

116TH CONGRESS
2D SESSION

S. 4322

To help Americans safely get back to school and back to work, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JULY 27, 2020

Mr. ALEXANDER introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

A BILL

To help Americans safely get back to school and back to work, and for other purposes.

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

3 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

4 (a) **SHORT TITLE.**—This Act may be cited as the
5 “Safely Back to School and Back to Work Act”.

6 (b) **TABLE OF CONTENTS.**—The table of contents is
7 as follows:

Sec. 1. Short title; table of contents.

TITLE I—HEALTH PROVISIONS

Sec. 101. Improving earlier access to diagnostic tests.

Sec. 102. Sustained on-shore manufacturing capacity for public health emergencies.

- Sec. 103. Improving and sustaining State medical stockpiles.
 Sec. 104. Strengthening the Strategic National Stockpile.
 Sec. 105. Guidance for States and Indian Tribes on accessing the Strategic National Stockpile.
 Sec. 106. Modernizing infectious disease data collection.
 Sec. 107. Centers for Public Health Preparedness.
 Sec. 108. Telehealth plans.
 Sec. 109. Protection of human genetic information.
 Sec. 110. Reagan-Udall Foundation and Foundation for the National Institutes of Health.

TITLE II—EDUCATION PROVISIONS

- Sec. 201. Simplifying student loan repayment.
 Sec. 202. Emergency education freedom grants.
 Sec. 203. Back to Work Child Care grants.
 Sec. 204. National emergency educational waivers.
 Sec. 205. Waivers for career, technical, and adult education.
 Sec. 206. Additional workforce activities.
 Sec. 207. Workforce recovery and training services.
 Sec. 208. Impact Aid provisions.
 Sec. 209. Amendments to education provisions of CARES.

1 **TITLE I—HEALTH PROVISIONS**

2 **SEC. 101. IMPROVING EARLIER ACCESS TO DIAGNOSTIC** 3 **TESTS.**

4 Section 319D of the Public Health Service Act (42
 5 U.S.C. 247d–4) is amended by adding at the end the fol-
 6 lowing:

7 “(k) IMPROVING DIAGNOSTIC TEST, TREATMENT,
 8 AND VACCINE RESEARCH AND DEVELOPMENT.—

9 “(1) VIRUS SAMPLE ACCESS.—Not later than
 10 180 days after the date of enactment of this sub-
 11 section, the Secretary shall, in coordination with the
 12 Director of the Centers for Disease Control and Pre-
 13 vention and the Commissioner of Food and Drugs,
 14 establish and make publicly available policies and
 15 procedures for public and private entities to access

1 samples of specimens containing infectious disease
2 agents, or suitable surrogates or alternatives, as ap-
3 propriate, that may support the development of
4 products, including the development of diagnostic
5 tests, treatments, or vaccines, to address emerging
6 infectious diseases for biomedical research purposes,
7 and for use to otherwise respond to emerging infec-
8 tious diseases, as the Secretary determines appro-
9 priate.

10 “(2) GUIDANCE.—The Secretary shall issue
11 guidance regarding the procedures for carrying out
12 paragraph (1), including—

13 “(A) the method for requesting samples of
14 specimens containing infectious disease agents;

15 “(B) criteria for sample availability and
16 use of suitable surrogates or alternatives, as ap-
17 propriate; and

18 “(C) information required to be provided
19 in order to receive such samples or suitable sur-
20 rogates or alternatives.

21 “(3) EARLIER DEVELOPMENT OF DIAGNOSTIC
22 TESTS.—The Secretary, acting through the Director
23 of the Centers for Disease Control and Prevention,
24 may contract with public and private entities, as ap-
25 propriate, to assist in the immediate and rapid de-

1 velopment, validation, and dissemination of diag-
2 nostic tests, as appropriate, for purposes of bio-
3 surveillance and other immediate public health re-
4 sponse activities to address an emerging infectious
5 disease that has significant potential to cause a pub-
6 lic health emergency.

7 “(4) CAPACITY PLANNING FOR SUPPLY
8 NEEDS.—The Secretary, in coordination with the
9 Commissioner of Food and Drugs and the Director
10 of the Centers for Disease Control and Prevention,
11 shall, as appropriate, consult with medical product
12 manufacturers, suppliers, and other relevant stake-
13 holders, as appropriate, to—

14 “(A) identify specific supplies or compo-
15 nents needed, including specimen collection and
16 transport materials, reagents, or other supplies
17 related to the development, validation, or ad-
18 ministration of a diagnostic test to detect an in-
19 fectious disease for which an emergency use au-
20 thorization is in effect under section 564 of the
21 Federal Food, Drug, and Cosmetic Act (21
22 U.S.C. 360bbb-3);

23 “(B) identify projected demand for and
24 availability of such supplies and communicate
25 such information to medical product manufac-

1 turers, suppliers, and other relevant stake-
2 holders during a public health emergency; and

3 “(C) support activities to increase the
4 availability of such supplies or alternative prod-
5 ucts that may be appropriately substituted for
6 such supplies during a public health emer-
7 gency.”.

8 **SEC. 102. SUSTAINED ON-SHORE MANUFACTURING CAPAC-**
9 **ITY FOR PUBLIC HEALTH EMERGENCIES.**

10 (a) IN GENERAL.—Section 319L of the Public
11 Health Service Act (42 U.S.C. 247d–7e) is amended—

12 (1) in subsection (a)(6)(B)—

13 (A) by redesignating clauses (iv) and (v) as
14 clauses (v) and (vi), respectively;

15 (B) by inserting after clause (iii), the fol-
16 lowing:

17 “(iv) activities to support domestic
18 manufacturing surge capacity of products
19 or platform technologies, including manu-
20 facturing capacity and capabilities to uti-
21 lize platform technologies to provide for
22 flexible manufacturing initiatives;”;

23 (C) in clause (vi) (as so redesignated), by
24 inserting “manufacture,” after “improvement;”;

25 (2) in subsection (b)—

1 (A) in the first sentence of paragraph (1),
2 by inserting “support for domestic manufac-
3 turing surge capacity,” after “initiatives for in-
4 novation,”; and

5 (B) in paragraph (2)—

6 (i) in subparagraph (B), by striking
7 “and” at the end;

8 (ii) by redesignating subparagraph
9 (C) as subparagraph (D); and

10 (iii) by inserting after subparagraph
11 (B), the following:

12 “(C) activities to support manufacturing
13 surge capacities and capabilities to increase the
14 availability of existing medical countermeasures
15 and utilize existing novel platforms to manufac-
16 ture new medical countermeasures to meet
17 manufacturing demands to address threats that
18 pose a significant level of risk to national secu-
19 rity; and”;

20 (3) in subsection (c)—

21 (A) in paragraph (2)—

22 (i) in subparagraph (C), by striking
23 “and” at the end;

24 (ii) in subparagraph (D), by striking
25 the period and inserting “; and”; and

1 (iii) by adding at the end the fol-
2 lowing:

3 “(E) promoting domestic manufacturing
4 surge capacity and capabilities for counter-
5 measure advanced research and development,
6 including facilitating contracts to support flexi-
7 ble or surge manufacturing.”;

8 (B) in paragraph (4)—

9 (i) in subparagraph (B)—

10 (I) in clause (iii), by striking
11 “and” at the end;

12 (II) in clause (iv), by striking the
13 period and inserting “; and”; and

14 (III) by adding at the end the
15 following:

16 “(v) support and maintain domestic
17 manufacturing surge capacity and capabili-
18 ties, including through contracts to sup-
19 port flexible or surge manufacturing, to en-
20 sure that additional production of counter-
21 measures is available in the event that the
22 Secretary determines there is such a need
23 for additional production.”;

24 (ii) in subparagraph (D)—

1 (I) in clause (ii), by striking
2 “and” at the end;

3 (II) by redesignating clause (iii)
4 as clause (iv); and

5 (III) by inserting after clause (ii)
6 the following:

7 “(iii) research to advance manufac-
8 turing capacities and capabilities for med-
9 ical countermeasures and platform tech-
10 nologies that may be utilized for medical
11 countermeasures; and”;

12 (iii) in subparagraph (E), by striking
13 clause (ix); and

14 (C) in paragraph (7)(C)(i), by striking “up
15 to 100 highly qualified individuals, or up to 50
16 percent of the total number of employees,
17 whichever is less,” and inserting “75 percent of
18 the total number of employees”;

19 (4) in subsection (e)(1)—

20 (A) by redesignating subparagraphs (B)
21 through (D) as subparagraphs (C) through (E),
22 respectively; and

23 (B) by inserting after subparagraph (A),
24 the following:

1 “(B) TEMPORARY FLEXIBILITY.—During a
2 public health emergency under section 319, the
3 Secretary shall be provided with an additional
4 60 business days to comply with information re-
5 quests for the disclosure of information under
6 section 552 of title 5, United States Code, re-
7 lated to the activities under this section (unless
8 such activities are otherwise exempt under sub-
9 paragraph (A)).”; and
10 (5) in subsection (f)—

11 (A) in paragraph (1), by striking “Not
12 later than 180 days after the date of enactment
13 of this subsection” and inserting “Not later
14 than 180 days after the date of enactment of
15 the Safely Back to School and Back to Work
16 Act”; and

17 (B) in paragraph (2), by striking “Not
18 later than 1 year after the date of enactment of
19 this subsection” and inserting “Not later than
20 1 year after the date of enactment of the Safely
21 Back to School and Back to Work Act”.

22 (b) MEDICAL COUNTERMEASURE INNOVATION PART-
23 NER.—The restrictions under section 202 of division A of
24 the Further Consolidated Appropriations Act, 2020 (Pub-
25 lic Law 116–94), or any other provision of law imposing

1 a restriction on salaries of individuals related to a previous
2 appropriation to the Department of Health and Human
3 Services, shall not apply with respect to salaries paid pur-
4 suant to an agreement under the medical countermeasure
5 innovation partner program under section 319L(c)(4)(E)
6 of the Public Health Service Act (42 U.S.C. 247d-
7 7e(c)(4)(E)).

8 **SEC. 103. IMPROVING AND SUSTAINING STATE MEDICAL**
9 **STOCKPILES.**

10 Section 319F-2 of the Public Health Service Act (42
11 U.S.C. 247d-6b) is amended by adding at the end the fol-
12 lowing:

13 “(i) IMPROVING AND MAINTAINING STATE MEDICAL
14 STOCKPILES.—

15 “(1) IN GENERAL.—The Secretary, acting
16 through the Assistant Secretary for Preparedness
17 and Response, shall award grants, contracts, or co-
18 operative agreements to eligible entities to maintain
19 a stockpile of appropriate drugs, vaccines and other
20 biological products, medical devices, and other med-
21 ical supplies (including personal protective equip-
22 ment, ancillary medical supplies, and other applica-
23 ble supplies required for the administration of drugs,
24 vaccines and other biological products, medical de-
25 vices, and diagnostic tests) to be used during a pub-

1 lic health emergency declared by the Governor of a
2 State or by the Secretary under section 319, or a
3 major disaster or emergency declared by the Presi-
4 dent under section 401 or 501, respectively, of the
5 Robert T. Stafford Disaster Relief and Emergency
6 Assistance Act, in order to support the preparedness
7 goals described in paragraphs (2), (3), and (8) of
8 section 2802(b).

9 “(2) ELIGIBLE ENTITIES.—

10 “(A) IN GENERAL.—To be eligible to re-
11 ceive an award under paragraph (1), an entity
12 shall—

13 “(i) be a State or consortium of
14 States that is a recipient of an award
15 under section 319C–1(b); and

16 “(ii) prepare, in consultation with ap-
17 propriate health care providers and health
18 officials within the State or consortium of
19 States, and submit to the Secretary an ap-
20 plication that contains such information as
21 the Secretary may require, including a
22 plan for the State stockpile and a descrip-
23 tion of the activities such entity will carry
24 out under the agreement, consistent with
25 the requirements of paragraph (3).

1 “(B) LIMITATION.—The Secretary may
2 make an award under this subsection to not
3 more than one eligible entity in each State.

4 “(C) SUPPLEMENT NOT SUPPLANT.—
5 Awards, contracts, or grants awarded under
6 this subsection shall supplement, not supplant,
7 the reserve amounts of medical supplies pro-
8 cured by and for the Strategic National Stock-
9 pile under subsection (a).

10 “(D) ADMINISTRATIVE EXPENSES.—Not
11 more than 5 percent of amounts received by an
12 entity pursuant to an award under this sub-
13 section may be used for administrative ex-
14 penses.

15 “(E) CLARIFICATION.—An eligible entity
16 receiving an award under this subsection may
17 assign a lead entity to manage the State stock-
18 pile, which may be a recipient of an award
19 under section 319C–2(b).

20 “(F) REQUIREMENT OF MATCHING
21 FUNDS.—

22 “(i) IN GENERAL.—Subject to clause
23 (ii), the Secretary may not make an award
24 under this subsection unless the applicant
25 agrees, with respect to the costs to be in-

1 curred by the applicant in carrying out the
2 purpose described in this subsection, to
3 make available non-Federal contributions
4 toward such costs in an amount equal to—

5 “(I) for each of fiscal years 2023
6 and 2024, not less than \$1 for each
7 \$10 of Federal funds provided in the
8 award;

9 “(II) for each of fiscal years
10 2025 and 2026, not less than \$1 for
11 each \$5 of Federal funds provided in
12 the award; and

13 “(III) for fiscal year 2027 and
14 each fiscal year thereafter, not less
15 than \$1 for each \$3 of Federal funds
16 provided in the award.

17 “(ii) WAIVER.—

18 “(I) IN GENERAL.—The Sec-
19 retary may, upon the request of a
20 State, waive the requirement under
21 clause (i) in whole or in part if the
22 Secretary determines that extraor-
23 dinary economic conditions in the
24 State in the fiscal year involved or in

1 the previous fiscal year justify the
2 waiver.

3 “(II) APPLICABILITY OF WAIV-
4 ER.—A waiver provided by the Sec-
5 retary under this subparagraph shall
6 apply only to the fiscal year involved.

7 “(3) STOCKPILING ACTIVITIES AND REQUIRE-
8 MENTS.—A recipient of a grant, contract, or cooper-
9 ative agreement under this subsection shall use such
10 funds to carry out the following:

11 “(A) Maintaining a stockpile of appro-
12 priate drugs, vaccines and other biological prod-
13 ucts, medical devices, and other supplies (in-
14 cluding personal protective equipment, ancillary
15 medical supplies, and other applicable supplies
16 required for the administration of drugs, vac-
17 cines and other biological products, medical de-
18 vices, and diagnostic tests) to be used during a
19 public health emergency in such numbers,
20 types, and amounts as the State determines
21 necessary, consistent with such State’s stockpile
22 plan. Such a recipient may not use funds to
23 support the stockpiling of countermeasures as
24 defined under subsection (c), unless the eligible
25 entity provides justification for maintaining

1 such products and the Secretary determines
2 such appropriate and applicable.

3 “(B) Deploying the stockpile as required
4 by the State to respond to an actual or poten-
5 tial public health emergency.

6 “(C) Replenishing and making necessary
7 additions or modifications to the contents of
8 such stockpile or stockpiles, including to ad-
9 dress potential depletion.

