(B) immediately cease human rights abuses, including killings of civilians, torture, kidnapping, and extortion; (C) immediately end the school boycott in the Northwest and Southwest regions and attacks on schools, teachers, and education officials, and allow for the safe return of all students to class; and (D) immediately release all kidnapped and detained civilians; (6) urges the Department of State, Department of the Treasury, and United States Agency for International Development, in coordination with other relevant Federal departments and agencies, to— (A) consider imposing targeted sanctions on individual government and separatist leaders ‘‘responsible for extrajudicial killings, torture, or other gross violations of internationally recognized human rights; (B) press the Government of Cameroon to provide unfettered humanitarian access to vulnerable populations in the Northwest and Southwest regions of Cameroon; (C) support credible efforts to address the root causes of the conflict and to achieve sustainable peace and reconciliation and efforts to facilitate economic recovery of and fight coronavirus in the Northwest and Southwest regions; (D) support humanitarian and development programming, including to meet immediate needs, advance nonviolent conflict resolution and reconciliation, promote economic recovery and development, support primary and secondary education, and strengthen democratic processes, including political decentralization, enshrined as a fundamental principle of state governance in the Constitution of Cameroon; (E) continue to limit security assistance to Cameroon and ensure that United States training and equipment is not being used to facilitate human rights abuses in the Northwest and Southwest regions; (F) prioritize efforts to help develop and sustain effective, professional civilian oversight of law enforcement and security services in Cameroon to ensure they are held accountable for abuses; and (G) engage in an ongoing effort to ensure that the crisis in the Anglophone regions is discussed in international fora, including the United Nations Security Council, that focus on urgent international diplomatic engagement and response; and (7) urges members of the international community to— (A) join in a strategic collective effort to pressure the Government of Cameroon and separatist armed groups, including the use of available diplomatic and punitive tools, to immediately conclude and uphold a ceasefire, participate in an inclusive and meaningful dialogue to address the root causes of the conflict and pending grievances, and seek nonviolent solutions to the conflict, including by possibly involving an independent and credible mediator; (B) mobilize and coordinate funding for local and international organizations to provide humanitarian and development assistance, including to fight coronavirus, to communities affected by the crisis in the Northwest and Southwest regions of Cameroon; (C) leverage bilateral relationships to encourage key partners of Cameroon, particularly France, to help foster a peaceful resolution to the crisis in the Northwest and Southwest regions of Cameroon and implement a mutually agreed-upon program to address longstanding grievances and marginalization; and (D) use regional and international fora, including the African Union, the Economic Community of Central African States, and the United Nations Security Council to discuss the ongoing crisis in the Northwest and Southwest regions of Cameroon and push for a cessation of violence, an expedient resolution, the implementation of a mutually agreed-upon program for addressing the root causes and pending grievances, and the independent investigation and prosecution of human rights abuses and crimes committed against civilians.

AMENDMENTS SUBMITTED AND PROPOSED

SA 2652. Mr. MCCONNELL proposed an amendment 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; as follows:

In lieu of the matter proposed to be inserted; insert the following:

SECTION 1. SHORT TITLE

This Act may be cited as the ‘‘Delivering Immediate Relief to America’s Families, Schools and Small Businesses Act’’.

SEC. 2. TABLE OF CONTENTS

The table of contents for this Act is as follows:

Sec. 1. Short title.
Sec. 2. Table of contents.
Sec. 3. References.

DIVISION A.—LIABILITY PROTECTIONS, CONTINUED RELIEF FOR SMALL BUSINESSES AND WORKERS, PUBLIC HEALTH ENHANCEMENTS, AND EDUCATIONAL SUPPORT

TITLE I—SUNSETS AND OFFSETS

Sec. 1001. Emergency relief and taxpayer protections.
Sec. 1002. Direct appropriation.
Sec. 1003. Limitation of authority.
Sec. 1004. Rescissions.

TITLE II—CORONAVIRUS LIABILITY RELIEF

Sec. 2002. Findings and purposes.

Subtitle A—Liability Relief

PART I.—LIABILITY LIMITATIONS FOR INDIVIDUALS AND ENTITIES ENGAGED IN BUSINESSES, SERVICES, ACTIVITIES, OR ACCOMMODATIONS

Sec. 2121. Application of part.
Sec. 2122. Liability; safe harbor.

PART II.—LIABILITY LIMITATIONS FOR HEALTH CARE PROVIDERS

Sec. 2141. Application of part.
Sec. 2142. Liability for health care professionals and health care facilities during coronavirus public health emergency.

PART III—SUBSTANTIVE AND PROCEDURAL PROVISIONS FOR CORONAVIRUS-RELATED ACTIONS

Sec. 2161. Jurisdiction.
Sec. 2162. Limitations on suits.
Sec. 2163. Procedures for suit in district courts of the united states.
Sec. 2164. Demand letters; cause of action.

PART IV.—RELATION TO LABOR AND EMPLOYMENT LAWS

Sec. 2181. Limitation on violations under specific laws.

Sec. 2182. Liability for conducting testing at workplace.
Sec. 2183. Joint employment and independent contracting.
Sec. 2184. Exemptions for certain notification requirements as a result of the COVID–19 public health emergency.

Subtitle B—Products

Sec. 2201. Applicability of the targeted liability protections for pandemic and epidemic products and security countermeasures with respect to covid–19.

Subtitle C—General Provisions

Sec. 2301. Severability.

TITLE III—ASSISTANCE FOR AMERICAN FAMILIES

Sec. 3001. Short title.
Sec. 3002. Extension of the Federal Pandemic Unemployment Compensation program.

TITLE IV—SMALL BUSINESS PROGRAMS

Sec. 4001. Small business recovery.

TITLE V—POSTAL SERVICE ASSISTANCE

Sec. 5001. COVID–19 funding for the United States Postal Service.

TITLE VI—EDUCATIONAL SUPPORT AND CHILD CARE

Subtitle A—Emergency Education Freedom Grants; Tax Credits for Contributions to Eligible Scholarship-granting Organizations

Sec. 6001. Emergency education freedom grants.
Sec. 6002. Tax credits for contributions to eligible scholarship-granting organizations.
Sec. 6003. Education Freedom Scholarships web portal and administration.
Sec. 6004. 529 account funding for homeschool and additional elementary and secondary expenses.

Subtitle B—Back to Work Child Care Grants

Sec. 6101. Back to Work Child Care grants.

TITLE VII—PANDEMIC PREPARATION AND STRATEGIC STOCKPILE

Sec. 7001. Sustained on-shore manufacturing capacity for public health emergencies.
Sec. 7002. Improving and sustaining State medical stockpiles.
Sec. 7003. Strengthening the Strategic National Stockpile.

TITLE VIII—CORONAVIRUS RELIEF FUND EXTENSION

Sec. 8001. Extension of period to use Coronavirus Relief Fund payments.

TITLE IX—CHARITABLE GIVING

Sec. 9001. Increase in limitation on partial above the line deduction for charitable contributions.

TITLE X—CRITICAL MINERALS

Sec. 10001. Mineral security.
Sec. 10002. Rare earth element advanced coal technologies.

TITLE XI—MISCELLANEOUS PROVISIONS

Sec. 11001. Emergency designation.

DIVISION B—CORONAVIRUS RESPONSE ADDITIONAL SUPPLEMENTAL APPROPRIATIONS ACT, 2020

SEC. 3. REFERENCES.

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

S5448 CONGRESSIONAL RECORD — SENATE September 8, 2020

DSC0017
DIVISION A—LIABILITY PROTECTIONS, CONTINUED RELIEF FOR SMALL BUSINESSES AND WORKERS, PUBLIC HEALTH ENHANCEMENTS, AND EDUCATION CONTINUITY

TITLE I—SUNSETS AND OFFSETS

SEC. 1001. EMERGENCY RELIEF AND TAXPAYER PROTECTIONS.

Section 4003 of the CARES Act (15 U.S.C. 9061) is amended in subsection (e) by striking "Notice that the Secretary made a loan, loan guarantee, or other investment under section 4003(b)(4) as of such date.

SEC. 1002. DIRECT APPROPRIATION.

Section 4027 of the CARES Act (15 U.S.C. 9063) is amended by adding at the end the following:

"(d) REDUCTION.—Notwithstanding any other provision of law, after January 4, 2021, the Board of Governors of the Federal Reserve System and the Federal Reserve banks shall not make any loan, purchase any obligation, asset, security, or other extension of credit through any program or facility established under section 13(3) of the Federal Reserve Act (12 U.S.C. 341) or in which the Secretary made a loan, loan guarantee, or other investment using funds appropriated under section 4027, other than any such loan, purchase, or extension of credit made, in a complete application submitted on or before January 4, 2021, provided that such loan, purchase, or extension of credit is made on or before January 18, 2021, unless the terms and conditions of the program or facility as in effect on the date the complete application was submitted.

SEC. 1003. TERMINATION OF AUTHORITY.

Section 4029 of the CARES Act (15 U.S.C. 9063) is amended by adding at the end the following:

"(c) FEDERAL RESERVE PROGRAMS OR FACILITIES.

"(1) IN GENERAL.—Notwithstanding any other provision of law, after January 19, 2021, the Board of Governors of the Federal Reserve System and the Federal Reserve banks shall not make any loan, purchase any obligation, asset, security, or other extension of credit through any program or facility established under section 13(3) of the Federal Reserve Act (12 U.S.C. 341) or in which the Secretary made a loan, loan guarantee, or other investment using funds appropriated under section 4027, other than any such loan, purchase, or extension of credit made, in a complete application submitted on or before January 4, 2021, provided that such loan, purchase, or extension of credit is made on or before January 18, 2021, unless the terms and conditions of the program or facility as in effect on the date the complete application was submitted.

SEC. 1004. RESCISSIONS.

(a) PPP AND SUBSIDY FOR CERTAIN LOAN PAYMENTS.—Of the unobligated balances in the appropriations account under the heading "Small Business Administration—Business Loans—Coronavirus Aid, Relief, and Economic Security Act" (15 U.S.C. 636 notes 4) as of the date before the day of enactment of this Act, effective on the date of enactment of this Act $146,000,000,000 shall be rescinded and deposited into the general fund of the Treasury.

(b) EXCHANGE STABILIZATION FUND.—Section 4003 of the CARES Act (15 U.S.C. 9062) is amended—

(1) in subsection (a), by striking "$500,000,000,000" and inserting "$250,000,000,000"; and

(2) in subsection (b)(4), in the matter preceding subparagraph (A), by striking "$545,000,000,000" and inserting "$250,000,000,000".

TITLE II—CORONAVIRUS LIABILITY RELIEF

SEC. 1001. SHORT TITLE.

This title may be cited as the "Safekeeping America's Frontline Employees To Offer Work Opportunities Required to Kickstart the Economy Act" or the "SAFE TO WORK Act."
(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 burdens for everyone engaged in interstate commerce and acts as a significant drag on national recovery. The aggregation of each individual potential liability creates a substantial and unprecedented threat to interstate commerce.

(17) The accumulated economic risks for these potential defendants directly and substantially affect interstate commerce. The individuals and entities potentially subject to coronavirus-related liability will structure their affairs to avoid that liability. Small and large businesses, schools, colleges and universities, religious, philanthropic and other nonprofit institutions, and local governments 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 activities that, individually and in the aggregate, substantially affect interstate commerce is precisely the sort of conduct that should be subject to federal regulation.

(18) Lawsuits against health care workers and facilities pose a similarly dangerous risk to interstate commerce. Interstate commerce depends, in part, on the health and safety of its workers and visitors. If businesses close their doors or cut back on services to avoid coronavirus-related liability, the economic costs of that avoidance to the aggregate national capacity for combating the virus and saving patients is significant.

(19) Protecting health care workers and facilities from 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 recover from the virus.

(21) Congress also has the authority to determine the jurisdiction of the courts of the United States, and the standard for determining whether a cause of action can they, and to establish the rules by which those causes of action should proceed. Congress therefore must act to address the extraordinary liability risk posed by coronavirus-related lawsuits.

(22) These rules necessarily must be temporary and carefully tailored to the interstate commerce that is 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 inadequate.

(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 COVID-19 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.

(25) PURPOSES.—Pursuant to the powers delegated to Congress by article I, section 8, clause 1 of the Constitution of the United States, the purposes of this title are to—

(1) establish necessary and consistent standards that would specifically address claims specific to the unique coronavirus pandemic;

(2) prevent the overwhelming 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, and 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 or 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, and workers can work, teachers can teach, students can learn, and believers can worship.

SEC. 2003. DEFINITIONS.

In this title:

(1) APPLICABLE GOVERNMENT STANDARDS AND GUIDANCE.—The term "applicable government standards and guidance" means—

(A) any guidelines or (B) any mandates of any act or an amendment of the public health service act (42 U.S.C. 247d–6d(b));

(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(bb)) (relating to medical countermeasures) that is in effect with respect to coronavirus, including the Declaration Under the Public Readiness and Emergency Preparedness Act (42 U.S.C. 247d–6d); 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(bb)) (relating to medical countermeasures) that is in effect with respect to coronavirus, including the Declaration Under the Public Readiness and Emergency Preparedness Act (42 U.S.C. 247d–6d).

(2) B USINESSES, SERVICES, ACTIVITIES, OR ACCOMMODATIONS.—The term "businesses, services, activities, or accommodations" means any act or an accommodation by any person who suffered personal injury or a representative of a person who suffered personal injury or is at risk of suffering personal injury or is at risk of suffering personal injury that—

(i) brought against an individual or entity engaged in businesses, services, activities, or accommodations; and

(ii) alleges that an actual, alleged, feared, or potential for exposure to coronavirus caused the personal injury or risk of personal injury, that—

(A) occurred in the business, services, activities, or accommodations of the individual or entity; and

(B) before the later of—

(aa) before the later of—

(i) October 1, 2024; or

(ii) before the later of—

(aa) 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(bb)) (relating to medical countermeasures) that is in effect with respect to coronavirus, including the Declaration Under the Public Readiness and Emergency Preparedness Act (42 U.S.C. 247d–6d); and

(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(bb)) (relating to medical countermeasures) that is in effect with respect to coronavirus, including the Declaration Under the Public Readiness and Emergency Preparedness Act (42 U.S.C. 247d–6d).

