 under the heading under the heading “‘Department of Commerce—Minority Business Development Agency’” for minority business centers of the Minority Business Development Agency to provide technical assistance to small business concerns; and

(ii) to remain available until September 30, 2023, \$10,000,000,000 under the heading “‘Small Business Administration—SBIC’” to carry out part D of title III of the Small Business Investment Act of 1958 (15 U.S.C. 681 et seq.), as added by this section.

(C) AVAILABILITY OF AMOUNTS APPROPRIATED FOR THE OFFICE OF INSPECTOR GENERAL.—Section 1107(a)(3) of the CARES Act (15 U.S.C. 9006(a)(3)) is amended by striking “September 20, 2024” and inserting “expended”.

(x) EMERGENCY DESIGNATION.—

(1) IN GENERAL.—The amounts provided under this section are designated as an emergency requirement pursuant to section 4(g) of the Statutory Pay-As-You-Go Act of 2010 (2 U.S.C. 933(g)).

(2) DESIGNATION IN SENATE.—In the Senate, this section is designated as an emergency requirement pursuant to section 4112(a) of H. Con. Res. 71 (115th Congress), the concurrent resolution on the budget for fiscal year 2018.

**SA 2507.** Mr. RUBIO (for himself and Ms. COLLINS) submitted an amendment intended to be proposed to amendment SA 2499 proposed by Mr. MCCONNELL to the bill S. 178, to condemn gross human rights violations of ethnic Turkic Muslims in Xinjiang, and calling for an end to arbitrary detention, torture, and harassment of these communities inside and outside China; which was ordered to lie on the table; as follows:

At the end of the amendment, add the following:

**SEC. 3. SMALL BUSINESS RECOVERY.**

(a) SHORT TITLE.—This section may be cited as the “Continuing the Paycheck Protection Program Act”.

(b) DEFINITIONS.—In this section:

(1) ADMINISTRATION; ADMINISTRATOR.—The terms “Administration” and “Administrator” mean the Small Business Administration and the Administrator thereof, respectively.

(2) SMALL BUSINESS CONCERN.—The term “small business concern” has the meaning given the term in section 3 of the Small Business Act (15 U.S.C. 632).

(c) EMERGENCY RULEMAKING AUTHORITY.—Not later than 30 days after the date of enactment of this Act, the Administrator shall issue regulations to carry out this section and the amendments made by this section without regard to the notice requirements under section 553(b) of title 5, United States Code.

(d) ADDITIONAL ELIGIBLE EXPENSES.—

(1) ALLOWABLE USE OF PPP LOAN.—Section 7(a)(36)(F)(i) of the Small Business Act (15 U.S.C. 636(a)(36)(F)(i)) is amended—

(A) in subclause (VI), by striking “and” at the end;

(B) in subclause (VII), by striking the period at the end and inserting a semicolon; and

(C) by adding at the end the following:

“(VIII) covered operations expenditures, as defined in section 1106(a) of the CARES Act (15 U.S.C. 9005(a));

“(IX) covered property damage costs, as defined in such section 1106(a);

“(X) covered supplier costs, as defined in such section 1106(a); and

“(XI) covered worker protection expenditures, as defined in such section 1106(a).”.

(2) LOAN FORGIVENESS.—Section 1106 of the CARES Act (15 U.S.C. 9005) is amended—

(A) in subsection (a)—

(i) by redesignating paragraphs (6), (7), and (8) as paragraphs (10), (11), and (12), respectively;

(ii) by redesignating paragraph (5) as paragraph (8);

(iii) by redesignating paragraph (4) as paragraph (6);

(iv) by redesignating paragraph (3) as paragraph (4);

(v) by inserting after paragraph (2) the following:

“(3) the term ‘covered operations expenditure’ means a payment for any business software or cloud computing service that facilitates business operations, product or service delivery, the processing, payment, or tracking of payroll expenses, human resources, sales and billing functions, or accounting or tracking of supplies, inventory, records and expenses;”;

(vi) by inserting after paragraph (4), as so redesignated, the following:

“(5) the term ‘covered property damage cost’ means a cost related to property damage and vandalism or looting due to public disturbances that occurred during 2020 that was not covered by insurance or other compensation;”;

(vii) by inserting after paragraph (6), as so redesignated, the following:

“(5) the term ‘covered supplier cost’ means an expenditure made by an entity to a supplier of goods pursuant to a contract in effect before February 15, 2020 for the supply of goods that are essential to the operations of the entity at the time at which the expenditure is made;”;

(viii) by inserting after paragraph (8), as so redesignated, the following:

“(9) the term ‘covered worker protection expenditure’—

“(A) means an operating or a capital expenditure that is required to facilitate the adaptation of the business activities of an

entity to comply with requirements established or guidance issued by the Department of Health and Human Services, the Centers for Disease Control, or the Occupational Safety and Health Administration during the period beginning on March 1, 2020 and ending December 31, 2020 related to the maintenance of standards for sanitation, social distancing, or any other worker or customer safety requirement related to COVID-19;

“(B) may include—

“(i) the purchase, maintenance, or renovation of assets that create or expand—

“(I) a drive-through window facility;

“(II) an indoor, outdoor, or combined air or air pressure ventilation or filtration system;

“(III) a physical barrier such as a sneeze guard;

“(IV) an indoor, outdoor, or combined commercial real property;

“(V) an onsite or offsite health screening capability; or

“(VI) other assets relating to the compliance with the requirements or guidance described in subparagraph (A), as determined by the Administrator in consultation with the Secretary of Health and Human Services and the Secretary of Labor; and

“(ii) the purchase of—

“(I) covered materials described in section 328.103(a) of title 44, Code of Federal Regulations, or any successor regulation;

“(II) particulate filtering facepiece respirators approved by the National Institute for Occupational Safety and Health, including those approved only for emergency use authorization; or

“(III) other kinds of personal protective equipment, as determined by the Administrator in consultation with the Secretary of Health and Human Services and the Secretary of Labor; and

“(C) does not include residential real property or intangible property;”;

(ix) in paragraph (11), as so redesignated—

(I) in subparagraph (C), by striking “and” at the end;

(II) in subparagraph (D), by striking “and” at the end; and

(III) by adding at the end the following:

“(E) covered operations expenditures;

“(F) covered property damage costs;

“(G) covered supplier costs; and

“(H) covered worker protection expenditures; and”;

(B) in subsection (b), by adding at the end the following:

“(5) Any covered operations expenditure.

“(6) Any covered property damage cost.

“(7) Any covered supplier cost.

“(8) Any covered worker protection expenditure.”;

(C) in subsection (d)(8), by inserting “any payment on any covered operations expenditure, any payment on any covered property damage cost, any payment on any covered supplier cost, any payment on any covered worker protection expenditure,” after “rent obligation.”; and

(D) in subsection (e)—

(i) in paragraph (2), by inserting “payments on covered operations expenditures, payments on covered property damage costs, payments on covered supplier costs, payments on covered worker protection expenditures,” after “lease obligations.”; and

(ii) in paragraph (3)(B), by inserting “make payments on covered operations expenditures, make payments on covered property damage costs, make payments on covered supplier costs, make payments on covered worker protection expenditures,” after “rent obligation.”.

(e) LENDER SAFE HARBOR.—Subsection (h) of section 1106 of the CARES Act (15 U.S.C. 9005) is amended to read as follows:

“(h) HOLD HARMLESS.—

“(1) IN GENERAL.—A lender may rely on any certification or documentation submitted by an applicant for a covered loan or an eligible recipient of a covered loan that—

“(A) is submitted pursuant to any statutory requirement relating to covered loans or any rule or guidance issued to carry out any action relating to covered loans; and

“(B) attests that the applicant or eligible recipient, as applicable, has accurately verified any certification or documentation provided to the lender.

“(2) NO ENFORCEMENT ACTION.—With respect to a lender that relies on a certification or documentation described in paragraph (1)—

“(A) an enforcement action may not be taken against the lender acting in good faith relating to origination or forgiveness of a covered loan based on such reliance; and

“(B) the lender acting in good faith shall not be subject to any penalties relating to origination or forgiveness of a covered loan based on such reliance.”.

(f) SELECTION OF COVERED PERIOD FOR FORGIVENESS.—Section 1106 of the CARES Act (15 U.S.C. 9005) is amended—

(1) by amending paragraph (4) of subsection (a), as so redesignated by subsection (d) of this section, to read as follows:

“(4) the term ‘covered period’ means the period—

“(A) beginning on the date of the origination of a covered loan; and

“(B) ending on a date selected by the eligible recipient of the covered loan that occurs during the period—

“(i) beginning on the date that is 8 weeks after such date of origination; and

“(ii) ending on December 31, 2020.”; and

(2) by striking subsection (1).

(g) SIMPLIFIED APPLICATION.—Section 1106 of the CARES Act (15 U.S.C. 9005), as amended by subsection (f) of this section, is amended—

(1) in subsection (e), in the matter preceding paragraph (1), by striking “An eligible” and inserting “Except as provided in subsection (1), an eligible”;

(2) in subsection (f), by inserting “or the information required under subsection (1), as applicable” after “subsection (e)”;

(3) by adding at the end the following:

“(1) SIMPLIFIED APPLICATION.—

“(1) COVERED LOANS UNDER \$150,000.—

“(A) IN GENERAL.—Notwithstanding subsection (e), with respect to a covered loan made to an eligible recipient that is not more than \$150,000, the covered loan amount shall be forgiven under this section if the eligible recipient—

“(i) signs and submits to the lender an attestation that the eligible recipient made a good faith effort to comply with the requirements under section 7(a)(36) of the Small Business Act (15 U.S.C. 636(a)(36)); and

“(ii) for the 1-year period following submission of the attestation under clause (i), retains records relevant to the attestation that prove compliance with those requirements.

“(B) DEMOGRAPHIC INFORMATION.—An eligible recipient of a covered loan described in subparagraph (A) may complete and submit any form related to borrower demographic information.

“(C) AUDIT.—The Administrator may—

“(i) review and audit covered loans described in subparagraph (A); and

“(ii) in the case of fraud, ineligibility, or other material noncompliance with applicable loan or loan forgiveness requirements, modify—

“(I) the amount of a covered loan described in subparagraph (A); or

“(II) the loan forgiveness amount with respect to a covered loan described in subparagraph (A).

“(2) COVERED LOANS BETWEEN \$150,000 AND \$2,000,000.—

“(A) IN GENERAL.—Notwithstanding subsection (e), with respect to a covered loan made to an eligible recipient that is more than \$150,000 and not more than \$2,000,000—

“(i) the eligible recipient seeking loan forgiveness under this section—

“(I) is not required to submit the supporting documentation described in paragraph (1) or (2) of subsection (e) or the certification described in subsection (e)(3)(A);

“(II) shall retain all relevant schedules, worksheets, and supporting documentation for the 3-year period following submission of the application for loan forgiveness; and

“(III) may complete and submit any form related to borrower demographic information;

“(ii) review by the lender of an application submitted by the eligible recipient for loan forgiveness under this section shall be limited to whether the lender received a complete application, with all fields completed, initialed, or signed, as applicable; and

“(iii) the lender shall—

“(I) accept the application submitted by the eligible recipient for loan forgiveness under this section; and

“(II) submit the application to the Administrator.

“(B) AUDIT.—The Administrator may—

“(i) review and audit covered loans described in subparagraph (A); and

“(ii) in the case of fraud, ineligibility, or other material noncompliance with applicable loan or loan forgiveness requirements, modify—

“(I) the amount of a covered loan described in subparagraph (A); or

“(II) the loan forgiveness amount with respect to a covered loan described in subparagraph (A).

“(3) AUDIT PLAN.—

“(A) IN GENERAL.—Not later than 30 days after the date of enactment of the Continuing the Paycheck Protection Program Act, the Administrator shall submit to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives an audit plan that details—

“(i) the policies and procedures of the Administrator for conducting reviews and audits of covered loans; and

“(ii) the metrics that the Administrator shall use to determine which covered loans will be audited for each category of covered loans described in paragraphs (1) and (2).

“(B) REPORTS.—Not later than 30 days after the date on which the Administrator submits the audit plan required under subparagraph (A), and each month thereafter, the Administrator shall submit to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives a report on the review and audit activities of the Administrator under this subsection, which shall include—

“(i) the number of active reviews and audits;

“(ii) the number of reviews and audits that have been ongoing for more than 60 days; and

“(iii) any substantial changes made to the audit plan submitted under subparagraph (A).”.

(h) GROUP INSURANCE PAYMENTS AS PAYROLL COSTS.—Section 7(a)(36)(A)(viii)(I)(aa)(EE) of the Small Business Act (15 U.S.C. 636(a)(36)(A)(viii)(I)(aa)(EE)) is amended by inserting “and other group insurance” before “benefits”.

(i) PAYCHECK PROTECTION PROGRAM SECOND DRAW LOANS.—Section 7(a) of the Small Business Act (15 U.S.C. 636(a)) is amended by adding at the end the following:

“(37) PAYCHECK PROTECTION PROGRAM SECOND DRAW LOANS.—

“(A) DEFINITIONS.—In this paragraph—

“(i) the terms ‘community financial institutions’, ‘credit union’, ‘eligible self-employed individual’, ‘insured depository institution’, ‘nonprofit organization’, ‘payroll costs’, ‘seasonal employer’, and ‘veterans organization’ have the meanings given those terms in paragraph (36), except that ‘eligible entity’ shall be substituted for ‘eligible recipient’ each place it appears in the definitions of those terms;

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

“(iii) the terms ‘covered mortgage obligation’, ‘covered operating expenditure’, ‘covered property damage cost’, ‘covered rent obligation’, ‘covered supplier cost’, ‘covered utility payment’, and ‘covered worker protection expenditure’ have the meanings given those terms in section 1106(a) of the CARES Act (15 U.S.C. 9005(a));

“(iv) the term ‘covered period’ means the period beginning on the date of the origination of a covered loan and ending on December 31, 2020;

“(v) the term ‘eligible entity’—

“(I) means any business concern, nonprofit organization, veterans organization, Tribal business concern, eligible self-employed individual, sole proprietor, independent contractor, or small agricultural cooperative that—

“(aa)(AA) with respect to a business concern, would qualify as a small business concern by the annual receipts size standard (if applicable) established by section 121.201 of title 13, Code of Federal Regulations, or any successor regulation; or

“(BB) if the entity does not qualify as a small business concern, meets the alternative size standard established under section 3(a)(5);

“(bb) employs not more than 300 employees; and

“(cc)(AA) except as provided in subitems (BB), (CC), and (DD), had gross receipts during the first or second quarter in 2020 that are not less than 35 percent less than the gross receipts of the entity during the same quarter in 2019;

“(BB) if the entity was not in business during the first or second quarter of 2019, but was in business during the third and fourth quarter of 2019, had gross receipts during the first or second quarter of 2020 that are less than 35 percent of the amount of the gross receipts of the entity during the third or fourth quarter of 2019;

“(CC) if the entity was not in business during the first, second, or third quarter of 2019, but was in business during the fourth quarter of 2019, had gross receipts during the first or second quarter of 2020 that are less than 35 percent of the amount of the gross receipts of the entity during the fourth quarter of 2019; or

“(DD) if the entity was not in business during 2019, but was in operation on February 15, 2020, had gross receipts during the second quarter of 2020 that are less than 35 percent of the amount of the gross receipts of the entity during the first quarter of 2020;

“(II) includes an organization described in subparagraph (D)(vii) of paragraph (36) that is eligible to receive a loan under that paragraph and that meets the requirements described in items (aa) and (cc) of subclause (I); and

“(III) does not include—

“(aa) an issuer, the securities of which are listed on an exchange registered a national securities exchange under section 6 of the Securities Exchange Act of 1934 (15 U.S.C. 78f);

“(bb) any entity that—

“(AA) is a type of business concern described in subsection (b), (c), (d), (e), (f), (h), (l) (m), (p), (q), (r), or (s) of section 120.110 of title 13, Code of Federal Regulations, or any successor regulation;

“(BB) is a type of business concern described in section 120.110(g) of title 13, Code of Federal Regulations, or any successor regulation, except as otherwise provided in the interim final rule of the Administration entitled ‘Business Loan Program Temporary Changes; Paycheck Protection Program—Additional Eligibility Criteria and Requirements for Certain Pledges of Loans’ (85 Fed. Reg. 21747 (April 20, 2020));

“(CC) is a type of business concern described in section 120.110(i) of title 13, Code of Federal Regulations, or any successor regulation, except if the business concern is an organization described in paragraph (36)(D)(vii);

“(DD) is a type of business concern described in section 120.110(j) of title 13, Code of Federal Regulations, or any successor regulation, except as otherwise provided in the interim final rules of the Administration entitled ‘Business Loan Program Temporary Changes; Paycheck Protection Program—Eligibility of Certain Electric Cooperatives’ (85 Fed. Reg. 29847 (May 19, 2020)) and ‘Business Loan Program Temporary Changes; Paycheck Protection Program—Eligibility of Certain Telephone Cooperatives’ (85 Fed. Reg. 35550 (June 11, 2020)) or any other guidance or rule issued or that may be issued by the Administrator;

“(EE) is a type of business concern described in section 120.110(n) of title 13, Code of Federal Regulations, or any successor regulation, except as otherwise provided in the interim final rule of the Administration entitled ‘Business Loan Program Temporary Changes; Paycheck Protection Program—Additional Eligibility Revisions to First Interim Final Rule’ (85 Fed. Reg. 38301 (June 26, 2020)) or any other guidance or rule issued or that may be issued by the Administrator;

“(FF) is a type of business concern described in section 120.110(o) of title 13, Code of Federal Regulations, or any successor regulation, except as otherwise provided in any guidance or rule issued or that may be issued by the Administrator; or

“(GG) is an entity that is organized for research or for engaging in advocacy in areas such as public policy or political strategy or otherwise describes itself as a think tank in any public documents;

“(HH) is an entity that would be described in the subsections listed in subitems (AA) through (GG) if the entity were a business concern; or

“(II) is assigned, or was approved for a loan under paragraph (36) with, a North American Industry Classification System code beginning with 52;

“(cc) any business concern or entity primarily engaged in political or lobbying activities, which shall include any entity that is organized for research or for engaging in advocacy in areas such as public policy or political strategy or otherwise describes itself as a think tank in any public documents; or

“(dd) any business concern or entity—

“(AA) for which an entity created in or organized under the laws of the People’s Republic of China or the Special Administrative Region of Hong Kong, or that has significant operations in the People’s Republic of China or the Special Administrative Region of Hong Kong, owns or holds, directly or indirectly, not less than 20 percent of the economic interest of the business concern or entity, including as equity shares or a capital or profit interest in a limited liability company or partnership; or

“(BB) that retains, as a member of the board of directors of the business concern, a person who is a resident of the People’s Republic of China;

“(vi) the terms ‘exchange’, ‘issuer’, and ‘security’ have the meanings given those terms in section 3(a) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a)); and

“(vii) the term ‘Tribal business concern’ means a Tribal business concern described in section 31(b)(2)(C).

“(B) LOANS.—Except as otherwise provided in this paragraph, the Administrator may guarantee covered loans to eligible entities under the same terms, conditions, and processes as a loan made under paragraph (36).

“(C) MAXIMUM LOAN AMOUNT.—

“(i) IN GENERAL.—Except as otherwise provided in this subparagraph, the maximum amount of a covered loan made to an eligible entity is the lesser of—

“(I) the product obtained by multiplying—

“(aa) at the election of the eligible entity, the average total monthly payment for payroll costs incurred or paid by the eligible entity during—

“(AA) the 1-year period before the date on which the loan is made; or

“(BB) calendar year 2019; by

“(bb) 2.5; or

“(II) \$2,000,000.

“(ii) SEASONAL EMPLOYERS.—The maximum amount of a covered loan made to an eligible entity that is a seasonal employer is the lesser of—

“(I) the product obtained by multiplying—

“(aa) at the election of the eligible entity, the average total monthly payments for payroll costs incurred or paid by the eligible entity—

“(AA) for a 12-week period beginning February 15, 2019 or March 1, 2019 and ending June 30, 2019; or

“(BB) for a consecutive 12-week period between May 1, 2019 and September 15, 2019; by

“(bb) 2.5; or

“(II) \$2,000,000.

“(iii) NEW ENTITIES.—The maximum amount of a covered loan made to an eligible entity that did not exist during the 1-year period preceding February 15, 2020 is the lesser of—

“(I) the product obtained by multiplying—

“(aa) the quotient obtained by dividing—

“(AA) the sum of the total monthly payments by the eligible entity for payroll costs paid or incurred by the eligible entity as of the date on which the eligible entity applies for the covered loan; by

“(BB) the number of months in which those payroll costs were paid or incurred; by

“(bb) 2.5; or

“(II) \$2,000,000.

“(iv) LIMIT FOR MULTIPLE LOCATIONS.—With respect to an eligible entity with more than 1 physical location, the total amount of all covered loans shall be not more than \$2,000,000.

“(v) LOAN NUMBER LIMITATION.—An eligible entity may only receive 1 covered loan.

“(vi) 90 DAY RULE FOR MAXIMUM LOAN AMOUNT.—The maximum aggregate loan amount of loans guaranteed under this subsection that are approved for an eligible entity (including any affiliates) within 90 days of approval of another loan under this subsection for the eligible entity (including any affiliates) shall not exceed \$10,000,000.

“(D) EXCEPTION FROM CERTIFICATION REQUIREMENTS.—An eligible entity applying for a covered loan shall not be required to make the certification described in subclause (III) or (IV) of paragraph (36)(G)(i).

“(E) FEE WAIVER.—With respect to a covered loan—

“(i) in lieu of the fee otherwise applicable under paragraph (23)(A), the Administrator shall collect no fee; and

“(ii) in lieu of the fee otherwise applicable under paragraph (18)(A), the Administrator shall collect no fee.

“(F) ELIGIBLE CHURCHES AND RELIGIOUS ORGANIZATIONS.—

“(i) SENSE OF CONGRESS.—It is the sense of Congress that the interim final rule of the Administration entitled ‘Business Loan Program Temporary Changes; Paycheck Protection Program’ (85 Fed. Reg. 20817 (April 15, 2020)) properly clarified the eligibility of churches and religious organizations for loans made under paragraph (36).

“(ii) APPLICABILITY OF PROHIBITION.—The prohibition on eligibility established by section 120.110(k) of title 13, Code of Federal Regulations, or any successor regulation, shall not apply to a covered loan.

“(G) GROSS RECEIPTS FOR NONPROFIT AND VETERANS ORGANIZATIONS.—For purposes of calculating gross receipts under subparagraph (A)(v)(I)(cc) for an eligible entity that is a nonprofit organization, a veterans organization, or an organization described in subparagraph (A)(v)(II), gross receipts—

“(i) shall include proceeds from fund-raising events, federated campaigns, gifts, donor-advised funds, and funds from similar sources; and

“(ii) shall not include—

“(I) Federal grants (excluding any loan forgiveness on loans received under paragraph (36) or this paragraph);

“(II) revenues from a supporting organization;

“(III) grants from private foundations that are disbursed over the course of more than 1 calendar year; or

“(IV) any contribution of property other than money, stocks, bonds, and other securities, provided that the non-cash contribution is not sold by the organization in a transaction unrelated to the tax-exempt purpose of the organization.

“(H) LOAN FORGIVENESS.—

“(i) IN GENERAL.—Except as otherwise provided in this subparagraph, an eligible entity shall be eligible for forgiveness of indebtedness on a covered loan in the same manner as an eligible recipient with respect to a loan made under paragraph (36), as described in section 1106 of the CARES Act (15 U.S.C. 9005).

“(ii) FORGIVENESS AMOUNT.—An eligible entity shall be eligible for forgiveness of indebtedness on a covered loan in an amount equal to the sum of the following costs incurred or expenditures made during the covered period:

“(I) Payroll costs.

“(II) Any payment of interest on any covered mortgage obligation (which shall not include any prepayment of or payment of principal on a covered mortgage obligation).

“(III) Any covered operations expenditure.

“(IV) Any covered property damage cost.

“(V) Any payment on any covered rent obligation.

“(VI) Any covered utility payment.

“(VII) Any covered supplier cost.

“(VIII) Any covered worker protection expenditure.

“(iii) LIMITATION ON FORGIVENESS FOR ALL ELIGIBLE ENTITIES.—The forgiveness amount under this subparagraph shall be equal to the lesser of—

“(I) the amount described in clause (ii); and

“(II) the amount equal to the quotient obtained by dividing—

“(aa) the amount of the covered loan used for payroll costs during the covered period; and

“(bb) 0.60.

“(I) LENDER ELIGIBILITY.—Except as otherwise provided in this paragraph, a lender approved to make loans under paragraph (36)

may make covered loans under the same terms and conditions as in paragraph (36).

“(J) REIMBURSEMENT FOR LOAN PROCESSING AND SERVICING.—The Administrator shall reimburse a lender authorized to make a covered loan in an amount that is—

“(i) 3 percent of the principal amount of the financing of the covered loan up to \$350,000; and

“(ii) 1 percent of the principal amount of the financing of the covered loan above \$350,000, if applicable.

“(K) SET ASIDE FOR SMALL ENTITIES.—Not less than \$25,000,000,000 of the total amount of covered loans guaranteed by the Administrator shall be made to eligible entities with not more than 10 employees as of February 15, 2020.

“(L) SET ASIDE FOR COMMUNITY FINANCIAL INSTITUTIONS, SMALL INSURED DEPOSITORY INSTITUTIONS, CREDIT UNIONS, AND FARM CREDIT SYSTEM INSTITUTIONS.—Not less than \$10,000,000,000 of the total amount of covered loans guaranteed by the Administrator shall be made by—

“(i) community financial institutions;

“(ii) insured depository institutions with consolidated assets of less than \$10,000,000,000;

“(iii) credit unions with consolidated assets of less than \$10,000,000,000; and

“(iv) institutions of the Farm Credit System chartered under the Farm Credit Act of 1971 (12 U.S.C. 2001 et seq.) with consolidated assets of less than \$10,000,000,000 (not including the Federal Agricultural Mortgage Corporation).

“(M) PUBLICATION OF GUIDANCE.—Not later than 10 days after the date of enactment of this paragraph, the Administrator shall issue guidance addressing barriers to accessing capital for minority, underserved, veteran, and women-owned business concerns for the purpose of ensuring equitable access to covered loans.

“(N) STANDARD OPERATING PROCEDURE.—The Administrator shall, to the maximum extent practicable, allow a lender approved to make covered loans to use existing program guidance and standard operating procedures for loans made under this subsection.

“(O) PROHIBITION ON USE OF PROCEEDS FOR LOBBYING ACTIVITIES.—None of the proceeds of a covered loan may be used for—

“(i) lobbying activities, as defined in section 3 of the Lobbying Disclosure Act of 1995 (2 U.S.C. 1602);

“(ii) lobbying expenditures related to a State or local election; or

“(iii) expenditures designed to influence the enactment of legislation, appropriations, regulation, administrative action, or Executive order proposed or pending before Congress or any State government, State legislature, or local legislature or legislative body.”.

(J) CONTINUED ACCESS TO THE PAYCHECK PROTECTION PROGRAM.—

(1) IN GENERAL.—Section 7(a)(36)(E)(ii) of the Small Business Act (15 U.S.C. 636(a)(36)(E)(ii)) is amended by striking “\$10,000,000” and inserting “\$2,000,000”.

(2) APPLICABILITY OF MAXIMUM LOAN AMOUNT CALCULATION.—

(A) DEFINITIONS.—In this paragraph, the terms “covered loan” and “eligible recipient” have the meanings given those terms in section 7(a)(36) of the Small Business Act (15 U.S.C. 636(a)(36)).

(B) APPLICABILITY.—The amendment made by paragraph (1) shall apply only with respect to a covered loan applied for by an eligible recipient on or after the date of enactment of this Act.

(K) INCREASED ABILITY FOR PAYCHECK PROTECTION PROGRAM BORROWERS TO REQUEST AN INCREASE IN LOAN AMOUNT DUE TO UPDATED REGULATIONS.—

(1) DEFINITIONS.—In this subsection, the terms “covered loan” and “eligible recipient” have the meanings given those terms in section 7(a)(36) of the Small Business Act (15 U.S.C. 636(a)(36)).

(2) INCREASED AMOUNT.—Notwithstanding the interim final rule issued by the Administration entitled “Business Loan Program Temporary Changes; Paycheck Protection Program—Loan Increases” (85 Fed. Reg. 29842 (May 19, 2020)), an eligible recipient of a covered loan that is eligible for an increased covered loan amount as a result of any interim final rule that allows for covered loan increases may submit a request for an increase in the covered loan amount even if—

(A) the initial covered loan amount has been fully disbursed; or

(B) the lender of the initial covered loan has submitted to the Administration a Form 1502 report related to the covered loan.

(I) CALCULATION OF MAXIMUM LOAN AMOUNT FOR FARMERS AND RANCHERS UNDER THE PAYCHECK PROTECTION PROGRAM.—

(1) IN GENERAL.—Section 7(a)(36) of the Small Business Act (15 U.S.C. 636(a)(36)), as amended by subsection (j) of this section, is amended—

(A) in subparagraph (E), in the matter preceding clause (i), by striking “During” and inserting “Except as provided in subparagraph (T), during”; and

(B) by adding at the end the following:

“(T) CALCULATION OF MAXIMUM LOAN AMOUNT FOR FARMERS AND RANCHERS.—

“(i) DEFINITION.—In this subparagraph, the term ‘covered recipient’ means an eligible recipient that—

“(I) operates as a sole proprietorship or as an independent contractor, or is an eligible self-employed individual;

“(II) reports farm income or expenses on a Schedule F (or any equivalent successor schedule); and

“(III) was in business during the period beginning on February 15, 2019 and ending on June 30, 2019.

“(ii) NO EMPLOYEES.—With respect to covered recipient without employees, the maximum covered loan amount shall be the lesser of—

“(I) the sum of—

“(aa) the product obtained by multiplying—

“(AA) the gross income of the covered recipient in 2019, as reported on a Schedule F (or any equivalent successor schedule), that is not more than \$100,000, divided by 12; and

“(BB) 2.5; and

“(bb) the outstanding amount of a loan under subsection (b)(2) that was made during the period beginning on January 31, 2020 and ending on April 3, 2020 that the borrower intends to refinance under the covered loan, not including any amount of any advance under the loan that is not required to be repaid; or

“(II) \$2,000,000.

“(iii) WITH EMPLOYEES.—With respect to a covered recipient with employees, the maximum covered loan amount shall be calculated using the formula described in subparagraph (E), except that the gross income of the covered recipient described in clause (ii)(I)(aa) of this subparagraph, as divided by 12, shall be added to the sum calculated under subparagraph (E)(i)(I).

“(iv) RECALCULATION.—A lender that made a covered loan to a covered recipient before the date of enactment of this subparagraph may, at the request of the covered recipient—

“(I) recalculate the maximum loan amount applicable to that covered loan based on the formula described in clause (ii) or (iii), as applicable, if doing so would result in a larger covered loan amount; and



“(II) provide the covered recipient with additional covered loan amounts based on that recalculation.”.

(m) FARM CREDIT SYSTEM INSTITUTIONS.—

(1) DEFINITION OF FARM CREDIT SYSTEM INSTITUTION.—In this subsection, the term “Farm Credit System institution” —

(A) means an institution of the Farm Credit System chartered under the Farm Credit Act of 1971 (12 U.S.C. 2001 et seq.); and

(B) does not include the Federal Agricultural Mortgage Corporation.

(2) FACILITATION OF PARTICIPATION IN PPP AND SECOND DRAW LOANS.—

(A) APPLICABLE RULES.—Solely with respect to loans under paragraphs (36) and (37) of section 7(a) of the Small Business Act (15 U.S.C. 636(a)), Farm Credit Administration regulations and guidance issued as of July 14, 2020, and compliance with such regulations and guidance, shall be deemed functionally equivalent to requirements referenced in section 3(a)(iii)(II) of the interim final rule of the Administration entitled “Business Loan Program Temporary Changes; Paycheck Protection Program” (85 Fed. Reg. 20811 (April 15, 2020)) or any similar requirement referenced in that interim final rule in implementing such paragraph (37).

(B) APPLICABILITY OF CERTAIN LOAN REQUIREMENTS.—For purposes of making loans under paragraph (36) or (37) of section 7(a) of the Small Business Act (15 U.S.C. 636(a)) or forgiving those loans in accordance with section 1106 of the CARES Act (15 U.S.C. 9005) and subparagraph (H) of such paragraph (37), sections 4.13, 4.14, and 4.14A of the Farm Credit Act of 1971 (12 U.S.C. 2199, 2202, 2202a) (including regulations issued under those sections) shall not apply.

(C) RISK WEIGHT.—

(i) IN GENERAL.—With respect to the application of Farm Credit Administration capital requirements, a loan described in clause (ii)—

(I) shall receive a risk weight of zero percent; and

(II) shall not be included in the calculation of any applicable leverage ratio or other applicable capital ratio or calculation.

(ii) LOANS DESCRIBED.—A loan referred to in clause (i) is—

(I) a loan made by a Farm Credit Bank described in section 1.2(a) of the Farm Credit Act of 1971 (12 U.S.C. 2002(a)) to a Federal Land Bank Association, a Production Credit Association, or an agricultural credit association described in that section to make loans under paragraph (36) or (37) of section 7(a) of the Small Business Act (15 U.S.C. 636(a)) or forgive those loans in accordance with section 1106 of the CARES Act (15 U.S.C. 9005) and subparagraph (H) of such paragraph (37); or

(II) a loan made by a Federal Land Bank Association, a Production Credit Association, an agricultural credit association, or the bank for cooperatives described in section 1.2(a) of the Farm Credit Act of 1971 (12 U.S.C. 2002(a)) under paragraph (36) or (37) of section 7(a) of the Small Business Act (15 U.S.C. 636(a)).

(D) RESERVATION OF LOAN GUARANTEES.—Section 7(a)(36)(S) of the Small Business Act (15 U.S.C. 636(a)(36)(S)) is amended—

(i) in clause (i)—

(I) in subclause (I), by striking “and” at the end;

(II) in subclause (II), by striking the period at the end and inserting “; and”; and

(III) by adding at the end the following:

“(III) institutions of the Farm Credit System chartered under the Farm Credit Act of 1971 (12 U.S.C. 2001 et seq.) with consolidated assets of not less than \$10,000,000,000 and less than \$50,000,000,000.”; and

(ii) in clause (ii)—

(I) in subclause (II), by striking “and” at the end;

(II) in subclause (III), by striking the period at the end and inserting “; and”; and

(III) by adding at the end the following:

“(IV) institutions of the Farm Credit System chartered under the Farm Credit Act of 1971 (12 U.S.C. 2001 et seq.) with consolidated assets of less than \$10,000,000,000.”.

(n) DEFINITION OF SEASONAL EMPLOYER.—

(1) PPP LOANS.—Section 7(a)(36)(A) of the Small Business Act (15 U.S.C. 636(a)(36)(A)) is amended—

(A) in clause (xi), by striking “and” at the end;

(B) in clause (xii), by striking the period at the end and inserting “; and”; and

(C) by adding at the end the following:

“(xiii) the term ‘seasonal employer’ means an eligible recipient that—

“(I) does not operate for more than 7 months in any calendar year; or

“(II) during the preceding calendar year, had gross receipts for any 6 months of that year that were not more than 33.33 percent of the gross receipts of the employer for the other 6 months of that year.”.

(2) LOAN FORGIVENESS.—Paragraph (12) of section 1106(a) of the CARES Act (15 U.S.C. 9005(a)), as so redesignated by subsection (d)(2) of this section, is amended to read as follows:

“(12) the terms ‘payroll costs’ and ‘seasonal employer’ have the meanings given those terms in section 7(a)(36) of the Small Business Act (15 U.S.C. 636(a)(36)).”.

(o) ELIGIBILITY OF 501(C)(6) ORGANIZATIONS FOR LOANS UNDER THE PAYCHECK PROTECTION PROGRAM.—Section 7(a)(36)(D) of the Small Business Act (15 U.S.C. 636(a)(36)(D)) is amended—

(1) in clause (v), by inserting “or whether an organization described in clause (vii) employs not more than 150 employees,” after “clause (i)(I).”; and

(2) in clause (vi), by inserting “, an organization described in clause (vii),” after “non-profit organization”; and

(3) by adding at the end the following:

“(vii) ELIGIBILITY FOR CERTAIN 501(C)(6) ORGANIZATIONS.—

“(I) IN GENERAL.—Except as provided in subclause (II), any organization that is described in section 501(c)(6) of the Internal Revenue Code and that is exempt from taxation under section 501(a) of such Code (excluding professional sports leagues and organizations with the purpose of promoting or participating in a political campaign or other activity) shall be eligible to receive a covered loan if—

“(aa) the organization does not receive more than 10 percent of its receipts from lobbying activities;

“(bb) the lobbying activities of the organization do not comprise more than 10 percent of the total activities of the organization; and

“(cc) the organization employs not more than 150 employees.

“(II) DESTINATION MARKETING ORGANIZATIONS.—Notwithstanding subclause (I), during the covered period, any destination marketing organization shall be eligible to receive a covered loan if—

“(aa) the destination marketing organization does not receive more than 10 percent of its receipts from lobbying activities;

“(bb) the lobbying activities of the destination marketing organization do not comprise more than 10 percent of the total activities of the organization;

“(cc) the destination marketing organization employs not more than 150 employees; and

“(dd) the destination marketing organization—

“(AA) is described in section 501(c) of the Internal Revenue Code and is exempt from taxation under section 501(a) of such Code; or

“(BB) is a quasi-governmental entity or is a political subdivision of a State or local government, including any instrumentality of those entities.”.

(p) PROHIBITION ON USE OF LOAN PROCEEDS FOR LOBBYING ACTIVITIES.—Section 7(a)(36)(F) of the Small Business Act (15 U.S.C. 636(a)(36)(F)) is amended by adding at the end the following:

“(vi) PROHIBITION.—None of the proceeds of a covered loan may be used for—

“(I) lobbying activities, as defined in section 3 of the Lobbying Disclosure Act of 1995 (2 U.S.C. 1602);

“(II) lobbying expenditures related to a State or local election; or

“(III) expenditures designed to influence the enactment of legislation, appropriations, regulation, administrative action, or Executive order proposed or pending before Congress or any State government, State legislature, or local legislature or legislative body.”.

(q) EFFECTIVE DATE; APPLICABILITY.—The amendments made to paragraph (36) of section 7(a) of the Small Business Act (15 U.S.C. 636(a)) and title I of the CARES Act (Public Law 116-136) under this section shall be effective as if included in the CARES Act and shall apply to any loan made pursuant to section 7(a)(36) of the Small Business Act (15 U.S.C. 636(a)(36)).

(r) BANKRUPTCY PROVISIONS.—

(1) IN GENERAL.—Section 364 of title 11, United States Code, is amended by adding at the end the following:

“(g)(1) The court, after notice and a hearing, may authorize a debtor in possession or a trustee that is authorized to operate the business of the debtor under section 1183, 1184, 1203, 1204, or 1304 of this title to obtain a loan under paragraph (36) or (37) of section 7(a) of the Small Business Act (15 U.S.C. 636(a)), and such loan shall be treated as a debt to the extent the loan is not forgiven in accordance with section 1106 of the CARES Act (15 U.S.C. 9005) or subparagraph (H) of such paragraph (37), as applicable, with priority equal to a claim of the kind specified in subsection (c)(1) of this section.

“(2) The trustee may incur debt described in paragraph (1) notwithstanding any provision in a contract, prior order authorizing the trustee to incur debt under this section, prior order authorizing the trustee to use cash collateral under section 363, or applicable law that prohibits the debtor from incurring additional debt.

“(3) The court shall hold a hearing within 7 days after the filing and service of the motion to obtain a loan described in paragraph (1).”.

(2) ALLOWANCE OF ADMINISTRATIVE EXPENSES.—Section 503(b) of title 11, United States Code, is amended—

(A) in paragraph (8)(B), by striking “and” at the end;

(B) in paragraph (9), by striking the period at the end and inserting “; and”; and

(C) by adding at the end the following:

“(10) any debt incurred under section 364(g)(1) of this title.”.

(3) CONFIRMATION OF PLAN FOR REORGANIZATION.—Section 1191 of title 11, United States Code, is amended by adding at the end the following:

“(f) SPECIAL PROVISION RELATED TO COVID-19 PANDEMIC.—Notwithstanding section 1129(a)(9)(A) of this title and subsection (e) of this section, a plan that provides for payment of a claim of a kind specified in section 503(b)(10) of this title may be confirmed under subsection (b) of this section if the plan proposes to make payments on account of such claim when due under the terms of the loan giving rise to such claim.”.

(4) CONFIRMATION OF PLAN FOR FAMILY FARMERS AND FISHERMEN.—Section 1225 of title 11, United States Code, is amended by adding at the end the following:

“(d) Notwithstanding section 1222(a)(2) of this title and subsection (b)(1) of this section, a plan that provides for payment of a claim of a kind specified in section 503(b)(10) of this title may be confirmed if the plan proposes to make payments on account of such claim when due under the terms of the loan giving rise to such claim.”.

(5) CONFIRMATION OF PLAN FOR INDIVIDUALS.—Section 1325 of title 11, United States Code, is amended by adding at the end the following:

“(d) Notwithstanding section 1322(a)(2) of this title and subsection (b)(1) of this section, a plan that provides for payment of a claim of a kind specified in section 503(b)(10) of this title may be confirmed if the plan proposes to make payments on account of such claim when due under the terms of the loan giving rise to such claim.”.

(6) EFFECTIVE DATE; SUNSET.—

(A) EFFECTIVE DATE.—The amendments made by paragraphs (1) through (5) shall—

(i) take effect on the date on which the Administrator submits to the Director of the Executive Office for United States Trustees a written determination that, subject to satisfying any other eligibility requirements, any debtor in possession or trustee that is authorized to operate the business of the debtor under section 1183, 1184, 1203, 1204, or 1304 of title 11, United States Code, would be eligible for a loan under paragraphs (36) and (37) of section 7(a) of the Small Business Act (15 U.S.C. 636(a)); and

(ii) apply to any case pending on or commenced on or after the date described in clause (i).

(B) SUNSET.—

(i) IN GENERAL.—If the amendments made by this subsection take effect under subparagraph (A), effective on the date that is 2 years after the date of enactment of this Act—

(I) section 364 of title 11, United States Code, is amended by striking subsection (g);

(II) section 503(b) of title 11, United States Code, is amended—

(aa) in paragraph (8)(B), by adding “and” at the end;

(bb) in paragraph (9), by striking “; and” at the end and inserting a period; and

(cc) by striking paragraph (10);

(III) section 1191 of title 11, United States Code, is amended by striking subsection (f);

(IV) section 1225 of title 11, United States Code, is amended by striking subsection (d); and

(V) section 1325 of title 11, United States Code, is amended by striking subsection (d).

(ii) APPLICABILITY.—Notwithstanding the amendments made by clause (i) of this subparagraph, if the amendments made by paragraphs (1), (2), (3), (4), and (5) take effect under subparagraph (A) of this paragraph, such amendments shall apply to any case under title 11, United States Code, commenced before the date that is 2 years after the date of enactment of this Act.

(s) OVERSIGHT.—

(1) COMPLIANCE WITH OVERSIGHT REQUIREMENTS.—

(A) IN GENERAL.—Except as provided in subparagraph (B), on and after the date of enactment of this Act, the Administrator shall comply with any data or information requests or inquiries made by the Comptroller General of the United States not later than 30 days (or such later date as the Comptroller General may specify) after receiving the request or inquiry.

(B) EXCEPTION.—If the Administrator is unable to comply with a request or inquiry described in subparagraph (A) within the 30-

day period or, if applicable, later period described in that clause, the Administrator shall, during that 30-day (or later) period, submit to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives a notification that includes a detailed justification for the inability of the Administrator to comply with the request or inquiry.

(2) TESTIMONY.—Not later than the date that is 30 days after the date of enactment of this Act, and every quarter thereafter until the date that is 2 years after the date of enactment of this Act, the Administrator and the Secretary of the Treasury shall testify before the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives regarding implementation of this section and the amendments made by this section.

(b) CONFLICTS OF INTEREST.—

(1) DEFINITIONS.—In this subsection:

(A) 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.

(B) COVERED ENTITY.—

(i) DEFINITION.—The term “covered entity” means an entity in which a covered individual directly or indirectly holds a controlling interest.

(ii) TREATMENT OF SECURITIES.—For the purpose of determining whether an entity is a covered entity, the securities owned, controlled, or held by 2 or more individuals who are related as described in subparagraph (C)(ii) shall be aggregated.

(C) COVERED INDIVIDUAL.—The term “covered individual” means—

(i) the President, the Vice President, the head of an Executive department, or a Member of Congress; and

(ii) the spouse, child, son-in-law, or daughter-in-law, as determined under applicable common law, of an individual described in clause (i).

(D) EXECUTIVE DEPARTMENT.—The term “Executive department” has the meaning given the term in section 101 of title 5, United States Code.

(E) MEMBER OF CONGRESS.—The term “Member of Congress” means a Member of the Senate or House of Representatives, a Delegate to the House of Representatives, and the Resident Commissioner from Puerto Rico.

(F) EQUITY INTEREST.—The term “equity interest” means—

(i) a share in an entity, without regard to whether the share is—

(I) transferable; or

(II) classified as stock or anything similar;

(ii) a capital or profit interest in a limited liability company or partnership; or

(iii) a warrant or right, other than a right to convert, to purchase, sell, or subscribe to a share or interest described in clause (i) or (ii), respectively.

(2) REQUIREMENT.—The principal executive officer and the principal financial officer, or individuals performing similar functions, of an entity seeking to enter a transaction made under paragraph (36) or (37) of section 7(a) of the Small Business Act (15 U.S.C. 636(a)), as added and amended by this section, shall, before that transaction is approved, disclose to the Administrator whether the entity is a covered entity.

(3) APPLICABILITY.—The requirement under paragraph (2)—

(A) shall apply with respect to any transaction made under paragraph (36) or (37) of section 7(a) of the Small Business Act (15 U.S.C. 636(a)), as added and amended by this

section, on or after the date of enactment of this Act; and

(B) shall not apply with respect to—

(i) any transaction described in subparagraph (A) that was made before the date of enactment of this Act; or

(ii) forgiveness under section 1106 of the CARES Act (15 U.S.C. 9005) or any other provision of law of any loan associated with any transaction described in subparagraph (A) that was made before the date of enactment of this Act.

(u) COMMITMENT AUTHORITY AND APPROPRIATIONS.—

(1) COMMITMENT AUTHORITY.—Section 1102(b) of the CARES Act (Public Law 116-136) is amended—

(A) in paragraph (1)—

(i) in the paragraph heading, by inserting “AND SECOND DRAW” after “PPP”; and

(ii) by striking “August 8, 2020” and inserting “December 31, 2020”; and

(iii) by striking “paragraph (36)” and inserting “paragraphs (36) and (37)”; and

(iv) by striking “\$659,000,000,000” and inserting “\$816,690,000,000”; and

(B) by amending paragraph (2) to read as follows:

“(2) OTHER 7(A) LOANS.—During fiscal year 2020, the amount authorized for commitments for section 7(a) of the Small Business Act (15 U.S.C. 636(a)) under the heading ‘Small Business Administration—Business Loans Program Account’ in the Financial Services and General Government Appropriations Act, 2020 (division C of Public Law 116-193) shall apply with respect to any commitments under such section 7(a) other than under paragraphs (36) and (37) of such section 7(a).”.

(2) DIRECT APPROPRIATIONS.—

(A) RESCISSION.—With respect to unobligated balances under the heading “Small Business Administration—Business Loans Program Account, CARES Act” as of the day before the date of enactment of this Act, \$100,000,000,000 shall be rescinded and deposited into the general fund of the Treasury.

(B) NEW DIRECT APPROPRIATIONS FOR PPP LOANS, SECOND DRAW LOANS, AND THE MBDA.—

(i) PPP AND SECOND DRAW LOANS.—There is appropriated, out of amounts in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2020, to remain available until September 30, 2021, for additional amounts—

(I) \$257,690,000,000 under the heading “Small Business Administration—Business Loans Program Account, CARES Act” for the cost of guaranteed loans as authorized under paragraph (36) and (37) of section 7(a) of the Small Business Act (15 U.S.C. 636(a)), as amended and added by this Act; and

(II) \$10,000,000 under the heading under the heading “Department of Commerce—Minority Business Development Agency” for minority business centers of the Minority Business Development Agency to provide technical assistance to small business concerns.

(C) AVAILABILITY OF AMOUNTS APPROPRIATED FOR THE OFFICE OF INSPECTOR GENERAL.—Section 1107(a)(3) of the CARES Act (15 U.S.C. 9006(a)(3)) is amended by striking “September 20, 2024” and inserting “expended”.

(v) EMERGENCY DESIGNATION.—

(1) IN GENERAL.—The amounts provided under this section are designated as an emergency requirement pursuant to section 4(g) of the Statutory Pay-As-You-Go Act of 2010 (2 U.S.C. 933(g)).

(2) DESIGNATION IN SENATE.—In the Senate, this section is designated as an emergency requirement pursuant to section 4112(a) of H. Con. Res. 71 (115th Congress), the concurrent resolution on the budget for fiscal year 2018.

**SA 2508.** Mr. RUBIO (for himself and Ms. COLLINS) submitted an amendment intended to be proposed by him to the bill S. 178, to condemn gross human rights violations of ethnic Turkic Muslims in Xinjiang, and calling for an end to arbitrary detention, torture, and harassment of these communities inside and outside China; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. . SMALL BUSINESS RECOVERY.**

(a) **SHORT TITLE.**—This section may be cited as the “Continuing the Paycheck Protection Program Act”.

(b) **DEFINITIONS.**—In this section:

(1) **ADMINISTRATION; ADMINISTRATOR.**—The terms “Administration” and “Administrator” mean the Small Business Administration and the Administrator thereof, respectively.

(2) **SMALL BUSINESS CONCERN.**—The term “small business concern” has the meaning given the term in section 3 of the Small Business Act (15 U.S.C. 632).

(c) **EMERGENCY RULEMAKING AUTHORITY.**—Not later than 30 days after the date of enactment of this Act, the Administrator shall issue regulations to carry out this section and the amendments made by this section without regard to the notice requirements under section 553(b) of title 5, United States Code.

(d) **ADDITIONAL ELIGIBLE EXPENSES.**—

(1) **ALLOWABLE USE OF PPP LOAN.**—Section 7(a)(36)(F)(i) of the Small Business Act (15 U.S.C. 636(a)(36)(F)(i)) is amended—

(A) in subclause (VI), by striking “and” at the end;

(B) in subclause (VII), by striking the period at the end and inserting a semicolon; and

(C) by adding at the end the following:

“(VIII) covered operations expenditures, as defined in section 1106(a) of the CARES Act (15 U.S.C. 9005(a));

“(IX) covered property damage costs, as defined in such section 1106(a);

“(X) covered supplier costs, as defined in such section 1106(a); and

“(XI) covered worker protection expenditures, as defined in such section 1106(a).”

(2) **LOAN FORGIVENESS.**—Section 1106 of the CARES Act (15 U.S.C. 9005) is amended—

(A) in subsection (a)—

(i) by redesignating paragraphs (6), (7), and (8) as paragraphs (10), (11), and (12), respectively;

(ii) by redesignating paragraph (5) as paragraph (8);

(iii) by redesignating paragraph (4) as paragraph (6);

(iv) by redesignating paragraph (3) as paragraph (4);

(v) by inserting after paragraph (2) the following:

“(3) the term ‘covered operations expenditure’ means a payment for any business software or cloud computing service that facilitates business operations, product or service delivery, the processing, payment, or tracking of payroll expenses, human resources, sales and billing functions, or accounting or tracking of supplies, inventory, records and expenses;”;

(vi) by inserting after paragraph (4), as so redesignated, the following:

“(5) the term ‘covered property damage cost’ means a cost related to property damage and vandalism or looting due to public disturbances that occurred during 2020 that was not covered by insurance or other compensation;”;

(vii) by inserting after paragraph (6), as so redesignated, the following:

“(5) the term ‘covered supplier cost’ means an expenditure made by an entity to a supplier of goods pursuant to a contract in effect before February 15, 2020 for the supply of goods that are essential to the operations of the entity at the time at which the expenditure is made;”;

(viii) by inserting after paragraph (8), as so redesignated, the following:

“(9) the term ‘covered worker protection expenditure’—

“(A) means an operating or a capital expenditure that is required to facilitate the adaptation of the business activities of an entity to comply with requirements established or guidance issued by the Department of Health and Human Services, the Centers for Disease Control, or the Occupational Safety and Health Administration during the period beginning on March 1, 2020 and ending December 31, 2020 related to the maintenance of standards for sanitation, social distancing, or any other worker or customer safety requirement related to COVID-19;

“(B) may include—

“(i) the purchase, maintenance, or renovation of assets that create or expand—

“(I) a drive-through window facility;

“(II) an indoor, outdoor, or combined air or air pressure ventilation or filtration system;

“(III) a physical barrier such as a sneeze guard;

“(IV) an indoor, outdoor, or combined commercial real property;

“(V) an onsite or offsite health screening capability; or

“(VI) other assets relating to the compliance with the requirements or guidance described in subparagraph (A), as determined by the Administrator in consultation with the Secretary of Health and Human Services and the Secretary of Labor; and

“(ii) the purchase of—

“(I) covered materials described in section 328.103(a) of title 44, Code of Federal Regulations, or any successor regulation;

“(II) particulate filtering facepiece respirators approved by the National Institute for Occupational Safety and Health, including those approved only for emergency use authorization; or

“(III) other kinds of personal protective equipment, as determined by the Administrator in consultation with the Secretary of Health and Human Services and the Secretary of Labor; and

“(C) does not include residential real property or intangible property;”;

(ix) in paragraph (11), as so redesignated—

(I) in subparagraph (C), by striking “and” at the end;

(II) in subparagraph (D), by striking “and” at the end; and

(iii) by adding at the end the following:

“(E) covered operations expenditures;

“(F) covered property damage costs;

“(G) covered supplier costs; and

“(H) covered worker protection expenditures; and”;

(B) in subsection (b), by adding at the end the following:

“(5) Any covered operations expenditure.

“(6) Any covered property damage cost.

“(7) Any covered supplier cost.

“(8) Any covered worker protection expenditure.”;

(C) in subsection (d)(8), by inserting “any payment on any covered operations expenditure, any payment on any covered property damage cost, any payment on any covered supplier cost, any payment on any covered worker protection expenditure,” after “rent obligation.”; and

(D) in subsection (e)—

(i) in paragraph (2), by inserting “payments on covered operations expenditures, payments on covered property damage costs, payments on covered supplier costs, pay-

ments on covered worker protection expenditures,” after “lease obligations.”; and

(ii) in paragraph (3)(B), by inserting “make payments on covered operations expenditures, make payments on covered property damage costs, make payments on covered supplier costs, make payments on covered worker protection expenditures,” after “rent obligation.”.

(e) **LENDER SAFE HARBOR.**—Subsection (h) of section 1106 of the CARES Act (15 U.S.C. 9005) is amended to read as follows:

“(h) **HOLD HARMLESS.**—

“(1) **IN GENERAL.**—A lender may rely on any certification or documentation submitted by an applicant for a covered loan or an eligible recipient of a covered loan that—

“(A) is submitted pursuant to any statutory requirement relating to covered loans or any rule or guidance issued to carry out any action relating to covered loans; and

“(B) attests that the applicant or eligible recipient, as applicable, has accurately verified any certification or documentation provided to the lender.

“(2) **NO ENFORCEMENT ACTION.**—With respect to a lender that relies on a certification or documentation described in paragraph (1)—

“(A) an enforcement action may not be taken against the lender acting in good faith relating to origination or forgiveness of a covered loan based on such reliance; and

“(B) the lender acting in good faith shall not be subject to any penalties relating to origination or forgiveness of a covered loan based on such reliance.”.

(f) **SELECTION OF COVERED PERIOD FOR FORGIVENESS.**—Section 1106 of the CARES Act (15 U.S.C. 9005) is amended—

(1) by amending paragraph (4) of subsection (a), as so redesignated by subsection (d) of this section, to read as follows:

“(4) the term ‘covered period’ means the period—

“(A) beginning on the date of the origination of a covered loan; and

“(B) ending on a date selected by the eligible recipient of the covered loan that occurs during the period—

“(i) beginning on the date that is 8 weeks after such date of origination; and

“(ii) ending on December 31, 2020;”;

(2) by striking subsection (1).

(g) **SIMPLIFIED APPLICATION.**—Section 1106 of the CARES Act (15 U.S.C. 9005), as amended by subsection (f) of this section, is amended—

(1) in subsection (e), in the matter preceding paragraph (1), by striking “An eligible” and inserting “Except as provided in subsection (1), an eligible”;

(2) in subsection (f), by inserting “or the information required under subsection (1), as applicable” after “subsection (e)”;

(3) by adding at the end the following:

“(1) **SIMPLIFIED APPLICATION.**—

“(1) **COVERED LOANS UNDER \$150,000.**—

“(A) **IN GENERAL.**—Notwithstanding subsection (e), with respect to a covered loan made to an eligible recipient that is not more than \$150,000, the covered loan amount shall be forgiven under this section if the eligible recipient—

“(i) signs and submits to the lender an attestation that the eligible recipient made a good faith effort to comply with the requirements under section 7(a)(36) of the Small Business Act (15 U.S.C. 636(a)(36)); and

“(ii) for the 1-year period following submission of the attestation under clause (i), retains records relevant to the attestation that prove compliance with those requirements.

“(B) **DEMOGRAPHIC INFORMATION.**—An eligible recipient of a covered loan described in subparagraph (A) may complete and submit

any form related to borrower demographic information.

“(C) AUDIT.—The Administrator may—

“(i) review and audit covered loans described in subparagraph (A); and

“(ii) in the case of fraud, ineligibility, or other material noncompliance with applicable loan or loan forgiveness requirements, modify—

“(I) the amount of a covered loan described in subparagraph (A); or

“(II) the loan forgiveness amount with respect to a covered loan described in subparagraph (A).

“(2) COVERED LOANS BETWEEN \$150,000 AND \$2,000,000.—

“(A) IN GENERAL.—Notwithstanding subsection (e), with respect to a covered loan made to an eligible recipient that is more than \$150,000 and not more than \$2,000,000—

“(i) the eligible recipient seeking loan forgiveness under this section—

“(I) is not required to submit the supporting documentation described in paragraph (1) or (2) of subsection (e) or the certification described in subsection (e)(3)(A);

“(II) shall retain all relevant schedules, worksheets, and supporting documentation for the 3-year period following submission of the application for loan forgiveness; and

“(III) may complete and submit any form related to borrower demographic information;

“(ii) review by the lender of an application submitted by the eligible recipient for loan forgiveness under this section shall be limited to whether the lender received a complete application, with all fields completed, initialed, or signed, as applicable; and

“(iii) the lender shall—

“(I) accept the application submitted by the eligible recipient for loan forgiveness under this section; and

“(II) submit the application to the Administrator.

“(B) AUDIT.—The Administrator may—

“(i) review and audit covered loans described in subparagraph (A); and

“(ii) in the case of fraud, ineligibility, or other material noncompliance with applicable loan or loan forgiveness requirements, modify—

“(I) the amount of a covered loan described in subparagraph (A); or

“(II) the loan forgiveness amount with respect to a covered loan described in subparagraph (A).

“(3) AUDIT PLAN.—

“(A) IN GENERAL.—Not later than 30 days after the date of enactment of the Continuing the Paycheck Protection Program Act, the Administrator shall submit to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives an audit plan that details—

“(i) the policies and procedures of the Administrator for conducting reviews and audits of covered loans; and

“(ii) the metrics that the Administrator shall use to determine which covered loans will be audited for each category of covered loans described in paragraphs (1) and (2).

“(B) REPORTS.—Not later than 30 days after the date on which the Administrator submits the audit plan required under subparagraph (A), and each month thereafter, the Administrator shall submit to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives a report on the review and audit activities of the Administrator under this subsection, which shall include—

“(i) the number of active reviews and audits;

“(ii) the number of reviews and audits that have been ongoing for more than 60 days; and

“(iii) any substantial changes made to the audit plan submitted under subparagraph (A).”.

(h) GROUP INSURANCE PAYMENTS AS PAY-ROLL COSTS.—Section 7(a)(36)(A)(viii)(I)(aa)(EE) of the Small Business Act (15 U.S.C. 636(a)(36)(A)(viii)(I)(aa)(EE)) is amended by inserting “and other group insurance” before “benefits”.

(i) PAYCHECK PROTECTION PROGRAM SECOND DRAW LOANS.—Section 7(a) of the Small Business Act (15 U.S.C. 636(a)) is amended by adding at the end the following:

“(37) PAYCHECK PROTECTION PROGRAM SECOND DRAW LOANS.—

“(A) DEFINITIONS.—In this paragraph—

“(i) the terms ‘community financial institutions’, ‘credit union’, ‘eligible self-employed individual’, ‘insured depository institution’, ‘nonprofit organization’, ‘payroll costs’, ‘seasonal employer’, and ‘veterans organization’ have the meanings given those terms in paragraph (36), except that ‘eligible entity’ shall be substituted for ‘eligible recipient’ each place it appears in the definitions of those terms;

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

“(iii) the terms ‘covered mortgage obligation’, ‘covered operating expenditure’, ‘covered property damage cost’, ‘covered rent obligation’, ‘covered supplier cost’, ‘covered utility payment’, and ‘covered worker protection expenditure’ have the meanings given those terms in section 1106(a) of the CARES Act (15 U.S.C. 9005(a));

“(iv) the term ‘covered period’ means the period beginning on the date of the origination of a covered loan and ending on December 31, 2020;

“(v) the term ‘eligible entity’—

“(I) means any business concern, nonprofit organization, veterans organization, Tribal business concern, eligible self-employed individual, sole proprietor, independent contractor, or small agricultural cooperative that—

“(aa)(AA) with respect to a business concern, would qualify as a small business concern by the annual receipts size standard (if applicable) established by section 121.201 of title 13, Code of Federal Regulations, or any successor regulation; or

“(BB) if the entity does not qualify as a small business concern, meets the alternative size standard established under section 3(a)(5);

“(bb) employs not more than 300 employees; and

“(cc)(AA) except as provided in subitems (BB), (CC), and (DD), had gross receipts during the first or second quarter in 2020 that are not less than 35 percent less than the gross receipts of the entity during the same quarter in 2019;

“(BB) if the entity was not in business during the first or second quarter of 2019, but was in business during the third and fourth quarter of 2019, had gross receipts during the first or second quarter of 2020 that are less than 35 percent of the amount of the gross receipts of the entity during the third or fourth quarter of 2019;

“(CC) if the entity was not in business during the first, second, or third quarter of 2019, but was in business during the fourth quarter of 2019, had gross receipts during the first or second quarter of 2020 that are less than 35 percent of the amount of the gross receipts of the entity during the fourth quarter of 2019; or

“(DD) if the entity was not in business during 2019, but was in operation on February 15, 2020, had gross receipts during the second quarter of 2020 that are less than 35 percent of the amount of the gross receipts of the entity during the first quarter of 2020;

“(II) includes an organization described in subparagraph (D)(vii) of paragraph (36) that is eligible to receive a loan under that paragraph and that meets the requirements described in items (aa) and (cc) of subclause (I); and

“(III) does not include—

“(aa) an issuer, the securities of which are listed on an exchange registered a national securities exchange under section 6 of the Securities Exchange Act of 1934 (15 U.S.C. 78f);

“(bb) any entity that—

“(AA) is a type of business concern described in subsection (b), (c), (d), (e), (f), (h), (l) (m), (p), (q), (r), or (s) of section 120.110 of title 13, Code of Federal Regulations, or any successor regulation;

“(BB) is a type of business concern described in section 120.110(g) of title 13, Code of Federal Regulations, or any successor regulation, except as otherwise provided in the interim final rule of the Administration entitled ‘Business Loan Program Temporary Changes; Paycheck Protection Program—Additional Eligibility Criteria and Requirements for Certain Pledges of Loans’ (85 Fed. Reg. 21747 (April 20, 2020));

“(CC) is a type of business concern described in section 120.110(i) of title 13, Code of Federal Regulations, or any successor regulation, except if the business concern is an organization described in paragraph (36)(D)(vii);

“(DD) is a type of business concern described in section 120.110(j) of title 13, Code of Federal Regulations, or any successor regulation, except as otherwise provided in the interim final rules of the Administration entitled ‘Business Loan Program Temporary Changes; Paycheck Protection Program—Eligibility of Certain Electric Cooperatives’ (85 Fed. Reg. 29847 (May 19, 2020)) and ‘Business Loan Program Temporary Changes; Paycheck Protection Program—Eligibility of Certain Telephone Cooperatives’ (85 Fed. Reg. 35550 (June 11, 2020)) or any other guidance or rule issued or that may be issued by the Administrator;

“(EE) is a type of business concern described in section 120.110(n) of title 13, Code of Federal Regulations, or any successor regulation, except as otherwise provided in the interim final rule of the Administration entitled ‘Business Loan Program Temporary Changes; Paycheck Protection Program—Additional Eligibility Revisions to First Interim Final Rule’ (85 Fed. Reg. 38301 (June 26, 2020)) or any other guidance or rule issued or that may be issued by the Administrator;

“(FF) is a type of business concern described in section 120.110(o) of title 13, Code of Federal Regulations, or any successor regulation, except as otherwise provided in any guidance or rule issued or that may be issued by the Administrator; or

“(GG) is an entity that is organized for research or for engaging in advocacy in areas such as public policy or political strategy or otherwise describes itself as a think tank in any public documents;

“(HH) is an entity that would be described in the subsections listed in subitems (AA) through (GG) if the entity were a business concern; or

“(II) is assigned, or was approved for a loan under paragraph (36) with, a North American Industry Classification System code beginning with 52;

“(cc) any business concern or entity primarily engaged in political or lobbying activities, which shall include any entity that is organized for research or for engaging in advocacy in areas such as public policy or political strategy or otherwise describes itself as a think tank in any public documents; or

“(dd) any business concern or entity—

“(AA) for which an entity created in or organized under the laws of the People’s Republic of China or the Special Administrative Region of Hong Kong, or that has significant operations in the People’s Republic of China or the Special Administrative Region of Hong Kong, owns or holds, directly or indirectly, not less than 20 percent of the economic interest of the business concern or entity, including as equity shares or a capital or profit interest in a limited liability company or partnership; or

“(BB) that retains, as a member of the board of directors of the business concern, a person who is a resident of the People’s Republic of China;

“(vi) the terms ‘exchange’, ‘issuer’, and ‘security’ have the meanings given those terms in section 3(a) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a)); and

“(vii) the term ‘Tribal business concern’ means a Tribal business concern described in section 31(b)(2)(C).

“(B) LOANS.—Except as otherwise provided in this paragraph, the Administrator may guarantee covered loans to eligible entities under the same terms, conditions, and processes as a loan made under paragraph (36).

“(C) MAXIMUM LOAN AMOUNT.—

“(i) IN GENERAL.—Except as otherwise provided in this subparagraph, the maximum amount of a covered loan made to an eligible entity is the lesser of—

“(I) the product obtained by multiplying—

“(aa) at the election of the eligible entity, the average total monthly payment for payroll costs incurred or paid by the eligible entity during—

“(AA) the 1-year period before the date on which the loan is made; or

“(BB) calendar year 2019; by

“(bb) 2.5; or

“(II) \$2,000,000.

“(ii) SEASONAL EMPLOYERS.—The maximum amount of a covered loan made to an eligible entity that is a seasonal employer is the lesser of—

“(I) the product obtained by multiplying—

“(aa) at the election of the eligible entity, the average total monthly payments for payroll costs incurred or paid by the eligible entity—

“(AA) for a 12-week period beginning February 15, 2019 or March 1, 2019 and ending June 30, 2019; or

“(BB) for a consecutive 12-week period between May 1, 2019 and September 15, 2019; by

“(bb) 2.5; or

“(II) \$2,000,000.

“(iii) NEW ENTITIES.—The maximum amount of a covered loan made to an eligible entity that did not exist during the 1-year period preceding February 15, 2020 is the lesser of—

“(I) the product obtained by multiplying—

“(aa) the quotient obtained by dividing—

“(AA) the sum of the total monthly payments by the eligible entity for payroll costs paid or incurred by the eligible entity as of the date on which the eligible entity applies for the covered loan; by

“(BB) the number of months in which those payroll costs were paid or incurred; by

“(bb) 2.5; or

“(II) \$2,000,000.

“(iv) LIMIT FOR MULTIPLE LOCATIONS.—With respect to an eligible entity with more than 1 physical location, the total amount of all covered loans shall be not more than \$2,000,000.

“(v) LOAN NUMBER LIMITATION.—An eligible entity may only receive 1 covered loan.

“(vi) 90 DAY RULE FOR MAXIMUM LOAN AMOUNT.—The maximum aggregate loan amount of loans guaranteed under this subsection that are approved for an eligible entity (including any affiliates) within 90 days of approval of another loan under this sub-

section for the eligible entity (including any affiliates) shall not exceed \$10,000,000.

“(D) EXCEPTION FROM CERTAIN CERTIFICATION REQUIREMENTS.—An eligible entity applying for a covered loan shall not be required to make the certification described in subclause (III) or (IV) of paragraph (36)(G)(i).

“(E) FEE WAIVER.—With respect to a covered loan—

“(i) in lieu of the fee otherwise applicable under paragraph (23)(A), the Administrator shall collect no fee; and

“(ii) in lieu of the fee otherwise applicable under paragraph (18)(A), the Administrator shall collect no fee.

“(F) ELIGIBLE CHURCHES AND RELIGIOUS ORGANIZATIONS.—

“(i) SENSE OF CONGRESS.—It is the sense of Congress that the interim final rule of the Administration entitled ‘Business Loan Program Temporary Changes; Paycheck Protection Program’ (85 Fed. Reg. 20817 (April 15, 2020)) properly clarified the eligibility of churches and religious organizations for loans made under paragraph (36).

“(ii) APPLICABILITY OF PROHIBITION.—The prohibition on eligibility established by section 120.110(k) of title 13, Code of Federal Regulations, or any successor regulation, shall not apply to a covered loan.

“(G) GROSS RECEIPTS FOR NONPROFIT AND VETERANS ORGANIZATIONS.—For purposes of calculating gross receipts under subparagraph (A)(v)(I)(cc) for an eligible entity that is a nonprofit organization, a veterans organization, or an organization described in subparagraph (A)(v)(II), gross receipts—

“(i) shall include proceeds from fund-raising events, federated campaigns, gifts, donor-advised funds, and funds from similar sources; and

“(ii) shall not include—

“(I) Federal grants (excluding any loan forgiveness on loans received under paragraph (36) or this paragraph);

“(II) revenues from a supporting organization;

“(III) grants from private foundations that are disbursed over the course of more than 1 calendar year; or

“(IV) any contribution of property other than money, stocks, bonds, and other securities, provided that the non-cash contribution is not sold by the organization in a transaction unrelated to the tax-exempt purpose of the organization.

“(H) LOAN FORGIVENESS.—

“(i) IN GENERAL.—Except as otherwise provided in this subparagraph, an eligible entity shall be eligible for forgiveness of indebtedness on a covered loan in the same manner as an eligible recipient with respect to a loan made under paragraph (36), as described in section 1106 of the CARES Act (15 U.S.C. 9005).

“(ii) FORGIVENESS AMOUNT.—An eligible entity shall be eligible for forgiveness of indebtedness on a covered loan in an amount equal to the sum of the following costs incurred or expenditures made during the covered period:

“(I) Payroll costs.

“(II) Any payment of interest on any covered mortgage obligation (which shall not include any prepayment of or payment of principal on a covered mortgage obligation).

“(III) Any covered operations expenditure.

“(IV) Any covered property damage cost.

“(V) Any payment on any covered rent obligation.

“(VI) Any covered utility payment.

“(VII) Any covered supplier cost.

“(VIII) Any covered worker protection expenditure.

“(iii) LIMITATION ON FORGIVENESS FOR ALL ELIGIBLE ENTITIES.—The forgiveness amount under this subparagraph shall be equal to the lesser of—

“(I) the amount described in clause (ii); and

“(II) the amount equal to the quotient obtained by dividing—

“(aa) the amount of the covered loan used for payroll costs during the covered period; and

“(bb) 0.60.

“(I) LENDER ELIGIBILITY.—Except as otherwise provided in this paragraph, a lender approved to make loans under paragraph (36) may make covered loans under the same terms and conditions as in paragraph (36).

“(J) REIMBURSEMENT FOR LOAN PROCESSING AND SERVICING.—The Administrator shall reimburse a lender authorized to make a covered loan in an amount that is—

“(i) 3 percent of the principal amount of the financing of the covered loan up to \$350,000; and

“(ii) 1 percent of the principal amount of the financing of the covered loan above \$350,000, if applicable.

“(K) SET ASIDE FOR SMALL ENTITIES.—Not less than \$25,000,000,000 of the total amount of covered loans guaranteed by the Administrator shall be made to eligible entities with not more than 10 employees as of February 15, 2020.

“(L) SET ASIDE FOR COMMUNITY FINANCIAL INSTITUTIONS, SMALL INSURED DEPOSITORY INSTITUTIONS, CREDIT UNIONS, AND FARM CREDIT SYSTEM INSTITUTIONS.—Not less than \$10,000,000,000 of the total amount of covered loans guaranteed by the Administrator shall be made by—

“(i) community financial institutions;

“(ii) insured depository institutions with consolidated assets of less than \$10,000,000,000;

“(iii) credit unions with consolidated assets of less than \$10,000,000,000; and

“(iv) institutions of the Farm Credit System chartered under the Farm Credit Act of 1971 (12 U.S.C. 2001 et seq.) with consolidated assets of less than \$10,000,000,000 (not including the Federal Agricultural Mortgage Corporation).

“(M) PUBLICATION OF GUIDANCE.—Not later than 10 days after the date of enactment of this paragraph, the Administrator shall issue guidance addressing barriers to accessing capital for minority, underserved, veteran, and women-owned business concerns for the purpose of ensuring equitable access to covered loans.

“(N) STANDARD OPERATING PROCEDURE.—The Administrator shall, to the maximum extent practicable, allow a lender approved to make covered loans to use existing program guidance and standard operating procedures for loans made under this subsection.

“(O) PROHIBITION ON USE OF PROCEEDS FOR LOBBYING ACTIVITIES.—None of the proceeds of a covered loan may be used for—

“(i) lobbying activities, as defined in section 3 of the Lobbying Disclosure Act of 1995 (2 U.S.C. 1602);

“(ii) lobbying expenditures related to a State or local election; or

“(iii) expenditures designed to influence the enactment of legislation, appropriations, regulation, administrative action, or Executive order proposed or pending before Congress or any State government, State legislature, or local legislature or legislative body.”.

(j) CONTINUED ACCESS TO THE PAYCHECK PROTECTION PROGRAM.—

(1) IN GENERAL.—Section 7(a)(36)(E)(ii) of the Small Business Act (15 U.S.C. 636(a)(36)(E)(ii)) is amended by striking “\$10,000,000” and inserting “\$2,000,000”.

(2) APPLICABILITY OF MAXIMUM LOAN AMOUNT CALCULATION.—

(A) DEFINITIONS.—In this paragraph, the terms “covered loan” and “eligible recipient” have the meanings given those terms in

section 7(a)(36) of the Small Business Act (15 U.S.C. 636(a)(36)).

(B) **APPLICABILITY.**—The amendment made by paragraph (1) shall apply only with respect to a covered loan applied for by an eligible recipient on or after the date of enactment of this Act.

(k) **INCREASED ABILITY FOR PAYCHECK PROTECTION PROGRAM BORROWERS TO REQUEST AN INCREASE IN LOAN AMOUNT DUE TO UPDATED REGULATIONS.**—

(1) **DEFINITIONS.**—In this subsection, the terms “covered loan” and “eligible recipient” have the meanings given those terms in section 7(a)(36) of the Small Business Act (15 U.S.C. 636(a)(36)).

(2) **INCREASED AMOUNT.**—Notwithstanding the interim final rule issued by the Administration entitled “Business Loan Program Temporary Changes; Paycheck Protection Program—Loan Increases” (85 Fed. Reg. 29842 (May 19, 2020)), an eligible recipient of a covered loan that is eligible for an increased covered loan amount as a result of any interim final rule that allows for covered loan increases may submit a request for an increase in the covered loan amount even if—

(A) the initial covered loan amount has been fully disbursed; or

(B) the lender of the initial covered loan has submitted to the Administration a Form 1502 report related to the covered loan.

(l) **CALCULATION OF MAXIMUM LOAN AMOUNT FOR FARMERS AND RANCHERS UNDER THE PAYCHECK PROTECTION PROGRAM.**—

(1) **IN GENERAL.**—Section 7(a)(36) of the Small Business Act (15 U.S.C. 636(a)(36)), as amended by subsection (j) of this section, is amended—

(A) in subparagraph (E), in the matter preceding clause (i), by striking “During” and inserting “Except as provided in subparagraph (T), during”; and

(B) by adding at the end the following:

“(T) **CALCULATION OF MAXIMUM LOAN AMOUNT FOR FARMERS AND RANCHERS.**—

“(i) **DEFINITION.**—In this subparagraph, the term ‘covered recipient’ means an eligible recipient that—

“(I) operates as a sole proprietorship or as an independent contractor, or is an eligible self-employed individual;

“(II) reports farm income or expenses on a Schedule F (or any equivalent successor schedule); and

“(III) was in business during the period beginning on February 15, 2019 and ending on June 30, 2019.

“(ii) **NO EMPLOYEES.**—With respect to covered recipient without employees, the maximum covered loan amount shall be the lesser of—

“(I) the sum of—

“(aa) the product obtained by multiplying—

“(AA) the gross income of the covered recipient in 2019, as reported on a Schedule F (or any equivalent successor schedule), that is not more than \$100,000, divided by 12; and

“(BB) 2.5; and

“(bb) the outstanding amount of a loan under subsection (b)(2) that was made during the period beginning on January 31, 2020 and ending on April 3, 2020 that the borrower intends to refinance under the covered loan, not including any amount of any advance under the loan that is not required to be repaid; or

“(II) \$2,000,000.

“(iii) **WITH EMPLOYEES.**—With respect to a covered recipient with employees, the maximum covered loan amount shall be calculated using the formula described in subparagraph (E), except that the gross income of the covered recipient described in clause (ii)(I)(aa)(AA) of this subparagraph, as di-

vided by 12, shall be added to the sum calculated under subparagraph (E)(i)(I).

“(iv) **RECALCULATION.**—A lender that made a covered loan to a covered recipient before the date of enactment of this subparagraph may, at the request of the covered recipient—

“(I) recalculate the maximum loan amount applicable to that covered loan based on the formula described in clause (ii) or (iii), as applicable, if doing so would result in a larger covered loan amount; and

“(II) provide the covered recipient with additional covered loan amounts based on that recalculation.”.

(m) **FARM CREDIT SYSTEM INSTITUTIONS.**—

(1) **DEFINITION OF FARM CREDIT SYSTEM INSTITUTION.**—In this subsection, the term “Farm Credit System institution”—

(A) means an institution of the Farm Credit System chartered under the Farm Credit Act of 1971 (12 U.S.C. 2001 et seq.); and

(B) does not include the Federal Agricultural Mortgage Corporation.

(2) **FACILITATION OF PARTICIPATION IN PPP AND SECOND DRAW LOANS.**—

(A) **APPLICABLE RULES.**—Solely with respect to loans under paragraphs (36) and (37) of section 7(a) of the Small Business Act (15 U.S.C. 636(a)), Farm Credit Administration regulations and guidance issued as of July 14, 2020, and compliance with such regulations and guidance, shall be deemed functionally equivalent to requirements referenced in section 3(a)(iii)(II) of the interim final rule of the Administration entitled “Business Loan Program Temporary Changes; Paycheck Protection Program” (85 Fed. Reg. 20811 (April 15, 2020)) or any similar requirement referenced in that interim final rule in implementing such paragraph (37).

(B) **APPLICABILITY OF CERTAIN LOAN REQUIREMENTS.**—For purposes of making loans under paragraph (36) or (37) of section 7(a) of the Small Business Act (15 U.S.C. 636(a)) or forgiving those loans in accordance with section 1106 of the CARES Act (15 U.S.C. 9005) and subparagraph (H) of such paragraph (37), sections 4.13, 4.14, and 4.14A of the Farm Credit Act of 1971 (12 U.S.C. 2199, 2202, 2202a) (including regulations issued under those sections) shall not apply.

(C) **RISK WEIGHT.**—

(i) **IN GENERAL.**—With respect to the application of Farm Credit Administration capital requirements, a loan described in clause (ii)—

(I) shall receive a risk weight of zero percent; and

(II) shall not be included in the calculation of any applicable leverage ratio or other applicable capital ratio or calculation.

(ii) **LOANS DESCRIBED.**—A loan referred to in clause (i) is—

(I) a loan made by a Farm Credit Bank described in section 1.2(a) of the Farm Credit Act of 1971 (12 U.S.C. 2002(a)) to a Federal Land Bank Association, a Production Credit Association, or an agricultural credit association described in that section to make loans under paragraph (36) or (37) of section 7(a) of the Small Business Act (15 U.S.C. 636(a)) or forgive those loans in accordance with section 1106 of the CARES Act (15 U.S.C. 9005) and subparagraph (H) of such paragraph (37); or

(II) a loan made by a Federal Land Bank Association, a Production Credit Association, an agricultural credit association, or the bank for cooperatives described in section 1.2(a) of the Farm Credit Act of 1971 (12 U.S.C. 2002(a)) under paragraph (36) or (37) of section 7(a) of the Small Business Act (15 U.S.C. 636(a)).

(D) **RESERVATION OF LOAN GUARANTEES.**—Section 7(a)(36)(S) of the Small Business Act (15 U.S.C. 636(a)(36)(S)) is amended—

(i) in clause (i)—

(I) in subclause (I), by striking “and” at the end;

(II) in subclause (II), by striking the period at the end and inserting “; and”; and

(III) by adding at the end the following:

“(III) institutions of the Farm Credit System chartered under the Farm Credit Act of 1971 (12 U.S.C. 2001 et seq.) with consolidated assets of not less than \$10,000,000,000 and less than \$50,000,000,000.”; and

(ii) in clause (ii)—

(I) in subclause (II), by striking “and” at the end;

(II) in subclause (III), by striking the period at the end and inserting “; and”; and

(III) by adding at the end the following:

“(IV) institutions of the Farm Credit System chartered under the Farm Credit Act of 1971 (12 U.S.C. 2001 et seq.) with consolidated assets of less than \$10,000,000,000.”.

(n) **DEFINITION OF SEASONAL EMPLOYER.**—

(1) **PPP LOANS.**—Section 7(a)(36)(A) of the Small Business Act (15 U.S.C. 636(a)(36)(A)) is amended—

(A) in clause (xi), by striking “and” at the end;

(B) in clause (xii), by striking the period at the end and inserting “; and”; and

(C) by adding at the end the following:

“(xiii) the term ‘seasonal employer’ means an eligible recipient that—

“(I) does not operate for more than 7 months in any calendar year; or

“(II) during the preceding calendar year, had gross receipts for any 6 months of that year that were not more than 33.33 percent of the gross receipts of the employer for the other 6 months of that year.”.

(2) **LOAN FORGIVENESS.**—Paragraph (12) of section 1106(a) of the CARES Act (15 U.S.C. 9005(a)), as so redesignated by subsection (d)(2) of this section, is amended to read as follows:

“(12) the terms ‘payroll costs’ and ‘seasonal employer’ have the meanings given those terms in section 7(a)(36) of the Small Business Act (15 U.S.C. 636(a)(36)).”.

(o) **ELIGIBILITY OF 501(C)(6) ORGANIZATIONS FOR LOANS UNDER THE PAYCHECK PROTECTION PROGRAM.**—Section 7(a)(36)(D) of the Small Business Act (15 U.S.C. 636(a)(36)(D)) is amended—

(1) in clause (v), by inserting “or whether an organization described in clause (vii) employs not more than 150 employees,” after “clause (i)(I),”; and

(2) in clause (vi), by inserting “, an organization described in clause (vii),” after “non-profit organization”; and

(3) by adding at the end the following:

“(vii) **ELIGIBILITY FOR CERTAIN 501(C)(6) ORGANIZATIONS.**—

“(I) **IN GENERAL.**—Except as provided in subclause (II), any organization that is described in section 501(c)(6) of the Internal Revenue Code and that is exempt from taxation under section 501(a) of such Code (excluding professional sports leagues and organizations with the purpose of promoting or participating in a political campaign or other activity) shall be eligible to receive a covered loan if—

“(aa) the organization does not receive more than 10 percent of its receipts from lobbying activities;

“(bb) the lobbying activities of the organization do not comprise more than 10 percent of the total activities of the organization; and

“(cc) the organization employs not more than 150 employees.

“(II) **DESTINATION MARKETING ORGANIZATIONS.**—Notwithstanding subclause (I), during the covered period, any destination marketing organization shall be eligible to receive a covered loan if—



“(aa) the destination marketing organization does not receive more than 10 percent of its receipts from lobbying activities;

“(bb) the lobbying activities of the destination marketing organization do not comprise more than 10 percent of the total activities of the organization;

“(cc) the destination marketing organization employs not more than 150 employees; and

“(dd) the destination marketing organization—

“(AA) is described in section 501(c) of the Internal Revenue Code and is exempt from taxation under section 501(a) of such Code; or

“(BB) is a quasi-governmental entity or is a political subdivision of a State or local government, including any instrumentality of those entities.”.

(p) PROHIBITION ON USE OF LOAN PROCEEDS FOR LOBBYING ACTIVITIES.—Section 7(a)(36)(F) of the Small Business Act (15 U.S.C. 636(a)(36)(F)) is amended by adding at the end the following:

“(vi) PROHIBITION.—None of the proceeds of a covered loan may be used for—

“(I) lobbying activities, as defined in section 3 of the Lobbying Disclosure Act of 1995 (2 U.S.C. 1602);

“(II) lobbying expenditures related to a State or local election; or

“(III) expenditures designed to influence the enactment of legislation, appropriations, regulation, administrative action, or Executive order proposed or pending before Congress or any State government, State legislature, or local legislature or legislative body.”.

(q) EFFECTIVE DATE; APPLICABILITY.—The amendments made to paragraph (36) of section 7(a) of the Small Business Act (15 U.S.C. 636(a)) and title I of the CARES Act (Public Law 116-136) under this section shall be effective as if included in the CARES Act and shall apply to any loan made pursuant to section 7(a)(36) of the Small Business Act (15 U.S.C. 636(a)(36)).

(r) BANKRUPTCY PROVISIONS.—

(I) IN GENERAL.—Section 364 of title 11, United States Code, is amended by adding at the end the following:

“(g)(1) The court, after notice and a hearing, may authorize a debtor in possession or a trustee that is authorized to operate the business of the debtor under section 1183, 1184, 1203, 1204, or 1304 of this title to obtain a loan under paragraph (36) or (37) of section 7(a) of the Small Business Act (15 U.S.C. 636(a)), and such loan shall be treated as a debt to the extent the loan is not forgiven in accordance with section 1106 of the CARES Act (15 U.S.C. 9005) or subparagraph (H) of such paragraph (37), as applicable, with priority equal to a claim of the kind specified in subsection (c)(1) of this section.

“(2) The trustee may incur debt described in paragraph (1) notwithstanding any provision in a contract, prior order authorizing the trustee to incur debt under this section, prior order authorizing the trustee to use cash collateral under section 363, or applicable law that prohibits the debtor from incurring additional debt.

“(3) The court shall hold a hearing within 7 days after the filing and service of the motion to obtain a loan described in paragraph (1).”.

(2) ALLOWANCE OF ADMINISTRATIVE EXPENSES.—Section 503(b) of title 11, United States Code, is amended—

(A) in paragraph (8)(B), by striking “and” at the end;

(B) in paragraph (9), by striking the period at the end and inserting “; and”; and

(C) by adding at the end the following:

“(10) any debt incurred under section 364(g)(1) of this title.”.

(3) CONFIRMATION OF PLAN FOR REORGANIZATION.—Section 1191 of title 11, United States

Code, is amended by adding at the end the following:

“(f) SPECIAL PROVISION RELATED TO COVID-19 PANDEMIC.—Notwithstanding section 1129(a)(9)(A) of this title and subsection (e) of this section, a plan that provides for payment of a claim of a kind specified in section 503(b)(10) of this title may be confirmed under subsection (b) of this section if the plan proposes to make payments on account of such claim when due under the terms of the loan giving rise to such claim.”.

(4) CONFIRMATION OF PLAN FOR FAMILY FARMERS AND FISHERMEN.—Section 1225 of title 11, United States Code, is amended by adding at the end the following:

“(d) Notwithstanding section 1222(a)(2) of this title and subsection (b)(1) of this section, a plan that provides for payment of a claim of a kind specified in section 503(b)(10) of this title may be confirmed if the plan proposes to make payments on account of such claim when due under the terms of the loan giving rise to such claim.”.

(5) CONFIRMATION OF PLAN FOR INDIVIDUALS.—Section 1325 of title 11, United States Code, is amended by adding at the end the following:

“(d) Notwithstanding section 1322(a)(2) of this title and subsection (b)(1) of this section, a plan that provides for payment of a claim of a kind specified in section 503(b)(10) of this title may be confirmed if the plan proposes to make payments on account of such claim when due under the terms of the loan giving rise to such claim.”.

(6) EFFECTIVE DATE; SUNSET.—

(A) EFFECTIVE DATE.—The amendments made by paragraphs (1) through (5) shall—

(i) take effect on the date on which the Administrator submits to the Director of the Executive Office for United States Trustees a written determination that, subject to satisfying any other eligibility requirements, any debtor in possession or trustee that is authorized to operate the business of the debtor under section 1183, 1184, 1203, 1204, or 1304 of title 11, United States Code, would be eligible for a loan under paragraphs (36) and (37) of section 7(a) of the Small Business Act (15 U.S.C. 636(a)); and

(ii) apply to any case pending on or commenced on or after the date described in clause (i).

(B) SUNSET.—

(i) IN GENERAL.—If the amendments made by this subsection take effect under subparagraph (A), effective on the date that is 2 years after the date of enactment of this Act—

(I) section 364 of title 11, United States Code, is amended by striking subsection (g);

(II) section 503(b) of title 11, United States Code, is amended—

(aa) in paragraph (8)(B), by adding “and” at the end;

(bb) in paragraph (9), by striking “; and” at the end and inserting a period; and

(cc) by striking paragraph (10);

(III) section 1191 of title 11, United States Code, is amended by striking subsection (f);

(IV) section 1225 of title 11, United States Code, is amended by striking subsection (d); and

(V) section 1325 of title 11, United States Code, is amended by striking subsection (d).

(ii) APPLICABILITY.—Notwithstanding the amendments made by clause (i) of this subparagraph, if the amendments made by paragraphs (1), (2), (3), (4), and (5) take effect under subparagraph (A) of this paragraph, such amendments shall apply to any case under title 11, United States Code, commenced before the date that is 2 years after the date of enactment of this Act.

(s) OVERSIGHT.—

(I) COMPLIANCE WITH OVERSIGHT REQUIREMENTS.—

(A) IN GENERAL.—Except as provided in subparagraph (B), on and after the date of enactment of this Act, the Administrator shall comply with any data or information requests or inquiries made by the Comptroller General of the United States not later than 30 days (or such later date as the Comptroller General may specify) after receiving the request or inquiry.

(B) EXCEPTION.—If the Administrator is unable to comply with a request or inquiry described in subparagraph (A) within the 30-day period or, if applicable, later period described in that clause, the Administrator shall, during that 30-day (or later) period, submit to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives a notification that includes a detailed justification for the inability of the Administrator to comply with the request or inquiry.

(2) TESTIMONY.—Not later than the date that is 30 days after the date of enactment of this Act, and every quarter thereafter until the date that is 2 years after the date of enactment of this Act, the Administrator and the Secretary of the Treasury shall testify before the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives regarding implementation of this section and the amendments made by this section.

(t) CONFLICTS OF INTEREST.—

(1) DEFINITIONS.—In this subsection:

(A) 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.

(B) COVERED ENTITY.—

(i) DEFINITION.—The term “covered entity” means an entity in which a covered individual directly or indirectly holds a controlling interest.

(ii) TREATMENT OF SECURITIES.—For the purpose of determining whether an entity is a covered entity, the securities owned, controlled, or held by 2 or more individuals who are related as described in subparagraph (C)(ii) shall be aggregated.

(C) COVERED INDIVIDUAL.—The term “covered individual” means—

(i) the President, the Vice President, the head of an Executive department, or a Member of Congress; and

(ii) the spouse, child, son-in-law, or daughter-in-law, as determined under applicable common law, of an individual described in clause (i).

(D) EXECUTIVE DEPARTMENT.—The term “Executive department” has the meaning given the term in section 101 of title 5, United States Code.

(E) MEMBER OF CONGRESS.—The term “Member of Congress” means a Member of the Senate or House of Representatives, a Delegate to the House of Representatives, and the Resident Commissioner from Puerto Rico.

(F) EQUITY INTEREST.—The term “equity interest” means—

(i) a share in an entity, without regard to whether the share is—

(I) transferable; or

(II) classified as stock or anything similar;

(ii) a capital or profit interest in a limited liability company or partnership; or

(iii) a warrant or right, other than a right to convert, to purchase, sell, or subscribe to a share or interest described in clause (i) or (ii), respectively.

(2) REQUIREMENT.—The principal executive officer and the principal financial officer, or individuals performing similar functions, of an entity seeking to enter a transaction made under paragraph (36) or (37) of section

7(a) of the Small Business Act (15 U.S.C. 636(a)), as added and amended by this section, shall, before that transaction is approved, disclose to the Administrator whether the entity is a covered entity.

(3) **APPLICABILITY.**—The requirement under paragraph (2)—

(A) shall apply with respect to any transaction made under paragraph (36) or (37) of section 7(a) of the Small Business Act (15 U.S.C. 636(a)), as added and amended by this section, on or after the date of enactment of this Act; and

(B) shall not apply with respect to—

(i) any transaction described in subparagraph (A) that was made before the date of enactment of this Act; or

(ii) forgiveness under section 1106 of the CARES Act (15 U.S.C. 9005) or any other provision of law of any loan associated with any transaction described in subparagraph (A) that was made before the date of enactment of this Act.

(u) **COMMITMENT AUTHORITY AND APPROPRIATIONS.**—

(1) **COMMITMENT AUTHORITY.**—Section 1102(b) of the CARES Act (Public Law 116-136) is amended—

(A) in paragraph (1)—

(i) in the paragraph heading, by inserting “AND SECOND DRAW” after “PPP”; and

(ii) by striking “August 8, 2020” and inserting “December 31, 2020”; and

(iii) by striking “paragraph (36)” and inserting “paragraphs (36) and (37)”; and

(iv) by striking “\$659,000,000,000” and inserting “\$816,690,000,000”; and

(B) by amending paragraph (2) to read as follows:

“(2) **OTHER 7(A) LOANS.**—During fiscal year 2020, the amount authorized for commitments for section 7(a) of the Small Business Act (15 U.S.C. 636(a)) under the heading ‘Small Business Administration—Business Loans Program Account’ in the Financial Services and General Government Appropriations Act, 2020 (division C of Public Law 116-193) shall apply with respect to any commitments under such section 7(a) other than under paragraphs (36) and (37) of such section 7(a).”.

(2) **DIRECT APPROPRIATIONS.**—

(A) **RESCISSION.**—With respect to unobligated balances under the heading “Small Business Administration—Business Loans Program Account, CARES Act” as of the day before the date of enactment of this Act, \$100,000,000,000 shall be rescinded and deposited into the general fund of the Treasury.

(B) **NEW DIRECT APPROPRIATIONS FOR PPP LOANS, SECOND DRAW LOANS, AND THE MBDA.**—

(i) **PPP AND SECOND DRAW LOANS.**—There is appropriated, out of amounts in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2020, to remain available until September 30, 2021, for additional amounts—

(I) \$257,690,000,000 under the heading “Small Business Administration—Business Loans Program Account, CARES Act” for the cost of guaranteed loans as authorized under paragraph (36) and (37) of section 7(a) of the Small Business Act (15 U.S.C. 636(a)), as amended and added by this Act; and

(II) \$10,000,000 under the heading under the heading “Department of Commerce—Minority Business Development Agency” for minority business centers of the Minority Business Development Agency to provide technical assistance to small business concerns.

(C) **AVAILABILITY OF AMOUNTS APPROPRIATED FOR THE OFFICE OF INSPECTOR GENERAL.**—Section 1107(a)(3) of the CARES Act (15 U.S.C. 9006(a)(3)) is amended by striking “September 20, 2024” and inserting “expended”.

(v) **EMERGENCY DESIGNATION.**—

(1) **IN GENERAL.**—The amounts provided under this section are designated as an emergency requirement pursuant to section 4(g) of the Statutory Pay-As-You-Go Act of 2010 (2 U.S.C. 933(g)).

(2) **DESIGNATION IN SENATE.**—In the Senate, this section is designated as an emergency requirement pursuant to section 4112(a) of H. Con. Res. 71 (115th Congress), the concurrent resolution on the budget for fiscal year 2018.

**SA 2509.** Mr. GRASSLEY submitted an amendment intended to be proposed to amendment SA 2499 proposed by Mr. MCCONNELL to the bill S. 178, to condemn gross human rights violations of ethnic Turkic Muslims in Xinjiang, and calling for an end to arbitrary detention, torture, and harassment of these communities inside and outside China; which was ordered to lie on the table; as follows:

At the end, add the following:

**SEC. —. TANF CORONAVIRUS EMERGENCY FUND.**

(a) **TEMPORARY FUND.**—

(1) **IN GENERAL.**—Section 403 of the Social Security Act (42 U.S.C. 603) is amended by adding at the end the following:

“(c) **TANF CORONAVIRUS EMERGENCY FUND.**—

“(1) **ESTABLISHMENT.**—There is established in the Treasury of the United States a fund which shall be known as the ‘Coronavirus Emergency Fund for State Temporary Assistance for Needy Families Programs’ (in this subsection referred to as the ‘TANF Coronavirus Emergency Fund’).

“(2) **DEPOSITS INTO FUND.**—

“(A) **IN GENERAL.**—Out of any money in the Treasury of the United States not otherwise appropriated, there are appropriated for the period of fiscal years 2020 through 2021, \$2,000,000,000 for payment to the TANF Coronavirus Emergency Fund.

“(B) **USE OF FUNDS.**—Subject to subparagraph (C), the amounts appropriated to the TANF Coronavirus Emergency Fund under subparagraph (A) shall be used to make grants to States in fiscal years 2020 and 2021 in accordance with the requirements of paragraph (3).

“(C) **ADMINISTRATION.**—The Secretary may reserve up to \$4,000,000 of the amount appropriated for the period of fiscal years 2020 through 2021 under subparagraph (A) for expenses related to administering this subsection.

“(D) **LIMITATION.**—In no case may the Secretary make a grant from the TANF Coronavirus Emergency Fund for a fiscal year after fiscal year 2021.

“(3) **GRANTS TO STATES FOR INCREASED EXPENDITURES FOR BASIC ASSISTANCE, NON-RECURRENT SHORT TERM BENEFITS, AND WORK SUPPORTS.**—

“(A) **IN GENERAL.**—For each of the 3rd and 4th quarters of fiscal year 2020 and each quarter of fiscal year 2021, the Secretary shall make a grant from the TANF Coronavirus Emergency Fund to each State that—

“(i) requests a grant under this paragraph for the quarter; and

“(ii) meets the requirements of subparagraph (B) for the quarter.

“(B) **INCREASED EXPENDITURES.**—A State meets the requirements of this subparagraph for a quarter if—

“(i) the total amount expended by the State for the quarter under the State program funded under this part or any other State program funded with qualified State expenditures (as defined in section 409(a)(7)(B)(i)) for basic assistance, non-recurrent short-term benefits, and work supports for eligible families, exceeds

“(ii) the total amount expended by the State for the 1st quarter of fiscal year 2020 under the State program funded under this part or any other State program funded with qualified State expenditures (as so defined) for basic assistance, non-recurrent short-term benefits, and work supports for eligible families.

“(C) **AMOUNT OF GRANT.**—Subject to paragraph (4), the amount of the grant payable to a State under this paragraph for a quarter shall be the amount equal to 80 percent of the excess of the expenditures for the quarter described in clause (i) of subparagraph (B) over the expenditures for the 1st quarter of fiscal year 2020 described in clause (ii) of that subparagraph.

“(D) **AUTHORITY TO MAKE NECESSARY ADJUSTMENTS TO DATA AND COLLECT NEEDED DATA.**—In determining the expenditures of a State for basic assistance, non-recurrent short-term benefits, and work supports during any quarter for which the State requests funds under this subsection, and for the 1st quarter of fiscal year 2020, the Secretary may make appropriate adjustments to the data, on a State-by-State basis, to ensure that the data are comparable. The Secretary may develop a mechanism for collecting expenditure data, including procedures which allow States to make reasonable estimates, and may set deadlines for making revisions to the data.

“(E) **AVAILABILITY OF FUNDS.**—Funds paid to a State from a grant made for any quarter of fiscal year 2020 or 2021 shall remain available for use by the State through September 30, 2022.

“(4) **GRANT LIMITED TO STATE PROPORTIONAL SHARE OF CHILDREN IN POVERTY.**—

“(A) **IN GENERAL.**—With respect to a State, the aggregate amount of the grants payable to the State under paragraph (3) for the 3rd and 4th quarters of fiscal year 2020 and each quarter of fiscal year 2021 shall not exceed the State child poverty proportion amount determined for the State for fiscal year 2020 under subparagraph (B).

“(B) **STATE CHILD POVERTY PROPORTION AMOUNT.**—The State child poverty proportion amount determined under this subparagraph for a State for fiscal year 2020 is the product of—

“(i) \$2,000,000,000; and

“(ii) the quotient of—

“(I) the number of children in families with income below the poverty line in the State (as determined under subparagraph (C)); and

“(II) the number of children in families with income below the poverty line in all States (as so determined).

“(C) **DATA.**—

“(i) **IN GENERAL.**—For purposes of subparagraph (B)(ii), subject to clause (ii) of this subparagraph, the number of children in families with income below the poverty line shall be determined based on the most recent data available from the Bureau of the Census.

“(ii) **OTHER DATA.**—The number of children in families with income below the poverty line in the case of—

“(I) Puerto Rico, the United States Virgin Islands, Guam, and American Samoa may be determined on the basis of the most recent data are available from the Bureau of the Census or such other poverty data as the Secretary determines appropriate; and

“(II) an Indian tribe, shall be determined in proportion to the tribal family assistance grant paid to the Indian tribe for fiscal year 2020.

“(5) **DEFINITIONS.**—In this subsection:

“(A) **BASIC ASSISTANCE.**—The term ‘basic assistance’ means assistance including cash,

payments, vouchers, and other forms of benefits designed to meet a family's ongoing basic needs as defined by the Secretary.

“(B) ELIGIBLE FAMILIES.—

“(i) IN GENERAL.—The term ‘eligible family’ means a family (including a family of one) that—

“(I) has 1 or more children who have not attained 18 years of age; and

“(II) is in need as a result of the public health emergency with respect to the Coronavirus Disease 2019 (COVID-19) as determined by the State in accordance with clause (ii).

“(ii) CRITERIA FOR NEED BASED ON COVID-19 PUBLIC HEALTH EMERGENCY.—A State shall define and publish on a publicly available website maintained by the State the criteria for determining a family is in need as a result of the public health emergency with respect to the Coronavirus Disease 2019 (COVID-19) and shall report such criteria to the Secretary. The Secretary shall publish all the State criteria reported under this clause on a publicly available website maintained by the Secretary.

“(C) NON-RECURRENT SHORT-TERM BENEFITS.—The term ‘non-recurrent short-term benefits’ means benefits intended to address a specific crisis or need as defined by the Secretary.

“(D) POVERTY LINE.—The term ‘poverty line’ means the income official poverty line, as defined by the Office of Management and Budget, and revised annually in accordance with section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2)).

“(E) STATE.—The term ‘State’ has the meaning given that term in section 419(5) and includes Indian tribes, as defined in section 419(4).

“(F) WORK SUPPORTS.—The term ‘work supports’ means benefits provided to help families obtain, retain, or advance in employment as defined by the Secretary.”.

(2) REPEAL.—Effective October 1, 2021, subsection (c) of section 403 of the Social Security Act (42 U.S.C. 603) (as added by paragraph (1)) is repealed.

(b) DISREGARD FROM LIMITATION ON TOTAL PAYMENTS TO TERRITORIES.—

(1) IN GENERAL.—Section 1108(a)(2) of the Social Security Act (42 U.S.C. 1308(a)(2)) is amended by inserting “403(c)(3),” after “403(a)(5),”.

(2) SUNSET.—Effective October 1, 2021, section 1108(a)(2) of the Social Security Act (42 U.S.C. 1308(a)(2)) is amended by striking “403(c)(3),” (as added by paragraph (1)).

**SA 2510.** Mr. GRASSLEY submitted an amendment intended to be proposed to amendment SA 2499 proposed by Mr. McCONNELL to the bill S. 178, to condemn gross human rights violations of ethnic Turkic Muslims in Xinjiang, and calling for an end to arbitrary detention, torture, and harassment of these communities inside and outside China; which was ordered to lie on the table; as follows:

At the end, add the following:

**SEC. \_\_\_\_ SUPPLEMENTAL EMERGENCY UNEMPLOYMENT RELIEF FOR GOVERNMENTAL ENTITIES AND NONPROFIT ORGANIZATIONS.**

(a) IN GENERAL.—Section 903(i)(1)(B) of the Social Security Act (42 U.S.C. 1103(i)(1)(B)) is amended by striking “one-half” and inserting “75 percent”.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect as if included in the enactment of the Relief for Workers Affected by Coronavirus Act (contained in subtitle A of title II of division A of the CARES Act (Public Law 116-136)).

**SA 2511.** Mr. GRASSLEY submitted an amendment intended to be proposed to amendment SA 2499 proposed by Mr. McCONNELL to the bill S. 178, to condemn gross human rights violations of ethnic Turkic Muslims in Xinjiang, and calling for an end to arbitrary detention, torture, and harassment of these communities inside and outside China; which was ordered to lie on the table; as follows:

At the end, add the following:

**TITLE II—SUPPORTING PATIENTS, PROVIDERS, OLDER AMERICANS, AND FOSTER YOUTH IN RESPONDING TO COVID-19**

**Subtitle A—Promoting Access to Care and Services**

**SEC. 201. MAINTAINING 2021 MEDICARE PART B PREMIUM AND DEDUCTIBLE AT 2020 LEVELS CONSISTENT WITH ACTUARIALLY FAIR RATES.**

(a) 2021 PREMIUM AND DEDUCTIBLE AND REPAYMENT THROUGH FUTURE PREMIUMS.—Section 1839(a) of the Social Security Act (42 U.S.C. 1395r(a)) is amended—

(1) in the second sentence of paragraph (1), by striking “(5) and (6)” and inserting “(5), (6), and (7)”;

(2) in paragraph (6)(C)—

(A) in clause (i), by striking “section 1844(d)(1)” and inserting “subsections (d)(1) and (e)(1) of section 1844”; and

(B) in clause (ii), by striking “paragraph (5)” and inserting “paragraphs (5) and (7)”;

and

(3) by adding at the end the following:

“(7) In applying this part (including subsection (i) and section 1833(b)), the monthly actuarial rate for enrollees age 65 and over for 2021 shall be the same as the monthly actuarial rate for enrollees age 65 and over for 2020.”

(b) TRANSITIONAL GOVERNMENT CONTRIBUTION.—Section 1844 of the Social Security Act (42 U.S.C. 1395w) is amended—

(1) in subsection (a), by adding at the end the following new sentence: “In applying paragraph (1), the amounts transferred under subsection (e)(1) with respect to enrollees described in subparagraphs (A) and (B) of such subsection shall be treated as premiums payable and deposited in the Trust Fund under subparagraphs (A) and (B), respectively, of paragraph (1).”; and

(2) by adding at the end the following:

“(e)(1) For 2021, there shall be transferred from the General Fund to the Trust Fund an amount, as estimated by the Chief Actuary of the Centers for Medicare & Medicaid Services, equal to the reduction in aggregate premiums payable under this part for a month in such year (excluding any changes in amounts collected under section 1839(i)) that are attributable to the application of section 1839(a)(7) with respect to—

“(A) enrollees age 65 and over; and

“(B) enrollees under age 65.

Such amounts shall be transferred from time to time as appropriate.

“(2) Premium increases affected under section 1839(a)(6) shall not be taken into account in applying subsection (a).

“(3) There shall be transferred from the Trust Fund to the General Fund of the Treasury amounts equivalent to the additional premiums payable as a result of the application of section 1839(a)(6), excluding the aggregate payments attributable to the application of section 1839(i)(3)(A)(ii)(II).”

(c) ADDITIONAL TRANSITIONAL GOVERNMENT CONTRIBUTION.—Section 1844 of the Social Security Act (42 U.S.C. 1395w), as amended by subsection (b)(2), is amended by adding at the end the following:

“(f)(1) There shall be transferred from the General Fund of the Treasury to the Trust

Fund an amount, as estimated by the Chief Actuary of the Centers for Medicare & Medicaid Services, equal to amounts paid under the advance payment program under section 421.214 of title 42, Code of Federal Regulations (or any successor regulation) during the period beginning on March 28, 2020, and ending on July 9, 2020.

“(2) There shall be transferred from the Trust Fund to the General Fund of the Treasury amounts equivalent to the sum of—

“(A) the amounts by which claims have offset (in whole or in part) the amount of such advance payments described in paragraph (1); and

“(B) the amount of such advance payments that has been repaid (in whole or in part), under the advance payment program under such section 421.214 (or any such successor regulation).

“(3) Amounts described in paragraphs (1) and (2) shall be transferred from time to time as appropriate.”.

(d) INDENTATION CORRECTION.—Section 1839(i)(3)(A)(ii) of the Social Security Act (42 U.S.C. 1395r(i)(3)(A)(ii)) is amended by moving the indentation of subclause (I) two ems to the right.

**SEC. 202. IMPROVEMENTS TO THE MEDICARE HOSPITAL ACCELERATED AND ADVANCE PAYMENTS PROGRAMS DURING THE COVID-19 PUBLIC HEALTH EMERGENCY.**

(a) PART A.—

(1) REPAYMENT PERIODS.—Section 1815(f)(2)(C) of the Social Security Act (42 U.S.C. 1395g(f)(2)(C)) is amended—

(A) in clause (i), by striking “120 days” and inserting “270 days”; and

(B) in clause (ii), by striking “12 months” and inserting “18 months”.

(2) AUTHORITY FOR DISCRETION.—Section 1815(f)(2)(A)(ii) of the Social Security Act (42 U.S.C. 1395g(f)(2)(A)(ii)) is amended by inserting “(or, with respect to requests submitted to the Secretary on or after July 9, 2020, may)” after “shall.”.

(b) PART B.—In carrying out the advance payments program described in section 421.214 of title 42, Code of Federal Regulations (or a successor regulation), the Secretary of Health and Human Services, in the case of a payment made under such program during the emergency period described in section 1135(g)(1)(B) of the Social Security Act (42 U.S.C. 1320b-5(g)(1)(B)), upon request of the supplier receiving such payment, shall—

(1) provide up to 270 days before claims are offset to recoup the payment; and

(2) allow not less than 14 months from the date of the first advance payment before requiring that the outstanding balance be paid in full.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the enactment of the Coronavirus Aid, Relief, and Economic Security Act (Public Law 116-136).

(d) IMPLEMENTATION.—Notwithstanding any other provision of law, the Secretary of Health and Human Services may implement the provisions of, and the amendments made by, this section by program instruction or otherwise.

**SEC. 203. AUTHORITY TO EXTEND MEDICARE TELEHEALTH WAIVERS.**

(a) AUTHORITY.—Section 1834(m) of the Social Security Act (42 U.S.C. 1395m(m)) is amended by adding at the end the following new paragraph:

“(9) AUTHORITY TO EXTEND TELEHEALTH WAIVERS AND POLICIES.—

“(A) AUTHORITY.—Notwithstanding the preceding provisions of this subsection and section 1135, subject to subparagraph (B), if the emergency period under section 1135(g)(1)(B) expires prior to December 31,

2021, the authority provided the Secretary under section 1135(b)(8) to waive or modify requirements with respect to a telehealth service, and modifications of policies with respect to telehealth services made by interim final rule applicable to such period, shall be extended through December 31, 2021.

“(B) NO REQUIREMENT TO EXTEND.—Nothing in subparagraph (A) shall require the Secretary to extend any specific waiver or modification or modifications of policies that the Secretary does not find appropriate for extension.

“(C) IMPLEMENTATION.—Notwithstanding any provision of law, the provisions of this paragraph may be implemented by interim final rule, program instructions or otherwise.”.

(b) MEDPAC EVALUATION AND REPORT.—

(1) STUDY.—

(A) IN GENERAL.—The Medicare Payment Advisory Commission (in this subsection referred to as the “Commission”) shall conduct an evaluation of—

(i) the expansions of telehealth services under part B of title XVII of the Social Security Act related to the COVID-19 public health emergency described in section 1135(g)(1)(B) of such Act (42 U.S.C. 1320b-5(g)(1)(B)); and

(ii) the appropriate treatment of such expansions after the expiration of such public health emergency.

(B) ANALYSIS.—The evaluation under subparagraph (A) shall include an analysis of each the following:

(i) Which, if any, of such expansions should be continued after the expiration of the such public health emergency,

(ii) Whether any such continued expansions should be limited to, or differentially applied to, clinicians participating in certain value-based payment models.

(iii) How Medicare should pay for telehealth services after the expiration of such public health emergency, and the implications of payment approaches on aggregate Medicare program spending,

(iv) Medicare program integrity and beneficiary safeguards that may be warranted with the coverage of telehealth services.

(v) The implications of expanded Medicare coverage of telehealth services for beneficiary access to care and the quality of care provided via telehealth.

(vi) Other areas determined appropriate by the Commission.

(2) REPORT.—Not later than June 15, 2021, the Commission shall submit to Congress a report containing the results of the evaluation conducted under paragraph (1), together with recommendations for such legislation and administrative action as the Commission determines appropriate.

(c) HHS PROVISION OF INFORMATION AND STUDY AND REPORT.—

(1) PRE-COVID-19 PUBLIC HEALTH EMERGENCY TELEHEALTH AUTHORITY.—Not later than 3 months after the date of enactment of this Act, the Secretary of Health and Human Services (in this subsection referred to as the “Secretary”) shall make available on the internet website of the Centers for Medicare & Medicaid Services information describing the requirements applicable to telehealth services and other virtual services under the original Medicare fee-for-service program under parts A and B of title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.) and the Medicare Advantage program under part C of such title prior to the waiver or modification of such requirements during the emergency period described in section 1135(g)(1)(B) of the Social Security Act (42 U.S.C. 1320b-5(g)(1)(B)), as established by statute, regulation, and sub-regulatory guidance under such title.

(2) STUDY AND REPORT.—

(A) STUDY.—The Secretary shall conduct a study on the impact of telehealth and other virtual services furnished under the Medicare program under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.) during the emergency period described in section 1135(g)(1)(B) of such Act (42 U.S.C. 1320b-5(g)(1)(B)). In conducting such study, the Secretary shall—

(i) assess the impact of such services on access to care, health outcomes, and spending by type of physician, practitioner, or other entity, and by patient demographics and other characteristics that include—

(I) age, gender, race, and type of eligibility for the Medicare program;

(II) dual eligibility for both the Medicare program and the Medicaid program under title XIX of such Act (42 U.S.C. 1396 et seq.);

(III) residing in an area of low-population density or a health professional shortage area (as defined in section 332(a)(1)(A) of the Public Health Service Act (42 U.S.C. 254e(a)(1)(A)));

(IV) diagnoses, such as a diagnosis of COVID-19, a chronic condition, or a mental health disorder or substance use disorder;

(V) telecommunication modality used, including extent to which the services are furnished using audio-only technology;

(VI) residing in a State other than the State in which the furnishing physician, practitioner, or other entity is located; and

(VII) other characteristics and information determined appropriate by the Secretary; and

(ii) to the extent feasible, assess such impact based on—

(I) the type of technology used to furnish the service;

(II) the extent to which patient privacy is protected;

(III) the extent to which documented or suspected fraud or abuse occurred; and

(IV) patient satisfaction.

(B) USE OF INFORMATION.—The Secretary may use reliable non-governmental sources of information in assessing the impact of characteristics described in subparagraph (A) under the study.

(C) REPORT.—

(i) INTERIM PROVISION OF INFORMATION.—The Secretary shall, as determined appropriate, periodically during such emergency period, post on the internet website of the Centers for Medicare & Medicaid Services data on utilization of telehealth and other virtual services under the Medicare program and the impact of characteristics described in subparagraph (A) on such utilization.

(ii) REPORT.—Not later than 15 months after date of enactment of this Act, the Secretary shall submit to Congress a report on the study conducted under subparagraph (A), together with recommendations for such legislation and administrative action as the Secretary determines appropriate.

**SEC. 204. EXTENDING MEDICARE TELEHEALTH FLEXIBILITIES FOR FEDERALLY QUALIFIED HEALTH CENTERS AND RURAL HEALTH CLINICS.**

(a) IN GENERAL.—Section 1834(m) of the Social Security Act (42 U.S.C. 1395m(m)) is amended—

(1) in paragraph (4)(C)—

(A) in clause (i), in the matter preceding subclause (I), by striking “and (7)” and inserting “(7), and (8)”; and

(B) in clause (ii)(X), by inserting “or paragraph (8)(A)(i)” before the period; and

(2) in paragraph (8)—

(A) in the paragraph heading by inserting “AND FOR AN ADDITIONAL PERIOD AFTER” after “DURING”; and

(B) in subparagraph (A)—

(i) in the matter preceding clause (i), by inserting “and the 5-year period beginning on

the first day after the end of such emergency period” after “1135(g)(1)(B)”; and

(ii) in clause (ii), by striking “and” at the end;

(iii) by redesignating clause (iii) as clause (iv); and

(iv) by inserting after clause (ii) the following new clause:

“(iii) the geographic requirements described in paragraph (4)(C)(i) shall not apply with respect to such a telehealth service; and”;

(C) in subparagraph (B)(i)—

(i) in the first sentence, by inserting “and the 5-year period beginning on the first day after the end of such emergency period” before the period; and

(ii) in the third sentence, by striking “program instruction or otherwise” and inserting “interim final rule, program instruction, or otherwise”; and

(D) by adding at the end the following new subparagraph:

“(C) REQUIREMENT DURING ADDITIONAL PERIOD.—

“(i) IN GENERAL.—During the 5-year period beginning on the first day after the end of the emergency period described in section 1135(g)(1)(B), payment may only be made under this paragraph for a telehealth service described in subparagraph (A)(i) that is furnished to an eligible telehealth individual if such service is furnished by a qualified provider (as defined in clause (ii)).

“(ii) DEFINITION OF QUALIFIED PROVIDER.—For purposes of this subparagraph, the term ‘qualified provider’ means, with respect to a telehealth service described in subparagraph (A)(i) that is furnished to an eligible telehealth individual, a Federally qualified health center or rural health clinic that furnished to such individual, during the 3-year period ending on the date the telehealth service was furnished, an item or service in person for which—

“(I) payment was made under this title; or

“(II) such payment would have been made if such individual were entitled to, or enrolled for, benefits under this title at the time such item or service was furnished.”.

(b) EFFECTIVE DATE.—The amendments made by this section (other than the amendment made by subsection (a)(2)(D)) shall take effect as if included in the enactment of the Coronavirus Aid, Relief, and Economic Security Act (Public Law 116-136).

**SEC. 205. TEMPORARY CARRYOVER FOR HEALTH AND DEPENDENT CARE FLEXIBLE SPENDING ARRANGEMENTS.**

(a) INCREASE IN CARRYOVER FOR HEALTH FLEXIBLE SPENDING ARRANGEMENTS.—A plan or other arrangement that otherwise satisfies all of the applicable requirements of sections 106 and 125 of the Internal Revenue Code of 1986 (including any rules or regulations thereunder) shall not fail to be treated as a cafeteria plan or health flexible spending arrangement merely because such plan or arrangement permits participants to carry over an amount not in excess of \$2,750 of unused benefits or contributions remaining in a health flexible spending arrangement from the plan year ending in 2020 to the plan year ending in 2021.

(b) CARRYOVER FOR DEPENDENT CARE FLEXIBLE SPENDING ARRANGEMENTS.—A plan or other arrangement that otherwise satisfies all applicable requirements of sections 106, 125, and 129 of the Internal Revenue Code of 1986 (including any rules or regulations thereunder) shall not fail to be treated as a cafeteria plan or dependent care flexible spending arrangement merely because such plan or arrangement permits participants to carry over (under rules similar to the rules applicable to health flexible spending arrangements) an amount, not in excess of the amount in effect under section 129(a)(2)(A) of

such Code, of unused benefits or contributions remaining in a dependent care flexible spending arrangement from the plan year ending in 2020 to the plan year ending in 2021.

(c) **RETROACTIVE APPLICATION.**—An employer shall be permitted to amend its cafeteria plan to effectuate the carry over allowed under subsection (a) or (b), provided that such amendment—

(1) is adopted not later than the last day of the plan year ending in 2020; and

(2) provides that the carry over allowed under subsection (a) or (b) shall be in effect as of the first day of the plan year ending in 2020.

(d) **DEFINITIONS.**—Any term used in this section which is also used in section 106, 125, or 129 of the Internal Revenue Code of 1986 or the rules or regulations thereunder shall have the same meaning as when used in such section or rules or regulations.

#### **SEC. 206. ON-SITE EMPLOYEE CLINICS.**

(a) **IN GENERAL.**—Paragraph (1) of section 223(c) of the Internal Revenue Code of 1986 is amended by adding at the end the following new subparagraph:

“(D) **SPECIAL RULE FOR QUALIFIED ITEMS AND SERVICES.**—

“(i) **IN GENERAL.**—For purposes of subparagraph (A)(ii), an individual shall not be treated as covered under a health plan described in subclauses (I) and (II) of such subparagraph merely because the individual is eligible to receive, or receives, qualified items and services—

“(I) at a healthcare facility located at a facility owned or leased by the employer of the individual (or of the individual’s spouse), or

“(II) at a healthcare facility operated primarily for the benefit of employees of the employer of the individual (or of the individual’s spouse).

“(ii) **QUALIFIED ITEMS AND SERVICES DEFINED.**—For purposes of this subparagraph, the term ‘qualified items and services’ means the following:

“(I) Physical examination.

“(II) Immunizations, including injections of antigens provided by employees.

“(III) Drugs or biologicals other than a prescribed drug (as such term is defined in section 213(d)(3)).

“(IV) Treatment for injuries occurring in the course of employment.

“(V) Preventive care for chronic conditions (as defined in clause (iv)).

“(VI) Management of chronic conditions or diseases.

“(VII) Drug testing.

“(VIII) Hearing or vision screenings and related services.

“(IX) Testing, vaccines, or treatments for the virus SARS-CoV-2 or coronavirus disease 2019 (COVID-19).

“(iii) **AGGREGATION.**—For purposes of clause (i), all persons treated as a single employer under subsection (b), (c), (m), or (o) of section 414 shall be treated as a single employer.

“(iv) **PREVENTIVE CARE FOR CHRONIC CONDITIONS.**—For purposes of this subparagraph, the term ‘preventive care for chronic conditions’ means any item or service specified in the Appendix of Internal Revenue Service Notice 2019-45 which is prescribed to treat an individual diagnosed with the associated chronic condition specified in such Appendix for the purpose of preventing the exacerbation of such chronic condition or the development of a secondary condition, including any amendment, addition, removal, or other modification made by the Secretary (pursuant to the authority granted to the Secretary under paragraph (2)(C)) to the items or services specified in such Appendix subsequent to the date of enactment of this subparagraph.

“(v) **TERMINATION.**—This subparagraph shall not apply to any taxable year beginning after December 31, 2021.”

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

#### **SEC. 207. SUPPORT FOR OLDER FOSTER YOUTH.**

(a) **FUNDING INCREASES.**—The dollar amount specified in section 477(h)(1) of the Social Security Act (42 U.S.C. 677(h)(1)) for fiscal year 2020 is deemed to be \$193,000,000.

(b) **PROGRAMMATIC FLEXIBILITY.**—During the COVID-19 public health emergency:

(1) **SUSPENSION OF CERTAIN REQUIREMENTS UNDER THE EDUCATION AND TRAINING VOUCHER PROGRAM.**—The Secretary may allow a State to waive the applicability of the requirement in section 477(i)(3) of the Social Security Act (42 U.S.C. 677(i)(3)) that a youth must be enrolled in a postsecondary education or training program or making satisfactory progress toward completion of that program if a youth is unable to meet these requirements due to the public health emergency.

(2) **AUTHORITY TO WAIVE LIMITATIONS ON PERCENTAGE OF FUNDS USED FOR HOUSING ASSISTANCE AND ELIGIBILITY FOR SUCH ASSISTANCE.**—Notwithstanding subsections (b)(3)(B) and (b)(3)(C) of section 477 of the Social Security Act (42 U.S.C. 677), a State may—

(A) use more than 30 percent of the amounts paid to the State from its allotment under subsection (c) of such section for a fiscal year for room or board payments; and

(B) expend amounts paid to the State from its allotment under subsection (c) of such section for a fiscal year for room or board for youth who have attained age 18, are no longer in foster care or otherwise eligible for services under such section, and experienced foster care at 14 years of age or older.

(c) **SPECIAL RULES.**—

(1) **NONAPPLICATION OF MATCHING FUNDS REQUIREMENT FOR INCREASED FUNDING.**—With respect to the amount allotted to a State under section 477(c)(1) of the Social Security Act (42 U.S.C. 677(c)(1)) for fiscal year 2020, the Secretary shall apply section 474(a)(4)(A)(i) of such Act (42 U.S.C. 674(a)(4)(A)(i)) to the additional amount of such allotment resulting from the deemed increase in the dollar amount specified in section 477(h)(1) of such Act (42 U.S.C. 677(h)(1)) for fiscal year 2020 under subsection (a) by substituting “100 percent” for “80 percent”.

(2) **NO RESERVATION FOR EVALUATION, TECHNICAL ASSISTANCE, PERFORMANCE MEASUREMENT, AND DATA COLLECTION ACTIVITIES.**—Section 477(g)(2) of such Act (42 U.S.C. 677(g)(2)) shall not apply to the portion of the deemed dollar amount for section 477(h)(1) of such Act (42 U.S.C. 677(h)(1)) for fiscal year 2020 under subsection (a) that exceeds the dollar amount specified in that section for such fiscal year.

(d) **DEFINITIONS.**—In this section:

(1) **COVID-19 PUBLIC HEALTH EMERGENCY.**—The term “COVID-19 public health emergency” means the public health emergency declared by the Secretary pursuant to section 319 of the Public Health Service Act on January 31, 2020, entitled “Determination that a Public Health Emergency Exists Nationwide as the Result of the 2019 Novel Coronavirus” and includes any renewal of such declaration pursuant to such section 319.

(2) **SECRETARY.**—The term “Secretary” means the Secretary of Health and Human Services.