10 “(D) In consultation with Federal, State,
11 and local officials, take into consideration the
12 availability, deployment, dispensing, and admin-
13 istration requirements of medical products with-
14 in the stockpile.

15 “(E) Ensuring that procedures are fol-
16 lowed for inventory management and account-
17 ing, and for the physical security of the stock-
18 pile, as appropriate.

19 “(F) Reviewing and revising, as appro-
20 priate, the contents of the stockpile on a reg-
21 ular basis to ensure that to the extent prac-
22 ticable, advanced technologies and medical
23 products are considered.

24 “(G) Carrying out exercises, drills, and
25 other training for purposes of stockpile deploy-

1 ment, dispensing, and administration of medical
2 products, and for purposes of assessing the ca-
3 pability of such stockpile to address the medical
4 supply needs of public health emergencies of
5 varying types and scales, which may be con-
6 ducted in accordance with requirements related
7 to exercises, drills, and other training for recipi-
8 ents of awards under section 319C–1 or 319C–
9 2, as applicable.

10 “(H) Carrying out other activities as the
11 State determines appropriate, to support State
12 efforts to prepare for, and respond to, public
13 health threats.

14 “(4) STATE PLAN COORDINATION.—The eligible
15 entity under this subsection shall ensure appropriate
16 coordination of the State stockpile plan developed
17 pursuant to paragraph (2)(A)(ii) and the plans re-
18 quired pursuant to section 319C–1.

19 “(5) GUIDANCE FOR STATES.—Not later than
20 180 days after the date of enactment of this sub-
21 section, the Secretary, acting through the Assistant
22 Secretary for Preparedness and Response, shall
23 issue guidance for States related to maintaining and
24 replenishing a stockpile of medical products. The
25 Secretary shall update such guidance as appropriate.

1 “(6) ASSISTANCE TO STATES.—The Secretary
2 shall provide assistance to States, including technical
3 assistance, as appropriate, to maintain and improve
4 State and local public health preparedness capabilities
5 to distribute and dispense medical products
6 from a State stockpile.

7 “(7) COORDINATION WITH THE STRATEGIC NA-
8 TIONAL STOCKPILE.—Each recipient of an award
9 under this subsection shall ensure that the State
10 stockpile plan developed pursuant to paragraph
11 (2)(A)(ii) contains such information as the Secretary
12 may require related to current inventory of supplies
13 maintained pursuant to paragraph (3), and any
14 plans to replenish such supplies, or procure new or
15 alternative supplies. The Secretary shall use infor-
16 mation obtained from State stockpile plans to inform
17 the maintenance and management of the Strategic
18 National Stockpile pursuant to subsection (a).

19 “(8) PERFORMANCE AND ACCOUNTABILITY.—

20 “(A) IN GENERAL.—The Secretary, acting
21 through the Assistant Secretary for Prepared-
22 ness and Response, shall develop and implement
23 a process to review and audit entities in receipt
24 of an award under this subsection, including by
25 establishing metrics to ensure that each entity

1 receiving such an award is carrying out activi-
2 ties in accordance with the applicable State
3 stockpile plan. The Secretary may require enti-
4 ties to—

5 “(i) measure progress toward achiev-
6 ing the outcome goals; and

7 “(ii) at least annually, test, exercise,
8 and rigorously evaluate the stockpile ca-
9 pacity and response capabilities of the enti-
10 ty, and report to the Secretary on the re-
11 sults of such test, exercise, and evaluation,
12 and on progress toward achieving outcome
13 goals, based on criteria established by the
14 Secretary.

15 “(B) NOTIFICATION OF FAILURE.—The
16 Secretary shall develop and implement a proc-
17 ess to notify entities that are determined by the
18 Secretary to have failed to meet the require-
19 ments of the terms of an award under this sub-
20 section. Such process shall provide such entities
21 with the opportunity to correct such noncompli-
22 ance. An entity that fails to correct such non-
23 compliance shall be subject to subparagraph
24 (C).

1 “(C) WITHHOLDING OF CERTAIN AMOUNTS
 2 FROM ENTITIES THAT FAIL TO ACHIEVE
 3 BENCHMARKS OR SUBMIT STATE STOCKPILE
 4 PLAN.—Beginning with fiscal year 2022, and in
 5 each succeeding fiscal year, the Secretary shall
 6 withhold from each entity that has failed sub-
 7 stantially to meet the terms of an award under
 8 this subsection for at least 1 of the 2 imme-
 9 diately preceding fiscal years (beginning with
 10 fiscal year 2022), the amount allowed for ad-
 11 ministrative expenses described in described in
 12 paragraph (2)(D).

13 “(9) AUTHORIZATION OF APPROPRIATIONS.—
 14 For the purpose of carrying out this subsection,
 15 there are authorized to be appropriated
 16 \$1,000,000,000 for each of fiscal years 2021
 17 through 2030, to remain available until expended.”.

18 **SEC. 104. STRENGTHENING THE STRATEGIC NATIONAL**
 19 **STOCKPILE.**

20 Section 319F–2 of the Public Health Service Act (42
 21 U.S.C. 247d–6b) is amended—

22 (1) in subsection (a)—

23 (A) in paragraph (2)(A), by adding “and
 24 the contracts issued under paragraph (5)” after
 25 “paragraph (1)”;

1 (B) in paragraph (3)(F), by striking “Sec-
2 retary of Homeland Security” and inserting
3 “Secretary of Health and Human Services, in
4 coordination with or at the request of, the Sec-
5 retary of Homeland Security,”;

6 (C) by redesignating paragraph (5) as
7 paragraph (6);

8 (D) by inserting after paragraph (4) the
9 following:

10 “(5) SURGE CAPACITY.—The Secretary, in
11 maintaining the stockpile under paragraph (1) and
12 carrying out procedures under paragraph (3), may—

13 “(A) enter into contracts or cooperative
14 agreements with vendors for procurement,
15 maintenance, and storage of reserve amounts of
16 drugs, vaccines and other biological products,
17 medical devices, and other medical supplies (in-
18 cluding personal protective equipment, ancillary
19 medical supplies, and other applicable supplies
20 required for the administration of drugs, vac-
21 cines and other biological products, medical de-
22 vices, and diagnostic tests in the stockpile),
23 under such terms and conditions (including
24 quantity, production schedule, maintenance

1 costs, and price of product) as the Secretary
2 may specify, including for purposes of—

3 “(i) maintenance and storage of re-
4 serve amounts of products intended to be
5 delivered to the ownership of the Federal
6 Government under the contract, which may
7 consider costs of shipping, or otherwise
8 transporting, handling, storage, and re-
9 lated costs for such product or products;
10 and

11 “(ii) maintaining domestic manufac-
12 turing capacity of such products to ensure
13 additional reserved production capacity of
14 such products is available, and that such
15 products are provided in a timely manner,
16 to be delivered to the ownership of the
17 Federal Government under the contract
18 and deployed in the event that the Sec-
19 retary determines that there is a need to
20 quickly purchase additional quantities of
21 such product; and

22 “(B) promulgate such regulations as the
23 Secretary determines necessary to implement
24 this paragraph.”; and

1 (E) in subparagraph (A) of paragraph (6),
2 as so redesignated—

3 (i) in clause (viii), by striking “; and”
4 and inserting a semicolon;

5 (ii) in clause (ix), by striking the pe-
6 riod and inserting “; and”; and

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

9 “(x) an assessment of the contracts or
10 cooperative agreements entered into pursu-
11 ant to paragraph (5).”; and

12 (2) in subsection (c)(2)(C), by striking “on an
13 annual basis” and inserting “not later than March
14 15 of each year”.

15 **SEC. 105. GUIDANCE FOR STATES AND INDIAN TRIBES ON**
16 **ACCESSING THE STRATEGIC NATIONAL**
17 **STOCKPILE.**

18 Not later than 15 days after the date of enactment
19 of this Act, for purposes of the public health emergency
20 declared by the Secretary pursuant to section 319 of the
21 Public Health Service Act on January 31, 2020, with re-
22 spect to COVID–19, the Secretary of Health and Human
23 Services shall issue guidance to clarify the processes by
24 which the Secretary of Health and Human Services pro-
25 vides Federal assistance through the Strategic National

1 Stockpile under section 319F–2 of the Public Health Serv-
2 ice Act (42 U.S.C. 247d–6b) to States, localities, terri-
3 tories, and Indian tribes and tribal organizations (as de-
4 fined under section 4 of the Indian Self-Determination
5 and Education Assistance Act). Such guidance shall in-
6 clude information related to processes by which to request
7 access to medical supplies in the Strategic National Stock-
8 pile and factors considered by the Secretary of Health and
9 Human Services when making distribution decisions.

10 **SEC. 106. MODERNIZING INFECTIOUS DISEASE DATA COL-**
11 **LECTION.**

12 (a) IMPROVING INFECTIOUS DISEASE DATA COLLEC-
13 TION.—Section 319D of the Public Health Service Act (42
14 U.S.C. 247d–4) is amended—

15 (1) in subsection (c)—

16 (A) in paragraph (3)(A)(iv), by inserting
17 “(such as commercial, academic, and other hos-
18 pital laboratories)” after “clinical laboratories”;

19 (B) in paragraph (5)—

20 (i) in subparagraph (A)—

21 (I) in the matter preceding clause
22 (i), by striking “and operating” and
23 inserting “, operating, and updating”;

24 (II) in clause (iv), by striking
25 “and” at the end;

1 (III) in clause (v), by striking the
2 period and inserting “; and”; and

3 (IV) by adding at the end the fol-
4 lowing:

5 “(vi) integrate and update applicable
6 existing Centers for Disease Control and
7 Prevention data systems and networks in
8 collaboration with State, local, tribal, and
9 territorial public health officials, including
10 public health surveillance and disease de-
11 tection systems.”; and

12 (ii) in subparagraph (B)—

13 (I) in clause (i), by inserting
14 “and 60 days after the date of enact-
15 ment of the Safely Back to School
16 and Back to Work Act” after “Inno-
17 vation Act of 2018”;

18 (II) in clause (ii), by inserting
19 “epidemiologists, clinical microbiolo-
20 gists, pathologists and laboratory ex-
21 perts, experts in health information
22 technology, privacy, and data secu-
23 rity” after “forecasting);”; and

24 (III) in clause (iii)—

1 (aa) in subclause (V), by
2 striking “and” at the end;

3 (bb) in subclause (VI), by
4 striking the period; and

5 (cc) by adding at the end
6 the following:

7 “(VII) strategies to integrate lab-
8 oratory and epidemiology systems and
9 capabilities to conduct rapid and accu-
10 rate laboratory tests;

11 “(VIII) strategies to improve the
12 collection and reporting of appro-
13 priate, aggregated, deidentified demo-
14 graphic data to inform responses to
15 public health emergencies, including
16 identification of at-risk populations
17 and to address health disparities; and

18 “(IX) strategies to improve the
19 electronic exchange of health informa-
20 tion between State and local health
21 departments and health care providers
22 and facilities to improve public health
23 surveillance.”; and

24 (C) in paragraph (6)—

25 (i) in subparagraph (A)—

1 (I) in clause (iii)—

2 (aa) in subclause (III), by
3 striking “and” at the end;

4 (bb) in subclause (IV), by
5 inserting “, including the ability
6 to conduct and report on rapid
7 and accurate laboratory testing
8 during a public health emer-
9 gency” before the semicolon; and

10 (cc) by adding at the end
11 the following:

12 “(V) improve coordination and
13 collaboration, as appropriate, with
14 other Federal departments; and

15 “(VI) implement applicable les-
16 sons learned from recent public health
17 emergencies to address gaps in situa-
18 tional awareness and biosurveillance
19 capabilities, including an evaluation of
20 ways to improve the collection and re-
21 porting of aggregated, deidentified de-
22 mographic data to inform public
23 health preparedness and response”;

24 (II) in clause (iv), by striking
25 “and” at the end;

1 (III) in clause (v), by striking the
2 period and inserting “including a de-
3 scription of how such steps will fur-
4 ther the goal of improving awareness
5 of and timely responses to emerging
6 infectious disease threats; and”;

7 (IV) by adding at the end the fol-
8 lowing:

9 “(vi) identifies and demonstrates
10 measurable steps the Secretary will take to
11 further develop and integrate infectious
12 disease detection, including expanding ca-
13 pabilities to conduct rapid and accurate di-
14 agnostic laboratory testing during a public
15 health emergency, and improve coordina-
16 tion and collaboration with State, local,
17 Tribal, and territorial public health offi-
18 cials, clinical laboratories (including com-
19 mercial, hospital and academic labora-
20 tories), and other entities with expertise in
21 public health surveillance.”; and

22 (ii) by redesignating subparagraph
23 (B) as subparagraph (C); and

24 (iii) by inserting after subparagraph
25 (A), the following:

1 “(B) REPORTS.—

2 “(i) IN GENERAL.—Not later than 1
3 month after date of enactment of the Safe-
4 ly Back to School and Back to Work Act,
5 and as provided for in clause (ii), the Sec-
6 retary shall submit to the Committee on
7 Health, Education, Labor, and Pensions of
8 the Senate and the Committee on Energy
9 and Commerce of the House of Represent-
10 atives, a report on the status of the De-
11 partment of Health and Human Services’
12 biosurveillance modernization and assess-
13 ment progress with respect to emerging in-
14 fectious disease threats.

15 “(ii) ADDITIONAL REPORTS.—During
16 the 2-year period beginning on the date of
17 enactment of the Safely Back to School
18 and Back to Work Act, the Secretary shall
19 provide additional reports under clause (i)
20 every 90 days after the submission of the
21 initial report under such clause. The Sec-
22 retary shall provide such reports annually
23 thereafter. The Secretary may provide such
24 additional reports less frequently, but not
25 less frequently than every 180 days, during

1 an ongoing public health emergency or an-
2 other significant infectious disease out-
3 break.”;

4 (2) in subsection (d)—

5 (A) in paragraph (2)(C), by inserting “, in-
6 cluding any public-private partnerships entered
7 into to improve such capacity” before the semi-
8 colon; and

9 (B) in paragraph (3)—

10 (i) in subparagraph (B), by striking
11 “and” at the end;

12 (ii) in subparagraph (C), by striking
13 the period and inserting “; and”; and

14 (iii) by adding at the end the fol-
15 lowing:

16 “(D) may establish, enhance, or maintain
17 a system or network for the collection of data
18 to provide for early detection of infectious dis-
19 ease outbreaks, near real-time access to rel-
20 evant electronic data and integration of elec-
21 tronic data and information from public health
22 and other appropriate sources, such as labora-
23 tories, hospitals, and epidemiology systems, to
24 enhance the capability to conduct rapid and ac-

1 curate diagnostic laboratory tests to provide for
2 disease detection.”;

3 (3) in subsection (f)(1)(A), by inserting “pa-
4 thologists, clinical microbiologists, laboratory profes-
5 sionals, epidemiologists,” after “forecasting,”; and

6 (4) in subsection (h), by adding at the end the
7 following: “Such evaluation shall include identifica-
8 tion of any gaps in biosurveillance and situational
9 awareness capabilities identified related to recent
10 public health emergencies, any immediate steps
11 taken to address such gaps, and any long-term plans
12 to address such gaps, including steps related to ac-
13 tivities authorized under this section.”.