(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-RELATED ACTION.—The term "coronavirus-related action" means a coronavirus exposure action or a coronavirus-related medical liability action.

(5) CORONAVIRUS-RELATED MEDICAL LIABILITY ACTION.—The term "coronavirus-related medical liability action" means a medical liability action brought 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

(BB) 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 specifically concerning the prevention or mitigation of the transmission of coronavirus caused by the Federal Government, or a State or local government with jurisdiction over an individual or entity; and

(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 who has been confirmed or suspected case of coronavirus; or

(C) the care of any individual who is admitted to a hospital, health care provider, or residence at, a health care provider for any purpose during the period of a Federal emergency declaration concerning coronavirus, if such hospital, health care provider, or residence at, is engaged in businesses, services, activities, or accommodations that occurred—

(ii) brought against an individual or entity engaged in businesses, services, activities, or accommodations; 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—

(aa) on or after December 1, 2019; and

(bb) before the latter 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(bb)).
(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. 15158) 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—

(1) 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 in 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.

(G) GOVERNMENT.—The term “government” means an agency, instrumentality, or other entity of the Federal Government, a State government (including multijurisdictional entities of the Federal Government, a State and local government, or a Tribal government).

(G) GOVERNMENT.—The term “government” means the recognized governing body as a volunteer;

(H) school district;

(I) state law to be a health care provider, program); or

(J) STATE.—The term “State”—

(A) means any State of the United States, including units of local government, or a Tribal government.

(II) in the course of providing health care;

(iii) has been delegated the right to exercise a substantial governmental function;

(I) IN GENERAL.—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.

(B) INCLUSION OF ADMINISTRATORS, SUPERVISORS, OTHER RESPONSIBLE INDIVIDUALS.—The term “health care provider” includes health care professional, health care institution, or health care facility.

(B) INCLUSION OF ADMINISTRATORS, SUPERVISORS, OTHER RESPONSIBLE INDIVIDUALS.—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—

(A) 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 national association, corporation, company, trade, business, firm, partnership, joint stock company, vessel in rem, 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 political subdivision of government within a State, including a—

(A) county;

(b) a claim alleging intentional discrimination in the basis of race, color, national origin, religion, sex (including pregnancy), disability, genetic information, or age.

(b) a claim alleging intentional discrimination in the basis of race, color, national origin, religion, sex (including pregnancy), disability, genetic information, or age.

(B) public or private act or omission in reckless disregard of—

(A) INTIMATE CONTACT.—The term “intimate contact” means 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) licensed, registered, or certified (or is exempt from any such requirement); and

(ii) otherwise authorized by Federal or State law to provide care (including services; or care within the scope of license, registration, or certification), as defined by the State of licensure, registration, or certification.

(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, OTHER RESPONSIBLE INDIVIDUALS.—The term “health care provider” includes 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—

(A) 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 national association, corporation, company, trade, business, firm, partnership, joint stock company, vessel in rem, 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 political subdivision of government within a State, including a—

(A) county;

(b) a claim alleging intentional discrimination in the basis of race, color, national origin, religion, sex (including pregnancy), disability, genetic information, or age.

(b) a claim alleging intentional discrimination in the basis of race, color, national origin, religion, sex (including pregnancy), disability, genetic information, or age.

(B) public or private act or omission in reckless disregard of—

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(i) licensed, registered, or certified (or is exempt from any such requirement); and

(ii) otherwise authorized by Federal or State law to provide care (including services; or care within the scope of license, registration, or certification), as defined by the State of licensure, registration, or certification.

(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, OTHER RESPONSIBLE INDIVIDUALS.—The term “health care provider” includes 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—

(A) 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 national association, corporation, company, trade, business, firm, partnership, joint stock company, vessel in rem, 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 political subdivision of government within a State, including a—

(A) county;

(b) a claim alleging intentional discrimination in the basis of race, color, national origin, religion, sex (including pregnancy), disability, genetic information, or age.

(b) a claim alleging intentional discrimination in the basis of race, color, national origin, religion, sex (including pregnancy), disability, genetic information, or age.

(B) public or private act or omission in reckless disregard of—

(A) INTIMATE CONTACT.—The term “intimate contact” means 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) licensed, registered, or certified (or is exempt from any such requirement); and

(ii) otherwise authorized by Federal or State law to provide care (including services; or care within the scope of license, registration, or certification), as defined by the State of licensure, registration, or certification.

(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, OTHER RESPONSIBLE INDIVIDUALS.—The term “health care provider” includes 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—

(A) 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.
part shall be construed to affect the applicability of any State or Tribal law providing for a claim for benefits under a workers’ compensation scheme or program, or to pre-empt 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, or to pre-empt or supersede an exclusive remedy under such law, or to affect the authority of any Federal, State, or Tribal government to bring any criminal, civil, or administrative enforcement action against any individual or entity.

(6) MAINTENANCE AND CURE.—Nothing in this part shall be construed to affect a sea- man’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 court more than 1 year after the date of the actual, alleged, feared, or potential exposure to coronavirus.

SECT. 2112. LIABILITY; SAFE HARBOR.

(1) 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; and

(2) the individual or entity engaged in gross negligence or willful misconduct that caused an actual exposure to coronavirus.

(b) REASONABLE EFFORTS TO COMPLY.—

(1) CIVILLY ACTIONS.—Applicable government standards and guidance—

(A) In General.—If more than 1 govern- ment to whose jurisdiction an individual or entity is subject issues applicable government standards and guidance, the 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 obliga- tion 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 indi- vidual or entity.

(B) Changes.—Changes to the policies, practices, or procedures of an individual or entity for complying with the applicable government standards and guidance after the date of the actual, alleged, feared, or potential for exposure to coronavirus, shall not be considered evidence of liability or culpabil- ity.

PART II—LIABILITY LIMITATIONS FOR HEALTH CARE PROVIDERS

SECT. 2114. APPLICATION OF PART.

(a) IN GENERAL.—

(1) CAUSE OF ACTION.—

(A) In General.—This part creates an ex- clusive cause of action for coronavirus-re- lated medical liability actions.

(B) Liability.—A plaintiff mayprevail in a coronavirus-related medical liability action only in accordance with the requirements of this subtitile.

(C) APPLICATION.—The provisions of this part shall apply to—

(i) any cause of action that is a coronavirus-related medical liability action arising out of or otherwise related to harm, damage, breach, or tort, excepted to—

(1) proof of fraud;

(b) PREEMPTION AND SUPERSEDURE.—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 omis- sion by a health care provider in the course of arranging for or providing coronavirus-related health care services, or otherwise af- fords greater protection to defendants in any coronavirus-related medical liability action than are provided in this part. Any such provi- sion of Federal, State, or Tribal law shall be added in addition to the requirements of this part and not in lieu thereof.

(c) STRicter LAws NOT PREEMPTed OR SUPER- SEdURE.—Nothing in this part shall be construed to affect the applicability of any provision of any Federal, State, or Tribal law that creates an exclusive remedy for intending to discriminate on the basis of race, color, national origin, religion, sex (including pregnancy), disability, genetic information, or age.

(d) 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–3(a)), or section 319F–4 of the Public Health Service Act (42 U.S.C. 247d–4).
(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. 2142. LIABILITY FOR HEALTH CARE FACILITIES OR HEALTH CARE PROVIDERS DURING CORONAVIRUS PUBLIC HEALTH EMERGENCY.

(a) REQUIREMENTS FOR LIABILITY FOR CORONAVIRUS-RELATED HEALTH CARE SERVICES.—Notwithstanding any other provision of law, 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 results in 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. 2161. JURISDICTION.

(a) JURISDICTION.—The district courts of the United States shall have concurrent original jurisdiction of any coronavirus-related action.

(b) JURISDICTION AFTER REMOVAL.—Section 1441 of title 28, United States Code, shall apply to any removal of a case under this subsection, the trier of fact shall consider—
(1) the nature of the conduct of each individual or entity found to have caused or contributed to the loss incurred by the plaintiff; and
(2) the nature and extent of the causal relationship between the conduct of each such individual or entity and the damages incurred by the plaintiff.

(c) DETERMINATION OF RESPONSIBILITY.—In determining the percentage of responsibility under this subsection, the trier of fact shall consider—
(1) the presence of a foreign body, which has no therapeutic or diagnostic purpose or effect, in the person of the injured person.
(2) the nature of the conduct of each individual or entity found to have caused or contributed to the loss incurred by the plaintiff; and
(3) the amount of any monetary damages awarded to a plaintiff shall be reduced by the degree of responsibility of each defendant determined under paragraph (2).
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 deponent believes it to be true.

(b) Identification of Matters Alleged upon Information and Belief.—Any matter that is not specifically identified as being alleged on information and belief, and is not 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 alleged in the complaint; and

(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 issues contested in the coronavirus-related action; and

(B) may compel a response to a discovery request only for purposes of discovering 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 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) Requirements.—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 of a coronavirus-related action; 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 a coronavirus-related action as follows:

(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 charged in a fixed amount, 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 Litigation.—

(A) Trial Prohibition.—In any 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, 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 under this section.

(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 under this section 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. 2164. Demand Letters; Cause of Action.

(a) Cause of Action.—If any person transmits or causes another to transmit in any form 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 that is filed in or removed to a district court of the United States—

(A) was relying on and generally following any standard included in a State plan approved under section 151 of title 29, United States Code, and

(B) was reckless with regard to the fact that the defendant had knowledge or was reckless with regard to the fact that the claim was meritless.

(c) Attorney Fees and Costs.—In an action commenced under subsection (a), if the plaintiff is a prevailing party, the court may award 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) Proceedings.—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 $100,000 per transmitted demand for remuneration in exchange for settling, releasing, waiving or otherwise not pursuing a claim that is meritless.

SEC. 2181. 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的通知

(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.).

(b) Limitations.—Notwithstanding any provision of a covered Federal employment law, in any action, proceeding, or investigation resulting from or related to an actual, alleged, or potential violation of a covered Federal employment law, or a change in working conditions caused by a law, rule, declaration, or order related to coronavirus, an employer may not be subject to any enforcement proceeding or liability under any provision of a covered Federal employment law if the employer—

(i) was relying on and generally following applicable government standards and guidance;

(ii) knew of the obligation under the relevant provision or provisions; or

(iii) 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 exceptions 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 12112 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. 12101 et seq.); or
   (ii) any other law of the United States concerning the rights of individuals with disabilities.

(C) the term “place of public accommodation” means—
   (i) any of the following:
      (I) a place of public accommodation, as defined in section 201 of the Civil Rights Act of 1964 (42 U.S.C. 2000a et seq.);
      (II) a public accommodation, as defined in section 201 of the Civil Rights Act of 1991 (42 U.S.C. 12181 et seq.);
      (III) the term “public health emergency period” means a period designated a public health emergency 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 any place of public accommodation, if such person—
      (i) has determined that the significant risk of substantial harm to public health or the health and safety of persons cannot be reasonably mitigated 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) NO 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 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. 2182. LIABILITY FOR CONDUCTING TESTING AT WORKPLACE.

Notwithstanding any other provision of Federal or State law, an employer or other person who hires or contracts with other individuals to provide services, that conducts tests for coronavirus on the employment of individuals hired or contracted to provide services 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. 2183. JOINT EMPLOYMENT AND INDEPENDING CONTRACTING.

Notwithstanding any other provision of Federal or State law, including any covered Federal law (as defined in section 2181(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 employer-employee 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 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. 2184. NO JOINT LIABILITY OR MUTUAL AID 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;

   (3) in paragraph (7), by striking “and”;

   (4) in paragraph (9), by striking the period at the end and inserting a semicolon;

   (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 an 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


(a) IN GENERAL.—Section 319F–3(i)(1) of the Public Health Service Act (42 U.S.C. 247d–6l(i)(1)) is amended—

   (1) in subparagraph (C), by striking “; or”;
   (2) in subparagraph (D), by striking the period and inserting “; or”;

   (3) by adding at the end the following:
      (E) a drug (as such term is defined in section 201(h) of the Federal Food, Drug, and Cosmetic Act) that is not the subject of a requirement of the Federal Food, Drug, and Cosmetic Act that are not the subject of a requirement of the Federal Food, Drug, and Cosmetic Act that are not the subject of a requirement of the Federal Food, Drug, and Cosmetic Act that are not the subject of
      (i) 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
      (ii) to affect whether such notice constitutes final agency action within the meaning of section 704 of title 5, United States Code.”;

   (b) APPLICATION TO SHORT–TIME COMPENSATION PROGRAM.

   (1) IN GENERAL.—Section 319F–3(i)(2) of the Public Health Service Act (42 U.S.C. 247d–6l(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 APPLIED 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 paragraph:

      (11) RULE OF CONSTRUCTION.—Nothing in this section shall be construed—
         (i) 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
         (ii) 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. 2301. 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 persons other than those presented in such subsection, shall not be affected thereby.

TITLE III—ASSISTANCE FOR AMERICAN FAMILIES

SEC. 3001. SHORT TITLE.

This title may be cited as the “Continued Financial Relief to Americans Act of 2020”.

SEC. 3002. EXTENSION OF THE FEDERAL PANDEMIC UNEMPLOYMENT COMPENSATION PROGRAM.

(a) EXTENSION.—Section 2104(e)(2) of division A of the CARES Act (15 U.S.C. 9023(e)(2)) is amended by striking “July 31, 2020” and inserting “December 27, 2020.”