#### **SEC. 208. COURT IMPROVEMENT PROGRAM.**

(a) **TEMPORARY FUNDING INCREASES.**—Out of any money in the Treasury of the United States not otherwise appropriated, there are appropriated to the Secretary, \$10,000,000 for

fiscal year 2020 for making grants in accordance with this section to the highest State courts described in section 438 of the Social Security Act (42 U.S.C. 629h). Grants made under this section shall be considered to be Court Improvement Program grants made under such section 438, subject to the succeeding provisions of this section.

(b) **DISTRIBUTION OF FUNDS.**—

(1) **IN GENERAL.**—From the amount appropriated under subsection (a), the Secretary shall—

(A) reserve up to \$500,000 for Tribal court improvement activities; and

(B) pay from the amount remaining after the application of subparagraph (A), a grant to each highest State court that is approved to receive a grant under section 438 of the Social Security Act for the purpose described in subsection (a)(3) of that section for fiscal year 2020.

(2) **AMOUNT.**—The amount of the grant awarded to a highest State court under this section is equal to the sum of—

(A) \$85,000; and

(B) the amount that bears the same ratio to the amount appropriated under subsection (a) that remains after the application of paragraph (1)(A) and subparagraph (A) of this paragraph, as the number of individuals in the State who have not attained 21 years of age bears to the total number of such individuals in all States (based on the most recent year for which data are available from the Bureau of the Census).

(3) **OTHER RULES.**—

(A) **IN GENERAL.**—The grants awarded to the highest State courts under this section shall be in addition to any grants made to such courts under section 438 of such Act for any fiscal year.

(B) **NO MATCHING REQUIREMENT.**—The limitation on the use of funds specified in section 438(d) of such Act (42 U.S.C. 629h(d)) shall not apply to the grants awarded under this section.

(C) **NO ADDITIONAL APPLICATION.**—The Secretary shall award grants to the highest State courts under this section without requiring such courts to submit an additional application.

(D) **REPORTS.**—The Secretary may establish reporting criteria specific to the grants awarded under this section.

(E) **REDISTRIBUTION OF FUNDS.**—If a highest State court does not accept a grant awarded under this section, or does not agree to comply with any reporting requirements imposed under subparagraph (D) or the use of funds requirements specified in subsection (c), the Secretary shall redistribute the grant funds that would have been awarded to that court among the other highest State courts that are awarded grants under this section and agree to comply with such reporting and use of funds requirements.

(c) **USE OF FUNDS.**—A highest State court awarded a grant under this section shall use the grant funds to address needs stemming from the COVID-19 public health emergency, which may include any of the following:

(1) Technology investments to facilitate the transition to remote hearings for dependency courts when necessary as a direct result of the COVID-19 public health emergency.

(2) Training for judges, attorneys, and caseworkers on facilitating and participating in remote technology hearings that still comply with due process, meet Congressionally mandated requirements, ensure child safety and well-being, and help inform judicial decision-making.

(3) Programs to help families address aspects of the case plan to avoid delays in legal proceedings that would occur as a direct result of the COVID-19 public health emergency.

(4) Other purposes to assist courts, court personnel, or related staff related to the COVID-19 public health emergency.

(d) DEFINITIONS.—In this section:

(1) COVID-19 PUBLIC HEALTH EMERGENCY.—The term “COVID-19 public health emergency” means the public health emergency declared by the Secretary pursuant to section 319 of the Public Health Service Act on January 31, 2020, entitled “Determination that a Public Health Emergency Exists Nationwide as the Result of the 2019 Novel Coronavirus” and includes any renewal of such declaration pursuant to such section 319.

(2) SECRETARY.—The term “Secretary” means the Secretary of Health and Human Services.

#### Subtitle B—Emergency Support and COVID-19 Protection for Nursing Homes

##### SEC. 211. DEFINITIONS.

In this subtitle:

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

(2) COVID-19 PUBLIC HEALTH EMERGENCY PERIOD.—The term “COVID-19 public health emergency period” means the period beginning on the first day of the emergency period defined in paragraph (1)(B) of section 1135(g) of the Social Security Act (42 U.S.C. 1320b-5(g)) and ending on the last day of the calendar quarter in which the last day of such emergency period occurs.

(3) NURSING FACILITY.—The term “nursing facility” has the meaning given that term in section 1919(a) of the Social Security Act (42 U.S.C. 1396r(a)).

(4) PARTICIPATING PROVIDER.—The term “participating provider” means a skilled nursing facility or a nursing facility that has been assigned a national provider identifier number by the Secretary and has executed an agreement to participate in the Medicare program established under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.) or the Medicaid program established under title XIX of such Act (42 U.S.C. 1396 et seq.).

(5) SECRETARY.—The term “Secretary” means the Secretary of Health and Human Services.

(6) SKILLED NURSING FACILITY.—The term “skilled nursing facility” has the meaning given that term in section 1819(a) of the Social Security Act (42 U.S.C. 1395i-3(a)).

(7) STATE.—Except as otherwise provided, the term “State” has the meaning given such term for purposes of title XIX of the Social Security Act (42 U.S.C. 1396 et seq.).

##### SEC. 212. ESTABLISHING COVID-19 STRIKE TEAMS FOR NURSING FACILITIES.

(a) IN GENERAL.—The Secretary is authorized to establish and support the operation of strike teams comprised of individuals with relevant skills, qualifications, and experience to respond to COVID-19-related crises in participating providers during the COVID-19 public health emergency period, based on data reported by such providers to the Centers for Disease Control and Prevention.

(b) MISSION AND COMPOSITION OF STRIKE TEAMS.—

(1) IN GENERAL.—Strike teams established by the Secretary may include assessment, testing, and clinical teams, and a mission for each such team may include performing medical examinations, conducting COVID-19 testing, and assisting participating providers with the implementation of infection control practices (such as quarantine, isolation, or disinfection procedures).

(2) LETTER OF AUTHORIZATION.—Strike teams and members of such teams shall be subject to the Secretary’s oversight and direction and the Secretary may issue a letter of authorization to team members describing—

(A) the individual’s designation to serve on 1 or more teams under an emergency proclamation by the Secretary;

(B) the mission of the team;

(C) the authority of the individual to perform the team mission;

(D) the individual’s authority to access places, persons, and materials necessary for the team member’s performance of the team’s mission;

(E) the requirement that team members maintain the confidentiality of patient information shared with such individuals by a participating provider; and

(F) the required security background checks that the individual has passed.

(3) SECRETARIAL OVERSIGHT.—The Secretary may, at any time, disband any strike team and rescind the letter of authorization for any team member.

(4) TEAM AND MEMBER AUTHORITY.—A team and team member may not use the letter of authorization described in paragraph (2) for any purpose except in connection with the team’s mission of acting in good faith to promote resident and employee safety in participating providers in which COVID-19 is confirmed to be present.

(5) ADMINISTRATION.—The Secretary, in consultation with the Director of the Centers for Disease Control and Prevention, may establish protocols and procedures for requesting the assistance of a strike team established under this section and any other procedures deemed necessary for the team’s operation.

(6) SUPPLEMENTATION OF OTHER RESPONSE EFFORTS.—Strike teams established by the Secretary under this section shall supplement and not supplant response efforts carried out by a State strike team or a technical assistance team established by the Secretary during the COVID-19 public health emergency period.

##### SEC. 213. PROMOTING COVID-19 TESTING AND INFECTION CONTROL IN NURSING FACILITIES.

(a) NURSING HOME PROTECTIONS.—The Secretary, in consultation with the Elder Justice Coordinating Council, is authorized during the COVID-19 public health emergency period to enhance efforts by participating providers to respond to COVID-19, including through—

(1) development of online training courses for personnel of participating providers, survey agencies, the long-term care ombudsman of each State, and other individuals to facilitate the implementation of subsection (b);

(2) enhanced diagnostic testing of visitors to, personnel of, and residents of, participating providers in which measures of COVID-19 in the community support more frequent testing for COVID-19;

(3) development of training materials for personnel of participating providers, the long-term care ombudsman of each State, and other individuals to facilitate the implementation of subsection (c); and

(4) providing support to participating providers in areas deemed by the Secretary to require additional assistance due to the presence COVID-19 infections.

(b) TRAINING ON BEST PRACTICES IN INFECTION CONTROL AND PREVENTION.—

(1) IN GENERAL.—The Secretary shall develop training courses on infection control and prevention, including cohorting, strategies and use of telehealth to mitigate the transmission of COVID-19 in participating providers during the COVID-19 public health emergency period.

(2) DEVELOPMENT.—To the extent practicable, the training programs developed by the Secretary under this subsection shall use best practices in infection control and prevention.

(3) COORDINATION WITH OTHER FEDERAL ENTITIES.—The Secretary shall seek input as appropriate on the training courses developed under this subsection from the Elder Justice Coordinating Council and the Director of the Centers for Disease Control and Prevention.

(4) INTERACTIVE WEBSITE.—The Secretary is authorized to create an interactive website to disseminate training materials and related information in the areas of infection control and prevention, for purposes of carrying out this subsection during the COVID-19 public health emergency period.

##### SEC. 214. PROMOTING TRANSPARENCY IN COVID-19 REPORTING BY NURSING FACILITIES.

Not later than 10 days after the date of enactment of this Act, and at least weekly thereafter during the COVID-19 public health emergency period, the Secretary shall provide the Governor of each State with a list of all participating providers in the State with respect to which the reported cases of COVID-19 in visitors to, personnel of, and residents of, such providers increased during the previous week (or, in the case of the first such list, during the 10-day period beginning on the date of enactment of this Act).

##### SEC. 215. FUNDING.

The Secretary may use amounts appropriated for COVID-19 response and related activities pursuant to the CARES Act (Public Law 116-136) and subsequently enacted legislation to carry out this subtitle.

**SA 2512.** Mr. MORAN (for himself and Mr. BLUMENTHAL) proposed an amendment to the bill S. 2330, to amend the Ted Stevens Olympic and Amateur Sports Act to provide for congressional oversight of the board of directors of the United States Olympic and Paralympic Committee and to protect amateur athletes from emotional, physical, and sexual abuse, 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 “Empowering Olympic, Paralympic, and Amateur Athletes Act of 2020”.

##### SEC. 2. FINDINGS.

Congress makes the following findings:

**SA 2513.** Mr. CASSIDY (for himself, Mr. DAINES, Mr. ROMNEY, and Mr. RUBIO) submitted an amendment intended to be proposed to amendment SA 2499 proposed by Mr. MCCONNELL to the bill S. 178, to condemn gross human rights violations of ethnic Turkic Muslims in Xinjiang, and calling for an end to arbitrary detention, torture, and harassment of these communities inside and outside China; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

##### SEC. \_\_\_\_ . SUPPLEMENTARY 2020 RECOVERY REBATES FOR INDIVIDUALS.

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

##### “SEC. 6428A. SUPPLEMENTARY 2020 RECOVERY REBATES FOR INDIVIDUALS.

“(a) IN GENERAL.—In addition to the credit allowed under section 6428, 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) \$1,000 (\$2,000 in the case of eligible individuals filing a joint return), plus

“(2) an amount equal to the product of \$1,000 multiplied by the number of dependents (as defined in section 152(a)) of the taxpayer.

“(b) TREATMENT OF CREDIT.—The credit allowed by subsection (a) shall be treated as allowed by subpart C of part IV of subchapter A of chapter 1.

“(c) LIMITATION BASED ON ADJUSTED GROSS INCOME.—The amount of the credit allowed by subsection (a) (determined without regard to this subsection and subsection (e)) shall be reduced (but not below zero) by 5 percent of so much of the taxpayer's adjusted gross income as exceeds—

“(1) \$150,000 in the case of a joint return,

“(2) \$112,500 in the case of a head of household, and

“(3) \$75,000 in the case of a taxpayer not described in paragraph (1) or (2).

“(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 for 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) JOINT RETURNS.—In the case of a refund 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 such taxable year in an amount equal to the advance refund amount for such taxable year.

“(2) ADVANCE REFUND AMOUNT.—For purposes of paragraph (1), 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 provisions of this title, 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 this subsection electronically to any account to which the payee authorized, on or after January 1, 2018, the delivery of a refund of taxes under this title or of a Federal payment (as defined in section 3332 of title 31, United States Code).

“(C) WAIVER OF CERTAIN RULES.—Notwithstanding section 3325 of title 31, United States Code, or any other provision 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 informa-

tion received from an officer or employee described in section 3325(a)(1)(B) of such title for the purpose of facilitating the accurate and efficient delivery of such payment. Except in cases of fraud or reckless neglect, no liability under sections 3325, 3527, 3528, or 3529 of title 31, United States Code, 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.

“(5) ALTERNATE TAXABLE YEAR.—In the case of an individual who, at the time of any determination made pursuant to paragraph (3), has not filed a tax return for the year described in paragraph (1), the Secretary may—

“(A) apply such paragraph by substituting ‘2018’ for ‘2019’, and

“(B) if the individual has not filed a tax return for such individual's first taxable year beginning in 2018, use information with respect to such individual for calendar year 2019 provided in—

“(i) Form SSA-1099, Social Security Benefit Statement, or

“(ii) Form RRB-1099, Social Security Equivalent Benefit Statement.

“(6) NOTICE TO TAXPAYER.—Not later than 15 days after the date on which the Secretary distributed any payment to an eligible taxpayer pursuant to this subsection, notice shall be sent by mail to such taxpayer's last known address. Such notice shall indicate the method by which such payment was made, the amount of such payment, and a phone number for the appropriate point of contact at the Internal Revenue Service to report any failure to receive such payment.

“(g) IDENTIFICATION NUMBER REQUIREMENT.—

“(1) IN GENERAL.—In the case of any taxpayer who does not include the valid identification number of such taxpayer on the return of tax for the taxable year, subsection (a)(1) shall be applied by substituting ‘\$0’ for ‘\$1,000’.

“(2) JOINT RETURNS.—In the case of a joint return—

“(A) if the valid identification number of only 1 spouse is included on the return of tax for the taxable year—

“(i) subsection (a)(1) shall be applied by substituting ‘\$1,000’ for ‘\$2,000’, and

“(ii) subsection (c)(1) shall be applied by substituting ‘\$75,000’ for ‘\$150,000’, or

“(B) if the valid identification number of neither spouse is included on the return of tax for the taxable year, subsection (a)(1) shall be applied by substituting ‘\$0’ for ‘\$2,000’.

“(3) DEPENDENT.—A dependent of a taxpayer shall not be taken into account under subsection (a)(2) unless—

“(A) the taxpayer includes the valid identification number of such taxpayer (or, in the case of a joint return, the valid identification number of at least 1 spouse) on the return of tax for the taxable year, and

“(B) the valid identification number of such dependent is included on the return of tax for the taxable year.

“(4) VALID IDENTIFICATION NUMBER.—

“(A) IN GENERAL.—For purposes of this subsection, 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 (3)(B), in the case of a dependent who is adopted or placed for adoption, the term ‘valid identification number’ shall include the adoption taxpayer identification number of such dependent.

“(5) SPECIAL RULE FOR MEMBERS OF THE ARMED FORCES.—Paragraph (2) shall not apply in the case where at least 1 spouse was a member of the Armed Forces of the United

States at any time during the taxable year and the valid identification number of at least 1 spouse is included on the return of tax for the taxable year.

“(6) MATHEMATICAL OR CLERICAL ERROR AUTHORITY.—Any omission of a correct valid identification number required under this subsection shall be treated as a mathematical or clerical error for purposes of applying section 6213(g)(2) to such omission.

“(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 measures as are deemed appropriate to avoid allowing multiple credits or rebates to a taxpayer.”.

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

(c) TREATMENT OF POSSESSIONS.—Rules similar to the rules of subsection (c) of section 2201 of the CARES Act (Public Law 116-136) shall apply for purposes of this section.

(d) EXCEPTION FROM REDUCTION OR OFFSET.—Any credit or refund allowed or made to any individual by reason of section 6428A of the Internal Revenue Code of 1986 (as added by this section) or by reason of 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 subsection (d), (e), or (f) of section 6402 of the Internal Revenue Code of 1986, 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 6428A of the Internal Revenue Code of 1986 (as added by this section), including information with respect to individuals who may not have filed a tax return for taxable year 2018 or 2019.

(f) CONFORMING AMENDMENTS.—

(1) Paragraph (2) of section 1324(b) of title 31, United States Code, is amended by inserting “6428A,” after “6428.”

(2) The table of sections for subchapter B of chapter 65 of subtitle F of the Internal Revenue Code of 1986 is amended by inserting after the item relating to section 6428 the following:

“Sec. 6428A. Supplementary 2020 Recovery Rebates for individuals.”.

**SA 2514.** Ms. MCSALLY submitted an amendment intended to be proposed to amendment SA 2499 proposed by Mr. MCCONNELL to the bill S. 178, to condemn gross human rights violations of ethnic Turkic Muslims in Xinjiang, and calling for an end to arbitrary detention, torture, and harassment of these communities inside and outside China; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. . PROHIBITION ON USE OF COVID-19 RELIEF FUNDS TO PURCHASE GOODS OR SERVICES FROM COMMUNIST CHINESE MILITARY COMPANIES.**

(a) IN GENERAL.—None of the funds described in subsection (b) may be obligated or expended to purchase goods or services from a person on the list required by section

1237(b) of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105-261; 50 U.S.C. 1701 note).

(b) **FUNDS DESCRIBED.**—Funds described in this subsection are—

(1) funds made available under this Act;

(2) funds made available, and available for obligation as of the date of the enactment of this Act, under—

(A) the Coronavirus Preparedness and Response Supplemental Appropriations Act, 2020 (Public Law 116-123; 134 Stat. 146);

(B) the Families First Coronavirus Response Act (Public Law 116-127; 134 Stat. 177);

(C) the Coronavirus Aid, Relief, and Economic Security Act (Public Law 116-136); or

(D) the Paycheck Protection Program and Health Care Enhancement Act (Public Law 116-139; 134 Stat. 620); or

(3) funds made available under any Act enacted after the date of the enactment of this Act to provide additional funding relating to the COVID-19 pandemic.

(c) **APPLICATION TO PRIVATE ENTITIES AND STATE AND LOCAL GOVERNMENTS.**—

(1) **IN GENERAL.**—The prohibition under subsection (a) includes a prohibition on the obligation or expenditure of funds described in subsection (b) for the purchase of goods or services from persons described in subsection (a) by a private entity or a State or local government that received such funds through a grant or any other means.

(2) **CERTIFICATION REQUIRED TO RECEIVE FUTURE FUNDS.**—On and after the date of the enactment of this Act, the head of an executive agency may not provide funds described in subsection (b) to a private entity or a State or local government unless the entity or government certifies that the entity or government, as the case may be, is not purchasing goods or services from a person described in subsection (a).

(d) **EXECUTIVE AGENCY DEFINED.**—In this section, the term “executive agency” has the meaning given that term in section 133 of title 41, United States Code.

**SA 2515.** Ms. MCSALLY (for herself, Mr. DAINES, Mr. CORNYN, and Mr. SULLIVAN) submitted an amendment intended to be proposed to amendment SA 2499 proposed by Mr. MCCONNELL to the bill S. 178, to condemn gross human rights violations of ethnic Turkic Muslims in Xinjiang, and calling for an end to arbitrary detention, torture, and harassment of these communities inside and outside China; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**Subtitle —Continuous Health Coverage for Workers**

#### **SEC. 201. SHORT TITLE.**

This subtitle may be cited as the “Continuous Health Coverage for Workers Act”.

#### **SEC. 202. PRESERVING HEALTH BENEFITS FOR WORKERS.**

(a) **PROVISION OF PREMIUM ASSISTANCE.**—

(1) **REDUCTION OF PREMIUMS PAYABLE.**—

(A) **COBRA CONTINUATION COVERAGE.**—In the case of any premium for a period of coverage during the period beginning on the first day of the first month that begins after the date of enactment of this Act and ending on December 31, 2020, for COBRA continuation coverage with respect to any assistance eligible individual described in subsection (c)(1), such individual shall be treated for purposes of any COBRA continuation provision as having paid the amount of such premium if such individual pays (and any person other than such individual’s employer pays on behalf of such individual) the greater

of 15 percent of the amount of such premium owed by such individual (as determined without regard to this subsection) or the amount of the premium that a similarly situated individual enrolled in the plan who is not an assistance eligible individual is (or would be, if so enrolled) required to pay with respect to the plan (after any employer contribution).

(B) **CHURCH PLANS.**—In the case of any premium for a period of coverage during the period beginning on the first day of the first month that begins after the date of enactment of this Act and ending on December 31, 2020, for coverage under a church plan with respect to any assistance eligible individual described in subsection (c)(2), such individual shall be treated for purposes of the individual’s coverage under such plan as having paid the amount of such premium if such individual pays (and any person other than such individual’s employer pays on behalf of such individual) the greater of 15 percent of the amount of such premium owed by such individual (as determined without regard to this subsection) or the amount of the premium that a similarly situated individual enrolled in the plan who is not an assistance eligible individual is (or would be, if so enrolled) required to pay with respect to the plan (after any employer contribution).

(C) **FURLOUGHED CONTINUATION COVERAGE.**—In the case of any premium for a period of coverage during the period beginning on the first day of the first month that begins after the date of enactment of this Act and ending on December 31, 2020, for coverage under a group health plan with respect to any assistance eligible individual described in subsection (c)(3), such individual shall be treated for purposes of the individual’s coverage under such plan as having paid the amount of such premium if such individual pays (and any person other than such individual’s employer pays on behalf of such individual) the greater of 15 percent of the amount of such premium owed by such individual (as determined without regard to this subsection) or the amount of the premium that a similarly situated individual enrolled in the plan who is not an assistance eligible individual is (or would be, if so enrolled) required to pay with respect to the plan (after any employer contribution).

(2) **PLAN ENROLLMENT OPTION.**—

(A) **IN GENERAL.**—Any assistance eligible individual who is enrolled in a group health plan offered by a plan sponsor may, not later than 90 days after the date of notice of the plan enrollment option described in this paragraph, elect to enroll in coverage under a plan offered by such plan sponsor that is different than coverage under the plan in which such individual was enrolled at the time—

(i) in the case of any assistance eligible individual described in subsection (c)(1), the qualifying event specified in section 603(2) of the Employee Retirement Income Security Act of 1974, section 4980B(f)(3)(B) of the Internal Revenue Code of 1986, section 2203(2) of the Public Health Service Act, or section 8905a of title 5, United States Code (except for the voluntary termination of such individual’s employment by such individual), occurred, and such coverage shall be treated as COBRA continuation coverage for purposes of the applicable COBRA continuation provision;

(ii) in the case of an assistance eligible individual described in subsection (c)(2), the termination or reduction of hours of employment of such individual occurred; or

(iii) in the case of any assistance eligible individual described in subsection (c)(3), the furlough period began with respect to such individual.

(B) **REQUIREMENTS.**—Any assistance eligible individual may elect to enroll in dif-

ferent coverage as described in subparagraph (A) only if—

(i) the employer involved has made a determination that such employer will permit such assistance eligible individual to enroll in different coverage as provided under this paragraph;

(ii) the premium for such different coverage does not exceed the premium for coverage in which such individual was enrolled at the time such qualifying event occurred or immediately before such furlough began;

(iii) the different coverage in which the individual elects to enroll is coverage that is also offered to the active employees of the employer, who are not in a furlough period, at the time at which such election is made; and

(iv) the different coverage in which the individual elects to enroll is not—

(I) coverage that provides only dental, vision, counseling, or referral services (or a combination of such services);

(II) a qualified small employer health reimbursement arrangement (as defined in section 9831(d)(2) of the Internal Revenue Code of 1986);

(III) a flexible spending arrangement (as defined in section 106(c)(2) of the Internal Revenue Code of 1986); or

(IV) benefits that provide coverage for services or treatments furnished in an on-site medical facility maintained by the employer and that consists primarily of first-aid services, prevention and wellness care, or similar care (or a combination of such care).

(3) **PREMIUM REIMBURSEMENT.**—For provisions providing the payment of such premium, see section 6432 of the Internal Revenue Code of 1986, as added by section 203(a).

(b) **LIMITATION OF PERIOD OF PREMIUM ASSISTANCE.**—

(1) **ELIGIBILITY FOR ADDITIONAL COVERAGE.**—Subsection (a)(1) shall not apply with respect to—

(A) any assistance eligible individual described in subsection (c)(1) for months of coverage beginning on or after the earlier of—

(i) the first date that such individual is eligible for coverage under any other group health plan (other than coverage consisting of only dental, vision, counseling, or referral services (or a combination thereof), coverage under a flexible spending arrangement (as defined in section 106(c)(2) of the Internal Revenue Code of 1986), coverage of treatment that is furnished in an on-site medical facility maintained by the employer and that consists primarily of first-aid services, prevention and wellness care, or similar care (or a combination thereof), or eligible for benefits under the Medicare program under title XVIII of the Social Security Act; or

(ii) the earlier of—

(I) the date following the expiration of the maximum period of continuation coverage required under the applicable COBRA continuation coverage provision; or

(II) the date following the expiration of the period of continuation coverage allowed under subsection (d)(2)(B);

(B) any assistance eligible individual described in subsection (c)(2) for months of coverage beginning on or after the earlier of—

(i) the first date that such individual is eligible for coverage under any other group health plan (other than coverage consisting of only dental, vision, counseling, or referral services (or a combination thereof), coverage under a flexible spending arrangement (as defined in section 106(c)(2) of the Internal Revenue Code of 1986), coverage of treatment that is furnished in an on-site medical facility maintained by the employer and that consists primarily of first-aid services, prevention and wellness care, or similar care (or

a combination thereof)), or eligible for benefits under the Medicare program under title XVIII of the Social Security Act; or

(ii) the first date on which the church plan is no longer available to such individual; or

(C) any assistance eligible individual described in paragraph (3)(C) for months of coverage beginning on or after the earlier of—

(i) the first date that such individual is eligible for coverage under any other group health plan (other than coverage consisting of only dental, vision, counseling, or referral services (or a combination thereof), coverage under a flexible spending arrangement (as defined in section 106(c)(2) of the Internal Revenue Code of 1986), coverage of treatment that is furnished in an on-site medical facility maintained by the employer and that consists primarily of first-aid services, prevention and wellness care, or similar care (or a combination thereof)), or eligible for benefits under the Medicare program under title XVIII of the Social Security Act; or

(ii) the first date that such individual is no longer in the furlough period.

(2) NOTIFICATION REQUIREMENT.—Any assistance eligible individual shall notify the group health plan with respect to which subsection (a)(1) applies if such paragraph ceases to apply by reason of subparagraph (A)(i), (B)(i), or (C)(i) of paragraph (1) (as applicable). Such notice shall be provided to the group health plan in such time and manner as may be specified by the Secretary of Labor.

(3) SPECIAL ENROLLMENT PERIOD FOLLOWING EXPIRATION OF PREMIUM ASSISTANCE.—Notwithstanding section 1311 of the Patient Protection and Affordable Care Act (42 U.S.C. 18031), the expiration of premium assistance pursuant to a limitation specified under paragraph (1) shall be treated as a qualifying event for which any assistance eligible individual is eligible to enroll in a qualified health plan offered through an Exchange under title I of such Act (42 U.S.C. 18001 et seq.) during a special enrollment period.

(C) ASSISTANCE ELIGIBLE INDIVIDUAL.—For purposes of this section, the term “assistance eligible individual” means, with respect to a period of coverage during the period beginning on the first day of the first month that begins after the date of enactment of this Act and ending on December 31, 2020—

(1) any individual that is a qualified beneficiary that—

(A) is eligible for COBRA continuation coverage by reason of a qualifying event specified in section 603(2) of the Employee Retirement Income Security Act of 1974, section 4980B(f)(3)(B) of the Internal Revenue Code of 1986, section 2203(2) of the Public Health Service Act, or section 8905a of title 5, United States Code (except for the voluntary termination of such individual’s employment by such individual); and

(B) elects such coverage;

(2) any individual who—

(A) is terminated from (other than by reason of such employee’s gross misconduct or voluntary termination), or is subject to a reduction in hours with respect to, employment with an employer who offers a church plan, if the employer voluntarily offers coverage under such plan to such individual after the termination or reduction of hours, or is a beneficiary of such an individual who is terminated or subject to a reduction of hours, if the employer voluntarily offers coverage under such plan to such beneficiary; and

(B) elects such coverage; or

(3) any covered employee that is in a furlough period that remains eligible for coverage under a group health plan offered by the employer of such covered employee.

(d) EXTENSION OF ELECTION PERIOD AND EFFECT ON COVERAGE.—

(1) IN GENERAL.—For purposes of applying section 605(a) of the Employee Retirement Income Security Act of 1974, section 4980B(f)(5)(A) of the Internal Revenue Code of 1986, section 2205(a) of the Public Health Service Act, and section 8905a(c)(2) of title 5, United States Code, in the case of—

(A) an individual who does not have an election of COBRA continuation coverage in effect on the date of the enactment of this Act but who would be an assistance eligible individual described in subsection (c)(1) if such election were so in effect; or

(B) an individual who elected COBRA continuation coverage on or after March 1, 2020, and discontinued from such coverage before the date of the enactment of this Act, such individual may elect the COBRA continuation coverage provisions containing such provisions during the period beginning on the date of the enactment of this Act and ending 60 days after the date on which the notification required under subsection (g)(3) is provided to such individual.

(2) COMMENCEMENT OF COBRA CONTINUATION COVERAGE.—Any COBRA continuation coverage elected by a qualified beneficiary during an extended election period under paragraph (1)—

(A) shall apply as if such qualified beneficiary had been covered as of the date of a qualifying event specified in section 603(2) of the Employee Retirement Income Security Act of 1974, section 4980B(f)(3)(B) of the Internal Revenue Code of 1986, section 2203(2) of the Public Health Service Act, or section 8905a of title 5, United States Code, except for the voluntary termination of such beneficiary’s employment by such beneficiary, that occurs no earlier than March 1, 2020 (including the treatment of premium payments under subsection (a)(1) and any cost-sharing requirements for items and services under a group health plan); and

(B) shall not extend beyond the period of COBRA continuation coverage that would have been required under the applicable COBRA continuation coverage provision if the coverage had been elected as required under such provision.

(e) EXPEDITED REVIEW OF DENIALS OF PREMIUM ASSISTANCE.—In any case in which an individual requests treatment as an assistance eligible individual described in paragraph (1), (2), or (3) of subsection (c) and is denied such treatment by the group health plan, the Secretary of Labor (or the Secretary of Health and Human Services in connection with COBRA continuation coverage or a church plan which is provided other than pursuant to part 6 of subtitle B of title I of the Employee Retirement Income Security Act of 1974), in consultation with the Secretary of the Treasury, shall provide for expedited review of such denial. An individual shall be entitled to such review upon application to such Secretary in such form and manner as shall be provided by such Secretary, in consultation with the Secretary of Treasury. Such Secretary shall make a determination regarding such individual’s eligibility within 15 business days after receipt of such individual’s application for review under this subsection. Either Secretary’s determination upon review of the denial shall be de novo and shall be the final determination of such Secretary. A reviewing court shall grant deference to such Secretary’s determination. The provisions of this subsection, subsections (a) through (e), and subsections (g) through (i) shall be treated as provisions of title I of the Employee Retirement Income Security Act of 1974 for purposes of part 5 of subtitle B of such title.

(f) DISREGARD OF SUBSIDIES FOR PURPOSES OF FEDERAL AND STATE PROGRAMS.—Notwithstanding any other provision of law, any

premium assistance with respect to an assistance eligible individual under this section shall not be considered income, in-kind support, or resources for purposes of determining the eligibility of the recipient (or the recipient’s spouse or family) for benefits or assistance, or the amount or extent of benefits or assistance, or any other benefit provided under any Federal program or any program of a State or political subdivision thereof financed in whole or in part with Federal funds.

(g) COBRA-SPECIFIC NOTICE.—

(1) GENERAL NOTICE.—

(A) IN GENERAL.—In the case of notices provided under section 606(a)(4) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1166(4)), section 4980B(f)(6)(D) of the Internal Revenue Code of 1986, section 2206(4) of the Public Health Service Act (42 U.S.C. 300bb-6(4)), or section 8905a(f)(2)(A) of title 5, United States Code, with respect to individuals who, during the period described in subsection (c), become entitled to elect COBRA continuation coverage, the requirements of such provisions shall not be treated as met unless such notices include an additional notification to the recipient, in writing, in clear and understandable language of—

(i) the availability of premium assistance with respect to such coverage under this section; and

(ii) the option to enroll in different coverage if the employer permits assistance eligible individuals described in subsection (c)(1) to elect enrollment in different coverage (as described in subsection (a)(2)).

(B) ALTERNATIVE NOTICE.—In the case of COBRA continuation coverage to which the notice provision under such sections does not apply, the Secretary of Labor, in consultation with the Secretary of the Treasury and the Secretary of Health and Human Services, shall, in consultation with administrators of the group health plans (or other entities) that provide or administer the COBRA continuation coverage involved, provide rules requiring the provision of such notice.

(C) FORM.—The requirement of the additional notification under this paragraph may be met by amendment of existing notice forms or by inclusion of a separate document with the notice otherwise required.

(2) SPECIFIC REQUIREMENTS.—Each additional notification under paragraph (1) shall include—

(A) the forms necessary for establishing eligibility for premium assistance under this section;

(B) the name, address, and telephone number necessary to contact the plan administrator and any other person maintaining relevant information in connection with such premium assistance;

(C) a description of the extended election period provided for in subsection (d)(1);

(D) a description of the obligation of the qualified beneficiary under subsection (b)(2) and the penalty provided under section 6720C of the Internal Revenue Code of 1986 for failure to carry out the obligation;

(E) a description, displayed in a prominent manner, of the qualified beneficiary’s right to a reduced premium and any conditions on entitlement to the reduced premium;

(F) a description of the option of the qualified beneficiary to enroll in different coverage if the employer permits such beneficiary to elect to enroll in such different coverage under subsection (a)(2); and

(G) information regarding any Exchange established under title I of the Patient Protection and Affordable Care Act (42 U.S.C. 18001 et seq.) through which a qualified beneficiary may be eligible to enroll in a qualified health plan, including—

(i) the publicly accessible internet website address for such Exchange;

(ii) the publicly accessible internet website address for the Find Local Help directory maintained by the Department of Health and Human Services on the healthcare.gov internet website (or a successor website);

(iii) a clear explanation that—

(I) an individual who is eligible for continuation coverage may also be eligible to enroll, with financial assistance, in a qualified health plan offered through such Exchange, but, in the case that such individual elects to enroll in such continuation coverage and subsequently elects to terminate such continuation coverage before the period of such continuation coverage expires, such termination does not initiate a special enrollment period (absent a qualifying event specified in section 603(2) of the Employee Retirement Income Security Act of 1974, section 4980B(f)(3)(B) of the Internal Revenue Code of 1986, section 2203(2) of the Public Health Service Act, or section 8905a of title 5, United States Code, with respect to such individual); and

(II) an individual who elects to enroll in continuation coverage will remain eligible to enroll in a qualified health plan offered through such Exchange during an open enrollment period and may be eligible for financial assistance with respect to enrolling in such a qualified health plan;

(iv) information on consumer protections with respect to enrolling in a qualified health plan offered through such Exchange, including the requirement for such a qualified health plan to provide coverage for essential health benefits (as defined in section 1302(b) of such Act (42 U.S.C. 18022(b))) and the requirements applicable to such a qualified health plan under part A of title XXVII of the Public Health Service Act (42 U.S.C. 300gg et seq.);

(v) information on the availability of financial assistance with respect to enrolling in a qualified health plan, including the maximum income limit for eligibility for the premium tax credit under section 36B of the Internal Revenue Code of 1986; and

(vi) information on any special enrollment periods during which any assistance eligible individual described in subsection (c)(1)(A) may be eligible to enroll, with financial assistance, in a qualified health plan offered through such Exchange (including a special enrollment period for which an individual may be eligible due to the expiration of premium assistance pursuant to a limitation specified under subsection (b)(1)); and

(H) information regarding compliance with the requirements of subsection (n).

(3) NOTICE IN CONNECTION WITH EXTENDED ELECTION PERIODS.—In the case of any assistance eligible individual described in subsection (c)(1) (or any individual described in subsection (d)(1)) who became entitled to elect COBRA continuation coverage before the date of the enactment of this Act, the administrator of the applicable group health plan (or other entity) shall provide (within 60 days after the date of enactment of this Act) for the additional notification required to be provided under paragraph (1) and failure to provide such notice shall be treated as a failure to meet the notice requirements under the applicable COBRA continuation provision.

(4) MODEL NOTICES.—Not later than 30 days after the date of enactment of this Act, with respect to any assistance eligible individual described in subsection (c)(1)—

(A) the Secretary of Labor, in consultation with the Secretary of the Treasury and the Secretary of Health and Human Services, shall prescribe models for the additional notification required under this paragraph (other than the additional notification described in subparagraph (B)); and

(B) in the case of any additional notification provided pursuant to paragraph (1) under section 8905a(f)(2)(A) of title 5, United States Code, the Office of Personnel Management shall prescribe a model for such additional notification.

(h) FURLOUGH-SPECIFIC NOTICE.—

(1) IN GENERAL.—With respect to any assistance eligible individual described in subsection (c)(3) who, during the period described in such paragraph, becomes eligible for assistance pursuant to subsection (a)(1)(C), the requirements of section 606(a)(4) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1166(4)), section 4980B(f)(6)(D) of the Internal Revenue Code of 1986, section 2206(4) of the Public Health Service Act (42 U.S.C. 300bb-6(4)), or section 8905a(f)(2)(A) of title 5, United States Code, shall not be treated as met unless the group health plan administrator, in accordance with the timing requirement specified under paragraph (2), provides to the individual a written notice in clear and understandable language of—

(A) the availability of premium assistance with respect to such coverage under this section;

(B) the option of the qualified beneficiary to enroll in different coverage if the employer permits such beneficiary to elect to enroll in such different coverage under subsection (a)(2); and

(C) the information specified under subsection (g)(2) (as applicable).

(2) TIMING SPECIFIED.—For purposes of paragraph (1), the timing requirement specified in this paragraph is—

(A) with respect to such an individual who is within a furlough period during the period beginning on March 1, 2020, and ending on the date of the enactment of this Act, 30 days after the date of such enactment; and

(B) with respect to such an individual who is within a furlough period during the period beginning on the first day after the date of the enactment of this Act and ending on December 31, 2020, 30 days after the date of the beginning of such furlough period.

(3) MODEL NOTICES.—Not later than 30 days after the date of enactment of this Act, with respect to any assistance eligible individual described in subsection (c)(3)—

(A) the Secretary of Labor, in consultation with the Secretary of the Treasury and the Secretary of Health and Human Services, shall prescribe models for the notification required under this paragraph (other than the notification described in subparagraph (B)); and

(B) in the case of any notification provided pursuant to paragraph (1) under section 8905a(f)(2)(A) of title 5, United States Code, the Office of Personnel Management shall prescribe a model for such notification.

(i) NOTICE OF EXPIRATION OF PERIOD OF PREMIUM ASSISTANCE.—

(1) IN GENERAL.—With respect to any assistance eligible individual (as applicable), subject to paragraph (2), the requirements of section 606(a)(4) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1166(4)), section 4980B(f)(6)(D) of the Internal Revenue Code of 1986, section 2206(4) of the Public Health Service Act (42 U.S.C. 300bb-6(4)), or section 8905a(f)(2)(A) of title 5, United States Code, shall not be treated as met unless the employer of the individual, during the period specified under paragraph (3), provides to such individual a written notice in clear and understandable language—

(A) that the premium assistance for such individual will expire soon and the prominent identification of the date of such expiration;

(B) that such individual may be eligible for coverage without any premium assistance through—

(i) COBRA continuation coverage; or

(ii) coverage under a group health plan;

(C) that the expiration of premium assistance is treated as a qualifying event for which any assistance eligible individual is eligible to enroll in a qualified health plan offered through an Exchange under title I of such Act (42 U.S.C. 18001 et seq.) during a special enrollment period; and

(D) the information specified in subsection (g)(2)(G).

(2) EXCEPTION.—The requirement for the group health plan administrator to provide the written notice under paragraph (1) shall be waived in the case the premium assistance for such individual expires pursuant to subparagraph (A)(i) or (C)(i) of subsection (b)(1).

(3) PERIOD SPECIFIED.—For purposes of paragraph (1), the period specified in this paragraph is, with respect to the date of expiration of premium assistance for any assistance eligible individual pursuant to a limitation requiring a notice under this subsection, the period beginning on the day that is 45 days before the date of such expiration and ending on the day that is 15 days before the date of such expiration.

(4) MODEL NOTICES.—Not later than 30 days after the date of enactment of this Act, with respect to any assistance eligible individual—

(A) the Secretary of Labor, in consultation with the Secretary of the Treasury and the Secretary of Health and Human Services, shall prescribe models for the notification required under this subsection (other than the notification described in subparagraph (B)); and

(B) in the case of any notification provided pursuant to paragraph (1) under section 8905a(f)(2)(A) of title 5, United States Code, the Office of Personnel Management shall prescribe a model for such notification.

(j) REGULATIONS.—The Secretary of the Treasury and the Secretary of Labor may jointly prescribe such regulations or other guidance as may be necessary or appropriate to carry out the provisions of this section, including the prevention of fraud and abuse under this section, except that the Secretary of Labor and the Secretary of Health and Human Services may prescribe such regulations (including interim final regulations) or other guidance as may be necessary or appropriate to carry out the provisions of subsections (e), (g), (h), (i), and (k).

(k) OUTREACH.—

(1) IN GENERAL.—The Secretary of Labor, in consultation with the Secretary of the Treasury and the Secretary of Health and Human Services, shall provide outreach consisting of public education and enrollment assistance relating to premium assistance provided under this section. Such outreach shall target employers, group health plan administrators, public assistance programs, States, insurers, and other entities as determined appropriate by such Secretaries. Such outreach shall include an initial focus on those individuals electing continuation coverage who are referred to in subsection (g)(3). Information on such premium assistance, including enrollment, shall also be made available on websites of the Departments of Labor, Treasury, and Health and Human Services.

(2) ENROLLMENT UNDER MEDICARE.—The Secretary of Health and Human Services shall provide outreach consisting of public education. Such outreach shall target individuals who lose health insurance coverage. Such outreach shall include information regarding enrollment for benefits under title XVIII of the Social Security Act (42 U.S.C.

1395 et seq.) for purposes of preventing mistaken delays of such enrollment by such individuals, including lifetime penalties for failure of timely enrollment.

(1) **DEFINITIONS.**—For purposes of this section:

(1) **ADMINISTRATOR.**—The term “administrator” has the meaning given such term in section 3(16)(A) of the Employee Retirement Income Security Act of 1974.

(2) **CHURCH PLAN.**—The term “church plan” means a plan, as described in section 414(e) of the Internal Revenue Code of 1986, that provides medical care to employees or their dependents.

(3) **COBRA CONTINUATION COVERAGE.**—The term “COBRA continuation coverage” means continuation coverage provided pursuant to part 6 of subtitle B of title I of the Employee Retirement Income Security Act of 1974 (other than under section 609), title XXII of the Public Health Service Act, section 4980B of the Internal Revenue Code of 1986 (other than subsection (f)(1) of such section insofar as it relates to pediatric vaccines), or section 8905a of title 5, United States Code, or under a State program that provides comparable continuation coverage. Such term does not include coverage under a health flexible spending arrangement under a cafeteria plan within the meaning of section 125 of the Internal Revenue Code of 1986.

(4) **COBRA CONTINUATION PROVISION.**—The term “COBRA continuation provision” means the provisions of law described in paragraph (3).

(5) **COVERED EMPLOYEE.**—The term “covered employee” has the meaning given such term in section 607(2) of the Employee Retirement Income Security Act of 1974.

(6) **QUALIFIED BENEFICIARY.**—The term “qualified beneficiary” has the meaning given such term in section 607(3) of the Employee Retirement Income Security Act of 1974.

(7) **GROUP HEALTH PLAN.**—The term “group health plan” has the meaning given such term in section 607(1) of the Employee Retirement Income Security Act of 1974.

(8) **STATE.**—The term “State” includes the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.

(9) **PERIOD OF COVERAGE.**—Any reference in this section to a period of coverage shall be treated as a reference to a monthly or shorter period of coverage with respect to which premiums are charged with respect to such coverage.

(10) **PLAN SPONSOR.**—The term “plan sponsor” has the meaning given such term in section 3(16)(B) of the Employee Retirement Income Security Act of 1974.

(11) **FURLOUGH PERIOD.**—

(A) **IN GENERAL.**—The term “furlough period” means, with respect to an individual and an employer of such individual, a period—

(i) beginning with the first month beginning on or after March 1, 2020, and before December 31, 2020, during which such individual’s employer reduces such individual’s work hours (due to a lack of work, funds, or other nondisciplinary reason) to an amount that is less than 70 percent of the base month amount; and

(ii) ending with the earlier of—

(I) the first month beginning after December 31, 2020; or

(II) the month following the first month during which work hours of such employee are greater than 80 percent of work hours of the base month amount.

(B) **BASE MONTH AMOUNT.**—For purposes of subparagraph (A), the term “base month amount” means, with respect to an indi-

vidual and an employer of such individual, the greater of—

(i) such individual’s work hours in the month prior (or in the case such individual had no work hours in the month prior and had work hours in the 3 months prior, the last month with work hours within the prior 3 months); and

(ii) such individual’s work hours during the period beginning January 1, 2020, and ending January 31, 2020.

(m) **REPORTS.**—

(1) **INTERIM REPORT.**—The Secretary of the Treasury and the Secretary of Labor shall jointly submit an interim report to the Committee on Education and Labor, the Committee on Ways and Means, and the Committee on Energy and Commerce of the House of Representatives and the Committee on Health, Education, Labor, and Pensions and the Committee on Finance of the Senate regarding the premium assistance provided under this section that includes—

(A) the number of individuals provided such assistance as of the date of the report; and

(B) the total amount of expenditures incurred (with administrative expenditures noted separately) in connection with such assistance as of the date of the report.

(2) **FINAL REPORT.**—As soon as practicable after the last period of COBRA continuation coverage for which premium assistance is provided under this section, the Secretary of the Treasury and the Secretary of Labor shall jointly submit a final report to each Committee referred to in paragraph (1) that includes—

(A) the number of individuals provided premium assistance under this section;

(B) the average dollar amount (monthly and annually) of premium assistance provided to such individuals; and

(C) the total amount of expenditures incurred (with administrative expenditures noted separately) in connection with premium assistance under this section.

(n) **LIMITATION.**—

(1) **IN GENERAL.**—Notwithstanding section 602(1) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1162(1)) or any other provision of part 6 of subtitle B of title I of such Act of 1974 (29 U.S.C. 1161 et seq.), section 2202(1) of the Public Health Service Act (42 U.S.C. 300bb-2) or any other provision of such Act (42 U.S.C. 201 et seq.), section 4980B(f)(2)(A) of the Internal Revenue Code of 1986 or any other provision of such Code, section 8905a of title 5, United States Code, or any provision of State law, in the case of coverage described in subsection (a)(1) for an assistance eligible individual—

(A) such coverage shall exclude coverage of an abortion (except to the extent described in section 507(a) of division A of Public Law 116-94) for any period of coverage beginning on or after the date of enactment of this Act, for which subsection (a)(1) applies to the individual; and

(B) if such coverage would, but for the requirement under subparagraph (A), include coverage of abortion (except to the extent described in such subparagraph) for such individual, the coverage shall be modified for such individual so that the coverage excludes abortion (except to the extent described in such subparagraph) for any period of coverage as described in such subparagraph.

(2) **RULE OF CONSTRUCTION.**—Nothing in this subtitle, or any amendment made by this subtitle, may be construed to require a health plan, including any COBRA continuation coverage, to provide coverage of any abortion.

(o) **DEADLINES WITH RESPECT TO NOTICES.**—Notwithstanding section 518 of the Employee Retirement Income Security Act of 1974 and section 7508A of the Internal Revenue Code

of 1986, the Secretary of Labor and the Secretary of the Treasury, respectively, may not waive or extend any deadline with respect to the provision of notices described in subsections (g), (h), and (i).

## SEC. 203. AMENDMENTS TO THE INTERNAL REVENUE CODE OF 1986.

(a) **COBRA PREMIUM ASSISTANCE.**—

(1) **IN GENERAL.**—Subchapter B of chapter 65 of the Internal Revenue Code of 1986 is amended by adding at the end the following new section:

### “SEC. 6432. CONTINUATION COVERAGE PREMIUM ASSISTANCE.

“(a) **IN GENERAL.**—The person to whom premiums are payable for continuation coverage under section 202(a)(1) of the Continuous Health Coverage for Workers Act shall be allowed as a credit against the tax imposed by section 3111(a), or so much of the taxes imposed under section 3221(a) as are attributable to the rate in effect under section 3111(a), for each calendar quarter an amount equal to the premiums not paid by assistance eligible individuals for such coverage by reason of such section 202(a)(1) with respect to such calendar quarter.

“(b) **PERSON TO WHOM PREMIUMS ARE PAYABLE.**—For purposes of subsection (a), except as otherwise provided by the Secretary, the person to whom premiums are payable under such continuation coverage shall be treated as being—

“(1) in the case of any group health plan which is a multiemployer plan (as defined in section 3(37) of the Employee Retirement Income Security Act of 1974), the plan,

“(2) in the case of any group health plan not described in paragraph (1)—

“(A) which provides church plan continuation coverage described in section 202(a)(1)(A)(ii), furlough continuation coverage described in section 202(a)(1)(A)(iii) of the Continuous Health Coverage for Workers Act or subject to the COBRA continuation provisions contained in—

“(i) this title,

“(ii) the Employee Retirement Income Security Act of 1974,

“(iii) the Public Health Service Act, or

“(iv) title 5, United States Code, or

“(B) under which some or all of the coverage is not provided by insurance, the employer maintaining the plan, and

“(3) in the case of any group health plan not described in paragraph (1) or (2), the insurer providing the coverage under the group health plan.

“(c) **LIMITATIONS AND REFUNDABILITY.**—

“(1) **CREDIT LIMITED TO CERTAIN EMPLOYMENT TAXES.**—The credit allowed by subsection (a) with respect to any calendar quarter shall not exceed the tax imposed by section 3111(a), or so much of the taxes imposed under section 3221(a) as are attributable to the rate in effect under section 3111(a), for such calendar quarter (reduced by any credits allowed under subsections (e) and (f) of section 3111, sections 7001 and 7003 of the Families First Coronavirus Response Act, section 2301 of the CARES Act, and sections 20204 and 20212 of the COVID-19 Tax Relief Act of 2020 for such quarter) on the wages paid with respect to the employment of all employees of the employer.

“(2) **REFUNDABILITY OF EXCESS CREDIT.**—

“(A) **CREDIT IS REFUNDABLE.**—If the amount of the credit under subsection (a) exceeds the limitation of paragraph (1) for any calendar quarter, such excess shall be treated as an overpayment that shall be refunded under sections 6402(a) and 6413(b).

“(B) **CREDIT MAY BE ADVANCED.**—In anticipation of the credit, including the refundable portion under subparagraph (A), the credit may be advanced, according to forms and instructions provided by the Secretary, up to

an amount calculated under subsection (a) through the end of the most recent payroll period in the quarter.

“(C) TREATMENT OF DEPOSITS.—The Secretary shall waive any penalty under section 6656 for any failure to make a deposit of the tax imposed by section 3111(a), or so much of the taxes imposed under section 3221(a) as are attributable to the rate in effect under section 3111(a), if the Secretary determines that such failure was due to the anticipation of the credit allowed under this section.

“(D) TREATMENT OF PAYMENTS.—For purposes of section 1324 of title 31, United States Code, any amounts due to an employer under this paragraph shall be treated in the same manner as a refund due from a credit provision referred to in subsection (b)(2) of such section.

“(3) LIMITATION ON REIMBURSEMENT FOR CERTAIN EMPLOYEES.—In the case of an individual who for any month is an assistance eligible individual described in subparagraph (B) or (C) of section 202(a)(3) of the Continuous Health Coverage for Workers Act with respect to any coverage, the credit determined with respect to such individual under subsection (a) for any such month ending during a calendar quarter shall not exceed the amount of premium the individual would have paid for a full month of such coverage for the month preceding the first month for which an individual is such an assistance eligible individual.

“(d) GOVERNMENTAL ENTITIES.—For purposes of this section, the term ‘person’ includes any governmental entity or Indian tribal government (as defined in section 139E(c)(1)).

“(e) DENIAL OF DOUBLE BENEFIT.—For purposes of chapter 1, the gross income of any person allowed a credit under this section shall be increased for the taxable year which includes the last day of any calendar quarter with respect to which such credit is allowed by the amount of such credit. No amount for which a credit is allowed under this section shall be taken into account as qualified wages under section 2301 of the CARES Act or as qualified health plan expenses under section 7001(d) or 7003(d) of the Families First Coronavirus Response Act.

“(f) REPORTING.—Each person entitled to reimbursement under subsection (a) for any period shall submit such reports (at such time and in such manner) as the Secretary may require, including—

“(1) an attestation of involuntary termination of employment, reduction of hours, or furloughing, for each assistance eligible individual on the basis of whose termination, reduction of hours, or furloughing entitlement to reimbursement is claimed under subsection (a),

“(2) a report of the amount of payroll taxes offset under subsection (a) for the reporting period, and

“(3) a report containing the TINs of all covered employees, the amount of subsidy reimbursed with respect to each employee, and a designation with respect to each employee as to whether the subsidy reimbursement is for coverage of 1 individual or 2 or more individuals.

“(g) REGULATIONS.—The Secretary shall issue such regulations or other guidance as may be necessary or appropriate to carry out this section, including—

“(1) the requirement to report information or the establishment of other methods for verifying the correct amounts of reimbursements under this section,

“(2) the application of this section to group health plans that are multiemployer plans (as defined in section 3(37) of the Employee Retirement Income Security Act of 1974),

“(3) to allow the advance payment of the credit determined under subsection (a), sub-

ject to the limitations provided in this section, based on such information as the Secretary shall require,

“(4) to provide for the reconciliation of such advance payment with the amount of the credit at the time of filing the return of tax for the applicable quarter or taxable year, and

“(5) with respect to the application of the credit to third party payors (including professional employer organizations, certified professional employer organizations, or agents under section 3504).

“(h) LIMITATION.—In the case of any period of coverage (as defined in section 202(1) of the Continuous Health Coverage for Workers Act) beginning on or after the date of enactment of this section, no credit shall be allowed under this section with respect to any coverage that includes coverage of an abortion (except as described in section 507(a) of division A of Public Law 116-94).”

(2) SOCIAL SECURITY TRUST FUNDS HELD HARMLESS.—There are hereby appropriated to the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund established under section 201 of the Social Security Act (42 U.S.C. 401) and the Social Security Equivalent Benefit Account established under section 15A(a) of the Railroad Retirement Act of 1974 (45 U.S.C. 231n-1(a)) amounts equal to the reduction in revenues to the Treasury by reason of this subsection (without regard to this paragraph). Amounts appropriated by the preceding sentence shall be transferred from the general fund at such times and in such manner as to replicate to the extent possible the transfers which would have occurred to such Trust Fund or Account had this section not been enacted.

(3) CLERICAL AMENDMENT.—The table of sections for subchapter B of chapter 65 of the Internal Revenue Code of 1986 is amended by adding at the end the following new item:

“Sec. 6432. Continuation coverage premium assistance.”

(4) EFFECTIVE DATE.—The amendments made by this subsection shall apply to premiums to which section 202(a)(1)(A) applies.

(5) SPECIAL RULE IN CASE OF EMPLOYEE PAYMENT THAT IS NOT REQUIRED UNDER THIS SECTION.—

(A) IN GENERAL.—In the case of an assistance eligible individual who pays, with respect any period of coverage to which section 202(a)(1)(A) applies, the amount of the premium for such coverage that the individual would have (but for this subtitle) been required to pay, the person to whom such payment is payable shall reimburse such individual for the amount of such premium paid.

(B) CREDIT OF REIMBURSEMENT.—A person to which subparagraph (A) applies shall be allowed a credit in the manner provided under section 6432 of the Internal Revenue Code of 1986 for any payment made to the employee under such subparagraph.

(C) PAYMENT OF CREDITS.—Any person to which subparagraph (A) applies shall make the payment required under such clause to the individual not later than 60 days after the date on which such individual elects continuation coverage under section 202(a)(1) of the Continuous Health Coverage for Workers Act.

(b) PENALTY FOR FAILURE TO NOTIFY HEALTH PLAN OF CESSATION OF ELIGIBILITY FOR PREMIUM ASSISTANCE.—

(1) IN GENERAL.—Part I of subchapter B of chapter 68 of the Internal Revenue Code of 1986 is amended by adding at the end the following new section:

**“SEC. 6720C. PENALTY FOR FAILURE TO NOTIFY HEALTH PLAN OF CESSATION OF ELIGIBILITY FOR CONTINUATION COVERAGE PREMIUM ASSISTANCE.**

“(a) IN GENERAL.—Except in the case of failure described in subsection (b) or (c), any person required to notify a group health plan under section 202(a)(2)(B) of the Continuous Health Coverage for Workers Act who fails to make such a notification at such time and in such manner as the Secretary of Labor may require shall pay a penalty of \$250.

“(b) INTENTIONAL FAILURE.—In the case of any such failure that is fraudulent, such person shall pay a penalty equal to the greater of—

“(1) \$250, or

“(2) 110 percent of the premium assistance provided under section 202(a)(1)(A) of the Continuous Health Coverage for Workers Act after termination of eligibility under such section.

“(c) REASONABLE CAUSE EXCEPTION.—No penalty shall be imposed under this section with respect to any failure if it is shown that such failure is due to reasonable cause and not to willful neglect.”

(2) CLERICAL AMENDMENT.—The table of sections of part I of subchapter B of chapter 68 of such Code is amended by adding at the end the following new item:

“Sec. 6720C. Penalty for failure to notify health plan of cessation of eligibility for continuation coverage premium assistance.”

(c) COORDINATION WITH HCTC.—

(1) IN GENERAL.—Section 35(g)(9) of the Internal Revenue Code of 1986 is amended to read as follows:

“(9) CONTINUATION COVERAGE PREMIUM ASSISTANCE.—In the case of an assistance eligible individual who receives premium assistance for continuation coverage under section 202(a)(1) of the Continuous Health Coverage for Workers Act for any month during the taxable year, such individual shall not be treated as an eligible individual, a certified individual, or a qualifying family member for purposes of this section or section 7527 with respect to such month.”

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall apply to taxable years ending after the date of the enactment of this Act.

(d) EXCLUSION OF CONTINUATION COVERAGE PREMIUM ASSISTANCE FROM GROSS INCOME.—

(1) IN GENERAL.—Part III of subchapter B of chapter 1 of the Internal Revenue Code of 1986 is amended by inserting after section 139H the following new section:

**“SEC. 139I. CONTINUATION COVERAGE PREMIUM ASSISTANCE.**

“In the case of an assistance eligible individual (as defined in subsection (a)(3) of section 202 of the Continuous Health Coverage for Workers Act), gross income does not include any premium assistance provided under subsection (a)(1) of such section.”

(2) CLERICAL AMENDMENT.—The table of sections for part III of subchapter B of chapter 1 of such Code is amended by inserting after the item relating to section 139H the following new item:

“Sec. 139I. Continuation coverage premium assistance.”

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply to taxable years ending after the date of the enactment of this Act.

**SEC. 204. RULE OF CONSTRUCTION.**

In all matters of interpretation, rules, and operational procedures, the language of this subtitle shall be interpreted broadly for the benefit of workers and their families.

**SA 2516.** Ms. MCSALLY submitted an amendment intended to be proposed by



her to the bill S. 178, to condemn gross human rights violations of ethnic Turkic Muslims in Xinjiang, and calling for an end to arbitrary detention, torture, and harassment of these communities inside and outside China; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

TITLE \_\_\_\_

DEPARTMENT OF HEALTH AND HUMAN SERVICES

OFFICE OF THE SECRETARY

PUBLIC HEALTH AND SOCIAL SERVICES  
EMERGENCY FUND

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for “Public Health and Social Services Emergency Fund”, \$16,000,000,000, to remain available until expended, to prevent, prepare for, and respond to coronavirus, domestically or internationally, which shall be for necessary expenses for testing, contact tracing, surveillance, containment, and mitigation to monitor and suppress COVID-19, including tests for both active infection and prior exposure, including molecular, antigen, and serological tests, the manufacturing, procurement and distribution of tests, testing equipment and testing supplies, including personal protective equipment needed for administering tests, the development and validation of rapid, molecular point-of-care tests, and other tests, support for workforce, epidemiology, to scale up academic, commercial, public health, and hospital laboratories, to conduct surveillance and contact tracing, support development of COVID-19 testing plans, and other related activities related to COVID-19 testing: *Provided*, That of the amount appropriated under this paragraph in this Act, not less than \$15,000,000,000 shall be for States, localities, territories, tribes, tribal organizations, urban Indian health organizations, or health service providers to tribes for necessary expenses for testing, contact tracing, surveillance, containment, and mitigation, including support for workforce, epidemiology, use by employers, elementary and secondary schools, child care facilities, institutions of higher education, long-term care facilities, or in other settings, scale up of testing by public health, academic, commercial, and hospital laboratories, and community-based testing sites, health care facilities, and other entities engaged in COVID-19 testing, and other related activities related to COVID-19 testing, contact tracing, surveillance, containment, and mitigation: *Provided further*, That the amount identified in the preceding proviso shall be allocated to States, localities, and territories according to the formula that applied to the Public Health Emergency Preparedness cooperative agreement in fiscal year 2019: *Provided further*, That not less than \$500,000,000 shall be allocated in coordination with the Director of the Indian Health Service, to tribes, tribal organizations, urban Indian health organizations, or health service providers to tribes: *Provided further*, That the Secretary of Health and Human Services (referred to in this paragraph as the “Secretary”) may satisfy the funding thresholds outlined in the first and third provisos under this paragraph in this Act by making awards through other grant or cooperative agreement mechanisms: *Provided further*, That the Governor or designee of each State, locality, territory, tribe, or tribal organization receiving funds pursuant to this title shall update their plans, as applicable, for COVID-19 testing and contact tracing submitted to the Secretary pursuant to the Paycheck Protec-

tion Program and Health Care Enhancement Act (Public Law 116-139) and submit such updates to the Secretary not later than 60 days after funds appropriated in this paragraph in this Act have been awarded to such recipient: *Provided further*, That funds an entity receives from amounts described in the first proviso in this paragraph may also be used for the rent, lease, purchase, acquisition, construction, alteration, renovation, or equipping of non-federally owned facilities to improve coronavirus preparedness and response capability at the State and local level: *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.

**SA 2517.** Ms. MCSALLY submitted an amendment intended to be proposed to amendment SA 2499 proposed by Mr. MCCONNELL to the bill S. 178, to condemn gross human rights violations of ethnic Turkic Muslims in Xinjiang, and calling for an end to arbitrary detention, torture, and harassment of these communities inside and outside China; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

TITLE \_\_\_\_

DEPARTMENT OF HEALTH AND HUMAN SERVICES

OFFICE OF THE SECRETARY

PUBLIC HEALTH AND SOCIAL SERVICES  
EMERGENCY FUND

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for “Public Health and Social Services Emergency Fund”, \$16,000,000,000, to remain available until expended, to prevent, prepare for, and respond to coronavirus, domestically or internationally, which shall be for necessary expenses for testing, contact tracing, surveillance, containment, and mitigation to monitor and suppress COVID-19, including tests for both active infection and prior exposure, including molecular, antigen, and serological tests, the manufacturing, procurement and distribution of tests, testing equipment and testing supplies, including personal protective equipment needed for administering tests, the development and validation of rapid, molecular point-of-care tests, and other tests, support for workforce, epidemiology, to scale up academic, commercial, public health, and hospital laboratories, to conduct surveillance and contact tracing, support development of COVID-19 testing plans, and other related activities related to COVID-19 testing: *Provided*, That of the amount appropriated under this paragraph in this Act, not less than \$15,000,000,000 shall be for States, localities, territories, tribes, tribal organizations, urban Indian health organizations, or health service providers to tribes for necessary expenses for testing, contact tracing, surveillance, containment, and mitigation, including support for workforce, epidemiology, use by employers, elementary and secondary schools, child care facilities, institutions of higher education, long-term care facilities, or in other settings, scale up of testing by public health, academic, commercial, and hospital laboratories, and community-based testing sites, health care facilities, and other entities engaged in COVID-19 testing, and other related activities related to COVID-19 testing, contact tracing, surveillance, containment, and mitigation: *Provided further*, That the amount identified in the preceding proviso shall be allocated to States, localities, and terri-

tories according to the formula that applied to the Public Health Emergency Preparedness cooperative agreement in fiscal year 2019: *Provided further*, That not less than \$500,000,000 shall be allocated in coordination with the Director of the Indian Health Service, to tribes, tribal organizations, urban Indian health organizations, or health service providers to tribes: *Provided further*, That the Secretary of Health and Human Services (referred to in this paragraph as the “Secretary”) may satisfy the funding thresholds outlined in the first and third provisos under this paragraph in this Act by making awards through other grant or cooperative agreement mechanisms: *Provided further*, That the Governor or designee of each State, locality, territory, tribe, or tribal organization receiving funds pursuant to this title shall update their plans, as applicable, for COVID-19 testing and contact tracing submitted to the Secretary pursuant to the Paycheck Protection Program and Health Care Enhancement Act (Public Law 116-139) and submit such updates to the Secretary not later than 60 days after funds appropriated in this paragraph in this Act have been awarded to such recipient: *Provided further*, That funds an entity receives from amounts described in the first proviso in this paragraph may also be used for the rent, lease, purchase, acquisition, construction, alteration, renovation, or equipping of non-federally owned facilities to improve coronavirus preparedness and response capability at the State and local level: *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.

**SA 2518.** Mr. BLUNT (for himself, Mrs. CAPITO, and Mrs. HYDE-SMITH) submitted an amendment intended to be proposed by him to the bill S. 178, to condemn gross human rights violations of ethnic Turkic Muslims in Xinjiang, and calling for an end to arbitrary detention, torture, and harassment of these communities inside and outside China; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

DEPARTMENT OF HEALTH AND HUMAN SERVICES

NATIONAL INSTITUTES OF HEALTH

NATIONAL HEART, LUNG, AND BLOOD INSTITUTE

For an additional amount for “National Heart, Lung, and Blood Institute”, \$290,000,000, 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 INSTITUTE OF DIABETES AND DIGESTIVE AND KIDNEY DISEASES

For an additional amount for “National Institute of Diabetes and Digestive and Kidney Diseases”, \$200,000,000, 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 INSTITUTE OF ALLERGY AND INFECTIOUS DISEASES

For an additional amount for “National Institute of Allergy and Infectious Diseases”,

\$480,555,000, to remain available until September 30, 2024, to prevent, prepare for, and respond to coronavirus, domestically or internationally: *Provided*, That \$55,000,000 shall be for Regional Biocontainment Laboratories: *Provided further*, That funding provided in the previous proviso shall be divided evenly among the eleven laboratories: *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.

EUNICE KENNEDY SHRIVER NATIONAL INSTITUTE OF CHILD HEALTH AND HUMAN DEVELOPMENT

For an additional amount for “Eunice Kennedy Shriver National Institute of Child Health and Human Development”, \$172,680,000, 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 MENTAL HEALTH

For an additional amount for “National Institute of Mental Health”, \$200,000,000, 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 INSTITUTE ON MINORITY HEALTH AND HEALTH DISPARITIES

For an additional amount for “National Institute on Minority Health and Health Disparities”, \$64,334,000, 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”, \$1,224,750,000, 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  
(INCLUDING TRANSFER OF FUNDS)

For an additional amount for “Office of the Director”, \$12,905,337,000, to remain available until September 30, 2024, to prevent, prepare for, and respond to coronavirus, domestically or internationally: *Provided*, That not less than \$10,100,000,000 of the amount provided under this heading in this Act shall be for offsetting the costs related to reductions in lab productivity resulting from the coronavirus pandemic or public health measures related to the coronavirus pandemic: *Provided further*, That \$1,325,337,000 of the amount provided under this heading in this Act shall be to support additional scientific research or the programs and platforms that support research: *Provided further*, That \$1,240,000,000 of the amount provided under this heading in this Act shall be provided to accelerate the research and development of therapeutic interventions and vaccines in

partnership: *Provided further*, that no less than \$240,000,000 of the amount provided under this heading in this Act shall be for supplements to existing research training awards for extensions and other costs: *Provided further*, That funds available under this heading in this Act may be transferred to the accounts of Institutes and Centers of the NIH: *Provided further*, That this transfer authority is in addition to any other transfer authority available to the NIH: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

**SA 2519.** Mr. BLUNT (for himself and Mr. DAINES) submitted an amendment intended to be proposed by him to the bill S. 178, to condemn gross human rights violations of ethnic Turkic Muslims in Xinjiang, and calling for an end to arbitrary detention, torture, and harassment of these communities inside and outside China; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

TITLE —  
DEPARTMENT OF HEALTH AND HUMAN SERVICES  
OFFICE OF THE SECRETARY  
PUBLIC HEALTH AND SOCIAL SERVICES  
EMERGENCY FUND  
(INCLUDING TRANSFER OF FUNDS)

For an additional amount for “Public Health and Social Services Emergency Fund”, \$26,000,000,000, to remain available until September 30, 2024, to prevent, prepare for, and respond to coronavirus, domestically or internationally, including the development of necessary countermeasures and vaccines, prioritizing platform-based technologies with U.S.-based manufacturing capabilities, the purchase of vaccines, therapeutics, diagnostics, necessary medical supplies, as well as medical surge capacity, addressing blood supply chain, workforce modernization, telehealth access and infrastructure, initial advanced manufacturing, novel dispensing, enhancements to the U.S. Commissioned Corps, and other preparedness and response activities: *Provided*, That funds appropriated under this paragraph in this Act may be used to develop and demonstrate innovations and enhancements to manufacturing platforms to support such capabilities: *Provided further*, That the Secretary of Health and Human Services shall purchase vaccines developed using funds made available under this paragraph in this Act to respond to an outbreak or pandemic related to coronavirus in quantities determined by the Secretary to be adequate to address the public health need: *Provided further*, That products purchased by the Federal government with funds made available under this paragraph in this Act, including vaccines, therapeutics, and diagnostics, shall be purchased in accordance with Federal Acquisition Regulation guidance on fair and reasonable pricing: *Provided further*, That the Secretary may take such measures authorized under current law to ensure that vaccines, therapeutics, and diagnostics developed from funds provided in this title will be affordable in the commercial market: *Provided further*, That in carrying out the previous proviso, the Secretary shall not take actions that delay the development of such products: *Provided further*, That the Secretary shall ensure that protections remain for individuals enrolled in group or individual health care coverage with pre-existing conditions, including those

linked to coronavirus: *Provided further*, That products purchased with funds appropriated under this paragraph in this Act may, at the discretion of the Secretary of Health and Human Services, be deposited in the Strategic National Stockpile under section 319F-2 of the Public Health Service Act: *Provided further*, That funds appropriated under this paragraph in this Act may be transferred to, and merged with, the fund authorized by section 319F-4, the Covered Countermeasure Process Fund, of the Public Health Service Act: *Provided further*, That of the amount appropriated under this paragraph in this Act, \$20,000,000,000 shall be available to the Biomedical Advanced Research and Development Authority for necessary expenses of manufacturing, production, and purchase, at the discretion of the Secretary, of vaccines, therapeutics, diagnostics, and small molecule active pharmaceutical ingredients, including the development, translation, and demonstration at scale of innovations in manufacturing platforms: *Provided further*, That funds in the previous proviso may be used for the construction or renovation of U.S.-based next generation manufacturing facilities, other than facilities owned by the United States Government: *Provided further*, That of the amount provided under this heading in this Act, \$6,000,000,000 shall be for activities to plan, prepare for, promote, distribute, administer, monitor, and track coronavirus vaccines to ensure broad-based distribution, access, and vaccine coverage: *Provided further*, That the Secretary shall coordinate funding and activities outlined in the previous proviso through the Director of CDC: *Provided further*, That the Secretary, through the Director of CDC, shall report to the Committees on Appropriations of the House of Representatives and the Senate within 60 days of enactment of this Act on a comprehensive coronavirus vaccine distribution strategy and spend plan that includes how existing infrastructure will be leveraged, enhancements or new infrastructure that may be built, considerations for moving and storing vaccines, guidance for how States and health care providers should prepare for, store, and administer vaccines, nationwide vaccination targets, funding that will be distributed to States, how an informational campaign to both the public and health care providers will be executed, and how the vaccine distribution plan will focus efforts on high risk, underserved, and minority populations: *Provided further*, That such plan shall be updated and provided to the Committees on Appropriations of the House of Representatives and the Senate 90 days after submission of the first plan: *Provided further*, That the Secretary shall notify the Committees on Appropriations of the House of Representatives and the Senate 2 days in advance of any obligation in excess of \$50,000,000, including but not limited to contracts and interagency agreements, from funds provided in this paragraph in this Act: *Provided further*, That funds appropriated under this paragraph in this Act may be used for the construction, alteration, or renovation of non-federally owned facilities for the production of vaccines, therapeutics, diagnostics, and medical supplies where the Secretary determines that such a contract is necessary to secure sufficient amounts of such supplies: *Provided further*, That the not later than 30 days after enactment of this Act, and every 30 days thereafter until funds are expended, the Secretary shall report to the Committees on Appropriations of the House of Representatives and the Senate on uses of funding for Operation Warp Speed, detailing current obligations by Department or Agency, or component thereof broken out by the coronavirus supplemental appropriations Act that provided the source of funds:

*Provided further*, That the plan outlined in the previous proviso shall include funding by contract, grant, or other transaction in excess of \$20,000,000 with a notation of which Department or Agency, and component thereof is managing the contract: *Provided further*, That the Secretary shall enter into an agreement with the National Academies of Sciences, Engineering, and Medicine (“Academies”) to develop a decision framework to assist domestic and global health authorities in planning an equitable distribution of coronavirus vaccines: *Provided further*, That the Academies, in developing the framework, shall consider equity criteria which may include consideration of risk factors related to health disparities and health care access, underlying health conditions, conditions faced by racial and ethnic minorities, individuals in higher-risk occupations, and first responders, geographic distribution of the coronavirus, and vaccine hesitancy: *Provided further*, That the Academies shall provide recommendations on vaccine distribution to the Advisory Committee on Immunization Practices not later than September 18, 2020: *Provided further*, That the agreement shall provide for an ongoing assessment by the Academies of how vaccine distribution meets equity criteria and recommendations for how vaccine distribution may better align with such criteria as applicable, which shall inform the Advisory Committee on Immunization Practices’s prioritization recommendations and vaccine distribution activities: *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.

**SA 2520.** Mr. BLUNT (for himself and Mr. ALEXANDER) submitted an amendment intended to be proposed by him to the bill S. 178, to condemn gross human rights violations of ethnic Turkic Muslims in Xinjiang, and calling for an end to arbitrary detention, torture, and harassment of these communities inside and outside China; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

#### TITLE \_\_\_\_\_

#### DEPARTMENT OF EDUCATION

##### EDUCATION STABILIZATION FUND

For an additional amount for “Education Stabilization Fund”, \$105,000,000,000, to remain available through 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.

#### GENERAL PROVISIONS

##### EDUCATION STABILIZATION FUND

SEC. \_\_\_\_ 11. (a) ALLOCATIONS.—From the amount made available under this heading in this Act to carry out the Education Stabilization Fund, the Secretary shall first allocate—

(1) not more than one half of 1 percent to the outlying areas on the basis of the terms and conditions for funding provided under this heading in the Coronavirus Aid, Relief, and Economic Security (CARES) Act (Public Law 116-136); and

(2) one-half of 1 percent for the Secretary of the Interior for programs operated or funded by the Bureau of Indian Education,

under the terms and conditions established for funding provided under this heading in the CARES Act (Public Law 116-136).

(b) RESERVATIONS.—After carrying out subsection (a), the Secretary shall reserve the remaining funds made available as follows:

(1) 5 percent to carry out section \_\_\_\_ 12 of this title.

(2) 67 percent to carry out section \_\_\_\_ 13 of this title.

(3) 28 percent to carry out section \_\_\_\_ 14 of this title.

#### GOVERNOR’S EMERGENCY EDUCATION RELIEF FUND

SEC. \_\_\_\_ 12. (a) GRANTS.—From funds reserved under section \_\_\_\_ 11(b)(1) of this title, the Secretary shall make supplemental Emergency Education Relief grants to the Governor of each State with an approved application under section 18002 of division B of the CARES Act (Public Law 116-136). The Secretary shall award funds under this section to the Governor of each State with an approved application within 30 calendar days of enactment of this Act.

(b) ALLOCATIONS.—The amount of each grant under subsection (a) shall be allocated by the Secretary to each State as follows:

(1) 60 percent on the basis of their relative population of individuals aged 5 through 24.

(2) 40 percent on the basis of their relative number of children counted under section 1124(c) of the Elementary and Secondary Education Act of 1965 (referred to under this heading as “ESEA”).

(c) USES OF FUNDS.—Grant funds awarded under subsection (b) may be used to—

(1) provide emergency support through grants to local educational agencies that the State educational agency deems have been most significantly impacted by coronavirus to support the ability of such local educational agencies to continue to provide educational services to their students and to support the on-going functionality of the local educational agency;

(2) provide emergency support through grants to institutions of higher education serving students within the State that the Governor determines have been most significantly impacted by coronavirus to support the ability of such institutions to continue to provide educational services and support the on-going functionality of the institution; and

(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 emergency educational services to students for authorized activities described in section \_\_\_\_ 13(e) of this title, the ESEA of 1965, the Higher Education Act of 1965, the provision of child care and early childhood education, social and emotional support, career and technical education, adult education, and the protection of education-related jobs.

(d) REALLOCATION.—Each Governor shall return to the Secretary any funds received under this section that the Governor does not award within 6 months of receiving such funds and the Secretary shall reallocate such funds to the remaining States in accordance with subsection (b).

(e) REPORT.—A Governor receiving funds under this section shall submit a report to the Secretary, not later than 6 months after receiving funding provided in this title, in such manner and with such subsequent frequency as the Secretary may require, that provides a detailed accounting of the use of funds provided under this section.

#### ELEMENTARY AND SECONDARY SCHOOL EMERGENCY RELIEF FUND

SEC. \_\_\_\_ 13. (a) GRANTS.—From funds reserved under section \_\_\_\_ 11(b)(2) of this title,

the Secretary shall make supplemental elementary and secondary school emergency relief grants to each State educational agency with an approved application under section 18003 of division B of the CARES Act (Public Law 116-136). The Secretary shall award funds under this section to each State educational agency with an approved application within 15 calendar days of enactment of this Act.

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

(c) SUBGRANTS.—From the payment provided by the Secretary under subsection (b), the State educational agency shall provide services and assistance to local educational agencies and non-public schools, consistent with the provisions of this title relating to the Department of Education. After carrying out the reservation of funds in section \_\_\_\_ 15 of this title, each State shall allocate not less than 90 percent of the remaining 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 and charter schools that are local educational agencies received under part A of title I of the ESEA of 1965 in the most recent fiscal year. The state educational agency shall make such subgrants to local educational agencies as follows—

(1) one-third of funds shall be awarded not less than 15 calendar days after receiving an award from the Secretary under this section; and

(2) the remaining two-thirds of funds shall be awarded only after the local educational agency submits to the Governor and the Governor approves a comprehensive school reopening plan for the 2020–2021 school-year, based on criteria determined by the Governor in consultation with the state educational agency (including criteria for the Governor to carry out subparagraph (A) through (C)), that describes how the local educational agency will safely reopen schools with the physical presence of students, consistent with maintaining safe and continuous operations aligned with challenging state academic standards. The Governor shall approve such plans within 30 days after the plan is submitted, subject to the requirements in subparagraphs (A) through (C).

(A) A local educational agency that provides in-person instruction for at least 50 percent of its students where the students physically attend school no less than 50 percent of each school-week, as it was defined by the local educational agency prior to the coronavirus emergency, shall have its plan automatically approved.

(B) A local educational agency that does not provide in-person instruction to any students where the students physically attend school in-person shall not be eligible to receive a subgrant under paragraph (2).

(C) A local educational agency that provides in-person instruction to at least some students where the students physically attend school in-person but does not satisfy the requirements in subparagraph (A) shall have its allocation reduced on a pro rata basis as determined by the Governor.

(d) PLAN CONTENTS.—A school reopening plan submitted to a Governor under subsection (c)(2) shall include, in addition to any other information necessary to meet the criteria determined by the Governor—

(1) A detailed timeline for when the local educational agency will provide in-person instruction, including the goals and criteria

used for providing full-time in-person instruction to all students;

(2) A description of how many days of in-person instruction per calendar week the local educational agency plans to offer to students during the 2020-2021 school year; and

(3) An assurance that the local educational agency will offer students as much in-person instruction as is safe and practicable, consistent with maintaining safe and continuous operations aligned with challenging state academic standards.

(e) USES OF FUNDS.—

(1) A local educational agency or non-public school that receives funds under subsection (c)(1) or section 15 may use funds for any of the following:

(A) Activities to support returning to in-person instruction, including purchasing personal protective equipment, implementing flexible schedules to keep children in isolated groups, purchasing box lunches so that children can eat in their classroom, purchasing physical barriers, providing additional transportation services, repurposing existing school rooms and space, and improving ventilation systems.

(B) Developing and implementing procedures and systems to improve the preparedness and response efforts of local educational agencies or non-public schools including coordination with State, local, Tribal, and territorial public health departments, and other relevant agencies, to improve coordinated responses among such entities to prevent, prepare for, and respond to coronavirus.

(C) Providing principals and other school leaders with the resources necessary to address the needs of their individual schools directly related to coronavirus.

(D) Providing additional services to address the unique needs of low-income children or students, children with disabilities, English learners, racial and ethnic minorities, students experiencing homelessness, and foster care youth, including how outreach and service delivery will meet the needs of each population.

(E) Training and professional development for staff of the local educational agency or non-public school on sanitation and minimizing the spread of infectious diseases.

(F) Purchasing supplies to sanitize, clean, and disinfect the facilities of a local educational agency or non-public school, including buildings operated by such agency.

(G) Planning for and coordinating during long-term closures, including for how to provide meals to eligible students, how to provide technology for online learning to all students, how to provide guidance for carrying out requirements under the Individuals with Disabilities Education Act (20 U.S.C. 1401 et seq.) and how to ensure other educational services can continue to be provided consistent with all Federal, State, and local requirements.

(H) Purchasing educational technology (including hardware, software, and connectivity) for students who are served by the local educational agency or non-public school 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.

(I) Expanding healthcare and other health services (including mental health services and supports), including for children at risk of abuse or neglect.

(J) Planning and implementing activities related to summer learning and supplemental afterschool programs, including providing classroom instruction or online learning during the summer months and addressing the needs of low-income students, stu-

dents with disabilities, English learners, migrant students, students experiencing homelessness, and children in foster care.

(2) A local educational agency that receives funds under subsection (c)(2) may use the funds for activities to carry out a comprehensive school reopening plan as described in this section, including:

(A) Purchasing personal protective equipment, implementing flexible schedules to keep children in isolated groups, purchasing box lunches so that children can eat in their classroom, purchasing physical barriers, providing additional transportation services, repurposing existing school rooms and space, and improving ventilation systems.

(B) Developing and implementation of procedures and systems to improve the preparedness and response efforts of local educational agencies or non-public schools, including coordination with State, local, Tribal, and territorial public health departments, and other relevant agencies, to improve coordinated responses among such entities to prevent, prepare for, and respond to coronavirus.

(C) Providing principals and others school leaders with the resources necessary to address the needs of their individual schools.

(D) Providing additional services to address the unique needs of low-income children or students, children with disabilities, English learners, racial and ethnic minorities, students experiencing homelessness, and foster care youth, including how outreach and service delivery will meet the needs of each population.

(E) Training and professional development for staff of the local educational agency or non-public school on sanitation and minimizing the spread of infectious diseases.

(F) Purchasing supplies to sanitize, clean, and disinfect the facilities of a local educational agency or non-public school, including buildings operated by such agency.

(G) Purchasing educational technology (including hardware, software, and connectivity) for students who are served by the local educational agency or non-public school 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.

(H) Expanding healthcare and other health services (including mental health services and supports), including for children at risk of abuse or neglect.

(I) Planning and implementing activities related to summer learning and supplemental afterschool programs, including providing classroom instruction 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.

(F) STATE FUNDING.—A State may reserve not more than 5 percent of the funds not otherwise allocated under subsection (c) and section 15 for 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.

(g) ASSURANCES.—A State, state educational agency, or local educational agency receiving funding under this section shall provide assurances, as applicable, that:

(1) A State, State educational agency, or local educational agency will maintain and expand access to high-quality schools, including high-quality public charter schools, and will not—

(A) enact policies to close or prevent the expansion of such schools to address revenue

shortfalls that result in the disproportionate closure or denial of expansion of public charter schools that are otherwise meeting the terms of their charter for academic achievement; or

(B) disproportionately reduce funding to charter schools or otherwise increase funding gaps between charter schools and other public schools in the local educational agency.

(2) Allocations of funding and services provided from funds provided in this section to public charter schools are made on the same basis as is used for all public schools, consistent with state law and in consultation with charter school leaders.

(h) REPORT.—A State receiving funds under this section shall submit a report to the Secretary, not later than 6 months after receiving funding provided in this title, in such manner and with such subsequent frequency as the Secretary may require, that provides a detailed accounting of the use of funds provided under this section.

(i) REALLOCATION.—A State shall return to the Secretary any funds received under this section that the State does not award within 4 months of receiving such funds and the Secretary shall deposit such funds into the general fund of the Treasury.

(j) RULE OF CONSTRUCTION.—

(1) The receipt of any funds authorized or appropriated under this section, including pursuant to section 15 of this Act, by a nonprofit entity, or by any individual who has been admitted or applied for admission to such entity (or any parent or guardian of such individual), shall not be construed to render such entity or person a recipient of Federal financial assistance for any purpose, nor shall any such person or entity be required to make any alteration to its existing programs, facilities, or employment practices except as required under this section.

(2) No State participating in any program under this section, including pursuant to section 15 of this Act, shall impose any penalty or additional requirement upon, or otherwise disadvantage, such entity or person as a consequence or condition of its receipt of such funds.

(3) No State participating in any program under this section shall authorize any person or entity to use any funds authorized or appropriated under this section, including pursuant to section 15 of this Act, except as provided by subsection (e), nor shall any such State impose any limits upon the use of any such funds except as provided by subsection (e).

HIGHER EDUCATION EMERGENCY RELIEF FUND

SEC. 14. (a) IN GENERAL.—From funds reserved under section 11(b)(3) of this title the Secretary shall allocate amounts as follows:

(1) 85 percent to each institution of higher education described in section 101 or section 102(c) of the Higher Education Act of 1965 to prevent, prepare for, and respond to coronavirus, by apportioning it—

(A) 90 percent according to the relative share of full-time equivalent enrollment of Federal Pell Grant recipients who were not exclusively enrolled in distance education courses prior to the coronavirus emergency; and

(B) 10 percent according to the relative share of full-time equivalent enrollment of students who were not Federal Pell Grant recipients who were not exclusively enrolled in distance education courses prior to the coronavirus emergency.

(2) 10 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 14(a)(1) 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 distributed to eligible institutions of higher education, except as otherwise provided in subparagraphs (A)–(D), on the basis of the formula described in section 14(a)(1) of this title:

(A) Except as otherwise provided in subparagraph (B), for eligible institutions under part B of title III and subpart 4 of part A of title VII of the Higher Education Act, the Secretary shall allot to each eligible institution an amount using the following formula:

(i) 70 percent according to a ratio equivalent to the number of Pell Grant recipients in attendance at such institution at the end of the school year preceding the beginning of the most recent fiscal year and the total number of Pell Grant recipients at all such institutions;

(ii) 20 percent according to a ratio equivalent to the total number of students enrolled at such institution at the end of the school year preceding the beginning of that fiscal year and the number of students enrolled at all such institutions; and

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

(B) For eligible institutions under section 326 of the Higher Education Act, the Secretary shall allot to each eligible institution an amount in proportion to the award received from funding for such institutions in the Further Consolidated Appropriations Act, 2020 (Public Law 116-94);

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

(D) Notwithstanding section 318(f) of the Higher Education Act, for eligible institutions under section 318 of the Higher Education Act, the Secretary shall allot funding according to the formula in section 318(e) of the Higher Education Act.

(3) 5 percent for grants to institutions of higher education that the Secretary determines, through an application process and after allocating funds under paragraphs 14(a)(1) and (2) of this Act, have the greatest unmet needs related to coronavirus. In awarding funds to institutions of higher education under this paragraph the Secretary shall prioritize institutions of higher education—

(A) described under title I of the Higher Education Act of 1965 that were not eligible to receive an award under section 14(a)(1) of this title, including institutions described in section 102(b) of the Higher Education Act of 1965; and

(B) that otherwise demonstrate significant needs related to coronavirus that were not addressed by funding allocated under subsections (a)(1) or (a)(2) of this section.

(b) DISTRIBUTION.—The funds made available to each institution under subsection (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. 1001 et seq.).

(c) USES OF FUNDS.—An institution of higher education receiving funds under this section may use the funds received to:

(1) defray expenses associated with coronavirus (including lost revenue, reimbursement for expenses already incurred, technology costs associated with a transi-

tion to distance education, faculty and staff trainings, and payroll); and

(2) provide financial aid grants to students (including students exclusively enrolled in distance education), which may be used for any component of the student's cost of attendance or for emergency costs that arise due to coronavirus.

(d) SPECIAL PROVISIONS.—

(1) A Historically Black College and University or a Minority Serving Institution may use prior awards provided under titles III, V, and VII of the Higher Education Act to prevent, prepare for, and respond to coronavirus.

(2) An institution of higher education receiving funds under section 18004 of division B of the CARES Act (Public Law 116-136) may use those funds under the terms and conditions of section 14(c) of this Act. Amounts repurposed pursuant to this paragraph that were previously designated by the Congress as an emergency requirement pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985 are designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

(3) No funds received by an institution of higher education under this section shall be used to fund contractors for the provision of pre-enrollment recruitment activities; endowments; or capital outlays associated with facilities related to athletics, sectarian instruction, or religious worship.

(4) An institution of higher education that was required to remit payment to the Internal Revenue Service for the excise tax based on investment income of private colleges and universities under section 4968 of the Internal Revenue Code of 1986 for tax year 2019 shall have their allocation under this section reduced by 50 percent and may only use funds for activities described in paragraph (c)(2). This paragraph shall not apply to an institution of higher education designated by the Secretary as an eligible institution under section 448 of the Higher Education Act of 1965.

(e) REPORT.—An institution receiving funds under this section shall submit a report to the Secretary, not later than 6 months after receiving funding provided in this title, in such manner and with such subsequent frequency as the Secretary may require, that provides a detailed accounting of the use of funds provided under this section.

(f) REALLOCATION.—Any funds allocated to an institution of higher education under this section on the basis of a formula described in subsection (a)(1) or (a)(2) but for which an institution does not apply for funding within 60 days of the publication of the notice inviting applications, shall be reallocated to eligible institutions that had submitted an application by such date.

#### ASSISTANCE TO NON-PUBLIC SCHOOLS

SEC. 15. (a) FUNDS AVAILABILITY.—From the payment provided by the Secretary under section 13 of this title to a State educational agency, the State educational agency shall reserve an amount of funds equal to the percentage of students enrolled in non-public elementary and secondary schools in the State prior to the coronavirus emergency. Upon reserving funds under this section, the Governor of the State shall award such funds equally to each non-public school accredited or otherwise located in and licensed to operate in the State based on the number of low-income students enrolled in the non-public school as a share of all low-income students enrolled in non-public elementary and secondary schools in the State prior to the coronavirus emergency, subject to the requirements in subsection (b).

(b)(1) A non-public school that provides in-person instruction for at least 50 percent of its students where the students physically attend school no less than 50 percent of each school-week, as determined by the non-public school prior to the coronavirus emergency, shall be eligible for the full amount of assistance per student as prescribed under this section.

(2) A non-public school that does not provide in-person instruction to any students where the students physically attend school in-person shall only be eligible for one-third of the amount of assistance per student as prescribed under this section.

(3) A non-public school that provides in-person instruction to at least some students where the students physically attend school in-person but does not satisfy the requirements in paragraph (1) shall have its amount of assistance as prescribed under this section reduced on a pro rata basis, which shall be calculated using the same methodology as is used under section 13(c)(2)(C) of this title.

(4) A Governor shall allocate not less than 50 percent of the funds reserved in this section to non-public schools within 30 days of receiving an award from the Secretary and the remaining 50 percent not less than 4 months after receiving an award from the Secretary.

#### CONTINUED PAYMENT TO EMPLOYEES

SEC. 16. A local educational agency, State, institution of higher education, 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. 17. Except as otherwise provided in sections 11–16 of this title, as used in such sections—

(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 operates in accordance with State law; and (B) was in existence prior to the date of the qualifying emergency for which grants are awarded under this section;

(7) the term "public school" means a public elementary or secondary school; and

(8) any other term used that is defined in section 8101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801) shall have the meaning given the term in such section.

#### MAINTENANCE OF EFFORT

SEC. 18. A State's application for funds to carry out sections 12 or 13 of this title shall include assurances that the State will maintain support for elementary and secondary education, and State support for higher education (which shall include State funding to institutions of higher education and state need-based financial aid, and shall not include support for capital projects or for research and development or tuition and fees paid by students) in fiscal years 2020 and

2021 at least at the proportional levels of such State's support for elementary and secondary education and for higher education relative to such States overall spending in fiscal year 2019.

#### 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, for carrying out part D of title I, and subparts 1, 3, 9 and 10 of part A, and parts B, C, D, and E of title IV of the HEA, and subpart 1 of part A of title VII of the Public Health Service 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.

#### INSTITUTE OF EDUCATION SCIENCES

For an additional amount for "Institute of Education Sciences", \$65,000,000, to remain available through September 30, 2021, to prevent, prepare for, and respond to coronavirus, domestically or internationally, for carrying out the National Assessment of Educational Progress Authorization Act (title III of Public Law 107-279): *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

##### PROGRAM ADMINISTRATION

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: *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", \$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, grants, and projects funded in this title 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.

#### GENERAL PROVISIONS

SEC. 19. Funds made available in Public Law 115-245 under the heading "National Technical Institute for the Deaf" that were available for obligation through fiscal year 2019, and where a valid obligation was incurred in such fiscal year, are to remain available for obligation and expenditure by educational agencies or institutions through fiscal year 2021, notwithstanding section 412(b) of the General Education Provisions Act (20 U.S.C. 1225): *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. 20. Funds made available in Public Law 115-245 under the heading "Gallaudet University" that were available for obligation through fiscal year 2019, and where a valid obligation was incurred in such fiscal year, are to remain available for obligation and expenditure by educational agencies or institutions through fiscal year 2021, not-

withstanding section 412(b) of the General Education Provisions Act (20 U.S.C. 1225): *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. 21. Funds made available in Public Law 113-76 under the heading "Innovation and Improvement" that were available for obligation through December 31, 2014 for the Investing in Innovation program pursuant to the eighth and ninth provisos under that heading in that Act are to remain available through fiscal year 2021 for the liquidation of valid obligations incurred in fiscal years 2014 or 2015: *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. 22. Funds made available in Public Law 113-76 under the heading "Rehabilitation Services and Disability Research" that were available for obligation through fiscal year 2015 for the Automated Personalization Computing Project pursuant to the first four provisos under that heading in that Act are to remain available through fiscal year 2021 for the liquidation of valid obligations incurred in fiscal years 2014 or 2015: *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.

**SA 2521.** Mr. BLUNT submitted an amendment intended to be proposed to amendment SA 2499 proposed by Mr. MCCONNELL to the bill S. 178, to condemn gross human rights violations of ethnic Turkic Muslims in Xinjiang, and calling for an end to arbitrary detention, torture, and harassment of these communities inside and outside China; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

TITLE —DEPARTMENTS OF LABOR,  
HEALTH AND HUMAN SERVICES, AND  
EDUCATION, AND RELATED AGENCIES

Subtitle A—Labor

DEPARTMENT OF LABOR

EMPLOYMENT AND TRAINING ADMINISTRATION  
TRAINING AND EMPLOYMENT SERVICES

For an additional amount for "Training and Employment Services", \$950,000,000, to remain available through September 30, 2022, to prevent, prepare for, and respond to coronavirus, domestically or internationally, which shall be used as follows:

(1) \$500,000,000 for grants to States for dislocated worker employment and training activities, including training services provided through individual training accounts, incumbent worker training, transitional jobs, customized training, on-the-job training, the identification of training providers including online providers, and activities to facilitate remote access to employment and training services through a one-stop center that lead to employment in high-skill, high-wage, or in-demand industry sectors or occupations, including health care, direct care, and manufacturing;

(2) \$150,000,000 for grants to States for youth workforce investment activities: *Provided*, That a local board shall not be required to meet the requirements of section 129(a)(4)(A) of the Workforce Innovation and Opportunity Act (29 U.S.C. 3164(a)(4)(A)): *Provided further*, That each State and local area receiving funds under this paragraph in this

Act for youth workforce investment activities shall give priority to out-of-school youth and eligible youth who are members of one or more populations listed in section 3(24) of such Act (29 U.S.C. 3102(24));

(3) \$150,000,000 for adult employment and training activities; and

(4) \$150,000,000 for the dislocated workers assistance national reserve:

*Provided further*, That notwithstanding section 128(a) of the Workforce Innovation and Opportunity Act (29 U.S.C. 3163(a)), the Governor may reserve up to 25 percent of the funds allotted under each of paragraphs (1), (2), and (3) under this heading in this Act for statewide activities described in sections 129(b) and 134(a) of such Act: *Provided further*, That notwithstanding section 128(b)(4) of the Workforce Innovation and Opportunity Act (29 U.S.C. 3163(b)(4)), local areas may use not more than 20 percent of the funds allocated to the local area under each of paragraphs (1), (2), and (3) under this heading in this Act for administrative costs: *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.

#### STATE UNEMPLOYMENT INSURANCE AND EMPLOYMENT SERVICE OPERATIONS

For an additional amount for "State Unemployment Insurance and Employment Service Operations", \$1,504,000,000, to prevent, prepare for, and respond to coronavirus, domestically or internationally, which may be expended from the Employment Security Administration Account in the Unemployment Trust Fund ("The Trust Fund"), of which:

(1) \$1,115,500,000 from the Trust Fund to remain available through December 31, 2021, is for grants to States for the administration of State unemployment insurance laws as authorized under title III of the Social Security Act including grants to upgrade information technology to improve the administration and processing of unemployment compensation claims: *Provided*, That, the Secretary may distribute such amounts, with respect to upgrading information technology, based on the condition and needs of the State information technology systems or other appropriate factors, which may include the ratio described under section 903(a)(2)(B) of the Social Security Act: *Provided further*, That funds provided for information technology under this heading in this Act shall be available for obligation by the States through September 30, 2027 and available for expenditure by the States through September 30, 2028;

(2) \$38,500,000 from the Trust Fund is for national activities necessary to support the administration of the Federal-State unemployment insurance system, to remain available through September 30, 2021; and

(3) \$350,000,000 from the Trust Fund is for grants to States in accordance with section 6 of the Wagner-Peyser Act, to remain available through June 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.

#### DEPARTMENTAL MANAGEMENT SALARIES AND EXPENSES

##### (INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Departmental Management", \$15,600,000, to remain available until September 30, 2022, 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, and activities under Public Law 116-136: *Provided*, That the Secretary of Labor may transfer the amounts provided under this heading in this Act as necessary to “Employment and Training Administration—Program Administration”, “Employee Benefits Security Administration”, “Wage and Hour Division”, “Office of Workers’ Compensation Programs”, “Occupational Safety and Health Administration”, and “Mine Safety and Health Administration”, to prevent, prepare for, and respond to coronavirus, including for enforcement, oversight, and coordination activities in those accounts: *Provided further*, That of the amount provided under this heading in this Act, \$5,000,000, to remain available until expended, shall be transferred to “Office of Inspector General”, for oversight of activities related to Public Law 116-127 and Public Law 116-136 and for oversight activities supported with funds appropriated to the Department of Labor to prevent, prepare for, and respond to coronavirus: *Provided further*, That 15 days prior to transferring any funds pursuant to the previous provisos under the heading in this Act, the Secretary shall provide to the Committees on Appropriations of the House of Representatives and the Senate an operating plan describing the planned uses of each amount proposed to be transferred: *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 PROVISION

SEC. \_\_\_\_ 01. Paragraph (1) under the heading “Department of Labor—Veterans Employment and Training” of title I of division A of Public Law 116-94 is amended by striking “obligation by the States through December 31, 2020” and inserting “expenditure by the States through September 30, 2022”: *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.

#### SUBTITLE B—HEALTH AND HUMAN SERVICES DEPARTMENT OF HEALTH AND HUMAN SERVICES CENTERS FOR DISEASE CONTROL AND PREVENTION

##### CDC-WIDE ACTIVITIES AND PROGRAM SUPPORT

For an additional amount for “CDC-Wide Activities and Program Support”, \$3,400,000,000, to remain available until September 30, 2024, to prevent, prepare for, and respond to coronavirus, domestically or internationally: *Provided*, That of the amount provided under this heading in this Act, not less than \$1,500,000,000 shall be for grants to or cooperative agreements with States, localities, territories, tribes, tribal organizations, urban Indian health organizations, or health service providers to tribes, including to carry out surveillance, epidemiology, laboratory capacity, infection control, immunization activity, mitigation, communications, and other preparedness and response activities: *Provided further*, That the amounts included in the previous proviso shall be allocated to States, localities, and territories according to the formula that applied to the Public Health Emergency Preparedness cooperative agreement in fiscal year 2019: *Provided further*, That of the amount in the first proviso, not less than \$125,000,000 shall be allocated to tribes, tribal organizations, urban Indian health organizations, or health service providers to tribes: *Provided further*, That the Director of the Centers for Disease Control and Prevention (“CDC”) may satisfy the funding thresholds outlined in the first and third provisos by

making awards through other grant or cooperative agreement mechanisms: *Provided further*, That of the amount provided under this heading in this Act, up to \$500,000,000 shall be for activities to plan, prepare for, promote, distribute, administer, monitor, and track seasonal influenza vaccines to ensure broad-based distribution, access, and vaccine coverage: *Provided further*, That funds provided under this heading in this Act may reimburse CDC obligations incurred for coronavirus vaccine planning, preparation, promotion, and distribution prior to the enactment of this Act: *Provided further*, That CDC shall report to the Committees on Appropriations of the House of Representatives and the Senate within 60 days of enactment of this Act on an enhanced seasonal influenza vaccination strategy to include nationwide vaccination goals and specific actions that CDC will take to achieve such goals: *Provided further*, That of the amount provided under this heading in this Act, not less than \$200,000,000 shall be for global disease detection and emergency response to be coordinated with funds provided in Public Law 116-123 and Public Law 116-136 to global disease detection and emergency response to support CDC-led global health security response including CDC regional planning efforts: *Provided further*, That CDC shall provide an update to the global health security report required in Public Law 116-94 within 90 days of enactment of this Act that shall include a spend plan for funds appropriated in the previous proviso and funds appropriated for global disease detection and emergency response in Public Law 116-123 and Public Law 116-136: *Provided further*, That such spend plan shall describe the regions and countries that CDC will prioritize and describe how CDC and USAID are coordinating during planning and implementation: *Provided further*, That within one year of enactment of this Act and every 365 days thereafter until funds provided in the eighth proviso in this paragraph and in Public Law 116-123 and Public Law 116-136 for global disease detection and emergency response are expended, CDC shall provide an evaluation outlining how investments in countering global health threats, as well as investments made by region or country, as applicable, have improved infectious disease response capability in the region or country and additional progress needed: *Provided further*, That of the amount provided under this heading in this Act, not less than \$200,000,000 shall be for public health data surveillance and analytics modernization to be coordinated with funds provided in Public Law 116-136 to support CDC-led data modernization efforts to improve disease reporting across the country: *Provided further*, That CDC shall update the public health data surveillance and IT systems modernization report to the Committees on Appropriations of the House of Representatives and the Senate required by Public Law 116-94 within 180 days of enactment of this Act and every 365 days thereafter until funds provided under this heading in this Act and in Public Law 116-136 for public health surveillance and data collection modernization are expended: *Provided further*, That such report shall include an assessment of the progress State and territorial public health lab grantees have had in meeting data modernization goals, an assessment of the progress CDC internal public health data systems have had meeting data modernization goals, and a detailed plan for CDC’s long-term data modernization goals, including how CDC will receive near real-time data across the disease reporting platforms: *Provided further*, That funds appropriated under this heading in this Act may be used for grants for the rent, lease, purchase, acquisition, construction, alteration, or renovation

of non-federally owned facilities to improve preparedness and response capability at the State, territorial, tribal, and local level: *Provided further*, That funds provided under this heading in this Act may be used for purchase and insurance of official motor vehicles in foreign countries: *Provided further*, That of the amount provided under this heading in this Act, \$1,000,000 shall be to develop and maintain a data system to be known as the Public Safety Officer Suicide Reporting System, to collect data on the suicide incidence among public safety officers; and facilitate the study of successful interventions to reduce suicide among public safety officers: *Provided further*, That such system shall be integrated into the National Violent Death Reporting System: *Provided further*, That amounts repurposed under this heading in this Act that were previously designated by the Congress as an emergency requirement pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985 are designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985: *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 INSTITUTES OF HEALTH

##### NATIONAL HEART, LUNG, AND BLOOD INSTITUTE

For an additional amount for “National Heart, Lung, and Blood Institute”, \$290,000,000, 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 INSTITUTE OF DIABETES AND DIGESTIVE AND KIDNEY DISEASES

For an additional amount for “National Institute of Diabetes and Digestive and Kidney Diseases”, \$200,000,000, 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 INSTITUTE OF ALLERGY AND INFECTIOUS DISEASES

For an additional amount for “National Institute of Allergy and Infectious Diseases”, \$480,555,000, to remain available until September 30, 2024, to prevent, prepare for, and respond to coronavirus, domestically or internationally: *Provided*, That \$55,000,000 shall be for Regional Biocontainment Laboratories: *Provided further*, That funding provided in the previous proviso shall be divided evenly among the eleven laboratories: *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.

##### EUNICE KENNEDY SHRIVER NATIONAL INSTITUTE OF CHILD HEALTH AND HUMAN DEVELOPMENT

For an additional amount for “Eunice Kennedy Shriver National Institute of Child Health and Human Development”, \$172,680,000, 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 MENTAL HEALTH

For an additional amount for “National Institute of Mental Health”, \$200,000,000, 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 INSTITUTE ON MINORITY HEALTH AND HEALTH DISPARITIES

For an additional amount for “National Institute on Minority Health and Health Disparities”, \$64,334,000, 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”, \$1,224,750,000, 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 (INCLUDING TRANSFER OF FUNDS)

For an additional amount for “Office of the Director”, \$12,905,337,000, to remain available until September 30, 2024, to prevent, prepare for, and respond to coronavirus, domestically or internationally: *Provided*, That not less than \$10,100,000,000 of the amount provided under this heading in this Act shall be for offsetting the costs related to reductions in lab productivity resulting from the coronavirus pandemic or public health measures related to the coronavirus pandemic: *Provided further*, That \$1,325,337,000 of the amount provided under this heading in this Act shall be to support additional scientific research or the programs and platforms that support research: *Provided further*, That \$1,240,000,000 of the amount provided under this heading in this Act shall be provided to accelerate the research and development of therapeutic interventions and vaccines in partnership: *Provided further*, that no less than \$240,000,000 of the amount provided under this heading in this Act shall be for supplements to existing research training awards for extensions and other costs: *Provided further*, That funds available under this heading in this Act may be transferred to the accounts of Institutes and Centers of the NIH: *Provided further*, That this transfer authority is in addition to any other transfer authority available to the NIH: *Provided further*, That the Director shall enter into an agreement with the National Academies of Sciences, Engineering, and Medicine (“Academies”) to develop a decision framework to assist domestic and global health authorities in planning an equitable allocation of coronavirus vaccines: *Provided further*, That the Academies shall consider equity criteria which may include consideration of risk factors related to health disparities and health care access, underlying health conditions, racial and ethnic minorities, higher-risk occupations, first responders, geographic dis-

tribution of the virus, and vaccine hesitancy: *Provided further*, That the Academies shall provide recommendations to the Advisory Committee on Immunization Practices no later than September 18, 2020: *Provided further*, That the agreement shall include an ongoing assessment of how vaccine distribution meets equity criteria and recommendations for how vaccine distribution may better align with such criteria as applicable which shall inform the Advisory Committee on Immunization Practices prioritization recommendations and vaccine distribution activities: *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.

#### SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES ADMINISTRATION

##### HEALTH SURVEILLANCE AND PROGRAM SUPPORT

For an additional amount for “Health Surveillance and Program Support”, \$4,500,000,000, to remain available through September 30, 2021, to prevent, prepare for, and respond to coronavirus, domestically or internationally: *Provided*, That of the amount appropriated under this heading in this Act, \$1,500,000,000 shall be for grants for the substance abuse prevention and treatment block grant program under subpart II of part B of title XIX of the Public Health Service Act (“PHS Act”): *Provided further*, That of the amount appropriated under this heading in this Act, \$2,000,000,000 shall be for grants for the community mental health services block grant program under subpart I of part B of title XIX of the PHS Act: *Provided further*, That of the amount appropriated in the previous proviso, the Assistant Secretary is directed to provide no less than 50 percent of funds directly to facilities defined in section 1913(c) of the PHS Act: *Provided further*, That of the amount appropriated under this heading in this Act, not less than \$600,000,000 is available for Certified Community Behavioral Health Clinic Expansion Grant program: *Provided further*, That of the amount appropriated under this heading in this Act, not less than \$50,000,000 shall be available for suicide prevention programs: *Provided further*, That of the amount appropriated under this heading in this Act, \$100,000,000 shall be for activities and services under Project AWARE: *Provided further*, That of the amount appropriated under this heading in this Act, not less than \$250,000,000 is available for activities authorized under section 501(o) of the PHS Act: *Provided further*, That from within the amount appropriated under this heading in this Act in the previous provisos, a total of not less than \$15,000,000 shall be allocated to tribes, tribal organizations, urban Indian health organizations, or health or behavioral health service providers to tribes: *Provided further*, That with respect to the amount appropriated under this heading in this Act the Substance Abuse and Mental Health Services Administration may waive requirements with respect to allowable activities, timelines, or reporting requirements for the Substance Abuse Prevention and Treatment Block Grant and the Community Mental Health Services Block Grant as deemed necessary to facilitate a grantee’s response 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.

#### CENTERS FOR MEDICARE & MEDICAID SERVICES PROGRAM MANAGEMENT

For an additional amount for “Program Management”, \$150,000,000, to remain available through September 30, 2023, to prevent,

prepare for, and respond to coronavirus, domestically and internationally: *Provided*, That amounts appropriated under this heading in this Act shall be for Centers for Medicare and Medicaid Services (“CMS”) strike teams for resident and employee safety in skilled nursing facilities and nursing facilities, including activities to support clinical care, infection control, and staffing: *Provided further*, That CMS shall provide a report to the Committees on Appropriations of the House of Representatives and the Senate 30 days after enactment of this Act outlining a plan for executing strike team efforts, including how safety and infection control measures will be assessed, how facilities will be chosen, and the frequency by which skilled nursing facilities and nursing facilities will be visited: *Provided further*, That CMS shall administer section 223 of Public Law 113-93 and consult with the Substance Abuse and Mental Health Services Administration, as necessary: *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.

#### ADMINISTRATION FOR CHILDREN AND FAMILIES

##### LOW INCOME HOME ENERGY ASSISTANCE

For an additional amount for “Low Income Home Energy Assistance”, \$1,500,000,000, to remain available through September 30, 2021, to prevent, prepare for, or respond to coronavirus, domestically or internationally, which shall be for making payments under subsection (b) of section 2602 of the Low-Income Home Energy Assistance Act of 1981 (42 U.S.C. 8621 et seq.): *Provided*, That of the amount provided under this heading in this Act, \$375,000,000 shall be allocated as though the total appropriation for such payments for fiscal year 2020 was less than \$1,975,000,000: *Provided further*, That section 2607(b)(2)(B) of such Act (42 U.S.C. 8626(b)(2)(B)) shall not apply to funds made available under this heading in this Act in fiscal year 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.

#### PAYMENTS TO STATES FOR THE CHILD CARE AND DEVELOPMENT BLOCK GRANT

For an additional amount for “Payments to States for the Child Care and Development Block Grant”, \$5,000,000,000, to remain available through September 30, 2021, to prevent, prepare for, and respond to coronavirus, domestically or internationally, including for Federal administrative expenses, which shall be used to supplement, not supplant State, Territory, and Tribal general revenue funds for child care assistance for low-income families within the United States (including territories) without regard to requirements in sections 658E(c)(3)(D)–(E) or 658G of the Child Care and Development Block Grant Act: *Provided*, That funds provided under this heading in this Act may be used to provide continued payments and assistance to child care providers in the case of decreased enrollment or closures related to coronavirus, and to assure they are able to remain open or reopen as appropriate and applicable: *Provided further*, That States, Territories, and Tribes are encouraged to place conditions on payments to child care providers that ensure that child care providers use a portion of funds received to continue to pay the salaries and wages of staff: *Provided further*, That the Secretary shall remind States that CCDBG State plans do not need to be amended prior to utilizing existing authorities in the CCDBG Act for

the purposes provided herein: *Provided further*, That States, Territories, and Tribes are authorized to use funds appropriated under this heading in this Act to provide child care assistance to health care sector employees, emergency responders, sanitation workers, and other workers deemed essential during the response to coronavirus by public officials, without regard to the income eligibility requirements of section 658P(4) of such Act: *Provided further*, That funds appropriated under this heading in this Act shall be available to eligible child care providers under section 658P(6) of the CCDBG Act, even if such providers were not receiving CCDBG assistance prior to the public health emergency as a result of the coronavirus and any renewal of such declaration pursuant to such section 319, for the purposes of cleaning and sanitation, and other activities necessary to maintain or resume the operation of programs: *Provided further*, That payments made under this heading in this Act may be obligated in this fiscal year or the succeeding two fiscal years: *Provided further*, That funds appropriated under this heading in this Act may be made available to restore amounts, either directly or through reimbursement, for obligations incurred 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 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.

#### CHILDREN AND FAMILIES SERVICES PROGRAMS

For an additional amount for “Children and Families Services Programs”, \$190,000,000, to remain available through September 30, 2021, to prevent, prepare for, and respond to coronavirus, domestically or internationally, including for Federal administrative expenses, which shall be used as follows:

(1) \$65,000,000 for Family Violence Prevention and Services grants as authorized by section 303(a) and 303(b) of the Family Violence and Prevention and Services Act with such funds available to grantees without regard to matching requirements under section 306(c)(4) of such Act, of which \$2,000,000 shall be for the National Domestic Violence Hotline: *Provided*, That the Secretary may make such funds available for providing temporary housing and assistance to victims of family, domestic, and dating violence;

(2) \$75,000,000 for child welfare services as authorized by subpart 1 of part B of title IV of the Social Security Act (other than sections 426, 427, and 429 of such subpart), with such funds available to grantees without regard to matching requirements under section 424(a) of that Act or any applicable reductions in Federal financial participation under section 424(f) of that Act; and

(3) \$50,000,000 for necessary expenses for community-based grants for the prevention of child abuse and neglect under section 209 of the Child Abuse Prevention and Treatment Act, which the Secretary shall make available without regard to section 203(b)(1) and 204(4) of such Act:

*Provided further*, That funds appropriated under this heading in this Act may be made available to restore amounts, either directly or through reimbursement, for obligations incurred 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 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.

#### BACK TO WORK CHILD CARE GRANTS

For an additional amount for “Back to Work Child Care Grants”, \$10,000,000,000, to remain available through September 30, 2021, to prevent, prepare for, and respond to coronavirus, domestically or internationally, which shall be for activities to carry out Back to Work Child Care Grants to qualified child care providers, for a transition period of not more than 9 months to assist in paying for fixed costs and increased operating expenses due to COVID-19, and to reenroll children in an environment that supports the health and safety of children and staff: *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.

#### ADMINISTRATION FOR COMMUNITY LIVING AGING AND DISABILITY SERVICES PROGRAMS

For an additional amount for “Aging and Disability Services Programs”, \$75,000,000, to remain available until September 30, 2021, to prevent, prepare for, and respond to coronavirus, domestically or internationally: *Provided*, That of the amount made available under this heading in this Act to prevent, prepare for, and respond to coronavirus, \$58,000,000 shall be for activities authorized under the Older Americans Act of 1965 (“OAA”), including \$3,000,000 to implement a demonstration program on strategies to recruit, retain, and advance direct care workers under section 411(a)(13) of the OAA; \$35,000,000 for supportive services under part B of title III of the OAA; and \$20,000,000 for support services for family caregivers under part E of title III of the OAA: *Provided further*, That of the amount made available under this heading in this Act, \$10,000,000 shall be available to support protection and advocacy systems, as described under subtitle C of title I of the Developmental Disabilities Assistance and Bill of Rights Act of 2000 (42 U.S.C. 15041 et seq.): *Provided further*, That of the amount made available under this heading in this Act, \$2,000,000 shall be for training, technical assistance, and resource centers authorized under sections 202(a) and 411 of the OAA; training and technical assistance to centers for independent living as authorized under section 721(b) of the Rehabilitation Act of 1973 (except that the reservations under paragraph (1) of such section shall not apply); technical assistance by the Secretary of Health and Human Services (“Secretary”) to State Councils on Developmental Disabilities as authorized under subtitle B of title I of the Developmental Disabilities Assistance and Bill of Rights Act of 2000 (except that the reservations under section 129(b) of such Act shall not apply); technical assistance by the Secretary to protection and advocacy systems as authorized under subtitle C of such title (except that the limits under section 142(a)(6) of such Act shall not apply); and technical assistance to University Centers for Excellence in Developmental Disabilities Education, Research, and Service as authorized under section 151(c) of such Act (except that the reservations under section 156(a)(3)(B) of such Act shall not apply): *Provided further*, That of the amount made available under this heading in this Act, \$5,000,000 shall be for activities authorized in the Assistive Technology Act of 2004: *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 SECRETARY PUBLIC HEALTH AND SOCIAL SERVICES EMERGENCY FUND

##### (INCLUDING TRANSFER OF FUNDS)

For an additional amount for “Public Health and Social Services Emergency

Fund”, \$29,000,000,000, to remain available until September 30, 2024, to prevent, prepare for, and respond to coronavirus, domestically or internationally, including the development of necessary countermeasures and vaccines, prioritizing platform-based technologies with U.S.-based manufacturing capabilities, the purchase of vaccines, therapeutics, diagnostics, necessary medical supplies, as well as medical surge capacity, addressing blood supply chain, workforce modernization, telehealth access and infrastructure, initial advanced manufacturing, novel dispensing, enhancements to the U.S. Commissioned Corps, and other preparedness and response activities: *Provided*, That funds appropriated under this paragraph in this Act may be used to develop and demonstrate innovations and enhancements to manufacturing platforms to support such capabilities: *Provided further*, That the Secretary of Health and Human Services shall purchase vaccines developed using funds made available under this paragraph in this Act to respond to an outbreak or pandemic related to coronavirus in quantities determined by the Secretary to be adequate to address the public health need: *Provided further*, That products purchased by the Federal government with funds made available under this paragraph in this Act, including vaccines, therapeutics, and diagnostics, shall be purchased in accordance with Federal Acquisition Regulation guidance on fair and reasonable pricing: *Provided further*, That the Secretary may take such measures authorized under current law to ensure that vaccines, therapeutics, and diagnostics developed from funds provided in this title will be affordable in the commercial market: *Provided further*, That in carrying out the previous proviso, the Secretary shall not take actions that delay the development of such products: *Provided further*, That the Secretary shall ensure that protections remain for individuals enrolled in group or individual health care coverage with pre-existing conditions, including those linked to coronavirus: *Provided further*, That products purchased with funds appropriated under this paragraph in this Act may, at the discretion of the Secretary of Health and Human Services, be deposited in the Strategic National Stockpile under section 319F-2 of the Public Health Service Act: *Provided further*, That of the amount appropriated under this paragraph in this Act, not more than \$2,000,000,000 shall be for the Strategic National Stockpile under section 319F-2(a) of such Act: *Provided further*, That funds appropriated under this paragraph in this Act may be transferred to, and merged with, the fund authorized by section 319F-4, the Covered Countermeasure Process Fund, of the Public Health Service Act: *Provided further*, That of the amount appropriated under this paragraph in this Act, \$20,000,000,000 shall be available to the Biomedical Advanced Research and Development Authority for necessary expenses of manufacturing, production, and purchase, at the discretion of the Secretary, of vaccines, therapeutics, diagnostics, and small molecule active pharmaceutical ingredients, including the development, translation, and demonstration at scale of innovations in manufacturing platforms: *Provided further*, That funds in the previous proviso may be used for the construction or renovation of U.S.-based next generation manufacturing facilities, other than facilities owned by the United States Government: *Provided further*, That of the amount provided under this heading in this Act, \$6,000,000,000 shall be for activities to plan, prepare for, promote, distribute, administer, monitor, and track coronavirus vaccines to ensure broad-based distribution, access, and vaccine coverage: *Provided further*, That the Secretary shall coordinate

funding and activities outlined in the previous proviso through the Director of CDC: *Provided further*, That the Secretary, through the Director of CDC, shall report to the Committees on Appropriations of the House of Representatives and the Senate within 60 days of enactment of this Act on a comprehensive coronavirus vaccine distribution strategy and spend plan that includes how existing infrastructure will be leveraged, enhancements or new infrastructure that may be built, considerations for moving and storing vaccines, guidance for how States and health care providers should prepare for, store, and administer vaccines, nationwide vaccination targets, funding that will be distributed to States, how an informational campaign to both the public and health care providers will be executed, and how the vaccine distribution plan will focus efforts on high risk, underserved, and minority populations: *Provided further*, That such plan shall be updated and provided to the Committees on Appropriations of the House of Representatives and the Senate 90 days after submission of the first plan: *Provided further*, That the Secretary shall notify the Committees on Appropriations of the House of Representatives and the Senate 2 days in advance of any obligation in excess of \$50,000,000, including but not limited to contracts and interagency agreements, from funds provided in this paragraph in this Act: *Provided further*, That funds appropriated under this paragraph in this Act may be used for the construction, alteration, or renovation of non-federally owned facilities for the production of vaccines, therapeutics, diagnostics, and medical supplies where the Secretary determines that such a contract is necessary to secure sufficient amounts of such supplies: *Provided further*, That the not later than 30 days after enactment of this Act, and every 30 days thereafter until funds are expended, the Secretary shall report to the Committees on Appropriations of the House of Representatives and the Senate on uses of funding for Operation Warp Speed, detailing current obligations by Department or Agency, or component thereof broken out by the coronavirus supplemental appropriations Act that provided the source of funds: *Provided further*, That the plan outlined in the previous proviso shall include funding by contract, grant, or other transaction in excess of \$20,000,000 with a notation of which Department or Agency, and component thereof is managing the contract: *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 “Public Health and Social Services Emergency Fund”, \$8,085,000,000, to remain available until September 30, 2022, to prevent, prepare for, and respond to coronavirus, domestically or internationally: *Provided*, That \$7,600,000,000 of the funds appropriated under this paragraph in this Act shall be transferred to “Health Resources and Services Administration—Primary Health Care” for grants, cooperative agreements, and other necessary expenses under the Health Centers Program, as defined by section 330 of the PHS Act, including funding for alteration, renovation, construction, equipment, and other capital improvement costs, and including funding to support, maintain, or increase health center capacity and staffing levels, as necessary, to meet the needs of areas affected by coronavirus: *Provided further*, That sections 330(r)(2)(B), 330(e)(3), 330(e)(6)(A)(iii), and 330(e)(6)(B)(iii) of the PHS Act shall not apply to funds in the preceding proviso: *Provided further*, That funding made available under this paragraph in this Act shall not be

subject to requirements under the National Environmental Policy Act of 1969 or the National Historic Preservation Act of 1966: *Provided further*, That for the purposes of any funding provided for fiscal year 2020 for the Health Centers Program pursuant to section 330 of the PHS Act (42 U.S.C. 254b), maintaining current health center capacity and staffing levels during a public health emergency as a result of the coronavirus and any renewal of such declaration pursuant to such section 319 shall be deemed a cost of prevention, diagnosis, and treatment of coronavirus: *Provided further*, That \$250,000,000 of the funds appropriated under this paragraph in this Act shall be transferred to “Health Resources and Services Administration—Bureau of Health Workforce”, to remain available until September 30, 2022, for supplements to existing payments under subsections 340E(a) and (h)(1) notwithstanding the cap imposed by subsection (h)(1) and notwithstanding subsection (h)(6), for Children’s Hospitals Graduate Medical Education, to prevent, prepare for, and respond to coronavirus, domestically or internationally: *Provided further*, That \$5,000,000 of the funds appropriated under this paragraph in this Act shall be transferred to “Health Resources and Services Administration—Health Care Systems”, to remain available until September 30, 2022, for activities under sections 1271 and 1273 of the PHS Act to improve the capacity of poison control centers to respond to increased calls: *Provided further*, That of the amount appropriated under this paragraph in this Act, \$225,000,000 shall be for grants or other mechanisms, to rural health clinics as defined in section 1861(aa)(2) of the Social Security Act with such funds also available to such entities for building or construction of temporary structures, leasing of properties, and retrofitting facilities as necessary to support COVID-19 testing: *Provided further*, That such funds shall be distributed using the procedures developed for the Provider Relief Fund authorized under the third paragraph under this heading in division B of the Coronavirus Aid, Relief, and Economic Security Act (Public Law 116-136); may be distributed using contracts or agreements established for such program; and shall be subject to the process requirements applicable to such program: *Provided further*, That the Secretary may specify a minimum amount for each eligible entity accepting assistance under the two previous provisos: *Provided further*, That of the amount made available under this heading in this Act to prevent, prepare for, and respond to coronavirus, \$5,000,000, shall be available to implement section 747A of the PHS Act and section 747A(c) shall not apply to these 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.