14 (b) NATIONAL HEALTH SECURITY STRATEGY.—Sec-
15 tion 2802(b)(2) of the Public Health Service Act (42
16 U.S.C. 300hh–1(b)(2)) is amended—

17 (1) in subparagraph (A), by inserting “such as
18 by integrating laboratory and epidemiology systems
19 and capability to conduct rapid and accurate labora-
20 tory tests,” after “detection, identification,”; and

21 (2) in subparagraph (B), by inserting “labora-
22 tory testing,” after “services and supplies,”.

23 (c) EPIDEMIOLOGY-LABORATORY CAPACITY
24 GRANTS.—Section 2821(a) of the Public Health Service
25 Act (42 U.S.C. 300hh–31(a)) is amended—

- 1 (1) in paragraph (3), by striking “and”;
- 2 (2) in paragraph (4), by striking the period and
3 inserting “; and”; and
- 4 (3) by adding at the end the following:
- 5 “(5) supporting activities of State and local
6 public health departments related to biosurveillance
7 and disease detection, which may include activities
8 related to section 319D, as appropriate.”.

9 **SEC. 107. CENTERS FOR PUBLIC HEALTH PREPAREDNESS.**

10 (a) IN GENERAL.—Subpart B of title III of the Pub-
11 lic Health Service Act (42 U.S.C. 243 et seq.) is amended
12 by inserting after section 319F–4 the following:

13 **“SEC. 319F–5. CENTERS FOR PUBLIC HEALTH PREPARED-**
14 **NESS.**

15 “(a) IN GENERAL.—The Secretary may award
16 grants, contracts, or cooperative agreements to institu-
17 tions of higher education or other nonprofit private enti-
18 ties for the establishment or support of a network of re-
19 gional centers for public health preparedness (referred to
20 in this section as ‘Centers’).

21 “(b) USE OF FUNDS.—Centers established or sup-
22 ported under this section shall—

23 “(1) advance the awareness of public health of-
24 ficials, health care professionals, and the public, with
25 respect to information and research related to public

1 health preparedness and response, including for
2 chemical, biological, radiological, and nuclear
3 threats, including emerging infectious diseases, and
4 epidemiology of emerging infectious diseases;

5 “(2) identify and translate promising research
6 findings or practices into evidence-based practices to
7 inform preparedness for, and responses to, a chem-
8 ical, biological, radiological, or nuclear agent, includ-
9 ing naturally occurring infectious diseases;

10 “(3) expand activities, including through public-
11 private partnerships, as appropriate, related to pub-
12 lic health preparedness and response, including par-
13 ticipation in drills and exercises and training public
14 health experts, as appropriate; and

15 “(4) provide technical assistance and expertise,
16 as applicable, during public health emergencies, in-
17 cluding for emerging infectious disease threats,
18 which may include identifying and communicating
19 evidence on the impacts of such threats on at-risk
20 populations.

21 “(c) REQUIREMENTS.—To be eligible for an award
22 under this section, an entity shall submit to the Secretary
23 an application containing such information as the Sec-
24 retary may require, including a description of how the en-
25 tity will—

1 “(1) coordinate activities with State, local, and
2 tribal health departments, hospitals, and health care
3 coalitions, including recipients of awards under sec-
4 tion 319C–1, 319C–2, or 319C–3, in order to im-
5 prove preparedness, integrate capabilities and func-
6 tions, and reduce duplication; and

7 “(2) prioritize efforts to implement evidence-
8 based practices to improve public health prepared-
9 ness and reduce the spread of emerging infectious
10 disease threats.

11 “(d) DISTRIBUTION OF AWARDS.—In awarding
12 grants, contracts, or cooperative agreements under this
13 section, the Secretary shall support not fewer than 10 re-
14 gional centers for public health preparedness, subject to
15 the availability of appropriations.

16 “(e) AUTHORIZATION.—For purposes of carrying out
17 this section, there are authorized to be appropriated such
18 sums as may be necessary for each of fiscal years 2021
19 through 2025.”.

20 (b) CONFORMING CHANGES.—Section 319F of the
21 Public Health Service Act (42 U.S.C. 247d–6) is amend-
22 ed—

23 (1) by striking subsection (d); and

24 (2) by redesignating subsections (e) and (f) as
25 subsections (d) and (e), respectively.

1 **SEC. 108. TELEHEALTH PLANS.**

2 (a) PHSA.—Title XXVII of the Public Health Serv-
3 ice Act (42 U.S.C. 300gg et seq.) is amended—

4 (1) in section 2722(c) (42 U.S.C. 300gg–21(c)),
5 by adding at the end the following:

6 “(4) TELEHEALTH BENEFITS.—

7 “(A) IN GENERAL.—The requirements of
8 subparts I and II (except section 2704 (relating
9 to the prohibition of preexisting condition exclu-
10 sions or other discrimination based on health
11 status), section 2705 (relating to prohibition of
12 discrimination against individual participants
13 and beneficiaries based on health status), sec-
14 tion 2712 (relating to prohibition of rescis-
15 sions); and section 2726 (relating to parity in
16 mental health or substance use disorder bene-
17 fits) and as provided by the Secretary in guid-
18 ance) shall not apply to any group health plan
19 (or group health insurance coverage) offered by
20 a large employer in relation to its provision of
21 excepted benefits described in section
22 2791(c)(5) if the benefits—

23 “(i) are provided in accordance with
24 guidance issued by the Secretary; and

25 “(ii) are made available only to em-
26 ployees (and dependents of such employ-

1 ees) who are not eligible for another group
 2 health plan or group health insurance cov-
 3 erage offered by the employer offering such
 4 benefits described in section 2791(c)(5).

5 “(B) SUNSET.—This paragraph shall have
 6 no force or effect with respect to plan years be-
 7 ginning on or after the later of—

8 “(i) January 1, 2022; or

9 “(ii) the date on which the public
 10 health emergency declared by the Secretary
 11 under section 319, on January 31, 2020,
 12 with respect to COVID–19 ends.”; and

13 (2) in section 2791(c) (42 U.S.C. 300gg–91(c)),
 14 by adding at the end the following:

15 “(5) BENEFITS FOR TELEHEALTH SERVICES
 16 ONLY.—

17 “(A) IN GENERAL.—Benefits for telehealth
 18 services and other remote care services only, as
 19 specified in the guidance entitled, ‘FAQs about
 20 Families First Coronavirus Response Act and
 21 Coronavirus Aid, Relief, and Economic Security
 22 Act Implementation Part 43’, issued by the
 23 Secretary, the Secretary of Labor, and the Sec-
 24 retary of the Treasury on June 23, 2020 (or
 25 any successor guidance).

1 “(B) SUNSET.—This paragraph shall have
2 no force or effect with respect to plan years be-
3 ginning on or after the later of—

4 “(i) January 1, 2022; or

5 “(ii) the date on which the public
6 health emergency declared by the Secretary
7 under section 319, on January 31, 2020,
8 with respect to COVID–19 ends.”.

9 (b) APPLICATION UNDER ERISA AND THE IRC.—
10 Section 2722(c)(4) of the Public Health Service Act (as
11 amended by subsection (a)) shall apply to group health
12 plans and health insurance issuers providing health insur-
13 ance coverage in connection with group health plans pur-
14 suant to part 7 of subtitle B of title I of the Employee
15 Retirement Income Security Act of 1974 (29 U.S.C. 1181
16 et seq.), and pursuant to chapter 100 of subtitle K of the
17 Internal Revenue Code of 1986, as though such section
18 2722(c)(4) were included in such part and such chapter,
19 respectively.

20 (c) IMPLEMENTATION.—The Secretary of Health and
21 Human Services, the Secretary of Labor, and the Sec-
22 retary of the Treasury may implement the provisions of
23 this section, including the amendments made by this sec-
24 tion, through sub-regulatory guidance, program instruc-
25 tion, or otherwise.

1 **SEC. 109. PROTECTION OF HUMAN GENETIC INFORMATION.**

2 (a) IN GENERAL.—Notwithstanding any other provi-
3 sion of law, the Secretary of Health and Human Services
4 shall ensure that no person may collect, store, analyze, dis-
5 seminate, or otherwise make use of, or benefit from, any
6 human genetic information collected as a result of diag-
7 nostic and serologic testing for COVID–19, for any inci-
8 dental use, or any reason other than such diagnostic or
9 serologic testing, except with the express, written, in-
10 formed consent of the individual being tested.

11 (b) ENFORCEMENT.—Any person who violates sub-
12 section (a) shall be subject to a civil monetary penalty of
13 not more than \$100 for each such violation.

14 (c) DEFINITIONS.—In this section—

15 (1) the term “genetic information” has the
16 meaning given such term in section 160.103 of title
17 45, Code of Federal Regulations (or any successor
18 regulations); and

19 (2) the term “incidental” means any action
20 taken by any person, directly or indirectly, to obtain
21 genetic information from an individual, for any pur-
22 pose, other than the purpose specifically authorized
23 by the living individual from whom the specimen has
24 its biological origin or another designated individual
25 if the individual is a minor or is incapacitated, or if

1 the individual is deceased, the individual's next of
2 kin.

3 **SEC. 110. REAGAN-UDALL FOUNDATION AND FOUNDATION**
4 **FOR THE NATIONAL INSTITUTES OF HEALTH.**

5 (a) REAGAN-UDALL FOUNDATION FOR THE FOOD
6 AND DRUG ADMINISTRATION.—Section 770(n) of the
7 Federal Food, Drug, and Cosmetic Act (21 U.S.C.
8 379dd(n)) is amended by striking “\$500,000 and not
9 more than \$1,250,000” and inserting “\$1,250,000 and
10 not more than \$5,000,000”.

11 (b) FOUNDATION FOR THE NATIONAL INSTITUTES
12 OF HEALTH.—Section 499(l) of the Public Health Service
13 Act (42 U.S.C. 290b(l)) is amended by striking “\$500,000
14 and not more than \$1,250,000” and inserting
15 “\$1,250,000 and not more than \$5,000,000”.

16 **TITLE II—EDUCATION**
17 **PROVISIONS**

18 **SEC. 201. SIMPLIFYING STUDENT LOAN REPAYMENT.**

19 (a) IN GENERAL.—Section 455 of the Higher Edu-
20 cation Act of 1965 (20 U.S.C. 1087e) is amended—

21 (1) in subsection (d)(1)—

22 (A) in subparagraph (D), by striking
23 “and” after the semicolon;

24 (B) in subparagraph (E), by striking the
25 period at the end and inserting “; and”; and

1 (C) by adding at the end the following:

2 “(F) notwithstanding any other provision
3 of law, in the case of a loan described in sub-
4 section (a) that enters repayment on or after
5 October 1, 2020, or for which a borrower seeks
6 to change to a different repayment plan on or
7 after October 1, 2020, only a repayment plan
8 described in subsection (r).”; and

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

10 “(r) REPAYMENT.—

11 “(1) IN GENERAL.—For loans described under
12 subsection (a) that enter repayment on or after Oc-
13 tober 1, 2020, or for which the borrower seeks to
14 change to a different repayment plan on or after Oc-
15 tober 1, 2020, only the following repayment options
16 shall be made available:

17 “(A) A standard repayment plan, with a
18 fixed annual repayment amount paid over a
19 fixed period of time, not to exceed 10 years.

20 “(B) An income determined repayment
21 plan, with an annual repayment amount in the
22 amount determined in accordance with para-
23 graph (2).

24 “(2) INCOME DETERMINED REPAYMENT
25 PLANS.—

1 “(A) IN GENERAL.—An income determined
2 repayment plan under paragraph (1)(B) shall
3 require a borrower to pay an amount equal to
4 10 percent of the result obtained by calculating,
5 on at least an annual basis, the amount by
6 which—

7 “(i) the borrower’s, and the bor-
8 rower’s spouse’s (if applicable), adjusted
9 gross income; exceeds

10 “(ii) 150 percent of the poverty line
11 applicable to the borrower’s family size as
12 determined under section 673(2) of the
13 Community Services Block Grant Act (42
14 U.S.C. 9902(2)).

15 “(B) EXCEPTIONS.—

16 “(i) REDUCTION FOR CERTAIN BOR-
17 ROWERS.—For a borrower, and the bor-
18 rower’s spouse (if applicable), whose ad-
19 justed gross income exceeds 800 percent of
20 the poverty line applicable to the bor-
21 rower’s family size as determined under
22 section 673(2) of the Community Services
23 Block Grant Act (42 U.S.C. 9902(2)), the
24 percentage amount calculated under sub-
25 paragraph (A)(ii) shall decrease by 5 per-

1 cent for each percentage point that the
2 borrower's adjusted gross income exceeds
3 800 percent until the percentage amount
4 calculated under subparagraph (A)(ii) is
5 zero.

6 “(ii) UNAVAILABILITY TO CERTAIN
7 BORROWERS.—The plan described in para-
8 graph (1)(B) shall not be available to the
9 borrower of a Federal Direct PLUS Loan
10 made on behalf of a dependent student or
11 a Federal Direct Consolidation Loan, if
12 proceeds of such loan were used to dis-
13 charge the liability on such Federal Direct
14 PLUS Loan or a Federal PLUS Loan
15 made under part B on behalf of a depend-
16 ent student.

17 “(C) REPAYMENT PERIOD.—The amount
18 of time a borrower is permitted to repay such
19 loans under paragraph (1)(B) may exceed 10
20 years.

21 “(D) LOAN FORGIVENESS.—

22 “(i) IN GENERAL.—The Secretary
23 shall repay or cancel any outstanding bal-
24 ance of principal and interest due on any

1 loan repaid under the repayment plan de-
2 scribed under paragraph (1)(B)—

3 “(I) for any undergraduate bor-
4 rower who has made payments under
5 such plan for 20 years; or

6 “(II) for any graduate borrower
7 who has made payments under such
8 plan for 25 years.

9 “(ii) LIMITATION.—Any period of
10 time in which a borrower is in delinquency
11 or default shall not count toward the re-
12 payment or cancellation described in clause
13 (i).

14 “(3) MONTHLY PAYMENTS.—The Secretary
15 shall determine the borrower’s monthly payment ob-
16 ligation to satisfy the payment amount determined
17 in accordance with subparagraphs (A) or (B) of
18 paragraph (1).

19 “(4) BORROWER CHOICE.—A borrower who is
20 repaying a loan under paragraph (1)(B) may elect,
21 at any time, to terminate repayment pursuant to the
22 income determined repayment plan and repay such
23 loan under the standard repayment plan under para-
24 graph (1)(A).”.

1 (b) PUBLIC SERVICE LOAN FORGIVENESS RULES
2 FOR INCOME-DETERMINED REPAYMENT PLANS.—Section
3 455(m) of the Higher Education Act of 1965 (20 U.S.C.
4 1087e(m)) is amended—

5 (1) in paragraph (1)(A)—

6 (A) in clause (iii), by striking “or” after
7 the semicolon;

8 (B) in clause (iv), by striking “; and” and
9 inserting “; or”; and

10 (C) by adding at the end the following:

11 “(v) payments under an income deter-
12 mined repayment plan or a standard re-
13 payment plan under subsection (r), except
14 as provided in paragraph (3); and”;

15 (2) by redesignating paragraphs (3) and (4) as
16 paragraphs (4) and (5), respectively; and

17 (3) by inserting after paragraph (2) the fol-
18 lowing:

19 “(3) EXCEPTION.—

20 “(A) IN GENERAL.—To be eligible for loan
21 cancellation under this subsection, a borrower
22 who elects an income determined repayment
23 plan under subsection (r) shall remain in such
24 plan for the duration of repayment until such
25 loan is cancelled.