(b) AMOUNT.—

   (1) IN GENERAL.—Section 2104(b) of division A of the CARES Act (15 U.S.C. 9023(b)) is amended—
      (A) in paragraph (1), by striking “of $600” and inserting “equal to the amount specified in paragraph (3)”;
      (B) in paragraph (3), by striking “and” at the end;
      (C) by adding at the end the following new paragraph:

      (3) AMOUNT OF FEDERAL PANDEMIC UNEMPLOYMENT COMPENSATION.—The amount specified in paragraph (1) in this section is the following amount:

         (A) 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.
         (B) For weeks of unemployment beginning after the last week under subparagraph (A) and ending on or before December 27, 2020, $300.”.

   (2) TECHNICAL AMENDMENT REGARDING APPLICATION TO SHORT–TIME COMPENSATION PROGRAM.

      (A) IN GENERAL.—Section 2104(b)(1) of division A of the CARES Act (15 U.S.C. 9023(b)(1)) is amended—
         (i) 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)(3) of the Federal Food, Drug, and Cosmetic Act (42 U.S.C. 247d–6l(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 APPLIED 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 paragraph:

      (11) RULE OF CONSTRUCTION.—Nothing in this section shall be construed—
         (i) 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
         (ii) to affect whether such notice constitutes final agency action within the meaning of section 704 of title 5, United States Code.”.
(C) by adding at the end the following:

“(E) short-time compensation under section 2108 or 2109.”.

(2) EXTENSION OF ENHANCED BENEFITS UNDER THE RAILROAD UNEMPLOYMENT INSURANCE ACT.—Section 2(a)(5)(A) of the Railroad Unemployment Insurance Act (45 U.S.C. 352(a)(5)(A)) is amended by inserting after the first sentence the following new sentence: “Notwithstanding paragraph (3), subsection (c)(1)(B), and any other limitation on total benefits in this Act, for registration periods ending on or before July 31, 2020, and on or before December 27, 2020, a recovery benefit in the amount of $600 shall be payable with respect to a qualified employee for a period before December 27, 2020, a recovery benefit under this Act and any state unemployment compensation law, as defined in such section 1106(a).”.

(3) SMALL BUSINESS CONCERN.—The term “small business concern” has the meaning given in section 3 of the Small Business Act (15 U.S.C. 632).

(c) EMERGENCY RESTORATION 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.—

(I) ALLOWABLE USE OF PPP LOAN.—Section 7(a)(3)(B)(i) of the Small Business Act (15 U.S.C. 630a(3)(B)(i)) is amended—

(A) in paragraph (VI), by striking “and” at the end; and

(B) in paragraph (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); and

“(X) covered worker protection expenditures, as defined in such section 1106(a).”.

(2) SELECTION OF COVERED PERIOD FOR FORGIVENESS.—Section 1106 of the CARES Act (15 U.S.C. 9005) is amended—

(A) by substituting “subsection (l)” for “subsection (k)” in paragraphs (10), (11), and (12), respectively; and

(B) by redesignating paragraph (5) as paragraph (8); and

(3) by amending paragraph (4) as follows:

“(4) the term ‘covered worker protection expenditure’ means the expense for any business software and cloud computing service that facilitates business operations, product or service delivery, the processing, payment, or tracking of payroll expenses, human resources, sales and customer support services, or accounting or tracking of supplies, inventory, records and expenses;”.

(iv) by inserting after paragraph (4), as so redesignated, the following:

“(5) the term ‘covered property damage cost’ means a cost related to property damage sustained by a small business concern as a result of a civil disturbance or other property damage occurring after December 27, 2020;”;

(v) by inserting after paragraph (6), as so redesignated, the following:

“(6) the term ‘covered supplier cost’ means an expenditure made by an entity to a supplier pursuant to a contract in effect before February 15, 2020, for the purchase of goods that are essential to the operations of the entity at the time at which the expenditure is made;”;

(vi) by inserting after paragraph (8), as so redesignated, the following:

“(9) the term ‘covered worker protection expenditure’ 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 and Prevention, the Occupational Safety and Health Administration, the Environmental Protection Agency, the Department of Agriculture, the Department of Homeland Security, the Department of Housing and Urban Development, or any other public or worker safety requirement related to COVID-19;”;

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

“(10) the term ‘covered material’ means—

“(A) 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

(2) NO ENFORCEMENT ACTION.—With respect to a lender that relies on any certification or documentation described in paragraph (1)—

(A) an enforcement action may not be taken against the lender under any provision of law 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.”.

(4) SELECTION OF COVERED PERIOD FOR FORGIVENESS.—Section 1106 of the CARES Act (15 U.S.C. 9005) is amended to read as follows:

“(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 statute, regulation, requirement, loan 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 satisfactorily verified any certification or documentation provided to the lender.

(2) NO ENFORCEMENT ACTION.—With respect to a lender that relies on any certification or documentation described in paragraph (1)—

(A) an enforcement action may not be taken against the lender under any provision of law 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 the covered loan; or

“(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 (i).

(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 (i), an eligible”;

(2) in subsection (f), by inserting “or the information required under subsection (i), as applicable” after “subsection (e)”; and

(3) by adding at the end the following:

“(1) SIMPLIFIED APPLICATION.—

“(A) 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) applies for and submits to the lender a one-page online or paper form, to be established by the Administrator not later than 7 days
after the date of enactment of the Continuing the Paycheck Protection Program Act, that—

(1) reports the amount of the covered loan made to the eligible recipient—

(aa) on payroll costs; and

(bb) on the sum of—

(AA) payments of interest on any covered mortgage obligation (which shall not include any prepayment of or payment of principal on a covered mortgage obligation);

(BB) payments on any covered rent obligation;

(CC) utility payments;

(DD) covered operations expenditures;

(EE) covered property damage costs;

(FF) covered supplier costs; and

(GG) covered worker protection expenditures; and

(ii) retains records relevant to the form that prove compliance with those requirements—

(I) with respect to employment records, for the period following submission of the form; and

(II) with respect to other records, for the 3-year period following submission of the form.

(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, illegibility, or other material noncompliance with applicable loan or loan forgiveness requirements, 

(1) the amount of a covered loan described in subparagraph (A); or

(2) the loan forgiveness amount with respect to a covered loan described in subparagraph (A).

the following:

(1) IN GENERAL.—Notwithstanding subsection (e), with respect to a covered loan made to an eligible recipient that is more than $150,000, the policies and procedures of the Administrator for conducting reviews and audits of covered loans; and

(2) 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 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—

(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).


(E) 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.—

(1) DEFINITIONS.—In this paragraph—

(A) the terms ‘covered business concern’, ‘covered financial institution’, ‘credit union’, ‘eligible self-employed individual’, ‘insured depository institution’, ‘nonprofit organization’, ‘payroll costs’, ‘personal employer’, and ‘veteran’; ‘organization’ have the meanings given those terms in paragraph (36), except that ‘eligible entity’ shall be substituted for ‘eligible recipient’ in the definitions of those terms;

(B) the term ‘covered loan’ means a covered loan made under this paragraph;

(C) 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));

(D) the term ‘covered loan made under this paragraph’ means a covered loan made under this paragraph;

(E) the term ‘eligibility entity’ means any business concern that—

(i) has any business concern, nonprofit organization, veterans organization, Tribal business concern, eligible self-employed individual, public or private loan guarantee, contractor, or small agricultural cooperative that—

(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 121.210 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);

(cc) employs not more than 300 employees; and

(dd) except as provided in subdivisions (A), (B), and (C), is eligible to receive a loan under that paragraph;

(II) includes an organization described in subdivision (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 with the Securities and Exchange Commission, or any successor thereof; and

(bb) any entity that—

(AA) is a type of business concern described in subsection (a) of section 13(b)(1)(m), (p), (q), (r), and (s) of section 121.110 of title 13, Code of Federal Regulations, or any successor regulation; or

(BB) is a type of business concern described in section 123.110(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 Pools of Loans’ (85 Fed. Reg. 21747 (April 20, 2020));

(CC) is a type of business concern described in section 121.110(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 121.110(j) 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—Eligibility of Certain Electric Cooperatives’ (85 Fed. Reg. 39847 (May 19, 2020));

(EE) is a type of business concern described in section 121.110(k) 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—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(o) 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)), 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 would be described in the subsections listed in subitems (AA) through (FF) if the entity were a business concern; or

"(HH) is assigned, or was approved for a loan under paragraph (36) with a North American Industry Classification System code beginning with 32;

"(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 document; or

"(dd) all 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).

"(BB) 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—

"(aa) the quotient obtained by dividing—

"(II) the amount equal to the quotient obtained by dividing—

"(AA) for a 12-week period beginning February 15, 2019 or March 1, 2019 and ending June 30, 2020; or

"(BB) for a consecutive 12-week period between May 1, 2019 and September 15, 2019; by

"(BB) $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—

"(aa) the product obtained by multiplying—

"(I) the amount described in clause (ii); and

"(bb) 0.50.

"(II) the amount equal to the quotient obtained by dividing—

"(AA) for a 12-week period beginning between May 1, 2019 and September 15, 2019; by

"(BB) $2,000,000.

"(III) FUNDING 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.

"(IX) Set-aside for community financial institutions, small insured depository institutions, and credit unions, and farm credit system institutions. 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 more than 10 employees as of February 15, 2020.

"(L) Set-aside for community financial institutions, small insured depository institutions, and 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 to eligible entities with more than 10 employees as of February 15, 2020.

"(M) Publication of guidance. Not later than 10 days after the date of enactment of

"(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) FUNDING 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.

"(IX) Set-aside for community financial institutions, small insured depository institutions, and credit unions, and farm credit system institutions.
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 applicant 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) in subclause (I), as defined in section 3 of the Lobbying Disclosure Act of 1995 (2 U.S.C. 1602); and

"(ii) lobbying expenditures related to a State or local election or legislative body.

"(P) CONTINUED ACCESS TO THE PAYCHECK PROTECTION PROGRAM.—

"(1) IN GENERAL.—Section 7(a)(36)(E)(i)(I) of the Small Business Act (15 U.S.C. 636(a)(36)(E)(i)(I)) is amended by striking "$10,000,000" and inserting "$2,000,000".

"(2) APPLICABILITY.—The amendment made by paragraph (1) shall apply only with respect to a covered loan made on or after March 31, 2020, by an eligible recipient that was made during the period beginning on June 30, 2019, and ending on April 30, 2020, that is not required to be repaid.

"(Q) INCREASED ABILITY FOR PAYCHECK PROTECTION PROGRAM LOAN RECIPIENTS TO REQUEST AN INCREASE IN PAYMENT AMOUNT.—

"(1) IN GENERAL.—Section 7(a)(36)(E)(i)(I) of the Small Business Act (15 U.S.C. 636(a)(36)(E)(i)(I)) is amended by striking "business loan increases may submit a request for" and inserting "the Administrator shall issue guidance on how to submit a request for a recalculated maximum loan amount based on ".

"(2) APPLICABILITY.—The amendment made by paragraph (1) shall apply only with respect to a covered loan made on or after March 31, 2020, by an eligible recipient that was made during the period beginning on June 30, 2019, and ending on April 30, 2020, that is not required to be repaid.

"(R) INCREASED ABILITY FOR PAYCHECK PROTECTION PROGRAM BORROWERS TO REQUEST AN INCREASE IN PAYMENT AMOUNT CALCULATION.—

"(1) IN GENERAL.—Section 7(a)(36)(E)(i)(I) of the Small Business Act (15 U.S.C. 636(a)(36)(E)(i)(I)) is amended by striking "business loan increases may submit a request for" and inserting "the Administrator shall issue guidance on how to submit a request for a recalculated maximum loan amount based on ".

"(2) APPLICABILITY.—The amendment made by paragraph (1) shall apply only with respect to a covered loan made on or after March 31, 2020, by an eligible recipient that was made during the period beginning on June 30, 2019, and ending on April 30, 2020, that is not required to be repaid.

"(S) INCREASED ABILITY FOR PAYCHECK PROTECTION PROGRAM BORROWERS TO REQUEST AN INCREASE IN PAYMENT AMOUNT BASED ON ".

"(1) IN GENERAL.—Section 7(a)(36)(E)(i)(I) of the Small Business Act (15 U.S.C. 636(a)(36)(E)(i)(I)) is amended by striking "business loan increases may submit a request for" and inserting "the Administrator shall issue guidance on how to submit a request for a recalculated maximum loan amount based on ".

"(2) APPLICABILITY.—The amendment made by paragraph (1) shall apply only with respect to a covered loan made on or after March 31, 2020, by an eligible recipient that was made during the period beginning on June 30, 2019, and ending on April 30, 2020, that is not required to be repaid.

"(T) INCREASED ABILITY FOR PAYCHECK PROTECTION PROGRAM BORROWERS TO REQUEST AN INCREASE IN PAYMENT AMOUNT BASED ON ".

"(1) IN GENERAL.—Section 7(a)(36)(E)(i)(I) of the Small Business Act (15 U.S.C. 636(a)(36)(E)(i)(I)) is amended by striking "business loan increases may submit a request for" and inserting "the Administrator shall issue guidance on how to submit a request for a recalculated maximum loan amount based on ".

"(2) APPLICABILITY.—The amendment made by paragraph (1) shall apply only with respect to a covered loan made on or after March 31, 2020, by an eligible recipient that was made during the period beginning on June 30, 2019, and ending on April 30, 2020, that is not required to be repaid.

"(U) INCREASED ABILITY FOR PAYCHECK PROTECTION PROGRAM BORROWERS TO REQUEST AN INCREASE IN PAYMENT AMOUNT BASED ON ".