For an additional amount for “Public Health and Social Services Emergency Fund”, \$16,000,000,000, to remain available until expended, to prevent, prepare for, and respond to coronavirus, domestically or internationally, which shall be for necessary expenses for testing, contact tracing, surveillance, containment, and mitigation to monitor and suppress COVID-19, including tests for both active infection and prior exposure, including molecular, antigen, and serological tests, the manufacturing, procurement and distribution of tests, testing equipment and testing supplies, including personal protective equipment needed for administering tests, the development and validation of rapid, molecular point-of-care tests, and other tests, support for workforce, epidemiology, to scale up academic, commercial, public health, and hospital laboratories,

to conduct surveillance and contact tracing, support development of COVID-19 testing plans, and other related activities related to COVID-19 testing: *Provided*, That of the amount appropriated under this paragraph in this Act, not less than \$15,000,000,000 shall be for States, localities, territories, tribes, tribal organizations, urban Indian health organizations, or health service providers to tribes for necessary expenses for testing, contact tracing, surveillance, containment, and mitigation, including support for workforce, epidemiology, use by employers, elementary and secondary schools, child care facilities, institutions of higher education, long-term care facilities, or in other settings, scale up of testing by public health, academic, commercial, and hospital laboratories, and community-based testing sites, health care facilities, and other entities engaged in COVID-19 testing, and other related activities related to COVID-19 testing, contact tracing, surveillance, containment, and mitigation: *Provided further*, That the amount identified in the preceding proviso shall be allocated to States, localities, and territories according to the formula that applied to the Public Health Emergency Preparedness cooperative agreement in fiscal year 2019: *Provided further*, That not less than \$500,000,000 shall be allocated in coordination with the Director of the Indian Health Service, to tribes, tribal organizations, urban Indian health organizations, or health service providers to tribes: *Provided further*, That the Secretary of Health and Human Services (referred to in this paragraph as the “Secretary”) may satisfy the funding thresholds outlined in the first and third provisos under this paragraph in this Act by making awards through other grant or cooperative agreement mechanisms: *Provided further*, That the Governor or designee of each State, locality, territory, tribe, or tribal organization receiving funds pursuant to this title shall update their plans, as applicable, for COVID-19 testing and contact tracing submitted to the Secretary pursuant to the Paycheck Protection Program and Health Care Enhancement Act (Public Law 116-139) and submit such updates to the Secretary not later than 60 days after funds appropriated in this paragraph in this Act have been awarded to such recipient: *Provided further*, That funds an entity receives from amounts described in the first proviso in this paragraph may also be used for the rent, lease, purchase, acquisition, construction, alteration, renovation, or equipping of non-federally owned facilities to improve coronavirus preparedness and response capability at the State and local level: *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 “Public Health and Social Services Emergency Fund”, \$25,000,000,000, to remain available until expended, to prevent, prepare for, and respond to coronavirus, domestically or internationally, which shall be for necessary expenses to reimburse, through grants or other mechanisms, eligible health care providers for health care related expenses or lost revenues that are attributable to coronavirus: *Provided*, That these funds may not be used to reimburse expenses or losses that have been reimbursed from other sources or that other sources are obligated to reimburse: *Provided further*, That recipients of payments under this paragraph shall submit reports and maintain documentation as the Secretary determines are needed to ensure compliance with conditions that are imposed by this paragraph for such payments, and such reports and documentation shall be in such form, with such content, and

in such time as the Secretary may prescribe for such purpose: *Provided further*, That “eligible health care providers” means public entities, Medicare or Medicaid enrolled suppliers and providers, and such for-profit entities and not-for-profit entities not otherwise described in this proviso as the Secretary may specify, within the United States (including territories), that provide diagnoses, testing, or care for individuals with possible or actual cases of COVID-19: *Provided further*, That the Secretary of Health and Human Services shall, on a rolling basis, review applications and make payments under this paragraph in this Act: *Provided further*, That funds appropriated under this paragraph in this Act shall be available for building or construction of temporary structures, leasing of properties, medical supplies and equipment including personal protective equipment and testing supplies, increased workforce and trainings, emergency operation centers, retrofitting facilities, and surge capacity: *Provided further*, That, in this paragraph, the term “payment” means a pre-payment, prospective payment, or retrospective payment, as determined appropriate by the Secretary: *Provided further*, That payments under this paragraph shall be made in consideration of the most efficient payment systems practicable to provide emergency payment: *Provided further*, That to be eligible for a payment under this paragraph, an eligible health care provider shall submit to the Secretary of Health and Human Services an application that includes a statement justifying the need of the provider for the payment and the eligible health care provider shall have a valid tax identification number: *Provided further*, That, not later than 3 years after final payments are made under this paragraph, the Office of Inspector General of the Department of Health and Human Services shall transmit a final report on audit findings with respect to this program to the Committees on Appropriations of the House of Representatives and the Senate: *Provided further*, That nothing in this section limits the authority of the Inspector General or the Comptroller General to conduct audits of interim payments at an earlier date: *Provided further*, That not later than 60 days after the date of enactment of this Act, the Secretary of Health and Human Services shall provide a report to the Committees on Appropriations of the House of Representatives and the Senate on obligation of funds, including obligations to such eligible health care providers summarized by State of the payment receipt: *Provided further*, That such reports shall be updated and submitted to such Committees every 60 days until funds are expended: *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

##### (INCLUDING TRANSFER OF FUNDS)

SEC. 10. Funds appropriated by this subtitle 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. 11. Funds made available by this subtitle may be used to enter into contracts with individuals for the provision of personal services (as described in section 104 of part 37 of title 48, 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*, That such individuals 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 the authority made available pursuant to this section shall expire on September 30, 2024.

SEC. 12. (a) If services performed by an employee during 2020 are determined by the head of the agency to be primarily related to preparation, prevention, or response to coronavirus, any premium pay for such services shall be disregarded in calculating the aggregate of such employee's basic pay and premium pay for purposes of a limitation under section 5547(a) of title 5, United States Code, or under any other provision of law, whether such employee's pay is paid on a bi-weekly or calendar year basis.

(b) Any overtime pay for such services shall be disregarded in calculating any annual limit on the amount of overtime pay payable in a calendar or fiscal year.

(c) With regard to such services, any pay that is disregarded under either subsection (a) or (b) shall be disregarded in calculating such employee's aggregate pay for purposes of the limitation in section 5307 of such title 5.

(d)(1) Pay that is disregarded under subsection (a) or (b) shall not cause the aggregate of the employee's basic pay and premium pay for the applicable calendar year to exceed the rate of basic pay payable for a position at level II of the Executive Schedule under section 5313 of title 5, United States Code, as in effect at the end of such calendar year.

(2) 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 under a premium pay limit established under an authority other than section 5547 of title 5, United States Code, the agency responsible for administering such limit shall determine what payments are considered premium pay.

(e) This section shall take effect as if enacted on February 2, 2020.

(f) 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 5551 or section 5552 of title 5, United States Code.

SEC. 13. The paragraph codified at 42 U.S.C. 231 shall be applied in this and all other fiscal years as though the phrase “central services” referred to central services for any Federal agency, and this section shall be effective as if enacted on the date of enactment of such paragraph.

SEC. 14. Funds appropriated by this subtitle to the heading “Department of Health and Human Services” except for the amounts specified in the third, and fourth paragraphs under the heading “Public Health and Social Services Emergency Fund”, may be transferred to, and merged with, other appropriation accounts under the headings “Centers for Disease Control and Prevention”, “Public Health and Social

Services Emergency Fund”, “Administration for Children and Families”, “Administration for Community Living”, and “National Institutes of Health” to prevent, prepare for, and respond to coronavirus following consultation with the Office of Management and Budget: *Provided*, That the Committees on Appropriations of the House of Representatives and the Senate shall be notified 10 days in advance of any such transfer: *Provided further*, That, upon a determination that all or part of the funds transferred from an appropriation by this subtitle are not necessary, such amounts may be transferred back to that appropriation: *Provided further*, That none of the funds made available by this subtitle may be transferred pursuant to the authority in section 205 of division A of Public Law 116-94 or section 241(a) of the PHS Act.

SEC. 15. Of the funds appropriated by this subtitle under the heading “Public Health and Social Services Emergency Fund”, up to \$6,000,000 shall be transferred to, and merged with, funds made available under the heading “Office of the Secretary, Office of Inspector General”, and shall remain available until expended, for oversight of activities supported with funds appropriated to the Department of Health and Human Services to prevent, prepare for, and respond to coronavirus, domestically or internationally: *Provided*, That the Inspector General of the Department of Health and Human Services 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.

SEC. 16. Funds made available in Public Law 113-235 to the accounts of the National Institutes of Health that were available for obligation through fiscal year 2015 are to remain available through fiscal year 2021 for the liquidation of valid obligations incurred in fiscal year 2015: *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. 17. Section 675B(b)(3) of the Community Services Block Grant Act (42 U.S.C. 9906(b)(3)) shall not apply with respect to funds appropriated by the Coronavirus Aid, Relief, and Economic Security Act (Public Law 116-136) to carry out the Community Services Block Grant Act (42 U.S.C. 9901 et seq.): *Provided*, That the amounts repurposed in this section that were previously designated by the Congress as an emergency requirement pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985 are designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

#### Subtitle C—Education

#### DEPARTMENT OF EDUCATION

##### EDUCATION STABILIZATION FUND

For an additional amount for “Education Stabilization Fund”, \$105,000,000,000, to remain available through 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.

#### GENERAL PROVISIONS

##### EDUCATION STABILIZATION FUND

SEC. 21. (a) ALLOCATIONS.—From the amount made available under this heading in this Act to carry out the Education Stabilization Fund, the Secretary shall first allocate—

(1) not more than one half of 1 percent to the outlying areas on the basis of the terms and conditions for funding provided under this heading in the Coronavirus Aid, Relief, and Economic Security (CARES) Act (Public Law 116-136); and

(2) one-half of 1 percent for the Secretary of the Interior for programs operated or funded by the Bureau of Indian Education, under the terms and conditions established for funding provided under this heading in the CARES Act (Public Law 116-136).

(b) RESERVATIONS.—After carrying out subsection (a), the Secretary shall reserve the remaining funds made available as follows:

(1) 5 percent to carry out section 22 of this title.

(2) 67 percent to carry out section 23 of this title.

(3) 28 percent to carry out section 24 of this title.

#### GOVERNOR'S EMERGENCY EDUCATION RELIEF FUND

SEC. 22. (a) GRANTS.—From funds reserved under section 21(b)(1) of this title, the Secretary shall make supplemental Emergency Education Relief grants to the Governor of each State with an approved application under section 18002 of division B of the CARES Act (Public Law 116-136). The Secretary shall award funds under this section to the Governor of each State with an approved application within 30 calendar days of enactment of this Act.

(b) ALLOCATIONS.—The amount of each grant under subsection (a) shall be allocated by the Secretary to each State as follows:

(1) 60 percent on the basis of their relative population of individuals aged 5 through 24.

(2) 40 percent on the basis of their relative number of children counted under section 1124(c) of the Elementary and Secondary Education Act of 1965 (referred to under this heading as “ESEA”).

(c) USES OF FUNDS.—Grant funds awarded under subsection (b) may be used to—

(1) provide emergency support through grants to local educational agencies that the State educational agency deems have been most significantly impacted by coronavirus to support the ability of such local educational agencies to continue to provide educational services to their students and to support the on-going functionality of the local educational agency;

(2) provide emergency support through grants to institutions of higher education serving students within the State that the Governor determines have been most significantly impacted by coronavirus to support the ability of such institutions to continue to provide educational services and support the on-going functionality of the institution; and

(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 emergency educational services to students for authorized activities described in section 23(e) of this title, the ESEA of 1965, the Higher Education Act of 1965, the provision of child care and early childhood education, social and emotional support, career and technical education, adult education, and the protection of education-related jobs.

(d) REALLOCATION.—Each Governor shall return to the Secretary any funds received under this section that the Governor does not award within 6 months of receiving such funds and the Secretary shall reallocate such funds to the remaining States in accordance with subsection (b).

(e) REPORT.—A Governor receiving funds under this section shall submit a report to the Secretary, not later than 6 months after

receiving funding provided in this title, in such manner and with such subsequent frequency as the Secretary may require, that provides a detailed accounting of the use of funds provided under this section.

#### ELEMENTARY AND SECONDARY SCHOOL EMERGENCY RELIEF FUND

SEC. 23. (a) GRANTS.—From funds reserved under section 21(b)(2) of this title, the Secretary shall make supplemental elementary and secondary school emergency relief grants to each State educational agency with an approved application under section 18003 of division B of the CARES Act (Public Law 116-136). The Secretary shall award funds under this section to each State educational agency with an approved application within 15 calendar days of enactment of this Act.

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

(c) SUBGRANTS.—From the payment provided by the Secretary under subsection (b), the State educational agency shall provide services and assistance to local educational agencies and non-public schools, consistent with the provisions of this subtitle. After carrying out the reservation of funds in section 25 of this title, each State shall allocate not less than 90 percent of the remaining 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 and charter schools that are local educational agencies received under part A of title I of the ESEA of 1965 in the most recent fiscal year. The state educational agency shall make such subgrants to local educational agencies as follows—

(1) one-third of funds shall be awarded not less than 15 calendar days after receiving an award from the Secretary under this section; and

(2) the remaining two-thirds of funds shall be awarded only after the local educational agency submits to the Governor and the Governor approves a comprehensive school reopening plan for the 2020-2021 school-year, based on criteria determined by the Governor in consultation with the state educational agency (including criteria for the Governor to carry out subparagraph (A) through (C)), that describes how the local educational agency will safely reopen schools with the physical presence of students, consistent with maintaining safe and continuous operations aligned with challenging state academic standards. The Governor shall approve such plans within 30 days after the plan is submitted, subject to the requirements in subparagraphs (A) through (C).

(A) A local educational agency that provides in-person instruction for at least 50 percent of its students where the students physically attend school no less than 50 percent of each school-week, as it was defined by the local educational agency prior to the coronavirus emergency, shall have its plan automatically approved.

(B) A local educational agency that does not provide in-person instruction to any students where the students physically attend school in-person shall not be eligible to receive a subgrant under paragraph (2).

(C) A local educational agency that provides in-person instruction to at least some students where the students physically attend school in-person but does not satisfy the requirements in subparagraph (A) shall

have its allocation reduced on a pro rata basis as determined by the Governor.

(d) PLAN CONTENTS.—A school reopening plan submitted to a Governor under subsection (c)(2) shall include, in addition to any other information necessary to meet the criteria determined by the Governor—

(1) A detailed timeline for when the local educational agency will provide in-person instruction, including the goals and criteria used for providing full-time in-person instruction to all students;

(2) A description of how many days of in-person instruction per calendar week the local educational agency plans to offer to students during the 2020-2021 school year; and

(3) An assurance that the local educational agency will offer students as much in-person instruction as is safe and practicable, consistent with maintaining safe and continuous operations aligned with challenging state academic standards.

(e) USES OF FUNDS.—

(1) A local educational agency or non-public school that receives funds under subsection (c)(1) or section 25 may use funds for any of the following:

(A) Activities to support returning to in-person instruction, including purchasing personal protective equipment, implementing flexible schedules to keep children in isolated groups, purchasing box lunches so that children can eat in their classroom, purchasing physical barriers, providing additional transportation services, repurposing existing school rooms and space, and improving ventilation systems.

(B) Developing and implementing procedures and systems to improve the preparedness and response efforts of local educational agencies or non-public schools including coordination with State, local, Tribal, and territorial public health departments, and other relevant agencies, to improve coordinated responses among such entities to prevent, prepare for, and respond to coronavirus.

(C) Providing principals and other school leaders with the resources necessary to address the needs of their individual schools directly related to coronavirus.

(D) Providing additional services to address the unique needs of low-income children or students, children with disabilities, English learners, racial and ethnic minorities, students experiencing homelessness, and foster care youth, including how outreach and service delivery will meet the needs of each population.

(E) Training and professional development for staff of the local educational agency or non-public school on sanitation and minimizing the spread of infectious diseases.

(F) Purchasing supplies to sanitize, clean, and disinfect the facilities of a local educational agency or non-public school, including buildings operated by such agency.

(G) Planning for and coordinating during long-term closures, including for how to provide meals to eligible students, how to provide technology for online learning to all students, how to provide guidance for carrying out requirements under the Individuals with Disabilities Education Act (20 U.S.C. 1401 et seq.) and how to ensure other educational services can continue to be provided consistent with all Federal, State, and local requirements.

(H) Purchasing educational technology (including hardware, software, and connectivity) for students who are served by the local educational agency or non-public school 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.



(I) Expanding healthcare and other health services (including mental health services and supports), including for children at risk of abuse or neglect.

(J) Planning and implementing activities related to summer learning and supplemental afterschool programs, including providing classroom instruction or online 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.

(2) A local educational agency that receives funds under subsection (c)(2) may use the funds for activities to carry out a comprehensive school reopening plan as described in this section, including:

(A) Purchasing personal protective equipment, implementing flexible schedules to keep children in isolated groups, purchasing box lunches so that children can eat in their classroom, purchasing physical barriers, providing additional transportation services, repurposing existing school rooms and space, and improving ventilation systems.

(B) Developing and implementation of procedures and systems to improve the preparedness and response efforts of local educational agencies or non-public schools, including coordination with State, local, Tribal, and territorial public health departments, and other relevant agencies, to improve coordinated responses among such entities to prevent, prepare for, and respond to coronavirus.

(C) Providing principals and others school leaders with the resources necessary to address the needs of their individual schools.

(D) Providing additional services to address the unique needs of low-income children or students, children with disabilities, English learners, racial and ethnic minorities, students experiencing homelessness, and foster care youth, including how outreach and service delivery will meet the needs of each population.

(E) Training and professional development for staff of the local educational agency or non-public school on sanitation and minimizing the spread of infectious diseases.

(F) Purchasing supplies to sanitize, clean, and disinfect the facilities of a local educational agency or non-public school, including buildings operated by such agency.

(G) Purchasing educational technology (including hardware, software, and connectivity) for students who are served by the local educational agency or non-public school 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.

(H) Expanding healthcare and other health services (including mental health services and supports), including for children at risk of abuse or neglect.

(I) Planning and implementing activities related to summer learning and supplemental afterschool programs, including providing classroom instruction 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.

(f) STATE FUNDING.—A State may reserve not more than 5 percent of the funds not otherwise allocated under subsection (c) and section 25 for 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.

(g) ASSURANCES.—A State, state educational agency, or local educational agency receiving funding under this section shall provide assurances, as applicable, that:

(1) A State, State educational agency, or local educational agency will maintain and expand access to high-quality schools, including high-quality public charter schools, and will not—

(A) enact policies to close or prevent the expansion of such schools to address revenue shortfalls that result in the disproportionate closure or denial of expansion of public charter schools that are otherwise meeting the terms of their charter for academic achievement; or

(B) disproportionately reduce funding to charter schools or otherwise increase funding gaps between charter schools and other public schools in the local educational agency.

(2) Allocations of funding and services provided from funds provided in this section to public charter schools are made on the same basis as is used for all public schools, consistent with state law and in consultation with charter school leaders.

(h) REPORT.—A State receiving funds under this section shall submit a report to the Secretary, not later than 6 months after receiving funding provided in this title, in such manner and with such subsequent frequency as the Secretary may require, that provides a detailed accounting of the use of funds provided under this section.

(i) REALLOCATION.—A State shall return to the Secretary any funds received under this section that the State does not award within 4 months of receiving such funds and the Secretary shall deposit such funds into the general fund of the Treasury.

(j) RULE OF CONSTRUCTION.—

(1) The receipt of any funds authorized or appropriated under this section, including pursuant to section 25 of this Act, by a nonprofit entity, or by any individual who has been admitted or applied for admission to such entity (or any parent or guardian of such individual), shall not be construed to render such entity or person a recipient of Federal financial assistance for any purpose, nor shall any such person or entity be required to make any alteration to its existing programs, facilities, or employment practices except as required under this section.

(2) No State participating in any program under this section, including pursuant to section 25 of this Act, shall impose any penalty or additional requirement upon, or otherwise disadvantage, such entity or person as a consequence or condition of its receipt of such funds.

(3) No State participating in any program under this section shall authorize any person or entity to use any funds authorized or appropriated under this section, including pursuant to section 25 of this Act, except as provided by subsection (e), nor shall any such State impose any limits upon the use of any such funds except as provided by subsection (e).

#### HIGHER EDUCATION EMERGENCY RELIEF FUND

SEC. 24. (a) IN GENERAL.—From funds reserved under section 21(b)(3) of this title the Secretary shall allocate amounts as follows:

(1) 85 percent to each institution of higher education described in section 101 or section 102(c) of the Higher Education Act of 1965 to prevent, prepare for, and respond to coronavirus, by apportioning it—

(A) 90 percent according to the relative share of full-time equivalent enrollment of Federal Pell Grant recipients who were not exclusively enrolled in distance education courses prior to the coronavirus emergency; and

(B) 10 percent according to the relative share of full-time equivalent enrollment of students who were not Federal Pell Grant recipients who were not exclusively enrolled in distance education courses prior to the coronavirus emergency.

(2) 10 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 24(a)(1) 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 distributed to eligible institutions of higher education, except as otherwise provided in subparagraphs (A)–(D), on the basis of the formula described in section 24(a)(1) of this title:

(A) Except as otherwise provided in subparagraph (B), for eligible institutions under part B of title III and subpart 4 of part A of title VII of the Higher Education Act, the Secretary shall allot to each eligible institution an amount using the following formula:

(i) 70 percent according to a ratio equivalent to the number of Pell Grant recipients in attendance at such institution at the end of the school year preceding the beginning of the most recent fiscal year and the total number of Pell Grant recipients at all such institutions;

(ii) 20 percent according to a ratio equivalent to the total number of students enrolled at such institution at the end of the school year preceding the beginning of that fiscal year and the number of students enrolled at all such institutions; and

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

(B) For eligible institutions under section 326 of the Higher Education Act, the Secretary shall allot to each eligible institution an amount in proportion to the award received from funding for such institutions in the Further Consolidated Appropriations Act, 2020 (Public Law 116-94);

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

(D) Notwithstanding section 318(f) of the Higher Education Act, for eligible institutions under section 318 of the Higher Education Act, the Secretary shall allot funding according to the formula in section 318(e) of the Higher Education Act.

(3) 5 percent for grants to institutions of higher education that the Secretary determines, through an application process and after allocating funds under paragraphs 24(a)(1) and (2) of this Act, have the greatest unmet needs related to coronavirus. In awarding funds to institutions of higher education under this paragraph the Secretary shall prioritize institutions of higher education—

(A) described under title I of the Higher Education Act of 1965 that were not eligible to receive an award under section 24(a)(1) of this title, including institutions described in section 102(b) of the Higher Education Act of 1965; and

(B) that otherwise demonstrate significant needs related to coronavirus that were not addressed by funding allocated under subsections (a)(1) or (a)(2) of this section.

(b) DISTRIBUTION.—The funds made available to each institution under subsection (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. 1001 et seq.).

(c) USES OF FUNDS.—An institution of higher education receiving funds under this section may use the funds received to:

(1) defray expenses associated with coronavirus (including lost revenue, reimbursement for expenses already incurred, technology costs associated with a transition to distance education, faculty and staff trainings, and payroll); and

(2) provide financial aid grants to students (including students exclusively enrolled in distance education), which may be used for any component of the student's cost of attendance or for emergency costs that arise due to coronavirus.

(d) SPECIAL PROVISIONS.—

(1) A Historically Black College and University or a Minority Serving Institution may use prior awards provided under titles III, V, and VII of the Higher Education Act to prevent, prepare for, and respond to coronavirus.

(2) An institution of higher education receiving funds under section 18004 of division B of the CARES Act (Public Law 116-136) may use those funds under the terms and conditions of section 24(c) of this Act. Amounts repurposed pursuant to this paragraph that were previously designated by the Congress as an emergency requirement pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985 are designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

(3) No funds received by an institution of higher education under this section shall be used to fund contractors for the provision of pre-enrollment recruitment activities; endowments; or capital outlays associated with facilities related to athletics, sectarian instruction, or religious worship.

(4) An institution of higher education that was required to remit payment to the Internal Revenue Service for the excise tax based on investment income of private colleges and universities under section 4968 of the Internal Revenue Code of 1986 for tax year 2019 shall have their allocation under this section reduced by 50 percent and may only use funds for activities described in paragraph (c)(2). This paragraph shall not apply to an institution of higher education designated by the Secretary as an eligible institution under section 448 of the Higher Education Act of 1965.

(e) REPORT.—An institution receiving funds under this section shall submit a report to the Secretary, not later than 6 months after receiving funding provided in this title, in such manner and with such subsequent frequency as the Secretary may require, that provides a detailed accounting of the use of funds provided under this section.

(f) REALLOCATION.—Any funds allocated to an institution of higher education under this section on the basis of a formula described in subsection (a)(1) or (a)(2) but for which an institution does not apply for funding within 60 days of the publication of the notice inviting applications, shall be reallocated to eligible institutions that had submitted an application by such date.

#### ASSISTANCE TO NON-PUBLIC SCHOOLS

SEC. 25. (a) FUNDS AVAILABILITY.—From the payment provided by the Secretary under section 23 of this title to a State educational agency, the State educational agency shall reserve an amount of funds equal to the percentage of students enrolled in non-public elementary and secondary schools in the State prior to the coronavirus

emergency. Upon reserving funds under this section, the Governor of the State shall award such funds equally to each non-public school accredited or otherwise located in and licensed to operate in the State based on the number of low-income students enrolled in the non-public school as a share of all low-income students enrolled in non-public elementary and secondary schools in the State prior to the coronavirus emergency, subject to the requirements in subsection (b).

(b)(1) A non-public school that provides in-person instruction for at least 50 percent of its students where the students physically attend school no less than 50 percent of each school-week, as determined by the non-public school prior to the coronavirus emergency, shall be eligible for the full amount of assistance per student as prescribed under this section.

(2) A non-public school that does not provide in-person instruction to any students where the students physically attend school in-person shall only be eligible for one-third of the amount of assistance per student as prescribed under this section.

(3) A non-public school that provides in-person instruction to at least some students where the students physically attend school in-person but does not satisfy the requirements in paragraph (1) shall have its amount of assistance as prescribed under this section reduced on a pro rata basis, which shall be calculated using the same methodology as is used under section 23(c)(2)(C) of this title.

(4) A Governor shall allocate not less than 50 percent of the funds reserved in this section to non-public schools within 30 days of receiving an award from the Secretary and the remaining 50 percent not less than 4 months after receiving an award from the Secretary.

#### CONTINUED PAYMENT TO EMPLOYEES

SEC. 26. A local educational agency, State, institution of higher education, 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. 27. Except as otherwise provided in sections 21–26 of this title, as used in such sections—

(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 operates in accordance with State law; and (B) was in existence prior to the date of the qualifying emergency for which grants are awarded under this section;

(7) the term “public school” means a public elementary or secondary school; and

(8) any other term used that is defined in section 8101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801) shall have the meaning given the term in such section.

#### MAINTENANCE OF EFFORT

SEC. 28. A State's application for funds to carry out sections 22 or 23 of this

title shall include assurances that the State will maintain support for elementary and secondary education, and State support for higher education (which shall include State funding to institutions of higher education and state need-based financial aid, and shall not include support for capital projects or for research and development or tuition and fees paid by students) in fiscal years 2020 and 2021 at least at the proportional levels of such State's support for elementary and secondary education and for higher education relative to such States overall spending in fiscal year 2019.

#### 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, for carrying out part D of title I, and subparts 1, 3, 9 and 10 of part A, and parts B, C, D, and E of title IV of the HEA, and subpart 1 of part A of title VII of the Public Health Service 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.

#### INSTITUTE OF EDUCATION SCIENCES

For an additional amount for “Institute of Education Sciences”, \$65,000,000, to remain available through September 30, 2021, to prevent, prepare for, and respond to coronavirus, domestically or internationally, for carrying out the National Assessment of Educational Progress Authorization Act (title III of Public Law 107-279): *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

##### PROGRAM ADMINISTRATION

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: *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”, \$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, grants, and projects funded in this title 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.

#### GENERAL PROVISIONS

SEC. 29. Funds made available in Public Law 115-245 under the heading “National Technical Institute for the Deaf” that were available for obligation through fiscal year 2019, and where a valid obligation was incurred in such fiscal year, are to remain available for obligation and expenditure by educational agencies or institutions through fiscal year 2021, notwithstanding section 412(b) of the General Education Provisions Act (20 U.S.C. 1225): *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. \_\_\_\_ 30. Funds made available in Public Law 115-245 under the heading “Gallaudet University” that were available for obligation through fiscal year 2019, and where a valid obligation was incurred in such fiscal year, are to remain available for obligation and expenditure by educational agencies or institutions through fiscal year 2021, notwithstanding section 412(b) of the General Education Provisions Act (20 U.S.C. 1225): *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. \_\_\_\_ 31. Funds made available in Public Law 113-76 under the heading “Innovation and Improvement” that were available for obligation through December 31, 2014 for the Investing in Innovation program pursuant to the eighth and ninth provisos under that heading in that Act are to remain available through fiscal year 2021 for the liquidation of valid obligations incurred in fiscal years 2014 or 2015: *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. \_\_\_\_ 32. Funds made available in Public Law 113-76 under the heading “Rehabilitation Services and Disability Research” that were available for obligation through fiscal year 2015 for the Automated Personalization Computing Project pursuant to the first four provisos under that heading in that Act are to remain available through fiscal year 2021 for the liquidation of valid obligations incurred in fiscal years 2014 or 2015: *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.

#### Subtitle D—Related Matters

##### RELATED AGENCIES

##### CORPORATION FOR PUBLIC BROADCASTING

For an additional amount for “Corporation for Public Broadcasting,” \$175,000,000, to remain available until 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(12), with no deduction for administrative or other costs of the Corporation, to maintain 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.

##### GENERAL PROVISIONS—THIS TITLE

SEC. \_\_\_\_ 41. Not later than 30 days after the date of enactment of this Act, the Secretaries of Labor, Health and Human Services, and Education shall provide a detailed spend plan of anticipated uses of funds made available in this title, including estimated personnel and administrative costs, to the Committees on Appropriations of the House of Representatives and the Senate: *Provided*, That such plans shall be updated and submitted to such Committees every 60 days until September 30, 2024: *Provided further*, That the spend plans shall be accompanied by a listing of each contract obligation incurred that exceeds \$5,000,000 which has not previously been reported, including the amount of each such obligation.

SEC. \_\_\_\_ 42. (a) The remaining unobligated balances of funds as of September 30, 2020, from amounts provided under the heading “Corporation for National and Community

Service—Operating Expenses” in title IV of division A of the Further Consolidated Appropriations Act, 2020 (Public Law 116-94), are hereby permanently rescinded, and an amount of additional new budget authority equivalent to the amount rescinded is hereby appropriated on September 30, 2020, to remain available until September 30, 2021, and shall be available for the same purposes, in addition to other funds as may be available for such purposes, and under the same authorities for which the funds were originally provided in Public Law 116-94: *Provided*, That any amounts appropriated by the preceding proviso shall not be subject to the allotment requirements otherwise applicable under sections 129(a), (b), (d), and (e) of the National and Community Service Act of 1993: *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.

(b)(1) Subsection (b) of section 3514 of title III of division A of the CARES Act (Public Law 116-136) is hereby repealed, and shall be applied hereafter as if such subsection had never been enacted.

(2)(A) IN GENERAL.—The amounts provided under this subsection are designated as an emergency requirement pursuant to section 4(g) of the Statutory Pay-As-You-Go Act of 2010 (2 U.S.C. 933(g)).

(B) DESIGNATION IN SENATE.—In the Senate, this subsection is designated as an emergency requirement pursuant to section 4112(a) of H. Con. Res. 71 (115th Congress), the concurrent resolution on the budget for fiscal year 2018.

(C) CLASSIFICATION OF BUDGETARY EFFECTS.—Notwithstanding Rule 3 of the Budget Scorekeeping Guidelines set forth in the joint explanatory statement of the committee of conference accompanying Conference Report 105-217 and section 250(c)(7) and (c)(8) of the Balanced Budget and Emergency Deficit Control Act of 1985, the budgetary effects of this subsection—

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

(ii) shall not be estimated for purposes of paragraph (4)(C) of section 3 of the Statutory Pay As-You-Go Act of 2010 as being included in an appropriation Act; and

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

**SA 2522.** Mr. BLUNT (for himself, Mrs. CAPITO, and Mrs. HYDE-SMITH) submitted an amendment intended to be proposed to amendment SA 2499 proposed by Mr. MCCONNELL to the bill S. 178, to condemn gross human rights violations of ethnic Turkic Muslims in Xinjiang, and calling for an end to arbitrary detention, torture, and harassment of these communities inside and outside China; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

#### DEPARTMENT OF HEALTH AND HUMAN SERVICES

##### NATIONAL INSTITUTES OF HEALTH

##### NATIONAL HEART, LUNG, AND BLOOD INSTITUTE

For an additional amount for “National Heart, Lung, and Blood Institute”, \$290,000,000, 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 INSTITUTE OF DIABETES AND DIGESTIVE AND KIDNEY DISEASES

For an additional amount for “National Institute of Diabetes and Digestive and Kidney Diseases”, \$200,000,000, 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 INSTITUTE OF ALLERGY AND INFECTIOUS DISEASES

For an additional amount for “National Institute of Allergy and Infectious Diseases”, \$480,555,000, to remain available until September 30, 2024, to prevent, prepare for, and respond to coronavirus, domestically or internationally: *Provided*, That \$55,000,000 shall be for Regional Biocontainment Laboratories: *Provided further*, That funding provided in the previous proviso shall be divided evenly among the eleven laboratories: *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.

##### EUNICE KENNEDY SHRIVER NATIONAL INSTITUTE OF CHILD HEALTH AND HUMAN DEVELOPMENT

For an additional amount for “Eunice Kennedy Shriver National Institute of Child Health and Human Development”, \$172,680,000, 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 MENTAL HEALTH

For an additional amount for “National Institute of Mental Health”, \$200,000,000, 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 INSTITUTE ON MINORITY HEALTH AND HEALTH DISPARITIES

For an additional amount for “National Institute on Minority Health and Health Disparities”, \$64,334,000, 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”, \$1,224,750,000, 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  
(INCLUDING TRANSFER OF FUNDS)

For an additional amount for “Office of the Director”, \$12,905,337,000, to remain available until September 30, 2024, to prevent, prepare for, and respond to coronavirus, domestically or internationally: *Provided*, That not less than \$10,100,000,000 of the amount provided under this heading in this Act shall be for offsetting the costs related to reductions in lab productivity resulting from the coronavirus pandemic or public health measures related to the coronavirus pandemic: *Provided further*, That \$1,325,337,000 of the amount provided under this heading in this Act shall be to support additional scientific research or the programs and platforms that support research: *Provided further*, That \$1,240,000,000 of the amount provided under this heading in this Act shall be provided to accelerate the research and development of therapeutic interventions and vaccines in partnership: *Provided further*, that no less than \$240,000,000 of the amount provided under this heading in this Act shall be for supplements to existing research training awards for extensions and other costs: *Provided further*, That funds available under this heading in this Act may be transferred to the accounts of Institutes and Centers of the NIH: *Provided further*, That this transfer authority is in addition to any other transfer authority available to the NIH: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

**SA 2523.** Mr. BLUNT (for himself and Mr. DAINES) submitted an amendment intended to be proposed to amendment SA 2499 proposed by Mr. MCCONNELL to the bill S. 178, to condemn gross human rights violations of ethnic Turkic Muslims in Xinjiang, and calling for an end to arbitrary detention, torture, and harassment of these communities inside and outside China; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

TITLE \_\_\_\_\_  
DEPARTMENT OF HEALTH AND HUMAN SERVICES  
OFFICE OF THE SECRETARY  
PUBLIC HEALTH AND SOCIAL SERVICES  
EMERGENCY FUND  
(INCLUDING TRANSFER OF FUNDS)

For an additional amount for “Public Health and Social Services Emergency Fund”, \$26,000,000,000, to remain available until September 30, 2024, to prevent, prepare for, and respond to coronavirus, domestically or internationally, including the development of necessary countermeasures and vaccines, prioritizing platform-based technologies with U.S.-based manufacturing capabilities, the purchase of vaccines, therapeutics, diagnostics, necessary medical supplies, as well as medical surge capacity, addressing blood supply chain, workforce modernization, telehealth access and infrastructure, initial advanced manufacturing, novel dispensing, enhancements to the U.S. Commissioned Corps, and other preparedness and response activities: *Provided*, That funds appropriated under this paragraph in this Act may be used to develop and demonstrate innovations and enhancements to manufacturing platforms to support such capabilities: *Provided further*, That the Secretary of Health and Human Services shall purchase vaccines developed using funds made avail-

able under this paragraph in this Act to respond to an outbreak or pandemic related to coronavirus in quantities determined by the Secretary to be adequate to address the public health need: *Provided further*, That products purchased by the Federal government with funds made available under this paragraph in this Act, including vaccines, therapeutics, and diagnostics, shall be purchased in accordance with Federal Acquisition Regulation guidance on fair and reasonable pricing: *Provided further*, That the Secretary may take such measures authorized under current law to ensure that vaccines, therapeutics, and diagnostics developed from funds provided in this title will be affordable in the commercial market: *Provided further*, That in carrying out the previous proviso, the Secretary shall not take actions that delay the development of such products: *Provided further*, That the Secretary shall ensure that protections remain for individuals enrolled in group or individual health care coverage with pre-existing conditions, including those linked to coronavirus: *Provided further*, That products purchased with funds appropriated under this paragraph in this Act may, at the discretion of the Secretary of Health and Human Services, be deposited in the Strategic National Stockpile under section 319F-2 of the Public Health Service Act: *Provided further*, That funds appropriated under this paragraph in this Act may be transferred to, and merged with, the fund authorized by section 319F-4, the Covered Counter measure Process Fund, of the Public Health Service Act: *Provided further*, That of the amount appropriated under this paragraph in this Act, \$20,000,000,000 shall be available to the Biomedical Advanced Research and Development Authority for necessary expenses of manufacturing, production, and purchase, at the discretion of the Secretary, of vaccines, therapeutics, diagnostics, and small molecule active pharmaceutical ingredients, including the development, translation, and demonstration at scale of innovations in manufacturing platforms: *Provided further*, That funds in the previous proviso may be used for the construction or renovation of U.S.-based next generation manufacturing facilities, other than facilities owned by the United States Government: *Provided further*, That of the amount provided under this heading in this Act, \$6,000,000,000 shall be for activities to plan, prepare for, promote, distribute, administer, monitor, and track coronavirus vaccines to ensure broad-based distribution, access, and vaccine coverage: *Provided further*, That the Secretary shall coordinate funding and activities outlined in the previous proviso through the Director of CDC: *Provided further*, That the Secretary, through the Director of CDC, shall report to the Committees on Appropriations of the House of Representatives and the Senate within 60 days of enactment of this Act on a comprehensive coronavirus vaccine distribution strategy and spend plan that includes how existing infrastructure will be leveraged, enhancements or new infrastructure that may be built, considerations for moving and storing vaccines, guidance for how States and health care providers should prepare for, store, and administer vaccines, nationwide vaccination targets, funding that will be distributed to States, how an informational campaign to both the public and health care providers will be executed, and how the vaccine distribution plan will focus efforts on high risk, underserved, and minority populations: *Provided further*, That such plan shall be updated and provided to the Committees on Appropriations of the House of Representatives and the Senate 90 days after submission of the first plan: *Provided further*, That the Secretary shall notify the Committees on Appropriations of the House

of Representatives and the Senate 2 days in advance of any obligation in excess of \$50,000,000, including but not limited to contracts and interagency agreements, from funds provided in this paragraph in this Act: *Provided further*, That funds appropriated under this paragraph in this Act may be used for the construction, alteration, or renovation of non-federally owned facilities for the production of vaccines, therapeutics, diagnostics, and medical supplies where the Secretary determines that such a contract is necessary to secure sufficient amounts of such supplies: *Provided further*, That the not later than 30 days after enactment of this Act, and every 30 days thereafter until funds are expended, the Secretary shall report to the Committees on Appropriations of the House of Representatives and the Senate on uses of funding for Operation Warp Speed, detailing current obligations by Department or Agency, or component thereof broken out by the coronavirus supplemental appropriations Act that provided the source of funds: *Provided further*, That the plan outlined in the previous proviso shall include funding by contract, grant, or other transaction in excess of \$20,000,000 with a notation of which Department or Agency, and component thereof is managing the contract: *Provided further*, That the Secretary shall enter into an agreement with the National Academies of Sciences, Engineering, and Medicine (“Academies”) to develop a decision framework to assist domestic and global health authorities in planning an equitable distribution of coronavirus vaccines: *Provided further*, That the Academies, in developing the framework, shall consider equity criteria which may include consideration of risk factors related to health disparities and health care access, underlying health conditions, conditions faced by racial and ethnic minorities, individuals in higher-risk occupations, and first responders, geographic distribution of the coronavirus, and vaccine hesitancy: *Provided further*, That the Academies shall provide recommendations on vaccine distribution to the Advisory Committee on Immunization Practices not later than September 18, 2020: *Provided further*, That the agreement shall provide for an ongoing assessment by the Academies of how vaccine distribution meets equity criteria and recommendations for how vaccine distribution may better align with such criteria as applicable, which shall inform the Advisory Committee on Immunization Practices's prioritization recommendations and vaccine distribution activities: *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.

**SA 2524.** Mr. BLUNT (for himself and Mr. ALEXANDER) submitted an amendment intended to be proposed to amendment SA 2499 proposed by Mr. MCCONNELL to the bill S. 178, to condemn gross human rights violations of ethnic Turkic Muslims in Xinjiang, and calling for an end to arbitrary detention, torture, and harassment of these communities inside and outside China; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

TITLE \_\_\_\_\_  
DEPARTMENT OF EDUCATION  
EDUCATION STABILIZATION FUND

For an additional amount for “Education Stabilization Fund”, \$105,000,000,000, to remain available through 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.

#### GENERAL PROVISIONS

##### EDUCATION STABILIZATION FUND

SEC. \_\_\_\_ 11. (a) ALLOCATIONS.—From the amount made available under this heading in this Act to carry out the Education Stabilization Fund, the Secretary shall first allocate—

(1) not more than one half of 1 percent to the outlying areas on the basis of the terms and conditions for funding provided under this heading in the Coronavirus Aid, Relief, and Economic Security (CARES) Act (Public Law 116-136); and

(2) one-half of 1 percent for the Secretary of the Interior for programs operated or funded by the Bureau of Indian Education, under the terms and conditions established for funding provided under this heading in the CARES Act (Public Law 116-136).

(b) RESERVATIONS.—After carrying out subsection (a), the Secretary shall reserve the remaining funds made available as follows:

(1) 5 percent to carry out section \_\_\_\_ 12 of this title.

(2) 67 percent to carry out section \_\_\_\_ 13 of this title.

(3) 28 percent to carry out section \_\_\_\_ 14 of this title.

##### GOVERNOR'S EMERGENCY EDUCATION RELIEF FUND

SEC. \_\_\_\_ 12. (a) GRANTS.—From funds reserved under section \_\_\_\_ 11(b)(1) of this title, the Secretary shall make supplemental Emergency Education Relief grants to the Governor of each State with an approved application under section 18002 of division B of the CARES Act (Public Law 116-136). The Secretary shall award funds under this section to the Governor of each State with an approved application within 30 calendar days of enactment of this Act.

(b) ALLOCATIONS.—The amount of each grant under subsection (a) shall be allocated by the Secretary to each State as follows:

(1) 60 percent on the basis of their relative population of individuals aged 5 through 24.

(2) 40 percent on the basis of their relative number of children counted under section 1124(c) of the Elementary and Secondary Education Act of 1965 (referred to under this heading as “ESEA”).

(c) USES OF FUNDS.—Grant funds awarded under subsection (b) may be used to—

(1) provide emergency support through grants to local educational agencies that the State educational agency deems have been most significantly impacted by coronavirus to support the ability of such local educational agencies to continue to provide educational services to their students and to support the on-going functionality of the local educational agency;

(2) provide emergency support through grants to institutions of higher education serving students within the State that the Governor determines have been most significantly impacted by coronavirus to support the ability of such institutions to continue to provide educational services and support the on-going functionality of the institution; and

(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 emergency educational services to students for authorized activities described in section \_\_\_\_ 13(e) of this title, the ESEA of 1965, the Higher Education Act of

1965, the provision of child care and early childhood education, social and emotional support, career and technical education, adult education, and the protection of education-related jobs.

(d) REALLOCATION.—Each Governor shall return to the Secretary any funds received under this section that the Governor does not award within 6 months of receiving such funds and the Secretary shall reallocate such funds to the remaining States in accordance with subsection (b).

(e) REPORT.—A Governor receiving funds under this section shall submit a report to the Secretary, not later than 6 months after receiving funding provided in this title, in such manner and with such subsequent frequency as the Secretary may require, that provides a detailed accounting of the use of funds provided under this section.

##### ELEMENTARY AND SECONDARY SCHOOL EMERGENCY RELIEF FUND

SEC. \_\_\_\_ 13. (a) GRANTS.—From funds reserved under section \_\_\_\_ 11(b)(2) of this title, the Secretary shall make supplemental elementary and secondary school emergency relief grants to each State educational agency with an approved application under section 18003 of division B of the CARES Act (Public Law 116-136). The Secretary shall award funds under this section to each State educational agency with an approved application within 15 calendar days of enactment of this Act.

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

(c) SUBGRANTS.—From the payment provided by the Secretary under subsection (b), the State educational agency shall provide services and assistance to local educational agencies and non-public schools, consistent with the provisions of this title relating to the Department of Education. After carrying out the reservation of funds in section \_\_\_\_ 15 of this title, each State shall allocate not less than 90 percent of the remaining 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 and charter schools that are local educational agencies received under part A of title I of the ESEA of 1965 in the most recent fiscal year. The state educational agency shall make such subgrants to local educational agencies as follows—

(1) one-third of funds shall be awarded not less than 15 calendar days after receiving an award from the Secretary under this section; and

(2) the remaining two-thirds of funds shall be awarded only after the local educational agency submits to the Governor and the Governor approves a comprehensive school reopening plan for the 2020-2021 school-year, based on criteria determined by the Governor in consultation with the state educational agency (including criteria for the Governor to carry out subparagraph (A) through (C)), that describes how the local educational agency will safely reopen schools with the physical presence of students, consistent with maintaining safe and continuous operations aligned with challenging state academic standards. The Governor shall approve such plans within 30 days after the plan is submitted, subject to the requirements in subparagraphs (A) through (C).

(A) A local educational agency that provides in-person instruction for at least 50 percent of its students where the students

physically attend school no less than 50 percent of each school-week, as it was defined by the local educational agency prior to the coronavirus emergency, shall have its plan automatically approved.

(B) A local educational agency that does not provide in-person instruction to any students where the students physically attend school in-person shall not be eligible to receive a subgrant under paragraph (2).

(C) A local educational agency that provides in-person instruction to at least some students where the students physically attend school in-person but does not satisfy the requirements in subparagraph (A) shall have its allocation reduced on a pro rata basis as determined by the Governor.

(d) PLAN CONTENTS.—A school reopening plan submitted to a Governor under subsection (c)(2) shall include, in addition to any other information necessary to meet the criteria determined by the Governor—

(1) A detailed timeline for when the local educational agency will provide in-person instruction, including the goals and criteria used for providing full-time in-person instruction to all students;

(2) A description of how many days of in-person instruction per calendar week the local educational agency plans to offer to students during the 2020-2021 school year; and

(3) An assurance that the local educational agency will offer students as much in-person instruction as is safe and practicable, consistent with maintaining safe and continuous operations aligned with challenging state academic standards.

(e) USES OF FUNDS.—

(1) A local educational agency or non-public school that receives funds under subsection (c)(1) or section \_\_\_\_ 15 may use funds for any of the following:

(A) Activities to support returning to in-person instruction, including purchasing personal protective equipment, implementing flexible schedules to keep children in isolated groups, purchasing box lunches so that children can eat in their classroom, purchasing physical barriers, providing additional transportation services, repurposing existing school rooms and space, and improving ventilation systems.

(B) Developing and implementing procedures and systems to improve the preparedness and response efforts of local educational agencies or non-public schools including coordination with State, local, Tribal, and territorial public health departments, and other relevant agencies, to improve coordinated responses among such entities to prevent, prepare for, and respond to coronavirus.

(C) Providing principals and other school leaders with the resources necessary to address the needs of their individual schools directly related to coronavirus.

(D) Providing additional services to address the unique needs of low-income children or students, children with disabilities, English learners, racial and ethnic minorities, students experiencing homelessness, and foster care youth, including how outreach and service delivery will meet the needs of each population.

(E) Training and professional development for staff of the local educational agency or non-public school on sanitation and minimizing the spread of infectious diseases.

(F) Purchasing supplies to sanitize, clean, and disinfect the facilities of a local educational agency or non-public school, including buildings operated by such agency.

(G) Planning for and coordinating during long-term closures, including for how to provide meals to eligible students, how to provide technology for online learning to all students, how to provide guidance for carrying out requirements under the Individuals

with Disabilities Education Act (20 U.S.C. 1401 et seq.) and how to ensure other educational services can continue to be provided consistent with all Federal, State, and local requirements.

(H) Purchasing educational technology (including hardware, software, and connectivity) for students who are served by the local educational agency or non-public school 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.

(I) Expanding healthcare and other health services (including mental health services and supports), including for children at risk of abuse or neglect.

(J) Planning and implementing activities related to summer learning and supplemental afterschool programs, including providing classroom instruction or online 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.

(2) A local educational agency that receives funds under subsection (c)(2) may use the funds for activities to carry out a comprehensive school reopening plan as described in this section, including:

(A) Purchasing personal protective equipment, implementing flexible schedules to keep children in isolated groups, purchasing box lunches so that children can eat in their classroom, purchasing physical barriers, providing additional transportation services, repurposing existing school rooms and space, and improving ventilation systems.

(B) Developing and implementation of procedures and systems to improve the preparedness and response efforts of local educational agencies or non-public schools, including coordination with State, local, Tribal, and territorial public health departments, and other relevant agencies, to improve coordinated responses among such entities to prevent, prepare for, and respond to coronavirus.

(C) Providing principals and others school leaders with the resources necessary to address the needs of their individual schools.

(D) Providing additional services to address the unique needs of low-income children or students, children with disabilities, English learners, racial and ethnic minorities, students experiencing homelessness, and foster care youth, including how outreach and service delivery will meet the needs of each population.

(E) Training and professional development for staff of the local educational agency or non-public school on sanitation and minimizing the spread of infectious diseases.

(F) Purchasing supplies to sanitize, clean, and disinfect the facilities of a local educational agency or non-public school, including buildings operated by such agency.

(G) Purchasing educational technology (including hardware, software, and connectivity) for students who are served by the local educational agency or non-public school 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.

(H) Expanding healthcare and other health services (including mental health services and supports), including for children at risk of abuse or neglect.

(I) Planning and implementing activities related to summer learning and supplemental afterschool programs, including providing classroom instruction during the sum-

mer months and addressing the needs of low-income students, students with disabilities, English learners, migrant students, students experiencing homelessness, and children in foster care.

(f) STATE FUNDING.—A State may reserve not more than 5 percent of the funds not otherwise allocated under subsection (c) and section 15 for 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.

(g) ASSURANCES.—A State, state educational agency, or local educational agency receiving funding under this section shall provide assurances, as applicable, that:

(1) A State, State educational agency, or local educational agency will maintain and expand access to high-quality schools, including high-quality public charter schools, and will not—

(A) enact policies to close or prevent the expansion of such schools to address revenue shortfalls that result in the disproportionate closure or denial of expansion of public charter schools that are otherwise meeting the terms of their charter for academic achievement; or

(B) disproportionately reduce funding to charter schools or otherwise increase funding gaps between charter schools and other public schools in the local educational agency.

(2) Allocations of funding and services provided from funds provided in this section to public charter schools are made on the same basis as is used for all public schools, consistent with state law and in consultation with charter school leaders.

(h) REPORT.—A State receiving funds under this section shall submit a report to the Secretary, not later than 6 months after receiving funding provided in this title, in such manner and with such subsequent frequency as the Secretary may require, that provides a detailed accounting of the use of funds provided under this section.

(i) REALLOCATION.—A State shall return to the Secretary any funds received under this section that the State does not award within 4 months of receiving such funds and the Secretary shall deposit such funds into the general fund of the Treasury.

(j) RULE OF CONSTRUCTION.—

(1) The receipt of any funds authorized or appropriated under this section, including pursuant to section 15 of this Act, by a nonprofit entity, or by any individual who has been admitted or applied for admission to such entity (or any parent or guardian of such individual), shall not be construed to render such entity or person a recipient of Federal financial assistance for any purpose, nor shall any such person or entity be required to make any alteration to its existing programs, facilities, or employment practices except as required under this section.

(2) No State participating in any program under this section, including pursuant to section 15 of this Act, shall impose any penalty or additional requirement upon, or otherwise disadvantage, such entity or person as a consequence or condition of its receipt of such funds.

(3) No State participating in any program under this section shall authorize any person or entity to use any funds authorized or appropriated under this section, including pursuant to section 15 of this Act, except as provided by subsection (e), nor shall any such State impose any limits upon the use of any such funds except as provided by subsection (e).

HIGHER EDUCATION EMERGENCY RELIEF FUND

SEC. 14. (a) IN GENERAL.—From funds reserved under section 11(b)(3) of this

title the Secretary shall allocate amounts as follows:

(1) 85 percent to each institution of higher education described in section 101 or section 102(c) of the Higher Education Act of 1965 to prevent, prepare for, and respond to coronavirus, by apportioning it—

(A) 90 percent according to the relative share of full-time equivalent enrollment of Federal Pell Grant recipients who were not exclusively enrolled in distance education courses prior to the coronavirus emergency; and

(B) 10 percent according to the relative share of full-time equivalent enrollment of students who were not Federal Pell Grant recipients who were not exclusively enrolled in distance education courses prior to the coronavirus emergency.

(2) 10 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 14(a)(1) 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 distributed to eligible institutions of higher education, except as otherwise provided in subparagraphs (A)–(D), on the basis of the formula described in section 14(a)(1) of this title:

(A) Except as otherwise provided in subparagraph (B), for eligible institutions under part B of title III and subpart 4 of part A of title VII of the Higher Education Act, the Secretary shall allot to each eligible institution an amount using the following formula:

(i) 70 percent according to a ratio equivalent to the number of Pell Grant recipients in attendance at such institution at the end of the school year preceding the beginning of the most recent fiscal year and the total number of Pell Grant recipients at all such institutions;

(ii) 20 percent according to a ratio equivalent to the total number of students enrolled at such institution at the end of the school year preceding the beginning of that fiscal year and the number of students enrolled at all such institutions; and

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

(B) For eligible institutions under section 326 of the Higher Education Act, the Secretary shall allot to each eligible institution an amount in proportion to the award received from funding for such institutions in the Further Consolidated Appropriations Act, 2020 (Public Law 116-94);

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

(D) Notwithstanding section 318(f) of the Higher Education Act, for eligible institutions under section 318 of the Higher Education Act, the Secretary shall allot funding according to the formula in section 318(e) of the Higher Education Act.

(3) 5 percent for grants to institutions of higher education that the Secretary determines, through an application process and after allocating funds under paragraphs 14(a)(1) and (2) of this Act, have the greatest unmet needs related to coronavirus. In awarding funds to institutions of higher education under this paragraph the Secretary shall prioritize institutions of higher education—



(A) described under title I of the Higher Education Act of 1965 that were not eligible to receive an award under section 14(a)(1) of this title, including institutions described in section 102(b) of the Higher Education Act of 1965; and

(B) that otherwise demonstrate significant needs related to coronavirus that were not addressed by funding allocated under subsections (a)(1) or (a)(2) of this section.

(b) DISTRIBUTION.—The funds made available to each institution under subsection (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. 1001 et seq.).

(c) USES OF FUNDS.—An institution of higher education receiving funds under this section may use the funds received to:

(1) defray expenses associated with coronavirus (including lost revenue, reimbursement for expenses already incurred, technology costs associated with a transition to distance education, faculty and staff trainings, and payroll); and

(2) provide financial aid grants to students (including students exclusively enrolled in distance education), which may be used for any component of the student's cost of attendance or for emergency costs that arise due to coronavirus.

(d) SPECIAL PROVISIONS.—

(1) A Historically Black College and University or a Minority Serving Institution may use prior awards provided under titles III, V, and VII of the Higher Education Act to prevent, prepare for, and respond to coronavirus.

(2) An institution of higher education receiving funds under section 18004 of division B of the CARES Act (Public Law 116-136) may use those funds under the terms and conditions of section 14(c) of this Act. Amounts repurposed pursuant to this paragraph that were previously designated by the Congress as an emergency requirement pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985 are designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

(3) No funds received by an institution of higher education under this section shall be used to fund contractors for the provision of pre-enrollment recruitment activities; endowments; or capital outlays associated with facilities related to athletics, sectarian instruction, or religious worship.

(4) An institution of higher education that was required to remit payment to the Internal Revenue Service for the excise tax based on investment income of private colleges and universities under section 4968 of the Internal Revenue Code of 1986 for tax year 2019 shall have their allocation under this section reduced by 50 percent and may only use funds for activities described in paragraph (c)(2). This paragraph shall not apply to an institution of higher education designated by the Secretary as an eligible institution under section 448 of the Higher Education Act of 1965.

(e) REPORT.—An institution receiving funds under this section shall submit a report to the Secretary, not later than 6 months after receiving funding provided in this title, in such manner and with such subsequent frequency as the Secretary may require, that provides a detailed accounting of the use of funds provided under this section.

(f) REALLOCATION.—Any funds allocated to an institution of higher education under this section on the basis of a formula described in subsection (a)(1) or (a)(2) but for which an institution does not apply for funding within 60 days of the publication of the notice invit-

ing applications, shall be reallocated to eligible institutions that had submitted an application by such date.

#### ASSISTANCE TO NON-PUBLIC SCHOOLS

SEC. 15. (a) FUNDS AVAILABILITY.—From the payment provided by the Secretary under section 13 of this title to a State educational agency, the State educational agency shall reserve an amount of funds equal to the percentage of students enrolled in non-public elementary and secondary schools in the State prior to the coronavirus emergency. Upon reserving funds under this section, the Governor of the State shall award such funds equally to each non-public school accredited or otherwise located in and licensed to operate in the State based on the number of low-income students enrolled in the non-public school as a share of all low-income students enrolled in non-public elementary and secondary schools in the State prior to the coronavirus emergency, subject to the requirements in subsection (b).

(b)(1) A non-public school that provides in-person instruction for at least 50 percent of its students where the students physically attend school no less than 50 percent of each school-week, as determined by the non-public school prior to the coronavirus emergency, shall be eligible for the full amount of assistance per student as prescribed under this section.

(2) A non-public school that does not provide in-person instruction to any students where the students physically attend school in-person shall only be eligible for one-third of the amount of assistance per student as prescribed under this section.

(3) A non-public school that provides in-person instruction to at least some students where the students physically attend school in-person but does not satisfy the requirements in paragraph (1) shall have its amount of assistance as prescribed under this section reduced on a pro rata basis, which shall be calculated using the same methodology as is used under section 13(c)(2)(C) of this title.

(4) A Governor shall allocate not less than 50 percent of the funds reserved in this section to non-public schools within 30 days of receiving an award from the Secretary and the remaining 50 percent not less than 4 months after receiving an award from the Secretary.

#### CONTINUED PAYMENT TO EMPLOYEES

SEC. 16. A local educational agency, State, institution of higher education, 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. 17. Except as otherwise provided in sections 11–16 of this title, as used in such sections—

(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

operates in accordance with State law; and (B) was in existence prior to the date of the qualifying emergency for which grants are awarded under this section;

(7) the term "public school" means a public elementary or secondary school; and

(8) any other term used that is defined in section 8101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801) shall have the meaning given the term in such section.

#### MAINTENANCE OF EFFORT

SEC. 18. A State's application for funds to carry out sections 12 or 13 of this title shall include assurances that the State will maintain support for elementary and secondary education, and State support for higher education (which shall include State funding to institutions of higher education and state need-based financial aid, and shall not include support for capital projects or for research and development or tuition and fees paid by students) in fiscal years 2020 and 2021 at least at the proportional levels of such State's support for elementary and secondary education and for higher education relative to such States overall spending in fiscal year 2019.

#### 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, for carrying out part D of title I, and subparts 1, 3, 9 and 10 of part A, and parts B, C, D, and E of title IV of the HEA, and subpart 1 of part A of title VII of the Public Health Service 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.

#### INSTITUTE OF EDUCATION SCIENCES

For an additional amount for "Institute of Education Sciences", \$65,000,000, to remain available through September 30, 2021, to prevent, prepare for, and respond to coronavirus, domestically or internationally, for carrying out the National Assessment of Educational Progress Authorization Act (title III of Public Law 107-279): *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

##### PROGRAM ADMINISTRATION

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: *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", \$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, grants, and projects funded in this title 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.

#### GENERAL PROVISIONS

SEC. 19. Funds made available in Public Law 115-245 under the heading "National

Technical Institute for the Deaf” that were available for obligation through fiscal year 2019, and where a valid obligation was incurred in such fiscal year, are to remain available for obligation and expenditure by educational agencies or institutions through fiscal year 2021, notwithstanding section 412(b) of the General Education Provisions Act (20 U.S.C. 1225): *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. 20. Funds made available in Public Law 115-245 under the heading “Gallaudet University” that were available for obligation through fiscal year 2019, and where a valid obligation was incurred in such fiscal year, are to remain available for obligation and expenditure by educational agencies or institutions through fiscal year 2021, notwithstanding section 412(b) of the General Education Provisions Act (20 U.S.C. 1225): *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. 21. Funds made available in Public Law 113-76 under the heading “Innovation and Improvement” that were available for obligation through December 31, 2014 for the Investing in Innovation program pursuant to the eighth and ninth provisos under that heading in that Act are to remain available through fiscal year 2021 for the liquidation of valid obligations incurred in fiscal years 2014 or 2015: *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. 22. Funds made available in Public Law 113-76 under the heading “Rehabilitation Services and Disability Research” that were available for obligation through fiscal year 2015 for the Automated Personalization Computing Project pursuant to the first four provisos under that heading in that Act are to remain available through fiscal year 2021 for the liquidation of valid obligations incurred in fiscal years 2014 or 2015: *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.

**SA 2525.** Mr. BLUNT submitted an amendment intended to be proposed by him to the bill S. 178, to condemn gross human rights violations of ethnic Turkic Muslims in Xinjiang, and calling for an end to arbitrary detention, torture, and harassment of these communities inside and outside China; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**TITLE —DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES**

Subtitle A—Labor

**DEPARTMENT OF LABOR**

**EMPLOYMENT AND TRAINING ADMINISTRATION  
TRAINING AND EMPLOYMENT SERVICES**

For an additional amount for “Training and Employment Services”, \$950,000,000, to remain available through September 30, 2022, to prevent, prepare for, and respond to coronavirus, domestically or internationally, which shall be used as follows:

(1) \$500,000,000 for grants to States for dislocated worker employment and training ac-

tivities, including training services provided through individual training accounts, incumbent worker training, transitional jobs, customized training, on-the-job training, the identification of training providers including online providers, and activities to facilitate remote access to employment and training services through a one-stop center that lead to employment in high-skill, high-wage, or in-demand industry sectors or occupations, including health care, direct care, and manufacturing;

(2) \$150,000,000 for grants to States for youth workforce investment activities: *Provided*, That a local board shall not be required to meet the requirements of section 129(a)(4)(A) of the Workforce Innovation and Opportunity Act (29 U.S.C. 3164(a)(4)(A)): *Provided further*, That each State and local area receiving funds under this paragraph in this Act for youth workforce investment activities shall give priority to out-of-school youth and eligible youth who are members of one or more populations listed in section 3(24) of such Act (29 U.S.C. 3102(24));

(3) \$150,000,000 for adult employment and training activities; and

(4) \$150,000,000 for the dislocated workers assistance national reserve: *Provided further*, That notwithstanding section 128(a) of the Workforce Innovation and Opportunity Act (29 U.S.C. 3163(a)), the Governor may reserve up to 25 percent of the funds allotted under each of paragraphs (1), (2), and (3) under this heading in this Act for statewide activities described in sections 129(b) and 134(a) of such Act: *Provided further*, That notwithstanding section 128(b)(4) of the Workforce Innovation and Opportunity Act (29 U.S.C. 3163(b)(4)), local areas may use not more than 20 percent of the funds allocated to the local area under each of paragraphs (1), (2), and (3) under this heading in this Act for administrative costs: *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.

**STATE UNEMPLOYMENT INSURANCE AND  
EMPLOYMENT SERVICE OPERATIONS**

For an additional amount for “State Unemployment Insurance and Employment Service Operations”, \$1,504,000,000, to prevent, prepare for, and respond to coronavirus, domestically or internationally, which may be expended from the Employment Security Administration Account in the Unemployment Trust Fund (“The Trust Fund”), of which:

(1) \$1,115,500,000 from the Trust Fund to remain available through December 31, 2021, is for grants to States for the administration of State unemployment insurance laws as authorized under title III of the Social Security Act including grants to upgrade information technology to improve the administration and processing of unemployment compensation claims: *Provided*, That, the Secretary may distribute such amounts, with respect to upgrading information technology, based on the condition and needs of the State information technology systems or other appropriate factors, which may include the ratio described under section 903(a)(2)(B) of the Social Security Act: *Provided further*, That funds provided for information technology under this heading in this Act shall be available for obligation by the States through September 30, 2027 and available for expenditure by the States through September 30, 2028;

(2) \$38,500,000 from the Trust Fund is for national activities necessary to support the administration of the Federal-State unemployment insurance system, to remain available through September 30, 2021; and

(3) \$350,000,000 from the Trust Fund is for grants to States in accordance with section 6 of the Wagner-Peyser Act, to remain available through June 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.

**DEPARTMENTAL MANAGEMENT**

**SALARIES AND EXPENSES**

**(INCLUDING TRANSFER OF FUNDS)**

For an additional amount for “Departmental Management”, \$15,600,000, to remain available until September 30, 2022, 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, and activities under Public Law 116-136: *Provided*, That the Secretary of Labor may transfer the amounts provided under this heading in this Act as necessary to “Employment and Training Administration—Program Administration”, “Employee Benefits Security Administration”, “Wage and Hour Division”, Office of Workers’ Compensation Programs”, “Occupational Safety and Health Administration”, and “Mine Safety and Health Administration”, to prevent, prepare for, and respond to coronavirus, including for enforcement, oversight, and coordination activities in those accounts: *Provided further*, That of the amount provided under this heading in this Act, \$5,000,000, to remain available until expended, shall be transferred to “Office of Inspector General”, for oversight of activities related to Public Law 116-127 and Public Law 116-136 and for oversight activities supported with funds appropriated to the Department of Labor to prevent, prepare for, and respond to coronavirus: *Provided further*, That 15 days prior to transferring any funds pursuant to the previous provisos under the heading in this Act, the Secretary shall provide to the Committees on Appropriations of the House of Representatives and the Senate an operating plan describing the planned uses of each amount proposed to be transferred: *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 PROVISION**

SEC. 01. Paragraph (1) under the heading “Department of Labor—Veterans Employment and Training” of title I of division A of Public Law 116-94 is amended by striking “obligation by the States through December 31, 2020” and inserting “expenditure by the States through September 30, 2022”: *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.

**Subtitle B—Health and Human Services**

**DEPARTMENT OF HEALTH AND HUMAN  
SERVICES**

**CENTERS FOR DISEASE CONTROL AND  
PREVENTION**

**CDC-WIDE ACTIVITIES AND PROGRAM SUPPORT**

For an additional amount for “CDC-Wide Activities and Program Support”, \$3,400,000,000, to remain available until September 30, 2024, to prevent, prepare for, and respond to coronavirus, domestically or internationally: *Provided*, That of the amount provided under this heading in this Act, not less than \$1,500,000,000 shall be for grants to or cooperative agreements with States, localities, territories, tribes, tribal

organizations, urban Indian health organizations, or health service providers to tribes, including to carry out surveillance, epidemiology, laboratory capacity, infection control, immunization activity, mitigation, communications, and other preparedness and response activities: *Provided further*, That the amounts included in the previous proviso shall be allocated to States, localities, and territories according to the formula that applied to the Public Health Emergency Preparedness cooperative agreement in fiscal year 2019: *Provided further*, That of the amount in the first proviso, not less than \$125,000,000 shall be allocated to tribes, tribal organizations, urban Indian health organizations, or health service providers to tribes: *Provided further*, That the Director of the Centers for Disease Control and Prevention (“CDC”) may satisfy the funding thresholds outlined in the first and third provisos by making awards through other grant or cooperative agreement mechanisms: *Provided further*, That of the amount provided under this heading in this Act, up to \$500,000,000 shall be for activities to plan, prepare for, promote, distribute, administer, monitor, and track seasonal influenza vaccines to ensure broad-based distribution, access, and vaccine coverage: *Provided further*, That funds provided under this heading in this Act may reimburse CDC obligations incurred for coronavirus vaccine planning, preparation, promotion, and distribution prior to the enactment of this Act: *Provided further*, That CDC shall report to the Committees on Appropriations of the House of Representatives and the Senate within 60 days of enactment of this Act on an enhanced seasonal influenza vaccination strategy to include nationwide vaccination goals and specific actions that CDC will take to achieve such goals: *Provided further*, That of the amount provided under this heading in this Act, not less than \$200,000,000 shall be for global disease detection and emergency response to be coordinated with funds provided in Public Law 116-123 and Public Law 116-136 to global disease detection and emergency response to support CDC-led global health security response including CDC regional planning efforts: *Provided further*, That CDC shall provide an update to the global health security report required in Public Law 116-94 within 90 days of enactment of this Act that shall include a spend plan for funds appropriated in the previous proviso and funds appropriated for global disease detection and emergency response in Public Law 116-123 and Public Law 116-136: *Provided further*, That such spend plan shall describe the regions and countries that CDC will prioritize and describe how CDC and USAID are coordinating during planning and implementation: *Provided further*, That within one year of enactment of this Act and every 365 days thereafter until funds provided in the eighth proviso in this paragraph and in Public Law 116-123 and Public Law 116-136 for global disease detection and emergency response are expended, CDC shall provide an evaluation outlining how investments in countering global health threats, as well as investments made by region or country, as applicable, have improved infectious disease response capability in the region or country and additional progress needed: *Provided further*, That of the amount provided under this heading in this Act, not less than \$200,000,000 shall be for public health data surveillance and analytics modernization to be coordinated with funds provided in Public Law 116-136 to support CDC-led data modernization efforts to improve disease reporting across the country: *Provided further*, That CDC shall update the public health data surveillance and IT systems modernization report to the Committees on Appropriations of the House of Rep-

resentatives and the Senate required by Public Law 116-94 within 180 days of enactment of this Act and every 365 days thereafter until funds provided under this heading in this Act and in Public Law 116-136 for public health surveillance and data collection modernization are expended: *Provided further*, That such report shall include an assessment of the progress State and territorial public health lab grantees have had in meeting data modernization goals, an assessment of the progress CDC internal public health data systems have had meeting data modernization goals, and a detailed plan for CDC’s long-term data modernization goals, including how CDC will receive near real-time data across the disease reporting platforms: *Provided further*, That funds appropriated under this heading in this Act may be used for grants for the rent, lease, purchase, acquisition, construction, alteration, or renovation of non-federally owned facilities to improve preparedness and response capability at the State, territorial, tribal, and local level: *Provided further*, That funds provided under this heading in this Act may be used for purchase and insurance of official motor vehicles in foreign countries: *Provided further*, That of the amount provided under this heading in this Act, \$1,000,000 shall be to develop and maintain a data system to be known as the Public Safety Officer Suicide Reporting System, to collect data on the suicide incidence among public safety officers; and facilitate the study of successful interventions to reduce suicide among public safety officers: *Provided further*, That such system shall be integrated into the National Violent Death Reporting System: *Provided further*, That amounts repurposed under this heading in this Act that were previously designated by the Congress as an emergency requirement pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985 are designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985: *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 INSTITUTES OF HEALTH

##### NATIONAL HEART, LUNG, AND BLOOD INSTITUTE

For an additional amount for “National Heart, Lung, and Blood Institute”, \$290,000,000, 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 INSTITUTE OF DIABETES AND DIGESTIVE AND KIDNEY DISEASES

For an additional amount for “National Institute of Diabetes and Digestive and Kidney Diseases”, \$200,000,000, 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 INSTITUTE OF ALLERGY AND INFECTIOUS DISEASES

For an additional amount for “National Institute of Allergy and Infectious Diseases”, \$480,555,000, to remain available until September 30, 2024, to prevent, prepare for, and respond to coronavirus, domestically or internationally: *Provided*, That \$55,000,000

shall be for Regional Biocontainment Laboratories: *Provided further*, That funding provided in the previous proviso shall be divided evenly among the eleven laboratories: *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.

##### EUNICE KENNEDY SHRIVER NATIONAL INSTITUTE OF CHILD HEALTH AND HUMAN DEVELOPMENT

For an additional amount for “Eunice Kennedy Shriver National Institute of Child Health and Human Development”, \$172,680,000, 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 MENTAL HEALTH

For an additional amount for “National Institute of Mental Health”, \$200,000,000, 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 INSTITUTE ON MINORITY HEALTH AND HEALTH DISPARITIES

For an additional amount for “National Institute on Minority Health and Health Disparities”, \$64,334,000, 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”, \$1,224,750,000, 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

##### (INCLUDING TRANSFER OF FUNDS)

For an additional amount for “Office of the Director”, \$12,905,337,000, to remain available until September 30, 2024, to prevent, prepare for, and respond to coronavirus, domestically or internationally: *Provided*, That not less than \$10,100,000,000 of the amount provided under this heading in this Act shall be for offsetting the costs related to reductions in lab productivity resulting from the coronavirus pandemic or public health measures related to the coronavirus pandemic: *Provided further*, That \$1,325,337,000 of the amount provided under this heading in this Act shall be to support additional scientific research or the programs and platforms that support research: *Provided further*, That \$1,240,000,000 of the amount provided under this heading in this Act shall be provided to accelerate the research and development of therapeutic interventions and vaccines in partnership: *Provided further*, that no less than \$240,000,000 of the amount provided under this heading in this Act shall be for supplements to existing research training

awards for extensions and other costs: *Provided further*, That funds available under this heading in this Act may be transferred to the accounts of Institutes and Centers of the NIH: *Provided further*, That this transfer authority is in addition to any other transfer authority available to the NIH: *Provided further*, That the Director shall enter into an agreement with the National Academies of Sciences, Engineering, and Medicine (“Academies”) to develop a decision framework to assist domestic and global health authorities in planning an equitable allocation of coronavirus vaccines: *Provided further*, That the Academies shall consider equity criteria which may include consideration of risk factors related to health disparities and health care access, underlying health conditions, racial and ethnic minorities, higher-risk occupations, first responders, geographic distribution of the virus, and vaccine hesitancy: *Provided further*, That the Academies shall provide recommendations to the Advisory Committee on Immunization Practices no later than September 18, 2020: *Provided further*, That the agreement shall include an ongoing assessment of how vaccine distribution meets equity criteria and recommendations for how vaccine distribution may better align with such criteria as applicable which shall inform the Advisory Committee on Immunization Practices prioritization recommendations and vaccine distribution activities: *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.

SUBSTANCE ABUSE AND MENTAL HEALTH  
SERVICES ADMINISTRATION

HEALTH SURVEILLANCE AND PROGRAM SUPPORT

For an additional amount for “Health Surveillance and Program Support”, \$4,500,000,000, to remain available through September 30, 2021, to prevent, prepare for, and respond to coronavirus, domestically or internationally: *Provided*, That of the amount appropriated under this heading in this Act, \$1,500,000,000 shall be for grants for the substance abuse prevention and treatment block grant program under subpart II of part B of title XIX of the Public Health Service Act (“PHS Act”): *Provided further*, That of the amount appropriated under this heading in this Act, \$2,000,000,000 shall be for grants for the community mental health services block grant program under subpart I of part B of title XIX of the PHS Act: *Provided further*, That of the amount appropriated in the previous proviso, the Assistant Secretary is directed to provide no less than 50 percent of funds directly to facilities defined in section 1913(c) of the PHS Act: *Provided further*, That of the amount appropriated under this heading in this Act, not less than \$600,000,000 is available for Certified Community Behavioral Health Clinic Expansion Grant program: *Provided further*, That of the amount appropriated under this heading in this Act, not less than \$50,000,000 shall be available for suicide prevention programs: *Provided further*, That of the amount appropriated under this heading in this Act, \$100,000,000 shall be for activities and services under Project AWARE: *Provided further*, That of the amount appropriated under this heading in this Act, not less than \$250,000,000 is available for activities authorized under section 501(o) of the PHS Act: *Provided further*, That from within the amount appropriated under this heading in this Act in the previous provisos, a total of not less than \$15,000,000 shall be allocated to tribes, tribal organizations, urban Indian health organizations, or health or behavioral health service providers to tribes: *Provided further*, That with respect to the amount appropriated

under this heading in this Act the Substance Abuse and Mental Health Services Administration may waive requirements with respect to allowable activities, timelines, or reporting requirements for the Substance Abuse Prevention and Treatment Block Grant and the Community Mental Health Services Block Grant as deemed necessary to facilitate a grantee’s response 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.

CENTERS FOR MEDICARE & MEDICAID SERVICES  
PROGRAM MANAGEMENT

For an additional amount for “Program Management”, \$150,000,000, to remain available through September 30, 2023, to prevent, prepare for, and respond to coronavirus, domestically and internationally: *Provided*, That amounts appropriated under this heading in this Act shall be for Centers for Medicare and Medicaid Services (“CMS”) strike teams for resident and employee safety in skilled nursing facilities and nursing facilities, including activities to support clinical care, infection control, and staffing: *Provided further*, That CMS shall provide a report to the Committees on Appropriations of the House of Representatives and the Senate 30 days after enactment of this Act outlining a plan for executing strike team efforts, including how safety and infection control measures will be assessed, how facilities will be chosen, and the frequency by which skilled nursing facilities and nursing facilities will be visited: *Provided further*, That CMS shall administer section 223 of Public Law 113–93 and consult with the Substance Abuse and Mental Health Services Administration, as necessary: *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.

ADMINISTRATION FOR CHILDREN AND FAMILIES

LOW INCOME HOME ENERGY ASSISTANCE

For an additional amount for “Low Income Home Energy Assistance”, \$1,500,000,000, to remain available through September 30, 2021, to prevent, prepare for, or respond to coronavirus, domestically or internationally, which shall be for making payments under subsection (b) of section 2602 of the Low-Income Home Energy Assistance Act of 1981 (42 U.S.C. 8621 et seq.): *Provided*, That of the amount provided under this heading in this Act, \$375,000,000 shall be allocated as though the total appropriation for such payments for fiscal year 2020 was less than \$1,975,000,000: *Provided further*, That section 2607(b)(2)(B) of such Act (42 U.S.C. 8626(b)(2)(B)) shall not apply to funds made available under this heading in this Act in fiscal year 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.

PAYMENTS TO STATES FOR THE CHILD CARE AND  
DEVELOPMENT BLOCK GRANT

For an additional amount for “Payments to States for the Child Care and Development Block Grant”, \$5,000,000,000, to remain available through September 30, 2021, to prevent, prepare for, and respond to coronavirus, domestically or internationally, including for Federal administrative expenses, which shall be used to supplement, not supplant State, Territory, and Tribal general revenue funds for child care assistance for low-income families within the United States (including territories) without

regard to requirements in sections 658E(c)(3)(D)–(E) or 658G of the Child Care and Development Block Grant Act: *Provided*, That funds provided under this heading in this Act may be used to provide continued payments and assistance to child care providers in the case of decreased enrollment or closures related to coronavirus, and to assure they are able to remain open or reopen as appropriate and applicable: *Provided further*, That States, Territories, and Tribes are encouraged to place conditions on payments to child care providers that ensure that child care providers use a portion of funds received to continue to pay the salaries and wages of staff: *Provided further*, That the Secretary shall remind States that CCDBG State plans do not need to be amended prior to utilizing existing authorities in the CCDBG Act for the purposes provided herein: *Provided further*, That States, Territories, and Tribes are authorized to use funds appropriated under this heading in this Act to provide child care assistance to health care sector employees, emergency responders, sanitation workers, and other workers deemed essential during the response to coronavirus by public officials, without regard to the income eligibility requirements of section 658P(4) of such Act: *Provided further*, That funds appropriated under this heading in this Act shall be available to eligible child care providers under section 658P(6) of the CCDBG Act, even if such providers were not receiving CCDBG assistance prior to the public health emergency as a result of the coronavirus and any renewal of such declaration pursuant to such section 319, for the purposes of cleaning and sanitation, and other activities necessary to maintain or resume the operation of programs: *Provided further*, That payments made under this heading in this Act may be obligated in this fiscal year or the succeeding two fiscal years: *Provided further*, That funds appropriated under this heading in this Act may be made available to restore amounts, either directly or through reimbursement, for obligations incurred 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 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.

CHILDREN AND FAMILIES SERVICES PROGRAMS

For an additional amount for “Children and Families Services Programs”, \$190,000,000, to remain available through September 30, 2021, to prevent, prepare for, and respond to coronavirus, domestically or internationally, including for Federal administrative expenses, which shall be used as follows:

(1) \$65,000,000 for Family Violence Prevention and Services grants as authorized by section 303(a) and 303(b) of the Family Violence and Prevention and Services Act with such funds available to grantees without regard to matching requirements under section 306(c)(4) of such Act, of which \$2,000,000 shall be for the National Domestic Violence Hotline: *Provided*, That the Secretary may make such funds available for providing temporary housing and assistance to victims of family, domestic, and dating violence;

(2) \$75,000,000 for child welfare services as authorized by subpart 1 of part B of title IV of the Social Security Act (other than sections 426, 427, and 429 of such subpart), with such funds available to grantees without regard to matching requirements under section 424(a) of that Act or any applicable reductions in Federal financial participation under section 424(f) of that Act; and

(3) \$50,000,000 for necessary expenses for community-based grants for the prevention

of child abuse and neglect under section 209 of the Child Abuse Prevention and Treatment Act, which the Secretary shall make available without regard to section 203(b)(1) and 204(4) of such Act:

*Provided further*, That funds appropriated under this heading in this Act may be made available to restore amounts, either directly or through reimbursement, for obligations incurred 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 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.

#### BACK TO WORK CHILD CARE GRANTS

For an additional amount for “Back to Work Child Care Grants”, \$10,000,000,000, to remain available through September 30, 2021, to prevent, prepare for, and respond to coronavirus, domestically or internationally, which shall be for activities to carry out Back to Work Child Care Grants to qualified child care providers, for a transition period of not more than 9 months to assist in paying for fixed costs and increased operating expenses due to COVID-19, and to reenroll children in an environment that supports the health and safety of children and staff: *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.

#### ADMINISTRATION FOR COMMUNITY LIVING

##### AGING AND DISABILITY SERVICES PROGRAMS

For an additional amount for “Aging and Disability Services Programs”, \$75,000,000, to remain available until September 30, 2021, to prevent, prepare for, and respond to coronavirus, domestically or internationally: *Provided*, That of the amount made available under this heading in this Act to prevent, prepare for, and respond to coronavirus, \$58,000,000 shall be for activities authorized under the Older Americans Act of 1965 (“OAA”), including \$3,000,000 to implement a demonstration program on strategies to recruit, retain, and advance direct care workers under section 411(a)(13) of the OAA; \$35,000,000 for supportive services under part B of title III of the OAA; and \$20,000,000 for support services for family caregivers under part E of title III of the OAA: *Provided further*, That of the amount made available under this heading in this Act, \$10,000,000 shall be available to support protection and advocacy systems, as described under subtitle C of title I of the Developmental Disabilities Assistance and Bill of Rights Act of 2000 (42 U.S.C. 15041 et seq.): *Provided further*, That of the amount made available under this heading in this Act, \$2,000,000 shall be for training, technical assistance, and resource centers authorized under sections 202(a) and 411 of the OAA; training and technical assistance to centers for independent living as authorized under section 721(b) of the Rehabilitation Act of 1973 (except that the reservations under paragraph (1) of such section shall not apply); technical assistance by the Secretary of Health and Human Services (“Secretary”) to State Councils on Developmental Disabilities as authorized under subtitle B of title I of the Developmental Disabilities Assistance and Bill of Rights Act of 2000 (except that the reservations under section 129(b) of such Act shall not apply); technical assistance by the Secretary to protection and advocacy systems as authorized under subtitle C of such title (except that the limits under section 142(a)(6) of such Act shall not apply); and technical assistance to University Centers for Excellence in Devel-

opmental Disabilities Education, Research, and Service as authorized under section 151(c) of such Act (except that the reservations under section 156(a)(3)(B) of such Act shall not apply): *Provided further*, That of the amount made available under this heading in this Act, \$5,000,000 shall be for activities authorized in the Assistive Technology Act of 2004: *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 SECRETARY PUBLIC HEALTH AND SOCIAL SERVICES EMERGENCY FUND (INCLUDING TRANSFER OF FUNDS)

For an additional amount for “Public Health and Social Services Emergency Fund”, \$29,000,000,000, to remain available until September 30, 2024, to prevent, prepare for, and respond to coronavirus, domestically or internationally, including the development of necessary countermeasures and vaccines, prioritizing platform-based technologies with U.S.-based manufacturing capabilities, the purchase of vaccines, therapeutics, diagnostics, necessary medical supplies, as well as medical surge capacity, addressing blood supply chain, workforce modernization, telehealth access and infrastructure, initial advanced manufacturing, novel dispensing, enhancements to the U.S. Commissioned Corps, and other preparedness and response activities: *Provided*, That funds appropriated under this paragraph in this Act may be used to develop and demonstrate innovations and enhancements to manufacturing platforms to support such capabilities: *Provided further*, That the Secretary of Health and Human Services shall purchase vaccines developed using funds made available under this paragraph in this Act to respond to an outbreak or pandemic related to coronavirus in quantities determined by the Secretary to be adequate to address the public health need: *Provided further*, That products purchased by the Federal government with funds made available under this paragraph in this Act, including vaccines, therapeutics, and diagnostics, shall be purchased in accordance with Federal Acquisition Regulation guidance on fair and reasonable pricing: *Provided further*, That the Secretary may take such measures authorized under current law to ensure that vaccines, therapeutics, and diagnostics developed from funds provided in this title will be affordable in the commercial market: *Provided further*, That in carrying out the previous proviso, the Secretary shall not take actions that delay the development of such products: *Provided further*, That the Secretary shall ensure that protections remain for individuals enrolled in group or individual health care coverage with pre-existing conditions, including those linked to coronavirus: *Provided further*, That products purchased with funds appropriated under this paragraph in this Act may, at the discretion of the Secretary of Health and Human Services, be deposited in the Strategic National Stockpile under section 319F-2 of the Public Health Service Act: *Provided further*, That of the amount appropriated under this paragraph in this Act, not more than \$2,000,000,000 shall be for the Strategic National Stockpile under section 319F-2(a) of such Act: *Provided further*, That funds appropriated under this paragraph in this Act may be transferred to, and merged with, the fund authorized by section 319F-4, the Covered Counter measure Process Fund, of the Public Health Service Act: *Provided further*, That of the amount appropriated under this paragraph in this Act, \$20,000,000,000 shall be available to the Biomedical Advanced Research and Development Authority for nec-

essary expenses of manufacturing, production, and purchase, at the discretion of the Secretary, of vaccines, therapeutics, diagnostics, and small molecule active pharmaceutical ingredients, including the development, translation, and demonstration at scale of innovations in manufacturing platforms: *Provided further*, That funds in the previous proviso may be used for the construction or renovation of U.S.-based next generation manufacturing facilities, other than facilities owned by the United States Government: *Provided further*, That of the amount provided under this heading in this Act, \$6,000,000,000 shall be for activities to plan, prepare for, promote, distribute, administer, monitor, and track coronavirus vaccines to ensure broad-based distribution, access, and vaccine coverage: *Provided further*, That the Secretary shall coordinate funding and activities outlined in the previous proviso through the Director of CDC: *Provided further*, That the Secretary, through the Director of CDC, shall report to the Committees on Appropriations of the House of Representatives and the Senate within 60 days of enactment of this Act on a comprehensive coronavirus vaccine distribution strategy and spend plan that includes how existing infrastructure will be leveraged, enhancements or new infrastructure that may be built, considerations for moving and storing vaccines, guidance for how States and health care providers should prepare for, store, and administer vaccines, nationwide vaccination targets, funding that will be distributed to States, how an informational campaign to both the public and health care providers will be executed, and how the vaccine distribution plan will focus efforts on high risk, underserved, and minority populations: *Provided further*, That such plan shall be updated and provided to the Committees on Appropriations of the House of Representatives and the Senate 90 days after submission of the first plan: *Provided further*, That the Secretary shall notify the Committees on Appropriations of the House of Representatives and the Senate 2 days in advance of any obligation in excess of \$50,000,000, including but not limited to contracts and interagency agreements, from funds provided in this paragraph in this Act: *Provided further*, That funds appropriated under this paragraph in this Act may be used for the construction, alteration, or renovation of non-federally owned facilities for the production of vaccines, therapeutics, diagnostics, and medical supplies where the Secretary determines that such a contract is necessary to secure sufficient amounts of such supplies: *Provided further*, That the not later than 30 days after enactment of this Act, and every 30 days thereafter until funds are expended, the Secretary shall report to the Committees on Appropriations of the House of Representatives and the Senate on uses of funding for Operation Warp Speed, detailing current obligations by Department or Agency, or component thereof broken out by the coronavirus supplemental appropriations Act that provided the source of funds: *Provided further*, That the plan outlined in the previous proviso shall include funding by contract, grant, or other transaction in excess of \$20,000,000 with a notation of which Department or Agency, and component thereof is managing the contract: *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 “Public Health and Social Services Emergency Fund”, \$8,085,000,000, to remain available until September 30, 2022, to prevent, prepare for, and respond to coronavirus, domestically

or internationally: *Provided*, That \$7,600,000,000 of the funds appropriated under this paragraph in this Act shall be transferred to “Health Resources and Services Administration—Primary Health Care” for grants, cooperative agreements, and other necessary expenses under the Health Centers Program, as defined by section 330 of the PHS Act, including funding for alteration, renovation, construction, equipment, and other capital improvement costs, and including funding to support, maintain, or increase health center capacity and staffing levels, as necessary, to meet the needs of areas affected by coronavirus: *Provided further*, That sections 330(r)(2)(B), 330(e)(3), 330(e)(6)(A)(iii), and 330(e)(6)(B)(iii) of the PHS Act shall not apply to funds in the preceding proviso: *Provided further*, That funding made available under this paragraph in this Act shall not be subject to requirements under the National Environmental Policy Act of 1969 or the National Historic Preservation Act of 1966: *Provided further*, That for the purposes of any funding provided for fiscal year 2020 for the Health Centers Program pursuant to section 330 of the PHS Act (42 U.S.C. 254b), maintaining current health center capacity and staffing levels during a public health emergency as a result of the coronavirus and any renewal of such declaration pursuant to such section 319 shall be deemed a cost of prevention, diagnosis, and treatment of coronavirus: *Provided further*, That \$250,000,000 of the funds appropriated under this paragraph in this Act shall be transferred to “Health Resources and Services Administration—Bureau of Health Workforce”, to remain available until September 30, 2022, for supplements to existing payments under subsections 340E(a) and (h)(1) notwithstanding the cap imposed by subsection (h)(1) and notwithstanding subsection (h)(6), for Children’s Hospitals Graduate Medical Education, to prevent, prepare for, and respond to coronavirus, domestically or internationally: *Provided further*, That \$5,000,000 of the funds appropriated under this paragraph in this Act shall be transferred to “Health Resources and Services Administration—Health Care Systems”, to remain available until September 30, 2022, for activities under sections 1271 and 1273 of the PHS Act to improve the capacity of poison control centers to respond to increased calls: *Provided further*, That of the amount appropriated under this paragraph in this Act, \$225,000,000 shall be for grants or other mechanisms, to rural health clinics as defined in section 1861(aa)(2) of the Social Security Act with such funds also available to such entities for building or construction of temporary structures, leasing of properties, and retrofitting facilities as necessary to support COVID-19 testing: *Provided further*, That such funds shall be distributed using the procedures developed for the Provider Relief Fund authorized under the third paragraph under this heading in division B of the Coronavirus Aid, Relief, and Economic Security Act (Public Law 116-136); may be distributed using contracts or agreements established for such program; and shall be subject to the process requirements applicable to such program: *Provided further*, That the Secretary may specify a minimum amount for each eligible entity accepting assistance under the two previous provisos: *Provided further*, That of the amount made available under this heading in this Act to prevent, prepare for, and respond to coronavirus, \$5,000,000, shall be available to implement section 747A of the PHS Act and section 747A(c) shall not apply to these 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.

For an additional amount for “Public Health and Social Services Emergency Fund”, \$16,000,000,000, to remain available until expended, to prevent, prepare for, and respond to coronavirus, domestically or internationally, which shall be for necessary expenses for testing, contact tracing, surveillance, containment, and mitigation to monitor and suppress COVID-19, including tests for both active infection and prior exposure, including molecular, antigen, and serological tests, the manufacturing, procurement and distribution of tests, testing equipment and testing supplies, including personal protective equipment needed for administering tests, the development and validation of rapid, molecular point-of-care tests, and other tests, support for workforce, epidemiology, to scale up academic, commercial, public health, and hospital laboratories, to conduct surveillance and contact tracing, support development of COVID-19 testing plans, and other related activities related to COVID-19 testing: *Provided*, That of the amount appropriated under this paragraph in this Act, not less than \$15,000,000,000 shall be for States, localities, territories, tribes, tribal organizations, urban Indian health organizations, or health service providers to tribes for necessary expenses for testing, contact tracing, surveillance, containment, and mitigation, including support for workforce, epidemiology, use by employers, elementary and secondary schools, child care facilities, institutions of higher education, long-term care facilities, or in other settings, scale up of testing by public health, academic, commercial, and hospital laboratories, and community-based testing sites, health care facilities, and other entities engaged in COVID-19 testing, and other related activities related to COVID-19 testing, contact tracing, surveillance, containment, and mitigation: *Provided further*, That the amount identified in the preceding proviso shall be allocated to States, localities, and territories according to the formula that applied to the Public Health Emergency Preparedness cooperative agreement in fiscal year 2019: *Provided further*, That not less than \$500,000,000 shall be allocated in coordination with the Director of the Indian Health Service, to tribes, tribal organizations, urban Indian health organizations, or health service providers to tribes: *Provided further*, That the Secretary of Health and Human Services (referred to in this paragraph as the “Secretary”) may satisfy the funding thresholds outlined in the first and third provisos under this paragraph in this Act by making awards through other grant or cooperative agreement mechanisms: *Provided further*, That the Governor or designee of each State, locality, territory, tribe, or tribal organization receiving funds pursuant to this title shall update their plans, as applicable, for COVID-19 testing and contact tracing submitted to the Secretary pursuant to the Paycheck Protection Program and Health Care Enhancement Act (Public Law 116-139) and submit such updates to the Secretary not later than 60 days after funds appropriated in this paragraph in this Act have been awarded to such recipient: *Provided further*, That funds an entity receives from amounts described in the first proviso in this paragraph may also be used for the rent, lease, purchase, acquisition, construction, alteration, renovation, or equipping of non-federally owned facilities to improve coronavirus preparedness and response capability at the State and local level: *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 “Public Health and Social Services Emergency

Fund”, \$25,000,000,000, to remain available until expended, to prevent, prepare for, and respond to coronavirus, domestically or internationally, which shall be for necessary expenses to reimburse, through grants or other mechanisms, eligible health care providers for health care related expenses or lost revenues that are attributable to coronavirus: *Provided*, That these funds may not be used to reimburse expenses or losses that have been reimbursed from other sources or that other sources are obligated to reimburse: *Provided further*, That recipients of payments under this paragraph shall submit reports and maintain documentation as the Secretary determines are needed to ensure compliance with conditions that are imposed by this paragraph for such payments, and such reports and documentation shall be in such form, with such content, and in such time as the Secretary may prescribe for such purpose: *Provided further*, That “eligible health care providers” means public entities, Medicare or Medicaid enrolled suppliers and providers, and such for-profit entities and not-for-profit entities not otherwise described in this proviso as the Secretary may specify, within the United States (including territories), that provide diagnoses, testing, or care for individuals with possible or actual cases of COVID-19: *Provided further*, That the Secretary of Health and Human Services shall, on a rolling basis, review applications and make payments under this paragraph in this Act: *Provided further*, That funds appropriated under this paragraph in this Act shall be available for building or construction of temporary structures, leasing of properties, medical supplies and equipment including personal protective equipment and testing supplies, increased workforce and trainings, emergency operation centers, retrofitting facilities, and surge capacity: *Provided further*, That, in this paragraph, the term “payment” means a pre-payment, prospective payment, or retrospective payment, as determined appropriate by the Secretary: *Provided further*, That payments under this paragraph shall be made in consideration of the most efficient payment systems practicable to provide emergency payment: *Provided further*, That to be eligible for a payment under this paragraph, an eligible health care provider shall submit to the Secretary of Health and Human Services an application that includes a statement justifying the need of the provider for the payment and the eligible health care provider shall have a valid tax identification number: *Provided further*, That, not later than 3 years after final payments are made under this paragraph, the Office of Inspector General of the Department of Health and Human Services shall transmit a final report on audit findings with respect to this program to the Committees on Appropriations of the House of Representatives and the Senate: *Provided further*, That nothing in this section limits the authority of the Inspector General or the Comptroller General to conduct audits of interim payments at an earlier date: *Provided further*, That not later than 60 days after the date of enactment of this Act, the Secretary of Health and Human Services shall provide a report to the Committees on Appropriations of the House of Representatives and the Senate on obligation of funds, including obligations to such eligible health care providers summarized by State of the payment receipt: *Provided further*, That such reports shall be updated and submitted to such Committees every 60 days until funds are expended: *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  
(INCLUDING TRANSFER OF FUNDS)

SEC. 10. Funds appropriated by this subtitle 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. 11. Funds made available by this subtitle may be used to enter into contracts with individuals for the provision of personal services (as described in section 104 of part 37 of title 48, 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*, That such individuals 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 the authority made available pursuant to this section shall expire on September 30, 2024.

SEC. 12. (a) If services performed by an employee during 2020 are determined by the head of the agency to be primarily related to preparation, prevention, or response to coronavirus, any premium pay for such services shall be disregarded in calculating the aggregate of such employee's basic pay and premium pay for purposes of a limitation under section 5547(a) of title 5, United States Code, or under any other provision of law, whether such employee's pay is paid on a bi-weekly or calendar year basis.

(b) Any overtime pay for such services shall be disregarded in calculating any annual limit on the amount of overtime pay payable in a calendar or fiscal year.

(c) With regard to such services, any pay that is disregarded under either subsection (a) or (b) shall be disregarded in calculating such employee's aggregate pay for purposes of the limitation in section 5307 of such title 5.

(d)(1) Pay that is disregarded under subsection (a) or (b) shall not cause the aggregate of the employee's basic pay and premium pay for the applicable calendar year to exceed the rate of basic pay payable for a position at level II of the Executive Schedule under section 5313 of title 5, United States Code, as in effect at the end of such calendar year.

(2) 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 under a premium pay limit established under an authority other than section 5547 of title 5, United States Code, the agency responsible for administering such limit shall determine what payments are considered premium pay.

(e) This section shall take effect as if enacted on February 2, 2020.

(f) 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 accumu-

lated and accrued annual leave under section 5551 or section 5552 of title 5, United States Code.

SEC. 13. The paragraph codified at 42 U.S.C. 231 shall be applied in this and all other fiscal years as though the phrase "central services" referred to central services for any Federal agency, and this section shall be effective as if enacted on the date of enactment of such paragraph.

SEC. 14. Funds appropriated by this subtitle to the heading "Department of Health and Human Services" except for the amounts specified in the third, and fourth paragraphs under the heading "Public Health and Social Services Emergency Fund", may be transferred to, and merged with, other appropriation accounts under the headings "Centers for Disease Control and Prevention", "Public Health and Social Services Emergency Fund", "Administration for Children and Families", "Administration for Community Living", and "National Institutes of Health" to prevent, prepare for, and respond to coronavirus following consultation with the Office of Management and Budget: *Provided*, That the Committees on Appropriations of the House of Representatives and the Senate shall be notified 10 days in advance of any such transfer: *Provided further*, That, upon a determination that all or part of the funds transferred from an appropriation by this subtitle are not necessary, such amounts may be transferred back to that appropriation: *Provided further*, That none of the funds made available by this subtitle may be transferred pursuant to the authority in section 205 of division A of Public Law 116-94 or section 241(a) of the PHS Act.

SEC. 15. Of the funds appropriated by this subtitle under the heading "Public Health and Social Services Emergency Fund", up to \$6,000,000 shall be transferred to, and merged with, funds made available under the heading "Office of the Secretary, Office of Inspector General", and shall remain available until expended, for oversight of activities supported with funds appropriated to the Department of Health and Human Services to prevent, prepare for, and respond to coronavirus, domestically or internationally: *Provided*, That the Inspector General of the Department of Health and Human Services 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.

SEC. 16. Funds made available in Public Law 113-235 to the accounts of the National Institutes of Health that were available for obligation through fiscal year 2015 are to remain available through fiscal year 2021 for the liquidation of valid obligations incurred in fiscal year 2015: *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. 17. Section 675B(b)(3) of the Community Services Block Grant Act (42 U.S.C. 9906(b)(3)) shall not apply with respect to funds appropriated by the Coronavirus Aid, Relief, and Economic Security Act (Public Law 116-136) to carry out the Community Services Block Grant Act (42 U.S.C. 9901 et seq.): *Provided*, That the amounts repurposed in this section that were previously designated by the Congress as an emergency requirement pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985 are designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

Subtitle C—Education  
DEPARTMENT OF EDUCATION  
EDUCATION STABILIZATION FUND

For an additional amount for "Education Stabilization Fund", \$105,000,000,000, to remain available through 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.

GENERAL PROVISIONS  
EDUCATION STABILIZATION FUND

SEC. 21. (a) ALLOCATIONS.—From the amount made available under this heading in this Act to carry out the Education Stabilization Fund, the Secretary shall first allocate—

(1) not more than one half of 1 percent to the outlying areas on the basis of the terms and conditions for funding provided under this heading in the Coronavirus Aid, Relief, and Economic Security (CARES) Act (Public Law 116-136); and

(2) one-half of 1 percent for the Secretary of the Interior for programs operated or funded by the Bureau of Indian Education, under the terms and conditions established for funding provided under this heading in the CARES Act (Public Law 116-136).

(b) RESERVATIONS.—After carrying out subsection (a), the Secretary shall reserve the remaining funds made available as follows:

(1) 5 percent to carry out section 22 of this title.

(2) 67 percent to carry out section 23 of this title.

(3) 28 percent to carry out section 24 of this title.

GOVERNOR'S EMERGENCY EDUCATION RELIEF  
FUND

SEC. 22. (a) GRANTS.—From funds reserved under section 21(b)(1) of this title, the Secretary shall make supplemental Emergency Education Relief grants to the Governor of each State with an approved application under section 18002 of division B of the CARES Act (Public Law 116-136). The Secretary shall award funds under this section to the Governor of each State with an approved application within 30 calendar days of enactment of this Act.

(b) ALLOCATIONS.—The amount of each grant under subsection (a) shall be allocated by the Secretary to each State as follows:

(1) 60 percent on the basis of their relative population of individuals aged 5 through 24.

(2) 40 percent on the basis of their relative number of children counted under section 1124(c) of the Elementary and Secondary Education Act of 1965 (referred to under this heading as "ESEA").

(c) USES OF FUNDS.—Grant funds awarded under subsection (b) may be used to—

(1) provide emergency support through grants to local educational agencies that the State educational agency deems have been most significantly impacted by coronavirus to support the ability of such local educational agencies to continue to provide educational services to their students and to support the on-going functionality of the local educational agency;

(2) provide emergency support through grants to institutions of higher education serving students within the State that the Governor determines have been most significantly impacted by coronavirus to support the ability of such institutions to continue to provide educational services and support the on-going functionality of the institution; and

(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 emergency educational services to students for authorized activities described in section 23(e) of this title, the ESEA of 1965, the Higher Education Act of 1965, the provision of child care and early childhood education, social and emotional support, career and technical education, adult education, and the protection of education-related jobs.

(d) REALLOCATION.—Each Governor shall return to the Secretary any funds received under this section that the Governor does not award within 6 months of receiving such funds and the Secretary shall reallocate such funds to the remaining States in accordance with subsection (b).

(e) REPORT.—A Governor receiving funds under this section shall submit a report to the Secretary, not later than 6 months after receiving funding provided in this title, in such manner and with such subsequent frequency as the Secretary may require, that provides a detailed accounting of the use of funds provided under this section.

#### ELEMENTARY AND SECONDARY SCHOOL EMERGENCY RELIEF FUND

SEC. 23. (a) GRANTS.—From funds reserved under section 21(b)(2) of this title, the Secretary shall make supplemental elementary and secondary school emergency relief grants to each State educational agency with an approved application under section 18003 of division B of the CARES Act (Public Law 116-136). The Secretary shall award funds under this section to each State educational agency with an approved application within 15 calendar days of enactment of this Act.

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

(c) SUBGRANTS.—From the payment provided by the Secretary under subsection (b), the State educational agency shall provide services and assistance to local educational agencies and non-public schools, consistent with the provisions of this subtitle. After carrying out the reservation of funds in section 25 of this title, each State shall allocate not less than 90 percent of the remaining 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 and charter schools that are local educational agencies received under part A of title I of the ESEA of 1965 in the most recent fiscal year. The state educational agency shall make such subgrants to local educational agencies as follows—

(1) one-third of funds shall be awarded not less than 15 calendar days after receiving an award from the Secretary under this section; and

(2) the remaining two-thirds of funds shall be awarded only after the local educational agency submits to the Governor and the Governor approves a comprehensive school reopening plan for the 2020-2021 school-year, based on criteria determined by the Governor in consultation with the state educational agency (including criteria for the Governor to carry out subparagraph (A) through (C)), that describes how the local educational agency will safely reopen schools with the physical presence of students, consistent with maintaining safe and continuous operations aligned with challenging state academic standards. The Governor shall approve such plans within 30 days after the plan is submitted, subject to the re-

quirements in subparagraphs (A) through (C).

(A) A local educational agency that provides in-person instruction for at least 50 percent of its students where the students physically attend school no less than 50 percent of each school-week, as it was defined by the local educational agency prior to the coronavirus emergency, shall have its plan automatically approved.

(B) A local educational agency that does not provide in-person instruction to any students where the students physically attend school in-person shall not be eligible to receive a subgrant under paragraph (2).

(C) A local educational agency that provides in-person instruction to at least some students where the students physically attend school in-person but does not satisfy the requirements in subparagraph (A) shall have its allocation reduced on a pro rata basis as determined by the Governor.

(d) PLAN CONTENTS.—A school reopening plan submitted to a Governor under subsection (c)(2) shall include, in addition to any other information necessary to meet the criteria determined by the Governor—

(1) A detailed timeline for when the local educational agency will provide in-person instruction, including the goals and criteria used for providing full-time in-person instruction to all students;

(2) A description of how many days of in-person instruction per calendar week the local educational agency plans to offer to students during the 2020-2021 school year; and

(3) An assurance that the local educational agency will offer students as much in-person instruction as is safe and practicable, consistent with maintaining safe and continuous operations aligned with challenging state academic standards.

(e) USES OF FUNDS.—

(1) A local educational agency or non-public school that receives funds under subsection (c)(1) or section 25 may use funds for any of the following:

(A) Activities to support returning to in-person instruction, including purchasing personal protective equipment, implementing flexible schedules to keep children in isolated groups, purchasing box lunches so that children can eat in their classroom, purchasing physical barriers, providing additional transportation services, repurposing existing school rooms and space, and improving ventilation systems.

(B) Developing and implementing procedures and systems to improve the preparedness and response efforts of local educational agencies or non-public schools including coordination with State, local, Tribal, and territorial public health departments, and other relevant agencies, to improve coordinated responses among such entities to prevent, prepare for, and respond to coronavirus.

(C) Providing principals and other school leaders with the resources necessary to address the needs of their individual schools directly related to coronavirus.

(D) Providing additional services to address the unique needs of low-income children or students, children with disabilities, English learners, racial and ethnic minorities, students experiencing homelessness, and foster care youth, including how outreach and service delivery will meet the needs of each population.

(E) Training and professional development for staff of the local educational agency or non-public school on sanitation and minimizing the spread of infectious diseases.

(F) Purchasing supplies to sanitize, clean, and disinfect the facilities of a local educational agency or non-public school, including buildings operated by such agency.

(G) Planning for and coordinating during long-term closures, including for how to provide meals to eligible students, how to provide technology for online learning to all students, how to provide guidance for carrying out requirements under the Individuals with Disabilities Education Act (20 U.S.C. 1401 et seq.) and how to ensure other educational services can continue to be provided consistent with all Federal, State, and local requirements.

(H) Purchasing educational technology (including hardware, software, and connectivity) for students who are served by the local educational agency or non-public school 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.

(I) Expanding healthcare and other health services (including mental health services and supports), including for children at risk of abuse or neglect.

(J) Planning and implementing activities related to summer learning and supplemental afterschool programs, including providing classroom instruction or online 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.

(2) A local educational agency that receives funds under subsection (c)(2) may use the funds for activities to carry out a comprehensive school reopening plan as described in this section, including:

(A) Purchasing personal protective equipment, implementing flexible schedules to keep children in isolated groups, purchasing box lunches so that children can eat in their classroom, purchasing physical barriers, providing additional transportation services, repurposing existing school rooms and space, and improving ventilation systems.

(B) Developing and implementation of procedures and systems to improve the preparedness and response efforts of local educational agencies or non-public schools, including coordination with State, local, Tribal, and territorial public health departments, and other relevant agencies, to improve coordinated responses among such entities to prevent, prepare for, and respond to coronavirus.

(C) Providing principals and others school leaders with the resources necessary to address the needs of their individual schools.

(D) Providing additional services to address the unique needs of low-income children or students, children with disabilities, English learners, racial and ethnic minorities, students experiencing homelessness, and foster care youth, including how outreach and service delivery will meet the needs of each population.

(E) Training and professional development for staff of the local educational agency or non-public school on sanitation and minimizing the spread of infectious diseases.

(F) Purchasing supplies to sanitize, clean, and disinfect the facilities of a local educational agency or non-public school, including buildings operated by such agency.

(G) Purchasing educational technology (including hardware, software, and connectivity) for students who are served by the local educational agency or non-public school 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.

(H) Expanding healthcare and other health services (including mental health services

and supports), including for children at risk of abuse or neglect.

(I) Planning and implementing activities related to summer learning and supplemental afterschool programs, including providing classroom instruction 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.

(f) STATE FUNDING.—A State may reserve not more than 5 percent of the funds not otherwise allocated under subsection (c) and section 25 for 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.

(g) ASSURANCES.—A State, state educational agency, or local educational agency receiving funding under this section shall provide assurances, as applicable, that:

(1) A State, State educational agency, or local educational agency will maintain and expand access to high-quality schools, including high-quality public charter schools, and will not—

(A) enact policies to close or prevent the expansion of such schools to address revenue shortfalls that result in the disproportionate closure or denial of expansion of public charter schools that are otherwise meeting the terms of their charter for academic achievement; or

(B) disproportionately reduce funding to charter schools or otherwise increase funding gaps between charter schools and other public schools in the local educational agency.

(2) Allocations of funding and services provided from funds provided in this section to public charter schools are made on the same basis as is used for all public schools, consistent with state law and in consultation with charter school leaders.

(h) REPORT.—A State receiving funds under this section shall submit a report to the Secretary, not later than 6 months after receiving funding provided in this title, in such manner and with such subsequent frequency as the Secretary may require, that provides a detailed accounting of the use of funds provided under this section.

(i) REALLOCATION.—A State shall return to the Secretary any funds received under this section that the State does not award within 4 months of receiving such funds and the Secretary shall deposit such funds into the general fund of the Treasury.

(j) RULE OF CONSTRUCTION.—

(1) The receipt of any funds authorized or appropriated under this section, including pursuant to section 25 of this Act, by a nonprofit entity, or by any individual who has been admitted or applied for admission to such entity (or any parent or guardian of such individual), shall not be construed to render such entity or person a recipient of Federal financial assistance for any purpose, nor shall any such person or entity be required to make any alteration to its existing programs, facilities, or employment practices except as required under this section.

(2) No State participating in any program under this section, including pursuant to section 25 of this Act, shall impose any penalty or additional requirement upon, or otherwise disadvantage, such entity or person as a consequence or condition of its receipt of such funds.

(3) No State participating in any program under this section shall authorize any person or entity to use any funds authorized or appropriated under this section, including pursuant to section 25 of this Act, except as provided by subsection (e), nor shall any

such State impose any limits upon the use of any such funds except as provided by subsection (e).

#### HIGHER EDUCATION EMERGENCY RELIEF FUND

SEC. 24. (a) IN GENERAL.—From funds reserved under section 21(b)(3) of this title the Secretary shall allocate amounts as follows:

(1) 85 percent to each institution of higher education described in section 101 or section 102(c) of the Higher Education Act of 1965 to prevent, prepare for, and respond to coronavirus, by apportioning it—

(A) 90 percent according to the relative share of full-time equivalent enrollment of Federal Pell Grant recipients who were not exclusively enrolled in distance education courses prior to the coronavirus emergency; and

(B) 10 percent according to the relative share of full-time equivalent enrollment of students who were not Federal Pell Grant recipients who were not exclusively enrolled in distance education courses prior to the coronavirus emergency.

(2) 10 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 24(a)(1) 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 distributed to eligible institutions of higher education, except as otherwise provided in subparagraphs (A)–(D), on the basis of the formula described in section 24(a)(1) of this title:

(A) Except as otherwise provided in subparagraph (B), for eligible institutions under part B of title III and subpart 4 of part A of title VII of the Higher Education Act, the Secretary shall allot to each eligible institution an amount using the following formula:

(i) 70 percent according to a ratio equivalent to the number of Pell Grant recipients in attendance at such institution at the end of the school year preceding the beginning of the most recent fiscal year and the total number of Pell Grant recipients at all such institutions;

(ii) 20 percent according to a ratio equivalent to the total number of students enrolled at such institution at the end of the school year preceding the beginning of that fiscal year and the number of students enrolled at all such institutions; and

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

(B) For eligible institutions under section 326 of the Higher Education Act, the Secretary shall allot to each eligible institution an amount in proportion to the award received from funding for such institutions in the Further Consolidated Appropriations Act, 2020 (Public Law 116-94);

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

(D) Notwithstanding section 318(f) of the Higher Education Act, for eligible institutions under section 318 of the Higher Education Act, the Secretary shall allot funding according to the formula in section 318(e) of the Higher Education Act.

(3) 5 percent for grants to institutions of higher education that the Secretary determines, through an application process and

after allocating funds under paragraphs 24(a)(1) and (2) of this Act, have the greatest unmet needs related to coronavirus. In awarding funds to institutions of higher education under this paragraph the Secretary shall prioritize institutions of higher education—

(A) described under title I of the Higher Education Act of 1965 that were not eligible to receive an award under section 24(a)(1) of this title, including institutions described in section 102(b) of the Higher Education Act of 1965; and

(B) that otherwise demonstrate significant needs related to coronavirus that were not addressed by funding allocated under subsections (a)(1) or (a)(2) of this section.

(b) DISTRIBUTION.—The funds made available to each institution under subsection (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. 1001 et seq.).

(c) USES OF FUNDS.—An institution of higher education receiving funds under this section may use the funds received to:

(1) defray expenses associated with coronavirus (including lost revenue, reimbursement for expenses already incurred, technology costs associated with a transition to distance education, faculty and staff trainings, and payroll); and

(2) provide financial aid grants to students (including students exclusively enrolled in distance education), which may be used for any component of the student's cost of attendance or for emergency costs that arise due to coronavirus.

(d) SPECIAL PROVISIONS.—

(1) A Historically Black College and University or a Minority Serving Institution may use prior awards provided under titles III, V, and VII of the Higher Education Act to prevent, prepare for, and respond to coronavirus.

(2) An institution of higher education receiving funds under section 18004 of division B of the CARES Act (Public Law 116-136) may use those funds under the terms and conditions of section 24(c) of this Act. Amounts repurposed pursuant to this paragraph that were previously designated by the Congress as an emergency requirement pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985 are designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

(3) No funds received by an institution of higher education under this section shall be used to fund contractors for the provision of pre-enrollment recruitment activities; endowments; or capital outlays associated with facilities related to athletics, sectarian instruction, or religious worship.

(4) An institution of higher education that was required to remit payment to the Internal Revenue Service for the excise tax based on investment income of private colleges and universities under section 4968 of the Internal Revenue Code of 1986 for tax year 2019 shall have their allocation under this section reduced by 50 percent and may only use funds for activities described in paragraph (c)(2). This paragraph shall not apply to an institution of higher education designated by the Secretary as an eligible institution under section 448 of the Higher Education Act of 1965.

(e) REPORT.—An institution receiving funds under this section shall submit a report to the Secretary, not later than 6 months after receiving funding provided in

this title, in such manner and with such subsequent frequency as the Secretary may require, that provides a detailed accounting of the use of funds provided under this section.

(f) **REALLOCATION.**—Any funds allocated to an institution of higher education under this section on the basis of a formula described in subsection (a)(1) or (a)(2) but for which an institution does not apply for funding within 60 days of the publication of the notice inviting applications, shall be reallocated to eligible institutions that had submitted an application by such date.

#### ASSISTANCE TO NON-PUBLIC SCHOOLS

SEC. 25. (a) **FUNDS AVAILABILITY.**—From the payment provided by the Secretary under section 23 of this title to a State educational agency, the State educational agency shall reserve an amount of funds equal to the percentage of students enrolled in non-public elementary and secondary schools in the State prior to the coronavirus emergency. Upon reserving funds under this section, the Governor of the State shall award such funds equally to each non-public school accredited or otherwise located in and licensed to operate in the State based on the number of low-income students enrolled in the non-public school as a share of all low-income students enrolled in non-public elementary and secondary schools in the State prior to the coronavirus emergency, subject to the requirements in subsection (b).

(b)(1) A non-public school that provides in-person instruction for at least 50 percent of its students where the students physically attend school no less than 50 percent of each school-week, as determined by the non-public school prior to the coronavirus emergency, shall be eligible for the full amount of assistance per student as prescribed under this section.

(2) A non-public school that does not provide in-person instruction to any students where the students physically attend school in-person shall only be eligible for one-third of the amount of assistance per student as prescribed under this section.

(3) A non-public school that provides in-person instruction to at least some students where the students physically attend school in-person but does not satisfy the requirements in paragraph (1) shall have its amount of assistance as prescribed under this section reduced on a pro rata basis, which shall be calculated using the same methodology as is used under section 23(c)(2)(C) of this title.

(4) A Governor shall allocate not less than 50 percent of the funds reserved in this section to non-public schools within 30 days of receiving an award from the Secretary and the remaining 50 percent not less than 4 months after receiving an award from the Secretary.

#### CONTINUED PAYMENT TO EMPLOYEES

SEC. 26. A local educational agency, State, institution of higher education, 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. 27. Except as otherwise provided in sections 21–26 of this title, as used in such sections—

(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 operates in accordance with State law; and (B) was in existence prior to the date of the qualifying emergency for which grants are awarded under this section;

(7) the term “public school” means a public elementary or secondary school; and

(8) any other term used that is defined in section 8101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801) shall have the meaning given the term in such section.

#### MAINTENANCE OF EFFORT

SEC. 28. A State’s application for funds to carry out sections 22 or 23 of this title shall include assurances that the State will maintain support for elementary and secondary education, and State support for higher education (which shall include State funding to institutions of higher education and state need-based financial aid, and shall not include support for capital projects or for research and development or tuition and fees paid by students) in fiscal years 2020 and 2021 at least at the proportional levels of such State’s support for elementary and secondary education and for higher education relative to such States overall spending in fiscal year 2019.

#### 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, for carrying out part D of title I, and subparts 1, 3, 9 and 10 of part A, and parts B, C, D, and E of title IV of the HEA, and subpart 1 of part A of title VII of the Public Health Service 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.

#### INSTITUTE OF EDUCATION SCIENCES

For an additional amount for “Institute of Education Sciences”, \$65,000,000, to remain available through September 30, 2021, to prevent, prepare for, and respond to coronavirus, domestically or internationally, for carrying out the National Assessment of Educational Progress Authorization Act (title III of Public Law 107-279): *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

##### PROGRAM ADMINISTRATION

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: *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”, \$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, grants, and projects funded in this title 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.

#### GENERAL PROVISIONS

SEC. 29. Funds made available in Public Law 115-245 under the heading “National Technical Institute for the Deaf” that were available for obligation through fiscal year 2019, and where a valid obligation was incurred in such fiscal year, are to remain available for obligation and expenditure by educational agencies or institutions through fiscal year 2021, notwithstanding section 412(b) of the General Education Provisions Act (20 U.S.C. 1225): *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. 30. Funds made available in Public Law 115-245 under the heading “Gallaudet University” that were available for obligation through fiscal year 2019, and where a valid obligation was incurred in such fiscal year, are to remain available for obligation and expenditure by educational agencies or institutions through fiscal year 2021, notwithstanding section 412(b) of the General Education Provisions Act (20 U.S.C. 1225): *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. 31. Funds made available in Public Law 113-76 under the heading “Innovation and Improvement” that were available for obligation through December 31, 2014 for the Investing in Innovation program pursuant to the eighth and ninth provisos under that heading in that Act are to remain available through fiscal year 2021 for the liquidation of valid obligations incurred in fiscal years 2014 or 2015: *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. 32. Funds made available in Public Law 113-76 under the heading “Rehabilitation Services and Disability Research” that were available for obligation through fiscal year 2015 for the Automated Personalization Computing Project pursuant to the first four provisos under that heading in that Act are to remain available through fiscal year 2021 for the liquidation of valid obligations incurred in fiscal years 2014 or 2015: *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.

#### Subtitle D—Related Matters

##### RELATED AGENCIES

##### CORPORATION FOR PUBLIC BROADCASTING

For an additional amount for “Corporation for Public Broadcasting”, \$175,000,000, to remain available until 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(12), with no deduction for administrative or other costs of the Corporation, to maintain 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.

#### GENERAL PROVISIONS—THIS TITLE

SEC. \_\_\_\_ 41. Not later than 30 days after the date of enactment of this Act, the Secretaries of Labor, Health and Human Services, and Education shall provide a detailed spend plan of anticipated uses of funds made available in this title, including estimated personnel and administrative costs, to the Committees on Appropriations of the House of Representatives and the Senate: *Provided*, That such plans shall be updated and submitted to such Committees every 60 days until September 30, 2024: *Provided further*, That the spend plans shall be accompanied by a listing of each contract obligation incurred that exceeds \$5,000,000 which has not previously been reported, including the amount of each such obligation.

SEC. \_\_\_\_ 42. (a) The remaining unobligated balances of funds as of September 30, 2020, from amounts provided under the heading “Corporation for National and Community Service—Operating Expenses” in title IV of division A of the Further Consolidated Appropriations Act, 2020 (Public Law 116-94), are hereby permanently rescinded, and an amount of additional new budget authority equivalent to the amount rescinded is hereby appropriated on September 30, 2020, to remain available until September 30, 2021, and shall be available for the same purposes, in addition to other funds as may be available for such purposes, and under the same authorities for which the funds were originally provided in Public Law 116-94: *Provided*, That any amounts appropriated by the preceding proviso shall not be subject to the allotment requirements otherwise applicable under sections 129(a), (b), (d), and (e) of the National and Community Service Act of 1993: *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.

(b)(1) Subsection (b) of section 3514 of title III of division A of the CARES Act (Public Law 116-136) is hereby repealed, and shall be applied hereafter as if such subsection had never been enacted.

(2)(A) IN GENERAL.—The amounts provided under this subsection are designated as an emergency requirement pursuant to section 4(g) of the Statutory Pay-As-You-Go Act of 2010 (2 U.S.C. 933(g)).

(B) DESIGNATION IN SENATE.—In the Senate, this subsection is designated as an emergency requirement pursuant to section 4112(a) of H. Con. Res. 71 (115th Congress), the concurrent resolution on the budget for fiscal year 2018.

(C) CLASSIFICATION OF BUDGETARY EFFECTS.—Notwithstanding Rule 3 of the Budget Scorekeeping Guidelines set forth in the joint explanatory statement of the committee of conference accompanying Conference Report 105-217 and section 250(c)(7) and (c)(8) of the Balanced Budget and Emergency Deficit Control Act of 1985, the budgetary effects of this subsection—

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

(ii) shall not be estimated for purposes of paragraph (4)(C) of section 3 of the Statutory Pay As-You-Go Act of 2010 as being included in an appropriation Act; and

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

**SA 2526.** Mr. TOOMEY submitted an amendment intended to be proposed to amendment SA 2499 proposed by Mr. MCCONNELL to the bill S. 178, to con-

demn gross human rights violations of ethnic Turkic Muslims in Xinjiang, and calling for an end to arbitrary detention, torture, and harassment of these communities inside and outside China; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

#### SEC. \_\_\_\_ PARTNERSHIPS WITH STATE ACADEMIC CENTERS AND PUBLIC HEALTH DEPARTMENTS.

(a) IN GENERAL.—The Secretary of Health and Human Services (referred to in this section as the “Secretary”) shall partner with State-based institutions of higher education (as defined in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a))) and public health departments to perform statewide, regional seroprevalence studies in States with a prevalence of COVID-19 that is greater than 1,000 per 100,000 people. Any such study shall involve, at minimum, the number of State residents required to achieve statistical significance to estimate seroprevalence across the State.

(b) FUNDING.—The Secretary shall allocate funds to carry out this section from any unobligated amounts of the additional amount of \$25,000,000,000 appropriated to the Public Health and Social Services Emergency Fund, under the heading “Public Health and Social Services Emergency Fund” under the heading “Office of the Secretary” under the heading “Department of Health and Human Services” under title I of division B of the Paycheck Protection Program and Health Care Enhancement Act (Public Law 116-139) for necessary expenses to research, develop, validate, manufacture, purchase, administer, and expand capacity for COVID-19 tests to effectively monitor and suppress COVID-19.

**SA 2527.** Mr. TOOMEY submitted an amendment intended to be proposed by him to the bill S. 178, to condemn gross human rights violations of ethnic Turkic Muslims in Xinjiang, and calling for an end to arbitrary detention, torture, and harassment of these communities inside and outside China; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

#### SEC. \_\_\_\_ PARTNERSHIPS WITH STATE ACADEMIC CENTERS AND PUBLIC HEALTH DEPARTMENTS.

(a) IN GENERAL.—The Secretary of Health and Human Services (referred to in this section as the “Secretary”) shall partner with State-based institutions of higher education (as defined in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a))) and public health departments to perform statewide, regional seroprevalence studies in States with a prevalence of COVID-19 that is greater than 1,000 per 100,000 people. Any such study shall involve, at minimum, the number of State residents required to achieve statistical significance to estimate seroprevalence across the State.

(b) FUNDING.—The Secretary shall allocate funds to carry out this section from any unobligated amounts of the additional amount of \$25,000,000,000 appropriated to the Public Health and Social Services Emergency Fund, under the heading “Public Health and Social Services Emergency Fund” under the heading “Office of the Secretary” under the heading “Department of Health and Human Services” under title I of division B of the Paycheck Protection Program and Health Care Enhancement Act (Public Law 116-139) for necessary expenses to research, develop,

validate, manufacture, purchase, administer, and expand capacity for COVID-19 tests to effectively monitor and suppress COVID-19.

**SA 2528.** Mr. TOOMEY (for himself and Mrs. CAPITO) submitted an amendment intended to be proposed by him to the bill S. 178, to condemn gross human rights violations of ethnic Turkic Muslims in Xinjiang, and calling for an end to arbitrary detention, torture, and harassment of these communities inside and outside China; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

#### SEC. \_\_\_\_ ENSURING PROCESSING OF APPROVED AND PENDING APPLICATIONS UNDER MEDICARE HOSPITAL ACCELERATED AND ADVANCE PAYMENTS PROGRAMS.

(a) IN GENERAL.—

(1) PART A.—Section 1815(f) of the Social Security Act (42 U.S.C. 1395g(f)) is amended—

(A) by redesignating paragraphs (3) and (4) as paragraphs (4) and (5), respectively; and

(B) by inserting after paragraph (2) the following new paragraph:

“(3) In the case of any request for an accelerated payment under the program under subsection (e)(3) pursuant to paragraph (2) that was submitted prior to April 26, 2020, and for which such payment has not been issued as of the date of enactment of this paragraph, the Secretary shall—

“(A) in the case of any such request that was approved, not later than 15 days after such date of enactment, provide for the issuance of such payment to such hospital; and

“(B) in the case of any such request for which no determination has been made regarding eligibility of a hospital for such payment as of the date of enactment of this paragraph, not later than 15 days after such date of enactment, review the request and, if the hospital is eligible for such payment, issue such payment to such hospital.”