1 “(B) REQUIRED NOTIFICATION AND AC-
2 KNOWLEDGMENT.—

3 “(i) NOTIFICATION.—If a borrower
4 who has elected an income determined re-
5 payment plan under subsection (r) subse-
6 quently indicates that the borrower wishes
7 to change repayment plans, the Secretary
8 shall notify the borrower that changing re-
9 payment plans will cause any monthly pay-
10 ments made prior to such change to not
11 qualify toward the 120 monthly payments
12 required for loan cancellation under this
13 subsection.

14 “(ii) ACKNOWLEDGMENT.—The Sec-
15 retary shall require acknowledgment of re-
16 ceipt of the notification under clause (i)
17 from any borrower who has elected an in-
18 come determined repayment plan under
19 subsection (r) and subsequently indicates
20 that the borrower wishes to change repay-
21 ment plans.”.

22 (c) CERTIFICATION.—

23 (1) IN GENERAL.—Notwithstanding any other
24 provision of law, a borrower of a loan made, insured,
25 or guaranteed under part B or D of title IV of the

1 Higher Education Act of 1965 (20 U.S.C. 1071 et
2 seq.; 1087a et seq.) wishing to enter into an income
3 determined repayment plan, as defined in section
4 455(r) of the Higher Education Act of 1965 (20
5 U.S.C. 1087e(r)) may self-certify that the borrower
6 is unemployed for the purposes of determining a
7 zero payment.

8 (2) TERMINATION.—This subsection shall have
9 no effect after December 31, 2020.

10 (3) AUDIT.—

11 (A) IN GENERAL.—Not later than Decem-
12 ber 31, 2021, the Secretary of Education shall
13 select a portion of borrowers who self certify
14 under paragraph (1) in order to determine the
15 validity of those self-certifications.

16 (B) NOTICE.—The Secretary of Education
17 shall inform each borrower who selects to self
18 certify under paragraph (1) that the Secretary
19 may audit the borrower’s self-certification.

20 (4) EXEMPTION.—Notwithstanding any other
21 provisions of law, the provisions of this section shall
22 not be subject to negotiated rulemaking as defined
23 in section 492 of the Higher Education Act of 1965
24 (20 U.S.C. 1098a).

1 **SEC. 202. EMERGENCY EDUCATION FREEDOM GRANTS.**

2 (a) DEFINITIONS.—In this section:

3 (1) ELIGIBLE SCHOLARSHIP-GRANTING ORGANI-
4 ZATION.—The term “eligible scholarship-granting
5 organization” means—

6 (A) an organization that—

7 (i) is described in section 501(c)(3) of
8 the Internal Revenue Code of 1986 and ex-
9 empt from taxation under section 501(a)
10 of such Code;

11 (ii) provides qualifying scholarships to
12 individual elementary and secondary stu-
13 dents who—

14 (I) reside in the State in which
15 the eligible scholarship-granting orga-
16 nization is recognized; or

17 (II) in the case of funds provided
18 to the Secretary of the Interior, at-
19 tending elementary schools or sec-
20 ondary schools operated or funded by
21 the Bureau of Indian Education;

22 (iii) allocates at least 90 percent of
23 qualified contributions to qualifying schol-
24 arships on an annual basis; and

25 (iv) provides qualifying scholarships
26 to—

1 (I) more than 1 eligible student;

2 (II) more than 1 eligible family;

3 and

4 (III) different eligible students

5 attending more than 1 education pro-

6 vider; or

7 (B) an organization that—

8 (i) is described in section 501(c)(3) of
9 the Internal Revenue Code of 1986 and ex-
10 empt from taxation under section 501(a)
11 of such Code; and

12 (ii) pursuant to State law, was able,
13 as of January 1, 2021, to receive contribu-
14 tions that are eligible for a State tax credit
15 if such contributions are used by the orga-
16 nization to provide scholarships to indi-
17 vidual elementary and secondary students,
18 including scholarships for attending private
19 schools.

20 (2) EMERGENCY EDUCATION FREEDOM GRANT
21 FUNDS.—The term “emergency education freedom
22 grant funds” means the amount of funds available
23 under subsection (b)(1) for this section that are not
24 reserved under subsection (c)(1).

1 (3) QUALIFIED CONTRIBUTION.—The term
2 “qualified contribution” means a contribution of
3 cash to any eligible scholarship-granting organiza-
4 tion.

5 (4) QUALIFIED EXPENSE.—The term “qualified
6 expense” means any educational expense that is—

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

10 (B) for the secondary education component
11 of an individual elementary or secondary stu-
12 dent’s career and technical education, as de-
13 fined by section 3(5) of the Carl D. Perkins Ca-
14 reer and Technical Education Act of 2006 (20
15 U.S.C. 2302(5)).

16 (5) QUALIFYING SCHOLARSHIP.—The term
17 “qualifying scholarship” means a scholarship grant-
18 ed by an eligible scholarship-granting organization to
19 an individual elementary or secondary student for a
20 qualified expense.

21 (6) SECRETARY.—The term “Secretary” means
22 the Secretary of Education.

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

1 (b) GRANTS.—

2 (1) PROGRAM AUTHORIZED.—From the funds
3 appropriated to carry out this section, the Secretary
4 shall carry out subsection (c) and award emergency
5 education freedom grants to States with approved
6 applications, in order to enable the States to award
7 subgrants to eligible scholarship-granting organiza-
8 tions under subsection (d).

9 (2) TIMING.—The Secretary shall make the al-
10 lotments required under this subsection by not later
11 than 30 days after the date of enactment of this
12 Act.

13 (c) RESERVATION AND ALLOTMENTS.—

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

17 (A) reserve—

18 (i) one-half of 1 percent for allotments
19 for the United States Virgin Islands,
20 Guam, American Samoa, and the Com-
21 monwealth of the Northern Mariana Is-
22 lands, to be distributed among those out-
23 lying areas on the basis of their relative
24 need, as determined by the Secretary, in

1 accordance with the purpose of this sec-
2 tion; and

3 (ii) one-half of 1 percent of such
4 amounts for the Secretary of the Interior,
5 acting through the Bureau of Indian Edu-
6 cation, to be used to provide subgrants de-
7 scribed in subsection (d) to eligible scholar-
8 ship-granting organizations that serve stu-
9 dents attending elementary schools or sec-
10 ondary schools operated or funded by the
11 Bureau of Indian Education; and

12 (B) subject to paragraph (2), allot each
13 State that submits an approved application
14 under this section the sum of—

15 (i) the amount that bears the same
16 relation to 20 percent of the emergency
17 education freedom grant funds as the num-
18 ber of individuals aged 5 through 17 in the
19 State, as determined by the Secretary on
20 the basis of the most recent satisfactory
21 data, bears to the number of those individ-
22 uals, as so determined, in all such States
23 that submitted approved applications; and

24 (ii) an amount that bears the same re-
25 lationship to 80 percent of the emergency

1 education freedom grant funds as the num-
2 ber of individuals aged 5 through 17 from
3 families with incomes below the poverty
4 line in the State, as determined by the Sec-
5 retary on the basis of the most recent sat-
6 isfactory data, bears to the number of
7 those individuals, as so determined, in all
8 such States that submitted approved appli-
9 cations.

10 (2) MINIMUM ALLOTMENT.—No State shall re-
11 ceive an allotment under this subsection for a fiscal
12 year that is less than one-half of 1 percent of the
13 amount of emergency education freedom grant funds
14 available for such fiscal year.

15 (d) SUBGRANTS TO ELIGIBLE SCHOLARSHIP-GRANT-
16 ING ORGANIZATIONS.—

17 (1) IN GENERAL.—A State that receives an al-
18 lotment under this section shall use the allotment to
19 award subgrants, on a basis determined appropriate
20 by the State, to eligible scholarship-granting organi-
21 zations in the State.

22 (2) INITIAL TIMING.—

23 (A) STATES WITH EXISTING TAX CREDIT
24 SCHOLARSHIP PROGRAM.—By not later than 30
25 days after receiving an allotment under sub-

1 section (c)(1)(B), a State with an existing, as
2 of the date of application for an allotment
3 under this section, tax credit scholarship pro-
4 gram shall use not less than 50 percent of the
5 allotment to award subgrants to eligible schol-
6 arship-granting organizations under subsection
7 (a)(1)(B) in the State in proportion to the con-
8 tributions received in calendar year 2019 that
9 were eligible for a State tax credit if such con-
10 tributions are used by the organization to pro-
11 vide scholarships to individual elementary and
12 secondary students, including scholarships for
13 attending private schools.

14 (B) STATES WITHOUT TAX CREDIT SCHOL-
15 ARSHIP PROGRAMS.—By not later than 60 days
16 after receiving an allotment under subsection
17 (c)(1)(B), a State without a tax credit scholar-
18 ship program shall use not less than 50 percent
19 of the allotment to award subgrants to eligible
20 scholarship-granting organizations in the State.

21 (3) USES OF FUNDS.— An eligible scholarship-
22 granting organization that receives a subgrant under
23 this subsection—

24 (A) may reserve not more than 5 percent
25 of the subgrant funds for public outreach, stu-

1 dent and family support activities, and adminis-
2 trative expenses related to the subgrant; and

3 (B) shall use not less than 95 percent of
4 the subgrant funds to provide qualifying schol-
5 arships for qualified expenses only to individual
6 elementary school and secondary school stu-
7 dents who reside in the State in which the eligi-
8 ble scholarship-granting organization is recog-
9 nized.

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

16 (f) RULES OF CONSTRUCTION.—

17 (1) IN GENERAL.—A qualifying scholarship
18 awarded to a student from funds provided under this
19 section shall not be considered assistance to the
20 school or other educational provider that enrolls, or
21 provides educational services to, the student or the
22 student's parents.

23 (2) EXCLUSION FROM INCOME.—

24 (A) INCOME TAXES.—For purposes of the
25 Internal Revenue Code of 1986, gross income

1 shall not include any amount received by an in-
2 dividual as a qualifying scholarship.

3 (B) FEDERALLY FUNDED PROGRAMS.—

4 Any amount received by an individual as a
5 qualifying scholarship shall not be taken into
6 account as income or resources for purposes of
7 determining the eligibility of such individual or
8 any other individual for benefits or assistance,
9 or the amount or extent of such benefits or as-
10 sistance, under any Federal program or under
11 any State or local program financed in whole or
12 in part with Federal funds.

13 (3) PROHIBITION OF CONTROL OVER NON-
14 PUBLIC EDUCATION PROVIDERS.—

15 (A)(i) Nothing in this section shall be con-
16 strued to permit, allow, encourage, or authorize
17 any Federal control over any aspect of any pri-
18 vate, religious, or home education provider,
19 whether or not a home education provider is
20 treated as a private school or home school
21 under State law.

22 (ii) This section shall not be construed to
23 exclude private, religious, or home education
24 providers from participation in programs or
25 services under this section.

1 (B) Nothing in this section shall be con-
2 strued to permit, allow, encourage, or authorize
3 a State to mandate, direct, or control any as-
4 pect of a private or home education provider,
5 regardless of whether or not a home education
6 provider is treated as a private school under
7 State law.

8 (C) No participating State shall exclude,
9 discriminate against, or otherwise disadvantage
10 any education provider with respect to pro-
11 grams or services under this section based in
12 whole or in part on the provider's religious
13 character or affiliation, including religiously
14 based or mission-based policies or practices.

15 (4) PARENTAL RIGHTS TO USE SCHOLAR-
16 SHIPS.—No participating State shall disfavor or dis-
17 courage the use of qualifying scholarships for the
18 purchase of elementary and secondary education
19 services, including those services provided by private
20 or nonprofit entities, such as faith-based providers.

21 (5) STATE AND LOCAL AUTHORITY.—Nothing
22 in this section shall be construed to modify a State
23 or local government's authority and responsibility to
24 fund education.

1 (g) AUTHORIZATION OF APPROPRIATIONS.—There
2 are authorized to be appropriated to carry out this section
3 such sums as may be necessary.

4 **SEC. 203. BACK TO WORK CHILD CARE GRANTS.**

5 (a) PURPOSE.—The purpose of this section is to sup-
6 port the recovery of the United States economy by pro-
7 viding assistance to aid in reopening child care programs,
8 and maintaining the availability of child care in the United
9 States, so that parents can access safe care and return
10 to work.

11 (b) DEFINITIONS.—In this section:

12 (1) COVID–19 PUBLIC HEALTH EMERGENCY.—

13 The term “COVID–19 public health emergency”
14 means the public health emergency declared by the
15 Secretary of Health and Human Services under sec-
16 tion 319 of the Public Health Service Act (42
17 U.S.C. 247d) on January 31, 2020, with respect to
18 COVID–19, including any renewal of such declara-
19 tion.

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

22 (A) an eligible child care provider as de-
23 fined in section 658P(6)(A) of the Child Care
24 and Development Block Grant Act of 1990 (42
25 U.S.C. 9858n(6)(A)); and

1 (B) a child care provider that—

2 (i) is license-exempt and operating le-
3 gally in the State;

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

6 (iii) satisfies State and local require-
7 ments, including those referenced in sec-
8 tion 658E(c)(2)(I) of the Child Care and
9 Development Block Grant Act of 1990
10 ((42 U.S.C. 9858c)(c)(2)(I)).

11 (3) INDIAN TRIBE; TRIBAL ORGANIZATION.—

12 The terms “Indian tribe” and “tribal organization”
13 have the meanings given the terms in section 658P
14 of the Child Care and Development Block Grant Act
15 of 1990 (42 U.S.C. 9858n).

16 (4) LEAD AGENCY.—The term “lead agency”
17 has the meaning given the term in section 658P of
18 the Child Care and Development Block Grant Act of
19 1990 (42 U.S.C. 9858n).

20 (5) QUALIFIED CHILD CARE PROVIDER.—The
21 term “qualified child care provider” means an eligi-
22 ble child care provider with an application approved
23 under subsection (g) for the program involved.

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

1 (7) STATE.—The term “State” has the mean-
2 ing given the term in section 658P of the Child Care
3 and Development Block Grant Act of 1990 (42
4 U.S.C. 9858n).

5 (c) GRANTS FOR CHILD CARE PROGRAMS.—From
6 the funds appropriated to carry out this section, the Sec-
7 retary shall make Back to Work Child Care grants to
8 States, Indian tribes, and tribal organizations, that submit
9 notices of intent to provide assurances under subsection
10 (d)(2). The grants shall provide for subgrants to qualified
11 child care providers, for a transition period of not more
12 than 9 months to assist in paying for fixed costs and in-
13 creased operating expenses due to COVID–19, and to re-
14 enroll children in an environment that supports the health
15 and safety of children and staff.