"(1) IN GENERAL.—Section 7(a)(36)(E)(i)(I) of the Small Business Act (15 U.S.C. 636(a)(36)(E)(i)(I)) is amended by striking "business loan increases may submit a request for" and inserting "the Administrator shall issue guidance on how to submit a request for a recalculated maximum loan amount based on ".

"(2) APPLICABILITY.—The amendment made by paragraph (1) shall apply only with respect to a covered loan made on or after March 31, 2020, by an eligible recipient that was made during the period beginning on June 30, 2019, and ending on April 30, 2020, that is not required to be repaid.

"(V) INCREASED ABILITY FOR PAYCHECK PROTECTION PROGRAM BORROWERS TO REQUEST AN INCREASE IN PAYMENT AMOUNT BASED ON ".

"(1) IN GENERAL.—Section 7(a)(36)(E)(i)(I) of the Small Business Act (15 U.S.C. 636(a)(36)(E)(i)(I)) is amended by striking "business loan increases may submit a request for" and inserting "the Administrator shall issue guidance on how to submit a request for a recalculated maximum loan amount based on ".

"(2) APPLICABILITY.—The amendment made by paragraph (1) shall apply only with respect to a covered loan made on or after March 31, 2020, by an eligible recipient that was made during the period beginning on June 30, 2019, and ending on April 30, 2020, that is not required to be repaid.

"(W) INCREASED ABILITY FOR PAYCHECK PROTECTION PROGRAM BORROWERS TO REQUEST AN INCREASE IN PAYMENT AMOUNT BASED ON ".

"(1) IN GENERAL.—Section 7(a)(36)(E)(i)(I) of the Small Business Act (15 U.S.C. 636(a)(36)(E)(i)(I)) is amended by striking "business loan increases may submit a request for" and inserting "the Administrator shall issue guidance on how to submit a request for a recalculated maximum loan amount based on ".

"(2) APPLICABILITY.—The amendment made by paragraph (1) shall apply only with respect to a covered loan made on or after March 31, 2020, by an eligible recipient that was made during the period beginning on June 30, 2019, and ending on April 30, 2020, that is not required to be repaid.
(1) in clause (v), by inserting ‘‘or whether an organization described in clause (vii) employs not more than 150 employees.’’ after ‘‘clause (I),’’;

(2) in clause (vi), by inserting ‘‘, or an organization described in clause (vii),’’ after ‘‘nonprofit organization or State or local government, including any instrumentality of those entities.’’;

(3) 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:

‘‘(gg) the organization employs not more than 150 employees; and

(cc) the organization operates not more than 15 employees.

(II) DESTINATION MARKETING ORGANIZATIONS.—Section 191 of the Small Business Act (15 U.S.C. 636(a)(36)(G)), is amended by adding at the end the following:

‘‘(hh) the organization employs not more than 150 employees; and

(i) 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;

(cc) the organization operates not more than 15 employees.

(II) DESTINATION MARKETING ORGANIZATIONS.—Section 191 of the Small Business Act (15 U.S.C. 636(a)(36)(G)), is amended by adding at the end the following:

‘‘(hh) the organization employs not more than 150 employees; and

(i) 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;

(cc) the organization operates not more than 15 employees.

(II) DESTINATION MARKETING ORGANIZATIONS.—Section 191 of the Small Business Act (15 U.S.C. 636(a)(36)(G)), is amended by adding at the end the following:

‘‘(hh) the organization employs not more than 150 employees; and

(i) 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;

(cc) the organization operates not more than 15 employees.

(II) DESTINATION MARKETING ORGANIZATIONS.—Section 191 of the Small Business Act (15 U.S.C. 636(a)(36)(G)), is amended by adding at the end the following:

‘‘(hh) the organization employs not more than 150 employees; and

(i) 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;

(cc) the organization operates not more than 15 employees.

(II) DESTINATION MARKETING ORGANIZATIONS.—Section 191 of the Small Business Act (15 U.S.C. 636(a)(36)(G)), is amended by adding at the end the following:

‘‘(hh) the organization employs not more than 150 employees; and

(i) 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;

(cc) the organization operates not more than 15 employees.

(II) DESTINATION MARKETING ORGANIZATIONS.—Section 191 of the Small Business Act (15 U.S.C. 636(a)(36)(G)), is amended by adding at the end the following:

‘‘(hh) the organization employs not more than 150 employees; and

(i) 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;

(cc) the organization operates not more than 15 employees.

(II) DESTINATION MARKETING ORGANIZATIONS.—Section 191 of the Small Business Act (15 U.S.C. 636(a)(36)(G)), is amended by adding at the end the following:

‘‘(hh) the organization employs not more than 150 employees; and

(i) 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;

(cc) the organization operates not more than 15 employees.

(II) DESTINATION MARKETING ORGANIZATIONS.—Section 191 of the Small Business Act (15 U.S.C. 636(a)(36)(G)), is amended by adding at the end the following:

‘‘(hh) the organization employs not more than 150 employees; and

(i) 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;

(cc) the organization operates not more than 15 employees.

(II) DESTINATION MARKETING ORGANIZATIONS.—Section 191 of the Small Business Act (15 U.S.C. 636(a)(36)(G)), is amended by adding at the end the following:

‘‘(hh) the organization employs not more than 150 employees; and

(i) 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;

(cc) the organization operates not more than 15 employees.
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 individuals.—The term “covered individual” means—

(1) the President, the Vice President, the head of an Executive department, or a Member of Congress;

(ii) a 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 to that 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 the 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;

(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 (3) or (37) of section 7(a) of the Small Business Act (15 U.S.C. 636(a)), as added and amended by this section, 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, or 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. 9006(a)), as added and amended by this section, of amounts borrowed under a transaction that is approved, disclose to the Administrator whether the entity is a covered entity.

(G) 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 heading, by inserting “AND SECOND DRAW” after “PPP”;

(ii) by striking “August 8, 2020” and inserting “December 31, 2020”;

(iii) by striking “(36)” and inserting “(36) and (37)”;

(iv) by striking “$650,000,000,000” and inserting “$1,640,000,000,000”;

(B) in paragraph (2) to read as follows:

“(2) OTHER PPP LOANS.—During fiscal year 2020, the amount authorized for commitments and loans made under section 7(a) of the Small Business Administration—Business Loans Program Account in the Financial Services and General Government Appropriations Act, 2021, under the heading ‘Small Business Administration—Business Loans Program Account’ in that Act, shall be increased by amounts appropriated, out of amounts available until September 30, 2021, and for fiscal year 2020, the Secretary of the Treasury shall make available to the administrator of the Small Business Administration 5% of the amount made available for such fiscal year, for administrative expenses related to the provision of credit under the Small Business Administration—Business Loans Program Account in the Financial Services and General Government Appropriations Act, 2021.”

(2) DIRECT APPROPRIATIONS.—

(A) NEW DIRECT APPROPRIATIONS FOR PPP LOANS, SECOND DRAW LOANS, AND THE MDFA.—

(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) $257,640,000,000 under the heading “Small Business Administration—Business Loans” under the 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;

(II) $10,000,000 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

(III) $50,000,000 under the heading “Small Business Administration—Salaries and Expenses” for the cost of carrying out reviews and audits of loans under section 1106 of the CARES Act (15 U.S.C. 9005), as amended by this Act.

(B) AVAILABILITY OF AMOUNTS Appropriated FOR PPP LOANS AND FOR THE MDFA.—Section 1107(a)(3) of the CARES Act (15 U.S.C. 9006(a)(3)) is amended by striking “September 20, 2024” and inserting “expired”.

TITLe V—Postal Service Assistance

SEC. 5001. COVID-19 FUNDING FOR THE UNITED STATES POSTAL SERVICE.

Section 6001 of the CARES Act (Public Law 116–136; 134 Stat. 261) is amended—

(1) in the section heading, by striking “Borrowing Authority” and inserting “Funding”;

(2) by redesignating subsection (c) as subsection (e); and

(3) by inserting after subsection (b) the following:

“(c) Availability of Amounts; No Repayment Required.—Notwithstanding subsection (b) or any agreement entered into between the Postal Service and the Postal Regulatory Commission, the Secretary of the Treasury may make available to the Postal Service under this subsection, and shall make available to the Postal Service under this subsection, amounts borrowed under this subsection if the Postal Service has less than $8,000,000,000 in cash on hand; and

(2) shall not be required to repay the amounts borrowed under this subsection.

(3) Certifications.—

(1) Postal Regulatory Commission.—The Postal Service shall certify in its quarterly and audited annual reports to the Postal Regulatory Commission under section 3645 of title 39, United States Code, in conformity with the requirements of section 13 or 15(d) of the Securities Exchange Act of 1934 (15 U.S.C. 78m, 78o(d)), any expenditures made using amounts borrowed under subsection (b) of this section.

(2) Congress.—Not later than 15 days after filing a report described in paragraph (1) with the Postal Regulatory Commission, the Postal Service shall submit a copy of the information required to be certified under that paragraph to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Oversight and Reform of the House of Representatives.”.

(2) CONGRESS.—Not later than 15 days after filing a report described in paragraphs (1) and (2) with the Postal Regulatory Commission, the Postal Service shall submit a copy of the information required to be certified under that paragraph to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Oversight and Reform of the House of Representatives.”.

(3) Q UALIFIED EXPENSE.—The term “qualified expenses” means educational expenses that are eligible for a State tax credit if such contributions are used by the organization to provide scholarships to individual elementary and secondary students, including scholarships for attending private schools; or (C) an organization identified by a Governor of a State to receive a grant from the State under subsection (d).

(3) QUALIFIED EXPENSE.—The term “qualified expenses” means educational expenses that are—

(A) for an individual student’s elementary or secondary education, as recognized by the State; or

(B) for the secondary education component of an individual elementary or secondary student’s career and technical education, as defined by section 5(3) of the Carl D. Perkins Career and Technical Education Act of 2006 (20 U.S.C. 2302(5)).

(4) QUALIFYING SCHOLARSHIP.—The term “qualifying scholarship” means a scholarship granted by an eligible scholarship-granting organization to an individual elementary or secondary student for a qualified expense.

(5) QUALIFYING SCHOLARSHIP.—The term “qualifying scholarship” means a scholarship granted by an eligible scholarship-granting organization to an individual elementary or secondary student for a qualified expense.

(S) SECRETARY.—The term “Secretary” means the Secretary of Education.

(7) STATE.—The term “State” means each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico.

(b) GRANTS.—

(1) PROGRAM AUTHORIZED.—From the funds appropriated to carry out this section, the Secretary shall carry out a program to award emergency education freedom grants to States with approved applications, in
order to enable the States to award subgrants to eligible scholarship-granting organizations under subsection (d).

(2) TIMING.—The Secretary shall make the allotments under this subsection not later than 60 days after the date of enactment of this Act.

(c) REVENUE SHARING AND ALLOTMENTS.—

(1) IN GENERAL.—From the amounts made available under subsection (b)(1), the Secretary shall—

(A) to the extent determined by the State, to subgrant funds to eligible scholarship-granting organizations as the number of such organizations, including scholarships for qualified expenses only to individual elementary and secondary school students who reside in the State in which the eligible scholarship-granting organization is recognized.

(B) REALLOCATION.—A State shall return to the Secretary any amounts the allotment received under this section that the State does not award as subgrants under subsection (d) by March 30, 2021, and the Secretary shall reallocate such funds to the remaining eligible States in accordance with subsection (c)(1)(B).

(f) RULES OF CONSTRUCTION.—

(1) IN GENERAL.—A qualifying scholarship awarded to a student under this section shall be determined appropriate by the State, to eligible scholarship-granting organizations under this section for any fiscal year that is less than one-half of 1 percent of the number of students, including those enrolled under this section, and the basis of the most recent satisfactory data, as determined by the Secretary, in accordance with the purpose of this section.

(ii) This section shall not be construed to authorize any Federal control over any aspect of a private or home education provider, regardless of whether or not a home education provider is treated as a private school under State law.

(v) nothing in this section shall be construed to authorize any Federal control over any aspect of any private, religious, or home education program or service under this section.

(b) Nothing in this section shall be construed to permit, allow, encourage, or authorize any State, tribal, or local government to provide scholarships to individual elementary or secondary school students, including scholarships for the purchase of elementary and secondary education services, including those provided by or through private or nonprofit entities, under this section.

(f) RULES OF CONSTRUCTION.—

(1) ELIGIBLE SCHOLARSHIP-GRA NTING ORGANIZATIONS.—The term ‘eligible scholarship-granting organization’ means—

(A) any organization that—

(i) is described in section 501(c)(3) and exempt from taxation under section 501(a), and

(ii) does not maintain on its property any educational materials or equipment, and

(iii) is recognized by the State in the case of any organization that is not described in section 501(c)(3) and exempt from taxation under section 501(a).

(b) Nothing in this section shall be construed to permit, allow, encourage, or authorize any State, tribal, or local government to provide scholarships to individual elementary or secondary school students, including scholarships for the purchase of elementary and secondary education services, including those provided by or through private or nonprofit entities, under this section.

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(i) is described in section 501(c)(3) and exempt from taxation under section 501(a), and

(ii) does not maintain on its property any educational materials or equipment, and

(iii) is recognized by the State in the case of any organization that is not described in section 501(c)(3) and exempt from taxation under section 501(a).

(b) Nothing in this section shall be construed to permit, allow, encourage, or authorize any State, tribal, or local government to provide scholarships to individual elementary or secondary school students, including scholarships for the purchase of elementary and secondary education services, including those provided by or through private or nonprofit entities, under this section.
granted by an eligible scholarship-granting organization to an individual elementary or secondary student for a qualified expense.

"(5) STATE.—The term "State" means each of the District of Columbia, the Commonwealth of Puerto Rico, the outlying areas (as defined in section 1121(c) of the Elementary and Secondary Education Act of 1965, and the Department of the Interior (acting through the Bureau of Indian Education).