(2) PART B.—In the case of any request for an advance payment under the advance payments program described in section 421.214 of title 42, Code of Federal Regulations (or a successor regulation) that was submitted prior to April 26, 2020, and for which such payment has not been issued as of the date of enactment of this paragraph, the Secretary of Health and Human Services shall—

(A) in the case of any such request that was approved, not later than 15 days after such date of enactment, provide for the issuance of such payment to such supplier; and

(B) in the case of any such request for which no determination has been made regarding eligibility of a supplier for such payment as of the date of enactment of this paragraph, not later than 15 days after such date of enactment, review the request and, if the supplier is eligible for such payment, issue such payment to such supplier.

(3) ADDITIONAL TRANSITIONAL GOVERNMENT CONTRIBUTION.—Section 1844 of the Social Security Act (42 U.S.C. 1395w) is amended by adding at the end the following:

“(e)(1) There shall be transferred from the General Fund of the Treasury to the Trust Fund an amount, as estimated by the Chief Actuary of the Centers for Medicare & Medicaid Services, equal to amounts paid under the advance payment program under section 421.214 of title 42, Code of Federal Regulations (or any successor regulation) pursuant to section \_\_\_\_ (a)(2) of the \_\_\_\_ Act of 2020.

“(2) There shall be transferred from the Trust Fund to the General Fund of the Treasury amounts equivalent to the sum of—

“(A) the amounts by which claims have offset (in whole or in part) the amount of such advance payments described in paragraph (1); and

“(B) the amount of such advance payments that has been repaid (in whole or in part), under the advance payment program under such section 421.214 (or any such successor regulation).”

“(3) Amounts described in paragraphs (1) and (2) shall be transferred from time to time as appropriate.”

(b) **IMPLEMENTATION.**—Notwithstanding any other provision of law, the Secretary of Health and Human Services may implement the provisions of, and the amendments made by, this section by program instruction or otherwise.

**SA 2529.** Mr. TOOMEY (for himself and Mrs. CAPITO) submitted an amendment intended to be proposed to amendment SA 2499 proposed by Mr. MCCONNELL to the bill S. 178, to condemn gross human rights violations of ethnic Turkic Muslims in Xinjiang, and calling for an end to arbitrary detention, torture, and harassment of these communities inside and outside China; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. \_\_\_\_ . ENSURING PROCESSING OF APPROVED AND PENDING APPLICATIONS UNDER MEDICARE HOSPITAL ACCELERATED AND ADVANCE PAYMENTS PROGRAMS.**

(a) **IN GENERAL.**—

(1) **PART A.**—Section 1815(f) of the Social Security Act (42 U.S.C. 1395g(f)) is amended—

(A) by redesignating paragraphs (3) and (4) as paragraphs (4) and (5), respectively; and

(B) by inserting after paragraph (2) the following new paragraph:

“(3) In the case of any request for an accelerated payment under the program under subsection (e)(3) pursuant to paragraph (2) that was submitted prior to April 26, 2020, and for which such payment has not been issued as of the date of enactment of this paragraph, the Secretary shall—

“(A) in the case of any such request that was approved, not later than 15 days after such date of enactment, provide for the issuance of such payment to such hospital; and

“(B) in the case of any such request for which no determination has been made regarding eligibility of a hospital for such payment as of the date of enactment of this paragraph, not later than 15 days after such date of enactment, review the request and, if the hospital is eligible for such payment, issue such payment to such hospital.”

(2) **PART B.**—In the case of any request for an advance payment under the advance payments program described in section 421.214 of title 42, Code of Federal Regulations (or a successor regulation) that was submitted prior to April 26, 2020, and for which such payment has not been issued as of the date of enactment of this paragraph, the Secretary of Health and Human Services shall—

(A) in the case of any such request that was approved, not later than 15 days after such date of enactment, provide for the issuance of such payment to such supplier; and

(B) in the case of any such request for which no determination has been made regarding eligibility of a supplier for such payment as of the date of enactment of this paragraph, not later than 15 days after such date of enactment, review the request and, if the supplier is eligible for such payment, issue such payment to such supplier.

(3) **ADDITIONAL TRANSITIONAL GOVERNMENT CONTRIBUTION.**—Section 1844 of the Social Security Act (42 U.S.C. 1395w) is amended by adding at the end the following:

“(e)(1) There shall be transferred from the General Fund of the Treasury to the Trust Fund an amount, as estimated by the Chief Actuary of the Centers for Medicare & Medicaid Services, equal to amounts paid under the advance payment program under section 421.214 of title 42, Code of Federal Regulations (or any successor regulation) pursuant to section \_\_\_\_ (a)(2) of the \_\_\_\_ Act of 2020.

“(2) There shall be transferred from the Trust Fund to the General Fund of the Treasury amounts equivalent to the sum of—

“(A) the amounts by which claims have offset (in whole or in part) the amount of such advance payments described in paragraph (1); and

“(B) the amount of such advance payments that has been repaid (in whole or in part), under the advance payment program under such section 421.214 (or any such successor regulation).

“(3) Amounts described in paragraphs (1) and (2) shall be transferred from time to time as appropriate.”

(b) **IMPLEMENTATION.**—Notwithstanding any other provision of law, the Secretary of Health and Human Services may implement the provisions of, and the amendments made by, this section by program instruction or otherwise.

**SA 2530.** Mr. ALEXANDER submitted an amendment intended to be proposed to amendment SA 2499 proposed by Mr. MCCONNELL to the bill S. 178, to condemn gross human rights violations of ethnic Turkic Muslims in Xinjiang, and calling for an end to arbitrary detention, torture, and harassment of these communities inside and outside China; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**TITLE \_\_\_\_ PANDEMIC PREPARATION**

**SEC. \_\_\_\_ .01. SHORT TITLE.**

This title may be cited as the “Preparing for the Next Pandemic Act”.

**SEC. \_\_\_\_ .02. SUSTAINED ON-SHORE MANUFACTURING CAPACITY FOR PUBLIC HEALTH EMERGENCIES.**

(a) **IN GENERAL.**—Section 319L of the Public Health Service Act (42 U.S.C. 247d-7e) is amended—

(1) in subsection (a)(6)(B)—

(A) by redesignating clauses (iv) and (v) as clauses (v) and (vi), respectively;

(B) by inserting after clause (iii), the following:

“(iv) activities to support domestic manufacturing surge capacity of products or platform technologies, including manufacturing capacity and capabilities to utilize platform technologies to provide for flexible manufacturing initiatives;” and

(C) in clause (vi) (as so redesignated), by inserting “manufacture,” after “improve-ment,”;

(2) in subsection (b)—

(A) in the first sentence of paragraph (1), by inserting “support for domestic manufacturing surge capacity,” after “initiatives for innovation,”; and

(B) in paragraph (2)—

(i) in subparagraph (B), by striking “and” at the end;

(ii) by redesignating subparagraph (C) as subparagraph (D); and

(iii) by inserting after subparagraph (B), the following:

“(C) activities to support manufacturing surge capacities and capabilities to increase

the availability of existing medical countermeasures and utilize existing novel platforms to manufacture new medical countermeasures to meet manufacturing demands to address threats that pose a significant level of risk to national security; and”;

(3) in subsection (c)—

(A) in paragraph (2)—

(i) in subparagraph (C), by striking “and” at the end;

(ii) in subparagraph (D), by striking the period and inserting “; and”; and

(iii) by adding at the end the following:

“(E) promoting domestic manufacturing surge capacity and capabilities for countermeasure advanced research and development, including facilitating contracts to support flexible or surge manufacturing.”;

(B) in paragraph (4)—

(i) in subparagraph (B)—

(I) in clause (iii), by striking “and” at the end;

(II) in clause (iv), by striking the period and inserting “; and”; and

(III) by adding at the end the following:

“(v) support and maintain domestic manufacturing surge capacity and capabilities, including through contracts to support flexible or surge manufacturing, to ensure that additional production of countermeasures is available in the event that the Secretary determines there is such a need for additional production.”;

(ii) in subparagraph (D)—

(I) in clause (ii), by striking “and” at the end;

(II) by redesignating clause (iii) as clause (iv); and

(III) by inserting after clause (ii) the following:

“(iii) research to advance manufacturing capacities and capabilities for medical countermeasures and platform technologies that may be utilized for medical countermeasures; and”;

(iii) in subparagraph (E), by striking clause (ix); and

(C) in paragraph (7)(C)(i), by striking “up to 100 highly qualified individuals, or up to 50 percent of the total number of employees, whichever is less,” and inserting “75 percent of the total number of employees”;

(4) in subsection (d), by adding at the end the following:

“(3) **ADDITIONAL FUNDING.**—For necessary expenses to improve and expand manufacturing surge capacity and capabilities pursuant to subsection (c)(4)(B)(v), there is authorized to be appropriated \$5,000,000,000 for fiscal year 2021, to remain available until September 30, 2030.

“(4) **ADVANCE APPROPRIATION.**—

“(A) **IN GENERAL.**—There is appropriated, out of amounts in the Treasury not otherwise appropriated for the fiscal year ending September 30, 2021, for necessary expenses to improve and expand manufacturing surge capacity and capabilities pursuant to subsection (c)(4)(B)(v), \$5,000,000,000, to remain available until September 30, 2030.

“(B) **EMERGENCY DESIGNATION.**—

“(i) **IN GENERAL.**—The amounts provided by this paragraph are designated as an emergency requirement pursuant to section 4(g) of the Statutory Pay-As-You-Go Act of 2010 (2 U.S.C. 933(g)).

“(ii) **DESIGNATION IN SENATE.**—In the Senate, this paragraph is designated as an emergency requirement pursuant to section 4112(a) of H. Con. Res. 71 (115th Congress), the concurrent resolution on the budget for fiscal year 2018.

“(C) **APPLICATION OF PROVISIONS.**—Amounts appropriated pursuant to this paragraph for fiscal year 2021 shall be subject to the requirements contained in Public Law 116-94 for funds for programs authorized under section 319L of this Act.”;



(5) in subsection (e)(1)—

(A) by redesignating subparagraphs (B) through (D) as subparagraphs (C) through (E), respectively; and

(B) by inserting after subparagraph (A), the following:

“(B) TEMPORARY FLEXIBILITY.—During a public health emergency under section 319, the Secretary shall be provided with an additional 60 business days to comply with information requests for the disclosure of information under section 552 of title 5, United States Code, related to the activities under this section (unless such activities are otherwise exempt under subparagraph (A)).”; and

(6) in subsection (f)—

(A) in paragraph (1), by striking “Not later than 180 days after the date of enactment of this subsection” and inserting “Not later than 180 days after the date of enactment of the Preparing for the Next Pandemic Act”; and

(B) in paragraph (2), by striking “Not later than 1 year after the date of enactment of this subsection” and inserting “Not later than 1 year after the date of enactment of the Preparing for the Next Pandemic Act”.

(b) MEDICAL COUNTERMEASURE INNOVATION PARTNER.—The restrictions under section 202 of division A of the Further Consolidated Appropriations Act, 2020 (Public Law 116-94), or any other provision of law imposing a restriction on salaries of individuals related to a previous appropriation to the Department of Health and Human Services, shall not apply with respect to salaries paid pursuant to an agreement under the medical countermeasure innovation partner program under section 319L(c)(4)(E) of the Public Health Service Act (42 U.S.C. 247d-7e(c)(4)(E)).

### SEC. 303. IMPROVING AND SUSTAINING STATE MEDICAL STOCKPILES.

Section 319F-2 of the Public Health Service Act (42 U.S.C. 247d-6b) is amended by adding at the end the following:

“(1) IMPROVING AND MAINTAINING STATE MEDICAL STOCKPILES.—

“(1) IN GENERAL.—The Secretary, acting through the Assistant Secretary for Preparedness and Response, shall award grants, contracts, or cooperative agreements to eligible entities to maintain a stockpile of appropriate drugs, vaccines and other biological products, medical devices, and other medical supplies (including personal protective equipment, ancillary medical supplies, and other applicable supplies required for the administration of drugs, vaccines and other biological products, medical devices, and diagnostic tests) to be used during a public health emergency declared by the Governor of a State or by the Secretary under section 319, or a major disaster or emergency declared by the President under section 401 or 501, respectively, of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, in order to support the preparedness goals described in paragraphs (2), (3), and (8) of section 2802(b).

“(2) ELIGIBLE ENTITIES.—

“(A) IN GENERAL.—To be eligible to receive an award under paragraph (1), an entity shall—

“(i) be a State or consortium of States that is a recipient of an award under section 319C-1(b); and

“(ii) prepare, in consultation with appropriate health care providers and health officials within the State or consortium of States, and submit to the Secretary an application that contains such information as the Secretary may require, including a plan for the State stockpile and a description of the activities such entity will carry out under the agreement, consistent with the requirements of paragraph (3).

“(B) LIMITATION.—The Secretary may make an award under this subsection to not more than one eligible entity in each State.

“(C) SUPPLEMENT NOT SUPPLANT.—Awards, contracts, or grants awarded under this subsection shall supplement, not supplant, the reserve amounts of medical supplies procured by and for the Strategic National Stockpile under subsection (a).

“(D) ADMINISTRATIVE EXPENSES.—Not more than 5 percent of amounts received by an entity pursuant to an award under this subsection may be used for administrative expenses.

“(E) CLARIFICATION.—An eligible entity receiving an award under this subsection may assign a lead entity to manage the State stockpile, which may be a recipient of an award under section 319C-2(b).

“(F) REQUIREMENT OF MATCHING FUNDS.—

“(1) IN GENERAL.—Subject to clause (ii), the Secretary may not make an award under this subsection unless the applicant agrees, with respect to the costs to be incurred by the applicant in carrying out the purpose described in this subsection, to make available non-Federal contributions toward such costs in an amount equal to—

“(I) for each of fiscal years 2023 and 2024, not less than \$1 for each \$10 of Federal funds provided in the award;

“(II) for each of fiscal years 2025 and 2026, not less than \$1 for each \$5 of Federal funds provided in the award; and

“(III) for fiscal year 2027 and each fiscal year thereafter, not less than \$1 for each \$3 of Federal funds provided in the award.

“(ii) WAIVER.—

“(I) IN GENERAL.—The Secretary may, upon the request of a State, waive the requirement under clause (i) in whole or in part if the Secretary determines that extraordinary economic conditions in the State in the fiscal year involved or in the previous fiscal year justify the waiver.

“(II) APPLICABILITY OF WAIVER.—A waiver provided by the Secretary under this subparagraph shall apply only to the fiscal year involved.

“(3) STOCKPILING ACTIVITIES AND REQUIREMENTS.—A recipient of a grant, contract, or cooperative agreement under this subsection shall use such funds to carry out the following:

“(A) Maintaining a stockpile of appropriate drugs, vaccines and other biological products, medical devices, and other supplies (including personal protective equipment, ancillary medical supplies, and other applicable supplies required for the administration of drugs, vaccines and other biological products, medical devices, and diagnostic tests) to be used during a public health emergency in such numbers, types, and amounts as the State determines necessary, consistent with such State's stockpile plan. Such a recipient may not use funds to support the stockpiling of countermeasures as defined under subsection (c), unless the eligible entity provides justification for maintaining such products and the Secretary determines such appropriate and applicable.

“(B) Deploying the stockpile as required by the State to respond to an actual or potential public health emergency.

“(C) Replenishing and making necessary additions or modifications to the contents of such stockpile or stockpiles, including to address potential depletion.

“(D) In consultation with Federal, State, and local officials, take into consideration the availability, deployment, dispensing, and administration requirements of medical products within the stockpile.

“(E) Ensuring that procedures are followed for inventory management and accounting, and for the physical security of the stockpile, as appropriate.

“(F) Reviewing and revising, as appropriate, the contents of the stockpile on a regular basis to ensure that to the extent practicable, advanced technologies and medical products are considered.

“(G) Carrying out exercises, drills, and other training for purposes of stockpile deployment, dispensing, and administration of medical products, and for purposes of assessing the capability of such stockpile to address the medical supply needs of public health emergencies of varying types and scales, which may be conducted in accordance with requirements related to exercises, drills, and other training for recipients of awards under section 319C-1 or 319C-2, as applicable.

“(H) Carrying out other activities as the State determines appropriate, to support State efforts to prepare for, and respond to, public health threats.

“(4) STATE PLAN COORDINATION.—The eligible entity under this subsection shall ensure appropriate coordination of the State stockpile plan developed pursuant to paragraph (2)(A)(i) and the plans required pursuant to section 319C-1.

“(5) GUIDANCE FOR STATES.—Not later than 180 days after the date of enactment of this subsection, the Secretary, acting through the Assistant Secretary for Preparedness and Response, shall issue guidance for States related to maintaining and replenishing a stockpile of medical products. The Secretary shall update such guidance as appropriate.

“(6) ASSISTANCE TO STATES.—The Secretary shall provide assistance to States, including technical assistance, as appropriate, to maintain and improve State and local public health preparedness capabilities to distribute and dispense medical products from a State stockpile.

“(7) COORDINATION WITH THE STRATEGIC NATIONAL STOCKPILE.—Each recipient of an award under this subsection shall ensure that the State stockpile plan developed pursuant to paragraph (2)(A)(ii) contains such information as the Secretary may require related to current inventory of supplies maintained pursuant to paragraph (3), and any plans to replenish such supplies, or procure new or alternative supplies. The Secretary shall use information obtained from State stockpile plans to inform the maintenance and management of the Strategic National Stockpile pursuant to subsection (a).

“(8) PERFORMANCE AND ACCOUNTABILITY.—

“(A) IN GENERAL.—The Secretary, acting through the Assistant Secretary for Preparedness and Response, shall develop and implement a process to review and audit entities in receipt of an award under this subsection, including by establishing metrics to ensure that each entity receiving such an award is carrying out activities in accordance with the applicable State stockpile plan. The Secretary may require entities to—

“(i) measure progress toward achieving the outcome goals; and

“(ii) at least annually, test, exercise, and rigorously evaluate the stockpile capacity and response capabilities of the entity, and report to the Secretary on the results of such test, exercise, and evaluation, and on progress toward achieving outcome goals, based on criteria established by the Secretary.

“(B) NOTIFICATION OF FAILURE.—The Secretary shall develop and implement a process to notify entities that are determined by the Secretary to have failed to meet the requirements of the terms of an award under this subsection. Such process shall provide such entities with the opportunity to correct such noncompliance. An entity that fails to correct such noncompliance shall be subject to subparagraph (C).

“(C) WITHHOLDING OF CERTAIN AMOUNTS FROM ENTITIES THAT FAIL TO ACHIEVE BENCHMARKS OR SUBMIT STATE STOCKPILE PLAN.—Beginning with fiscal year 2022, and in each succeeding fiscal year, the Secretary shall withhold from each entity that has failed substantially to meet the terms of an award under this subsection for at least 1 of the 2 immediately preceding fiscal years (beginning with fiscal year 2022), the amount allowed for administrative expenses described in described in paragraph (2)(D).

“(9) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this subsection, there are authorized to be appropriated \$1,000,000,000 for each of fiscal years 2021 through 2030, to remain available until expended.

“(10) ADVANCE APPROPRIATION.—

“(A) IN GENERAL.—There is appropriated, out of amounts in the Treasury not otherwise appropriated, for fiscal year 2021, for necessary expenses to establish and maintain State medical stockpiles pursuant to this subsection, \$10,000,000,000, to remain available until September 30, 2030.

“(B) EMERGENCY DESIGNATION.—

“(i) IN GENERAL.—The amounts provided by this paragraph are designated as an emergency requirement pursuant to section 4(g) of the Statutory Pay-As-You-Go Act of 2010 (2 U.S.C. 933(g)).

“(ii) DESIGNATION IN SENATE.—In the Senate, this paragraph is designated as an emergency requirement pursuant to section 4112(a) of H. Con. Res. 71 (115th Congress), the concurrent resolution on the budget for fiscal year 2018.

“(C) APPLICATION OF PROVISIONS.—Amounts appropriated pursuant to this paragraph for fiscal year 2021 shall be subject to the requirements contained in Public Law 116-94 for funds for programs authorized under section 319F-2 of this Act.”.

#### SEC. 04. STRENGTHENING THE STRATEGIC NATIONAL STOCKPILE.

Section 319F-2 of the Public Health Service Act (42 U.S.C. 247d-6b) is amended—

(1) in subsection (a)—

(A) in paragraph (2)(A), by adding “and the contracts issued under paragraph (5)” after “paragraph (1)”;;

(B) in paragraph (3)(F), by striking “Secretary of Homeland Security” and inserting “Secretary of Health and Human Services, in coordination with or at the request of, the Secretary of Homeland Security.”;

(C) by redesignating paragraph (5) as paragraph (6);

(D) by inserting after paragraph (4) the following:

“(5) SURGE CAPACITY.—The Secretary, in maintaining the stockpile under paragraph (1) and carrying out procedures under paragraph (3), may—

“(A) enter into contracts or cooperative agreements with vendors for procurement, maintenance, and storage of reserve amounts of drugs, vaccines and other biological products, medical devices, and other medical supplies (including personal protective equipment, ancillary medical supplies, and other applicable supplies required for the administration of drugs, vaccines and other biological products, medical devices, and diagnostic tests in the stockpile), under such terms and conditions (including quantity, production schedule, maintenance costs, and price of product) as the Secretary may specify, including for purposes of—

“(i) maintenance and storage of reserve amounts of products intended to be delivered to the ownership of the Federal Government under the contract, which may consider costs of shipping, or otherwise transporting, handling, storage, and related costs for such product or products; and

“(ii) maintaining domestic manufacturing capacity of such products to ensure additional reserved production capacity of such products is available, and that such products are provided in a timely manner, to be delivered to the ownership of the Federal Government under the contract and deployed in the event that the Secretary determines that there is a need to quickly purchase additional quantities of such product; and

“(B) promulgate such regulations as the Secretary determines necessary to implement this paragraph.”; and

(E) in subparagraph (A) of paragraph (6), as so redesignated—

(i) in clause (viii), by striking “; and” and inserting a semicolon;

(ii) in clause (ix), by striking the period and inserting “; and”; and

(iii) by adding at the end the following:

“(x) an assessment of the contracts or cooperative agreements entered into pursuant to paragraph (5).”; and

(2) in subsection (c)(2)(C), by striking “on an annual basis” and inserting “not later than March 15 of each year”.

**SA 2531.** Mr. ALEXANDER submitted an amendment intended to be proposed to amendment SA 2499 proposed by Mr. MCCONNELL to the bill S. 178, to condemn gross human rights violations of ethnic Turkic Muslims in Xinjiang, and calling for an end to arbitrary detention, torture, and harassment of these communities inside and outside China; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

#### TITLE — IMPROVING PANDEMIC HEALTH RESPONSE

##### SEC. 01. IMPROVING EARLIER ACCESS TO DIAGNOSTIC TESTS.

Section 319D of the Public Health Service Act (42 U.S.C. 247d-4) is amended by adding at the end the following:

“(k) IMPROVING DIAGNOSTIC TEST, TREATMENT, AND VACCINE RESEARCH AND DEVELOPMENT.—

“(1) VIRUS SAMPLE ACCESS.—Not later than 180 days after the date of enactment of this subsection, the Secretary shall, in coordination with the Director of the Centers for Disease Control and Prevention and the Commissioner of Food and Drugs, establish and make publicly available policies and procedures for public and private entities to access samples of specimens containing infectious disease agents, or suitable surrogates or alternatives, as appropriate, that may support the development of products, including the development of diagnostic tests, treatments, or vaccines, to address emerging infectious diseases for biomedical research purposes, and for use to otherwise respond to emerging infectious diseases, as the Secretary determines appropriate.

“(2) GUIDANCE.—The Secretary shall issue guidance regarding the procedures for carrying out paragraph (1), including—

“(A) the method for requesting samples of specimens containing infectious disease agents;

“(B) criteria for sample availability and use of suitable surrogates or alternatives, as appropriate; and

“(C) information required to be provided in order to receive such samples or suitable surrogates or alternatives.

“(3) EARLIER DEVELOPMENT OF DIAGNOSTIC TESTS.—The Secretary, acting through the Director of the Centers for Disease Control and Prevention, may contract with public and private entities, as appropriate, to assist in the immediate and rapid development,

validation, and dissemination of diagnostic tests, as appropriate, for purposes of bio-surveillance and other immediate public health response activities to address an emerging infectious disease that has significant potential to cause a public health emergency.

“(4) CAPACITY PLANNING FOR SUPPLY NEEDS.—The Secretary, in coordination with the Commissioner of Food and Drugs and the Director of the Centers for Disease Control and Prevention, shall, as appropriate, consult with medical product manufacturers, suppliers, and other relevant stakeholders, as appropriate, to—

“(A) identify specific supplies or components needed, including specimen collection and transport materials, reagents, or other supplies related to the development, validation, or administration of a diagnostic test to detect an infectious disease for which an emergency use authorization is in effect under section 564 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360bbb-3);

“(B) identify projected demand for and availability of such supplies and communicate such information to medical product manufacturers, suppliers, and other relevant stakeholders during a public health emergency; and

“(C) support activities to increase the availability of such supplies or alternative products that may be appropriately substituted for such supplies during a public health emergency.”.

##### SEC. 02. GUIDANCE FOR STATES AND INDIAN TRIBES ON ACCESSING THE STRATEGIC NATIONAL STOCKPILE.

Not later than 15 days after the date of enactment of this Act, for purposes of the public health emergency declared by the Secretary pursuant to section 319 of the Public Health Service Act on January 31, 2020, with respect to COVID-19, the Secretary of Health and Human Services shall issue guidance to clarify the processes by which the Secretary of Health and Human Services provides Federal assistance through the Strategic National Stockpile under section 319F-2 of the Public Health Service Act (42 U.S.C. 247d-6b) to States, localities, territories, and Indian tribes and tribal organizations (as defined under section 4 of the Indian Self-Determination and Education Assistance Act). Such guidance shall include information related to processes by which to request access to medical supplies in the Strategic National Stockpile and factors considered by the Secretary of Health and Human Services when making distribution decisions.

##### SEC. 03. MODERNIZING INFECTIOUS DISEASE DATA COLLECTION.

(a) IMPROVING INFECTIOUS DISEASE DATA COLLECTION.—Section 319D of the Public Health Service Act (42 U.S.C. 247d-4) is amended—

(1) in subsection (c)—

(A) in paragraph (3)(A)(iv), by inserting “(such as commercial, academic, and other hospital laboratories)” after “clinical laboratories”;

(B) in paragraph (5)—

(i) in subparagraph (A)—

(I) in the matter preceding clause (i), by striking “and operating” and inserting “, operating, and updating”;

(II) in clause (iv), by striking “and” at the end;

(III) in clause (v), by striking the period and inserting “; and”; and

(IV) by adding at the end the following:

“(vi) integrate and update applicable existing Centers for Disease Control and Prevention data systems and networks in collaboration with State, local, tribal, and territorial public health officials, including public health surveillance and disease detection systems.”; and

(ii) in subparagraph (B)—

(I) in clause (i), by inserting “and 60 days after the date of enactment of the Coronavirus Relief Fair Unemployment Compensation Act of 2020” after “Innovation Act of 2018”;

(II) in clause (ii), by inserting “epidemiologists, clinical microbiologists, pathologists and laboratory experts, experts in health information technology, privacy, and data security” after “forecasting”;

(III) in clause (iii)—

(aa) in subclause (V), by striking “and” at the end;

(bb) in subclause (VI), by striking the period; and

(cc) by adding at the end the following:

“(VII) strategies to integrate laboratory and epidemiology systems and capabilities to conduct rapid and accurate laboratory tests;

“(VIII) strategies to improve the collection and reporting of appropriate, aggregated, deidentified demographic data to inform responses to public health emergencies, including identification of at-risk populations and to address health disparities; and

“(IX) strategies to improve the electronic exchange of health information between State and local health departments and health care providers and facilities to improve public health surveillance.”;

(C) in paragraph (6)—

(i) in subparagraph (A)—

(I) in clause (iii)—

(aa) in subclause (III), by striking “and” at the end;

(bb) in subclause (IV), by inserting “, including the ability to conduct and report on rapid and accurate laboratory testing during a public health emergency” before the semicolon; and

(cc) by adding at the end the following:

“(V) improve coordination and collaboration, as appropriate, with other Federal departments; and

“(VI) implement applicable lessons learned from recent public health emergencies to address gaps in situational awareness and biosurveillance capabilities, including an evaluation of ways to improve the collection and reporting of aggregated, deidentified demographic data to inform public health preparedness and response”;

(II) in clause (iv), by striking “and” at the end;

(III) in clause (v), by striking the period and inserting “including a description of how such steps will further the goal of improving awareness of and timely responses to emerging infectious disease threats; and”;

(IV) by adding at the end the following:

“(vi) identifies and demonstrates measurable steps the Secretary will take to further develop and integrate infectious disease detection, including expanding capabilities to conduct rapid and accurate diagnostic laboratory testing during a public health emergency, and improve coordination and collaboration with State, local, Tribal, and territorial public health officials, clinical laboratories (including commercial, hospital and academic laboratories), and other entities with expertise in public health surveillance.”; and

(ii) by redesignating subparagraph (B) as subparagraph (C); and

(iii) by inserting after subparagraph (A), the following:

“(B) REPORTS.—

“(i) IN GENERAL.—Not later than 1 month after date of enactment of the Coronavirus Relief Fair Unemployment Compensation Act of 2020, and as provided for in clause (ii), 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 Representa-

tives, a report on the status of the Department of Health and Human Services’ biosurveillance modernization and assessment progress with respect to emerging infectious disease threats.

“(ii) ADDITIONAL REPORTS.—During the 2-year period beginning on the date of enactment of the Coronavirus Relief Fair Unemployment Compensation Act of 2020, the Secretary shall provide additional reports under clause (i) every 90 days after the submission of the initial report under such clause. The Secretary shall provide such reports annually thereafter. The Secretary may provide such additional reports less frequently, but not less frequently than every 180 days, during an ongoing public health emergency or another significant infectious disease outbreak.”;

(2) in subsection (d)—

(A) in paragraph (2)(C), by inserting “, including any public-private partnerships entered into to improve such capacity” before the semicolon; and

(B) in paragraph (3)—

(i) in subparagraph (B), by striking “and” at the end;

(ii) in subparagraph (C), by striking the period and inserting “; and”;

(iii) by adding at the end the following:

“(D) may establish, enhance, or maintain a system or network for the collection of data to provide for early detection of infectious disease outbreaks, near real-time access to relevant electronic data and integration of electronic data and information from public health and other appropriate sources, such as laboratories, hospitals, and epidemiology systems, to enhance the capability to conduct rapid and accurate diagnostic laboratory tests to provide for disease detection.”;

(3) in subsection (f)(1)(A), by inserting “pathologists, clinical microbiologists, laboratory professionals, epidemiologists,” after “forecasting.”; and

(4) in subsection (h), by adding at the end the following: “Such evaluation shall include identification of any gaps in biosurveillance and situational awareness capabilities identified related to recent public health emergencies, any immediate steps taken to address such gaps, and any long-term plans to address such gaps, including steps related to activities authorized under this section.”.

(b) NATIONAL HEALTH SECURITY STRATEGY.—Section 2802(b)(2) of the Public Health Service Act (42 U.S.C. 300hh-1(b)(2)) is amended—

(1) in subparagraph (A), by inserting “such as by integrating laboratory and epidemiology systems and capability to conduct rapid and accurate laboratory tests,” after “detection, identification.”; and

(2) in subparagraph (B), by inserting “laboratory testing,” after “services and supplies.”.

(c) EPIDEMIOLOGY-LABORATORY CAPACITY GRANTS.—Section 2821(a) of the Public Health Service Act (42 U.S.C. 300hh-31(a)) is amended—

(1) in paragraph (3), by striking “and”;

(2) in paragraph (4), by striking the period and inserting “; and”;

(3) by adding at the end the following:

“(5) supporting activities of State and local public health departments related to biosurveillance and disease detection, which may include activities related to section 319D, as appropriate.”.

**SEC. 04. CENTERS FOR PUBLIC HEALTH PREPAREDNESS.**

(a) IN GENERAL.—Subpart B of title III of the Public Health Service Act (42 U.S.C. 243 et seq.) is amended by inserting after section 319F-4 the following:

**“SEC. 319F-5. CENTERS FOR PUBLIC HEALTH PREPAREDNESS.**

“(a) IN GENERAL.—The Secretary may award grants, contracts, or cooperative agreements to institutions of higher education or other nonprofit private entities for the establishment or support of a network of regional centers for public health preparedness (referred to in this section as ‘Centers’).

“(b) USE OF FUNDS.—Centers established or supported under this section shall—

“(1) advance the awareness of public health officials, health care professionals, and the public, with respect to information and research related to public health preparedness and response, including for chemical, biological, radiological, and nuclear threats, including emerging infectious diseases, and epidemiology of emerging infectious diseases;

“(2) identify and translate promising research findings or practices into evidence-based practices to inform preparedness for, and responses to, a chemical, biological, radiological, or nuclear agent, including emerging infectious diseases;

“(3) expand activities, including through public-private partnerships, as appropriate, related to public health preparedness and response, including participation in drills and exercises and training public health experts, as appropriate; and

“(4) provide technical assistance and expertise, as applicable, during public health emergencies, including for emerging infectious disease threats, which may include identifying and communicating evidence on the impacts of such threats on at-risk populations.

“(c) REQUIREMENTS.—To be eligible for an award under this section, an entity shall submit to the Secretary an application containing such information as the Secretary may require, including a description of how the entity will—

“(1) coordinate activities with State, local, and tribal health departments, hospitals, and health care coalitions, including recipients of awards under section 319C-1, 319C-2, or 319C-3, in order to improve preparedness, integrate capabilities and functions, and reduce duplication; and

“(2) prioritize efforts to implement evidence-based practices to improve public health preparedness and reduce the spread of emerging infectious disease threats.

“(d) DISTRIBUTION OF AWARDS.—In awarding grants, contracts, or cooperative agreements under this section, the Secretary shall support not fewer than 10 regional centers for public health preparedness, subject to the availability of appropriations.

“(e) AUTHORIZATION.—For purposes of carrying out this section, there are authorized to be appropriated such sums as may be necessary for each of fiscal years 2021 through 2025.”.

(b) CONFORMING CHANGES.—Section 319F of the Public Health Service Act (42 U.S.C. 247d-6) is amended—

(1) by striking subsection (d); and

(2) by redesignating subsections (e) and (f) as subsections (d) and (e), respectively.

**SEC. 05. TELEHEALTH PLANS.**

(a) PHSA.—Title XXVII of the Public Health Service Act (42 U.S.C. 300gg et seq.) is amended—

(1) in section 2722(c) (42 U.S.C. 300gg-21(c)), by adding at the end the following:

“(4) TELEHEALTH BENEFITS.—

“(A) IN GENERAL.—The requirements of subparts I and II (except section 2704 (relating to the prohibition of preexisting condition exclusions or other discrimination based on health status), section 2705 (relating to prohibition of discrimination against individual participants and beneficiaries based on health status), section 2712 (relating to prohibition of rescissions); and section 2726

(relating to parity in mental health or substance use disorder benefits) and as provided by the Secretary in guidance) shall not apply to any group health plan (or group health insurance coverage) offered by a large employer in relation to its provision of excepted benefits described in section 2791(c)(5) if the benefits—

“(i) are provided in accordance with guidance issued by the Secretary; and

“(ii) are made available only to employees (and dependents of such employees) who are not eligible for another group health plan or group health insurance coverage offered by the employer offering such benefits described in section 2791(c)(5).

“(B) SUNSET.—This paragraph shall have no force or effect with respect to plan years beginning on or after the later of—

“(i) January 1, 2022; or

“(ii) the date on which the public health emergency declared by the Secretary under section 319, on January 31, 2020, with respect to COVID-19 ends.”; and

(2) in section 2791(c) (42 U.S.C. 300gg–91(c)), by adding at the end the following:

“(5) BENEFITS FOR TELEHEALTH SERVICES ONLY.—

“(A) IN GENERAL.—Benefits for telehealth services and other remote care services only, as specified in the guidance entitled, ‘FAQs about Families First Coronavirus Response Act and Coronavirus Aid, Relief, and Economic Security Act Implementation Part 43’, issued by the Secretary, the Secretary of Labor, and the Secretary of the Treasury on June 23, 2020 (or any successor guidance).

“(B) SUNSET.—This paragraph shall have no force or effect with respect to plan years beginning on or after the later of—

“(i) January 1, 2022; or

“(ii) the date on which the public health emergency declared by the Secretary under section 319, on January 31, 2020, with respect to COVID-19 ends.”.

(b) APPLICATION UNDER ERISA AND THE IRC.—Section 2722(c)(4) of the Public Health Service Act (as amended by subsection (a)) shall apply to group health plans and health insurance issuers providing health insurance coverage in connection with group health plans pursuant to part 7 of subtitle B of title I of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1181 et seq.), and pursuant to chapter 100 of subtitle K of the Internal Revenue Code of 1986, as though such section 2722(c)(4) were included in such part and such chapter, respectively.

(c) IMPLEMENTATION.—The Secretary of Health and Human Services, the Secretary of Labor, and the Secretary of the Treasury may implement the provisions of this section, including the amendments made by this section, through sub-regulatory guidance, program instruction, or otherwise.

#### SEC. 06. PROTECTION OF HUMAN GENETIC INFORMATION.

(a) IN GENERAL.—Notwithstanding any other provision of law, the Secretary of Health and Human Services shall ensure that no person may collect, store, analyze, disseminate, or otherwise make use of, or benefit from, any human genetic information collected as a result of diagnostic and serologic testing for COVID-19, for any incidental use, or any reason other than such diagnostic or serologic testing, except with the express, written, informed consent of the individual being tested.

(b) ENFORCEMENT.—Any person who violates subsection (a) shall be subject to a civil monetary penalty of not more than \$100 for each such violation.

(c) DEFINITIONS.—In this section—

(1) the term “genetic information” has the meaning given such term in section 160.103 of title 45, Code of Federal Regulations (or any successor regulations); and

(2) the term “incidental” means any action taken by any person, directly or indirectly, to obtain genetic information from an individual, for any purpose, other than the purpose specifically authorized by the living individual from whom the specimen has its biological origin or another designated individual if the individual is a minor or is incapacitated, or if the individual is deceased, the individual’s next of kin.

#### SEC. 07. REAGAN-UDALL FOUNDATION AND FOUNDATION FOR THE NATIONAL INSTITUTES OF HEALTH.

(a) REAGAN-UDALL FOUNDATION FOR THE FOOD AND DRUG ADMINISTRATION.—Section 770(n) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379dd(n)) is amended by striking “\$500,000 and not more than \$1,250,000” and inserting “\$1,250,000 and not more than \$5,000,000”.

(b) FOUNDATION FOR THE NATIONAL INSTITUTES OF HEALTH.—Section 499(l) of the Public Health Service Act (42 U.S.C. 290b(l)) is amended by striking “\$500,000 and not more than \$1,250,000” and inserting “\$1,250,000 and not more than \$5,000,000”.

**SA 2532.** Mr. ALEXANDER submitted an amendment intended to be proposed to amendment SA 2499 proposed by Mr. MCCONNELL to the bill S. 178, to condemn gross human rights violations of ethnic Turkic Muslims in Xinjiang, and calling for an end to arbitrary detention, torture, and harassment of these communities inside and outside China; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

#### SEC. —. EXTENDING MEDICARE TELEHEALTH FLEXIBILITIES.

(a) EXPANDING ACCESS TO TELEHEALTH SERVICES.—

(1) IN GENERAL.—Section 1834(m)(4)(C) of the Social Security Act (42 U.S.C. 1395m(m)(4)(C)) is amended by adding at the end the following new clause:

“(iii) EXPANDING ACCESS TO TELEHEALTH SERVICES.—With respect to telehealth services furnished beginning on the first day after the end of the emergency period described in section 1135(g)(1)(B) of this clause, the term ‘originating site’ means any site at which the eligible telehealth individual is located at the time the service is furnished via a telecommunications system, including the home of an individual.”.

(2) CONFORMING AMENDMENTS.—Such section is amended—

(A) in paragraph (2)(B)—

(i) in clause (i), in the matter preceding subclause (I), by striking “clause (ii)” and inserting “clauses (i) and (iii)”;

(ii) by adding at the end the following new clause:

“(iii) NO FACILITY FEE FOR NEW SITES.—With respect to telehealth services furnished on or after the date of enactment of this clause, a facility fee shall only be paid under this subparagraph to an originating site that is described in paragraph (4)(C)(ii) (other than subclause (X) of such paragraph).”.

(B) in paragraph (4)(C)—

(i) in clause (i), in the matter preceding subclause (I), by inserting “and clause (iii)” after “and (7)”;

(ii) in clause (ii)(X), by inserting “prior to the first day after the end of the emergency period described in section 1135(g)(1)(B)” before the period;

(C) in paragraph (5), by inserting “and prior to the first day after the end of the emergency period described in section 1135(g)(1)(B)” after “January 1, 2019,”;

(D) in paragraph (6)(A), by inserting “and prior to the first day after the end of the

emergency period described in section 1135(g)(1)(B),” after “January 1, 2019,”; and

(E) in paragraph (7), by inserting “and prior to the first day after the end of the emergency period described in section 1135(g)(1)(B),” after “July 1, 2019,”.

(b) EXPANDING PRACTITIONERS ELIGIBLE TO FURNISH TELEHEALTH SERVICES.—Section 1834(m) of the Social Security Act (42 U.S.C. 1395m(m)) is amended—

(1) in paragraph (1), by striking “(described in section 1842(b)(18)(C))” and inserting “(defined in paragraph (4)(E))”; and

(2) in paragraph (4)(E)—

(A) by striking “PRACTITIONER.—The term” and inserting “PRACTITIONER.—

“(A) IN GENERAL.—Subject to subparagraph (B), the term”; and

(B) by adding at the end the following new subparagraph:

“(B) EXPANSION.—The Secretary, after consulting with stakeholders regarding services that are clinically appropriate, may expand the types of practitioners who may furnish telehealth services to include any health care professional that is eligible to bill the program under this title for their professional services.”.

(c) RETENTION OF ADDITIONAL SERVICES AND SUBREGULATORY PROCESS FOR MODIFICATIONS FOLLOWING EMERGENCY PERIOD.—Section 1834(m)(4)(F) of the Social Security Act (42 U.S.C. 1395m(m)(4)(F)) is amended—

(1) in clause (i), by inserting “and clause (iii)” after “paragraph (8)”;

(2) in clause (ii), by striking “The Secretary” and inserting “Subject to clause (iii), the Secretary”; and

(3) by adding at the end the following new clause:

“(iii) RETENTION OF ADDITIONAL SERVICES AND SUBREGULATORY PROCESS FOR MODIFICATIONS FOLLOWING EMERGENCY PERIOD.—With respect to telehealth services furnished after the last day of the emergency period described in section 1135(g)(1)(B), the Secretary may—

“(I) retain as appropriate the expanded list of telehealth services specified in clause (i) pursuant to the waiver authority under section 1135(b)(8) during such emergency period; and

“(II) retain the subregulatory process used to modify the services included on the list of such telehealth services pursuant to clause (ii) during such emergency period.”.

(d) ENHANCING TELEHEALTH SERVICES FOR FEDERALLY QUALIFIED HEALTH CENTERS AND RURAL HEALTH CLINICS.—Section 1834(m)(8) of the Social Security Act (42 U.S.C. 1395m(m)(8)) is amended—

(1) in the paragraph heading by inserting “AND AFTER” after “DURING”;

(2) in subparagraph (A), in the matter preceding clause (i), by inserting “and after” after “During”; and

(3) in the first sentence of subparagraph (B)(i), by inserting “and after” after “during”.

(e) USE OF TELEHEALTH, AS CLINICALLY APPROPRIATE, TO CONDUCT FACE-TO-FACE ENCOUNTER FOR HOSPICE CARE.—Section 1814(a)(7)(D)(i)(II) of the Social Security Act (42 U.S.C. 1395f(a)(7)(D)(i)(II)) is amended by inserting “and after such emergency period as clinically appropriate” after “1135(g)(1)(B)”.

(f) USE OF TELEHEALTH, AS CLINICALLY APPROPRIATE, TO CONDUCT FACE-TO-FACE CLINICAL ASSESSMENTS FOR HOME DIALYSIS.—Clause (iii) of section 1881(b)(3)(B) of the Social Security Act (42 U.S.C. 1395rr(b)(3)(B)) is amended—

(1) by moving such clause 4 ems to the left; and

(2) by inserting “and after such emergency period as clinically appropriate” before the period.

(g) IMPLEMENTATION.—Notwithstanding any provision of law, the Secretary may implement the provisions of, and amendments made by, this section by interim final rule, program instruction, or otherwise.

**SA 2533.** Mr. ALEXANDER submitted an amendment intended to be proposed to amendment SA 2499 proposed by Mr. MCCONNELL to the bill S. 178, to condemn gross human rights violations of ethnic Turkic Muslims in Xinjiang, and calling for an end to arbitrary detention, torture, and harassment of these communities inside and outside China; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**TITLE —STUDENT LOAN REPAYMENT AND FAFSA SIMPLIFICATION**

**SEC. \_\_. SHORT TITLE.**

This title may be cited as the “Student Loan Repayment and FAFSA Simplification Act”.

**SEC. \_\_. SIMPLIFYING STUDENT LOAN REPAYMENT.**

(a) IN GENERAL.—Section 455 of the Higher Education Act of 1965 (20 U.S.C. 1087e) is amended—

(1) in subsection (d)(1)—

(A) in subparagraph (D), by striking “and” after the semicolon;

(B) in subparagraph (E), by striking the period at the end and inserting “; and”; and

(C) by adding at the end the following:

“(F) notwithstanding any other provision of law, in the case of a loan described in subsection (a) that enters repayment on or after October 1, 2020, or for which a borrower seeks to change to a different repayment plan on or after October 1, 2020, only a repayment plan described in subsection (r).”; and

(2) by adding at the end the following:

“(r) REPAYMENT.—

“(1) IN GENERAL.—For loans described under subsection (a) that enter repayment on or after October 1, 2020, or for which the borrower seeks to change to a different repayment plan on or after October 1, 2020, only the following repayment options shall be made available:

“(A) A standard repayment plan, with a fixed annual repayment amount paid over a fixed period of time, not to exceed 10 years.

“(B) An income determined repayment plan, with an annual repayment amount in the amount determined in accordance with paragraph (2).

“(2) INCOME DETERMINED REPAYMENT PLANS.—

“(A) IN GENERAL.—An income determined repayment plan under paragraph (1)(B) shall require a borrower to pay an amount equal to 10 percent of the result obtained by calculating, on at least an annual basis, the amount by which—

“(i) the borrower’s, and the borrower’s spouse’s (if applicable), adjusted gross income; exceeds

“(ii) 150 percent of the poverty line applicable to the borrower’s family size as determined under section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2)).

“(B) EXCEPTIONS.—

“(i) REDUCTION FOR CERTAIN BORROWERS.—For a borrower, and the borrower’s spouse (if applicable), whose adjusted gross income exceeds 800 percent of the poverty line applicable to the borrower’s family size as determined under section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2)), the percentage amount calculated under subparagraph (A)(ii) shall decrease by 5 percent for each percentage point that the bor-

rower’s adjusted gross income exceeds 800 percent until the percentage amount calculated under subparagraph (A)(ii) is zero.

“(ii) UNAVAILABILITY TO CERTAIN BORROWERS.—The plan described in paragraph (1)(B) shall not be available to the borrower of a Federal Direct PLUS Loan made on behalf of a dependent student or a Federal Direct Consolidation Loan, if proceeds of such loan were used to discharge the liability on such Federal Direct PLUS Loan or a Federal PLUS Loan made under part B on behalf of a dependent student.

“(C) REPAYMENT PERIOD.—The amount of time a borrower is permitted to repay such loans under paragraph (1)(B) may exceed 10 years.

“(D) LOAN FORGIVENESS.—

“(i) IN GENERAL.—The Secretary shall repay or cancel any outstanding balance of principal and interest due on any loan repaid under the repayment plan described under paragraph (1)(B)—

“(I) for any undergraduate borrower who has made payments under such plan for 20 years; or

“(II) for any graduate borrower who has made payments under such plan for 25 years.

“(ii) LIMITATION.—Any period of time in which a borrower is in delinquency or default shall not count toward the repayment or cancellation described in clause (i).

“(3) MONTHLY PAYMENTS.—The Secretary shall determine the borrower’s monthly payment obligation to satisfy the payment amount determined in accordance with subparagraphs (A) or (B) of paragraph (1).

“(4) BORROWER CHOICE.—A borrower who is repaying a loan under paragraph (1)(B) may elect, at any time, to terminate repayment pursuant to the income determined repayment plan and repay such loan under the standard repayment plan under paragraph (1)(A).”.

(b) PUBLIC SERVICE LOAN FORGIVENESS RULES FOR INCOME-DETERMINED REPAYMENT PLANS.—Section 455(m) of the Higher Education Act of 1965 (20 U.S.C. 1087e(m)) is amended—

(1) in paragraph (1)(A)—

(A) in clause (iii), by striking “or” after the semicolon;

(B) in clause (iv), by striking “; and” and inserting “; or”; and

(C) by adding at the end the following:

“(v) payments under an income determined repayment plan or a standard repayment plan under subsection (r), except as provided in paragraph (3); and”;.

(2) by redesignating paragraphs (3) and (4) as paragraphs (4) and (5), respectively; and

(3) by inserting after paragraph (2) the following:

“(3) EXCEPTION.—

“(A) IN GENERAL.—To be eligible for loan cancellation under this subsection, a borrower who elects an income determined repayment plan under subsection (r) shall remain in such plan for the duration of repayment until such loan is cancelled.

“(B) REQUIRED NOTIFICATION AND ACKNOWLEDGMENT.—

“(i) NOTIFICATION.—If a borrower who has elected an income determined repayment plan under subsection (r) subsequently indicates that the borrower wishes to change repayment plans, the Secretary shall notify the borrower that changing repayment plans will cause any monthly payments made prior to such change to not qualify toward the 120 monthly payments required for loan cancellation under this subsection.

“(ii) ACKNOWLEDGMENT.—The Secretary shall require acknowledgment of receipt of the notification under clause (i) from any borrower who has elected an income determined repayment plan under subsection (r)

and subsequently indicates that the borrower wishes to change repayment plans.”.

(c) CERTIFICATION.—

(1) IN GENERAL.—Notwithstanding any other provision of law, a borrower of a loan made, insured, or guaranteed under part B or D of title IV of the Higher Education Act of 1965 (20 U.S.C. 1071 et seq.; 1087a et seq.) wishing to enter into an income determined repayment plan, as defined in section 455(r) of the Higher Education Act of 1965 (20 U.S.C. 1087e(r)) may self-certify that the borrower is unemployed for the purposes of determining a zero payment.

(2) TERMINATION.—This subsection shall have no effect after December 31, 2020.

(3) AUDIT.—

(A) IN GENERAL.—Not later than December 31, 2021, the Secretary of Education shall select a portion of borrowers who self certify under paragraph (1) in order to determine the validity of those self-certifications.

(B) NOTICE.—The Secretary of Education shall inform each borrower who selects to self certify under paragraph (1) that the Secretary may audit the borrower’s self-certification.

(4) EXEMPTION.—Notwithstanding any other provisions of law, the provisions of this section shall not be subject to negotiated rulemaking as defined in section 492 of the Higher Education Act of 1965 (20 U.S.C. 1098a).

**SEC. \_\_. MAKING IT EASIER TO APPLY FOR FEDERAL AID AND MAKING THAT AID PREDICTABLE.**

(a) NEED ANALYSIS.—

(1) IN GENERAL.—Section 471 of the Higher Education Act of 1965 (20 U.S.C. 1087kk) is amended to read as follows:

“SEC. 471. AMOUNT OF NEED.

“(a) IN GENERAL.—Except as otherwise provided therein, beginning with award year 2022–2023, the amount of need of any student for financial assistance under this title (except subpart 1 or 2 of part A) is equal to—

“(1) the cost of attendance of such student, minus

“(2) the student aid index (as defined in section 473) for such student, minus

“(3) other financial assistance not received under this title (as defined in section 480(j)).

“(b) EFFECTIVE DATE OF CHANGES.—The amendments made to this title under the Student Loan Repayment and FAFSA Simplification Act shall take effect beginning with award year 2022–2023. The amounts provided under such amendments for award year 2020–2021 shall be used solely as a base to determine adjustments for subsequent award years.”.

(2) MAXIMUM AID UNDER PART D.—Section 451 of the Higher Education Act of 1965 (20 U.S.C. 1087a) is amended by adding at the end the following:

“(c) MAXIMUM AID.—The maximum dollar amount of financial assistance provided under this part to a student shall not exceed the cost of attendance for such student.”.

(3) GUIDANCE TO STATES.—The Secretary of Education shall issue guidance for States on interpretation and implementation of the terminology and formula adjustments made under the amendments made by this Act, including the student aid index, formerly known as the expected family contribution, and the need analysis formulas.

(b) COST OF ATTENDANCE AND STUDENT AID INDEX.—Sections 472 and 473 of the Higher Education Act of 1965 (20 U.S.C. 1087ll and 1087mm) are amended to read as follows:

“SEC. 472. COST OF ATTENDANCE.

“(a) IN GENERAL.—For the purpose of this title, the term ‘cost of attendance’ means—

“(1) tuition and fees normally assessed a student carrying the same academic workload as determined by the institution, and

including costs for rental or purchase of any equipment, materials, or supplies required of all students in the same course of study;

“(2) an allowance for books, supplies, and transportation, including a reasonable allowance for the documented rental or purchase of suggested electronic equipment, as determined by the institution;

“(3) an allowance for miscellaneous personal expenses, for a student attending the institution on at least a half-time basis, as determined by the institution;

“(4) an allowance for living expenses, including food and housing costs, to be incurred by the student attending the institution on at least a half-time basis, as determined by the institution, which includes—

“(A) for students electing institutionally owned or operated food services, such as board or meal plans, shall be a standard allowance for such services that provides the equivalent of three meals each day;

“(B) for students not electing institutionally owned or operated food services, such as board or meal plans, shall be a standard allowance for purchasing food off campus that provides the equivalent of three meals each day, which shall not exceed the standard allowance provided in paragraph (A);

“(C) for students without dependents residing in institutionally owned or operated housing, shall be a standard allowance determined by the institution based on average or median amount assessed to such residents for housing charges, whichever is greater;

“(D) for students with dependents residing in institutionally owned or operated housing, shall be a standard allowance determined by the institution based on the average or median amount assessed to such residents for housing charges, whichever is greater;

“(E) for students living off campus, and not in institutionally owned or operated housing, shall be a standard allowance for rent or other housing costs, which, if applicable, shall not exceed the standard allowance provided in paragraph (C) or (D) with respect to whether the student has dependents;

“(F) for dependent students residing at home with parents shall be a standard allowance determined by the institution;

“(G) for students who live in housing located on a military base or for which a basic allowance is provided under section 403(b) of title 37, United States Code, shall be a standard allowance for food based upon a student's choice of purchasing food on-campus or off-campus (determined respectively in accordance with subparagraph (A) or (B)), but not for housing costs; and

“(H) for all other students shall be an allowance based on the expenses reasonably incurred by such students for housing and food;

“(5) for a student engaged in a program of study by correspondence, only tuition and fees and, if required, books and supplies, travel, and housing and food costs incurred specifically in fulfilling a required period of residential training;

“(6) for incarcerated students, only tuition, fees, books, supplies, and the cost of obtaining a license, certification, or a first professional credential in accordance with paragraph (13);

“(7) for a student enrolled in an academic program in a program of study abroad approved for credit by the student's home institution, reasonable costs associated with such study (as determined by the institution at which such student is enrolled);

“(8) for a student with one or more dependents, an allowance based on the estimated actual expenses incurred for such dependent care, based on the number and age of such dependents, except that—

“(A) such allowance shall not exceed the reasonable cost in the community in which such student resides for the kind of care provided; and

“(B) the period for which dependent care is required includes, but is not limited to, class-time, study-time, field work, internships, and commuting time;

“(9) for a student with a disability, an allowance (as determined by the institution) for those expenses related to the student's disability, including special services, personal assistance, transportation, equipment, and supplies that are reasonably incurred and not provided for by other assisting agencies;

“(10) for a student receiving all or part of the student's instruction by means of telecommunications technology, no distinction shall be made with respect to the mode of instruction in determining costs;

“(11) for a student engaged in a work experience under a cooperative education program, an allowance for reasonable costs associated with such employment (as determined by the institution);

“(12) for a student who receives a Federal student loan made under this title or any other Federal law, to cover a student's cost of attendance at the institution, an allowance for the actual cost of any loan fee, origination fee, or insurance premium charged to such student or such parent on such loan; and

“(13) for a student in a program requiring professional licensure, certification, or a first professional credential the cost of obtaining the license, certification, or a first professional credential.

“(b) SPECIAL RULE FOR LIVING EXPENSES FOR LESS-THAN-HALF-TIME STUDENTS.—An institution of higher education may include an allowance for living expenses, including food and housing costs in accordance with subsection (a)(4) for up to three semesters, or the equivalent, with no more than two semesters being consecutive.

“(c) DISCLOSURE OF COST OF ATTENDANCE ELEMENTS.—Each institution shall make publicly available on the institution's website a list of all the elements of cost of attendance described in subsection (a), including, for a student with one or more dependents, an allowance based on the estimated actual expenses incurred for dependent care, as described in subsection (a)(8).

#### “SEC. 473. SPECIAL RULES FOR STUDENT AID INDEX.

“(a) IN GENERAL.—For the purpose of this title, other than subpart 1 or 2 of part A, the term ‘student aid index’ means, with respect to a student, an index that reflects an evaluation of a student's approximate financial resources to contribute toward the student's postsecondary education for the academic year, as determined in accordance with this part.

“(b) SPECIAL RULE FOR STUDENTS ELIGIBLE FOR THE TOTAL MAXIMUM PELL GRANT.—The Secretary shall consider an applicant to automatically have a student aid index equal to zero if the applicant is eligible for the total maximum Federal Pell Grant under subpart 1 of part A, except that, if the applicant has a calculated student aid index of less than zero the Secretary shall consider the negative number as the student aid index for the applicant.

“(c) SPECIAL RULE FOR NONFILERS.—For an applicant (or, as applicable, an applicant and spouse, or an applicant's parents) who is not required to file a Federal tax return for the second preceding tax year, the Secretary shall for the purposes of this title consider the student aid index as equal to –\$1,500 for the applicant.

“(d) SPECIAL RULE FOR RECIPIENTS OF MEANS-TESTED BENEFITS.—For an applicant

(including the student, the student's parent, or the student's spouse, as applicable) who at any time during the previous 24-month period, received a benefit under a means-tested Federal benefit program, the Secretary shall consider an applicant to automatically have a student aid index equal to zero, except if the applicant has a calculated student aid index of less than zero the Secretary shall consider the negative number as the student aid index for the applicant.

“(e) MEANS-TESTED FEDERAL BENEFIT PROGRAM.—In this section, the term ‘means-tested Federal benefit program’ means any of the following:

“(1) The supplemental security income program under title XVI of the Social Security Act (42 U.S.C. 1381 et seq.).

“(2) The supplemental nutrition assistance program under the Food and Nutrition Act of 2008 (7 U.S.C. 2011 et seq.).

“(3) The program of block grants for States for temporary assistance for needy families established under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.).

“(4) The special supplemental nutrition program for women, infants, and children established by section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786).

“(5) The Medicaid program under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.).

“(6) Federal housing assistance programs, including tenant-based assistance under section 8(o) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)), and public housing, as defined in section 3(b)(1) of such Act (42 U.S.C. 1437a(b)(1)).

“(7) Other means-tested programs determined by the Secretary to be approximately consistent with the income eligibility requirements of the means-tested programs under paragraphs (1) through (6).

“(f) SPECIAL RULE FOR NONFILERS WHO ARE ALSO RECIPIENTS OF MEANS-TESTED BENEFITS.—For an applicant (or, as applicable, and applicant and spouse, or an applicant's parents) who is not required to file a Federal tax return for the second preceding tax year and who at any time during the previous 24-month period received a benefit under a means-tested Federal benefit program, the Secretary shall, for the purposes of this title, consider the student aid index as equal to –\$1,500 for the applicant.”

(c) DETERMINATION OF STUDENT AID INDEX.—Section 474 of the Higher Education Act of 1965 (20 U.S.C. 1087nn) is amended to read as follows:

#### “SEC. 474. DETERMINATION OF STUDENT AID INDEX.

“The student aid index—

“(1) for a dependent student shall be determined in accordance with section 475;

“(2) for a single independent student or a married independent student without dependents (other than a spouse) shall be determined in accordance with section 476; and

“(3) for an independent student with dependents other than a spouse shall be determined in accordance with section 477.”

(d) STUDENT AID INDEX FOR DEPENDENT STUDENTS.—Section 475 of the Higher Education Act of 1965 (20 U.S.C. 1087oo) is amended to read as follows:

#### “SEC. 475. STUDENT AID INDEX FOR DEPENDENT STUDENTS.

“(a) COMPUTATION OF STUDENT AID INDEX.—

“(1) IN GENERAL.—For each dependent student, the student aid index is equal to (except as provided in paragraph (2)) the sum of—

“(A) the assessment of the parents' adjusted available income (determined in accordance with subsection (b));

“(B) the assessment of the student's available income (determined in accordance with subsection (g)); and



“(C) the student’s available assets (determined in accordance with subsection (h)).

“(2) EXCEPTION.—If the sum determined under paragraphs (1), with respect to a dependent student, is less than –\$1,500, the student aid index for the dependent student shall be –\$1,500.

“(b) ASSESSMENT OF PARENTS’ ADJUSTED AVAILABLE INCOME.—The assessment of parents’ adjusted available income is equal to the amount determined by—

“(1) computing adjusted available income by adding—

“(A) the parents’ available income (determined in accordance with subsection (c)); and

“(B) the parents’ available assets (determined in accordance with subsection (d));

“(2) assessing such adjusted available income in accordance with the assessment schedule set forth in subsection (e); and

“(3) considering such assessment resulting under paragraph (2) as the amount determined under this subsection.

“(c) PARENTS’ AVAILABLE INCOME.—

“(1) IN GENERAL.—The parents’ available income is determined by subtracting from total income (as defined in section 480)—

“(A) Federal income taxes;

“(B) an allowance for payroll taxes, determined in accordance with paragraph (2);

“(C) an income protection allowance, determined in accordance with paragraph (3); and

“(D) an employment expense allowance, determined in accordance with paragraph (4).

“(2) ALLOWANCE FOR PAYROLL TAXES.—The allowance for payroll taxes is equal to the sum of—

“(A) the total amount earned by the parents, multiplied by the rate of tax under section 3101(b) of the Internal Revenue Code of 1986; and

“(B) the amount earned by the parents that does not exceed such contribution and benefit base (twice such contribution and benefit base, in the case of a joint return) for the year of the earnings, multiplied by the rate of tax applicable to such earnings under section 3101(a) of the Internal Revenue Code of 1986.

“(3) INCOME PROTECTION ALLOWANCE.—The income protection allowance for award year 2021–2022 and each succeeding award year shall equal the amount determined in the following table, as adjusted by the Secretary pursuant to section 478(b):

“Income Protection Allowance 2021–2022 (to be adjusted for 2022–2023 and succeeding years)

Family Size (including student)	Amount
2 .....	\$19,080
3 .....	\$23,760
4 .....	\$29,340
5 .....	\$34,620
6 .....	\$40,490
For each additional add .....	\$4,750.

“(4) EMPLOYMENT EXPENSE ALLOWANCE.—The employment expense allowance is equal to the lesser of \$4,000 or 35 percent of the single parent’s earned income or married parents’ combined earned income (or is equal to a successor amount as adjusted by the Secretary pursuant to section 478(g)).

“(d) PARENTS’ AVAILABLE ASSETS.—

“(1) IN GENERAL.—

“(A) DETERMINATION.—Except as provided in subparagraph (B), the parents’ available assets are equal to—

“(i) the difference between the parents’ net assets and the education savings and asset protection allowance (determined in accordance with paragraph (2)); multiplied by

“(ii) 12 percent.

“(B) NOT LESS THAN ZERO.—Parents’ available assets under this subsection shall not be less than zero.

“(2) EDUCATION SAVINGS AND ASSET PROTECTION ALLOWANCE.—The education savings and asset protection allowance is calculated according to the following table (or a successor table prescribed by the Secretary under section 478(d)):

“Education Savings and Asset Protection Allowances for Parents of Dependent Students

If the age of the oldest parent is—	And there are	
	two parents	one parent
	then the allowance is—	
25 or less .....	\$0	\$0
26 .....	\$300	\$100
27 .....	\$700	\$200
28 .....	\$1,000	\$300
29 .....	\$1,300	\$500
30 .....	\$1,600	\$600
31 .....	\$2,000	\$700

“Parents’ Contribution From AAI

If the parents’ AAI is—	Then the parents’ contribution from AAI is—
Less than –\$6,820 .....	–\$1,500
–\$6,820 to \$17,000 .....	22% of AAI
\$17,001 to \$21,400 .....	\$3,740 + 25% of AAI over \$17,000
\$21,401 to \$25,700 .....	\$4,840 + 29% of AAI over \$21,400
\$25,701 to \$30,100 .....	\$6,087 + 34% of AAI over \$25,700
\$30,101 to \$34,500 .....	\$7,583 + 40% of AAI over \$30,100
\$34,501 or more .....	\$9,343 + 47% of AAI over \$34,500.

“(f) CONSIDERATION OF PARENTAL INCOME.—

“(1) PARENTS WHO LIVE TOGETHER.—Parental income and assets in the case of student whose parents are married and not separated, or who are unmarried but live together, shall include the income and assets of both parents.

“(2) DIVORCED OR SEPARATED PARENTS.—Parental income and assets for a student whose parents are divorced or separated, but not remarried, is determined by including only the income and assets of the parent who provides the greater portion of the student’s financial support.

“(3) DEATH OF A PARENT.—Parental income and assets in the case of the death of any parent is determined as follows:

“(A) If either of the parents has died, the surviving parent shall be considered a single parent, until that parent has remarried.

“(B) If both parents have died, the student shall not report any parental income or assets.

“(4) REMARRIED PARENTS.—If a parent whose income and assets are taken into account under paragraph (2), or if a parent who is a widow or widower and whose income is taken into account under paragraph (3), has remarried, the income of that parent’s spouse shall be included in determining the parent’s assessment of adjusted available income if the student’s parent and the step-parent are married as of the date of application for the award year concerned.

“Education Savings and Asset Protection Allowances for Parents of Dependent Students—Continued

If the age of the oldest parent is—	And there are	
	two parents	one parent
	then the allowance is—	
32 .....	\$2,300	\$800
33 .....	\$2,600	\$900
34 .....	\$2,900	\$1,000
35 .....	\$3,300	\$1,100
36 .....	\$3,600	\$1,200
37 .....	\$3,900	\$1,300
38 .....	\$4,200	\$1,500
39 .....	\$4,600	\$1,600
40 .....	\$4,900	\$1,700
41 .....	\$5,100	\$1,700
42 .....	\$5,200	\$1,700
43 .....	\$5,300	\$1,800
44 .....	\$5,400	\$1,800
45 .....	\$5,500	\$1,900
46 .....	\$5,700	\$1,900
47 .....	\$5,800	\$1,900
48 .....	\$6,000	\$2,000
49 .....	\$6,100	\$2,000
50 .....	\$6,300	\$2,100
51 .....	\$6,400	\$2,100
52 .....	\$6,600	\$2,200
53 .....	\$6,800	\$2,200
54 .....	\$6,900	\$2,300
55 .....	\$7,100	\$2,300
56 .....	\$7,300	\$2,400
57 .....	\$7,500	\$2,500
58 .....	\$7,700	\$2,500
59 .....	\$7,900	\$2,600
60 .....	\$8,200	\$2,700
61 .....	\$8,400	\$2,700
62 .....	\$8,600	\$2,800
63 .....	\$8,900	\$2,900
64 .....	\$9,200	\$2,900
65 or more .....	\$9,400	\$3,000.

“(e) ASSESSMENT SCHEDULE.—The assessment of the parents’ adjusted available income (as determined under subsection (b)(1) and hereafter in this subsection referred to as ‘AAI’) is calculated according to the following table (or a successor table prescribed by the Secretary under section 478(e)):

“(5) SINGLE PARENT WHO IS NOT DIVORCED OR SEPARATED.—Parental income and assets in the case of a student whose parent is a single parent but who is not divorced, separated, or remarried, shall include the income and assets of such single parent.

“(g) STUDENT’S AVAILABLE INCOME.—

“(1) IN GENERAL.—The student’s available income is equal to—

“(A) the difference between the student’s total income (determined in accordance with section 480) and the adjustment to student income (determined in accordance with paragraph (2)); multiplied by

“(B) 50 percent.

“(2) ADJUSTMENT TO STUDENT INCOME.—The adjustment to student income is equal to the sum of—

“(A) Federal income taxes;

“(B) an allowance for payroll taxes determined in accordance with paragraph (3);

“(C) an income protection allowance that is equal to—

“(i) \$9,110 for award year 2021–2022; and

“(ii) for each succeeding award year, the amount adjusted pursuant to section 478(b); and

“(D) an allowance for parents’ negative available income, determined in accordance with paragraph (4).

“(3) ALLOWANCE FOR PAYROLL TAXES.—The allowance for payroll taxes is equal to the sum of—

“(A) the total amount earned by the student, multiplied by the rate of tax under section 3101(b) of the Internal Revenue Code of 1986; and

“(B) the amount earned by the student that does not exceed such contribution and benefit base for the year of the earnings, multiplied by the rate of tax applicable to such earnings under section 3101(a) of the Internal Revenue Code of 1986.

“(4) ALLOWANCE FOR PARENTS’ NEGATIVE AVAILABLE INCOME.—The allowance for parents’ negative available income is the amount, if any, by which the sum of the amounts deducted under subsection (c)(1) exceeds the sum of the parents’ total income (as defined in section 480) and the parents’ available assets (as determined in accordance with subsection (d)).

“(h) STUDENT’S ASSETS.—The student’s assets are determined by calculating the net assets of the student and multiplying such amount by 20 percent, except that the result shall not be less than zero.”.

(e) STUDENT AID INDEX FOR INDEPENDENT STUDENTS WITHOUT DEPENDENTS OTHER THAN A SPOUSE.—Section 476 of the Higher Education Act of 1965 (20 U.S.C. 1087pp) is amended to read as follows:

**“SEC. 476. STUDENT AID INDEX FOR INDEPENDENT STUDENTS WITHOUT DEPENDENTS OTHER THAN A SPOUSE.**

“(a) COMPUTATION OF STUDENT AID INDEX.—

“(1) IN GENERAL.—For each independent student without dependents other than a spouse, the student aid index is equal to (except as provided in paragraph (2)) the sum of—

“(A) the family’s available income (determined in accordance with subsection (b)); and

“(B) the family’s available assets (determined in accordance with subsection (c)).

“(2) EXCEPTION.—If the sum of paragraphs (1) with respect to a independent student without dependents other than a spouse is less than –\$1,500, the student aid index for the independent student shall be –\$1,500.

“(b) FAMILY’S AVAILABLE INCOME.—

“(1) IN GENERAL.—The family’s available income is determined by—

“(A) deducting from total income (as defined in section 480)—

“(i) Federal income taxes;

“(ii) an allowance for payroll taxes, determined in accordance with paragraph (2);

“(iii) an income protection allowance that is equal to—

“(I) in the case of a single independent student without dependents—

“(aa) \$14,190 for award year 2021–2022; and

“(bb) for each succeeding award year, the amount adjusted pursuant to section 478(b); and

“(II) in the case of a married independent student without dependents—

“(aa) \$22,750 for award year 2021–2022; and

“(bb) for each succeeding award year, the amount adjusted pursuant to section 478(b); and

“(iv) in the case of a married independent student, an employment expense allowance, as determined in accordance with paragraph (3); and

“(B) multiplying the amount determined under subparagraph (A) by 50 percent.

“(2) ALLOWANCE FOR PAYROLL TAXES.—The allowance for payroll taxes is equal to the sum of—

“(A) the total amount earned by the student (and spouse, if appropriate), multiplied by the rate of tax under section 3101(b) of the Internal Revenue Code of 1986; and

“(B) the amount earned by the student (and spouse, if appropriate) that does not exceed such contribution and benefit base (twice such contribution and benefit base, in the case of a joint return) for the year of the earnings, multiplied by the rate of tax applicable to such earnings under section 3101(a) of the Internal Revenue Code of 1986.

“(3) EMPLOYMENT EXPENSES ALLOWANCE.—The employment expense allowance is equal to the following:

“(A) If the student is married, such allowance is equal to the lesser of \$4,000 or 35 percent of the couple’s combined earned income (or is equal to a successor amount as adjusted by the Secretary pursuant to section 478(g)).

“(B) If the student is not married, the employment expense allowance is zero.

“(c) FAMILY’S AVAILABLE ASSETS.—

“(1) IN GENERAL.—

“(A) DETERMINATION.—Except as provided in subparagraph (B), the family’s available assets are equal to—

“(i) the difference between the family’s assets (as defined in section 480(f)) and the asset protection allowance (determined in accordance with paragraph (2)); multiplied by

“(ii) 20 percent.

“(B) NOT LESS THAN ZERO.—The family’s available assets under this subsection shall not be less than zero.

“(2) ASSET PROTECTION ALLOWANCE.—The asset protection allowance is calculated according to the following table (or a successor table prescribed by the Secretary under section 478(d)):

“Asset Protection Allowances for Families and Students

If the age of the student is—	And the student is	
	married	single
then the allowance is—		
25 or less .....	\$0	\$0
26 .....	\$300	\$100
27 .....	\$700	\$200
28 .....	\$1,000	\$300
29 .....	\$1,300	\$500
30 .....	\$1,600	\$600
31 .....	\$2,000	\$700
32 .....	\$2,300	\$800
33 .....	\$2,600	\$900
34 .....	\$2,900	\$1,000
35 .....	\$3,300	\$1,100
36 .....	\$3,600	\$1,200
37 .....	\$3,900	\$1,400
38 .....	\$4,200	\$1,500
39 .....	\$4,600	\$1,600
40 .....	\$4,900	\$1,700
41 .....	\$5,100	\$1,700
42 .....	\$5,200	\$1,700
43 .....	\$5,300	\$1,800
44 .....	\$5,400	\$1,800
45 .....	\$5,500	\$1,900
46 .....	\$5,700	\$1,900
47 .....	\$5,800	\$1,900
48 .....	\$6,000	\$2,000
49 .....	\$6,100	\$2,000
50 .....	\$6,300	\$2,100
51 .....	\$6,400	\$2,100

“Asset Protection Allowances for Families and Students—Continued

If the age of the student is—	And the student is	
	married	single
then the allowance is—		
52 .....	\$6,600	\$2,200
53 .....	\$6,800	\$2,200
54 .....	\$6,900	\$2,300
55 .....	\$7,100	\$2,300
56 .....	\$7,300	\$2,400
57 .....	\$7,500	\$2,500
58 .....	\$7,700	\$2,500
59 .....	\$7,900	\$2,600
60 .....	\$8,200	\$2,700
61 .....	\$8,400	\$2,700
62 .....	\$8,600	\$2,800
63 .....	\$8,900	\$2,900
64 .....	\$9,200	\$2,900
65 or more .....	\$9,400	\$3,000.

“(d) COMPUTATIONS IN CASE OF SEPARATION, DIVORCE, OR DEATH.—In the case of a student who is divorced or separated, or whose spouse has died, the spouse’s income and assets shall not be considered in determining the family’s available income or assets.”.

(f) STUDENT AID INDEX FOR INDEPENDENT STUDENTS WITH DEPENDENTS OTHER THAN A SPOUSE.—Section 477 of the Higher Education Act of 1965 (20 U.S.C. 1087qq) is amended to read as follows:

**“SEC. 477. STUDENT AID INDEX FOR INDEPENDENT STUDENTS WITH DEPENDENTS OTHER THAN A SPOUSE.**

“(a) COMPUTATION OF STUDENT AID INDEX.—For each independent student with dependents other than a spouse, the student aid index is equal to the amount determined by—

“(1) computing adjusted available income by adding—

“(A) the family’s available income (determined in accordance with subsection (b)); and

“(B) the family’s available assets (determined in accordance with subsection (c));

“(2) assessing such adjusted available income in accordance with an assessment schedule set forth in subsection (d); and

“(3) considering such assessment resulting under paragraph (2) as the amount determined under this subsection.

“(b) FAMILY’S AVAILABLE INCOME.—

“(1) IN GENERAL.—The family’s available income is determined by deducting from total income (as defined in section 480)—

“(A) Federal income taxes;

“(B) an allowance for payroll taxes, determined in accordance with paragraph (2);

“(C) an income protection allowance, determined in accordance with paragraph (3); and

“(D) an employment expense allowance, determined in accordance with paragraph (4).

“(2) ALLOWANCE FOR PAYROLL TAXES.—The allowance for payroll taxes is equal to the sum of—

“(A) the total amount earned by the student (and spouse, if appropriate), multiplied by the rate of tax under section 3101(b) of the Internal Revenue Code of 1986; and

“(B) the amount earned by the student (and spouse, if appropriate) that does not exceed such contribution and benefit base (twice such contribution and benefit base, in the case of a joint return) for the year of the earnings, multiplied by the rate of tax applicable to such earnings under section 3101(a) of the Internal Revenue Code of 1986.

“(3) INCOME PROTECTION ALLOWANCE.—The income protection allowance for award year 2021–2022 and each succeeding award year shall equal the amount determined in the

following table, as adjusted by the Secretary pursuant to section 478(b):

“(A) In the case of a married independent student with dependents:

“Income Protection Allowance 2021–2022 (to be adjusted for 2022–2023 and succeeding years)

Family Size (including student)	Amount
3 .....	\$44,470
4 .....	\$55,260
5 .....	\$65,190
6 .....	\$76,230
For each additional add .....	\$8,610.

“(B) In the case of a single independent student with dependents:

“Income Protection Allowance 2021–2022 (to be adjusted for 2022–2023 and succeeding years)

Family Size (including student)	Amount
2 .....	\$43,128
3 .....	\$54,364
4 .....	\$66,312
5 .....	\$78,228
6 .....	\$91,476
For each additional add .....	\$10,332.

“(4) EMPLOYMENT EXPENSE ALLOWANCE.—The employment expense allowance is equal to the lesser of \$4,000 or 35 percent of the student’s earned income or the combined earned income of the student and the student’s spouse (or is equal to a successor amount as adjusted by the Secretary under section 478(g)).

“(c) FAMILY’S AVAILABLE ASSETS.—

“(1) IN GENERAL.—

“(A) DETERMINATION.—Except as provided in subparagraph (B), the family’s available assets are equal to—

“(i) the difference between the family’s assets (as defined in 480(f)) and the asset protection allowance (determined in accordance with paragraph (2)); multiplied by

“(ii) 7 percent.

“(B) NOT LESS THAN ZERO.—Family’s available assets under this subsection shall not be less than zero.

“(2) ASSET PROTECTION ALLOWANCE.—The asset protection allowance is calculated according to the following table (or a successor table prescribed by the Secretary under section 478(d)):

“Asset Protection Allowances for Families and Students

If the age of the student is—	And the student is	
	married	single
25 or less .....	\$0	\$0
26 .....	\$300	\$100
27 .....	\$700	\$200
28 .....	\$1,000	\$300
29 .....	\$1,300	\$500
30 .....	\$1,600	\$600
31 .....	\$2,000	\$700
32 .....	\$2,300	\$800
33 .....	\$2,600	\$900
34 .....	\$2,900	\$1,000
35 .....	\$3,300	\$1,100
36 .....	\$3,600	\$1,200
37 .....	\$3,900	\$1,400
38 .....	\$4,200	\$1,500
39 .....	\$4,600	\$1,600
40 .....	\$4,900	\$1,700
41 .....	\$5,100	\$1,700

“Assessment From Adjusted Available Income

If AAI is—	Then the assessment is—
Less than –\$6,820 .....	–\$1,500
–\$6,820 to \$17,000 .....	22% of AAI
\$17,001 to \$21,400 .....	\$3,740 + 25% of AAI over \$17,000
\$21,401 to \$25,700 .....	\$4,840 + 29% of AAI over \$21,400
\$25,701 to \$30,100 .....	\$6,087 + 34% of AAI over \$25,700
\$30,101 to \$34,500 .....	\$7,583 + 40% of AAI over \$30,100
\$34,501 or more .....	\$9,343 + 47% of AAI over \$34,500.

“(e) COMPUTATIONS IN CASE OF SEPARATION, DIVORCE, OR DEATH.—In the case of a student who is divorced or separated, or whose spouse has died, the spouse’s income and assets shall not be considered in determining the family’s available income or assets.”

(g) REGULATIONS; UPDATED TABLES.—Section 478 of the Higher Education Act of 1965 (20 U.S.C. 1087rr) is amended to read as follows:

**“SEC. 478. REGULATIONS; UPDATED TABLES.**

“(a) AUTHORITY TO PRESCRIBE REGULATIONS RESTRICTED.—Notwithstanding any other provision of law, the Secretary shall not

have the authority to prescribe regulations to carry out this part except—

“(1) to prescribe updated tables in accordance with subsections (b) through (g); or

“(2) with respect to the definition of cost of attendance under section 472, excluding section 472(a)(1).

“(b) INCOME PROTECTION ALLOWANCE ADJUSTMENTS.—For award year 2022–2023 and each succeeding award year, the Secretary shall publish in the Federal Register revised income protection allowances for the purposes of subsections (c)(3) and (g)(2)(C) of section 475, subclauses (I) and (II) of section 476(b)(1)(A)(iii), and section 477(b)(3), by in-

“Asset Protection Allowances for Families and Students—Continued

If the age of the student is—	And the student is	
	married	single
42 .....	\$5,200	\$1,700
43 .....	\$5,300	\$1,800
44 .....	\$5,400	\$1,800
45 .....	\$5,500	\$1,900
46 .....	\$5,700	\$1,900
47 .....	\$5,800	\$1,900
48 .....	\$6,000	\$2,000
49 .....	\$6,100	\$2,000
50 .....	\$6,300	\$2,100
51 .....	\$6,400	\$2,100
52 .....	\$6,600	\$2,200
53 .....	\$6,800	\$2,200
54 .....	\$6,900	\$2,300
55 .....	\$7,100	\$2,300
56 .....	\$7,300	\$2,400
57 .....	\$7,500	\$2,500
58 .....	\$7,700	\$2,500
59 .....	\$7,900	\$2,600
60 .....	\$8,200	\$2,700
61 .....	\$8,400	\$2,700
62 .....	\$8,600	\$2,800
63 .....	\$8,900	\$2,900
64 .....	\$9,200	\$2,900
65 or more .....	\$9,400	\$3,000.

“(d) ASSESSMENT SCHEDULE.—The assessment of adjusted available income (as determined under subsection (a)(1) and hereafter in this subsection referred to as ‘AAI’) is calculated according to the following table (or a successor table prescribed by the Secretary pursuant to section 478(e)):

creasing the income protection allowances in each of such provisions, by a percentage equal to the percentage increase in the Consumer Price Index, as defined in subsection (f), between April 2019 and the April prior to the beginning of the award year and rounding the result to the nearest \$10.

“(c) ADJUSTED NET WORTH OF A FARM OR BUSINESS.—

“(1) TABLE.—The table of the net worth of a business or farm for purposes of making determinations of assets as defined under section 480(f) for award year 2021–2022 is the following:

“Business/Farm Net Worth Adjustment

If the net worth of a business or farm is—	Then the adjusted net worth is—
Less than \$1 .....	\$0
\$1 to \$135,000 .....	40% of net worth of business/farm
\$135,001 to \$410,000 .....	\$54,000 + 50% of net worth over \$135,000
\$410,001 to \$680,000 .....	\$191,500 + 60% of net worth over \$410,000
\$680,001 or more .....	\$353,500 + 100% of net worth over \$680,000.

“(2) REVISED TABLES.—For award year 2022–2023 and each succeeding award year, the Secretary shall publish in the Federal Register a revised table of adjusted net worth of

a farm or business for purposes of section 480(f). Such revised table shall be developed—

“(A) by increasing each dollar amount that refers to net worth of a farm or business by

a percentage equal to the percentage increase in the Consumer Price Index between

April 2019 and the April prior to the beginning of such award year, and rounding the result to the nearest \$5,000; and

“(B) by adjusting the dollar amounts in the column referring the adjusted net worth to reflect the changes made pursuant to subparagraph (A).

“(d) EDUCATION SAVINGS AND ASSET PROTECTION ALLOWANCE.—For award year 2022–2023 and each succeeding award year, the Secretary shall publish in the Federal Register a revised table of allowances for the purpose of sections 475(d)(2), 476(c)(2), and 477(c)(2). Such revised table shall be developed by determining the present value cost, rounded to the nearest \$100, of an annuity that would provide, for each age cohort of 40 and above, a supplemental income at age 65 (adjusted for inflation) equal to the difference between the moderate family income (as most recently determined by the Bureau of Labor Statistics), and the current average social security retirement benefits. For each age cohort below 40, the allowance shall be computed by decreasing the allowance for age 40, as updated, by one-fifteenth for each year of age below age 40 and rounding the result to the nearest \$100. In making such determinations—

“(1) inflation shall be presumed to be 6 percent per year;

“(2) the rate of return of an annuity shall be presumed to be 8 percent; and

“(3) the sales commission on an annuity shall be presumed to be 6 percent.

“(e) ASSESSMENT SCHEDULES AND RATES.—For award year 2022–2023 and each succeeding award year, the Secretary shall publish in the Federal Register a revised table of assessments from adjusted available income for the purpose of sections 475(e) and 477(d). Such revised table shall be developed—

“(1) by increasing each dollar amount that refers to adjusted available income by a percentage equal to the percentage increase in the Consumer Price Index between April 2019 and the April prior to the beginning of such academic year, rounded to the nearest \$100; and

“(2) by adjusting the other dollar amounts to reflect the changes made pursuant to paragraph (1).

“(f) CONSUMER PRICE INDEX DEFINED.—In this section, the term ‘Consumer Price Index’ means the Consumer Price Index for All Urban Consumers published by the Department of Labor. Each annual update of tables to reflect changes in the Consumer Price Index shall be corrected for misestimation of actual changes in such Index in previous years.

“(g) EMPLOYMENT EXPENSE ALLOWANCE.—For award year 2022–2023 and each succeeding award year, the Secretary shall publish in the Federal Register a revised table of employment expense allowances for the purpose of sections 475(c)(4), 476(b)(3), and 477(b)(4). Such revised table shall be developed by increasing the dollar amount specified in sections 475(c)(4), 476(b)(3), and 477(b)(4) to reflect the inflationary adjustment that is used for the income protection allowances in subsection (b).”.

(h) APPLICANTS EXEMPT FROM ASSET REPORTING.—Section 479 of the Higher Education Act of 1965 (20 U.S.C. 1087ss) is amended to read as follows:

**“SEC. 479. APPLICANTS EXEMPT FROM ASSET REPORTING.**

“(a) IN GENERAL.—Notwithstanding any other provision of law, this section shall be effective for each individual seeking to apply for Federal financial aid under this title, as part of the simplified application for Federal student financial aid under section 483.

“(b) APPLICANTS EXEMPT FROM ASSET REPORTING.—

“(1) IN GENERAL.—Except as provided in paragraph (3), in carrying out section 483,

the Secretary shall not use asset information from an eligible applicant or, as applicable, the parent or spouse of an eligible applicant.

“(2) ELIGIBLE APPLICANTS.—In this subsection, the term ‘eligible applicant’ means an applicant who meets at least one of the following criteria:

“(A) Is an applicant who qualifies for an automatic zero student aid index or automatic negative student aid index under subsection (b), (c), or (d) of section 473.

“(B) Is an applicant who is a dependent student and the student’s parents have a total adjusted gross income (excluding any income of the dependent student) that is less than \$75,000 and do not file a Schedule A, B, D, E, F, or H (or equivalent successor schedules), with the Federal income tax return for the second preceding tax year, and—

“(i) do not file a Schedule C (or the equivalent successor schedule) with the Federal income tax return for the second preceding tax year; or

“(ii) file a Schedule C (or the equivalent successor schedule) with net business income of not more than a \$10,000 loss or gain with the Federal income tax return for the second preceding tax year.

“(C) Is an applicant who is an independent student and the student (and including the student’s spouse, if any) has a total adjusted gross income that is less than \$75,000 and does not file a Schedule A, B, C, D, E, F, or H (or equivalent successor schedules), with the Federal income tax return for the second preceding tax year, and—

“(i) does not file a Schedule C (or the equivalent successor schedule) with the Federal income tax return for the second preceding tax year; or

“(ii) files a Schedule C (or the equivalent successor schedule) with net business income of not more than a \$10,000 loss or gain with the Federal income tax return for the second preceding tax year.

“(3) SPECIAL RULE.—An eligible applicant shall not be exempt from asset reporting under this section if the applicant is a dependent student and the students’ parents do not—

“(A) reside in the United States or a United States territory; or

“(B) file taxes in the United States or a United States territory, except if such non-filing is due to not being required to file a Federal tax return for the applicable tax year due to a low income.

“(4) DEFINITIONS.—In this section:

“(A) SCHEDULE A.—The term Schedule A means a form or information by a taxpayer to report itemized deductions.

“(B) SCHEDULE B.—The term Schedule B means a form or information filed by a taxpayer to report interest and ordinary dividend income.

“(C) SCHEDULE C.—The term Schedule C means a form or information filed by a taxpayer to report income or loss from a business operated or a profession practiced as a sole proprietor.

“(D) SCHEDULE D.—The term Schedule D means a form or information filed by a taxpayer to report sales, exchanges or some involuntary conversions of capital assets, certain capital gain distributions, and nonbusiness bad debts.

“(E) SCHEDULE E.—The term Schedule E means a form or information filed by a taxpayer to report income from rental properties, royalties, partnerships, S corporations, estates, trusts, and residual interests in real estate mortgage investment conduits.

“(F) SCHEDULE F.—The term Schedule F means a form or information filed by a taxpayer to report farm income and expenses.

“(G) SCHEDULE H.—The term Schedule H means a form or information filed by a tax-

payer to report household employment taxes.”.

(i) DISCRETION OF STUDENT FINANCIAL AID ADMINISTRATORS.—Section 479A of the Higher Education Act of 1965 (20 U.S.C. 1087tt) is amended to read as follows:

**“SEC. 479A. DISCRETION OF STUDENT FINANCIAL AID ADMINISTRATORS.**

“(a) IN GENERAL.—

“(1) AUTHORITY OF FINANCIAL AID ADMINISTRATORS.—A financial aid administrator shall have the authority to, on the basis of adequate documentation, make adjustments to any or all of the following on a case-by-case basis—

“(A) for an individual eligible applicant with special circumstances under subsection (b) to—

“(i) the cost of attendance;

“(ii) the values of the data used to calculate the student aid index; or

“(iii) the values of the data used to calculate the Federal Pell Grant award; or

“(B) for an individual eligible applicant with unusual circumstances, as defined in section 480(d)(9), under subsection (c) to the dependency status.

“(2) LIMITATIONS ON AUTHORITY.—

“(A) USE OF AUTHORITY.—No institution of higher education or financial aid administrator shall maintain a policy of denying all requests for adjustments under this section.

“(B) NO ADDITIONAL FEE.—No student or parent shall be charged a fee for a documented interview of the student by the financial aid administrator or for the review of a student or parent’s request for adjustments under this section including the review of any supplementary information or documentation of a student or parent’s special circumstances or a student’s unusual circumstances.

“(C) RULE OF CONSTRUCTION.—The authority to make adjustments under paragraph (1)(A) shall not be construed to permit financial aid administrators to deviate from the cost of attendance, the values of data used to calculate the student aid index or the values of data used to calculate the Federal Pell Grant award (or both) for awarding aid under this title in the absence of special circumstances.

“(3) ADEQUATE DOCUMENTATION.—Adequate documentation for adjustments under this section shall substantiate the special circumstances or unusual circumstances of individual students, and may include, to the extent relevant and appropriate—

“(A) a documented interview between the student and the financial aid administrator;

“(B) for the purposes of determining that a student qualifies for an adjustment under paragraph (1)(B)—

“(i) submission of a court order or official Federal or State documentation that the parents or legal guardians are incarcerated in any Federal or State penal institution;

“(ii) a documented phone call or a written statement, which confirms the specific unusual circumstances with—

“(I) a child welfare agency authorized by a State or county;

“(II) a Tribal welfare authority;

“(III) an independent living case worker; or

“(IV) a public or private agency, facility, or program servicing the victims of abuse, neglect, assault, or violence;

“(iii) a documented phone call or a written statement from an attorney, a guardian ad litem, or a court-appointed special advocate, which confirms the specific unusual circumstances and documents the person’s relationship to the student;

“(iv) a documented phone call or written statement from a representative under chapter 1 or 2 of subpart 2 of part A, which confirms the specific unusual circumstances and

documents the person's relationship to the student; or

“(v) documents, such as utility bills or health insurance documentation, that demonstrate a separation from parents or legal guardians; and

“(vi) in the absence of documentation described in this subparagraph, other documentation the financial aid administrator determines is adequate to confirm the unusual circumstances, as defined in section 480(d)(9); and

“(C) supplementary information, as necessary, about the financial status or personal circumstances of eligible applicants as it relates to the special circumstances or unusual circumstances based on which the applicant is requesting an adjustment.

“(4) SPECIAL RULE.—In making adjustments under paragraph (1), a financial aid administrator may offer a dependent student financial assistance under a Federal Direct Unsubsidized Stafford Loan without requiring the parents of such student to provide their parent information on the Free Application for Federal Student Aid if the student does not qualify for, or does not choose to use, the unusual circumstance option specified in accordance with section 480(d)(9), and the financial aid administrator determines that the parents of such student ended financial support of such student and refuse to file such form.

“(5) PUBLIC DISCLOSURE.—Each institution of higher education shall make publicly available information that students applying for aid under this title have the opportunity to pursue adjustments under this section.

“(b) ADJUSTMENTS FOR STUDENTS WITH SPECIAL CIRCUMSTANCES.—

“(1) SPECIAL CIRCUMSTANCES FOR ADJUSTMENTS RELATED TO PELL GRANTS.—Special circumstances for adjustments to calculate a Federal Pell Grant award—

“(A) shall be conditions that differentiate an individual student from a group of students rather than conditions that exist across a group of students; and

“(B) may include—

“(i) recent unemployment of a family member or an independent student;

“(ii) a student or family member who is a dislocated worker (as defined in section 3 of the Workforce Innovation and Opportunity Act);

“(iii) a change in housing status that results in an individual being a homeless child or youth (as defined in section 725 of the McKinney-Vento Homeless Assistance Act);

“(iv) an unusual amount of claimed losses against income on the Federal tax return that substantially lower adjusted gross income, such as business, investment, or real estate losses;

“(v) receipt of substantial foreign income of permanent residents or United States citizens exempt from federal taxation, or the foreign income for which a permanent resident or citizen received a foreign tax credit; or

“(vi) other changes or adjustments in the income, assets, or size of a family, or a student's dependency status.

“(2) SPECIAL CIRCUMSTANCES FOR ADJUSTMENTS RELATED TO COST OF ATTENDANCE AND STUDENT AID INDEX.—Special circumstances for adjustments to the cost of attendance or the values of the data used to calculate the student aid index—

“(A) shall be conditions that differentiate an individual student from a group of students rather than conditions that exist across a group of students; and

“(B) may include—

“(i) tuition expenses at an elementary school or secondary school;

“(ii) medical, dental, or nursing home expenses not covered by insurance;

“(iii) unusually high child care or dependent care costs not covered by the dependent care cost allowance calculated in accordance with section 472;

“(iv) recent unemployment of a family member or an independent student;

“(v) a student or family member who is a dislocated worker (as defined in section 3 of the Workforce Innovation and Opportunity Act);

“(vi) the number of family members enrolled in a degree, certificate, or other program leading to a recognized educational credential at an institution with a program participation agreement under section 487;

“(vii) a change in housing status that results in an individual being a homeless child or youth (as defined in section 725 of the McKinney-Vento Homeless Assistance Act);

“(viii) in the case of a dependent student, a recent condition of severe disability of the student, the dependent student's parent or guardian, or an independent student's dependent or spouse;

“(ix) unusual amount of claimed losses against income on the Federal tax return that substantially lower adjusted gross income, such as business, investment, or real estate losses;

“(x) receipt of substantial foreign income of permanent residents or United States citizens exempt from Federal taxation, or the foreign income for which a permanent resident or citizen receives a foreign tax credit; or

“(C) other changes or adjustments in the income, assets, or size of a family, or a student's dependency status.

“(3) SPECIAL RULE.—The Secretary shall not consider conditions that are widespread to a group of students due to a major disaster or an emergency declared by the President under section 401 or 501, respectively, of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170 and 5191) as special circumstances for adjustment for purposes of paragraphs (1)(A) and (2)(A) for a time period determined by such Secretary.

“(c) UNUSUAL CIRCUMSTANCES ADJUSTMENTS.—

“(1) IN GENERAL.—Unusual circumstances for adjustments to the dependency status of an individual eligible applicant shall be—

“(A) conditions that differentiate an individual student from a group of students; and

“(B) based on unusual circumstances, as defined by section 480(d)(9).

“(2) PROVISIONAL INDEPENDENT STUDENTS.—

“(A) REQUIREMENTS FOR THE SECRETARY.—The Secretary shall—

“(i) enable each student who, based on an unusual circumstance specified in section 480(d)(9), may qualify for an adjustment under subsection (a)(1)(B) that will result in a determination of independence under this section and section 479D to complete the Free Application for Federal Student Aid as an independent student for the purpose of a provisional determination of the student's Federal financial aid award, but subject to the authority under subsection (a)(3), for the purpose of the final determination of the award;

“(ii) upon completion of the Free Application for Federal Student Aid provide an estimate of the student's Federal Pell Grant award, and other information as specified in section 483(a)(3)(A), based on the assumption that the student is determined to be an independent student; and

“(iii) specify, on the Free Application for Federal Student Aid, the consequences under section 490(a) of knowingly and willfully completing the Free Application for Federal Student Aid as an independent student under clause (i) without meeting the unusual cir-

cumstances to qualify for such a determination.

“(B) REQUIREMENTS FOR FINANCIAL AID ADMINISTRATORS.—With respect to a student accepted for admission who completes the Free Application for Federal Student Aid as an independent student under subparagraph (A), a financial aid administrator shall—

“(i) notify the student of the institutional process, requirements, and timeline for an adjustment under this section and section 480(d)(9) that will result in a review of the student's request for an adjustment and a determination of the student's dependency status under such sections within a reasonable time after the student completes the Free Application for Federal Student Aid;

“(ii) provide the student a final determination of the student's dependency status and Federal financial aid award as soon as practicable after all requested documentation is provided;

“(iii) retain all documents related to the adjustment under this section and section 480(d)(9), including documented interviews, for at least the duration of the student's enrollment, and shall abide by all other record keeping requirements of this Act; and

“(iv) presume that any student who has obtained an adjustment under this section and section 480(d)(9) and a final determination of independence for a preceding award year at an institution to be independent for a subsequent award year at the same institution unless—

“(I) the student informs the institution that circumstances have changed; or

“(II) the institution has specific conflicting information about the student's independence.

“(d) ADJUSTMENTS TO ASSETS OR INCOME TAKEN INTO ACCOUNT.—A financial aid administrator shall be considered to be making a necessary adjustment in accordance with this section if—

“(1) the administrator makes adjustments excluding from family income or assets any proceeds or losses from a sale of farm or business assets of a family if such sale results from a voluntary or involuntary foreclosure, forfeiture, or bankruptcy or a voluntary or involuntary liquidation; or

“(2) the administrator makes adjustments for a student with a disability so as to take into consideration the additional costs such student incurs as a result of such student's disability.

“(e) REFUSAL OR ADJUSTMENT OF LOAN CERTIFICATIONS.—On a case-by-case basis, an eligible institution may refuse to use the authority provided under this section, certify a statement that permits a student to receive a loan under part D, certify a loan amount, or make a loan that is less than the student's determination of need (as determined under this part), if the reason for the action is documented and provided in written form to the student. No eligible institution shall discriminate against any borrower or applicant in obtaining a loan on the basis of race, national origin, religion, sex, marital status, age, or disability status.”

(j) DISREGARD OF STUDENT AID IN OTHER PROGRAMS.—Section 479B of the Higher Education Act of 1965 (20 U.S.C. 1087uu) is amended to read as follows:

**“SEC. 479B. DISREGARD OF STUDENT AID IN OTHER PROGRAMS.**

“Notwithstanding any other provision of law, student financial assistance received under this title, Bureau of Indian Affairs student assistance programs, and employment and training programs under section 134 of the Workforce Innovation and Opportunity Act (29 U.S.C. 3174 et. seq.) shall not be taken into account in determining the need or eligibility of any person for benefits or assistance, or the amount of such benefits or assistance, under any Federal, State, or local

program financed in whole or in part with Federal funds.”.

(k) NATIVE AMERICAN STUDENTS.—Section 479C of the Higher Education Act of 1965 (20 U.S.C. 1087uu-1) is amended to read as follows:

**“SEC. 479C. NATIVE AMERICAN STUDENTS.**

“In determining the student aid index for Native American students, computations performed pursuant to this part shall exclude—

“(1) any income and assets of \$2,000 or less per individual payment received by the student (and spouse) and student’s parents under Public Law 98-64 (25 U.S.C. 117a et seq.; 97 Stat. 365) (commonly known as the ‘Per Capita Act’) or the Indian Tribal Judgment Funds Use or Distribution Act (25 U.S.C. 1401 et seq.); and

“(2) any income received by the student (and spouse) and student’s parents under the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.) or the Maine Indian Claims Settlement Act of 1980 (25 U.S.C. 1721 et seq.).”.

(l) DEFINITIONS.—The Higher Education Act of 1965 (20 U.S.C. 1001 et seq.) is amended—

(1) by inserting after section 479C the following:

**“SEC. 479D. SPECIAL RULES FOR INDEPENDENT STUDENTS.**

“(a) DETERMINATION PROCESS FOR UNACCOMPANIED YOUTH.—In making a determination of independence under section 480(d)(8), a financial aid administrator shall—

“(1) consider documentation of the student’s circumstance provided by an individual described by this subparagraph to be acceptable in the absence of documented conflicting information, such individuals include—

“(A) a local education agency homeless liaison, designated pursuant to section 722(g)(1)(J)(ii) of the McKinney-Vento Homeless Assistance Act or a designee of the liaison;

“(B) the director or a recognized emergency shelter, transitional living, street outreach program, or other program serving individuals who are homeless or a designee of the director;

“(C) the director of a Federal TRIO program or a Gaining Early Awareness and Readiness for Undergraduate program under chapter 1 or 2 of subpart 2 of part A or a designee of the director; or

“(D) by a financial aid administrator at another institution who documented the student’s circumstance in a prior award year;

“(2) if a student is unable to provide documentation from any individual under paragraph (1), make a case-by-case determination, which shall be—

“(A) based on a written statement from or a documented interview with the student which confirms that the student is homeless (as such term is defined in section 725 of the McKinney-Vento Homeless Assistance Act), or unaccompanied, at risk of homelessness, and self-supporting; and

“(B) made independent from the reasons that the student is homeless (as such term is defined in section 725 of the McKinney-Vento Homeless Assistance Act), or unaccompanied, at risk of homelessness, and self-supporting; and

“(3) consider a determination made under this paragraph as distinct from a determination of independence under section 480(d)(9).

“(b) DOCUMENTATION PROCESS FOR FOSTER CARE YOUTH.—If an institution requires that a student provide documentation that they were in foster care when the student was age 13 or older, a financial aid administrator shall consider any of the following as adequate documentation, in the absence of documented conflicting information:

“(1) Submission of a court order or official State documentation that the student received Federal or State support in foster care.

“(2) A documented phone call, written statement, or verifiable electronic data match, which confirms the student was in foster care at an applicable age, from—

“(A) a State or tribal agency administering a program under part B or E of title IV of the Social Security Act (42 U.S.C. 621 et seq. and 670 et seq.);

“(B) a State Medicaid agency; or

“(C) a public or private foster care placing agency or foster care facility or placement.

“(3) A documented phone call or a written statement from an attorney, a guardian ad litem, or a Court Appointed Special Advocate that confirms that the student was in foster care at an applicable age, and documents the person’s relationship to the student.

“(4) Verification of the student’s eligibility for an education and training voucher under the John H. Chafee Foster Care Program under section 477 of the Social Security Act (42 U.S.C. 677).

“(c) TIMING.—A determination of independence under paragraphs (2), (8) or (9) of section 480(d) for a student—

“(1) shall be made as quickly as practicable;

“(2) may be made as early as the year before the award year for which the student initially submits an application; and

“(3) shall be made not later than during the award year for which the student initially submits an application.

“(d) USE OF EARLIER DETERMINATIONS.—

“(1) EARLIER DETERMINATION BY THE INSTITUTION.—Any student who is determined to be independent under paragraph (2), (8) or (9) of section 480(d) for a preceding award year at an institution shall be presumed to be independent for each subsequent award year at the same institution unless—

“(A) the student informs the institution that circumstances have changed; or

“(B) the institution has specific conflicting information about the student’s independence, and has informed the student of this information.

“(2) EARLIER DETERMINATION BY ANOTHER INSTITUTION.—

“(A) SIMPLIFYING THE DEPENDENCY OVER-RIDE PROCESS.—A financial aid administrator may make a determination of independence under section 480(d)(9), based upon a documented determination of independence that was previously made by another financial aid administrator under such paragraph in the same award year.

“(e) RETENTION OF DOCUMENTS.—A financial aid administrator shall retain all documents related to the determination of independence under paragraphs (2) or (8) of section 480(d), including documented interviews.”; and

(2) by striking section 480 and inserting the following:

**“SEC. 480. DEFINITIONS.**

“In this part:

“(a) TOTAL INCOME.—The term ‘total income’ means the amount equal to adjusted gross income for the second preceding tax year plus untaxed income and benefits for the second preceding tax year minus excludable income for the second preceding tax year. The factors used to determine total income shall be derived from the Federal income tax return, if available, except for the applicant’s ability to indicate a qualified rollover in the second preceding tax year as outlined in section 483.

“(b) UNTAXED INCOME AND BENEFITS.—The term ‘untaxed income and benefits’ means—

“(1) deductions and payments to self-employed SEP, SIMPLE, Keogh, and other

qualified individual retirement accounts excluded from income for Federal tax purposes, except such term shall not include payments made to tax-deferred pension and retirement plans, paid directly or withheld from earnings, that are not delineated on the Federal tax return;

“(2) tax-exempt interest income;

“(3) untaxed portion of individual retirement account distributions; and

“(4) untaxed portion of pensions.

“(c) VETERAN.—The term ‘veteran’ has the meaning given the term in section 101(2) of title 38, United States Code.

“(d) INDEPENDENT STUDENTS AND DETERMINATIONS.—The term ‘independent’, when used with respect to a student, means any individual who—

“(1) is 24 years of age or older by December 31 of the award year;

“(2) is, or was at any time when the individual was 13 years of age or older;

“(A) an orphan;

“(B) ward of the court;

“(C) in foster care;

“(3) is, or was immediately prior to attaining the age of majority, an emancipated minor or in legal guardianship as determined by a court of competent jurisdiction in the individual’s State of legal residence;

“(4) is a veteran of the Armed Forces of the United States (as defined in subsection (c)) or is currently serving on active duty in the Armed Forces for other than training purposes;

“(5) is a graduate or professional student;

“(6) is married and not separated;

“(7) has legal dependents other than a spouse;

“(8) an unaccompanied youth 23 years of age or younger who is homeless (as such term is defined in section 725 of the McKinney-Vento Homeless Assistance Act), or unaccompanied, at risk of homelessness, and self-supporting, or—

“(9) is a student for whom a financial aid administrator makes a documented determination of independence by reason of other unusual circumstances as described under section 479A(c) in which the student is unable to contact a parent or where contact with parents poses a risk to such student, which includes circumstances of—

“(A) human trafficking, as described in the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7101 et seq.);

“(B) legally granted refugee or asylum status;

“(C) parental abandonment or estrangement; or

“(D) parental incarceration.

“(e) EXCLUDABLE INCOME.—The term ‘excludable income’ means an amount equal to the education credits described in paragraphs (1) and (2) of section 25A(a) of the Internal Revenue Code of 1986.

“(f) ASSETS.—

“(1) IN GENERAL.—The term ‘assets’ means cash on hand, including the amount in checking and savings accounts, time deposits, money market funds, trusts, stocks, bonds, derivatives, other securities, mutual funds, tax shelters, qualified education benefits (except as provided in paragraph (3)), the annual amount of child support received and the net value of real estate, income producing property, and business and farm assets, determined in accordance with section 478(c).

“(2) EXCLUSIONS.—With respect to determinations of need under this title, the term ‘assets’ shall not include the net value of the family’s principal place of residence.

“(3) QUALIFIED EDUCATION BENEFIT.—A qualified education benefit shall be considered an asset of—

“(A) the student if the student is an independent student; or



“(B) the parent if the student is a dependent student and the account is designated for the student, regardless of whether the owner of the account is the student or the parent.

“(g) NET ASSETS.—The term ‘net assets’ means the market value at the time of application of the assets (as defined in subsection (f)), minus the outstanding liabilities or indebtedness against the assets.

“(h) TREATMENT OF INCOME TAXES PAID TO OTHER JURISDICTIONS.—

“(1) The tax on income paid to the Governments of the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, or the Commonwealth of the Northern Mariana Islands, the Republic of the Marshall Islands, the Federated States of Micronesia, or Palau under the laws applicable to those jurisdictions, or the comparable tax paid to the central government of a foreign country, shall be treated as Federal income taxes.

“(2) References in this part to the Internal Revenue Code of 1986, Federal income tax forms, and the Internal Revenue Service shall, for purposes of the tax described in paragraph (1), be treated as references to the corresponding laws, tax forms, and tax collection agencies of those jurisdictions, respectively, subject to such adjustments as the Secretary may provide by regulation.

“(i) OTHER FINANCIAL ASSISTANCE.—

“(1) For purposes of determining a student's eligibility for funds under this title, other financial assistance not received under this title shall include all scholarships, grants, loans, or other assistance known to the institution at the time the determination of the student's need is made, including national service educational awards or post-service benefits under title I of the National and Community Service Act of 1990 (42 U.S.C. 12511 et seq.).

“(2) Notwithstanding paragraph (1), a tax credit taken under section 25A of the Internal Revenue Code of 1986, or a distribution that is not includable in gross income under section 529 of such Code, under another prepaid tuition plan offered by a State, or under a Coverdell education savings account under section 530 of such Code, shall not be treated as other financial assistance for purposes of section 471(a)(3).

“(3) Notwithstanding paragraph (1) and section 472, assistance not received under this title may be excluded from both other financial assistance and cost of attendance, if that assistance is provided by a State and is designated by such State to offset a specific component of the cost of attendance. If that assistance is excluded from either other financial assistance or cost of attendance, it shall be excluded from both.

“(4) Notwithstanding paragraph (1), payments made and services provided under part E of title IV of the Social Security Act to or on behalf of any child or youth over whom the State agency has responsibility for placement, care, or supervision, including the value of vouchers for education and training and amounts expended for room and board for youth who are not in foster care but are receiving services under section 477 of such Act, shall not be treated as other financial assistance for purposes of section 471(a)(3).

“(5) Notwithstanding paragraph (1), emergency financial assistance in an amount less than \$1,500 provided to the student for unexpected expenses that are a component of the student's cost of attendance, and not otherwise considered when the determination of the student's need is made, shall not be treated as other financial assistance for purposes of section 471(a)(3).

“(j) DEPENDENTS.—

“(1) Except as otherwise provided, the term ‘dependent of the parent’ means the student who is deemed to be a dependent students

when applying for aid under this title, and any other person who lives with and receives more than one-half of their support from the parent (or parents) and will continue to receive more than half of their support from the parent (or parents) during the award year.

“(2) Except as otherwise provided, the term ‘dependent of the student’ means the student's dependent children and other persons (except the student's spouse) who live with and receive more than one-half of their support from the student and will continue to receive more than half of their support from the student during the award year.

“(k) FAMILY SIZE.—

“(1) DEPENDENT STUDENT.—Except as provided in paragraph (3), in determining family size in the case of a dependent student—

“(A) if the parents are not divorced or separated, family members include the student's parents, and any dependent (within the meaning of section 152 of the Internal Revenue Code of 1986 or an eligible individual for purposes of the credit under section 32 of the Internal Revenue Code of 1986) of the student's parents for the taxable year used in determining the amount of need of the student for financial assistance under this title;

“(B) if the parents are divorced or separated, family members include the parent whose income is included in computing available income and any dependent (within the meaning of section 152 of the Internal Revenue Code of 1986 or an eligible individual for purposes of the credit under section 32 of the Internal Revenue Code of 1986) of that parent for the taxable year used in determining the amount of need of the student for financial assistance under this title;

“(C) if the parents are divorced and the parents whose income is so included is remarried, or if the parent was a widow or widower who has remarried, family members also include, in addition to those individuals referred to in paragraph (B), and any dependent (within the meaning of section 152 of the Internal Revenue Code of 1986 or an eligible individual for purposes of the credit under section 32 of the Internal Revenue Code of 1986) of the new spouse for the taxable year used in determining the amount of need of the student for financial assistance under this title, if that spouse's income is included in determining the parent's adjusted available income; and

“(D) if the student is not considered as a dependent (within the meaning of section 152 of the Internal Revenue Code of 1986 or an eligible individual for purposes of the credit under section 32 of the Internal Revenue Code of 1986) of any parent, the parents' family size shall include the student and the family members applicable to the parents' situation under subparagraph (A), (B), or (C).

“(2) INDEPENDENT STUDENT.—Except as provided in paragraph (3), in determining family size in the case of an independent student—

“(A) family members include the student, the student's spouse, and any dependent (within the meaning of section 152 of the Internal Revenue Code of 1986 or an eligible individual for purposes of the credit under section 32 of the Internal Revenue Code of 1986) of that student for the taxable year used in determining the amount of need of the student for financial assistance under this title; and

“(B) if the student is divorced or separated, family members do not include the spouse (or ex-spouse), but do include the student and any dependent (within the meaning of section 152 of the Internal Revenue Code of 1986 or an eligible individual for purposes of the credit under section 32 of the Internal Revenue Code of 1986) of that student for the taxable year used in determining the amount

of need of the student for financial assistance under this title.

“(3) PROCEDURES AND MODIFICATION.—The Secretary shall provide procedures for determining family size in cases in which information for the taxable year used in determining the amount of need of the student for financial assistance under this title has changed or does not accurately reflect the applicant's current household size.

“(1) BUSINESS ASSETS.—The term ‘business assets’ means property that is used in the operation of a trade or business, including real estate, inventories, buildings, machinery, and other equipment, patents, franchise rights, and copyrights.”.

(m) FAFSA.—Section 483 of the Higher Education Act of 1965 (20 U.S.C. 1090) is amended to read as follows:

**“SEC. 483. FREE APPLICATION FOR FEDERAL STUDENT AID.**

**“(a) SIMPLIFIED APPLICATION FOR FEDERAL STUDENT FINANCIAL AID.—**

**“(1) IN GENERAL.—**Each individual seeking to apply for Federal financial aid under this title for any award year shall file a free application with the Secretary, known as the ‘Free Application for Federal Student Aid’, to determine eligibility for such aid, as described in paragraph (2), and in accordance with section 479.

**“(2) FREE APPLICATION.—**

**“(A) IN GENERAL.—**The Secretary shall make available, for the purposes of paragraph (1), a free application to determine the eligibility of a student for Federal financial aid under this title.

**“(B) INFORMATION REQUIRED BY THE APPLICANT.—**

**“(i) IN GENERAL.—**The applicant, and, if necessary, the parents or spouse of the applicant, shall provide the Secretary with the applicable information described in clause (ii) in order to be eligible for Federal financial aid under this title.

**“(ii) INFORMATION TO BE PROVIDED.—**The information described in this clause is the following:

**“(I) Name.**

**“(II) Contact information,** including address, phone number, email address, or other electronic address.

**“(III) Social security number.**

**“(IV) Date of birth.**

**“(V) Marital status.**

**“(VI) Citizenship status,** including alien registration number, if applicable.

**“(VII) Sex.**

**“(VIII) State of legal residence and date of residency.**

**“(IX) The following information on secondary school completion—**

**“(aa) Name and location of the high school from which the applicant received, or will receive prior to the period of enrollment for which aid is sought, a regular high school diploma;**

**“(bb) name and location of the entity from which the applicant received, or will receive prior to the period of enrollment for which aid is sought, a recognized equivalent of a regular high school diploma; or**

**“(cc) if the applicant completed or will complete prior to the period of enrollment for which aid is sought, a secondary school education in a home school setting that is treated as a home school or private school under State law.**

**“(X) Name of each institution where the applicant intends to apply for enrollment or continue enrollment.**

**“(XI) Year in school for period of enrollment for which aid is sought, including whether applicant will have finished first bachelor's degree prior to the period of enrollment for which aid is sought.**

**“(XII) Whether one or both of the applicant's parents attended college.**

“(XIII) Any required asset information, unless exempt under section 479, in which the applicant shall indicate—

“(aa) the annual amount of child support received, if applicable; and

“(bb) all required asset information not described in item (aa).

“(XIV) The number of members of the applicant's family who will also be enrolled in an eligible institution of higher education on at least a half-time basis during the same enrollment period as the applicant.

“(XV) If the applicant meets any of the following designations:

“(aa) Homeless, at risk of being homeless, or an unaccompanied youth.

“(bb) Emancipated minor.

“(cc) In legal guardianship.

“(dd) Dependent ward of the court at any time since the applicant turned 13.

“(ee) In foster care at any time since the applicant turned 13.

“(ff) If both parents have died since the applicant turned 13.

“(gg) Is a veteran of the Armed Forces of the United States or is serving (on the date of the application) on active duty in the Armed Forces for other than training purposes.

“(hh) Has a dependent child or relative and is under the age of 24.

“(ii) Does not have access to parental income due to an unusual circumstance in accordance with section 480(d)(9).

“(XVI) If the applicant receives or has received any of the following means-tested Federal benefits within the last two years:

“(aa) The supplemental security income program under title XVI of the Social Security Act (42 U.S.C. 1381 et seq.).

“(bb) The supplemental nutrition assistance program under the Food and Nutrition Act of 2008 (7 U.S.C. 2011 et seq.).

“(cc) The free and reduced price school lunch program established under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.).

“(dd) The program of block grants for States for temporary assistance for needy families established under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.).

“(ee) The special supplemental nutrition program for women, infants, and children established by section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786).

“(ff) The Medicaid program under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.).

“(gg) Federal housing assistance programs, including tenant-based assistance under section 8(o) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)), and public housing, as defined in section 3(b)(1) of such Act (42 U.S.C. 1437a(b)(1)).

“(hh) Any other means-tested program determined by the Secretary to be appropriate.

“(XVII) If the applicant, or, if necessary, the parents or spouse of the applicant, reported receiving tax exempt payments from an individual retirement plan (as defined in section 7701 of the Internal Revenue Code of 1986) distribution or from pensions or annuities on a Federal tax return, information as to how much of the individual retirement plan distribution or pension or annuity disbursement was a qualified rollover.

“(iii) PROHIBITION AGAINST REQUESTING INFORMATION MORE THAN ONCE.—Any information requested during the process of creating an account for completing the free application under this subsection, shall not be required a second time for the same award year, or in a duplicative manner, when completing such free application except in the case of an unusual situation.

“(iv) CHANGE IN FAMILY SIZE.—The Secretary shall provide a process by which an

applicant shall confirm the accuracy of family size or update the family size with respect to such applicant for purposes of determining the need of such applicant for financial assistance under this title based on a change in family size from the tax year data used for such determination.

“(v) SINGLE QUESTION FOR HOMELESS STATUS.—The Secretary shall ensure that—

“(I) on the form developed under this section for which the information is applicable, there is a single, easily understood screening question to identify an applicant who is an unaccompanied homeless child or youth (as such term is defined in section 725 of the McKinney-Vento Homeless Assistance Act) or an unaccompanied youth who is self-supporting and at risk of homelessness; and

“(II) such question is distinct from those relating to an individual who does not have access to parental income due to an unusual circumstance.

“(vi) ADJUSTMENTS.—The Secretary shall disclose on the FAFSA that the student may, on a case-by-case basis, qualify for an adjustment under section 479A to the cost of attendance or the values of the data items required to calculate the student aid index for the student or parent.

“(C) NOTIFICATION OF REQUEST FOR TAX RETURN INFORMATION.—The Secretary shall advise students and borrowers who submit an application for Federal student financial aid under this title (as well as parents and spouses who sign such an application or request or a Master Promissory Note on behalf of those students and borrowers) of the authority of the Secretary to request that the Internal Revenue Service disclose their tax return information as described in section 494.

“(D) AUTHORIZATIONS AVAILABLE TO THE APPLICANT.—

“(i) AUTHORIZATION TO RELEASE AND TRANSMIT TO INSTITUTION.—An applicant and, if necessary, the parents or spouse of the applicant shall provide the Secretary with authorization to release and transmit to an institution, as specified by the applicant, in order for the applicant's eligibility for Federal financial aid programs to be determined, the following:

“(I) Information described under section 6103(l)(13) of the Internal Revenue Code of 1986.

“(II) All information provided by the applicant on the application described by this subsection to determine the applicant's eligibility for Federal financial aid under this title and for the application, award, and administration of such Federal financial aid.

“(ii) AUTHORIZATION TO RELEASE AND TRANSMIT TO STATE AND INSTITUTION.—

“(I) IN GENERAL.—An applicant and, if necessary, the parents or spouse of the applicant may provide the Secretary with authorization to release and transmit to the State of residence of the applicant and to any institution specified by the applicant, in order for the applicant's eligibility for State student financial aid programs or institution-based student financial aid programs to be determined, the following:

“(aa) Information described under section 6103(l)(13) of the Internal Revenue Code of 1986.

“(bb) All information provided by the applicant on the application described by this subsection for the application, award, and administration of financial aid by a State or an institution of higher education.

“(II) SPECIAL RULE.—An institution to which an applicant selects to release and transmit information under subclause (I) shall not be disclosed to any other institution.

“(iii) AUTHORIZATION TO RELEASE AND TRANSMIT TO BENEFITS PROGRAMS.—An appli-

cant and, if necessary, the parents or spouse of the applicant may provide the Secretary with authorization to release and transmit to means-tested Federal benefit programs, as defined in section 473(e), the following:

“(I) Information described under section 6103(l)(13) of the Internal Revenue Code of 1986.

“(II) All information provided by the applicant on the application described by this subsection to determine the applicant's eligibility for the application, award, and administration of such means-tested Federal benefits programs.

“(E) ACTION BY THE SECRETARY.—Upon receiving—

“(i) an application under this section, the Secretary shall, as soon as practicable, perform the necessary functions with the Commissioner of Internal Revenue to calculate the applicant's student aid index and scheduled award for a Federal Pell Grant, if applicable, assuming full-time enrollment for an academic year, and note to the applicant the assumptions relationship to the scheduled award; and

“(ii) an authorization under subparagraph (D), the Secretary shall, as soon as practicable, release and transmit the information described under such subparagraph to the State of residence of the applicant or an institution, as specified by the applicant, in order for the applicant's eligibility for Federal, State, or institutional student financial aid programs to be estimated or determined.

“(3) INFORMATION TO BE SUPPLIED BY THE SECRETARY OF EDUCATION.—

“(A) IN GENERAL.—Upon receiving and timely processing a free application that contains the information described in paragraph (2), the Secretary shall provide to the applicant (and the parents of a dependent student applicant, or spouse of the independent student applicant, if applicable) the following information based on full-time attendance for an academic year:

“(i) The estimated dollar amount of a Federal Pell Grant scheduled award for which the applicant is eligible for such award year.

“(ii) Information on other types of Federal financial aid for which the applicant may be eligible (including situations in which the applicant could qualify for 150 percent of a schedule Federal Pell Grant award and loans made under this title) and how the applicant can find additional information regarding such aid.

“(iii) Information regarding each institution selected by the applicant in accordance with paragraph (2)(B)(ii)(X), including the following:

“(I) The following information, as collected through the Integrated Postsecondary Education Data System or a successor Federal data system as designated by the Secretary:

“(aa) Net price by income quintile.

“(bb) Median debt of students upon completion.

“(cc) Graduation rate.

“(dd) Retention rate.

“(ee) Transfer rate, if available.

“(II) Institutional default rate, as calculated under section 435.

“(iv) If the student is eligible for a student aid index of less than or equal to zero under section 473 but has not indicated that they receive Federal means-tested benefits, a notification of the Federal means-tested benefits for which they may be eligible.

“(v) Information on education tax credits described in paragraphs (1) and (2) of section 25A(a) of the Internal Revenue Code of 1986.

“(vi) If the individual identified as a veteran, or as serving (on the date of the application) on active duty in the Armed Forces

for other than training purposes, information on benefits administered by the Department of Veteran Affairs or Department of Defense, respectively.

“(vii) If applicable, the applicant’s current outstanding balance of loans under this title.

“(B) INFORMATION PROVIDED TO THE STATE.—

“(i) IN GENERAL.—The Secretary shall provide, with authorization from the applicant in accordance with paragraph (2)(D)(ii), to a State agency administering State-based financial aid and serving the applicant’s State of residence, the information described under section 6103(1)(13) of the Internal Revenue Code of 1986 and information described in paragraph (2)(B) for the application, award, and administration of grants and other aid provided directly from the State to be determined by such State. Such information shall include the list of institutions provided by the applicant on the application.

“(ii) USE OF INFORMATION.—A State agency administering State-based financial aid—

“(I) shall use the information provided under clause (i) solely for the application, award, and administration of State-based financial aid for which the applicant is eligible and for State agency research that does not release any individually identifiable information on any applicant to promote college attendance, persistence, and completion;

“(II) may use identifying information for student applicants to determine whether or not a graduating secondary student has filed the application in coordination with local educational agencies or secondary schools to encourage students to complete the application; and

“(III) shall not share application information with any other entity without the explicit written consent of the applicant, except as provided in subclause (II).

“(iii) LIMITATION ON CONSENT PROCESS.—A State may provide a consent process whereby an applicant may elect to share the information described in clause (i) through explicit written consent to Federal, State, or local government agencies or tribal organizations to assist such applicant in applying for and receiving Federal, State, or local government assistance, or tribal assistance for any component of the applicant’s cost of attendance which may include financial assistance or non-monetary assistance.

“(iv) PROHIBITION.—Any entity that receives applicant information under clause (iii) shall not sell, share, or otherwise use applicant information other than for the purposes outlined in clause (iii).

“(C) INFORMATION PROVIDED TO THE INSTITUTION.—

“(i) IN GENERAL.—The Secretary shall provide, with authorization from the applicant in accordance with paragraph (2)(D)(ii), to each institution selected by the applicant on the application, the information described under section 6103(1)(13) of the Internal Revenue Code of 1986 and information described in paragraph (2)(B) for the application, award, and administration of grants and other aid provided directly from the institution to be determined by such institution and grants and other aid provided directly from the State or Federal Government.