16 (d) PROCESS FOR ALLOCATION OF FUNDS.—

17 (1) ALLOCATION.—Any funds that are appro-
18 priated to carry out this section shall be distributed
19 by the Secretary to the Administration for Children
20 and Families for distribution under the Child Care
21 and Development Block Grant Act of 1990 (42
22 U.S.C. 9857 et seq.) in accordance with subsection
23 (e)(2) of this section.

24 (2) NOTICE.—Not later than 7 days after funds
25 are appropriated to carry out this section, the Sec-

1 retary shall provide to States, Indian tribes, and
2 tribal organizations a notice of funding availability,
3 for Back to Work Child Care grants under sub-
4 section (c) from allotments and payments under sub-
5 section (e)(2). The Secretary shall issue a notice of
6 the funding allocations for each State, Indian tribe,
7 and tribal organization not later than 14 days after
8 funds are appropriated to carry out this section.

9 (3) NOTICE OF INTENT.—Not later than 14
10 days after issuance of a notice of funding allocations
11 under paragraph (1), a State, Indian tribe, or tribal
12 organization that seeks such a grant shall submit to
13 the Secretary a notice of intent to provide assur-
14 ances for such grant. The notice of intent shall in-
15 clude a certification that the State, Indian tribe, or
16 tribal organization will repay the grant funds if such
17 State, Indian tribe, or tribal organization fails to
18 provide assurances that meet the requirements of
19 subsection (f) or to comply with such an assurance.

20 (4) GRANTS TO LEAD AGENCIES.—The Sec-
21 retary may make grants under subsection (c) to the
22 lead agency of each State, Indian tribe, or tribal or-
23 ganization, upon receipt of the notice of intent to
24 provide assurances for such grant.

1 (5) PROVISION OF ASSURANCES.—Not later
2 than 15 days after receiving the grant, the State, In-
3 dian tribe, or tribal organization shall provide assur-
4 ances that meet the requirements of subsection (f).

5 (e) FEDERAL RESERVATION; ALLOTMENTS AND PAY-
6 MENTS.—

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

14 (2) ALLOTMENTS AND PAYMENTS.—The Sec-
15 retary shall use the remaining portion of such
16 amount to make allotments and payments, to States,
17 Indian tribes, and tribal organizations that submit
18 such a notice of intent to provide assurances, in ac-
19 cordance with paragraphs (1) and (2) of subsection
20 (a), and subsection (b), of section 6580 of the Child
21 Care and Development Block Grant Act of 1990 (42
22 U.S.C. 9858m), for the grants described in sub-
23 section (c).

24 (f) ASSURANCES.—A State, Indian tribe, or tribal or-
25 ganization that receives a grant under subsection (c) shall

1 provide to the Secretary assurances that the lead agency
2 will—

3 (1) require as a condition of subgrant funding
4 under subsection (g) that each eligible child care
5 provider applying for a subgrant from the lead agen-
6 cy—

7 (A) has been an eligible child care provider
8 in continuous operation and serving children
9 through a child care program immediately prior
10 to March 1, 2020;

11 (B) agree to follow all applicable State,
12 local, and tribal health and safety requirements
13 and, if applicable, enhanced protocols for child
14 care services and related to COVID–19 or an-
15 other health or safety condition;

16 (C) agree to comply with the documenta-
17 tion and reporting requirements under sub-
18 section (h); and

19 (D) certify in good faith that the child care
20 program of the provider will remain open for
21 not less than 1 year after receiving such a
22 subgrant, unless such program is closed due to
23 extraordinary circumstances, including a state
24 of emergency declared by the Governor or a
25 major disaster or emergency declared by the

1 President under section 401 or 501, respec-
2 tively, of the Robert T. Stafford Disaster Relief
3 and Emergency Assistance Act (42 U.S.C.
4 5170, 5191);

5 (2) ensure eligible child care providers in urban,
6 suburban, and rural areas can readily apply for and
7 access funding under this section, which shall in-
8 clude the provision of technical assistance either di-
9 rectly or through resource and referral agencies or
10 staffed family child care provider networks;

11 (3) ensure that subgrant funds are made avail-
12 able to eligible child care providers regardless of
13 whether the eligible child care provider is providing
14 services for which assistance is made available under
15 the Child Care and Development Block Grant Act of
16 1990 (42 U.S.C. 9857 et seq.) at the time of appli-
17 cation for a subgrant;

18 (4) through at least December 31, 2020, con-
19 tinue to expend funds provided under the Child Care
20 and Development Block Grant Act of 1990 (42
21 U.S.C. 9857 et seq.) for the purpose of continuing
22 payments and assistance to qualified child care pro-
23 viders on the basis of applicable reimbursements
24 prior to March 2020;

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

6 (6) make available to the public, which shall in-
7 clude, at a minimum, posting to an internet website
8 of the lead agency—

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

12 (B) the criteria for awarding subgrants for
13 qualified child care providers, including the
14 methodology the lead agency used to determine
15 and disburse funds in accordance with subpara-
16 graphs (D) and (E) of subsection (g)(4); and

17 (7) ensure the maintenance of a delivery system
18 of child care services throughout the State that pro-
19 vides for child care in a variety of settings, including
20 the settings of family child care providers.

21 (g) LEAD AGENCY USE OF FUNDS.—

22 (1) IN GENERAL.—A lead agency that receives
23 a Back to Work Child Care grant under this sec-
24 tion—

1 (A) shall use a portion that is not less
2 than 94 percent of the grant funds to award
3 subgrants to qualified child care providers as
4 described in the lead agency's assurances pur-
5 suant to subsection (f);

6 (B) shall reserve not more than 6 percent
7 of the funds to—

8 (i) use not less than 1 percent of the
9 funds to provide technical assistance and
10 support in applying for and accessing
11 funding through such subgrants to eligible
12 child care providers, including to rural pro-
13 viders, family child care providers, and
14 providers with limited administrative ca-
15 pacity; and

16 (ii) use the remainder of the reserved
17 funds to—

18 (I) administer subgrants to quali-
19 fied child care providers under para-
20 graph (4), which shall include moni-
21 toring the compliance of qualified
22 child care providers with applicable
23 State, local, and tribal health and
24 safety requirements; and

1 (II) comply with the reporting
2 and documentation requirements de-
3 scribed in subsection (h); and

4 (C)(i) shall not make more than 1
5 subgrant under paragraph (4) to a child care
6 provider, except as described in clause (ii); and

7 (ii) may make multiple subgrants to a
8 qualified child care provider, if the lead agency
9 makes each subgrant individually for 1 child
10 care program operated by the provider and the
11 funds from the multiple subgrants are not
12 pooled for use for more than 1 of the programs.

13 (2) ROLE OF THIRD PARTY.—The lead agency
14 may designate a third party, such as a child care re-
15 source and referral agency, to carry out the respon-
16 sibilities of the lead agency, and oversee the activi-
17 ties conducted by qualified child care providers
18 under this subsection.

19 (3) OBLIGATION AND RETURN OF FUNDS.—

20 (A) OBLIGATION.—

21 (i) IN GENERAL.—The lead agency
22 shall obligate at least 50 percent of the
23 grant funds in the portion described in
24 paragraph (1)(A) for subgrants to quali-
25 fied child care providers by the day that is

1 6 months after the date of enactment of
2 this Act.

3 (ii) WAIVERS.—At the request of a
4 State, Indian tribe, or tribal organization,
5 and for good cause shown, the Secretary
6 may waive the requirement under clause (i)
7 for the State, Indian tribe, or tribal orga-
8 nization.

9 (B) RETURN OF FUNDS.—Not later than
10 the date that is 12 months after a grant is
11 awarded to a lead agency in accordance with
12 this section, the lead agency shall return to the
13 Secretary any of the grant funds that are not
14 obligated by the lead agency by such date. The
15 Secretary shall return any funds received under
16 this subparagraph to the Treasury of the
17 United States.

18 (4) SUBGRANTS.—

19 (A) IN GENERAL.—A lead agency that re-
20 ceives a grant under subsection (c) shall make
21 subgrants to qualified child care providers to
22 assist in paying for fixed costs and increased
23 operating expenses, for a transition period of
24 not more than 9 months, so that parents have

1 a safe place for their children to receive child
2 care as the parents return to the workplace.

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

5 (i) sanitation and other costs associ-
6 ated with cleaning the facility, including
7 deep cleaning in the case of an outbreak of
8 COVID–19, of a child care program used
9 to provide child care services;

10 (ii) recruiting, retaining, and compen-
11 sating child care staff, including providing
12 professional development to the staff re-
13 lated to child care services and applicable
14 State, local, and tribal health and safety
15 requirements and, if applicable, enhanced
16 protocols for child care services and related
17 to COVID–19 or another health or safety
18 condition;

19 (iii) paying for fixed operating costs
20 associated with providing child care serv-
21 ices, including the costs of payroll, the con-
22 tinuation of existing (as of March 1, 2020)
23 employee benefits, mortgage or rent, utili-
24 ties, and insurance;

- 1 (iv) acquiring equipment and supplies
2 (including personal protective equipment)
3 necessary to provide child care services in
4 a manner that is safe for children and
5 staff in accordance with applicable State,
6 local, and tribal health and safety require-
7 ments;
- 8 (v) replacing materials that are no
9 longer safe to use as a result of the
10 COVID–19 public health emergency;
- 11 (vi) making facility changes and re-
12 pairs to address enhanced protocols for
13 child care services related to COVID–19 or
14 another health or safety condition, to en-
15 sure children can safely occupy a child care
16 facility;
- 17 (vii) purchasing or updating equip-
18 ment and supplies to serve children during
19 nontraditional hours;
- 20 (viii) adapting the child care program
21 or curricula to accommodate children who
22 have not had recent access to a child care
23 setting;

1 (ix) carrying out any other activity re-
2 lated to the child care program of a quali-
3 fied child care provider; and

4 (x) reimbursement of expenses in-
5 curred before the provider received a
6 subgrant under this paragraph, if the use
7 for which the expenses are incurred is de-
8 scribed in any of clauses (i) through (ix)
9 and is disclosed in the subgrant application
10 for such subgrant.

11 (C) SUBGRANT APPLICATION.—To be
12 qualified to receive a subgrant under this para-
13 graph, an eligible child care provider shall sub-
14 mit an application to the lead agency in such
15 form and containing such information as the
16 lead agency may reasonably require, includ-
17 ing—

18 (i) a budget plan that includes—

19 (I) information describing how
20 the eligible child care provider will use
21 the subgrant funds to pay for fixed
22 costs and increased operating ex-
23 penses, including, as applicable, pay-
24 roll, employee benefits, mortgage or

1 rent, utilities, and insurance, de-
2 scribed in subparagraph (B)(iii);

3 (II) data on current operating
4 capacity, taking into account previous
5 operating capacity for a period of time
6 prior to the COVID-19 public health
7 emergency, and updated group size
8 limits and staff-to-child ratios;

9 (III) child care enrollment, at-
10 tendance, and revenue projections
11 based on current operating capacity
12 and previous enrollment and revenue
13 for the period described in subclause
14 (II); and

15 (IV) a demonstration of how the
16 subgrant funds will assist in pro-
17 moting the long-term viability of the
18 eligible child care provider and how
19 the eligible child care provider will
20 sustain its operations after the ces-
21 sation of funding under this section;

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

24 (I) report to the lead agency, be-
25 fore every month for which the

1 subgrant funds are to be received,
2 data on current financial characteris-
3 tics, including revenue, and data on
4 current average enrollment and at-
5 tendance;

6 (II) not artificially suppress rev-
7 enue, enrollment, or attendance for
8 the purposes of receiving subgrant
9 funding;

10 (III) provide the necessary docu-
11 mentation under subsection (h) to the
12 lead agency, including providing docu-
13 mentation of expenditures of subgrant
14 funds; and

15 (IV) implement all applicable
16 State, local, and tribal health and
17 safety requirements and, if applicable,
18 enhanced protocols for child care serv-
19 ices and related to COVID-19 or an-
20 other health or safety condition; and

21 (iii) a certification in good faith that
22 the child care program will remain open
23 for not less than 1 year after receiving a
24 subgrant under this paragraph, unless
25 such program is closed due to extraor-

1 dinary circumstances described in sub-
2 section (f)(1)(D).

3 (D) SUBGRANT DISBURSEMENT.—In pro-
4 viding funds through a subgrant under this
5 paragraph—

6 (i) the lead agency shall—

7 (I) disburse such subgrant funds
8 to a qualified child care provider in
9 installments made not less than once
10 monthly;

11 (II) disburse a subgrant install-
12 ment for a month after the qualified
13 child care provider has provided, be-
14 fore that month, the enrollment, at-
15 tendance, and revenue data required
16 under subparagraph (C)(ii)(I) and, if
17 applicable, current operating capacity
18 data required under subparagraph
19 (C)(i)(II); and

20 (III) make subgrant installments
21 to any qualified child care provider for
22 a period of not more than 9 months;
23 and

24 (ii) the lead agency may, notwith-
25 standing subparagraph (E)(i), disburse an

1 initial subgrant installment to a provider
2 in a greater amount than that subpara-
3 graph provides for, and adjust the suc-
4 ceeding installments, as applicable.

5 (E) SUBGRANT INSTALLMENT AMOUNT.—

6 The lead agency—

7 (i) shall determine the amount of a
8 subgrant installment under this paragraph
9 by basing the amount on—

10 (I)(aa) at a minimum, the fixed
11 costs associated with the provision of
12 child care services by a qualified child
13 care provider; and

14 (bb) at the election of the lead
15 agency, an additional amount deter-
16 mined by the State, for the purposes
17 of assisting qualified child care pro-
18 viders with, as applicable, increased
19 operating costs and lost revenue, asso-
20 ciated with the COVID–19 public
21 health emergency; and

22 (II) any other methodology that
23 the lead agency determines to be ap-
24 propriate, and which is disclosed in

1 reporting submitted by the lead agen-
2 cy under subsection (f)(6)(B);

3 (ii) shall ensure that, for any period
4 for which subgrant funds are disbursed
5 under this paragraph, no qualified child
6 care provider receives a subgrant install-
7 ment that when added to current revenue
8 for that period exceeds the revenue for the
9 corresponding period 1 year prior; and

10 (iii) may factor in decreased operating
11 capacity due to updated group size limits
12 and staff-to-child ratios, in determining
13 subgrant installment amounts.

14 (F) REPAYMENT OF SUBGRANT FUNDS.—

15 A qualified child care provider that receives a
16 subgrant under this paragraph shall be required
17 to repay the subgrant funds if the lead agency
18 determines that the provider fails to provide the
19 assurances described in subparagraph
20 (C)(ii)(II), or to comply with such an assur-
21 ance.

22 (5) SUPPLEMENT NOT SUPPLANT.—Amounts
23 made available to carry out this section shall be used
24 to supplement and not supplant other Federal,
25 State, tribal, and local public funds expended to pro-

1 vide child care services, including funds provided
2 under the Child Care and Development Block Grant
3 Act of 1990 (42 U.S.C. 9857 et seq.) and State and
4 tribal child care programs.

5 (h) DOCUMENTATION AND REPORTING REQUIRE-
6 MENTS.—

7 (1) DOCUMENTATION.—A State, Indian tribe,
8 or tribal organization receiving a grant under sub-
9 section (c) shall provide documentation of any State
10 or tribal expenditures from grant funds received
11 under subsection (c) in accordance with section
12 658K(b) of the Child Care Development Block
13 Grant Act of 1990 (42 U.S.C. 9858i(b)), and to the
14 independent entity described in that section.