"(d) IN GENERAL.—(1) A qualifying scholarship awarded to a student from the proceeds of a qualified contribution under this section shall be construed to permit, allow, encourage, or authorize a State or local government's authority and in this section shall be construed to modify or extend any Federal law or any provision of Federal law that pertains to the use of funds by a State pursuant to section 6003(c)(5) of the Delivering Immediate Relief to America's Families, Schools and Small Businesses Act.

"(2) Nothing in this section shall be construed to apply to any contributions made in taxable years beginning after December 31, 2021.

"(e) DENIAL OF DOUBLE BENEFIT.—The Secretary shall prescribe such regulations or other guidance to ensure that the sum of the tax credits allowed under this section is not less than the sum of the tax credits allowed under sections 25E and 45U of the Internal Revenue Code of 1986 and shall disfavor or discourage any Federal control over any aspect of the organization awards in a calendar year.

"(f) CARRYFORWARD OF CREDIT.—If a taxpayer elects to have this section apply for any tax year in which the total amount of qualifying contributions made by a domestic corporation shall be subject to the limitations determined under section 45U(a), the credit for qualified contributions made by such corporation during the taxable year shall not exceed 5 percent of the taxable income (as defined in section 170(b)(2)(D)) of the domestic corporation for such taxable year.

"(g) ALTERNATIVE MINIMUM TAX.—For purposes of determining the alternative minimum tax under section 55, a taxpayer may use any credit received for a qualified contribution awarded to a student from the proceeds of a qualified contribution under this section.

"(h) TERMINATION.—This section shall not apply to any contributions made in taxable years beginning after December 31, 2022.

"(i) ENFORCEMENT.—The Secretary shall prescribe such regulations or other guidance to ensure that the total amount of qualifying contributions made by a domestic corporation shall be subject to the limitations determined under section 45U(a).

"(j) CREDIT FOR CORPORATIONS.—Subpart D of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by inserting after the item relating to section 25D the following new item:

"Sec. 25E. Contributions to eligible scholarship-granting organizations.

(a) ALLOWANCE OF CREDIT.—Subject to section 45U, the Secretary, for the taxable year, is the sum of the deliverable immediate relief to America's Families, Schools and Small Businesses Act, for purposes of section 38, in the case of a domestic corporation, for which the income from qualified contributions made by such corporation during the taxable year is the sum of the following:

(1) the credit for qualified contributions made by such corporation during the taxable year;

(2) the credit for qualified contributions made by such corporation during the taxable year;

(3) the alternative minimum tax imposed by this chapter for the taxable year.

(b) CREDIT AMOUNT.—The amount of the credit for qualified contributions made by such corporation during the taxable year shall not exceed 5 percent of the taxable income (as defined in section 170(b)(2)(D)) of the domestic corporation for such taxable year.

"(c) ADDITIONAL PROVISIONS.—For purposes of this section, any qualified contributions made by a domestic corporation shall be subject to the limitations determined under section 25E and 45U of the Internal Revenue Code of 1986 and shall disfavor or discourage any Federal control over any aspect of the organization awards in a calendar year.

"(d) TERMINATION.—This section shall not apply to any contributions made in taxable years beginning after December 31, 2022.

"(e) CREDITS FOR ELIGIBLE SCHOLARSHIP-GRANTING ORGANIZATIONS.—

(1) ALLOWANCE FOR CREDITS.—A State may award a credit under subsection (a) for a fiscal year to an eligible scholarship-granting organization on behalf of a State pursuant to section 6003(c)(5) of the Delivering Immediate Relief to America's Families, Schools and Small Businesses Act. The Secretary shall prescribe such regulations or other guidance to ensure that the sum of the tax credits allowed under this section is not less than the sum of the tax credits allowed under sections 25E and 45U of the Internal Revenue Code of 1986 and shall disfavor or discourage any Federal control over any aspect of the organization awards in a calendar year.

"(2) ALLOCATION OF LIMITATION.—A State shall allocate to each partner State an amount equal to the sum of the qualifying contributions made in the State in the previous year, and any amount of such remaining allocations made under this section, to the extent applicable.

"(3) TOTAL ALLOCATION.—A State's allocation under this section may not exceed 5 percent of the taxable income (as defined in section 170(b)(2)(D)) of the State for the fiscal year.

"(4) CARRYFORWARD OF CREDIT.—If a tax year, for which a credit is allowed under this section, the total amount of qualifying contributions made by a State or local government's authority and the Department of the Interior (acting through the Bureau of Indian Education).
amount determined for such State under subparagraphs (A) and (B) of paragraph (2).

(5) ALLOCATION AND ADJUSTMENTS.—

(A) INITIAL ALLOCATION TO STATES.—Not later than 15 days after the date of enactment of this Act, and prior to March 1, 2020, any funds, under subsections (d) and (e) of section 658P of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858m), shall be distributed by the Secretary to the State on the basis of the funds appropriated to carry out the purposes of section 658P of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858m) for the fiscal year ending prior to March 1, 2020, under section 658P, in such manner as the Secretary determines to be appropriate and in accordance with subsection (e) of section 658P of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858m).

(B) REDISTRIBUTION.—On or after April 1 of any year after the date of enactment of this Act, the Secretary of the Treasury shall reallocate, to one or more States, any funds under subsection (a) that have been reallocated in the States in which such funds were reallocated in the previous fiscal year, in accordance with paragraph (2), if the State—

(i) is license-exempt and operating legally in the State for which the State’s allocation has not been reallocated; or

(ii) has not completed a certification under subsection (c) of section 658P of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858m).

(C) LOCATIONS OF ELIGIBLE SCHOLARSHIP-GRANTING ORGANIZATIONS.—

(i) IN GENERAL.—Not later than January 1 of each year, the Secretary of the Treasury shall provide the State a list of eligible scholarship-granting organizations, including a certification that the entity submitting the list on behalf of the State has the authority to perform this function.

(ii) ROLE OF CONSTRUCTION.—Neither this section nor any other Federal law shall be construed as limiting the entities that may submit the list on behalf of a State.

(D) LOCAL UNCLAIMED CREDITS.—The Secretary of the Treasury shall reallocate a State’s allocation to other States, in accordance with paragraph (2), if the State—

(i) chooses not to identify scholarship-granting organizations under subparagraph (B) in any applicable year; or

(ii) does not have an existing eligible scholarship-granting organization.

(E) REALLOCATION.—On or after April 1 of any applicable year, the Secretary of the Treasury may reallocate, to one or more other States that have eligible scholarship-granting organizations in the States, without regard to paragraph (2), the allocation of a State for which the State’s allocation has not been reallocated.

(F) DEFINITIONS.—Any term used in this section which is also used in section 25E of the Internal Revenue Code of 1986 shall have the same meaning as when used in such section.

SEC. 6004. 520 ACCOUNT FUNDING FOR HOMESCHOOL AND ADDITIONAL ELEMENTARY AND SECONDARY EXPENSES.

(a) IN GENERAL.—Section 529(c)(7) of the Internal Revenue Code of 1986 is amended—

(i) by striking “Any reference” and inserting—

(A) IN GENERAL.—Any reference; and

(B) by adding at the end the following new subparagraphs:

(B) ADDITIONAL EXPENSES.—In the case of an eligible child care provider with an applicable year prior to March 1, 2020, any reference in this section to the term ‘qualified higher education expense’ shall include a reference to the following expenses in connection with enrollment or attendance of the eligible child care provider in or attending, an elementary or secondary public, private, or religious school:

(i) Tuition for tutoring or educational classes.

(ii) Books or other instructional materials.

(iii) Online educational materials.

(iv) Fees for dual enrollment in an institution of higher education.

(v) Expenses for students with disabilities provided by a licensed or accredited practitioner or provider, including occupational, behavioral, physical, and speech-language practitioners.

(vi) Treatment of homeschool expenses.—In the case of any distribution made after the date of the enactment of the Delivering Immediate Relief to America’s Families, Schools and Small Businesses Act and before January 1, 2023, the term ‘qualified higher education expense’ shall include expenses for the purpose described in subparagraph (A) and in connection with a homeschool (whether treated as a private school for purposes of subparagraphs (A) and (B) in connection with a homeschool (whether treated as a private school for purposes of subparagraph (A) and, in the case of an eligible child care provider as defined in section 658P(b)(5) of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858m(b)(5)); and

(B) a child care provider that—

(i) is license-exempt and operating legally in the State; and

(ii) is not providing child care services to relatives; and

(iii) satisfies State and local requirements, including those referenced in section 658P(c)(2)(B) of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858m(c)(2)(B));

(2) GRANTS FOR CHILD CARE PROGRAMS.—The term “eligible child care provider” means—

(i) an eligible child care provider as defined in section 658P(b)(6)(A) of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858m(b)(6)(A)); and

(2) ELIGIBLE CHILD CARE PROVIDER.—The term “eligible child care provider” means—

(i) an eligible child care provider as defined in section 658P(b)(6)(A) of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858m(b)(6)(A)); and

(ii) a child care provider that—

(i) is license-exempt and operating legally in the State; and

(ii) is not providing child care services to relatives; and

(iii) satisfies State and local requirements, including those referenced in section 658P(c)(2)(B) of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858m(c)(2)(B)).

(3) INDIAN TRIBAL ORGANIZATION.—The term “Indian tribal organization” means the Indian tribe and related organizations thereof.

(4) LEAD AGENCY.—The term “lead agency” means the agency, designated by a State, Indian tribe, or tribal organization, to carry out this section and reserved under section 658P of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858m).

(5) QUALIFIED CHILD CARE PROVIDER.—The term “qualified child care provider” means an eligible child care provider with an application approved under subsection (g) for the program involved.

(6) SECRETARY.—The term “Secretary” means the Secretary of Health and Human Services.

(7) STATE.—The term “State” has the meaning given the term in section 658P of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858m).

(c) GRANTS FOR CHILD CARE PROGRAMS.—From the funds appropriated to carry out this section, the Secretary shall make grants to States, Indian tribes, and tribal organizations, that submit notices of intent to provide assurances under subsection (d)(2). The grants shall provide for grantees to qualified child care providers, for a transition period of not more than 9 months to assist in paying for fixed costs, reasonable and necessary operating expenses due to COVID-19, and to reenroll children in an environment that supports the health and safety of children and staff.

(d) PROCESS FOR ALLOCATION OF FUNDS.—

(1) IN GENERAL.—Any amount that is appropriated to carry out this section shall be distributed by the Secretary to the Administration on Children and Families for distribution under the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9857 et seq.) in accordance with subsection (e)(2) of this section.

(2) GRANTS.—Not later than 7 days after funds are appropriated to carry out this section, the Secretary shall provide to States, Indian tribes, and tribal organizations a notice of funding availability, for Back to School Care Grants under subsection (c) from allotments and payments under subsection (e)(2). The Secretary shall issue a notice of the funding allocations for each State, Indian tribe, and tribal organization not later than 14 days after funds are appropriated to carry out this section.

(3) NOTICE OF TERMINATION.—Not later than 14 days after issuance of a notice of funding allocations under paragraph (1), a State, Indian tribe, or tribal organization that seeks such grant shall submit to the Secretary a notice of intent to provide assurances for such grant. The notice of intent shall include a certification that the State, Indian tribe, or tribal organization will repay the grant funds if such State, Indian tribe, or tribal organization fails to provide assurances that meet the requirements of subsection (f) or to comply with any other applicable requirements.

(4) GRANTS TO LEAD AGENCIES.—The Secretary may make grants under subsection (c) to the lead agency of each State, Indian tribe, or tribal organization, upon receipt of the notice of intent to provide assurances for such grant.

(5) PROVISION OF ASSURANCES.—Not later than 15 days after receiving the grant, the State, Indian tribe, or tribal organization shall provide assurances that meet the requirements of subsection (f).

(e) FEDERAL RESERVATION; ALLOTMENTS AND PAYMENTS.—

(1) RESERVATION.—The Secretary shall reserve not more than 1 percent of the amount appropriated to carry out this section to pay for the costs of the Federal administration of this section. The amount appropriated to carry out this section and reserved under this paragraph shall remain available through fiscal year 2021.

(2) ALLOTMENTS AND PAYMENTS.—The Secretary shall use the remaining portion of such amount to make allotments and payments to States, Indian tribes, and tribal organizations that submit such a notice of intent to provide assurances, in accordance with paragraphs (1) and (2) of subsection (a), in the order described in subsection (b), of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858m), for the grants described in subsection (c).

(f) ASSURANCES.—(A) A State, Indian tribe, or tribal organization that receives a grant under subsection (c) shall provide to the Secretary assurances that the lead agency will—

(i) require as a condition of subgrant funding under subsection (c) that each eligible child care provider applying for a subgrant from the lead agency—

(A) has been an eligible child care provider in a previous operating season and serving children through a child care program immediately prior to March 1, 2020;
(B) agree to follow all applicable State, local, and tribal health and safety requirements and, if applicable, enhanced protocols for child care services and related to COVID-19 or another health or safety condition; and

(C) agree to comply with the documentation and reporting requirements described in subsection (h); and

(D) certify in good faith that the child care program of the provider will remain open for not less than 1 year after receiving such a subgrant, unless such program is closed due to extraordinary circumstances, including, but not limited to, a state of emergency declared by the Governor 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 (42 U.S.C. 5170, 5191);

(2) be an eligible child care provider in urban, suburban, and rural areas that can readily apply for and access funding under this section, which shall include the provision of technical assistance either directly or through resource and referral agencies or staffed family child care provider networks;

(3) ensure that subgrant funds are made available to the eligible child care provider regardless of whether the eligible child care provider is providing services for which assistance is made available under the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9857 et seq.) at the time of application for a subgrant;

(4) through at least December 31, 2020, continue to expend funds provided under the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9857 et seq.) for the purpose of maintaining, assuring, and improving the quality of child care services throughout the State, Indian tribe, or tribal organization.