“(ii) USE OF INFORMATION.—An institution—

“(I) shall use the information provided to it under clause (i) solely for the application, award, and administration of financial aid to the applicant, and for institutional research that does not release any individually identifiable information on any applicant, to promote college attendance, persistence and completion; and

“(II) shall not share such information with any other entity without the explicit written consent of the applicant.

“(iii) LIMITATION ON CONSENT PROCESS.—An institution may provide a consent process whereby an applicant can elect to share the information described in clause (i) with explicit written consent to a scholarship granting organization, including a tribal organization (defined in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304)), or to Federal, State, or local government agencies or tribal organizations to assist the applicant in applying for and receiving private assistance, or Federal, State, local government assistance, or tribal assistance for any component of the applicant’s cost of attendance which may include financial assistance or non-monetary assistance.

“(iv) PROHIBITION.—Any entity that receives applicant information under clause (iii) shall not sell, share, or otherwise use applicant information other than for the purposes outlined in clause (iii).

“(4) DEVELOPMENT OF FORM AND INFORMATION EXCHANGE.—Prior to the design of the free application under this subsection, the Secretary shall, to the maximum extent practicable, on an annual basis—

“(A) consult with stakeholders to gather information about innovations and technology available to—

“(i) ensure an efficient and effective process;

“(ii) mitigate unintended consequences; and

“(iii) determine the best practices for outreach to students and families during the transition to the streamlined process for the determination of Federal financial aid and Federal Pell Grant eligibility while reducing the data burden on applicants and families; and

“(B) solicit public comments for the format of the free application that provides for adequate time to incorporate feedback prior to development of the application for the succeeding award year.

“(5) NO ADDITIONAL INFORMATION REQUESTS PERMITTED.—In carrying out this subsection, the Secretary may not require additional information to be submitted by an applicant (or the parents or spouse of an applicant) for Federal financial aid through other requirements or reporting, except as required under a process or procedure exercised in accordance with the authority under section 479A.

“(6) STATE-RUN PROGRAMS.—

“(A) IN GENERAL.—The Secretary shall conduct outreach to States in order to research the benefits to students of States relying solely on the financial data made available, upon authorization by the applicant, as a result of an application for aid under this subsection for determining the eligibility of the applicant for State provided financial aid.

“(B) SECRETARIAL REVIEW.—If a State determines that there is a need for additional data elements beyond those provided pursuant to this subsection for determining the eligibility of an applicant for State provided financial aid, the State shall forward a list of those additional data elements determined necessary, but not provided by virtue of the application under this subsection, to the Secretary. The Secretary shall make readily available to the public through the Department’s websites and other means—

“(i) a list of States that do not require additional financial information separate from the Free Application for Federal Student Aid and do not require asset information from students who qualify for the exemption from asset reporting under section 479 for the purposes of awarding State scholarships and grant aid;

“(ii) a list of States that require asset information from students who qualify for the

exemption from asset reporting under section 479 for the purposes of awarding State scholarships and grant aid;

“(iii) a list of States that have indicated that they require additional financial information separate from the Free Application for Federal Student Aid for purposes of awarding State scholarships and grant aid; and

“(iv) with the publication of the lists under this subparagraph, information about additional resources available to applicants, including links to such State websites.

“(7) INSTITUTION-RUN FINANCIAL AID.—

“(A) IN GENERAL.—The Secretary shall conduct outreach to institutions of higher education to describe the benefits to students of relying solely on the financial data made available, upon authorization for release by the applicant, as a result of an application for aid under this subsection for determining the eligibility of the applicant for institutional financial aid. The Secretary shall make readily available to the public through its websites and other means—

“(i) a list of institutions that do not require additional financial information separate from the Free Application for Federal Student Aid and do not require asset information from students who qualify for the exemption from asset reporting under section 479 for the purpose of awarding institution-run financial aid;

“(ii) a list of institutions that require asset information from students who qualify for the exemption from asset reporting under section 479 for the purpose of awarding institution-run financial aid;

“(iii) a list of institutions that require additional financial information separate from the Free Application for Federal Student Aid for the purpose of awarding institution-run financial aid; and

“(iv) with the publication of the list in clause (iii), information about additional resources available to applicants.

“(8) SECURITY OF DATA.—The Secretary shall, in consultation with the Secretary of the Treasury, take all steps necessary to—

“(A) safeguard the data required to be transmitted for the purpose of this section between Federal agencies and to States and institutions of higher education;

“(B) secure the transmittal of such data; and

“(C) provide guidance to States and institutions of higher education regarding their obligation to ensure the security of the data provided under this section.

“(9) REPORT TO CONGRESS.—

“(A) IN GENERAL.—Not later than one year after the date of enactment of the Student Loan Repayment and FAFSA Simplification Act, the Secretary shall report to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Education and Labor of the House of Representatives on the progress of the Secretary in carrying out this subsection, including planning and stakeholder consultation. Such report shall include—

“(i) benchmarks for implementation;

“(ii) entities and organization that the Secretary consulted;

“(iii) system requirements for such implementation and how they will be addressed;

“(iv) any areas of concern and potential problem issues uncovered that may hamper such implementation; and

“(v) solutions determined to address such issues.

“(B) QUARTERLY UPDATES.—The Secretary shall provide updates to the Committees described in subparagraph (A)—

“(i) as to the progress and planning described in subparagraph (A) prior to implementation of the Free Application for Federal Student Aid under this subsection not less often than quarterly; and

“(ii) at least 6 months and 1 year after implementation of the Free Application for Federal Student Aid.

“(b) ADJUSTMENTS AND IMPROVEMENTS.—

“(1) IN GENERAL.—The Secretary shall disclose in a consumer-tested format, upon completion of the Free Application for Federal Student Aid under this section, that the student may, on a case-by-case basis, qualify for an adjustment under section 479A to the cost of attendance or the values of the data items required to calculate the Federal Pell Grant or the need analysis for the student or parent. Such disclosure shall specify—

“(A) examples of the special circumstances under which a student or family member may qualify for such adjustment or determination of independence; and

“(B) additional information regarding the steps a student or family member may take in order to seek an adjustment under section 479A.

“(2) CONSUMER TESTING.—

“(A) IN GENERAL.—Not later than 9 months after the date of enactment of the Student Loan Repayment and FAFSA Simplification Act, the Secretary shall begin consumer testing the design of the Free Application for Federal Student Aid under this section with prospective first-generation college students, representatives of students (including low-income students, first generation college students, adult students, veterans, servicemembers, and prospective students), students’ families (including low-income families, families with first generation college students, and families with prospective students), institutions of higher education, secondary school and postsecondary counselors, and nonprofit consumer groups.

“(B) UPDATES.—For award year 2021 and each fourth succeeding award year thereafter, the Secretary shall update the design of the Free Application for Federal Student Aid based on additional consumer testing with the populations described in subparagraph (A) in order to improve the usability and accessibility of the application.

“(3) ACCESSIBILITY OF THE FAFSA.—The Secretary shall—

“(A) in conjunction with the Director of the Census Bureau, shall determine the most common languages spoken at home in the United States

“(B) develop versions of the Free Application for Federal Student Aid form in each of the languages determined in subparagraph (A); and

“(C) ensure the Free Application for Federal Student Aid is compliant with the most recent Web Content Accessibility Guidelines, or successor guidelines.

“(4) REAPPLICATION IN A SUCCEEDING ACADEMIC YEAR.—In order to streamline applicant’s experience applying for financial aid, the Secretary shall allow an applicant who electronically applies for financial assistance under this title for an academic year subsequent to an academic year for which such applicant applied for financial assistance under this title to automatically electronically import all of the applicant’s (including parents, guardians, or spouses, as applicable) identifying, demographic, and school data from the previous application and to update such information to reflect any circumstances that have changed.

“(5) TECHNOLOGY ACCESSIBILITY.—The Secretary shall make the application under this section available through prevalent technology. Such technology shall, at a minimum, enable applicants to—

“(A) save data; and

“(B) submit the application under this title to the Secretary through such technology.

“(6) VERIFICATION BURDEN.—The Secretary shall—

“(A) to the maximum extent practicable, streamline and simplify the process of verification for applicants for Federal financial aid;

“(B) in establishing policies and procedures to verify applicants’ eligibility for Federal financial aid, consider—

“(i) the burden placed on low-income applicants;

“(ii) the risk to low-income applicants of failing to enroll or complete from being selected for verification;

“(iii) the effectiveness of the policies and procedures in safeguarding against a net cost to taxpayers; and

“(iv) the reasons for the source of any improper payments; and

“(C) issue a report not less often than annually sharing the percentage of applicants subject to verification, whether the applicants ultimately received Federal financial aid disbursements, and whether the student aid index changed enough to affect the applicant’s award of any Federal financial aid under this title.

“(7) STUDIES.—The Secretary shall periodically conduct studies on—

“(A) the effect of States requiring additional information specified in clauses (ii) and (iii) of paragraph (6)(B) on the determination of State financial aid awards and whether the additional information required is a barrier to college enrollment by examining—

“(i) how much financial aid awards would change if the additional information were not required;

“(ii) the number of students who started but did not finish the Free Application for Federal Student Aid, compared to the baseline year of 2021; and

“(iii) the number of students who—

“(I) started a Free Application for Federal Student Aid but did not receive financial assistance under this title for the applicable academic year; and

“(II) if available, did not enroll in an institution of higher education in the applicable academic year;

“(B) the most common barriers faced by applications in completing the Free Applications for Federal Student Aid; and

“(C) the most common reasons that students and families do not fill out the Free Applications for Federal Student Aid.

“(c) DATA AND INFORMATION.—

“(1) IN GENERAL.—The Secretary shall publish data in a publicly accessible manner—

“(A) annually on the total number of Free Applications for Federal Student Aid submitted by application cycle, disaggregated by demographic characteristics, type of institution or institutions of higher education to which the applicant applied, the applicant’s State of legal residence, and high school and public school district;

“(B) quarterly on the total number of Free Applications for Federal Student Aid submitted by application cycle, disaggregated by type of institution or institutions of higher education to which the applicant applied, the applicant’s State of legal residence, and high school and public school district;

“(C) weekly on the total number of Free Applications for Federal Student Aid submitted, disaggregated by high school and public school district; and

“(D) annually on the number of individuals who apply for Federal financial aid pursuant to this section who indicated they are a homeless child or youth (as defined in section 725 of the McKinney-Vento Homeless

Assistance Act), an unaccompanied youth, or a foster care youth.

“(2) CONTENTS.—The data described in paragraph (1) with respect to homeless children and youth shall include, at a minimum, for each application cycle—

“(A) the total number of all applicants who were determined to be individuals described in section 480(d)(8); and

“(B) the number of applicants described in subparagraph (A), disaggregated—

“(i) by State; and

“(ii) by the sources of determination as described in section 479D(b).

“(3) DATA SHARING.—The Secretary may enter into data sharing agreements with the appropriate Federal or State agencies to conduct outreach regarding, and connect applicants directly with, the means-tested Federal benefit programs described in subsection (a)(2)(B)(i)(XVI) for which the applicants may be eligible.

“(d) ENSURING FORM USABILITY.—

“(1) SIGNATURE.—Notwithstanding any other provision of this title, the Secretary may permit the Free Application for Federal Student Aid to be submitted without a signature, if a signature is subsequently submitted by the applicant, or if the applicant uses an access device provided by the Secretary.

“(2) FREE PREPARATION AUTHORIZED.—Notwithstanding any other provision of this title, an applicant may use a preparer for consultative or preparation services for the completion of the Free Application for Federal Student Aid without charging a fee to the applicant if the preparer—

“(A) includes, at the time the application is submitted to the Department, the name, address or employer’s address, social security number or employer identification number, and organizational affiliation of the preparer on the applicant’s form;

“(B) is subject to the same penalties as an applicant for purposely giving false or misleading information in the application;

“(C) clearly informs each individual upon initial contact, that the Free Application for Federal Student Aid is a free form that may be completed without professional assistance; and

“(D) does not produce, use, or disseminate any other form for the purpose of applying for Federal financial aid other than the Free Application for Federal Student Aid form developed by the Secretary under this section.

“(3) CHARGES TO STUDENTS AND PARENTS FOR USE OF FORMS PROHIBITED.—The need and eligibility of a student for financial assistance under this title may be determined only by using the Free Application for Federal Student Aid developed by the Secretary under this section. Such application shall be produced, distributed, and processed by the Secretary, and no parent or student shall be charged a fee by the Secretary, a contractor,

a third-party servicer or private software provider, or any other public or private entity for the collection, processing, or delivery of Federal financial aid through the use of such application. No data collected on a form for which a fee is charged shall be used to complete the Free Application for Federal Student Aid prescribed under this section, except that a Federal or State income tax form prepared by a paid income tax preparer or preparer service for the primary purpose of filing a Federal or State income tax return may be used to complete the Free Application for Federal Student Aid prescribed under this section.

“(4) APPLICATION PROCESSING CYCLE.—The Secretary shall enable students to submit a Free Application for Federal Student Aid developed under this section and initiate the processing of such application, not later than January 1 of the student’s planned year

of enrollment, to the maximum extent practicable, on or around October 1 prior to the student's planned year of enrollment.

“(5) **EARLY ESTIMATES.**—The Secretary shall maintain an electronic method for applicants to enter income and family size information to calculate a non-binding estimate of the applicant's Federal financial aid available under this title and shall place such calculator on a prominent location at the beginning of the Free Application for Federal Student Aid.”.

(n) **STUDENT ELIGIBILITY.**—Section 484 of the Higher Education Act of 1965 (20 U.S.C. 1091) is amended—

(1) by striking subsection (q) and inserting the following:

“(q) **USE OF INCOME DATA WITH IRS.**—The Secretary, in cooperation with the Secretary of the Treasury, shall fulfill the data transfer requirements under section 6103(l)(13) of the Internal Revenue Code of 1986.”;

(2) by striking subsection (r);

(3) by redesignating subsections (s) and (t) as subsections (r) and (s), respectively; and

(4) by adding at the end the following:

“(t) **EXCEPTION TO REQUIRED REGISTRATION WITH THE SELECTIVE SERVICE SYSTEM.**—Notwithstanding section 12(f) of the Military Selective Service Act (50 U.S.C. 3811(f)), an individual shall not be ineligible for assistance or a benefit provided under this title if the individual is required under section 3 of such Act (50 U.S.C. 3802) to present himself for and submit to registration under such section and fails to do so in accordance with any proclamation issued under such section, or in accordance with any rule or regulation issued under such section.”.

(o) **INSTITUTIONAL AND FINANCIAL ASSISTANCE INFORMATION FOR STUDENTS.**—Section 485 of the Higher Education Act of 1965 (20 U.S.C. 1092) is amended by striking subsection (k).

(p) **EARLY AWARENESS OF FINANCIAL AID ELIGIBILITY.**—Section 485E of the Higher Education Act of 1965 (20 U.S.C. 1092f) is amended to read as follows:

**“SEC. 485E. EARLY AWARENESS AND OUTREACH OF FINANCIAL AID ELIGIBILITY.**

“(a) **IN GENERAL.**—The Secretary shall implement early outreach activities in order to provide prospective students and their families with information about financial aid and estimates of financial aid. Such early outreach activities shall include the activities described in subsections (b), (c), and (d).

“(b) **PELL GRANT EARLY AWARENESS ESTIMATES.**—

“(1) **IN GENERAL.**—The Secretary shall produce a consumer-tested method of estimating student eligibility for Federal Pell Grants outlined in section 401(b) utilizing the variables of family size and adjusted gross income, and presented in electronic format. There shall be a method for students to indicate whether they are, or will be in—

“(A) a single-parent household;

“(B) a household with two parents; or

“(C) a household with no children or dependents.

“(2) **CONSUMER TESTING.**—

“(A) **IN GENERAL.**—The method of estimating eligibility described in paragraph (1) shall be consumer tested with prospective first-generation students and families as well as low-income individuals and families.

“(B) **UPDATES.**—For award year 2023–2024 and each fourth succeeding award year thereafter, the design of the method of estimating eligibility shall be updated based on additional consumer testing with the populations described in subparagraph (A).

“(3) **DISTRIBUTION.**—The method of estimating eligibility described in paragraph (1) shall be—

“(A) made publicly and prominently available on the Department of Education website; and

“(B) actively shared by the Secretary with—

“(i) institutions of higher education participating in programs under this title;

“(ii) all middle and secondary schools eligible for funds under part A of title I of the Elementary and Secondary Education Act of 1965; and

“(iii) local educational agencies and middle schools and secondary schools that serve students not less than 25 percent of whom meet a measure of poverty as described in section 1113(a)(5) of the Elementary and Secondary Education Act of 1965.

“(4) **ELECTRONIC ESTIMATOR ON FAFSA.**—In accordance with subsection (d)(5) of section 483, the Secretary shall maintain an electronic method for applicants to enter income and family size, and level of education sought information to calculate a non-binding estimate (which may include a range or ceiling) of the applicant's Federal financial aid available under this title and shall place such calculator on a prominent location on the FAFSA website and in a manner that encourages students to fill out the FAFSA.

“(c) **EARLY AWARENESS PLANS.**—The Secretary shall establish and implement early awareness and outreach plans to provide early information about the availability of Federal financial aid and estimates of prospective students' eligibility for Federal financial aid as well as to promote the attainment of postsecondary education specifically among prospective first-generation students and families as well as low-income individuals and families, as follows:

“(1) **OUTREACH PLANS FOR LOW-INCOME FAMILIES.**—

“(A) **IN GENERAL.**—The Secretary shall develop plans for each population described in this subparagraph to disseminate information about the availability of Federal financial aid under this title, in addition to and in coordination with the distribution of the method of estimating eligibility under subsection (b), to—

“(i) all middle schools and secondary schools eligible for funds under part A of title I of the Elementary and Secondary Education Act of 1965;

“(ii) local educational agencies and middle schools and high schools that serve students not less than 25 percent of whom meet a measure of poverty as described in section 1113(a)(5) of the Elementary and Secondary Education Act; and

“(iii) households receiving assistance under the supplemental nutrition assistance program established under the Food and Nutrition Act of 2008 (7 U.S.C. 2011 et seq.).

“(B) **CONTENT OF PLANS.**—The plans described in paragraph (A) shall—

“(i) provide students and their families with information on—

“(I) the availability of the College Scorecard described in section 132;

“(II) the electronic estimates of financial aid available under subsection (b);

“(III) Federal financial aid available to students, including eligibility criteria for the Federal financial aid and an explanation of the Federal financial aid programs (including applicable Federal educational tax credits); and

“(IV) resources that can inform students of financial aid that may be available from state-based financial aid, state-based college savings programs, and scholarships and other non-governmental sources;

“(ii) describe how the dissemination of information will be conducted by the Secretary.

“(C) **REPORTING AND UPDATES.**—The Secretary shall post the information about the plans under subparagraph (A) and associated goals publicly on the Department of Education website. On an annual basis, the Sec-

retary shall report qualitative and quantitative outcomes regarding the implementation of the plans under subparagraph (A). The Secretary shall review and update such plans not less often than every 4 award years with the goal of progressively increasing the impact of the activities under this paragraph.

“(D) **PARTNERSHIP.**—The Secretary may partner with States, State systems of higher education, institutions of higher education, or college access organizations to carry out this paragraph.

“(2) **INTERAGENCY COORDINATION PLANS.**—

“(A) **IN GENERAL.**—The Secretary shall develop interagency coordination plans in order to inform more students and families, including low-income individuals or families, about the availability of Federal financial aid under this title through participation in existing Federal programs or tax benefits that serve low-income individuals or families, in coordination with the following Secretaries:

“(i) The Secretary of the Treasury.

“(ii) The Secretary of Labor.

“(iii) The Secretary of Health and Human Services.

“(iv) The Secretary of Agriculture.

“(v) The Secretary of Housing and Urban Development.

“(vi) The Secretary of Commerce.

“(vii) The Secretary of Veterans Affairs.

“(B) **PROCESS, ACTIVITIES, AND GOALS.**—Each interagency coordination plan under subparagraph (A) shall—

“(i) to identify opportunities in which low-income individuals and families could be informed of the availability of Federal financial aid under this title through access to other Federal programs that serve low-income individuals and families;

“(ii) to identify methods to effectively inform low-income individuals and families of the availability of Federal financial aid for postsecondary education under this title;

“(iii) develop early awareness activities that align with the opportunities and methods identified under clauses (ii) and (iii);

“(iv) establish goals regarding the effects of the activities to be implemented under clause (iii); and

“(v) provide information on how students and families can maintain access to Federal programs that serve low-income individuals and families operated by the agencies identified under subsection (A) while attending an institution of higher education.

“(C) **PLAN WITH SECRETARY OF THE TREASURY.**—The interagency coordination plan under subparagraph (A)(i) between the Secretary and the Secretary of the Treasury shall further include specific methods to increase the application for Federal financial aid under this title from individuals who file Federal tax returns, including collaboration with tax preparation entities or other third parties, as appropriate.

“(D) **REPORTING AND UPDATES.**—The Secretary shall post the information about the interagency coordination plans under paragraph (2) and associated goals publicly on the Department of Education website. The plans shall have the goal of progressively increasing the impact of the activities under this paragraph by increasing the number of low-income applicants for, and recipients of, Federal financial aid. The plans shall be updated not less than once every 4 years.

“(3) **NATIONWIDE PARTICIPATION IN EARLY AWARENESS PLANS.**—

“(A) **IN GENERAL.**—The Secretary shall solicit voluntary public commitments from entities, such as States, State systems of higher education, institutions of higher education, and other interested organizations, to carry out early awareness plans, which shall include goals, to—

“(i) notify prospective and existing students who are low-income individuals and families about their eligibility for Federal aid under this title, as well as State-based financial aid, if applicable, on an annual basis;

“(ii) increase the number of prospective and current students who are low-income individuals and families filing the Free Application for Federal Student Aid; and

“(iii) increase the number of prospective and current students who are low-income individuals and families enrolling in postsecondary education.

“(B) REPORTING AND UPDATES.—Each entity that makes a voluntary public commitment to carry out an early awareness plan may submit quantitative and qualitative data based on the entity's progress toward the goals of the plan annually prior to a date selected by the Secretary.

“(C) EARLY AWARENESS CHAMPIONS.—Based on data submitted by entities, the Secretary shall select and designate entities submitting public commitments, plans, and goals, as Early Awareness Champions on an annual basis. Those entities designated as Early Awareness Champions shall provide one or more case studies regarding the activities the entity undertook under this paragraph which shall be made public by the Secretary on the Department of Education website to promote best practices.

“(d) PUBLIC AWARENESS CAMPAIGN.—

“(1) IN GENERAL.—The Secretary shall develop and implement a public awareness campaign designed using current and relevant independent research regarding strategies and media platforms found to be most effective in communicating with low-income populations in order to increase national awareness regarding the availability of Federal Pell Grants and financial aid under this title and, at the option of the Secretary, potential availability of state need-based financial aid.

“(2) COORDINATION.—The public awareness campaign described in paragraph (1) shall leverage the activities in subsections (b) and (c) to highlight eligibility among low-income populations. In developing and implementing the campaign, the Secretary may work in coordination with States, institutions of higher education, early intervention and outreach programs under this title, other Federal agencies, organizations involved in college access and student financial aid, secondary schools, local educational agencies, public libraries, community centers, businesses, employers, workforce investment boards, and organizations that provide services to individuals that are or were homeless, in foster care, or are disconnected youth.

“(3) REPORTING.—The Secretary shall report on the success of the public awareness campaign described in paragraph (1) annually regarding the extent to which the public and target populations were reached using data commonly used to evaluate advertising and outreach campaigns and data regarding whether the campaign produced any increase in applicants for Federal aid under this title publicly on the Department of Education website.”.

#### **SEC. \_\_\_\_ . FEDERAL PELL GRANTS: AMOUNT AND DETERMINATIONS; APPLICATIONS.**

(a) FEDERAL PELL GRANTS.—Beginning on the effective date described in subsection (b), section 401 of the Higher Education Act of 1965 (20 U.S.C. 1070a) is amended to read as follows:

#### **“SEC. 401. FEDERAL PELL GRANTS: AMOUNT AND DETERMINATIONS; APPLICATIONS.**

“(a) PURPOSE; DEFINITIONS.—

“(1) PURPOSE.—The purpose of this subpart is to provide a Federal Pell Grant to low-income students.

“(2) DEFINITIONS.—In this section—

“(A) the term ‘adjusted gross income’ means—

“(i) in the case of a dependent student, the adjusted gross income (as defined in section 62 of the Internal Revenue Code of 1986) of the student's parents in the second tax year preceding the academic year; and

“(ii) in the case of an independent student, the adjusted gross income (as defined in section 62 of the Internal Revenue Code of 1986) of the student (and the student's spouse, if applicable) in the second tax year preceding the academic year;

“(B) the term ‘family size’ has the meaning given the term in section 480(1);

“(C) the term ‘poverty line’ means the poverty line (as determined under the poverty guidelines updated periodically in the Federal Register by the Department of Health and Human Services under the authority of section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2))) applicable to the student's family size and applicable to the second tax year preceding the academic year;

“(D) the term ‘single parent’ means—

“(i) a parent of a dependent student who was a head of household (as defined in section 2(b) of the Internal Revenue Code of 1986) or a surviving spouse (as defined in section 2(a) of the Internal Revenue Code of 1986) or was an eligible individual for purposes of the credit under section 32 of such Code, in the second tax year preceding the academic year; or

“(ii) an independent student who was a head of household (as defined in section 2(b) of the Internal Revenue Code of 1986) or a surviving spouse (as defined in section 2(a) of the Internal Revenue Code of 1986) or was an eligible individual for purposes of the credit under section 32 of such Code, in the second tax year preceding the academic year;

“(E) the term ‘total maximum Federal Pell Grant’ means the total maximum Federal Pell Grant award per student for any academic year described under paragraph (5); and

“(F) the term ‘minimum Federal Pell Grant’ means the minimum amount of a Federal Pell Grant that shall be awarded to a student eligible under this subpart for any academic year in which that student is attending full time, which shall be equal to 10 percent of the total maximum Federal Pell Grant for such academic year.

“(b) AMOUNT AND DISTRIBUTION OF GRANTS.—

“(1) DETERMINATION OF AMOUNT OF A FEDERAL PELL GRANT.—Subject to paragraphs (2) and (3), the amount of a Federal Pell Grant for a student eligible under this subpart shall be determined in accordance with the following:

“(A) A student eligible under this subpart shall be eligible for a total maximum Federal Pell Grant for an academic year in which the student is enrolled in an eligible program full time—

“(i) if the student or, in the case of a dependent student, the dependent student's parent, is not required to file a Federal income tax return in the second year preceding the academic year;

“(ii) if the student or, in the case of a dependent student, the dependent student's parent, is a single parent, if the adjusted gross income is equal to or less than 225 percent of the poverty line; or

“(iii) if the student or, in the case of a dependent student, the dependent student's parent, is not a single parent, if the adjusted gross income is equal to or less than 175 percent of the poverty line.

“(B) A student eligible under this subpart who is not eligible for a total maximum Federal Pell Grant under subparagraph (A) for an academic year, shall be eligible for a Fed-

eral Pell Grant for an academic year in which the student is enrolled in an eligible program full time in an amount that is not more than the amount determined in accordance with the following:

“(i) If the student or, in the case of a dependent student, the dependent student's parent, is a single parent and the adjusted gross income is greater than 225 percent of the poverty line and is less than 325 percent of the poverty line, the amount shall be equal to the greater of—

“(I) the minimum Federal Pell Grant for the academic year; and

“(II) the total maximum Federal Pell Grant for the academic year, minus the product of—

“(aa) the adjusted gross income, less an amount equal to 225 percent of the poverty line; and

“(bb) the total maximum Federal Pell Grant for the academic year, divided by an amount equal to 100 percent of the poverty line.

“(ii) If the student or, in the case of a dependent student, the dependent student's parent, is not a single parent and the adjusted gross income is greater than 175 percent of the poverty line and is less than 275 percent of the poverty line, the amount shall be equal to the greater of—

“(I) the minimum Federal Pell Grant for the academic year; and

“(II) the total maximum Federal Pell Grant for the academic year, minus the product of—

“(aa) the adjusted gross income, less an amount equal to 175 percent of the poverty line; and

“(bb) the total maximum Federal Pell Grant for the academic year, divided by an amount equal to 100 percent of the poverty line.

“(2) LESS THAN FULL-TIME ENROLLMENT.—In any case where a student is enrolled in an eligible program of an institution of higher education on less than a full-time basis (including a student who attends an institution of higher education on less than a half-time basis) during any academic year, the amount of the Federal Pell Grant to which that student is entitled shall be reduced in direct proportion to the degree to which that student is not so enrolled on a full-time basis, rounded to the nearest whole percentage point, as provided in a schedule of reductions published by the Secretary computed in accordance with this subpart. Such schedule of reductions shall be published in the Federal Register in accordance with section 482 of this Act. Such reduced Federal Pell Grant for a student enrolled on a less than full-time basis shall also apply proportionally to students who are otherwise eligible to receive the minimum Federal Pell Grant, if enrolled full-time.

“(3) AWARD MAY NOT EXCEED COST OF ATTENDANCE.—No Federal Pell Grant under this subpart shall exceed the cost of attendance (as defined in section 472) at the institution at which that student is in attendance. If, with respect to any student, it is determined that the amount of a Federal Pell Grant for that student exceeds the cost of attendance for that year, the amount of the Federal Pell Grant shall be reduced until the Federal Pell Grant does not exceed the cost of attendance at such institution.

“(4) STUDY ABROAD.—Notwithstanding any other provision of this subpart, the Secretary shall allow the amount of the Federal Pell Grant to be exceeded for students participating in a program of study abroad approved for credit by the institution at which the student is enrolled when the reasonable costs of such program are greater than the cost of attendance at the student's home institution, except that the amount of such



Federal Pell Grant in any fiscal year shall not exceed the maximum amount of a Federal Pell Grant for which a student is eligible under paragraph (1) or (2) during such award year. If the preceding sentence applies, the financial aid administrator at the home institution may use the cost of the study abroad program, rather than the home institution's cost, to determine the cost of attendance of the student.

“(5) TOTAL MAXIMUM FEDERAL PELL GRANT.—

“(A) IN GENERAL.—For award year 2021–2022, and each subsequent award year, the total maximum Federal Pell Grant award per student shall be equal to the sum of—

“(i) \$1,060; and

“(ii) the amount specified as the maximum Federal Pell Grant in the last enacted appropriation Act applicable to that award year.

“(B) ROUNDING.—The total maximum Federal Pell Grant for any award year shall be rounded to the nearest \$5.

“(6) FUNDS BY FISCAL YEAR.—To carry out this section for each of fiscal years 2021 through 2030—

“(A) there are authorized to be appropriated and are appropriated (in addition to any other amounts appropriated to carry out this section and out of any money in the Treasury not otherwise appropriated) such sums as are necessary to carry out paragraph (5)(A)(i); and

“(B) such sums as may be necessary are authorized to be appropriated to carry out paragraph (5)(A)(ii).

“(7) APPROPRIATION.—

“(A) IN GENERAL.—In addition to any funds appropriated under paragraph (6) and any funds made available for this section under any appropriations Act, there are authorized to be appropriated, and there are appropriated (out of any money in the Treasury not otherwise appropriated) to carry out this section, \$1,145,000,000 for fiscal year 2021 and each subsequent award year.

“(B) NO EFFECT ON PREVIOUS APPROPRIATIONS.—The amendments made to this section by the Student Loan Repayment and FAFSA Simplification Act shall not—

“(i) increase or decrease the amounts that have been appropriated or are available to carry out this section for fiscal year 2017, 2018, 2019, or 2020 as of the day before the effective date of such Act; or

“(ii) extend the period of availability for obligation that applied to any such amount, as of the day before such effective date.

“(8) METHOD OF DISTRIBUTION.—

“(A) IN GENERAL.—For each fiscal year through fiscal year 2030, the Secretary shall pay to each eligible institution such sums as may be necessary to pay each eligible student for each academic year during which that student is in attendance at an institution of higher education as an undergraduate, a Federal Pell Grant in the amount for which that student is eligible.

“(B) ALTERNATIVE DISBURSEMENT.—Nothing in this section shall be interpreted to prohibit the Secretary from paying directly to students, in advance of the beginning of the academic term, an amount for which they are eligible, in the cases where an eligible institution does not participate in the disbursement system under subparagraph (A).

“(9) ADDITIONAL PAYMENT PERIODS IN SAME AWARD YEAR.—

“(A) Effective in the 2017–2018 award year and thereafter, the Secretary shall award an eligible student not more than one and one-half Federal Pell Grants during a single award year to permit such student to work toward completion of an eligible program if, during that single award year, the student has received a Federal Pell Grant for an award year and is enrolled in an eligible program for one or more additional payment pe-

riods during the same award year that are not otherwise fully covered by the student's Federal Pell Grant.

“(B) In the case of a student receiving more than one Federal Pell Grant in a single award year under subparagraph (A), the total amount of Federal Pell Grants awarded to such student for the award year may exceed the total maximum Federal Pell Grant available for an award year.

“(C) Any period of study covered by a Federal Pell Grant awarded under subparagraph (A) shall be included in determining a student's duration limit under subsection (d)(5).

“(D) In any case where an eligible student is receiving a Federal Pell Grant for a payment period that spans 2 award years, the Secretary shall allow the eligible institution in which the student is enrolled to determine the award year to which the additional period shall be assigned, as it determines is most beneficial to students.

“(c) SPECIAL RULE.—

“(1) IN GENERAL.—Notwithstanding any other provision of this title, the total maximum Federal Pell Grant shall be provided to a student described in paragraph (2).

“(2) APPLICABILITY.—Paragraph (1) shall apply to any dependent or independent student—

“(A) who is eligible to receive a Federal Pell Grant for the award year for which the determination is made;

“(B) whose parent or guardian was—

“(i) an individual who, on or after September 11, 2001, died in the line of duty while serving on active duty as a member of the Armed Forces; or

“(ii) actively serving as a public safety officer and died in the line of duty while performing as a public safety officer; and

“(C) who is less than 33 years of age.

“(3) INFORMATION.—Notwithstanding any other provision of law, the Secretary shall establish the necessary data-sharing agreements with the Secretary of Veterans Affairs and the Secretary of Defense, as applicable, to provide the information necessary to determine which students meet the requirements of paragraph (2).

“(4) TREATMENT OF PELL AMOUNT.—Notwithstanding section 1212 of the Omnibus Crime Control and Safe Streets Act of 1968 (34 U.S.C. 10302), in the case of a student who receives an increased Federal Pell Grant amount under this section, the total amount of such Federal Pell Grant, including the increase under this subsection, shall not be considered in calculating that student's educational assistance benefits under the Public Safety Officers' Benefits program under subpart 2 of part L of title I of such Act.

“(5) DEFINITION OF PUBLIC SAFETY OFFICER.—For purposes of this subsection, the term ‘public safety officer’ means—

“(A) a public safety officer, as defined in section 1204 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (34 U.S.C. 10284); or

“(B) a fire police officer, defined as an individual who—

“(i) is serving in accordance with State or local law as an officially recognized or designated member of a legally organized public safety agency;

“(ii) is not a law enforcement officer, a firefighter, a chaplain, or a member of a rescue squad or ambulance crew; and

“(iii) provides scene security or directs traffic—

“(I) in response to any fire drill, fire call, or other fire, rescue, or police emergency; or

“(II) at a planned special event.

“(d) PERIOD OF ELIGIBILITY FOR GRANTS.—

“(1) IN GENERAL.—The period during which a student may receive Federal Pell Grants shall be the period required for the completion of the first undergraduate baccalaureate

course of study being pursued by that student at the institution at which the student is in attendance, except that any period during which the student is enrolled in a non-credit or remedial course of study, as described in paragraph (2), shall not be counted for the purpose of this paragraph.

“(2) NONCREDIT OR REMEDIAL COURSES; STUDY ABROAD.—Nothing in this section shall exclude from eligibility courses of study which are noncredit or remedial in nature (including courses in English language instruction) which are determined by the institution to be necessary to help the student be prepared for the pursuit of a first undergraduate baccalaureate degree or certificate or, in the case of courses in English language instruction, to be necessary to enable the student to utilize already existing knowledge, training, or skills. Nothing in this section shall exclude from eligibility programs of study abroad that are approved for credit by the home institution at which the student is enrolled.

“(3) NO CONCURRENT PAYMENTS.—No student is entitled to receive Pell Grant payments concurrently from more than one institution or from the Secretary and an institution.

“(4) POSTBACCALAUREATE PROGRAM.—Notwithstanding paragraph (1), the Secretary may allow, on a case-by-case basis, a student to receive a Federal Pell Grant if the student—

“(A) is carrying at least one-half the normal full-time work load for the course of study the student is pursuing, as determined by the institution of higher education; and

“(B) is enrolled or accepted for enrollment in a postbaccalaureate program that does not lead to a graduate degree, and in courses required by a State in order for the student to receive a professional certification or licensing credential that is required for employment as a teacher in an elementary school or secondary school in that State,

except that this paragraph shall not apply to a student who is enrolled in an institution of higher education that offers a baccalaureate degree in education.

“(5) MAXIMUM PERIOD.—

“(A) IN GENERAL.—Except as provided in subparagraph (B), the period during which a student may receive Federal Pell Grants shall not exceed 12 semesters, or the equivalent of 12 semesters, as determined by the Secretary by regulation. Such regulations shall provide, with respect to a student who received a Federal Pell Grant for a term but was enrolled at a fraction of full time, that only that same fraction of such semester or equivalent shall count towards such duration limits.

“(B) EXCEPTION.—

“(i) IN GENERAL.—Any Federal Pell Grant that a student received during a period described in subclause (I) or (II) of clause (ii) shall not count towards the student's duration limits under this paragraph.

“(ii) APPLICABLE PERIODS.—Clause (i) shall apply with respect to any Federal Pell Grant awarded to a student to enroll in an eligible program at an institution—

“(I) during a period of a student's attendance at an institution—

“(aa) at which the student was unable to complete a course of study due to the closing of the institution; or

“(bb) for which the student was falsely certified as eligible for Federal aid under this title; or

“(II) during a period—

“(aa) for which the student received a loan under this title; and

“(bb) for which the loan described in item (aa) is discharged under—

“(AA) section 437(c)(1) or section 464(g)(1); or

“(BB) section 432(a)(6).

“(e) APPLICATIONS FOR GRANTS.—

“(1) DEADLINES.—The Secretary shall from time to time set dates by which students shall file the Free Application for Federal Student Aid under this subpart.

“(2) APPLICATION.—Each student desiring a Federal Pell Grant for any year shall file the Free Application for Federal Student Aid containing the information necessary to enable the Secretary to carry out the functions and responsibilities of this subpart.

“(f) DISTRIBUTION OF GRANTS TO STUDENTS.—Payments under this section shall be made in accordance with regulations promulgated by the Secretary for such purpose, in such manner as will best accomplish the purpose of this section. Any disbursement allowed to be made by crediting the student's account shall be limited to tuition and fees, and food and housing if that food and housing is institutionally owned or operated. The student may elect to have the institution provide other such goods and services by crediting the student's account.

“(g) INSUFFICIENT APPROPRIATIONS.—If, for any fiscal year, the funds appropriated for payments under this subpart are insufficient to satisfy fully all entitlements, as calculated under subsection (b) (but at the maximum grant level specified in such appropriation), the Secretary shall promptly transmit a notice of such insufficiency to each House of the Congress, and identify in such notice the additional amount that would be required to be appropriated to satisfy fully all entitlements (as so calculated at such maximum grant level).

“(h) USE OF EXCESS FUNDS.—

“(1) 15 PERCENT OR LESS.—If, at the end of a fiscal year, the funds available for making payments under this subpart exceed the amount necessary to make the payments required under this subpart to eligible students by 15 percent or less, then all of the excess funds shall remain available for making payments under this subpart during the next succeeding fiscal year.

“(2) MORE THAN 15 PERCENT.—If, at the end of a fiscal year, the funds available for making payments under this subpart exceed the amount necessary to make the payments required under this subpart to eligible students by more than 15 percent, then all of such funds shall remain available for making such payments but payments may be made under this paragraph only with respect to entitlements for that fiscal year.

“(i) TREATMENT OF INSTITUTIONS AND STUDENTS UNDER OTHER LAWS.—Any institution of higher education which enters into an agreement with the Secretary to disburse to students attending that institution the amounts those students are eligible to receive under this subpart shall not be deemed, by virtue of such agreement, a contractor maintaining a system of records to accomplish a function of the Secretary. Recipients of Pell Grants shall not be considered to be individual grantees for purposes of subtitle D of title V of Public Law 100-690.

“(j) INSTITUTIONAL INELIGIBILITY BASED ON DEFAULT RATES.—

“(1) IN GENERAL.—No institution of higher education shall be an eligible institution for purposes of this subpart if such institution of higher education is ineligible to participate in a loan program under part B or D as a result of a final default rate determination made by the Secretary under part B or D after the final publication of cohort default rates for fiscal year 1996 or a succeeding fiscal year.

“(2) SANCTIONS SUBJECT TO APPEAL OPPORTUNITY.—No institution may be subject to the terms of this subsection unless the institution has had the opportunity to appeal the institution's default rate determination

under regulations issued by the Secretary for the loan program authorized under part B or D, as applicable. This subsection shall not apply to an institution that was not participating in the loan program authorized under part B or D on October 7, 1998, unless the institution subsequently participates in the loan programs.”.

(b) EFFECTIVE DATE.—This section, and the amendments made by this section, shall take effect on July 1, 2021.

**SA 2534.** Mr. ALEXANDER submitted an amendment intended to be proposed to amendment SA 2499 proposed by Mr. MCCONNELL to the bill S. 178, to condemn gross human rights violations of ethnic Turkic Muslims in Xinjiang, and calling for an end to arbitrary detention, torture, and harassment of these communities inside and outside China; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**TITLE II—CAPTA REAUTHORIZATION**  
**Subtitle A—Findings; Definitions; Technical Amendments**

**SEC. 201. SHORT TITLE.**

This title may be cited as the “CAPTA Reauthorization Act of 2020”.

**SEC. 202. FINDINGS.**

Section 2 of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5101 note) is amended—

(1) in paragraph (1), by striking “2008, approximately 772,000” and inserting “2017, approximately 674,000”;

(2) in paragraph (2)—

(A) in subparagraph (A)—

(i) by striking “close to ⅓” and inserting “75 percent”; and

(ii) by striking “2008” and inserting “2017”; and

(B) by amending subparagraph (B) to read as follows:

“(B) investigations have determined that approximately 75 percent of children who were victims of maltreatment in fiscal year 2017 suffered neglect, 18 percent suffered physical abuse, and 9 percent suffered sexual abuse;”;

(3) in paragraph (3)—

(A) in subparagraph (B), by striking “2008, an estimated 1,740” and inserting “2017, an estimated 1,720”; and

(B) by amending subparagraph (C) to read as follows:

“(C) in fiscal year 2017, children younger than 1 year old comprised nearly one half of child maltreatment fatalities and 72 percent of child maltreatment fatalities were younger than 3 years of age;”;

(4) in paragraph (4)(B)—

(A) by striking “37” and inserting “40”; and

(B) by striking “2008” and inserting “2017”; and

(5) in paragraph (5), by striking “, American Indian children, Alaska Native children, and children of multiple races and ethnicities” and inserting “and Indian children, including Alaska Native children;”;

(6) in paragraph (6)—

(A) in subparagraph (A), by inserting “to strengthen families” before the semicolon; and

(B) in subparagraph (C), by striking “neighborhood” and inserting “community”; and

(7) in paragraph (11), by inserting “trauma-informed,” after “comprehensive,”; and

(8) in paragraph (15)—

(A) in subparagraph (D), by striking “implementing community plans” and inserting “supporting community-based programs to strengthen and support families in order to prevent child abuse and neglect”; and

(B) by amending subparagraph (E) to read as follows:

“(E) improving professional, paraprofessional, and volunteer resources to strengthen the child welfare workforce; and”.

**SEC. 203. GENERAL DEFINITIONS.**

Section 3 of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5101 note) is amended—

(1) in paragraph (7), by striking “; and” and inserting a semicolon;

(2) in paragraph (8), by striking the period and inserting “; and”; and

(3) by adding at the end the following:

“(9) the term ‘underserved or overrepresented groups in the child welfare system’ includes youth that enter the child welfare system following family rejection, parental abandonment, sexual abuse or sexual exploitation, or unaccompanied homelessness.”.

**SEC. 204. TECHNICAL AMENDMENTS.**

The Child Abuse Prevention and Treatment Act (42 U.S.C. 5101 et seq.) is amended—

(1) in section 3 (42 U.S.C. 5101 note), by amending paragraph (5) to read as follows:

“(5) the terms ‘Indian’, ‘Indian Tribe’, and ‘Tribal organization’ have the meanings given the terms ‘Indian’, ‘Indian tribe’, and ‘tribal organization’, respectively, in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304);”;

(2) by striking “tribe” each place such term appears (other than section 3(5)) and inserting “Tribe”; and

(3) by striking “tribal” each place such term appears (other than section 3(5)) and inserting “Tribal”.

**Subtitle B—General Program**

**SEC. 211. INTERAGENCY WORK GROUP ON CHILD ABUSE AND NEGLECT.**

Section 102 of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5102) is amended to read as follows:

**“SEC. 102. INTERAGENCY WORK GROUP ON CHILD ABUSE AND NEGLECT.**

“(a) ESTABLISHMENT.—The Secretary may continue the work group known as the Interagency Work Group on Child Abuse and Neglect (referred to in this section as the ‘Work Group’).

“(b) COMPOSITION.—The Work Group shall be comprised of representatives from Federal agencies with responsibility for child abuse and neglect related programs and activities.

“(c) DUTIES.—The Work Group shall—

“(1) coordinate Federal efforts and activities with respect to child abuse and neglect prevention and treatment;

“(2) serve as a forum that convenes relevant Federal agencies to communicate and exchange ideas concerning child abuse and neglect related programs and activities; and

“(3) further coordinate Federal efforts and activities to maximize resources to address child abuse and neglect in areas of critical needs for the field, such as improving research, focusing on prevention, and addressing the links between child abuse and neglect and domestic violence.”.

**SEC. 212. NATIONAL CLEARINGHOUSE FOR INFORMATION RELATING TO CHILD ABUSE.**

Section 103 of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5104) is amended—

(1) in subsection (b)—

(A) in paragraph (1), by striking “effective programs” and inserting “evidence-based and evidence-informed programs”; and

(B) by redesignating paragraphs (4) through (9) as paragraphs (5) through (10), respectively;

(C) by inserting after paragraph (3) the following:

“(4) maintain and disseminate information on best practices to support children being cared for by relative caregivers, including

such children whose living arrangements with relative caregivers occurred without the involvement of a child welfare agency;";

(D) in paragraph (5), as so redesignated, by inserting "including efforts to prevent child abuse and neglect" before the semicolon;

(E) in paragraph (7), as so redesignated—

(i) in subparagraph (A), by striking the semicolon and inserting "including among at-risk populations, such as young parents, parents with young children, and parents who are adult former victims of domestic violence or child abuse or neglect; and";

(ii) by striking subparagraph (B);

(iii) by redesignating subparagraph (C) as subparagraph (B); and

(iv) in subparagraph (B), as so redesignated, by striking "abuse" and inserting "use disorder";

(F) in paragraph (8), as so redesignated—

(i) by redesignating subparagraphs (B) and (C) as subparagraphs (C) and (D), respectively;

(ii) by inserting after subparagraph (A) the following:

"(B) best practices in child protection workforce development and retention;"; and

(iii) in subparagraph (C), as so redesignated, by striking "mitigate psychological" and inserting "prevent and mitigate the effects of"; and

(G) in subparagraph (B) of paragraph (9), as so redesignated, by striking "abuse" and inserting "use disorder"; and

(2) in subsection (c)—

(A) in the heading, by inserting "DATA COLLECTION AND ANALYSIS" after "RESOURCES";

(B) in paragraph (1)(C)—

(i) in clause (ii), by striking the semicolon and inserting "including—

"(I) the number of child fatalities, and (as applicable and practicable) near fatalities, due to child abuse and neglect reported by various sources, including information from the State child welfare agency and from the State child death review program or any other source that compiles State data, including vital statistics death records, State and local medical examiner and coroner office records, and uniform crime reports from local law enforcement; and

"(II) data, to the extent practicable, about the circumstances under which a child fatality, or (as applicable and practicable) near fatality, occurred due to child abuse and neglect, including the cause of the death listed on the death certificate in the case of a child fatality, whether the child was referred to the State child welfare agency, the child's placement at the time (as applicable), the determination made by the child welfare agency (as applicable), and any known previous maltreatment of children by the perpetrator;"; and

(ii) in clause (iv), by striking "substance abuse" and inserting "substance use disorder"; and

(C) in subparagraph (F), by striking "abused and neglected children" and inserting "victims of child abuse or neglect".

#### SEC. 213. RESEARCH AND ASSISTANCE ACTIVITIES.

Section 104 of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5105) is amended—

(1) in subsection (a)—

(A) in paragraph (1)—

(i) in the heading, by striking "TOPICS" and inserting "IN GENERAL";

(ii) in the matter preceding subparagraph (A)—

(I) by striking "consultation with other Federal agencies and" and inserting "coordination with applicable Federal agencies and in consultation with"; and

(II) by inserting "including information on primary prevention of child abuse and neglect," before "and to improve";

(iii) by striking subparagraphs (C), (E), (I), (J), and (N);

(iv) by redesignating subparagraphs (D), (F), (G), (H), (K), (L), and (M) as subparagraphs (F) through (L), respectively;

(v) by inserting after subparagraph (B) the following:

"(C) evidence-based and evidence-informed programs to prevent child abuse and neglect in families that have not had contact with the child welfare system;

"(D) best practices in recruiting, training, and retaining a child protection workforce that addresses identified needs;

"(E) options for updating technology of outdated devices and data systems to improve communication, including facilitating timely information sharing, between systems that are designed to serve children and families;";

(vi) in subparagraph (G), as so redesignated, by striking "and the juvenile justice system that improve the delivery of services and treatment, including methods" and inserting "the juvenile justice system, and other relevant agencies engaged with children and families that improve the delivery of services and treatment, including related to domestic violence or mental health and substance use disorders;";

(vii) in subparagraph (L), as so redesignated—

(I) by inserting "underserved or overrepresented groups in the child welfare system or" after "facing"; and

(II) by striking "Indian tribes and Native Hawaiian" and inserting "such";

(viii) by inserting after subparagraph (L), as so redesignated, the following:

"(M) methods to address geographic, racial, and cultural disparities in the child welfare system, including a focus on access to services;"; and

(ix) by redesignating subparagraph (O) as subparagraph (N); and

(B) in paragraph (2), by striking "paragraph (1)(O)" and inserting "paragraph (1)(N) and analyses based on data from previous years of surveys of national incidence under this Act";

(C) in paragraph (3)—

(i) by striking "of 2010" and inserting "of 2019";

(ii) by striking "Education and the Workforce" and inserting "Education and Labor"; and

(iii) by striking "that contains the results of the research conducted under paragraph (2)." and inserting "that—

"(A) identifies the research priorities under paragraph (4) and the process for determining such priorities;

"(B) contains a summary of the research supported pursuant to paragraph (1);

"(C) contains the results of the research conducted under paragraph (2); and

"(D) describes how the Secretary will continue to improve the accuracy of information on the national incidence on child abuse and neglect specified in paragraph (2).";

(D) in subparagraph (B) of the first paragraph (4) (relating to priorities)—

(i) by striking "1 years" and inserting "1 year"; and

(ii) by inserting "at least 30 days prior to publishing the final priorities," after "subparagraph (A)"; and

(E) by striking the second paragraph (4) (relating to a study on shaken baby syndrome), as added by section 113(a)(5) of the CAPTA Reauthorization Act of 2010 (Public Law 111-320);

(2) in subsection (b)—

(A) in paragraph (1)—

(i) by inserting "or underserved or overrepresented groups in the child welfare system" after "children with disabilities"; and

(ii) by striking "substance abuse" and inserting "substance use disorder";

(B) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively;

(C) by inserting after paragraph (1) the following:

"(2) CONTENT.—The technical assistance under paragraph (1) shall be designed to, as applicable—

"(A) promote best practices for addressing child abuse and neglect in families with complex needs, such as families who have experienced domestic violence, substance use disorders, and adverse childhood experiences;

"(B) provide training for child protection workers in trauma-informed practices and supports that prevent and mitigate the effects of trauma for infants, children, youth, and adults;

"(C) reduce geographic, racial, and cultural disparities in child protection systems, which may include engaging law enforcement, education, and health systems, and other systems;

"(D) leverage community-based resources to prevent child abuse and neglect, including resources regarding health (including mental health and substance use disorder), housing, parent support, financial assistance, early childhood education and care, and education services, and other services to assist families;

"(E) provide other technical assistance, as determined by the Secretary in consultation with such State and local public and private agencies and community-based organizations as the Secretary determines appropriate; and

"(F) promote best practices for maximizing coordination and communication between State and local child welfare agencies and relevant health care entities, consistent with all applicable Federal and State privacy laws.";

(D) in paragraph (3), as so redesignated—

(i) in subparagraph (B), by striking "mitigate psychological" and inserting "prevent and mitigate the effects of"; and

(ii) in subparagraph (D), by striking "and developmental services" and inserting "developmental services, and early intervention"; and

(E) in subparagraph (B) of paragraph (4), as so redesignated—

(i) by striking "substance abuse" and inserting "substance use disorder"; and

(ii) by striking "and domestic violence services personnel" and inserting "domestic violence services personnel, and personnel from relevant youth-serving and religious organizations;";

(3) in subsection (c)(3), by inserting "which may include applications related to research on primary prevention of child abuse and neglect" before the period; and

(4) by striking subsection (e).

#### SEC. 214. GRANTS TO STATES, INDIAN TRIBES OR TRIBAL ORGANIZATIONS, AND PUBLIC OR PRIVATE AGENCIES AND ORGANIZATIONS.

Section 105 of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5106) is amended to read as follows:

#### "SEC. 105. GRANTS TO STATES, INDIAN TRIBES OR TRIBAL ORGANIZATIONS, AND PUBLIC OR PRIVATE AGENCIES AND ORGANIZATIONS.

"(a) AUTHORITY TO AWARD GRANTS OR ENTER INTO CONTRACTS.—The Secretary may award grants, and enter into contracts, for programs and projects in accordance with this section, for any of the following purposes:

“(1) Capacity building, in order to create coordinated, inclusive, and collaborative systems that have statewide, local, or community-based impact in preventing, reducing, and treating child abuse and neglect.

“(2) Innovation, through time-limited, field-initiated demonstration projects that further the understanding of the field to reduce child abuse and neglect.

“(3) Plans of safe care grants to improve and coordinate State responses to ensure the safety, permanency, and well-being of infants affected by substance use.

“(b) CAPACITY BUILDING GRANT PROGRAM.—

“(1) IN GENERAL.—The Secretary may award grants or contracts to an eligible entity that is a State or local agency, Indian Tribe or Tribal organization, a nonprofit entity, or a consortium of such entities.

“(2) APPLICATIONS.—To be eligible to receive a grant or contract under this subsection, an entity shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

“(3) USES OF FUNDS.—An eligible entity receiving a grant or contract under this subsection shall use the grant funds to better align and coordinate community-based, local, or State activities to strengthen families and prevent child abuse and neglect, by—

“(A) training professionals in prevention, identification, and treatment of child abuse and neglect, which may include—

“(i) training of professional and paraprofessional personnel in the fields of health care, medicine, law enforcement, judiciary, social work and child protection, education, early childhood care and education, and other relevant fields, or individuals such as court appointed special advocates (CASAs) and guardians ad litem, who are engaged in, or intend to work in, the field of prevention, identification, and treatment of child abuse and neglect, including training on the links between child abuse and neglect and domestic violence and approaches to working with families with substance use disorder;

“(ii) training on evidence-based and evidence-informed programs to improve child abuse and neglect reporting by adults, with a focus on adults who work with children in a professional or volunteer capacity, which may include those in a leadership role within such organizations, including on recognizing and responding to child sexual abuse;

“(iii) training of personnel in best practices to meet the unique needs and development of special populations of children, including those with disabilities, and children under the age of 3, including training on promoting interagency collaboration;

“(iv) improving the training of supervisory child welfare workers on best practices for recruiting, selecting, and retaining personnel;

“(v) enabling State child welfare and child protection agencies to coordinate the provision of services with State and local health care agencies, substance use disorder prevention and treatment agencies, mental health agencies, other public and private welfare agencies, and agencies that provide early intervention services to promote child safety, permanence, and family stability, which may include training on improving coordination between agencies to meet health evaluation and treatment needs of children who have been victims of substantiated cases of child abuse or neglect;

“(vi) training of personnel in best practices relating to the provision of differential response; or

“(vii) training for child welfare professionals to reduce and prevent discrimination (including training related to implicit biases) in the provision of child protection and

child welfare services related to child abuse and neglect;

“(B) enhancing systems coordination (including information systems) and triage procedures, including improving State child abuse and neglect registries, for responding to reports of child abuse and neglect, which include programs of collaborative partnerships between the State child protective services agency, community social service agencies and community-based family support programs, law enforcement agencies and legal systems, developmental disability agencies, substance use disorder treatment agencies, health care entities, domestic violence prevention entities, mental health service entities, schools, places of worship, and other community-based agencies, such as children's advocacy centers, in accordance with all applicable Federal and State privacy laws, to allow for the establishment or improvement of a coordinated triage system; or

“(C) building coordinated community-level systems of support for children, parents, and families through prevention services in order to strengthen families and connect families to the services and supports relevant to their diverse needs and interests, including needs related to substance use disorder prevention.

“(D) improving State child abuse and neglect registries, including related to updating such registry on a regular basis to improve the accuracy of such records, and facilitating communication between States, as appropriate, to allow for more accurate and efficient exchange of child abuse and neglect records for purposes of child abuse and neglect investigations and consistent with State laws; or

“(E) supporting the ongoing operation of a 24-hour, national, toll-free telephone hotline to improve capacity to provide crisis intervention and information services, including through implementation of other communication technologies to improve access, for victims and other information seekers.

“(c) FIELD-INITIATED INNOVATION GRANT PROGRAM.—

“(1) IN GENERAL.—The Secretary may award grants to entities that are States or local agencies, Indian Tribes or Tribal organizations, or public or private agencies or organizations (or combinations of such entities) for field-initiated demonstration projects of up to 5 years that advance innovative approaches to prevent, reduce, or treat child abuse and neglect.

“(2) APPLICATIONS.—To be eligible to receive a grant under this subsection, an entity shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require, including a rigorous methodological approach to the evaluation of the grant.

“(3) USE OF FUNDS.—An entity that receives a grant under this subsection shall use the funds made available through the grant to carry out or bring to scale promising, evidence-informed, or evidence-based activities to prevent, treat, or reduce child abuse and neglect that shall include one or more of the following:

“(A) Multidisciplinary systems of care to strengthen families and prevent child abuse and neglect, and primary prevention programs or strategies aimed at reducing the prevalence of child abuse and neglect.

“(B) Projects for the development of new research-based strategies for risk and safety assessments and ongoing evaluation and reassessment of performance and accuracy of existing risk and safety assessment tools, including to improve practices utilized by child protective services agencies, which may include activities to reduce and prevent bias in such practices.

“(C) Projects that involve research-based strategies for innovative training for mandated child abuse and neglect reporters, which may include training that is specific to the mandated individual's profession or role when working with children.

“(D) Projects to improve awareness of child welfare professionals and volunteers in the child welfare system and the public about—

“(i) child abuse or neglect under State law;

“(ii) the responsibilities of individuals required to report suspected and known incidents of child abuse or neglect under State law, as applicable; and

“(iii) the resources available to help prevent child abuse and neglect.

“(E) Programs that promote safe, trauma-informed, and family-friendly physical environments for visitation and exchange—

“(i) for court-ordered, supervised visitation between children and abusing parents; and

“(ii) to facilitate the safe exchange of children for visits with noncustodial parents in cases of domestic violence.

“(F) Innovative programs, activities, and services that are aligned with the research priorities identified under section 104(a)(4).

“(G) Projects to improve implementation of best practices to assist medical professionals in identifying, assessing, and responding to potential abuse in infants, including regarding referrals to child protective services as appropriate and identifying injuries indicative of potential abuse in infants, and to assess the outcomes of such best practices.

“(H) Projects to establish or implement evidence-based or evidence-informed child sexual abuse awareness and prevention programs for parents, guardians, children (including in schools), and teachers and other professionals, including on recognizing and safely reporting such abuse.

“(I) Projects to improve the quality of data that child welfare agencies and State child death review programs collect on child fatalities, and (as applicable and practicable) near fatalities, due to child abuse and neglect, including through data system improvements, cross-agency collaboration and data sharing, and related program evaluation activities, in a manner that, at a minimum, protects personal privacy to the extent required by applicable Federal and State privacy laws.

“(d) GRANTS TO STATES TO IMPROVE AND COORDINATE THEIR RESPONSE TO ENSURE THE SAFETY, PERMANENCY, AND WELL-BEING OF INFANTS AFFECTED BY SUBSTANCE USE.—

“(1) PROGRAM AUTHORIZED.—The Secretary is authorized to make grants to States for the purpose of assisting child welfare agencies, social services agencies, substance use disorder treatment agencies, hospitals with labor and delivery units, medical staff, public health and mental health agencies, and maternal and child health agencies to facilitate collaboration in developing, updating, implementing, and monitoring plans of safe care described in section 106(b)(2)(B)(iii). Section 112(a)(2) shall not apply to the program authorized under this paragraph.

“(2) DISTRIBUTION OF FUNDS.—

“(A) RESERVATIONS.—Of the amounts made available to carry out paragraph (1), the Secretary shall reserve—

“(i) no more than 3 percent for the purposes described in paragraph (7); and

“(ii) up to 3 percent for grants to Indian Tribes and Tribal organizations to address the needs of infants born with, and identified as being affected by, substance abuse or withdrawal symptoms resulting from prenatal drug exposure or a fetal alcohol spectrum disorder and their families or caregivers, which, to the extent practicable,

shall be consistent with the uses of funds described under paragraph (4).

“(B) ALLOTMENTS TO STATES AND TERRITORIES.—The Secretary shall allot the amount made available to carry out paragraph (1) that remains after application of subparagraph (A) to each State that applies for such a grant, in an amount equal to the sum of—

“(i) \$500,000; and

“(ii) an amount that bears the same relationship to any funds made available to carry out paragraph (1) and remaining after application of subparagraph (A), as the number of live births in the State in the previous calendar year bears to the number of live births in all States in such year.

“(C) RATABLE REDUCTION.—If the amount made available to carry out paragraph (1) is insufficient to satisfy the requirements of subparagraph (B), the Secretary shall ratably reduce each allotment to a State.

“(3) APPLICATION.—A State desiring a grant under this subsection shall submit an application to the Secretary at such time and in such manner as the Secretary may require. Such application shall include—

“(A) a description of—

“(i) the impact of substance use disorder in such State, including with respect to the substance or class of substances with the highest incidence of abuse in the previous year in such State, including—

“(I) the prevalence of substance use disorder in such State;

“(II) the aggregate rate of births in the State of infants affected by substance abuse or withdrawal symptoms or a fetal alcohol spectrum disorder (as determined by hospitals, insurance claims, claims submitted to the State Medicaid program, or other records), if available and to the extent practicable; and

“(III) the number of infants identified, for whom a plan of safe care was developed, and for whom a referral was made for appropriate services, as reported under section 106(d)(18);

“(ii) the challenges the State faces in developing, implementing, and monitoring plans of safe care in accordance with section 106(b)(2)(B)(iii);

“(iii) the State’s lead agency for the grant program and how that agency will coordinate with relevant State entities and programs, including the child welfare agency, the State substance abuse agency, hospitals with labor and delivery units, health care providers, the public health and mental health agencies, programs funded by the Substance Abuse and Mental Health Services Administration that provide substance use disorder treatment for women, the State Medicaid program, the State agency administering the block grant program under title V of the Social Security Act (42 U.S.C. 701 et seq.), the State agency administering the programs funded under part C of the Individuals with Disabilities Education Act (20 U.S.C. 1431 et seq.), the maternal, infant, and early childhood home visiting program under section 511 of the Social Security Act (42 U.S.C. 711), the State judicial system, and other agencies, as determined by the Secretary, and Indian Tribes and Tribal organizations, as appropriate, to develop the application under this paragraph, implement the activities under paragraph (4), and develop reports under paragraph (5);

“(iv) how the State will monitor local development and implementation of plans of safe care, in accordance with section 106(b)(2)(B)(iii)(II), including how the State will monitor to ensure plans of safe care address differences between substance use disorder and medically supervised substance use, including for the treatment of a substance use disorder;

“(v) if applicable, how the State plans to utilize funding authorized under part E of title IV of the Social Security Act (42 U.S.C. 670 et seq.) to assist in carrying out any plan of safe care, including such funding authorized under section 471(e) of such Act (as in effect on October 1, 2018) for mental health and substance abuse prevention and treatment services and in-home parent skill-based programs and funding authorized under such section 472(j) (as in effect on October 1, 2018) for children with a parent in a licensed residential family-based treatment facility for substance abuse; and

“(vi) an assessment of the treatment and other services and programs available in the State to effectively carry out any plan of safe care developed, including identification of needed treatment, and other services and programs to ensure the well-being of young children and their families affected by substance use disorder, such as programs carried out under part C of the Individuals with Disabilities Education Act (20 U.S.C. 1431 et seq.) and comprehensive early childhood development services and programs such as Head Start programs;

“(B) a description of how the State plans to use funds for activities described in paragraph (4) for the purposes of ensuring State compliance with requirements under clauses (i) and (iii) of section 106(b)(2)(B); and

“(C) an assurance that the State will comply with requirements to refer a child identified as substance-exposed to early intervention services as required pursuant to a grant under part C of the Individuals with Disabilities Education Act (20 U.S.C. 1431 et seq.).

“(4) USES OF FUNDS.—Funds awarded to a State under this subsection may be used for the following activities, which may be carried out by the State directly, or through grants or subgrants, contracts, or cooperative agreements:

“(A) Improving State and local systems with respect to the development and implementation of plans of safe care, which—

“(i) shall include parent and caregiver engagement, as required under section 106(b)(2)(B)(iii)(I), regarding available treatment and service options, which may include resources available for pregnant, perinatal, and postnatal women; and

“(ii) may include activities such as—

“(I) developing policies, procedures, or protocols for the administration or development of evidence-based and validated screening tools for infants who may be affected by substance use withdrawal symptoms or a fetal alcohol spectrum disorder and pregnant, perinatal, and postnatal women whose infants may be affected by substance use withdrawal symptoms or a fetal alcohol spectrum disorder;

“(II) improving assessments used to determine the needs of the infant and family;

“(III) improving ongoing case management services;

“(IV) improving access to treatment services, which may be prior to the pregnant woman’s delivery date; and

“(V) keeping families safely together when it is in the best interest of the child.

“(B) Developing policies, procedures, or protocols in consultation and coordination with health professionals, public and private health facilities, and substance use disorder treatment agencies to ensure that—

“(i) appropriate notification to child protective services is made in a timely manner, as required under section 106(b)(2)(B)(ii);

“(ii) a plan of safe care is in place, in accordance with section 106(b)(2)(B)(iii), before the infant is discharged from the birth or health care facility; and

“(iii) such health professionals and related agency professionals are trained on how to follow such protocols and are aware of the

supports that may be provided under a plan of safe care.

“(C) Training health professionals and health system leaders, child welfare workers, substance use disorder treatment agencies, and other related professionals such as home visiting agency staff and law enforcement in relevant topics including—

“(i) State mandatory reporting laws established under section 106(b)(2)(B)(i) and the referral and process requirements for notification to child protective services when child abuse or neglect reporting is not mandated;

“(ii) the co-occurrence of pregnancy and substance use disorder, and implications of prenatal exposure;

“(iii) the clinical guidance about treating substance use disorder in pregnant and postpartum women;

“(iv) appropriate screening and interventions for infants affected by substance use disorder, withdrawal symptoms, or a fetal alcohol spectrum disorder and the requirements under section 106(b)(2)(B)(iii); and

“(v) appropriate multigenerational strategies to address the mental health needs of the parent and child together.

“(D) Establishing partnerships, agreements, or memoranda of understanding between the lead agency and other entities (including health professionals, health facilities, child welfare professionals, juvenile and family court judges, substance use and mental disorder treatment programs, early childhood education programs, maternal and child health and early intervention professionals (including home visiting providers), peer-to-peer recovery programs such as parent mentoring programs, and housing agencies) to facilitate the implementation of, and compliance with, section 106(b)(2) and subparagraph (B) of this paragraph, in areas which may include—

“(i) developing a comprehensive, multi-disciplinary assessment and intervention process for infants, pregnant women, and their families who are affected by substance use disorder, withdrawal symptoms, or a fetal alcohol spectrum disorder, that includes meaningful engagement with and takes into account the unique needs of each family and addresses differences between medically supervised substance use, including for the treatment of substance use disorder, and substance use disorder;

“(ii) ensuring that treatment approaches for serving infants, pregnant women, and perinatal and postnatal women whose infants may be affected by substance use, withdrawal symptoms, or a fetal alcohol spectrum disorder, are designed to, where appropriate, keep infants with their mothers during both inpatient and outpatient treatment; and

“(iii) increasing access to all evidence-based medication-assisted treatment approved by the Food and Drug Administration, behavioral therapy, and counseling services for the treatment of substance use disorders, as appropriate.

“(E) Developing and updating systems of technology for improved data collection and monitoring under section 106(b)(2)(B)(iii), including existing electronic medical records, to measure the outcomes achieved through the plans of safe care, including monitoring systems to meet the requirements of this Act and submission of performance measures.

“(5) REPORTING.—Each State that receives funds under this subsection, for each year such funds are received, shall submit a report to the Secretary, disaggregated by geographic location, economic status, and major racial and ethnic groups, except that such disaggregation shall not be required if the results would reveal personally identifiable

information on, with respect to infants identified under section 106(b)(2)(B)(ii)—

“(A) the number who experienced removal associated with parental substance use;

“(B) the number who experienced removal and subsequently are reunified with parents, and the length of time between such removal and reunification;

“(C) the number who are referred to community providers without a child protection case;

“(D) the number who receive services while in the care of their birth parents;

“(E) the number who receive post-reunification services within 1 year after a reunification has occurred; and

“(F) the number who experienced a return to out-of-home care within 1 year after reunification.

“(6) SECRETARY’S REPORT TO CONGRESS.—The Secretary shall submit an annual report to the Committee on Health, Education, Labor, and Pensions and the Committee on Appropriations of the Senate and the Committee on Education and Labor and the Committee on Appropriations of the House of Representatives that includes the information described in paragraph (5) and recommendations or observations on the challenges, successes, and lessons derived from implementation of the grant program.

“(7) ASSISTING STATES’ IMPLEMENTATION.—The Secretary shall use the amount reserved under paragraph (2)(A)(i) to provide written guidance and technical assistance to support States in complying with and implementing this subsection, which shall include—

“(A) technical assistance, including programs of in-depth technical assistance, to additional States, territories, and Indian Tribes and Tribal organizations in accordance with the substance-exposed infant initiative developed by the National Center on Substance Abuse and Child Welfare;

“(B) guidance on the requirements of this Act with respect to infants born with, and identified as being affected by, substance use or withdrawal symptoms or fetal alcohol spectrum disorder, as described in clauses (ii) and (iii) of section 106(b)(2)(B), including by—

“(i) enhancing States’ understanding of requirements and flexibilities under this Act, including by clarifying key terms;

“(ii) addressing State-identified challenges with developing, implementing, and monitoring plans of safe care, including those reported under paragraph (3)(A)(ii);

“(iii) disseminating best practices on implementation of plans of safe care, on such topics as differential response, collaboration and coordination, and identification and delivery of services for different populations, while recognizing needs of different populations and varying community approaches across States; and

“(iv) helping States improve the long-term safety and well-being of young children and their families;

“(C) supporting State efforts to develop information technology systems to manage plans of safe care; and

“(D) preparing the Secretary’s report to Congress described in paragraph (6).

“(8) SUNSET.—The authority under this subsection shall sunset on September 30, 2023.

“(e) EVALUATION.—

“(1) IN GENERAL.—In making grants or entering into contracts for projects under this section, the Secretary shall require all such projects to report on the outcomes of such activities.

“(2) GOALS AND PERFORMANCE.—The Secretary shall ensure that each entity receiving a grant under this section—

“(A) establishes quantifiable goals for the outcome of the project funded with the grant; and

“(B) adequately measures the performance of the project relative to such goals.

“(3) REPORT.—Each entity that receives a grant under this section shall submit to the Secretary a performance report at such time, in such manner, and containing such information as the Secretary may require, including an evaluation of the effectiveness of the project funded with the grant relative to the goals established for such project under paragraph (2) and data supporting such evaluation.

“(4) FUNDING.—Funding for the evaluations conducted under this subsection shall be provided either as a stated percentage of a demonstration grant or as a separate grant or contract entered into by the Secretary for the purpose of evaluating a particular demonstration project or group of projects. In the case of an evaluation performed by the recipient of a grant, the Secretary shall make available technical assistance for the evaluation, where needed, including the use of a rigorous application of scientific evaluation techniques.

“(f) CONTINUING GRANTS.—The Secretary may award a continuing grant to an entity under this section only if the performance review submitted under paragraph (3) by such entity with respect to the previous year demonstrates effectiveness of the project funded.”.

#### SEC. 215. GRANTS TO STATES FOR CHILD ABUSE OR NEGLECT PREVENTION AND TREATMENT PROGRAMS.

Section 106 of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5106a) is amended—

(1) in subsection (a)—

(A) in the matter preceding paragraph (1)—

(i) by striking “subsection (f)” and inserting “subsection (g)”;

(ii) by striking “State in—” and inserting “State with respect to one or more of the following activities.”;

(B) by amending paragraph (1) to read as follows:

“(1) Maintaining and improving the intake, assessment, screening, and investigation of reports of child abuse or neglect, including support for timely responses to all such reports, with special attention to the provision of rapid responses to such reports involving children under the age of 3, and especially children under the age of 1.”;

(C) in paragraph (2)—

(i) in subparagraph (A)—

(I) by striking “creating and” and inserting “Creating and”; and

(II) by inserting “, which may include such teams used by children’s advocacy centers,” after “multidisciplinary teams”;

(ii) in subparagraph (B)(ii), by striking the semicolon and inserting a period;

(D) by amending paragraph (3) to read as follows:

“(3) Implementing and improving case management approaches, including ongoing case monitoring, and delivery of services and treatment provided to children and their families to ensure safety and respond to family needs, that include—

“(A) multidisciplinary approaches to assessing family needs and connecting them with services;

“(B) organizing treatment teams of community service providers that prevent and treat child abuse and neglect, and improve child well-being;

“(C) case-monitoring that can ensure progress in child well-being; and

“(D) the use of differential response, including during intake and screening, as appropriate.”;

(E) by striking paragraphs (4), (5), and (6) and inserting the following:

“(4)(A) Developing or enhancing data systems to improve case management coordination and communication between relevant agencies;

“(B) enhancing the general child protective system by developing, improving, and implementing risk and safety assessment tools and protocols, such as tools and protocols that allow for the identification of cases requiring rapid responses, systems of data sharing with law enforcement, including the use of differential response, and activities to reduce and prevent bias;

“(C) developing and updating systems of technology that support the program and track reports of child abuse and neglect from intake through final disposition and allow for interstate and intrastate information exchange; and

“(D) real-time case monitoring for caseworkers at the local agency level, and State agency level, to track assessments, service referrals, follow-up, case reviews, and progress toward case plan goals.

“(5) Developing, strengthening, and facilitating training for professionals and volunteers engaged in the prevention, intervention, and treatment of child abuse and neglect including training on—

“(A) the legal duties of such individuals;

“(B) personal safety training for case workers;

“(C) early childhood, child, and adolescent development and the impact of child abuse and neglect, including long-term impacts of adverse childhood experiences;

“(D) improving coordination among child protective service agencies and health care agencies, entities providing health care (including mental health and substance use disorder services), and community resources, for purposes of conducting evaluations related to substantiated cases of child abuse or neglect;

“(E) improving screening, forensic diagnosis, and health and developmental evaluations, which may include best practices for periodic reevaluations, as appropriate;

“(F) addressing the unique needs of children with disabilities, including promoting interagency collaboration to address such needs;

“(G) the placement of children with relative caregivers, and the unique needs and strategies as related to children in such placements;

“(H) responsive, family-oriented approaches to prevention, identification, intervention, and treatment of child abuse and neglect;

“(I) ensuring child safety;

“(J) the links between child abuse and neglect and domestic violence, and approaches to working with families with mental health needs or substance use disorder; or

“(K) coordinating with other services and agencies, as applicable, to address family and child needs, including trauma.”;

(F) by redesignating paragraphs (7) and (8) as paragraphs (6) and (7), respectively;

(G) in paragraph (6), as so redesignated—

(i) by striking “improving” and inserting “Improving”;

(ii) by striking “the skills, qualifications, and availability of individuals providing services to children and families, and the supervisors of such individuals, through the child protection system, including improvements in”; and

(iii) by striking the semicolon and inserting “, which may include efforts to address the effects of indirect trauma exposure for child welfare workers.”;

(H) in paragraph (7), as so redesignated—

(i) by striking “developing,” and inserting “Developing,”; and



(ii) by striking the semicolon and inserting “, which may include improving public awareness and understanding relating to the role and responsibilities of the child protection system and the nature and basis for reporting suspected incidents of child abuse and neglect.”; and

(I) by striking paragraphs (9) through (14) and inserting the following:

“(8) Collaborating with other agencies in the community, county, or State and coordinating services to promote a system of care focused on both prevention and treatment, such as by—

“(A) developing and enhancing the capacity of community-based programs to integrate shared leadership strategies between parents and professionals to prevent and treat child abuse and neglect at the community level; or

“(B) supporting and enhancing interagency collaboration between the child protection system, public health agencies, education systems, domestic violence systems, law enforcement, and the juvenile justice system for improved delivery of services and treatment, such as models of co-locating service providers, which may include—

“(i) methods for continuity of treatment plans and services as children transition between systems;

“(ii) addressing the health needs, including mental health needs, of children identified as victims of child abuse or neglect, including supporting prompt, comprehensive health and developmental evaluations for children who are the subject of substantiated child maltreatment reports; or

“(iii) the provision of services that assist children exposed to domestic violence, and that also support the caregiving role of their nonabusing parents.”;

(2) in subsection (b)—

(A) in paragraph (1)—

(i) in subparagraph (A), by striking “areas of the child protective services system” and inserting “ways in which the amounts received under the grant will be used to improve and strengthen the child protective services system through the activities”; and

(ii) by amending subparagraphs (B) and (C) to read as follows:

“(B) DURATION OF PLAN.—Each State plan shall—

“(i) be submitted not less frequently than every 5 years, in coordination with the State plan submitted under part B of title IV of the Social Security Act; and

“(ii) be periodically reviewed and revised by the State, as necessary to reflect any substantive changes to State law or regulations related to the prevention of child abuse and neglect that may affect the eligibility of the State under this section, or if there are significant changes from the State application in the State’s funding of strategies and programs supported under this section.

“(C) PUBLIC COMMENT.—Each State shall consult widely with public and private organizations in developing the plan, make the plan public by electronic means in an easily accessible format, and provide all interested members of the public at least 30 days to submit comments on the plan.”;

(B) in paragraph (2)—

(i) in the matter preceding subparagraph (A)—

(I) by inserting “be developed, as appropriate, in collaboration with the lead entity designated by the State under section 202(1), local programs supported by the lead entity, and families affected by child abuse and neglect, and” after “shall”; and

(II) by striking “achieve the objectives of this title” and inserting “strengthen families and reduce incidents of and prevent child abuse and neglect”;

(ii) in subparagraph (A), by inserting “and takes into account prevention services across State agencies in order to improve coordination of efforts to prevent and reduce child abuse and neglect” before the semicolon;

(iii) in subparagraph (B)—

(I) by amending clause (i) to read as follows:

“(i) provisions or procedures for individuals to report known and suspected instances of child abuse and neglect directly to a State child protection agency or to a law enforcement agency, as applicable under State law, including a State law for mandatory reporting by individuals required to report such instances, including, as defined by the State—

“(I) health professionals;

“(II) school and child care personnel;

“(III) law enforcement officials; and

“(IV) other individuals, as the applicable State law or statewide program may require.”;

(II) by moving the margins of subclauses (I) and (II) of clause (iii) 2 ems to the right;

(III) in clause (iv), by inserting “of alleged abuse or neglect in order to ensure the well-being and safety of children” before the semicolon;

(IV) in clause (v), by inserting “, which may include social services and housing assistance” before the semicolon;

(V) in clause (vi), by inserting “, which may include placements with relative caregivers” before the semicolon;

(VI) by striking clauses (x) and (xx);

(VII) by redesignating clauses (xi) through (xix) as clauses (x) through (xviii), respectively;

(VIII) in clause (xii), as so redesignated, by striking “appointed to represent the child in such proceedings” and inserting “appointed to represent the child (who, for purposes of this clause, shall include any child up to the age limit elected by the State pursuant to section 475(8)(B)(iii) of the Social Security Act (42 U.S.C. 675(8)(B)(iii)) in such proceedings”;

(IX) in clause (xvi), as so redesignated, by striking “clause (xvi)” and inserting “clause (xv)”;

(X) by redesignating clauses (xxi) through (xxv) as clauses (xix) through (xxiii), respectively;

(iv) in subparagraph (D)—

(I) in clause (i), by inserting “, and how such services will be strategically coordinated with relevant agencies to provide a continuum of prevention services and be” after “referrals”;

(II) in clause (ii), by inserting “and retention activities” after “training”;

(III) in clause (iii), by inserting “, including for purposes of making such individuals aware of these requirements” before the semicolon;

(IV) in clause (v)—

(aa) by inserting “the State’s efforts to improve” before “policies”;

(bb) by striking “substance abuse treatment agencies, and other agencies” and inserting “substance abuse treatment agencies, other agencies, and kinship navigators”;

(cc) by striking “; and” and inserting a semicolon;

(V) in clause (vi), by striking the semicolon and inserting “, to improve outcomes for children and families; and”;

(VI) by adding at the end the following:

“(vii) the State’s procedures requiring timely public disclosure of the findings or information about the case of child abuse or neglect that has resulted in a child fatality or near fatality, which shall provide for exceptions to the release of such findings or information in order to ensure the safety and

well-being of the child, or when the release of such information would jeopardize a criminal investigation.”; and

(v) by striking the flush text that follows subparagraph (G); and

(C) in paragraph (3)—

(i) in the heading, by striking “LIMITATION” and inserting “LIMITATIONS”;

(ii) by striking “With regard to clauses (vi) and (vii) of paragraph (2)(B)” and inserting the following:

“(B) CERTAIN IDENTIFYING INFORMATION.—With regard to clauses (vi) and (vii) of paragraph (2)(B)”;

(iii) by inserting before subparagraph (B), as added by clause (ii), the following:

“(A) IN GENERAL.—Nothing in paragraph (2)(B) shall be construed to limit a State’s authority to determine State policies relating to public access to court proceedings to determine child abuse and neglect, except that such policies shall, at a minimum, ensure the safety and well-being of the child, parents, and families.”; and

(iv) by adding at the end the following:

“(C) MANDATED REPORTERS IN CERTAIN STATES.—With respect to a State in which State law requires all of the individuals to report known or suspected instances of child abuse and neglect directly to a State child protection agency or to a law enforcement agency, the requirement under paragraph (2)(B)(i) shall not be construed to require the State to define the classes of individuals described in subclauses (I) through (IV) of such paragraph.”;

(3) in subsection (c)—

(A) in paragraph (1)—

(i) in subparagraph (A)—

(I) by striking “Except as provided in subparagraph (B), each” and inserting “Each”; and

(II) by striking “not less than 3 citizen review panels” and inserting “at least 1 citizen review panel”;

(ii) by amending subparagraph (B) to read as follows:

“(B) EXCEPTION.—A State may designate a panel for purposes of this subsection, comprised of one or more existing entities established under State or Federal law, such as child fatality panels, or foster care review panels, or State task forces established under section 107, if such entities have the capacity to satisfy the requirements of paragraph (3) and the State ensures that such entities will satisfy such requirements.”;

(B) by striking paragraph (3);

(C) by redesignating paragraphs (4) through (6) as paragraphs (3) through (5), respectively;

(D) in paragraph (4), as so redesignated—

(i) by redesignating subparagraphs (A) and (B) as subparagraphs (B) and (C), respectively;

(ii) in subparagraph (B), as so redesignated, by striking “paragraph (4)” and inserting “paragraph (3)”;

(iii) by inserting before subparagraph (B), as so redesignated, the following:

“(A) shall develop a memorandum of understanding with each panel, clearly outlining the panel’s roles and responsibilities, and identifying any support from the State”; and

(E) in paragraph (5), as so redesignated—

(i) by inserting “which may be carried out collectively by a combination of such panels,” before “on an annual basis”;

(ii) by striking “whether or”;

(iii) by inserting “, which may include providing examples of efforts to implement citizen review panel recommendations” before the period at the end of the second sentence;

(4) in subsection (d)—

(A) in paragraph (1), by inserting “, disaggregated, where available, by demographic characteristics such as age, sex, race

and ethnicity, disability, caregiver risk factors, caregiver relationship, living arrangement, and relation of victim to their perpetrator" before the period;

(B) in paragraph (5), by striking "neglect," and inserting "neglect, including—

"(A) the number of child fatalities, and (as applicable and practicable) near fatalities, due to child abuse and neglect from separate reporting sources within the State, including information from the State child welfare agency and from the State child death review program that—

"(i) is compiled by the State child welfare agency for submission; and

"(ii) considers State data, including vital statistics death records, State and local medical examiner and coroner office records, and uniform crime reports from local law enforcement; and

"(B) information, and the sources used to provide such information, about the circumstances under which a child fatality, or (as applicable and practicable) near fatality, occurred due to child abuse and neglect, including the cause of the death listed on the death certificate in the case of a child fatality, whether the child was referred to the State child welfare agency, the child's placement at the time (as applicable), the determination made by the child welfare agency (as applicable), and any known previous maltreatment of children by the perpetrator.";

(C) in paragraph (13)—

(i) by inserting "and recommendations" after "the activities"; and

(ii) by striking "subsection (c)(6)" and inserting "subsection (c)(5)";

(D) in paragraph (16), by striking "subsection (b)(2)(B)(xxi)" and inserting "subsection (b)(2)(B)(xix)"; and

(E) in paragraph (17), by striking "subsection (b)(2)(B)(xxiv)" and inserting "subsection (b)(2)(B)(xxii)";

(5) by redesignating subsections (e) and (f) as subsections (f) and (g), respectively;

(6) by inserting after subsection (d) the following:

"(e) ASSISTING STATES IN IMPLEMENTATION.—The Secretary shall provide technical assistance to support States in reporting the information required under subsection (d)(5).";

(7) in subsection (f), as so redesignated, by striking "the Congress" and inserting "the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Education and Labor of the House of Representatives";

(8) in subsection (g), as so redesignated, by adding at the end the following:

"(6) LIMITATION.—For any fiscal year for which the amount allotted to a State or territory under this subsection exceeds the amount allotted to the State or territory under such subsection for fiscal year 2019, the State or territory may not use more than 2 percent of such excess amount for administrative expenses."; and

(9) by adding at the end the following:

"(h) ANNUAL REPORT.—A State that receives funds under subsection (a) shall annually prepare and submit to the Secretary a report describing the manner in which funds provided under this Act, alone or in combination with other Federal funds, were used to address the purposes and achieve the objectives of section 106, including—

"(1) a description of how the State used such funds to improve the child protective system related to—

"(A) effective collaborative and coordination strategies among child protective services and social services, legal services, health care services (including mental health and substance use disorder services), domestic violence services, education agencies, and community-based organizations

that contribute to improvements of the overall well-being of children and families; and

"(B) capacity-building efforts to support identification of, and improvement of responses to, child maltreatment; and

"(2) how the State collaborated with community-based prevention organizations to reduce barriers to, and improve the effectiveness of, programs related to child abuse and neglect.".

#### **SEC. 216. GRANTS TO STATES FOR PROGRAMS RELATING TO THE INVESTIGATION AND PROSECUTION OF CHILD ABUSE AND NEGLECT CASES.**

Section 107 of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5106c) is amended—

(1) in subsection (a)—

(A) by striking "the assessment and investigation" each place it appears and inserting "the assessment, investigation, and prosecution";

(B) in paragraph (1)—

(i) by striking "and exploitation," and inserting "exploitation, and child sex-trafficking"; and

(ii) by inserting "including through a child abuse investigative multidisciplinary review team" before the semicolon;

(C) in paragraph (2), by adding "and" after the semicolon;

(D) by striking paragraph (3);

(E) by redesignating paragraph (4) as paragraph (3); and

(F) in paragraph (3), as so redesignated, by inserting "or other vulnerable populations," after "health-related problems";

(2) in subsection (c)(1)—

(A) in subparagraph (I), by striking "and" at the end;

(B) in subparagraph (J), by striking the period and inserting "and"; and

(C) by adding at the end the following:

"(K) individuals experienced in working with underserved or overrepresented groups in the child welfare system."; and

(3) in subsection (d)(1), by striking "and exploitation" and inserting "exploitation, and child sex-trafficking";

(4) in subsection (e)(1)—

(A) in subparagraph (A), by striking "and exploitation" and inserting "exploitation, and child sex-trafficking";

(B) in subparagraph (B), by striking "and" at the end and inserting a semicolon;

(C) in subparagraph (C)—

(i) by striking "and exploitation" and inserting "exploitation, and child sex-trafficking"; and

(ii) by striking the period and inserting "and"; and

(D) by adding at the end the following:

"(D) improving coordination among agencies regarding reports of child abuse and neglect to ensure both law enforcement and child protective services agencies have ready access to full information regarding past reports, which may be done in coordination with other States or geographic regions.".

#### **SEC. 217. MISCELLANEOUS REQUIREMENTS RELATING TO ASSISTANCE.**

Section 108 of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5106d) is amended by striking subsection (e).

#### **SEC. 218. REPORTS.**

Section 110 of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5106f) is amended—

(1) in subsection (a), by striking "CAPTA Reauthorization Act of 2010" and inserting "CAPTA Reauthorization Act of 2020";

(2) in subsection (b)—

(A) in the heading, by striking "EFFECTIVENESS OF STATE PROGRAMS" and inserting "ACTIVITIES";

(B) by striking "evaluating the effectiveness of programs receiving assistance under

section 106 in achieving the" and inserting "on activities of technical assistance for programs that support State efforts to meet the needs and";

(3) by striking subsections (c) and (d) and inserting the following:

"(C) REPORT ON STATE MANDATORY REPORTING LAWS.—Not later than 4 years after the date of enactment of the CAPTA Reauthorization Act of 2020, the Secretary shall submit to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Education and Labor of the House of Representatives a report that contains—

"(1) information on—

"(A) training supported by this Act, and through other relevant Federal programs, for mandatory reporters of child abuse or neglect;

"(B) State efforts to improve reporting on, and responding to reports of, child abuse or neglect; and

"(C) barriers, if any, affecting mandatory reporting; and

"(2) data regarding any changes in the rate of substantiated child abuse and neglect reports, and changes in the rate of child fatalities, and near fatalities, from child abuse and neglect, since the date of enactment of the CAPTA Reauthorization Act of 2020.

"(D) REPORT RELATING TO INJURIES INDICATING THE PRESENCE OF CHILD ABUSE.—Not later than 2 years after the date of enactment of the CAPTA Reauthorization Act of 2020, the Secretary shall submit to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Education and Labor of the House of Representatives a report that contains—

"(1) information on best practices developed by medical institutions and other multidisciplinary partners to identify and appropriately respond to injuries indicating the presence of potential physical abuse in children, particularly among infants, including—

"(A) the identification and assessment of such injuries by health care professionals and appropriate child protective services referral and notification processes; and

"(B) an identification of effective programs replicating best practices, and barriers or challenges to implementing programs; and

"(2) data on any outcomes associated with the practices described in paragraph (1), including subsequent revictimization and child fatalities.

"(e) REPORT RELATING TO CHILD ABUSE AND NEGLECT IN INDIAN TRIBAL COMMUNITIES.—Not later than 3 years after the date of enactment of the CAPTA Reauthorization Act of 2020, the Comptroller General of the United States, taking into consideration the perspectives of Indian Tribes from each of the 12 Bureau of Indian Affairs Regions, as identified for the report under this subsection, shall submit a report to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Education and Labor of the House of Representatives that contains—

"(1) information about such Indian Tribes and Tribal Organizations providing child abuse and neglect prevention activities, including types of programming and number of such Tribes providing services;

"(2) promising practices used by such Tribes for child abuse and neglect prevention;

"(3) information about the child abuse and neglect prevention activities such Tribes are providing, including those activities supported by Tribal, State, and Federal funds;

"(4) ways to support prevention efforts regarding child abuse and neglect of children who are Indians, including Alaska Natives, which may include the use of the children's trust fund model;

“(5) an assessment of Federal agency collaboration and technical assistance efforts to address child abuse and neglect prevention and treatment of children who are Indians, including Alaska Natives;

“(6) an examination of access to child abuse and neglect prevention research and demonstration grants by Indian tribes under this Act; and

“(7) an examination of Federal child abuse and neglect data systems to identify what Tribal data is being submitted to the Department of Health and Human Services, or other relevant agencies, as applicable, any barriers to the submission of such data, and recommendations on improving the submission of such data.”.

#### SEC. 219. AUTHORIZATION OF APPROPRIATIONS.

Section 112(a)(1) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5106h(a)(1)) is amended to read as follows:

“(1) GENERAL AUTHORIZATION.—There are authorized to be appropriated to carry out this title such sums as may be necessary for each of fiscal years 2020 through 2025.”.

#### Subtitle C—Community-based Grants for the Prevention of Child Abuse and Neglect

#### SEC. 221. PURPOSE AND AUTHORITY.

Section 201 of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5116) is amended—

(1) in subsection (a)—

(A) in paragraph (1), by striking “the coordination of” and inserting “State, regional, and local coordination of”; and

(B) in paragraph (2), by striking “foster an understanding, appreciation, and knowledge of diverse populations” and inserting “support local programs in increasing access for diverse populations to programs and activities”; and

(2) in subsection (b)—

(A) by striking paragraph (2);

(B) by redesignating paragraphs (3) through (5) as paragraphs (4) through (6), respectively;

(C) in paragraph (1)—

(i) in subparagraph (C), by inserting “healthy relationships and” before “parenting skills”; and

(ii) in subparagraph (E), by striking “including access to such resources and opportunities for unaccompanied homeless youth;” and inserting “such as providing referrals to early health and developmental services, including access to such resources and opportunities for homeless families and those at risk of homelessness; and”;

(iii) by striking subparagraph (H);

(iv) by redesignating subparagraph (G) as paragraph (3) and adjusting the margin accordingly; and

(v) in the matter preceding subparagraph (A)—

(i) by inserting “State, regional, and local capacity, to the extent practicable, of” after “enhancing”; and

(ii) by striking “that—” and inserting the following: “in order to provide a continuum of services to children and families;

“(2) supporting local programs, which may include capacity building activities such as technical assistance, training, and professional development to provide community-based and prevention-focused programs and activities designed to strengthen and support families to prevent child abuse and neglect that help families build protective factors linked to the prevention of child abuse and neglect that—”;

(D) in paragraph (3), as so redesignated, by striking “demonstrate a commitment to involving parents in the planning and program implementation of the lead agency and entities carrying out” and inserting “supporting the meaningful involvement of parents in

the planning, program implementation, and evaluation of the lead entity and”;

(E) in paragraph (4), as so redesignated, by striking “specific community-based” and all that follows through “section 205(a)(3)” and inserting “core child abuse and neglect prevention services described in section 205(a)(3) and the services identified by the inventory required under section 204(3)”;

(F) in paragraph (5), as so redesignated—

(i) by striking “funds for the” and inserting “Federal, State, local, and private funds, to carry out the purposes of this title, which may include”;

(ii) by inserting “and” before “information management and reporting”; and

(iii) by striking “reporting and evaluation costs for establishing, operating, or expanding” and inserting “such as data systems to facilitate statewide monitoring, reporting, and evaluation costs for”; and

(G) in paragraph (6), as so redesignated—

(i) by inserting “, which may include activities to increase public awareness and education, and developing comprehensive outreach strategies to engage diverse, underserved, and at-risk populations,” after “information activities”; and

(ii) by striking “and the promotion of child abuse and neglect prevention activities”.

#### SEC. 222. ELIGIBILITY.

Section 202 of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5116a) is amended—

(1) in paragraph (1)—

(A) in subparagraph (A)—

(i) by inserting “, taking into consideration the capacity and expertise of eligible entities,” after “Governor of the State”; and

(ii) by inserting “State, regional, and local capacity of” before “community-based”;

(B) in subparagraph (B)—

(i) by striking “who are consumers” and inserting “who are or who have been consumers”;

(ii) by striking “applicant agency” and inserting “lead entity”; and

(iii) by adding “and” after the semicolon;

(C) in subparagraph (C)—

(i) by inserting “local,” after “State.”; and

(ii) by striking “; and” and inserting a semicolon; and

(D) by striking subparagraph (D);

(2) in paragraph (2)—

(A) in subparagraph (A), by striking “composed of” and all that follows through “children with disabilities” and inserting “carried out by local, collaborative, and public-private partnerships”; and

(B) in subparagraph (C), by inserting “local,” after “State.”;

(3) in paragraph (3)—

(A) in subparagraph (A), by striking “parental participation in the development, operation, and oversight of the” and inserting “the meaningful involvement of parents in the development, operation, evaluation, and oversight of the State and local efforts to support”;

(B) in subparagraph (B)—

(i) by inserting “relevant” before “State and community-based”; and

(ii) by striking “the community-based” and inserting “community-based”;

(C) in subparagraph (C)—

(i) by striking “community-based and prevention-focused programs and activities designed to strengthen and support families to prevent child abuse and neglect” and inserting “local programs”; and

(ii) by striking “; and” and inserting a semicolon;

(D) in subparagraph (D)—

(i) by striking “, parents with disabilities,” and inserting “or parents with disabilities, and members of underserved or overrepresented groups in the child welfare system,”; and

(ii) by striking the period and inserting “; and”; and

(E) by adding at the end the following:

“(E) will take into consideration barriers to access to community-based and prevention-focused programs and activities designed to strengthen and support families to prevent child abuse and neglect, including for populations described in section 204(7)(A)(iii) and gaps in unmet need identified in the inventory described in section 204(3) when distributing funds to local programs for use in accordance with section 205(a).”.

#### SEC. 223. AMOUNT OF GRANT.

Section 203 of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5116b) is amended—

(1) in subsection (a)—

(A) by striking “210” and inserting “209”; and

(B) by adding at the end the following: “In any fiscal year for which the amount appropriated under section 209 exceeds the amount appropriated under such section for fiscal year 2019 by more than \$2,000,000, the Secretary shall increase the reservation described in this subsection to up to 5 percent of the amount appropriated under section 209 for the fiscal year for the purpose described in the preceding sentence.”; and

(2) in subsection (b)(1)—

(A) in the matter preceding subparagraph (A), by striking “210” and inserting “209”; and

(B) in subparagraph (A), by striking “\$175,000” and inserting “\$200,000”.

#### SEC. 224. APPLICATION.

Section 204 of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5116d) is amended—

(1) in the matter preceding paragraph (1), by striking “the State” and inserting “the lead entity”;

(2) in paragraph (1), by striking “which meets the requirements of section 202”;

(3) in paragraph (2), by striking “community-based child abuse and neglect prevention programs” and inserting “programs and activities”;

(4) in paragraph (3), by inserting “designed to strengthen and support families” after “programs and activities”;

(5) in paragraph (5), by striking “start up” and inserting “start-up”;

(6) by amending paragraph (6) to read as follows:

“(6) a description of the lead entity’s capacity to ensure the meaningful involvement of family advocates, relative caregivers, adult former victims of child abuse or neglect, and parents who are, or who have been, consumers of preventive supports, in the planning, implementation, and evaluation of the programs and policy decisions;”;

(7) by amending paragraph (7) to read as follows:

“(7) a description of the criteria that the lead entity will use to—

“(A) select and fund local programs, and how the lead entity will take into consideration the local program’s ability to—

“(i) collaborate with other community-based organizations and service providers and engage in long-term and strategic planning for community-based and prevention-focused programs and activities designed to strengthen and support families to prevent child abuse and neglect;

“(ii) meaningfully partner with parents in the development, implementation, oversight, and evaluation of services; and

“(iii) reduce barriers to access to community-based and prevention-focused programs and activities designed to strengthen and support families to prevent child abuse and neglect, including for diverse, underserved, and at-risk populations; or

“(B) develop or provide community-based and prevention-focused programs and activities designed to strengthen and support families to prevent child abuse and neglect, and provide a description of how such activities are evidence-based or evidence-informed;”;

(8) in paragraph (8)—

(A) by striking “entity and the community-based and prevention-focused programs designed to strengthen and support families to prevent child abuse and neglect” and inserting “lead entity and local programs”;

(B) by striking “homeless families and those at risk of homelessness, unaccompanied homeless youth” and inserting “victims of domestic violence, homeless families and those at risk of homelessness, families experiencing trauma”; and

(C) by inserting “, including underserved or overrepresented groups in the child welfare system” before the semicolon;

(9) in paragraph (9), by striking “community-based and prevention-focused programs and activities designed to strengthen and support families to prevent child abuse and neglect” and inserting “local programs”;

(10) in paragraph (10), by striking “applicant entity’s activities and those of the network and its members (where appropriate) will be evaluated” and inserting “lead entity’s activities and local programs will be evaluated, including in accordance with section 206”;

(11) in paragraph (11)—

(A) by striking “applicant entity” and inserting “lead entity”; and

(B) by inserting “, including how the lead entity will promote and consider improving access among diverse, underserved, and at-risk populations” before the semicolon; and

(12) in paragraph (12), by striking “applicant entity” and inserting “lead entity”.

#### SEC. 225. LOCAL PROGRAM REQUIREMENTS.

Section 205 of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5116e) is amended—

(1) in subsection (a)—

(A) in the matter preceding paragraph (1)—

(i) by striking “Grants made” and inserting “Grants or contracts made by the lead entity”; and

(ii) by striking “that—” and inserting “, which may include—”;

(B) by amending paragraph (1) to read as follows:

“(1) assessing community assets and needs through a planning process that—

“(A) involves other community-based organizations or agencies that have already performed a needs assessment;

“(B) includes the meaningful involvement of parents; and

“(C) uses information and expertise from local public agencies, local nonprofit organizations, and private sector representatives in meaningful roles;”;

(C) in paragraph (2), by striking “develop” and inserting “developing”;

(D) in paragraph (3)—

(i) in subparagraph (A)—

(I) in the matter preceding clause (i), by striking “provide for” and inserting “providing”; and

(II) in clause (i), by striking “mutual support and” and inserting “which may include programs and services that improve knowledge of healthy child development, parental resilience, mutual support, and”; and

(ii) in subparagraph (B)—

(I) in the matter preceding clause (i), by striking “provide access to optional services” and inserting “connecting individuals and families to additional services”;

(II) in clause (ii), by striking “and intervention” and inserting “, such as Head Start, including early Head Start, and early intervention”;

(III) by redesignating clauses (iii) through (ix) as clauses (iv) through (x), respectively;

(IV) by inserting after clause (ii) the following:

“(iii) nutrition programs, which may include the special supplemental nutrition program for women, infants, and children established by section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786) and the supplemental nutrition assistance program under the Food and Nutrition Act of 2008 (7 U.S.C. 2011 et seq.);”;

(V) in clause (vi), as so redesignated, by striking “services, such as academic tutoring, literacy training, and General Educational Degree services” and inserting “and workforce development programs, including adult education and literacy training and academic tutoring”;

(E) in paragraph (4)—

(i) by striking “develop leadership roles for the” and inserting “developing and maintaining”;

(ii) by inserting “, and, as applicable, relative caregivers,” after “parents”; and

(iii) by striking “the programs” and inserting “programs”;

(F) in paragraph (5), by striking “provide” and inserting “providing”; and

(G) in paragraph (6), by striking “participate” and inserting “participating”; and

(2) in subsection (b), by striking “programs.” and inserting “programs.”.

#### SEC. 226. PERFORMANCE MEASURES.

Section 206 of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5116f) is amended—

(1) in paragraph (2), by striking “optional services as described in section 202” and inserting “additional services as described in section 205(a)(3)(B)”;

(2) in paragraph (3), by striking “section 205(3)” and inserting “section 204”;

(3) in paragraph (5), by striking “used the services of” and inserting “participated in”;

(4) in paragraph (6), by striking “community level” and inserting “local level”;

(5) in paragraph (7), by striking “; and” and inserting a semicolon;

(6) by redesignating paragraph (8) as paragraph (9);

(7) by inserting after paragraph (7) the following:

“(8) shall describe the percentage of total funding provided to the State under section 203 that supports evidence-based and evidence-informed community-based and prevention-focused programs and activities designed to strengthen and support families to prevent child abuse and neglect; and”;

(8) in paragraph (9), as so redesignated, by striking “continued leadership” and inserting “meaningful involvement”.

#### SEC. 227. DEFINITIONS.

Section 208(2) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5116h(2)) is amended—

(1) in the paragraph heading, by inserting “DESIGNED TO STRENGTHEN AND SUPPORT FAMILIES” after “ACTIVITIES”;

(2) by striking “organizations such as”;

(3) by inserting “for parents and children” after “mutual support programs”; and

(4) by striking “or respond to”.

#### SEC. 228. AUTHORIZATION OF APPROPRIATIONS.

Section 209 of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5116i) is amended to read as follows:

#### “SEC. 209. AUTHORIZATION OF APPROPRIATIONS.

“There are authorized to be appropriated to carry out this title such sums as may be necessary for each of fiscal years 2020 through 2025.”.

#### Subtitle D—Adoption Opportunities

#### SEC. 231. CONGRESSIONAL FINDINGS AND DECLARATION OF PURPOSE.

Section 201 of the Child Abuse Prevention and Treatment and Adoption Reform Act of 1978 (42 U.S.C. 5111) is amended—

(1) in the section heading, by striking “AND DECLARATION OF PURPOSE” and inserting “, DECLARATION OF PURPOSE, AND DEFINITION”;

(2) in subsection (a)—

(A) in paragraph (1), by striking “2009, some 424,000” and inserting “2018, some 437,000”;

(B) in paragraph (3)—

(i) by striking subparagraphs (A) through (D); and

(ii) by striking “services because the children entering foster care—” and inserting “services;”;

(C) in paragraph (6)—

(i) in subparagraph (A), by striking “2009, there were 115,000” and inserting “2018, there were 125,000”;

(ii) in subparagraph (C)—

(I) in clause (i), by striking “2009” and inserting “2018”; and

(II) in clause (ii), by striking “more than 8” and inserting “less than 8”; and

(iii) in subparagraph (D)—

(I) in clause (i)—

(aa) by striking “25 percent” and inserting “17 percent”; and

(bb) by striking “2009” and inserting “2018”; and

(II) in clause (ii)—

(aa) by striking “30 percent” and inserting “22 percent”; and

(bb) by striking “2009” and inserting “2018”; and

(D) in paragraph (9)(B)—

(i) by inserting “should not” before “be maintained”; and

(ii) by striking “or institutions”; and

(3) in subsection (b)—

(A) in the matter preceding paragraph (1)—

(i) by inserting “children with disabilities, underserved or overrepresented children and youth in the child welfare system,” after “minority children,”; and

(ii) by striking “including disabled infants with life-threatening conditions,”;

(B) in paragraph (2)(C), by striking “; and” and inserting a semicolon;

(C) in paragraph (3), by striking the period and inserting “; and”; and

(D) by adding at the end the following:

“(4) support the development and implementation of evidence-based and evidence-informed post-legal adoption services for families that adopt children in order to increase permanency.”; and

(4) by adding at the end the following:

“(c) DEFINITION.—In this title, the term ‘child with special needs’ means a child facing barriers to adoption, including a child with special needs as determined under section 473(c) of the Social Security Act (42 U.S.C. 673(c)).”.

#### SEC. 232. SENSE OF CONGRESS AND TECHNICAL ASSISTANCE ON INFORMAL CUSTODY TRANSFERS.

The Child Abuse Prevention and Treatment and Adoption Reform Act of 1978 is amended by inserting after section 201 (42 U.S.C. 5111) the following:

#### “SEC. 202. SENSE OF CONGRESS AND TECHNICAL ASSISTANCE ON INFORMAL CUSTODY TRANSFERS.

“(a) SENSE OF CONGRESS.—It is the sense of Congress that—

“(1) there are challenges associated with adoptions (including the child’s mental health needs and the difficulties many families face in accessing support services) and some families may seek out an informal transfer of physical custody without any formal supervision by child welfare authorities or courts;

“(2) some adopted children experience trauma, and the disruption and placement in another home may contribute to additional trauma and instability for such children;

“(3) post-adoption informal transfers of physical custody may not include certain safety measures that are required as part of formal adoption proceedings;

“(4) child welfare authorities and courts may be unaware of the placement of children through such informal custody transfers and, as a result, therefore do not conduct assessments on the child’s safety and well-being in subsequent such placements;

“(5) the lack of such assessments may result in the placement of children in homes in which the children may be exposed to unsafe environments;

“(6) the caregivers with whom a child is placed through an informal custody transfer may have no legal responsibility with respect to such child and may not have complete records with respect to such child, including the child’s birth, medical, or other records; and

“(7) a child adopted through intercountry adoption may be at risk of not acquiring United States citizenship if an informal custody transfer occurs before the adoptive parents complete all necessary steps to finalize the adoption of such child.

“(b) **TECHNICAL ASSISTANCE AND PUBLIC AWARENESS.**—The Secretary, in coordination with the heads of other relevant departments, shall, as appropriate, improve public awareness related to preventing adoption disruption and dissolutions, including informal custody transfers of adopted children. Such activities may include updating, as appropriate, Federal resources, including internet websites, which provide information on the practice of informal custody transfers to provide families with information on post-legal adoption services from State, local, and private resources.”.

#### SEC. 233. INFORMATION AND SERVICES.

Section 203 of the Child Abuse Prevention and Treatment and Adoption Reform Act of 1978 (42 U.S.C. 5113) is amended—

(1) in subsection (a)—

(A) by striking “such purposes, including services” and all that follows through the period at the end and inserting the following: “such purposes, including—

“(1) services to facilitate the adoption of older children, minority children, children with disabilities, underserved or overrepresented children and youth in the child welfare system, and children with special needs;

“(2) services to families considering adoption of children with special needs; and

“(3) post-legal adoption services for families to provide permanent and caring home environments for children who would benefit from adoption.”;

(2) in subsection (b)—

(A) in paragraph (1)—

(i) by striking “on adoption, and” and inserting “on adoption, including the evaluation of training and accessible education materials;”; and

(ii) by inserting “, and update such training and education materials, as appropriate” before the semicolon;

(B) in paragraph (2), by inserting “children with disabilities, underserved or overrepresented children and youth in the child welfare system,” after “minority children,”;

(C) in paragraph (7), by inserting “children with disabilities, underserved or overrepresented children and youth in the child welfare system,” after “minority children,”;

(D) in paragraph (9)—

(i) in the matter preceding subparagraph (A), by inserting “, expand, and enhance” after “maintain”; and

(ii) in subparagraph (D)—

(I) by inserting “and disseminate” after “identify”; and

(II) by striking “termination” and inserting “dissolution, and increase permanency, including related to pre- and post-legal adoption services”;

(E) in paragraph (10)(A)—

(i) by redesignating clauses (iii) through (ix) as clauses (iv) through (x), respectively;

(ii) in clause (ii)—

(I) by inserting “, and finding such family and relatives willing to adopt such child to improve permanency” before the semicolon; and

(II) by striking “such children, including developing” and inserting “such children;

“(iii) developing”;

(iii) in clause (vi), as so redesignated, by inserting “, including such groups for individuals who may enter into relative caregiver arrangements” before the semicolon; and

(iv) in clause (ix), as so redesignated, by inserting “, including such groups for kinship caregiver arrangements” before the semicolon; and

(F) in paragraph (11)—

(i) in the matter preceding subparagraph (A), by inserting “Indian Tribes or Tribal organizations,” after “States,”;

(ii) in subparagraph (B), by striking “; and” and inserting a semicolon;

(iii) in subparagraph (C), by striking the period and inserting “; and”; and

(iv) by adding at the end the following:

“(D) procedures to identify and support potential kinship care arrangements.”;

(3) in subsection (c)—

(A) in paragraph (1), by striking “post legal adoption” and inserting “post-legal adoption”; and

(B) in paragraph (2)(G), by inserting “, including such parents, children, and siblings in kinship care arrangements” before the semicolon;

(4) in subsection (d)—

(A) in the subsection heading, by inserting “AND IMPROVING POST-LEGAL ADOPTION SUPPORT SERVICES” after “CARE”;

(B) in paragraph (1), by inserting “including through the improvement of post-legal adoption services,” after “free for adoption,”;

(C) in paragraph (2)—

(i) in subparagraph (A)—

(I) in clause (i), by inserting “, including plans to assess the need for and provide, as appropriate, post-legal adoption services in order to improve permanency” before the semicolon;

(II) in clause (ii), by inserting “children with disabilities, underserved or overrepresented children and youth in the child welfare system,” after “minority children,”; and

(III) in clause (iv), by striking “section 473 of the Social Security Act (42 U.S.C. 673)” and inserting “subpart 2 of part B of title IV of the Social Security Act (42 U.S.C. 629 et seq.) and part E of such title IV (42 U.S.C. 670 et seq.)”; and

(ii) in subparagraph (B)—

(I) in clause (i), by inserting “children with disabilities, underserved or overrepresented children and youth in the child welfare system,” after “minority children,”; and

(II) in clause (ii), by striking “successful” and inserting “evidence-based and evidence-informed”; and

(D) in paragraph (3)(A), by striking “Payments under this subsection shall begin during fiscal year 1989.”; and

(5) in subsection (e)(1), by inserting “, such as through the use of an electronic interstate case processing system” before the period.

#### SEC. 234. REPORTS.

The Child Abuse Prevention and Treatment and Adoption Reform Act of 1978 is amended by striking section 204 (42 U.S.C. 5114) and inserting the following:

##### “SEC. 204. REPORTS.

“(a) **REPORT ON THE OUTCOMES OF INDIVIDUALS WHO WERE ADOPTED FROM FOSTER CARE.**—Not later than 2 years after the date of enactment of the CAPTA Reauthorization Act of 2020, the Secretary shall submit to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Education and Labor of the House of Representatives a report on research regarding the outcomes of individuals who were adopted from foster care as children, and a summary of the post-adoption services available to families that adopt, including the extent to which such services are evidence-based or evidence-informed.

“(b) **REPORT TO CONGRESS.**—Not later than 3 years after the date of the enactment of the CAPTA Reauthorization Act of 2020, the Secretary of Health and Human Services shall provide to the Committee on Finance and the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Education and Labor and the Committee on Ways and Means of the House of Representatives a report on adoption disruption and dissolution, including informal custody transfers of children. The Secretary shall include in such report—

“(1) the causes, methods, and characteristics of adoption disruption and dissolution, including how causes, methods, and characteristics may vary for informal custody transfers;

“(2) the effects of adoption disruption and dissolution, including informal custody transfers, on children, including the effect that a lack of assessment of a child’s safety and well-being can have on children;

“(3) the prevalence of adoption disruption and dissolution, including the prevalence of informal custody transfers, within each State and across all States; and

“(4) recommended policies for preventing, identifying, and responding to adoption disruption and dissolution, including informal custody transfers, that include—

“(A) changes to Federal and State law to address the negative effects of adoption disruption and dissolution, including the effects of informal custody transfers, on children;

“(B) changes to child protection practices to reduce the likelihood of harmful adoption disruption and dissolution, including informal custody transfers; and

“(C) methods to improve public information regarding adoption and child protection.”.

#### SEC. 235. AUTHORIZATION OF APPROPRIATIONS.

Section 205 of the Child Abuse Prevention and Treatment and Adoption Reform Act of 1978 (42 U.S.C. 5115) is amended—

(1) in subsection (a)—

(A) by striking “\$40,000,000” and all that follows through “2015” and inserting “such sums as may be necessary for fiscal years 2020 through 2025”; and

(B) by striking “this subtitle” and inserting “this title”; and

(2) in subsection (b), by striking “30 percent” and inserting “35 percent”.

##### Subtitle E—Family Violence Prevention and Services

#### SEC. 241. PURPOSE.

Section 301(b) of the Family Violence Prevention and Services Act (42 U.S.C. 10401(b)) is amended—

(1) in the matter preceding paragraph (1), by striking “(b)” and all that follows through “title to—” and inserting the following:

“(b) **PURPOSE.**—It is the purpose of this title to support and improve prevention of,

interventions in, and services for family violence, domestic violence, and dating violence, by—”;

(2) in paragraph (1), by striking “assist States and Indian tribes” and inserting “assisting States and Indian Tribes”;

(3) in paragraph (2), by striking “assist” and all that follows through “immediate” and inserting “strengthening the capacity of States and Indian Tribes and Tribal organizations in efforts to provide accessible immediate”;

(4) by striking paragraph (3) and inserting the following:

“(3) providing for national domestic violence hotlines;”;

(5) in paragraph (4)—

(A) by striking “(4) provide for” and inserting “(4) providing”;

(B) by striking “Indian tribes” and inserting “Indian Tribes”;

(C) by striking “tribal organizations” and inserting “Tribal organizations”; and

(D) by striking the period at the end and inserting “; and”; and

(6) by adding at the end the following:

“(5) supporting the development and implementation of evidence-based and evidence-informed community-based prevention approaches and programs.”.

#### SEC. 242. DEFINITIONS.

Section 302 of the Family Violence Prevention and Services Act (42 U.S.C. 10402) is amended—

(1) in paragraphs (2) and (3), by striking “42 U.S.C. 13925(a)” and inserting “34 U.S.C. 12291(a)”;

(2) by striking paragraph (5) and inserting the following:

“(5) INDIAN; INDIAN TRIBE; TRIBAL ORGANIZATION.—The terms ‘Indian’, ‘Indian Tribe’, and ‘Tribal organization’ have the meanings given the terms ‘Indian’, ‘Indian tribe’, and ‘tribal organization’ in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304).”;

(3) by redesignating paragraphs (6) through (12), and (13) and (14), as paragraphs (7) through (13), and (15) and (16), respectively;

(4) by inserting after paragraph (5) the following:

“(6) INSTITUTION OF HIGHER EDUCATION.—The term ‘institution of higher education’ has the meaning given such term in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001).”;

(5) in paragraph (8), as so redesignated, by striking “42 U.S.C. 13925(a)” and inserting “34 U.S.C. 12291(a)”;

(6) in paragraph (10), as so redesignated—

(A) by striking “State law” and inserting “State and Tribal law”; and

(B) by striking “shelter, safe homes, meals, and supportive services” and inserting “shelter, safe homes, meals, and supportive services, which may include the provision of basic necessities.”;

(7) by inserting after paragraph (13), as so redesignated, the following:

“(14) TRIBAL DOMESTIC VIOLENCE COALITION.—The term ‘Tribal Domestic Violence Coalition’ means an established nonprofit, nongovernmental Indian organization that—

“(A) provides education, support, and technical assistance to member Indian service providers in a manner that enables those member providers to establish and maintain culturally appropriate services, including shelter and supportive services, designed to assist Indian women and the dependents of those women who are victims of family violence, domestic violence, and dating violence; and

“(B) is comprised of board and general members that are representative of—

“(i) the member service providers described in subparagraph (A); and

“(ii) the Tribal communities in which the services are being provided.”;

(8) in paragraph (15), as so redesignated—

(A) by striking “tribally designated official” and inserting “Tribally designated official”;

(B) by striking “Indian tribe, tribal organization” and inserting “Indian Tribe, Tribal organization”; and

(C) by striking “Indian tribe, to” and inserting “Indian Tribe, to”; and

(9) in the first sentence of paragraph (16), as so redesignated, by striking “42 U.S.C. 13925(a)” and inserting “34 U.S.C. 12291(a)”.

#### SEC. 243. AUTHORIZATION OF APPROPRIATIONS.

Section 303 of the Family Violence Prevention and Services Act (42 U.S.C. 10403) is amended—

(1) in subsection (a)—

(A) in paragraph (1)—

(i) by striking “There is” and inserting “There are”; and

(ii) by striking “, \$175,000,000 for each of fiscal years 2011 through 2015.” and inserting “, amounts consisting of—

“(i) \$179,000,000 for fiscal year 2020;

“(ii) \$184,000,000 for fiscal year 2021;

“(iii) \$188,000,000 for fiscal year 2022;

“(iv) \$193,000,000 for fiscal year 2023;

“(v) \$198,000,000 for fiscal year 2024; and

“(vi) \$203,000,000 for fiscal year 2025.”;

(B) in paragraph (2)(D)—

(i) in the subparagraph heading, by striking “STATE”; and

(ii) by striking “Of the amounts appropriated under paragraph (1)” and all that follows through the period at the end and inserting the following:

“(i) STATE DOMESTIC VIOLENCE COALITIONS.—Of the amounts appropriated under paragraph (1) for a fiscal year and not reserved under subparagraph (A)(i), not less than 10 percent of such amounts shall be made available to the Secretary for making grants under section 311.

“(ii) RESERVATION OF FUNDS FOR TRIBAL DOMESTIC VIOLENCE COALITIONS.—Notwithstanding clause (i), for any fiscal year for which the amount appropriated under paragraph (1) exceeds \$185,000,000, a portion of the funds made available to the Secretary under clause (i) shall be reserved for the Secretary to make grants under section 311A.

“(iii) PORTION.—The portion referred to in clause (ii) shall be calculated as 25 percent of the difference between—

“(I) the amount made available under clause (i) to the Secretary for making grants under section 311 for the fiscal year involved; and

“(II) the amount that would have been made available under clause (i) to the Secretary for making grants under section 311 for a fiscal year, if—

“(aa) the amount was calculated using the same percentage reservations under subparagraph (A)(i) and clause (i) as were used for calculating the amount under subclause (I); and

“(bb) the amount appropriated under paragraph (1) for such fiscal year was \$185,000,000.”;

(2) in subsection (b), by striking “\$3,500,000 for each of fiscal years 2011 through 2015” and inserting “\$10,300,000 for each of fiscal years 2020 through 2025”; and

(3) in subsection (c), by striking “2011 through 2015” and inserting “2020 through 2025”.

#### SEC. 244. AUTHORITY OF SECRETARY.

Section 304 of the Family Violence Prevention and Services Act (42 U.S.C. 10404) is amended—

(1) in subsection (a)—

(A) in paragraph (4), by striking “CAPTA Reauthorization Act of 2010” and inserting “CAPTA Reauthorization Act of 2019”; and

(B) in paragraph (5), by striking “provision of assistance” and inserting “provision of interventions or services”; and

(2) in subsection (b)—

(A) in paragraph (3), by redesignating subparagraphs (A) through (C) as clauses (i) through (iii) and indenting the margins of those clauses to match the margins of clause (i) of section 306(c)(2)(B) of that Act;

(B) by redesignating paragraphs (1) through (4) as subparagraphs (A) through (D) and indenting the margins of those clauses to match the margins of subparagraph (A) of section 306(c)(2) of that Act;

(C) by striking “The Secretary shall—” and insert the following: “The Secretary—

“(1) shall—”;

(D) in paragraph (1), as so redesignated—

(i) in subparagraph (B), as so redesignated, by striking “prevention and treatment of” and inserting “prevention of and services for”; and

(ii) in subparagraph (D), as so redesignated, by striking the period at the end and inserting “; and”; and

(E) by adding at the end the following:

“(2) may award grants to eligible entities or enter into contracts with for-profit or nonprofit nongovernmental entities or institutions of higher education to conduct or support research, as appropriate, on family violence, domestic violence, or dating violence, or evaluation of programs related to family violence, domestic violence, or dating violence.”.

#### SEC. 245. FORMULA GRANTS TO STATES.

Section 306(c) of the Family Violence Prevention and Services Act (42 U.S.C. 10406(c)) is amended—

(1) in paragraph (1), by striking “tribal” and inserting “Tribal”;

(2) in paragraph (2)—

(A) in subparagraph (C), in the matter preceding clause (i)—

(i) by striking “tribe” each place it appears and inserting “Tribe”; and

(ii) by striking “tribally” and inserting “Tribally”; and

(B) in subparagraph (D), by striking “tribe” and inserting “Tribe”;

(3) in paragraph (4), by striking “Indian tribe” and inserting “Indian Tribe or Tribal organization”;

(4) in paragraph (5)—

(A) in subparagraphs (D)(i) and (G), by striking “tribal” and inserting “Tribal”; and

(B) in subparagraph (F), by striking “tribe” and inserting “Tribe”; and

(5) in paragraph (6)—

(A) by striking “tribe” and inserting “Tribe”; and

(B) by striking “tribal” and inserting “Tribal”.

#### SEC. 246. STATE APPLICATION.

(a) APPLICATION.—Section 307(a) of the Family Violence Prevention and Services Act (42 U.S.C. 10407(a)) is amended—

(1) in paragraph (1)—

(A) by striking “tribally” and inserting “Tribally”; and

(B) by adding at the end the following: “For purposes of section 2007 of the Omnibus Crime Control and Safe Streets Act of 1968 (34 U.S.C. 10446), the application described in this section may be considered to be the State plan described in subsection (c)(3) of that section 2007.”; and

(2) in paragraph (2)—

(A) in subparagraph (B)(iii)(I), by striking “operation of shelters” and inserting “provision of shelter”;

(B) in subparagraph (D)—

(i) by striking “Coalition in the planning” and inserting “Coalition, and a Tribal Domestic Violence Coalition as applicable, in the planning, coordination.”; and

(ii) by striking “section 308(a)” and inserting “section 308”;



(C) in subparagraph (E), by striking “State or Indian tribe” and inserting “State, Indian Tribe, or Tribal organization” in both places it occurs;

(D) in subparagraph (F),—

(i) by striking “State or Indian tribe” and inserting “State, Indian Tribe, or Tribal organization”; and

(ii) by inserting after “including” the following— “how such activities and services utilize a trauma-informed care approach, as appropriate, and”;

(E) in subparagraph (G)—

(i) by striking “tribally” and inserting “Tribally”; and

(ii) by striking “tribe” each place it appears and inserting “Tribe”; and

(F) in subparagraph (H)—

(i) by striking “tribe” and inserting “Tribe”; and

(ii) by striking “to bar” and inserting “to remove, or exclude or bar.”

(b) APPROVAL.—Section 307(b) of such Act (42 U.S.C. 10407(b)) is amended—

(1) in paragraph (2), by striking “tribe” each place the term appears and inserting “Tribe”;

(2) in paragraph (3)—

(A) by striking “State Domestic Violence Coalitions, or comparable coalitions for Indian tribes, shall” and inserting “State Domestic Violence Coalitions or Tribal Domestic Violence Coalitions shall”; and

(B) by striking “tribes” and inserting “Tribes”.