15 (2) REPORTS.—

16 (A) LEAD AGENCY REPORT.—A lead agen-
17 cy receiving a grant under subsection (c) shall,
18 not later than 12 months after receiving such
19 grant, submit a report to the Secretary that in-
20 cludes for the State or tribal community in-
21 volved a description of the program of sub-
22 grants carried out to meet the objectives of this
23 section, including—

24 (i) a description of how the lead agen-
25 cy determined—

1 (I) the criteria for awarding sub-
2 grants for qualified child care pro-
3 viders, including the methodology the
4 lead agency used to determine and
5 disburse funds in accordance with
6 subparagraphs (D) and (E) of sub-
7 section (g)(4); and

8 (II) the types of providers that
9 received priority for the subgrants, in-
10 cluding considerations related to—

11 (aa) setting;

12 (bb) average monthly reve-
13 nues, enrollment, and attendance,
14 before and during the COVID–19
15 public health emergency and
16 after the expiration of State,
17 local, and tribal stay-at-home or-
18 ders; and

19 (cc) geographically based
20 child care service needs across
21 the State or tribal community;
22 and

23 (ii) the number of eligible child care
24 providers in operation and serving children
25 on March 1, 2020, and the average num-

1 ber of such providers for March 2020 and
2 each of the 11 months following,
3 disaggregated by age of children served,
4 geography, region, center-based child care
5 setting, and family child care setting;

6 (iii) the number of child care slots, in
7 the capacity of a qualified child care pro-
8 vider given applicable group size limits and
9 staff-to-child ratios, that were open for at-
10 tendance of children on March 1, 2020,
11 the average number of such slots for
12 March 2020 and each of 11 months fol-
13 lowing, disaggregated by age of children
14 served, geography, region, center-based
15 child care setting, and family child care
16 setting;

17 (iv)(I) the number of qualified child
18 care providers that received a subgrant
19 under subsection (g)(4), disaggregated by
20 age of children served, geography, region,
21 center-based child care setting, and family
22 child care setting, and the average and
23 range of the amounts of the subgrants
24 awarded; and

1 (II) the percentage of all eligible child
2 care providers that are qualified child care
3 providers that received such a subgrant,
4 disaggregated as described in subclause
5 (I); and

6 (v) information concerning how quali-
7 fied child care providers receiving sub-
8 grants under subsection (g)(4) used the
9 subgrant funding received, disaggregated
10 by the allowable uses of funds described in
11 subsection (g)(4)(B).

12 (B) REPORT TO CONGRESS.—Not later
13 than 90 days after receiving the lead agency re-
14 ports required under subparagraph (A), the
15 Secretary shall make publicly available and pro-
16 vide to the Committee on Health, Education,
17 Labor, and Pensions of the Senate and the
18 Committee on Education and Labor of the
19 House of Representatives a report summarizing
20 the findings of the lead agency reports.

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

24 (j) EXCLUSION FROM INCOME.—For purposes of the
25 Internal Revenue Code of 1986, gross income shall not

1 include any amount received by a qualified child care pro-
2 vider under this section.

3 **SEC. 204. NATIONAL EMERGENCY EDUCATIONAL WAIVERS.**

4 (a) IN GENERAL.—Notwithstanding any other provi-
5 sion of law, the Secretary of Education (referred to in this
6 section as the “Secretary”) may waive any statutory or
7 regulatory provision described under subsection (b)(1)(A)
8 if the Secretary determines that such a waiver is necessary
9 and appropriate due to the qualifying emergency.

10 (b) APPLICABLE PROVISIONS OF LAW.—

11 (1) WAIVERS.—

12 (A) IN GENERAL.—The Secretary shall
13 waive any of the following statutory or regu-
14 latory requirements for a State educational
15 agency, local educational agency, Indian tribe,
16 or school, if the Secretary determines that such
17 a waiver is necessary and appropriate as de-
18 scribed in subsection (a), under the following
19 provisions of the Elementary and Secondary
20 Education Act of 1965 (20 U.S.C. 6301 et
21 seq.):

22 (i) Section 1118(a) and section 8521.

23 (ii) Section 1127.

24 (iii) Section 4106(d).

1 (iv) Subparagraphs (C), (D), and (E)
2 of section 4106(e)(2).

3 (v) Section 4109(b).

4 (vi) The definition under section
5 8101(42) for purposes of the Elementary
6 and Secondary Education Act of 1965 (20
7 U.S.C. 6301 et seq.).

8 (B) APPLICABILITY TO CHARTER
9 SCHOOLS.—Any waivers issued by the Secretary
10 under this section shall be implemented—

11 (i) for all public schools, including
12 public charter schools, within the bound-
13 aries of the recipient of the waiver;

14 (ii) in accordance with State charter
15 school law; and

16 (iii) pursuant to section 1111(c)(5) of
17 the Elementary and Secondary Education
18 Act of 1965 (20 U.S.C. 6311(c)(5)).

19 (C) REHABILITATION ACT.—The Secretary
20 shall comply as follows if the Secretary deter-
21 mines such action necessary and appropriate:

22 (i) WAIVER OF THE PRE-ETS 15 PER-
23 CENT RESERVATION OF FUNDS.—The Sec-
24 retary shall allow the required 15 percent
25 set-aside for pre-employment transition

1 services (PreETS) provided under section
2 110(d) of the Rehabilitation Act of 1973
3 (29 U.S.C. 730(d)) to be available for ex-
4 penditure for other vocational rehabilita-
5 tion services.

6 (ii) MAINTENANCE OF EFFORT.—Dur-
7 ing the course of the qualifying emergency,
8 the Secretary shall waive the maintenance
9 of effort requirement described in section
10 111(a)(2)(B) of the Rehabilitation Act of
11 1973 (29 U.S.C. 731(a)(2)(B)).

12 (2) LIMITATION.—The Secretary shall not
13 waive under this section any statutory or regulatory
14 requirements relating to applicable civil rights laws.

15 (c) STATE AND LOCAL REQUESTS FOR WAIVERS.—

16 (1) IN GENERAL.—A State educational agency,
17 local educational agency, Indian tribe, or school that
18 desires a waiver from any statutory or regulatory
19 provision described under subsection (b)(1), may
20 submit a waiver request to the Secretary in accord-
21 ance with this subsection.

22 (2) REQUESTS SUBMITTED.—A request for a
23 waiver under this subsection shall—

24 (A) identify the Federal programs affected
25 by the requested waiver;

1 (B) describe which Federal statutory or
2 regulatory requirements are to be waived; and

3 (C) describe how the emergency involving
4 Federal primary responsibility determined to
5 exist by the President under the section 501(b)
6 of the Robert T. Stafford Disaster Relief and
7 Emergency Assistance Act (42 U.S.C. 5191(b))
8 with respect to the Coronavirus Disease 2019
9 (COVID–19) prevents or otherwise restricts the
10 ability of the State educational agency, local
11 educational agency, Indian tribe, or school to
12 comply with such statutory or regulatory re-
13 quirements.

14 (3) SECRETARY APPROVAL.—

15 (A) IN GENERAL.—Except as provided
16 under subparagraph (B), the Secretary shall
17 approve or disapprove a waiver request sub-
18 mitted under paragraph (1) not more than 30
19 days after the date on which such request is
20 submitted.

21 (B) EXCEPTIONS.—The Secretary may dis-
22 approve a waiver request submitted under para-
23 graph (1), only if the Secretary determines
24 that—

1 (i) the waiver request does not meet
2 the requirements of this section;

3 (ii) the waiver is not permitted pursu-
4 ant to subsection (b)(1); or

5 (iii) the description required under
6 paragraph (2)(C) provides insufficient in-
7 formation to demonstrate that the waiving
8 of such requirements is necessary or ap-
9 propriate consistent with subsection (a).

10 (4) DURATION.—

11 (A) IN GENERAL.—Except as provided in
12 subparagraph (B), a waiver approved by the
13 Secretary under this subsection may be for a
14 period not to exceed 1 academic year.

15 (B) EXTENSION.—The Secretary may ex-
16 tend the period described under subparagraph
17 (A) if the State educational agency, local edu-
18 cational agency, Indian tribe, or school dem-
19 onstrates to the Secretary that extending the
20 waiving of such requirements is necessary and
21 appropriate consistent with subsection (a).

22 (d) REPORTING AND PUBLICATION.—

23 (1) NOTIFYING CONGRESS.—Not later than 7
24 days after granting a waiver under this section, the
25 Secretary shall notify the Committee on Health,

1 Education, Labor, and Pensions of the Senate, the
2 Committee on Appropriations of the Senate, the
3 Committee on Education and Labor of the House of
4 Representatives, and the Committee on Appropria-
5 tions of the House of Representatives of such waiv-
6 er.

7 (2) PUBLICATION.—Not later than 30 days
8 after granting a waiver under this section, the Sec-
9 retary shall publish a notice of the Secretary’s deci-
10 sion in the Federal Register and on the website of
11 the Department of Education.

12 (e) TRANSITION FROM PART C TO PART B.—Not-
13 withstanding any other provision of law, the Secretary
14 may authorize services provided under part C of the Indi-
15 viduals with Disabilities Education Act (20 U.S.C. 1431
16 et seq.) to continue for an individual during the delayed
17 transition to services under part B of the Individuals with
18 Disabilities Education Act (20 U.S.C. 1411 et seq.) eval-
19 uation timeline so that such individual may continue to
20 receive services after the individual’s third birthday under
21 such part C and until a part B of such Act evaluation
22 is completed and an eligibility determination made.

23 (f) PERSONNEL DEVELOPMENT SCHOLARSHIPS.—
24 Notwithstanding any other provision of law, the Secretary
25 may grant a deferral of the work or repayment require-

1 ments or allow credit to be given for the service obligation
2 under section 662(h)(1) of the Individuals with Disabil-
3 ities Education Act (20 U.S.C. 1462(h)(1)), if employ-
4 ment was interrupted by the COVID–19 national emer-
5 gency.

6 (g) RULE OF CONSTRUCTION.—Nothing in this sec-
7 tion shall be construed to alter any State educational
8 agency or local educational agency obligation under the
9 Individuals with Disabilities Education Act (20 U.S.C.
10 1400 et seq.) during any period that is not a qualifying
11 emergency.

12 (h) QUALIFYING EMERGENCY.—In this section, the
13 term “qualifying emergency” means, a period during
14 which—

15 (1) a public health emergency has been declared
16 by the Secretary of Health and Human Services
17 pursuant to section 319 of the Public Health Service
18 Act (42 U.S.C. 247d);

19 (2) a Governor of a State or territory has de-
20 clared a state of emergency;

21 (3) a Governor of a State or territory, mayor,
22 or a local health official has determined that in-per-
23 son meetings, education or and services are not per-
24 missible or safe due to the risk of disease; or

25 (4) the President has declared a—

1 (A) major disaster or an emergency under
2 section 401 or 501, respectively, of the Robert
3 T. Stafford Disaster Relief and Emergency As-
4 sistance Act (42 U.S.C. 5170 and 5191); or

5 (B) national emergency under section 201
6 of the National Emergencies Act (50 U.S.C.
7 1601 et seq.).

8 **SEC. 205. WAIVERS FOR CAREER, TECHNICAL, AND ADULT**
9 **EDUCATION.**

10 (a) DEFINITIONS.—In this section:

11 (1) ELIGIBLE AGENCY.—The term “eligible
12 agency” means—

13 (A) an eligible agency as defined under
14 section 3 of the Carl D. Perkins Career and
15 Technical Education Act of 2006 (20 U.S.C.
16 2302); or

17 (B) an eligible agency as defined under
18 section 203 of the Workforce Innovation and
19 Opportunity Act (29 U.S.C. 3272).

20 (2) QUALIFYING EMERGENCY .—The term
21 “qualifying emergency” means—

22 (A) a public health emergency related to
23 the coronavirus declared by the Secretary of
24 Health and Human Services pursuant to sec-

1 tion 319 of the Public Health Service Act (42
2 U.S.C. 247d);

3 (B) an event related to the coronavirus for
4 which the President declared a major disaster
5 or an emergency under section 401 or 501, re-
6 spectively, of the Robert T. Stafford Disaster
7 Relief and Emergency Assistance Act (42
8 U.S.C. 5170 and 5191); or

9 (C) a national emergency related to the
10 coronavirus declared by the President under
11 section 201 of the National Emergencies Act
12 (50 U.S.C. 1601 et seq.).

13 (3) SECRETARY.—The term “Secretary” means
14 the Secretary of Education.

15 (b) WAIVER.—Notwithstanding any other provision
16 of law, the Secretary may, upon the request of an eligible
17 agency, waive any statutory or regulatory provision de-
18 scribed under paragraph (1) or (2) of subsection (c), if
19 the Secretary determines that such waiver is necessary
20 and appropriate due to a qualifying emergency.

21 (c) APPLICABLE PROVISIONS OF LAW.—

22 (1) PERIOD OF AVAILABILITY OF FUNDS.—

23 (A) IN GENERAL.—The Secretary shall
24 create an expedited application process to re-
25 quest a waiver and the Secretary may waive

1 any statutory or regulatory requirements, ex-
2 cept as provided under subparagraph (B), for
3 an eligible agency that govern the period of
4 time during which the eligible agency may obli-
5 gate funds, including the requirement under
6 section 421(b) of the General Education Provi-
7 sions Act (20 U.S.C. 1225(b)) (commonly know
8 as the “Tydings Amendment”), if the Secretary
9 determines that such a waiver is necessary and
10 appropriate as described in subsection (b).

11 (B) RESTRICTION.—The Secretary may
12 not, pursuant to the authority under subpara-
13 graph (A), waive the requirement provided
14 under section 1552 of title 31, United States
15 Code.

16 (2) STATE AND LOCALLY REQUESTED WAIV-
17 ERS.—For an eligible agency—

18 (A) that receives funds under a program
19 authorized under the Workforce Innovation and
20 Opportunity Act (29 U.S.C. 3101), the Sec-
21 retary may waive statutory and regulatory re-
22 quirements—

23 (i) under section 222(a) of the Work-
24 force Innovation and Opportunity Act (29
25 U.S.C. 3302(a)); and

1 (ii) related to the requirement that an
 2 application be submitted to the eligible
 3 agency under section 107(d)(11)(B)(i)(I)
 4 of the Workforce Innovation and Oppor-
 5 tunity Act (29 U.S.C.
 6 3122(d)(11)(B)(i)(I)); and

7 (B) that receives funds under the Carl D.
 8 Perkins Career and Technical Education Act of
 9 2006 (20 U.S.C. 2301 et seq.), the Secretary
 10 may waive statutory and regulatory require-
 11 ments—

12 (i) related to the pooling of funds
 13 under section 135(c) of the Carl D. Per-
 14 kins Career and Technical Education Act
 15 of 2006 (20 U.S.C. 2355(c)); and

16 (ii) related to the definition of the
 17 term “professional development” as de-
 18 fined in section 3(40) of the Carl D. Per-
 19 kins Career and Technical Education Act
 20 of 2006 (20 U.S.C. 2302(40)) .