(5) undertake a review of burdensome State, local, and tribal regulations and requirements that hinder the opening of new licensed child care programs to meet the needs of the working families in the State or tribal community, as applicable;

(6) make available to the public, which shall include, at a minimum, posting to an Internet website of the lead agency—

(A) notice of funding availability through subgrants for qualified child care providers under this section; and

(B) the criteria for awarding subgrants for qualified child care providers, including the methodology the lead agency used to determine and disburse funds in accordance with subparagraphs (B) and (C) of subsection (g)(4); and

(7) ensure the maintenance of a delivery system of child care services throughout the State that provides for child care in a variety of settings, including the settings of family child care providers.

(g) USE OF FUNDS.—

(1) IN GENERAL.—A lead agency that receives a Back to Work Child Care grant under subsection (f) shall—

(A) obligate at least 50 percent of the grant funds to be used to provide subgrants to qualified child care providers as described in subsection (h); and

(B) agree to follow all applicable State, local, and tribal health and safety requirements and, if applicable, enhanced protocols for child care services and related to COVID-19 or another health or safety condition; and

(ii) disburse such subgrant funds to a qualified child care provider in installments made not less than once monthly;

(iii) the lead agency shall—

(A) obligate at least 50 percent of the grant funds to be used to provide subgrants to qualified child care providers as described in subsection (h); and

(B) agree to follow all applicable State, local, and tribal health and safety requirements and, if applicable, enhanced protocols for child care services and related to COVID-19 or another health or safety condition; and

(2) USE OF FUNDS.—A qualified child care provider may use subgrant funds for—

(i) maintaining or restoring the child care program, including the costs of payroll, the continued operation and reporting requirements under subsection (h);

(ii) making facility changes and repairs to the child care program of a qualified child care provider;

(iii) acquiring equipment and supplies (including those necessary to provide child care services in a manner that is safe for children and staff in accordance with applicable State, local, and tribal health and safety requirements; and

(iv) acquiring equipment and supplies (including those necessary to provide child care services in a manner that is safe for children and staff in accordance with applicable State, local, and tribal health and safety requirements; and

(v) replacing materials that are no longer safe to use as a result of the COVID–19 public health emergency;

(vi) making facility changes and repairs to address enhanced protocols for child care services related to COVID–19 or another health or safety condition, to ensure children can safely occupy a child care facility; and

(vii) purchasing or updating equipment and supplies to serve children during nontraditional care.

(3) QUALIFIED CHILD CARE PROVIDERS.—

(A) IN GENERAL.—The lead agency shall—

(i) use not less than 1 percent of the funds to pay for fixed costs and increased operating expenses, for a transition period of not more than 9 months, so that parents have a safe place for their children to receive child care as the parents return to the workplace.

(ii) disburse such subgrant funds to a qualified child care provider in installments made not less than once monthly;

(3) SUBGRANTS.—

(A) IN GENERAL.—A lead agency that receives a grant under subsection (c) shall—

(i) obligate not less than 6 percent of the grant funds to subgrants to eligible child care providers the basis of applicable reimbursements prior to March 2020;

(ii) ensure that subgrant funds are made available to the eligible child care provider regardless of whether the eligible child care provider is providing services for which assistance is made available under the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9857 et seq.) at the time of application for a subgrant;

(iii) use the remainder of the reserved funds to—

(A) administer subgrants to qualified child care providers under paragraph (4), which shall include monitoring the compliance of qualified child care providers with applicable State, local, and tribal health and safety requirements; and

(B) disburse such subgrant funds to a qualified child care provider in installments made not less than once monthly; and

(C) agree to comply with the documentation and reporting requirements described in subsection (h); and

(4) THROUGH AT LEAST DECEMBER 31, 2020, CONTINUE TO EXPEND FUNDS PROVIDED UNDER THE CHILD CARE AND DEVELOPMENT BLOCK GRANT ACT OF 1990 (42 U.S.C. 9857 ET SEQ.) FOR THE PURPOSE OF MAINTAINING, ASSURING, AND IMPROVING THE QUALITY OF CHILD CARE SERVICES THROUGHOUT THE STATE, INDIAN TRIBE, OR TRIBAL ORGANIZATION.

(B) RETURN OF FUNDS.—Not later than the date that is 12 months after a grant is awarded to a lead agency in accordance with this section, the lead agency shall return to the Secretary any of the grant funds that are not obligated by the lead agency by such date.

(5) SUBGRANT DISBURSEMENT.—In providing funds through a subgrant under this paragraph, if the use for which the expended funds were for the purposes of receiving subgrant funding;

(III) provide the necessary documentation described in subsection (h) to the lead agency, including documentation of expenditures of subgrant funds; and

(IV) demonstrate a description of the subgrant funds will assist in promoting the long-term viability of the eligible child care provider and how the eligible child care provider will sustain its operations after the cessation of funding under this section;

(ii) assurances that the eligible child care provider will—

(III) provide the necessary documentation described in subsection (h) to the lead agency, including documentation of expenditures of subgrant funds; and

(IV) demonstrate a description of the subgrant funds will assist in promoting the long-term viability of the eligible child care provider and how the eligible child care provider will sustain its operations after the cessation of funding under this section;

(ii) assure that the eligible child care provider will—

(III) provide the necessary documentation described in subsection (h) to the lead agency, including documentation of expenditures of subgrant funds; and

(IV) demonstrate a description of the subgrant funds will assist in promoting the long-term viability of the eligible child care provider and how the eligible child care provider will sustain its operations after the cessation of funding under this section;
(III) make subgrant installments to any qualified child care provider for a period of not more than 9 months; and
(ii) the lead agency may, notwithstanding subparagraph (A), disburse an initial subgrant installment to a provider in a greater amount than that subparagraph provides for, and adjust the succeeding installments as appropriate.

(E) SUBGRANT INSTALLMENT AMOUNT.—The lead agency—
(i) shall determine the amount of a subgrant installment under this paragraph by basing the amount on—
(I)(aa) at a minimum, the fixed costs associated with the provision of child care services by a qualified child care provider; and
(bb) at the election of the lead agency, an additional amount determined by the State, for the purposes of assisting qualified child care providers with, as applicable, increased operating costs and lost revenue, associated with the COVID–19 public health emergency; and
(ii) any other methodology that the lead agency determines to be appropriate, and which is disclosed in reporting submitted by the lead agency under subsection (f)(6)(B);
(III) make subgrant installments to any qualified child care provider that received such a subgrant, disaggregated as described in subparagraph (I); and
(IV) information concerning how qualified child care providers that received such a subgrant, disaggregated as described in subparagraph (I);

(F) REPAYMENT OF SUBGRANT FUNDS.—A qualified child care provider that receives a subgrant under this paragraph shall be required to repay the subgrant funds if the lead agency determines that the provider fails to provide the assurances described in subparagraph (C)(ii), or to comply with such an assurance.

(SUPPLEMENT NOT SUPPLANT.—Amounts made available to carry out this section shall be used to supplement and not supplant other Federal, State, tribal, and local public funds expended to provide child care services, including funds provided under the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9857 et seq.) and State and tribal child care programs.

(H) DOCUMENTATION AND REPORTING REQUIREMENTS.

(1) DOCUMENTATION.—A State, Indian tribe, or tribal organization receiving a grant under subsection (c) shall provide documentation to the Committee on Education, Labor, and Pensions of the Senate, the Committee on Health, Education, Labor, and Pensions of the House of Representatives, and the Committee on Appropriations of the House of Representatives a report summarizing the findings of the lead agency reports.

(i) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out the activities under this section.

(ii) EXCLUSION.—For purposes of the Internal Revenue Code of 1986, gross income shall not include any amount received by a qualified child care provider under this section.
(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 Defend America’s Families, Schools and Small Businesses Act.”

(4) STATE PLAN COORDINATION.—The eligible entity under this subsection shall ensure appropriate coordination of the State stockpile plan developed pursuant to paragraph (2) with 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 coordination as the Secretary determines necessary related to current inventory of supplies maintained pursuant to paragraph (3), and any plans to replenish such supplies, or procure non-Federal 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).
SEC. 7003. STRENGTHENING THE STRATEGIC NATIONAL STOCKPILE.

Section 319F–2 of the Public Health Service Act (42 U.S.C. 274x–2a) 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 redesigning 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 other medical supplies), and

(B) in carrying out procedures under paragraph (3), may—

(i) enter into contracts with, or make agreements with, the Federal Government under a contract, or make agreements with, or make agreements with, the Federal Government under a contract, which may consider costs of shipping, or otherwise transporting, handling, storage, and related costs for such product or products; and

(ii) maintain domestic manufacturing capacity of such products to ensure additional 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

(6) IN GENERAL.—In this section:

(A) ‘‘(a)’’ does not include—

(i) fuel minerals, including oil, natural gas, or any other fossil fuels; or

(ii) water, ice, or snow;

(B) ‘‘Indian tribe’’ has the meaning given in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304); and

(C) a draft list of critical minerals referred to in this subsection as the ‘‘Secretary’’ shall publish in the Federal Register.

(7) KAPLAN-CALIFORNIA SOUTH BAY OCEAN FLOOR.

Section 319F–2(b)(2)(B) of the Public Health Service Act (42 U.S.C. 274x–2a(b)(2)(B)) is amended by striking “6555” and inserting “6555, or 6662”.

(8) APPROPRIATIONS.—Section 319F–2(c)(1) of the Public Health Service Act (42 U.S.C. 274x–2c(1)) is amended by striking “2021” and inserting “2022”.

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

TITLE X—CRITICAL MINERALS

SEC. 10001. MINERAL SECURITY.

(a) DEFINITIONS.—In this section:

(1) CRITICAL MINERAL.—The term ‘‘critical mineral’’ means any mineral, element, substance, or material designated as critical by the Secretary under section 3168(c) of the National Defense Authorization Act for Fiscal Year 2020.

(b) CRITICAL MINERAL MANUFACTURING; AND

(c) CRITICAL MINERAL MANUFACTURING.

SEC. 10002. CRITICAL MINERAL SECURITY.

(a) DEPARTMENT.—The Secretary shall publish in the Federal Register a draft list of critical minerals recovered as byproducts.

(b) 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.

(c) 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 close of 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
relevant to the methodology or list under paragraph
(3), that the Secretary determines
(i) are essential to the economic or national
security of the United States;
(ii) of which is vulnerable to disruption
(including restrictions associated
with foreign political risk, abrupt
demand growth, military conflict, violent
unrest, or national security)
or protectiveist behaviors, and other risks through the supply
chain); and
(iii) serve an essential function in the manufac-
turing 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 deter-
mined by another Federal agency to be stra-
tegically important 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, sub-
stances, and materials as critical under this
paragraph.

(5) SUBSEQUENT REVIEW.—
(A) IN GENERAL.—The Secretary, in con-
sultation with the Secretaries of Defense,
Commerce, Agriculture, and Energy and the
United States Trade Representative, shall
review the methodology and list under para-
graph (3) and the designations under para-
graph (4) at least every 3 years, or more fre-
quently as the Secretary considers to be ap-
propriate.
(B) REQUIRED REVISIONS.—Subject to paragraph
(4)(A), the Secretary may—
(i) revise the methodology described in this
subparagraph;
(ii) determine that minerals, elements,
substances, and materials previously deter-
mined to be critical minerals are no longer
critical minerals; and
(iii) designate additional minerals, ele-
ments, substances, or materials as critical
minerals.

(6) RESPONSES.—On finalization of the method-
ology and the list under paragraph (3), or any
revision to the methodology or list under para-
graph (5), the Secretary shall submit to Congress an outline of the action.

(d) RESOURCE ASSESSMENT.—
(I) IN GENERAL.—Not later than 4 years
after the date of enactment of this Act, in
consultation with applicable State (includ-
ing 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 comprehen-
sive national assessment of each critical
mineral that—
(A) contains and quantifies known critical
mineral resources, using all available public
and private information and datasets, in-
cluding exploration histories; and
(B) results in a quantitative and qualitative
assessment of undiscovered critical mineral
resources throughout the United States, in-
cluding probability estimates of tonnage and
grade, using all available public and private
information and datasets, including explo-
ration histories.
(2) PERFORMANCE IMPROVEMENTS.—To im-
prove 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
Act as the "Secretaries") shall, to the extent
practicable, with respect to critical mineral production on
Federal land, complete Federal permitting and
processing and scheduling for critical mineral
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 account-
ability by using cost-effective information
technology to collect and disseminate infor-
mation regarding individual projects and
aggregate performance;
(E) encouraging and active consulta-
tion with State, local, and Indian tribal gov-
ernments to avoid conflicts or duplication of
effort, resolve concerns, and allow for con-
current, rather than sequential, reviews;
(F) providing demonstrable improvements in
the performance of Federal permitting and
processing; and
(G) expanding and institutionalizing per-
mitting and review process improvements
that have proven effective;
(H) developing mechanisms to better com-
 municate 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
Secretary shall submit to Congress a report that
(A) identifies additional measures (includ-
ing regulatory and legislative proposals, as
appropriate) that would increase the timeli-
ness of permitting activities for the explo-
ration and development of domestic critical
minerals; and
(B) identifies options (including cost recov-
ery paid by permit applicants) for ensuring
higher staffing and training of Federal en-
tities and personnel responsible for the con-
sideration of applications, operating plans,
leases, licenses, permits, and other use auth-
izations for critical mineral-related activ-
ities on Federal land;
(C) quantifies the amount of time typically
required (including range derived from mini-
mum and maximum durations, mean, me-
edian, variance, and other statistical meas-
ures or representations) to complete each step
(including those aspects outside the con-
trol of the executive branch, such as judi-
cial review, applicant decisions, or State and
local government involvement) associated
with the development and processing of ap-
lications for critical mineral permits, leases,
operating plans, permits, and other use auth-
izations for critical mineral-related activities
on Federal land;
(D) calculates the amount of time typically
required (including range derived from min-
imum and maximum durations, mean, me-
edian, variance, and other statistical meas-
ures or representations) to complete each step
(including those aspects outside the con-
trol of the executive branch, such as judi-
cial review, applicant decisions, or State and
local government involvement) associated
with the development and processing of ap-
lications for critical mineral permits, leases,
operating plans, permits, and other use auth-
izations for critical mineral-related activities
on Federal land;
(E) includes a comprehensive list of
assumptions on which the assessment was
based.