#### SEC. 247. SUBGRANTS AND USES OF FUNDS.

Section 308 of the Family Violence Prevention and Services Act (42 U.S.C. 10408) is amended—

(1) in subsection (a), by striking “that is” and inserting “that are”;

(2) in subsection (b)(1)—

(A) in subparagraph (B), by striking “developing safety plans” and inserting “safety planning”; and

(B) in subparagraph (G)—

(i) by striking the matter preceding clause (i) and inserting the following:

“(G) provision of advocacy and services (including case management and information and referral services), which may include facilitating partnerships that improve the development and delivery of services referred to in this subparagraph concerning issues related to family violence, domestic violence, or dating violence intervention and prevention, including—”;

(ii) in clause (i), by striking “Federal and State” and inserting “Federal, State, and local”;

(iii) in clause (iii), by striking “mental health, alcohol, and drug abuse treatment” and inserting “mental and substance use disorder treatment”;

(iv) in clause (v), by striking “and” at the end; and

(v) by adding at the end the following:

“(vii) language assistance for victims with limited English proficiency, or victims who are deaf or hard of hearing; and”;

(3) in subsection (c)(1), by striking “tribal organizations,” and inserting “Tribal organizations,”; and

(4) in subsection (d)(1), in the paragraph heading, by striking “DEPENDANTS” and inserting “DEPENDENTS”.

#### SEC. 248. GRANTS FOR INDIAN TRIBES.

Section 309 of the Family Violence Prevention and Services Act (42 U.S.C. 10409) is amended—

(1) in subsection (a)—

(A) by striking “tribal” and inserting “Tribal”; and

(B) by striking “(42)” and all that follows through “tribes” and inserting “(34 U.S.C. 20126), shall continue to award grants for Indian Tribes”; and

(2) in subsection (b)—

(A) by striking “tribe” each place it appears and inserting “Tribe”; and

(B) by striking “tribal organization” each place it appears and inserting “Tribal organization”.

#### SEC. 249. NATIONAL RESOURCE CENTERS AND TRAINING AND TECHNICAL ASSISTANCE.

(a) GRANTS AUTHORIZED.—Section 310(a)(2) of the Family Violence Prevention and Services Act (42 U.S.C. 10410(a)(2)) is amended—

(1) in subparagraph (A)—

(A) in clause (i), by striking “and” at the end;

(B) in clause (ii), by striking “7” and inserting “8”; and

(C) by adding at the end the following:

“(iii) at least one State resource center to reduce disparities in domestic violence in States with high proportions of Indian (including Alaska Native) or Native Hawaiian populations (as provided for in subsection (b)(3)); and”;

(2) in subparagraph (B)—

(A) by striking “grants, to—” and all that follows through “(ii) support” and inserting “grants, to support”;

(B) by inserting before “, to entities” the following: “, including the housing needs of domestic violence victims and their families”.

(b) DOMESTIC VIOLENCE RESOURCE CENTERS.—Section 310(b) of the Family Violence Prevention and Services Act (42 U.S.C. 10410(b)) is amended—

(1) in paragraph (1)—

(A) in subparagraph (A)(ii)—

(i) in the matter preceding subclause (I), by inserting “, which may be posted on the Internet,” after “center resource library”; and

(ii) in subclause (I), by striking “incidence and” and inserting “incidence and prevalence of, trends concerning, and”;

(B) in subparagraph (B)—

(i) in clause (i)—

(I) by striking “tribes” each place it appears and inserting “Tribes”;

(II) by striking “tribal organizations” and inserting “Tribal organizations”; and

(III) by striking “42” and all that follows through “3796gg–10 note” and inserting “34 U.S.C. 10452 note”;

(ii) in clause (ii)—

(I) by striking “tribes” and inserting “Tribes”;

(II) by striking “tribal organizations” and inserting “Tribal organizations”; and

(III) by striking “42” and all that follows through “3796gg–10 note” and inserting “34 U.S.C. 10452 note”;

(iii) in clause (iii), by striking “the Office on Violence Against Women” and inserting “the Office for Victims of Crime, and the Office on Violence Against Women.”;

(2) in paragraph (2)—

(A) in the matter preceding subparagraph (A), in the first sentence, by inserting before the period the following: “in order to support effective policy, practice, research, and collaboration”; and

(B) in subparagraph (D)—

(i) by striking “mental health systems” and inserting “mental and substance use disorder treatment systems”; and

(ii) by striking “and to their children who are exposed to domestic violence” and inserting “, and to their children, who experience psychological trauma that is, or have mental or substance use disorders that are, related to their exposure to domestic violence; and”;

(C) by redesignating subparagraph (E) as subparagraph (F); and

(D) by inserting after subparagraph (D) the following:

“(E) The response of domestic violence service programs to victims who are underserved, including enhancing the capacity of related organizations generally serving those victims to respond to and prevent domestic violence.”;

(3) in paragraph (3)—

(A) in subparagraph (A)—

(i) by striking “may award grants to” and inserting “shall award grants to one or more”; and

(ii) by striking “Indian tribes, tribal organizations” and inserting “Indian Tribes, Tribal organizations,”;

(B) in subparagraph (B)(i)—

(i) by striking “Indian tribes, tribal organizations, and” and inserting “Indian Tribes or Tribal organizations, and” and

(ii) by striking “tribes, organizations,” and inserting “Tribes, organizations,”; and

(4) by adding at the end the following:

“(4) CLARIFICATION.—Within available funds, the Secretary shall continue to support the resource centers funded for purposes pursuant to paragraphs (2) and (3) in fiscal year 2019.”.

(c) ELIGIBILITY.—Section 310(c) of the Family Violence Prevention and Services Act (42 U.S.C. 10410(c)) is amended—

(1) in paragraph (1)—

(A) in the matter preceding subparagraph (A), by striking “(C), or (D)” and inserting “(C), (D), (E), or (F)”;

(B) in subparagraph (B)—

(i) by striking “entity’s advisory board” and inserting “entity’s Board of Directors or advisory committees”; and

(ii) by inserting before the semicolon the following “, and reflect or have experience working with the communities to be served through the center involved”;

(2) in paragraph (2)—

(A) in the matter preceding subparagraph (A)—

(i) by striking “tribal organization” and inserting “Tribal organization”; and

(ii) by striking “Indian tribes” and inserting “Indian Tribes”;

(B) in subparagraph (A)—

(i) by striking “Indian tribes and tribal organizations” and inserting “Indian Tribes and Tribal organizations”; and

(ii) by striking “42” and all that follows through “3796gg–10 note” and inserting “34 U.S.C. 10452 note”;

(C) in subparagraph (B)—

(i) by striking “Indian tribes and tribal organizations” and inserting “Indian Tribes and Tribal organizations”;

(ii) by striking “tribally” and inserting “Tribally”; and

(iii) by striking “42” and all that follows through “3796gg–10 note” and inserting “34 U.S.C. 10452 note”;

(D) in subparagraph (C), by striking “tribes” and inserting “Tribes”;

(E) in subparagraph (D), by striking “Indian tribes and tribal organizations” and inserting “Indian Tribes and Tribal organizations”; and

(F) in subparagraph (E), by striking “tribes” and inserting “Tribes”;

(3) in paragraph (3), in the matter preceding subparagraph (A), by striking “subsection (b)(2)(E)” and inserting “subsection (b)(2)(F)”;

(4) in paragraph (4)—

(A) in subparagraph (A), by striking clause (ii) and inserting the following:

“(ii) be—

“(I) an Indian Tribe, Tribal organization, or Native Hawaiian organization with experience providing assistance in developing prevention and intervention services that focus primarily on issues of domestic violence among Indians (including Alaska Natives) or Native Hawaiians; or

“(II) an institution of higher education; and”; and

(B) in subparagraph (B), by striking “underdeveloped” and inserting “underserved”.

**SEC. 250. GRANTS TO STATE DOMESTIC VIOLENCE COALITIONS.**

Section 311 of the Family Violence Prevention and Services Act (42 U.S.C. 10411) is amended—

(1) in subsection (b)(1)—

(A) by inserting “and made available to carry out this section” before “for each fiscal year”; and

(B) by inserting “and made available” before “for such fiscal year”;

(2) in subsection (d)—

(A) in paragraph (4), by striking “mental health, social welfare, or business” and inserting “mental and substance use disorders, social welfare, education, or business”; and

(B) in paragraph (8), by striking “tribes and tribal organizations” and inserting “Tribes and Tribal organizations”; and

(3) in subsection (h), by striking “tribes and tribal organizations” and inserting “Tribes and Tribal organizations”.

**SEC. 251. GRANTS TO TRIBAL DOMESTIC VIOLENCE COALITIONS.**

The Family Violence Prevention and Services Act is amended by inserting after section 311 (42 U.S.C. 10411) the following:

**“SEC. 311A. GRANTS TO TRIBAL DOMESTIC VIOLENCE COALITIONS.**

“(a) GRANTS AUTHORIZED.—Beginning with fiscal year 2020, out of amounts appropriated under section 303 and made available to carry out this section for a fiscal year, the Secretary shall award grants to eligible entities in accordance with this section.

“(b) ELIGIBLE ENTITIES.—To be eligible to receive a grant under this section, an entity shall be a Tribal Domestic Violence Coalition that is recognized by the Office on Violence Against Women of the Department of Justice and that provides services to Indian Tribes.

“(c) APPLICATION.—Each Tribal Domestic Violence Coalition desiring a grant under this section shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require. The application submitted by the coalition for the grant shall provide documentation of the coalition’s work, demonstrating that the coalition—

“(1) meets all the applicable requirements set forth in this section; and

“(2) has the ability to conduct all activities described in this section, as indicated by—

“(A) documented experience in administering Federal grants to conduct the activities described in subsection (d); or

“(B) a documented history of activities to further the purposes of this section set forth in subsection (d).

“(d) USE OF FUNDS.—A Tribal Domestic Violence Coalition that receives a grant under this section may use the grant funds for administration and operation of activities to further the purposes of preventing and addressing family violence, domestic violence, and dating violence, including—

“(1) working with local Tribal family violence, domestic violence, or dating violence service programs and providers of direct services to encourage appropriate and comprehensive responses to family violence, domestic violence, and dating violence against adults or youth within the Indian Tribes served, including working by providing training and technical assistance and conducting Tribal needs assessments;

“(2) participating in planning and monitoring the distribution of subgrants and subgrant funds within the State under section 308(a);

“(3) working in collaboration with Tribal service providers and community-based organizations to address the needs of victims of family violence, domestic violence, and dating violence, and their children and dependents;

“(4) collaborating with, and providing information to, entities in such fields as housing, health care, mental and substance use disorders, social welfare, education, and law enforcement to support the development and implementation of effective policies;

“(5) supporting the development and implementation of effective policies, protocols, legislation, codes, and programs that address the safety and support needs of adult and youth Tribal victims of family violence, domestic violence, or dating violence;

“(6) encouraging appropriate responses to cases of family violence, domestic violence, or dating violence against adults or youth, by working with Tribal, State, and Federal judicial agencies and law enforcement agencies;

“(7) working with Tribal, State, and Federal judicial systems (including family law judges and criminal court judges), child protective service agencies, and children’s advocates to develop appropriate responses to child custody and visitation issues—

“(A) in cases of child exposure to family violence, domestic violence, or dating violence; or

“(B) in cases in which—

“(i) family violence, domestic violence, or dating violence is present; and

“(ii) child abuse is present;

“(8) providing information to the public about prevention of family violence, domestic violence, and dating violence within Indian Tribes; and

“(9) carrying out other activities, as the Secretary determines applicable and appropriate.”.

**SEC. 252. SPECIALIZED SERVICES FOR ABUSED PARENTS AND THEIR CHILDREN.**

Section 312 of the Family Violence Prevention and Services Act (42 U.S.C. 10412) is amended—

(1) in subsection (a)(2), by striking “2 years” each place it appears and inserting “3 years”; and

(2) in subsection (b)—

(A) by striking “local agency” and inserting “State, local, or Tribal agency”; and

(B) by striking “tribal” and inserting “Tribal”;

(3) in subsection (c)(2), by inserting before the semicolon “, which such services shall utilize trauma-informed care approaches, as appropriate, and may include supporting the caregiving capacity of adult victims”; and

(4) in subsection (d)(2)—

(A) in subparagraph (A), by striking “mental health” and inserting “mental and substance use disorder”; and

(B) in subparagraph (C), by adding “and referrals” before the period at the end; and

(5) by adding at the end the following:

“(f) DEFINITION.—In this section, the term ‘child’ includes a youth under age 18.”.

**SEC. 253. NATIONAL DOMESTIC VIOLENCE HOTLINE GRANT.**

Section 313 of the Family Violence Prevention and Services Act (42 U.S.C. 10413) is amended—

(1) in subsection (a)—

(A) by striking “(a)” and all that follows through the end of the first sentence and inserting the following:

“(a) GRANTS.—

“(1) IN GENERAL.—The Secretary shall award grants to 1 or more private entities to provide for the ongoing operation of toll-free telephone hotlines, including hotlines that utilize other available communication technologies, as appropriate, for the purposes of

providing information and assistance to adult and youth victims of family violence, domestic violence, or dating violence, family and household members of such victims, and persons affected by the victimization. Through such grants, the Secretary shall provide for—

“(A) the ongoing operation of a 24-hour, toll-free, national hotline; and

“(B) the ongoing operation of a toll-free hotline for Indians, Indian Tribes, and Tribal organizations.”; and

(B) in the second sentence, by striking “The Secretary” and inserting the following:

“(2) PRIORITY.—The Secretary”;

(2) in subsection (d)—

(A) in paragraph (2)—

(i) in the matter preceding subparagraph (A), by striking “national”;

(ii) in subparagraph (E), by striking “callers” and inserting “individuals contacting the hotline”; and

(iii) in subparagraph (F), by striking “persons with hearing impairments; and” and inserting “individuals with disabilities, including training for hotline personnel to support such access;”;

(iv) in subparagraph (G), by striking the semicolon at the end and inserting “; and”; and

(v) by adding at the end the following:

“(H) a plan for utilizing other available communications technologies, as appropriate;”;

(B) in paragraph (5), by striking “callers, directly connect callers” and inserting “individuals contacting the hotline, directly connect such individuals”; and

(C) in paragraph (6), by inserting “appropriate” before “services to underserved”; and

(3) in subsection (e)—

(A) in paragraph (1), by striking “hotline to” and inserting “hotline under subsection (a)(1)(A), or a toll-free telephone hotline under subsection (a)(1)(B), to”; and

(B) in paragraph (2)—

(i) in subparagraph (B), by striking “callers on a 24-hour-a-day basis, and directly connect callers” and inserting “individuals contacting the hotline, and directly connect such individuals”; and

(ii) in subparagraph (C), by striking “callers” and inserting “individuals”; and

(iii) by striking subparagraph (D) and inserting the following:

“(D) shall widely publicize the hotline, and other available communications technologies utilized by the hotline, as appropriate, in accessible formats, including formats accessible to individuals with disabilities, as appropriate.”.

**SEC. 254. DOMESTIC VIOLENCE PREVENTION ENHANCEMENT AND LEADERSHIP THROUGH ALLIANCES.**

Section 314 of the Family Violence Prevention and Services Act (42 U.S.C. 10414) is amended—

(1) by striking subsection (a) and inserting the following:

“(a) IN GENERAL.—The Secretary, acting through the Director of the Centers for Disease Control and Prevention, shall enter into cooperative agreements with State Domestic Violence Coalitions, which may partner with local entities carrying out programs, to—

“(1) build capacity at the organizational, State, Tribal, or local level for primary and secondary prevention of family violence, domestic violence, and dating violence; or

“(2) scale up, or replicate, evidence-based, evidence-informed, or promising primary prevention strategies and models to prevent family violence, domestic violence, and dating violence.”;

(2) in subsection (d)—

(A) in paragraph (1), by inserting “or Tribal Domestic Violence Coalition” before the semicolon; and

(B) in paragraph (2)—  
(i) in subparagraph (A), by striking “and State or local health departments”;

(ii) in subparagraph (D), by inserting “, including the juvenile justice system” before the semicolon;

(iii) in subparagraph (G), by striking “and” at the end; and

(iv) by striking subparagraph (H) and inserting the following:

“(H) community-based organizations, including those serving racial and ethnic minority populations;

“(I) child- and youth-serving organizations;

“(J) health departments and public health organizations; and

“(K) other pertinent sectors.”;

(3) in subsection (e)—

(A) by redesignating paragraphs (1) through (5), and paragraph (6), as paragraphs (2) through (6), and paragraph (8), respectively;

(B) by inserting before paragraph (2), as so redesignated, the following:

“(1) in the case of an applicant applying for a grant under the authority of subsection (a)(2), identifies comprehensive evidence-based, evidence-informed, or promising primary prevention strategies and models to be used and partner organizations who will develop, expand, or replicate programs to prevent family violence, domestic violence, or dating violence;”;

(C) in paragraph (3), as so redesignated, by inserting “, including underserved populations” before the semicolon;

(D) in paragraph (6), as so redesignated, by striking “and” at the end; and

(E) by inserting after paragraph (6), as so redesignated, the following:

“(7) demonstrates that the applicant will build organizational and statewide capacity, as applicable, for primary and secondary prevention of family violence, domestic violence, and dating violence; and”;

(4) in subsection (f), by striking “organizations in States geographically dispersed” and inserting “organizations in States or Indian-serving organizations that, collectively, are geographically dispersed”;

(5) in subsection (g)—

(A) in paragraph (2)(A), by inserting before the semicolon the following: “, which may include facilitating the provision of technical assistance from other grantees that enter into a cooperative agreement under subsection (a)”;

(B) in paragraph (3)—

(i) in subparagraph (C), by inserting “as applicable,” after “communities,”;

(ii) in subparagraph (D)—

(I) in the matter preceding clause (i), by striking “conduct comprehensive, evidence-informed primary prevention programs” and inserting “implement evidence-based, evidence-informed primary prevention programs”; and

(II) in clause (vi), by inserting “prevention strategies and” before “information”;

(iii) in subparagraph (E)—

(I) by striking “utilize evidence-informed” and inserting “implement evidence-based or evidence-informed”; and

(II) by striking “; and” and inserting a semicolon;

(iv) in subparagraph (F), by striking the period at the end and inserting “; and”; and

(v) by adding at the end the following:

“(G) use an amount (subject to subsection (j)) that is not less than 30 percent of the funds awarded through such agreement (excluding funds awarded for the initial year of the agreement) to subcontract with local family violence and domestic violence programs, or other community-based programs, to develop and implement such project.”; and

(6) by adding at the end the following:

“(1) TRAINING AND DISSEMINATION OF INFORMATION.—Not later than one year after the date of enactment of the CAPTA Reauthorization Act of 2020, and at least annually thereafter, the Secretary, acting through the Director of the Centers for Disease Control and Prevention, in consultation with the Assistant Secretary of the Administration for Children and Families, shall disseminate information, including information related to training, to State domestic violence coalitions, and other stakeholders, related to building organizational capacity and leadership in the fields of primary and secondary prevention of family violence, domestic violence, and dating violence.

“(j) MINIMUM AMOUNT FOR SUBCONTRACTING.—The Secretary may, as appropriate, reduce the percentage described in subsection (g)(3)(G) that an organization that enters into a cooperative agreement under this section is required to use in accordance with such subsection to a percentage not less than 25 percent.”.

#### SEC. 255. GRANTS TO ENHANCE SERVICES FOR UNDERSERVED COMMUNITIES.

The Family Violence Prevention and Services Act (42 U.S.C. 10401 et seq.) is further amended by adding at the end the following:

#### “SEC. 315. GRANTS TO ENHANCE SERVICES FOR UNDERSERVED COMMUNITIES.

“(a) IN GENERAL.—The Secretary shall, as appropriate, award grants to eligible entities to assist communities in preventing and addressing family violence, domestic violence, and dating violence in underserved communities.

“(b) USE OF FUNDS.—In carrying out subsection (a), the Secretary shall award grants to eligible entities for supporting programs based in underserved communities to establish or enhance family violence, domestic violence, and dating violence intervention and prevention efforts that address family violence, domestic violence, and dating violence in underserved communities, including by providing culturally appropriate services, as appropriate.

“(c) APPLICATION.—An eligible entity seeking a grant under this section shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may reasonably require. Such application shall include—

“(1) a description of how the funds of the grant will be used to support culturally-appropriate, community-based programs providing access to shelter or supportive services, including for activities related to planning, prevention, and capacity building;

“(2) an assessment of any barriers that prevent underserved individuals or communities from accessing other resources to prevent and address family violence, domestic violence, and dating violence and a description of how the entity intends to address such barriers; and

“(3) a demonstration of the ability of the entity to establish, or work with, other community-based organizations and coalitions.

“(d) TECHNICAL ASSISTANCE AND TRAINING.—The Secretary may enter into cooperative agreements or contracts with organizations to provide training and technical assistance to eligible entities receiving grants under this section, as appropriate.

“(e) ELIGIBLE ENTITIES.—To be eligible to receive a grant under this section, an entity shall—

“(1) be a private nonprofit, nongovernmental organization that is—

“(A) a community-based organization that provides culturally appropriate services to victims of family violence, domestic violence, or dating violence from underserved communities, which may include an organi-

zation whose primary purpose is providing culturally appropriate services to victims of family violence, domestic violence, or dating violence from specific underserved communities; or

“(B) a community-based organization that can partner with an organization having demonstrated expertise in serving victims of family violence, domestic violence, or dating violence; and

“(2) have a board of directors and staff which are reflective of, or have experience working with, the communities in which the entity will provide services through a grant under this section.

“(f) TERM.—The Secretary shall award grants under this section for a period of 3 years, and may extend such period for not more than 2 years, as appropriate.

“(g) REPORTS AND EVALUATION.—Each eligible entity receiving a grant under this section shall submit a report to the Secretary, at such time as the Secretary shall reasonably require, describing the activities carried out using the funds of such grant, identifying progress towards achieving performance measures, and providing such additional information as the Secretary may reasonably require.

“(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as may be necessary for each of fiscal years 2020 through 2025.”.

**SA 2535.** Mrs. CAPITO (for herself and Ms. COLLINS) submitted an amendment intended to be proposed to amendment SA 2499 proposed by Mr. MCCONNELL to the bill S. 178, to condemn gross human rights violations of ethnic Turkic Muslims in Xinjiang, and calling for an end to arbitrary detention, torture, and harassment of these communities inside and outside China; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

#### TITLE —

#### DEPARTMENT OF HEALTH AND HUMAN SERVICES

#### SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES ADMINISTRATION

#### HEALTH SURVEILLANCE AND PROGRAM SUPPORT

For an additional amount for “Health Surveillance and Program Support”, \$4,500,000,000, to remain available through September 30, 2021, to prevent, prepare for, and respond to coronavirus, domestically or internationally: *Provided*, That of the amount appropriated under this heading in this Act, \$1,500,000,000 shall be for grants for the substance abuse prevention and treatment block grant program under subpart II of part B of title XIX of the Public Health Service Act (“PHS Act”): *Provided further*, That of the amount appropriated under this heading in this Act, \$2,000,000,000 shall be for grants for the community mental health services block grant program under subpart I of part B of title XIX of the PHS Act: *Provided further*, That of the amount appropriated in the previous proviso, the Assistant Secretary is directed to provide no less than 50 percent of funds directly to facilities defined in section 1913(c) of the PHS Act: *Provided further*, That of the amount appropriated under this heading in this Act, not less than \$600,000,000 is available for Certified Community Behavioral Health Clinic Expansion Grant program: *Provided further*, That of the amount appropriated under this heading in this Act, not less than \$50,000,000 shall be available for suicide prevention programs:

*Provided further*, That of the amount appropriated under this heading in this Act, \$100,000,000 shall be for activities and services under Project AWARE: *Provided further*, That of the amount appropriated under this heading in this Act, not less than \$250,000,000 is available for activities authorized under section 501(o) of the PHS Act: *Provided further*, That from within the amount appropriated under this heading in this Act in the previous provisos, a total of not less than \$15,000,000 shall be allocated to tribes, tribal organizations, urban Indian health organizations, or health or behavioral health service providers to tribes: *Provided further*, That with respect to the amount appropriated under this heading in this Act the Substance Abuse and Mental Health Services Administration may waive requirements with respect to allowable activities, timelines, or reporting requirements for the Substance Abuse Prevention and Treatment Block Grant and the Community Mental Health Services Block Grant as deemed necessary to facilitate a grantee's response 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.

**SA 2536.** Mrs. CAPITO (for herself and Ms. COLLINS) submitted an amendment intended to be proposed by her to the bill S. 178, to condemn gross human rights violations of ethnic Turkic Muslims in Xinjiang, and calling for an end to arbitrary detention, torture, and harassment of these communities inside and outside China; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

#### TITLE \_\_\_\_\_

#### DEPARTMENT OF HEALTH AND HUMAN SERVICES

#### SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES ADMINISTRATION

#### HEALTH SURVEILLANCE AND PROGRAM SUPPORT

For an additional amount for "Health Surveillance and Program Support", \$4,500,000,000, to remain available through September 30, 2021, to prevent, prepare for, and respond to coronavirus, domestically or internationally: *Provided*, That of the amount appropriated under this heading in this Act, \$1,500,000,000 shall be for grants for the substance abuse prevention and treatment block grant program under subpart II of part B of title XIX of the Public Health Service Act ("PHS Act"): *Provided further*, That of the amount appropriated under this heading in this Act, \$2,000,000,000 shall be for grants for the community mental health services block grant program under subpart I of part B of title XIX of the PHS Act: *Provided further*, That of the amount appropriated in the previous proviso, the Assistant Secretary is directed to provide no less than 50 percent of funds directly to facilities defined in section 1913(c) of the PHS Act: *Provided further*, That of the amount appropriated under this heading in this Act, not less than \$50,000,000 shall be available for suicide prevention programs: *Provided further*, That of the amount appropriated under this heading in this Act, \$100,000,000 shall be for activities and services under Project AWARE: *Provided further*, That of the amount appropriated under this heading in this Act, not less than \$250,000,000

is available for activities authorized under section 501(o) of the PHS Act: *Provided further*, That from within the amount appropriated under this heading in this Act in the previous provisos, a total of not less than \$15,000,000 shall be allocated to tribes, tribal organizations, urban Indian health organizations, or health or behavioral health service providers to tribes: *Provided further*, That with respect to the amount appropriated under this heading in this Act the Substance Abuse and Mental Health Services Administration may waive requirements with respect to allowable activities, timelines, or reporting requirements for the Substance Abuse Prevention and Treatment Block Grant and the Community Mental Health Services Block Grant as deemed necessary to facilitate a grantee's response 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.

**SA 2537.** Mr. DAINES submitted an amendment intended to be proposed to amendment SA 2499 proposed by Mr. MCCONNELL to the bill S. 178, to condemn gross human rights violations of ethnic Turkic Muslims in Xinjiang, and calling for an end to arbitrary detention, torture, and harassment of these communities inside and outside China; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

#### SEC. \_\_\_\_\_. SMALL BUSINESS LOCAL RELIEF PROGRAM.

(a) DEFINITIONS.—In this section:

(1) ADMINISTRATOR.—The term "Administrator" means the Administrator of the Small Business Administration.

(2) ELIGIBLE ENTITY.—

(A) IN GENERAL.—The term "eligible entity"—

(i) means a privately-held business entity or nonprofit organization that, taking into consideration the principles under section 121.301(f) of title 13, Code of Federal Regulations, or any successor regulation—

(I) employs—

(aa) not more than 20 full-time equivalent employees; or

(bb) if the entity or organization is located in a low-income community, not more than 50 full-time equivalent employees;

(II) has experienced a loss of revenue as a result of the COVID-19 pandemic, according to criteria established by the Secretary; and

(III) with respect to such an entity or organization that receives assistance from a small business emergency fund, satisfies additional requirements, as determined by the State, unit of general local government, Indian Tribe, or other entity that has established the small business emergency fund;

(ii) includes an individual who operates under a sole proprietorship, an individual who operates as an independent contractor, and an eligible self-employed individual if such an individual has experienced a loss of revenue as a result of the COVID-19 pandemic, according to criteria established by the Secretary; and

(iii) does not include an issuer, the securities of which are listed on a national securities exchange.

(B) TREATMENT OF CERTAIN CRIMINAL VIOLATIONS.—

(i) ARRESTS OR CONVICTIONS.—Except as provided in clause (ii), the term "eligible entity" includes—

(I) a privately-held business entity or nonprofit organization that meets the require-

ments under subparagraph (A)(i) notwithstanding any arrest or conviction under Federal, State, or Tribal law of an owner of not less than 20 percent of the equity of the entity or organization, unless the owner is incarcerated on the date on which the entity or organization applies for assistance made available under this section; and

(II) an individual who meets the requirements under subparagraph (A)(ii) notwithstanding an arrest or conviction under Federal, State, or Tribal law of the individual, unless the individual is incarcerated on the date on which the individual applies for assistance made available under this section.

(ii) FINANCIAL FRAUD OR DECEPTION.—Notwithstanding clause (i), the term "eligible entity" does not include—

(I) a privately-held business entity or nonprofit organization if, during the 5-year period preceding the date on which the business or organization applies for assistance made available under this section, an owner of not less than 20 percent of the equity of the entity or organization was convicted of an offense involving financial fraud or deception under Federal, State, or Tribal law that is punishable by imprisonment for a term of more than 1 year; or

(II) an individual if, during the 5-year period preceding the date on which the individual applies for assistance made available under this section, the individual was convicted of an offense involving financial fraud or deception under Federal, State, or Tribal law that is punishable by imprisonment for a term of more than 1 year.

(3) ELIGIBLE SELF-EMPLOYED INDIVIDUAL.—The term "eligible self-employed individual" has the meaning given the term in section 7(a)(36)(A) of the Small Business Act (15 U.S.C. 636(a)(36)(A)).

(4) ENTITLEMENT COMMUNITY.—The term "entitlement community" means a metropolitan city or urban county, as those terms are defined in section 102 of the Housing and Community Development Act of 1974 (42 U.S.C. 5302).

(5) EXCHANGE; ISSUER; SECURITY.—The terms "exchange", "issuer", and "security" have the meanings given the terms in section 3(a) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a)).

(6) FULL-TIME EQUIVALENT EMPLOYEES.—

(A) IN GENERAL.—The term "full-time equivalent employees" means a number of employees equal to the number determined by dividing—

(i) the total number of hours of service for which wages were paid by the employer to employees during the taxable year; by

(ii) 2,080.

(B) ROUNDING.—The number determined under subparagraph (A) shall be rounded to the next lowest whole number if not otherwise a whole number.

(C) EXCESS HOURS NOT COUNTED.—If an employee works in excess of 2,080 hours of service during any taxable year, such excess shall not be taken into account under subparagraph (A).

(D) HOURS OF SERVICE.—The Secretary, in consultation with the Secretary of Labor, shall prescribe such regulations, rules, and guidance as may be necessary to determine the hours of service of an employee, including rules for the application of this paragraph to employees who are not compensated on an hourly basis.

(7) INDIAN TRIBE.—The term "Indian Tribe" has the meaning given the term "Indian tribe" in section 102 of the Housing and Community Development Act of 1974 (42 U.S.C. 5302).

(8) LOW-INCOME COMMUNITY.—The term "low-income community" has the meaning given the term in section 45D(e) of the Internal Revenue Code of 1986.

(9) **MINORITY.**—The term “minority” has the meaning given the term in section 1204(c)(3) of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (12 U.S.C. 1811 note).

(10) **MINORITY-OWNED ENTITY.**—The term “minority-owned entity” means an entity—

(A) more than 50 percent of the ownership or control of which is held by not less than 1 minority; and

(B) more than 50 percent of the net profit or loss of which accrues to not less than 1 minority.

(11) **NATIONAL SECURITIES EXCHANGE.**—The term “national securities exchange” means an exchange that is registered under section 6 of the Securities Exchange Act of 1934 (15 U.S.C. 78f).

(12) **NONENTITLEMENT AREA; STATE; UNIT OF GENERAL LOCAL GOVERNMENT.**—

(A) **IN GENERAL.**—Except as provided in subparagraph (B), the terms “nonentitlement area”, “State”, and “unit of general local government” have the meanings given those terms in section 102 of the Housing and Community Development Act of 1974 (42 U.S.C. 5302).

(B) **STATE.**—For purposes of subparagraphs (A)(ii) and (B)(ii) of subsection (c)(1), the term “State” means any State of the United States.

(13) **PROGRAM.**—The term “Program” means the Small Business Local Relief Program established under this section.

(14) **SECRETARY.**—The term “Secretary” means the Secretary of the Treasury.

(15) **SMALL BUSINESS EMERGENCY FUND.**—The term “small business emergency fund” means a fund or program—

(A) established by a State, a unit of general local government, an Indian Tribe, or an entity designated by a State, unit of general local government, or Indian Tribe; and

(B) that provides or administers financing to eligible entities (including any particular class or category of eligible entities determined appropriate by the entity establishing the fund or program) in the form of grants, low-interest loans, or other means in accordance with the needs of eligible entities and the capacity of the fund or program.

(16) **WOMEN-OWNED ENTITY.**—The term “women-owned entity” means an entity—

(A) more than 50 percent of the ownership or control of which is held by not less than 1 woman; and

(B) more than 50 percent of the net profit or loss of which accrues to not less than 1 woman.

(b) **ESTABLISHMENT.**—There is established in the Department of the Treasury the Small Business Local Relief Program, the purpose of which is to allocate resources to States, units of general local government, and Indian Tribes to provide assistance to eligible entities and organizations that assist eligible entities.

(c) **FUNDING.**—

(1) **FUNDING TO STATES, LOCALITIES, AND INDIAN TRIBES.**—

(A) **IN GENERAL.**—Of the amounts made available to carry out the Program under subsection (i), the Secretary shall allocate—

(i) \$35,000,000,000 to States and units of general local government in accordance with subparagraph (B)(i);

(ii) \$15,000,000,000 to States in accordance with subparagraph (B)(ii); and

(iii) \$500,000,000 to the Secretary of Housing and Urban Development for allocations to Indian Tribes in accordance with subparagraph (B)(iii).

(B) **ALLOCATIONS.**—

(i) **FORMULA FOR STATES AND UNITS OF GENERAL LOCAL GOVERNMENT.**—Of the amount allocated under subparagraph (A)(i)—

(I) 70 percent shall be allocated to entitlement communities in accordance with the

formula under section 106(b) of the Housing and Community Development Act of 1974 (42 U.S.C. 5306(b)); and

(II) 30 percent shall be allocated to States, for use in nonentitlement areas, in accordance with the formula under section 106(d)(1) of the Housing and Community Development Act of 1974 (42 U.S.C. 5306(d)(1)).

(ii) **RURAL BONUS FORMULA FOR STATES.**—The Secretary shall allocate the amount allocated under subparagraph (A)(ii) to States, for use in nonentitlement areas, in accordance with the formula under section 106(d)(1) of the Housing and Community Development Act of 1974 (42 U.S.C. 5306(d)(1)).

(iii) **COMPETITIVE AWARDS TO INDIAN TRIBES.**—

(I) **IN GENERAL.**—The Secretary of Housing and Urban Development shall allocate to Indian Tribes on a competitive basis the amount allocated under subparagraph (A)(iii).

(II) **REQUIREMENTS.**—In making allocations under subclause (I), the Secretary of Housing and Urban Development shall, to the greatest extent practicable, ensure that each Indian Tribe that satisfies requirements established by the Secretary of Housing and Urban Development receives such an allocation.

(C) **STATE ALLOCATIONS FOR NONENTITLEMENT AREAS.**—

(i) **EQUITABLE ALLOCATION.**—To the greatest extent practicable, a State shall allocate amounts for nonentitlement areas under clauses (i)(II) and (ii) of subparagraph (B) on an equitable basis.

(ii) **DISTRIBUTION OF AMOUNTS.**—

(I) **DISCRETION.**—Not later than 14 days after the date on which a State receives amounts for use in a nonentitlement area under clause (i)(II) or (ii) of subparagraph (B), the State shall—

(aa) distribute the amounts, or a portion thereof, to a unit of general local government located in the nonentitlement area, or an entity designated thereby, that has established or will establish a small business emergency fund, for use under paragraph (2); or

(bb) elect to reserve the amounts, or a portion thereof, for use by the State under paragraph (2) for the benefit of eligible entities located in the nonentitlement area.

(II) **UNITS OF GENERAL LOCAL GOVERNMENT WITH SMALL BUSINESS EMERGENCY FUNDS.**—In distributing amounts under subclause (I), in the case of amounts allocated for a nonentitlement area in which a unit of general local government or an entity designated thereby has established a small business emergency fund and has demonstrated an ability to administer that fund efficiently and effectively, a State shall, as quickly as is practicable, distribute an equitable amount to that unit of general local government or entity, respectively, as described in item (aa) of that subclause.

(iii) **TREATMENT OF STATES NOT ACTING AS PASS-THROUGH AGENTS UNDER CDBG.**—The Secretary shall allocate amounts to a State under this paragraph without regard to whether the State has elected to distribute amounts allocated under section 106(d)(1) of the Housing and Community Development Act of 1974 (42 U.S.C. 5306(d)(1)).

(2) **USE OF FUNDS.**—

(A) **IN GENERAL.**—A State, unit of general local government, entity designated by a unit of general local government, or Indian Tribe that receives an allocation under paragraph (1), whether directly or indirectly, may use that allocation—

(i) to provide funding to a small business emergency fund established by that State (or entity designated thereby), that unit of general local government (or entity designated thereby), that entity designated by a unit of

general local government, or that Indian Tribe (or entity designated thereby), respectively;

(ii) to provide funding to support organizations that provide technical assistance to eligible entities; or

(iii) subject to subparagraph (B), to pay for administrative costs incurred by that State (or entity designated thereby), that unit of general local government (or entity designated thereby), that entity designated by a unit of general local government, or that Indian Tribe (or entity designated thereby), respectively, in establishing and administering a small business emergency fund.

(B) **LIMITATION.**—A State, unit of general local government, entity designated by a unit of general local government, or Indian Tribe may not use more than 3 percent of an allocation received under paragraph (1) for a purpose described in subparagraph (A)(iii) of this paragraph.

(C) **OBLIGATION DEADLINES.**—

(i) **STATES.**—Of the amounts that a State elects under paragraph (1)(C)(ii)(I)(bb) to reserve for use by the State under this paragraph—

(I) any amounts that the State provides to a small business emergency fund under subparagraph (A)(i) of this paragraph shall be obligated by the small business emergency fund for expenditure not later than 90 days after the date on which the State received the amounts from the Secretary under clause (i) or (ii) of paragraph (1)(A); and

(II) any amounts that the State chooses to provide to an organization under subparagraph (A)(ii) of this paragraph, or to use to pay for administrative costs under subparagraph (A)(iii) of this paragraph, shall be obligated by the State for expenditure not later than 90 days after the date on which the State received the amounts from the Secretary under clause (i) or (ii) of paragraph (1)(A).

(ii) **ENTITLEMENT COMMUNITIES.**—Of the amounts that an entitlement community receives from the Secretary under paragraph (1)(B)(i)(I)—

(I) any amounts that the entitlement community provides to a small business emergency fund under subparagraph (A)(i) of this paragraph shall be obligated by the small business emergency fund for expenditure not later than 90 days after the date on which the entitlement community received the amounts; and

(II) any amounts that the entitlement community chooses to provide to an organization under subparagraph (A)(ii) of this paragraph, or to use to pay for administrative costs under subparagraph (A)(iii) of this paragraph, shall be obligated by the entitlement community for expenditure not later than 90 days after the date on which the entitlement community received the amounts.

(iii) **NONENTITLEMENT COMMUNITIES.**—Of the amounts that a unit of general local government, or an entity designated thereby, located in a nonentitlement area receives from a State under paragraph (1)(C)(ii)(I)(aa)—

(I) any amounts that the unit of general local government or entity provides to a small business emergency fund under subparagraph (A)(i) of this paragraph shall be obligated by the small business emergency fund for expenditure not later than 90 days after the date on which the State received the amounts from the Secretary under clause (i) or (ii) of paragraph (1)(A); and

(II) any amounts that the unit of general local government or entity chooses to provide to a support organization under subparagraph (A)(ii) of this paragraph or to use to pay for administrative costs under subparagraph (A)(iii) of this paragraph shall be obligated by the unit of general local government or entity for expenditure not later

than 90 days after the date on which the State received the amounts from the Secretary under clause (i) or (ii) of paragraph (1)(A).

(D) **RECOVERY OF UNOBLIGATED FUNDS.**—If a State, entitlement community, other unit of general local government, entity designated by a unit of general local government, or small business emergency fund fails to obligate amounts by the applicable deadline under subparagraph (C), the Secretary shall recover the amount of those amounts that remain unobligated, as of that deadline.

(E) **COLLABORATION.**—It is the sense of Congress that—

(i) an entitlement community that receives amounts allocated under paragraph (1)(B)(i)(I) should collaborate with the applicable local entity responsible for economic development and small business development in establishing and administering a small business emergency fund; and

(ii) States, units of general local government (including units of general local government located inside and outside non-entitlement areas), and Indian Tribes that receive amounts under paragraph (1) and are located in the same region should collaborate in establishing and administering small business emergency funds.

(d) **SMALL BUSINESS EMERGENCY FUNDS.**—With respect to a small business emergency fund that receives funds from an allocation made under subsection (c)—

(1) the small business emergency fund shall establish, and make publicly available, guidelines with respect to the receipt of assistance from the fund, including—

(A) eligibility to receive that assistance; and

(B) financing terms and document retention requirements with respect to a recipient of that assistance;

(2) if the small business emergency fund makes a loan to an eligible entity with those funds, the small business emergency fund may use amounts returned to the small business emergency fund from the repayment of the loan to provide further assistance to eligible entities, without regard to the termination date described in subsection (j); and

(3) the small business emergency fund—

(A) shall conduct outreach to eligible entities that are less likely to participate in programs established under the CARES Act (Public Law 116-136; 134 Stat. 281) and the amendments made by that Act, including minority-owned entities, businesses in low-income communities, businesses in rural and Tribal areas, and other businesses that are underserved by the traditional banking system;

(B) in providing financing to eligible entities with those funds, shall, to the maximum extent practicable, give preference to eligible entities that have not received a loan under section 7(a)(36) of the Small Business Act (15 U.S.C. 636(a)(36)), which shall have no effect on the ability of the eligible entity to receive a loan under such section 7(a)(36) if the eligible entity is otherwise eligible to receive such a loan; and

(C) shall adopt standards that—

(i) encourage participation by the greatest number of eligible entities possible; and

(ii) establish a reasonable expectation of payment with respect to financing provided to eligible entities with those funds.

(e) **INFORMATION GATHERING.**—

(1) **IN GENERAL.**—When providing assistance to an eligible entity with funds received from an allocation made under subsection (c), the entity providing assistance shall—

(A) inquire whether the eligible entity is—

(i) in the case of an eligible entity that is a business entity or a nonprofit organization, a women-owned entity or a minority-owned entity; and

(ii) in the case of an eligible entity who is an individual, a woman or a minority; and

(B) maintain a record of the responses to each inquiry conducted under subparagraph (A), which the entity shall promptly submit to the applicable State, unit of general local government, or Indian Tribe.

(2) **RIGHT TO REFUSE.**—An eligible entity may refuse to provide any information requested under paragraph (1)(A).

(f) **REPORTING.**—

(1) **IN GENERAL.**—Not later than 30 days after the date on which a State, unit of general local government, or Indian Tribe initially receives an allocation made under subsection (c), and not later than 14 days after the date on which that State, unit of local government, or Indian Tribe completes the full expenditure of that allocation, that State, unit of general local government, or Indian Tribe shall submit to the Secretary a report that includes—

(A) the number of recipients of assistance made available from the allocation;

(B) the total amount, and type, of assistance made available from the allocation;

(C) to the extent applicable, with respect to each recipient described in subparagraph (A), information regarding the industry of the recipient, the amount of assistance received by the recipient, the annual sales of the recipient, and the number of employees of the recipient;

(D) to the extent available from information collected under subsection (e), information regarding the number of recipients described in subparagraph (A) that are minority-owned entities, minorities, women, and women-owned entities;

(E) the zip code of each recipient described in subparagraph (A); and

(F) any other information that the Secretary, in the sole discretion of the Secretary, determines to be necessary to carry out the Program.

(2) **PUBLIC AVAILABILITY.**—As soon as is practicable after receiving each report submitted under paragraph (1), the Secretary shall make the information contained in the report, including all of the information described in subparagraphs (A) through (F) of that paragraph, publicly available.

(g) **RULES AND GUIDANCE.**—The Secretary, in consultation with the Administrator, shall issue any rules and guidance that are necessary to carry out the Program, including by—

(1) establishing appropriate compliance and reporting requirements, in addition to the reporting requirements under subsection (f);

(2) as soon as practicable after the date of enactment of this Act, issuing guidance with respect to the collection, maintenance, and reporting of information under subsections (e) and (f) (and any requirements established under paragraph (1)), including—

(A) the means by which an entity to which those subsections and other requirements apply shall collect and maintain that information; and

(B) with respect to a report required under subsection (f), or under a requirement established under paragraph (1), the format that an entity to which any such requirement applies shall use to submit such a report; and

(3) defining terms, other than those terms that are defined in subsection (a).

(h) **OVERSIGHT.**—

(1) **INSPECTOR GENERAL.**—

(A) **IN GENERAL.**—The Inspector General of the Department of the Treasury shall conduct monitoring and oversight of the receipt, disbursement, and use of funds under the Program.

(B) **RECOUPMENT.**—If the Inspector General of the Department of the Treasury determines that an entity that receives amounts

made available under the Program has failed to comply with a requirement of this section, the amount equal to the amount of funds used in violation of this section shall be booked as a debt of that entity owed to the Federal Government and, when recouped, shall be deposited in the General Fund of the Treasury.

(2) **GAO.**—Not later than 1 year after the date on which the Program terminates under subsection (j), the Comptroller General of the United States shall conduct a review of the Program and submit to the appropriate committees of Congress a report that contains the results of that review.

(i) **APPROPRIATION.**—

(1) **IN GENERAL.**—There are appropriated to the Secretary for fiscal year 2020, out of amounts in the Treasury not otherwise appropriated, \$50,500,000,000 to carry out the Program, which shall remain available until the termination date described in subsection (j).

(2) **APPLICATION OF PROVISIONS.**—Amounts appropriated under paragraph (1) shall be subject to the requirements contained in the Further Consolidated Appropriations Act, 2020 (Public Law 116-94) for funds for programs authorized under sections 330 through 340 of the Public Health Service Act (42 U.S.C. 254b through 256).

(j) **TERMINATION.**—The Program, and any rules and guidance issued under subsection (g) with respect to the Program, shall terminate on the date that is 1 year after the date of enactment of this Act.

**SA 2538.** Mr. GRAHAM submitted an amendment intended to be proposed to amendment SA 2499 proposed by Mr. MCCONNELL to the bill S. 178, to condemn gross human rights violations of ethnic Turkic Muslims in Xinjiang, and calling for an end to arbitrary detention, torture, and harassment of these communities inside and outside China; which was ordered to lie on the table; as follows:

Strike section 2 and insert the following:

**SEC. 2. IMPROVEMENTS TO FEDERAL PANDEMIC UNEMPLOYMENT COMPENSATION TO BETTER MATCH LOST WAGES.**

(a) **EXTENSION.**—Section 2104(e)(2) of the Relief for Workers Affected by Coronavirus Act (contained in subtitle A of title II of division A of the CARES Act (Public Law 116-136)) is amended by striking “July 31, 2020” and inserting “December 31, 2020”.

(b) **IMPROVEMENTS TO ACCURACY OF PAYMENTS.**—

(1) **FEDERAL PANDEMIC UNEMPLOYMENT COMPENSATION.**—

(A) **IN GENERAL.**—Section 2104(b) of the Relief for Workers Affected by Coronavirus Act (contained in subtitle A of title II of division A of the CARES Act (Public Law 116-136)) is amended—

(i) in paragraph (1)(B), by striking “of \$600” and inserting “equal to the amount specified in paragraph (3)”; and

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

“(3) **AMOUNT OF FEDERAL PANDEMIC UNEMPLOYMENT COMPENSATION.**—

“(A) **IN GENERAL.**—The amount specified in this paragraph is the following amount with respect to an individual:

“(i) For weeks of unemployment beginning after the date on which an agreement is entered into under this section and ending on or before July 31, 2020, \$600.

“(ii) For weeks of unemployment beginning after the last week under clause (i) and ending on or before September 28, 2020, \$500.

“(iii) For weeks of unemployment beginning after the last week under clause (ii) and



ending on or before December 31, 2020, an amount (not to exceed \$500) equal to one of the following, as determined by the State for all individuals:

“(I) Subject to subclause (II), an amount equal to—

“(aa) 100 percent of the individual’s average weekly wages; minus

“(bb) the individual’s base amount (determined prior to any reductions or offsets).

“(II) If proposed by the State as an alternative to subclause (I) and approved by the Secretary, an amount that results in the sum of the base amount and the amount of Federal Pandemic Unemployment Compensation under this section being on average equal to 100 percent of lost wages.

“(B) BASE AMOUNT.—For purposes of this paragraph, the term ‘base amount’ means, with respect to an individual, an amount equal to—

“(i) for weeks of unemployment under the pandemic unemployment assistance program under section 2102, the amount determined under subsection (d)(1)(A)(i) or (d)(2) of such section 2102, as applicable; or

“(ii) for all other weeks of unemployment, the amount determined under paragraph (1)(A) of this subsection.

“(C) AVERAGE WEEKLY WAGES.—

“(i) IN GENERAL.—Subject to clause (ii), for purposes of this paragraph, the term ‘average weekly wages’ means, with respect to an individual, the following:

“(I) If the State computes the individual weekly unemployment compensation benefit amount based on an individual’s average weekly wages in a base period, an amount equal to the individual’s average weekly wages used in such computation.

“(II) If the State computes the individual weekly unemployment compensation benefit amount based on high quarter wages or a formula using wages across some but not all quarters in a base period, an amount equal to  $\frac{1}{3}$  of such high quarter wages or average wages of the applicable quarters used in the computation for the individual.

“(III) If the State uses computations other than the computations under subclause (I) or (II) for the individual weekly unemployment compensation benefit amount, or for computations of the weekly benefit amount under the pandemic unemployment assistance program under section 2102, as described in subsection (d)(1)(A)(i) or (d)(2) of such section 2102, for which subclause (I) or (II) do not apply, an amount equal to  $\frac{1}{2}$  of the sum of all base period wages.

“(ii) SPECIAL RULE.—If more than one of the methods of computation under subclauses (I), (II), and (III) of clause (i) are applicable to a State, then such term shall mean the amount determined under the applicable subclause of clause (i) that results in the highest amount of average weekly wages.”

(B) TECHNICAL AMENDMENT REGARDING APPLICATION TO SHORT-TIME COMPENSATION PROGRAMS AND AGREEMENTS.—Section 2104(i)(2) of the Relief for Workers Affected by Coronavirus Act (contained in subtitle A of title II of division A of the CARES Act (Public Law 116-136)) is amended—

(i) in subparagraph (C), by striking “and” at the end;

(ii) in subparagraph (D), by striking the period at the end and inserting “; and”; and

(iii) by adding at the end the following:

“(E) short-time compensation under section 2108 or 2109.”

(2) CONFORMING AMENDMENTS.—

(A) PANDEMIC UNEMPLOYMENT ASSISTANCE.—Section 2102(d) of the Relief for Workers Affected by Coronavirus Act (contained in subtitle A of title II of division A of the CARES Act (Public Law 116-136)) is amended by inserting “with respect to the individual”

after “section 2104” in each of paragraphs (1)(A)(i) and (2).

(B) PANDEMIC EMERGENCY UNEMPLOYMENT COMPENSATION.—Section 2107 of the Relief for Workers Affected by Coronavirus Act (contained in subtitle A of title II of division A of the CARES Act (Public Law 116-136)) is amended—

(i) in subsection (a)(4)(A)(ii), by inserting “with respect to the individual” after “section 2104”; and

(ii) in subsection (b)(2), by inserting “with respect to the individual” after “section 2104”.

(C) CONSISTENT TREATMENT OF EARNINGS AND UNEMPLOYMENT COMPENSATION.—Section 2104(h) of the Relief for Workers Affected by Coronavirus Act (contained in subtitle A of title II of division A of the CARES Act (Public Law 116-136)) is amended by adding at the end the following new sentence: “The preceding sentence shall not apply to any Federal Pandemic Unemployment Compensation paid to an individual with respect to a week of unemployment ending on or after October 5, 2020.”

(d) REQUIREMENT FOR RETURN TO WORK NOTIFICATION AND REPORTING.—Section 2104(b) of the Relief for Workers Affected by Coronavirus Act (contained in subtitle A of title II of division A of the CARES Act (Public Law 116-136)) is amended by adding at the end the following new paragraph:

“(3) Beginning 30 days after the date of enactment of this paragraph, any agreement under this section shall require that the State has in place a process to address refusal to return to work or refusal of suitable work that includes the following:

“(A) Providing a plain-language notice to individuals at the time of applying for benefits regarding State law provisions relating to each of the following:

“(i) Return to work requirements.

“(ii) Rights to refuse to return to work or to refuse suitable work.

“(iii) How to contest the denial of a claim that has been denied due to a claim by an employer that the individual refused to return to work or refused suitable work.

“(B) Providing a plain-language notice to employers through any system used by employers or any regular correspondence sent to employers regarding how to notify the State if an individual refuses to return to work.

“(C) Other items determined appropriate by the Secretary of Labor.”

(e) EFFECTIVE DATE.—The amendments made by this section (other than the amendment made by subsection (d)) shall take effect as if included in the enactment of the Relief for Workers Affected by Coronavirus Act (contained in subtitle A of title II of division A of the CARES Act (Public Law 116-136)).

### SEC. 3. SUPPLEMENTAL EMERGENCY UNEMPLOYMENT RELIEF FOR GOVERNMENT ENTITIES AND NONPROFIT ORGANIZATIONS.

(a) IN GENERAL.—Section 903(i)(1)(B) of the Social Security Act (42 U.S.C. 1103(i)(1)(B)) is amended by striking “one-half” and inserting “75 percent”.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect as if included in the enactment of the Relief for Workers Affected by Coronavirus Act (contained in subtitle A of title II of division A of the CARES Act (Public Law 116-136)).

### SEC. 4. IMPROVEMENTS TO STATE UNEMPLOYMENT SYSTEMS AND STRENGTHENING PROGRAM INTEGRITY.

(a) UNEMPLOYMENT COMPENSATION SYSTEMS.—

(1) IN GENERAL.—Section 303(a) of the Social Security Act (42 U.S.C. 503(a)) is amended—

(A) in the matter preceding paragraph (1), by striking “provision for—” and inserting “provision for each of the following:”; and

(B) at the end of each of paragraphs (1) through (10) and paragraph (11)(B), by striking “; and” and inserting a period; and

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

“(13) The State system shall, in addition to meeting the requirements under section 1137, meet the following requirements:

“(A) The system shall be capable of handling a surge of claims that would represent a twentyfold increase in claims from January 2020 levels, occurring over a one-month period.

“(B) The system shall be capable of—

“(i) adjusting wage replacement levels for individuals receiving unemployment compensation;

“(ii) adjusting weekly earnings disregards, including the ability to adjust such disregards in relation to an individual’s earnings or weekly benefit amount; and

“(iii) providing for wage replacement levels that vary based on the duration of benefit receipt.

“(C) The system shall have in place an automated process for receiving and processing claims for disaster unemployment assistance under section 410(a) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5177(a)), with flexibility to adapt rules regarding individuals eligible for assistance and the amount payable.

“(D) In the case of a State that makes payments of short-time compensation under a short-time compensation program (as defined in section 3306(v) of the Internal Revenue Code of 1986), the system shall have in place an automated process of receiving and processing claims for short-time compensation.

“(E) The system shall have in place an automated process for receiving and processing claims for—

“(i) unemployment compensation for Federal civilian employees under subchapter I of chapter 85 of title 5, United States Code;

“(ii) unemployment compensation for ex-servicemembers under subchapter II of chapter 85 of title 5, United States Code; and

“(iii) trade readjustment allowances under sections 231 through 233 of the Trade Act of 1974 (19 U.S.C. 2291-2293).”

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall apply to weeks of unemployment beginning on or after the earlier of—

(A) the date the State changes its statutes, regulations, or policies in order to comply with such amendment; or

(B) October 1, 2023.

(b) ELECTRONIC TRANSMISSION OF UNEMPLOYMENT COMPENSATION INFORMATION.—Section 303 of the Social Security Act (42 U.S.C. 503) is amended by adding at the end the following new subsection:

“(n) ELECTRONIC TRANSMISSION OF UNEMPLOYMENT COMPENSATION INFORMATION.—

“(1) IN GENERAL.—Not later than October 1, 2022, the State agency charged with administration of the State law shall use a system developed (in consultation with stakeholders) and designated by the Secretary of Labor for automated electronic transmission of requests for information relating to unemployment compensation and the provision of such information between such agency and employers or their agents.

“(2) USE OF APPROPRIATED FUNDS.—The Secretary of Labor may use funds appropriated for grants to States under this title to make payments on behalf of States as the Secretary determines is appropriate for the use of the system described in paragraph (1).

“(3) EMPLOYER PARTICIPATION.—The Secretary of Labor shall work with the State

agency charged with administration of the State law to increase the number of employers using this system and to resolve any technical challenges with the system.

“(4) REPORTS ON USE OF ELECTRONIC SYSTEM.—After the end of each fiscal year, on a date determined by the Secretary, each State shall report to the Secretary information on—

“(A) the proportion of employers using the designated system described in paragraph (1);

“(B) the reasons employers are not using such system; and

“(C) the efforts the State is undertaking to increase employer’s use of such system.

“(5) ENFORCEMENT.—Whenever the Secretary of Labor, after reasonable notice and opportunity for hearing to the State agency charged with the administration of the State law, finds that there is a failure to comply substantially with the requirements of paragraph (1), the Secretary of Labor shall notify such State agency that further payments will not be made to the State until the Secretary of Labor is satisfied that there is no longer any such failure. Until the Secretary of Labor is so satisfied, such Secretary shall make no future certification to the Secretary of the Treasury with respect to the State.”.

(C) UNEMPLOYMENT COMPENSATION INTEGRITY DATA HUB.—

(1) IN GENERAL.—Section 303(a) of the Social Security Act (42 U.S.C. 503(a)), as amended by subsection (a), is amended by adding at the end the following new paragraph:

“(14) The State agency charged with administration of the State law shall use the system designated by the Secretary of Labor for cross-matching claimants of unemployment compensation under State law against any databases in the system to prevent and detect fraud and improper payments.”.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall apply to weeks of unemployment beginning on or after the earlier of—

(A) the date the State changes its statutes, regulations, or policies in order to comply with such amendment; or

(B) October 1, 2022.

(D) REDUCING STATE BURDEN IN PROVIDING DATA TO PREVENT AND DETECT FRAUD.—Section 303 of the Social Security Act (42 U.S.C. 503), as amended by subsection (b), is amended by adding at the end the following new subsection:

“(o) USE OF UNEMPLOYMENT CLAIMS DATA TO PREVENT AND DETECT FRAUD.—The Inspector General of the Department of Labor shall, for the purpose of identifying and investigating fraud in unemployment compensation programs, have direct access to each of the following systems:

“(1) The system designated by the Secretary of Labor for the electronic transmission of requests for information relating to interstate claims for unemployment compensation.

“(2) The system designated by the Secretary of Labor for cross-matching claimants of unemployment compensation under State law against databases to prevent and detect fraud and improper payments (as referred to in subsection (a)(14)).”.

(E) USE OF NATIONAL DIRECTORY OF NEW HIRES IN ADMINISTRATION OF UNEMPLOYMENT COMPENSATION PROGRAMS AND PENALTIES ON NONCOMPLYING EMPLOYERS.—

(1) IN GENERAL.—Section 303 of the Social Security Act (42 U.S.C. 503), as amended by subsections (b) and (d), is amended by adding at the end the following new subsection:

“(p) USE OF NATIONAL DIRECTORY OF NEW HIRES.—

“(1) IN GENERAL.—Not later than October 1, 2022, the State agency charged with administration of the State law shall—

“(A) compare information in the National Directory of New Hires established under section 453(i) against information about individuals claiming unemployment compensation to identify any such individuals who may have become employed, in accordance with any regulations or guidance that the Secretary of Health and Human Services may issue and consistent with the computer matching provisions of the Privacy Act of 1974;

“(B) take timely action to verify whether the individuals identified pursuant to subparagraph (A) are employed; and

“(C) upon verification pursuant to subparagraph (B), take appropriate action to suspend or modify unemployment compensation payments, and to initiate recovery of any improper unemployment compensation payments that have been made.

“(2) ENFORCEMENT.—Whenever the Secretary of Labor, after reasonable notice and opportunity for hearing to the State agency charged with the administration of the State law, finds that there is a failure to comply substantially with the requirements of paragraph (1), the Secretary of Labor shall notify such State agency that further payments will not be made to the State until the Secretary of Labor is satisfied that there is no longer any such failure. Until the Secretary of Labor is so satisfied, such Secretary shall make no future certification to the Secretary of the Treasury with respect to the State.”.

(2) PENALTIES.—

(A) IN GENERAL.—Section 453A(d) of the Social Security Act (42 U.S.C. 653a(d)), in the matter preceding paragraph (1), is amended by striking “have the option to set a State civil money penalty which shall not exceed” and inserting “set a State civil money penalty which shall be no less than”.

(B) EFFECTIVE DATE.—The amendment made by subparagraph (A) shall apply to penalties assessed on or after October 1, 2022.

(F) STATE PERFORMANCE.—

(1) IN GENERAL.—Section 303 of the Social Security Act (42 U.S.C. 503), as amended by subsections (b), (d), and (e), is amended by adding at the end the following new subsection:

“(q) STATE PERFORMANCE.—

“(1) IN GENERAL.—For purposes of assisting States in meeting the requirements of this title, title IX, title XII, or chapter 23 of the Internal Revenue Code of 1986 (commonly referred to as “the Federal Unemployment Tax Act”), the Secretary of Labor may—

“(A) consistent with subsection (a)(1), establish measures of State performance, including criteria for acceptable levels of performance, performance goals, and performance measurement programs;

“(B) consistent with subsection (a)(6), require States to provide to the Secretary of Labor data or other relevant information from time to time concerning the operations of the State or State performance, including the measures, criteria, goals, or programs established under paragraph (1);

“(C) require States with sustained failure to meet acceptable levels of performance or with performance that is substantially below acceptable standards, as determined based on the measures, criteria, goals, or programs established under subparagraph (A), to implement specific corrective actions and use specified amounts of the administrative grants under this title provided to such States to improve performance; and

“(D) based on the data and other information provided under subparagraph (B)—

“(i) to the extent the Secretary of Labor determines funds are available after pro-

viding grants to States under this title for the administration of State laws, recognize and make awards to States for performance improvement, or performance exceeding the criteria or meeting the goals established under subparagraph (A); or

“(ii) to the extent the Secretary of Labor determines funds are available after providing grants to States under this title for the administration of State laws, provide incentive funds to high-performing States based on the measures, criteria, goals, or programs established under subparagraph (A).

“(2) ENFORCEMENT.—Whenever the Secretary of Labor, after reasonable notice and opportunity for hearing to the State agency charged with the administration of the State law, finds that there is a failure to comply substantially with the requirements of paragraph (1), the Secretary of Labor shall notify such State agency that further payments will not be made to the State until the Secretary of Labor is satisfied that there is no longer any such failure. Until the Secretary of Labor is so satisfied, such Secretary shall make no future certification to the Secretary of the Treasury with respect to the State.”.

(2) EFFECTIVE DATE.—The amendments made by this subsection shall take effect on the date of enactment of this Act.

(G) FUNDING.—Out of any money in the Treasury of the United States not otherwise appropriated, there are appropriated to the Secretary of Labor \$2,000,000,000 to assist States in carrying out the amendments made by this section, which may include regional or multi-State efforts. Amounts appropriated under the preceding sentence shall remain available until expended.

#### SEC. 5. FUNDING FOR STATE UNEMPLOYMENT INSURANCE AND EMPLOYMENT SERVICE OPERATIONS.

(a) IN GENERAL.—Out of any money in the Treasury of the United States not otherwise appropriated, in addition to other amounts appropriated, there are appropriated for State unemployment insurance and employment service operations, \$1,504,000,000, to prevent, prepare for, and respond to coronavirus, domestically or internationally, which may be expended from the Employment Security Administration Account in the Unemployment Trust Fund (in this section referred to as the “Trust Fund”).

(b) USE.—Amounts appropriated under subsection (a) shall be available as follows:

(1)(A) Subject to subparagraphs (B) and (C), \$1,115,500,000 from the Trust Fund shall be available for providing grants to States for the administration of State unemployment insurance laws as authorized under title III of the Social Security Act, including grants to upgrade information technology to improve the administration and processing of unemployment compensation claims. Such amounts shall remain available through December 31, 2021.

(B) The Secretary of Labor may distribute amounts under subparagraph (A), with respect to upgrading information technology, based on the condition and needs of the State information technology systems or other appropriate factors, which may include the ratio described under section 903(a)(2)(B) of the Social Security Act (42 U.S.C. 1103(a)(2)(B)).

(C) Grant funds provided to States under this paragraph for upgrading information technology shall be available for obligation by the States through September 30, 2027 and available for expenditure by the States through September 30, 2028.

(2) \$38,500,000 from the Trust Fund shall be available for national activities necessary to support the administration of the Federal-State unemployment insurance system. Such

amounts shall remain available through September 30, 2021.

(3) \$350,000,000 from the Trust Fund shall be available for providing grants to States in accordance with section 6 of the Wagner-Peyser Act. Such amounts shall remain available through June 30, 2021.

#### SEC. 6. EMERGENCY DESIGNATION.

(a) IN GENERAL.—The amounts provided by this Act and the amendments made by this Act are designated as an emergency requirement pursuant to section 4(g) of the Statutory Pay-As-You-Go Act of 2010 (2 U.S.C. 933(g)).

(b) DESIGNATION IN SENATE.—In the Senate, this Act and the amendments made by this Act are designated as an emergency requirement pursuant to section 4112(a) of H. Con. Res. 71 (115th Congress), the concurrent resolution on the budget for fiscal year 2018.

**SA 2539.** Mr. GRAHAM submitted an amendment intended to be proposed to amendment SA 2499 proposed by Mr. MCCONNELL to the bill S. 178, to condemn gross human rights violations of ethnic Turkic Muslims in Xinjiang, and calling for an end to arbitrary detention, torture, and harassment of these communities inside and outside China; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

#### **TITLE —RESTORING CRITICAL SUPPLY CHAINS AND INTELLECTUAL PROPERTY**

##### **SEC. 01. SHORT TITLE.**

This title may be cited as the “Restoring Critical Supply Chains and Intellectual Property Act”.

##### **Subtitle A—U.S. MADE Act**

##### **SEC. 11. SHORT TITLE.**

This subtitle may be cited as the “United States Manufacturing Availability of Domestic Equipment Act” or the “U.S. MADE Act of 2020”.

##### **SEC. 12. DOMESTIC PURCHASING REQUIREMENT FOR PERSONAL PROTECTIVE EQUIPMENT ACQUISITIONS FOR THE STRATEGIC NATIONAL STOCKPILE.**

Section 319F-2(a) of the Public Health Service Act (42 U.S.C. 247d-6b(a)) is amended by adding at the end the following:

“(6) DOMESTIC PROCUREMENT REQUIREMENT FOR PERSONAL PROTECTIVE EQUIPMENT.—

“(A) REQUIREMENT.—Except as provided in subparagraphs (C) and (D), funds appropriated or otherwise available to the Secretary for the Strategic National Stockpile may not be used for the procurement of an item described in subparagraph (B) unless the item was grown, reprocessed, reused, or produced in the United States.

“(B) COVERED ITEMS.—An item described in this subparagraph is an article or item of—

“(i) personal protective equipment and clothing (and the materials and components thereof), other than sensors, electronics, or other items added to, and not normally associated with, such personal protective equipment;

“(ii) sanitizing supplies and ancillary medical supplies such as disinfecting wipes, privacy curtains, beds and bedding, testing swabs, gauze and bandages, tents, tarpaulins, covers, or bags; or

“(iii) any other textile medical supplies and textile equipment described in paragraph (1).

“(C) AVAILABILITY EXCEPTION.—Subparagraph (A) shall not apply to an item described in subparagraph (B)—

“(i) that is, or that includes, a material listed in section 25.104 of the Federal Acquisition Regulation as one for which a non-availability determination has been made;

“(ii) as to which the Secretary determines that a sufficient quantity of a satisfactory quality of such item that is grown, reprocessed, reused, or produced in the United States cannot be procured as, and when, needed; or

“(iii) if, after maximizing to the extent feasible sources consistent with subparagraph (A), the Secretary certifies every 90 days that it is necessary to procure products under this paragraph under expedited procedures to respond to the immediate needs of a public health emergency pursuant to section 319.

“(D) EXCEPTION FOR SMALL PROCUREMENTS.—Subparagraph (A) shall not apply to procurements for amounts that do not exceed \$150,000. A proposed procurement for an amount in excess of \$150,000 may not be divided into several procurements or contracts for lesser amounts in order to qualify for the exception under this subparagraph.

“(E) CONSULTATION.—The Secretary shall consult with the United States Trade Representative on a matter under this subsection that concerns an obligation of the United States under any international trade agreement.

“(F) NOTIFICATION REQUIRED WITHIN 7 DAYS AFTER PROCUREMENT CONTRACT AWARD IF CERTAIN EXCEPTIONS APPLIED.—In the case of any procurement contracts of an item described in subparagraph (B), if the Secretary applies the exception described in subparagraph (C) with respect to that procurement contract, the Secretary shall, not later than 7 days after the awarding of the procurement contract, post a notification that the exception has been applied on the relevant Internet website maintained by the General Services Administration, except for any information that is exempt from mandatory disclosure under section 552 of title 5, United States Code.

“(G) TRAINING DURING FISCAL YEAR 2021.—

“(i) IN GENERAL.—The Secretary shall ensure that each member of the acquisition workforce in the Department of Health and Human Services who participates substantially on a regular basis in procurements related to the maintenance of the Strategic National Stockpile receives training during fiscal year 2021 on the requirements of this paragraph.

“(ii) INCLUSION OF INFORMATION IN NEW TRAINING PROGRAMS.—The Secretary shall ensure that any training program for the acquisition workforce, as described in clause (i), developed or implemented after fiscal year 2021, includes comprehensive information on the requirements described in subparagraph (A).

“(H) EFFECTIVE DATE.—The Secretary shall increase the percentage of contracts by value entered into for products described in subparagraph (B) incrementally to 100 percent as soon as practicable, but in no event later than the end of the 5-year period beginning on the date of enactment of this paragraph. The Secretary shall notify the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Energy and Commerce of the House of Representatives within 60 days of such date of enactment regarding the percentage of products described in subparagraph (B) that meet the requirements of this paragraph.

“(I) REPORT.—Not later than 90 days after the date of enactment of this paragraph, 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 assessing the implementation of this paragraph and the feasibility of applying the requirements of this paragraph to—

“(i) not less than 50 percent of contracts by value entered into for products described in subparagraph (B) by September 30, 2021;

“(ii) not less than 75 percent of contracts by value entered into for products described in subparagraph (B) by March 31, 2022; and

“(iii) not less than 100 percent of contracts by value entered into for products described in subparagraph (B) by a date that is not less than 2 years after the date of enactment of this paragraph.”.

#### **SEC. 13. INVESTMENT CREDIT FOR QUALIFYING MEDICAL PERSONAL PROTECTIVE EQUIPMENT MANUFACTURING PROJECTS.**

(a) IN GENERAL.—Subpart E of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by inserting after section 48C the following new section:

##### **“SEC. 48D. QUALIFYING MEDICAL PERSONAL PROTECTIVE EQUIPMENT MANUFACTURING PROJECT CREDIT.**

“(a) IN GENERAL.—For purposes of section 46, the qualifying medical personal protective equipment manufacturing project credit for any taxable year is an amount equal to 30 percent of the qualified investment for such taxable year with respect to any qualifying medical personal protective equipment manufacturing project of the taxpayer.

“(b) QUALIFIED INVESTMENT.—

“(1) IN GENERAL.—For purposes of subsection (a), the qualified investment for any taxable year is—

“(A) in the case of any eligible property placed in service by the taxpayer during such taxable year, the basis of such property, and

“(B) in the case of any property previously placed in service by the taxpayer during any period before such taxable year which qualifies as eligible property for such taxable year, the adjusted basis of such property (as determined as of the beginning of such taxable year).

“(2) CERTAIN QUALIFIED PROGRESS EXPENDITURES RULES MADE APPLICABLE.—Rules similar to the rules of subsections (c)(4) and (d) of section 46 (as in effect on the day before the enactment of the Revenue Reconciliation Act of 1990) shall apply for purposes of this section.

“(3) LIMITATION.—The amount which is treated as the qualified investment for all taxable years with respect to any qualifying medical personal protective equipment manufacturing project shall not exceed the amount designated by the Secretary as eligible for the credit under this section.

“(c) DEFINITIONS.—

“(1) QUALIFYING MEDICAL PERSONAL PROTECTIVE EQUIPMENT MANUFACTURING PROJECT.—

“(A) IN GENERAL.—The term ‘qualifying medical personal protective equipment manufacturing project’ means a project—

“(i) which re-equips, expands, establishes, or continues a manufacturing facility for the production of—

“(I) any item described in paragraph (6)(B) of section 319F-2(a) of the Public Health Service Act (42 U.S.C. 247d-6b(a)), or

“(II) any textile productions for medical applications which are not described in subclause (I), as identified by the Secretary, in consultation with the Secretary of Health and Human Services, and

“(ii) any portion of the qualified investment of which is certified by the Secretary under subsection (d) as eligible for a credit under this section.

“(B) EXCEPTION.—Subclause (I) of subparagraph (A)(i) shall not include sensors, electronics, or other items added to, and not normally associated with, equipment or clothing described in such subclause.

“(2) ELIGIBLE PROPERTY.—The term ‘eligible property’ means any property—

“(A) which is necessary for the production of property described in paragraph (1)(A)(i),

“(B) which is—

“(i) tangible personal property, or

“(ii) other tangible property (not including a building or its structural components), but only if such property is used as an integral part of the manufacturing facility described in such paragraph,

“(C) with respect to which depreciation (or amortization in lieu of depreciation) is allowable, and

“(D) which is part of a qualifying medical personal protective equipment manufacturing project.

“(d) QUALIFYING MEDICAL PERSONAL PROTECTIVE EQUIPMENT MANUFACTURING PROJECT PROGRAM.—

“(1) ESTABLISHMENT.—

“(A) IN GENERAL.—Not later than 90 days after the date of enactment of this section, the Secretary, in consultation with the Secretary of Health and Human Services, shall establish a qualifying medical personal protective equipment manufacturing project program to consider and award certifications for qualified investments eligible for credits under this section to qualifying medical personal protective equipment manufacturing project sponsors.

“(B) LIMITATION.—The total amount of credits that may be allocated under the program shall not exceed \$7,500,000,000.

“(2) CERTIFICATION.—

“(A) APPLICATION PERIOD.—Each applicant for certification under this paragraph shall submit an application (containing such information as the Secretary may require) during the 1-year period beginning on the date the Secretary establishes the program under paragraph (1).

“(B) TIME TO MEET CRITERIA FOR CERTIFICATION.—Each applicant for certification shall have 1 year from the date of acceptance by the Secretary of the application during which to provide to the Secretary evidence that the requirements of the certification have been met.

“(C) PERIOD OF ISSUANCE.—An applicant which receives a certification shall have 2 years from the date of issuance of the certification in order to place the project in service and if such project is not placed in service by that time period, then the certification shall no longer be valid.

“(3) SELECTION CRITERIA.—In determining which qualifying medical personal protective equipment manufacturing projects to certify under this section, the Secretary shall take into consideration which projects—

“(A) will provide the greatest net increase in job creation (both direct and indirect) within the United States (as defined in section 4612(a)(4)) during the credit period,

“(B) will provide the largest net increase in the amount of medical personal protective equipment for which there is the greatest need for purposes of the Strategic National Stockpile (as described in section 319F-2(a) of the Public Health Service Act (42 U.S.C. 247d-6b(a))),

“(C) have the greatest potential to help achieve medical manufacturing independence for the United States, and

“(D) have the greatest potential to meet current demand or sudden surges in demand for personal protective equipment.

“(4) REVIEW AND REDISTRIBUTION.—

“(A) REVIEW.—Not later than 3 years after the date of enactment of this section, the Secretary shall review the credits allocated under this section as of such date.

“(B) REDISTRIBUTION.—The Secretary may reallocate credits awarded under this section if the Secretary determines that—

“(i) there is an insufficient quantity of qualifying applications for certification pending at the time of the review, or

“(ii) any certification made pursuant to paragraph (2) has been revoked pursuant to

paragraph (2)(B) because the project subject to the certification has been delayed as a result of third party opposition or litigation to the proposed project.

“(C) REALLOCATION.—If the Secretary determines that credits under this section are available for reallocation pursuant to the requirements set forth in paragraph (2), the Secretary is authorized to conduct an additional program for applications for certification.

“(5) DISCLOSURE OF ALLOCATIONS.—The Secretary shall, upon making a certification under this subsection, publicly disclose the identity of the applicant and the amount of the credit with respect to such applicant.

“(e) DENIAL OF DOUBLE BENEFIT.—No credit shall be allowed under any provision of this chapter with respect to any amount taken in account in determining the credit allowed to a taxpayer under this section.”.

(b) CONFORMING AMENDMENTS.—

(1) Section 46 of the Internal Revenue Code of 1986 is amended—

(A) by striking “and” at the end of paragraph (5);

(B) by striking the period at the end of paragraph (6) and inserting “, and”; and

(C) by adding at the end the following:

“(7) the qualifying medical personal protective equipment manufacturing project credit.”.

(2) Section 49(a)(1)(C) of such Code is amended—

(A) by striking “and” at the end of clause (iv);

(B) by striking the period at the end of clause (v) and inserting “, and”; and

(C) by adding at the end the following:

“(vi) the basis of any property which is part of a qualifying medical personal protective equipment manufacturing project under section 48D.”.

(3) Section 50(a)(2)(E) of such Code is amended by striking “or 48C(b)(2)” and inserting “, 48C(b)(2), or 48D(b)(2)”.

(4) The table of sections for subpart E of part IV of subchapter A of chapter 1 of such Code is amended by inserting after the item relating to section 48C the following new item:

“Sec. 48D. Qualifying medical personal protective equipment manufacturing project credit.”.

(c) TREATMENT UNDER BASE EROSION TAX.—Section 59A(b)(1)(B)(ii) of the Internal Revenue Code of 1986 is amended by striking “plus” at the end of subclause (I), by redesignating subclause (II) as subclause (III), and by inserting after subclause (I) the following new subclause:

“(II) the credit allowed under section 38 for the taxable year which is properly allocable to the portion of the investment credit determined under section 46 that is properly allocable to section 48D(a), plus”.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to projects certified after the date of enactment of this Act.

#### SEC. 14. SPECIAL RULES FOR TRANSFERS OF INTANGIBLE PROPERTY RELATING TO MEDICAL PERSONAL PROTECTIVE EQUIPMENT TO UNITED STATES SHAREHOLDERS.

(a) IN GENERAL.—Subpart F of part III of subchapter N of chapter 1 of the Internal Revenue Code of 1986 is amended by adding at the end the following new section:

#### “SEC. 966. TRANSFERS OF INTANGIBLE PROPERTY RELATING TO MEDICAL PERSONAL PROTECTIVE EQUIPMENT TO UNITED STATES SHAREHOLDERS.

“(a) IN GENERAL.—Except as otherwise provided by the Secretary, if a controlled foreign corporation holds qualified intangible property on the date of the enactment of this section and thereafter distributes such prop-

erty to a domestic corporation which is a United States shareholder with respect to such controlled foreign corporation—

“(1) for purposes of part I of subchapter C and any other provision of this title specified by the Secretary, the fair market value of such property on the date of such distribution shall be treated as not exceeding the adjusted basis of such property immediately before such distribution, and

“(2) if any portion of such distribution is not a dividend—

“(A) no gain shall be recognized by such United States shareholder with respect to such distribution, and

“(B) the adjusted basis of such property in the hands of such United States shareholder immediately after such distribution shall be the adjusted basis of such property in the hands of such controlled foreign corporation immediately before such distribution reduced by the amount (if any) of gain not recognized by reason of subparagraph (A) (determined after the application of paragraph (1)).

“(b) QUALIFIED INTANGIBLE PROPERTY.—For purposes of this section, the term ‘qualified intangible property’ means any property described in section 367(d)(4)(A)—

“(1) the principal purpose of which is use in connection with—

“(A) any eligible property, as defined in section 48D(c)(2), or

“(B) any item or product described in subclause (I) or (II) of section 48D(c)(1)(A)(i), or

“(2) substantially all of the income from which is derived in connection with any eligible property (as defined in section 48D(c)(2)) or any item or product described in paragraph (1)(B).

“(c) REGULATIONS AND GUIDANCE.—The Secretary shall prescribe such regulations or other guidance as may be necessary to carry out the purposes of this section, including to prevent abuse by taxpayers related to distributions of qualified intangible property.”.

(b) CONFORMING AMENDMENTS.—

(1) Section 197(f)(2)(B)(i) of the Internal Revenue Code of 1986 is amended by inserting “966(a),” after “731.”.

(2) The table of sections for subpart F of part III of subchapter N of chapter 1 of such Code is amended by adding at the end the following new item:

“Sec. 966. Transfers of intangible property relating to medical personal protective equipment to United States shareholders.”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to distributions made on or after the date of enactment of this Act.

#### Subtitle B—Safeguarding American Innovation

##### SEC. 21. SHORT TITLE.

This subtitle may be cited as the “Safeguarding American Innovation Act”.

##### SEC. 22. DEFINITIONS.

In this subtitle:

(1) FEDERAL SCIENCE AGENCY.—The term “Federal science agency” means any Federal department or agency to which more than \$100,000,000 in research and development funds were appropriated for fiscal year 2020.

(2) RESEARCH AND DEVELOPMENT.—

(A) IN GENERAL.—The term “research and development” means all research activities, both basic and applied, and all development activities.

(B) DEVELOPMENT.—The term “development” means experimental development.

(C) EXPERIMENTAL DEVELOPMENT.—The term “experimental development” means creative and systematic work, drawing upon knowledge gained from research and practical experience, which—

(i) is directed toward the production of new products or processes or improving existing products or processes; and

(ii) like research, will result in gaining additional knowledge.

(D) RESEARCH.—The term “research”—

(i) means a systematic study directed toward fuller scientific knowledge or understanding of the subject studied; and

(ii) includes activities involving the training of individuals in research techniques if such activities—

(I) utilize the same facilities as other research and development activities; and

(II) are not included in the instruction function.

## SEC. 23. FEDERAL RESEARCH SECURITY COUNCIL.

(a) IN GENERAL.—Subtitle V of title 31, United States Code, is amended by adding at the end the following:

### “CHAPTER 79—FEDERAL RESEARCH SECURITY COUNCIL

“Sec.

“7901. Definitions.

“7902. Federal Research Security Council establishment and membership.

“7903. Functions and authorities.

“7904. Strategic plan.

“7905. Annual report.

“7906. Requirements for Executive agencies.

#### “§ 7901. Definitions

“In this chapter:

“(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ‘appropriate congressional committees’ means—

“(A) the Committee on Homeland Security and Governmental Affairs of the Senate;

“(B) the Committee on Commerce, Science, and Transportation of the Senate;

“(C) the Select Committee on Intelligence of the Senate;

“(D) the Committee on Foreign Relations of the Senate;

“(E) the Committee on Armed Services of the Senate;

“(F) the Committee on Health, Education, Labor, and Pensions of the Senate;

“(G) the Committee on Oversight and Reform of the House of Representatives;

“(H) the Committee on Homeland Security of the House of Representatives;

“(I) the Committee on Energy and Commerce of the House of Representatives;

“(J) the Permanent Select Committee on Intelligence of the House of Representatives;

“(K) the Committee on Foreign Affairs of the House of Representatives;

“(L) the Committee on Armed Services of the House of Representatives; and

“(M) the Committee on Education and Labor of the House of Representatives.

“(2) COUNCIL.—The term ‘Council’ means the Federal Research Security Council established under section 7902(a).

“(3) EXECUTIVE AGENCY.—The term ‘Executive agency’ has the meaning given that term in section 105 of title 5.

“(4) FEDERAL RESEARCH SECURITY RISK.—The term ‘Federal research security risk’ means the risk posed by malign state actors and other persons to the security and integrity of research and development conducted using grants awarded by Executive agencies.

“(5) INSIDER.—The term ‘insider’ means any person with authorized access to any United States Government resource, including personnel, facilities, information, research, equipment, networks, or systems.

“(6) INSIDER THREAT.—The term ‘insider threat’ means the threat that an insider will use his or her authorized access (wittingly or unwittingly) to harm the national and economic security of the United States or negatively affect the integrity of a Federal agency’s normal processes, including damaging the United States through espionage, sabotage, unauthorized disclosure of national security information or non-public information, or through the loss or degradation of

departmental resources, capabilities, and functions.

“(7) RESEARCH AND DEVELOPMENT.—

“(A) IN GENERAL.—The term ‘research and development’ means all research activities, both basic and applied, and all development activities.

“(B) DEVELOPMENT.—The term ‘development’ means experimental development.

“(C) EXPERIMENTAL DEVELOPMENT.—The term ‘experimental development’ means creative and systematic work, drawing upon knowledge gained from research and practical experience, which—

“(i) is directed toward the production of new products or processes or improving existing products or processes; and

“(ii) like research, will result in gaining additional knowledge.

“(D) RESEARCH.—The term ‘research’—

(i) means a systematic study directed toward fuller scientific knowledge or understanding of the subject studied; and

(ii) includes activities involving the training of individuals in research techniques if such activities—

(I) utilize the same facilities as other research and development activities; and

(II) are not included in the instruction function.

“(8) UNITED STATES RESEARCH COMMUNITY.—The term ‘United States research community’ means—

“(A) research and development centers of Executive agencies;

“(B) private research and development centers in the United States, including for-profit and nonprofit research institutes;

“(C) research and development centers at institutions of higher education (as defined in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)));

“(D) research and development centers of States, United States territories, Indian tribes, and municipalities;

“(E) government-owned, contractor-operated United States Government research and development centers; and

“(F) any person conducting federally funded research or receiving Federal research grant funding.

#### “§ 7902. Federal Research Security Council establishment and membership

“(a) ESTABLISHMENT.—There is established, in the Office of Management and Budget, a Federal Research Security Council, which shall develop federally funded research and development grant making policy and management guidance to protect the national and economic security interests of the United States.

“(b) MEMBERSHIP.—

“(1) IN GENERAL.—The following agencies shall be represented on the Council:

“(A) The Office of Management and Budget.

“(B) The Office of Science and Technology Policy.

“(C) The Department of Defense.

“(D) The Department of Homeland Security.

“(E) The Office of the Director of National Intelligence, including the National Counterintelligence and Security Center.

“(F) The Department of Justice, including the Federal Bureau of Investigation.

“(G) The Department of Energy.

“(H) The Department of Commerce, including the National Institute of Standards and Technology.

“(I) The Department of Health and Human Services, including the National Institutes of Health.

“(J) The Department of State.

“(K) The Department of Transportation.

“(L) The National Aeronautics and Space Administration.

“(M) The National Science Foundation.

“(N) The Department of Education.

“(O) The Small Business Administration.

“(P) The Council of Inspectors General on Integrity and Efficiency.

“(Q) Other Executive agencies, as determined by the Chairperson of the Council.

“(2) LEAD REPRESENTATIVES.—

“(A) DESIGNATION.—Not later than 45 days after the date of the enactment of this chapter, the head of each agency represented on the Council shall designate a representative of that agency as the lead representative of the agency on the Council.

“(B) FUNCTIONS.—The lead representative of an agency designated under subparagraph (A) shall ensure that appropriate personnel, including leadership and subject matter experts of the agency, are aware of the business of the Council.

“(c) CHAIRPERSON.—

“(1) DESIGNATION.—Not later than 45 days after the date of the enactment of this chapter, the Director of the Office of Management and Budget shall designate a senior-level official from the Office of Management and Budget to serve as the Chairperson of the Council.

“(2) FUNCTIONS.—The Chairperson shall perform functions that include—

“(A) subject to subsection (d), developing a schedule for meetings of the Council;

“(B) designating Executive agencies to be represented on the Council under subsection (b)(1)(Q);

“(C) in consultation with the lead representative of each agency represented on the Council, developing a charter for the Council; and

“(D) not later than 7 days after completion of the charter, submitting the charter to the appropriate congressional committees.

“(3) LEAD SCIENCE ADVISOR.—The Director of the Office of Science and Technology Policy shall be the lead science advisor to the Chairperson for purposes of this chapter.

“(4) LEAD SECURITY ADVISOR.—The Director of the National Counterintelligence and Security Center shall be the lead security advisor to the Chairperson for purposes of this chapter.

“(d) MEETINGS.—The Council shall meet not later than 60 days after the date of the enactment of this chapter and not less frequently than quarterly thereafter.

#### “§ 7903. Functions and authorities

“(a) IN GENERAL.—The Chairperson of the Council shall consider the missions and responsibilities of Council members in determining the lead agencies for Council functions. The Council shall perform the following functions:

“(1) Developing and implementing, across all Executive agencies that award research and development grants, a uniform application process for grants in accordance with subsection (b).

“(2) Developing and implementing a uniform and regular reporting process for identifying persons participating in federally funded research and development or that have access to nonpublic federally funded information, data, research findings, and research and development grant proposals.

“(3) Identifying or developing criteria, in accordance with subsection (c), for sharing and receiving information with respect to Federal research security risks in order to mitigate such risks with—

“(A) members of the United States research community; and

“(B) other persons participating in federally funded research and development.

“(4) Identifying an appropriate Executive agency—

“(A) to accept and protect information submitted by Executive agencies and non-

Federal entities based on the processes established under paragraphs (1) and (2); and

“(B) to facilitate the sharing of information received under subparagraph (A) to support, as necessary and appropriate—

“(i) oversight of federally funded research and development;

“(ii) criminal and civil investigations of misappropriated Federal funds, resources, and information; and

“(iii) counterintelligence investigations.

“(5) Identifying, as appropriate, Executive agencies to provide—

“(A) shared services, such as support for conducting Federal research security risk assessments, activities to mitigate such risks, and oversight and investigations with respect to grants awarded by Executive agencies; and

“(B) common contract solutions to support enhanced information collection and sharing and the verification of the identities of persons participating in federally funded research and development.

“(6) Identifying and issuing guidance, in accordance with subsection (d) and in coordination with the National Insider Threat Task Force established by Executive Order 13587 (50 U.S.C. 3161 note) for developing and implementing insider threat programs for Executive agencies to deter, detect, and mitigate insider threats, including the safeguarding of sensitive information from exploitation, compromise, or other unauthorized disclosure, taking into account risk levels and the distinct needs, missions, and systems of each such agency.

“(7) Identifying and issuing guidance for developing compliance and oversight programs for Executive agencies to ensure that research and development grant recipients accurately report conflicts of interest and conflicts of commitment in accordance with subsection (b)(1). Such programs shall include an assessment of—

“(A) a grantee’s support from foreign sources and affiliations with foreign funding institutions or laboratories; and

“(B) the impact of such support and affiliations on United States national security and economic interests.

“(8) Assessing and making recommendations with respect to whether openly sharing certain types of federally funded research and development is in the economic and national security interests of the United States.

“(9) Identifying and issuing guidance to the United States research community, and other recipients of Federal research and development funding, to ensure that such institutions and recipients adopt existing best practices to reduce the risk of misappropriation of research data.

“(10) Identifying and issuing guidance on additional steps that may be necessary to address Federal research security risks arising in the course of Executive agencies providing shared services and common contract solutions under paragraph (5)(B).

“(11) Engaging with the United States research community in performing the functions described in paragraphs (1), (2), and (3) and with respect to issues relating to Federal research security risks.

“(12) Carrying out such other functions, as determined by the Council, that are necessary to reduce Federal research security risks.

“(b) REQUIREMENTS FOR UNIFORM GRANT APPLICATION PROCESS.—In developing the uniform application process for Federal research and development grants required under subsection (a)(1), the Council shall—

“(1) ensure that the process—

“(A) requires principal investigators, co-principal investigators, and senior personnel

associated with the proposed Federal research or development grant project—

“(i) to disclose biographical information, all affiliations, including any foreign military, foreign government-related organizations, and foreign-funded institutions, and all current and pending support, including from foreign institutions, foreign governments, or foreign laboratories, and all support received from foreign sources; and

“(ii) to certify the accuracy of the required disclosures under penalty of perjury; and

“(B) uses a machine-readable application form to assist in identifying fraud and ensuring the eligibility of applicants;

“(2) design the process—

“(A) to reduce the administrative burden on persons applying for Federal research and development funding; and

“(B) to promote information sharing across the United States research community, while safeguarding sensitive information; and

“(3) complete the process not later than 1 year after the date of the enactment of the Safeguarding American Innovation Act.

“(c) REQUIREMENTS FOR INFORMATION SHARING CRITERIA.—In identifying or developing criteria and procedures for sharing information with respect to Federal research security risks under subsection (a)(3), the Council shall ensure that such criteria address, at a minimum—

“(1) the information to be shared;

“(2) the circumstances under which sharing is mandated or voluntary;

“(3) the circumstances under which it is appropriate for an Executive agency to rely on information made available through such sharing in exercising the responsibilities and authorities of the agency under applicable laws relating to the award of grants;

“(4) the procedures for protecting intellectual capital that may be present in such information; and

“(5) appropriate privacy protections for persons involved in Federal research and development.

“(d) REQUIREMENTS FOR INSIDER THREAT PROGRAM GUIDANCE.—In identifying or developing guidance with respect to insider threat programs under subsection (a)(6), the Council shall ensure that such guidance provides for, at a minimum—

“(1) such programs—

“(A) to deter, detect, and mitigate insider threats; and

“(B) to leverage counterintelligence, security, information assurance, and other relevant functions and resources to identify and counter insider threats; and

“(2) the development of an integrated capability to monitor and audit information for the detection and mitigation of insider threats, including through—

“(A) monitoring user activity on computer networks controlled by Executive agencies;

“(B) providing employees of Executive agencies with awareness training with respect to insider threats and the responsibilities of employees to report such threats;

“(C) gathering information for a centralized analysis, reporting, and response capability; and

“(D) information sharing to aid in tracking the risk individuals may pose while moving across programs and affiliations;

“(3) the development and implementation of policies and procedures under which the insider threat program of an Executive agency accesses, shares, and integrates information and data derived from offices within the agency;

“(4) the designation of senior officials with authority to provide management, accountability, and oversight of the insider threat program of an Executive agency and to make

resource recommendations to the appropriate officials; and

“(5) such additional guidance as is necessary to reflect the distinct needs, missions, and systems of each Executive agency.

“(e) ISSUANCE OF WARNINGS RELATING TO RISKS AND VULNERABILITIES IN INTERNATIONAL SCIENTIFIC COOPERATION.—

“(1) IN GENERAL.—The Council, in conjunction with the lead security advisor under section 7902(c)(4), shall establish a process for informing members of the United States research community and the public, through the issuance of warnings described in paragraph (2), of potential risks and vulnerabilities in international scientific cooperation that may undermine the integrity and security of the United States research community or place at risk any federally funded research and development.

“(2) CONTENT.—A warning described in this paragraph shall include, to the extent the Council considers appropriate, a description of—

“(A) activities by the national government, local governments, research institutions, or universities of a foreign country—

“(i) to exploit, interfere, or undermine research and development by the United States research community; or

“(ii) to misappropriate scientific knowledge resulting from federally funded research and development;

“(B) efforts by strategic competitors to exploit the research enterprise of a foreign country that may place at risk—

“(i) the science and technology of that foreign country; or

“(ii) federally funded research and development; and

“(C) practices within the research enterprise of a foreign country that do not adhere to the United States scientific values of openness, transparency, reciprocity, integrity, and merit-based competition.

“(f) PROGRAM OFFICE AND COMMITTEES.—

The interagency working group established under section 1746 of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116-92) shall be a working group under the Council performing duties authorized under such section and as directed by the Council. The Council shall use any findings or work product, existing or forthcoming, by such working group. The Council may also establish a program office and any committees, working groups, or other constituent bodies the Council deems appropriate, in its sole and unreviewable discretion, to carry out its functions.

“(g) EXCLUSION ORDERS.—To reduce Federal research security risk, the Interagency Suspension and Debarment Committee shall provide quarterly reports to the Council that detail—

“(1) the number of ongoing investigations by Council Members related to Federal research security that may result, or have resulted, in agency pre-notice letters, suspensions, proposed debarments, and debarments;

“(2) Federal agencies’ performance and compliance with interagency suspensions and debarments;

“(3) efforts by the Interagency Suspension and Debarment Committee to mitigate Federal research security risk;

“(4) proposals for developing a unified Federal policy on suspensions and debarments; and

“(5) other current suspension and debarment related issues.

“§ 7904. Strategic plan

“(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this chapter, the Council shall develop a strategic plan for addressing Federal research security risks and for managing such risks, that includes—



“(1) the criteria and processes required under section 7903(a), including a threshold and requirements for sharing relevant information about such risks with all Executive agencies and, as appropriate, with other Federal entities, foreign governments, and non-Federal entities;

“(2) an identification of existing authorities for addressing such risks;

“(3) an identification and promulgation of best practices and procedures, and an identification of available resources, for Executive agencies to assess and mitigate such risks;

“(4) recommendations for any legislative, regulatory, or other policy changes to improve efforts to address such risks;

“(5) recommendations for any legislative, regulatory, or other policy changes to incentivize the adoption of best practices for avoiding and mitigating Federal research security risks by the United States research community and key United States foreign research partners;

“(6) an evaluation of the effect of implementing new policies or procedures on existing Federal grant processes, regulations, and disclosures of conflicts of interest and conflicts of commitment;

“(7) a plan for engaging with Executive agencies, the private sector, and other non-governmental stakeholders to address such risks and share information between Executive agencies, the private sector, and non-governmental stakeholders; and

“(8) a plan for identification, assessment, mitigation, and vetting of Federal research security risks.

“(b) SUBMISSION TO CONGRESS.—Not later than 7 calendar days after completion of the strategic plan required by subsection (a), the Chairperson of the Council shall submit the plan to the appropriate congressional committees.

#### “§ 7905. Annual report

“Not later than December 15 of each year, the Chairperson of the Council shall submit a report to the appropriate congressional committees that describes—

“(1) the activities of the Council during the preceding fiscal year; and

“(2) the progress made toward implementing the strategic plan required under section 7904 after such plan has been submitted to Congress.

#### “§ 7906. Requirements for Executive agencies

“(a) IN GENERAL.—The head of each Executive agency on the Council shall be responsible for—

“(1) assessing Federal research security risks posed by persons participating in federally funded research and development;

“(2) avoiding or mitigating such risks, as appropriate and consistent with the standards, guidelines, requirements, and practices identified by the Council under section 7903(a);

“(3) prioritizing Federal research security risk assessments conducted under paragraph (1) based on the applicability and relevance of the research and development to the national security and economic competitiveness of the United States; and

“(4) ensuring that all agency initiatives impacting Federally funded research grant making policy and management to protect the national and economic security interests of the United States are integrated with the activities of the Council.

“(b) INCLUSIONS.—The responsibility of the head of an Executive agency for assessing Federal research security risk described in subsection (a) includes—

“(1) developing an overall Federal research security risk management strategy and implementation plan and policies and processes to guide and govern Federal research security risk management activities by the Executive agency;

“(2) integrating Federal research security risk management practices throughout the lifecycle of the grant programs of the Executive agency;

“(3) sharing relevant information with other Executive agencies, as determined appropriate by the Council in a manner consistent with section 7903; and

“(4) reporting on the effectiveness of the Federal research security risk management strategy of the Executive agency consistent with guidance issued by the Office of Management and Budget and the Council.”.

(b) CLERICAL AMENDMENT.—The table of chapters at the beginning of title 31, United States Code, is amended by inserting after the item relating to chapter 77 the following new item:

#### “79. Federal Research Security Council ..... 7901.”.

#### SEC. 24. FEDERAL GRANT APPLICATION FRAUD.

(a) IN GENERAL.—Chapter 47 of title 18, United States Code, is amended by adding at the end the following:

##### “§ 1041. Federal grant application fraud

“(a) DEFINITIONS.—In this section:

“(1) FEDERAL AGENCY.—The term ‘Federal agency’ has the meaning given the term ‘agency’ in section 551 of title 5, United States Code.

“(2) FEDERAL GRANT.—The term ‘Federal grant’—

“(A) means a grant awarded by a Federal agency;

“(B) includes a subgrant awarded by a non-Federal entity to carry out a Federal grant program; and

“(C) does not include—

“(i) direct United States Government cash assistance to an individual;

“(ii) a subsidy;

“(iii) a loan;

“(iv) a loan guarantee; or

“(v) insurance.

“(3) FEDERAL GRANT APPLICATION.—The term ‘Federal grant application’ means an application for a Federal grant.

“(4) FOREIGN COMPENSATION.—The term ‘foreign compensation’ means a title, monetary compensation, access to a laboratory or other resource, or other benefit received from—

“(A) a foreign government;

“(B) a foreign government institution; or

“(C) a foreign public enterprise.

“(5) FOREIGN GOVERNMENT.—The term ‘foreign government’ includes a person acting or purporting to act on behalf of—

“(A) a faction, party, department, agency, bureau, subnational administrative entity, or military of a foreign country; or

“(B) a foreign government or a person purporting to act as a foreign government, regardless of whether the United States recognizes the government.

“(6) FOREIGN GOVERNMENT INSTITUTION.—The term ‘foreign government institution’ means a foreign entity owned by, subject to the control of, or subject to regulation by a foreign government.

“(7) FOREIGN PUBLIC ENTERPRISE.—The term ‘foreign public enterprise’ means an enterprise over which a foreign government directly or indirectly exercises a dominant influence.

“(8) LAW ENFORCEMENT AGENCY.—The term ‘law enforcement agency’—

“(A) means a Federal, State, local, or Tribal law enforcement agency; and

“(B) includes—

“(i) the Office of Inspector General of an establishment (as defined in section 12 of the Inspector General Act of 1978 (5 U.S.C. App.)) or a designated Federal entity (as defined in section 8G(a) of the Inspector General Act of 1978 (5 U.S.C. App.)); and

“(ii) the Office of Inspector General, or similar office, of a State or unit of local government.

“(9) OUTSIDE COMPENSATION.—The term ‘outside compensation’ means any compensation, resource, or support regardless of monetary value made available to the applicant in support of or related to any research endeavor, including, but not limited to, a title, research grant, cooperative agreement, contract, institutional award, access to a laboratory, or other resource, including, but not limited to, materials, travel compensation, or work incentives.

“(b) PROHIBITION.—It shall be unlawful for any individual to knowingly—

“(1) prepare or submit a Federal grant application that fails to disclose the receipt of any outside compensation, including foreign compensation, by the individual;

“(2) forge, counterfeit, or otherwise falsify a document for the purpose of obtaining a Federal grant; or

“(3) prepare, submit, or assist in the preparation or submission of a Federal grant application or document in connection with a Federal grant application that—

“(A) contains a false statement;

“(B) contains a material misrepresentation;

“(C) has no basis in law or fact; or

“(D) fails to disclose a material fact.

“(c) EXCEPTION.—Subsection (b) does not apply to an activity—

“(1) carried out in connection with a lawfully authorized investigative, protective, or intelligence activity of—

“(A) a law enforcement agency; or

“(B) a Federal intelligence agency; or

“(2) authorized under chapter 224.

“(d) PENALTY.—Any individual who violates subsection (b)—

“(1) shall be fined in accordance with this title, imprisoned for not more than 5 years, or both; and

“(2) shall be prohibited from receiving a Federal grant during the 5-year period beginning on the date on which a sentence is imposed on the individual under paragraph (1).”.

(b) CLERICAL AMENDMENT.—The table of sections for chapter 47 of title 18, United States Code, is amended by adding at the end the following:

“1041. Federal grant application fraud.”.

#### SEC. 25. RESTRICTING THE ACQUISITION OF GOODS, TECHNOLOGIES, AND SENSITIVE INFORMATION TO CERTAIN ALIENS.

(a) GROUNDS OF INADMISSIBILITY.—Section 212(a)(3)(A)(i) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(3)(A)(i)) is amended to read as follows:

“(i) any activity—

“(I) to violate any law of the United States relating to espionage or sabotage;

“(II) to violate or evade any law prohibiting the export from the United States of goods, technologies, or sensitive information; or

“(III) to acquire export-controlled goods, technologies, or sensitive information (notwithstanding any exclusions for items not normally subject to export controls) if the Secretary of State has determined that the acquisition of those goods, technologies, or sensitive information by a category of aliens that includes such alien would be contrary to an articulable national security (including economic security) interest of the United States.”.

(b) DETERMINING FACTORS.—

(1) IN GENERAL.—In establishing criteria for determining whether an alien is included in a category of aliens that may be inadmissible under section 212(a)(3)(A)(i)(III) of the Immigration and Nationality Act, as amended by subsection (a), officials of the Department of State shall—

(A) seek advice and assistance from officials at the Office of the Director of National Intelligence, the Office of Science and Technology Policy, the Department of Health and Human Services, the Department of Defense, the Department of Homeland Security, the Department of Energy, the Department of Commerce, and other appropriate Federal agencies;

(B) consider factors such as the alien's past or likely employment or cooperation with—

(i) foreign military and security related organizations that are adversarial to the United States;

(ii) foreign institutions involved in the theft of United States research;

(iii) entities involved in export control violations or the theft of intellectual property; and

(iv) a government that seeks to undermine the integrity and security of the United States research community; and

(C) weigh the proportionality of risk for the factors listed in subparagraph (B).

(2) **MACHINE-READABLE DOCUMENTS.**—Not later than 1 year after the date of the enactment of this Act, the Secretary of State shall—

(A) use a machine-readable visa application form; and

(B) make available documents submitted in support of a visa application in a machine readable format to assist in—

(i) identifying fraud;

(ii) conducting lawful law enforcement activities; and

(iii) determining the eligibility of applicants for a visa under the Immigration and Nationality Act (8 U.S.C. 1101 et seq.).

(c) **REPORTING REQUIREMENT.**—Not later than 180 days after the date of the enactment of this Act, and annually thereafter, the Secretary of State, in coordination with the Director of National Intelligence, the Director of the Office of Science and Technology Policy, the Secretary of Homeland Security, the Secretary of Defense, the Secretary of Energy, the Secretary of Commerce, and the heads of other appropriate Federal agencies, shall submit a report to Congress that identifies—

(1) the criteria used to describe the category of aliens to which such section 212(a)(3)(A)(i)(III) may apply; and

(2) the number of individuals determined to be inadmissible under such section 212(a)(3)(A)(i)(III), including the nationality of each such individual.

(d) **CLASSIFICATION OF ANNUAL REPORT.**—Each annual report required under subsection (c) shall be submitted, to the extent practicable, in an unclassified form, but may be accompanied by a classified appendix detailing the criteria used to describe the category of aliens to which such section 212(a)(3)(A)(i)(III) applies if the Secretary of State determines that such action—

(1) is in the national security and economic security interests of the United States; or

(2) is necessary to further the purposes of this subtitle.

(e) **REPORT.**—Not later than 45 days after date of the enactment of this Act, the Secretary of State shall submit a report to the Committee on Homeland Security and Governmental Affairs of the Senate, the Committee on Commerce, Science, and Transportation of the Senate, the Select Committee on Intelligence of the Senate, the Committee on Foreign Relations of the Senate; the Committee on Oversight and Reform of the House of Representatives, the Committee on Homeland Security of the House of Representatives, the Committee on Energy and Commerce of the House of Representatives, the Permanent Select Committee on Intelligence of the House of Representatives, and the Committee on Foreign Affairs of the House of Representatives that—

(1) describes how supplementary documents provided by a visa applicant in support of a visa application are stored and shared by the Department of State with authorized Federal agencies;

(2) identifies the sections of a visa application that are machine-readable and the sections that are not machine-readable;

(3) provides cost estimates, including personnel costs and a cost-benefit analysis for adopting different technologies, including optical character recognition, for—

(A) making every element of a visa application, and documents submitted in support of a visa application, machine-readable; and

(B) ensuring that such system—

(i) protects personally-identifiable information; and

(ii) permits the sharing of visa information with Federal agencies in accordance with existing law; and

(4) includes an estimated timeline for completing the implementation of subsection (b)(2).

#### **SEC. 26. LIMITATIONS ON EDUCATIONAL AND CULTURAL EXCHANGE PROGRAMS.**

Section 102(b)(5) of the Mutual Educational and Cultural Exchange Act of 1961 (22 U.S.C. 2452(b)(5)) is amended by striking the semicolon at the end and inserting the following:

“by developing exchange programs for foreign researchers and scientists, while protecting technologies regulated by export control laws important to the national security and economic interests of the United States, including requiring sponsors—

“(A) to disclose to the Department of State whether an exchange visitor, as a primary part of his or her exchange program, will have released to them controlled technology or technical data regulated by export control laws at sponsor organizations through research activities, lectures, course work, sponsor employees, officers, agents, third parties at which the sponsor places the exchange visitor, volunteers, or other individuals or entities associated with a sponsor's administration of the exchange visitor program;

“(B) to provide a plan to the Department of State that establishes appropriate program safeguards to prevent the unauthorized release of controlled technology or technical data regulated by export control laws at sponsor organizations or through their employees, officers, agents, third parties, volunteers, or other individuals or entities associated with a sponsor's administration of the exchange visitor program; and

“(C) to demonstrate, to the satisfaction of the Secretary of State, that programs that will release controlled technology or technical data to an exchange visitor at the sponsor organization through exchange visitor programs have received appropriate authorization from the Department of State, the Department of Commerce, other cognizant Federal agency before the sponsor releases controlled technology or technical data;”.

#### **SEC. 27. AMENDMENTS TO DISCLOSURES OF FOREIGN GIFTS.**

Section 117 of the Higher Education Act of 1965 (20 U.S.C. 1011f) is amended—

(1) by amending subsection (a) to read as follows:

“(a) **DISCLOSURE REPORT.**—

“(1) **IN GENERAL.**—An institution shall file a disclosure report with the Secretary not later than March 31 occurring after—

“(A) the calendar year in which a foreign source gains ownership of, or control over, the institution; or

“(B) the calendar year in which the institution receives a gift from, or enters into a contract with, a foreign source, the value of which is \$50,000 or more, considered alone or

in combination with all other gifts from or contracts with that foreign source within a calendar year.

“(2) **REVISIONS; UPDATES.**—The Secretary shall permit institutions to revise and update disclosure reports previously filed to ensure accuracy, compliance, and the ability to cure.”;

(2) by amending subsection (b) to read as follows:

“(b) **CONTENTS OF REPORT.**—Each report to the Secretary required by this section shall contain the following:

“(1) For gifts received from or contracts entered into with a foreign source other than a foreign government, the aggregate dollar amount of such gifts and contracts attributable to a particular country and the legal or formal name of the foreign source. The country to which a gift is attributable is the country of citizenship, or if unknown, the principal residence for a foreign source who is a natural person, and the country of incorporation, or if unknown, the principal place of business, for a foreign source which is a legal entity.

“(2) For gifts received from or contracts entered into with a foreign government, the aggregate amount of such gifts and contracts received from each foreign government.

“(3) In the case of an institution which is owned or controlled by a foreign source, the identity of the foreign source, the date on which the foreign source assumed ownership or control, and any changes in program or structure resulting from the change in ownership or control.

“(4) An assurance that the institution will maintain true copies of gift and contract agreements subject to the disclosure requirements under this section for at least the duration of the agreement.

“(5) An assurance that the institution will produce true copies of gift and contract agreements subject to the disclosure requirements under this section upon request of the Secretary during a compliance audit or other institutional investigation.”;

(3) by amending subsection (e) to read as follows:

“(e) **PUBLIC INSPECTION.**—Not later than 30 days after receiving a disclosure report under this section, the Secretary shall make such report electronically available to the public for downloading on a searchable database under which institutions can be individually identified and compared.”;

(4) in subsection (f), by adding at the end the following:

“(3) **FINES.**—

“(A) **IN GENERAL.**—The Secretary may impose a fine on any institution that repeatedly fails to file a disclosure report for a receipt of a gift from or contract with a foreign source in accordance with subsection (a) in an amount that is not more than 3 times the amount of the gift or contract with the foreign source.

“(B) **DEFINITION OF REPEATEDLY FAILS.**—In this paragraph, the term ‘repeatedly fails’ means that the institution failed to file a disclosure report for a receipt of a gift from or contract with a foreign source in 3 consecutive years.”;

(5) by amending subsection (g) to read as follows:

“(g) **RULEMAKING.**—

“(1) **IN GENERAL.**—Not later than 1 year after the date of enactment of the Safeguarding American Innovation Act, the Secretary shall issue regulations to carry out this section using the negotiated rulemaking procedure set forth in section 492(b).

“(2) **ELEMENTS.**—Regulations issued pursuant to paragraph (1) shall—

“(A) incorporate instructions for—

“(i) reporting structured gifts and contracts; and

“(ii) reporting contracts that balances the need for transparency, while protecting the proprietary information of institutes of higher education; and

“(B) clarify the definition of ‘subunit’, for purposes of subsection (i)(4)(C).”;

(6) by redesignating subsection (h) as subsection (i);

(7) by inserting after subsection (g) the following:

“(h) TREATMENT OF TUITION PAYMENT.—A tuition and related fees and expenses payment to an institution by, or a scholarship from, a foreign source made on behalf of a student enrolled at such institution shall not be considered a gift from or contract with a foreign source under this section.”; and

(8) in subsection (i), as redesignated—

(A) in paragraph (3), by striking “or property” and inserting “, property, human resources, or staff, including staff salaries”; and

(B) in paragraph (5)(B), by inserting “institutes, instructional programs,” after “centers,”.

### **Subtitle C—CHIPS for America Act (Creating Helpful Incentives to Produce Semiconductors for America)**

#### **SEC. 31. SEMICONDUCTOR INCENTIVE GRANTS.**

(a) DEFINITIONS.—In this section—

(1) the term “appropriate committees of Congress” means—

(A) the Select Committee on Intelligence, the Committee on Commerce, Science, and Transportation, the Committee on Foreign Relations, the Committee on Armed Services, the Committee on Appropriations, the Committee on Banking, Housing, and Urban Affairs, and the Committee on Homeland Security and Governmental Affairs of the Senate; and

(B) the Permanent Select Committee on Intelligence, the Committee on Energy and Commerce, the Committee on Foreign Affairs, the Committee on Armed Services, the Committee on Science, Space, and Technology, the Committee on Appropriations, the Committee on Financial Services, and the Committee on Homeland Security of the House of Representatives;

(2) the term “covered entity” means a private entity, a consortium of private entities, or a consortium of public and private entities with a demonstrated ability to construct, expand, or modernize a facility relating to the fabrication, assembly, testing, advanced packaging, or advanced research and development of semiconductors;

(3) the term “covered incentive”—

(A) means an incentive offered by a governmental entity to a covered entity for the purposes of constructing within the jurisdiction of the governmental entity, or expanding or modernizing an existing facility within that jurisdiction, a facility described in paragraph (2); and

(B) includes any tax incentive (such as an incentive or reduction with respect to employment or payroll taxes or a tax abatement with respect to personal or real property), a workforce-related incentive (including a grant agreement relating to workforce training or vocational education), any concession with respect to real property, funding for research and development with respect to semiconductors, and any other incentive determined appropriate by the Secretary, in consultation with the Secretary of State;

(4) the term “foreign adversary” means any foreign government or foreign non-government person that is engaged in a long-term pattern, or is involved in a serious instance, of conduct that is significantly adverse to—

(A) the national security of the United States or an ally of the United States; or

(B) the security and safety of United States persons;

(5) the term “governmental entity” means a State or local government;

(6) the term “Secretary” means the Secretary of Commerce; and

(7) the term “semiconductor” has the meaning given the term by the Secretary.

(b) GRANT PROGRAM.—

(1) IN GENERAL.—The Secretary shall establish in the Department of Commerce a program that, in accordance with the requirements of this section, provides grants to covered entities.

(2) PROCEDURE.—

(A) IN GENERAL.—A covered entity shall submit to the Secretary an application that describes the project for which the covered entity is seeking a grant under this section.

(B) ELIGIBILITY.—In order for a covered entity to qualify for a grant under this section, the covered entity shall demonstrate to the Secretary, in the application submitted by the covered entity under subparagraph (A), that—

(i) the covered entity has a documented interest in constructing, expanding, or modernizing a facility described in subsection (a)(2); and

(ii) with respect to the project described in clause (i), the covered entity has—

(I) been offered a covered incentive;

(II) made commitments to worker and community investment, including through—

(aa) training and education benefits paid by the covered entity; and

(bb) programs to expand employment opportunity for economically disadvantaged individuals; and

(III) secured commitments from regional educational and training entities and institutions of higher education to provide workforce training, including programming for training and job placement of economically disadvantaged individuals.

(C) CONSIDERATIONS FOR REVIEW.—With respect to the review by the Secretary of an application submitted by a covered entity under subparagraph (A)—

(i) the Secretary may not approve the application unless the Secretary—

(I) confirms that the covered entity has satisfied the eligibility criteria under subparagraph (B); and

(II) determines that the project to which the application relates is in the interest of the United States; and

(ii) the Secretary may consider whether—

(I) the covered entity has previously received a grant made under this subsection; and

(II) the governmental entity offering the applicable covered incentive has benefitted from a grant previously made under this subsection.

(3) AMOUNT.—The amount of a grant made by the Secretary to a covered entity under this subsection shall be in an amount that is not more than \$3,000,000,000.

(4) USE OF FUNDS.—A covered entity that receives a grant under this subsection may only use the grant amounts to—

(A) finance the construction, expansion, or modernization of a facility described in subsection (a)(2), as documented in the application submitted by the covered entity under paragraph (2)(A), or for similar uses in state of practice and legacy facilities, as determined necessary by the Secretary for purposes relating to the national security and economic competitiveness of the United States;

(B) support workforce development for the facility described in subparagraph (A); or

(C) support site development for the facility described in subparagraph (A).

(5) CLAWBACK.—The Secretary shall recover the full amount of a grant provided to a covered entity under this subsection if—

(A) as of the date that is 5 years after the date on which the Secretary makes the grant, the project to which the grant relates has not been completed, except that the Secretary may issue a waiver with respect to the requirement under this subparagraph if the Secretary determines that issuing such a waiver is appropriate and in the interests of the United States; or

(B) during the applicable term with respect to the grant, the covered entity engages in any joint research or technology licensing effort—

(i) with the Government of the People's Republic of China, the Government of the Russian Federation, the Government of Iran, the Government of North Korea, or another foreign adversary; and

(ii) that relates to a sensitive technology or product, as determined by the Secretary.

(c) CONSULTATION AND COORDINATION REQUIRED.—In carrying out the program established under subsection (b), the Secretary shall consult and coordinate with the Secretary of State and the Secretary of Defense.

(d) GAO REVIEWS.—The Comptroller General of the United States shall—

(1) not later than 2 years after the date of enactment of this Act, and biennially thereafter until the date that is 10 years after that date of enactment, conduct a review of the program established under subsection (b), which shall include, at a minimum—

(A) a determination of the number of instances in which grants were provided under that subsection during the period covered by the review in violation of a requirement of this section;

(B) an evaluation of how—

(i) the program is being carried out, including how recipients of grants are being selected under the program; and

(ii) other Federal programs are leveraged for manufacturing, research, and training to complement the grants awarded under the program; and

(C) a description of the outcomes of projects supported by grants made under the program, including a description of—

(i) facilities described in subsection (a)(2) that were constructed, expanded, or modernized as a result of grants made under the program;

(ii) research and development carried out with grants made under the program; and

(iii) workforce training programs carried out with grants made under the program, including efforts to hire individuals from disadvantaged populations; and

(2) submit to the appropriate committees of Congress the results of each review conducted under paragraph (1).

#### **SEC. 32. DEPARTMENT OF DEFENSE.**

(a) DEPARTMENT OF DEFENSE EFFORTS.—

(1) IN GENERAL.—The Secretary of Defense shall, in consultation with the Secretary of Commerce, the Secretary of Homeland Security, and the Director of National Intelligence, work with the private sector through a public-private partnership, including by incentivizing the formation of a consortium of United States companies, to ensure the development and production of advanced, measurably secure microelectronics for use by the Department of Defense, the intelligence community, critical infrastructure sectors, and other national security applications. Such work may include providing incentives for the creation, expansion, or modernization of one or more commercially competitive and sustainable microelectronics manufacturing or advanced research and development facilities.

(2) **RISK MITIGATION REQUIREMENTS.**—A participant in a consortium formed with incentives under paragraph (1) shall—

(A) have the potential to perform fabrication, assembly, package, or test functions for microelectronics deemed critical to national security as defined by export control regulatory agencies in consultation with the National Security Adviser and the Secretary of Defense;

(B) include management processes to identify and mitigate supply chain security risks; and

(C) be able to produce microelectronics consistent with applicable measurably secure supply chain and operational security standards established under section 224(b) of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116-92).

(3) **NATIONAL SECURITY CONSIDERATIONS.**—The Secretary of Defense and the Director of National Intelligence shall select participants for the consortium formed with incentives under paragraph (1). In selecting such participants, the Secretary and the Director may jointly consider whether the United States companies—

(A) have participated in previous programs and projects of the Department of Defense, Department of Energy, or the intelligence community, including—

(i) the Trusted Integrated Circuit program of the Intelligence Advanced Research Projects Activity;

(ii) trusted and assured microelectronics projects, as administered by the Department of Defense;

(iii) the Electronics Resurgence Initiative (ERI) program of the Defense Advanced Research Projects Agency; or

(iv) relevant semiconductor research programs of Advanced Research Projects Agency-Energy;

(B) have demonstrated an ongoing commitment to performing contracts for the Department of Defense and the intelligence community;

(C) are approved by the Defense Counterintelligence and Security Agency or the Office of the Director of National Intelligence as presenting an acceptable security risk, taking into account supply chain assurance vulnerabilities, counterintelligence risks, and any risks presented by companies whose owners are located outside the United States; and

(D) are evaluated periodically for foreign ownership, control, or influence by foreign adversaries.

(4) **NONTRADITIONAL DEFENSE CONTRACTORS AND COMMERCIAL ENTITIES.**—Arrangements entered into to carry out paragraph (1) shall be in such form as the Secretary of Defense determines appropriate to encourage industry participation of nontraditional defense contractors or commercial entities and may include a contract, a grant, a cooperative agreement, a commercial agreement, the use of other transaction authority under section 2371 of title 10, United States Code, or another such arrangement.

(5) **DISCHARGE.**—The Secretary of Defense shall carry out paragraph (1) jointly through the Office of the Under Secretary of Defense for Research and Engineering and the Office of the Under Secretary of Defense for Acquisition and Sustainment, or such other component of the Department of Defense as the Secretary considers appropriate.

(6) **OTHER INITIATIVES.**—The Secretary of Defense shall dedicate initiatives within the Department of Defense to advance radio frequency, mixed signal, radiation tolerant, and radiation hardened microelectronics that support national security and dual-use applications.

(7) **REPORTS.**—

(A) **REPORT BY SECRETARY OF DEFENSE.**—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report on the plans of the Secretary to carry out paragraph (1).

(B) **BIENNIAL REPORTS BY COMPTROLLER GENERAL OF THE UNITED STATES.**—Not later than 1 year after the date on which the Secretary submits the report required by subparagraph (A) and not less frequently than once every 2 years thereafter for a period of 10 years, the Comptroller General of the United States shall submit to Congress a report on the activities carried out under this subsection.

(b) **DEFENSE PRODUCTION ACT OF 1950 EFFORTS.**—

(1) **IN GENERAL.**—Not later than 120 days after the date of the enactment of this Act, the President shall submit to Congress a report on a plan for use by the Department of Defense of authorities available in title III of the Defense Production Act of 1950 (50 U.S.C. 4531 et seq.) to establish and enhance a domestic production capability for microelectronics technologies and related technologies, subject to the availability of appropriations for that purpose.

(2) **CONSULTATION.**—The President shall develop the plan required by paragraph (1) in coordination with the Secretary of Defense, and in consultation with the Secretary of State, the Secretary of Commerce, and appropriate stakeholders in the private sector.

(c) **DEPARTMENT OF DEFENSE REQUIREMENTS FOR SOURCING FROM DOMESTIC MICROELECTRONICS DESIGN AND FOUNDRY SERVICES.**—

(1) **REQUIREMENTS REQUIRED.**—Not later than 1 year after the date of the enactment of this Act, the Secretary of Defense, in coordination with the Secretary of Energy, the Secretary of Homeland Security, and the Director of National Intelligence, shall establish requirements, standards, and a timeline for enforcement of such requirements, to the extent possible, for domestic sourcing for microelectronics design and foundry services, and for commercial microelectronics products, by programs, contractors, subcontractors, and other recipients of funding from the Department of Defense, Department of Energy, Department of Homeland Security, and the Director of National Intelligence.

(2) **PROCESSES FOR WAIVERS.**—The requirements established under paragraph (1) shall include processes to permit waivers for specific contracts or transactions for domestic sourcing requirements based on cost, availability, severity of technical and mission requirements, emergency requirements and operational needs, other legal or international treaty obligations, or other factors.

(3) **UPDATES.**—Not less frequently than once each year, the Secretary shall—

(A) update the requirements and timelines established under paragraph (1) and the processes under paragraph (2); and

(B) submit to Congress a report on the updates made under subparagraph (A).

### **SEC. 33. DEPARTMENT OF COMMERCE STUDY ON STATUS OF MICROELECTRONICS TECHNOLOGIES IN THE UNITED STATES INDUSTRIAL BASE.**

(a) **IN GENERAL.**—Commencing not later than 120 days after the date of the enactment of this Act, the Secretary of Commerce and the Secretary of Homeland Security, in consultation with the Secretary of Defense and the heads of other appropriate Federal departments and agencies, shall undertake a review, which shall include a survey, using authorities in section 705 of the Defense Production Act (50 U.S.C. 4555), to assess the capabilities of the United States industrial base to support the national defense in light of the global nature of the supply chain and

significant interdependencies between the United States industrial base and the industrial base of foreign countries with respect to the manufacture, design, and end use of microelectronics.

(b) **RESPONSE TO SURVEY.**—The Secretary shall ensure compliance with the survey from among all relevant potential respondents, including the following:

(1) Corporations, partnerships, associations, or any other organized groups domiciled and with substantial operations in the United States.

(2) Corporations, partnerships, associations, or any other organized groups domiciled in the United States with operations outside the United States.

(3) Foreign domiciled corporations, partnerships, associations, or any other organized groups with substantial operations or business presence in, or substantial revenues derived from, the United States.

(4) Foreign domiciled corporations, partnerships, associations, or any other organized groups in defense treaty or assistance countries where the production of the entity concerned involves critical technologies covered by section 2.

(c) **INFORMATION REQUESTED.**—The information sought from a responding entity pursuant to the survey required by subsection (a) shall include, at minimum, information on the following with respect to the manufacture, design, or end use of microelectronics by such entity:

(1) An identification of the geographic scope of operations.

(2) Information on relevant cost structures.

(3) An identification of types of microelectronics development, manufacture, assembly, test, and packaging equipment in operation at such entity.

(4) An identification of all relevant intellectual property, raw materials, and semi-finished goods and components sourced domestically and abroad by such entity.