21 (3) APPLICABILITY TO CHARTER SCHOOLS.—
 22 Any waivers issued by the Secretary under this sec-
 23 tion shall be implemented, as applicable—

1 (A) for all public schools, including public
2 charter schools, within the boundaries of the re-
3 cipient of the waiver; and

4 (B) in accordance with State charter
5 school law.

6 (4) LIMITATION.—Nothing in this title shall be
7 construed to allow the Secretary to waive any statu-
8 tory or regulatory requirements under applicable
9 civil rights laws.

10 (d) ADDITIONAL WAIVER.—For any State edu-
11 cational agency or Indian Tribe that requested a waiver
12 under section 3511(c) of the CARES Act (Public Law
13 116–136) prior to the date of enactment of this Act, the
14 Secretary may waive statutory and regulatory require-
15 ments under the provisions of law described in subsection
16 (c)(2) without an additional waiver application.

17 **SEC. 206. ADDITIONAL WORKFORCE ACTIVITIES.**

18 (a) DEFINITIONS.—In this section:

19 (1) QUALIFYING EMERGENCY.—The term
20 “qualifying emergency” means—

21 (A) a public health emergency related to
22 the coronavirus declared by the Secretary of
23 Health and Human Services pursuant to sec-
24 tion 319 of the Public Health Service Act (42
25 U.S.C. 247d);

1 (B) an event related to the coronavirus for
2 which the President declared a major disaster
3 or an emergency under section 401 or 501, re-
4 spectively, of the Robert T. Stafford Disaster
5 Relief and Emergency Assistance Act (42
6 U.S.C. 5170, 5191); or

7 (C) a national emergency related to the
8 coronavirus declared by the President under the
9 National Emergencies Act (50 U.S.C. 1601 et
10 seq.).

11 (2) SECRETARY.—The term “Secretary” means
12 the Secretary of Labor.

13 (3) WORKFORCE INNOVATION AND OPPOR-
14 TUNITY ACT TERMS.—Except as otherwise provided
15 in this section, the terms in this section have the
16 meanings given to terms in section 3 of the Work-
17 force Innovation and Opportunity Act (29 U.S.C.
18 3102).

19 (b) INCUMBENT WORKER TRAINING.—Notwith-
20 standing section 134(d)(4)(A)(i) of the Workforce Innova-
21 tion and Opportunity Act (29 U.S.C. 3174(d)(4)(A)(i)),
22 during a qualifying emergency, a local board may reserve
23 and use not more than 40 percent of the funds specified
24 in that section to pay for the Federal share of the cost
25 of providing training through a training program for in-

1 cumbent workers carried out in accordance with section
2 134(d)(4) of such Act (29 U.S.C. 3174(d)(4)).

3 (c) TRANSITIONAL JOBS.—Notwithstanding the per-
4 centage specified in section 134(d)(5) of the Workforce In-
5 novation and Opportunity Act (29 U.S.C. 3174(d)(5)),
6 during a qualifying emergency, a local board may reserve
7 and use not more than 40 percent of the funds specified
8 in that section to pay for the Federal share of the cost
9 of providing transitional jobs described in that section.

10 (d) JOB CORPS.—

11 (1) ELIGIBILITY.—In the case of an individual
12 who is seeking to enroll in the Job Corps and who
13 will turn 25 during a qualifying emergency, the Sec-
14 retary shall apply section 144(a)(1)(A) of the Work-
15 force Innovation and Opportunity Act (29 U.S.C.
16 3194(a)(1)(A)) by substituting “may be individuals
17 who are not less than age 22 and not more than age
18 24 on the date of enrollment, or who turned 24 dur-
19 ing a qualifying emergency” for “may be not less
20 than age 22 and not more than age 24 on the date
21 of enrollment”.

22 (2) ENROLLMENT.—For the purposes of the
23 Job Corps, in the case of a qualifying emergency,
24 the Secretary may make an exception, on the basis
25 of the impact of the qualifying emergency, to re-

1 requirements on maximum enrollment length under
2 sections 146 and 148(c) of the Workforce Innovation
3 and Opportunity Act (29 U.S.C. 3196, 3198(c)),
4 and the requirements on the length of provision of
5 graduate services under section 148(d) of such Act
6 (29 U.S.C. 3198(d)).

7 (e) YOUTHBUILD.—

8 (1) ELIGIBILITY.—Notwithstanding section
9 171(e)(1)(A)(i) of the Workforce Innovation and Op-
10 portunity Act (29 U.S.C. 3226(e)(1)(A)(i)), an indi-
11 vidual seeking to participate in a YouthBuild pro-
12 gram and who will turn 25 during a qualifying
13 emergency is eligible to so participate if the indi-
14 vidual meets the other requirements of section
15 171(e)(1) of such Act (29 U.S.C. 3226(e)(1)).

16 (2) PARTICIPATION LIMITATION.—The Sec-
17 retary may waive the requirements of section
18 171(e)(2) of the Workforce Innovation and Oppor-
19 tunity Act (29 U.S.C. 3226(e)(2)) to allow an eligi-
20 ble individual described in such section to participate
21 in a YouthBuild program for a period of more than
22 24 months if such individual's participation was in-
23 terrupted or otherwise impacted by a qualifying
24 emergency.

25 (f) YOUTH WORKFORCE INVESTMENT ACTIVITIES.—

1 (1) ALLOCATION.—From funds appropriated to
2 carry out this subsection, the Secretary shall make
3 available such funds to States and other eligible en-
4 tities for youth workforce investment activities in ac-
5 cordance with subparagraphs (A), (B), and (C) of
6 section 127(b)(1) of the Workforce Innovation and
7 Opportunity Act (29 U.S.C. 3162(b)(1)). Not later
8 than 30 days after a State receives an allotment
9 under this subsection, the Governor shall allocate
10 the funds in accordance with section 128 of such Act
11 (29 U.S.C. 3163).

12 (2) USES OF FUNDS.—Funds provided under
13 this subsection shall be used by a State and local
14 areas to provide activities services for youth author-
15 ized under section 129 of the Workforce Innovation
16 and Opportunity Act (29 U.S.C. 3164).

17 (3) PRIORITIES.—

18 (A) IN GENERAL.—Each State and local
19 area receiving funds under this subsection shall
20 provide activities described in paragraph (1)
21 while giving priority for out-of-school youth and
22 youth (eligible under that section 129) who are
23 members of more than one population listed in
24 section 3(24) of the Workforce Innovation and
25 Opportunity Act (29 U.S.C. 3102(24)).

1 (B) OUT-OF-SCHOOL YOUTH.—Notwith-
2 standing section 129(a)(4)(A) of the Workforce
3 Innovation and Opportunity Act (29 U.S.C.
4 3164(a)(4)(A)), for each State and local area
5 receiving funds provided under this subsection,
6 not less than 75 percent of funds allotted shall
7 be used to provide youth workforce investment
8 activities under this subsection for out-of-school
9 youth.

10 (g) REENTRY EMPLOYMENT OPPORTUNITIES.—The
11 Secretary shall award funds appropriated to carry out this
12 subsection consistent with the Reentry Employment Op-
13 portunities program established by the Secretary under
14 section 169 of the Workforce Innovation and Opportunity
15 Act (29 U.S.C. 3224). The funds shall be used to support
16 reentry employment opportunities for youth and young
17 adults who were or are involved in the criminal justice or
18 juvenile justice system, formerly incarcerated adults, and
19 former offenders.

20 (h) DISLOCATED WORKERS ASSISTANCE NATIONAL
21 RESERVE.—The Secretary shall award funds appropriated
22 to carry out this subsection consistent with sections
23 168(b), 169(c) (except for the 10 percent limitation pro-
24 vided under such section), and 170 of the Workforce Inno-
25 vation and Opportunity Act (29 U.S.C. 3223(b), 3224(c),

1 3225). The recipients shall use the funds to prevent, pre-
2 pare for, and respond to a qualifying emergency.

3 (i) APPRENTICESHIP GRANTS.—

4 (1) USES OF FUNDS.—From funds appro-
5 priated to carry out this subsection, the Secretary
6 shall award grants, contracts, or cooperative agree-
7 ments to eligible entities, as determined by the Sec-
8 retary, on a competitive basis to establish or expand
9 apprenticeship programs, including pre-apprentice-
10 ship programs, youth apprenticeship programs, and
11 Industry-Recognized Apprenticeship Programs car-
12 ried out under the Act of August 16, 1937 (com-
13 monly known as the “National Apprenticeship Act”;
14 50 Stat. 664, chapter 663; 29 U.S.C. 50 et seq.).

15 (2) APPLICATION.—To be eligible to receive a
16 grant or enter into a contract or cooperative agree-
17 ment under this subsection, an entity shall submit
18 an application at such time, in such manner, and
19 containing such information as the Secretary shall
20 determine to be appropriate.

21 (3) INDUSTRY-RECOGNIZED APPRENTICESHIP
22 PROGRAMS.—Notwithstanding any other provision of
23 law, the Secretary may use any amount appropriated
24 to the Secretary under the Coronavirus Prepared-
25 ness and Response Supplemental Appropriations

1 Act, 2020 (Public Law 116–123), the Families First
2 Coronavirus Response Act (Public Law 116–127),
3 the CARES Act (Public Law 116–136), the Pay-
4 check Protection Program and Health Care En-
5 hancement Act (Public Law 116–139), and this Act
6 to provide financial assistance for an Industry-Rec-
7 ognized Apprenticeship Program carried out under
8 the Act of August 16, 1937 (commonly known as
9 the “National Apprenticeship Act”; 50 Stat. 664,
10 chapter 663; 29 U.S.C. 50 et seq.).

11 (j) AUTHORIZATION OF APPROPRIATIONS.—

12 (1) YOUTH WORKFORCE INVESTMENT ACTIVI-
13 TIES.—There is authorized to be appropriated to
14 carry out subsection (f) such sums as may be nec-
15 essary for the period of fiscal years 2020 through
16 2022.

17 (2) REENTRY EMPLOYMENT OPPORTUNITIES.—
18 There is authorized to be appropriated to carry out
19 subsection (g) such sums as may be necessary for
20 the period of fiscal years 2020 through 2022.

21 (3) NATIONAL DISLOCATED WORKER
22 GRANTS.—There is authorized to be appropriated to
23 carry out subsection (h) such sums as may be nec-
24 essary for the period of fiscal years 2020 through
25 2022.

1 (4) APPRENTICESHIP GRANTS.—There is au-
2 thorized to be appropriated to carry out subsection
3 (i) such sums as may be necessary for the period of
4 fiscal years 2020 through 2022.

5 **SEC. 207. WORKFORCE RECOVERY AND TRAINING SERV-**
6 **ICES.**

7 (a) DEFINITIONS.—In this section:

8 (1) QUALIFYING EMERGENCY.—The term
9 “qualifying emergency” means—

10 (A) a public health emergency related to
11 the coronavirus declared by the Secretary of
12 Health and Human Services pursuant to sec-
13 tion 319 of the Public Health Service Act (42
14 U.S.C. 247d);

15 (B) an event related to the coronavirus for
16 which the President declared a major disaster
17 or an emergency under section 401 or 501, re-
18 spectively, of the Robert T. Stafford Disaster
19 Relief and Emergency Assistance Act (42
20 U.S.C. 5170, 5191); or

21 (C) a national emergency related to the
22 coronavirus declared by the President under the
23 National Emergencies Act (50 U.S.C. 1601 et
24 seq.).

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

3 (3) WORKFORCE INNOVATION AND OPPOR-
4 TUNITY ACT TERMS.—Except as otherwise provided
5 in this section, the terms in this section have the
6 meanings given the terms in section 3 of the Work-
7 force Innovation and Opportunity Act (29 U.S.C.
8 3102).

9 (b) DISTRIBUTION OF FUNDS.—

10 (1) ALLOTMENT TO STATES.—From funds ap-
11 propriated to carry out this section and not reserved
12 under subsection (e)(4), not later than 45 days after
13 receiving the appropriated funds, the Secretary shall
14 make allotments to States in accordance with the
15 formula described in section 132(b)(2)(B) of the
16 Workforce Innovation and Opportunity Act (29
17 U.S.C. 3172(b)(2)(B)) and make the reservation for
18 and provide assistance to outlying areas in accord-
19 ance with section 132(b)(2)(A) of such Act (29
20 U.S.C. 3172(b)(2)(A)).

21 (2) ALLOCATION TO LOCAL AREAS.—Not later
22 than 30 days after a State receives an allotment
23 under paragraph (1), the Governor shall—

1 (A) reserve 40 percent of the allotment
2 funds to carry out activities under subsection
3 (c)(1); and

4 (B) allocate the remainder of the funds to
5 local areas in accordance with section
6 133(b)(2)(B) of the Workforce Innovation and
7 Opportunity Act (29 U.S.C. 3173(b)(2)(B)) to
8 enable the local areas to carry out activities
9 under subsection (c)(2).

10 (c) USES OF FUNDS.—

11 (1) STATE USE OF FUNDS.—

12 (A) IN GENERAL.—From the funds re-
13 served under subsection (b)(2)(A), the Gov-
14 ernor—

15 (i) shall allocate not less than 50 per-
16 cent of the funds to the local areas most
17 significantly impacted by a qualifying
18 emergency, as determined by the Governor,
19 to enable the local areas to carry out ac-
20 tivities under paragraph (2); and

21 (ii) with the funds that are not allo-
22 cated under clause (i) or reserved under
23 subparagraph (B), may—

24 (I) carry out rapid response ac-
25 tivities described in section

1 134(a)(2)(A) of the Workforce Inno-
2 vation and Opportunity (29 U.S.C.
3 3174(a)(2)(A));

4 (II) carry out activities to facili-
5 tate remote access to employment and
6 training activities, including career
7 services, through a one-stop center;

8 (III) in coordination with local
9 areas, carry out activities necessary to
10 expand online learning opportunities,
11 and make available resources to sup-
12 port or allow for online service deliv-
13 ery, including online delivery of train-
14 ing services, by providers identified as
15 eligible providers of training services
16 under subsection (d) or (h) of section
17 122 of the Workforce Innovation and
18 Opportunity Act (29 U.S.C. 3152);

19 (IV) assist local boards through
20 the purchase of technology, supplies,
21 and online training materials for dis-
22 tribution or use by local areas; and

23 (V) expand the list of eligible
24 providers of training services estab-
25 lished under section 122(d) of the

1 Workforce Innovation and Oppor-
2 tunity Act (29 U.S.C. 3152(d)), in-
3 cluding through the addition of online
4 providers of training services.

5 (B) LIMITATION.—Not more than 5 per-
6 cent of the funds reserved under subsection
7 (b)(2)(A) shall be used by the State for admin-
8 istrative activities related to carrying out this
9 section.