(3) PUBLIC ACCESS.—Subject to applicable law,
the Secretary shall—
(A) make all data and metadata collected
from the comprehensive national
assessment carried out under paragraph (1)
public and electronically accessible;
(B) develop and disseminate tools and
resources to help non-Federal entities
and Indian tribes conducting critical mineral
resource assessments on non-Federal land.

(5) PRIORITIZATION.—
(A) IN GENERAL.—The Secretary may se-
quence the completion of resource assess-
ments for each critical mineral such that
critical minerals considered to be most crit-
ical under paragraph (2) are completed first.
(B) REPORTING.—During the period begin-
ning not later than 4 years after the date of
enactment of this Act and ending on the date
of completion of all of the assessments re-
quired 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 Sec-
retary determines that it is not practicable;
(ii) describes the progress of the assess-
ments; and
(iii) identifies critical minerals that are not
designated as critical under this subsection
as the "Secretaries'' shall, in consultation 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.

(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.—

(I) 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 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 im-
prove 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 Act as the "Secretaries") shall, to the
extent practicable, with respect to critical
mineral production on Federal
land, complete Federal permitting and
processing and scheduling for critical mineral
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 account-
ability by using cost-effective information
technology to collect and disseminate infor-
mation regarding individual projects and
aggregate performance;
(E) encouraging and active consulta-
tion with State, local, and Indian tribal gov-
ernments to avoid conflicts or duplication of
effort, resolve concerns, and allow for con-
current, rather than sequential, reviews;
(F) providing demonstrable improvements in
the performance of Federal permitting and
processing; and
(G) expanding and institutionalizing per-
mitting and review process improvements
that have proven effective;
(H) developing mechanisms to better com-
 municate 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
Secretary shall submit to Congress a report that
(A) identifies additional measures (includ-
ing regulatory and legislative proposals, as
appropriate) that would increase the timeli-
ness of permitting activities for the explo-
ration and development of domestic critical
minerals; and
(B) identifies options (including cost recov-
ery paid by permit applicants) for ensuring
higher staffing and training of Federal en-
tities and personnel responsible for the con-
sideration of applications, operating plans,
leases, licenses, permits, and other use auth-
izations for critical mineral-related activ-
ities on Federal land;
(C) quantifies the amount of time typically
required (including range derived from min-
imum and maximum durations, mean, me-
edian, variance, and other statistical meas-
ures or representations) to complete each step
(including those aspects outside the con-
trol of the executive branch, such as judi-
cial review, applicant decisions, or State and
local government involvement) associated
with the development and processing of ap-
lications for critical mineral permits, leases,
operating plans, permits, and other use auth-
izations for critical mineral-related activities
on Federal land;
(D) calculates the amount of time typically
required (including range derived from min-
imum and maximum durations, mean, me-
median, variance, and other statistical meas-
ures or representations) to complete each step
(including those aspects outside the con-
trol of the executive branch, such as judi-
cial review, applicant decisions, or State and
local government involvement) associated
with the development and processing of ap-
lications for critical mineral permits, leases,
operating plans, permits, and other use auth-
izations for critical mineral-related activities
on Federal land;
(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 for public comment, shall develop 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 report submitted 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, 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 mineral industries.

(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 appropriate 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 mineral industries; and

(B) performing an analysis of regulations applicable to the critical mineral industries that may be outdated, inefficient, duplicative, or excessively burdensome.

(8) FEDERAL REGISTER PROCESS.—

(1) DEPARTMENTAL REVIEW.—Absent any extraordinary circumstances, 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—

(A) subject to any required reviews within the Department of the Interior or the Department of Agriculture; and

(B) be published in the 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 at 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 adopt a program of research and development—

(A) to promote the efficient production, use, and recycling of critical minerals throughout their life cycle, and development of domestic critical minerals, while maintaining environmental standards.

(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 metals, 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 disruptions (across the economy, including the Director of the United States Geological Survey) or a designee of the Secretary, in consultation with the Energy Information Administration, the Commerce Department, 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) a report 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; and

(II) the reliance of the United States on foreign sources to meet those needs during the preceding year; and

(v) the implications of any supply shortfalls, restrictions, or disruptions during the preceding year;

(vi) the market penetration during the preceding year of alternatives to each critical mineral; and

(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, recycling, 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; and

(II) the projected reliance of the United States on foreign sources to meet those needs; and

(iv) the projected implications of potential supply shortages, restrictions, or disruptions;

(v) the quantity of 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) 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 tabular form that does not allow the identification of the person or firm who supplied particular information; and

(C) procedures are established to require the reporting 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.

(1) EDUCATION AND WORKFORCE.—

(i) 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 Science Foundation, institutions of higher education with substantial expertise in mining, institutions of higher education with significant expertise in mining and engineering, 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, research, recycling, analysis, forecasting, education, and research.

(ii) 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 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 the 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 education, research, 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).

(C) NATIONAL GEOLOGICAL AND GEOGRAPHICAL DATA PRESERVATION PROGRAM.—Section 351(k) of the Energy Policy Act of 2005 (42 U.S.C. 15908(k)) is amended by striking both instances of "3 years" and inserting "5 years".

The following sums are hereby authorized to be appropriated for the fiscal year ending September 30, 2023, for the purposes specified:

SEC. 11001. EMERGENCY DESIGNATION.

(a) IN GENERAL.—The amounts provided by this division and the amendments made by this division are designated as an emergency requirement pursuant to section 4(g) of the PAY-AS-YOU-GO Act of 2010 (2 U.S.C. 903(g)).

(b) DESIGNATION IN SENATE.—In the Senate, this division and the amendments made by this division 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.

TITLES XI—MISCELLANEOUS PROVISIONS

TITLE XI—MISCELLANEOUS PROVISIONS

SEC. 11001. EMERGENCY DESIGNATION.

(a) IN GENERAL.—The amounts provided by this division and the amendments made by this division are designated as an emergency requirement pursuant to section 4(g) of the PAY-AS-YOU-GO Act of 2010 (2 U.S.C. 903(g)).

(b) DESIGNATION IN SENATE.—In the Senate, this division and the amendments made by this division 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.

DEPARTMENT B—CORONAVIRUS RESPONSE

ADDITIONAL SUPPLEMENTAL APPROPRIATIONS ACT, 2020

The following sums are hereby appropriated, out of any money in the Treasury not otherwise appropriated, for emergency requirements for the fiscal year ending September 30, 2020, and for other purposes, namely:

TITLES I

DEPARTMENT OF HEALTH AND HUMAN SERVICES

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 internation-ally, including for Federal administrative expenses, which shall be used to supplement, not supplant State, Territory, and Tribal general, overall assistance to child care provi-
ders in the case of decreased enrollment or closures related to coronavirus, and to as-
sure they are able to remain open or reopen as appropriate. 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 appropriate amounts 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 6504(f) of such Act. Provided further, That funds appropriated under this heading in this Act shall be available to eligible child care providers under section 6504(f) of the CCDBG Act, even if such providers are 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 in the implementation of purposes of cleaning and sanitation, and other activities necessary to maintain or resume the operation of pro-
grams: 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 obligated directly or through reimbursement, for obligations incurred to prevent, prepare for, respond to, and recover from, 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.

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For an additional amount for “Public Health and Social Services Emergency Fund” (INCLUDING TRANSFER OF FUNDS), $16,000,000,000, to remain available until September 30, 2022, to prevent, prepare for, and respond to coronavirus, domestically or internationally, including the develop-
ment of necessary countermeasures and vac-
cines, prioritizing platform-based technolo-
gies with U.S.-based manufacturing ca-
pacity, therapies, diagnostics, necessary medical sup-
plies, as well as medical surge capacity, ad-
dressing blood supply chain, workforce mod-
ernization, technology, surveillance infrastruc-
ture, initial advanced manufacturing, novel dispensing, enhancements to the U.S. Com-
missioned Corps, and other preparedness and response efforts on high risk, underserved, and minority populations: Provided further, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

The plan outlined in the previous proviso shall include funding by Department or Agency, or component thereof broken out 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, including for activities to lay out Back to Work Child Care Grants as au-
thorized by section 6101 of division A of this Act: Provided, That such amount is des-
ignated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

PUBLIC HEALTH AND SOCIAL SERVICES EMERGENCY FUND

For an additional amount for “Public Health and Social Services Emergency Fund”, $6,000,000,000, to remain available until September 30, 2022, to prevent, prepare for, and respond to coronavirus, domestically or internationally, including for taking actions to promote, distribute, administer, monitor, and track coronavirus vaccines to ensure broad-
based distribution, access, and vaccine cov-
erage: Provided further, That the Secretary may appropriate amounts under this para-
graph in this Act to provide child care assistance prior to the public health emergency as a result of the coronavirus and any renewal of such declaration pursuant to such section in the implementation of purposes of cleaning and sanitation, and other activities necessary to maintain or resume the operation of programs: Provided further, That products purchased with funds appropriated under this paragraph in this Act may be distributed to States, how an infor-
mational campaign to both the public and health care providers will be executed, and how vaccines distributed under this heading in this Act may be distributed to States, how an infor-
mational campaign to both the public and health care providers will be executed, and how vaccines distributed under 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.
tests for both active infection and prior exposure, including molecular, antigen, and serological tests, the manufacturing, procurement and distribution of tests, testing equipment and supplies, including personal protective equipment needed for administering tests, the development and validation of rapid, molecular point-of-care tests, and support for workforce development, to scale up academic, commercial, public health, and hospital laboratories, to conduct surveillance and contact tracing, support for COVID-19 contact tracing plans, and other related activities related to COVID-19 testing: Provided, That the amount identified in the first proviso 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, and other entities engaged in COVID-19 testing, contact tracing, and other related activities related to COVID-19 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, health, academic, commercial, and hospital laboratories, and community-based testing sites, health care facilities, and other entities engaged in COVID-19 testing, contact tracing, and other related activities related to COVID-19 testing, contact tracing, surveillance, containment, and mitigation: Provided further, That the amount provided in this proviso under this paragraph in this Act shall be made available within 30 days of the date of enactment of this Act: Provided further, That the amount identified in the first proviso under this paragraph in this Act shall be allocated to States, localities, and territories according to the formula provided in the Delegated in Advance FY 2020 Coronavirus Preparedness and Response Supplemental Appropriations Act, 2020: 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 proviso 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 Act shall update their plans, as appropriate, to report on COVID-19 testing, contact tracing submitted to the Secretary pursuant to the Paycheck Protection Program and Health Care Enhancement Act (Public Law 116-136) and its successor 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 not later than 15 days after enactment, and every quarter thereafter until funds are expended, the Governor or designee of each State, locality, territory, tribe, or tribal organization receiving funds pursuant to this Act shall report to the Secretary on uses of funding, detailing current commitments and obligations broken out by the coronavirus supplemental appropriations Act that provided the source of funds: Provided further, That not later than 15 days after receipt of such reports, the Secretary shall summarize and report on uses of Appropriations Act that provided the source of funds: Provided further, That funds an entity intends to use for purposes that 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 levels: Provided further, That the Governor determines that the State that the Governor deems essential for carrying out emergency preparedness and response services to students for authorized activities described in section 1965 of the ESEA, the ESEA of 1965, the Higher Education Act of 1965, the provision of child care and early childhood education, social and emotional support for students, adult education, and the provision of education-related jobs. (d) REALLOCATION.—Each Governor shall retain 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 60 days after receiving funding provided in this Act, in such manner and with such subsequent frequency as the Secretary shall require, that provides a detailed accounting of the use of funds provided under this section. ELEMENTARY AND SECONDARY SCHOOL EMERGENCY RELIEF FUND SEC. 102. (a) GRANTS.—From funds reserved under section 101(b)(2) of this title, the Secretary shall make supplemental elementary and secondary school emergency relief grants to each State educational agency for school year 2020–2021 in the amounts provided to each State under this heading as subgrants to local educational agencies received under part A of title I of the ESEA of 1965 in the most recent fiscal year. (b) ALLOCATIONS.—(1) In general.—From funds reserved under section 101(b)(1) of this title, the Secretary shall make supplemental Elementary and Secondary School Emergency Relief grants to the Governor of each State with an approved application under section 18003 of division B of the CARES Act (Public Law 116–136) and, (2) the Secretary shall reserve the remaining funds made available as follows: (A) 67 percent to carry out section 103 of this title, (B) 26 percent to carry out section 104 of this title. GOVERNOR’S EMERGENCY EDUCATION RELIEF FUND SEC. 104. (a) GRANTS.—From funds reserved under section 101(b)(1) of this title, the Secretary shall make supplemental Elementary and Secondary School Emergency Relief grants to the Governor of each State with an approved application under section 18003 of division B of the CARES Act (Public Law 116–136) and, (b) The Governor of each State with an approved application within 30 calendar days of enactment of this Act. (c) ALLOCATIONS.—(1) In general.—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. (2) Subgrants.—From the payment provided by the Secretary under subsection (b), the Secretary shall provide grants to local educational agencies and non-public schools, consistent with the provisions of this title. (d) REIMBURSEMENT.—The Secretary shall reallocate funds under this section to each State educational agency that has made subgrants to local educational agencies 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 non-public schools received as subgrants to local educational agencies 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 $15,000,000,000 shall be awarded not later than 15 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 agencies that are subgrants to local educational agencies and the Governor approves a comprehensive school reopening plan for the 2020–2021 school-year, based on criteria determined by the Governor and the consultation of local educational agencies (including criteria for the Governor to carry out paragraph (A)
reach and service delivery will meet the needs of English learners, racial and ethnic minorities, students with disabilities, and other relevant agencies, to improve coordinated responses to prevent, prepare for, and respond to coronavirus.