(5) Specifications of the microelectronics manufactured or designed by such entity, descriptions of the end-uses of such microelectronics, and a description of any technical support provided to end-users of such microelectronics by such entity.

(6) Information on domestic and export market sales by such entity.

(7) Information on the financial performance, including income and expenditures, of such entity.

(8) A list of all foreign and domestic subsidies, and any other financial incentives, received by such entity in each market in which such entity operates.

(9) A list of information requests from the People's Republic of China to such entity, and a description of the nature of each request and the type of information provided.

(10) Information on any joint ventures, technology licensing agreements, and cooperative research or production arrangements of such entity.

(11) A description of efforts by such entity to evaluate and control supply chain risks it faces.

(12) A list and description of any sales, licensing agreements, or partnerships between such entity and the People's Liberation Army or People's Armed Police, including any business relationships with entities through which such sales, licensing agreements, or partnerships may occur.

(d) **REPORT.**—

(1) **IN GENERAL.**—The Secretary of Commerce shall, in consultation with the Secretary of Defense, the Secretary of Homeland Security, and the heads of other appropriate Federal departments and agencies, submit to

Congress a report on the results of the review required by subsection (a). The report shall include the following:

(A) An assessment of the results of the survey.

(B) A list of critical technology areas impacted by potential disruptions in production of microelectronics, and a detailed description and assessment of the impact of such potential disruptions on such areas.

(C) A description and assessment of gaps and vulnerabilities in the microelectronics supply chain and the national industrial supply base.

(2) FORM.—The report required by paragraph (1) may be submitted in classified form.

**SEC. 34. FUNDING FOR DEVELOPMENT AND ADOPTION OF MEASURABLY SECURE MICROELECTRONICS AND MEASURABLY SECURE MICROELECTRONICS SUPPLY CHAINS.**

(a) MULTILATERAL MICROELECTRONICS SECURITY FUND.—

(1) ESTABLISHMENT OF FUND.—There is established in the Treasury of the United States a trust fund, to be known as the “Multilateral Microelectronics Security Fund” (in this section referred to as the “Fund”), consisting of such amounts as may be appropriated to such Fund and any amounts that may be credited to the Fund under paragraph (2).

(2) INVESTMENT OF AMOUNTS.—

(A) INVESTMENT OF AMOUNTS.—The Secretary of the Treasury shall invest such portion of the Fund as is not required to meet current withdrawals in interest-bearing obligations of the United States or in obligations guaranteed as to both principal and interest by the United States.

(B) INTEREST AND PROCEEDS.—The interest on, and the proceeds from the sale or redemption of, any obligations held in the Fund shall be credited to and form a part of the Fund.

(3) USE OF FUND.—

(A) IN GENERAL.—Subject to subparagraph (B), amounts in the Fund shall be available, as provided in advance in an appropriations Act, to the Secretary of State—

(i) to provide funding through the common funding mechanism described in subsection (b)(1) to support the development and adoption of measurably secure microelectronics and measurably secure microelectronics supply chains; and

(ii) to otherwise carry out this section.

(B) AVAILABILITY CONTINGENT ON INTERNATIONAL AGREEMENT.—Amounts in the Fund shall be available to the Secretary of State on and after the date on which the Secretary enters into an agreement with the governments of countries that are partners of the United States to participate in the common funding mechanism under paragraph (1) of subsection (b) and the commitments described in paragraph (2) of that subsection.

(4) AVAILABILITY OF AMOUNTS.—

(A) IN GENERAL.—Amounts in the Fund shall remain available through the end of the tenth fiscal year beginning after the date of the enactment of this Act.

(B) REMAINDER TO TREASURY.—Any amounts remaining in the Fund after the end of the fiscal year described in subparagraph (A) shall be deposited in the general fund of the Treasury.

(b) COMMON FUNDING MECHANISM FOR DEVELOPMENT AND ADOPTION OF MEASURABLY SECURE MICROELECTRONICS AND MEASURABLY SECURE MICROELECTRONICS SUPPLY CHAINS.—

(1) IN GENERAL.—The Secretary of State, in consultation with the Secretary of Commerce, the Secretary of Defense, the Secretary of Homeland Security, the Secretary of the Treasury, and the Director of National Intelligence, shall seek to establish a com-

mon funding mechanism, in coordination with the governments of countries that are partners of the United States, that uses amounts from the Fund, and amounts committed by such governments, to support the development and adoption of secure microelectronics and secure microelectronics supply chains, including for use in research and development collaborations among countries participating in the common funding mechanism.

(2) MUTUAL COMMITMENTS.—The Secretary of State, in consultation with the United States Trade Representative, the Secretary of the Treasury, and the Secretary of Commerce, shall seek to negotiate a set of mutual commitments with the governments of countries that are partners of the United States upon which to condition any expenditure of funds pursuant to the common funding mechanism described in paragraph (1). Such commitments shall, at a minimum—

(A) establish transparency requirements for any subsidies or other financial benefits (including revenue foregone) provided to microelectronics firms located in or outside such countries;

(B) establish consistent policies with respect to countries that—

(i) are not participating in the common funding mechanism; and

(ii) do not meet transparency requirements established under subparagraph (A);

(C) promote harmonized treatment of microelectronics and verification processes for items being exported to a country considered a national security risk by a country participating in the common funding mechanism;

(D) establish consistent policies and common external policies to address nonmarket economies as the behavior of such countries pertains to microelectronics;

(E) align policies on supply chain integrity and microelectronics security, including with respect to protection and enforcement of intellectual property rights; and

(F) promote harmonized foreign direct investment screening measures with respect to microelectronics to align with national and multilateral security priorities.

(c) ANNUAL REPORT TO CONGRESS.—Not later than one year after the date of the enactment of this Act, and annually thereafter for each fiscal year during which amounts in the Fund are available under subsection (a)(4), the Secretary of State shall submit to Congress a report on the status of the implementation of this section that includes a description of—

(1) any commitments made by the governments of countries that are partners of the United States to providing funding for the common funding mechanism described in subsection (b)(1) and the specific amount so committed;

(2) the criteria established for expenditure of funds through the common funding mechanism;

(3) how, and to whom, amounts have been expended from the Fund;

(4) amounts remaining in the Fund;

(5) the progress of the Secretary of State toward entering into an agreement with the governments of countries that are partners of the United States to participate in the common funding mechanism and the commitments described in subsection (b)(2); and

(6) any additional authorities needed to enhance the effectiveness of the Fund in achieving the security goals of the United States.

**SEC. 35. ADVANCED SEMICONDUCTOR RESEARCH AND DESIGN.**

(a) APPROPRIATE COMMITTEES OF CONGRESS.—In this section, the term “appropriate committees of Congress” means—

(1) the Committee on Intelligence, the Committee on Commerce, Science, and Transportation, the Committee on Foreign Relations, the Committee on Armed Services, the Committee on Energy and Natural Resources, the Committee on Appropriations, the Committee on Banking, Housing, and Urban Affairs, and the Committee on Homeland Security and Governmental Affairs of the Senate; and

(2) the Permanent Select Committee on Intelligence, the Committee on Energy and Commerce, the Committee on Foreign Affairs, the Committee on Armed Services, the Committee on Science, Space, and Technology, the Committee on Financial Services, and the Committee on Homeland Security of the House of Representatives.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the leadership of the United States in semiconductor technology and innovation is critical to the economic growth and national security of the United States.

(c) SUBCOMMITTEE ON SEMICONDUCTOR LEADERSHIP.—

(1) ESTABLISHMENT REQUIRED.—The President shall establish in the National Science and Technology Council a subcommittee on matters relating to leadership of the United States in semiconductor technology and innovation.

(2) DUTIES.—The duties of the subcommittee established under paragraph (1) are as follows:

(A) NATIONAL STRATEGY ON SEMICONDUCTOR RESEARCH.—

(i) DEVELOPMENT.—In coordination with the Secretary of Defense, the Secretary of Energy, the Secretary of State, the Secretary of Commerce, the Secretary of Homeland Security, the Director of the National Science Foundation, and the Director of the National Institute of Standards and Technology and in consultation with the semiconductor industry and academia, develop a national strategy on semiconductor research, development, manufacturing, and supply chain security, including guidance for the funding of research, and strengthening of the domestic microelectronics workforce.

(ii) REPORTING AND UPDATES.—Not less frequently than once every 5 years, to update the strategy developed under clause (i) and to submit the revised strategy to the appropriate committees of Congress.

(iii) IMPLEMENTATION.—In coordination with the Secretary of Defense, the Secretary of Energy, the Secretary of State, the Secretary of Commerce, the Secretary of Homeland Security, the Director of the National Science Foundation, and the Director of the National Institute of Standards and Technology, on an annual basis coordinate and recommend each agency’s semiconductor related research and development programs and budgets to ensure consistency with the National Semiconductor Strategy.

(B) FOSTERING COORDINATION OF RESEARCH AND DEVELOPMENT.—To foster the coordination of semiconductor research and development.

(3) SUNSET.—The subcommittee established under paragraph (1) shall terminate on the date that is 10 years after the date of enactment of this Act.

(d) INDUSTRIAL ADVISORY COMMITTEE.—The President shall establish a standing subcommittee of the President’s Council of Advisors on Science and Technology to advise the United States Government on matters relating to microelectronics policy.

(e) NATIONAL SEMICONDUCTOR TECHNOLOGY CENTER.—

(1) **ESTABLISHMENT.**—The Secretary of Commerce shall establish a national semiconductor technology center to conduct research and prototyping of advanced semiconductor technology to strengthen the economic competitiveness and security of the domestic supply chain, which will be operated as a public private-sector consortium with participation from the private sector, the Department of Defense, the Department of Energy, the Department of Homeland Security, the National Science Foundation, and the National Institute of Standards and Technology.

(2) **FUNCTIONS.**—The functions of the center established under paragraph (1) shall be as follows:

(A) To conduct advanced semiconductor manufacturing, design research and prototyping that strengthens the entire domestic ecosystem and is aligned with the National Strategy on Semiconductor Research.

(B) To establish a National Advanced Packaging Manufacturing Program led by the National Institute of Standards and Technology, in coordination with the Center, to strengthen semiconductor advanced test, assembly, and packaging capability in the domestic ecosystem, and which shall coordinate with the Manufacturing USA institute established under paragraph (4).

(C) To establish an investment fund, in partnership with the private sector, to support startups in the domestic semiconductor ecosystem.

(D) To establish a Semiconductor Manufacturing Program through the Director of the National Institute of Standards and Technology to enable advances and breakthroughs in measurement science, standards, material characterization, instrumentation, testing, and manufacturing capabilities that will accelerate the underlying research and development for metrology of next generation semiconductors and ensure the competitiveness and leadership of the United States within this sector.

(E) To work with the Secretary of Labor, the private sector, educational institutions, and workforce training entities to develop workforce training programs and apprenticeships in advanced microelectronic packaging capabilities.

(3) **COMPONENTS.**—The fund established under paragraph (2)(C) shall cover the following:

(A) Advanced metrology and characterization for manufacturing of microchips using 3 nanometer transistor processes or more advanced processes.

(B) Metrology for security and supply chain verification.

(4) **CREATION OF A MANUFACTURING USA INSTITUTE.**—The fund established under paragraph (2)(C) may also cover the creation of a Manufacturing USA institute described in section 34(d) of the National Institute of Standards and Technology Act (15 U.S.C. 278s(d)) that is focused on semiconductor manufacturing. Such institute may emphasize the following:

(A) Research to support the virtualization and automation of maintenance of semiconductor machinery.

(B) Development of new advanced test, assembly and packaging capabilities.

(C) Developing and deploying educational and skills training curricula needed to support the industry sector and ensure the U.S. can build and maintain a trusted and predictable talent pipeline.

(f) **DOMESTIC PRODUCTION REQUIREMENTS.**—The head of any executive agency receiving funding under this section shall develop policies to require domestic production, to the extent possible, for any intellectual property resulting from microelectronics research and development conducted as a result of these

funds and domestic control requirements to protect any such intellectual property from foreign adversaries.

#### **SEC. 36. PROHIBITION RELATING TO FOREIGN ADVERSARIES.**

None of the funds appropriated pursuant to an authorization in this subtitle may be provided to an entity—

(1) under the foreign ownership, control, or influence of the Government of the People's Republic of China or the Chinese Communist Party, or other foreign adversary (as defined in section 301(a)(4)); or

(2) determined to have beneficial ownership from foreign individuals subject to the jurisdiction, direction, or influence of foreign adversaries (as so defined).

#### **Subtitle D—Critical Minerals**

#### **SEC. 41. MINERAL SECURITY.**

(a) **DEFINITIONS.**—In this section:

(1) **BYPRODUCT.**—The term “byproduct” means a critical mineral—

(A) the recovery of which depends on the production of a host mineral that is not designated as a critical mineral; and

(B) that exists in sufficient quantities to be recovered during processing or refining.

(2) **CRITICAL MINERAL.**—

(A) **IN GENERAL.**—The term “critical mineral” means any mineral, element, substance, or material designated as critical by the Secretary under subsection (c).

(B) **EXCLUSIONS.**—The term “critical mineral” does not include—

(i) fuel minerals, including oil, natural gas, or any other fossil fuels; or

(ii) water, ice, or snow.

(3) **INDIAN TRIBE.**—The term “Indian tribe” has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304).

(4) **SECRETARY.**—The term “Secretary” means the Secretary of the Interior.

(5) **STATE.**—The term “State” means—

(A) a State;

(B) the District of Columbia;

(C) the Commonwealth of Puerto Rico;

(D) Guam;

(E) American Samoa;

(F) the Commonwealth of the Northern Mariana Islands; and

(G) the United States Virgin Islands.

(b) **POLICY.**—

(1) **IN GENERAL.**—Section 3 of the National Materials and Minerals Policy, Research and Development Act of 1980 (30 U.S.C. 1602) is amended in the second sentence—

(A) by striking paragraph (3) and inserting the following:

“(3) establish an analytical and forecasting capability for identifying critical mineral demand, supply, and other factors to allow informed actions to be taken to avoid supply shortages, mitigate price volatility, and prepare for demand growth and other market shifts;”

(B) in paragraph (6), by striking “and” after the semicolon at the end; and

(C) by striking paragraph (7) and inserting the following:

“(7) facilitate the availability, development, and environmentally responsible production of domestic resources to meet national material or critical mineral needs;

“(8) avoid duplication of effort, prevent unnecessary paperwork, and minimize delays in the administration of applicable laws (including regulations) and the issuance of permits and authorizations necessary to explore for, develop, and produce critical minerals and to construct critical mineral manufacturing facilities in accordance with applicable environmental and land management laws;

“(9) strengthen—

“(A) educational and research capabilities at not lower than the secondary school level; and

“(B) workforce training for exploration and development of critical minerals and critical mineral manufacturing;

“(10) bolster international cooperation through technology transfer, information sharing, and other means;

“(11) promote the efficient production, use, and recycling of critical minerals;

“(12) develop alternatives to critical minerals; and

“(13) establish contingencies for the production of, or access to, critical minerals for which viable sources do not exist within the United States.”

(2) **CONFORMING AMENDMENT.**—Section 2(b) of the National Materials and Minerals Policy, Research and Development Act of 1980 (30 U.S.C. 1601(b)) is amended by striking “(b) As used in this Act, the term” and inserting the following:

“(b) **DEFINITIONS.**—In this Act:

“(1) **CRITICAL MINERAL.**—The term ‘critical mineral’ means any mineral, element, substance, or material designated as critical by the Secretary under section 401(c) of the Restoring Critical Supply Chains and Intellectual Property Act.

“(2) **MATERIALS.**—The term”

(c) **CRITICAL MINERAL DESIGNATIONS.**—

(1) **DRAFT METHODOLOGY AND LIST.**—The Secretary, acting through the Director of the United States Geological Survey (referred to in this subsection as the “Secretary”), shall publish in the Federal Register for public comment—

(A) a description of the draft methodology used to identify a draft list of critical minerals;

(B) a draft list of minerals, elements, substances, and materials that qualify as critical minerals; and

(C) a draft list of critical minerals recovered as byproducts.

(2) **AVAILABILITY OF DATA.**—If available data is insufficient to provide a quantitative basis for the methodology developed under this subsection, qualitative evidence may be used to the extent necessary.

(3) **FINAL METHODOLOGY AND LIST.**—After reviewing public comments on the draft methodology and the draft lists published under paragraph (1) and updating the methodology and lists as appropriate, not later than 45 days after the date on which the public comment period with respect to the draft methodology and draft lists closes, the Secretary shall publish in the Federal Register—

(A) a description of the final methodology for determining which minerals, elements, substances, and materials qualify as critical minerals;

(B) the final list of critical minerals; and

(C) the final list of critical minerals recovered as byproducts.

(4) **DESIGNATIONS.**—

(A) **IN GENERAL.**—For purposes of carrying out this subsection, the Secretary shall maintain a list of minerals, elements, substances, and materials designated as critical, pursuant to the final methodology published under paragraph (3), that the Secretary determines—

(i) are essential to the economic or national security of the United States;

(ii) the supply chain of which is vulnerable to disruption (including restrictions associated with foreign political risk, abrupt demand growth, military conflict, violent unrest, anti-competitive or protectionist behaviors, and other risks throughout the supply chain); and

(iii) serve an essential function in the manufacturing of a product (including energy technology-, defense-, currency-, agriculture-, consumer electronics-, and health care-related applications), the absence of which would have significant consequences for the



economic or national security of the United States.

(B) INCLUSIONS.—Notwithstanding the criteria under paragraph (3), the Secretary may designate and include on the list any mineral, element, substance, or material determined by another Federal agency to be strategic and critical to the defense or national security of the United States.

(C) REQUIRED CONSULTATION.—The Secretary shall consult with the Secretaries of Defense, Commerce, Agriculture, and Energy and the United States Trade Representative in designating minerals, elements, substances, and materials as critical under this paragraph.

(5) SUBSEQUENT REVIEW.—

(A) IN GENERAL.—The Secretary, in consultation with the Secretaries of Defense, Commerce, Agriculture, and Energy and the United States Trade Representative, shall review the methodology and list under paragraph (3) and the designations under paragraph (4) at least every 3 years, or more frequently as the Secretary considers to be appropriate.

(B) REVISIONS.—Subject to paragraph (4)(A), the Secretary may—

(i) revise the methodology described in this subsection;

(ii) determine that minerals, elements, substances, and materials previously determined to be critical minerals are no longer critical minerals; and

(iii) designate additional minerals, elements, substances, or materials as critical minerals.

(6) NOTICE.—On finalization of the methodology and the list under paragraph (3), or any revision to the methodology or list under paragraph (5), the Secretary shall submit to Congress written notice of the action.

(d) RESOURCE ASSESSMENT.—

(1) IN GENERAL.—Not later than 4 years after the date of enactment of this Act, in consultation with applicable State (including geological surveys), local, academic, industry, and other entities, the Secretary (acting through the Director of the United States Geological Survey) or a designee of the Secretary, shall complete a comprehensive national assessment of each critical mineral that—

(A) identifies and quantifies known critical mineral resources, using all available public and private information and datasets, including exploration histories; and

(B) provides a quantitative and qualitative assessment of undiscovered critical mineral resources throughout the United States, including probability estimates of tonnage and grade, using all available public and private information and datasets, including exploration histories.

(2) SUPPLEMENTARY INFORMATION.—In carrying out this subsection, the Secretary may carry out surveys and field work (including drilling, remote sensing, geophysical surveys, topographical and geological mapping, and geochemical sampling and analysis) to supplement existing information and datasets available for determining the existence of critical minerals in the United States.

(3) PUBLIC ACCESS.—Subject to applicable law, to the maximum extent practicable, the Secretary shall make all data and metadata collected from the comprehensive national assessment carried out under paragraph (1) publically and electronically accessible.

(4) TECHNICAL ASSISTANCE.—At the request of the Governor of a State or the head of an Indian tribe, the Secretary may provide technical assistance to State governments and Indian tribes conducting critical mineral resource assessments on non-Federal land.

(5) PRIORITIZATION.—

(A) IN GENERAL.—The Secretary may sequence the completion of resource assessments for each critical mineral such that critical minerals considered to be most critical under the methodology established under subsection (c) are completed first.

(B) REPORTING.—During the period beginning not later than 1 year after the date of enactment of this Act and ending on the date of completion of all of the assessments required under this subsection, the Secretary shall submit to Congress on an annual basis an interim report that—

(i) identifies the sequence and schedule for completion of the assessments if the Secretary sequences the assessments; or

(ii) describes the progress of the assessments if the Secretary does not sequence the assessments.

(6) UPDATES.—The Secretary may periodically update the assessments conducted under this subsection based on—

(A) the generation of new information or datasets by the Federal Government; or

(B) the receipt of new information or datasets from critical mineral producers, State geological surveys, academic institutions, trade associations, or other persons.

(7) ADDITIONAL SURVEYS.—The Secretary shall complete a resource assessment for each additional mineral or element subsequently designated as a critical mineral under subsection (c)(5)(B) not later than 2 years after the designation of the mineral or element.

(8) REPORT.—Not later than 2 years after the date of enactment of this Act, the Secretary shall submit to Congress a report describing the status of geological surveying of Federal land for any mineral commodity—

(A) for which the United States was dependent on a foreign country for more than 25 percent of the United States supply, as depicted in the report issued by the United States Geological Survey entitled “Mineral Commodity Summaries 2020”; but

(B) that is not designated as a critical mineral under subsection (c).

(e) PERMITTING.—

(1) SENSE OF CONGRESS.—It is the sense of Congress that—

(A) critical minerals are fundamental to the economy, competitiveness, and security of the United States;

(B) to the maximum extent practicable, the critical mineral needs of the United States should be satisfied by minerals responsibly produced and recycled in the United States; and

(C) the Federal permitting process has been identified as an impediment to mineral production and the mineral security of the United States.

(2) PERFORMANCE IMPROVEMENTS.—To improve the quality and timeliness of decisions, the Secretary (acting through the Director of the Bureau of Land Management) and the Secretary of Agriculture (acting through the Chief of the Forest Service) (referred to in this subsection as the “Secretaries”) shall, to the maximum extent practicable, with respect to critical mineral production on Federal land, complete Federal permitting and review processes with maximum efficiency and effectiveness, while supporting vital economic growth, by—

(A) establishing and adhering to timelines and schedules for the consideration of, and final decisions regarding, applications, operating plans, leases, licenses, permits, and other use authorizations for mineral-related activities on Federal land;

(B) establishing clear, quantifiable, and temporal permitting performance goals and tracking progress against those goals;

(C) engaging in early collaboration among agencies, project sponsors, and affected stakeholders—

(i) to incorporate and address the interests of those parties; and

(ii) to minimize delays;

(D) ensuring transparency and accountability by using cost-effective information technology to collect and disseminate information regarding individual projects and agency performance;

(E) engaging in early and active consultation with State, local, and Indian tribal governments to avoid conflicts or duplication of effort, resolve concerns, and allow for concurrent, rather than sequential, reviews;

(F) providing demonstrable improvements in the performance of Federal permitting and review processes, including lower costs and more timely decisions;

(G) expanding and institutionalizing permitting and review process improvements that have proven effective;

(H) developing mechanisms to better communicate priorities and resolve disputes among agencies at the national, regional, State, and local levels; and

(I) developing other practices, such as preapplication procedures.

(3) REVIEW AND REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretaries shall submit to Congress a report that—

(A) identifies additional measures (including regulatory and legislative proposals, as appropriate) that would increase the timeliness of permitting activities for the exploration and development of domestic critical minerals;

(B) identifies options (including cost recovery paid by permit applicants) for ensuring adequate staffing and training of Federal entities and personnel responsible for the consideration of applications, operating plans, leases, licenses, permits, and other use authorizations for critical mineral-related activities on Federal land;

(C) quantifies the amount of time typically required (including range derived from minimum and maximum durations, mean, median, variance, and other statistical measures or representations) to complete each step (including those aspects outside the control of the executive branch, such as judicial review, applicant decisions, or State and local government involvement) associated with the development and processing of applications, operating plans, leases, licenses, permits, and other use authorizations for critical mineral-related activities on Federal land, which shall serve as a baseline for the performance metric under paragraph (4); and

(D) describes actions carried out pursuant to paragraph (2).

(4) PERFORMANCE METRIC.—Not later than 90 days after the date of submission of the report under paragraph (3), the Secretaries, after providing public notice and an opportunity to comment, shall develop and publish a performance metric for evaluating the progress made by the executive branch to expedite the permitting of activities that will increase exploration for, and development of, domestic critical minerals, while maintaining environmental standards.

(5) ANNUAL REPORTS.—Beginning with the first budget submission by the President under section 1105 of title 31, United States Code, after publication of the performance metric required under paragraph (4), and annually thereafter, the Secretaries shall submit to Congress a report that—

(A) summarizes the implementation of recommendations, measures, and options identified in subparagraphs (A) and (B) of paragraph (3);

(B) using the performance metric under paragraph (4), describes progress made by the executive branch, as compared to the baseline established pursuant to paragraph (3)(C), on expediting the permitting of activities

that will increase exploration for, and development of, domestic critical minerals; and

(C) compares the United States to other countries in terms of permitting efficiency and any other criteria relevant to the globally competitive critical minerals industry.

(6) **INDIVIDUAL PROJECTS.**—Using data from the Secretaries generated under paragraph (5), the Director of the Office of Management and Budget shall prioritize inclusion of individual critical mineral projects on the website operated by the Office of Management and Budget in accordance with section 1122 of title 31, United States Code.

(7) **REPORT OF SMALL BUSINESS ADMINISTRATION.**—Not later than 1 year and 300 days after the date of enactment of this Act, the Administrator of the Small Business Administration shall submit to the applicable committees of Congress a report that assesses the performance of Federal agencies with respect to—

(A) complying with chapter 6 of title 5, United States Code (commonly known as the “Regulatory Flexibility Act”), in promulgating regulations applicable to the critical minerals industry; and

(B) performing an analysis of regulations applicable to the critical minerals industry that may be outmoded, inefficient, duplicative, or excessively burdensome.

(f) **FEDERAL REGISTER PROCESS.**—

(1) **DEPARTMENTAL REVIEW.**—Absent any extraordinary circumstance, and except as otherwise required by law, the Secretary and the Secretary of Agriculture shall ensure that each Federal Register notice described in paragraph (2) shall be—

(A) subject to any required reviews within the Department of the Interior or the Department of Agriculture; and

(B) published in final form in the Federal Register not later than 45 days after the date of initial preparation of the notice.

(2) **PREPARATION.**—The preparation of Federal Register notices required by law associated with the issuance of a critical mineral exploration or mine permit shall be delegated to the organizational level within the agency responsible for issuing the critical mineral exploration or mine permit.

(3) **TRANSMISSION.**—All Federal Register notices regarding official document availability, announcements of meetings, or notices of intent to undertake an action shall be originated in, and transmitted to the Federal Register from, the office in which, as applicable—

(A) the documents or meetings are held; or

(B) the activity is initiated.

(g) **RECYCLING, EFFICIENCY, AND ALTERNATIVES.**—

(1) **ESTABLISHMENT.**—The Secretary of Energy (referred to in this subsection as the “Secretary”) shall conduct a program of research and development—

(A) to promote the efficient production, use, and recycling of critical minerals throughout the supply chain; and

(B) to develop alternatives to critical minerals that do not occur in significant abundance in the United States.

(2) **COOPERATION.**—In carrying out the program, the Secretary shall cooperate with appropriate—

(A) Federal agencies and National Laboratories;

(B) critical mineral producers;

(C) critical mineral processors;

(D) critical mineral manufacturers;

(E) trade associations;

(F) academic institutions;

(G) small businesses; and

(H) other relevant entities or individuals.

(3) **ACTIVITIES.**—Under the program, the Secretary shall carry out activities that include the identification and development of—

(A) advanced critical mineral extraction, production, separation, alloying, or processing technologies that decrease the energy consumption, environmental impact, and costs of those activities, including—

(i) efficient water and wastewater management strategies;

(ii) technologies and management strategies to control the environmental impacts of radionuclides in ore tailings;

(iii) technologies for separation and processing; and

(iv) technologies for increasing the recovery rates of byproducts from host metal ores;

(B) technologies or process improvements that minimize the use, or lead to more efficient use, of critical minerals across the full supply chain;

(C) technologies, process improvements, or design optimizations that facilitate the recycling of critical minerals, and options for improving the rates of collection of products and scrap containing critical minerals from post-consumer, industrial, or other waste streams;

(D) commercial markets, advanced storage methods, energy applications, and other beneficial uses of critical minerals processing byproducts;

(E) alternative minerals, metals, and materials, particularly those available in abundance within the United States and not subject to potential supply restrictions, that lessen the need for critical minerals; and

(F) alternative energy technologies or alternative designs of existing energy technologies, particularly those that use minerals that—

(i) occur in abundance in the United States; and

(ii) are not subject to potential supply restrictions.

(4) **REPORTS.**—Not later than 2 years after the date of enactment of this Act, and annually thereafter, the Secretary shall submit to Congress a report summarizing the activities, findings, and progress of the program.

(h) **ANALYSIS AND FORECASTING.**—

(1) **CAPABILITIES.**—In order to evaluate existing critical mineral policies and inform future actions that may be taken to avoid supply shortages, mitigate price volatility, and prepare for demand growth and other market shifts, the Secretary (acting through the Director of the United States Geological Survey) or a designee of the Secretary, in consultation with the Energy Information Administration, academic institutions, and others in order to maximize the application of existing competencies related to developing and maintaining computer-models and similar analytical tools, shall conduct and publish the results of an annual report that includes—

(A) as part of the annually published Mineral Commodity Summaries from the United States Geological Survey, a comprehensive review of critical mineral production, consumption, and recycling patterns, including—

(i) the quantity of each critical mineral domestically produced during the preceding year;

(ii) the quantity of each critical mineral domestically consumed during the preceding year;

(iii) market price data or other price data for each critical mineral;

(iv) an assessment of—

(I) critical mineral requirements to meet the national security, energy, economic, industrial, technological, and other needs of the United States during the preceding year;

(II) the reliance of the United States on foreign sources to meet those needs during the preceding year; and

(III) the implications of any supply shortages, restrictions, or disruptions during the preceding year;

(v) the quantity of each critical mineral domestically recycled during the preceding year;

(vi) the market penetration during the preceding year of alternatives to each critical mineral;

(vii) a discussion of international trends associated with the discovery, production, consumption, use, costs of production, prices, and recycling of each critical mineral as well as the development of alternatives to critical minerals; and

(viii) such other data, analyses, and evaluations as the Secretary finds are necessary to achieve the purposes of this subsection; and

(B) a comprehensive forecast, entitled the “Annual Critical Minerals Outlook”, of projected critical mineral production, consumption, and recycling patterns, including—

(i) the quantity of each critical mineral projected to be domestically produced over the subsequent 1-year, 5-year, and 10-year periods;

(ii) the quantity of each critical mineral projected to be domestically consumed over the subsequent 1-year, 5-year, and 10-year periods;

(iii) an assessment of—

(I) critical mineral requirements to meet projected national security, energy, economic, industrial, technological, and other needs of the United States;

(II) the projected reliance of the United States on foreign sources to meet those needs; and

(III) the projected implications of potential supply shortages, restrictions, or disruptions;

(iv) the quantity of each critical mineral projected to be domestically recycled over the subsequent 1-year, 5-year, and 10-year periods;

(v) the market penetration of alternatives to each critical mineral projected to take place over the subsequent 1-year, 5-year, and 10-year periods;

(vi) a discussion of reasonably foreseeable international trends associated with the discovery, production, consumption, use, costs of production, and recycling of each critical mineral as well as the development of alternatives to critical minerals; and

(vii) such other projections relating to each critical mineral as the Secretary determines to be necessary to achieve the purposes of this subsection.

(2) **PROPRIETARY INFORMATION.**—In preparing a report described in paragraph (1), the Secretary shall ensure, consistent with section 5(f) of the National Materials and Minerals Policy, Research and Development Act of 1980 (30 U.S.C. 1604(f)), that—

(A) no person uses the information and data collected for the report for a purpose other than the development of or reporting of aggregate data in a manner such that the identity of the person or firm who supplied the information is not discernible and is not material to the intended uses of the information;

(B) no person discloses any information or data collected for the report unless the information or data has been transformed into a statistical or aggregate form that does not allow the identification of the person or firm who supplied particular information; and

(C) procedures are established to require the withholding of any information or data collected for the report if the Secretary determines that withholding is necessary to protect proprietary information, including any trade secrets or other confidential information.

(i) **EDUCATION AND WORKFORCE.**—

(1) **WORKFORCE ASSESSMENT.**—Not later than 1 year and 300 days after the date of enactment of this Act, the Secretary of Labor (in consultation with the Secretary, the Director of the National Science Foundation, institutions of higher education with substantial expertise in mining, institutions of higher education with significant expertise in minerals research, including fundamental research into alternatives, and employers in the critical minerals sector) shall submit to Congress an assessment of the domestic availability of technically trained personnel necessary for critical mineral exploration, development, assessment, production, manufacturing, recycling, analysis, forecasting, education, and research, including an analysis of—

(A) skills that are in the shortest supply as of the date of the assessment;

(B) skills that are projected to be in short supply in the future;

(C) the demographics of the critical minerals industry and how the demographics will evolve under the influence of factors such as an aging workforce;

(D) the effectiveness of training and education programs in addressing skills shortages;

(E) opportunities to hire locally for new and existing critical mineral activities;

(F) the sufficiency of personnel within relevant areas of the Federal Government for achieving the policies described in section 3 of the National Materials and Minerals Policy, Research and Development Act of 1980 (30 U.S.C. 1602); and

(G) the potential need for new training programs to have a measurable effect on the supply of trained workers in the critical minerals industry.

(2) **CURRICULUM STUDY.**—

(A) **IN GENERAL.**—The Secretary and the Secretary of Labor shall jointly enter into an arrangement with the National Academy of Sciences and the National Academy of Engineering under which the Academies shall coordinate with the National Science Foundation on conducting a study—

(i) to design an interdisciplinary program on critical minerals that will support the critical mineral supply chain and improve the ability of the United States to increase domestic, critical mineral exploration, development, production, manufacturing, research, including fundamental research into alternatives, and recycling;

(ii) to address undergraduate and graduate education, especially to assist in the development of graduate level programs of research and instruction that lead to advanced degrees with an emphasis on the critical mineral supply chain or other positions that will increase domestic, critical mineral exploration, development, production, manufacturing, research, including fundamental research into alternatives, and recycling;

(iii) to develop guidelines for proposals from institutions of higher education with substantial capabilities in the required disciplines for activities to improve the critical mineral supply chain and advance the capacity of the United States to increase domestic, critical mineral exploration, research, development, production, manufacturing, and recycling; and

(iv) to outline criteria for evaluating performance and recommendations for the amount of funding that will be necessary to establish and carry out the program described in paragraph (3).

(B) **REPORT.**—Not later than 2 years after the date of enactment of this Act, the Secretary shall submit to Congress a description of the results of the study required under subparagraph (A).

(3) **PROGRAM.**—

(A) **ESTABLISHMENT.**—The Secretary and the Secretary of Labor shall jointly conduct a competitive grant program under which institutions of higher education may apply for and receive 4-year grants for—

(i) startup costs for newly designated faculty positions in integrated critical mineral education, research, innovation, training, and workforce development programs consistent with paragraph (2);

(ii) internships, scholarships, and fellowships for students enrolled in programs related to critical minerals;

(iii) equipment necessary for integrated critical mineral innovation, training, and workforce development programs; and

(iv) research of critical minerals and their applications, particularly concerning the manufacture of critical components vital to national security.

(B) **RENEWAL.**—A grant under this paragraph shall be renewable for up to 2 additional 3-year terms based on performance criteria outlined under paragraph (2)(A)(iv).

(J) **NATIONAL GEOLOGICAL AND GEOPHYSICAL DATA PRESERVATION PROGRAM.**—Section 351(k) of the Energy Policy Act of 2005 (42 U.S.C. 15908(k)) is amended by striking “\$30,000,000 for each of fiscal years 2006 through 2010” and inserting “\$5,000,000 for each of fiscal years 2021 through 2030, to remain available until expended”.

(K) **ADMINISTRATION.**—

(1) **IN GENERAL.**—The National Critical Materials Act of 1984 (30 U.S.C. 1801 et seq.) is repealed.

(2) **CONFORMING AMENDMENT.**—Section 3(d) of the National Superconductivity and Competitiveness Act of 1988 (15 U.S.C. 5202(d)) is amended in the first sentence by striking “, with the assistance of the National Critical Materials Council as specified in the National Critical Materials Act of 1984 (30 U.S.C. 1801 et seq.),”.

(3) **SAVINGS CLAUSES.**—

(A) **IN GENERAL.**—Nothing in this section or an amendment made by this section modifies any requirement or authority provided by—

(i) the matter under the heading “**GEOLOGICAL SURVEY**” of the first section of the Act of March 3, 1879 (43 U.S.C. 31(a)); or

(ii) the first section of Public Law 87–626 (43 U.S.C. 31(b)).

(B) **EFFECT ON DEPARTMENT OF DEFENSE.**—Nothing in this section or an amendment made by this section affects the authority of the Secretary of Defense with respect to the work of the Department of Defense on critical material supplies in furtherance of the national defense mission of the Department of Defense.

(C) **SECRETARIAL ORDER NOT AFFECTED.**—This section shall not apply to any mineral described in Secretarial Order No. 3324, issued by the Secretary on December 3, 2012, in any area to which the order applies.

(4) **APPLICATION OF CERTAIN PROVISIONS.**—

(A) **IN GENERAL.**—Subsections (e) and (f) shall apply to—

(i) an exploration project in which the presence of a byproduct is reasonably expected, based on known mineral companionality, geologic formation, mineralogy, or other factors; and

(ii) a project that demonstrates that the byproduct is of sufficient grade that, when combined with the production of a host mineral, the byproduct is economic to recover, as determined by the applicable Secretary in accordance with subparagraph (B).

(B) **REQUIREMENT.**—In making the determination under subparagraph (A)(ii), the applicable Secretary shall consider the cost effectiveness of the byproducts recovery.

(I) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated to carry out this section \$50,000,000 for each of fiscal years 2021 through 2030.

**SEC. 42. RARE EARTH ELEMENT ADVANCED COAL TECHNOLOGIES.**

(a) **PROGRAM FOR EXTRACTION AND RECOVERY OF RARE EARTH ELEMENTS AND MINERALS FROM COAL AND COAL BYPRODUCTS.**—

(1) **IN GENERAL.**—The Secretary of Energy, acting through the Assistant Secretary for Fossil Energy (referred to in this section as the “Secretary”), shall carry out a program under which the Secretary shall develop advanced separation technologies for the extraction and recovery of rare earth elements and minerals from coal and coal byproducts.

(2) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated to the Secretary to carry out the program described in paragraph (1) \$23,000,000 for each of fiscal years 2021 through 2028.

(b) **REPORT.**—Not later than 1 year after the date of enactment of this Act, the Secretary shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Energy and Commerce of the House of Representatives a report evaluating the development of advanced separation technologies for the extraction and recovery of rare earth elements and minerals from coal and coal byproducts, including acid mine drainage from coal mines.

**SA 2540.** Mr. BARRASSO submitted an amendment intended to be proposed to amendment SA 2499 proposed by Mr. MCCONNELL to the bill S. 178, to condemn gross human rights violations of ethnic Turkic Muslims in Xinjiang, and calling for an end to arbitrary detention, torture, and harassment of these communities inside and outside China; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**TITLE —**

**DEPARTMENT OF HEALTH AND HUMAN SERVICES**

**OFFICE OF THE SECRETARY**

**PUBLIC HEALTH AND SOCIAL SERVICES**

**EMERGENCY FUND**

**(INCLUDING TRANSFER OF FUNDS)**

For an additional amount for “Public Health and Social Services Emergency Fund”, \$25,000,000,000, to remain available until expended, to prevent, prepare for, and respond to coronavirus, domestically or internationally, which shall be for necessary expenses to reimburse, through grants or other mechanisms, eligible health care providers for health care related expenses or lost revenues that are attributable to coronavirus: *Provided*, That these funds may not be used to reimburse expenses or losses that have been reimbursed from other sources or that other sources are obligated to reimburse: *Provided further*, That recipients of payments under this paragraph shall submit reports and maintain documentation as the Secretary determines are needed to ensure compliance with conditions that are imposed by this paragraph for such payments, and such reports and documentation shall be in such form, with such content, and in such time as the Secretary may prescribe for such purpose: *Provided further*, That “eligible health care providers” means public entities, Medicare or Medicaid enrolled suppliers and providers, and such for-profit entities and not-for-profit entities not otherwise described in this proviso as the Secretary may specify, within the United States (including territories), that provide diagnoses, testing, or care for individuals with possible or actual cases of COVID-19: *Provided further*, That the Secretary of Health and Human Services shall, on a rolling basis, review applications and make payments under this

paragraph in this Act: *Provided further*, That funds appropriated under this paragraph in this Act shall be available for building or construction of temporary structures, leasing of properties, medical supplies and equipment including personal protective equipment and testing supplies, increased workforce and trainings, emergency operation centers, retrofitting facilities, and surge capacity: *Provided further*, That, in this paragraph, the term “payment” means a pre-payment, prospective payment, or retrospective payment, as determined appropriate by the Secretary: *Provided further*, That payments under this paragraph shall be made in consideration of the most efficient payment systems practicable to provide emergency payment: *Provided further*, That to be eligible for a payment under this paragraph, an eligible health care provider shall submit to the Secretary of Health and Human Services an application that includes a statement justifying the need of the provider for the payment and the eligible health care provider shall have a valid tax identification number: *Provided further*, That, not later than 3 years after final payments are made under this paragraph, the Office of Inspector General of the Department of Health and Human Services shall transmit a final report on audit findings with respect to this program to the Committees on Appropriations of the House of Representatives and the Senate: *Provided further*, That nothing in this section limits the authority of the Inspector General or the Comptroller General to conduct audits of interim payments at an earlier date: *Provided further*, That not later than 60 days after the date of enactment of this Act, the Secretary of Health and Human Services shall provide a report to the Committees on Appropriations of the House of Representatives and the Senate on obligation of funds, including obligations to such eligible health care providers summarized by State of the payment receipt: *Provided further*, That such reports shall be updated and submitted to such Committees every 60 days until funds are expended: *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.

**SA 2541.** Mr. BARRASSO submitted an amendment intended to be proposed by him to the bill S. 178, to condemn gross human rights violations of ethnic Turkic Muslims in Xinjiang, and calling for an end to arbitrary detention, torture, and harassment of these communities inside and outside China; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

TITLE \_\_\_\_  
DEPARTMENT OF HEALTH AND HUMAN SERVICES  
OFFICE OF THE SECRETARY  
PUBLIC HEALTH AND SOCIAL SERVICES  
EMERGENCY FUND  
(INCLUDING TRANSFER OF FUNDS)

For an additional amount for “Public Health and Social Services Emergency Fund”, \$25,000,000,000, to remain available until expended, to prevent, prepare for, and respond to coronavirus, domestically or internationally, which shall be for necessary expenses to reimburse, through grants or other mechanisms, eligible health care providers for health care related expenses or lost revenues that are attributable to coronavirus: *Provided*, That these funds may not be used to reimburse expenses or losses

that have been reimbursed from other sources or that other sources are obligated to reimburse: *Provided further*, That recipients of payments under this paragraph shall submit reports and maintain documentation as the Secretary determines are needed to ensure compliance with conditions that are imposed by this paragraph for such payments, and such reports and documentation shall be in such form, with such content, and in such time as the Secretary may prescribe for such purpose: *Provided further*, That “eligible health care providers” means public entities, Medicare or Medicaid enrolled suppliers and providers, and such for-profit entities and not-for-profit entities not otherwise described in this proviso as the Secretary may specify, within the United States (including territories), that provide diagnoses, testing, or care for individuals with possible or actual cases of COVID-19: *Provided further*, That the Secretary of Health and Human Services shall, on a rolling basis, review applications and make payments under this paragraph in this Act: *Provided further*, That funds appropriated under this paragraph in this Act shall be available for building or construction of temporary structures, leasing of properties, medical supplies and equipment including personal protective equipment and testing supplies, increased workforce and trainings, emergency operation centers, retrofitting facilities, and surge capacity: *Provided further*, That, in this paragraph, the term “payment” means a pre-payment, prospective payment, or retrospective payment, as determined appropriate by the Secretary: *Provided further*, That payments under this paragraph shall be made in consideration of the most efficient payment systems practicable to provide emergency payment: *Provided further*, That to be eligible for a payment under this paragraph, an eligible health care provider shall submit to the Secretary of Health and Human Services an application that includes a statement justifying the need of the provider for the payment and the eligible health care provider shall have a valid tax identification number: *Provided further*, That, not later than 3 years after final payments are made under this paragraph, the Office of Inspector General of the Department of Health and Human Services shall transmit a final report on audit findings with respect to this program to the Committees on Appropriations of the House of Representatives and the Senate: *Provided further*, That nothing in this section limits the authority of the Inspector General or the Comptroller General to conduct audits of interim payments at an earlier date: *Provided further*, That not later than 60 days after the date of enactment of this Act, the Secretary of Health and Human Services shall provide a report to the Committees on Appropriations of the House of Representatives and the Senate on obligation of funds, including obligations to such eligible health care providers summarized by State of the payment receipt: *Provided further*, That such reports shall be updated and submitted to such Committees every 60 days until funds are expended: *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.

**SA 2542.** Mr. CRAPO submitted an amendment intended to be proposed to amendment SA 2499 proposed by Mr. McCONNELL to the bill S. 178, to condemn gross human rights violations of ethnic Turkic Muslims in Xinjiang, and calling for an end to arbitrary detention, torture, and harassment of these communities inside and outside China;

which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. \_\_\_\_ CLARIFICATION ON 13(3) FACILITIES UNDER THE CARES ACT.**

Section 4003(c)(1)(A) of the CARES Act (15 U.S.C. 9042(c)(1)(A)) is amended by adding “In making loans, loan guarantees, and other investments under subsection (b)(4), the Secretary shall prioritize the provision of credit and liquidity to assist eligible businesses, States and municipalities, even if the Secretary estimates that such loans, loan guarantees, or investments may incur losses.” after the period at the end.

**SEC. \_\_\_\_ EXTENSIONS OF TEMPORARY RELIEF AND EMERGENCY AUTHORITIES.**

(a) IN GENERAL.—Title IV of the CARES Act (Public Law 116-136) is amended—

(1) in section 4012(b)(2)(B) (15 U.S.C. 9050(b)(2)(B)), by striking “2020” and inserting “2021”; and

(2) in section 4016(b)(2), by striking “2020” and inserting “2021”.

(b) TEMPORARY CREDIT UNION PROVISIONS.—Section 307(a)(4)(A) of the Federal Credit Union Act (12 U.S.C. 1795f(a)(4)(A)) is amended by striking “December 31, 2020” and inserting “December 31, 2021”.

**SEC. \_\_\_\_ EXTENSION OF TEMPORARY RELIEF FROM TROUBLED DEBT RESTRUCTURINGS AND INSURER CLARIFICATION.**

Section 4013 of the CARES Act (15 U.S.C. 9051) is amended—

(1) by inserting “, including an insurance company,” after “institution” each place the term appears;

(2) in subsection (a)(1), by striking “December 31, 2020” and inserting “January 1, 2022”; and

(3) in subsection (d)(1), by inserting “, including insurance companies,” after “institutions”.

**SEC. \_\_\_\_ EXTENSION OF TEMPORARY OPTIONAL TEMPORARY RELIEF FROM CURRENT EXPECTED CREDIT LOSSES AND APPLICATION TO PERSONS.**

Section 4014 of the CARES Act (15 U.S.C. 9052(b)) is amended—

(1) in subsection (b)—

(A) in the matter preceding paragraph (1), by striking “insured depository institution, bank holding company, or any affiliate thereof” and inserting “person”; and

(B) in paragraph (1), by inserting “the first day of the fiscal year of the person that begins after” before “the date”; and

(C) in paragraph (2), by striking “December 31, 2020” and inserting with “January 1, 2023”; and

(2) by striking “(a) DEFINITIONS” and all that follows through “STANDARDS”.

**SEC. \_\_\_\_ TEMPORARY AUTHORITY ON LEVERAGE AND RISK-BASED CAPITAL REQUIREMENTS.**

Section 171 of the Financial Stability Act of 2010 (12 U.S.C. 5371) is amended by adding at the end the following:

“(d) TEMPORARY AUTHORITY.—

“(1) DEFINITION.—In this subsection, the term ‘appropriate Federal banking agency’—

“(A) has the meaning given the term in section 2; and

“(B) means the Board of Governors, in the case of a nonbank financial company supervised by the Board of Governors.

“(2) TEMPORARY AUTHORITY.—

“(A) IN GENERAL.—Notwithstanding any other provision of this section or any other law or regulation, if any appropriate Federal banking agency determines that unusual and exigent circumstances exist or are otherwise imminent, the appropriate Federal banking agency shall have the authority, by rule or order, to make such temporary adjustments

to the method of calculating the generally applicable leverage capital requirements or other leverage requirement of an insured depository institution, a depository institution holding company, or a nonbank financial company supervised by the Board of Governors for purposes of compliance with this section as the appropriate Federal banking agency determines necessary to address or avoid a severe economic stress situation.

“(B) DURATION.—

“(i) IN GENERAL.—Except as provided in clause (ii), any temporary adjustment made under subparagraph (A) shall be for a period of not longer than 12 months after the date on which the determination is made under subparagraph (A).

“(ii) ADDITIONAL PERIODS.—A temporary adjustment made under subparagraph (A) may be extended for a period of not longer than 180 days after the date on which the period described in clause (i) expires to permit institutions and companies to return to compliance with the generally applicable leverage capital requirements or other leverage requirements, if the appropriate Federal banking agency determines such an extension is necessary.”.

**SEC. . HEALTHCARE OPERATING LOSS LOANS.**

(a) DEFINITIONS.—In this section:

(1) OPERATING LOSS.—The term “operating loss” has the meaning given the term in section 223(d) of the National Housing Act (12 U.S.C. 1715n(d)).

(2) SECRETARY.—The term “Secretary” means the Secretary of Housing and Urban Development.

(b) AUTHORIZATION TO PROVIDE MORTGAGE INSURANCE.—Notwithstanding any other provision of law, for fiscal years 2020 and 2021, in addition to the authority provided to insure operating loss loans under section 223(d) of the National Housing Act (12 U.S.C. 1715n(d)), the Secretary may insure or enter into commitments to ensure mortgages under such section 223(d) with respect to healthcare facilities—

(1) insured under section 232 or section 242 of the National Housing Act (12 U.S.C. 1715w, 1715z–7);

(2) that were financially sound immediately prior to the President’s March 13, 2020 Proclamation on Declaring a National Emergency Concerning the Novel Coronavirus Disease (COVID–19) Outbreak;

(3) that have exhausted all other forms of assistance; and

(4) subject to—

(A) the limitation for new commitments to guarantee loans insured under the General and Special Risk Insurance Funds under the heading “General and Special Risk Program Account” for fiscal years 2020 and 2021; and

(B) the underwriting parameters and other terms and conditions that the Secretary determines appropriate through guidance.

(c) AMOUNT OF LOAN.—After all other realized or reasonably anticipated assistance (including reimbursements, loans, or other payments from other Federal sources) are taken into account, a loan insured under subsection (b) shall be in an amount not exceeding the lesser of—

(1) the temporary losses or additional expenses incurred or expected to be incurred by the healthcare facility as a result of the impact of the circumstances giving rise to the President’s March 13, 2020 Proclamation on Declaring a National Emergency Concerning the Novel Coronavirus Disease (COVID–19) Outbreak; or

(2) the amount expected to be needed to cover the sum of—

(A) 1 year of principal and interest payments for the existing loans of the healthcare facility insured by the Secretary;

(B) 1 year of principal and interest payments for the loan pursuant to this section;

(C) 1 year of mortgage insurance premiums for the loans described in subparagraphs (A) and (B);

(D) 1 year of monthly deposits to reserve accounts required by the Secretary for the loans described in subparagraphs (A) and (B);

(E) 1 year of property taxes and insurance for the healthcare facility; and

(F) transaction costs, including legal fees, for the loans described in subparagraphs (A) and (B).

**SA 2543.** Mr. WICKER submitted an amendment intended to be proposed by him to the bill S. 178, to condemn gross human rights violations of ethnic Turkic Muslims in Xinjiang, and calling for an end to arbitrary detention, torture, and harassment of these communities inside and outside China; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

TITLE —

DEPARTMENT OF HEALTH AND HUMAN SERVICES

OFFICE OF THE SECRETARY

PUBLIC HEALTH AND SOCIAL SERVICES

EMERGENCY FUND

For an additional amount for “Public Health and Social Services Emergency Fund”, \$7,825,000,000, to remain available until September 30, 2022, to prevent, prepare for, and respond to coronavirus, domestically or internationally: *Provided*, That \$7,600,000,000 of the funds appropriated under this paragraph in this Act shall be transferred to “Health Resources and Services Administration—Primary Health Care” for grants, cooperative agreements, and other necessary expenses under the Health Centers Program, as defined by section 330 of the PHS Act, including funding for alteration, renovation, construction, equipment, and other capital improvement costs, and including funding to support, maintain, or increase health center capacity and staffing levels, as necessary, to meet the needs of areas affected by coronavirus: *Provided further*, That sections 330(r)(2)(B), 330(e)(3), 330(e)(6)(A)(iii), and 330(e)(6)(B)(iii) of the PHS Act shall not apply to funds in the preceding proviso: *Provided further*, That funding made available under this paragraph in this Act shall not be subject to requirements under the National Environmental Policy Act of 1969 or the National Historic Preservation Act of 1966: *Provided further*, That for the purposes of any funding provided for fiscal year 2020 for the Health Centers Program pursuant to section 330 of the PHS Act (42 U.S.C. 254b), maintaining current health center capacity and staffing levels during a public health emergency as a result of the coronavirus and any renewal of such declaration pursuant to such section 319 shall be deemed a cost of prevention, diagnosis, and treatment of coronavirus: *Provided further*, That of the amount appropriated under this paragraph in this Act, \$225,000,000 shall be for grants or other mechanisms, to rural health clinics as defined in section 1861(aa)(2) of the Social Security Act with such funds also available to such entities for building or construction of temporary structures, leasing of properties, and retrofitting facilities as necessary to support COVID–19 testing: *Provided further*, That such funds shall be distributed using the procedures developed for the Provider Relief Fund authorized under the third paragraph under this heading in division B of the Coronavirus Aid, Relief, and Economic Security Act (Public Law 116–136); may be distributed using contracts or agreements

established for such program; and shall be subject to the process requirements applicable to such program: *Provided further*, That the Secretary may specify a minimum amount for each eligible entity accepting assistance under the two previous provisos: *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.

**SA 2544.** Mr. WICKER submitted an amendment intended to be proposed to amendment SA 2499 proposed by Mr. MCCONNELL to the bill S. 178, to condemn gross human rights violations of ethnic Turkic Muslims in Xinjiang, and calling for an end to arbitrary detention, torture, and harassment of these communities inside and outside China; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

TITLE —

DEPARTMENT OF HEALTH AND HUMAN SERVICES

OFFICE OF THE SECRETARY

PUBLIC HEALTH AND SOCIAL SERVICES

EMERGENCY FUND

For an additional amount for “Public Health and Social Services Emergency Fund”, \$7,825,000,000, to remain available until September 30, 2022, to prevent, prepare for, and respond to coronavirus, domestically or internationally: *Provided*, That \$7,600,000,000 of the funds appropriated under this paragraph in this Act shall be transferred to “Health Resources and Services Administration—Primary Health Care” for grants, cooperative agreements, and other necessary expenses under the Health Centers Program, as defined by section 330 of the PHS Act, including funding for alteration, renovation, construction, equipment, and other capital improvement costs, and including funding to support, maintain, or increase health center capacity and staffing levels, as necessary, to meet the needs of areas affected by coronavirus: *Provided further*, That sections 330(r)(2)(B), 330(e)(3), 330(e)(6)(A)(iii), and 330(e)(6)(B)(iii) of the PHS Act shall not apply to funds in the preceding proviso: *Provided further*, That funding made available under this paragraph in this Act shall not be subject to requirements under the National Environmental Policy Act of 1969 or the National Historic Preservation Act of 1966: *Provided further*, That for the purposes of any funding provided for fiscal year 2020 for the Health Centers Program pursuant to section 330 of the PHS Act (42 U.S.C. 254b), maintaining current health center capacity and staffing levels during a public health emergency as a result of the coronavirus and any renewal of such declaration pursuant to such section 319 shall be deemed a cost of prevention, diagnosis, and treatment of coronavirus: *Provided further*, That of the amount appropriated under this paragraph in this Act, \$225,000,000 shall be for grants or other mechanisms, to rural health clinics as defined in section 1861(aa)(2) of the Social Security Act with such funds also available to such entities for building or construction of temporary structures, leasing of properties, and retrofitting facilities as necessary to support COVID–19 testing: *Provided further*, That such funds shall be distributed using the procedures developed for the Provider Relief Fund authorized under the third paragraph under this heading in division B of the Coronavirus Aid, Relief, and Economic Security Act (Public Law 116–136); may be

distributed using contracts or agreements established for such program; and shall be subject to the process requirements applicable to such program: *Provided further*, That the Secretary may specify a minimum amount for each eligible entity accepting assistance under the two previous provisos: *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.

**SA 2545.** Mr. PERDUE (for himself and Mr. BLUNT) submitted an amendment intended to be proposed to amendment SA 2499 proposed by Mr. MCCONNELL to the bill S. 178, to condemn gross human rights violations of ethnic Turkic Muslims in Xinjiang, and calling for an end to arbitrary detention, torture, and harassment of these communities inside and outside China; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

DEPARTMENT OF HEALTH AND HUMAN SERVICES

OFFICE OF THE SECRETARY

PUBLIC HEALTH AND SOCIAL SERVICES  
EMERGENCY FUND

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for “Public Health and Social Services Emergency Fund”, \$250,000,000, to remain available until September 30, 2022: *Provided*, That the funds appropriated under this paragraph shall be transferred to “Health Resources and Services Administration—Bureau of Health Workforce”, for supplements to existing payments under subsections (a) and (h)(1) of section 340E of the PHS Act, notwithstanding the cap imposed by subsection (h)(1) and notwithstanding subsection (h)(6) of such section 340E, for Children’s Hospitals Graduate Medical Education, 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.

**SA 2546.** Mr. PERDUE (for himself and Mr. BLUNT) submitted an amendment intended to be proposed by him to the bill S. 178, to condemn gross human rights violations of ethnic Turkic Muslims in Xinjiang, and calling for an end to arbitrary detention, torture, and harassment of these communities inside and outside China; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

DEPARTMENT OF HEALTH AND HUMAN SERVICES

OFFICE OF THE SECRETARY

PUBLIC HEALTH AND SOCIAL SERVICES  
EMERGENCY FUND

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for “Public Health and Social Services Emergency Fund”, \$250,000,000, to remain available until September 30, 2022: *Provided*, That the funds appropriated under this paragraph shall be transferred to “Health Resources and Services Administration—Bureau of Health Workforce”, for supplements to existing pay-

ments under subsections (a) and (h)(1) of section 340E of the PHS Act, notwithstanding the cap imposed by subsection (h)(1) and notwithstanding subsection (h)(6) of such section 340E, for Children’s Hospitals Graduate Medical Education, 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.

**SA 2547.** Mr. DAINES (for himself and Mr. ALEXANDER) submitted an amendment intended to be proposed to amendment SA 2499 proposed by Mr. MCCONNELL to the bill S. 178, to condemn gross human rights violations of ethnic Turkic Muslims in Xinjiang, and calling for an end to arbitrary detention, torture, and harassment of these communities inside and outside China; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. \_\_\_\_.** **WORKFORCE RECOVERY AND TRAINING SERVICES.**

(a) **DEFINITIONS.**—In this section:

(1) **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 or an emergency under section 401 or 501, respectively, of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170, 5191); or

(C) a national emergency related to the coronavirus declared by the President under the National Emergencies Act (50 U.S.C. 1601 et seq.).

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

(3) **WORKFORCE INNOVATION AND OPPORTUNITY ACT TERMS.**—Except as otherwise provided in this section, 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).

(b) **DISTRIBUTION OF FUNDS.**—

(1) **ALLOTMENT TO STATES.**—From funds appropriated to carry out this section and not reserved under subsection (e)(4), not later than 30 days after receiving the appropriated funds, the Secretary shall make allotments to States in accordance with the formula described in section 132(b)(2)(B) of the Workforce Innovation and Opportunity Act (29 U.S.C. 3172(b)(2)(B)) and make the reservation for and provide assistance to outlying areas in accordance with section 132(b)(2)(A) of such Act (29 U.S.C. 3172(b)(2)(A)).

(2) **ALLOCATION TO LOCAL AREAS.**—Not later than 30 days after a State receives an allotment under paragraph (1), the Governor shall—

(A) reserve 40 percent of the allotment funds to carry out activities under subsection (c)(1); and

(B) allocate the remainder of the funds to local areas in accordance with section 133(b)(2)(B) of the Workforce Innovation and Opportunity Act (29 U.S.C. 3173(b)(2)(B)) to enable the local areas to carry out activities under subsection (c)(2).

(c) **USES OF FUNDS.**—

(1) **STATE USE OF FUNDS.**—

(A) **IN GENERAL.**—From the funds reserved under subsection (b)(2)(A), the Governor—

(i) shall allocate not less than 50 percent of the funds to the local areas most significantly impacted by a qualifying emergency, as determined by the Governor, to enable the local areas to carry out activities under paragraph (2); and

(ii) with the funds that are not allocated under clause (i) or reserved under subparagraph (B), may—

(I) carry out rapid response activities described in section 134(a)(2)(A) of the Workforce Innovation and Opportunity Act (29 U.S.C. 3174(a)(2)(A));

(II) carry out activities to facilitate remote access to employment and training activities, including career services, through a one-stop center;

(III) in coordination with local areas, carry out activities necessary to expand online learning opportunities and make available resources to support or allow for online service delivery, including online delivery of training services, by providers identified as eligible providers of training services under subsection (d) or (h) of section 122 of the Workforce Innovation and Opportunity Act (29 U.S.C. 3152);

(IV) assist local boards through the purchase of technology, supplies, and online training materials for distribution or use by local areas; and

(V) expand the list of eligible providers of training services established under section 122(d) of the Workforce Innovation and Opportunity Act (29 U.S.C. 3152(d)).

(B) **LIMITATION.**—Not more than 5 percent of the funds reserved under subsection (b)(2)(A) shall be used by the State for administrative activities related to carrying out this section.

(2) **LOCAL USES OF FUNDS.**—Funds allocated to a local area under subsection (b)(2)(B) or paragraph (1)(A)(i)—

(A) shall be used for—

(i) the provision of in-person and virtual training services, aligned with industry needs, that shall include—

(I) on-the-job training, for which the local board may take into account the impact of a qualifying emergency as a factor in determining whether to increase the amount of a reimbursement to an amount of up to 75 percent of the wage rate of a participant in accordance with section 134(c)(3)(H) of the Workforce Innovation and Opportunity Act (29 U.S.C. 3174(c)(3)(H));

(II) customized training, for which the local board may take into account the impact of a qualifying emergency as a factor in determining the portion of the cost of training an employer shall provide;

(III) transitional jobs as described in section 134(d)(5) of the Workforce Innovation and Opportunity Act (29 U.S.C. 3174(d)(5)) (but for adults or dislocated workers determined eligible by a one-stop operator or one-stop partner), including positions in contact tracing, public health, or infrastructure, if provision of the jobs does not displace any currently employed employee (as of the date of the participation in the transitional job); and

(IV) incumbent worker training described in section 134(d)(4) of the Workforce Innovation and Opportunity Act (29 U.S.C. 3174(d)(4)) to support worker retention;

(ii) training services provided through individual training accounts, which, notwithstanding section 122 of the Workforce Innovation and Opportunity Act (29 U.S.C. 3152), eligible individuals may obtain from providers identified as eligible providers of training services under subsection (d) or (h) of that section 122 or from another provider that is identified by the State board or local board involved;

(iii) short-term training—



(I) in which a current employee (as of the date of the participation), including an employee participating in a transitional job described in clause (i)(III), may participate;

(II) for which the participant may receive an employer-sponsored individual training account;

(III) for which the employer agrees to pay—

(aa) not less than 10 percent of the costs of such training in the case of an employer that is a small business concern, as defined in section 3(a) of the Small Business Act (15 U.S.C. 632(a)); and

(bb) not less than 20 percent of such costs in the case of any other employer; and

(IV) for which the participant is provided the opportunity to choose a provider from among the providers identified as eligible providers of training services under subsection (d) or (h) of section 122 of the Workforce Innovation and Opportunity Act or a provider identified by the employer as having the ability to provide the skills necessary for the individual to be hired permanently or to advance the individual's career; and

(iv) short-term training in fields in which the local area needs workers to meet the demands for health care, direct care, and front-line workers responding to a qualifying emergency; and

(B) may be used for—

(i) the establishment and expansion of partnerships with public and private entities to support online programs of training services—

(I) which programs are identified under section 122 of the Workforce Innovation and Opportunity Act and lead to an industry-recognized credential in high-skill, high-wage, or in-demand industry sectors or occupations, in areas such as technology, health care, direct care, and manufacturing; and

(II) through which the partnerships may provide for the cost of an assessment related to obtaining such credential;

(ii) providing training services that are aligned with the needs of local industry and recognized by employers;

(iii) expanding access to individualized career services, which include—

(I) in-person and virtual employment and reemployment services to help individuals find employment; and

(II) career navigation supports to enable workers to find new pathways to high-skill, high-wage, or in-demand industry sectors and occupations and the necessary training to support those pathways; and

(iv) providing access to technology, including broadband service and devices to enable individuals served under this section to receive online career and training services.

(3) MINIMUM AMOUNT FOR TRAINING.—Not less than 50 percent of the funds made available under subsection (b)(2)(B) and paragraph (1)(A)(i) shall be used to provide training services described in paragraph (2)(A).

(d) REALLOCATION.—

(1) LOCAL FUNDS.—Each local board shall return to the Governor any funds received under this section that the local board does not obligate within 1 year after receiving such funds. The Governor shall reallocate such returned funds, to the local areas that are not required to return funds under this paragraph, in accordance with subsection (c)(1)(A).

(2) STATE FUNDS.—Each Governor shall return to the Secretary any funds received under this section that the Governor does not obligate within 2 years after receiving such funds. The Secretary shall reallocate such returned funds to the States that are not required to return funds under this paragraph, in accordance with subsection (b)(1).

(e) GENERAL PROVISIONS.—

(1) ELIGIBLE INDIVIDUALS.—

(A) IN GENERAL.—Except as otherwise specified in this section, to be eligible to receive services authorized under this section, an individual shall be an adult or dislocated worker.

(B) INDIVIDUALS ELIGIBLE TO RECEIVE SERVICES THROUGH INDIVIDUAL TRAINING ACCOUNTS.—To be eligible to receive training services through an individual training account or employer-sponsored individual training account described in subsection (c)(2)(A)(iii), an eligible individual shall be an adult or dislocated worker—

(i) who, after an in-person or virtual interview, evaluation, or assessment, and career planning, has been determined by a one-stop operator or one-stop partner, as appropriate, to—

(I) be unlikely to obtain or retain employment with wages comparable to or higher than wages from previous employment, solely through the career services available through the one-stop center; and

(II) have the skills and qualifications to successfully participate in the selected program of training services; and

(ii) who selects a program of training services that is directly linked to the employment opportunities in the local area, or in another area to which the adult or dislocated worker is willing to commute or relocate.

(2) SPECIAL RULES.—

(A) ADMINISTRATION.—Except as otherwise provided in this section, the provisions of subtitle E of title I of the Workforce Innovation and Opportunity Act (29 U.S.C. 3241 et seq.) shall apply to funds provided under this section.

(B) SINGLE STATE LOCAL AREA.—In any case in which a State is designated as a local area pursuant to section 106(d) of the Workforce Innovation and Opportunity Act (29 U.S.C. 3121(d)), the State board shall carry out the functions of a local board as specified in this section.

(3) PROGRAM OVERSIGHT.—The Governor, in partnership with local boards and the chief elected officials for local areas, shall—

(A) conduct oversight for the activities authorized under this section; and

(B) ensure the appropriate use and management of the funds provided under this section.

(4) PROGRAM ADMINISTRATION.—The Secretary shall reserve not more than \$15,000,000 of the funds appropriated to carry out this section, as necessary, for program administration and management through the Department of Labor to support the administration of funds provided under this section and evaluation of activities authorized under this section.

(f) REPORTS.—

(1) STATE REPORT.—Each State shall prepare and submit to the Secretary a report that includes information specifying—

(A) the number and percentage of participants in activities under this section who received funds for training services;

(B) the types of training programs provided under this section;

(C) the number and percentage of participants in training programs provided under this section who entered employment upon completion of such a program;

(D) the number and percentage of participants in such training programs who obtained a recognized postsecondary credential; and

(E) the earnings of participants who completed a training program under this section.

(2) SECRETARY'S REPORT.—Upon receipt of a report under paragraph (1), the Secretary shall transmit such report to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Education and Labor of the House of Representatives.

(g) AUTHORIZATION OF APPROPRIATIONS.—

There is authorized to be appropriated to carry out this section \$3,500,000,000 for the period of fiscal years 2020 through 2022.

**SA 2548.** Mr. DAINES submitted an amendment intended to be proposed by him to the bill S. 178, to condemn gross human rights violations of ethnic Turkic Muslims in Xinjiang, and calling for an end to arbitrary detention, torture, and harassment of these communities inside and outside China; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

#### **SEC. \_\_\_\_ WORKFORCE RECOVERY AND TRAINING SERVICES.**

(a) DEFINITIONS.—In this section:

(1) 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 or an emergency under section 401 or 501, respectively, of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170, 5191); or

(C) a national emergency related to the coronavirus declared by the President under the National Emergencies Act (50 U.S.C. 1601 et seq.).

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

(3) WORKFORCE INNOVATION AND OPPORTUNITY ACT TERMS.—Except as otherwise provided in this section, 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).

(b) DISTRIBUTION OF FUNDS.—

(1) ALLOTMENT TO STATES.—From funds appropriated to carry out this section and not reserved under subsection (e)(4), not later than 30 days after receiving the appropriated funds, the Secretary shall make allotments to States in accordance with the formula described in section 132(b)(2)(B) of the Workforce Innovation and Opportunity Act (29 U.S.C. 3172(b)(2)(B)) and make the reservation for and provide assistance to outlying areas in accordance with section 132(b)(2)(A) of such Act (29 U.S.C. 3172(b)(2)(A)).

(2) ALLOCATION TO LOCAL AREAS.—Not later than 30 days after a State receives an allotment under paragraph (1), the Governor shall—

(A) reserve 40 percent of the allotment funds to carry out activities under subsection (c)(1); and

(B) allocate the remainder of the funds to local areas in accordance with section 133(b)(2)(B) of the Workforce Innovation and Opportunity Act (29 U.S.C. 3173(b)(2)(B)) to enable the local areas to carry out activities under subsection (c)(2).

(c) USES OF FUNDS.—

(1) STATE USE OF FUNDS.—

(A) IN GENERAL.—From the funds reserved under subsection (b)(2)(A), the Governor—

(i) shall allocate not less than 50 percent of the funds to the local areas most significantly impacted by a qualifying emergency, as determined by the Governor, to enable the local areas to carry out activities under paragraph (2); and

(ii) with the funds that are not allocated under clause (i) or reserved under subparagraph (B), may—

(I) carry out rapid response activities described in section 134(a)(2)(A) of the Workforce Innovation and Opportunity Act (29 U.S.C. 3174(a)(2)(A));

(II) carry out activities to facilitate remote access to employment and training activities, including career services, through a one-stop center;

(III) in coordination with local areas, carry out activities necessary to expand online learning opportunities and make available resources to support or allow for online service delivery, including online delivery of training services, by providers identified as eligible providers of training services under subsection (d) or (h) of section 122 of the Workforce Innovation and Opportunity Act (29 U.S.C. 3152);

(IV) assist local boards through the purchase of technology, supplies, and online training materials for distribution or use by local areas; and

(V) expand the list of eligible providers of training services established under section 122(d) of the Workforce Innovation and Opportunity Act (29 U.S.C. 3152(d)).

(B) LIMITATION.—Not more than 5 percent of the funds reserved under subsection (b)(2)(A) shall be used by the State for administrative activities related to carrying out this section.

(2) LOCAL USES OF FUNDS.—Funds allocated to a local area under subsection (b)(2)(B) or paragraph (1)(A)(i)—

(A) shall be used for—

(i) the provision of in-person and virtual training services, aligned with industry needs, that shall include—

(I) on-the-job training, for which the local board may take into account the impact of a qualifying emergency as a factor in determining whether to increase the amount of a reimbursement to an amount of up to 75 percent of the wage rate of a participant in accordance with section 134(c)(3)(H) of the Workforce Innovation and Opportunity Act (29 U.S.C. 3174(c)(3)(H));

(II) customized training, for which the local board may take into account the impact of a qualifying emergency as a factor in determining the portion of the cost of training an employer shall provide;

(III) transitional jobs as described in section 134(d)(5) of the Workforce Innovation and Opportunity Act (29 U.S.C. 3174(d)(5)) (but for adults or dislocated workers determined eligible by a one-stop operator or one-stop partner), including positions in contact tracing, public health, or infrastructure, if provision of the jobs does not displace any currently employed employee (as of the date of the participation in the transitional job); and

(IV) incumbent worker training described in section 134(d)(4) of the Workforce Innovation and Opportunity Act (29 U.S.C. 3174(d)(4)) to support worker retention;

(ii) training services provided through individual training accounts, which, notwithstanding section 122 of the Workforce Innovation and Opportunity Act (29 U.S.C. 3152), eligible individuals may obtain from providers identified as eligible providers of training services under subsection (d) or (h) of that section 122 or from another provider that is identified by the State board or local board involved;

(iii) short-term training—

(I) in which a current employee (as of the date of the participation), including an employee participating in a transitional job described in clause (i)(III), may participate;

(II) for which the participant may receive an employer-sponsored individual training account;

(III) for which the employer agrees to pay—

(aa) not less than 10 percent of the costs of such training in the case of an employer that is a small business concern, as defined in section 3(a) of the Small Business Act (15 U.S.C. 632(a)); and

(bb) not less than 20 percent of such costs in the case of any other employer; and

(IV) for which the participant is provided the opportunity to choose a provider from among the providers identified as eligible providers of training services under subsection (d) or (h) of section 122 of the Workforce Innovation and Opportunity Act or a provider identified by the employer as having the ability to provide the skills necessary for the individual to be hired permanently or to advance the individual's career; and

(iv) short-term training in fields in which the local area needs workers to meet the demands for health care, direct care, and frontline workers responding to a qualifying emergency; and

(B) may be used for—

(i) the establishment and expansion of partnerships with public and private entities to support online programs of training services—

(I) which programs are identified under section 122 of the Workforce Innovation and Opportunity Act and lead to an industry-recognized credential in high-skill, high-wage, or in-demand industry sectors or occupations, in areas such as technology, health care, direct care, and manufacturing; and

(II) through which the partnerships may provide for the cost of an assessment related to obtaining such credential;

(ii) providing training services that are aligned with the needs of local industry and recognized by employers;

(iii) expanding access to individualized career services, which include—

(I) in-person and virtual employment and reemployment services to help individuals find employment; and

(II) career navigation supports to enable workers to find new pathways to high-skill, high-wage, or in-demand industry sectors and occupations and the necessary training to support those pathways; and

(iv) providing access to technology, including broadband service and devices to enable individuals served under this section to receive online career and training services.

(3) MINIMUM AMOUNT FOR TRAINING.—Not less than 50 percent of the funds made available under subsection (b)(2)(B) and paragraph (1)(A)(i) shall be used to provide training services described in paragraph (2)(A).

(d) REALLOCATION.—

(1) LOCAL FUNDS.—Each local board shall return to the Governor any funds received under this section that the local board does not obligate within 1 year after receiving such funds. The Governor shall reallocate such returned funds, to the local areas that are not required to return funds under this paragraph, in accordance with subsection (c)(1)(A).

(2) STATE FUNDS.—Each Governor shall return to the Secretary any funds received under this section that the Governor does not obligate within 2 years after receiving such funds. The Secretary shall reallocate such returned funds to the States that are not required to return funds under this paragraph, in accordance with subsection (b)(1).

(e) GENERAL PROVISIONS.—

(1) ELIGIBLE INDIVIDUALS.—

(A) IN GENERAL.—Except as otherwise specified in this section, to be eligible to receive services authorized under this section, an individual shall be an adult or dislocated worker.

(B) INDIVIDUALS ELIGIBLE TO RECEIVE SERVICES THROUGH INDIVIDUAL TRAINING ACCOUNTS.—To be eligible to receive training

services through an individual training account or employer-sponsored individual training account described in subsection (c)(2)(A)(iii), an eligible individual shall be an adult or dislocated worker—

(i) who, after an in-person or virtual interview, evaluation, or assessment, and career planning, has been determined by a one-stop operator or one-stop partner, as appropriate, to—

(I) be unlikely to obtain or retain employment with wages comparable to or higher than wages from previous employment, solely through the career services available through the one-stop center; and

(II) have the skills and qualifications to successfully participate in the selected program of training services; and

(ii) who selects a program of training services that is directly linked to the employment opportunities in the local area, or in another area to which the adult or dislocated worker is willing to commute or relocate.

(2) SPECIAL RULES.—

(A) ADMINISTRATION.—Except as otherwise provided in this section, the provisions of subtitle E of title I of the Workforce Innovation and Opportunity Act (29 U.S.C. 3241 et seq.) shall apply to funds provided under this section.

(B) SINGLE STATE LOCAL AREA.—In any case in which a State is designated as a local area pursuant to section 106(d) of the Workforce Innovation and Opportunity Act (29 U.S.C. 3121(d)), the State board shall carry out the functions of a local board as specified in this section.

(3) PROGRAM OVERSIGHT.—The Governor, in partnership with local boards and the chief elected officials for local areas, shall—

(A) conduct oversight for the activities authorized under this section; and

(B) ensure the appropriate use and management of the funds provided under this section.

(4) PROGRAM ADMINISTRATION.—The Secretary shall reserve not more than \$15,000,000 of the funds appropriated to carry out this section, as necessary, for program administration and management through the Department of Labor to support the administration of funds provided under this section and evaluation of activities authorized under this section.

(f) REPORTS.—

(1) STATE REPORT.—Each State shall prepare and submit to the Secretary a report that includes information specifying—

(A) the number and percentage of participants in activities under this section who received funds for training services;

(B) the types of training programs provided under this section;

(C) the number and percentage of participants in training programs provided under this section who entered employment upon completion of such a program;

(D) the number and percentage of participants in such training programs who obtained a recognized postsecondary credential; and

(E) the earnings of participants who completed a training program under this section.

(2) SECRETARY'S REPORT.—Upon receipt of a report under paragraph (1), the Secretary shall transmit such report to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Education and Labor of the House of Representatives.

(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section \$3,500,000,000 for the period of fiscal years 2020 through 2022.

**SA 2549.** Mr. GRASSLEY submitted an amendment intended to be proposed to amendment SA 2499 proposed by Mr.

MCCONNELL to the bill S. 178, to condemn gross human rights violations of ethnic Turkic Muslims in Xinjiang, and calling for an end to arbitrary detention, torture, and harassment of these communities inside and outside China; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**TITLE — ADDITIONAL FLEXIBILITY AND ACCOUNTABILITY FOR CORONAVIRUS RELIEF FUND PAYMENTS AND STATE TAX CERTAINTY FOR EMPLOYEES AND EMPLOYERS**

**SEC. — EXPANSION OF ALLOWABLE USE OF CORONAVIRUS RELIEF FUND PAYMENTS BY STATES AND TRIBAL AND LOCAL GOVERNMENTS.**

(a) IN GENERAL.—Section 601(d) of the Social Security Act (42 U.S.C. 801(d)) is amended to read as follows:

“(d) USE AND AVAILABILITY OF FUNDS.—

“(1) ALLOWABLE USES.—A State, Tribal government, or unit of local government shall use the funds provided under a payment made under this section only for the following purposes:

“(A) COVID-19 COSTS.—During the period that begins on March 1, 2020, and ends on September 30, 2021 (or, in the case of a State or government described in clause (iii) of subparagraph (B), the date determined for the State or government under such clause), to pay costs of the State, Tribal government, or unit of local government that—

“(i) are necessary expenditures incurred due to the public health emergency with respect to the Coronavirus Disease 2019 (COVID-19); and

“(ii) were not accounted for in the budget most recently approved as of March 27, 2020, for the State or government.

“(B) REVENUE SHORTFALL.—

“(i) IN GENERAL.—Subject to clause (iv), during the period that begins on March 1, 2020, and ends on September 30, 2021 (or, in the case of a State or government described in clause (iii), the date determined for the State or government under such clause), to fund operations of the State or government if the State or government—

“(I) has a revenue shortfall amount for the State or government fiscal year for 2020 or 2021; and

“(II) certifies to the Secretary that the State or government has distributed at least 25 percent of the total amount of the payments received by the State or government under this section to localities within the jurisdiction of the State or government or that there are no localities within the jurisdiction of the State or government.

“(ii) REVENUE SHORTFALL AMOUNT.—For purposes of this subparagraph, the revenue shortfall amount for a State or government and a State or government fiscal year is the amount, if any, by which—

“(I) the total amount of State or government revenue from taxes, fees, or sources other than funds provided under a payment made under this section or another intergovernmental transfer of funds from the Federal Government collected for such fiscal year; is less than

“(II) the total amount of such revenue collected for the State or government fiscal year for 2019.

“(iii) SPECIAL RULE.—In the case of a State or government that has a fiscal year for 2021 that ends after June 30, 2021, the date determined for such State or government under this clause is the date that is 90 days after the last day of the State or government fiscal year for 2021.

“(iv) LIMITATION.—The amount of funds paid to or distributed to a State, Tribal gov-

ernment, or unit of local government under this section that may be used by the State or government for the purpose permitted under clause (i) shall not exceed the lesser of—

“(I) 25 percent of the total amount of such funds; and

“(II) the sum of the revenue shortfall amounts determined for the State or government for fiscal years 2020 and 2021 under clause (ii).

“(2) PROHIBITED USES.—No State, Tribal government, or unit of local government may use funds provided under a payment made under this section for any of the following purposes:

“(A) To make a deposit into, or reimburse, any State or government fund that finances pensions or other postemployment benefits for current or former employees of the State or government.

“(B) To satisfy any obligation or liability of the State or government with respect to a pension or other postemployment benefit fund, plan, or program for current or former employees of the State or government.

“(C) To augment any amount paid, or benefit provided under, a pension or other postemployment benefit fund, plan, or program for current or former employees of the State or government.

“(D) To make a deposit into, or reimburse a withdrawal from, a budget stabilization fund, budget reserve account, or other ‘rainy day’ or reserve fund of the State or government established to provide a source of funding for operations of the State or government during a revenue downturn or other unanticipated shortfall and accounted for in the budget most recently approved as of March 27, 2020, for the State or government.

“(E) To participate in litigation in which an officer of the State or government is a party in the officer’s personal capacity.

“(F) To undertake to—

“(i) influence the passage or defeat of any legislation by the Congress of the United States, or by any State or local legislative body; or

“(ii) improve the public image of an officer of the State or government.

“(3) MAINTENANCE OF EFFORT.—In accordance with guidance from the Secretary issued before, on, or after the date of enactment of the Coronavirus Relief Fair Unemployment Compensation Act of 2020, any amount from a payment made under this section to a State, Tribal government, or unit of local government that is distributed by such entity to a unit of general local government below the level of such entity shall supplement, and not supplant, any non-Federal funds that such entity would otherwise provide, distribute, or use for assistance to such unit of general local government.

“(4) AVAILABILITY.—Funds paid or distributed to a State, Tribal government, or unit of local government under this section that are obligated for an allowable use under paragraph (1) before October 1, 2021 (or, in the case of a State or government described in clause (iii) of subparagraph (B) of such paragraph, the day after the date determined for the State or government under such clause), shall remain available until expended.

“(5) APPLICATION TO DISTRIBUTIONS TO LOCALITIES.—

“(A) IN GENERAL.—The allowable and prohibited uses of funds, maintenance of effort, and availability rules that apply to funds provided under a payment made under this section to a State, Tribal government, or unit of local government, and all other limitations or restrictions which apply to such funds, shall apply in the same manner and to the same extent to any funds from such payment which a State or government distributes to a locality.

“(B) LIMITATION ON ADDITIONAL CONDITIONS.—A State, Tribal government, or unit of local government shall not impose any condition, requirement, or restriction on a distribution to a locality of funds provided to the State or government under a payment made under this section other than as necessary to ensure the locality uses the funds distributed in accordance with the limitations, restrictions, and requirements applicable under subparagraph (A).”

(b) ADDITIONAL AMENDMENTS.—Section 601 of such Act is further amended—

(1) in subsection (f)—

(A) by redesignating paragraphs (3) and (4) as paragraphs (4) and (5), respectively; and

(B) by inserting after paragraph (2) the following new paragraph:

“(3) AUDIT RISK FACTORS.—In determining whether to conduct an audit of the use of funds paid to a State, Tribal government, or unit of local government under this section (including any such funds distributed to a locality), the Inspector General of the Department of the Treasury shall prioritize auditing States or governments that—

“(A) have not distributed at least 25 percent of the total amount of the payments received by the State or government under this section to localities within the jurisdiction of the State or government, if any; or

“(B) have imposed a condition, requirement, or restriction on funds distributed to a locality which the Inspector General has reason to believe violates subsection (d)(5)(B).”

(2) in subsection (g)—

(A) by redesignating paragraphs (3) through (5) as paragraphs (5) through (7), respectively; and

(B) by inserting after paragraph (2) the following new paragraphs:

“(3) LOCALITY.—The term ‘locality’ means, with respect to a State, Tribal government, or unit of local government, a county, municipality, town, township, village, parish, borough, or other unit of general government below the level of the State, Tribal government, or unit of local government (as applicable) with a population of 500,000 or less.

“(4) OTHER POSTEMPLOYMENT BENEFITS.—The term ‘other postemployment benefits’ includes postemployment health care benefits, regardless of the type of plan that provides them, and all postemployment benefits provided separately from a pension plan, excluding benefits defined as termination offers and benefits.”

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the enactment of section 601 of the Social Security Act, as added by section 5001(a) of the CARES Act (Public Law 116-136).

(d) ACCOUNTABILITY FOR THE DISBURSEMENT AND USE OF STATE OR GOVERNMENT RELIEF PAYMENTS.—

(1) DATA ON DISBURSEMENT AND USE OF PAYMENTS FROM THE CORONAVIRUS RELIEF FUND.—Pursuant to the authority provided in section 601(f) of the Social Security Act (42 U.S.C. 801(f)), as added by section 5001(a) of the CARES Act (Public Law 116-136) and amended by subsection (b), the Inspector General of the Department of the Treasury shall compile data on the disbursement and use of funds made available from each payment made by the Secretary of the Treasury from the Coronavirus Relief Fund established under section 601 of the Social Security Act (42 U.S.C. 801) to States, the District of Columbia, territories, Tribal governments, and directly to units of local government under section 601(b)(2) of such Act (in this subsection referred to as a “State or government relief payment”).

(2) REPORTING ON USES OF RELIEF FUNDS.—

(A) IN GENERAL.—Each recipient of a State or government relief payment (referred to in this section as a “recipient”) shall submit a report on the recipient’s use of such payment to the Secretary and the Inspector General of the Treasury using a portal designated by the Secretary for such purpose for each calendar quarter and period described in subparagraph (C). Such report shall include the following:

(i) The total amount of all State or government relief payments made to the recipient.

(ii) A detailed list of all projects or activities on which funds from such payments were expended or obligated, including, for each such project or activity—

(I) the name of the project or activity;

(II) a description of the project or activity;

(III) the name of each business, consultant, or contractor used to facilitate the implementation or continuation of the project or activity; and

(IV) the amount of such funds expended or obligated.

(iii) Detailed information on—

(I) any loan issued using such funds;

(II) any contract or grant financed in whole or in part with such funds, including any contract with an entity described in clause (ii)(III);

(III) transfers of such funds made to other government entities; and

(IV) any direct payments of such funds made by the recipient that equal or exceed \$50,000.

(iv) Detailed information on the extent to which the recipient used a State or government relief payment made to fund operations due to a revenue shortfall, in accordance with subparagraph (B) of section 601(d)(1) of the Social Security Act (42 U.S.C. 801(d)(1)), including—

(I) the total amount of funds from all such payments used for such purpose;

(II) the 1 or more revenue sources (such as taxes, fees, or another source of revenue) that contributed to such shortfall; and

(III) for each source identified in subclause (II), the amount of the reduction in revenue generated by such source over the period described in subparagraph (A)(ii) of such section.

(B) CERTIFICATION.—Each recipient shall certify that the information reported with respect to each quarter or period is true, accurate, and complete. Such certification shall be made by an authorized representative of the recipient that has the legal authority to give assurances, make commitments, and enter into contracts on behalf of the recipient.

(C) REPORT DEADLINES.—A recipient shall report the data required under subparagraph (A)—

(i) for the period beginning on March 1, 2020, and ending on June 30, 2020, not later than September 21, 2020; and

(ii) for each calendar quarter in the period that begins on July 1, 2020, and ends on September 30, 2021 (or, in the case of a recipient for which a date is determined under section 601(d)(1)(B)(iii) of the Social Security Act, the last day of the calendar quarter in which such date occurs), not later than later than 10 days after the end of the calendar quarter.

(3) RECORD RETENTION REQUIREMENTS.—

(A) IN GENERAL.—Each recipient and entity described in subparagraph (C) shall maintain, for not less than 5 years after date on the recipient expends all funds from State or government relief payments paid to the recipient and shall make available to the Secretary of the Treasury and the Inspector General of the Department of the Treasury upon request, all documents and financial records of the recipient sufficient to establish the recipient’s compliance with section

601(d) of the Social Security Act (42 U.S.C. 801(d)).

(B) SCOPE OF RECORDS.—The documents and records sufficient to establish a recipient’s compliance with such section may include—

(i) general ledgers and any subsidiary ledgers used to account for the receipt and disbursement of funds from all State or government relief payments made to the recipient;

(ii) budget records of the recipient for 2019, 2020, and 2021;

(iii) payroll, time records and other human resource records of the recipient which support costs incurred for payroll expenses related to addressing the public health emergency due to COVID-19 or other use of funds allowable under such section 601(d);

(iv) receipts of purchases made related to addressing the public health emergency due to COVID-19 or other use of funds allowable under such section 601(d);

(v) contracts and subcontracts entered into with funds from any State or government relief payment made to the recipient, and all documents related to such contracts or subcontracts;

(vi) grant agreements and subgrant agreements entered into with funds from any State or government relief payment made to the recipient, and all documents related to such agreements;

(vii) all documentation of reports, audits, and other monitoring of contractors, subcontractors, grantees, and subgrantees relating to the use funds from any State or government relief payment made to the recipient;

(viii) all documentation supporting performance outcomes (if any) of contracts, subcontracts, grants, or subgrants relating to the use of funds from any State or government relief payment made to the recipient;

(ix) all internal and external email and other electronic communications relating to the use of funds from any State or government relief payment made to the recipients; and

(x) all investigative files and inquiry reports (if any) relating to the use of funds from any State or government relief payment made to the recipient.

(C) ENTITIES DESCRIBED.—An entity described in this subparagraph is the any of the following:

(i) An entity that receives a grant or loan funded in whole or in part with funds from a State or government relief payment made to the recipient, and any contractor, subcontractor, or subgrantee of such entity.

(ii) An entity awarded a contract funded in whole or in part with funds from a State or government relief payment made to the recipient, and any subcontractor of such entity.

(iii) A governmental entity that receives a payment or transfer of funds that equals or exceeds \$50,000, funded in whole or in part with funds from a State or government relief payment made to the recipient.

(4) QUARTERLY REPORTS TO CONGRESS.—

(A) IN GENERAL.—Using data compiled under paragraph (1), the Inspector General of the Department of the Treasury shall submit a report containing the information described in subparagraph (B) to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate not later than October 1, 2020, and the 1st day of every third month beginning thereafter through January 1, 2021.

(B) CONTENT.—Each report submitted under subparagraph (A) shall include data on the disbursement and use of funds from State or government relief payments, including with respect to the amounts and recipients of disbursements made—

(i) by States receiving such payments to—

(I) units of local government (as defined in section 601(g)(2) of the Social Security Act (42 U.S.C. 801(g)(2))); and

(II) counties, municipalities, towns, townships, villages, parishes, boroughs, or other units of general government below the State level with a population that does not exceed 500,000; and

(ii) by the Secretary of the Treasury directly to units of local government (as so defined) under section 601(b)(2) of such Act (42 U.S.C. 801(b)(2)).

#### SEC. \_\_\_\_ . STATE TAX CERTAINTY FOR EMPLOYERS AND EMPLOYEES.

(a) LIMITATIONS ON WITHHOLDING AND TAXATION OF EMPLOYEE INCOME.—

(1) IN GENERAL.—No part of the wages or other remuneration earned by an employee who is a resident of a taxing jurisdiction and performs employment duties in more than one taxing jurisdiction shall be subject to income tax in any taxing jurisdiction other than—

(A) the taxing jurisdiction of the employee’s residence; and

(B) any taxing jurisdiction within which the employee is present and performing employment duties for more than 30 days during the calendar year in which the wages or other remuneration is earned.

(2) INCOME TAX WITHHOLDING AND REPORTING.—Wages or other remuneration earned in any calendar year shall not be subject to income tax withholding and reporting requirements with respect to any taxing jurisdiction unless the employee is subject to income tax in such taxing jurisdiction under paragraph (1). Income tax withholding and reporting requirements under paragraph (1)(B) shall apply to wages or other remuneration earned as of the commencement date of employment duties in the taxing jurisdiction during the calendar year.

(3) OPERATING RULES.—For purposes of determining penalties related to an employer’s income tax withholding and reporting requirements with respect to any taxing jurisdiction—

(A) an employer may rely on an employee’s annual determination of the time expected to be spent by such employee in the performance of employment duties in the taxing jurisdictions in which the employee will perform such duties absent—

(i) the employer’s actual knowledge of fraud by the employee in making the determination; or

(ii) collusion between the employer and the employee to evade tax;

(B) except as provided in subparagraph (C), if records are maintained by an employer in the regular course of business that record the location at which an employee performs employment duties, such records shall not preclude an employer’s ability to rely on an employee’s determination under subparagraph (A); and

(C) notwithstanding subparagraph (B), if an employer, at its sole discretion, maintains a time and attendance system that tracks where the employee performs duties on a daily basis, data from the time and attendance system shall be used instead of the employee’s determination under subparagraph (A).

(4) DEFINITIONS AND SPECIAL RULES.—For purposes of this subsection:

(A) DAY.—

(i) Except as provided in clause (ii), an employee is considered present and performing employment duties within a taxing jurisdiction for a day if the employee performs more of the employee’s employment duties within such taxing jurisdiction than in any other taxing jurisdiction during a day.

(ii) If an employee performs employment duties in a resident taxing jurisdiction and in only one nonresident taxing jurisdiction

during one day, such employee shall be considered to have performed more of the employee's employment duties in the non-resident taxing jurisdiction than in the resident taxing jurisdiction for such day.

(iii) For purposes of this subparagraph, the portion of the day during which the employee is in transit shall not be considered in determining the location of an employee's performance of employment duties.

(B) EMPLOYEE.—

(i) IN GENERAL.—

(I) GENERAL DEFINITION.—Except as provided in subclause (II), the term “employee” has the meaning given such term in section 3121(d) of the Internal Revenue Code of 1986 (26 U.S.C. 3121(d)), unless such term is defined by the taxing jurisdiction in which the person's employment duties are performed, in which case the taxing jurisdiction's definition shall prevail.

(II) EXCEPTION.—The term “employee” shall not include a professional athlete, professional entertainer, qualified production employee, or certain public figures.

(i) PROFESSIONAL ATHLETE.—The term “professional athlete” means a person who performs services in a professional athletic event, provided that the wages or other remuneration are paid to such person for performing services in his or her capacity as a professional athlete.

(iii) PROFESSIONAL ENTERTAINER.—The term “professional entertainer” means a person of prominence who performs services in the professional performing arts for wages or other remuneration on a per-event basis, provided that the wages or other remuneration are paid to such person for performing services in his or her capacity as a professional entertainer.

(iv) QUALIFIED PRODUCTION EMPLOYEE.—The term “qualified production employee” means a person who performs production services of any nature directly in connection with a taxing jurisdiction qualified, certified or approved film, television or other commercial video production for wages or other remuneration, provided that the wages or other remuneration paid to such person are qualified production costs or expenditures under such taxing jurisdiction's qualified, certified or approved film, television or other commercial video production incentive program, and that such wages or other remuneration must be subject to withholding under such qualified, certified or approved film, television or other commercial video production incentive program as a condition to treating such wages or other remuneration as a qualified production cost or expenditure.

(v) CERTAIN PUBLIC FIGURES.—The term “certain public figures” means persons of prominence who perform services for wages or other remuneration on a per-event basis, provided that the wages or other remuneration are paid to such person for services provided at a discrete event, in the nature of a speech, public appearance, or similar event.

(C) EMPLOYER.—The term “employer” has the meaning given such term in section 3401(d) of the Internal Revenue Code of 1986 (26 U.S.C. 3401(d)), unless such term is defined by the taxing jurisdiction in which the employee's employment duties are performed, in which case the taxing jurisdiction's definition shall prevail.

(D) TAXING JURISDICTION.—The term “taxing jurisdiction” means any of the several States, the District of Columbia, or any municipality, city, county, township, parish, transportation district, or assessment jurisdiction, or any other political subdivision of a State with the authority to impose a tax, charge, or fee.

(E) TIME AND ATTENDANCE SYSTEM.—The term “time and attendance system” means a system in which—

(i) the employee is required on a contemporaneous basis to record his or her work location for every day worked outside of the taxing jurisdiction in which the employee's employment duties are primarily performed; and

(ii) the system is designed to allow the employer to allocate the employee's wages for income tax purposes among all taxing jurisdictions in which the employee performs employment duties for such employer.

(F) WAGES OR OTHER REMUNERATION.—The term “wages or other remuneration” may be defined by the taxing jurisdiction in which the employment duties are performed.

(5) PLACE OF RESIDENCE.—For purposes of this subsection, the residence of an employee shall be determined under the laws of the taxing jurisdiction in which such employee maintains a dwelling which serves as the employee's permanent place of abode during the calendar year.

(6) ADJUSTMENT DURING CORONAVIRUS PANDEMIC.—With respect to calendar year 2020, in the case of any employee who performs employment duties in any taxing jurisdiction other than the taxing jurisdiction of the employee's residence during such year as a result of the COVID-19 public health emergency, paragraph (1)(B) shall be applied by substituting “90 days” for “30 days”.

(b) STATE AND LOCAL TAX CERTAINTY.—

(1) STATUS OF EMPLOYEES DURING COVERED PERIOD.—Notwithstanding subsection (a)(1)(B) or any provision of law of a taxing jurisdiction, with respect to any employee whose primary work location is within a taxing jurisdiction and who is working remotely within another taxing jurisdiction during the covered period—

(A) except as provided under subparagraph (B), any wages earned by such employee during such period shall be deemed to have been earned at the primary work location of such employee; and

(B) if an employer, at its sole discretion, maintains a system that tracks where such employee performs duties on a daily basis, wages earned by such employee may, at the election of such employer, be treated as earned at the location in which such duties were remotely performed.

(2) STATUS OF BUSINESSES DURING COVERED PERIOD.—Notwithstanding any provision of law of a taxing jurisdiction—

(A) in the case of an out-of-jurisdiction business which has any employees working remotely within such jurisdiction during the covered period, the duties performed by such employees within such jurisdiction during such period shall not be sufficient to create any nexus or establish any minimum contacts or level of presence that would otherwise subject such business to any registration, taxation, or other related requirements for businesses operating within such jurisdiction; and

(B) except as provided under paragraph (1)(B), with respect to any tax imposed by such taxing jurisdiction which is determined, in whole or in part, based on net or gross receipts or income, for purposes of apportioning or sourcing such receipts or income, any duties performed by an employee of an out-of-jurisdiction business while working remotely during the covered period—

(i) shall be disregarded with respect to any filing requirements for such tax; and

(ii) shall be apportioned and sourced to the tax jurisdiction which includes the primary work location of such employee.

(3) DEFINITIONS.—For purposes of this subsection—

(A) COVERED PERIOD.—The term “covered period” means, with respect to any employee working remotely, the period—

(i) beginning on the date on which such employee began working remotely; and

(ii) ending on the earlier of—

(I) the date on which the employer allows, at the same time—

(aa) such employee to return to their primary work location; and

(bb) not less than 90 percent of their permanent workforce to return to such work location; or

(II) December 31, 2020.

(B) EMPLOYEE.—The term “employee” has the meaning given such term in section 3121(d) of the Internal Revenue Code of 1986 (26 U.S.C. 3121(d)), unless such term is defined by the taxing jurisdiction in which the person's employment duties are deemed to be performed pursuant to paragraph (1), in which case the taxing jurisdiction's definition shall prevail.

(C) EMPLOYER.—The term “employer” has the meaning given such term in section 3401(d) of the Internal Revenue Code of 1986 (26 U.S.C. 3401(d)), unless such term is defined by the taxing jurisdiction in which the employee's employment duties are deemed to be performed pursuant to paragraph (1), in which case the taxing jurisdiction's definition shall prevail.

(D) OUT-OF-JURISDICTION BUSINESS.—The term “out-of-jurisdiction business” means, with respect to any taxing jurisdiction, any business entity which, excepting any employees of such business who are working remotely within such jurisdiction during the covered period, would not otherwise be subject to any tax filing requirements under the existing law of such taxing jurisdiction.

(E) PRIMARY WORK LOCATION.—The term “primary work location” means, with respect to an employee, the address of the employer where the employee is regularly assigned to work when such employee is not working remotely during the covered period.

(F) TAXING JURISDICTION.—The term “taxing jurisdiction” has the same meaning given such term under subsection (a)(4)(D).

(G) WAGES.—The term “wages” means all wages and other remuneration paid to an employee that are subject to tax or withholding requirements under the law of the taxing jurisdiction in which the employment duties are deemed to be performed under paragraph (1) during the covered period.

(H) WORKING REMOTELY.—The term “working remotely” means the performance of duties by an employee at a location other than the primary work location of such employee at the direction of his or her employer due to conditions resulting from the public health emergency relating to the virus SARS-CoV-2 or coronavirus disease 2019 (referred to in this subparagraph as “COVID-19”), including—

(i) to comply with any government order relating to COVID-19;

(ii) to prevent the spread of COVID-19; and

(iii) due to the employee or a member of the employee's family contracting COVID-19.

(4) PRESERVATION OF AUTHORITY OF TAXING JURISDICTIONS.—This subsection shall not be construed as modifying, impairing, superseding, or authorizing the modification, impairment, or supersession of the law of any taxing jurisdiction pertaining to taxation except as expressly provided in paragraphs (1) through (3).

(C) EFFECTIVE DATE; APPLICABILITY.—

(1) EFFECTIVE DATE.—Subject to paragraph (3), this section shall apply to calendar years beginning after December 31, 2019.

(2) APPLICABILITY.—This section shall not apply to any tax obligation that accrues before January 1, 2020.

(3) TERMINATION.—Subsection (a) shall not apply to calendar years beginning after December 31, 2024.

**SEC. \_\_\_\_ . EMERGENCY DESIGNATION.**

(a) IN GENERAL.—The amounts provided under this title are designated as an emergency requirement pursuant to section 4(g) of the Statutory Pay-As-You-Go Act of 2010 (2 U.S.C. 933(g)).

(b) DESIGNATION IN SENATE.—In the Senate, this title is designated as an emergency requirement pursuant to section 4112(a) of H. Con. Res. 71 (115th Congress), the concurrent resolution on the budget for fiscal year 2018.

**SA 2550.** Mr. SCOTT of Florida submitted an amendment intended to be proposed to amendment SA 2499 proposed by Mr. McCONNELL to the bill S. 178, to condemn gross human rights violations of ethnic Turkic Muslims in Xinjiang, and calling for an end to arbitrary detention, torture, and harassment of these communities inside and outside China; which was ordered to lie on the table; as follows:

At the end of the matter proposed to be inserted, insert the following:

**SEC. 3. RESTRICTIONS ON FEDERAL CONTRACTING WITH CHINESE COMPANIES.**

(a) DEFINITIONS.—In this section:

(1) COVERED CONTRACT.—The term “covered contract” means a contract with a value equal to or greater than \$10,000 related to an infrastructure project, including with respect to—

(A) surface transportation (roads);  
(B) mass transit, including airports, public transportation, and rail;  
(C) ports and bridges, including domestic waterways as defined by the Army Corps of Engineers;

(D) energy, including grid infrastructure and renewable energy;

(E) telecommunications systems; or

(F) emerging technologies identified by the Secretary of Commerce pursuant to the rulemaking undertaken in accordance with the advance notice of proposed rulemaking entitled, “Review of Controls for Certain Emerging Technologies” (83 Fed. Reg. 58201).

(2) COVERED FOREIGN ENTITY.—The term “covered foreign entity” means an entity domiciled in the People’s Republic of China or subject to influence or control by the Government of the People Republic of China or the Communist Party of the People’s Republic of China, as determined by the Secretary of Homeland Security.

(3) EXECUTIVE AGENCY.—The term “executive agency” has the meaning given the term in section 133 of title 41, United States Code.

(b) RESTRICTIONS ON CONTRACTING WITH COMPANIES THAT ARE OWNED WHOLLY OR PARTIALLY BY COVERED FOREIGN ENTITIES.—

(1) FEDERAL CONTRACTS.—The head of an executive agency may not enter into—

(A) a covered contract with a contractor that has an ownership interest, either directly or through a joint venture, of at least 25 percent that is held by a covered foreign entity; or

(B) a covered contract in which the contractor subcontracts with a subcontractor having such an ownership interest.

(2) USE OF FEDERAL FUNDS.—No Federal funds, including grant and loan funds, may be used to enter into a covered contract with a contractor or subcontractor having an ownership interest of at least 25 percent that is held by a covered foreign entity.

(3) WAIVER AUTHORITY.—The head of an executive agency may waive the prohibition under paragraph (1) or (2) on a case-by-case basis. Notice of each such waiver shall be provided to the Director of the Office of Management and Budget.

(4) EFFECTIVE DATE.—The prohibitions under paragraphs (1) and (2) apply to con-

tracts and subcontracts entered into, extended, or renewed on or after the date that is two years after the date of the enactment of this Act.

(c) ROLE OF FEDERAL ACQUISITION SECURITY COUNCIL IN ENDING RELIANCE ON PEOPLE’S REPUBLIC OF CHINA FOR CERTAIN ITEMS.—Section 1323(a)(1) of title 41, United States Code, is amended—

(1) by redesignating paragraph (7) as paragraph (8); and

(2) by inserting after paragraph (6) the following new paragraph:

“(8) Seeking to end the reliance of the United States Government on the People’s Republic of China for—

“(A) information technology;

“(B) critical infrastructure;

“(C) semiconductors;

“(D) medical equipment; and

“(E) emerging technologies identified by the Secretary of Commerce pursuant to the rulemaking undertaken in accordance with the advance notice of proposed rulemaking entitled, ‘Review of Controls for Certain Emerging Technologies’ (83 Fed. Reg. 58201).”.

**SA 2551.** Mr. SCOTT of Florida submitted an amendment intended to be proposed to amendment SA 2499 proposed by Mr. McCONNELL to the bill S. 178, to condemn gross human rights violations of ethnic Turkic Muslims in Xinjiang, and calling for an end to arbitrary detention, torture, and harassment of these communities inside and outside China; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**Subtitle \_\_\_\_—American-Made Protection for Healthcare Workers and First Responders****SEC. \_\_\_\_01. SHORT TITLE.**

This subtitle may be cited as the “American-Made Protection for Healthcare Workers and First Responders Act”.

**SEC. \_\_\_\_02. INCLUSION OF PERSONAL PROTECTIVE EQUIPMENT IN THE STRATEGIC NATIONAL STOCKPILE.**

Section 319F–2(a) of the Public Health Service Act (42 U.S.C. 247d–6b(a)) is amended by adding at the end the following:

“(6) PERSONAL PROTECTIVE EQUIPMENT.—

“(A) IN GENERAL.—The Secretary, in coordination with the Secretary of Homeland Security, shall ensure that the supplies of the strategic national stockpile includes personal protective equipment in a quantity that is sufficient for a 1-year supply during a nationwide pandemic.

“(B) DEFINITION.—In this paragraph, the term ‘personal protective equipment’—

“(i) has the meaning given such term by the Commissioner of Food and Drugs, which includes protective clothing, helmets, gloves, face shields, goggles, facemasks, and other equipment designed to protect the wearer from injury or the spread of infection or illness; and

“(ii) includes ventilators, respirators, disinfecting wipes, and hand sanitizer.

“(7) CONGRESSIONAL BRIEFINGS.—Not later than 180 days after the date of enactment of this paragraph, and every 180 days thereafter until the date that is 5 years after the date of enactment of this paragraph, the Secretary shall provide a briefing to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives on the inventory of drugs, vaccines and other biological products, medical devices, and other supplies in the strategic national stockpile.”.

**SEC. \_\_\_\_03. NATIONAL STRATEGIC STOCKPILE OF PERSONAL PROTECTIVE EQUIPMENT FOR FIRST RESPONDERS.**

(a) IN GENERAL.—Title V of the Homeland Security Act of 2002 (6 U.S.C. 311 et seq.) is amended by adding at the end the following:

**“SEC. 529. NATIONAL STRATEGIC STOCKPILE OF PERSONAL PROTECTIVE EQUIPMENT FOR FIRST RESPONDERS.**

“(a) DEFINITIONS.—In this section—

“(1) the term ‘first responder’ means a ‘public safety officer’ as defined in section 1204 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (34 U.S.C. 10284); and

“(2) the term ‘personal protective equipment’—

“(A) has the meaning given such term in paragraph (6) of section 319F–2(a) of the Public Health Service Act (42 U.S.C. 247d–6b(a)); and

“(B) includes such other equipment as determined appropriate by the Secretary.

“(b) REQUIREMENT.—The Secretary shall—

“(1) establish and maintain a national strategic stockpile of personal protective equipment for use by first responders during an emergency declared under section 501(b) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5191(b)) or under the National Emergencies Act (50 U.S.C. 1601 et seq.); and

“(2) make such personal protective equipment available, on a reimbursable basis, to first responder agencies.

“(c) REIMBURSEMENT.—In lieu of reimbursement from a first responder agency under subsection (b), the Secretary may accept reimbursement from the State, or political subdivision thereof, in which the first responder agency is located.”.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of contents in section 1(b) of the Homeland Security Act of 2002 (Public Law 107–296; 116 Stat. 2135) is amended by inserting after the item relating to section 528 the following:

“Sec. 529. National strategic stockpile of personal protective equipment for first responders.”.

**SEC. \_\_\_\_04. PRE-DISASTER CONTRACTS.**

The Secretary of Health and Human Services (referred to in this section as the “Secretary”) shall enter into contracts with suppliers of personal protective equipment (as defined in section 319F–2(a)(6)(B) of the Public Health Service Act (as amended by this subtitle)) for the procurement by the Federal Government of such equipment in the event of a public health emergency declared under section 319 of the Public Health Service Act (42 U.S.C. 247d), under section 501(b) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5191(b)), or under the National Emergencies Act (50 U.S.C. 1601 et seq.).

**SEC. \_\_\_\_05. PROHIBITION ON PROCUREMENT OF PERSONAL PROTECTIVE EQUIPMENT FROM COVERED FOREIGN ENTITIES.**

(a) PROCUREMENT PROHIBITION.—An executive agency may not procure by contract, subcontract, grant, or cooperative agreement any personal protective equipment sourced, manufactured, or assembled in whole or in part by a covered foreign entity. To the extent possible, executive agencies shall procure personal protective equipment sourced, manufactured, or assembled in whole or in part in the United States.

(b) PROHIBITION ON USE OF FEDERAL FUNDS FOR FOREIGN PROCUREMENT.—No Federal funds, whether made available by contract, grant, or cooperative agreement, may be used to procure personal protective equipment sourced, manufactured, or assembled in whole or in part by a covered foreign entity.



(c) EFFECTIVE DATE.—The prohibitions under subsections (a) and (b) shall take effect on the date that is one year after the date of the enactment of this Act.

**SEC. 06. INELIGIBILITY FOR FEDERAL CONTRACTING AS RESULT OF UNREASONABLE FAILURE TO PERFORM A CONTRACT FOR THE PROCUREMENT OF PERSONAL PROTECTIVE EQUIPMENT.**

Any Federal contractor or subcontractor determined by the head of an executive agency to have unreasonably failed to perform a contract for the procurement of personal protective equipment shall be ineligible to receive a Federal contract for a period of 10 years following such determination.

**SEC. 07. DEFINITIONS.**

In this subtitle:

(1) COVERED FOREIGN ENTITY.—The term “covered foreign entity” means—

(A) a covered entity designated by the Secretary of Commerce;

(B) an entity included on the Consolidated Screening List;

(C) any entity that is subject to extrajudicial direction from a foreign government, as determined by the Secretary of Homeland Security;

(D) any entity the Secretary of Homeland Security, in coordination with the Director of National Intelligence and the Secretary of Defense, determines poses a national security risk;

(E) any entity domiciled in the People's Republic of China or subject to influence or control by the Government of the People's Republic of China or the Communist Party of the People's Republic of China, as determined by the Secretary of Homeland Security; or

(F) any subsidiary or affiliate of an entity described in subparagraphs (A) through (D).

(2) EXECUTIVE AGENCY.—The term “executive agency” has the meaning given the term in section 133 of title 41, United States Code.

(3) PERSONAL PROTECTIVE EQUIPMENT.—The term “personal protective equipment” has the meaning given such term in section 319F-2(a)(6)(B) of the Public Health Service Act (as amended by this subtitle).

**SA 2552.** Mr. SCOTT of Florida (for himself, Ms. ERNST, and Ms. MCSALLY) submitted an amendment intended to be proposed to amendment SA 2499 proposed by Mr. MCCONNELL to the bill S. 178, to condemn gross human rights violations of ethnic Turkic Muslims in Xinjiang, and calling for an end to arbitrary detention, torture, and harassment of these communities inside and outside China; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**TITLE —AFFORDABLE CORONAVIRUS TESTING**

**SEC. 01. SHORT TITLE.**

This title may be cited as the “Affordable Coronavirus Testing Act”.

**SEC. 02. COVERAGE OF CORONAVIRUS ANTI-BODY TESTS.**

(a) COVERAGE.—

(1) IN GENERAL.—A group health plan and a health insurance issuer offering group or individual health insurance coverage (including a grandfathered health plan (as defined in section 1251(e) of the Patient Protection and Affordable Care Act) shall provide coverage, and shall not impose any cost sharing (including deductibles, copayments, and co-insurance) requirements or prior authorization or other medical management requirements, for eligible COVID-19 serology tests

performed during any portion of the 2020 or 2021 plans years.

(2) ELIGIBLE TEST.—For purpose of paragraph (1), an eligible COVID-19 serology test shall include the following:

(A) A test that has been approved, cleared, or authorized under section 510(k), 513, 515, or 564 of the Federal Food, Drug, and Cosmetic Act for the detection of the presence of SARS-CoV-2 antibodies.

(B) A serology test kit that is made available within the 10-day grace period prior to an emergency use authorization submission and with respect to which such emergency use authorization submission is under consideration, except that this subparagraph shall not apply in the case of a serology test kit where the emergency use authorization submission request under section 564 of the Federal Food, Drug, and Cosmetic Act has been denied or not submitted within a reasonable timeframe.

(C) A serology laboratory developed test that the Food and Drug Administration permits for clinical use without an emergency use authorization submission.

(D) Any other test the Secretary determines appropriate through guidance.

(b) ENFORCEMENT.—The provisions of this section shall be applied by the Secretary of Health and Human Services, Secretary of Labor, and Secretary of the Treasury to group health plans and health insurance issuers offering group or individual health insurance coverage as if included in the provisions of part A of title XXVII of the Public Health Service Act, part 7 of the Employee Retirement Income Security Act of 1974, and subchapter B of chapter 100 of the Internal Revenue Code of 1986, as applicable.

(c) IMPLEMENTATION.—The Secretary of Health and Human Services, Secretary of Labor, and Secretary of the Treasury may implement the provisions of this section through sub-regulatory guidance, program instruction or otherwise.

(d) RULE OF CONSTRUCTION.—Nothing in this title, or the amendments made by this title, shall be construed to limit the number of COVID-19 serology tests that will be covered with respect to an individual under this title (or amendments).

(e) TERMS.—In this section:

(1) GENERAL TERMS.—The terms “group health plan”, “health insurance issuer”, “group health insurance coverage”, and “individual health insurance coverage” shall 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. 1191b), and section 9832 of the Internal Revenue Code of 1986, as applicable.

(2) MEDICAL MANAGEMENT.—The term “medical management” includes requirements relating to clinical criteria for coverage, frequency limitations, and similar restrictions as determined by the Secretary of Health and Human Services, Secretary of Labor, and Secretary of the Treasury.

(f) CONFORMING AMENDMENT.—Section 6001(d) of the Families First Coronavirus Response Act (42 U.S.C. 1320b-5 note) is amended—

(1) by striking “The terms” and inserting the following:

“(1) IN GENERAL.—The terms”; and

(2) by adding at the end the following:

“(2) MEDICAL MANAGEMENT.—The term ‘medical management’ includes requirements relating to clinical criteria for coverage, frequency limitations, and similar restrictions as determined by the Secretary of Health and Human Services, Secretary of Labor, and Secretary of the Treasury.”.

**SEC. 03. COVERAGE OF CORONAVIRUS ANTI-BODY TESTS AT NO COST SHARING UNDER MEDICARE.**

(a) IN GENERAL.—Section 1833(cc)(1)(A)(iii) of the Social Security Act (42 U.S.C. 1395l(cc)(1)(A)(iii)) is amended by inserting the following before the semicolon: “or a COVID-19 serology test described in section 1852(a)(1)(B)(VII)”.

(b) COVERAGE UNDER 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 subclause (VII) as subclause (VIII); and

(B) by inserting after subclause (VI) the following new clause:

“(VII) A COVID-19 serology test administered during any portion of the 2-year period beginning on January 1, 2020, that begins on or after the date of enactment of this subclause, and the administration of such test.”;

(2) in clause (v), by striking “and (VI)” and inserting “(VI), and (VII)”; and

(3) in clause (vi), by inserting “, or in the case of a product or service described in subclause (VII) of such clause that is administered or furnished during any portion of the period described in such subclause” after “this clause”.

**SEC. 04. COVERAGE OF CORONAVIRUS ANTI-BODY TESTS UNDER MEDICAID AND CHIP.**

(a) MEDICAID.—

(1) IN GENERAL.—Section 1905(a)(3) of the Social Security Act (42 U.S.C. 1396d(a)(3)) is amended—

(A) in subparagraph (A), by striking “; and” and inserting a semicolon;

(B) in subparagraph (B), by inserting “and” after the semicolon; and

(C) by adding at the end the following new subparagraph:

“(C) COVID-19 serology tests administered during any portion of the 2-year period beginning on January 1, 2020, that begins on or after the date of enactment of this subparagraph, and the administration of such tests.”.

(2) NO COST SHARING.—

(A) IN GENERAL.—Subsections (a)(2) and (b)(2) of section 1916 of the Social Security Act (42 U.S.C. 1396o) are each amended—

(i) in subparagraph (F), by striking “or” at the end;

(ii) by redesignating subparagraph (G) as subparagraph (H); and

(iii) by inserting after subparagraph (F) the following new subparagraph:

“(G) any COVID-19 serology test described in section 1905(a)(3)(C) that is performed during any portion of the 2-year period described in such section beginning on or after the date of enactment of this subparagraph (and the administration of such test), or”.

(B) APPLICATION TO ALTERNATIVE COST SHARING.—Section 1916A(b)(3)(B) of the Social Security Act (42 U.S.C. 1396o-1(b)(3)(B)) is amended by adding at the end the following new clause:

“(xi) Any COVID-19 serology test described in section 1905(a)(3)(C) that is administered during any portion of the 2-year period described in such section beginning on or after the date of enactment of this clause (and the administration of such test).”.

(C) CLARIFICATION.—The amendments made in this paragraph shall apply with respect to a State plan of a territory in the same manner as a State plan of one of the 50 States.

(b) CHIP.—

(1) IN GENERAL.—Section 2103(c) of the Social Security Act (42 U.S.C. 1397cc(c)) is amended by adding at the end the following paragraph:

“(11) COVID-19 SEROLOGY TESTING.—The child health assistance provided to a targeted low-income child shall include coverage of any COVID-19 serology test described in section 1905(a)(3)(C) that is administered during any portion of the 2-year period described in such section beginning on or after the date of the enactment of this subparagraph (and the administration of such test).”.

(2) PROHIBITION OF COST SHARING.—Section 2103(e)(2) of the Social Security Act (42 U.S.C. 1397cc(e)(2)) is amended by inserting “COVID-19 serology tests described in subsection (c)(11) (and administration of such tests),” after “products).”.

**SEC. 05. COVERAGE OF CORONAVIRUS ANTI-BODY TESTS UNDER THE TRICARE PROGRAM.**

(a) IN GENERAL.—The Secretary of Defense shall provide coverage under the TRICARE program, and shall not impose any cost sharing (including deductibles, copayments, and coinsurance) requirements or prior authorization or other medical management requirements, for COVID-19 serology tests performed for covered beneficiaries during calendar year 2020 or 2021.

(b) DEFINITIONS.—In this section, the terms “TRICARE program” and “covered beneficiary” have the meanings given those terms in section 1072 of title 10, United States Code.

**SEC. 06. COVERAGE OF CORONAVIRUS ANTI-BODY TESTS FROM DEPARTMENT OF VETERANS AFFAIRS.**

(a) IN GENERAL.—The Secretary of Veterans Affairs shall furnish a COVID-19 serology test to any enrolled veteran, upon request by the veteran, during calendar years 2020 and 2021 and shall not impose any cost sharing (including deductibles, copayments, and coinsurance) requirements or prior authorization or other medical management requirements for the receipt of such a test by an enrolled veteran during such period.

(b) ENROLLED VETERAN DEFINED.—In this section, the term “enrolled veteran” means a veteran enrolled in the system of annual patient enrollment of the Department of Veterans Affairs established and operated under section 1705(a) of title 38, United States Code.

**SEC. 07. COVERAGE OF CORONAVIRUS ANTI-BODY TESTS UNDER FEHBP.**

Section 8902 of title 5, United States Code, is amended by adding at the end the following:

“(p) A contract for a plan under this chapter shall—

“(1) require the carrier to provide coverage for—

“(A) a COVID-19 serology test administered on any date during the period beginning on the date of enactment of this subsection and ending on December 31, 2021; and

“(B) the administration of a test described in subparagraph (A); and

“(2) prohibit the carrier from imposing any cost sharing requirement (including a deductible, copayment, or coinsurance requirement), or prior authorization or other medical management requirement, with respect to a test described in paragraph (1)(A).”.

**SEC. 08. REIMBURSEMENT FOR UNINSURED PATIENT COSTS.**

The Secretary of Health and Human Services shall utilize amounts in the Public Health and Social Services Emergency Fund (as established in the Coronavirus Aid, Relief, and Economic Security Act (Public Law 116-136)) to reimburse health care providers for the costs of providing health care services for the diagnosis and treatment of COVID-19 for individuals who are not covered under a group health plan or other health insurance coverage.

**SEC. 09. ELECTRONIC REPORTING STANDARDS.**

(a) COMMITTEE.—

(1) IN GENERAL.—Not later than 30 days after the date of enactment of this Act, the Secretary of Health and Human Services shall convene a committee to make recommendations to the Secretary on the expedited adoption of private sector standards (as defined in section 1171(7) of the Social Security Act (42 U.S.C. 1320d(7))) and the platform described in subsection (b).

(2) MEMBERSHIP.—The committee under paragraph (1) shall include representatives of—

(A) the Centers for Disease Control and Prevention;

(B) the Office of Civil Rights of the Department of Health and Human Services;

(C) the Office of the National Coordinator for Health Information Technology;

(D) the Department of Defense;

(E) the Department of Veterans Affairs;

(F) the Centers for Medicare & Medicaid Services; and

(G) standards development organizations defined under section 1171(8) of the Social Security Act (42 U.S.C. 1320d(8)), including the National Council for Prescription Drug Programs and Health Level 7.

(b) STANDARDS AND PLATFORM.—Not later than 60 days after the date of the convening of the committee in subsection (a)(1), the committee shall recommend standards, implementation guidelines, and the attributes of a health data platform that facilitates the real-time sharing of information for both public health and clinical health that allows for—

(1) interoperable electronic reporting standards for the sharing of electronic patient data, including case reports, laboratory results, serology, immunology, and hospital capacity data;

(2) standardized electronic information reporting for the automated e-reporting of COVID-19 or future epidemic surveillance results from health care providers, laboratories, and other sources to the Centers for Disease Control and Prevention and State and local departments of health;

(3) standardized immunization data that is shared with immunization registries, medication history, and serology available at the point of care for clinicians; and

(4) a common platform for automated queries and responses from hospitals, physicians, and other prescribers and pharmacies to—

(A) collect, maintain, and provide to prescribers and dispensers, in real-time and within ordinary clinical workflow, information on patient prescription and dispensing history, relevant clinical diagnoses, laboratory test results, vaccinations through pharmaceutical claims, and electronic prescribing data transactions to treat patients; and

(B) allow for the relevant information to be reported to public health officials for the purposes of infectious disease surveillance, identification, and containment consistent with any electronic case reporting system. Such recommendations shall be prioritized in order of impact on improvements to public and clinical health.

(c) ADOPTION OF STANDARDS.—Not later than 90 days after receipt of the recommendations under subsection (b), and in consultation with American National Standards Institute Accredited Standards Development Organizations, the Secretary of Health and Human Services shall adopt priority standards and implementation specifications recommended by the committee under subsection (a) on an expedited basis without regard to the process described in section 1174 of the Social Security Act (with respect to

limits on the timeframe for adoption of the standards) (42 U.S.C. 1320d-3).

(d) ADOPTION OF PLATFORM.—Not later than 90 days after receipt of the recommendations under subsection (b) on a common platform as described in subsection (b)(4), the Secretary of Health and Human Services shall enter into a contract with a private sector entity to establish such platform, which shall be available for use within 180 days of the date of such contract.

(e) REPORT.—Not later than 30 days after the date on which the committee established under subsection (a) makes recommendations for standards and the platform under subsection (b), the committee shall submit to the appropriate committees of Congress a report on such standards and platform, including any legislative changes that would be necessary to implement such standards and platform.

**SA 2553.** Mr. ENZI submitted an amendment intended to be proposed to amendment SA 2499 proposed by Mr. MCCONNELL to the bill S. 178, to condemn gross human rights violations of ethnic Turkic Muslims in Xinjiang, and calling for an end to arbitrary detention, torture, and harassment of these communities inside and outside China; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. . VOLUNTARY PROTECTION PROGRAM.**

(a) COOPERATIVE RELATIONSHIPS.—The Secretary of Labor shall establish a program of entering into cooperative relationships with employers to encourage the establishment of comprehensive safety and health management systems that include—

(1) requirements for systematic assessment of hazards;

(2) comprehensive hazard prevention, mitigation, and control programs;

(3) active and meaningful management leadership and employee participation in the voluntary program described in subsection (b); and

(4) employee safety and health training.