10 (2) LOCAL USES OF FUNDS.—Funds allocated
11 to a local area under subsection (b)(2)(B) or para-
12 graph (1)(A)(i)—

13 (A) shall be used for—

14 (i) the provision of in-person and vir-
15 tual training services, aligned with indus-
16 try needs, that shall include—

17 (I) on-the-job training, for which
18 the local board may take into account
19 the impact of a qualifying emergency
20 as a factor in determining whether to
21 increase the amount of a reimburse-
22 ment to an amount of up to 75 per-
23 cent of the wage rate of a participant
24 in accordance with section
25 134(c)(3)(H) of the Workforce Inno-

1 vation and Opportunity Act (29
2 U.S.C. 3174(c)(3)(H));

3 (II) customized training, for
4 which the local board may take into
5 account the impact of a qualifying
6 emergency as a factor in determining
7 the portion of the cost of training an
8 employer shall provide;

9 (III) transitional jobs as de-
10 scribed in section 134(d)(5) of the
11 Workforce Innovation and Oppor-
12 tunity Act (29 U.S.C. 3174(d)(5))
13 (but for adults or dislocated workers
14 determined eligible by a one-stop oper-
15 ator or one-stop partner), including
16 positions in contact tracing, public
17 health, or infrastructure, if provision
18 of the jobs does not displace any cur-
19 rently employed employee (as of the
20 date of the participation in the transi-
21 tional job); and

22 (IV) incumbent worker training
23 described in section 134(d)(4) of the
24 Workforce Innovation and Oppor-

- 1 tunity Act (29 U.S.C. 3174(d)(4)) to
2 support worker retention;
- 3 (ii) training services provided through
4 individual training accounts, which, not-
5 withstanding section 122 of the Workforce
6 Innovation and Opportunity Act (29
7 U.S.C. 3152), eligible individuals may ob-
8 tain from providers identified as eligible
9 providers of training services under sub-
10 section (d) or (h) of that section 122 or
11 from another provider of in-demand skills
12 that is identified by the State board or
13 local board involved;
- 14 (iii) short-term training—
- 15 (I) in which a current employee
16 (as of the date of the participation),
17 including an employee participating in
18 a transitional job described in clause
19 (i)(III), may participate;
- 20 (II) for which the participant
21 may receive an employer-sponsored in-
22 dividual training account;
- 23 (III) for which the employer
24 agrees to pay—

1 (aa) not less than 10 per-
2 cent of the costs of such training
3 in the case of an employer eligi-
4 ble that is a small business con-
5 cern, as defined in section 3(a) of
6 the Small Business Act (15
7 U.S.C. 632(a)); and

8 (bb) not less than 20 per-
9 cent of such costs in the case of
10 any other employer; and

11 (IV) for which the participant is
12 provided the opportunity to choose a
13 provider from among the providers
14 identified as eligible providers of
15 training services under subsection (d)
16 or (h) of section 122 of the Workforce
17 Innovation and Opportunity Act or a
18 provider identified by the employer as
19 having the ability to provide the skills
20 necessary for the individual to be
21 hired permanently or to advance the
22 individual's career; and

23 (iv) short-term training in fields in
24 which the local area needs workers to meet
25 the demands for health care, direct care,

1 and frontline workers responding to a
2 qualifying emergency; and

3 (B) may be used for—

4 (i) the establishment and expansion of
5 partnerships with public and private enti-
6 ties to support online programs of training
7 services—

8 (I) which programs are identified
9 under section 122 of the Workforce
10 Innovation and Opportunity Act and
11 lead to an industry-recognized creden-
12 tial in high-skill, high-wage, or in-de-
13 mand industry sectors or occupations,
14 in areas such as technology, health
15 care, direct care, and manufacturing;
16 and

17 (II) through which the partner-
18 ships may provide for the cost of an
19 assessment related to obtaining such
20 credential;

21 (ii) providing training services that
22 are aligned with the needs of local industry
23 and recognized by employers;

24 (iii) expanding access to individualized
25 career services, which include—

1 (I) in-person and virtual employ-
2 ment and reemployment services to
3 help individuals find employment; and

4 (II) career navigation supports to
5 enable workers to find new pathways
6 to high-skill, high-wage, or in-demand
7 industry sectors and occupations and
8 the necessary training to support
9 those pathways; and

10 (iv) providing access to technology, in-
11 cluding broadband service and devices to
12 enable individuals served under this section
13 to receive online career and training serv-
14 ices.

15 (3) MINIMUM AMOUNT FOR TRAINING.—Not
16 less than 50 percent of the funds made available
17 under subsection (b)(2)(B) and paragraph (1)(A)(i)
18 shall be used to provide training services described
19 in paragraph (2)(A).

20 (d) REALLOCATION.—

21 (1) LOCAL FUNDS.—Each local board shall re-
22 turn to the Governor any funds received under this
23 section that the local board does not obligate within
24 1 year after receiving such funds. The Governor
25 shall reallocate such returned funds, to the local

1 areas that are not required to return funds under
2 this paragraph, in accordance with subsection
3 (c)(1)(A).

4 (2) STATE FUNDS.—Each Governor shall re-
5 turn to the Secretary any funds received under this
6 section that the Governor does not obligate within 2
7 years after receiving such funds. The Secretary shall
8 reallocate such returned funds to the States that are
9 not required to return funds under this paragraph,
10 in accordance with subsection (b)(1).

11 (e) GENERAL PROVISIONS.—

12 (1) ELIGIBLE INDIVIDUALS.—

13 (A) IN GENERAL.—Except as otherwise
14 specified in this section, to be eligible to receive
15 services authorized under this section an indi-
16 vidual shall be an adult or dislocated worker.

17 (B) INDIVIDUALS ELIGIBLE TO RECEIVE
18 SERVICES THROUGH INDIVIDUAL TRAINING AC-
19 COUNTS.—To be eligible to receive training
20 services through an individual training account
21 or employer-sponsored individual training ac-
22 count described in subsection (c)(2)(A)(iii), an
23 eligible individual shall be an adult, or dis-
24 located worker—

1 (i) who, after an in-person or virtual
2 interview, evaluation, or assessment, and
3 career planning, has been determined by a
4 one-stop operator or one-stop partner, as
5 appropriate, to—

6 (I) be unlikely to obtain or retain
7 employment with wages comparable to
8 or higher than wages from previous
9 employment, solely through the career
10 services available through the one-stop
11 center; and

12 (II) have the skills and qualifica-
13 tions to successfully participate in the
14 selected program of training services;
15 and

16 (ii) who selects a program of training
17 services that are directly linked to the em-
18 ployment opportunities in the local area, or
19 in another area to which the adult or dis-
20 located worker is willing to commute or re-
21 locate.

22 (2) SPECIAL RULES.—

23 (A) ADMINISTRATION.—Except as other-
24 wise provided in this section, the provisions of
25 subtitle E of title I of the Workforce Innovation

1 and Opportunity Act (29 U.S.C. 3241 et seq.)
2 shall apply to funds provided under this section.

3 (B) SINGLE STATE LOCAL AREA.—In any
4 case in which a State is designated as a local
5 area pursuant to section 106(d) of the Work-
6 force Innovation and Opportunity Act (29
7 U.S.C. 3121(d)), the State board shall carry
8 out the functions of a local board as specified
9 in this section.

10 (3) PROGRAM OVERSIGHT.—The Governor, in
11 partnership with local boards and the chief elected
12 officials for local areas, shall—

13 (A) conduct oversight for the activities au-
14 thorized under this section; and

15 (B) ensure the appropriate use and man-
16 agement of the funds provided under this sec-
17 tion.

18 (4) PROGRAM ADMINISTRATION.—The Sec-
19 retary shall reserve not more than \$15,000,000 of
20 the funds appropriated to carry out this section, as
21 necessary, for program administration and manage-
22 ment through the Department of Labor to support
23 the administration of funds provided under this sec-
24 tion and evaluation of activities authorized under
25 this section.

1 (f) REPORTS.—

2 (1) STATE REPORT.—Each State shall prepare
3 and submit to the Secretary a report that includes
4 information specifying—

5 (A) the number and percentage of partici-
6 pants in activities under this section who re-
7 ceived funds for training services;

8 (B) the types of training programs pro-
9 vided under this section; and

10 (C) outcomes for the State for activities
11 carried out under this section relating to the
12 primary indicators of performance under sub-
13 clauses (I), (II), and (III) of section
14 116(b)(2)(A)(i) of the Workforce Innovation
15 and Opportunity Act (29 U.S.C.
16 3141(b)(2)(A)(i)).

17 (2) SECRETARY'S REPORT.—Upon receipt of a
18 report under paragraph (1), the Secretary shall
19 transmit such report to the Committee on Health,
20 Education, Labor, and Pensions of the Senate and
21 the Committee on Education and Labor of the
22 House of Representatives.

23 (g) AUTHORIZATION OF APPROPRIATIONS.—There is
24 authorized to be appropriated to carry out this section

1 such sums as may be necessary for the period of fiscal
2 years 2020 through 2022.

3 **SEC. 208. IMPACT AID PROVISIONS.**

4 Due to the public health emergency relating to
5 COVID–19 and notwithstanding sections 7002(j) and
6 7003(c) of the Elementary and Secondary Education Act
7 of 1965 (20 U.S.C. 7702(j), 7703(c)), a local educational
8 agency desiring to receive a payment under section 7002
9 or 7003 of such Act (20 U.S.C. 7702, 7703) for fiscal
10 year 2022 that also submitted an application for such pay-
11 ment for fiscal year 2021 may, in the application sub-
12 mitted under section 7005 of such Act (20 U.S.C. 7705)
13 for fiscal year 2022—

14 (1) with respect to a requested payment under
15 section 7002 of such Act, use the Federal property
16 valuation data relating to calculating such payment
17 that was submitted by the local educational agency
18 in the application for fiscal year 2021;

19 (2) with respect to a requested payment under
20 section 7003 of such Act, use the student count data
21 relating to calculating such payment that was sub-
22 mitted by the local educational agency in the appli-
23 cation for fiscal year 2021, provided that for pur-
24 poses of the calculation of payments for fiscal year
25 2022 under section 7003(b)(1) of such Act, such

1 payments shall be based on utilizing fiscal year 2020
2 data (from academic year 2018–2019) to include
3 total current expenditures, local contribution rates,
4 and per pupil expenditures; or

5 (3) with respect to a requested payment under
6 section 7002 or 7003 of such Act, use the student
7 count or Federal property valuation data relating to
8 calculating such payment for the fiscal year required
9 under section 7002(j) or 7003(c) of such Act, as ap-
10 plicable.

11 **SEC. 209. AMENDMENTS TO EDUCATION PROVISIONS OF**
12 **CARES.**

13 Subtitle B of title III of the Coronavirus Aid, Relief,
14 and Economic Security Act is amended as follows:

15 (a) **CAMPUS-BASED AID WAIVERS.**—Section 3503 is
16 amended—

17 (1) in subsection (a), by inserting “and a non-
18 profit organization providing employment under sec-
19 tion 443(b)(5) of such Act” after “waive the require-
20 ment that a participating institution of higher edu-
21 cation”; and

22 (2) in subsection (b), by inserting “, or through
23 the end of the 2020–2021 award year, whichever is
24 later,” after “during a period of a qualifying emer-
25 gency”.

1 (b) FEDERAL WORK-STUDY DURING A QUALIFYING
2 EMERGENCY.—Section 3505 is amended—

3 (1) in subsection (a)—

4 (A) in the matter preceding paragraph (1),
5 by inserting “the equivalent of” before “one
6 academic year”;

7 (B) in paragraph (1), by inserting “in each
8 term the student is awarded work-study” after
9 “as a one time grant”; and

10 (C) in paragraph (2), by striking “or was
11 not completing the work obligation necessary to
12 receive work study funds under such part prior
13 to the occurrence of the qualifying emergency”;
14 and

15 (2) in subsection (b)(2), by inserting “or was
16 awarded Federal work-study from such eligible insti-
17 tution and was unable to begin such work obligation
18 due to an institution operating solely through dis-
19 tance education or due to an institution providing
20 fewer work-study positions because of the qualifying
21 emergency” after “for such academic year”.

22 (c) CONTINUING EDUCATION AT AFFECTED FOR-
23 EIGN INSTITUTIONS.—Section 3510 is amended—

1 (1) in subsection (a), by inserting “or for the
2 duration of the qualifying emergency” after “the for-
3 eign institution is located”;

4 (2) in subsection (b), by striking “for the dura-
5 tion of the emergency or disaster affecting the insti-
6 tution as described in subsection (a) or the duration
7 of the qualifying emergency and the following pay-
8 ment period” and inserting “for the duration of the
9 emergency or disaster declared by the applicable
10 government authorities as described in subsection
11 (a), the duration of the qualifying emergency and
12 the following payment period, or the end of the
13 2020–2021 award year, whichever is later,”;

14 (3) in subsection (c), by inserting “emergency
15 or disaster declared by the applicable government
16 authorities as described in subsection (a) or the”
17 after “thereafter for the duration of the”; and

18 (4) in subsection (d)—

19 (A) in paragraph (1), by striking “duration
20 of a qualifying emergency and the following
21 payment period” and inserting “for the dura-
22 tion of the emergency or disaster declared by
23 the applicable government authorities as de-
24 scribed in subsection (a), the duration of the
25 qualifying emergency and the following payment

1 period, or the end of the 2020–2021 award
2 year, whichever is later,”; and

3 (B) in paragraph (4), by inserting “emer-
4 gency or disaster declared by the applicable
5 government authorities as described in sub-
6 section (a) or the” after “for the duration of
7 the”.

8 (d) TEMPORARY RELIEF FOR FEDERAL STUDENT
9 LOAN BORROWERS.—Section 3513 is amended—

10 (1) by redesignating subsections (c) through
11 (g), as subsections (d) through (h), respectively; and

12 (2) by inserting after subsection (b) the fol-
13 lowing:

14 “(c) IN-SCHOOL DEFERMENT.—The provisions of
15 subsections (a) and (b) shall apply to loans for borrowers
16 who are in a period of in-school deferment described in
17 section 455(f)(2)(A) of such Act (20 U.S.C.
18 1087e(f)(2)(A)).”.

19 (e) SERVICE OBLIGATIONS FOR TEACHERS AND
20 OTHER PROFESSIONALS.—Section 3519 is amended—

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

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

1 **“SEC. 3521. PROFESSIONAL JUDGMENT FOR FEDERAL STU-**
2 **DENT AID DURING THE 2020–2021 AND 2021–**
3 **2022 AWARD YEARS.**

4 “(a) IN GENERAL.—For the purposes of making a
5 professional judgment under section 479A of the Higher
6 Education Act of 1965 (20 U.S.C. 1087tt), financial aid
7 administrators may—

8 “(1) determine that the income earned from
9 work for an independent student is zero, if the stu-
10 dent can provide paper or electronic documentation
11 of receipt of unemployment benefits or confirmation
12 that an application for unemployment benefits was
13 submitted; and

14 “(2) make appropriate adjustments to the in-
15 come earned from work for a student, parent, or
16 spouse, as applicable, based on the totality of the
17 family’s situation, including consideration of unem-
18 ployment benefits.

19 “(b) UNEMPLOYMENT DOCUMENTATION.—For the
20 purposes of documenting unemployment under subsection
21 (a), such documentation shall be accepted if such docu-
22 mentation is submitted not more than 90 days from the
23 date on which such documentation was issued, except if
24 a financial aid administrator knows that the student, par-
25 ent, or spouse, as applicable, has already obtained other
26 employment.

- 1 trator at the institution where the applicant plans to enroll
- 2 to provide current income information.”.

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