(C) Planning and implementing activities related to student 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 in foster care.

(D) 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 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 in foster care.

(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 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 in foster care.

(H) Expanding healthcare and other health services (including mental health services and supports) 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 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 in foster care.

(J) 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:

(1) 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.

(2) Developing and implementing procedures and systems to improve the preparedness and response 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.

(K) Planning and implementing activities related to the unique needs of low-income children, 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.

(L) Training and professional development for staff of the local educational agency or non-public school on sanitation and minimizing the spread of infectious diseases.

(M) Purchasing supplies to sanitize, clean, and disinfect the facilities of a local educational agency or non-public school, including buildings operated by such agency.

(N) 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 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 in foster care.

(P) Training 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 in foster care.

(Q) 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.

(R) The receipt of any funds authorized or appropriated under this section, including pursuant to section 106 of this Act, by a non-profit 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 require that such entity provide Federal financial assistance for any purpose, nor shall any such person or entity be required to make any alteration to its existing facilities, practices or policies except as required under this section.

(S) No State participating in any program under this section, including pursuant to section 106 of this Act, by a non-profit 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 require that such entity provide Federal financial assistance for any purpose, nor shall any such person or entity be required to make any alteration to its existing facilities, practices or policies except as required under this section.

(T) No State participating in any program under this section, including pursuant to section 106 of this Act, by a non-profit 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 require that such entity provide Federal financial assistance for any purpose, nor shall any such person or entity be required to make any alteration to its existing facilities, practices or policies except as required under this section.

(U) No State participating in any program under this section, including pursuant to section 106 of this Act, by a non-profit 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 require that such entity provide Federal financial assistance for any purpose, nor shall any such person or entity be required to make any alteration to its existing facilities, practices or policies except as required under this section.

(V) No State participating in any program under this section, including pursuant to section 106 of this Act, by a non-profit 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 require that such entity provide Federal financial assistance for any purpose, nor shall any such person or entity be required to make any alteration to its existing facilities, practices or policies except as required under this section.

(W) No State participating in any program under this section, including pursuant to section 106 of this Act, by a non-profit 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 require that such entity provide Federal financial assistance for any purpose, nor shall any such person or entity be required to make any alteration to its existing facilities, practices or policies except as required under this section.

(X) No State participating in any program under this section, including pursuant to section 106 of this Act, by a non-profit 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 require that such entity provide Federal financial assistance for any purpose, nor shall any such person or entity be required to make any alteration to its existing facilities, practices or policies except as required under this section.

(Y) No State participating in any program under this section, including pursuant to section 106 of this Act, by a non-profit 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 require that such entity provide Federal financial assistance for any purpose, nor shall any such person or entity be required to make any alteration to its existing facilities, practices or policies except as required under this section.

(Z) No State participating in any program under this section, including pursuant to section 106 of this Act, by a non-profit 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 require that such entity provide Federal financial assistance for any purpose, nor shall any such person or entity be required to make any alteration to its existing facilities, practices or policies except as required under this section.
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 receiving funds authorized under this title to sub-programs under this section, including pursuant to section 105 of this Act, except as provided by subsection (e), nor shall any such State limit any non-profit entity that receives any such funds except as provided by subsection (e).

HIGHER EDUCATION EMERGENCY RELIEF FUND

SEC. 104. (a) IN GENERAL.—From funds reserved under section 103(c) of this title, the Secretary shall allocate amounts as follows:

(1) 85 percent to each institution of higher education described in section 101 of this Act or section 102(c)(1) of the Higher Education Act of 1965; and

(2) 15 percent to each of the following:

(A) the Secretary shall allot funding under the formula in section 318(e) of the Higher Education Act;

(B) the Secretary shall allot funding to institutions of higher education that the Secretary determines

(C) the Secretary shall allot funding to institutions of higher education for eligible institutions under section 102(b) of the Higher Education Act of 1965, and

(D) the Secretary shall allot funding to institutions of higher education described in section 102(b)(1) of the Higher Education Act of 1965, and

(E) the Secretary shall allot funding to institutions of higher education described in section 102(b)(2) of the Higher Education Act of 1965.

(b) DISTRIBUTION.—The funds made available to each institution under subsection (a)(1) shall be distributed by the Secretary using the same formula as the Secretary otherwise distributes funding to each institution under title IV of the Higher Education Act of 1965.

(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 courses) for up to 12 months after receiving funding provided in this Act, in such manner and with such subgrants—

(B) that otherwise demonstrate significant needs related to coronavirus that were not addressed by funding allocated under sub-

(c) the Secretary shall prioritize institutions of higher education—

(1) described under title I of the Higher Education Act that are not eligible to receive an award under section 104(a)(1) of this title, including institutions described in section 102(b) of the Higher Education Act of 1965, and

(2) that otherwise demonstrate significant needs related to coronavirus that were not addressed by funding allocated under sub-

(c) the Secretary shall prioritize institutions of higher education—

(1) described under title I of the Higher Education Act that are not eligible to receive an award under section 104(a)(1) of this title, including institutions described in section 102(b) of the Higher Education Act of 1965, and

(d) SPECIAL PROVISIONS.—

(1) A Historically Black College and University or a Minority Serving Institution may prioritize funds received in any given fiscal year to recipients under this section rather than use such funds to fund contractors for the provision of telehealth services.

(2) An institution of higher education receiving funds under section 18004 of division B of the CARES Act (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 104(a)(1) of this title:

(1) Except as otherwise provided in subparagraph (B), for eligible institutions under part 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, the Secretary shall consult with each eligible institution and determine an amount using the following formula:

(a) 70 percent according to a ratio equivalent to the number of Pell Grant recipients in attendance at such institution at the end of the fiscal year preceding the beginning of the most recent fiscal year and the total number of Pell Grant recipients at all such institutions;

(b) 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 total enrollment size at all such institutions; and

(c) 10 percent according to a ratio equivalent to the total enrollment size at all eligible institutions at the end of the school year preceding the beginning of that fiscal year and the total enrollment size at such institutions;

(B) For eligible institutions under section 326 of the Higher Education Act, the Secretary shall allot 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); and

(C) For eligible institutions under section 316 of the Higher Education Act, the Secretary shall allot funding according to the formula in section 318(d)(3) of the Higher Education Act of 1965;

(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; and

(E) Notwithstanding section 318(f) of the Higher Education Act, the Secretary shall allot funding according to the formula in section 318(e) of the Higher Education Act; and

(F) The Secretary shall allot funding to institutions of higher education described in section 102(b)(1) of the Higher Education Act of 1965;

(G) The Secretary shall allot funding to institutions of higher education described in section 102(b)(2) of the Higher Education Act of 1965;

(H) The Secretary shall allot funding to institutions of higher education for eligible institutions under section 102(b) of the Higher Education Act of 1965;

(I) The Secretary shall allot funding to institutions of higher education described in section 102(b)(1) of the Higher Education Act of 1965;

(J) The Secretary shall allot funding to institutions of higher education described in section 102(b)(2) 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 Act, and in such subsequent frequency as the Secretary may require, that provides a detailed accounting of the use of funds provided under this section.

(f) REALLOCATION.—In the event that the Secretary determines that the Secretary cannot allocate funds 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 is entitled to 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. 105. (a) FUNDS AVAILABILITY.—From the payment provided by the Secretary under section 103 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 may award subgrants—

(1) to eligible scholarship-granting organizations for carrying out section 6001 of division A of this Act; and

(2) to non-public schools accredited or otherwise recognized in the State based on the number of students enrolled in the non-public school prior to the coronavirus emergency, subject to the requirements in subsection (b).

(b)(1) A non-public school that provides in-person instruction to at least 50 percent of its students where the students physically attend school at least five days in 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 at least five days in each school-week, as determined by the non-public school prior to the coronavirus emergency, subject to 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 103(c)(2)(C) of this title.

(c) A Governor shall allocate not less than 50 percent of the funds reserved in this section to non-public schools or eligible scholar-

Continued payment to employees

SEC. 106. A local educational agency, State, institution of higher education, or other entity that receives funds under “Education Stabilization Fund” for pre-2020 expenditures, may only use funds for activities described in paragraph (c)(2).

(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 “payroll” 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 “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) will provide, to the extent that such school is positioning 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.

GENERAL PROVISION—THIS TITLE

Sec. 101. Not later than 30 days after the date of enactment of this Act, the Secretaries of Agriculture, 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, administrative, and other costs, to be submitted 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 30 days until September 30, 2024: Provided further, That the spend plans shall be accompanied by a listing of each contract obligation incurred as of September 30, 2000 which has not previously been reported, including the amount of each such obligation.

TITLE II

DEPARTMENT OF AGRICULTURE

AGRICULTURAL PROGRAMS

OFFICE OF THE SECRETARY

For an additional amount for the “Office of the Secretary”, $20,000,000,000, to remain available until expended, to prevent, prepare for, and respond to coronavirus by providing support to producers, processors, aquaculture firms, and processors impacted by coronavirus, including producers, growers, and processors of specialty crops, non-specialty crops, dairy, livestock, aquaculture, including shellfish and poultry depopulated due to insufficient processing access and growers who produce livestock or poultry under a contract for another entity: 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.

TITLE III

DEPARTMENT OF COMMERCE

FISHERIES DISASTER ASSISTANCE

For an additional amount for “Fisheries Disaster Assistance”, $300,000,000, to remain available until September 30, 2022, to prevent, prepare for, and respond to coronavirus, domestically or internationally, which shall be for activities authorized under section 12805 of the Coronavirus Aid, Relief, and Economic Security Act (Public Law 116-136): Provided, That the formula prescribed by the Secretary of Commerce to allocate the funds provided under this heading in this Act shall be divided proportionally to States, Tribes, and territories and shall be the same as the formula used for funds provided under section 12005 of Public Law 116-136, but shall be calculated to also evenly weight the 5-year total annual average domestic landings for each State, Tribe, and territory: Provided further, That the amount provided under this heading in this Act shall only be allocated to States of the United States in, or otherwise operating on, the Atlantic, Pacific, or Arctic Ocean, or the Gulf of Mexico, as well as to Puerto Rico, the Virgin Islands, Guam, the Commonwealth of the Northern Mariana Islands, American Samoa, Federally Recognized Tribes on the West Coast, and Federally Recognized Tribes in Alaska: Provided further, That no Title, Tribe, or territory will receive a total amount in a fiscal year that is from amounts provided under either section 12005 of Public Law 116-136 or amounts provided under this Act, the amount provided under section 12005 of Public Law 116-136, or amounts provided under this Act shall be the amount that designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

ORDERS FOR WEDNESDAY, SEPTEMBER 9, 2020

Mr. LEE. Madam President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 10 a.m., Wednesday, September 9; further, that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, and the time for the two leaders be reserved for their use in the day; further, following leader remarks, the Senate proceed to executive session to resume consideration of the Ludwing nomination under the previous order; finally, following the cloture vote on the Jarbou nomination, the Senate recess until 2:15 p.m. for the weekly conference meetings.

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

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. LEE. 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 6:28 p.m., adjourned until Wednesday, September 9, 2020, at 10 a.m.

EXECUTIVE SESSIONS

NOMINATIONS

Executive nominations received by the Senate:

DEPARTMENT OF DEFENSE

JON CHRISTOPHER KREITZ, OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF THE AIR FORCE, VICE SHON J. ALM, RETIRED.

MATTHEW B. SHIPLEY, OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF DEFENSE, VICE VERA K. DAVLE, RETIRED.

DEPARTMENT OF STATE

ANDREW JOHN LAWLIS, OF CALIFORNIA, TO BE AN ASSISTANT SECRETARY OF STATE FOR OCEANS AND INTERNATIONAL ENVIRONMENTAL AND SCIENTIFIC AFFAIRS, VICE VERA K. DAVLE, RETIRED.

RYAN MICHAEL TUTTY, OF NEW YORK, TO BE AN ASSISTANT SECRETARY OF STATE, VICE LEO R. KURK, RETIRED.

HARRY S TRUMAN SCHOLARSHIP FOUNDATION

ZACHARY S. HAINES, OF OHIO, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE HARRY S TRUMAN SCHOLARSHIP FOUNDATION FOR A TERM EXPIRING DECEMBER 31, 2023, VICE INGRID A. GREGG, TERM EXPIRED.

BENJAMIN JOEL BEATON, OF KENTUCKY, TO BE UNITED STATES DISTRICT JUDGE FOR THE WESTERN DISTRICT OF KENTUCKY, VICE WILLIAM T. SCRIVEN, RETIRED.

HENRY GONZALEZ, OF NEW YORK, TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF NEW YORK, VICE ZACHARY S. HAINES, VICE RYAN L. MCGILL, RETIRED.

RYAN THOMAS MALLISTRUM, OF NEW YORK, TO BE UNITED STATES DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF NEW YORK, VICE GARY L. SHARPE, RETIRED.

KATHRYN KIMBALL MIZELLE, OF FLORIDA, TO BE A JUDGE OF THE UNITED STATES COURT OF FEDERAL CLAIMS FOR A TERM OF FIFTEEN YEARS, VICE THOMAS CRAIG WHEELER, TERM EXPIRING.

This division may be cited as the “Coronavirus Response Additional Supplemental Appropriations Act, 2020”.

CONGRESSIONAL RECORD — SENATE

SEPTEMBER 8, 2020

S5476