(b) VOLUNTARY PROTECTION PROGRAM.—

(1) IN GENERAL.—The Secretary of Labor shall establish and carry out a voluntary protection program (consistent with subsection (a)) to encourage excellence and recognize the achievement of excellence in both the technical and managerial protection of employees from occupational hazards.

(2) PROGRAM REQUIREMENTS.—The voluntary protection program shall include the following:

(A) APPLICATION.—Employers who volunteer under the program shall be required to submit an application to the Secretary of Labor demonstrating that the worksite with respect to which the application is made meets such requirements as the Secretary of Labor may require for participation in the program.

(B) ONSITE EVALUATIONS.—

(i) IN GENERAL.—There shall be onsite evaluations by representatives of the Secretary of Labor to ensure a high level of protection of employees.

(ii) TREATMENT OF HAZARDS.—Any representative of the Secretary of Labor who is conducting an onsite evaluation under clause (i)—

(I) shall not issue, or recommend the issuance of, citations under the Occupational Safety and Health Act of 1970 (29 U.S.C. 651 et seq.) related to any of the hazards identified during the evaluation; and

(II) may refer any hazard identified during the evaluation to the Assistant Secretary of

Labor for Occupational Safety and Health for review and enforcement action, if—

(aa) employees are exposed to the hazard; and

(bb) after reasonable efforts, the Secretary's representative is unable to reach agreement with the employer on the correction of the hazard.

(C) INFORMATION.—Each employer whose worksite is approved by the Secretary of Labor for participation in the program shall ensure information about the safety and health program is made readily available to each employee who is performing work at the worksite.

(D) REEVALUATIONS.—Periodic reevaluations by the Secretary of Labor of the employers shall be required for continued participation in the program.

(3) MONITORING.—To ensure proper controls and measurement of program performance for the voluntary protection program under this section, the Secretary of Labor shall direct the Assistant Secretary of Labor for Occupational Safety and Health to take the following actions:

(A) Develop a documentation policy regarding information on follow-up actions taken by the regional offices of the Occupational Safety and Health Administration in response to fatalities and serious injuries at worksites participating in the voluntary protection program.

(B) Establish internal controls that ensure consistent compliance by the regional offices of the Occupational Safety and Health Administration with the voluntary protection program policies of the Occupational Safety and Health Administration for conducting onsite reviews and monitoring injury and illness rates, to ensure that only qualified worksites participate in the program.

(C) Establish a system for monitoring the performance of the voluntary protection program by developing specific performance goals and measures for the program.

(4) EXEMPTIONS.—A worksite with respect to which a voluntary protection program has been approved shall, during participation in the program, be exempt from programmed inspections, except that this paragraph shall not apply to inspections or investigations arising from employee complaints, fatalities, catastrophes, or significant toxic releases.

(5) NO PAYMENTS REQUIRED.—The Secretary of Labor shall not require any form of payment for an employer to qualify or participate in the voluntary protection program.

(c) TRANSITION.—The Secretary of Labor shall take such steps as may be necessary for the orderly transition from the cooperative relationships and voluntary protection programs carried out by the Occupational Safety and Health Administration as of the day before the date of enactment of this Act, to the cooperative relationships and voluntary protection program authorized under this section. In making such transition, the Secretary shall ensure that—

(1) the voluntary protection program authorized under this section is based upon and consistent with the voluntary protection programs carried out on the day before the date of enactment of this Act; and

(2) each employer that, as of the day before the date of enactment of this Act, had an active cooperative relationship under the voluntary protection programs carried out by the Occupational Safety and Health Administration and was in good standing with respect to the duties and responsibilities under such agreement, shall have the option to continue participating in the voluntary protection program authorized under this section.

(d) REGULATIONS AND IMPLEMENTATION.—Not later than 2 years after the date of enactment of this Act, the Secretary of Labor

shall issue final regulations for the voluntary protection program authorized under this section and shall begin implementation of the program.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as may be necessary.

**SA 2554.** Mr. ENZI submitted an amendment intended to be proposed by him to the bill S. 178, to condemn gross human rights violations of ethnic Turkic Muslims in Xinjiang, and calling for an end to arbitrary detention, torture, and harassment of these communities inside and outside China; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

#### **SEC. . VOLUNTARY PROTECTION PROGRAM.**

(a) COOPERATIVE RELATIONSHIPS.—The Secretary of Labor shall establish a program of entering into cooperative relationships with employers to encourage the establishment of comprehensive safety and health management systems that include—

(1) requirements for systematic assessment of hazards;

(2) comprehensive hazard prevention, mitigation, and control programs;

(3) active and meaningful management leadership and employee participation in the voluntary program described in subsection (b); and

(4) employee safety and health training.

(b) VOLUNTARY PROTECTION PROGRAM.—

(1) IN GENERAL.—The Secretary of Labor shall establish and carry out a voluntary protection program (consistent with subsection (a)) to encourage excellence and recognize the achievement of excellence in both the technical and managerial protection of employees from occupational hazards.

(2) PROGRAM REQUIREMENTS.—The voluntary protection program shall include the following:

(A) APPLICATION.—Employers who volunteer under the program shall be required to submit an application to the Secretary of Labor demonstrating that the worksite with respect to which the application is made meets such requirements as the Secretary of Labor may require for participation in the program.

(B) ONSITE EVALUATIONS.—

(i) IN GENERAL.—There shall be onsite evaluations by representatives of the Secretary of Labor to ensure a high level of protection of employees.

(ii) TREATMENT OF HAZARDS.—Any representative of the Secretary of Labor who is conducting an onsite evaluation under clause (i)—

(I) shall not issue, or recommend the issuance of, citations under the Occupational Safety and Health Act of 1970 (29 U.S.C. 651 et seq.) related to any of the hazards identified during the evaluation; and

(II) may refer any hazard identified during the evaluation to the Assistant Secretary of Labor for Occupational Safety and Health for review and enforcement action, if—

(aa) employees are exposed to the hazard; and

(bb) after reasonable efforts, the Secretary's representative is unable to reach agreement with the employer on the correction of the hazard.

(C) INFORMATION.—Each employer whose worksite is approved by the Secretary of Labor for participation in the program shall ensure information about the safety and health program is made readily available to each employee who is performing work at the worksite.

(D) REEVALUATIONS.—Periodic reevaluations by the Secretary of Labor of the employers shall be required for continued participation in the program.

(3) MONITORING.—To ensure proper controls and measurement of program performance for the voluntary protection program under this section, the Secretary of Labor shall direct the Assistant Secretary of Labor for Occupational Safety and Health to take the following actions:

(A) Develop a documentation policy regarding information on follow-up actions taken by the regional offices of the Occupational Safety and Health Administration in response to fatalities and serious injuries at worksites participating in the voluntary protection program.

(B) Establish internal controls that ensure consistent compliance by the regional offices of the Occupational Safety and Health Administration with the voluntary protection program policies of the Occupational Safety and Health Administration for conducting onsite reviews and monitoring injury and illness rates, to ensure that only qualified worksites participate in the program.

(C) Establish a system for monitoring the performance of the voluntary protection program by developing specific performance goals and measures for the program.

(4) EXEMPTIONS.—A worksite with respect to which a voluntary protection program has been approved shall, during participation in the program, be exempt from programmed inspections, except that this paragraph shall not apply to inspections or investigations arising from employee complaints, fatalities, catastrophes, or significant toxic releases.

(5) NO PAYMENTS REQUIRED.—The Secretary of Labor shall not require any form of payment for an employer to qualify or participate in the voluntary protection program.

(c) TRANSITION.—The Secretary of Labor shall take such steps as may be necessary for the orderly transition from the cooperative relationships and voluntary protection programs carried out by the Occupational Safety and Health Administration as of the day before the date of enactment of this Act, to the cooperative relationships and voluntary protection program authorized under this section. In making such transition, the Secretary shall ensure that—

(1) the voluntary protection program authorized under this section is based upon and consistent with the voluntary protection programs carried out on the day before the date of enactment of this Act; and

(2) each employer that, as of the day before the date of enactment of this Act, had an active cooperative relationship under the voluntary protection programs carried out by the Occupational Safety and Health Administration and was in good standing with respect to the duties and responsibilities under such agreement, shall have the option to continue participating in the voluntary protection program authorized under this section.

(d) REGULATIONS AND IMPLEMENTATION.—Not later than 2 years after the date of enactment of this Act, the Secretary of Labor shall issue final regulations for the voluntary protection program authorized under this section and shall begin implementation of the program.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as may be necessary.

**SA 2555.** Mr. ENZI submitted an amendment intended to be proposed to amendment SA 2499 proposed by Mr. MCCONNELL to the bill S. 178, to condemn gross human rights violations of

ethnic Turkic Muslims in Xinjiang, and calling for an end to arbitrary detention, torture, and harassment of these communities inside and outside China; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. . . . TIMELY BILLS FOR PATIENTS.**

(a) IN GENERAL.—

(1) AMENDMENT.—Part C of title XXVII of the Public Health Service Act (42 U.S.C. 300gg–91 et seq.), is amended—

(A) by redesignating the second section 2794 (42 U.S.C. 300gg–95) (relating to uniform fraud and abuse referral format), as added by section 6603 of the Patient Protection and Affordable Care Act (Public Law 111–148), as section 2795; and

(B) by adding at the end the following:

**“SEC. 2796. PROVIDER PROVISION OF TIMELY BILLS FOR PATIENTS.**

“(a) IN GENERAL.—The Secretary shall require—

“(1) health care facilities, or in the case of practitioners providing services outside of such a facility, practitioners, to provide to a patient a list of services rendered to such patient during the visit to such facility or practitioner, and, in the case of a facility, the name of the practitioner for each such service, upon discharge or end of the visit or by postal or electronic communication as soon as practicable and not later than 15 calendar days after discharge or date of visit; and

“(2) subject to subsection (e), health care facilities and practitioners to furnish all bills reflecting claims adjudicated between the relevant provider and group health plan or health insurance issuer offering group or individual health insurance coverage, to the patient as soon as practicable, but not later than 90 calendar days after discharge or date of visit.

“(b) ADJUDICATION OF BILLS.—For purposes of meeting the requirements of subsection (a), in the case of services provided to an individual covered by a group health plan or group or individual health insurance coverage—

“(1) the health care facility, or in the case of a practitioner providing services outside of such a facility, the practitioner, shall submit to the applicable group health plan or health insurance issuer the bill with respect to such services not later than 30 calendar days after discharge or date of visit of the individual;

“(2) a group health plan or health insurance issuer receiving a bill as described in paragraph (1) shall, not later than 30 calendar days after such bill is transmitted by the facility or practitioner, complete adjudication of the bill and send such adjudicated bill to the facility or practitioner, as applicable under paragraph (1); and

“(3) the health care facility or practitioner, as applicable under paragraph (1), shall, not later than 30 calendar days after transmission of the adjudicated bill as described in paragraph (2), send such bill to the individual.

“(c) PAYMENT AFTER BILLING.—No patient may be required to pay a bill for health care services any earlier than 45 days after the postmark date of a bill for such services.

“(d) EFFECT OF VIOLATION.—

“(1) NOTIFICATION AND REFUND REQUIREMENTS.—

“(A) PROVIDER LISTS.—If a facility or practitioner fails to provide a patient a list as required under subsection (a)(1), such facility or practitioner shall report such failure to the Secretary.

“(B) BILLING.—If a facility or practitioner bills a patient after the 60-calendar-day pe-

riod described in subsection (a)(2), such facility or practitioner shall—

“(i) report such bill to the Secretary; and

“(ii) refund the patient for the full amount paid in response to such bill with interest, at a rate determined by the Secretary.

“(2) CIVIL MONETARY PENALTIES.—

“(A) IN GENERAL.—The Secretary may impose civil monetary penalties of up to \$10,000 on any facility or practitioner as follows:

“(i) In the case of a facility or practitioner that fails to provide a list required under subsection (a)(1) 10 or more times, such penalties may be imposed, with respect to each such failure. Such penalties may be imposed, with respect to each such failure, for each day, beginning on the date of the tenth failure and ending on the day on which the facility or practitioner provides the relevant list.

“(ii) In the case of a facility or practitioner that submits 10 or more bills outside of the period described in subsection (a)(2), such penalties may be imposed with respect to each such bill, each day, beginning on the date on which such facility or practitioner sends each such bill and ending on the date such facility or practitioner withdraws such bill.

“(iii) In the case of a facility or practitioner that fails to report to the Secretary any failure to provide lists as required under paragraph (1)(A), such penalties may be imposed, each day, beginning on the date that is 60 calendar days after the date of discharge or visit, as applicable, and ending on the date of reporting.

“(iv) In the case of a facility or practitioner that fails to send any bill as required under subsection (a)(2), such penalties may be imposed, each day, beginning on the date that is 60 calendar days after the date of discharge or visit, as applicable, and ending on the date of sending such bill.

“(v) In the case of a facility or practitioner that requires a patient to pay a bill for health care services earlier than 45 days after the postmark date of such bill, such penalties may be imposed for each bill issued in violation of subsection (b).

“(B) PROCEDURE.—The provisions of section 1128A of the Social Security Act, other than subsections (a) and (b) and the first sentence of subsection (c)(1) of such section, shall apply to civil money penalties under this subsection in the same manner as such provisions apply to a penalty or proceeding under section 1128A of the Social Security Act.

“(3) EXEMPTIONS.—The Secretary may exempt a practitioner or facility from the penalties under paragraph (2)(A) or extend the period of time specified in subsection (a)(2) for compliance with such subsection if a practitioner or facility—

“(A) makes a good-faith attempt to send a bill within the period of time specified in subsection (a)(2) but is unable to do so because of an incorrect address; or

“(B) experiences extenuating circumstances (as defined by the Secretary), such as a hurricane or cyberattack, that may reasonably delay delivery of a timely bill.

“(e) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to limit applicability of the appeals process under section 2719 to coverage determinations or claims subject to the requirements of this section. The periods described in subsections (a)(2), (b), and (c) shall be tolled during any period during which a claim is subject to an appeal under section 2719, provided that, in the case of such an appeal by the provider, the patient is informed of such appeal.”

(2) RULEMAKING.—Not later than 1 year after the date of enactment of this Act, the Secretary of Health and Human Services shall promulgate final regulations to imple-

ment section 2796 of the Public Health Service Act, as added by paragraph (1). Such regulations shall include—

(A) a definition of the term “extenuating circumstance” for purposes of subsection (d)(3)(B) of such section 2796; and

(B) a definition of the term “date of service” for purposes of subsection (b)(1), with respect to providers submitting global packages for services provided on multiple visits.

(b) GROUP HEALTH PLAN AND HEALTH INSURANCE ISSUER REQUIREMENTS.—

(1) PHSA.—Part A of title XXVII of the Public Health Service Act (42 U.S.C. 300gg) is amended by adding at the end the following:

**“SEC. 2729A. TIMELY BILLS FOR PATIENTS.**

“(a) IN GENERAL.—A group health plan or health insurance issuer offering group or individual health insurance coverage shall have in place business practices with respect to in-network facilities and practitioners to ensure that claims are adjudicated between the provider and the plan or issuer in order to facilitate facility and practitioner compliance with the requirements under section 2796(a).

“(b) CLARIFICATION.—Nothing in subsection (a) prohibits a provider and a group health plan or health insurance issuer from establishing in a contract the timeline for submission by either party to the other party of billing information, adjudication, sending of remittance information, or any other coordination required between the provider and the plan or issuer necessary for meeting the deadline described in section 2796(a)(2).

“(c) RULES OF CONSTRUCTION.—Nothing in this section shall be construed to limit applicability of the appeals process under section 2719 to coverage determinations or claims subject to the requirements of this section. Any timeline established under subsection (b) shall be tolled during any period during which a claim is subject to an appeal under section 2719, provided that, in the case of such an appeal by the provider, the patient is informed of such appeal. A group health plan or health insurance issuer that knows or should have known that denials of a claim would lead to noncompliance by providers with section 2799B–10 may be found to be in violation of this part.”

(2) ERISA.—Subpart B of part 7 of subtitle B of title I of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1185 et seq.) is amended by adding at the end the following:

**“SEC. 716. TIMELY BILLS FOR PATIENTS.**

“(a) IN GENERAL.—A group health plan (or health insurance coverage offered in connection with such a plan) shall have in place business practices with respect to in-network facilities and practitioners to ensure that claims are adjudicated between the provider and the plan or issuer in order to facilitate facility and practitioner compliance with the requirements under section 2796(a) of the Public Health Service Act.

“(b) CLARIFICATION.—Nothing in subsection (a) prohibits a provider and a group health plan (or health insurance coverage offered in connection with such a plan) from establishing in a contract the timeline for submission by either party to the other party of billing information, adjudication, sending of remittance information, or any other coordination required between the provider and the plan or issuer necessary for meeting the deadline described in section 2796(a)(2) of the Public Health Service Act.

“(c) RULES OF CONSTRUCTION.—Nothing in this section shall be construed to limit applicability of the appeals process under section 2719 of the Public Health Service Act to coverage determinations or claims subject to the requirements of this section. Any timeline established under subsection (b)

shall be tolled during any period during which a claim is subject to an appeal under section 2719 of the Public Health Service Act, provided that, in the case of such an appeal by the provider, the patient is informed of such appeal. A group health plan or health insurance issuer that knows or should have known that denials of a claim would lead to noncompliance by providers with section 2796 of the Public Health Service Act may be found to be in violation of this subpart.”

(3) IRC.—Subchapter B of chapter 100 of the Internal Revenue Code of 1986 is amended by adding at the end the following:

**“SEC. 9816. TIMELY BILLS FOR PATIENTS.**

“(a) IN GENERAL.—A group health plan shall have in place business practices with respect to in-network facilities and practitioners to ensure that claims are adjudicated between the provider and the plan in order to facilitate facility and practitioner compliance with the requirements under section 2796(a) of the Public Health Service Act.

“(b) CLARIFICATION.—Nothing in subsection (a) prohibits a provider and a group health plan from establishing in a contract the timeline for submission by either party to the other party of billing information, adjudication, sending of remittance information, or any other coordination required between the provider and the plan necessary for meeting the deadline described in section 2796(a)(2) of the Public Health Service Act.

“(c) RULES OF CONSTRUCTION.—Nothing in this section shall be construed to limit applicability of the appeals process under section 2719 of the Public Health Service Act to coverage determinations or claims subject to the requirements of this section. Any timeline established under subsection (b) shall be tolled during any period during which a claim is subject to an appeal under section 2719 of the Public Health Service Act, provided that, in the case of such an appeal by the provider, the patient is informed of such appeal. A group health plan that knows or should have known that denials of a claim would lead to noncompliance by providers with section 2796 of the Public Health Service Act may be found to be in violation of this chapter.”

(4) CLERICAL AMENDMENTS.—

(A) ERISA.—The table of contents in section 1 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1001 et seq.), as amended by the previous sections, is further amended by inserting after the item relating to section 715 the following new item: “716. Timely bills for patients.”

(B) IRC.—The table of sections for subchapter B of chapter 100 of the Internal Revenue Code of 1986 is amended by adding at the end the following new item:

“9816. Timely bills for patients.”

(c) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) shall apply beginning 6 months after the date of enactment of this Act.

**SA 2556.** Mr. ENZI submitted an amendment intended to be proposed by him to the bill S. 178, to condemn gross human rights violations of ethnic Turkic Muslims in Xinjiang, and calling for an end to arbitrary detention, torture, and harassment of these communities inside and outside China; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. . TIMELY BILLS FOR PATIENTS.**

(a) IN GENERAL.—

(1) AMENDMENT.—Part C of title XXVII of the Public Health Service Act (42 U.S.C. 300gg–91 et seq.), is amended—

(A) by redesignating the second section 2794 (42 U.S.C. 300gg–95) (relating to uniform fraud and abuse referral format), as added by section 6603 of the Patient Protection and Affordable Care Act (Public Law 111–148), as section 2795; and

(B) by adding at the end the following:

**“SEC. 2796. PROVIDER PROVISION OF TIMELY BILLS FOR PATIENTS.**

“(a) IN GENERAL.—The Secretary shall require—

“(1) health care facilities, or in the case of practitioners providing services outside of such a facility, practitioners, to provide to a patient a list of services rendered to such patient during the visit to such facility or practitioner, and, in the case of a facility, the name of the practitioner for each such service, upon discharge or end of the visit or by postal or electronic communication as soon as practicable and not later than 15 calendar days after discharge or date of visit; and

“(2) subject to subsection (e), health care facilities and practitioners to furnish all bills reflecting claims adjudicated between the relevant provider and group health plan or health insurance issuer offering group or individual health insurance coverage, to the patient as soon as practicable, but not later than 90 calendar days after discharge or date of visit.

“(b) ADJUDICATION OF BILLS.—For purposes of meeting the requirements of subsection (a), in the case of services provided to an individual covered by a group health plan or group or individual health insurance coverage—

“(1) the health care facility, or in the case of a practitioner providing services outside of such a facility, the practitioner, shall submit to the applicable group health plan or health insurance issuer the bill with respect to such services not later than 30 calendar days after discharge or date of visit of the individual;

“(2) a group health plan or health insurance issuer receiving a bill as described in paragraph (1) shall, not later than 30 calendar days after such bill is transmitted by the facility or practitioner, complete adjudication of the bill and send such adjudicated bill to the facility or practitioner, as applicable under paragraph (1); and

“(3) the health care facility or practitioner, as applicable under paragraph (1), shall, not later than 30 calendar days after transmission of the adjudicated bill as described in paragraph (2), send such bill to the individual.

“(c) PAYMENT AFTER BILLING.—No patient may be required to pay a bill for health care services any earlier than 45 days after the postmark date of a bill for such services.

“(d) EFFECT OF VIOLATION.—

“(1) NOTIFICATION AND REFUND REQUIREMENTS.—

“(A) PROVIDER LISTS.—If a facility or practitioner fails to provide a patient a list as required under subsection (a)(1), such facility or practitioner shall report such failure to the Secretary.

“(B) BILLING.—If a facility or practitioner bills a patient after the 60-calendar-day period described in subsection (a)(2), such facility or practitioner shall—

“(i) report such bill to the Secretary; and

“(ii) refund the patient for the full amount paid in response to such bill with interest, at a rate determined by the Secretary.

“(2) CIVIL MONETARY PENALTIES.—

“(A) IN GENERAL.—The Secretary may impose civil monetary penalties of up to \$10,000 on any facility or practitioner as follows:

“(i) In the case of a facility or practitioner that fails to provide a list required under subsection (a)(1) 10 or more times, such penalties may be imposed, with respect to each

such failure. Such penalties may be imposed, with respect to each such failure, for each day, beginning on the date of the tenth failure and ending on the day on which the facility or practitioner provides the relevant list.

“(ii) In the case of a facility or practitioner that submits 10 or more bills outside of the period described in subsection (a)(2), such penalties may be imposed with respect to each such bill, each day, beginning on the date on which such facility or practitioner sends each such bill and ending on the date such facility or practitioner withdraws such bill.

“(iii) In the case of a facility or practitioner that fails to report to the Secretary any failure to provide lists as required under paragraph (1)(A), such penalties may be imposed, each day, beginning on the date that is 60 calendar days after the date of discharge or visit, as applicable, and ending on the date of reporting.

“(iv) In the case of a facility or practitioner that fails to send any bill as required under subsection (a)(2), such penalties may be imposed, each day, beginning on the date that is 60 calendar days after the date of discharge or visit, as applicable, and ending on the date of sending such bill.

“(v) In the case of a facility or practitioner that requires a patient to pay a bill for health care services earlier than 45 days after the postmark date of such bill, such penalties may be imposed for each bill issued in violation of subsection (b).

“(B) PROCEDURE.—The provisions of section 1128A of the Social Security Act, other than subsections (a) and (b) and the first sentence of subsection (c)(1) of such section, shall apply to civil money penalties under this subsection in the same manner as such provisions apply to a penalty or proceeding under section 1128A of the Social Security Act.

“(3) EXEMPTIONS.—The Secretary may exempt a practitioner or facility from the penalties under paragraph (2)(A) or extend the period of time specified in subsection (a)(2) for compliance with such subsection if a practitioner or facility—

“(A) makes a good-faith attempt to send a bill within the period of time specified in subsection (a)(2) but is unable to do so because of an incorrect address; or

“(B) experiences extenuating circumstances (as defined by the Secretary), such as a hurricane or cyberattack, that may reasonably delay delivery of a timely bill.

“(e) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to limit applicability of the appeals process under section 2719 to coverage determinations or claims subject to the requirements of this section. The periods described in subsections (a)(2), (b), and (c) shall be tolled during any period during which a claim is subject to an appeal under section 2719, provided that, in the case of such an appeal by the provider, the patient is informed of such appeal.”

(2) RULEMAKING.—Not later than 1 year after the date of enactment of this Act, the Secretary of Health and Human Services shall promulgate final regulations to implement section 2796 of the Public Health Service Act, as added by paragraph (1). Such regulations shall include—

(A) a definition of the term “extenuating circumstance” for purposes of subsection (d)(3)(B) of such section 2796; and

(B) a definition of the term “date of service” for purposes of subsection (b)(1), with respect to providers submitting global packages for services provided on multiple visits.

(b) GROUP HEALTH PLAN AND HEALTH INSURANCE ISSUER REQUIREMENTS.—

(1) PHSA.—Part A of title XXVII of the Public Health Service Act (42 U.S.C. 300gg) is amended by adding at the end the following:

**“SEC. 2729A. TIMELY BILLS FOR PATIENTS.**

“(a) IN GENERAL.—A group health plan or health insurance issuer offering group or individual health insurance coverage shall have in place business practices with respect to in-network facilities and practitioners to ensure that claims are adjudicated between the provider and the plan or issuer in order to facilitate facility and practitioner compliance with the requirements under section 2796(a).

“(b) CLARIFICATION.—Nothing in subsection (a) prohibits a provider and a group health plan or health insurance issuer from establishing in a contract the timeline for submission by either party to the other party of billing information, adjudication, sending of remittance information, or any other coordination required between the provider and the plan or issuer necessary for meeting the deadline described in section 2796(a)(2).

“(c) RULES OF CONSTRUCTION.—Nothing in this section shall be construed to limit applicability of the appeals process under section 2719 to coverage determinations or claims subject to the requirements of this section. Any timeline established under subsection (b) shall be tolled during any period during which a claim is subject to an appeal under section 2719, provided that, in the case of such an appeal by the provider, the patient is informed of such appeal. A group health plan or health insurance issuer that knows or should have known that denials of a claim would lead to noncompliance by providers with section 2799B-10 may be found to be in violation of this part.”.

(2) ERISA.—Subpart B of part 7 of subtitle B of title I of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1185 et seq.) is amended by adding at the end the following:

**“SEC. 716. TIMELY BILLS FOR PATIENTS.**

“(a) IN GENERAL.—A group health plan (or health insurance coverage offered in connection with such a plan) shall have in place business practices with respect to in-network facilities and practitioners to ensure that claims are adjudicated between the provider and the plan or issuer in order to facilitate facility and practitioner compliance with the requirements under section 2796(a) of the Public Health Service Act.

“(b) CLARIFICATION.—Nothing in subsection (a) prohibits a provider and a group health plan (or health insurance coverage offered in connection with such a plan) from establishing in a contract the timeline for submission by either party to the other party of billing information, adjudication, sending of remittance information, or any other coordination required between the provider and the plan or issuer necessary for meeting the deadline described in section 2796(a)(2) of the Public Health Service Act.

“(c) RULES OF CONSTRUCTION.—Nothing in this section shall be construed to limit applicability of the appeals process under section 2719 of the Public Health Service Act to coverage determinations or claims subject to the requirements of this section. Any timeline established under subsection (b) shall be tolled during any period during which a claim is subject to an appeal under section 2719 of the Public Health Service Act, provided that, in the case of such an appeal by the provider, the patient is informed of such appeal. A group health plan or health insurance issuer that knows or should have known that denials of a claim would lead to noncompliance by providers with section 2796 of the Public Health Service Act may be found to be in violation of this subpart.”.

(3) IRC.—Subchapter B of chapter 100 of the Internal Revenue Code of 1986 is amended by adding at the end the following:

**“SEC. 9816. TIMELY BILLS FOR PATIENTS.**

“(a) IN GENERAL.—A group health plan shall have in place business practices with respect to in-network facilities and practitioners to ensure that claims are adjudicated between the provider and the plan in order to facilitate facility and practitioner compliance with the requirements under section 2796(a) of the Public Health Service Act.

“(b) CLARIFICATION.—Nothing in subsection (a) prohibits a provider and a group health plan from establishing in a contract the timeline for submission by either party to the other party of billing information, adjudication, sending of remittance information, or any other coordination required between the provider and the plan necessary for meeting the deadline described in section 2796(a)(2) of the Public Health Service Act.

“(c) RULES OF CONSTRUCTION.—Nothing in this section shall be construed to limit applicability of the appeals process under section 2719 of the Public Health Service Act to coverage determinations or claims subject to the requirements of this section. Any timeline established under subsection (b) shall be tolled during any period during which a claim is subject to an appeal under section 2719 of the Public Health Service Act, provided that, in the case of such an appeal by the provider, the patient is informed of such appeal. A group health plan that knows or should have known that denials of a claim would lead to noncompliance by providers with section 2796 of the Public Health Service Act may be found to be in violation of this chapter.”.

**(4) CLERICAL AMENDMENTS.—**

(A) ERISA.—The table of contents in section 1 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1001 et seq.), as amended by the previous sections, is further amended by inserting after the item relating to section 715 the following new item: “716. Timely bills for patients.”.

(B) IRC.—The table of sections for subchapter B of chapter 100 of the Internal Revenue Code of 1986 is amended by adding at the end the following new item:

“9816. Timely bills for patients.”.

(c) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) shall apply beginning 6 months after the date of enactment of this Act.

**SA 2557.** Mr. ENZI submitted an amendment intended to be proposed to amendment SA 2499 proposed by Mr. McCONNELL to the bill S. 178, to condemn gross human rights violations of ethnic Turkic Muslims in Xinjiang, and calling for an end to arbitrary detention, torture, and harassment of these communities inside and outside China; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. \_\_\_\_ . AUTHORITY TO DESTROY COUNTERFEIT DEVICES.**

(a) IN GENERAL.—Section 801(a) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 381(a)) is amended—

(1) in the fourth sentence, by inserting “or counterfeit device” after “counterfeit drug”; and

(2) by striking “The Secretary of the Treasury shall cause the destruction of” and all that follows through “liable for costs pursuant to subsection (c).” and inserting the following: “The Secretary of the Treasury shall cause the destruction of any such article refused admission unless such article is exported, under regulations prescribed by the Secretary of the Treasury, within 90 days of the date of notice of such refusal or within

such additional time as may be permitted pursuant to such regulations, except that the Secretary of Health and Human Services may destroy, without the opportunity for export, any drug or device refused admission under this section, if such drug or device is valued at an amount that is \$2,500 or less (or such higher amount as the Secretary of the Treasury may set by regulation pursuant to section 498(a)(1) of the Tariff Act of 1930 (19 U.S.C. 1498(a)(1))) and was not brought into compliance as described under subsection (b). The Secretary of Health and Human Services shall issue regulations providing for notice and an opportunity to appear before the Secretary of Health and Human Services and introduce testimony, as described in the first sentence of this subsection, on destruction of a drug or device under the seventh sentence of this subsection. The regulations shall provide that prior to destruction, appropriate due process is available to the owner or consignee seeking to challenge the decision to destroy the drug or device. Where the Secretary of Health and Human Services provides notice and an opportunity to appear and introduce testimony on the destruction of a drug or device, the Secretary of Health and Human Services shall store and, as applicable, dispose of the drug or device after the issuance of the notice, except that the owner and consignee shall remain liable for costs pursuant to subsection (c).”.

(b) DEFINITION.—Section 201(h) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321(h)) is amended—

(1) by redesignating subparagraphs (1), (2), and (3) as clauses (A), (B), and (C), respectively; and

(2) after making such redesignations—

(A) by striking “(h) The term” and inserting “(h)(1) The term”; and

(B) by adding at the end the following:

“(2) The term ‘counterfeit device’ means a device which, or the container, packaging, or labeling of which, without authorization, bears a trademark, trade name, or other identifying mark, imprint, or symbol, or any likeness thereof, or is manufactured using a design, of a device manufacturer, packer, or distributor other than the person or persons who in fact manufactured, packed, or distributed such device and which thereby falsely purports or is represented to be the product of, or to have been packed or distributed by, such other device manufacturer, packer, or distributor.

“(3) For purposes of subparagraph (2)—

“(A) the term ‘manufactured’ refers to any of the following activities: manufacture, preparation, propagation, compounding, assembly, or processing; and

“(B) the term ‘manufacturer’ means a person who is engaged in any of the activities listed in clause (A).”.

**SA 2558.** Mr. ENZI submitted an amendment intended to be proposed by him to the bill S. 178, to condemn gross human rights violations of ethnic Turkic Muslims in Xinjiang, and calling for an end to arbitrary detention, torture, and harassment of these communities inside and outside China; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. \_\_\_\_ . AUTHORITY TO DESTROY COUNTERFEIT DEVICES.**

(a) IN GENERAL.—Section 801(a) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 381(a)) is amended—

(1) in the fourth sentence, by inserting “or counterfeit device” after “counterfeit drug”; and



(2) by striking “The Secretary of the Treasury shall cause the destruction of” and all that follows through “liable for costs pursuant to subsection (c).” and inserting the following: “The Secretary of the Treasury shall cause the destruction of any such article refused admission unless such article is exported, under regulations prescribed by the Secretary of the Treasury, within 90 days of the date of notice of such refusal or within such additional time as may be permitted pursuant to such regulations, except that the Secretary of Health and Human Services may destroy, without the opportunity for export, any drug or device refused admission under this section, if such drug or device is valued at an amount that is \$2,500 or less (or such higher amount as the Secretary of the Treasury may set by regulation pursuant to section 498(a)(1) of the Tariff Act of 1930 (19 U.S.C. 1498(a)(1))) and was not brought into compliance as described under subsection (b). The Secretary of Health and Human Services shall issue regulations providing for notice and an opportunity to appear before the Secretary of Health and Human Services and introduce testimony, as described in the first sentence of this subsection, on destruction of a drug or device under the seventh sentence of this subsection. The regulations shall provide that prior to destruction, appropriate due process is available to the owner or consignee seeking to challenge the decision to destroy the drug or device. Where the Secretary of Health and Human Services provides notice and an opportunity to appear and introduce testimony on the destruction of a drug or device, the Secretary of Health and Human Services shall store and, as applicable, dispose of the drug or device after the issuance of the notice, except that the owner and consignee shall remain liable for costs pursuant to subsection (c).”.

(b) DEFINITION.—Section 201(h) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321(h)) is amended—

(1) by redesignating subparagraphs (1), (2), and (3) as clauses (A), (B), and (C), respectively; and

(2) after making such redesignations—

(A) by striking “(h) The term” and inserting “(h)(1) The term”; and

(B) by adding at the end the following:

“(2) The term ‘counterfeit device’ means a device which, or the container, packaging, or labeling of which, without authorization, bears a trademark, trade name, or other identifying mark, imprint, or symbol, or any likeness thereof, or is manufactured using a design, of a device manufacturer, packer, or distributor other than the person or persons who in fact manufactured, packed, or distributed such device and which thereby falsely purports or is represented to be the product of, or to have been packed or distributed by, such other device manufacturer, packer, or distributor.

“(3) For purposes of subparagraph (2)—

“(A) the term ‘manufactured’ refers to any of the following activities: manufacture, preparation, propagation, compounding, assembly, or processing; and

“(B) the term ‘manufacturer’ means a person who is engaged in any of the activities listed in clause (A).”.

**SA 2559.** Mr. ROMNEY (for himself, Ms. COLLINS, and Ms. MCSALLY) submitted an amendment intended to be proposed to amendment SA 2499 proposed by Mr. McCONNELL to the bill S. 178, to condemn gross human rights violations of ethnic Turkic Muslims in Xinjiang, and calling for an end to arbitrary detention, torture, and harassment of these communities inside and

outside China; which was ordered to lie on the table; as follows:

Strike sections 1 and 2 and insert the following:

#### SECTION 1. SHORT TITLE.

This Act may be cited as the “Federal Pandemic Unemployment Compensation Extension Act of 2020”.

#### SEC. 2. IMPROVEMENTS TO FEDERAL PANDEMIC UNEMPLOYMENT COMPENSATION TO BETTER MATCH LOST WAGES.

(a) EXTENSION.—Section 2104(e)(2) of the Relief for Workers Affected by Coronavirus Act (contained in subtitle A of title II of division A of the CARES Act (Public Law 116-136)) is amended by striking “July 31, 2020” and inserting “December 31, 2020”.

(b) IMPROVEMENTS TO ACCURACY OF PAYMENTS.—

(1) FEDERAL PANDEMIC UNEMPLOYMENT COMPENSATION.—

(A) IN GENERAL.—Section 2104(b) of the Relief for Workers Affected by Coronavirus Act (contained in subtitle A of title II of division A of the CARES Act (Public Law 116-136)) is amended—

(i) in paragraph (1)(B), by striking “of \$600” and inserting “equal to the amount specified in paragraph (3)”;

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

“(3) AMOUNT OF FEDERAL PANDEMIC UNEMPLOYMENT COMPENSATION.—

“(A) IN GENERAL.—The amount specified in this paragraph is the following amount with respect to an individual:

“(i) For weeks of unemployment beginning after the date on which an agreement is entered into under this section and ending on or before July 31, 2020, \$600.

“(ii) For weeks of unemployment beginning after the last week under clause (i) and ending before August 31, 2020, an amount equal to one of the following, as determined by the State for all individuals:

“(I) \$500.

“(II) \$400

“(iii) For weeks of unemployment beginning after the last week under clause (ii) and ending on or before September 28, 2020, \$400.

“(iv) Subject to subparagraph (B), for weeks of unemployment beginning after the last week under clause (iii) and ending before December 31, 2020, an amount (not to exceed \$500) equal to one of the following, as determined by the State for all individuals:

“(I) An amount equal to—

“(aa) 80 percent of the individual’s average weekly wages; minus

“(bb) the individual’s base amount (determined prior to any reductions or offsets).

“(II) If proposed by the State as an alternative to subclause (I) and approved by the Secretary, an amount that results in the sum of the base amount and the amount of Federal Pandemic Unemployment Compensation under this section being on average equal to 80 percent of lost wages.

“(B) WAIVER TO PROVIDE FLAT DOLLAR AMOUNT.—If a State determines that it is unable to calculate amounts under either subclause (I) or (II) of subparagraph (A)(iv), the State may apply to the Secretary for a waiver under which the amount specified under subparagraph (A)(iv) shall be \$300 rather than the amount calculated under such subclause (I) or (II).

“(C) BASE AMOUNT.—For purposes of this paragraph, the term ‘base amount’ means, with respect to an individual, an amount equal to—

“(i) for weeks of unemployment under the pandemic unemployment assistance program under section 2102, the amount determined under subsection (d)(1)(A)(i) or (d)(2) of such section 2102, as applicable; or

“(ii) for all other weeks of unemployment, the amount determined under paragraph (1)(A) of this subsection.

“(D) AVERAGE WEEKLY WAGES.—

“(i) IN GENERAL.—Subject to clause (ii), for purposes of this paragraph, the term ‘average weekly wages’ means, with respect to an individual, the following:

“(I) If the State computes the individual weekly unemployment compensation benefit amount based on an individual’s average weekly wages in a base period, an amount equal to the individual’s average weekly wages used in such computation.

“(II) If the State computes the individual weekly unemployment compensation benefit amount based on high quarter wages or a formula using wages across some but not all quarters in a base period, an amount equal to  $\frac{1}{3}$  of such high quarter wages or average wages of the applicable quarters used in the computation for the individual.

“(III) If the State uses computations other than the computations under subclause (I) or (II) for the individual weekly unemployment compensation benefit amount, or for computations of the weekly benefit amount under the pandemic unemployment assistance program under section 2102, as described in subsection (d)(1)(A)(i) or (d)(2) of such section 2102, for which subclause (I) or (II) do not apply, an amount equal to  $\frac{1}{2}$  of the sum of all base period wages.

“(ii) SPECIAL RULE.—If more than one of the methods of computation under subclauses (I), (II), and (III) of clause (i) are applicable to a State, then such term shall mean the amount determined under the applicable subclause of clause (i) that results in the highest amount of average weekly wages.”.

(B) TECHNICAL AMENDMENT REGARDING APPLICATION TO SHORT-TIME COMPENSATION PROGRAMS AND AGREEMENTS.—Section 2104(i)(2) of the Relief for Workers Affected by Coronavirus Act (contained in subtitle A of title II of division A of the CARES Act (Public Law 116-136)) is amended—

(i) in subparagraph (C), by striking “and” at the end;

(ii) in subparagraph (D), by striking the period at the end and inserting “; and”; and

(iii) by adding at the end the following:

“(E) short-time compensation under section 2108 or 2109.”.

(2) CONFORMING AMENDMENTS.—

(A) PANDEMIC UNEMPLOYMENT ASSISTANCE.—Section 2102(d) of the Relief for Workers Affected by Coronavirus Act (contained in subtitle A of title II of division A of the CARES Act (Public Law 116-136)) is amended by inserting “with respect to the individual” after “section 2104” in each of paragraphs (1)(A)(ii) and (2).

(B) PANDEMIC EMERGENCY UNEMPLOYMENT COMPENSATION.—Section 2107 of the Relief for Workers Affected by Coronavirus Act (contained in subtitle A of title II of division A of the CARES Act (Public Law 116-136)) is amended—

(i) in subsection (a)(4)(A)(ii), by inserting “with respect to the individual” after “section 2104”; and

(ii) in subsection (b)(2), by inserting “with respect to the individual” after “section 2104”.

(C) CONSISTENT TREATMENT OF EARNINGS AND UNEMPLOYMENT COMPENSATION.—Section 2104(h) of the Relief for Workers Affected by Coronavirus Act (contained in subtitle A of title II of division A of the CARES Act (Public Law 116-136)) is amended by adding at the end the following new sentence: “The preceding sentence shall not apply to any Federal Pandemic Unemployment Compensation paid to an individual with respect to a week of unemployment ending on or after October 5, 2020.”.

(d) REQUIREMENT FOR RETURN TO WORK NOTIFICATION AND REPORTING.—Section 2104(b) of the Relief for Workers Affected by Coronavirus Act (contained in subtitle A of title II of division A of the CARES Act (Public Law 116-136)) is amended by adding at the end the following new paragraph:

“(3) Beginning 30 days after the date of enactment of this paragraph, any agreement under this section shall require that the State has in place a process to address refusal to return to work or refusal of suitable work that includes the following:

“(A) Providing a plain-language notice to individuals at the time of applying for benefits regarding State law provisions relating to each of the following:

“(i) Return to work requirements.

“(ii) Rights to refuse to return to work or to refuse suitable work.

“(iii) How to contest the denial of a claim that has been denied due to a claim by an employer that the individual refused to return to work or refused suitable work.

“(B) Providing a plain-language notice to employers through any system used by employers or any regular correspondence sent to employers regarding how to notify the State if an individual refuses to return to work.

“(C) Other items determined appropriate by the Secretary of Labor.”.

(e) EFFECTIVE DATE.—The amendments made by this section (other than the amendment made by subsection (d)) shall take effect as if included in the enactment of the Relief for Workers Affected by Coronavirus Act (contained in subtitle A of title II of division A of the CARES Act (Public Law 116-136)).

### SEC. 3. EMERGENCY DESIGNATION.

(a) IN GENERAL.—The amounts provided by this Act and the amendments made by this Act are designated as an emergency requirement pursuant to section 4(g) of the Statutory Pay-As-You-Go Act of 2010 (2 U.S.C. 933(g)).

(b) DESIGNATION IN SENATE.—In the Senate, this Act and the amendments made by this Act are designated as an emergency requirement pursuant to section 4112(a) of H. Con. Res. 71 (115th Congress), the concurrent resolution on the budget for fiscal year 2018.

**SA 2560.** Mr. COTTON submitted an amendment intended to be proposed to amendment SA 2499 proposed by Mr. McCONNELL to the bill S. 178, to condemn gross human rights violations of ethnic Turkic Muslims in Xinjiang, and calling for an end to arbitrary detention, torture, and harassment of these communities inside and outside China; which was ordered to lie on the table; as follows:

At the end of the amendment, add the following:

### SEC. 3. FUNDING LIMITATIONS.

(a) PROHIBITION.—None of the funds appropriated under this Act or under the CARES Act (Public Law 116-136), as amended by this Act, may be provided to an entity that is under the foreign ownership, control, or influence of—

- (1) the Government of the People's Republic of China;
- (2) the Chinese Communist Party; or
- (3) an entity domiciled in the People's Republic of China.

(b) CLAWBACK.—The Secretary of the Treasury, in consultation with the Secretary of State, shall recover all of the amounts appropriated under this Act or under the CARES Act that were provided to entities described in subsection (a).

**SA 2561.** Mrs. CAPITO submitted an amendment intended to be proposed to amendment SA 2499 proposed by Mr. McCONNELL to the bill S. 178, to condemn gross human rights violations of ethnic Turkic Muslims in Xinjiang, and calling for an end to arbitrary detention, torture, and harassment of these communities inside and outside China; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

### SEC. \_\_\_\_ . COVERAGE OF PRESCRIPTION DIGITAL THERAPEUTICS UNDER THE MEDICAID PROGRAM.

(a) COVERAGE AS MEDICAL AND OTHER HEALTH SERVICE.—Section 1861(s)(2) of the Social Security Act (42 U.S.C. 1395x(s)(2)) is amended—

(1) in subparagraph (GG), by striking “and” at the end;

(2) in subparagraph (HH), by striking the period at the end and inserting “; and”; and

(3) by adding at the end the following new subparagraph:

“(II) prescription digital therapeutics as defined in subsection (kkk);”.

(b) PRESCRIPTION DIGITAL THERAPEUTICS DEFINED.—Section 1861 of the Social Security Act (42 U.S.C. 1395x) is amended by adding at the end thereof the following new subsection:

“(kkk) PRESCRIPTION DIGITAL THERAPEUTICS DEFINED.—

“(1) IN GENERAL.—The term ‘prescription digital therapeutic’ means a product, device, internet application, or other technology that—

“(A) is approved or cleared by the Food and Drug Administration under a relevant authority (within the meaning of paragraph (2));

“(B) has an approved indication for the prevention, management, or treatment of a mental health or substance use disorder, including opioid use disorder;

“(C) uses behavioral treatment or modification to achieve its intended result; and

“(D) can only be dispensed pursuant to a prescription.

“(2) RELEVANT AUTHORITY DEFINED.—For purposes of paragraph (1), the term ‘relevant authority’ means the following sections of the Federal Food, Drug, and Cosmetic Act:

“(A) Section 510(k) of such Act (21 U.S.C. 360(k)).

“(B) Section 515 of such Act (21 U.S.C. 360e).”.

(c) PAYMENT FOR PRESCRIPTION DIGITAL THERAPEUTICS.—Section 1834 of the Social Security Act (42 U.S.C. 1395m) is amended by adding at the end the following new subsection:

“(x) PAYMENT FOR PRESCRIPTION DIGITAL THERAPEUTICS.—

“(1) SEPARATE PAYMENT.—The Secretary shall make a payment (separate from any payment that may otherwise be made under this title for a related service) in the amount established pursuant to paragraph (3) for a prescription digital therapeutic (as defined in section 1861(kkk)) that is furnished on or after January 1, 2021.

“(2) PAYMENT RECIPIENT.—Payment under this subsection shall be made to any provider of services or supplier enrolled under this title that—

“(A) prescribes a prescription digital therapeutic (as defined in such subsection);

“(B) uses such prescription digital therapeutic as an integral part of a treatment for a related service; and

“(C) agrees to accept, as payment in full, after the application of any deductible or co-insurance that may be applied under this

part, the amount established pursuant to paragraph (3).

“(3) ESTABLISHMENT OF PAYMENT AMOUNT.—

“(A) IN GENERAL.—The Secretary shall establish a payment methodology for a prescription digital therapeutic only in accordance with the requirements of this paragraph.

“(B) DEVELOPMENT OF FEE SCHEDULE.—Within 180 days of the approval or clearance described in section 1861(kkk)(1)(A), the Secretary shall develop a proposed fee schedule for each prescription digital therapeutic so approved or cleared. In developing such fee schedule, the Secretary may use the gap filling process described on 84 Federal Register 60729 through 60742 and published on November 8, 2019.

“(C) NOTICE AND COMMENT REQUIRED.—Upon the development of the proposed fee schedule described in subparagraph (B), the Secretary shall publish in the Federal Register such proposed fee schedule. Section 1871 shall apply to any proposed fee schedule published pursuant to this subparagraph.

“(4) RULE OF CONSTRUCTION.—For purposes of paragraph (1), a service is ‘related’ to the use of a prescription digital therapeutic if the service—

“(A) is an integral part of the use of the prescription digital therapeutic;

“(B) is necessary to achieve the full intended result of the prescription digital therapeutic; and

“(C) must, pursuant to the approval or clearance described in section 1861(kkk)(1)(A), be adjunctive to the use of the prescription digital therapeutic.”.

(d) RULE OF CONSTRUCTION; EFFECTIVE DATE.—

(1) RULE OF CONSTRUCTION.—No provision of this section, or the enactment of this section, shall be construed to imply that, in the case of an item or service that meets the definition of a prescription digital therapeutic under this section for which coverage or payment under the Medicare program is already available prior to the date of the enactment of this Act may not be covered or reimbursed under such program.

(2) EFFECTIVE DATE.—The amendments made by this section shall apply to a prescription digital therapeutic dispensed after December 31, 2020.

### SEC. \_\_\_\_ . COVERAGE OF PRESCRIPTION DIGITAL THERAPEUTICS UNDER THE MEDICAID PROGRAM.

Section 1905(a) of the Social Security Act (42 U.S.C. 1396d(a)) is amended—

(1) in paragraph (29), by striking “; and” and inserting a semicolon;

(2) by redesignating paragraph (30) as paragraph (31); and

(3) by inserting the following paragraph after paragraph (29):

“(30) prescription digital therapeutics (as defined in section 1861(kkk)); and”.

**SA 2562.** Mrs. CAPITO submitted an amendment intended to be proposed to amendment SA 2499 proposed by Mr. McCONNELL to the bill S. 178, to condemn gross human rights violations of ethnic Turkic Muslims in Xinjiang, and calling for an end to arbitrary detention, torture, and harassment of these communities inside and outside China; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

### SEC. \_\_\_\_ . ACCESS TO NON-OPIOID TREATMENTS FOR PAIN.

(a) IN GENERAL.—Section 1833(t) of the Social Security Act (42 U.S.C. 1395(t)) is amended—

(1) in paragraph (2)(E), by inserting “and separate payments for non-opioid treatments under paragraph (16)(G),” after “payments under paragraph (6)”;

(2) in paragraph (16), by adding at the end the following new subparagraph:

“(G) ACCESS TO NON-OPIOID TREATMENTS FOR PAIN.—

“(i) IN GENERAL.—Notwithstanding any other provision of this subsection, with respect to a covered OPD service (or group of services) furnished on or after January 1, 2020, and before January 1, 2025, the Secretary shall not package, and shall make a separate payment as specified in clause (ii) for, a non-opioid treatment (as defined in clause (iii)) furnished as part of such service (or group of services).

“(ii) AMOUNT OF PAYMENT.—The amount of the payment specified in this clause is, with respect to a non-opioid treatment that is—

“(I) a drug or biological product, the amount of payment for such drug or biological determined under section 1847A; or

“(II) a medical device, the amount of the hospital’s charges for the device, adjusted to cost.

“(iii) DEFINITION OF NON-OPIOID TREATMENT.—A ‘non-opioid treatment’ means—

“(I) a drug or biological product that is indicated to produce analgesia without acting upon the body’s opioid receptors; or

“(II) an implantable, reusable, or disposable medical device cleared or approved by the Administrator for Food and Drugs for the intended use of managing or treating pain;

that has demonstrated the ability to replace or reduce opioid consumption in a clinical trial or through clinical data published in a peer-reviewed journal.”

(b) AMBULATORY SURGICAL CENTER PAYMENT SYSTEM.—Section 1833(i)(2)(D) of the Social Security Act (42 U.S.C. 1395l(i)(2)(D)) is amended—

(1) by aligning the margins of clause (v) with the margins of clause (iv);

(2) by redesignating clause (vi) as clause (vii); and

(3) by inserting after clause (v) the following new clause:

“(vi) In the case of surgical services furnished on or after January 1, 2020, and before January 1, 2025, the payment system described in clause (i) shall provide for a separate payment for a non-opioid treatment (as defined in clause (iii) of subsection (t)(16)(G)) furnished as part of such services in the amount specified in clause (ii) of such subsection.”

(c) EVALUATION OF THERAPEUTIC SERVICES FOR PAIN MANAGEMENT.—

(1) REPORT TO CONGRESS.—Not later than 1 year after the date of the enactment of this Act, the Secretary of Health and Human Services (in this subsection referred to as the “Secretary”), acting through the Administrator of the Centers for Medicare & Medicaid Services, shall submit to Congress a report identifying—

(A) limitations, gaps, barriers to access, or deficits in Medicare coverage or reimbursement for restorative therapies, behavioral approaches, and complementary and integrative health services that are identified in the Pain Management Best Practices Inter-Agency Task Force Report and that have demonstrated the ability to replace or reduce opioid consumption; and

(B) recommendations to address the limitations, gaps, barriers to access, or deficits identified under subparagraph (A) to improve Medicare coverage and reimbursement for such therapies, approaches, and services.

(2) PUBLIC CONSULTATION.—In developing the report described in paragraph (1), the Secretary shall consult with relevant stake-

holders as determined appropriate by the Secretary.

(3) EXCLUSIVE TREATMENT.—Any drug, biological product, or medical device that is a non-opioid treatment (as defined in section 1833(t)(16)(G)(iii) of the Social Security Act, as added by subsection (a)) shall not be considered a therapeutic service for the purpose of the report described in paragraph (1).

**SA 2563.** Mr. YOUNG submitted an amendment intended to be proposed to amendment SA 2499 proposed by Mr. MCCONNELL to the bill S. 178, to condemn gross human rights violations of ethnic Turkic Muslims in Xinjiang, and calling for an end to arbitrary detention, torture, and harassment of these communities inside and outside China; which was ordered to lie on the table; as follows:

At the end, add the following:

### SEC. 3. AUTHORITY TO EXTEND MEDICARE TELEHEALTH WAIVERS.

(a) AUTHORITY.—Section 1834(m) of the Social Security Act (42 U.S.C. 1395m(m)) is amended by adding at the end the following new paragraph:

“(9) AUTHORITY TO EXTEND TELEHEALTH WAIVERS AND POLICIES.—

“(A) AUTHORITY.—Notwithstanding the preceding provisions of this subsection and section 1135, subject to subparagraph (B), if the emergency period under section 1135(g)(1)(B) expires prior to December 31, 2021, the authority provided the Secretary under section 1135(b)(8) to waive or modify requirements with respect to a telehealth service, and modifications of policies with respect to telehealth services made by interim final rule applicable to such period, shall be extended through December 31, 2021.

“(B) NO REQUIREMENT TO EXTEND.—Nothing in subparagraph (A) shall require the Secretary to extend any specific waiver or modification or modifications of policies that the Secretary does not find appropriate for extension.

“(C) IMPLEMENTATION.—Notwithstanding any provision of law, the provisions of this paragraph may be implemented by interim final rule, program instructions or otherwise.”

(b) MEDPAC EVALUATION AND REPORT.—

(1) STUDY.—

(A) IN GENERAL.—The Medicare Payment Advisory Commission (in this subsection referred to as the “Commission”) shall conduct an evaluation of—

(i) the expansions of telehealth services under part B of title XVII of the Social Security Act related to the COVID-19 public health emergency described in section 1135(g)(1)(B) of such Act (42 U.S.C. 1320b-5(g)(1)(B)); and

(ii) the appropriate treatment of such expansions after the expiration of such public health emergency.

(B) ANALYSIS.—The evaluation under subparagraph (A) shall include an analysis of each the following:

(i) Which, if any, of such expansions should be continued after the expiration of the such public health emergency,

(ii) Whether any such continued expansions should be limited to, or differentially applied to, clinicians participating in certain value-based payment models.

(iii) How Medicare should pay for telehealth services after the expiration of such public health emergency, and the implications of payment approaches on aggregate Medicare program spending,

(iv) Medicare program integrity and beneficiary safeguards that may be warranted with the coverage of telehealth services.

(v) The implications of expanded Medicare coverage of telehealth services for beneficiary access to care and the quality of care provided via telehealth.

(vi) Other areas determined appropriate by the Commission.

(2) REPORT.—Not later than June 15, 2021, the Commission shall submit to Congress a report containing the results of the evaluation conducted under paragraph (1), together with recommendations for such legislation and administrative action as the Commission determines appropriate.

(c) HHS PROVISION OF INFORMATION AND STUDY AND REPORT.—

(1) PRE-COVID-19 PUBLIC HEALTH EMERGENCY TELEHEALTH AUTHORITY.—Not later than 3 months after the date of enactment of this Act, the Secretary of Health and Human Services (in this subsection referred to as the “Secretary”) shall make available on the internet website of the Centers for Medicare & Medicaid Services information describing the requirements applicable to telehealth services and other virtual services under the original Medicare fee-for-service program under parts A and B of title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.) and the Medicare Advantage program under part C of such title prior to the waiver or modification of such requirements during the emergency period described in section 1135(g)(1)(B) of the Social Security Act (42 U.S.C. 1320b-5(g)(1)(B)), as established by statute, regulation, and sub-regulatory guidance under such title.

(2) STUDY AND REPORT.—

(A) STUDY.—The Secretary shall conduct a study on the impact of telehealth and other virtual services furnished under the Medicare program under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.) during the emergency period described in section 1135(g)(1)(B) of such Act (42 U.S.C. 1320b-5(g)(1)(B)). In conducting such study, the Secretary shall—

(i) assess the impact of such services on access to care, health outcomes, and spending by type of physician, practitioner, or other entity, and by patient demographics and other characteristics that include—

(I) age, gender, race, and type of eligibility for the Medicare program;

(II) dual eligibility for both the Medicare program and the Medicaid program under title XIX of such Act (42 U.S.C. 1396 et seq.);

(III) residing in an area of low-population density or a health professional shortage area (as defined in section 332(a)(1)(A) of the Public Health Service Act (42 U.S.C. 254e(a)(1)(A))); ;

(IV) diagnoses, such as a diagnosis of COVID-19, a chronic condition, or a mental health disorder or substance use disorder;

(V) telecommunication modality used, including extent to which the services are furnished using audio-only technology;

(VI) residing in a State other than the State in which the furnishing physician, practitioner, or other entity is located; and

(VII) other characteristics and information determined appropriate by the Secretary; and

(ii) to the extent feasible, assess such impact based on—

(I) the type of technology used to furnish the service;

(II) the extent to which patient privacy is protected;

(III) the extent to which documented or suspected fraud or abuse occurred; and

(IV) patient satisfaction.

(B) USE OF INFORMATION.—The Secretary may use reliable non-governmental sources of information in assessing the impact of characteristics described in subparagraph (A) under the study.

(C) REPORT.—

(i) INTERIM PROVISION OF INFORMATION.—The Secretary shall, as determined appropriate, periodically during such emergency period, post on the internet website of the Centers for Medicare & Medicaid services data on utilization of telehealth and other virtual services under the Medicare program and the impact of characteristics described in subparagraph (A) on such utilization.

(ii) REPORT.—Not later than 15 months after date of enactment of this Act, the Secretary shall submit to Congress a report on the study conducted under subparagraph (A), together with recommendations for such legislation and administrative action as the Secretary determines appropriate.

**SA 2564.** Mr. MORAN submitted an amendment intended to be proposed to amendment SA 2499 proposed by Mr. MCCONNELL to the bill S. 178, to condemn gross human rights violations of ethnic Turkic Muslims in Xinjiang, and calling for an end to arbitrary detention, torture, and harassment of these communities inside and outside China; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. \_\_\_\_\_. PAYCHECK PROTECTION PROGRAM.**

Section 7(a)(36)(D) of the Small Business Act (15 U.S.C. 636(a)(36)(D)) is amended by striking clause (i) and inserting the following:

“(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) shall be eligible to receive a covered loan if the business concern, nonprofit organization, veterans organization, or Tribal business concern—

“(I) employs not more than the greater of—

“(aa) 500 employees; or

“(bb) if applicable, the size standard in number of employees established by the Administration for the industry in which the business concern, nonprofit organization, veterans organization, or Tribal business concern operates; or

“(II) is as described in clauses (i) and (ii) of section 3(a)(5)(B).”.

**SA 2565.** Mr. CORNYN (for himself and Mr. MCCONNELL) submitted an amendment intended to be proposed to amendment SA 2499 proposed by Mr. MCCONNELL to the bill S. 178, to condemn gross human rights violations of ethnic Turkic Muslims in Xinjiang, and calling for an end to arbitrary detention, torture, and harassment of these communities inside and outside China; which was ordered to lie on the table; as follows:

At the end, add the following:

**TITLE II—SAFE TO WORK**

**SEC. 201. SHORT TITLE.**

This title may be cited as the “Safe-guarding America’s Frontline Employees To Offer Work Opportunities Required to Kickstart the Economy Act” or the “SAFE TO WORK Act”.

**SEC. 202. FINDINGS AND PURPOSES.**

(a) FINDINGS.—Congress finds the following:

(1) The SARS-CoV-2 virus that originated in China and causes the disease COVID-19 has caused untold misery and devastation throughout the world, including in the United States.

(2) For months, frontline health care workers and health care facilities have fought the virus with courage and resolve. They did so at first with very little information about how to treat the virus and developed strategies to save lives of the people of the United States in real time. They risked their personal health and wellbeing to protect and treat their patients.

(3) Businesses in the United States kicked into action to produce and procure personal protective equipment, such as masks, gloves, face shields, and hand sanitizer, and other necessary medical supplies, such as ventilators, at unprecedented rates.

(4) To halt the spread of the disease, State and local governments took drastic measures. They shut down small and large businesses, schools, colleges and universities, religious, philanthropic and other nonprofit institutions, and local government agencies. They ordered people to remain in their homes.

(5) This standstill was needed to slow the spread of the virus. But it devastated the economy of the United States. The sum of hundreds of local-level and State-level decisions to close nearly every space in which people might gather brought interstate commerce nearly to a halt.

(6) This halt led to the loss of millions of jobs. These lost jobs were not a natural consequence of the economic environment, but rather the result of a drastic, though temporary, response to the unprecedented nature of this global pandemic.

(7) Congress passed a series of statutes to address the health care and economic crises—the Coronavirus Preparedness and Response Supplemental Appropriations Act, 2020 (Public Law 116-123; 134 Stat. 146), the Families First Coronavirus Response Act (Public Law 116-127; 134 Stat. 178), the Coronavirus Aid, Relief, and Economic Security Act or the CARES Act (Public Law 116-136), and the Paycheck Protection Program and Health Care Enhancement Act (Public Law 116-139; 134 Stat. 620). In these laws Congress exercised its power under the Commerce and Spending Clauses of the Constitution of the United States to direct trillions of taxpayer dollars toward efforts to aid workers, businesses, State and local governments, health care workers, and patients.

(8) This legislation provided short-term insulation from the worst of the economic storm, but these laws alone cannot protect the United States from further devastation. Only reopening the economy so that workers can get back to work and students can get back to school can accomplish that goal.

(9) The Constitution of the United States specifically enumerates the legislative powers of Congress. One of those powers is the regulation of interstate commerce. The Government is not a substitute for the economy, but it has the authority and the duty to act when interstate commerce is threatened and damaged. As applied to the present crisis, Congress can deploy its power over interstate commerce to promote a prudent reopening of businesses and other organizations that serve as the foundation and backbone of the national economy and of commerce among the States. These include small and large businesses, schools (which are substantial employers in their own right and provide necessary services to enable parents and other caregivers to return to work), colleges and universities (which are substantial employers and supply the interstate market for higher-education services), religious, philanthropic and other nonprofit institutions (which are substantial employers and provide necessary services to their communities), and local government agencies.

(10) Congress must also ensure that the Nation’s health care workers and health care

facilities are able to act fully to defeat the virus.

(11) Congress must also safeguard its investment of taxpayer dollars under the CARES Act and other coronavirus legislation. Congress must ensure that those funds are used to help businesses and workers survive and recover from the economic crisis, and to help health care workers and health care facilities defeat the virus. CARES Act funds cannot be diverted from these important purposes to line the pockets of the trial bar.

(12) One of the chief impediments to the continued flow of interstate commerce as this public-health crisis has unfolded is the risk of litigation. Small and large businesses, schools, colleges and universities, religious, philanthropic and other nonprofit institutions, and local government agencies confront the risk of a tidal wave of lawsuits accusing them of exposing employees, customers, students, and worshipers to coronavirus. Health care workers face the threat of lawsuits arising from their efforts to fight the virus.

(13) They confront this litigation risk even as they work tirelessly to comply with the coronavirus guidance, rules, and regulations issued by local governments, State governments, and the Federal Government. They confront this risk notwithstanding equipment and staffing shortages. And they confront this risk while also grappling with constantly changing information on how best to protect employees, customers, students, and worshipers from the virus, and how best to treat it.

(14) These lawsuits pose a substantial risk to interstate commerce because they threaten to keep small and large businesses, schools, colleges and universities, religious, philanthropic and other nonprofit institutions, and local government agencies from reopening for fear of expensive litigation that might prove to be meritless. These lawsuits further threaten to undermine the Nation’s fight against the virus by exposing our health care workers and health care facilities to liability for difficult medical decisions they have made under trying and uncertain circumstances.

(15) These lawsuits also risk diverting taxpayer money provided under the CARES Act and other coronavirus legislation from its intended purposes to the pockets of opportunistic trial lawyers.

(16) This risk is not purely local. It is necessarily national in scale. A patchwork of local and State rules governing liability in coronavirus-related lawsuits creates tremendous unpredictability for everyone participating in interstate commerce and acts as a significant drag on national recovery. The aggregation of each individual potential liability risk poses a substantial and unprecedented threat to interstate commerce.

(17) The accumulated economic risks for these potential defendants directly and substantially affects interstate commerce. Individuals and entities potentially subject to coronavirus-related liability will structure their decisionmaking to avoid that liability. Small and large businesses, schools, colleges and universities, religious, philanthropic and other nonprofit institutions, and local government agencies may decline to reopen because of the risk of litigation. They may limit their output or engagement with customers and communities to avoid the risk of litigation. These individual economic decisions substantially affect interstate commerce because, as a whole, they will prevent the free and fair exchange of goods and services across State lines. Such economic activity that, individually and in the aggregate, substantially affects interstate commerce is

precisely the sort of conduct that should be subject to congressional regulation.

(18) Lawsuits against health care workers and facilities pose a similarly dangerous risk to interstate commerce. Interstate commerce will not truly rebound from this crisis until the virus is defeated, and that will not happen unless health care workers and facilities are free to combat vigorously the virus and treat patients with coronavirus and those otherwise impacted by the response to coronavirus.

(19) Subjecting health care workers and facilities to onerous litigation even as they have done their level best to combat a virus about which very little was known when it arrived in the United States would divert important health care resources from hospitals and providers to courtrooms.

(20) Such a diversion would substantially affect interstate commerce by degrading the national capacity for combating the virus and saving patients, thereby substantially elongating the period before interstate commerce could fully re-engage.

(21) Congress also has the authority to determine the jurisdiction of the courts of the United States, to set the standards for causes of action they can hear, and to establish the rules by which those causes of action should proceed. Congress therefore must act to set rules governing liability in coronavirus-related lawsuits.

(22) These rules necessarily must be temporary and carefully tailored to the interstate crisis caused by the coronavirus pandemic. They must extend no further than necessary to meet this uniquely national crisis for which a patchwork of State and local tort laws are ill-suited.

(23) Because of the national scope of the economic and health care dangers posed by the risks of coronavirus-related lawsuits, establishing temporary rules governing liability for certain coronavirus-related tort claims is a necessary and proper means of carrying into execution Congress's power to regulate commerce among the several States.

(24) Because Congress must safeguard the investment of taxpayer dollars it made in the CARES Act and other coronavirus legislation, and ensure that they are used for their intended purposes and not diverted for other purposes, establishing temporary rules governing liability for certain coronavirus-related tort claims is a necessary and proper means of carrying into execution Congress's power to provide for the general welfare of the United States.

(b) PURPOSES.—Pursuant to the powers delegated to Congress by article I, section 8, clauses 1, 3, 9, and 18, and article III, section 2, clause 1 of the Constitution of the United States, the purposes of this title are to—

(1) establish necessary and consistent standards for litigating certain claims specific to the unique coronavirus pandemic;

(2) prevent the overburdening of the court systems with undue litigation;

(3) encourage planning, care, and appropriate risk management by small and large businesses, schools, colleges and universities, religious, philanthropic and other nonprofit institutions, local government agencies, and health care providers;

(4) ensure that the Nation's recovery from the coronavirus economic crisis is not burdened or slowed by the substantial risk of litigation;

(5) prevent litigation brought to extract settlements and enrich trial lawyers rather than vindicate meritorious claims;

(6) protect interstate commerce from the burdens of potentially meritless litigation;

(7) ensure the economic recovery proceeds without artificial and unnecessary delay;

(8) protect the interests of the taxpayers by ensuring that emergency taxpayer support continues to aid businesses, workers, and health care providers rather than enrich trial lawyers; and

(9) protect the highest and best ideals of the national economy, so businesses can produce and serve their customers, workers can work, teachers can teach, students can learn, and believers can worship.

#### SEC. 203. DEFINITIONS.

In this title:

(1) APPLICABLE GOVERNMENT STANDARDS AND GUIDANCE.—The term “applicable government standards and guidance” means—

(A) any mandatory standards or regulations specifically concerning the prevention or mitigation of the transmission of coronavirus issued by the Federal Government, or a State or local government with jurisdiction over an individual or entity, whether provided by executive, judicial, or legislative order; and

(B) with respect to an individual or entity that, at the time of the actual, alleged, feared, or potential for exposure to coronavirus is not subject to any mandatory standards or regulations described in subparagraph (A), any guidance, standards, or regulations specifically concerning the prevention or mitigation of the transmission of coronavirus issued by the Federal Government, or a State or local government with jurisdiction over the individual or entity.

(2) BUSINESSES, SERVICES, ACTIVITIES, OR ACCOMMODATIONS.—The term “businesses, services, activities, or accommodations” means any act by an individual or entity, irrespective of whether the act is carried on for profit, that is interstate or foreign commerce, that involves persons or things in interstate or foreign commerce, that involves the channels or instrumentalities of interstate or foreign commerce, that substantially affects interstate or foreign commerce, or that is otherwise an act subject to regulation by Congress as necessary and proper to carry into execution Congress's powers to regulate interstate or foreign commerce or to spend funds for the general welfare.

(3) CORONAVIRUS.—The term “coronavirus” means any disease, health condition, or threat of harm caused by the SARS-CoV-2 virus or a virus mutating therefrom.

(4) CORONAVIRUS EXPOSURE ACTION.—

(A) IN GENERAL.—The term “coronavirus exposure action” means a civil action—

(i) brought by a person who suffered personal injury or is at risk of suffering personal injury, or a representative of a person who suffered personal injury or is at risk of suffering personal injury;

(ii) brought against an individual or entity engaged in businesses, services, activities, or accommodations; and

(iii) alleging that an actual, alleged, feared, or potential for exposure to coronavirus caused the personal injury or risk of personal injury, that—

(I) occurred in the course of the businesses, services, activities, or accommodations of the individual or entity; and

(II) occurred—

(aa) on or after December 1, 2019; and

(bb) before the later of—

(AA) October 1, 2024; or

(BB) the date on which there is no declaration by the Secretary of Health and Human Services under section 319F-3(b) of the Public Health Service Act (42 U.S.C. 247d-6d(b)) (relating to covered countermeasures) that is in effect with respect to coronavirus, including the Declaration Under the Public Readiness and Emergency Preparedness Act for Medical Countermeasures Against COVID-19 (85 Fed. Reg. 15198) issued by the

Secretary of Health and Human Services on March 17, 2020.

(B) EXCLUSIONS.—The term “coronavirus exposure action” does not include—

(i) a criminal, civil, or administrative enforcement action brought by the Federal Government or any State, local, or Tribal government; or

(ii) a claim alleging intentional discrimination on the basis of race, color, national origin, religion, sex (including pregnancy), disability, genetic information, or age.

(5) CORONAVIRUS-RELATED ACTION.—The term “coronavirus-related action” means a coronavirus exposure action or a coronavirus-related medical liability action.

(6) CORONAVIRUS-RELATED HEALTH CARE SERVICES.—The term “coronavirus-related health care services” means services provided by a health care provider, regardless of the location where the services are provided, that relate to—

(A) the diagnosis, prevention, or treatment of coronavirus;

(B) the assessment or care of an individual with a confirmed or suspected case of coronavirus; or

(C) the care of any individual who is admitted to, presents to, receives services from, or resides at, a health care provider for any purpose during the period of a Federal emergency declaration concerning coronavirus, if such provider's decisions or activities with respect to such individual are impacted as a result of coronavirus.

(7) CORONAVIRUS-RELATED MEDICAL LIABILITY ACTION.—

(A) IN GENERAL.—The term “coronavirus-related medical liability action” means a civil action—

(i) brought by a person who suffered personal injury, or a representative of a person who suffered personal injury;

(ii) brought against a health care provider; and

(iii) alleging any harm, damage, breach, or tort resulting in the personal injury alleged to have been caused by, be arising out of, or be related to a health care provider's act or omission in the course of arranging for or providing coronavirus-related health care services that occurred—

(I) on or after December 1, 2019; and

(II) before the later of—

(aa) October 1, 2024; or

(bb) the date on which there is no declaration by the Secretary of Health and Human Services under section 319F-3(b) of the Public Health Service Act (42 U.S.C. 247d-6d(b)) (relating to covered countermeasures) that is in effect with respect to coronavirus, including the Declaration Under the Public Readiness and Emergency Preparedness Act for Medical Countermeasures Against COVID-19 (85 Fed. Reg. 15198) issued by the Secretary of Health and Human Services on March 17, 2020.

(B) EXCLUSIONS.—The term “coronavirus-related medical liability action” does not include—

(i) a criminal, civil, or administrative enforcement action brought by the Federal Government or any State, local, or Tribal government; or

(ii) a claim alleging intentional discrimination on the basis of race, color, national origin, religion, sex (including pregnancy), disability, genetic information, or age.

(8) EMPLOYER.—The term “employer”—

(A) means any person serving as an employer or acting directly in the interest of an employer in relation to an employee;

(B) includes a public agency; and

(C) does not include any labor organization (other than when acting as an employer) or any person acting in the capacity of officer or agent of such labor organization.

(9) **GOVERNMENT.**—The term “government” means an agency, instrumentality, or other entity of the Federal Government, a State government (including multijurisdictional agencies, instrumentalities, and entities), a local government, or a Tribal government.

(10) **GROSS NEGLIGENCE.**—The term “gross negligence” means a conscious, voluntary act or omission in reckless disregard of—

- (A) a legal duty;
- (B) the consequences to another party; and
- (C) applicable government standards and guidance.

(11) **HARM.**—The term “harm” includes—

(A) physical and nonphysical contact that results in personal injury to an individual; and

(B) economic and noneconomic losses.

(12) **HEALTH CARE PROVIDER.**—

(A) **IN GENERAL.**—The term “health care provider” means any person, including an agent, volunteer (subject to subparagraph (C)), contractor, employee, or other entity, who is—

(i) required by Federal or State law to be licensed, registered, or certified to provide health care and is so licensed, registered, or certified (or is exempt from any such requirement);

(ii) otherwise authorized by Federal or State law to provide care (including services and supports furnished in a home or community-based residential setting under the State Medicaid program or a waiver of that program); or

(iii) considered under applicable Federal or State law to be a health care provider, health care professional, health care institution, or health care facility.

(B) **INCLUSION OF ADMINISTRATORS, SUPERVISORS, ETC.**—The term “health care provider” includes a health care facility administrator, executive, supervisor, board member or trustee, or another individual responsible for directing, supervising, or monitoring the provision of coronavirus-related health care services in a comparable role.

(C) **INCLUSION OF VOLUNTEERS.**—The term “health care provider” includes volunteers that meet the following criteria:

(i) The volunteer is a health care professional providing coronavirus-related health care services.

(ii) The act or omission by the volunteer occurs—

(I) in the course of providing health care services;

(II) in the health care professional’s capacity as a volunteer;

(III) in the course of providing health care services that—

(aa) are within the scope of the license, registration, or certification of the volunteer, as defined by the State of licensure, registration, or certification; and

(bb) do not exceed the scope of license, registration, or certification of a substantially similar health professional in the State in which such act or omission occurs; and

(IV) in a good-faith belief that the individual being treated is in need of health care services.

(13) **INDIVIDUAL OR ENTITY.**—The term “individual or entity” means—

(A) any natural person, corporation, company, trade, business, firm, partnership, joint stock company, educational institution, labor organization, or similar organization or group of organizations;

(B) any nonprofit organization, foundation, society, or association organized for religious, charitable, educational, or other purposes; or

(C) any State, Tribal, or local government.

(14) **LOCAL GOVERNMENT.**—The term “local government” means any unit of government within a State, including a—

(A) county;

(B) borough;

(C) municipality;

(D) city;

(E) town;

(F) township;

(G) parish;

(H) local public authority, including any public housing agency under the United States Housing Act of 1937 (42 U.S.C. 1437 et seq.);

(I) special district;

(J) school district;

(K) intrastate district;

(L) council of governments, whether or not incorporated as a nonprofit corporation under State law; and

(M) agency or instrumentality of—

(i) multiple units of local government (including units of local government located in different States); or

(ii) an intra-State unit of local government.

(15) **MANDATORY.**—The term “mandatory”, with respect to standards or regulations, means the standards or regulations are themselves enforceable by the issuing government through criminal, civil, or administrative action.

(16) **PERSONAL INJURY.**—The term “personal injury”—

(A) means actual or potential physical injury to an individual or death caused by a physical injury; and

(B) includes mental suffering, emotional distress, or similar injuries suffered by an individual in connection with a physical injury.

(17) **STATE.**—The term “State”—

(A) means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Northern Mariana Islands, the United States Virgin Islands, Guam, American Samoa, and any other territory or possession of the United States, and any political subdivision or instrumentality thereof; and

(B) includes any agency or instrumentality of 2 or more of the entities described in subparagraph (A).

(18) **TRIBAL GOVERNMENT.**—

(A) **IN GENERAL.**—The term “Tribal government” means the recognized governing body of any Indian tribe included on the list published by the Secretary of the Interior pursuant to section 104(a) of the Federally Recognized Indian Tribe List Act of 1994 (25 U.S.C. 5131(a)).

(B) **INCLUSION.**—The term “Tribal government” includes any subdivision (regardless of the laws and regulations of the jurisdiction in which the subdivision is organized or incorporated) of a governing body described in subparagraph (A) that—

(i) is wholly owned by that governing body; and

(ii) has been delegated the right to exercise 1 or more substantial governmental functions of the governing body.

(19) **WILLFUL MISCONDUCT.**—The term “willful misconduct” means an act or omission that is taken—

(A) intentionally to achieve a wrongful purpose;

(B) knowingly without legal or factual justification; and

(C) in disregard of a known or obvious risk that is so great as to make it highly probable that the harm will outweigh the benefit.

#### Subtitle A—Liability Relief

### PART I—LIABILITY LIMITATIONS FOR INDIVIDUALS AND ENTITIES ENGAGED IN BUSINESSES, SERVICES, ACTIVITIES, OR ACCOMMODATIONS

#### SEC. 211. APPLICATION OF PART.

(a) **CAUSE OF ACTION; TRIBAL SOVEREIGN IMMUNITY.**—

(1) **CAUSE OF ACTION.**—

(A) **IN GENERAL.**—This part creates an exclusive cause of action for coronavirus exposure actions.

(B) **LIABILITY.**—A plaintiff may prevail in a coronavirus exposure action only in accordance with the requirements of this subtitle.

(C) **APPLICATION.**—The provisions of this part shall apply to—

(i) any cause of action that is a coronavirus exposure action that was filed before the date of enactment of this Act and that is pending on such date of enactment; and

(ii) any coronavirus exposure action filed on or after such date of enactment.

(2) **PRESERVATION OF LIABILITY LIMITS AND DEFENSES.**—Except as otherwise explicitly provided in this part, nothing in this part expands any liability otherwise imposed or limits any defense otherwise available under Federal, State, or Tribal law.

(3) **IMMUNITY.**—Nothing in this part abrogates the immunity of any State, or waives the immunity of any Tribal government. The limitations on liability provided under this part shall control in any action properly filed against a State or Tribal government pursuant to a duly executed waiver by the State or Tribe of sovereign immunity and stating claims within the scope of this part.

(b) **PREEMPTION AND SUPERSEDEDURE.**—

(1) **IN GENERAL.**—Except as described in paragraphs (2) through (6), this part preempts and supersedes any Federal, State, or Tribal law, including statutes, regulations, rules, or standards that are enacted, promulgated, or established under common law, related to recovery for personal injuries caused by actual, alleged, feared, or potential for exposure to coronavirus.

(2) **STRICTER LAWS NOT PREEMPTED OR SUPERSEDED.**—Nothing in this part shall be construed to affect the applicability of any provision of any Federal, State, or Tribal law that imposes stricter limits on damages or liabilities for personal injury caused by, arising out of, or related to an actual, alleged, feared, or potential for exposure to coronavirus, or otherwise affords greater protection to defendants in any coronavirus exposure action, than are provided in this part. Any such provision of Federal, State, or Tribal law shall be applied in addition to the requirements of this part and not in lieu thereof.

(3) **WORKERS’ COMPENSATION LAWS NOT PREEMPTED OR SUPERSEDED.**—Nothing in this part shall be construed to affect the applicability of any State or Tribal law providing for a workers’ compensation scheme or program, or to preempt or supersede an exclusive remedy under such scheme or program.

(4) **ENFORCEMENT ACTIONS.**—Nothing in this part shall be construed to impair, limit, or affect the authority of the Federal Government, or of any State, local, or Tribal government, to bring any criminal, civil, or administrative enforcement action against any individual or entity.

(5) **DISCRIMINATION CLAIMS.**—Nothing in this part shall be construed to affect the applicability of any provision of any Federal, State, or Tribal law that creates a cause of action for intentional discrimination on the basis of race, color, national origin, religion, sex (including pregnancy), disability, genetic information, or age.

(6) **MAINTENANCE AND CURE.**—Nothing in this part shall be construed to affect a seaman’s right to claim maintenance and cure benefits.

(c) **STATUTE OF LIMITATIONS.**—A coronavirus exposure action may not be commenced in any Federal, State, or Tribal government court later than 1 year after the date of the actual, alleged, feared, or potential for exposure to coronavirus.



**SEC. 212. LIABILITY; SAFE HARBOR.**

(a) **REQUIREMENTS FOR LIABILITY FOR EXPOSURE TO CORONAVIRUS.**—Notwithstanding any other provision of law, and except as otherwise provided in this section, no individual or entity engaged in businesses, services, activities, or accommodations shall be liable in any coronavirus exposure action unless the plaintiff can prove by clear and convincing evidence that—

(1) in engaging in the businesses, services, activities, or accommodations, the individual or entity was not making reasonable efforts in light of all the circumstances to comply with the applicable government standards and guidance in effect at the time of the actual, alleged, feared, or potential for exposure to coronavirus;

(2) the individual or entity engaged in gross negligence or willful misconduct that caused an actual exposure to coronavirus; and

(3) the actual exposure to coronavirus caused the personal injury of the plaintiff.

(b) **REASONABLE EFFORTS TO COMPLY.**—

(1) **CONFLICTING APPLICABLE GOVERNMENT STANDARDS AND GUIDANCE.**—

(A) **IN GENERAL.**—If more than 1 government to whose jurisdiction an individual or entity is subject issues applicable government standards and guidance, and the applicable government standards and guidance issued by 1 or more of the governments conflicts with the applicable government standards and guidance issued by 1 or more of the other governments, the individual or entity shall be considered to have made reasonable efforts in light of all the circumstances to comply with the applicable government standards and guidance for purposes of subsection (a)(1) unless the plaintiff establishes by clear and convincing evidence that the individual or entity was not making reasonable efforts in light of all the circumstances to comply with any of the conflicting applicable government standards and guidance issued by any government to whose jurisdiction the individual or entity is subject.

(B) **EXCEPTION.**—If mandatory standards and regulations constituting applicable government standards and guidance issued by any government with jurisdiction over the individual or entity conflict with applicable government standards and guidance that are not mandatory and are issued by any other government with jurisdiction over the individual or entity or by the same government that issued the mandatory standards and regulations, the plaintiff may establish that the individual or entity did not make reasonable efforts in light of all the circumstances to comply with the applicable government standards and guidance for purposes of subsection (a)(1) by establishing by clear and convincing evidence that the individual or entity was not making reasonable efforts in light of all the circumstances to comply with the mandatory standards and regulations to which the individual or entity was subject.

(2) **WRITTEN OR PUBLISHED POLICY.**—

(A) **IN GENERAL.**—If an individual or entity engaged in businesses, services, activities, or accommodations maintained a written or published policy on the mitigation of transmission of coronavirus at the time of the actual, alleged, feared, or potential for exposure to coronavirus that complied with, or was more protective than, the applicable government standards and guidance to which the individual or entity was subject, the individual or entity shall be presumed to have made reasonable efforts in light of all the circumstances to comply with the applicable government standards and guidance for purposes of subsection (a)(1).

(B) **REBUTTAL.**—The plaintiff may rebut the presumption under subparagraph (A) by establishing that the individual or entity

was not complying with the written or published policy at the time of the actual, alleged, feared, or potential for exposure to coronavirus.

(C) **ABSENCE OF A WRITTEN OR PUBLISHED POLICY.**—The absence of a written or published policy shall not give rise to a presumption that the individual or entity did not make reasonable efforts in light of all the circumstances to comply with the applicable government standards and guidance for purposes of subsection (a)(1).

(3) **TIMING.**—For purposes of subsection (a)(1), a change to a policy or practice by an individual or entity before or after the actual, alleged, feared, or potential for exposure to coronavirus, shall not be evidence of liability for the actual, alleged, feared, or potential for exposure to coronavirus.

(c) **THIRD PARTIES.**—No individual or entity shall be held liable in a coronavirus exposure action for the acts or omissions of a third party, unless—

(1) the individual or entity had an obligation under general common law principles to control the acts or omissions of the third party; or

(2) the third party was an agent of the individual or entity.

(d) **MITIGATION.**—Changes to the policies, practices, or procedures of an individual or entity for complying with the applicable government standards and guidance after the time of the actual, alleged, feared, or potential for exposure to coronavirus, shall not be considered evidence of liability or culpability.

## **PART II—LIABILITY LIMITATIONS FOR HEALTH CARE PROVIDERS**

### **SEC. 221. APPLICATION OF PART.**

(a) **IN GENERAL.**—

(1) **CAUSE OF ACTION.**—

(A) **IN GENERAL.**—This part creates an exclusive cause of action for coronavirus-related medical liability actions.

(B) **LIABILITY.**—A plaintiff may prevail in a coronavirus-related medical liability action only in accordance with the requirements of this subtitle.

(C) **APPLICATION.**—The provisions of this part shall apply to—

(i) any cause of action that is a coronavirus-related medical liability action that was filed before the date of enactment of this Act and that is pending on such date of enactment; and

(ii) any coronavirus-related medical liability action filed on or after such date of enactment.

(2) **PRESERVATION OF LIABILITY LIMITS AND DEFENSES.**—Except as otherwise explicitly provided in this part, nothing in this part expands any liability otherwise imposed or limits any defense otherwise available under Federal, State, or Tribal law.

(3) **IMMUNITY.**—Nothing in this part abrogates the immunity of any State, or waives the immunity of any Tribal government. The limitations on liability provided under this part shall control in any action properly filed against a State or Tribal government pursuant to a duly executed waiver by the State or Tribe of sovereign immunity and stating claims within the scope of this part.

(b) **PREEMPTION AND SUPERSEDITION.**—

(1) **IN GENERAL.**—Except as described in paragraphs (2) through (6), this part preempts and supersedes any Federal, State, or Tribal law, including statutes, regulations, rules, or standards that are enacted, promulgated, or established under common law, related to recovery for personal injuries caused by, arising out of, or related to an act or omission by a health care provider in the course of arranging for or providing coronavirus-related health care services.

(2) **STRICTER LAWS NOT PREEMPTED OR SUPERSEDED.**—Nothing in this part shall be

construed to affect the applicability of any provision of any Federal, State, or Tribal law that imposes stricter limits on damages or liabilities for personal injury caused by, arising out of, or related to an act or omission by a health care provider in the course of arranging for or providing coronavirus-related health care services, or otherwise affords greater protection to defendants in any coronavirus-related medical liability action than are provided in this part. Any such provision of Federal, State, or Tribal law shall be applied in addition to the requirements of this part and not in lieu thereof.

(3) **ENFORCEMENT ACTIONS.**—Nothing in this part shall be construed to impair, limit, or affect the authority of the Federal Government, or of any State, local, or Tribal government to bring any criminal, civil, or administrative enforcement action against any health care provider.

(4) **DISCRIMINATION CLAIMS.**—Nothing in this part shall be construed to affect the applicability of any provision of any Federal, State, or Tribal law that creates a cause of action for intentional discrimination on the basis of race, color, national origin, religion, sex (including pregnancy), disability, genetic information, or age.

(5) **PUBLIC READINESS AND EMERGENCY PREPAREDNESS.**—Nothing in this part shall be construed to affect the applicability of section 319F-3 of the Public Health Service Act (42 U.S.C. 247d-6d) to any act or omission involving a covered countermeasure, as defined in subsection (i) of such section in arranging for or providing coronavirus-related health care services. Nothing in this part shall be construed to affect the applicability of section 319F-4 of the Public Health Service Act (42 U.S.C. 247d-6e).

(6) **VACCINE INJURY.**—To the extent that title XXI of the Public Health Service Act (42 U.S.C. 300aa-1 et seq.) establishes a Federal rule applicable to a civil action brought for a vaccine-related injury or death, this part does not affect the application of that rule to such an action.

(c) **STATUTE OF LIMITATIONS.**—A coronavirus-related medical liability action may not be commenced in any Federal, State, or Tribal government court later than 1 year after the date of the alleged harm, damage, breach, or tort, unless tolled for—

(1) proof of fraud;

(2) intentional concealment; or

(3) the presence of a foreign body, which has no therapeutic or diagnostic purpose or effect, in the person of the injured person.

### **SEC. 222. LIABILITY FOR HEALTH CARE PROFESSIONALS AND HEALTH CARE FACILITIES DURING CORONAVIRUS PUBLIC HEALTH EMERGENCY.**

(a) **REQUIREMENTS FOR LIABILITY FOR CORONAVIRUS-RELATED HEALTH CARE SERVICES.**—Notwithstanding any other provision of law, and except as provided in subsection (b), no health care provider shall be liable in a coronavirus-related medical liability action unless the plaintiff can prove by clear and convincing evidence—

(1) gross negligence or willful misconduct by the health care provider; and

(2) that the alleged harm, damage, breach, or tort resulting in the personal injury was directly caused by the alleged gross negligence or willful misconduct.

(b) **EXCEPTIONS.**—For purposes of this section, acts, omissions, or decisions resulting from a resource or staffing shortage shall not be considered willful misconduct or gross negligence.

# **PART III—SUBSTANTIVE AND PROCEDURAL PROVISIONS FOR CORONAVIRUS-RELATED ACTIONS GENERALLY**

## **SEC. 231. JURISDICTION.**

(a) JURISDICTION.—The district courts of the United States shall have concurrent original jurisdiction of any coronavirus-related action.

(b) REMOVAL.—

(1) IN GENERAL.—A coronavirus-related action of which the district courts of the United States have original jurisdiction under subsection (a) that is brought in a State or Tribal government court may be removed to a district court of the United States in accordance with section 1446 of title 28, United States Code, except that—

(A) notwithstanding subsection (b)(2)(A) of such section, such action may be removed by any defendant without the consent of all defendants; and

(B) notwithstanding subsection (b)(1) of such section, for any cause of action that is a coronavirus-related action that was filed in a State court before the date of enactment of this Act and that is pending in such court on such date of enactment, and of which the district courts of the United States have original jurisdiction under subsection (a), any defendant may file a notice of removal of a civil action or proceeding within 30 days of the date of enactment of this Act.

(2) PROCEDURE AFTER REMOVAL.—Section 1447 of title 28, United States Code, shall apply to any removal of a case under paragraph (1), except that, notwithstanding subsection (d) of such section, a court of appeals of the United States shall accept an appeal from an order of a district court granting or denying a motion to remand the case to the State or Tribal government court from which it was removed if application is made to the court of appeals of the United States not later than 10 days after the entry of the order.

## **SEC. 232. LIMITATIONS ON SUITS.**

(a) JOINT AND SEVERAL LIABILITY LIMITATIONS.—

(1) IN GENERAL.—An individual or entity against whom a final judgment is entered in any coronavirus-related action shall be liable solely for the portion of the judgment that corresponds to the relative and proportionate responsibility of that individual or entity. In determining the percentage of responsibility of any defendant, the trier of fact shall determine that percentage as a percentage of the total fault of all individuals or entities, including the plaintiff, who caused or contributed to the total loss incurred by the plaintiff.

(2) PROPORTIONATE LIABILITY.—

(A) DETERMINATION OF RESPONSIBILITY.—In any coronavirus-related action, the court shall instruct the jury to answer special interrogatories, or, if there is no jury, the court shall make findings with respect to each defendant, including defendants who have entered into settlements with the plaintiff or plaintiffs, concerning the percentage of responsibility, if any, of each defendant, measured as a percentage of the total fault of all individuals or entities who caused or contributed to the loss incurred by the plaintiff.

(B) FACTORS FOR CONSIDERATION.—In determining the percentage of responsibility under this subsection, the trier of fact shall consider—

(i) the nature of the conduct of each individual or entity found to have caused or contributed to the loss incurred by the plaintiff; and

(ii) the nature and extent of the causal relationship between the conduct of each such individual or entity and the damages incurred by the plaintiff.

(3) JOINT LIABILITY FOR SPECIFIC INTENT OR FRAUD.—Notwithstanding paragraph (1), in any coronavirus-related action the liability of a defendant is joint and several if the trier of fact specifically determines that the defendant—

(A) acted with specific intent to injure the plaintiff; or

(B) knowingly committed fraud.

(4) RIGHT TO CONTRIBUTION NOT AFFECTED.—Nothing in this subsection affects the right, under any other law, of a defendant to contribution with respect to another defendant determined under paragraph (3) to have acted with specific intent to injure the plaintiff or to have knowingly committed fraud.

(b) LIMITATIONS ON DAMAGES.—In any coronavirus-related action—

(1) the award of compensatory damages shall be limited to economic losses incurred as the result of the personal injury, harm, damage, breach, or tort, except that the court may award damages for noneconomic losses if the trier of fact determines that the personal injury, harm, damage, breach, or tort was caused by the willful misconduct of the individual or entity;

(2) punitive damages—

(A) may be awarded only if the trier of fact determines that the personal injury to the plaintiff was caused by the willful misconduct of the individual or entity; and

(B) may not exceed the amount of compensatory damages awarded; and

(3) the amount of monetary damages awarded to a plaintiff shall be reduced by the amount of compensation received by the plaintiff from another source in connection with the personal injury, harm, damage, breach, or tort, such as insurance or reimbursement by a government.

(c) PREEMPTION AND SUPERSEURE.—

(1) IN GENERAL.—Except as described in paragraphs (2) and (3), this section preempts and supersedes any Federal, State, or Tribal law, including statutes, regulations, rules, or standards that are enacted, promulgated, or established under common law, related to joint and several liability, proportionate or contributory liability, contribution, or the award of damages for any coronavirus-related action.

(2) STRICTER LAWS NOT PREEMPTED OR SUPERSEDED.—Nothing in this section shall be construed to affect the applicability of any provision of any Federal, State, or Tribal law that—

(A) limits the liability of a defendant in a coronavirus-related action to a lesser degree of liability than the degree of liability determined under this section;

(B) otherwise affords a greater degree of protection from joint or several liability than is afforded by this section; or

(C) limits the damages that can be recovered from a defendant in a coronavirus-related action to a lesser amount of damages than the amount determined under this section.

(3) PUBLIC READINESS AND EMERGENCY PREPAREDNESS.—Nothing in this part shall be construed to affect the applicability of section 319F-3 of the Public Health Service Act (42 U.S.C. 247d-6d) to any act or omission involving a covered countermeasure, as defined in subsection (i) of such section in arranging for or providing coronavirus-related health care services. Nothing in this part shall be construed to affect the applicability of section 319F-4 of the Public Health Service Act (42 U.S.C. 247d-6e).

## **SEC. 233. PROCEDURES FOR SUIT IN DISTRICT COURTS OF THE UNITED STATES.**

(a) PLEADING WITH PARTICULARITY.—In any coronavirus-related action filed in or removed to a district court of the United States—

(1) the complaint shall plead with particularity—

(A) each element of the plaintiff's claim; and

(B) with respect to a coronavirus exposure action, all places and persons visited by the person on whose behalf the complaint was filed and all persons who visited the residence of the person on whose behalf the complaint was filed during the 14-day-period before the onset of the first symptoms allegedly caused by coronavirus, including—

(i) each individual or entity against which a complaint is filed, along with the factual basis for the belief that such individual or entity was a cause of the personal injury alleged; and

(ii) every other person or place visited by the person on whose behalf the complaint was filed and every other person who visited the residence of the person on whose behalf the complaint was filed during such period, along with the factual basis for the belief that these persons and places were not the cause of the personal injury alleged; and

(2) the complaint shall plead with particularity each alleged act or omission constituting gross negligence or willful misconduct that resulted in personal injury, harm, damage, breach, or tort.

(b) SEPARATE STATEMENTS CONCERNING THE NATURE AND AMOUNT OF DAMAGES AND REQUIRED STATE OF MIND.—

(1) NATURE AND AMOUNT OF DAMAGES.—In any coronavirus-related action filed in or removed to a district court of the United States in which monetary damages are requested, there shall be filed with the complaint a statement of specific information as to the nature and amount of each element of damages and the factual basis for the damages calculation.

(2) REQUIRED STATE OF MIND.—In any coronavirus-related action filed in or removed to a district court of the United States in which a claim is asserted on which the plaintiff may prevail only on proof that the defendant acted with a particular state of mind, there shall be filed with the complaint, with respect to each element of that claim, a statement of the facts giving rise to a strong inference that the defendant acted with the required state of mind.

(c) VERIFICATION AND MEDICAL RECORDS.—

(1) VERIFICATION REQUIREMENT.—

(A) IN GENERAL.—The complaint in a coronavirus-related action filed in or removed to a district court of the United States shall include a verification, made by affidavit of the plaintiff under oath, stating that the pleading is true to the knowledge of the deponent, except as to matters specifically identified as being alleged on information and belief, and that as to those matters the plaintiff believes it to be true.

(B) IDENTIFICATION OF MATTERS ALLEGED UPON INFORMATION AND BELIEF.—Any matter that is not specifically identified as being alleged upon the information and belief of the plaintiff, shall be regarded for all purposes, including a criminal prosecution, as having been made upon the knowledge of the plaintiff.

(2) MATERIALS REQUIRED.—In any coronavirus-related action filed in or removed to a district court of the United States, the plaintiff shall file with the complaint—

(A) an affidavit by a physician or other qualified medical expert who did not treat the person on whose behalf the complaint was filed that explains the basis for such physician's or other qualified medical expert's belief that such person suffered the personal injury, harm, damage, breach, or tort alleged in the complaint; and

(B) certified medical records documenting the alleged personal injury, harm, damage, breach, or tort.

(d) **APPLICATION WITH FEDERAL RULES OF CIVIL PROCEDURE.**—This section applies exclusively to any coronavirus-related action filed in or removed to a district court of the United States and, except to the extent that this section requires additional information to be contained in or attached to pleadings, nothing in this section is intended to amend or otherwise supersede applicable rules of Federal civil procedure.

(e) **CIVIL DISCOVERY FOR ACTIONS IN DISTRICT COURTS OF THE UNITED STATES.**—

(1) **TIMING.**—Notwithstanding any other provision of law, in any coronavirus-related action filed in or removed to a district court of the United States, no discovery shall be allowed before—

(A) the time has expired for the defendant to answer or file a motion to dismiss; and

(B) if a motion to dismiss is filed, the court has ruled on the motion.

(2) **STANDARD.**—Notwithstanding any other provision of law, the court in any coronavirus-related action that is filed in or removed to a district court of the United States—

(A) shall permit discovery only with respect to matters directly related to material issues contested in the coronavirus-related action; and

(B) may compel a response to a discovery request (including a request for admission, an interrogatory, a request for production of documents, or any other form of discovery request) under rule 37 of the Federal Rules of Civil Procedure, only if the court finds that—

(i) the requesting party needs the information sought to prove or defend as to a material issue contested in such action; and

(ii) the likely benefits of a response to such request equal or exceed the burden or cost for the responding party of providing such response.

(f) **INTERLOCUTORY APPEAL AND STAY OF DISCOVERY.**—The courts of appeals of the United States shall have jurisdiction of an appeal from a motion to dismiss that is denied in any coronavirus-related action in a district court of the United States. The district court shall stay all discovery in such a coronavirus-related action until the court of appeals has disposed of the appeal.

(g) **CLASS ACTIONS AND MULTIDISTRICT LITIGATION PROCEEDINGS.**—

(1) **CLASS ACTIONS.**—In any coronavirus-related action that is filed in or removed to a district court of the United States and is maintained as a class action or multidistrict litigation—

(A) an individual or entity shall only be a member of the class if the individual or entity affirmatively elects to be a member; and

(B) the court, in addition to any other notice required by applicable Federal or State law, shall direct notice of the action to each member of the class, which shall include—

(i) a concise and clear description of the nature of the action;

(ii) the jurisdiction where the case is pending; and

(iii) the fee arrangements with class counsel, including—

(I) the hourly fee being charged; or

(II) if it is a contingency fee, the percentage of the final award which will be paid, including an estimate of the total amount that would be paid if the requested damages were to be granted; and

(III) if the cost of the litigation is being financed, a description of the financing arrangement.

(2) **MULTIDISTRICT LITIGATIONS.**—

(A) **TRIAL PROHIBITION.**—In any coordinated or consolidated pretrial proceedings con-

ducted pursuant to section 1407(b) of title 28, United States Code, the judge or judges to whom coronavirus-related actions are assigned by the Judicial Panel on Multidistrict Litigation may not conduct a trial in a coronavirus-related action transferred to or directly filed in the proceedings unless all parties to that coronavirus-related action consent.

(B) **REVIEW OF ORDERS.**—The court of appeals of the United States having jurisdiction over the transferee district court shall permit an appeal to be taken from any order issued in the conduct of coordinated or consolidated pretrial proceedings conducted pursuant to section 1407(b) of title 28, United States Code, if the order is applicable to 1 or more coronavirus-related actions and an immediate appeal from the order may materially advance the ultimate termination of 1 or more coronavirus-related actions in the proceedings.

**SEC. 234. DEMAND LETTERS; CAUSE OF ACTION.**

(a) **CAUSE OF ACTION.**—If any person transmits or causes another to transmit in any form and by any means a demand for remuneration in exchange for settling, releasing, waiving, or otherwise not pursuing a claim that is, or could be, brought as part of a coronavirus-related action, the party receiving such a demand shall have a cause of action for the recovery of damages occasioned by such demand and for declaratory judgment in accordance with chapter 151 of title 28, United States Code, if the claim for which the letter was transmitted was meritless.

(b) **DAMAGES.**—Damages available under subsection (a) shall include—

(1) compensatory damages including costs incurred in responding to the demand; and

(2) punitive damages, if the court determines that the defendant had knowledge or was reckless with regard to the fact that the claim was meritless.

(c) **ATTORNEY'S FEES AND COSTS.**—In an action commenced under subsection (a), if the plaintiff is a prevailing party, the court shall, in addition to any judgment awarded to a plaintiff, allow a reasonable attorney's fee to be paid by the defendant, and costs of the action.

(d) **JURISDICTION.**—The district courts of the United States shall have concurrent original jurisdiction of all claims arising under subsection (a).

(e) **ENFORCEMENT BY THE ATTORNEY GENERAL.**—

(1) **IN GENERAL.**—Whenever the Attorney General has reasonable cause to believe that any person or group of persons is engaged in a pattern or practice of transmitting demands for remuneration in exchange for settling, releasing, waiving, or otherwise not pursuing a claim that is, or could be, brought as part of a coronavirus-related action and that is meritless, the Attorney General may commence a civil action in any appropriate district court of the United States.

(2) **RELIEF.**—In a civil action under paragraph (1), the court may, to vindicate the public interest, assess a civil penalty against the respondent in an amount not exceeding \$50,000 per transmitted demand for remuneration in exchange for settling, releasing, waiving or otherwise not pursuing a claim that is meritless.

(3) **DISTRIBUTION OF CIVIL PENALTIES.**—If the Attorney General obtains civil penalties in accordance with paragraph (2), the Attorney General shall distribute the proceeds equitably among those persons aggrieved by the respondent's pattern or practice of transmitting demands for remuneration in exchange for settling, releasing, waiving or otherwise not pursuing a claim that is meritless.

## PART IV—RELATION TO LABOR AND EMPLOYMENT LAWS

### SEC. 241. LIMITATION ON VIOLATIONS UNDER SPECIFIC LAWS.

(a) **IN GENERAL.**—

(1) **DEFINITION.**—In this subsection, the term “covered Federal employment law” means any of the following:

(A) The Occupational Safety and Health Act of 1970 (29 U.S.C. 651 et seq.) (including any standard included in a State plan approved under section 18 of such Act (29 U.S.C. 667)).

(B) The Fair Labor Standards Act of 1938 (29 U.S.C. 201 et seq.).

(C) The Age Discrimination in Employment Act of 1967 (29 U.S.C. 621 et seq.).

(D) The Worker Adjustment and Retraining Notification Act (29 U.S.C. 2101 et seq.).

(E) Title VII of the Civil Rights Act of 1964 (42 U.S.C. 2000e et seq.).

(F) Title II of the Genetic Information Nondiscrimination Act of 2008 (42 U.S.C. 2000ff et seq.).

(G) Title I of the Americans with Disabilities Act of 1990 (42 U.S.C. 12111 et seq.).

(2) **LIMITATION.**—Notwithstanding any provision of a covered Federal employment law, in any action, proceeding, or investigation resulting from or related to an actual, alleged, feared, or potential for exposure to coronavirus, or a change in working conditions caused by a law, rule, declaration, or order related to coronavirus, an employer shall not be subject to any enforcement proceeding or liability under any provision of a covered Federal employment law if the employer—

(A) was relying on and generally following applicable government standards and guidance;

(B) knew of the obligation under the relevant provision; and

(C) attempted to satisfy any such obligation by—

(i) exploring options to comply with such obligations and with the applicable government standards and guidance (such as through the use of virtual training or remote communication strategies);

(ii) implementing interim alternative protections or procedures; or

(iii) following guidance issued by the relevant agency with jurisdiction with respect to any exemptions from such obligation.

(b) **PUBLIC ACCOMMODATION LAWS.**—

(1) **DEFINITIONS.**—In this subsection—

(A) the term “auxiliary aids and services” has the meaning given the term in section 4 of the Americans with Disabilities Act of 1990 (42 U.S.C. 12103);

(B) the term “covered public accommodation law” means—

(i) title III of the Americans with Disabilities Act of 1990 (42 U.S.C. 12181 et seq.); or

(ii) title II of the Civil Rights Act of 1964 (42 U.S.C. 2000a et seq.);

(C) the term “place of public accommodation” means—

(i) a place of public accommodation, as defined in section 201 of the Civil Rights Act of 1964 (42 U.S.C. 2000a); or

(ii) a public accommodation, as defined in section 301 of the Americans with Disabilities Act of 1990 (42 U.S.C. 12181); and

(D) the term “public health emergency period” means a period designated a public health emergency period by a Federal, State, or local government authority.

(2) **ACTIONS AND MEASURES DURING A PUBLIC HEALTH EMERGENCY.**—

(A) **IN GENERAL.**—Notwithstanding any other provision of law or regulation, during any public health emergency period, no person who owns, leases (or leases to), or operates a place of public accommodation shall be liable under, or found in violation of, any

covered public accommodation law for any action or measure taken regarding coronavirus and that place of public accommodation, if such person—

(i) has determined that the significant risk of substantial harm to public health or the health of employees cannot be reduced or eliminated by reasonably modifying policies, practices, or procedures, or the provision of an auxiliary aid or service; or

(ii) has offered such a reasonable modification or auxiliary aid or service but such offer has been rejected by the individual protected by the covered law.

(B) **REQUIRED WAIVER PROHIBITED.**—For purposes of this subsection, no person who owns, leases (or leases to), or operates a place of public accommodation shall be required to waive any measure, requirement, or recommendation that has been adopted in accordance with a requirement or recommendation issued by the Federal Government or any State or local government with regard to coronavirus, in order to offer such a reasonable modification or auxiliary aids and services.

#### **SEC. 242. LIABILITY FOR CONDUCTING TESTING AT WORKPLACE.**

Notwithstanding any other provision of Federal, State, or local law, an employer, or other person who hires or contracts with other individuals to provide services, conducting testing for coronavirus at the workplace shall not be liable for any action or personal injury directly resulting from such testing, except for those personal injuries caused by the gross negligence or intentional misconduct of the employer or other person.

#### **SEC. 243. JOINT EMPLOYMENT AND INDEPENDENT CONTRACTING.**

Notwithstanding any other provision of Federal or State law, including any covered Federal employment law (as defined in section 241(a)), the Labor Management Relations Act, 1947 (29 U.S.C. 141 et seq.), the Employment Retirement Income Security Act of 1974 (29 U.S.C. 1001 et seq.), and the Family and Medical Leave Act of 1993 (29 U.S.C. 2601 et seq.), it shall not constitute evidence of a joint employment relationship or employment relationship for any employer to provide or require, for an employee of another employer or for an independent contractor, any of the following:

(1) Coronavirus-related policies, procedures, or training.

(2) Personal protective equipment or training for the use of such equipment.

(3) Cleaning or disinfecting services or the means for such cleaning or disinfecting.

(4) Workplace testing for coronavirus.

(5) Temporary assistance due to coronavirus, including financial assistance or other health and safety benefits.

#### **SEC. 244. EXCLUSION OF CERTAIN NOTIFICATION REQUIREMENTS AS A RESULT OF THE COVID-19 PUBLIC HEALTH EMERGENCY.**

(a) **DEFINITIONS.**—Section 2(a) of the Worker Adjustment and Retraining Notification Act (29 U.S.C. 2101(a)) is amended—

(1) in paragraph (2), by adding before the semicolon at the end the following: “and the shutdown, if occurring during the covered period, is not a result of the COVID-19 national emergency”;

(2) in paragraph (3)—

(A) in subparagraph (A), by striking “and” at the end;

(B) in subparagraph (B), by adding “and” at the end; and

(C) by adding at the end the following:

“(C) if occurring during the covered period, is not a result of the COVID-19 national emergency”;

(3) in paragraph (7), by striking “and”;

(4) in paragraph (8), by striking the period at the end and inserting a semicolon; and

(5) by adding at the end the following:

“(9) the term ‘covered period’ means the period that—

“(A) begins on January 1, 2020; and

“(B) ends 90 days after the last date of the COVID-19 national emergency; and

“(10) the term ‘COVID-19 national emergency’ means 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).”

(b) **EXCLUSION FROM DEFINITION OF EMPLOYMENT LOSS.**—Section 2(b) of the Worker Adjustment and Retraining Notification Act (29 U.S.C. 2101(b)) is amended by adding at the end the following:

“(3) Notwithstanding subsection (a)(6), during the covered period an employee may not be considered to have experienced an employment loss if the termination, layoff exceeding 6 months, or reduction in hours of work of more than 50 percent during each month of any 6-month period involved is a result of the COVID-19 national emergency.”

#### **Subtitle B—Products**

#### **SEC. 261. APPLICABILITY OF THE TARGETED LIABILITY PROTECTIONS FOR PANDEMIC AND EPIDEMIC PRODUCTS AND SECURITY COUNTERMEASURES WITH RESPECT TO COVID-19.**

(a) **IN GENERAL.**—Section 319F-3(i)(1) of the Public Health Service Act (42 U.S.C. 247d-6d(i)(1)) is amended—

(1) in subparagraph (C), by striking “; or” and inserting a semicolon;

(2) in subparagraph (D), by striking the period and inserting “; or”; and

(3) by adding at the end the following:

“(E) a drug (as such term is defined in section 201(g)(1) of the Federal Food, Drug, and Cosmetic Act), biological product (including a vaccine) (as such term is defined in section 351(i)), or device (as such term is defined in section 201(h) of the Federal Food, Drug, and Cosmetic Act) that—

“(i) is the subject of a notice of use of enforcement discretion issued by the Secretary if such drug, biological product, or device is used—

“(I) when such notice is in effect;

“(II) within the scope of such notice; and

“(III) in compliance with other applicable requirements of the Federal Food, Drug, and Cosmetic Act that are not the subject of such notice;

“(ii) in the case of a device, is exempt from the requirement under section 510(k) of the Federal Food, Drug, and Cosmetic Act; or

“(iii) in the case of a drug—

“(I) meets the requirements for marketing under a final administrative order under section 505G of the Federal Food, Drug, and Cosmetic Act; or

“(II) is marketed in accordance with section 505G(a)(3) of such Act.”

(b) **CLARIFYING MEANS OF DISTRIBUTION.**—Section 319F-3(a)(5) of the Public Health Service Act (42 U.S.C. 247d-6d(a)(5)) is amended by inserting “by, or in partnership with, Federal, State, or local public health officials or the private sector” after “distribution” the first place it appears.

(c) **NO CHANGE TO ADMINISTRATIVE PROCEDURE ACT APPLICATION TO ENFORCEMENT DISCRETION EXERCISE.**—Section 319F-3 of the Public Health Service Act (42 U.S.C. 247d-6d) is amended by adding at the end the following:

“(j) **RULE OF CONSTRUCTION.**—Nothing in this section shall be construed—

“(1) to require use of procedures described in section 553 of title 5, United States Code, for a notice of use of enforcement discretion for which such procedures are not otherwise required; or

“(2) to affect whether such notice constitutes final agency action within the

meaning of section 704 of title 5, United States Code.”

#### **Subtitle C—General Provisions**

#### **SEC. 281. SEVERABILITY.**

If any provision of this title, an amendment made by this title, or the application of such a provision or amendment to any person or circumstance is held to be unconstitutional, the remaining provisions of and amendments made by this title, as well as the application of such provision or amendment to any person other than the parties to the action holding the provision or amendment to be unconstitutional, or to any circumstances other than those presented in such action, shall not be affected thereby.

**SA 2566.** Mrs. HYDE-SMITH submitted an amendment intended to be proposed to amendment SA 2499 proposed by Mr. McCONNELL to the bill S. 178, to condemn gross human rights violations of ethnic Turkic Muslims in Xinjiang, and calling for an end to arbitrary detention, torture, and harassment of these communities inside and outside China; which was ordered to lie on the table; as follows:

At the end, add the following:

#### **SEC. 3. EXTENDING MEDICARE TELEHEALTH FLEXIBILITIES FOR FEDERALLY QUALIFIED HEALTH CENTERS AND RURAL HEALTH CLINICS.**

(a) **IN GENERAL.**—Section 1834(m) of the Social Security Act (42 U.S.C. 1395m(m)) is amended—

(1) in paragraph (4)(C)—

(A) in clause (i), in the matter preceding subclause (I), by striking “and (7)” and inserting “(7), and (8)”; and

(B) in clause (ii)(X), by inserting “or paragraph (8)(A)(i)” before the period; and

(2) in paragraph (8)—

(A) in the paragraph heading by inserting “AND FOR AN ADDITIONAL PERIOD AFTER” after “DURING”;

(B) in subparagraph (A)—

(i) in the matter preceding clause (i), by inserting “and the 5-year period beginning on the first day after the end of such emergency period” after “1135(g)(1)(B)”; and

(ii) in clause (ii), by striking “and” at the end;

(iii) by redesignating clause (iii) as clause (iv); and

(iv) by inserting after clause (ii) the following new clause:

“(iii) the geographic requirements described in paragraph (4)(C)(i) shall not apply with respect to such a telehealth service; and”;

(C) in subparagraph (B)(i)—

(i) in the first sentence, by inserting “and the 5-year period beginning on the first day after the end of such emergency period” before the period; and

(ii) in the third sentence, by striking “program instruction or otherwise” and inserting “interim final rule, program instruction, or otherwise”; and

(D) by adding at the end the following new subparagraph:

“(C) **REQUIREMENT DURING ADDITIONAL PERIOD.**—

“(i) **IN GENERAL.**—During the 5-year period beginning on the first day after the end of the emergency period described in section 1135(g)(1)(B), payment may only be made under this paragraph for a telehealth service described in subparagraph (A)(i) that is furnished to an eligible telehealth individual if such service is furnished by a qualified provider (as defined in clause (ii)).

“(ii) **DEFINITION OF QUALIFIED PROVIDER.**—For purposes of this subparagraph, the term ‘qualified provider’ means, with respect to a

telehealth service described in subparagraph (A)(i) that is furnished to an eligible telehealth individual, a Federally qualified health center or rural health clinic that furnished to such individual, during the 3-year period ending on the date the telehealth service was furnished, an item or service in person for which—

“(I) payment was made under this title; or  
 “(II) such payment would have been made if such individual were entitled to, or enrolled for, benefits under this title at the time such item or service was furnished.”.

(b) **EFFECTIVE DATE.**—The amendments made by this section (other than the amendment made by subsection (a)(2)(D)) shall take effect as if included in the enactment of the Coronavirus Aid, Relief, and Economic Security Act (Public Law 116-136).

#### AUTHORITY FOR COMMITTEES TO MEET

Mr. PORTMAN. Mr. President, I have six requests for committees to meet during today's session of the Senate. They have the approval of the Majority and Minority leaders.

Pursuant to rule XXVI paragraph 5(a), of the Standing Rules of the Senate, the following committees are authorized to meet during today's session of the Senate:

##### COMMITTEE ON ARMED SERVICES

The Committee on Armed Services is authorized to meet during the session of the Senate on Tuesday, August 4, 2020, at 9:00 a.m., in open session to consider the nominations of Honorable John E. Whitley to be Director of Cost Assessment and Program Evaluation, Department of Defense; Honorable Shon J. Manasco to be Under Secretary of the Air Force; Ms. Michele A. Pearce to be General Counsel of the Department of the Army; and Mr. Liam P. Hardy to be a Judge of the United States Court of Appeals for the Armed Forces.

The Committee on Armed Services is authorized to meet during the session of the Senate on Tuesday, August 4, 2020, at 2:30 p.m., in open session to receive testimony on the findings and recommendations of the Cyberspace Solarium Commission.

The Committee on Armed Services is authorized to meet during the session of the Senate on Tuesday, August 4, 2020, at a time to be determined, in Executive Session to consider pending military nominations.

##### COMMITTEE ON FOREIGN RELATIONS

The Committee on Foreign Relations is authorized to meet during the session of the Senate on Tuesday, August 4, 2020, at 10:00 a.m. to hold a full committee hearing titled “Venezuela in Maduro's Grasp: Assessing the Deteriorating Security and Humanitarian Situation.”

##### SELECT COMMITTEE ON INTELLIGENCE

The Senate Select Committee on Intelligence is authorized to meet during the session of the Senate on Tuesday, August 4, 2020, from 2:00 p.m. to 4:00 p.m., to hold a closed business meeting immediately followed by a closed hearing.

##### COMMITTEE ON THE JUDICIARY

##### SUBCOMMITTEE ON THE CONSTITUTION

The Committee on the Judiciary is authorized to meet during the session of the Senate, on August 4, 2020, at 2:30 p.m., to conduct a hearing entitled “The Right of the People Peaceably to Assemble: Protecting Speech by Stopping Anarchist Violence.”

#### PRIVILEGES OF THE FLOOR

Mr. CASSIDY. Mr. President, I ask unanimous consent that Matthew Fegley, a fellow in my office, be granted floor privileges for the remainder of the Congress.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. CAPITO. Mr. President, I ask unanimous consent that Emily Sammons, an intern in my office, be granted floor privileges through the remainder of the week.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### REQUIRING THE SECRETARY OF COMMERCE, ACTING THROUGH THE DIRECTOR OF THE NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY, TO HELP FACILITATE THE ADOPTION OF COMPOSITE TECHNOLOGY IN INFRASTRUCTURE IN THE UNITED STATES

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 240, S. 384.

The PRESIDING OFFICER. The clerk will report the bill by title.

The senior assistant legislative clerk read as follows:

A bill (S. 384) to require the Secretary of Commerce, acting through the Director of the National Institute of Standards and Technology, to help facilitate the adoption of composite technology in infrastructure in the United States, and for other purposes.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Commerce, Science, and Transportation, with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

#### SECTION 1. FACILITATING THE ADOPTION OF COMPOSITE TECHNOLOGY IN INFRASTRUCTURE.

(a) **RESEARCH.**—Subject to the availability of appropriations, the Secretary of Commerce, acting through the Director of the National Institute of Standards and Technology, shall implement the recommendations contained in the December 2017 report entitled “Road Mapping Workshop Report on Overcoming Barriers to Adoption of Composites in Sustainable Infrastructure”, as appropriate, to help facilitate the adoption of composite technology in infrastructure in the United States. In implementing such recommendations, the Secretary, acting through the Director shall, with respect to the use of composite technology in infrastructure—

(1) not later than 1 year after the date of the enactment of this Act, develop a design for a data clearinghouse to identify, gather, validate, and disseminate existing design criteria, tools, guidelines, and standards in a timely manner;

(2) not later than 18 months after the date of the enactment of this Act, establish the data clearinghouse described in paragraph (1);

(3) develop methods and resources required for testing and evaluating safe and appropriate uses of composite materials for infrastructure, including—

(A) conditioning protocols, procedures and models;

(B) screening and acceptance tools; and

(C) minimum allowable design data sets that can be converted into design tools; and

(4) work with other Federal agencies, as appropriate, to identify environmental impacts and recyclability of composite materials.

(b) **STANDARDS COORDINATION.**—The Secretary, acting through the Director, shall assure that the appropriate Institute staff consult regularly with standards developers, members of the composites industry, institutions of higher education, and other stakeholders in order to facilitate the adoption of standards for use of composite materials in infrastructure that are based on the research and testing results and other information developed by the Institute.

(c) **PILOT PROGRAM.**—

(1) **IN GENERAL.**—Subject to the availability of appropriations, commencing not later than 1 year after the date of the enactment of this Act, the Director of the National Institute of Standards and Technology shall, in consultation with the Industry-University Cooperative Research Centers Program of the National Science Foundation, conduct a pilot program to assess the feasibility and advisability of adopting composite technology in sustainable infrastructure.

(2) **DURATION.**—The Director shall carry out the pilot program during the 4-year period beginning on the date of the commencement of the pilot program.

(3) **REPORTS.**—

(A) **PRELIMINARY REPORT.**—Not later than the date that is 2 years after the date of the commencement of the pilot program, the Director shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science, Space, and Technology of the House of Representatives a report on the preliminary findings of the Director with respect to the pilot program.

(B) **FINAL REPORT.**—Not later than the date that is 90 days after the date of the completion of the pilot program, the Director shall submit to the committees referred to in subparagraph (A) a report on the findings of the Director with respect to the pilot program.

Mr. McCONNELL. I ask unanimous consent that the committee-reported amendment be withdrawn, the Capito substitute amendment at the desk be agreed to, and the bill, as amended, 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 committee-reported amendment in the nature of a substitute was withdrawn.

The amendment (No. 2567) in the nature of a substitute was agreed to, as follows:

Strike all after the enacting clause and insert the following:

#### SECTION 1. FACILITATING THE ADOPTION OF COMPOSITE TECHNOLOGY IN INFRASTRUCTURE.

(a) **RESEARCH.**—Subject to the availability of appropriations, the Secretary of Commerce, acting through the Director of the National Institute of Standards and Technology, shall implement the recommendations contained in the December 2017 report entitled “Road Mapping Workshop Report on

Overcoming Barriers to Adoption of Composites in Sustainable Infrastructure”, as appropriate, to help facilitate the adoption of composite technology in infrastructure in the United States. In implementing such recommendations, the Secretary, acting through the Director shall, with respect to the use of composite technology in infrastructure—

(1) not later than 1 year after the date of the enactment of this Act, develop a design for a data clearinghouse to identify, gather, validate, and disseminate existing design criteria, tools, evaluation methods and services, guidelines, and standards in a timely manner;

(2) not later than 18 months after the date of the enactment of this Act, establish the data clearinghouse described in paragraph (1);

(3) when it would not duplicate or displace building product-specific private sector developed methods and resources, develop methods and resources for testing and evaluating safe and appropriate uses of composite materials for infrastructure, including—

(A) conditioning protocols, procedures and models;

(B) screening and acceptance tools; and

(C) minimum allowable design data sets that can be converted into design tools; and

(4) work with other Federal agencies, as appropriate, to identify environmental impacts and recyclability of composite materials.

(b) STANDARDS COORDINATION.—The Secretary, acting through the Director, shall assure that the appropriate Institute staff consult regularly with standards developers, evaluation and accreditation bodies, members of the composites industry, institutions of higher education, and other stakeholders in order to facilitate the adoption of standards for use of composite materials in infra-

structure that are based on the research and testing results and other information developed by the Institute.

(c) PILOT PROGRAM.—

(1) IN GENERAL.—Subject to the availability of appropriations, commencing not later than 1 year after the date of the enactment of this Act, the Director of the National Institute of Standards and Technology shall, in consultation with the Industry-University Cooperative Research Centers Program of the National Science Foundation, conduct a pilot program to assess the feasibility and advisability of adopting composite technology in sustainable infrastructure.

(2) DURATION.—The Director shall carry out the pilot program during the 4-year period beginning on the date of the commencement of the pilot program.

(3) REPORTS.—

(A) PRELIMINARY REPORT.—Not later than the date that is 2 years after the date of the commencement of the pilot program, the Director shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science, Space, and Technology of the House of Representatives a report on the preliminary findings of the Director with respect to the pilot program.

(B) FINAL REPORT.—Not later than the date that is 90 days after the date of the completion of the pilot program, the Director shall submit to the committees referred to in subparagraph (A) a report on the findings of the Director with respect to the pilot program.

The bill (S. 384), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed.

## ORDERS FOR WEDNESDAY, AUGUST 5, 2020

Mr. McCONNELL. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 10 a.m., Wednesday, August 5; further, that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day; finally, that following leader remarks, the Senate be in a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

## ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. McCONNELL. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it stand adjourned under the previous order.

There being no objection, the Senate, at 6:49 p.m., adjourned until Wednesday, August 5, at 10 a.m.

## CONFIRMATION

Executive nomination confirmed by the Senate August 4, 2020:

DEPARTMENT OF ENERGY

MARK WESLEY MENEZES, OF VIRGINIA, TO BE DEPUTY SECRETARY OF ENERGY.